



**TWENTYNINE PALMS CITY COUNCIL  
REGULAR MEETING AGENDA  
6136 Adobe Road  
Twentynine Palms, CA 92277  
[www.29palms.org](http://www.29palms.org)**

**Tuesday, September 28, 2021**

**NOTICE IS HEREBY GIVEN, that the City Council will hold a Regular Meeting on Tuesday, September 28, 2021 at City Hall, 6136 Adobe Road, Twentynine Palms, CA 92277 to consider the following:**

**REGULAR SESSION AGENDA**

**6:00 P.M.**

**CALL TO ORDER**

Pledge of Allegiance.  
Invocation - Rev. Peggy Ventris - St. Martin in the Fields Episcopal Church.  
Roll Call.  
Closed Session Announcements.  
Changes to the Agenda.

**ANNOUNCEMENTS**

These proceedings may be viewed on demand on the City of Twentynine Palms website at [www.29palms.org](http://www.29palms.org).  
You may also Live Stream this meeting by going on our website and clicking on the "Meeting Agendas" link.

**AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

1. Presentation to the Wildcat Touchdown Club for their Participation in the Cash for Trash and Recycling Program.
2. Presentation by Members of "Arts in Public Places" Group of the new Street Banners.
3. Presentation by Jennifer Cusak, Government Relations Manager, Southern California Edison, on Reliability.
4. 85th Annual Pioneer Days Event Update.
5. Proclamation honoring Hispanic Heritage Month.

5

[Proclamation honoring Hispanic Heritage Month](#)

**COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED**

## CONSENT CALENDAR

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. Any item may be removed from the Consent Calendar and considered separately by the City Council. The public will be given an opportunity to comment on Consent Calendar items prior to the City Council action.

6. Waive the Reading of Ordinance and Approve the Reading by Title Only.
7. Approval of Minutes of the City Council Meeting Held on August 24, 2021. 7 - 13  
[City Council - Regular Meeting - 24 Aug 2021 - Minutes - Pdf](#)
8. Morongo Basin Ambulance Monthly Report - August 2021 15  
[Morongo Basin Ambulance Monthly Report - August 2021](#)
9. Fire Department Monthly Report - August 2021 17  
[Fire Department Monthly Report - August 2021](#)
10. Legislative Monthly Report - August 2021 19 - 82  
[Legislative Monthly Report - August 2021 - Pdf](#)
11. Approval of Project Phoenix Warrant Register Totaling \$3,261,707.10 83 - 84  
[Approval of Project Phoenix Warrant Register Totaling \\$3,261,707.10](#)
12. Approval of Warrant Register Totaling \$2,520,400.76 85 - 92  
[Approval of Warrant Register Totaling \\$2,520,400.76](#)
13. Pension and OPEB update and establishment of 115 Trust for Pension 93 - 145  
**RECOMMENDATION:** Staff recommends that the City Council:
  1. Adopt a Resolution establishing a combination 115 Trust administered by Public Agency Retirement Services (PARS) and Appointing the City Manager as the Plan Administrator; and
  2. Direct staff to initiate the process to move OPEB funds, currently with the CalPERS California Employers' Retiree Benefit Trust (CERBT) plan, to PARS combination 115 Trust.  
[Pension and OPEB update and establishment of 115 Trust for Pension - Pdf](#)

## ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

### PUBLIC HEARING

14. Redistricting Process Required By State Law. 147 - 158  
**RECOMMENDATION:** The City Council hold a Public Hearing regarding the state-mandated redistricting process, pursuant to Elections Code Sections 21607 and 21607.1.  
  
[Redistricting Process Required By State Law. - Pdf](#)
15. Tourism Business Improvement District (TBID) 159 - 211  
**RECOMMENDATION:** The City Council hold a Public Hearing to adopt Resolution No. 21-\_\_\_ confirming the levy of assessments.  
  
[Tourism Business Improvement District \(TBID\) - Pdf](#)

## DISCUSSION AND POTENTIAL ACTION ITEMS

16. Adopt a Resolution of the City Council of the City of Twentynine Palms Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at Split Rock and Desert Avenues, Twentynine Palms, CA 92277 (APNS 0617-104-06, 07, 08, 09 and 17) for the Purposes of Accommodating Public Parking and Transit Center Improvements. 213 - 226  
RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 21-\_\_\_ finding that the public interest and necessity require the acquisition of real property located at Split Rock and Desert Queen Avenues, Twentynine Palms, California (APNs 0617-104-06, 07, 08, 09 and 17) (“Property”), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the “Project”).
- [Adopt a Resolution of the City Council of the City of Twentynine Palms Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property located at Split Rock and Desert Queen Avenues, Twentynine Palms, CA 92277 \(APNs 0617-104-06, 07, 08, 09-17\) \(“Property”\), for the Purpose of Accommodating Public Parking and Transit Center Improvements - Pdf](#)
17. Adopt a Resolution of the City Council of the City of Twentynine Palms Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at 6536-38 Desert Queen Avenue, Twentynine Palms, CA 92277 (APN:0617-104-16) for the Purpose of Accommodating Public Parking and Transit Center Improvements. 227 - 240  
RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 21-\_\_\_ finding that the public interest and necessity require the acquisition of real property located 6536-38 Desert Queen Avenue, Twentynine Palms, California (APN 0617-104-16) (“Property”), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the “Project”).
- [Adopt a Resolution of the City Council of the City of Twentynine Palms Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property located at 6536-38 Desert Queen Avenue, Twentynine Palms, CA 92277 \(APN:0617-104-16\) for the Purpose of Accommodating Public Parking and Transit Center Improvements - Pdf](#)
18. Adopt a Resolution of the City Council of the City of Twentynine Palms finding and determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at 6568 Desert Queen Avenue, Twentynine Palms, CA 92277 (APN: 0617-104-25) for the Purpose of Accommodating Public Parking and Transit Center Improvements. 241 - 253  
RECOMMENDATION: Staff recommends that the City Council Adopt Resolution No. 21-\_\_\_ finding that the public interest and necessity require the acquisition of real property located 6568 Desert Queen Avenue, Twentynine Palms, California (APN: 0617-104-25) (“Property”), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the “Project”).
- [Adopt a Resolution of the City Council of the City of Twentynine Palms finding and determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at 6568 Desert Queen Avenue, Twentynine Palms, CA 92277 \(APN: 0617-104-25\) for the Purpose of Accommodating Public Parking and Transit Center Improvements. - Pdf](#)
19. Building Improvement Loan Program. 255 - 287  
RECOMMENDATION: The City Council approve the Building Improvement Loan Program (“Program”) in furtherance of the development of the City's downtown, and appropriate \$350,000 from the Project Phoenix Capital Budget to fund the Program.

## **FUTURE COUNCIL INITIATED ITEMS**

1. Discussion on adding sidewalk and picnic tables in Veterans' Park.
2. Shopping Carts.

## **PUBLIC COMMENTS**

This is the time for the public to address the City Council on issues within the jurisdiction of the City Council that are NOT on this agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. There is a time limitation of three minutes per person. If you haven't already done so, please fill out name and address slips and give them to the City Clerk. The City Council is prohibited by State law from taking action or discussing items not included on the printed agenda. Public comments on specific agenda items will be deferred until consideration of the item on the agenda.

## **CITY MANAGER UPDATE**

## **ADJOURNMENT**

It is the intention of the City of Twentynine Palms to comply with the Americans with Disabilities Act in all respects. If you are a person with a disability who requires a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, please request such modification or accommodation from the City Clerk at (760) 367-4890 (facsimile). Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Please advise us at the time whether you will require accommodations to participate in meetings on a regular basis. Any person affected by any application on this agenda may submit their concerns in writing prior to the meeting or appear in person and be heard in support or opposition to the proposal at the time the matter is considered on the agenda. The staff reports, applications and environmental documents may be viewed at either the office of Community Development or the office of the City Clerk, 6136 Adobe Road, from 7:00 a.m. until 6:00 p.m. Monday through Thursday, except legal holidays. The Invocation is given per Policy 10-01, and does not reflect the views of the City but rather is an expression of speech by a private citizen making the presentation. Telephone inquiries may be made at (760) 367-6799. If you challenge any agenda issue in court, you may be limited to raising only those issues that you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the City of Twentynine Palms at, or prior to, the public meeting.

This notice of agenda is hereby certified to have been posted on or before 5:00 p.m., September 23, 2021.

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Cindy Villescasc CMC, City Clerk

Time/Date

**CITY OF TWENTYNINE PALMS**  
**PROCLAMATION**  
**HISPANIC HERITAGE MONTH**

**WHEREAS**, during National Hispanic Heritage Month, the City of Twentynine Palms recognizes that Hispanic heritage is an American heritage, and we see that influence in almost every aspect of our lives; and

**WHEREAS**, each year, Americans observe National Hispanic Heritage Month by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Mexico, Spain, the Caribbean, Central and South America; and

**WHEREAS**, the observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 through the legislative encouragement of Congressman Esteban Torres of California, to cover the period at which it is celebrated today (September 15th – October 15th); and

**WHEREAS**, the day of September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and 18, respectively; and

**WHEREAS**, we recognize and are grateful to California's Hispanic Community who helped keep our neighborhoods, communities and state vibrant and prosperous. They are our teachers and business owners, scientists and soldiers, farmworkers and first responders, artists and activists, colleagues, and friends. Their extraordinary contributions have put them front and center in the fight against the COVID-19 pandemic and they have met the moment with an indomitable spirit and unwavering resilience.

**WHEREAS**, we acknowledge that diversity is our country's biggest strength and Hispanic Communities contribute to this strength every day. We honor and celebrate the Hispanic Community which throughout history, have fought inequalities and injustices, shaping the country's social, political, and economic landscapes, and that legacy continues today.

**NOW THEREFORE, BE IT PROCLAIMED**, that the City Council of the City of Twentynine Palms, recognize September 15, 2021 thru October 15, 2021 as "Hispanic Heritage Month" in recognition of the indelible footprints of Hispanic Culture in our daily lives.

**DATED** this 28th day of September 2021.

\_\_\_\_\_  
Daniel L. Mintz, Sr., Mayor





**TWENTYNINE PALMS CITY COUNCIL**  
**CITY COUNCIL - REGULAR MEETING MINUTES**  
City Hall, 6136 Adobe Road, Twentynine Palms, CA 92277  
[www.29palms.org](http://www.29palms.org)  
**August 24, 2021**

**CALL TO ORDER** - Mayor Mintz called the meeting to order at 6:00 p.m.

Pledge of Allegiance - Planning Commissioner Walker led the Pledge of Allegiance.

Invocation - Mary Kay Sherry gave the Invocation.

Roll Call - The following Councilmembers were present: Bilderain, Klink, O'Gilvie, Wright, Mintz.

Closed Session Announcements - None.

Changes to the Agenda - None.

**ANNOUNCEMENTS**

Mayor Mintz announced that these proceedings will not be Live Streamed. You will be able to view the meeting beginning Thursday, August 26, 2021, on the City of Twentynine Palms website at [www.29palms.org](http://www.29palms.org) and clicking on the "Meeting Agendas" link.

**AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

1. Introduction of Charles Abbott and Associates employees.

Paul Osterman, Chief Building Official with Charles Abbott and Associates, introduced Jessica Hannah, Permit Technician and Sam Barton, Building Inspector.

Mayor Mintz announced that Councilmember Bilderain and Wright had birthdays today. Everyone sang Happy Birthday to the two Councilmembers.

**COUNCIL COMMENTS AND REPORTS OF MEETINGS ATTENDED**

Councilmember Bilderain mentioned that he did not attend any meetings.

Councilmember Klink wished everyone celebrating a birthday in August a Happy Birthday, especially his son Matthew and he attended a Desert /Mountain Division Meeting.

Councilmember Wright commented that he is 55 years old today and he is now going to eat from the senior menu, he attended a JPA meeting, announced that their next meeting will be November 4th, and he welcomed the new Charles Abbott employees.

Mayor Pro Tem O'Gilvie mentioned that she did not attend any meetings, however, she did help with making dental bags for the kids going back to school that the Morongo Basin Healthcare District was sponsoring. She reminded everyone that school is starting soon and to be mindful when driving near the schools.

Mayor Mintz mentioned that he attended a luncheon recognizing two Marines that received an award honoring them as Marines of the Quarter, he attended a dinner with Senator Grove at Pappy & Harriets, and he attended a "Food for Life" membership meeting. Mayor Mintz explained to the audience the reason behind him recusing himself from certain items on the agenda. He also explained his non association with vacation home rentals.

**CONSENT CALENDAR**

2. Waive the Reading of Ordinance and Approve the Reading by Title Only.

3. Approval of Minutes of the City Council Meeting Held on June 15, 2021, and July 27, 2021.
4. Legislative Report - July 2021.
5. Morongo Basin Ambulance Report - July 2020.
6. Fire Department Monthly Report - July 2021.
7. Adoption of Measure I Five-Year Plan for Fiscal Years 2021/22 through 2025/26.  
RECOMMENDATION: The City Council adopt Resolution No. 21-12 approving the Measure I Five-Year Plan.
8. Award a Design Services Contract for the Safety Improvement for High Crash Unsignalized Intersections HSIPL-5448(011).  
RECOMMENDATION: The City Council award a contract to David Evan and Associates, Inc, in the amount of \$60,000 for the Twentynine Palms Safety Improvement for High Crash Unsignalized Intersections Project HSIPL-5448(011) subject to "Approval as to Form" by the City Attorney, and "Approval as to Content" by the City Manager.

ACTION: A motion was made by Councilmember Klink, seconded by Councilmember Bilderain to approve the Consent Calendar as submitted.

The above motion was carried by the following:

ROLL CALL VOTE:

AYES: BILDERAIN, KLINK, OGILVIE, WRIGHT, MINTZ  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

**ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION - None.**

**DISCUSSION AND POTENTIAL ACTION ITEMS**

9. Community Development Block Grant (CDBG) Homekey Program.  
RECOMMENDATION: The City Council approve Resolution No. 21-13 authorizing an application for funding and execution of a grant agreement for the CDBG Coronavirus Response Homekey Program.

City Manager Luckino presented the Staff Report.

ACTION: A motion was made by Mayor Pro Tem O'Gilvie, seconded by Councilmember Bilderain to approve Resolution No. 21-13 authorizing an application for funding and execution of a grant agreement for the CDBG Coronavirus Response Homekey Program.

The above motion was carried by the following:

ROLL CALL VOTE:

AYES: BILDERAIN, KLINK, OGILVIE, WRIGHT, MINTZ  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



## PUBLIC HEARING

10. Urgency Ordinance to Establish a Moratorium on the Issuance of Vacation Home Rental Permits.  
RECOMMENDATION: The City Council conduct a Public Hearing to consider the introduction, waiver of oral reading, and adoption of an urgency ordinance to establish a moratorium on acceptance of new Vacation Home Rental applications as of August 25, 2021 and reinstate the Planning Commission appeal fee of \$305 OR a Moratorium on the issuance of Vacation Home Rental permits as of August 25, 2021.

Councilmember Klink recused himself from Item #10 due to a possible conflict of interest and left the building at 6:14 p.m.

City Manager Luckino presented the Staff Report.

Mayor Mintz opened the Public Hearing.

The following made general comments regarding Vacation Home Rentals:

Zander Beck, Twentynine Palms  
Ashton Ramsey, Twentynine Palms  
Allen Teets, Twentynine Palms  
Cory Moran, Twentynine Palms  
Chayo, Twentynine Palms  
Jim Krushat, Twentynine Palms  
Anna O'Hare, Twentynine Palms

The following spoke in favor of a Moratorium:

Jonathan Duarte, Twentynine Palms  
Cindy Mark, Twentynine Palms  
Jennifer Ruggiero, Twentynine Palms  
Heidi Heard, Twentynine Palms  
Cindy Bernard, Twentynine Palms  
Debra Douglas, Joshua Tree

The following spoke in opposition of a Moratorium:

Dusty Sorg, Twentynine Palms  
Charles Margharitis, Twentynine Palms  
Joseph Candelaria, Twentynine Palms  
Larry Bowden, Twentynine Palms  
Eileen Leslie, Twentynine Palms  
Anita Petke, Twentynine Palms  
Jeewanjot Singh, Twentynine Palms  
Roger Thomas, Twentynine Palms  
Jenny, Twentynine Palms  
Stephen Przbylowski, Twentynine Palms  
Jeffrey Dunn, Twentynine Palms  
Stephen R. Buchanan, Twentynine Palms  
Darci Paschall, Twentynine Palms  
Karen Oliphant, Twentynine Palms  
Chris Carr, Twentynine Palms  
Aaron Kyle, Twentynine Palms  
Gina Bracamonte, Twentynine Palms  
Mary Jane Binge, Twentynine Palms  
Samantha Wang, Twentynine Palms

David Rosenberg, Twentynine Palms

There were also 31 emails and/or letters that were sent to the City that weren't read at the meeting but are in the record.

Mayor Mintz closed the Public Hearing.

The consensus of the City Council was to create a subcommittee consisting of two Planning Commissioners, two City Council members and three members of the community to review and update the current Ordinance and Policy. The City Council nominated Mayor Mintz and Councilmember Bilderain to stand on the committee

*After a lengthy discussion, a motion was made by Councilmember Bilderain, seconded by Mayor Pro Tem O'Gilvie to have Vacation Home Rental Appeals come to the City Council and reinstate the Planning Commission appeal fee of \$305.*

*The above motion was carried by the following:*

*ROLL CALL VOTE:*

*AYES: BILDERAIN, OGILVIE, WRIGHT, MINTZ  
NOES: NONE  
ABSTAIN: KLINK  
ABSENT: NONE*

*ACTION: A motion was made by Councilmember Bilderain, seconded by Mayor Pro Tem O'Gilvie NOT to impose a Moratorium on the issuance of Vacation Home Rental permits as of August 25, 2021.*

*The above motion was carried by the following:*

*ROLL CALL VOTE:*

*AYES: BILDERAIN, OGILVIE, WRIGHT, MINTZ  
NOES: NONE  
ABSTAIN: KLINK  
ABSENT: NONE*

*Councilmember Klink returned to the meeting at 8:23 p.m.*

## **PUBLIC COMMENTS**

Joseph Candelaria, Twentynine Palms, inquired about affordable housing. He wanted to know if this was on a future agenda. City Manager Luckino mentioned that Staff is currently working on a solution.

## **FUTURE COUNCIL INITIATED ITEMS**

1. Discussion on adding sidewalk and picnic tables in Veterans' Park.

City Manager Luckino gave an update on an inquiry about using CARES Act funding to add sidewalk and picnic tables in Veterans' Park, mentioning that the CARES Act Fund will now allow for park improvements, so Staff will bring the swimming pool, sidewalk and picnic tables, and shade structures to the next City Council meeting on September 14th.

There were no additional Future Council Initiated Items added.

**CITY MANAGER UPDATE**

Mayor Mintz asked for an update on the traffic signal at Tamarisk and Highway 62. City Manager Luckino mentioned that he did not have an update but would reach out to CalTrans. He believes there is a delay on the pole being made due to COVID.

Councilmember Klink asked about the signal lights along the highway not being censored and synced. City Manager Luckino commented that he would inquire about that also.

**ADJOURNMENT** - Mayor Mintz adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Cindy Villescas, CMC  
City Clerk/PIO

**CITY COUNCIL MEETING SPEAKERS**

*Tuesday, August 24, 2021*

In Favor of Agenda Item #10:

Jonathan Duarte, Twentynine Palms  
Cindy Mark, Twentynine Palms  
Jennifer Ruggiero, Twentynine Palms  
Heidi Heard, Twentynine Palms  
Cindy Bernard, Twentynine Palms  
Debra Douglas, Joshua Tree

In Opposition of Agenda Item #10:

Dusty Sorg, Twentynine Palms  
Charles Margaritis, Twentynine Palms  
Joseph Candelaria, Twentynine Palms  
Larry Bowden, Twentynine Palms  
Eileen Leslie, Twentynine Palms  
Anita Petke, Twentynine Palms  
Jeewanjot Singh, Twentynine Palms  
Roger Thomas, Twentynine Palms  
Jenny, Twentynine Palms  
Stephen Przybylowski, Twentynine Palms  
Jeffrey Dunn, Twentynine Palms  
Stephen R. Buchanan, Twentynine Palms  
Darci Paschall, Twentynine Palms  
Karen Oliphint, Twentynine Palms  
Chris Carr, Twentynine Palms  
Aaron Kyle, Twentynine Palms  
Gina Bracamonte, Twentynine Palms  
Mary Jane Binge, Twentynine Palms  
Samantha Wang, Twentynine Palms  
David Rosenberg, Twentynine Palms

Request to Make Public Comments on Agenda Item #10:

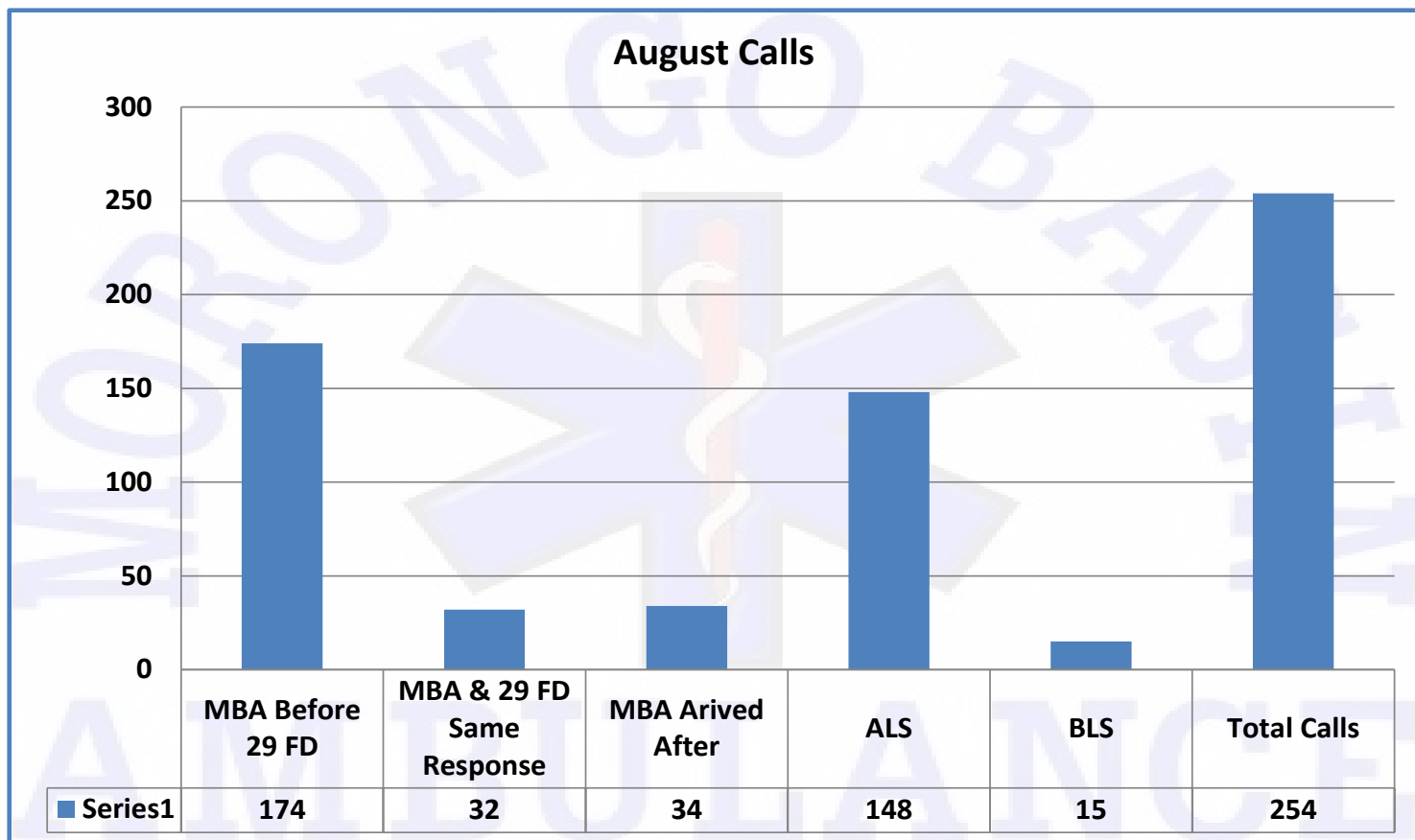
Zander Beck, Twentynine Palms  
Ashton Ramsey, Twentynine Palms  
Allen Teets, Twentynine Palms  
Cory Moran, Twentynine Palms  
Chayo, Twentynine Palms  
Jim Krushat, Twentynine Palms  
Anna R. O'Hare, Twentynine Palms

Citizens who have sent in letters and emails for the record:

JoAnn Conty  
Suzy Conty  
Travis Fowler  
Lee Harrison  
Michael Tausch  
Allen Teets  
Debra Ohlfs  
Lulu Brud  
Kathyana Santiago  
Nikki McKennedy  
Lesley Harris  
Michael McKennedy  
Beth Retzke  
Eric Menendez and the Desert Beacon  
Diana Simpson  
Corey Robb  
Veno Nathraj  
Jacqueline Berg  
Donna L. Reed  
Melissa MontBlanc  
James Seiling  
MG Dobreski  
Cindy Bernard  
Larry Bowden  
Ashton Ramsey



MBA Before 29 FD    MBA & 29 FD Same Response    MBA Arived After    ALS    BLS    Total Calls  
 174                      32                      34                      148    15                      254









## San Bernardino County Fire Area Incident Report

Criteria: 08/01/2021 to 08/31/2021

Division(s): South Desert

Battalion(s): 6, 7

City(ies): Twentynine Palms

	Totals for FY 21/22
Incident Type	Incidents
Vegetation Fire	1
Structure Fire	1
Other Fire	5
Investigation/Alarm	9
HazMat	3
Medical	209
Public Service	4
Traffic Collision	8
<b>Totals</b>	<b>240</b>





# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Legislative Monthly Report - August 2021

**ATTACHMENTS:**

- [August 2021 Legislative Matrix](#)
- [Housing Sept 2021](#)
- [Weekly Report 090921](#)

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 4502	Rep. Rosa DeLauro (D-CT)	Labor, HHS, Education, Agriculture, Rural Development, Energy and Water, Financial Services and General Government, Interior, Environment, Military Construction and VA, Transportation-HUD Appropriations Act, 2022	The legislation combines 7 of the annual spending bills into one package.	The legislation passed the House on Thursday, July 29 by a vote of 219 – 208 on party lines.
H.R. 4505	Rep. Matt Cartwright (D-PA)	Commerce, Justice, Science, and Related Agencies Appropriations Act, 2022	The legislation provides FY2022 appropriations to the Department of Commerce, the Department of Justice (DOJ), the science agencies, and several related agencies including the Office of Science and Technology Policy, the National Space Council, NASA, and the National Science Foundation.	The legislation was reported out of committee on July 19, 2021 and was set to be considered on the House floor during the week of July 26. Policy language surrounding funding for the police caused Democratic leaders to pull the legislation from the floor. It is unclear when it may be brought back to the House floor.
H.R.4431	Rep. Lucille Roybal-Allard (D-CA)	Department of Homeland Security Appropriations Act, 2022	The legislation provides FY2022 appropriations for the Department of Homeland Security.	The legislation was reported out of committee on July 15, 2021. The bill is not expected to be considered on the House floor until after the August recess, if at all.
XX	President Joe Biden	American Families Plan	The American Families Plan calls for \$1 trillion in new spending and \$800 billion in new tax credits. The plan would provide \$200 billion program offering universal pre-k; \$109 billion for tuition-free community college; \$85 billion to increase Pell Grants to benefit low-income and minority students; and more than \$4 billion in funding for larger scholarships, certification and support programs for teachers.	President Biden unveiled the companion package to the American Jobs Plan on April 28th prior to his address to a Joint Session of Congress.  Legislative text for the proposal has not yet been developed, but Congressional Democrats hope to use the budget reconciliation process to pass elements of the plan due to lack of support from Republicans.

Senate Amendment to H.R.3684	President Joe Biden & Bipartisan Group of Senators including Sens. Krysten Sinema (D-AZ) and Rob Portman (R-OH)	Bipartisan Infrastructure Framework (“Infrastructure Investment and Jobs Act”)	<p>The framework includes \$550 billion in new spending for a total around \$1.2 trillion over eight years.</p> <p>Total “new spending” includes: \$110 billion for roads, bridges and major projects; \$73 billion for electric grid upgrades; \$66 billion for rail and Amtrak improvements; \$65 billion for broadband expansion; \$55 billion for clean drinking water; \$39 billion for transit; \$17 billion for ports and \$25 billion for airports; and \$7.5 billion for electric vehicle chargers.</p>	<p>President Biden announced that he'd reached an infrastructure deal with a group of Republican and Democratic Senators on Thursday, June 24.</p> <p>Following a month of negotiations on legislative text, the Senate passed the package on Tuesday, August 10, 2021.</p> <p>The deal faces the challenge of convincing progressives to support the deal - Speaker of the House Nancy Pelosi has expressed that the House would not vote on a bipartisan bill until the Senate passes a larger set of Democratic priorities though budget reconciliation.</p> <p>The House has agreed to vote on the legislation by September 27, 2021 in a deal reached between the Democratic leadership and moderate members of the Democratic caucus.</p>
S.Con.Res.14	Sen. Bernie Sanders (I-VT)	Concurrent Budget Resolution	<p>The Budget Resolution includes reconciliation instructions that instructs certain committees in the House and Senate by what amount would be allowed for them to report legislation that would raise the deficit. Committees are required to submit their reconciliation recommendations to the House and Senate Budget Committees by September 15, 2021.</p> <p>The agreement calls for the \$3.5 trillion in long-term investments to be fully offset by a combination of new tax revenues, health care savings, and long-term economic growth. In addition, the agreement would prohibit new taxes on</p>	<p>The resolution was introduced on August 9. Following the Senate passage of the Bipartisan Infrastructure Framework on August 10<sup>th</sup>, the Senate proceeded to a “vote-a-rama” in which they took a number of amendment votes overnight, passing the resolution early in the morning of August 11<sup>th</sup>.</p> <p>The Resolution passed by a vote of 50-49. Senator Mike Rounds (R-SD) was absent for the votes.</p> <p>The House passed the resolution via a self-executing provision of a rule to consider other legislation on the floor. The adoption through the rule</p>

			families making less than \$400,000 per year, and on small businesses and family farms.	meant that lawmakers did not have to take a separate vote on the budget resolution.
H.R. 3684	Rep. Peter DeFazio (D-OR)	INVEST in America Act	<p>The legislation addresses provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the Department of Transportation (DOT).</p> <p>The Legislation has also incorporated the Water Quality Protection and Job Creation Act of 2021 and Assistance, Quality, and Affordability Act of 2021 which reauthorize clean and drinking water provisions.</p>	<p>Chairman of the House Transportation and Infrastructure Committee Peter DeFazio introduced the legislation on June 4, 2021.</p> <p>Markups were held on the legislation on June 9-10th and the legislation passed out of committee on June 10th by a vote of 38-26.</p> <p>The legislation passed the House on July 1, 2021 by a vote of 221-201.</p> <p>This legislation and the associated local transportation priorities likely won't move forward since the bipartisan infrastructure proposal also includes the 5-year surface transportation reauthorization bill.</p>
S. 29 / H.R. 2008	Sen. Amy Klobuchar (D-MN) / Rep. Angie Craig (D-MN)	Local Water Protection Act	A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.	<p>The Senate legislation was introduced on January 22, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The legislation in the House was introduced on March 18, 2021 and passed the House under suspension of the rules on June 15.</p>

H.R 1563	Rep. Mike Garcia (R-CA)	To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California. The legislation would extend 4007 authorities through January 1, 2028.	The legislation was introduced on March 3, 2021 and was referred to the House Committees on Natural Resources and Science, Space, and Technology.
H.R.1915	Rep. Peter DeFazio (D-OR) / Rep. Grace Napolitano (D-CA)	Water Quality Protection and Job Creation Act of 2021	The legislation would reauthorize the Alternative Water Source Grants Pilot Program, which authorizes the U.S. Environmental Protection Agency to grant up to \$200 million per year to state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test water reuse projects throughout the country.	<p>The legislation was introduced on March 16, 2021.</p> <p>The Committee on Transportation and Infrastructure held a mark-up session on June 9-10th and the legislation was passed out of committee on June 10th by a vote of 42-25.</p> <p>The legislation was incorporated into the INVEST in America Act, which passed the House on July 1, 2021.</p>
H.R.2238	Sen. Jeff Merkley (D-OR) / Rep. Alan Lowenthal (D-CA)	Break Free from Plastic Pollutions Act	The comprehensive legislation would require corporations to take responsibility for pollution, incentivize corporations to make reusable products and items that can be recycled, create a nationwide beverage container refund program, and other items to promote recycling and other investments in U.S. domestic recycling.	The legislation was introduced on March 25, 2021.

H.R 866	Rep. Ken Calvert (R-CA)	FISH Act	This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	The legislation was introduced on February 5, 2021 and referred to the House Committee on Natural Resources.
H.R. 1015	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	This bill makes permanent, and otherwise revises, the Bureau of Reclamation's grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state. Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.	The legislation was introduced on February 11, 2021, and referred to the House Committee on Natural Resources.
H.R.4099	Rep. Grace Napolitano (D-CA)	Large Scale Water Recycling Project Investment Act	Created a competitive grant program for large-scale water recycling and reuse projects. Large-scale water recycling projects are those estimated to cost \$500 million or greater. \$750 million would be authorized over 5 fiscal years beginning in FY23.	The legislation was introduced on June 23, 2021 and referred to the Committee on Natural Resources. The Water Subcommittee held a hearing on the legislation on Tuesday, June 29, 2021.  The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 29, 2021.



H.R.1881	Rep. John Garamendi (D-CA)	To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	The legislation would extend permit terms for publicly owned water infrastructure projects under the National Pollutant Discharge Elimination System (NPDES) from 5 years to a maximum of 10 years.	The legislation was introduced on March 12, 2021 and referred to the Committee on Transportation and Infrastructure.
S.914	Sen. Tammy Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	Authorizes more than \$35 billion for water resource development projects across the country with a focus on upgrading aging infrastructure, addressing the threat of climate change, investing in new technologies, and providing assistance to marginalized communities.	Introduced on March 23, 2021 and referred to the Senate Environment and Public Works Committee.  The legislation passed the Senate on April 29, 2021 by a vote of 89-2.
H.R. 737	Rep. David Valadao (R-CA)	RENEW WIIN Act	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.	The legislation was introduced on February 2, 2021, and referred the House Committee on Natural Resources.  10 members of the California delegation have cosponsored the legislation.
S.91 / H.R.535	Sen. Krysten Sinema (D-AZ) / Rep. John Garamendi (D-CA)	Special Districts Provide Essential Services Act	The legislation would include special districts in the coronavirus relief fund and direct the Secretary of the Treasury to include special districts as an eligible issuer under the Municipal Liquidity Facility.	The legislation was introduced on January 28, 2021 in both the House and Senate. It has been referred to relevant committees in both chambers.
H.R. 895 / S. 209	Rep. David Rouzer (R-NC) / Sen. Jeanne Shaheen (D-NH)	Emergency Assistance for Rural Water Systems Act	To provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID-19 pandemic, and for other purposes.	The legislation was introduced on February 5, 2021, and referred to the House Committee on Agriculture.  The Senate version of the legislation was introduced on February 3, 2021 and referred to the Senate Committee on Agriculture.

H.R. 2515	Rep. Garret Graves (R-LA)	Building U.S. Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act	The legislation modernizes the National Environmental Policy Act (NEPA) and aims to make infrastructure project reviews more efficient, reduce project costs, and spur economic recovery.	The legislation was introduced on April 14, 2021 and was referred to the House Committee on Natural Resources.  The legislation's 46 cosponsors are all Republican, including members of GOP leadership.
H.R. 939	Rep. Doug LaMalfa (D-CA)	Combustion Avoidance along Rural Roads (CARR) Act	The bill exempts wildfire mitigation activities conducted within 300 feet of a road from all laws governing environmental review of proposed agency actions or protection of endangered or threatened species. Mitigation activities are those that are conducted by Department of the Interior or the Department of Agriculture on federal land that is administered by the National Park System, the Bureau of Land Management, or the Forest Service. Mitigation activities include forest thinning, hazardous fuel reduction, prescribed burning, and vegetation management.	The legislation was introduced on February 8, 2021 and was referred to the House Committees on Natural Resources and Agriculture.
H.R.3267	Rep. Brendan Boyle (D-PA)	Protect Drinking Water from PFAS Act	The bill amends the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
H.R. 1512	Rep. Frank Pallone (D-NJ)	The Climate Leadership and Environmental Action for our Nation's Future (CLEAN) Act	The legislation aims to achieve net zero greenhouse gas pollution, combat the climate crisis, and create jobs. The bill authorizes \$565 billion over ten years to enable deep decarbonization.	The legislation was introduced on March 2, 2021, and referred to the relevant committees.

S. 953	Sen. Ron Wyden (D-OR)	Water for Conservation and Farming Act	The legislation would create a Bureau of Reclamation fund of \$300 million to support water recycling projects, water-use efficiency projects and dam safety projects; the WaterSMART program to increase water supply reliability by funding infrastructure and conservation projects that conserves water, increases water use efficiency and improves the condition of natural water recharge infrastructure; Establishes a grant program for any Reclamation States, Tribes, nonprofit conservation organizations, irrigation or water districts, and regional and local authorities to complete habitat restoration projects that improve watershed health and mitigate climate change; among other actions.	The legislation was introduced on March 24, 2021, and referred to the Committee on Energy and Natural Resources.
H.R.3293	Rep. Lisa Blunt Rochester (D-DE)	Low-Income Water Customer Assistance Programs Act	The legislation would amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services.	The legislation was introduced on May 18, 2021, and referred to the relevant committees.  The legislation has passed out of the House Energy and Commerce Committee by a vote of 32-24 and now moves on to consideration on the House floor.

H.R.3291	Rep. Paul Tonko (D-NY)	AQUA Act	The legislation would invest \$105 billion over 10 years in the nation's water systems including \$53 billion for the Drinking Water State Revolving Fund,\$45 billion to fully replace every lead service line, and \$5 billion to provide assistance to systems with PFAS contamination. Additionally, the legislation would require the EPA to set national standards for PFAS, 1,4-dioxane, and microcystin toxin, and makes it easier for EPA to set standards in the future. The bill would authorize \$4 billion emergency relief program to provide forgiveness for utility customers facing debts and unpaid fees since March 1, 2020.	<p>The legislation was introduced on May 18, 2021, and referred to the House Committee on Energy and Commerce.</p> <p>The legislation was included in the INVEST in America Act, which passed the House on July 1, 2021 by a vote of 221-201.</p>
H.R. 3286	Rep. Raul Ruiz (D-CA)	Emergency Order Assurance, Safety, and Inspection of water Systems (Emergency OASIS Act)	The legislation would require the EPA to establish regulations to flush a drinking water system if contaminants were present in the system for longer than six months, or if water stood motionless in the system for longer than six months.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
H.R. 3622 / S. 1907	Rep. Chris Pappas (D-NH) / Sen. Kirsten Gillibrand (D-NY)	Clean Water Standards for PFAS Act	The legislation would require the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement such guidelines and standards	<p>The legislation was introduced in the House on May 28, 2021, and in the Senate on May 27, 2021.</p> <p>The legislation in the House is bipartisan.</p>
S. 2168	Sen. Mike Braun (R-IN)	Define WOTUS Act	The legislation would amend the Federal Water Pollution Control Act to modify the definition of navigable waters, and to make the definition of the "waters of the United States" permanent.	The legislation was introduced on June 22, 2021, and referred to the Committee on Environment and Public Works. It was introduced in response to the EPA's announcement earlier in June of its intent to rewrite the Navigable Waters Protection rule.

<p>H.R. 3814 / S. 717</p>	<p>Rep. Liz Cheney (R-WY) / Sen. Mike Lee (R-UT)</p>	<p>Undoing NEPA’s Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy Act (UNSHACKLE Act)</p>	<p>The legislation combines the following five stand-alone NEPA reform bills on agency process, state expansion, legal changes, and data reporting into one comprehensive text. - NEPA Agency Process Accountability Act - NEPA Accountability and Enforcement Act - NEPA State Assignment Expansion Act - NEPA Legal Reform Act - NEPA Data Transparency Act</p>	<p>The Senate legislation was introduced on March 11, 2021, and referred to the Committee on Environment and Public Works.  The House legislation was introduced on June 11, 2021, and referred to the House Committees on Natural Resources; Judiciary; Transportation and Infrastructure; and Energy and Commerce.</p>
<p>H.R. 1352</p>	<p>Rep. Brenda Lawrence (D- MI)</p>	<p>Water Affordability, Transparency, Equity, and Reliability Act of 2021</p>	<p>The bill would create a trust fund to support drinking water and clean water infrastructure. Additionally, the bill provides \$34.85 billion a year to drinking water and wastewater improvements; creates a water trust fund; creates up to nearly 1 million jobs across the economy and protect American workers; prioritizes disadvantaged communities with grants and additional support; expands funding for technical assistance to small, rural, and indigenous communities; funds projects to address water contamination from PFAS; requires US EPA to study water affordability, shutoffs, discrimination, and civil rights violations by water providers; upgrades household wells and septic systems; helps homeowners replace lead service lines; and provides more than \$1 billion a year to update water infrastructure in public schools.</p>	<p>The legislation was introduced on February 25, 2021 and was referred to the relevant committees.  The legislation has 86 cosponsors, including 14 members of the California delegation.</p>

H.R. 4647 / S. 2430	Rep. Jared Huffman (D-CA) / Sen. Dianne Feinstein (D-CA)	Water Conservation Rebate Tax Parity Act	The legislation would amend federal tax law so that homeowners wouldn't pay income tax on rebates from water utilities for water conservation and water runoff management improvements	The House legislation was introduced on July 22, 2021 and referred to the House Committee on Ways and Means. The legislation in the Senate was introduced on July 22, 2021, and referred to the Senate Committee on Finance.
S.2454	Sen. Alex Padilla (D-CA)	Water Reuse and Resiliency Act	The legislation would authorize \$1 billion over five years for the EPA's Pilot Program for Alternative Water Source Projects grants program. This is an increase from the \$125 million over five years authorized for the program in the Drinking Water and Wastewater Infrastructure Act passed by the Senate in April.	The legislation was introduced on July 22, 2021 and referred to the Senate Committee on Environment and Public Works.
S.2567	Sen. Shelley Moore Capito (R-WV)	Navigable Waters Protection Act of 2021	The legislation would enact into law the Navigable Waters Protection Rule: Definition of 'Waters of the United States' as proposed by the EPA/USACE under the Trump administration.	The legislation was introduced on July 29, 2021 and referred to the Senate Committee on Environment and Public Works.
H.R.4915	Rep. Tom McClintock (R-CA)	Water Supply Permitting Coordination Act	The legislation would authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing.	The legislation was introduced on August 3, 2021 and referred to the House Committee on Natural Resources.

H.R.4979 / S.1783	Rep. Rashida Tlaib (D-MI) / Rep. Jeff Merkley (D-OR)	Maintaining Access to Essential Services Act	The legislation provides \$13.5 billion in low-interest loans to public and private water utilities, which will be forgiven when the utility forgives household water arrears; and provides \$13 billion in low-interest loans to power utilities, which will be forgiven when the utility forgives household arrears. The legislation also provides \$13 billion in low-interest loans to broadband utilities, which will be forgiven when the utility forgives household arrears. The bill Requires loan recipients to suspend utility shutoffs and restore any disconnected service, suspend late fees and charges, stop the sale of household debt to debt collectors, stop placing or selling liens on households due to outstanding utility debt, and stop filing adverse reports on households due to unpaid utility bills to credit agencies.	<p>The legislation in the House was introduced on August 6, 2021 and was referred to the House Committees on Financial Services and Ways and Means.</p> <p>The legislation in the Senate was introduced on May 20, 2021 and was referred to the Senate Committee on Finance.</p>
H.R. 4976	Rep. Elissa Slotkin (D-MI)	Ensuring PFAS Cleanup Meets or Exceeds Stringent Standards Act	The legislation directs the Secretary of Defense to ensure that removal and remedial actions relating to PFAS contamination result in levels meeting or exceeding certain standards.	The legislation was introduced in the House on August 6, 2021, and was referred to the House Committees on Armed Services, Transportation and Infrastructure, and Energy and Commerce.
S.2372 / H.R.2773	Sen. Heinrich, Martin (D-NM) / Representatives Debbie Dingell (D-MI) and Jeff Fortenberry (R-NE)	Recovering America's Wildlife Act of 2021	The legislation would fund conservation efforts for more than 12,000 species of wildlife and plants in need of assistance by providing \$1.3 billion in dedicated annual funding for proactive, on-the-ground efforts across the country, ensure wildlife recovery efforts will be guided by the Congressionally-mandated State Wildlife Action Plans, which identify specific strategies to restore the populations of species of greatest conservation need, accelerate	<p>The legislation was introduced on July 15, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The House bill was introduced on April 22. The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on July 29, 2021.</p>

			<p>the recovery of 1,600 U.S. species already listed as threatened or endangered under the Endangered Species Act, and include improvements to ensure funds are appropriately targeted to the areas of greatest need and facilitate additional investments in protecting at-risk plant species.</p> <p>In the Senate, RAWA also directs fees and penalties assessed for environmental violations to help fund RAWA, using fee and penalty amounts that aren't already targeted for existing environmental funds.</p>	
H.R.4602	Rep. Alan Lowenthal	WIPPES Act	<p>The legislation would direct the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling</p>	<p>The legislation was introduced on July 21<sup>st</sup> and referred to the Committee on Energy and Commerce.</p> <p>Rep. Lowenthal introduced the stand-alone bill after introducing a similar amendment to the House's infrastructure bill.</p>





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**Housing & Community Development  
 Legislative Summary 2021**

**AB 14**

**(Aquiar-Curry D) Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/3/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #79 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Under current law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Current law requires the commission to develop, implement, and administer the California Advanced Services Fund (CASF) to encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies. Current law authorizes the commission to impose a surcharge to collect \$330,000,000 for deposit into the CASF beginning January 1, 2018, and continuing through the 2022 calendar year. Current law specifies the amount of surcharge revenues to be deposited into each account within the CASF, subject to appropriation by the Legislature. This bill would authorize the commission to impose the surcharge to fund the CASF until December 31, 2032, as specified.

**AB 27**

**(Rivas, Luz D) Homeless children and youths and unaccompanied youths: reporting.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Urgency clause adopted. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #3 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Under current state law, public schools, including charter schools, and county offices of education are required to immediately enroll a homeless child or youth seeking enrollment, except as specified. Current law requires a local educational agency liaison for homeless children and youths to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's local educational agency that provide services pursuant to the act. This bill would require a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths, as defined, enrolled at the school.

**AB 68**

**(Quirk-Silva D) Department of Housing and Community Development: California Statewide Housing Plan: annual reports.**

**Current Text:** Amended: 8/26/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #54 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law establishes the California Statewide Housing Plan, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as

well as specified segments. Current law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years, as provided. This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. The bill would require the department to publish and make the plan available to the public on the department's internet website.

**[AB 215](#)**

**(Chiu D) Planning and Zoning Law: housing element: violations.**

**Current Text:** Amended: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 1/11/2021

**Status:** 8/31/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** [9/9/2021 #76 SENATE ASSEMBLY BILLS - THIRD READING FILE](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires a planning agency, before adopting its housing element or amendment to its housing element, to submit a draft element or draft amendment to the Department of Housing and Community Development. This bill would require a local government to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to the department. The bill would require a local government to post any subsequent draft revision on its internet website and to email a link to the draft revision to individuals and organizations that have requested notices relating to the local government's housing element, as specified.

**[AB 345](#)**

**(Quirk-Silva D) Accessory dwelling units: separate conveyance.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Status:** 9/2/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 75. Noes 1.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House					Enrolled		

**Summary:** The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence. Current law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met.

**[AB 482](#)**

**(Ward D) Housing authorities: City of San Diego, County of San Bernardino, and County of Santa Clara: middle-income housing projects pilot program.**

**Current Text:** Amended: 3/17/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 9/1/2021-Ordered to the Senate. In Senate. Held at Desk.

**Location:** Senate Desk

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Housing Authorities Law authorizes a housing authority of a city or county to, among other things, prepare, carry out, acquire, lease, and operate housing projects and housing developments for persons of low income, as provided. Current law, until January 1, 2022, authorizes a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement a pilot program to develop and finance a middle-income housing project, as defined, if the project receives gap financing, as defined. Current law requires any gap financing to be approved by the housing authority's legislative body, as provided. Current law requires the housing authority to provide a report to the Legislature, as specified, on and before January 1, 2020, and on or before January 1, 2022. This bill would extend the authority of a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement the above-described pilot program from January 1, 2022, to January 1, 2026.

**[AB 491](#)**

**(Ward D) Housing: affordable and market rate units.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The bill would define various terms for these purposes.

**[AB 500](#)**

**(Ward D) Local planning: coastal development: streamlined permitting.**

**Current Text:** Amended: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/9/2021

**Status:** 9/7/2021-From committee: That the measure be returned to Senate Floor for consideration. (Ayes 3. Noes 1.) (September 7)

**Location:** Senate Gov. & F.

**Calendar:** 9/9/2021 #123 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units, consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.

**[AB 561](#)**

**(Ting D) Help Homeowners Add New Housing Program: accessory dwelling unit financing.**

**Current Text:** Amended: 8/26/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/1/2021-Ordered to inactive file at the request of Senator Hertzberg.

**Location:** Senate Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law provides for the creation by local ordinance, or by ministerial approval if a local agency has not adopted an ordinance, of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use in accordance with specified standards and conditions. This bill would require the Treasurer's office, by April 1, 2022, to provide a report to the Legislature regarding the creation of the Help Homeowners Add New Housing Program with the purpose of assisting homeowners, as defined, in qualifying for loans to construct additional housing units on their property, including accessory dwelling units and junior accessory dwelling units. The bill would, with regard to the development of recommendations for the program, require the Treasurer to consult with the California Housing Financing Agency and the Department of Housing and Community Development, and would also authorize the Treasurer to consult with various other entities, including federal mortgage agencies, private lenders, community development financial institutions, community-based organizations, and local housing trust funds.

**[AB 611](#)**

**(Quirk-Silva D) Safe at Home program: homeowners' associations.**

**Current Text:** Chaptered: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Status:** 8/31/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 151, Statutes of 2021.

**Location:** Assembly Chaptered

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, upon request of a participant in the Safe at Home program, require the association of a common interest development to accept and use the address designated by the Secretary of State as the Safe at Home participant's substitute address for association communications and to withhold or redact information that would reveal the name, community property address, or email address of the Safe at Home participant in specified communications of the association.

**[AB 634](#)**

**(Carrillo D) Density Bonus Law: affordability restrictions.**

**Current Text:** Amended: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 29. Noes 9.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #36 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Current law prescribes an application process for a city or county to follow in this regard. Current law specifies that, if permitted by local ordinance, that law is not to be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in these provisions for a development that meets specified requirements or from granting a proportionately lower density bonus than what is required for developments that do not meet these requirements. This bill would also provide that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.

**[AB 721](#)**

**(Bloom D) Covenants and restrictions: affordable housing.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 53. Noes 17.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would make any recorded covenants, conditions, restrictions, or limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families who may reside on the property, unenforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided, unless a specified exception applies.

**[AB 772](#)**

**(McCarty D) State property: transfer: University of California.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/8/2021-Ordered to inactive file at the request of Senator Pan.

**Location:** Senate Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes the Department of General Services (department) to dispose of surplus state real property by sale, lease, exchange, sale combined with an exchange, or other manner of disposition authorized by the Legislature, upon terms and conditions and subject to any reservation and exceptions the department deems to be in the best interests of the state. This authorization also declares that the provision of housing for Californians is a goal of the highest priority, and the intent of the Legislature that priority be given in the disposal of surplus state real property to housing for persons and families of low or moderate income. This bill would authorize the department to transfer, without charge, a parcel of property in Sacramento, California, if that parcel is reported as excess, to the Regents of the University of California to

be used by the University of California at Davis (UC Davis) for prescribed purposes, including using the majority of the property to provide affordable housing, as described.

**[AB 787](#)**

**(Gabriel D) Planning and zoning: housing element: converted affordable housing units.**

**Current Text:** Amended: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #62 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the planning agency of a city or county to provide an annual report that includes specified information by April 1 of each year to specified entities, including the Department of Housing and Community Development. Among other things, existing law requires that this report include the progress in meeting the city's or county's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, as specified. This bill would authorize a planning agency to include in its annual report, for up to 25% of a jurisdiction's moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit, as specified.

**[AB 803](#)**

**(Boerner Horvath D) Starter Home Revitalization Act of 2021.**

**Current Text:** Chaptered: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 8/31/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 154, Statutes of 2021.

**Location:** Assembly Chaptered

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Current law provides for various incentives intended to facilitate and expedite the construction of affordable housing. This bill would authorize a development proponent to submit an application for the construction of a small home lot development, as defined, that meets specified criteria. The bill would require a small home lot development to be located on a parcel that is no larger than 5 acres, is substantially surrounded by qualified urban uses, as defined, and is zoned for multifamily residential use.

**[AB 816](#)**

**(Chiu D) Homelessness: Housing Trust Fund: housing projects.**

**Current Text:** Amended: 7/16/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/1/2021-Assembly Rule 77 suspended. (Ayes 54. Noes 16.) Re-referred to Com. on H. & C.D. pursuant to Assembly Rule 77.2.

**Location:** Assembly Housing and Community Development

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current federal law requires the Secretary of the United States Department of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low income families, including homeless families, and home ownership for extremely low and very low income families. Current law requires the department to collaborate with the California Housing Finance Agency to develop an allocation plan to demonstrate how the funds will be distributed, based on the priority housing needs identified in the state's consolidated plan, and to convene a stakeholder process to inform the development of the plan. Current law requires the allocation plan and program guidelines to prioritize projects based on enumerated factors such as the extent to which project rents are affordable. The department is required to submit this plan to the Assembly Committee on Housing and Community Development and the Senate Transportation and Housing Committees 30 days after receipt of the federal funds. This bill would require the department to prioritize funding for projects that serve people experiencing homelessness, to the extent that a sufficient number of projects exist.

**[AB 838](#)**

**(Friedman D) State Housing Law: enforcement response to complaints.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To

Engrossing and Enrolling. (Ayes 51. Noes 20.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as specified, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

**AB 977**

**(Gabriel D) Homelessness program data reporting: Homeless Management Information System.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #41 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would require, beginning January 1, 2023, that a grantee or entity operating specified state homelessness programs, including the No Place Like Home Program, as a condition of receiving state funds, to enter Universal Data Elements and Common Data Elements, as defined by the United States Department of Housing and Urban Development Homeless Management Information System Data Standards, on the individuals and families it serves into its local Homeless Management Information System, unless otherwise exempted by state or federal law. The bill would require the Homeless Coordinating and Financing Council to specify the format and disclosure frequency of the required data elements. The bill would apply the data entry requirements to all new state homelessness programs that commence on or after July 1, 2021. The bill would require the Homeless Coordinating and Financing Council to provide technical assistance and guidance to any grantee or entity that operates a program subject to the bill, if the grantee or entity does not already collect and enter into the local Homeless Management Information System the data elements required.

**AB 989**

**(Gabriel D) Housing Accountability Act: appeals: Office of Housing Appeals.**

**Current Text:** Amended: 8/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 8/26/2021-From committee: Do pass. (Ayes 5. Noes 2.) (August 26). Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #71 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.

**AB 1029**

**(Mullin D) Housing elements: prohousing local policies.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/2/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 59. Noes 17.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would add the preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units to the list of specified prohousing local policies.

**[AB 1043](#)**

**(Bryan D) Housing programs: rental housing developments: affordable rent.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Zenovich-Moscone-Chacon Housing and Home Finance Act, prohibits "affordable rent" for certain rental housing developments that receive assistance on or after January 1, 1991, from exceeding a specified percentage based on the area median income adjusted for family size and whether the household is an extremely low income household, very low income household, lower income household, or moderate-income household. This bill, for leases entered into on or after January 1, 2022, would additionally prohibit "affordable rent" for certain rental housing developments that receive assistance from exceeding the product of 30 percent times 15 percent of the area median income adjusted for family size appropriate for the unit if the household is an "acutely low income household," as defined to mean persons and families whose incomes do not exceed 15 percent of area median income, adjusted for family size, as specified.

**[AB 1061](#)**

**(Lee D) Mobilehome Residency Law: water utility charges.**

**Current Text:** Enrollment: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 8/30/2021-Enrolled and presented to the Governor at 4 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, if the management of a mobilehome park elects to separately bill water utility service to homeowners, limit charges and fees on homeowners in connection with those services to specified types of charges and fees. The specified charges and fees would be for (1) the homeowner's volumetric usage based on the homeowner's proportion of total usage, or, where the water purveyor uses a tiered rate schedule, based on the homeowner's proportion of the tier's usage, or based on a mobilehome space rate; (2) any recurring fixed charge, however that charge is designated, for water service that has been billed to management by the water purveyor, determined on the basis of either the homeowner's proportional share of volumetric use or the total charge divided by the number of mobilehome spaces; and (3) a billing, administrative, or other fee representing the costs of both management and the billing agent combined, not to exceed \$4.75 or 25% of the charge for the homeowner's volumetric usage, whichever is less. The bill would prohibit volumetric usage charges from including water usage by a park's common area facilities or by any other person or entity other than the homeowner.

**[AB 1095](#)**

**(Cooley D) Affordable rental and owner-occupied housing: equity in state and local programs.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #43 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would state the intent of the Legislature to enact legislation relating to the equitable treatment of home ownership in state and local affordable housing programs for a specified reason. The bill would specify that the affordable housing referenced by those provisions includes rental and owner-occupied units. The bill would require the council to adopt guidelines or selection criteria that include both affordable housing rental units and owner-occupied affordable housing units. The bill, for notices of funding availability released after July 1, 2022, would authorize the council to include guidelines or criteria for the award of funds to projects that provide home ownership opportunities for low-income individuals.

**[AB 1111](#)**

**(Berman D) Postsecondary education: common course numbering system.**

**Current Text:** Amended: 8/26/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #72 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require the California Community Colleges, on or before July 1, 2024, to adopt a common course numbering system for all general education requirement courses and transfer pathway courses, and require each community college campus, on or before July 1, 2024, to incorporate common course numbers from the adopted system into its course catalog. The bill would require the common course numbering system to be student facing and ensure that comparable courses across all community colleges have the same course number. By requiring community college campuses to incorporate common course numbers in their catalogs, the bill would impose a state-mandated local program.

**AB 1143**

**(Berman D) Civil procedure: restraining orders.**

**Current Text:** Chaptered: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 8/31/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 156, Statutes of 2021.

**Location:** Assembly Chaptered

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law permits a person who has suffered harassment, as defined, to file a petition for a temporary restraining order and a restraining order after hearing prohibiting the harassment. Current law requires the petitioner to personally serve the respondent with the petition for the temporary restraining order and restraining order, as applicable, and notice of the hearing. This bill would provide that if the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located, then the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.

**AB 1174**

**(Grayson D) Planning and zoning: housing: development application modifications, approvals, and subsequent permits.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Urgency clause adopted. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 74. Noes 0.)

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, that the development and the site on which it is located satisfy specified location, urbanization, and zoning requirements. Current law provides that a development approved pursuant to the streamlined, ministerial approval process is valid indefinitely if specified requirements are met, and otherwise is valid, except as provided, for 3 years from the date of the final action establishing that approval and remains valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Current law authorizes a development proponent to request a modification to a development that has been approved under the streamlined, ministerial approval process if the request is submitted before the issuance of the final building permit required for construction of the development. Current law defines "affordable rent" for purposes of this streamlined, ministerial approval process. This bill would clarify the requirements that must be met for an approved development to be valid indefinitely.

**AB 1220**

**(Rivas, Luz D) Homelessness: California Interagency Council on Homelessness.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #118 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would rename the Homeless Coordinating and Financing Council to the California Interagency Council on Homelessness and would remove authorization for the Secretary of the Business, Consumer Services and Housing's designee to serve as chair of the council. The bill would instead require the Secretary



of the Business, Consumer Services and Housing Agency and the Secretary of the California Health and Human Services Agency to serve as cochairs of the council. The bill would make other changes to the council's membership, including adding 5 new members, as specified.

**[AB 1297](#)**

**(Holden D) California Infrastructure and Economic Development Bank: public and economic development facilities: housing.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 67. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Bergeson-Peace Infrastructure and Economic Development Bank Act defines "public development facilities" for these purposes to mean real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, housing-related infrastructure, as specified. The act defines "economic development facilities" for these purposes to mean real and personal property, structures, buildings, equipment, and supporting components thereof that are used to provide industrial, recreational, research, commercial, utility, goods movement, or service enterprise facilities, community, educational, cultural, or social welfare facilities and any parts or combinations thereof, and all necessary facilities or infrastructure, excluding any housing. This bill would authorize economic development facilities and public development facilities to include housing if the housing meets certain financing requirements and limits, as specified.

**[AB 1304](#)**

**(Santiago D) Affirmatively further fair housing: housing element: inventory of land.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #105 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. This bill would clarify that a local agency has a mandatory duty to comply with the obligation described above. The bill would specify that this provision is a clarification of current law and not to be deemed a change in previous law.

**[AB 1322](#)**

**(Rivas, Robert D) California Global Warming Solutions Act of 2006: scoping plan: sustainable aviation fuels.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/2/2021-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

**Location:** Senate Environmental Quality

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require the State Air Resources Board, as part of the next scoping plan update, to develop a plan, consistent with federal law, to use sustainable aviation fuels to reduce greenhouse gas emissions from aircrafts in the state by 40% below 1990 levels by 2030 and to achieve net-zero greenhouse gas emissions by 2045. The bill would require, no later than January 1, 2023, the state board to undertake certain actions in developing the plan, including, among others, consulting with designated state agencies and, if feasible, commercial airports, commercial and business airlines that operate in the state, aircraft manufacturers, sustainable aviation fuels producers and developers, and infrastructure providers to develop the plan.

**[AB 1377](#)**

**(McCarty D) Student housing plans.**

**Current Text:** Enrolled: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/1/2021-Assembly Rule 77 suspended. (Ayes 54. Noes 16.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 76. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would require the Office of the Chancellor of the California State University, and request the Office of the President of the University of California, on or before July 1, 2022, to conduct a needs assessment to determine the projected student housing needs, by campus, for the 2022–23 fiscal year to the 2026–27 fiscal year, inclusive, and create a student housing plan, with a focus on affordable student housing, that outlines how they will meet the projected student housing needs. The bill would require the Office of the Chancellor of the California State University, and request the Office of the President of the University of California, to, every 3 years thereafter, review and update the plan, and include the specific actions to be taken in the next 5 fiscal years.

**[AB 1398](#)**

**(Bloom D) Planning and zoning: housing element: rezoning of sites: prohousing local policies.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 27. Noes 9.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #104 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** The Planning and Zoning Law, requires a county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other things, a housing element. Current law requires that the housing element include, among other things, an inventory of land suitable and available for residential development. If the inventory of sites does not identify adequate sites to accommodate the need for groups of all household income levels, as provided, current law requires that the local government rezone sites within specified time periods. If the local government fails to adopt a housing element within 120 days of the applicable statutory deadline, existing law requires that the local government (A) complete this rezoning no later than 3 years and 120 days from the statutory deadline for the adoption of the housing element and (B) revise its housing element every 4 years until the local government has adopted at least 2 consecutive revisions by the statutory deadline. This bill would require a local government that fails to adopt a housing element that the Department of Housing and Community Development has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element.

**[AB 1423](#)**

**(Daly D) Housing programs: multifamily housing programs: expenditure of loan proceeds.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Assembly Rule 77 suspended. (Ayes 42. Noes 13.) Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing, including the Multifamily Housing Program, pursuant to which the department provides financial assistance in the form of deferred payment loans to pay for the eligible costs of development of specified types of housing projects. Current law sets forth various general powers of the department in implementing these programs, including authorizing the department to enter into long-term contracts or agreements of up to 30 years for the purpose of servicing loans or grants or enforcing regulatory agreements or other security documents. This bill would authorize a borrower to use any funds approved, reserved, or allocated by the department for purposes of providing a loan under any multifamily housing program under these provisions for construction financing, permanent financing, or a combination of construction financing and permanent financing, as provided.

**[AB 1487](#)**

**(Gabriel D) Legal Services Trust Fund Commission: Homelessness Prevention Fund: grants: eviction or displacement.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 29. Noes 9.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #23 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would establish the Homelessness Prevention Fund to be administered by the Legal Services Trust Fund Commission. The bill would require the commission, subject to appropriation to the State Bar by the Legislature, to distribute moneys in the fund in the form of grants, awarded on a competitive basis, to fund prescribed legal services, education, and outreach for tenants relating to eviction or displacement. The bill would require the commission to develop guidelines for the grant process in accordance with specified requirements. The bill would establish eligibility requirements for grant applicants, including that the applicant agrees to provide all of the services funded by the grant without charge to recipients.

**AB 1584**

**(Committee on Housing and Community Development) Housing omnibus.**

**Current Text:** Amended: 9/3/2021 [.html](#) [.pdf](#)

**Introduced:** 3/10/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #97 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in real property that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards established for those units, but would permit reasonable restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with those aforementioned minimum standards provisions.

**SB 4**

**(Gonzalez D) Communications: California Advanced Services Fund.**

**Current Text:** Amended: 9/2/2021 [.html](#) [.pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Urgency clause adopted. Passed. (Ayes 55. Noes 8.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #26 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would require the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

**SB 6**

**(Caballero D) Local planning: housing: commercial zones.**

**Current Text:** Amended: 8/23/2021 [.html](#) [.pdf](#)

**Introduced:** 12/7/2020

**Status:** 8/23/2021-Referred to Com. on H. & C.D. From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

**Location:** Assembly Housing and Community Development

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

**SB 8**

**(Skinner D) Housing Crisis Act of 2019.**

**Current Text:** Enrolled: 9/3/2021 [.html](#) [.pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/1/2021-Assembly amendments concurred in. (Ayes 30. Noes 3.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would clarify, for various purposes of the Housing Crisis Act of 2019, that "housing development project" includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law, except that the clarification does not affect a project for which an application was submitted to the city, county, or city and county before January 1, 2022.

**[SB 9](#)**

**(Atkins D) Housing development: approvals.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

**[SB 10](#)**

**(Wiener D) Planning and zoning: housing development: density.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

**[SB 37](#)**

**(Cortese D) Contaminated Site Cleanup and Safety Act.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Ordered to inactive file on request of Assembly Member Bauer-Kahan.

**Location:** Assembly Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires designated local enforcement agencies to compile and submit to the Department of Resources Recycling and Recovery a list of all solid waste disposal facilities from which there is a known migration of hazardous waste, and requires the department to compile these lists into a statewide list. Current law requires these agencies to update the information as appropriate, but at least annually, and to submit the information to the Secretary for Environmental Protection. Under existing law, the Secretary for Environmental Protection is required to consolidate the information provided by these state agencies and distribute the information in a timely fashion to each city and county in which sites on the lists are located and to any other person upon request. This bill would enact the Contaminated Site Cleanup and Safety Act and would recodify the above-described provisions with certain revisions. The bill would repeal the

requirement for the State Department of Health Care Services to compile a list of all public drinking water wells, as described above.

**SB 60**

**(Glazer D) Residential short-term rental ordinances: health or safety infractions: maximum fines.**

**Current Text:** Enrolled: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/1/2021-Urgency clause adopted. Assembly amendments concurred in. (Ayes 34. Noes 4.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law sets specific monetary limits on the fines that may be imposed by city or county authorities for any violation of local building and safety codes that is an infraction, as prescribed. Current law requires a city or county levying fines pursuant to these provisions to establish a process for granting a hardship waiver in certain cases. This bill would, notwithstanding those provisions and with certain exceptions, raise the maximum fines for violation of an ordinance relating to a residential short-term rental, as defined, that is an infraction and poses a threat to health or safety, to \$1,500 for a first violation, \$3,000 for a 2nd violation of the same ordinance within one year, and \$5,000 for each additional violation of the same ordinance within one year of the first violation. The bill would make these violations subject to the process for granting a hardship waiver.

**SB 63**

**(Stern D) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/7/2021-Read third time and amended. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #128 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, among other things, require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity. The bill would modify the factors the director is required to use to identify areas into fire hazard severity zones, as provided. The bill would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

**SB 290**

**(Skinner D) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. The bill would require a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower income students.

**SB 330**

**(Durazo D) Los Angeles Community College District Affordable Housing Pilot Program.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 9/8/2021-Assembly amendments concurred in. (Ayes 31. Noes 6.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require the governing board of the Los Angeles Community College District to develop and implement a pilot program to provide affordable housing to students or employees of the Los Angeles Community College District, and to provide a report to the Legislature, no later than January 1, 2032, with findings and recommendations on the success of the program. The bill would require priority to be given to low-income students experiencing homelessness for the affordable units of the affordable housing for students or employees.

**SB 447**

**(Laird D) Civil actions: decedent's cause of action.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/3/2021-Assembly amendments concurred in. (Ayes 27. Noes 8.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law provides that a cause of action that survives the death of the person entitled to commence an action or proceeding passes to the decedent's successor in interest and an action may be commenced by the decedent's personal representative or, if none, by the decedent's successor in interest. Current law limits the damages recoverable in that action or proceeding to the loss or damage that the decedent sustained or incurred before death, including any penalties or punitive or exemplary damages that the decedent would have been entitled to recover had the decedent lived. Current law prohibits the recovery of damages for the decedent's pain, suffering, or disfigurement in that action or proceeding. This bill would permit damages for a decedent's pain, suffering, or disfigurement to be recovered in an action brought by the decedent's personal representative or successor in interest if the action or proceeding was granted a specified preference before January 1, 2022, or was filed on or after January 1, 2022, and before January 1, 2026.

**SB 477**

**(Wiener D) General plan: annual report.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/3/2021-Assembly amendments concurred in. (Ayes 37. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

**SB 478**

**(Wiener D) Planning and Zoning Law: housing development projects.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/8/2021-Read third time. Passed. (Ayes 48. Noes 9.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #41 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

**[SB 591](#)**

**(Becker D) Senior citizens: intergenerational housing developments.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition age youth, if specified conditions are satisfied. The bill would require that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. The bill would prescribe definitions for "senior citizen" and "transition age youth" for these purposes. The bill would require at least 80% of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen, as specified, and up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition age youth, as specified. The bill would require the development to be affordable to lower income households.

**[SB 675](#)**

**(Ochoa Bogh R) Property taxation: monthly installment payments.**

**Current Text:** Enrollment: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 8/30/2021-Enrolled and presented to the Governor at 1 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize a county board of supervisors to adopt a resolution or ordinance to implement a monthly property tax payment program, which would authorize a qualified taxpayer, as defined, to pay, in monthly installments, their real property taxes on their principal residence, as defined. The bill would authorize the ordinance or resolution implementing the program to set forth specific procedures for purposes of determining delinquency and default, as specified.

**[SB 679](#)**

**(Kamlager D) Los Angeles County: affordable housing.**

**Current Text:** Amended: 8/23/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 8/23/2021-Referred to Com. on H. & C.D. From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

**Location:** Assembly Housing and Community Development

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. This bill, the Los Angeles County Regional Housing Finance Act, would establish the Los Angeles County Affordable Housing Solutions Agency and would state that the agency's purpose is to increase the supply of affordable housing in Los Angeles County by providing for significantly enhanced funding and technical assistance at a regional level for renter protections, affordable housing preservation, and new affordable housing production, as specified.

**[SB 728](#)**

**(Hertzberg D) Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income or, lower, or very low income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial

occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low, low, or moderate income. This bill instead, would require the developer and the city or county to ensure that (1) a for-sale unit that qualified the developer for the award of the density bonus is initially occupied by a person or family of the required income, offered at an affordable housing cost, as defined, and includes an equity sharing agreement, as specified, or (2) a qualified nonprofit housing organization that is receiving the above-described welfare exemption purchases the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement, as specified, and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property.

**[SB 734](#)**

**(Hueso D) Redevelopment agencies: passthrough agreements: modification.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations. Current law requires the successor agency to dispose of all remaining assets and terminate its existence within a specified period after the final debt payment, and requires any passthrough payment obligations to cease at that time. This bill would authorize a successor agency and one or more taxing agencies to enter into an agreement to modify the interest owed by a former redevelopment agency under a passthrough agreement that was entered into before January 1, 1994, or owed under any successive amendment of that passthrough agreement, and which is owed as interest on passthrough payments agreed to be deferred by the taxing entity under the passthrough agreement, subject to specified terms and conditions, including that the interest rate on a passthrough agreement modified under these provisions be 0%.

**[SB 756](#)**

**(Hueso D) Home weatherization services for low-income customers.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law requires each electrical or gas corporation to perform home weatherization services for low-income customers, as determined by the Public Utilities Commission, if the commission determines that a significant need for those services exists in the corporation's service territory, as specified. These services are generally known as the Energy Savings Assistance Program and are administered by each electrical or gas corporation. From January 1, 2022, to June 30, 2022, inclusive, this bill would define "low-income customers" for purposes of the program as customers with annual household incomes that are no greater than 200% of the federal poverty guideline levels. On and after July 1, 2023, the bill would define "low-income customers" for those purposes as persons and families whose household income is at or below 250% of the federal poverty level, and would prohibit the commission from increasing the authorized budgets for the program based on that expansion of income eligibility.

**[SB 791](#)**

**(Cortese D) California Surplus Land Unit.**

**Current Text:** Amended: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 8/31/2021-Read second time. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #147 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would, upon appropriation by the Legislature, establish the California Surplus Land Unit within the Department of Housing and Community Development with the primary purpose of facilitating the development and construction of residential housing on local surplus land, as defined. In this regard, the bill would authorize the unit to, among other things, facilitate agreements between housing developers and local agencies that seek to dispose of surplus land; provide advice, technical assistance, and consultative and technical service to local agencies with surplus land and developers that seek to develop housing on the surplus land; and collaborate with specified state agencies to assist housing developers and local agencies



with obtaining grants, loans, tax credits, credit enhancements, and other types of financing that facilitate the construction of housing on surplus land.

**SB 800**

**(Archuleta D) Real estate: licenses.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/3/2021-Read third time and amended. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #153 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, the Real Estate Law, defines real estate brokers and salespersons and provides for their licensure and regulation, the administration of which is committed to the Real Estate Commissioner. Current law, as of July 1, 2018, removed the Bureau of Real Estate from the Department of Consumer Affairs and instead made it a department within the Business, Consumer Services, and Housing Agency and renamed the bureau to the Department of Real Estate. This bill would make conforming and nonsubstantive changes.

**SCA 2**

**(Allen D) Public housing projects.**

**Current Text:** Introduced: 12/7/2020 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/1/2021-Ordered to inactive file on request of Senator Allen.

**Location:** Senate Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

**SJR 6**

**(Wiener D) Affordable Housing Credit Improvement Act.**

**Current Text:** Enrolled: 8/27/2021 [html](#) [pdf](#)

**Introduced:** 6/23/2021

**Status:** 8/26/2021-Read. Adopted. (Ayes 72. Noes 0.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would request the Congress of the United States to enact the Affordable Housing Credit Improvement Act and would request that President Joe Biden sign that legislation.

**Total Measures: 58**  
**Total Tracking Forms: 58**



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**Weekly Legislative Report  
 Thursday, September 09, 2021**

**[AB 14](#)**

**(Aguilar-Curry D) Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/3/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #79 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under current law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Current law requires the commission to develop, implement, and administer the California Advanced Services Fund (CASF) to encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies. Current law authorizes the commission to impose a surcharge to collect \$330,000,000 for deposit into the CASF beginning January 1, 2018, and continuing through the 2022 calendar year. Current law specifies the amount of surcharge revenues to be deposited into each account within the CASF, subject to appropriation by the Legislature. This bill would authorize the commission to impose the surcharge to fund the CASF until December 31, 2032, as specified.

**[AB 26](#)**

**(Holden D) Peace officers: use of force.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires each law enforcement agency, on or before January 1, 2021, to maintain a policy that provides a minimum standard on the use of force. Current law requires that policy, among other things, to require that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be unnecessary, and to require that officers intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified. This bill would require those law enforcement policies to require those officers to immediately report potential excessive force, as defined.

**[AB 33](#)**

**(Ting D) Energy Conservation Assistance Act of 1979: energy storage systems and electric vehicle charging infrastructure: Native American tribes.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 74. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Energy Conservation Assistance Act of 1979 authorizes a school, hospital, public care institution, or unit of local government to submit an application to the Energy Commission for an allocation for the purpose of financing all or a portion of the costs incurred in implementing a project, which includes an

energy audit, energy conservation and operating procedure, or energy conservation measure in an existing or planned building or facility, an energy conservation project, or a technical assistance program. Current law requires the Energy Commission to approve only those applications for projects that will recover costs through savings in the cost of energy to the eligible institution during the repayment period of the allocation. Current law creates the State Energy Conservation Assistance Account, which is continuously appropriated to the Energy Commission for purposes of the act. This bill would require the Energy Commission, in administering the account, to provide grants and loans to local governments and public institutions to maximize energy use savings, expand installation of energy storage systems, and expand the availability of electric vehicle charging infrastructure, including technical assistance, demonstrations, and identification and implementation of cost-effective energy efficiency, energy storage, and electric vehicle charging infrastructure measures and programs in existing and planned buildings or facilities.

**[AB 43](#)**

**(Friedman D) Traffic safety.**

**Current Text:** Amended: 9/1/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 30. Noes 5.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #27 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes various default speed limits for vehicles upon highways, as specified. Current law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. Current law authorizes local authorities to consider additional factors, including pedestrian and bicyclist safety. This bill would authorize local authorities to consider the safety of vulnerable pedestrian groups, as specified.

**[AB 48](#)**

**(Gonzalez, Lorena D) Law enforcement: use of force.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

**[AB 57](#)**

**(Gabriel D) Law enforcement: hate crimes.**

**Current Text:** Amended: 8/26/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #52 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires any local law enforcement agency that adopts or updates a hate crime policy to include specified information in that policy, including information on bias motivation. This bill would include a statement of legislative findings and declarations and require the basic course curriculum on the topic of hate crimes to be developed in consultation with subject matter experts, as specified. The bill would, subject to an appropriation of funds for this purpose in the annual Budget Act or other statute, require the Commission on Peace Officer Standards and Training (POST) to update the basic course to include the viewing of a specified video course developed by POST. The bill would also require POST to make the video available via the online learning portal, and would require all peace officers to complete specified training materials no later than one year after the commission makes the updated course available. The bill would require POST to develop and periodically update an interactive course on hate crimes for in-service peace officers, and require officers to take the course every 6 years.

**[AB 61](#)**

**(Gabriel D) Business pandemic relief.**

**Current Text:** Amended: 8/26/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Urgency clause adopted. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #53 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would authorize the Department of Alcoholic Beverage Control, for a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, to permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization approved in accordance with the Fourth Notice of Regulatory Relief issued by the department, as specified. The bill would also authorize the department to extend the period of time during which the COVID-19 Temporary Catering Authorization is valid beyond 365 days if the licensee has filed a pending application with the department for the permanent expansion of their premises before the 365-day time period expires. The bill would make these provisions effective only until July 1, 2024, and repeal them as of that date.

**[AB 68](#)**

**(Quirk-Silva D) Department of Housing and Community Development: California Statewide Housing Plan: annual reports.**

**Current Text:** Amended: 8/26/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #54 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law establishes the California Statewide Housing Plan, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as well as specified segments. Current law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years, as provided. This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. The bill would require the department to publish and make the plan available to the public on the department's internet website.

**[AB 89](#)**

**(Jones-Sawyer D) Peace officers: minimum qualifications.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #119 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Current law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023.

**[AB 122](#)**

**(Boerner Horvath D) Vehicles: required stops: bicycles.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 12/18/2020

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would, until January 1, 2028, require a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. The bill would require other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. The bill would state that these provisions do not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.

**AB 155**

**(Committee on Budget) Public resources trailer bill.**

**Current Text:** Amended: 9/6/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #128 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law creates the Healthy Stores Refrigeration Grant Program in the Department of Food and Agriculture upon the appropriation of funds. Current law requires the department to administer the program and to award grants to qualified entities, which is defined to include a small business or corner store, a city or county with representative low-income areas that contain small businesses or corner stores, and certain nonprofit entities that meet specified requirements. This bill would change the name of the program to the Healthy Refrigeration Grant Program. The bill would expand the definition of "qualified entity" to include a tribal government or tribal organization under certain circumstances and would revise the criteria required for a city, county, tribal government, tribal organization, or nonprofit entity to qualify to apply for a grant.

**AB 162**

**(Committee on Budget) Community Economic Resilience Fund Program.**

**Current Text:** Amended: 9/4/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #129 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would establish, within the Workforce Services Branch of the Employment Development Department (EDD), the Community Economic Resilience Fund Program (program). The bill would require the branch to administer the program. The bill would require the Inter-Agency Leadership Team (team), comprised of the Labor and Workforce Development Agency, the Office of Planning and Research, and the Governor's Office of Business and Economic Development, to administer the program. The bill would make the team jointly responsible for planning, oversight, and decision-making, as specified. The bill would set forth the specifics of the team's composition and duties.

**AB 163**

**(Committee on Budget) State government.**

**Current Text:** Amended: 9/6/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #130 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law, until January 1, 2024, requires certain fees and revenues collected by the Court Reporters Board of California from licensees to be deposited into the Transcript Reimbursement Fund, which is established as a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases who are unable to otherwise afford those services. Existing law requires the Transcript Reimbursement Fund to be funded by a transfer of funds from the Court Reporters' Fund in the amount of \$300,000 annually and authorizes the board to transfer funds in increments of \$100,000. This bill would specify that funding that is appropriated to the Transcript Reimbursement Fund from a source other than fees received by the board, as provided, are not subject to the \$300,000 annual transfer limit described above.

**AB 165**

**(Committee on Budget) State employment: State Bargaining Units.**

**Current Text:** Amended: 9/4/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #131 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** Current law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act. This bill would approve provisions of the agreements entered into by the state employer and State Bargaining Units 7 and 8. The bill would provide that the provisions of the addenda included above that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature. The bill would authorize the state employer or these state bargaining units to reopen negotiations if funds for these provisions are not specifically appropriated.

**[AB 166](#)**

**(Committee on Budget) Department of Cannabis Control: licensure: fee waivers and deferrals.**

**Current Text:** Amended: 9/5/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #132 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** The California Cannabis Equity Act of 2018 requires the Department of Cannabis Control, on or before January 1, 2021, to develop and implement a program to provide a deferral or waiver for an application fee, a licensing fee, or renewal fee otherwise required by MAUCRSA for a needs-based applicant or needs-based licensee. This bill would instead require the department, on or before January 1, 2022, to develop and implement a program to provide waivers for application fees, licensing fees, and renewal fees required by MAUCRSA. The bill would further require the department, on or before January 1, 2023, to develop and implement a program to provide deferrals for application fees, licensing fees, and renewal fees required by MAUCRSA.

**[AB 167](#)**

**(Committee on Budget) Education finance: education omnibus budget trailer bill.**

**Current Text:** Amended: 9/6/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #133 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** Current law establishes the California Prekindergarten Planning and Implementation Grant Program as a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at local educational agencies, defined as school districts, county offices of education, and charter schools. Current law appropriates \$300,000,000 from the General Fund to the State Department of Education for allocation to local educational agencies for grants for the 2021-22 fiscal year. Current law requires the Superintendent of Public Instruction to allocate \$200,000,000 of that amount to local educational agencies as base grants, enrollment grants, and supplemental grants for specified purposes. This bill would revise the methodology for allocating base grants, enrollment grants, and supplemental grants to local educational agencies under the program.

**[AB 168](#)**

**(Committee on Budget) Child care.**

**Current Text:** Amended: 9/5/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #134 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** The Child Care and Development Services Act provides a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including an alternative payment program that requires the State Department of Social Services to contract with local government agencies or nonprofit organizations to provide alternative payments and to provide support services to parents and providers. This bill would include migrant alternative payment programs in the definition of "alternative payment programs" for this purpose.

**[AB 169](#)**

**(Committee on Budget) Postsecondary education trailer bill.**

**Current Text:** Amended: 9/5/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #135 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would establish the Higher Education Student Housing Grant Program, to provide one-time grants for the construction of student housing or for the acquisition and renovation of commercial properties into student housing for the purpose of providing affordable, low-cost housing options for students enrolled in public postsecondary education in the state.

**[AB 170](#)**

**(Ting D) Budget Act of 2021.**

**Current Text:** Amended: 9/6/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #136 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Budget Act of 2021 made appropriations for the support of state government for the 2021-22 fiscal year. This bill would amend the Budget Act of 2021 by amending, adding, and repealing items of appropriation and making other changes. This bill would declare that it is to take effect immediately as a Budget Bill.

**[AB 171](#)**

**(Committee on Budget) Health.**

**Current Text:** Amended: 9/4/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #137 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services through various health care delivery systems, including managed care pursuant to Medi-Cal managed care plan contracts. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. This bill, subject to an appropriation, would require the department to implement activities and expenditures to enhance, expand, or strengthen home and community-based services (HCBS) under the Medi-Cal program, as specified.

**[AB 172](#)**

**(Committee on Budget) Human services.**

**Current Text:** Amended: 9/5/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #138 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law establishes the Department of Child Support Services, which administers all federal and state laws and regulations relating to child support enforcement obligations. Current law requires each county to maintain a local child support agency that is responsible for establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders, and determining paternity, as specified. Current law, commencing January 1, 2023, requires a local child support agency to cease enforcement of child support arrearages and otherwise past due amounts owed to the state that the Department of Child Support Services or the local child support agency has determined to be uncollectible, as specified. This bill would instead require a local child support agency to cease enforcement of child support arrearages assigned to the state and other fees and costs owed to the state when the department or local child support agency has determined that the amount is uncollectible.

**[AB 173](#)**

**(Committee on Budget) Public Safety.**

**Current Text:** Amended: 9/5/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #139 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conf. Conc.				

**Summary:** Current law prohibits the bringing or possession of, a loaded firearm or other specified weapon, to the State Capitol and legislative offices, as specified, punishable as either a misdemeanor or a felony. This bill would include the state office building located at 1021 O Street in the City of Sacramento within these prohibitions. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

**AB 174**

**(Committee on Budget) Vehicles.**

**Current Text:** Amended: 9/5/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #140 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conf. Conc.				

**Summary:** Current law requires the Department of Motor Vehicles to publish the complete text of the Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles once every 2 years, to be distributed, upon request, to state and local governmental officers or agencies, federal agencies, public secondary schools in the state, and any other person, at a charge sufficient to pay the entire cost of publication and distribution. Current law requires receipts from the sale of those publications to be deposited in the Motor Vehicle Account, to reimburse the department for the entire cost to print and distribute the code. Current law also requires the department to publish a synopsis or summary of the synopsis or summary without charge with each original vehicle registration and each original driver's license. Current law requires the department to publish copies of the synopsis or summary, as specified, and to furnish copies to its field offices and to law enforcement agencies for general distribution, without charge. This bill would delete the requirements relating to the publication and distribution of the complete text of the Vehicle Code and would make various technical and conforming changes.

**AB 175**

**(Committee on Budget) Housing: mortgages and deeds of trust: use of state property: surplus land disposal: financing programs.**

**Current Text:** Amended: 9/5/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #141 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conf. Conc.				

**Summary:** Current law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust and prescribes a procedure for the exercise of that power. Current law prescribes the dates when a trustee's sale is deemed final if specified payments are made and, in this regard, a trustee's sale is deemed final upon the acceptance of the last and highest bid and is deemed perfected as of 8 a.m. on the actual date of sale if the trustee's deed is recorded within 18 calendar days after the sale, except as specified. This bill would extend the date in the above-described condition relating to the recording of the trustee's deed to 21 calendar days. The bill would require this change to become operative on January 1, 2022.

**AB 176**

**(Committee on Budget) Governor's Office of Business and Economic Development: Office of Small Business Advocate: grant programs: taxation: credits: exclusions: sales and use tax.**

**Current Text:** Amended: 9/5/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #142 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conf. Conc.				

**Summary:** Current law establishes various grant programs within CalOSBA including the California Small Business Development Technical Assistance Expansion Program to provide grants to eligible nonprofit performing arts organizations, as defined, to encourage workforce development, the California Small Business COVID-19 Relief Grant Program to assist qualified small businesses affected by COVID-19, the California Microbusiness COVID-19 Relief Grant Program to assist qualified microbusinesses that have been significantly impacted by the COVID-19 pandemic, and the California Venues Grant Program within CalOSBA to assist independent live events that have been affected by COVID-19 in order to support their continued



operation. This bill would make technical and clarifying changes to the programs listed above, including to the definition of "qualified small business" for purposes of the California Small Business COVID-19 Relief Grant Program.

**[AB 177](#)**

**(Committee on Budget) Public safety.**

**Current Text:** Amended: 9/5/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/8/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #143 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** By executive order, the Governor authorized the Judicial Council or its Chairperson to take action, via emergency order or statewide rule, necessary to maintain the safe and orderly operation of the courts in response to the COVID-19 pandemic, as specified. This bill would, until January 31, 2022, provide the Judicial Council and its Chairperson with continuing emergency authority, as specified. The bill would require the Judicial Council to submit a report to the Legislature and the Governor by January 1, 2023, on the use of remote technology in civil actions by the trial courts, as specified. The bill would require the Judicial Council to convene a working group for the purpose of recommending a statewide framework for remote civil court proceedings that addresses equal and fair access to justice, as specified.

**[AB 223](#)**

**(Ward D) Wildlife: dudleya: taking and possession.**

**Current Text:** Enrollment: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/11/2021

**Status:** 9/7/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 63. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House					Enrolled		

**Summary:** Would make it unlawful to uproot, remove, harvest, or cut dudleya, as defined, from land owned by the state or a local government or from property not their own without written permission from the landowner in their immediate possession, except as provided, and would make it unlawful to sell, offer for sale, possess with intent to sell, transport for sale, export for sale, or purchase dudleya uprooted, removed, harvested, or cut in violation of that provision. The bill would require a violation of those provisions, or any rule, regulation, or order adopted pursuant to those provisions, to be a misdemeanor punishable by a specified fine, imprisonment in a county jail for not more than 6 months, or both the fine and imprisonment.

**[AB 242](#)**

**(Holden D) Public utilities.**

**Current Text:** Enrollment: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/13/2021

**Status:** 9/7/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 64. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House					Enrolled		

**Summary:** Under current law, the Public Utilities Commission has regulatory authority over public utilities. Current law requires every entity that offers an electricity product for sale to retail consumers in California to disclose its electricity sources and the associated intensity of greenhouse gas emissions for the previous calendar year. Current law requires that disclosure to be made by the end of the first complete billing cycle for the third quarter of each year. This bill would require that disclosure to be made instead on the retail supplier's internet website by October 1 of each year, and in written promotional materials by the end of the first complete billing cycle for the fourth quarter of the year.

**[AB 319](#)**

**(Valladares R) Political Reform Act of 1974: contributions: foreign governments or principals.**

**Current Text:** Enrollment: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/26/2021

**Status:** 9/7/2021-Enrolled and presented to the Governor at 4 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House					Enrolled		

**Summary:** The Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties. The act prohibits a foreign government or principal, as defined, from making a contribution or expenditure in connection with a ballot measure. The act

also prohibits a person or committee from soliciting or accepting a contribution from a foreign government or principal for this purpose. This bill would expand this prohibition to include contributions and expenditures in connection with an election of a candidate to state or local office.

**[AB 322](#)**

**(Salas D) Energy: Electric Program Investment Charge program: biomass.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 1/26/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law creates in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and Development Commission and requires the PUC to forward to the Energy Commission, at least quarterly, moneys for those EPIC programs the PUC has determined should be administered by the Energy Commission for deposit in the fund. Current law requires the Energy Commission, in administering moneys in the fund for research, development, and demonstration programs, to develop and implement the EPIC program for the purpose of awarding funds to projects that may lead to technological advancement and breakthroughs to overcome barriers that prevent the achievement of the state's statutory energy goals and that may result in a portfolio of projects that are strategically focused and sufficiently narrow to make advancement on the most significant technological challenges. Current law, until January 1, 2023, requires the Energy Commission to expend certain percentages of the moneys appropriated from the fund for technology demonstration and deployment at sites that benefit certain communities. This bill would require the Energy Commission to consider, in the investment planning process for the EPIC program, funding for eligible biomass conversion to energy projects, as specified.

**[AB 333](#)**

**(Kamlager D) Participation in a criminal street gang: enhanced sentence.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 1/27/2021

**Status:** 9/8/2021-Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law makes it a crime, punishable as either a misdemeanor or a felony, to actively participate in a criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity and to actively promote, further, or assist in felonious criminal conduct by members of that gang. This bill would also require that the crimes committed to form a pattern of criminal gang activity have commonly benefited a criminal street gang and that the common benefit from the offenses be more than reputational, as specified. The bill would remove looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. The bill would prohibit the use of the currently charged crime to prove the pattern of criminal gang activity.

**[AB 339](#)**

**(Lee D) Local government: open and public meetings.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #110 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

**[AB 345](#)**

**(Quirk-Silva D) Accessory dwelling units: separate conveyance.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Status:** 9/2/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 75. Noes 1.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters	
1st House				2nd House								

**Summary:** The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence. Current law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met.

**AB 361**

**(Rivas, Robert D) Open meetings: state and local agencies: teleconferences.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading. Re-referred to Com. on RLS pursuant to Senate Rule 29.10 (b). From committee: Be re-referred to Com. on JUD. Re-referred. (Ayes 5. Noes 0.) (September 7). Re-referred to Com. on JUD.

**Location:** Senate Judiciary

**Calendar:** 9/9/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE JUDICIARY, UMBERG, Chair

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters	
1st House				2nd House								

**Summary:** Would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

**AB 418**

**(Valladares R) Emergency services: grant program.**

**Current Text:** Enrolled: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/4/2021

**Status:** 9/3/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling. (Enrolled Text Released 9/8/2021)

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters	
1st House				2nd House								

**Summary:** Would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments' efforts to improve resiliency in response to power outage events, as provided. The bill would require the office to allocate funds, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require certain entities, in order to be eligible for funding, to either describe the portion of their emergency plan that includes power outages or confirm that power outages will be included when the entity revises any portion of their emergency plan.

**AB 428**

**(Mayes I) Local government: board of supervisors.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/4/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters	
1st House				2nd House								

**Summary:** Current law requires each county to have a board of supervisors and provides for the organization and powers of the board of supervisors. Current law allows the board of supervisors of any general law or charter county to adopt or the residents of the county to propose, by initiative, limit or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors. Current law also requires the board of supervisors to prescribe the compensation for all county officers. This bill would require that, when term limits are imposed, the limit must be no fewer than 2 terms. This bill would specify that the board of supervisors is included in the definition of county officers for whom the board of supervisors is required to prescribe compensation. The bill would specify that it would not affect any term limits that were legally in effect prior to January 1, 2022, in any county.

**[AB 491](#)**

**(Ward D) Housing: affordable and market rate units.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The bill would define various terms for these purposes.

**[AB 500](#)**

**(Ward D) Local planning: coastal development: streamlined permitting.**

**Current Text:** Amended: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/9/2021

**Status:** 9/7/2021-From committee: That the measure be returned to Senate Floor for consideration. (Ayes 3. Noes 1.) (September 7)

**Location:** Senate Gov. & F.

**Calendar:** 9/9/2021 #123 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units, consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.

**[AB 537](#)**

**(Quirk D) Communications: wireless telecommunications and broadband facilities.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/10/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 72. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires a collocation or siting application for a wireless telecommunications facility be deemed approved if a city or county fails to approve or disapprove the application within the time periods specified in applicable FCC decisions, all required public notices have been provided regarding the application, and the applicant has provided a notice to the city or county that the time period has lapsed. This bill would require that the time periods described above be determined pursuant to specified FCC rules. The bill would require that the city, county, or city and county notify the applicant of the incompleteness of an application within the time periods established by applicable FCC rules. The bill would require that the time period for a city or county to approve or disapprove a collocation or siting application commence when the applicant makes the first required submission or takes the first required step, as specified.

**[AB 571](#)**

**(Mayes I) Planning and zoning: density bonuses: affordable housing.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/8/2021-Assembly Rule 77 suspended. (Ayes 42. Noes 13.) Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Density Bonus Law requires a city or county to provide a developer that proposes a housing

development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units.

**AB 600**

**(Arambula D) Hate crimes: immigration status.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 70. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law makes an act punishable as a hate crime if it is a criminal act committed, in whole or in part, because of an actual or perceived characteristic of the victim relating to the victim's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Current law defines "nationality" for this purpose to include citizenship, country of origin, and national origin. Under existing law, a person who commits a crime that is a hate crime is required to receive an enhanced sentence. This bill would expand the definition of nationality to include immigration status, thereby making it a hate crime to commit a criminal act, in whole or in part, because of the victim's actual or perceived immigration status

**AB 602**

**(Grayson D) Development fees: impact fee nexus study.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/8/2021-Assembly Rule 77 suspended. (Ayes 42. Noes 13.) Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

**AB 603**

**(McCarty D) Law enforcement settlements and judgments: reporting.**

**Current Text:** Enrollment: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/7/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 64. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require municipalities, as defined, to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, and information on bonds used to finance use of force settlement and judgment payments. The bill would require the Transportation Agency to annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol. By increasing requirements for local governments, this bill would impose a state-mandated local program.

**AB 604**

**(Daly D) Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest.**

**Current Text:** Enrolled: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/3/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

**AB 634**

**(Carrillo D) Density Bonus Law: affordability restrictions.**

**Current Text:** Amended: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 29. Noes 9.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #36 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** The Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Current law prescribes an application process for a city or county to follow in this regard. Current law specifies that, if permitted by local ordinance, that law is not to be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in these provisions for a development that meets specified requirements or from granting a proportionately lower density bonus than what is required for developments that do not meet these requirements. This bill would also provide that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.

**AB 642**

**(Friedman D) Wildfires.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #84 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones, as provided. Current law requires a local agency, within 30 days of receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review. This bill would require the director to identify areas in the state as moderate and high fire hazard severity zones. The bill would modify the factors the director is required to use to classify areas into fire hazard severity zones, as provided. The bill would require a local agency, within 30 days of receiving a transmittal from the director that identifies fire hazard severity zones, to make the information available for public comment.

**AB 721**

**(Bloom D) Covenants and restrictions: affordable housing.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 53. Noes 17.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would make any recorded covenants, conditions, restrictions, or limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the

transfer or sale that restricts the number, size, or location of the residences that may be built on the property, or that restricts the number of persons or families who may reside on the property, unenforceable against the owner of an affordable housing development, as defined, if an approved restrictive covenant affordable housing modification document has been recorded in the public record, as provided, unless a specified exception applies.

**[AB 744](#)**

**(Rodriguez D) State highways: State Route 83: reduction.**

**Current Text:** Enrolled: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/3/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would authorize the California Transportation Commission to relinquish to the City of Ontario all or a portion of State Route 83 within the city's jurisdiction and prescribe conditions that apply upon relinquishment.

**[AB 758](#)**

**(Nazarian D) Marks-Roos Local Bond Pooling Act of 1985: electric utilities: rate reduction bonds.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** The Marks-Roos Local Bond Pooling Act of 1985 authorizes certain joint powers authorities, upon application by a local agency that owns and operates a publicly owned utility, defined to mean certain utilities furnishing water or wastewater service to not less than 25,000 retail customers, to issue rate reduction bonds to finance utility projects, as defined, subject to certain requirements. Under the act, these rate reduction bonds are secured by a pledge of utility project property, and the joint powers authority issuing the bonds may impose on, and collect from, customers of the publicly owned utility a utility project charge to finance the bonds, as provided. This bill would expand the definition of a publicly owned utility for these purposes to include a local publicly owned electric utility, as defined. The bill would authorize an authority to issue rate reduction bonds to finance or refinance utility projects for the provision of generation, transmission, or distribution of electrical service.

**[AB 773](#)**

**(Nazarian D) Street closures and designations.**

**Current Text:** Enrollment: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/2/2021-Enrolled and presented to the Governor at 3 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would authorize a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. The bill would require the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.

**[AB 777](#)**

**(McCarty D) State property: transfer: University of California.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/8/2021-Ordered to inactive file at the request of Senator Pan.

**Location:** Senate Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law authorizes the Department of General Services (department) to dispose of surplus state real property by sale, lease, exchange, sale combined with an exchange, or other manner of disposition authorized by the Legislature, upon terms and conditions and subject to any reservation and exceptions the

department deems to be in the best interests of the state. This authorization also declares that the provision of housing for Californians is a goal of the highest priority, and the intent of the Legislature that priority be given in the disposal of surplus state real property to housing for persons and families of low or moderate income. This bill would authorize the department to transfer, without charge, a parcel of property in Sacramento, California, if that parcel is reported as excess, to the Regents of the University of California to be used by the University of California at Davis (UC Davis) for prescribed purposes, including using the majority of the property to provide affordable housing, as described.

**[AB 787](#)**

**(Gabriel D) Planning and zoning: housing element: converted affordable housing units.**

**Current Text:** Amended: 8/31/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #62 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the planning agency of a city or county to provide an annual report that includes specified information by April 1 of each year to specified entities, including the Department of Housing and Community Development. Among other things, existing law requires that this report include the progress in meeting the city's or county's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, as specified. This bill would authorize a planning agency to include in its annual report, for up to 25% of a jurisdiction's moderate-income regional housing need allocation, the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit, as specified.

**[AB 818](#)**

**(Bloom D) Solid waste: premoistened nonwoven disposable wipes.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase "Do Not Flush" and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.

**[AB 838](#)**

**(Friedman D) State Housing Law: enforcement response to complaints.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/2/2021-Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 51. Noes 20.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as specified, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.

**[AB 881](#)**

**(Gonzalez, Lorena D) Recycling: plastic waste: export.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021



**Status:** 9/8/2021-Enrolled and presented to the Governor at 4:30 p.m.

**Location:** Assembly Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and joint powers authority formed under the act, referred to as a regional agency, to develop a source reduction and recycling element of an integrated waste management plan. The act requires the source reduction and recycling element to divert from disposal 50% of all solid waste subject to the element through source reduction, recycling, and composting activities, with specified exceptions. This bill would make the export out of the country of a mixture of plastic wastes "disposal" for purposes of the act, unless the mixture includes only certain plastics destined for separate recycling and satisfies other specified requirements, in which case that export would constitute diversion through recycling.

**AB 958**

**(Gipson D) Peace officers: law enforcement gangs.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/8/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 67. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** Current laws defines those persons who are peace officers, the entities authorized to appoint them, and the scope of their authority. Current law prescribes certain minimum standards for a person to be appointed as a peace officer, including training requirements, moral character, and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction. Current law requires a department or agency that employs peace officers to establish a procedure to investigate complaints by members of the public against those officers. This bill would define a law enforcement gang, a group of law enforcement officers within an agency that engages in a pattern of specified unlawful or unethical on-duty behavior, and would require law enforcement agencies to have a policy prohibiting law enforcement and making participation, as specified, in a law enforcement gang grounds for termination.

**AB 970**

**(McCarty D) Planning and zoning: electric vehicle charging stations: permit application: approval.**

**Current Text:** Enrollment: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/7/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 48. Noes 11.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill would clarify that these provisions apply to all cities, including charter cities.

**AB 1035**

**(Salas D) Department of Transportation and local agencies: streets and highways: recycled materials.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Assembly Rule 77 suspended. (Ayes 42. Noes 13.) Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Summary:** Would require the Department of Transportation and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. The bill would require, beginning January 1, 2023, a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, as specified. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

[AB 1041](#)

**(Wicks D) Employment: leave.**

**Current Text:** Amended: 9/3/2021 [.html](#) [.pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #82 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would expand the population that an employee can take leave to care for to include a designated person. The bill would define "designated person" to mean a person identified by the employee at the time the employee requests family care and medical leave. The bill would authorize an employer to limit designation of a person, as prescribed.

[AB 1113](#)

**(Medina D) Public postsecondary education: exemption from tuition and fees: qualifying survivors of persons providing medical or emergency services deceased during COVID-19 California state of emergency.**

**Current Text:** Amended: 9/3/2021 [.html](#) [.pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #91 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would prohibit the Board of Directors of the Hastings College of the Law, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and, if they adopt an appropriate resolution, the Regents of the University of California from collecting mandatory systemwide tuition and fees from any qualifying surviving spouse or surviving child of a deceased person who was a resident of this state, who was a licensed physician or a licensed nurse employed by or under contract with a health facility regulated and licensed by the State Department of Public Health to provide medical services or a first responder, as specified, and who died of COVID-19 during the COVID-19 pandemic state of emergency in California. The bill would also make conforming changes to related code sections.

[AB 1126](#)

**(Bloom D) Commission on the State of Hate.**

**Current Text:** Enrollment: 9/8/2021 [.html](#) [.pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 55. Noes 0.).

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would establish the Commission on the State of Hate in the state government. The bill would provide for the appointment of 9 members, appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules, as provided. The bill would prescribe the goals of the commission, which would include, among other things, providing resources to various state agencies and the public to inform them on the state of hate and advising the Legislature, the Governor, and state agencies on policy recommendations to promote intersocial education designed to foster mutual respect and understanding among California's diverse population.

[AB 1158](#)

**(Petrie-Norris D) Alcoholism or drug abuse recovery or treatment facilities: recovery residences: insurance coverage.**

**Current Text:** Amended: 9/3/2021 [.html](#) [.pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #117 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would require a licensee operating an alcoholism or drug abuse recovery or treatment facility and serving more than 6 residents to maintain specified insurance coverages, including, among others, commercial general liability insurance and employer's liability insurance. The bill would require a licensee that serves 6 or fewer residents to maintain general liability insurance coverage.

**[AB 1201](#)**

**(Ting D) Solid waste: products: labeling: compostability and biodegradability.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #86 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law authorizes the Director of Resources Recycling and Recovery to issue guidelines for determining whether a plastic product is not compliant with these labeling requirements, and whether a plastic product is designed, pigmented, or advertised in a manner that is misleading to consumers. Current law defines "plastic product" for these purposes to mean a product made of plastic, whether alone or in combination with other material. This bill would repeal that definition of "plastic product" and replace certain references to "plastic product" in those and related provisions with "product," includes, but is not limited to, a consumer product, as defined, a package or packaging component, and a food or beverage container.

**[AB 1207](#)**

**(Weber, Akilah D) Pathways Through Pandemics Task Force.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Assembly Rule 77 suspended. (Ayes 42. Noes 13.) Senate amendments concurred in. To Engrossing and Enrolling.

**Location:** Assembly Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would establish, in the California Health and Human Services Agency, the Pathways Through Pandemics Task Force to study lessons learned from the COVID-19 pandemic and to develop strategies to navigate future pandemics. The bill would require the task force to convene various entities to engage in discussions on the lessons learned from the COVID-19 pandemic, develop and recommend best practices for an equitable response to future pandemics, and determine the impact of state laws on coordinating the response to the COVID-19 pandemic, as specified. The bill would require the task force to report its findings to the Legislature, as specified, on or before December 1, 2024, and would repeal these provisions as of January 1, 2025.

**[AB 1220](#)**

**(Rivas, Luz D) Homelessness: California Interagency Council on Homelessness.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/7/2021-Read second time. Ordered to third reading.

**Location:** Senate Third Reading

**Calendar:** 9/9/2021 #118 SENATE ASSEMBLY BILLS - THIRD READING FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would rename the Homeless Coordinating and Financing Council to the California Interagency Council on Homelessness and would remove authorization for the Secretary of the Business, Consumer Services and Housing's designee to serve as chair of the council. The bill would instead require the Secretary of the Business, Consumer Services and Housing Agency and the Secretary of the California Health and Human Services Agency to serve as co-chairs of the council. The bill would make other changes to the council's membership, including adding 5 new members, as specified.

**[AB 1238](#)**

**(Ting D) Pedestrian access.**

**Current Text:** Amended: 7/6/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 22. Noes 8.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #46 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified. This bill would eliminate that prohibition until January 1, 2029.

**[AB 1276](#)**

**(Carrillo D) Single-use foodware accessories and standard condiments.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Passed. Ordered to the Assembly. (Ayes 28. Noes 10.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #48 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would prohibit a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, as provided. The bill would prohibit those items from being bundled or packaged in a way that prohibits the consumer from taking only the item desired. The bill would authorize a food facility to ask a drive-through consumer, or a food facility located within a public airport to ask a walk-through consumer, if the consumer wants a single-use foodware accessory in specified circumstances. The bill would require a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and only provide those items when requested, as provided. The bill would exclude from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

**[AB 1322](#)**

**(Rivas, Robert D) California Global Warming Solutions Act of 2006: scoping plan: sustainable aviation fuels.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/2/2021-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

**Location:** Senate Environmental Quality

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require the State Air Resources Board, as part of the next scoping plan update, to develop a plan, consistent with federal law, to use sustainable aviation fuels to reduce greenhouse gas emissions from aircrafts in the state by 40% below 1990 levels by 2030 and to achieve net-zero greenhouse gas emissions by 2045. The bill would require, no later than January 1, 2023, the state board to undertake certain actions in developing the plan, including, among others, consulting with designated state agencies and, if feasible, commercial airports, commercial and business airlines that operate in the state, aircraft manufacturers, sustainable aviation fuels producers and developers, and infrastructure providers to develop the plan.

**[AB 1330](#)**

**(Frazier D) Alcoholic beverages: delivery and provision.**

**Current Text:** Amended: 6/30/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/7/2021-Ordered to inactive file at the request of Senator Kamlager.

**Location:** Senate Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Alcoholic Beverage Control Act prohibits an off-sale licensee from delivering alcoholic beverages from an order received over the telephone or other electronic means without requiring proof of age and identity when the beverages are delivered. This bill would expand the above-described prohibition to apply to all licensees and would impose additional conditions to be met for an alcoholic beverage to be delivered to a consumer pursuant to an order received by telephone or other electronic means, including limitations on hours for delivery.

**[AB 1403](#)**

**(Levine D) Emergency services.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Urgency clause adopted. Passed. Ordered to the Assembly. (Ayes 28. Noes 5.). In Assembly. Concurrence in Senate amendments pending.

**Location:** Assembly Concurrence

**Calendar:** 9/9/2021 #51 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Emergency Services Act authorizes the Governor to proclaim a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor to exercise certain powers in response to that emergency. Current law defines the term "state of emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a "deenergization event," defined as a planned power outage, as specified,

within those conditions constituting a state of emergency.

**SB 2**

**(Bradford D) Peace officers: certification: civil rights.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Assembly amendments concurred in. (Ayes 28. Noes 9.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under current law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Current law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000. Current law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. This bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.

**SB 4**

**(Gonzalez D) Communications: California Advanced Services Fund.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Urgency clause adopted. Passed. (Ayes 55. Noes 8.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #26 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require the Governor's Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

**SB 9**

**(Atkins D) Housing development: approvals.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

**SB 10**

**(Wiener D) Planning and zoning: housing development: density.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

**SB 16**

**(Skinner D) Peace officers: release of records.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/2/2021-Assembly amendments concurred in. (Ayes 29. Noes 9.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Current law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Current law requires a state or local agency to make these exempted records available for inspection pursuant to the California Public Records Act, subject to redaction as specified. This bill would make a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force, subject to disclosure.

**SB 28**

**(Caballero D) Digital Infrastructure and Video Competition Act of 2006: deployment data.**

**Current Text:** Amended: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Read third time. Passed. (Ayes 61. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #10 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** The Digital Infrastructure and Video Competition Act of 2006, establishes a procedure for the issuance of state franchises for the provision of video service, defined to include cable service and open-video systems, administered by the Public Utilities Commission. The act provides that the holder of a state franchise is not a public utility as a result of providing video service and does not provide the commission with authority to regulate the rates, terms, and conditions of video service except as explicitly set forth in the act. The act requires a franchise holder to annually report to the commission regarding the availability of and subscriptions to broadband and video service, as specified. This bill would repeal the requirement that franchise holders annually report regarding the availability of and subscriptions to broadband and video service.

**SB 37**

**(Cortese D) Contaminated Site Cleanup and Safety Act.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/8/2021-Ordered to inactive file on request of Assembly Member Bauer-Kahan.

**Location:** Assembly Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law requires designated local enforcement agencies to compile and submit to the Department of Resources Recycling and Recovery a list of all solid waste disposal facilities from which there is a known migration of hazardous waste, and requires the department to compile these lists into a statewide list. Current law requires these agencies to update the information as appropriate, but at least annually, and to submit the information to the Secretary for Environmental Protection. Under existing law, the Secretary

for Environmental Protection is required to consolidate the information provided by these state agencies and distribute the information in a timely fashion to each city and county in which sites on the lists are located and to any other person upon request. This bill would enact the Contaminated Site Cleanup and Safety Act and would recodify the above-described provisions with certain revisions. The bill would repeal the requirement for the State Department of Health Care Services to compile a list of all public drinking water wells, as described above.

**SB 63**

**(Stern D) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 12/7/2020

**Status:** 9/7/2021-Read third time and amended. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #128 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would, among other things, require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity. The bill would modify the factors the director is required to use to identify areas into fire hazard severity zones, as provided. The bill would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

**SB 76**

**(Nielsen R) Excluded employees: binding arbitration.**

**Current Text:** Enrolled: 9/8/2021 [.html](#) [.pdf](#)

**Introduced:** 12/15/2020

**Status:** 9/7/2021-Read third time. Passed. (Ayes 55. Noes 0.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House					Enrolled		

**Summary:** Would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request binding arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board. The bill would then require the arbitrator to be chosen in a specified manner and would prescribe the duties of that arbitrator.

**SB 81**

**(Skinner D) Sentencing: dismissal of enhancements.**

**Current Text:** Amended: 8/30/2021 [.html](#) [.pdf](#)

**Introduced:** 12/15/2020

**Status:** 9/8/2021-Read third time. Passed. (Ayes 43. Noes 23.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #30 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law generally authorizes a court to dismiss an action or to strike or dismiss an enhancement in the furtherance of justice. This bill would, except as specified, require a court to dismiss an enhancement if it is in the furtherance of justice to do so. The bill would require a court to consider and afford great weight to evidence offered by the defendant to prove that specified mitigating circumstances are present. The bill would provide that proof of the presence of one or more specified mitigating circumstances weighs greatly in favor of dismissing an enhancement, unless the court finds that dismissal would endanger public safety, as defined.

**SB 98**

**(McGuire D) Public peace: media access.**

**Current Text:** Amended: 9/3/2021 [.html](#) [.pdf](#)

**Introduced:** 12/22/2020

**Status:** 9/3/2021-Read third time and amended. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #131 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would, if peace officers close the immediate area surrounding any emergency field command

post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, require that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would prohibit a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public.

**[SB 109](#)**

**(Dodd D) Department of Forestry and Fire Protection: Office of Wildfire Technology Research and Development.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/6/2021

**Status:** 9/2/2021-Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the Office of Emergency Services and the Department of Forestry and Fire Protection to jointly establish and lead the Wildfire Forecast and Threat Intelligence Integration Center, and sets forth the functions and duties of the center, including serving as the state's integrated central organizing hub for wildfire forecasting. This bill would, until January 1, 2029, also establish the Office of Wildfire Technology Research and Development within the Department of Forestry and Fire Protection under the direct control of the Director of the department. The bill would make the office responsible for studying, testing, and advising regarding procurement of emerging technologies and tools in order to more effectively prevent and suppress wildfires throughout the state, through specified activities, as provided.

**[SB 155](#)**

**(Committee on Budget and Fiscal Review) Public resources trailer bill.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #157 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law creates the Healthy Stores Refrigeration Grant Program in the Department of Food and Agriculture upon the appropriation of funds. Existing law requires the department to administer the program and to award grants to qualified entities, which is defined to include a small business or corner store, a city or county with representative low-income areas that contain small businesses or corner stores, and certain nonprofit entities that meet specified requirements. This bill would change the name of the program to the Healthy Refrigeration Grant Program. The bill would expand the definition of "qualified entity" to include a tribal government or tribal organization under certain circumstances and would revise the criteria required for a city, county, tribal government, tribal organization, or nonprofit entity to qualify to apply for a grant.

**[SB 162](#)**

**(Committee on Budget and Fiscal Review) Community Economic Resilience Fund Program.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #158 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would establish, within the Workforce Services Branch of the Employment Development Department (EDD), the Community Economic Resilience Fund Program (program). The bill would require the branch to administer the program. The bill would require the Inter-Agency Leadership Team (team), comprised of the Labor and Workforce Development Agency, the Office of Planning and Research, and the Governor's Office of Business and Economic Development, to administer the program. The bill would make the team jointly responsible for planning, oversight, and decision-making, as specified. The bill would set forth the specifics of the team's composition and duties.

**[SB 163](#)**

**(Committee on Budget and Fiscal Review) State government.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)



**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #159 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters	
1st House				2nd House				Conc.				

**Summary:** Current law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Current law, until January 1, 2024, requires certain fees and revenues collected by the board from licensees to be deposited into the Transcript Reimbursement Fund, which is established as a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases who are unable to otherwise afford those services. Current law requires the Transcript Reimbursement Fund to be funded by a transfer of funds from the Court Reporters' Fund in the amount of \$300,000 annually and authorizes the board to transfer funds in increments of \$100,000. This bill would specify that funding that is appropriated to the Transcript Reimbursement Fund from a source other than fees received by the board, as provided, are not subject to the \$300,000 annual transfer limit described above.

**[SB 165](#)**

**(Committee on Budget and Fiscal Review) State employment: State Bargaining Units.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #160 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters	
1st House				2nd House				Conc.				

**Summary:** Would approve provisions of the agreements entered into by the state employer and State Bargaining Units 7 and 8. The bill would provide that the provisions of the addenda included above that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature. The bill would authorize the state employer or these state bargaining units to reopen negotiations if funds for these provisions are not specifically appropriated. The bill would require the provisions of these agreements that require the expenditure of funds to become effective even if the provisions are approved by the Legislature in legislation other than the annual Budget Act.

**[SB 166](#)**

**(Committee on Budget and Fiscal Review) Department of Cannabis Control: licensure: fee waivers and deferrals.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #161 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters	
1st House				2nd House				Conc.				

**Summary:** The California Cannabis Equity Act of 2018 requires the Department of Cannabis Control, on or before January 1, 2021, to develop and implement a program to provide a deferral or waiver for an application fee, a licensing fee, or renewal fee otherwise required by MAUCRSA for a needs-based applicant or needs-based licensee. This bill would instead require the department, on or before January 1, 2022, to develop and implement a program to provide waivers for application fees, licensing fees, and renewal fees required by MAUCRSA. The bill would further require the department, on or before January 1, 2023, to develop and implement a program to provide deferrals for application fees, licensing fees, and renewal fees required by MAUCRSA.

**[SB 167](#)**

**(Committee on Budget and Fiscal Review) Education finance: education omnibus budget trailer bill.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #162 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters	
1st House				2nd House				Conc.				

**Summary:** Current law establishes the California Prekindergarten Planning and Implementation Grant Program as a state early learning initiative with the goal of expanding access to classroom-based

prekindergarten programs at local educational agencies, defined as school districts, county offices of education, and charter schools. Current law appropriates \$300,000,000 from the General Fund to the State Department of Education for allocation to local educational agencies for grants for the 2021–22 fiscal year. Current law requires the Superintendent of Public Instruction to allocate \$200,000,000 of that amount to local educational agencies as base grants, enrollment grants, and supplemental grants for specified purposes. This bill would revise the methodology for allocating base grants, enrollment grants, and supplemental grants to local educational agencies under the program.

**[SB 168](#)**

**(Committee on Budget and Fiscal Review) Child care.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #163 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Child Care and Development Services Act provides a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including an alternative payment program that requires the State Department of Social Services to contract with local government agencies or nonprofit organizations to provide alternative payments and to provide support services to parents and providers. This bill would include migrant alternative payment programs in the definition of "alternative payment programs" for this purpose.

**[SB 169](#)**

**(Committee on Budget and Fiscal Review) Postsecondary education trailer bill.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #164 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Would establish the Higher Education Student Housing Grant Program, to provide one-time grants for the construction of student housing or for the acquisition and renovation of commercial properties into student housing for the purpose of providing affordable, low-cost housing options for students enrolled in public postsecondary education in the state. The bill would require, from any amount appropriated in support of the program, 50% of the available funds for the California Community Colleges, 30% of the available funds for the California State University, and 20% of the available funds for the University of California. This bill would also establish the Higher Education Capacity Expansion Grant Program to provide one-time grants for capacity expansion projects to support increased California resident enrollment.

**[SB 170](#)**

**(Skinner D) Budget Act of 2021.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #165 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Budget Act of 2021 made appropriations for the support of state government for the 2021-22 fiscal year. This bill would amend the Budget Act of 2021 by amending, adding, and repealing items of appropriation and making other changes. This bill would declare that it is to take effect immediately as a Budget Bill

**[SB 171](#)**

**(Committee on Budget and Fiscal Review) Health.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #166 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Current law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services through various health care delivery systems, including managed care pursuant to Medi-Cal managed care plan contracts. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. This bill, subject to an appropriation, would require the department to implement activities and expenditures to enhance, expand, or strengthen home and community-based services (HCBS) under the Medi-Cal program, as specified.

**[SB 172](#)**

**(Committee on Budget and Fiscal Review) Human services.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #167 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters
1st House				2nd House				Conc.			

**Summary:** Current law requires each county to maintain a local child support agency that is responsible for establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders, and determining paternity, as specified. Current law, commencing January 1, 2023, requires a local child support agency to cease enforcement of child support arrearages and otherwise past due amounts owed to the state that the Department of Child Support Services or the local child support agency has determined to be uncollectible, as specified. This bill would instead require a local child support agency to cease enforcement of child support arrearages assigned to the state and other fees and costs owed to the state when the department or local child support agency has determined that the amount is uncollectible.

**[SB 173](#)**

**(Committee on Budget and Fiscal Review) Public Safety.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #168 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters
1st House				2nd House				Conc.			

**Summary:** Current law prohibits the bringing or possession of, a loaded firearm or other specified weapon, to the State Capitol and legislative offices, as specified, punishable as either a misdemeanor or a felony. This bill would include the state office building located at 1021 O Street in the City of Sacramento within these prohibitions. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

**[SB 174](#)**

**(Committee on Budget and Fiscal Review) Vehicles.**

**Current Text:** Amended: 9/7/2021 [.html](#) [.pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #169 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chapters
1st House				2nd House				Conc.			

**Summary:** Current law requires the department to publish the complete text of the Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles once every 2 years, to be distributed, upon request, to state and local governmental officers or agencies, federal agencies, public secondary schools in the state, and any other person, at a charge sufficient to pay the entire cost of publication and distribution. Current law requires receipts from the sale of those publications to be deposited in the Motor Vehicle Account, to reimburse the department for the entire cost to print and distribute the code. Current law also requires the department to publish a synopsis or summary of the synopsis or summary without charge with each original vehicle registration and each original driver's license. Current law requires the department to publish copies of the synopsis or summary, as specified, and to furnish copies to its field offices and to law enforcement agencies for general distribution, without charge. This bill would delete the requirements relating to the publication and distribution of the complete text of the Vehicle Code and would make various technical and conforming changes

**[SB 175](#)**

**(Committee on Budget and Fiscal Review) Housing: mortgages and deeds of trust: use of state property: surplus land disposal: financing programs.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #170 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust and prescribes a procedure for the exercise of that power. Current law prescribes the dates when a trustee's sale is deemed final if specified payments are made and, in this regard, a trustee's sale is deemed final upon the acceptance of the last and highest bid and is deemed perfected as of 8 a.m. on the actual date of sale if the trustee's deed is recorded within 18 calendar days after the sale, except as specified. This bill would extend the date in the above-described condition relating to the recording of the trustee's deed to 21 calendar days. The bill would require this change to become operative on January 1, 2022.

**SB 176**

**(Committee on Budget and Fiscal Review) Governor's Office of Business and Economic Development: Office of Small Business Advocate: grant programs: taxation: credits: exclusions: sales and use tax.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #171 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes various grant programs within CalOSBA including the California Small Business Development Technical Assistance Expansion Program to provide grants to eligible nonprofit performing arts organizations, as defined, to encourage workforce development, the California Small Business COVID-19 Relief Grant Program to assist qualified small businesses affected by COVID-19, the California Microbusiness COVID-19 Relief Grant Program to assist qualified microbusinesses that have been significantly impacted by the COVID-19 pandemic, and the California Venues Grant Program within CalOSBA to assist independent live events that have been affected by COVID-19 in order to support their continued operation. This bill would make technical and clarifying changes to the programs listed above, including to the definition of "qualified small business" for purposes of the California Small Business COVID-19 Relief Grant Program.

**SB 177**

**(Committee on Budget and Fiscal Review) Public safety.**

**Current Text:** Amended: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 9/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. Withdrawn from committee. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #172 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** By executive order, the Governor authorized the Judicial Council or its Chairperson to take action, via emergency order or statewide rule, necessary to maintain the safe and orderly operation of the courts in response to the COVID-19 pandemic, as specified. This bill would, until January 31, 2022, provide the Judicial Council and its Chairperson with continuing emergency authority, as specified. The bill would require the Judicial Council to submit a report to the Legislature and the Governor by January 1, 2023, on the use of remote technology in civil actions by the trial courts, as specified. The bill would require the Judicial Council to convene a working group for the purpose of recommending a statewide framework for remote civil court proceedings that addresses equal and fair access to justice, as specified.

**SB 222**

**(Dodd D) Water Rate Assistance Program.**

**Current Text:** Amended: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 1/14/2021

**Status:** 9/3/2021-Ordered to inactive file on request of Assembly Member Robert Rivas.

**Location:** Assembly Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would establish the Water Rate Assistance Fund in the State Treasury to help provide water

affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill.

**SB 262**

**(Hertzberg D) Bail.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 1/27/2021

**Status:** 9/2/2021-Read third time and amended. Ordered to third reading.

**Location:** Assembly Third Reading

**Calendar:** 9/9/2021 #132 ASSEMBLY THIRD READING FILE - SENATE BILLS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail, as specified, and requires the superior court judges, when adopting that schedule, to consider the seriousness of the offense charged and assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, as specified. This bill would instead require the Judicial Council to, starting January 1, 2023, prepare, adopt, and annually revise a statewide bail schedule. The bill would require the Judicial Council, when adopting that schedule, to consider the seriousness of the offense charged and input from stakeholders, experts, and other interested parties. The bill would require the court, prior to setting bail, to consider whether nonfinancial conditions will reasonably protect the public and the victim and reasonably assure the arrestee's presence at trial.

**SB 273**

**(Hertzberg D) Water quality: municipal wastewater agencies.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**SB 278**

**(Leyva D) Public Employees' Retirement System: disallowed compensation: benefit adjustments.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Status:** 9/8/2021-Assembly amendments concurred in. (Ayes 37. Noes 1.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA, among other things, establishes new defined benefit formulas and caps on pensionable compensation. This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation.

**[SB 303](#)**

**(Borgeas R) Property taxation: transfer of base year value: disaster relief.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/3/2021

**Status:** 9/3/2021-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current property tax law provides, pursuant to a requirement of the California Constitution, that the property tax base year value of real property that is substantially damaged or destroyed by a disaster, as declared by the Governor, may be transferred to a comparable property located within the same county that is acquired or newly constructed within 5 years after the disaster as a replacement property. This bill would extend the 5-year time period described above by 2 years if the last day to transfer the base year value of the substantially damaged or destroyed property was on or after March 4, 2020, but on or before the COVID-19 emergency termination date, as , or March 4, 2022, whichever occurs sooner. The bill would also extend the 5-year time period described above by 2 years if the property was substantially damaged or destroyed on or after March 4, 2020, but on or before the COVID-19 emergency termination date or March 4, 2022, whichever occurs sooner. The bill would make these provisions applicable to the determination of base year values for the 2015–16 fiscal year and fiscal years thereafter.

**[SB 314](#)**

**(Wiener D) Alcoholic beverages.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/4/2021

**Status:** 9/3/2021-Assembly amendments concurred in. (Ayes 37. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Current law authorizes the issuance of a caterer’s permit, upon application to the Department of Alcoholic Beverage Control, to a licensee under an on-sale general license, an on-sale beer and wine license, a club license, or a veterans’ club license, that authorizes the holder of the permit to sell alcoholic beverages at specified locations and events, including, among others, conventions, sporting events, and trade exhibits. Under existing law, licensees are required to first obtain consent from the department for sales of alcoholic beverages at each event in the form of a catering or event authorization. This bill would prohibit the issuance of a catering authorization for use at any one premises for more than 36 events in one calendar year, except as specified.

**[SB 341](#)**

**(McGuire D) Telecommunications service: outages.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 2/9/2021

**Status:** 9/8/2021-Read third time. Passed. (Ayes 60. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #17 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:** Would require each provider of telecommunications service to maintain on its internet website a public outage map showing that provider’s outages, and would require the Office of Emergency Services, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those maps, as specified. The bill would authorize the office to provide the commission with all of the information provided to it as part of a telecommunications service provider’s community isolation outage notification and require the office to aggregate that data and post that aggregated data on its internet website.

**[SB 378](#)**

**(Gonzalez D) Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/10/2021

**Status:** 9/2/2021-Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require a local agency to allow, except as provided, microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber. The bill would also require, to the extent necessary, a local agency with jurisdiction to approve excavations to adopt or amend existing policies, ordinances, codes, or construction rules to allow for microtrenching. The bill would provide that these provisions do not supersede, nullify, or otherwise alter the requirements to comply with specified safety standards. The bill would authorize a local agency to impose a fee for its reasonable costs on an application for a permit to install fiber, as provided. By imposing new duties on local agencies with regard to the installation of fiber, the bill would impose a state-mandated local program.

**SB 396**

**(Dahle R) Forestry: electrical transmission or distribution lines: clearances: notice and opportunity to be heard.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/11/2021

**Status:** 9/8/2021-Ordered to inactive file on request of Assembly Member Mayes.

**Location:** Assembly Inactive File

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under current law, the Public Utilities Commission, which has regulatory authority over public utilities, including electrical corporations, has established additional vegetation management requirements. This bill would revise and recast those provisions related to electrical lines and abatement activities for a person who owns, controls, operates, or maintains an electrical transmission or distribution line, specifying that abatement activities covered by this law include felling, cutting, or trimming trees. The bill would explicitly require all these line clearance and tree pruning and abatement activities to comply with the commission's vegetation management rules, if applicable.

**SB 477**

**(Wiener D) General plan: annual report.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/3/2021-Assembly amendments concurred in. (Ayes 37. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

**SB 478**

**(Wiener D) Planning and Zoning Law: housing development projects.**

**Current Text:** Amended: 9/2/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/8/2021-Read third time. Passed. (Ayes 48. Noes 9.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #41 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.

**SB 494**

**(Dodd D) Law enforcement: training.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 9/8/2021-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require the Commission on Peace Officer Standards and Training, by January 1, 2023, to implement a course of instruction for the regular and periodic training of law enforcement officers in the use of advanced interpersonal communication skills. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers. The bill would also require, by January 1, 2023, a course for criminal law enforcement investigators and for officers training to become detectives in science-based interviewing and would require this training to be included within the core course required by the Robert Presley Institute of Criminal Investigation. The bill would require the commission to develop the specified courses, training standards, learning and performance objectives, and guidelines in consultation with individuals or groups with expertise in the field of human engagement and science-based interviewing.

**SB 556**

**(Dodd D) Street light poles, traffic signal poles: small wireless facilities attachments.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/2/2021-Assembly amendments concurred in. (Ayes 27. Noes 6.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would prohibit a local government or local publicly owned electric utility from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities on those poles. The bill would require that street light poles and traffic signal poles be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees, as provided. The bill would authorize a local government or local publicly owned electric utility to condition access to its street light poles or traffic signal poles on reasonable terms and conditions, including reasonable aesthetic and safety standards.

**SB 594**

**(Glazer D) Elections: redistricting.**

**Current Text:** Enrolled: 9/7/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/3/2021-Assembly amendments concurred in. (Ayes 37. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Constitution establishes the Citizens Redistricting Commission for the purpose of drawing district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization, and requires the commission to do so by August 15 in each year ending in the number one thereafter. For redistricting occurring in 2021, the Supreme Court of California, by peremptory writ of mandate in Legislature of State of California v. Padilla (2020) 9 Cal.5th 867, extended that deadline to December 15, 2021, or to a later date if specified conditions are met, due to a delay in the release of federal census data caused by the COVID-19 pandemic. This bill would, for the June 7, 2022, statewide direct primary election, make various changes, as specified, to existing law relating to candidate nominations and compilation of registered voter data in order to accommodate the extended state redistricting deadline.

**SB 619**

**(Laird D) Organic waste: reduction regulations: local jurisdiction compliance.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 9/8/2021-Read third time. Passed. (Ayes 66. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #49 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the State Air Resources Board to complete, approve, and implement a



comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. Current law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. This bill would authorize a local jurisdiction facing continuing violations that commence during the 2022 calendar year of those regulations to submit to the department no later than March 1, 2022, a notification of intent to comply, as prescribed.

**SB 646**

**(Hertzberg D) Labor Code Private Attorneys General Act of 2004: janitorial employees.**

**Current Text:** Amended: 8/30/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-From committee: That the Assembly amendments be concurred in. (Ayes 4. Noes 1.)

**Location:** Senate L., P.E. & R.

**Calendar:** 9/9/2021 #8 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires a person or entity that employs one or more janitors or otherwise engages by contract, subcontract, or franchise agreement for the provision of janitorial services, as specified, to register with the Labor Commissioner as a property service employer annually and prohibits them from conducting business without a registration. This bill would except from the Labor Code Private Attorneys General Act of 2004 a janitorial employee, as defined, represented by a labor organization that has represented janitors before January 1, 2021, and employed by a janitorial contractor who registered with the commissioner as a property service employer in calendar year 2020, with respect to work performed under a valid collective bargaining agreement in effect any time before July 1, 2028, that contains certain provisions, including, among others, a grievance and binding arbitration procedure to redress violations that authorizes the arbitrator to award otherwise available remedies.

**SB 712**

**(Hueso D) Local government: California tribes: federal fee-to-trust applications to regain ancestral lands.**

**Current Text:** Amended: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Passed. (Ayes 67. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.

**Location:** Senate Concurrence

**Calendar:** 9/9/2021 #24 SENATE UNFINISHED BUSINESS

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would encourage state and local governments, as defined, to work cooperatively with tribes in their fee-to-trust applications for purposes of regaining ancestral lands, and to support tribes in their nongaming fee-to-trust applications. The bill would prohibit local governments from adopting or enforcing a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application by a federally recognized tribe based on the merits of the application.

**SB 742**

**(Pan D) Vaccination sites: unlawful activities: obstructing, intimidating, or harassing.**

**Current Text:** Enrollment: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/8/2021-Read third time. Urgency clause adopted. Passed. (Ayes 54. Noes 0.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 28. Noes -8.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would make it unlawful for a person to knowingly approach a person or an occupied vehicle at a vaccination site, as specified, for the purpose of obstructing, injuring, harassing, intimidating, or interfering with, as defined, that person or vehicle occupant. The bill would define "vaccination site" as the physical location where vaccination services are provided, including, but not limited to, a hospital, physician's office, clinic, or any retail space or pop-up location made available for large-scale vaccination services. The bill would impose a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment for a violation. By creating a new crime, the bill would impose a state-mandated local program.

**SB 790**

**(Stern D) Wildlife connectivity actions: compensatory mitigation credits.**

**Current Text:** Enrolled: 9/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 9/7/2021-Assembly amendments concurred in. (Ayes 37. Noes 0.) Ordered to engrossing and enrolling.

**Location:** Senate Enrollment

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize the Department of Fish and Wildlife to approve compensatory mitigation credits for wildlife connectivity actions taken under the conservation and mitigation banking program or the regional conservation investment strategy program. In order to receive compensatory mitigation credits from the department under this authority, the bill would require the wildlife connectivity action to meet specified requirements. The bill would authorize a compensatory mitigation credit created under this authority to be used to fulfill, in whole or in part, compensatory mitigation requirements established under any state or federal environmental law, as determined by the applicable local, state, or federal regulatory agency.

**SB 813**

**(Committee on Governance and Finance) Local Government Omnibus Act of 2021.**

**Current Text:** Enrollment: 9/3/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 9/3/2021-Enrolled and presented to the Governor at 2 p.m.

**Location:** Senate Enrolled

**Calendar:**

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms "subdivided lands" and "subdivision" for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records of the county or counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

**Total Measures: 118**  
**Total Tracking Forms: 184**



**CITY OF TWENTYNINE PALMS**  
**Project Phoenix**  
**Warrant Register from 7/09/2021 to 9/21/2021**  
**PPBI Gen Chkng**

WARRANT DATE: 8-28-21

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Check / Payment</u>
0012568[VOID]	7/22/2021	[3288] BOGH ENGINEERING, INC. (9150)	9,247.04
0012576	7/22/2021	[3268] CONSTRUCTION ELECTRIC INC. (9124)	25,555.00
0012577	7/22/2021	[3284] CONTINENTAL PLUMBING INC. (9143)	60,928.96
0012580	7/22/2021	[3318] ED ROSE CONSTRUCTION INC. (9170)	346,315.32
0012584	7/22/2021	[2732] HOLT ARCHITECTURE	11,768.16
0012586	7/22/2021	[3220] JACOBSSON ENGINEERING CONSTRUCTION, INC.	386,439.33
0012605	7/22/2021	[3280] RND CONTRACTORS INC. (9139)	32,300.00
0012620	7/22/2021	[1246] THE VAN DYKE CORP (0750)	97,659.36
0012621	7/22/2021	[2919] TILDEN COIL CONSTRUCTORS	71,754.48
0012625	7/22/2021	[3266] WORLD FIRE PROTECTION INC. (9130)	22,487.92
0012628	7/22/2021	[3288] BOGH ENGINEERING, INC. (9150)	8,784.69
0012629	7/22/2021	[3288] BOGH ENGINEERING, INC. (9150)	462.35
0012633	7/29/2021	[1548] PLAZA REALTORS 29 PALMS (2451)	1,000.00
0012654	8/04/2021	[2840] GEOCON INC	45,568.64
0012655	8/04/2021	[2732] HOLT ARCHITECTURE	10,360.00
0012662	8/04/2021	[3397] KEEFER CONSULTING	720.00
0012707	8/12/2021	[3383] REXEL USA, INC.	152,249.53
0012797	9/01/2021	[3288] BOGH ENGINEERING, INC. (9150)	5,567.57
0012798	9/01/2021	[3288] BOGH ENGINEERING, INC. (9150)	67,724.07
0012799	9/01/2021	[3288] BOGH ENGINEERING, INC. (9150)	293.03
0012800	9/01/2021	[3288] BOGH ENGINEERING, INC. (9150)	3,564.43
0012803[VOID]	9/01/2021	[3292] CASTON, INC (9148)	33,128.40
0012805	9/01/2021	[3268] CONSTRUCTION ELECTRIC INC. (9124)	88,358.55
0012806	9/01/2021	[3284] CONTINENTAL PLUMBING INC. (9143)	86,897.83
0012808	9/01/2021	[3318] ED ROSE CONSTRUCTION INC. (9170)	317,860.40
0012814	9/01/2021	[3220] JACOBSSON ENGINEERING CONSTRUCTION, INC.	73,786.84
0012823	9/01/2021	[3283] MONTGOMERY HARDWARE COMPANY (9147)	7,878.35
0012832	9/01/2021	[3291] PGC CONSTRUCTION INC (9149)	8,987.00
0012853	9/01/2021	[3262] VIC'S AIR CONDITIONING AND ELECTRICAL (9092)	81,786.73
0012857	9/01/2021	[3266] WORLD FIRE PROTECTION INC. (9130)	12,483.95
0012861	9/08/2021	[2919] TILDEN COIL CONSTRUCTORS	74,305.17
0012870	9/16/2021	[3292] CASTON, INC (9148)	33,128.40
0012885	9/16/2021	[2840] GEOCON INC	28,281.20
0012890	9/16/2021	[2732] HOLT ARCHITECTURE	5,180.00
0012896	9/16/2021	[3397] KEEFER CONSULTING	945.00
0012904	9/16/2021	[1182] NV5 INC (8793)	22,020.51
0012935	9/16/2021	[1230] SCE	3,679.83
0012937	9/21/2021	[3292] CASTON, INC (9148)	141,737.15
0012938	9/21/2021	[3268] CONSTRUCTION ELECTRIC INC. (9124)	188,236.56
0012939	9/21/2021	[3284] CONTINENTAL PLUMBING INC. (9143)	68,174.94
0012940	9/21/2021	[3279] DONALD M HOOVER COMPANY (9136)	2,290.45
0012941	9/21/2021	[3318] ED ROSE CONSTRUCTION INC. (9170)	349,484.71
0012942	9/21/2021	[3293] LETNER ROOFING COMPANY (9154)	47,226.84

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0012943	9/21/2021	[1151] ELIJAH (2503) MARSHALL	8,295.24
0012944	9/21/2021	[3294] MCKERNAN INC. (9151)	32,418.75
0012945	9/21/2021	[3283] MONTGOMERY HARDWARE COMPANY (9147)	1,211.25
0012947	9/21/2021	[3280] RND CONTRACTORS INC. (9139)	6,840.00
0012950	9/21/2021	[2919] TILDEN COIL CONSTRUCTORS	87,801.03
0012951	9/21/2021	[3262] VIC'S AIR CONDITIONING AND ELECTRICAL (9092)	66,863.94
0012952	9/21/2021	[3266] WORLD FIRE PROTECTION INC. (9130)	21,668.20

**Total Checks:                    3,261,707.10**

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



**CITY OF TWENTYNINE PALMS**  
**Warrant Register from 7/09/2021 to 9/21/2021**  
**PPBI Gen Chkng**

WARRANT DATE: 8-28-21

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Check / Payment</u>
0012561	7/14/2021	[0001] ONE TIME VENDOR - CHASE ALEXANIAN	1,164.25
0012562	7/14/2021	[2934] I-BANK US BANK	61,944.16
0012563	7/22/2021	[1001] LORI (8411) ABDELNOUR	875.00
0012564	7/22/2021	[2809] ACTION INDUSTRIAL SUPPLY	533.18
0012565	7/22/2021	[1005] AFLAC	1,079.13
0012566	7/22/2021	[1007] ANDY'S LANDSCAPE AND TREE SERVICE (3803)	1,975.00
0012567	7/22/2021	[1137] BILL'S DIESEL	4,967.87
0012569	7/22/2021	[1031] BOWLADIUM (0227)	86.00
0012570	7/22/2021	[3364] BOX OF KITTENS	3,200.00
0012571	7/22/2021	[1038] C M R S F P	900.00
0012572	7/22/2021	[1039] CA BUILDING STANDARDS COMM	125.50
0012573	7/22/2021	[1052] CHARLES ABBOTT ASSOCIATES INC	55,131.49
0012574	7/22/2021	[1053] CINTAS CORPORATION (8315)	319.51
0012575	7/22/2021	[3448] CIRA	284,557.00
0012578	7/22/2021	[2268] COUNTY OF SAN BERNARDINO	108.76
0012579	7/22/2021	[1086] DEPARTMENT OF CONSERVATION	251.52
0012581	7/22/2021	[1102] FORENSIC DTS INC	312.99
0012582	7/22/2021	[1107] FULTON DISTRIBUTING	387.07
0012583	7/22/2021	[1110] GAMETIME	1,416.20
0012585	7/22/2021	[1133] IMAGE SOURCE	1,220.20
0012587	7/22/2021	[2183] JOE A GONSALVES & SON	3,000.00
0012588	7/22/2021	[1150] MARK SPEER AUTOMOTIVE (2109)	676.46
0012589	7/22/2021	[1151] ELIJAH (2503) MARSHALL	124.29
0012590	7/22/2021	[1162] MOJAVE DESERT & MOUNTAIN	4,898.00
0012591	7/22/2021	[1167] MORONGO UNIFIED SCHOOL DISTRICT	2,598.02
0012592	7/22/2021	[1173] NATIONWIDE RETIREMENT SOLUTIONS	2,906.17
0012593	7/22/2021	[1228] NCSI	18.50
0012594	7/22/2021	[1178] NEXTEL COMMUNICATIONS	260.08
0012595	7/22/2021	[1182] NV5 INC (8793)	43,057.59
0012596	7/22/2021	[2582] O'REILLY	131.05
0012597	7/22/2021	[1184] OFFICE DEPOT CREDIT PLAN	1,145.18
0012598	7/22/2021	[0001] ONE TIME VENDOR - CANDACE MONTAMBO	82.00
0012599	7/22/2021	[0001] ONE TIME VENDOR - JUANITA RIOS	41.00
0012600	7/22/2021	[0001] ONE TIME VENDOR - AMANDA VILLAFANA	41.00
0012601	7/22/2021	[0001] ONE TIME VENDOR - UNITED STATES TREASURY	3.99
0012602	7/22/2021	[0001] ONE TIME VENDOR - COUNTY OF SAN BERNARDINO	880.00
0012603	7/22/2021	[3076] ONLINE SOLUTIONS LLC	23,400.00
0012604	7/22/2021	[2355] RELIANCE STANDARD LIFE INSURANCE CO.	1,876.51
0012606	7/22/2021	[1212] RUTAN AND TUCKER	6,483.15
0012607	7/22/2021	[1214] SAN BERNARDINO CO OFFICE OF THE ASSESSOR	14.00
0012608	7/22/2021	[1213] SAN BERNARDINO CO SHERIFFS DEPT	370,770.00
0012609	7/22/2021	[1230] SCE	10,840.34
0012610	7/22/2021	[1744] SIEMENS MOBILITY, INC (4403)	550.00

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0012611	7/22/2021	[3056] SOAP SUDS CLEANING SERVICE (9049)	2,076.85
0012612	7/22/2021	[1249] SPECTRUM	12.59
0012613	7/22/2021	[1249] SPECTRUM	20.51
0012614	7/22/2021	[1249] SPECTRUM	119.99
0012615	7/22/2021	[1249] SPECTRUM	144.98
0012616	7/22/2021	[1249] SPECTRUM	115.43
0012617	7/22/2021	[1233] SR BUILDING INC (2685)	7,000.00
0012618	7/22/2021	[2370] STATE OF CALIFORNIA DEPT OF JUSTICE	45.00
0012619	7/22/2021	[1234] STATER BROTHERS MARKETS #105 (0520)	67.24
0012622	7/22/2021	[1270] VALLEY INDEPENDENT PRINTING	727.54
0012623	7/22/2021	[1271] VCA 29 PALMS ANIMAL HOSPITAL (0319)	631.72
0012624	7/22/2021	[2528] WELLS FARGO VENDOR FIN SERV	173.48
0012626	7/22/2021	[1287] XEROX FINANCIAL SVC	186.19
0012627	7/22/2021	[1014] ARROWHEAD CREDIT UNION	15,498.67
0012630	7/22/2021	[2164] INNOVATIVE FEDERAL STRATEGIES LLC	3,800.00
0012631	7/22/2021	[1269] VALIC C/O JP MORGAN CHASE	2,538.97
0012632	7/27/2021	[0503] GIANNA BILDERAIN	335.40
0012634	8/04/2021	[2086] 29 PALMS FOOD PANTRY & OUT REACH MINISTRIES	172.27
0012635	8/04/2021	[2680] AIS	28.66
0012636	8/04/2021	[3121] AMERICAN EXPRESS	146.99
0012637	8/04/2021	[1008] ANIMAL ACTION LEAGUE INC	1,230.00
0012638	8/04/2021	[2326] ANIMAL CARE EQUIPMENT AND SERVICE	385.44
0012639	8/04/2021	[1017] AUTOZONE (0842)	87.20
0012640	8/04/2021	[1018] AVALON URGENT CARE INC	195.00
0012641	8/04/2021	[1137] BILL'S DIESEL	1,979.18
0012642	8/04/2021	[1031] BOWLADIUM (0227)	88.00
0012643	8/04/2021	[3364] BOX OF KITTENS	2,400.00
0012644	8/04/2021	[1053] CINTAS CORPORATION (8315)	661.59
0012645	8/04/2021	[2785] COPY CENTER PLUS INC. (8893)	32.27
0012646	8/04/2021	[1106] FRONTIER	800.00
0012647	8/04/2021	[1106] FRONTIER	78.75
0012648	8/04/2021	[1106] FRONTIER	80.37
0012649	8/04/2021	[1106] FRONTIER	43.09
0012650	8/04/2021	[1106] FRONTIER	192.89
0012651	8/04/2021	[1106] FRONTIER	45.48
0012652	8/04/2021	[1106] FRONTIER	22.51
0012653	8/04/2021	[1109] GALLS LLC	585.23
0012656	8/04/2021	[1132] IIMC	215.00
0012657	8/04/2021	[1133] IMAGE SOURCE	164.09
0012658	8/04/2021	[1661] J T GLASS & DOOR (3257)	300.00
0012659	8/04/2021	[2183] JOE A GONSALVES & SON	3,000.00
0012660	8/04/2021	[3467] JOSHUA TREE MUSIC FESTIVAL LLC	750.00
0012661	8/04/2021	[2921] JT NATIONAL PARK ASSOCIATION	10,000.00
0012663	8/04/2021	[1144] JAMES W (2985) KYLE	2,025.00
0012664	8/04/2021	[2022] LAMAR COMPANIES (8442)	2,500.00
0012665	8/04/2021	[1146] LESLIE'S SWIMMING POOL SUPPLIES	1,438.01
0012666	8/04/2021	[1149] LLOYD PEST CONTROL CO INC (8202)	412.00
0012667	8/04/2021	[1150] MARK SPEER AUTOMOTIVE (2109)	119.36
0012668	8/04/2021	[1173] NATIONWIDE RETIREMENT SOLUTIONS	1,893.48
0012669	8/04/2021	[1172] NATIONWIDE RETIREMENT SOLUTIONS OB	921.19
0012670	8/04/2021	[1182] NV5 INC (8793)	3,388.37

0012671	8/04/2021	[0001] ONE TIME VENDOR - JACOB CAMPOS	11.00
0012672	8/04/2021	[0001] ONE TIME VENDOR - ERIKA SARTAIN	82.00
0012673	8/04/2021	[0001] ONE TIME VENDOR - VINA CALLAHAN	41.00
0012674[VOID]	8/04/2021	[0001] ONE TIME VENDOR - FRAZIER PEST CONTROL INC.	115.00
0012675	8/04/2021	[3382] PARTYLIFE PHOTOBOOTH	575.00
0012676	8/04/2021	[3382] PARTYLIFE PHOTOBOOTH	250.00
0012677	8/04/2021	[3382] PARTYLIFE PHOTOBOOTH	300.00
0012678	8/04/2021	[2231] PAYCHEX INC	1,044.77
0012679	8/04/2021	[2419] PRINCIPAL LIFE INS CO	8,584.40
0012680	8/04/2021	[3461] PROFESSIONAL DEBELOPMENT ACADEMY LLC	1,995.00
0012681	8/04/2021	[2686] QUEST DIAGNOSTICS	108.00
0012682	8/04/2021	[1209] ROGERS ANDERSON MALADY AND SCOTT (2807)	12,500.00
0012683	8/04/2021	[1210] ROTARY CLUB OF TWENTYNINE PALMS	1,026.00
0012684	8/04/2021	[1212] RUTAN AND TUCKER	16,835.96
0012685	8/04/2021	[1213] SAN BERNARDINO CO SHERIFFS DEPT	34,524.44
0012686	8/04/2021	[1215] SAN BERNARDINO COUNTY LICENSE DEPT	416.00
0012687	8/04/2021	[1230] SCE	3,954.39
0012688	8/04/2021	[1231] SPARKLETTS	351.23
0012689	8/04/2021	[1249] SPECTRUM	36.55
0012690	8/04/2021	[1249] SPECTRUM	31.20
0012691	8/04/2021	[1249] SPECTRUM	119.99
0012692	8/04/2021	[1249] SPECTRUM	134.98
0012693	8/04/2021	[1249] SPECTRUM	119.99
0012694	8/04/2021	[1249] SPECTRUM	66.17
0012695	8/04/2021	[1249] SPECTRUM	104.98
0012696	8/04/2021	[1243] THE GAS COMPANY	235.65
0012697	8/04/2021	[1250] TOTAL FITNESS (8331)	1,079.64
0012698	8/04/2021	[1259] TWENTYNINE PALMS WATER DISTRICT	1,114.26
0012699	8/04/2021	[1269] VALIC C/O JP MORGAN CHASE	2,808.97
0012700	8/04/2021	[1270] VALLEY INDEPENDENT PRINTING	503.02
0012701	8/04/2021	[1274] VISION SERVICE PLAN CA	660.96
0012702	8/04/2021	[1284] WONDER ELECTRIC COMPANY (0052)	535.41
0012703	8/12/2021	[1080] DAVID EVANS AND ASSOCIATES INC	12,690.39
0012704	8/12/2021	[1110] GAMETIME	60,436.01
0012705	8/12/2021	[1182] NV5 INC (8793)	25,049.11
0012706	8/12/2021	[1036] PARKER'S BUILDING SUPPLY 29 PALMS (8036)	1,044.36
0012708	8/12/2021	[1213] SAN BERNARDINO CO SHERIFFS DEPT	193.77
0012709	8/12/2021	[1264] US BANK ST PAUL	1,000.00
0012710	8/12/2021	[1080] DAVID EVANS AND ASSOCIATES INC	10,575.31
0012711	8/12/2021	[2432] KOA CORP (9174)	44,898.13
0012712	8/18/2021	[1001] LORI (8411) ABDELNOUR	1,475.00
0012713	8/18/2021	[1005] AFLAC	719.42
0012714	8/18/2021	[1007] ANDY'S LANDSCAPE AND TREE SERVICE (3803)	1,975.00
0012715	8/18/2021	[1008] ANIMAL ACTION LEAGUE INC	1,205.00
0012716	8/18/2021	[1017] AUTOZONE (0842)	51.28
0012717	8/18/2021	[2395] BENCHMARK (8718)	150.00
0012718[VOID]	8/18/2021	[1031] BOWLADIUM (0227)	60.00
0012719	8/18/2021	[1037] BURRTEC WASTE & RECYCLING (2692)	29,654.44
0012720	8/18/2021	[1052] CHARLES ABBOTT ASSOCIATES INC	60,697.79
0012721	8/18/2021	[1053] CINTAS CORPORATION (8315)	336.52
0012722	8/18/2021	[3448] CIRA	44,783.15

0012723	8/18/2021	[1079] DATA TICKET INC	325.00
0012724	8/18/2021	[1081] STEPHEN F DAVIS	400.00
0012725	8/18/2021	[1086] DEPARTMENT OF CONSERVATION	535.51
0012726	8/18/2021	[1087] DESERT HARDWARE (0301)	230.21
0012727	8/18/2021	[1091] DIGITAL MAP PRODUCTS INC	12,125.00
0012728	8/18/2021	[1709] DOKKEN ENGINEERING (3504)	45,405.73
0012729	8/18/2021	[1095] EMPLOYMENT DEVELOPMENT DEPT	113.12
0012730	8/18/2021	[1100] FEDEX	28.70
0012731	8/18/2021	[1102] FORENSIC DTS INC	274.00
0012732	8/18/2021	[1106] FRONTIER	31.56
0012733	8/18/2021	[1107] FULTON DISTRIBUTING	591.74
0012734	8/18/2021	[1109] GALLS LLC	105.49
0012735	8/18/2021	[2793] GARCIA SERVICES (8895)	2,700.00
0012736	8/18/2021	[1122] HI DESERT PUBLISHING	809.00
0012737	8/18/2021	[1128] HUB INTERNATIONAL INSURANCE SVC	523.54
0012738	8/18/2021	[1133] IMAGE SOURCE	612.78
0012739	8/18/2021	[2164] INNOVATIVE FEDERAL STRATEGIES LLC	3,800.00
0012740	8/18/2021	[3053] JOSHUA TREE DESIGN CO. (9059)	4,355.67
0012741	8/18/2021	[1890] KOSMONT COMPANIES (8271)	9,274.20
0012742	8/18/2021	[1144] JAMES W (2985) KYLE	150.00
0012743	8/18/2021	[1150] MARK SPEER AUTOMOTIVE (2109)	473.22
0012744	8/18/2021	[1151] ELIJAH (2503) MARSHALL	174.93
0012745[VOID]	8/18/2021	[0175] DANIEL MINTZ SR	30.80
0012746	8/18/2021	[1167] MORONGO UNIFIED SCHOOL DISTRICT	3,677.29
0012747	8/18/2021	[1173] NATIONWIDE RETIREMENT SOLUTIONS	6,958.86
0012748	8/18/2021	[1172] NATIONWIDE RETIREMENT SOLUTIONS OB	884.98
0012749	8/18/2021	[1178] NEXTEL COMMUNICATIONS	260.08
0012750	8/18/2021	[1184] OFFICE DEPOT CREDIT PLAN	728.92
0012751	8/18/2021	[0001] ONE TIME VENDOR - PROCESS CELLULAR INC	695.00
0012752	8/18/2021	[0001] ONE TIME VENDOR - JORGE SEGURA	25.00
0012753	8/18/2021	[0001] ONE TIME VENDOR - FRAZIER PEST CONTROL INC.	115.00
0012754	8/18/2021	[0001] ONE TIME VENDOR - FAISAL ALSERRI	200.00
0012755[VOID]	8/18/2021	[0001] ONE TIME VENDOR - MINH DANG	100.00
0012756	8/18/2021	[0001] ONE TIME VENDOR - CORAZON LADIA NARAUAL	200.00
0012757[VOID]	8/18/2021	[0001] ONE TIME VENDOR - BRIDGET WILCOX	100.00
0012758	8/18/2021	[3359] PARKHOUSE TIRE, INC	9,084.09
0012759	8/18/2021	[3484] PREMIER AQUATIC SERVICES LLC	1,900.00
0012760	8/18/2021	[2499] RACKSPACE US, INC	5,962.97
0012761	8/18/2021	[2355] RELIANCE STANDARD LIFE INSURANCE CO.	1,970.61
0012762	8/18/2021	[1216] SAN BERNARDINO CO FIRE DEPARTMENT	5,440.10
0012763	8/18/2021	[1230] SCE	6,654.12
0012764	8/18/2021	[1744] SIEMENS MOBILITY, INC (4403)	1,379.68
0012765	8/18/2021	[1249] SPECTRUM	12.59
0012766	8/18/2021	[1249] SPECTRUM	20.51
0012767	8/18/2021	[1249] SPECTRUM	36.55
0012768	8/18/2021	[1249] SPECTRUM	119.99
0012769	8/18/2021	[1249] SPECTRUM	144.98
0012770	8/18/2021	[1249] SPECTRUM	115.43
0012771	8/18/2021	[1234] STATER BROTHERS MARKETS #105 (0520)	525.56
0012772	8/18/2021	[2201] TRANSUNION RISK AND ALTERNATIVE	75.00
0012773	8/18/2021	[1268] VAGABOND WELDING SUPPLY	25.86



0012774	8/18/2021	[1269] VALIC C/O JP MORGAN CHASE	2,808.97
0012775	8/18/2021	[1271] VCA 29 PALMS ANIMAL HOSPITAL (0319)	70.74
0012776	8/18/2021	[2528] WELLS FARGO VENDOR FIN SERV	86.74
0012777	8/18/2021	[1284] WONDER ELECTRIC COMPANY (0052)	1,715.00
0012778	8/18/2021	[1287] XEROX FINANCIAL SVC	525.89
0012779	8/19/2021	[1031] BOWLADIUM (0227)	60.00
0012780	8/19/2021	[0175] DANIEL MINTZ SR	30.80
0012781	8/19/2021	[0001] ONE TIME VENDOR - MINH DANG	100.00
0012782	8/19/2021	[1014] ARROWHEAD CREDIT UNION	14,196.20
0012783	8/19/2021	[0001] ONE TIME VENDOR - ASSUREHIRE INC	99.95
0012784	8/19/2021	[3076] ONLINE SOLUTIONS LLC	2,758.19
0012785	8/19/2021	[1230] SCE	4,069.75
0012786	9/01/2021	[3043] 29 FIT (9045)	90.00
0012787	9/01/2021	[3043] 29 FIT (9045)	90.00
0012788	9/01/2021	[2463] 4 SPORTS N' MORE (8671)	8,504.39
0012789	9/01/2021	[2809] ACTION INDUSTRIAL SUPPLY	605.17
0012790	9/01/2021	[2680] AIS	30.72
0012791	9/01/2021	[2385] AL'S KUBOTA TRACTOR	948.46
0012792	9/01/2021	[3121] AMERICAN EXPRESS	9,493.74
0012793	9/01/2021	[2816] APOLLO WOOD RECOVERY, INC	2,116.25
0012794	9/01/2021	[1017] AUTOZONE (0842)	47.83
0012795	9/01/2021	[1018] AVALON URGENT CARE INC	130.00
0012796	9/01/2021	[3527] MOHAMMAD MASOUMPANAH BABOLY	350.00
0012801	9/01/2021	[1037] BURRTEC WASTE & RECYCLING (2692)	152.46
0012802	9/01/2021	[3530] CALIF DEPT OF FISH AND WILDLIFE	5,596.00
0012804	9/01/2021	[2193] CHICAGO TITLE COMPANY	750.00
0012807	9/01/2021	[2268] COUNTY OF SAN BERNARDINO	108.76
0012809	9/01/2021	[1106] FRONTIER	80.37
0012810	9/01/2021	[1106] FRONTIER	43.06
0012811	9/01/2021	[1106] FRONTIER	45.48
0012812[VOID]	9/01/2021	[3524] MICHAEL HEIL	1,000.00
0012813[VOID]	9/01/2021	[3524] MICHAEL HEIL	1,200.00
0012815	9/01/2021	[2183] JOE A GONSALVES & SON	3,000.00
0012816	9/01/2021	[3523] KNOWBE4 INC.	4,833.00
0012817	9/01/2021	[3436] L. Y. ENVIRONMENTAL, INC.	950.00
0012818	9/01/2021	[2022] LAMAR COMPANIES (8442)	2,500.00
0012819	9/01/2021	[1149] LLOYD PEST CONTROL CO INC (8202)	452.00
0012820	9/01/2021	[1150] MARK SPEER AUTOMOTIVE (2109)	726.10
0012821	9/01/2021	[2367] MIDAMERICA	447.00
0012822	9/01/2021	[1163] MOJAVE DESERT AIR QUALITY MGMT DIST	712.24
0012824	9/01/2021	[1173] NATIONWIDE RETIREMENT SOLUTIONS	1,730.26
0012825	9/01/2021	[1172] NATIONWIDE RETIREMENT SOLUTIONS OB	750.44
0012826	9/01/2021	[1175] AARON NEVEU	986.25
0012827	9/01/2021	[1177] NEWCO DISTRIBUTORS INCORPORATED	1,827.74
0012828	9/01/2021	[0001] ONE TIME VENDOR - MANDY SCHNEIDER	47.00
0012829	9/01/2021	[0001] ONE TIME VENDOR - BRIDGET WILCOX	13.00
0012830	9/01/2021	[2231] PAYCHEX INC	1,040.82
0012831	9/01/2021	[1192] PETTY CASH/JP	12.33
0012833	9/01/2021	[2419] PRINCIPAL LIFE INS CO	4,701.28
0012834	9/01/2021	[1230] SCE	357.36
0012835	9/01/2021	[1744] SIEMENS MOBILITY, INC (4403)	1,428.31

0012836	9/01/2021	[3056] SOAP SUDS CLEANING SERVICE (9049)	2,000.00
0012837	9/01/2021	[1231] SPARKLETTS	421.50
0012838	9/01/2021	[1249] SPECTRUM	31.20
0012839	9/01/2021	[1249] SPECTRUM	119.99
0012840	9/01/2021	[1249] SPECTRUM	134.98
0012841	9/01/2021	[1249] SPECTRUM	119.99
0012842	9/01/2021	[1249] SPECTRUM	104.98
0012843	9/01/2021	[2370] STATE OF CALIFORNIA DEPT OF JUSTICE	15.00
0012844	9/01/2021	[2697] STERICYCLE INC	158.84
0012845	9/01/2021	[1243] THE GAS COMPANY	219.56
0012846	9/01/2021	[1245] THE STATE CONTROLLER'S OFFICE	12.00
0012847	9/01/2021	[3319] TOTAL COMPENSATION SYSTEMS	1,350.00
0012848	9/01/2021	[1250] TOTAL FITNESS (8331)	359.88
0012849	9/01/2021	[1259] TWENTYNINE PALMS WATER DISTRICT	6,427.32
0012850	9/01/2021	[1269] VALIC C/O JP MORGAN CHASE	2,808.97
0012851	9/01/2021	[1270] VALLEY INDEPENDENT PRINTING	43.50
0012852	9/01/2021	[1271] VCA 29 PALMS ANIMAL HOSPITAL (0319)	83.00
0012854	9/01/2021	[1274] VISION SERVICE PLAN CA	731.64
0012855	9/01/2021	[1275] VICKIE (3145) WAITE	200.00
0012856	9/01/2021	[2528] WELLS FARGO VENDOR FIN SERV	86.74
0012858	9/08/2021	[1107] FULTON DISTRIBUTING	2,852.12
0012859	9/08/2021	[3524] MICHAEL HEIL	1,000.00
0012860	9/08/2021	[3524] MICHAEL HEIL	1,200.00
0012862	9/16/2021	[1506] A NEW CREATION FLOWERS & GIFTS (2187)	167.03
0012863	9/16/2021	[2408] ACCUFUND, INC	1,560.00
0012864	9/16/2021	[2809] ACTION INDUSTRIAL SUPPLY	65.60
0012865	9/16/2021	[0425] HAYWOOD ADAMS	131.73
0012866	9/16/2021	[1005] AFLAC	719.42
0012867	9/16/2021	[1017] AUTOZONE (0842)	341.26
0012868	9/16/2021	[3364] BOX OF KITTENS	6,000.00
0012869	9/16/2021	[1038] C M R S F P	900.00
0012871	9/16/2021	[1053] CINTAS CORPORATION (8315)	788.05
0012872	9/16/2021	[2785] COPY CENTER PLUS INC. (8893)	136.46
0012873	9/16/2021	[1077] CUTTING EDGE SUPPLY	1,438.85
0012874	9/16/2021	[1079] DATA TICKET INC	325.00
0012875	9/16/2021	[1087] DESERT HARDWARE (0301)	863.66
0012876	9/16/2021	[3540] DIAMOND ENVIRONMENTAL SERVICES	265.00
0012877	9/16/2021	[1102] FORENSIC DTS INC	55.00
0012878	9/16/2021	[1103] FRANCO TYP-POSTALIA INC	209.95
0012879	9/16/2021	[1106] FRONTIER	800.00
0012880	9/16/2021	[1106] FRONTIER	78.75
0012881	9/16/2021	[1106] FRONTIER	194.38
0012882	9/16/2021	[1106] FRONTIER	22.51
0012883	9/16/2021	[1109] GALLS LLC	50.78
0012884	9/16/2021	[2793] GARCIA SERVICES (8895)	801.00
0012886	9/16/2021	[2222] GHD INC (8551)	40,421.22
0012887	9/16/2021	[1112] GLOBAL ENVIRONMENTAL PROD INC	326.26
0012888	9/16/2021	[1122] HI DESERT PUBLISHING	1,420.00
0012889	9/16/2021	[1125] HINDERLITER DE LLAMAS & ASSOCIATES	1,251.90
0012891	9/16/2021	[1128] HUB INTERNATIONAL INSURANCE SVC	548.50
0012892	9/16/2021	[1133] IMAGE SOURCE	708.39

0012893	9/16/2021	[2164] INNOVATIVE FEDERAL STRATEGIES LLC	3,800.00
0012894	9/16/2021	[1140] JOSHUA TREE NATIONAL PARK COUNCIL FOR THE	3,500.00
0012895	9/16/2021	[3545] JUMPERS ZONE PARTY RENTAL	950.00
0012897	9/16/2021	[0291] JOEL ANTHONY KLINK	114.24
0012898	9/16/2021	[2432] KOA CORP (9174)	7,500.00
0012899	9/16/2021	[3541] KOFF & ASSOCIATES INC.	4,495.00
0012900	9/16/2021	[1150] MARK SPEER AUTOMOTIVE (2109)	86.00
0012901	9/16/2021	[1167] MORONGO UNIFIED SCHOOL DISTRICT	5,798.67
0012902	9/16/2021	[1173] NATIONWIDE RETIREMENT SOLUTIONS	2,095.64
0012903	9/16/2021	[1172] NATIONWIDE RETIREMENT SOLUTIONS OB	184.26
0012905	9/16/2021	[2582] O'REILLY	15.65
0012906	9/16/2021	[1184] OFFICE DEPOT CREDIT PLAN	1,264.37
0012907	9/16/2021	[0001] ONE TIME VENDOR - JOSEFINA HINTON	47.00
0012908	9/16/2021	[0001] ONE TIME VENDOR - A-Z SPECIALTY IMPRINTS	383.32
0012909	9/16/2021	[1189] PACIFIC TIER SOLUTIONS INC	1,057.47
0012910	9/16/2021	[1036] PARKER'S BUILDING SUPPLY 29 PALMS (8036)	1,355.52
0012911	9/16/2021	[2883] PENGUIN HOME SOLUTIONS INC (8960)	60.00
0012912	9/16/2021	[1196] PITNEY BOWES	76.77
0012913	9/16/2021	[1212] RUTAN AND TUCKER	16,561.08
0012914	9/16/2021	[1213] SAN BERNARDINO CO SHERIFFS DEPT	370,759.00
0012915	9/16/2021	[1230] SCE	9,350.38
0012916	9/16/2021	[1744] SIEMENS MOBILITY, INC (4403)	995.00
0012917	9/16/2021	[1226] RON (2706) SOMMER	825.00
0012918	9/16/2021	[3544] SPECTRIO LLC	496.00
0012919	9/16/2021	[1249] SPECTRUM	115.43
0012920	9/16/2021	[1249] SPECTRUM	66.17
0012921	9/16/2021	[1234] STATER BROTHERS MARKETS #105 (0520)	249.94
0012922	9/16/2021	[1243] THE GAS COMPANY	10.84
0012923	9/16/2021	[2201] TRANSUNION RISK AND ALTERNATIVE	75.00
0012924	9/16/2021	[1255] TURF STAR INCORPORATED	408.17
0012925	9/16/2021	[1259] TWENTYNINE PALMS WATER DISTRICT	469.41
0012926	9/16/2021	[1259] TWENTYNINE PALMS WATER DISTRICT	1,323.00
0012927	9/16/2021	[3100] US ROOTER SERVICE & BILL JUNE PLUMBING (COVID)	960.00
0012928	9/16/2021	[1268] VAGABOND WELDING SUPPLY	24.00
0012929	9/16/2021	[1269] VALIC C/O JP MORGAN CHASE	2,808.97
0012930	9/16/2021	[1271] VCA 29 PALMS ANIMAL HOSPITAL (0319)	370.26
0012931	9/16/2021	[0171] CYNTHIA VILLESCAS	115.36
0012932	9/16/2021	[0392] MCARTHUR WRIGHT	118.72
0012933	9/16/2021	[1287] XEROX FINANCIAL SVC	525.89
0012934	9/16/2021	[1291] ZUMAR INDUSTRIES INCORPORATED	1,959.24
0012936	9/21/2021	[1014] ARROWHEAD CREDIT UNION	13,202.45
0012946	9/21/2021	[1182] NV5 INC (8793)	760.00
0012948	9/21/2021	[3551] SAN BERNARDINO LAFCO	9,299.00
0012949	9/21/2021	[1230] SCE	939.87
457CONTRIBUTI	7/30/2021	[1044] CALPERS	1,805.68
457CONTRIBUTI	7/28/2021	[1044] CALPERS	1,805.68
457CONTRIBUTI	7/09/2021	[1044] CALPERS	1,805.68
457CONTRIBUTI	8/24/2021	[1044] CALPERS	1,815.20
457DEFCOMP	9/03/2021	[1044] CALPERS	1,315.05
89828641	7/09/2021	[1044] CALPERS	19,623.47
89828642	8/06/2021	[2231] PAYCHEX INC	377.34

CC073021	7/30/2021	[2412] CREDIT CARD FEES	1,786.24
EFT	7/16/2021		81,495.66
EFT	7/30/2021		81,333.27
FSAREIMBJULY	7/30/2021	[2231] PAYCHEX INC	84.26
GA071521	7/15/2021	[1055] PAYROLL	1,161.48
GA072921	7/29/2021	[1055] PAYROLL	1,013.65
HEALTHAUG21	8/06/2021	[1044] CALPERS	19,626.58
HEALTHSEPT	9/03/2021	[1044] CALPERS	24,344.63
HRA07152021	7/15/2021	[2367] MIDAMERICA	6,620.95
HRA08162021	8/16/2021	[2367] MIDAMERICA	6,620.95
HRA09152021	9/15/2021	[2367] MIDAMERICA	6,620.95
PPE062721	7/09/2021	[1044] CALPERS	15,286.98
PPE071121	7/28/2021	[1044] CALPERS	16,319.47
PPE072521	7/30/2021	[1044] CALPERS	16,646.58
PRTX071621	7/16/2021	[1055] PAYROLL	18,234.71
PRTX073021	7/30/2021	[1055] PAYROLL	18,152.67
RETIREMENTCO	8/24/2021	[1044] CALPERS	16,828.59
RETIREMENTCO	9/03/2021	[1044] CALPERS	16,941.84
UAL FY2122	7/09/2021	[1044] CALPERS	29,697.00

**Total Checks:                    2,520,400.76**

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_



# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Pension and OPEB update and establishment of 115 Trust for Pension

## RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt a Resolution establishing a combination 115 Trust administered by Public Agency Retirement Services (PARS) and Appointing the City Manager as the Plan Administrator; and
2. Direct staff to initiate the process to move OPEB funds, currently with the CalPERS California Employers' Retiree Benefit Trust (CERBT) plan, to PARS combination 115 Trust.

## ORDER OF PROCEDURE:

Request Staff Report (City Manager Presenting)  
Council Questions of Staff  
Request Public Comment  
Council Discussion  
Motion/Second  
Discussion on Motion  
Call the Question

## ATTACHMENTS:

- [City of Twentynine Palms - Updated Presentation for Council](#)
- [Attachment A: City of Twentynine Palms - CERBT Account Update](#)
- [Attachment B - Historical Returns](#)
- [Attachment C - RESO NO 21- Establishment of 115 Trust](#)
- [Agreement for Administrative Services](#)
- [Sample Trustee Investment Management Fee Schedule](#)

## BACKGROUND:

The City of Twentynine Palms contracts with the California Public Employees' Retirement System (CalPERS) to provide retirement benefits for permanent City employees. Each year, we receive actuarial valuation reports, which identify the employer contribution rates for the following year, as well as the unfunded accrued actuarial liability (UAAL). The UAAL has grown significantly over the past several years due to changes in benefits, reduced earnings due to the recession, and policy changes enacted by the CalPERS Board, such as reductions to the assumed discount rate, and shorter amortization schedules for these liabilities. The increase in the UAAL results in employer contribution rates increasing much more rapidly than our growth in revenues. Based on the June 30, 2020 CalPERS valuation reports, which were published in July 2021, the UAAL for City of Twentynine Palms is \$975,000. With CalPERS assets of \$17.0 million, our funded ratio is currently 94.57%.

City of Twentynine Palms provides other post-employment benefits (OPEB) to employees, based on the Memoranda of Understanding (MOU's) with the bargaining units. This has traditionally included medical. City of Twentynine Palms paid for these benefits on a pay-as-you-go basis. As the cost for these benefits increased at a much higher rate than other costs, and corresponding revenue, the City began to address the future growth in these costs through the negotiation and implementation of tiered benefit programs. In Addition, in 2007, the City established a Trust Fund, as authorized by IRS Code Section 115 ("115 Trust"), with CalPERS California Employers' Retiree Benefits Trust (CERBT) to begin funding the OPEB. Attachment A provides an update on the OPEB liability and the OPEB 115 Trust.

Using the most current actuarial data available from the June 30, 2021, OPEB Valuation Report, the City's total OPEB liability was overfunded by \$325,643 when considering the City's actuarial value of assets as of the same date. The actuarial liability compares the present value of the OPEB benefits to the present value of the assets contained in the OPEB Trust. The value of the assets in the OPEB trusts, today, are greater than the total OPEB liability as of the actuarial report date. In other words, tomorrow's financial obligation has now been met with today's dollars. Since the OPEB obligation is for all intents and purposes met, prudence dictates that the level of risk associated with the holding of the assets be reviewed, and possibly reduced.

Today, staff is recommending that the City Council establish an IRS approved Combination 115 Trust for Pension and OPEB with Public Agency Retirement Services (PARS), to begin addressing the Pension UAAL, as well as direct staff to move the CERBT OPEB 115 Trust assets to PARS, to take advantage of lower administration fees based on the total value of the assets.

#### **BACKGROUND AND DISCUSSION:**

As part of the Fiscal Year 2020-21 adopted budget, the City Council established an assignment of \$11,495 of general Fund for future pension liabilities. As part of the Fiscal Year 2021-2 adopted budget, the City Council increased this assignment by \$17,202. By establishing a Pension Trust Fund, pursuant to IRS Code Section 115 ("115 Trust"), the City will be able to utilize an investment strategy more similar to that used by CalPERS, which are designed to provide annualized returns of 4-6%, depending on the investment strategy. As a 115 Trust, these funds would only be available to fund future pension liabilities.

Staff reached out to all three entities that provide 115 Trust Services for Pension in California, and selected Public Agency Retirement Services (PARS) to partner with the City of Twentynine Palms in establishing a 115 Trust, based on their experience in California, customer service, and their competitive fee structure. PARS will provide trust administration and consultation services, including recordkeeping, accounting, actuarial coordination, monitor contributions, process disbursements, and monitoring compliance. PARS offers superior customer service, and has a full service program with a dedicated Senior Manager, Client Services Coordinator, and Investment Management team. As partners to PARS, U.S. Bank will be the trustee, which includes being the plan fiduciary and the custodian of the assets, and HighMark Capital will be the investment manager. 31 counties and over 132 cities have adopted the PARS 115 Trust to fund either Pension or OPEB or both, making PARS the leading provider by a wide margin.

The administration costs of the Pension 115 Trust are funded by the plan assets, and are based on the value of the assets. Administrative Fees paid to PARS range from 0.25% for balances less than \$10 million to 0.10% for balances above \$50 million. Investment Fees paid to U.S. Bank and HighMark Capital range from 0.35% for balances less than \$5 million to 0.10% for balances above \$50 million.

HighMark offers five different investment portfolios that they actively manage, and four different investment portfolios that they passively manage. Attachment B shows the historical returns. Staff believes that the options offered by PARS, vis-à-vis HighMark, meets the City of Twentynine Palms' needs in the most cost-effective manner.

**COMBINATION 115 TRUST ESTABLISHMENT:**

In addition to establishing a 115 Trust for Pension, staff recommends moving the assets from the CalPERS CERBT 115 Trust for OPEB into a Combination 115 Trust with PARS, in which the OPEB assets are accounted for separately from Pension per GASB. As shown in Attachment B, PARS has historically had better return rates net of all fees on similar investment strategies, and combining these funds will allow the City of Twentynine Palms to take advantage of the lower rates from PARS for the 115 Trust. Also, PARS allows for two years reimbursement of expenses at one time (current year plus one year back) vs. CERBT only allows one year reimbursement of expenses.

Attachment C is a resolution that establishes the Combination 115 Trust for Pension and OPEB with PARS and appoints the City Manager as the Plan Administrator for the program. The Plan Administrator is responsible for executing the legal and administrative documents for the plan. If approved by the City Council, staff will return with actions necessary to move the OPEB assets from CERBT to PARS..

Should the City Council authorize staff to coordinate the 115 Trust for Pension and OPEB with PARS, staff recommends a different investment strategy for each sub-account. Since we are just now establishing the trust for Pension assets and can plan long term, staff recommends the more aggressive approach offered with the "Balanced-Actively Managed" portfolio for Pension. Due to the balance of approximately \$2.6 million in OPEB assets, staff will meet with HighMark investment advisors and return to the City Council with an investment strategy recommendation at the same time the City Council authorizes the actions necessary to move the OPEB assets from CERBT.

**ENVIRONMENTAL:**

The proposed action is not a project as defined by 14 California Code of Regulations 15376 (State CEQA Guidelines) and therefore CEQA is not applicable.

**FISCAL IMPACT:**

Historical earnings with PARS over the past 10 years have been .84% higher compared to CERBT over the same period.

PARS allows for two years reimbursement of expenses at one time (current year plus one year back) vs. CERBT only allows one year reimburse of expenses.

PUBLIC  
AGENCY  
RETIREMENT  
SERVICES

PARS

TRUSTED SOLUTIONS. LASTING RESULTS.



# CITY OF TWENTYNINE PALMS

PARS 115 Trust – OPEB Prefunding Program & Pension Rate Stabilization Program (PRSP)  
September 13, 2021 **Updated**



# CONTACTS

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**Senior Portfolio Manager**  
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# PARS 115 TRUST TEAM

## Trust Administrator & Consultant

PUBLIC  
AGENCY  
RETIREMENT  
SERVICES

**PARS**

TRUSTED SOLUTIONS. LASTING RESULTS.

- Recordkeeping
- Sub-trust accounting
- Monitors plan compliance
- Processes contributions/disbursements
- Hands-on, dedicated support teams
- Coordinates all agency services

**37**

Years of Experience  
(1984-2021)

**2,000+**

Plans under  
Administration

**1,000+**

Public Agency  
Clients

**430+**

115 Trust  
Clients

**500 K+**

Plan  
Participants

**\$6.0B**

Assets under  
Administration

## Trustee

**usbank.**

- 5th largest commercial bank and one of the nation's largest trustees for Section 115 trusts
- Safeguards plan assets
- Oversight protection as plan fiduciary
- Custodian of assets

**158**

Years of Experience  
(1863-2021)

**\$5.0T**

Assets under  
Administration

## Investment Manager

**HIGHMARK**  
CAPITAL MANAGEMENT

- Investment sub-advisor to trustee, U.S. Bank
- Investment policy assistance
- Uses open architecture
- Active and passive platform options
- Customized portfolios (with minimum asset level)

**102**

Years of Experience  
(1919-2021)

**\$18.8B**

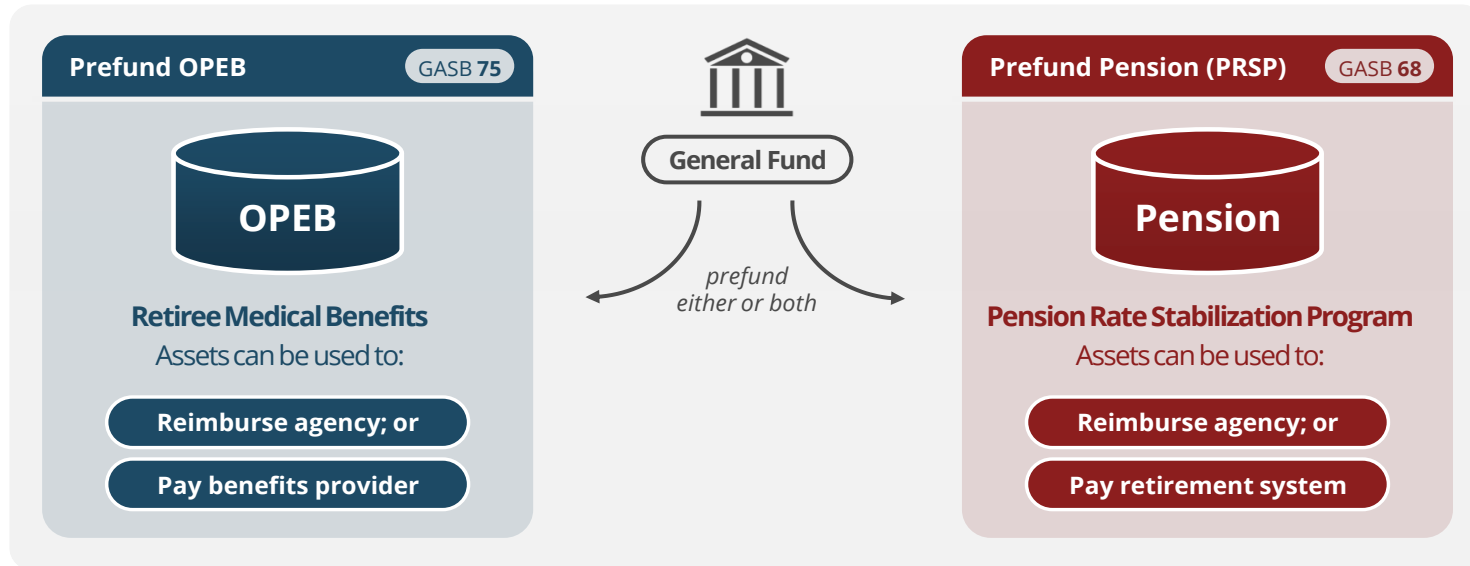
Assets under  
Management/Advisement

PUBLIC  
AGENCY  
RETIREMENT  
SERVICES

**PARS**

TRUSTED SOLUTIONS. LASTING RESULTS.

# PARS IRS-APPROVED SECTION 115 TRUST



## Subaccounts

OPEB and Pension assets are individually sub-accounted, and can be divided by dept., bargaining group, or cost center



## Financial Stability

Assets in the PARS Section 115 Combination Trust can be used to address unfunded liabilities.



## Flexible Investing

Allows separate investment strategies for OPEB and Pension subaccounts.



## Anytime Access

Trust funds are available anytime; OPEB for OPEB and Pension for Pension.



## Economies-of-Scale

OPEB and Pension assets aggregate and reach lower fees on tiered schedule sooner – saving money!



## No Set Up Cost or Minimums

No set-up costs, no minimum annual contribution amounts, and no fees until assets are added.

# OPEB ACTUARIAL RESULTS

<b>Data from Actuarial Valuation</b> Valuation Date: June 30, 2021	<b>Prefunding</b> Discount Rate: 6.25%
<b>Actuarial Accrued Liability (AAL)</b>	\$2,276,382
<b>Actuarial Value of Assets</b>	\$2,602,025
<b>Unfunded Actuarial Accrued Liability (UAAL)</b>	(\$325,643)
<b>Funded Ratio (%)</b>	114.31%
<b>Actuarially Determined Contribution (ADC) for FY 2021-22</b>	\$47,520
<b>Annual Benefit Payments (Pay-as-you-Go) for FY 2021-22</b>	\$183,828

**Rule of thumb:** For every one percent increase in the discount rate, the unfunded liability is lowered by 10-12%.

# KEY PROGRAM ADVANTAGES

	PARS	CERBT
1. No minimum annual contributions/fees	✓	✓
2. No fees charged until assets are in the trust	✓	✓
3. No start-up costs or trading fees	✓	✓
4. Reimbursement of OPEB expenses	2 years \$183,828 x 2 = \$367,656	Current year only \$183,828
5. Combination trust for OPEB and Pension. OPEB and Pension assets are aggregated for economies of scale and low ongoing fees	✓	Not available; two separate trusts that are not integrated
6. IRS-approved combination trust structure for your protection	✓	Yes on CERBT but no approval for CEPPT; two separate trusts
7. Termination and transfer restrictions	30 days notice	Can take up to 150 days; Board approval required
8. Active/passive diversified investment options	5 active, 5 passive + custom option <sup>1</sup>	3 portfolios; no customization or choice of active/passive
9. Historical return information over 10 years; NET of all fees (through 6/30/21)	9.15%	8.31%
10. Dedicated Portfolio Manager (investment assistance; cell phone access; on-site reviews)	✓	Not available

<sup>1</sup>Available based on asset size

# NET PERFORMANCE FEE ANALYSIS

As of June 30, 2021

Over 1 Year		Over 3 Years		Over 5 Years		Over 10 Years	
PARS/HIGHMARK		PARS/HIGHMARK		PARS/HIGHMARK		PARS/HIGHMARK	
<b>Capital Appreciation</b> (20% Fixed Income)	32.31%	<b>Capital Appreciation</b> (20% Fixed Income)	13.14%	<b>Capital Appreciation</b> (20% Fixed Income)	12.64%	<b>Capital Appreciation</b> (20% Fixed Income)	9.75%
minus weighted PARS administration fee	(-) 0.25%	minus weighted PARS administration fee	(-) 0.25%	minus weighted PARS administration fee	(-) 0.25%	minus weighted PARS administration fee	(-) 0.25%
minus weighted HighMark investment management fee	(-) 0.35%	minus weighted HighMark investment management fee	(-) 0.35%	minus weighted HighMark investment management fee	(-) 0.35%	minus weighted HighMark investment management fee	(-) 0.35%
<b>1-Year Net Return</b>	<b>31.71%</b>	<b>3-Year Net Return</b>	<b>12.54%</b>	<b>5-Year Net Return</b>	<b>12.04%</b>	<b>10-Year Net Return</b>	<b>9.15%</b>

CALPERS CERBT		CALPERS CERBT		CALPERS CERBT		CALPERS CERBT	
<b>Strategy 1</b> (30% Fixed Income)	27.54%	<b>Strategy 1</b> (30% Fixed Income)	11.95%	<b>Strategy 1</b> (30% Fixed Income)	10.88%	<b>Strategy 1</b> (30% Fixed Income)	8.42%
minus fees	(-) 0.10%	minus fees	(-) 0.10%	minus fees	(-) 0.10%	minus fees	(-) 0.10%
<b>1-Year Net Return</b>	<b>27.43%</b>	<b>3-Year Net Return</b>	<b>11.86%</b>	<b>5-Year Net Return</b>	<b>10.79%</b>	<b>10-Year Net Return</b>	<b>8.31%</b>

\* Subject to change due to rebalancing; fees are based on assets under \$5 million.  
Past performance does not guarantee future results.

# NET PERFORMANCE FEE ANALYSIS

As of June 30, 2021

## Over 1 Year

## Over 3 Years

## Over 5 Years

PARS/HIGHMARK	
<b>Moderate</b> (46% Fixed Income)	22.58%
minus weighted PARS administration fee	(-) 0.25%
minus weighted HighMark investment management fee	(-) 0.35%
<b>1-Year Net Return</b>	<b>21.98%</b>

PARS/HIGHMARK	
<b>Moderate</b> (46% Fixed Income)	10.87%
minus weighted PARS administration fee	(-) 0.25%
minus weighted HighMark investment management fee	(-) 0.35%
<b>3-Year Net Return</b>	<b>10.27%</b>

PARS/HIGHMARK	
<b>Moderate</b> (46% Fixed Income)	9.90%
minus weighted PARS administration fee	(-) 0.25%
minus weighted HighMark investment management fee	(-) 0.35%
<b>5-Year Net Return</b>	<b>9.30%</b>

CALPERS CERBT	
<b>Strategy 2</b> (48% Fixed Income)	19.71%
minus fees	(-) 0.10%
<b>1-Year Net Return</b>	<b>19.60%</b>

CALPERS CERBT	
<b>Strategy 2</b> (48% Fixed Income)	10.57%
minus fees	(-) 0.10%
<b>3-Year Net Return</b>	<b>10.47%</b>

CALPERS CERBT	
<b>Strategy 2</b> (48% Fixed Income)	9.02%
minus fees	(-) 0.10%
<b>5-Year Net Return</b>	<b>8.93%</b>

\* Subject to change due to rebalancing; fees are based on assets under \$5 million.  
Past performance does not guarantee future results.

# PROGRAM ADVANTAGES: FULL SERVICE

---

## 1. Dedicated PARS Senior Consultant

- Ensures superior client satisfaction

## 2. Dedicated PARS Client Services Coordinator

- Customizes *Administrator's Handbook*
- Monitors contributions
- Processes disbursements to retiree medical provider, Agency, or retirees (stipend)
- Coordinates annual reviews and addresses all client concerns

## 3. Dedicated Investment Management Team

- Assists with Investment Policy Statement (versus no IPS from CalPERS)
- Conducts periodic onsite reviews of performance & market conditions (versus no on-site review)
- Frequency determined by the Agency
- Directly available by cell phone (versus no personal cell access)





# SIMPLE INVESTMENT APPROACH

## 1. Input Phase

- Target discount rate
- Risk tolerance
- Investment philosophy
- Asset allocation
- Timing on use of funds

## 2. Model Portfolios

Strategy	Equity
Capital Appreciation	65-85%
Balanced	50-70%
Moderate	40-60%
Moderately Conservative	20-40%
Conservative	5-20%

## 3. Dedicated Portfolio Manager

- Makes recommendation
- Fiduciary responsibility
- Drafts investment policy
- Annual on-site reviews
- Cell phone access

# PROGRAM FEES

As of June 30, 2021

## Trust Administration/Consulting Fees\*



### Plan Set-Up Fee:

None

### Ongoing Fees:

0.25%	for assets \$0-10 million
0.20%	for assets \$10-15 million
0.15%	for assets \$15-50 million
0.10%	for assets over \$50 million

## Discretionary Trustee/Investment Management Fees\*\*



### Plan Set-Up Fee:

None

### Ongoing Fees:

0.35%	for assets under \$5 million
0.25%	for assets \$5-10 million
0.20%	for assets \$10-15 million
0.15%	for assets \$15-50 million
0.10%	for assets over \$50 million

\* PARS does not receive any compensation from the investments or any commissions, back-end loads, or any other forms of compensation.

\*\* Subject to change due to rebalancing, as fees are waived for plan assets in First American Funds (money market)



The

# PARS PENSION RATE STABILIZATION PROGRAM

*for prefunding pension obligations*

# BACKGROUND – PENSION

- Since 2015, GASB 68 has required disclosing Net Pension Liability on financial statements as a line item on the balance sheet
- Before the concept of pension prefunding, the only way to reduce retirement system unfunded liabilities was to send additional contributions in excess of annual required employer contributions
- Pension trust prefunding assets can be transferred to the retirement system at the Agency's direction, which can help offset future rate increases (i.e., pension rate stabilization).

## CalPERS Changes

CalPERS has announced changes directly affecting unfunded liability amounts and employer contributions:

### Lowering of Discount Rate <sup>1</sup>

**7.0%**



**6.8%**

CalPERS is lowering the discount rate from 7.0% to 6.8%. The impact will be reflected in the June 30, 2021 valuation reports.

<sup>1</sup> Contributions from policy changes beginning FY 23-24.

### Shortened Amortization Period <sup>2</sup>

**30 years**



**20 years**

New actuarial liabilities are amortized over 20 years instead of 30, increasing required annual employer contribution amounts\*

<sup>2</sup> 5-year ramp up in payments beginning FY 15-16 with full impact in FY 19/20.



# PENSION FUNDING STATUS

As of June 30, 2020, City of Twentynine Palms' CalPERS pension plan is funded as follows:

Combined Miscellaneous*	Valuation as of June 30, 2019	Valuation as of June 30, 2020	Change
Actuarial Liability	\$16.6 M	\$18.0 M	7.9% ↑
Assets	\$16.2 M	\$17.0 M	5.0% ↑
Unfunded Liability	\$0.5 M	\$1.0 M	107.7% ↑
Funded Ratio	97.18%	94.57%	2.7% ↓
Employer Contribution Amount	\$0.3 M (FY 20-21)	\$0.28 M (FY 21-22)	1.3% ↓
Employer Contribution Amount - Projected *	---	\$0.39 M (FY 27-28)	36.8% ↑

\* Data through 2027-28 from Agency's latest CalPERS actuarial valuation.

# WHY PREFUND PENSION OBLIGATIONS?

---

## 1. Complete Local Control over Assets

Agency has complete control over assets, including contributions, disbursements and the timing, amount, and risk tolerance level of investments

## 2. Pension Rate Stabilization

Assets can be transferred to the retirement system at the Agency's direction, potentially reducing/eliminating large fluctuations in employer contribution amounts

## 3. Rainy Day Fund

Emergency source of funds when employer revenues are strained in difficult budgetary or economic times

## 4. Diversification

Allows for investment flexibility and offers the potential for assets to earn greater returns than the general fund; spread the risk vs. sending additional money to CalPERS

# INVESTMENT FLEXIBILITY

- Agency maintains oversight of the investment manager and the portfolio's risk tolerance level
- Investment restrictions that apply to the general fund (CA Government Code 53601) are not applicable to assets held in The PARS Section 115 Irrevocable Trust
- Assets held in The PARS Section 115 Irrevocable Trust can be invested per Government Code Sections 53216 (Pension) and 53620 (OPEB)
- Investments can be diversified and invested in a prudent fashion
- Investments can be tailored to the Agency's unique demographics and needs
- Increased risk diversification



## Diversified Investing

Assets held in The PARS Section 115 Irrevocable Trust can be diversely invested in a prudent fashion per Government Code Sections 53216 (Pension) and 53620 (OPEB).

**GOV § 53216 (Pension)**

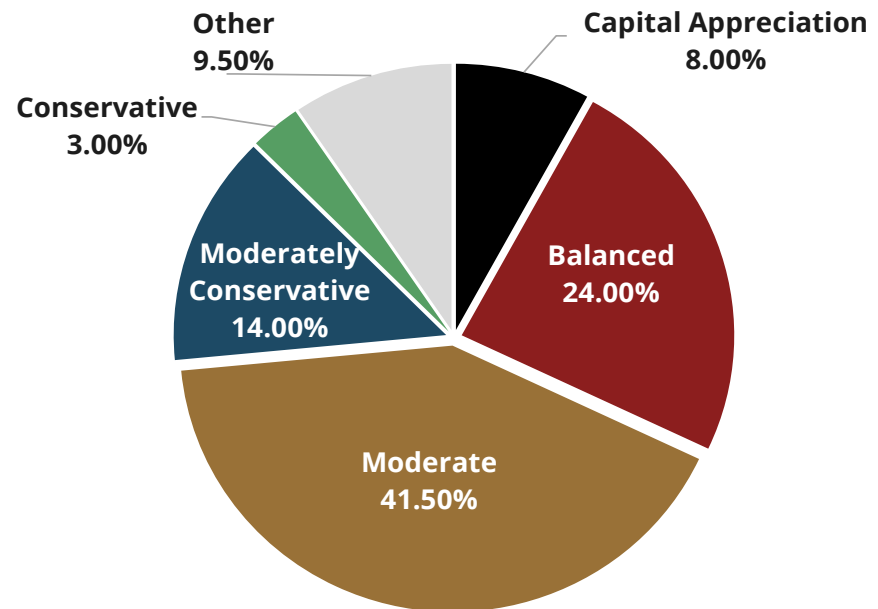
**GOV § 53620 (OPEB)**

# OPEB STRATEGY ALLOCATION – CLIENTS

As of June 30, 2021

## HIGHMARK CAPITAL MANAGEMENT

Strategy	Allocation (%)
<b>Capital Appreciation</b> (65-85% Equity)	8.00%
<b>Balanced</b> (50-70% Equity)	24.00%
<b>Moderate</b> (40-60% Equity)	41.50%
<b>Mod. Conservative</b> (20-40% Equity)	14.00%
<b>Conservative</b> (5-20% Equity)	3.00%
<b>Other</b> (Custom)	9.50%
<b>TOTAL</b>	<b>100.00%</b>



Active Platform: 61% / Passive Platform: 39%

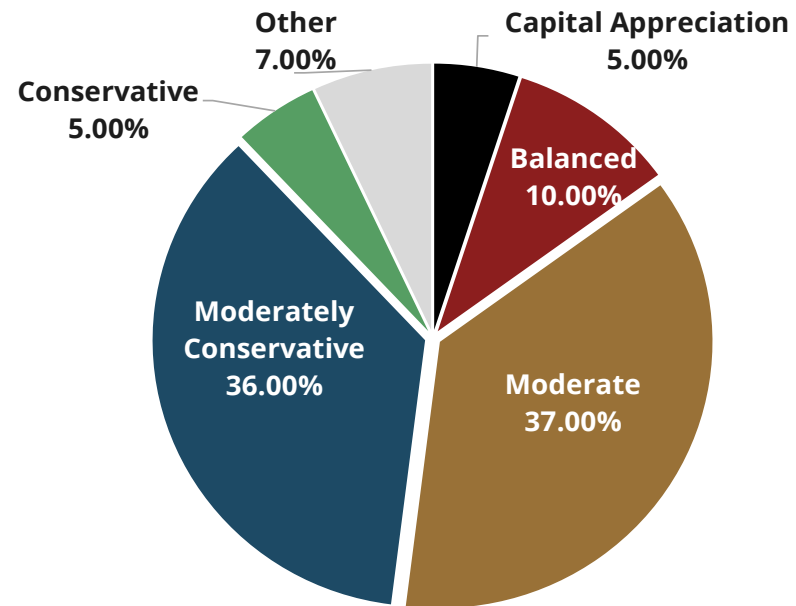


# PRSP STRATEGY ALLOCATION – CLIENTS

As of June 30, 2021

## HIGHMARK CAPITAL MANAGEMENT

Strategy	Allocation (%)
<b>Capital Appreciation</b> (65-85% Equity)	5.00%
<b>Balanced</b> (50-70% Equity)	10.00%
<b>Moderate</b> (40-60% Equity)	37.00%
<b>Mod. Conservative</b> (20-40% Equity)	36.00%
<b>Conservative</b> (5-20% Equity)	5.00%
<b>Other</b> (Custom)	7.00%
<b>TOTAL</b>	<b>100.00%</b>



Active Platform: 54% / Passive Platform: 46%

# HIGHMARK CAPITAL MANAGEMENT

As of June 30, 2021

## ACTIVE PORTFOLIO RETURNS

Strategy	Equity (%)	1 Year	3 Years	5 Years	10 Years
Capital Appreciation	65-85%	32.31%	13.14%	12.64%	9.75%
Balanced	50-70%	27.05%	11.93%	11.26%	8.67%
Moderate	40-60%	22.58%	10.87%	9.90%	7.81%
Moderately Conservative	20-40%	14.19%	8.62%	7.25%	6.01%
Conservative	5-20%	8.00%	6.99%	5.32%	4.63%

\* Past performance does not guarantee future results.

# SAMPLE FUNDING POLICIES

1. Contribute 50% of a given year's realized year end surplus to address pension liability	Alameda/Solana Beach
2. Contribute full amount of annual PERS employer cont., allowing anytime access to trust assets	City of Brea
3. Contribute funds to stabilize PERS employer Misc. and Safety rates through FY 23-24	City of Healdsburg
4. "One equals five plan" - \$1M contribution for 5 years will save taxpayers \$5M over 25 years	City of Huntington Beach
5. Contribute Employer contribution equal to the 2.8% discount rate, with difference going into the Section 115 Trust	City of Sausalito
6. Contribute the annual savings realized from Reduction in UAL payment resulting from Pension Obligation Bonds issuance	City of Placentia
7. Earmark a portion of a local sales tax to be set aside for unfunded pension liabilities	City of Fountain Valley
8. Use ongoing savings from prepaying CalPERS unfunded liability vs. higher monthly payments	City of Pasadena
9. Use one-time revenue source and lower the minimum General Fund Reserve level (30% → 20%)	City of Glendale

# STEPS TO IMPLEMENTATION

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- 1 City Council adopts resolution authorizing City to join PARS Combo Trust and appoints Plan Administrator (PA)
- 2 City sends signed copy of resolution to PARS
- 3 PARS sends set of signature-ready documents to City
- 4 PARS coordinates meeting with City and Highmark Capital Management to discuss investment options and select strategy
- 5 City signs documents and returns to PARS
- 6 PARS works with Trustee/U.S. Bank to establish account
- 7 PARS notifies City account is ready and includes Contribution Instructions
- 8 City will send Directive to transfer OPEB assets to OPEB account within Combo Trust
- 9 City makes Contribution using Transmittal Form
- 10 PARS and Highmark conduct annual reviews (unless more frequently desired)

# WHY PARS?

1. 115 Trust services for Prefunding Pension and OPEB is our Core business, unlike CalPERS and PFM
  2. Market pioneer and leader with over 240 PRSP client agencies in California (approximately 40 for CalPERS and 10 for PFM)
  3. 1<sup>st</sup> IRS-approved Section 115 Combination Trust (1 of only 2 in the nation capable of prefunding both OPEB and Pension in the same trust); CalPERS CERBT & CEPPT are separate trusts
  4. We offer mutual indemnification clause in agreements, unlike CalPERS
  5. Can reimburse Agency for up to 2 years of OPEB expenses (current year + prior year) vs. CalPERS who only reimburses for 1 year; helpful in an emergency or tough budget year
- Dedicated Portfolio Manager
6.
    - Fiduciary responsibility
    - Investment policy assistance
    - Annual onsite reviews
    - Cell phone access
  7. Choice of 5 active or 5 passive portfolios or custom option vs. 3 passive options only for CERBT and 2 passive options only for CEPPT
  8. No minimum fees, no minimum contributions, no trading fees & no 12b-1 fees
  9. Greater Net Performance (9.15% vs. 8.31% for CalPERS; 10-Year Returns as of 6/30/21)

# CERBT Account Update Summary

City of Twentynine Palms

as of June 30, 2021



## OPEB Valuation Report Summary

OPEB Actuarial Valuation Report by Pacific Crest Actuaries	
Valuation Date	7/1/2019
Total OPEB Liability (TOL)	\$2,252,221
Valuation Assets	\$2,184,443
Net OPEB Liability (NOL)	\$67,778
Funded Status	97%
Actuarially Determined Contribution (ADC)	\$0
CERBT Asset Allocation Strategy	Strategy 2
Discount Rate	6.00%

## CERBT Account Summary

As of June 30, 2021	Strategy 2
Initial contribution (06/28/2010)	\$128,180
Additional contributions	\$1,365,213
Disbursements	\$0
CERBT expenses	(\$12,962)
Investment earnings	\$1,121,595
Total assets	\$2,602,025
Annualized net rate of return (06/28/2010-06/30/2021 = 11.01 years)	8.09%

## Cash Flow Summary by Fiscal Year

Fiscal Year	Contributions	Disbursements	Cumulative Investment Gains (Losses)	Cumulative Fees	Cumulative Ending Assets
2006-07	\$0	\$0	\$0	\$0	\$0
2007-08	\$0	\$0	\$0	\$0	\$0
2008-09	\$0	\$0	\$0	\$0	\$0
2009-10	\$128,180	\$0	(\$246)	(\$1)	\$127,933
2010-11	\$96,385	\$0	\$48,550	(\$317)	\$272,798
2011-12	\$208,828	\$0	\$54,526	(\$754)	\$487,165
2012-13	\$195,000	\$0	\$104,414	(\$1,701)	\$731,105
2013-14	\$115,000	\$0	\$229,418	(\$2,905)	\$969,906
2014-15	\$125,000	\$0	\$225,194	(\$3,988)	\$1,089,600
2015-16	\$125,000	\$0	\$260,187	(\$4,995)	\$1,248,585
2016-17	\$125,000	\$0	\$357,107	(\$6,184)	\$1,469,316
2017-18	\$125,000	\$0	\$454,042	(\$7,590)	\$1,689,845
2018-19	\$125,000	\$0	\$581,015	(\$9,133)	\$1,940,276
2019-20	\$125,000	\$0	\$693,134	(\$10,923)	\$2,175,605
2020-21	\$0	\$0	\$1,121,595	(\$12,962)	\$2,602,025



## CERBT/CEPPT Investment Returns Outperform Benchmarks

Periods ended June 30, 2021

Fund	Assets	1 Month	3 Months	FYTD	1 Year	3 Years	5 Years	10 Years	ITD
CERBT Strategy 1 (Inception June 1, 2007)	\$13,042,036,647	1.45%	6.59%	27.54%	27.54%	11.95%	10.88%	8.42%	6.29%
Benchmark		1.40%	6.54%	27.31%	27.31%	11.66%	10.49%	8.13%	5.86%
CERBT Strategy 2 (Inception October 1, 2011)	\$1,815,456,223	1.59%	6.05%	19.71%	19.71%	10.57%	9.02%	-	8.44%
Benchmark		1.56%	6.00%	19.50%	19.50%	10.35%	8.66%	-	8.15%
CERBT Strategy 3 (Inception January 1, 2012)	\$818,674,420	1.59%	5.49%	13.60%	13.60%	9.02%	7.16%	-	6.60%
Benchmark		1.57%	5.45%	13.45%	13.45%	8.84%	6.85%	-	6.29%
<b>CERBT Total</b>	<b>\$15,676,167,290</b>								
CEPPT Strategy 1 (Inception October 1, 2019)	\$38,556,782	1.02%	4.74%	18.31%	18.31%	-	-	-	12.14%
Benchmark		0.91%	4.63%	18.07%	18.07%	-	-	-	12.16%
CEPPT Strategy 2 (Inception January 1, 2020)	\$19,387,858	0.79%	3.24%	8.00%	8.00%	-	-	-	7.19%
Benchmark		0.78%	3.24%	7.75%	7.75%	-	-	-	7.01%
<b>CEPPT Total</b>	<b>\$57,944,640</b>								

## CERBT Expected Rates of Return & Risk

Portfolios	CERBT Strategy 1	CERBT Strategy 2	CERBT Strategy 3
Expected Return	7.59%	7.01%	6.22%
Risk	11.83%	9.24%	7.28%

## CERBT Portfolio Details

Asset Classification	Benchmark	CERBT Strategy 1	CERBT Strategy 2	CERBT Strategy 3
Global Equity	MSCI All Country World Index	59% ±5%	40% ±5%	22% ±5%
Fixed Income	Barclays Capital Long Liability Index (CERBT)	25% ±5%	43% ±5%	49% ±5%
Global Real Estate (REITs)	FTSE EPRA/NAREIT Developed Liquid Index	8% ±5%	8% ±5%	8% ±5%
Treasury Inflation Protected Securities (TIPS)	Barclays Capital Global Real: US TIPS Index	5% ±3%	5% ±3%	16% ±3%
Commodities	S&P GSCI Total Return Index	3% ±3%	4% ±3%	5% ±3%
Cash	3-Month Treasury Bill	0% +2%	0% +2%	0% +2%

## Total Participation Cost Fee Rate

- Total all-inclusive cost of participation
  - Combines administrative, custodial, and investment fees
  - Separate trust funds
  - Self-funded, fee rate may change in the future
  - Fee is applied daily to assets under management
    - 10 basis points - CERBT
    - 25 basis points - CEPPT

## CEPPT/CERBT Consistently Low Fee Rate History

Fiscal Year	CERBT	CEPPT
2007-2008	2.00 basis points	-
2008-2009	6.00 basis points	-
2009-2010	9.00 basis points	-
2010-2011	12.00 basis points	-
2011-2012	12.00 basis points	-
2012-2013	15.00 basis points	-
2013-2014	14.00 basis points	-
2014-2015	10.00 basis points	-
2015-2016	10.00 basis points	-
2016-2017	10.00 basis points	-
2017-2018	10.00 basis points	-
2018-2019	10.00 basis points	-
2019-2020	10.00 basis points	25.00 basis points
2020-2021	10.00 basis points	25.00 basis points
2021-2022	10.00 basis points	25.00 basis points

## 595 Prefunding Program Employers

585 CERBT and 43 CEPPT

- State of California
- 152 Cities or Towns
- 10 Counties
- 76 School Employers
- 31 Courts
- 325 Special Districts and other Public Agencies
  - (99 Water, 34 Sanitation, 33 Fire, 25 Transportation)

## Financial Reporting

- CERBT is the Plan
  - Provides audited and compliant GASB 74 report in a Schedule of Changes in Fiduciary Net Position (FNP)
  - Published in February each year

FNP Fiscal Year	Availability
<a href="#">2015-16</a>	Available at <a href="https://www.calpers.ca.gov/cerbt">https://www.calpers.ca.gov/cerbt</a>
<a href="#">2016-17</a>	
<a href="#">2017-18</a>	
<a href="#">2018-19</a>	
<a href="#">2019-20</a>	
2020-21	February 2022

## Questions? Where to Get Trust Fund Information?

Name	Title	E-mail	Desk	Mobile
Matt Goss	Outreach & Support Program Manager	<a href="mailto:Matthew.Goss@calpers.ca.gov">Matthew.Goss@calpers.ca.gov</a>	(916) 795-9071	(916) 382-6487
Karen Lookingbill	Outreach & Support Manager	<a href="mailto:Karen.Lookingbill@calpers.ca.gov">Karen.Lookingbill@calpers.ca.gov</a>	(916) 795-1387	(916) 501-2219
Jasper Jacobs	Outreach & Support Analyst	<a href="mailto:Jasper.Jacobs@calpers.ca.gov">Jasper.Jacobs@calpers.ca.gov</a>	(916) 795-0432	(916) 717-3886
Jean MacDonald	Outreach & Support Analyst	<a href="mailto:Jean.MacDonald@calpers.ca.gov">Jean.MacDonald@calpers.ca.gov</a>	(916) 795-0675	(916) 291-1325
Colleen Cain-Herrback	Administration & Reporting Program Manager	<a href="mailto:Colleen.Cain-Herrback@calpers.ca.gov">Colleen.Cain-Herrback@calpers.ca.gov</a>	(916) 795-2474	(916) 505-2506
Robert Sharp	Assistant Division Chief	<a href="mailto:Robert.Sharp@calpers.ca.gov">Robert.Sharp@calpers.ca.gov</a>	(916) 795-3878	(916) 397-0756

Program E-mail Addresses	Prefunding Programs Webpages
<a href="mailto:CERBT4U@calpers.ca.gov">CERBT4U@calpers.ca.gov</a> – Questions & Document Submittal	<a href="http://www.calpers.ca.gov/CERBT">www.calpers.ca.gov/CERBT</a>
<a href="mailto:CEPPT4U@calpers.ca.gov">CEPPT4U@calpers.ca.gov</a> – Questions & Document Submittal	<a href="http://www.calpers.ca.gov/CEPPT">www.calpers.ca.gov/CEPPT</a>
<a href="mailto:CERBTACCOUNT@calpers.ca.gov">CERBTACCOUNT@calpers.ca.gov</a> – Online Record Keeping System	



## PARS DIVERSIFIED PORTFOLIOS CONSERVATIVE

Q2 2021

### WHY THE PARS DIVERSIFIED CONSERVATIVE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

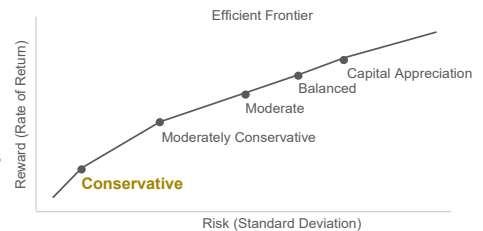
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies: HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide a consistent level of inflation-protected income over the long-term. The major portion of the assets will be fixed income related. Equity securities are utilized to provide inflation protection.



### ASSET ALLOCATION — CONSERVATIVE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	5 – 20%	15%	16%
Fixed Income	60 – 95%	80%	83%
Cash	0 – 20%	5%	1%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
Current Quarter*	2.84%	Current Quarter*	2.40%
Blended Benchmark**, **	2.09%	Blended Benchmark**, **	2.09%
Year To Date*	1.64%	Year To Date*	1.18%
Blended Benchmark**, **	1.33%	Blended Benchmark**, **	1.33%
1 Year	8.00%	1 Year	5.88%
Blended Benchmark**	6.08%	Blended Benchmark**	6.08%
3 Year	6.99%	3 Year	6.55%
Blended Benchmark**	6.30%	Blended Benchmark**	6.30%
5 Year	5.32%	5 Year	4.71%
Blended Benchmark**	4.71%	Blended Benchmark**	4.71%
10 Year	4.63%	10 Year	4.29%
Blended Benchmark**	4.20%	Blended Benchmark**	4.20%

\* Returns less than one year are not annualized. \*\*Breakdown for Blended Benchmark: From 10/1/2012 - Present: 7.5% S&P500, 1.5% Russell Mid Cap, 2.5% Russell 2000, 1% MSCI EM (net), 2% MSCI EAFE (net), 52.25% BBG Barclays US Agg, 25.75% ICE BofA 1-3 Yr US Corp/Gov, 2% ICE BofA US High Yield Master II, 0.5% Wilshire REIT, and 5% FTSE 1 Mth US T-Bill. From 4/1/2007 – 9/30/2012, the blended benchmark was 12% S&P 500; 1% Russell 2000, 2% MSCI EAFE (net), 40% ICE BofA 1-3 Year Corp./Gov, 40% BBG Barclays US Agg, 5% FTSE 1 Mth US T-Bill. Prior to April 2007, the blended benchmark was 15% S&P 500, 40% ICE BofA 1-3Yr Corp/Gov, 40% BBG Barclays US Agg, and 5% FTSE 1 Mth US T-Bill.

### ANNUAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
2008	-9.04%	2008	-6.70%
2009	15.59%	2009	10.49%
2010	8.68%	2010	7.67%
2011	2.19%	2011	3.70%
2012	8.45%	2012	6.22%
2013	3.69%	2013	3.40%
2014	3.88%	2014	4.32%
2015	0.29%	2015	0.06%
2016	4.18%	2016	3.75%
2017	6.73%	2017	5.52%
2018	-1.35%	2018	-1.09%
2019	11.05%	2019	10.37%
2020	9.03%	2020	8.56%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Composite Inception Date	07/2004	Composite Inception Date	07/2004
No of Holdings in Portfolio	20	No of Holdings in Portfolio	13

## HOLDINGS

### HighMark Plus (Active)

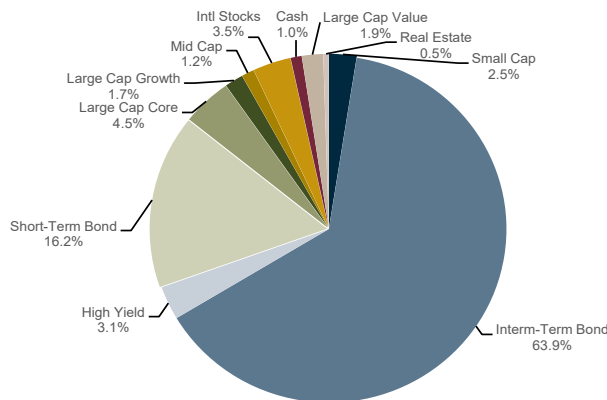
Columbia Contrarian Core I3  
 Vanguard Growth & Income Adm  
 Dodge & Cox Stock Fund  
 iShares S&P 500 Value ETF  
 Harbor Capital Appreciation - Retirement  
 T. Rowe Price Growth Stock - I  
 iShares Russell Mid-Cap ETF  
 Vanguard Real Estate ETF  
 Undiscovered Managers Behavioral Value-R6  
 Victory RS Small Cap Growth - R6  
 DFA Large Cap International Portfolio  
 Dodge & Cox International Stock  
 MFS International Growth - R6  
 Hartford Schroders Emerging Markets Eq  
 Vanguard Short-Term Invest-Grade Adm  
 PIMCO High Yield Instl  
 PIMCO Total Return Fund - Inst  
 PGIM Total Return Bond - R6  
 DoubleLine Core Fixed Income - I  
 First American Government Obligations Z

### Index Plus (Passive)

iShares Core S&P 500 ETF  
 iShares S&P 500 Value ETF  
 iShares S&P 500 Growth ETF  
 iShares Russell Mid-Cap ETF  
 Vanguard Real Estate ETF  
 iShares Russell 2000 Value ETF  
 iShares Russell 2000 Growth ETF  
 iShares Core MSCI EAFE ETF  
 Vanguard FTSE Emerging Markets ETF  
 Vanguard Short-Term Invest-Grade Adm  
 iShares Core U.S. Aggregate  
 Vanguard High-Yield Corp Adm  
 First American Government Obligations Z

*Holdings are subject to change at the discretion of the investment manager.*

## STYLE



The performance records shown represent size-weighted composites of tax exempt accounts that meet the following criteria: Accounts are managed by HighMark with full investment authority according to the PARS Conservative active and passive objectives.

The adviser to the PARS portfolios is US Bank, and HighMark serves as sub-adviser to US Bank to manage these portfolios. US Bank may charge clients as much as 0.60% annual management fee based on a sliding scale. US Bank pays HighMark 60% of the annual management fee for assets sub-advised by HighMark under its sub-advisory agreement with US Bank. The 0.36% paid to HighMark, as well as other expenses that may be incurred in the management of the portfolio, will reduce the portfolio's returns. Assuming an investment for five years, a 5% annual total return, and an annual sub-advisory fee rate of 0.36% deducted from the assets at market at the end of each year, a \$10 million initial value would grow to \$12.53 million after fees (Net-of-Fees) and \$12.76 million before fees (Gross-of-Fees). Gross returns are presented before management and custodial fees but after all trading expenses and reflect the reinvestment of dividends and other income. A client's return will be reduced by the advisory fees and other expenses it may incur as a client. Additional information regarding the firm's policies and procedures for calculating and reporting performance results is available upon request. Performance results are calculated and presented in U.S. dollars and do not reflect the deduction of investment advisory fees, custody fees, or taxes but do reflect the deduction of trading expenses. Returns are calculated based on trade-date accounting.

Blended benchmarks represent HighMark's strategic allocations between equity, fixed income, and cash and are rebalanced monthly. Benchmark returns do not reflect the deduction of advisory fees or other expenses of investing but assumes the reinvestment of dividends and other earnings. An investor cannot invest directly in an index. The unmanaged S&P 500 Index is representative of the performance of large companies in the U.S. stock market. The MSCI EAFE Index is a free float-adjusted market capitalization index designed to measure developed market equity performance, excluding the U.S. and Canada. The MSCI Emerging Markets Index is a free float-adjusted market capitalization index that is designed to measure equity market performance in the global emerging markets. The Russell Midcap Index measures the performance of the mid-cap segment of the U.S. equity universe. The Russell 2000 Index measures the performance of the small-cap segment of the U.S. equity universe. The ICE BofA US High Yield Master II Index tracks the performance of below investment grade U.S. dollar-denominated corporate bonds publicly issued in the U.S. domestic market. Wilshire REIT index measures U.S. publicly traded Real Estate Investment Trusts. The unmanaged Bloomberg Barclays U.S. Aggregate Bond Index is generally representative of the U.S. taxable bond market as a whole. The ICE BofA 1-3 Year U.S. Corporate & Government Index tracks the bond performance of the ICE BofA U.S. Corporate & Government Index, with a remaining term to final maturity less than 3 years. The unmanaged FTSE 1-Month U.S. Treasury Bill Index tracks the yield of the 1-month U.S. Treasury Bill.

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## HIGHMARK CAPITAL MANAGEMENT

350 California Street  
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 800-582-4734

### ABOUT THE ADVISER

HighMark® Capital Management, Inc. (HighMark) has 100 years (including predecessor organizations) of institutional money management experience with \$9.3 billion in assets under management and \$9.5 billion in assets under advisement\*. HighMark has a long term disciplined approach to money management and currently manages assets for a wide array of clients.

### ABOUT THE PORTFOLIO MANAGEMENT TEAM

#### Andrew Brown, CFA®

Senior Portfolio Manager  
 Investment Experience: since 1994  
 HighMark Tenure: since 1997  
 Education: MBA, University of Southern California; BA, University of Southern California

#### Salvatore "Tory" Milazzo III, CFA®

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 Education: BA, International Christian University, Tokyo

#### Anne Wimmer, CFA®

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 HighMark Tenure: since 2007  
 Education: BA, University of California, Santa Barbara

#### Randy Yurchak, CFA®

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 Investment Experience: since 2002  
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 Education: MBA, Arizona State University; BS, University of Washington

### Asset Allocation Committee

Number of Members: 17  
 Average Years of Experience: 26  
 Average Tenure (Years): 14

### Manager Review Group

Number of Members: 8  
 Average Years of Experience: 20  
 Average Tenure (Years): 9

\*Assets under management ("AUM") include assets for which HighMark provides continuous and regular supervisory and management services. Assets under advisement ("AUA") include assets for which HighMark provides certain investment advisory services (including, but not limited to, investment research and strategies) for client assets of its parent company, MUFG Union Bank, N.A.



## PARS DIVERSIFIED PORTFOLIOS MODERATELY CONSERVATIVE

Q2 2021

### WHY THE PARS DIVERSIFIED MODERATELY CONSERVATIVE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

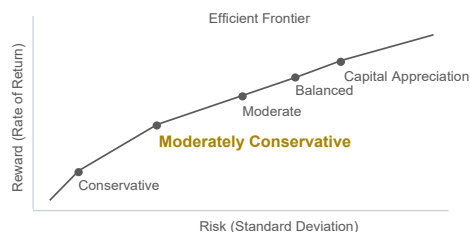
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies: HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide current income, with capital appreciation as a secondary objective. The major portion of the assets is committed to income-producing securities. Market fluctuations should be expected.



### ASSET ALLOCATION — MODERATELY CONSERVATIVE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	20 - 40%	30%	32%
Fixed Income	50 - 80%	65%	67%
Cash	0 - 20%	5%	1%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
Current Quarter*	3.67%	Current Quarter*	3.25%
Blended Benchmark**, **	3.12%	Blended Benchmark**, **	3.12%
Year To Date*	3.97%	Year To Date*	3.50%
Blended Benchmark**, **	3.47%	Blended Benchmark**, **	3.47%
1 Year	14.19%	1 Year	11.58%
Blended Benchmark**	11.97%	Blended Benchmark**	11.97%
3 Year	8.62%	3 Year	8.18%
Blended Benchmark**	8.24%	Blended Benchmark**	8.24%
5 Year	7.25%	5 Year	6.56%
Blended Benchmark**	6.78%	Blended Benchmark**	6.78%
10 Year	6.01%	10 Year	5.73%
Blended Benchmark**	5.89%	Blended Benchmark**	5.89%

\* Returns less than one year are not annualized. \*\*Breakdown for Blended Benchmark: From 10/1/2012 - Present: 15.5% S&P500, 3% Russell Mid Cap, 4.5% Russell 2000, 2% MSCI EM (net), 4% MSCI EAFE (net), 49.25% BBG Barclays US Agg, 14% ICE BofA 1-3 Yr US Corp/Gov't, 1.75% ICE BofA US High Yield Master II, 1% Wilshire REIT, and 5% FTSE 1 Mth US T-Bill. From 4/1/2007 - 9/30/2012: the blended benchmark was 25% S&P 500; 1.5% Russell 2000, 3.5% MSCI EAFE (net), 25% ICE BofA 1-3 Year Corp./Gov't, 40% BBG Barclays US Agg, 5% FTSE 1 Mth US T-Bill. Prior to April 2007, the blended benchmark was 30% S&P 500, 25% ICE BofA 1-3Yr Corp/Gov, 40% BBG Barclays US Agg, and 5% FTSE 1 Mth US T-Bill.

### ANNUAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
2008	-15.37%	2008	-12.40%
2009	18.71%	2009	11.92%
2010	10.46%	2010	9.72%
2011	1.75%	2011	3.24%
2012	10.88%	2012	8.24%
2013	7.30%	2013	6.78%
2014	4.41%	2014	5.40%
2015	0.32%	2015	-0.18%
2016	4.94%	2016	5.42%
2017	9.56%	2017	8.08%
2018	-2.60%	2018	-2.33%
2019	13.73%	2019	13.53%
2020	10.76%	2020	9.74%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Composite Inception Date	08/2004	Composite Inception Date	05/2005
No of Holdings in Portfolio	20	No of Holdings in Portfolio	13



## HOLDINGS

### HighMark Plus (Active)

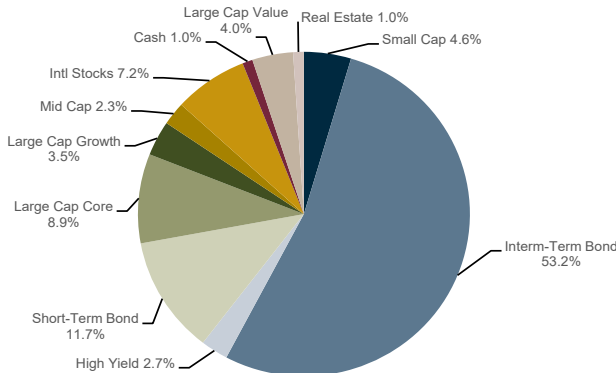
Columbia Contrarian Core I3  
 Vanguard Growth & Income Adm  
 Dodge & Cox Stock Fund  
 iShares S&P 500 Value ETF  
 Harbor Capital Appreciation - Retirement  
 T. Rowe Price Growth Stock - I  
 iShares Russell Mid-Cap ETF  
 Vanguard Real Estate ETF  
 Undiscovered Managers Behavioral Value-R6  
 Victory RS Small Cap Growth - R6  
 DFA Large Cap International Portfolio  
 Dodge & Cox International Stock  
 MFS International Growth - R6  
 Hartford Schroders Emerging Markets Eq  
 Vanguard Short-Term Invest-Grade Adm  
 PIMCO High Yield Instl  
 PIMCO Total Return Fund - Inst  
 PGIM Total Return Bond - R6  
 DoubleLine Core Fixed Income - I  
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 HighMark Tenure: since 1997  
 Education: MBA, University of Southern California; BA, University of Southern California

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Senior Portfolio Manager  
 Investment Experience: since 1987  
 HighMark Tenure: since 2010  
 Education: BA, International Christian University, Tokyo

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### Asset Allocation Committee

Number of Members: 17  
 Average Years of Experience: 26  
 Average Tenure (Years): 14

### Manager Review Group

Number of Members: 8  
 Average Years of Experience: 20  
 Average Tenure (Years): 9

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## PARS DIVERSIFIED PORTFOLIOS MODERATE

Q2 2021

### WHY THE PARS DIVERSIFIED MODERATE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

#### Rigorous Manager Due Diligence

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#### Flexible Investment Options

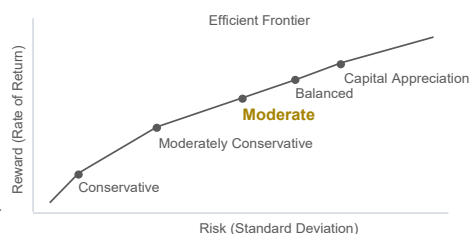
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#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide current income and moderate capital appreciation. It is expected that dividend and interest income will comprise a significant portion of total return, although growth through capital appreciation is equally important.



### ASSET ALLOCATION — MODERATE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	40 - 60%	50%	53%
Fixed Income	40 - 60%	45%	46%
Cash	0 - 20%	5%	1%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
Current Quarter*	4.77%	Current Quarter*	4.39%
Blended Benchmark*, **	4.30%	Blended Benchmark*, **	4.30%
Year To Date*	7.12%	Year To Date*	6.76%
Blended Benchmark*, **	6.66%	Blended Benchmark*, **	6.66%
1 Year	22.58%	1 Year	19.88%
Blended Benchmark**	20.51%	Blended Benchmark**	20.51%
3 Year	10.87%	3 Year	10.20%
Blended Benchmark**	10.52%	Blended Benchmark**	10.52%
5 Year	9.90%	5 Year	9.04%
Blended Benchmark**	9.43%	Blended Benchmark**	9.43%
10 Year	7.81%	10 Year	7.55%
Blended Benchmark**	7.96%	Blended Benchmark**	7.96%

\* Returns less than one year are not annualized. \*\*Breakdown for Blended Benchmark: From 10/1/2012 – Present: 26.5% S&P500, 5% Russell Mid Cap, 7.5% Russell 2000, 3.25% MSCI EM (net), 6% MSCI EAFE (net), 33.50% BBG Barclays US Agg, 10% ICE BofA 1-3 Yr US Corp/Govt, 1.50% ICE BofA US High Yield Master II, 1.75% Wishire REIT, and 5% FTSE 1 Mth US T-Bill. From 4/1/2007 – 9/30/2012, the blended benchmark was 43% S&P 500, 2% Russell 2000, 5% MSCI EAFE (net), 15% ICE BofA 1-3 Year Corp/Govt, 30% BBG Barclays US Agg, 5% FTSE 1 Mth US T-Bill. Prior to April 2007, the blended benchmark was 50% S&P 500, 15% ICE BofA 1-3Yr Corp/Govt, 30% BBG Barclays US Agg, and 5% FTSE 1 Mth US T-Bill.

### ANNUAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
2008	-22.88%	2008	-18.14%
2009	21.47%	2009	16.05%
2010	12.42%	2010	11.77%
2011	0.55%	2011	2.29%
2012	12.25%	2012	10.91%
2013	13.06%	2013	12.79%
2014	4.84%	2014	5.72%
2015	0.14%	2015	-0.52%
2016	6.45%	2016	7.23%
2017	13.19%	2017	11.59%
2018	-4.03%	2018	-4.03%
2019	17.71%	2019	17.52%
2020	12.92%	2020	11.23%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Composite Inception Date	10/2004	Composite Inception Date	05/2006
No of Holdings in Portfolio	20	No of Holdings in Portfolio	13

## HOLDINGS

### HighMark Plus (Active)

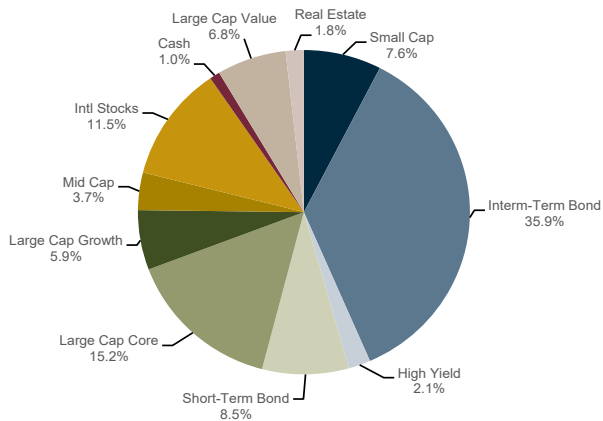
Columbia Contrarian Core I3  
 Vanguard Growth & Income Adm  
 Dodge & Cox Stock Fund  
 iShares S&P 500 Value ETF  
 Harbor Capital Appreciation - Retirement  
 T. Rowe Price Growth Stock - I  
 iShares Russell Mid-Cap ETF  
 Vanguard Real Estate ETF  
 Undiscovered Managers Behavioral Value-R6  
 Victory RS Small Cap Growth - R6  
 DFA Large Cap International Portfolio  
 Dodge & Cox International Stock  
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 Hartford Schroders Emerging Markets Eq  
 Vanguard Short-Term Invest-Grade Adm  
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 Investment Experience: since 2004  
 HighMark Tenure: since 2014  
 Education: BA, Colgate University

#### J. Keith Stribling, CFA®

Senior Portfolio Manager  
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 HighMark Tenure: since 1995  
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### Asset Allocation Committee

Number of Members: 17  
 Average Years of Experience: 26  
 Average Tenure (Years): 14

### Manager Review Group

Number of Members: 8  
 Average Years of Experience: 20  
 Average Tenure (Years): 9

\*Assets under management ("AUM") include assets for which HighMark provides continuous and regular supervisory and management services. Assets under advisement ("AUA") include assets for which HighMark provides certain investment advisory services (including, but not limited to, investment research and strategies) for client assets of its parent company, MUFJ Union Bank, N.A.

## PARS DIVERSIFIED PORTFOLIOS BALANCED

Q2 2021

### WHY THE PARS DIVERSIFIED BALANCED PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

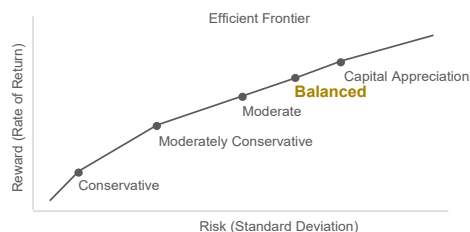
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies: HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide growth of principal and income. While dividend and interest income are an important component of the objective's total return, it is expected that capital appreciation will comprise a larger portion of the total return.



### ASSET ALLOCATION — BALANCED PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	50 – 70%	60%	63%
Fixed Income	30 – 50%	35%	36%
Cash	0 – 20%	5%	1%

(Gross of Investment Management Fees, but Net of Embedded Fund Fees)

### ANNUALIZED TOTAL RETURNS

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
Current Quarter*	5.33%	Current Quarter*	4.96%
Blended Benchmark**,**	4.94%	Blended Benchmark**,**	4.94%
Year To Date*	8.76%	Year To Date*	8.39%
Blended Benchmark**,**	8.27%	Blended Benchmark**,**	8.27%
1 Year	27.05%	1 Year	24.26%
Blended Benchmark**	24.96%	Blended Benchmark**	24.96%
3 Year	11.93%	3 Year	11.22%
Blended Benchmark**	11.66%	Blended Benchmark**	11.66%
5 Year	11.26%	5 Year	10.27%
Blended Benchmark**	10.76%	Blended Benchmark**	10.76%
10 Year	8.67%	10 Year	8.40%
Blended Benchmark**	9.02%	Blended Benchmark**	9.02%

\* Returns less than one year are not annualized. \*\*Breakdown for Blended Benchmark: From 10/1/2012 – Present: 32% S&P500, 6% Russell Mid Cap, 9% Russell 2000, 4% MSCI EM (net), 7% MSCI EAFE (net), 27% BBG Barclays US Agg, 6.75% ICE BofA 1-3 Yr US Corp/Govt, 1.25% ICE BofA US High Yield Master II, 2% Wilshire REIT, and 5% FTSE 1 Mth US T-Bill. From 4/1/2007 – 9/30/2012: the blended benchmark was 51% S&P 500; 3% Russell 2000, 6% MSCI EAFE (net), 5% ICE BofA 1-3 Year Corp./Govt, 30% BBG Barclays US Agg, 5% FTSE 1 Mth US T-Bill. Prior to April 2007: the blended benchmark was 60% S&P 500, 5% ICE BofA 1-3Yr Corp/Govt, 30% BBG Barclays US Agg, and 5% FTSE 1 Mth US T-Bill.

### ANNUAL RETURNS

HighMark Plus Composite (Active)		Index Plus Composite (Passive)	
2008	-25.72%	2008	-23.22%
2009	21.36%	2009	17.62%
2010	14.11%	2010	12.76%
2011	-0.46%	2011	1.60%
2012	13.25%	2012	11.93%
2013	16.61%	2013	15.63%
2014	4.70%	2014	6.08%
2015	0.04%	2015	-0.81%
2016	6.81%	2016	8.25%
2017	15.46%	2017	13.39%
2018	-4.88%	2018	-5.05%
2019	19.85%	2019	19.59%
2020	14.06%	2020	12.07%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Composite Inception Date	10/2006	Composite Inception Date	10/2007
No of Holdings in Portfolio	20	No of Holdings in Portfolio	13

## HOLDINGS

### HighMark Plus (Active)

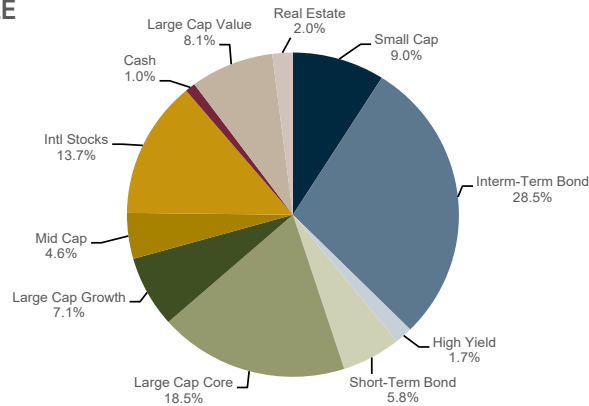
Columbia Contrarian Core I3  
 Vanguard Growth & Income Adm  
 Dodge & Cox Stock Fund  
 iShares S&P 500 Value ETF  
 Harbor Capital Appreciation - Retirement  
 T. Rowe Price Growth Stock - I  
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 PIMCO High Yield Instl  
 PIMCO Total Return Fund - Inst  
 PGIM Total Return Bond - R6  
 DoubleLine Core Fixed Income - I  
 First American Government Obligations Z

### Index Plus (Passive)

iShares Core S&P 500 ETF  
 iShares S&P 500 Value ETF  
 iShares S&P 500 Growth ETF  
 iShares Russell Mid-Cap ETF  
 Vanguard Real Estate ETF  
 iShares Russell 2000 Value ETF  
 iShares Russell 2000 Growth ETF  
 iShares Core MSCI EAFE ETF  
 Vanguard FTSE Emerging Markets ETF  
 Vanguard Short-Term Invest-Grade Adm  
 iShares Core U.S. Aggregate  
 Vanguard High-Yield Corp Adm  
 First American Government Obligations Z

*Holdings are subject to change at the discretion of the investment manager.*

## STYLE



The performance records shown represent size-weighted composites of tax exempt accounts that meet the following criteria: Accounts are managed by HighMark with full investment authority according to the PARS Balanced active and passive objectives.

The composite name has been changed from PARS Balanced/Moderately Aggressive to PARS Balanced on 5/1/2013. The adviser to the PARS portfolios is US Bank, and HighMark serves as sub-adviser to US Bank to manage these portfolios. US Bank may charge clients as much as 0.60% annual management fee based on a sliding scale. US Bank pays HighMark 60% of the annual management fee for assets sub-advised by HighMark under its sub-advisory agreement with US Bank. The 0.36% paid to HighMark, as well as other expenses that may be incurred in the management of the portfolio, will reduce the portfolio's returns. Assuming an investment for five years, a 5% annual total return, and an annual sub-advisory fee rate of 0.36% deducted from the assets at market at the end of each year, a \$10 million initial value would grow to \$12.53 million after fees (Net-of-Fees) and \$12.76 million before fees (Gross-of-Fees). Gross returns are presented before management and custodial fees but after all trading expenses and reflect the reinvestment of dividends and other income. A client's return will be reduced by the advisory fees and other expenses it may incur as a client. Additional information regarding the firm's policies and procedures for calculating and reporting performance results is available upon request. Performance results are calculated and presented in U.S. dollars and do not reflect the deduction of investment advisory fees, custody fees, or taxes but do reflect the deduction of trading expenses. Returns are calculated based on trade-date accounting.

Blended benchmarks represent HighMark's strategic allocations between equity, fixed income, and cash and are rebalanced monthly. Benchmark returns do not reflect the deduction of advisory fees or other expenses of investing but assumes the reinvestment of dividends and other earnings. An investor cannot invest directly in an index. The unmanaged S&P 500 Index is representative of the performance of large companies in the U.S. stock market. The MSCI EAFE Index is a free float-adjusted market capitalization index designed to measure developed market equity performance, excluding the U.S. and Canada. The MSCI Emerging Markets Index is a free float-adjusted market capitalization index that is designed to measure equity market performance in the global emerging markets. The Russell Midcap Index measures the performance of the mid-cap segment of the U.S. equity universe. The Russell 2000 Index measures the performance of the small-cap segment of the U.S. equity universe. The ICE BofA US High Yield Master II Index tracks the performance of below investment grade U.S. dollar-denominated corporate bonds publicly issued in the U.S. domestic market. Wilshire REIT index measures U.S. publicly traded Real Estate Investment Trusts. The unmanaged Bloomberg Barclays U.S. Aggregate Bond Index is generally representative of the U.S. taxable bond market as a whole. The ICE BofA 1-3 Year U.S. Corporate & Government Index tracks the bond performance of the ICE BofA U.S. Corporate & Government Index, with a remaining term to final maturity less than 3 years. The unmanaged FTSE 1-Month U.S. Treasury Bill Index tracks the yield of the 1-month U.S. Treasury Bill.

HighMark Capital Management, Inc. (HighMark), an SEC-registered investment adviser, is a wholly owned subsidiary of MUFG Union Bank, N.A. (MUB). HighMark manages institutional separate account portfolios for a wide variety of for-profit and nonprofit organizations, public agencies, and public and private retirement plans. MUB, a subsidiary of MUFG Americas Holdings Corporation, provides certain services to HighMark and is compensated for these services. Past performance does not guarantee future results. Individual account management and construction will vary depending on each client's investment needs and objectives. Investments employing HighMark strategies are NOT insured by the FDIC or by any other Federal Government Agency, are NOT Bank deposits, are NOT guaranteed by the Bank or any Bank affiliate, and MAY lose value, including possible loss of principal.

## HIGHMARK CAPITAL MANAGEMENT

350 California Street  
 Suite 1600  
 San Francisco, CA 94104  
 800-582-4734

### ABOUT THE ADVISER

HighMark® Capital Management, Inc. (HighMark) has 100 years (including predecessor organizations) of institutional money management experience with \$9.3 billion in assets under management and \$9.5 billion in assets under advisement\*. HighMark has a long term disciplined approach to money management and currently manages assets for a wide array of clients.

### ABOUT THE PORTFOLIO MANAGEMENT TEAM

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## PARS DIVERSIFIED PORTFOLIOS CAPITAL APPRECIATION

Q2 2021

### WHY THE PARS DIVERSIFIED CAPITAL APPRECIATION PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

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#### Flexible Investment Options

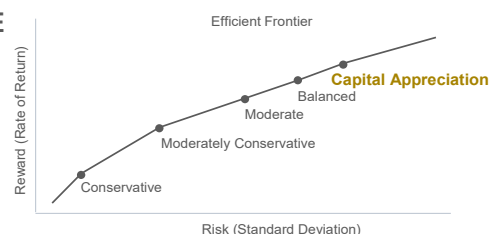
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#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide growth of principal. The major portion of the assets are invested in equity securities and market fluctuations are expected.



### ASSET ALLOCATION — CAPITAL APPRECIATION PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	65 - 85%	75%	79%
Fixed Income	10 - 30%	20%	20%
Cash	0 - 20%	5%	1%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

Consolidated Composite	
Current Quarter*	5.97%
Blended Benchmark*, **	5.75%
Year To Date*	10.83%
Blended Benchmark*, **	10.48%
1 Year	32.31%
Blended Benchmark**	31.54%
3 Year	13.14%
Blended Benchmark**	13.12%
5 Year	12.64%
Blended Benchmark**	12.61%
10 Year	9.75%
Blended Benchmark**	10.06%

\* Returns less than one year are not annualized. \*\*Breakdown for Blended Benchmark: 39.5% S&P500, 7.5% Russell Mid Cap, 10.5% Russell 2000, 5.25% MSCI EM (net), 10.25% MSCI EAFE (net), 16% BBG Barclays US Agg, 3% ICE BofA 1-3 Yr US Corp/Gov't, 1% ICE BofA US High Yield Master II, 2% Wilshire REIT, and 5% FTSE 1 Mth US T-Bill.

### ANNUAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

Consolidated Composite	
2008	N/A
2009	23.77%
2010	12.95%
2011	-1.35%
2012	13.87%
2013	20.33%
2014	6.05%
2015	-0.27%
2016	8.81%
2017	16.72%
2018	-5.82%
2019	22.62%
2020	14.50%

### PORTFOLIO FACTS

Consolidated Composite	
Composite Inception Date	01/2009
No of Holdings in Portfolio	20

## HOLDINGS

### HighMark Plus (Active)

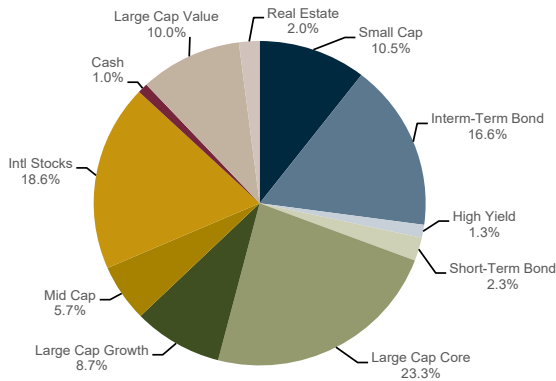
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## STYLE



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**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING THE ADOPTION OF THE PUBLIC AGENCIES POST-EMPLOYMENT BENEFITS TRUST ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS), AND APPOINTING THE CITY MANAGER AS THE PLAN ADMINISTRATOR FOR THE PROGRAM**

**WHEREAS**, PARS has made available the PARS Public Agencies Post-Employment Benefits Trust (the "Program") for the purpose of pre-funding pension obligations and/or OPEB obligations; and

**WHEREAS**, the City of Twentynine Palms ("City") is eligible to participate in the Program, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the Regulations issued there under, and is a tax-exempt trust under the relevant statutory provisions of the State of California; and

**WHEREAS**, the City's adoption and operation of the Program has no effect on any current or former employee's entitlement to post-employment benefits; and

**WHEREAS**, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

**WHEREAS**, the City's funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

**WHEREAS**, the City reserves the right to make contributions, if any, to the Program.

**WHEREAS**, in order to ensure ongoing oversight of the 115 Trust for OPEB, Staff recommends the City Council adopt a 115 Trust Policy.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA RESOLVES AS FOLLOWS:**

**Section 1.** The City Council does hereby adopt the PARS Public Agencies Post-Employment Benefits Trust with PARS.

**Section 2.** The City Council does hereby appoint the City Manager, or his/her successor or his/her designee as the City's Plan Administrator for the Program; and

**Section 3.** The City's Plan Administrator is hereby authorized to execute the PARS legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to maintain the City's participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the City's Program.

**Section 4. Effective Date.** This Resolution shall be effective September 28, 2021.



**PASSED, APPROVED, AND ADOPTED** on the 28<sup>th</sup> day of September 2021.

\_\_\_\_\_  
Daniel L. Mintz, Sr., Mayor

**ATTEST:**

\_\_\_\_\_  
Cindy Villescas CMC, City Clerk

I hereby certify that the foregoing Resolution No. 21-\_\_ was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the 28<sup>th</sup> day of September 2021, by the following vote of the Council:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

\_\_\_\_\_  
Cindy Villescas CMC, City Clerk

## AGREEMENT FOR ADMINISTRATIVE SERVICES

This agreement (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2021, between Phase II Systems, a corporation organized and existing under the laws of the State of California, doing business as Public Agency Retirement Services and PARS (hereinafter “PARS”) and the [Agency Name] (“Agency”).

WHEREAS, the Agency has adopted the PARS Public Agencies Post-Employment Benefits Trust for the purpose of pre-funding pension obligations and/or Other Post-Employment Benefits (“OPEB”) obligations (“Plan”) and is desirous of retaining PARS as Trust Administrator to the Trust, to provide administrative services.

NOW THEREFORE, the parties agree:

1. **Services.** PARS will provide the services pertaining to the Plan as described in the exhibit attached hereto as “Exhibit 1A” (“Services”) in a timely manner, subject to the further provisions of this Agreement.
2. **Fees for Services.** PARS will be compensated for performance of the Services as described in the exhibit attached hereto as “Exhibit 1B”.
3. **Payment Terms.** Payment for the Services will be remitted directly from Plan assets unless the Agency chooses to make payment directly to PARS. In the event that the Agency chooses to make payment directly to PARS, it shall be the responsibility of the Agency to remit payment directly to PARS based upon an invoice prepared by PARS and delivered to the Agency. If payment is not received by PARS within thirty (30) days of the invoice delivery date, the balance due shall bear interest at the rate of 1.5% per month. If payment is not received from the Agency within sixty (60) days of the invoice delivery date, payment plus accrued interest will be remitted directly from Plan assets, unless PARS has previously received written communication disputing the subject invoice that is signed by a duly authorized representative of the Agency.
4. **Fees for Services Beyond Scope.** Fees for services beyond those specified in this Agreement will be billed to the Agency at the rates indicated in the PARS’ standard fee schedule in effect at the time the services are provided and shall be payable as described in Section 3 of this Agreement. Before any such services are performed, PARS will provide the Agency with a detailed description of the services, terms, and applicable rates for such services. Such services, terms, and applicable rates shall be agreed upon in writing and executed by both parties.
5. **Information Furnished to PARS.** PARS will provide the Services contingent upon the Agency providing PARS the information specified in the exhibit attached hereto as “Exhibit 1C” (“Data”). It shall be the responsibility of the Agency to certify the accuracy, content and completeness of the Data so that PARS may rely on such information without further audit. It shall further be the responsibility of the Agency to deliver the Data to PARS in such a manner that allows for a reasonable amount of time for the Services to be performed. Unless specified in Exhibit 1A, PARS shall be under no duty to question Data received from the Agency, to compute contributions made to the

Plan, to determine or inquire whether contributions are adequate to meet and discharge liabilities under the Plan, or to determine or inquire whether contributions made to the Plan are in compliance with the Plan or applicable law. In addition, PARS shall not be liable for nonperformance of Services to the extent such nonperformance is caused by or results from erroneous and/or late delivery of Data from the Agency. In the event that the Agency fails to provide Data in a complete, accurate and timely manner and pursuant to the specifications in Exhibit 1C, PARS reserves the right, notwithstanding the further provisions of this Agreement, to terminate this Agreement upon no less than ninety (90) days written notice to the Agency.

6. **Records.** Throughout the duration of this Agreement, and for a period of five (5) years after termination of this Agreement, PARS shall provide duly authorized representatives of Agency access to all records and material relating to calculation of PARS' fees under this Agreement. Such access shall include the right to inspect, audit and reproduce such records and material and to verify reports furnished in compliance with the provisions of this Agreement. All information so obtained shall be accorded confidential treatment as provided under applicable law.
7. **Confidentiality.** Without the Agency's consent, PARS shall not disclose any information relating to the Plan except to duly authorized officials of the Agency, subject to applicable law, and to parties retained by PARS to perform specific services within this Agreement. The Agency shall not disclose any information relating to the Plan to individuals not employed by the Agency without the prior written consent of PARS, except as such disclosures may be required by applicable law.
8. **Independent Contractor.** PARS is and at all times hereunder shall be an independent contractor. As such, neither the Agency nor any of its officers, employees or agents shall have the power to control the conduct of PARS, its officers, employees, or agents, except as specifically set forth and provided for herein. PARS shall pay all wages, salaries, and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, such as social security, income tax withholding, unemployment compensation, workers' compensation, and similar matters.
9. **Indemnification.** PARS and Agency hereby indemnify each other and hold the other harmless, including their respective officers, directors, and employees, from any claim, loss, demand, liability, or expense, including reasonable attorneys' fees and costs, incurred by the other as a consequence of, to the extent, PARS' or Agency's, as the case may be, negligent acts, errors or omissions with respect to the performance of their respective duties hereunder.
10. **Compliance with Applicable Law.** The Agency shall observe and comply with federal, state and local laws in effect when this Agreement is executed, or which may come into effect during the term of this Agreement, regarding the administration of the Plan. PARS shall observe and comply with federal, state, and local laws in effect when this Agreement is executed, or which may come into effect during the term of this Agreement, regarding Plan administrative services provided under this Agreement.

11. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. In the event any party institutes legal proceedings to enforce or interpret this Agreement, venue and jurisdiction shall be in any state court of competent jurisdiction.
12. **Force Majeure.** When a party's nonperformance hereunder was beyond the control and not due to the fault of the party not performing, a party shall be excused from performing its obligations under this Agreement during the time and to the extent that its performance is prevented by such cause. Such cause shall include, but not be limited to: any incidence of fire, flood, acts of God or unanticipated communicable disease, acts of terrorism or war commandeering of material, products, plants or facilities by the federal, state or local government, a material act or omission by the other party or any law, ordinance, rule, guidance or recommendation by the federal, state or local government, or any agency thereof, which becomes effective after the date of this Agreement that delays or renders impractical either party's performance under the Agreement.
13. **Ownership of Reports and Documents.** The originals of all letters, documents, reports, and data produced for the purposes of this Agreement shall be delivered to and become the property of the Agency. Copies may be made for PARS but shall not be furnished to others without written authorization from Agency.
14. **Designees.** The Plan Administrator of the Agency, or their designee, shall have the authority to act for and exercise any of the rights of the Agency as set forth in this Agreement, subsequent to and in accordance with the written authority granted by the Governing Body of the Agency, a copy of which writing shall be delivered to PARS. Any officer of PARS, or his or her designees, shall have the authority to act for and exercise any of the rights of PARS as set forth in this Agreement.
15. **Notices.** All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of the notices in person or by depositing the notices in the U.S. mail, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:
- (A) To PARS: PARS; 4350 Von Karman Avenue, Suite 100, Newport Beach, CA 92660; Attention: President
- (B) To Agency: [Agency]; [Agency Address]; Attention: [Plan Administrator Title]
- Notices shall be deemed given on the date received by the addressee.
16. **Term of Agreement.** This Agreement shall remain in effect for the period beginning \_\_\_\_\_, 2021 and ending \_\_\_\_\_, 2024 ("Term"). This Agreement may be terminated at any time by giving thirty (30) days written notice to the other party of the intent to terminate. Absent a thirty (30) day written notice to the other party of the intent to terminate, this Agreement will continue unchanged for successive twelve-month periods following the Term.
17. **Amendment.** This Agreement may not be amended orally, but only by a written instrument executed by the parties hereto.

18. **Entire Agreement.** This Agreement, including exhibits, contains the entire understanding of the parties with respect to the subject matter set forth in this Agreement. In the event a conflict arises between the parties with respect to any term, condition or provision of this Agreement, the remaining terms, conditions, and provisions shall remain in full force and legal effect. No waiver of any term or condition of this Agreement by any party shall be construed by the other as a continuing waiver of such term or condition.
19. **Attorneys Fees.** In the event any action is taken by a party hereto to enforce the terms of this Agreement the prevailing party herein shall be entitled to receive its reasonable attorney's fees.
20. **Counterparts.** This Agreement may be executed in any number of counterparts, and in that event, each counterpart shall be deemed a complete original and be enforceable without reference to any other counterpart.
21. **Headings.** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
22. **Effective Date.** This Agreement shall be effective on the date first above written, and also shall be the date the Agreement is executed.

**AGENCY:**

BY: \_\_\_\_\_  
Plan Administrator Name

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**PARS:**

BY: \_\_\_\_\_  
Tod Hammeras

TITLE: Chief Financial Officer

DATE: \_\_\_\_\_

EXHIBIT 1A

SERVICES

PARS will provide the following services for the [Agency Name] Public Agencies Post-Employment Benefits Trust:

1. Plan Installation Services:
  - (A) Meeting with appropriate Agency personnel to discuss plan provisions, implementation timelines, actuarial valuation process, funding strategies, benefit communication strategies, data reporting, and submission requirements for contributions/reimbursements/distributions;
  - (B) Providing the necessary analysis and advisory services to finalize these elements of the Plan;
  - (C) Providing the documentation needed to establish the Plan to be reviewed and approved by Agency legal counsel. Resulting final Plan documentation must be approved by the Agency prior to the commencement of PARS Plan Administration Services outlined in Exhibit 1A, paragraph 2 below.
2. Plan Administration Services:
  - (A) Monitoring the receipt of Plan contributions made by the Agency to the trustee of the PARS Public Agencies Post-Employment Benefits Trust (“Trustee”), based upon information received from the Agency and the Trustee;
  - (B) Performing periodic accounting of Plan assets, reimbursements/distributions, and investment activity, based upon information received from the Agency and/or Trustee;
  - (C) Coordinating the processing of distribution payments pursuant to authorized direction by the Agency, and the provisions of the Plan, and, to the extent possible, based upon Agency-provided Data;
  - (D) Coordinating actions with the Trustee as directed by the Plan Administrator within the scope of this Agreement;
  - (E) Preparing and submitting a monthly report of Plan activity to the Agency, unless directed by the Agency otherwise;
  - (F) Preparing and submitting an annual report of Plan activity to the Agency;
  - (G) Facilitating actuarial valuation updates and funding modifications for compliance with the applicable GASB pronouncements and/or statements, if prefunding OPEB obligations;
  - (H) Coordinating periodic audits of the Trust;
  - (I) Monitoring Plan and Trust compliance with federal and state laws.
3. PARS is not licensed to provide and does not offer tax, accounting, legal, investment or actuarial advice.

EXHIBIT 1B  
FEES FOR SERVICES

PARS will be compensated for performance of Services, as described in Exhibit 1A based upon the following schedule:

An annual asset fee shall be paid from Plan assets based on the following schedule:

<u>For Plan Assets from:</u>			<u>Annual Rate:</u>
\$1	to	\$10,000,000	0.25%
\$10,000,001	to	\$15,000,000	0.20%
\$15,000,001	to	\$50,000,000	0.15%
\$50,000,001	and above		0.10%

Annual rates are prorated and paid monthly. The annual asset fee shall be calculated by the following formula [Annual rate divided by 12 (months of the year) multiplied by the Plan asset balance at the end of the month]. Trustee and Investment Management Fees are not included.

EXHIBIT 1C  
DATA REQUIREMENTS

PARS will provide the Services under this Agreement contingent upon receiving the following information. Agency is solely responsible for ensuring that all information and documentation provided to PARS is true, correct, and authorized:

1. Executed Legal Documents:
  - (A) Certified Resolution
  - (B) Adoption Agreement to the Public Agencies Post-Employment Benefits Trust
  - (C) Trustee Investment Forms
  
2. Contribution – completed Contribution Transmittal Form signed by the Plan Administrator (or authorized Designee) which contains the following information:
  - (A) Agency name
  - (B) Contribution amount
  - (C) Contribution date
  - (D) Contribution method (Check, ACH, Wire)
  
3. Distribution – completed Payment Reimbursement/Distribution Form signed by the Plan Administrator (or authorized Designee) which contains the following information:
  - (A) Agency name
  - (B) Payment reimbursement/distribution amount
  - (C) Applicable statement date
  - (D) Copy of applicable premium, claim, statement, warrant, and/or administrative expense evidencing payment
  - (E) Signed certification of reimbursement/distribution from the Plan Administrator (or authorized Designee)
  
4. Other information pertinent to the Services as reasonably requested by PARS and Actuarial Provider.



## Discretionary Trustee Fee Schedule PARS Pension / OPEB Trust Program

This document is entered into by client and U.S. Bank National Association ("U.S. Bank"), as trustee.

### Discretionary Trustee Fees

Discretionary Trustee Fees are based on the Investment Strategy you select. Following is a list of the Discretionary Trustee Fees applicable to each Investment Strategy:

- **Liquidity – First American U.S. Treasury Money Market** – Fund level fees only (see prospectus)
- **Liquidity – First American Prime Obligation Fund Class Z** – Fund level fees only (see prospectus)
- **Diversified Portfolios (Conservative, Moderately Conservative, Moderate, Balanced, Capital Appreciation, Custom)**

Per Annum Charges\*

.35% on the first	\$5,000,000
.25% on the next	\$5,000,000
.20% on the next	\$5,000,000
.15% on the next	\$35,000,000
.10% on all over	\$50,000,000

\*Waived for plan assets invested in First American Funds.

### Other Fees

First American Funds (see prospectus)

### Payment of Fees

- Market values used for fee calculations on fee invoices may differ slightly from market values on client statements due to posting of accruals, late pricing of securities and/or other timing issues.
- Fees are calculated and charged to the account monthly. If account cannot be charged after 30 days, fees not paid will be subject to a late charge of 1% per month on the unpaid balance.
- Changes to this Fee Schedule may be made at any time by U.S. Bank upon a sixty (60) days notice.

### Acknowledged and Approved

<b>Public Agencies Post-Employment Benefits Trust</b>	
Name of Plan/Trust	Name of Employer
Print Name of Authorized Signer for Employer	Title of Authorized Signer for Employer
Signature of Authorized Signer for Employer	Date

U.S. Bank and its representatives do not provide tax or legal advice. Each client's tax and financial situation is unique. Clients should consult their tax and/or legal advisor for advice and information concerning their particular situation.





# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Redistricting Process Required By State Law.

## RECOMMENDATION:

The City Council hold a Public Hearing regarding the state mandated redistricting process, pursuant to Elections Code Sections 21607 and 21607.1.

## ORDER OF PROCEDURE:

Request Staff Report (City Attorney Presenting)  
Council Questions of Staff Request  
Open the Public Hearing  
Receive Public Comment  
Close the Public Hearing  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

## ATTACHMENTS:

- [City of Twentynine Palms Introduction to Redistricting 2021](#)

## BACKGROUND:

Following the results of each decennial census, the Elections Code requires the City to hold at least four Public Hearings, of which this is the first, to discuss the results of the census and its potential impact on the City's district voting map. (**Elec. Codes §§ 21607; 21607.1(a)**).

## DISCUSSION:

The Elections Code requires that two Public Hearings occur prior to the preparation of draft maps. Then, two Public Hearings must occur after the draft or proposed maps for redistricting exist. A variety of criteria exist for creating districts, which generally speaking, already apply to the City's existing districts. The two criteria of most relevance to the current redistricting process will be the requirement that the population of each district is "balanced" meaning relatively the same, and the requirement that to the extent practicable the districts be contiguous.

In terms of balancing, the law requires that the districts each have relatively the same population with a deviation of not more than 10%. Until final census numbers exist, it will not be possible to determine if the City's existing districts will continue to meet this requirement, or if adjustments are required. As to the issue of being "contiguous," as currently structured the districts do not meet this requirement in the manner in which it is defined in the Elections Code. The reason for this is the unique nature of the Marine Base and a variety of relevant issues which staff believes makes it not practicable to meet the contiguous standard. We will present information on this during the Public Hearing and continue to evaluate this element as we gather public input during the process.

Attached is a presentation from National Demographics Corporation (NDC) that outlines the redistricting process, which will be presented by Todd Tatum of NDC. The results of the 2020 census are not out yet, but NDC will present data based on preliminary data which is available. As will be explained, minimal changes, if any, to the City's districting maps are anticipated, as the population has not significantly changed since 2010. Once final census data is available, it will be possible to determine if the districts have become unbalanced and need to be adjusted. The census data is expected to be available before the third public hearing, in time to be considered when draft or proposed maps are prepared. At this time, and at the next Public Hearing, public input will be collected to be included in the preparation of draft or proposed maps.

**ENVIRONMENTAL:**

N/A

**ALTERNATIVES:**

N/A

**FISCAL IMPACT:**

N/A



# City of Twentynine Palms

## Introduction to Redistricting 2021

9/28/2021

Todd Tatum

National Demographics Corporation

# Redistricting Process

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Step	Description
<b>Two Initial Hearings</b> July 27 & September 28	Held prior to release of draft maps. Education and to solicit input on the communities in the Districts.
<b>Census Data Release</b> Mid/Late August	Census Bureau releases official 2020 Census population data.
<b>California Data Release</b> Early October 2021	California Statewide Database releases California's official 'prisoner-adjusted' 2020 redistricting data.
<b>Two Draft Map Hearings</b> November 11 & February 8	Two Public Hearings to discuss and revise the draft maps and to discuss the election sequence.
<b>Map Adoption</b> By April 17, 2022	Final map must be posted at least 7 days prior to adoption. Map adopted via ordinance.*



\*SB 594 would explicitly confirm maps may be adopted by resolution.

7/20/2021

2

# Redistricting Rules and Goals

## 1. Federal Laws

Equal Population  
Federal Voting Rights Act  
No Racial Gerrymandering



## 2. California Criteria for Cities (rank ordered)

1. Geographically contiguous
2. Undivided neighborhoods and “communities of interest”  
(Socio-economic geographic areas that should be kept together)
3. Easily identifiable boundaries
4. Compact  
(Do not bypass one group of people to get to a more distant group of people)

### Prohibited:

“Shall not favor or discriminate against a political party.”

## 3. Other Traditional Redistricting Principles

Minimize voters shifted to different election years  
Respect voters’ choices / continuity in office  
Future population growth  
Preserving the core of existing districts

# Demographic Summary of Existing Districts

Twentynine Palms - Current Council Districts							
Category	Field	1	2	3	4	5	Count
2020 Est. Population	2020 Estimated Pop.	5,529	4,974	4,843	5,233	5,228	25,808
	Estimated Deviation	-923	-1,478	-1,609	-1,219	-1,224	686
	Est. Pct. Deviation	-14.30%	-22.91%	-24.93%	-18.89%	-18.97%	10.63%
Citizen Voting Age Pop	Total	3,868	3,988	3,312	3,942	3,204	3,828
	Hisp	18%	19%	22%	21%	26%	21%
	NH White	66%	66%	55%	57%	55%	60%
	NH Black	8%	6%	12%	13%	12%	10%
	Asian/Pac.Isl.	6%	8%	9%	6%	6%	7%

**Estimates using official 2020 demographic data and NDC's estimated total population figures.**

**Each of the 5 districts must contain about 5,100 people.**





# Defining Neighborhoods

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**1<sup>st</sup> Question: What is your neighborhood?**

**2<sup>nd</sup> Question: What are its geographic boundaries?**

**Examples of physical features defining a neighborhood boundary:**

- Natural neighborhood dividing lines, such as highway or major roads, rivers, canals and/or hills
- Areas around parks or schools
- Other neighborhood landmarks

**In the absence of public testimony, planning records and other similar documents may provide definition.**



# Beyond Neighborhoods: Defining Communities of Interest

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## 1<sup>st</sup> Question: What defines your community?

- Geographic Area, plus
- Shared issue or characteristic
  - Shared social or economic interest
  - Impacted by county policies
- Tell us “your community’s story”

## 2<sup>nd</sup> Question: Would this community benefit from being “included within a single district for purposes of its effective and fair representation”?

- Or would it benefit more from having multiple representatives?

Definitions of Communities of Interest may not include relationships with political parties, incumbents, or political candidates.

# Beyond Neighborhoods: Communities

---

Under the California Elections Code, “community of interest” has a very specific definition in the context of districting and redistricting cities and counties:

A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.

Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(emphasis added)

# Public Map Review Tools

- Different tools for different purposes
- [Story Map](#): Simple tool for learning about your community and exploring different data layers
- [Interactive Review Map](#): Simple tool for viewing multiple data layers from the Story Map at once, and for reviewing draft maps that are posted
- [Paper Map Kit](#): Simple tool for those without internet access

# Public Hearing & Discussion

- What are the neighborhoods in the city, and what are their boundaries?
- What are the communities of interest in the city, and what are their boundaries?
- Council Discussion, then Action:
  - ▣ Decide on areas that meet each definition according to state law:
    - ▣ “Neighborhoods”
    - ▣ “Communities of interest...that should be included within a single district for purposes of its effective and fair representation”

# Share Your Thoughts

## Website

[www.29palms.org](http://www.29palms.org)

## Phone

(760) 367-6799

## Email

[cvillescas@29palms.org](mailto:cvillescas@29palms.org)





# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Tourism Business Improvement District (TBID)

## RECOMMENDATION:

The City Council hold a Public Hearing to adopt Resolution No. 21-\_\_\_ confirming the levy of assessments.

## ORDER OF PROCEDURE:

Request Staff Report (City Manager Presenting)  
Council Questions of Staff  
Open Public Hearing  
Close Public Hearing  
Council Discussion.  
Motion/Second  
Discussion of Motion  
Call the Question

## ATTACHMENTS:

- [2021-22 TBID Marketing Plan and Budget \(Annual Report\)](#)
- [Ordinance No 278](#)
- [2021 TBID Notice Letter](#)
- [Public Hearing Notice](#)
- [RESO NO 21-\\_\\_\\_](#)

## BACKGROUND:

The Parking and Business Improvement Area Law of 1989 (Section 36500 et. seq., of the California Streets and Highways Code) authorizes cities to establish business improvement areas for the purpose of promoting tourism. In accordance with the Parking and Business Improvement Area Law of 1989, City Staff established the Twentynine Palms Tourism Business Improvement District ("TBID") to levy and collect assessments from all hotels, motels, and vacation home rentals, and any other business providing transient occupancies and subject to the City's Transit Occupancy Tax, within the boundaries of the City, to raise funds to promote tourism within the City. The Public Hearing is to consider the re-authorization of the TBID for another year beginning October 1st. The re-authorization is subject to a successful protest vote.

The TBID is managed by an Advisory Board, which was appointed by City Council. The Advisory Board is required to submit an annual report to Council, which includes a budget for operations and an identification of marketing efforts to be undertaken by the TBID for the ensuing fiscal year. Activities funded by the levy of assessments generally include marketing programs to promote Twentynine Palms as an overnight tourism destination, including marketing, advertising, public relations and other related activities as determined by the Advisory Board. The City

Manager is authorized to make expenditures that are consistent with the annual budget approved by the Advisory Board and City Council.

The assessment is proposed to be levied on all existing and future hotel businesses within the City at a rate of 1.5% per occupied room night rate. The "room night rate" is calculated as the base room rate charged to the occupant prior to application of the City's Transient Occupancy Tax. Note, the assessment will only apply to transient occupancies that are already subject to Transient Occupancy Tax, and will be in addition to the City's Transient Occupancy Tax. For instance, for a hotel room with a base room rate of \$100 (not including any other taxes or fees), the TBID assessment would be 1.5% or \$1.50, and the TOT would be an additional 9% or \$9.00 (so the total room rate with TBID assessment and TOT would be \$110.50 plus any other applicable taxes and fees). The TBID is anticipated to collect approximately \$265,000.00 in its fifth year of operation. Staff would spend the funds raised as directed by the Advisory Board to promote tourism in Twentynine Palms. Any funds remaining at the end of any term, approximately \$180K remaining from the prior year, would be used in subsequent years, subject to the requirements of the attached TBID Ordinance No. 278, which was adopted by City Council on May 23, 2017. This meeting was posted as a Public Hearing in the Desert Trail on September 15, 2021 and the letter (attached) to the affected businesses on September 16, 2021.

**ENVIRONMENTAL:**

Not applicable.

**ALTERNATIVES:**

The City Council could reject the TBID Assessments.

**FISCAL IMPACT:**

The proposed assessment of 1.5% on short term stays is anticipated to be \$265,000 annually.





Twentynine Palms Tourism Business Improvement District  
2021-2022 Tourism Marketing Plan

Presented by the Tourism Business Improvement District Advisory Board:

Chair, Rakesh Mehta

Vice Chair, Nalini "Ash" Maharaj

Boardmember, Heidi Grunt

Boardmember, Patricia Knight

Boardmember, Maria Quinteros

Tourism Business Improvement District Director of Marketing:

Breanne Dusastre

9/8/2021

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## Executive Summary

### Tourism Business Improvement District Objectives and Goals

Branded as Visit 29 Palms, the Twentynine Palms Tourism Business Improvement District (TBID) was created in October 2017 and is established under the Parking and Business Improvement Area Law of 1989. The Twentynine Palms TBID's district is defined by the 58 square-mile boundary of the incorporated City of Twentynine Palms and includes all of the lodging properties within it.

Formed through a public-private partnership between the City of Twentynine Palms and its lodging operators and owners, and funded entirely through the tax revenue generated by the self-assessed 1.5% TBID tax that is applied to room night rates at all hotels, motels, RV resorts and vacation rentals in Twentynine Palms, the goal and objective of the TBID is to promote the City as a tourist destination and drive overnight room demand through creative tourism marketing activities and initiatives.

The tax revenue generated by the TBID tourism tax is collected and reported on quarterly and may only be used for tourism marketing activities to promote the destination and drive overnight room demand within the district. The City of Twentynine Palms' TBID is administered by a 5-member Advisory Board made up of lodging owners and operators whose members are appointed by City Council. The TBID Advisory board oversees the development and implementation of an annual tourism marketing plan and budget and provides strategic guidance and direction to the TBID staff.

Under the Parking and Business Improvement Area Law of 1989, the Twentynine Palms Tourism Business Improvement District renews annually, which is a process that takes place each September at the end of the TBID's fiscal year which runs from October 1 through to September 30.

### Destination Market Analysis

Twentynine Palms is an incorporated city in the County of San Bernardino, located along the southeastern range of California's Mojave Desert. The City of Twentynine Palms is 58-square-miles in size and is the proud home of Joshua Tree National Park Headquarters, historic Oasis of Mara Visitor Center, and north park entrance and is recognized as the official gateway community to the newly designated Mojave Trails National Monument. The City of Twentynine Palms is also the proud home of the Twentynine Palms Marine Corps Air Ground Combat Center, which was established in 1952.

Twentynine Palms is surrounded by incredible public lands, including the world-famous Joshua Tree National Park, the Mojave National Preserve and Mojave Trails National Monument, offering outdoor recreation enthusiasts unparalleled access to the great outdoors and California's desert region. Twentynine Palms offers visitors a uniquely rural desert experience with incredible opportunities to discover and explore the vast and beautiful Mojave Desert wilderness with its world-class hiking trails and rock climbing routes, incredibly dark star-studded night skies, and a rich arts and culture community which attracts and inspires artists, musicians, and creatives from around the world, and in 2020, welcomed over 840,000 overnight visitors.

### **Twentynine Palms Marine Corps Air Ground Combat Center**

At over 1,102 square-miles, the Twentynine Palms Marine Corps Air Ground Combat Center (MCAGCC) is the premier service-level, live-fire and maneuver training based in the Marine Corps, and trains more than 50,000 active-duty and Reserve Marines and Sailors, and other U.S. and allied forces throughout the year.

The Combat Center is a major economic catalyst for the Morongo Basin, generating an estimated \$1.1 billion in total economic benefit to the regional economy, both directly and indirectly. Visits by family members and friends of military personnel and civilian workers employed at the Combat Center, and visits by business travelers and government officials introduce additional money into the local economy. In 2018, the Combat Center issued nearly 24,000 visitor passes, and visitors to the Combat Center are estimated to have spent approximately \$15 million in the local communities.

[Research and statistics from Community Impact Report 2019, MAGTFC, MCAGCC, Twentynine Palms] [www.29palms.marines.mil/Portals/56/Docs/GEA/Publications/Community\\_Impact\\_Report\\_2019.pdf](http://www.29palms.marines.mil/Portals/56/Docs/GEA/Publications/Community_Impact_Report_2019.pdf)

### **Joshua Tree National Park**

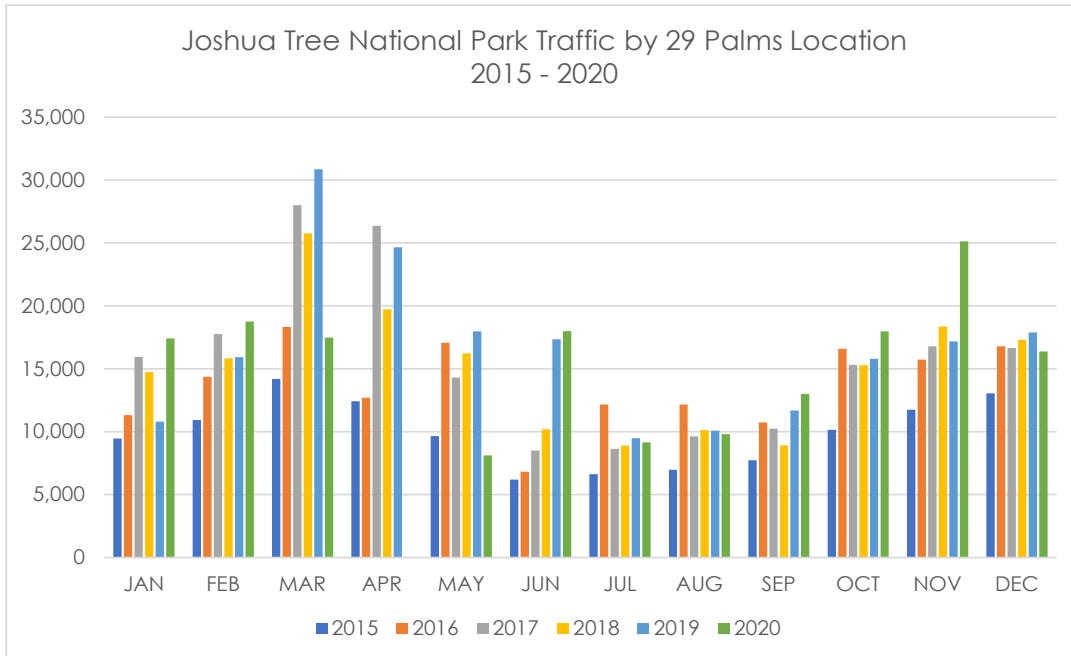
In 2020, Joshua Tree National Park was the most visited National Park in California, and the tenth most visited National Park in the United States. In 2020 2.4 million park visitors spent an estimated \$122 million in local gateway regions while visiting Joshua Tree National Park. These expenditures supported a total of 1,510 jobs, \$60.1 million in labor income, \$102 million in value added, and \$164 million in economic output in local gateway economies surrounding Joshua Tree National Park.

The \$122 million in visitor spending in 2020 is broken into eight expenditure categories:

- Hotels 46 million (37%)
- Restaurants \$23 million (18%)
- Gas \$17.3 million (14%)
- Transportation \$9 million (7.4%)
- Groceries \$8.7 million (7%)
- Recreation Industries \$8.4 million (6.9%)
- Retail \$8 million (6.5%)
- Camping \$1.4 million (1%)

[2020 NPS Visitor Spending Effects Report <https://www.nps.gov/subjects/socialscience/vse.htm>]

One of the continuing strategic goals of the Visit 29 Palms TBID is to build awareness for and promote usage of the Twentynine Palms north park entrance, and to encourage visitors to stay, shop, and dine in Twentynine Palms while visiting the National Park. Of the 2.4 million visitors who entered Joshua Tree National Park in 2020, approximately 30% of the visitors utilized the park's north entrance and Indian Cove area. As seen in the graph below, usage of the Twentynine Palms north park gate saw a year-over-year increase in six of the twelve months in 2020, with notable gains in the months of January, February, October and March.



Source: <https://irma.nps.gov/STATS/SSRSReports/Park%20Specific%20Reports/Traffic%20Counts?Park=JOTR>

### Mojave National Preserve

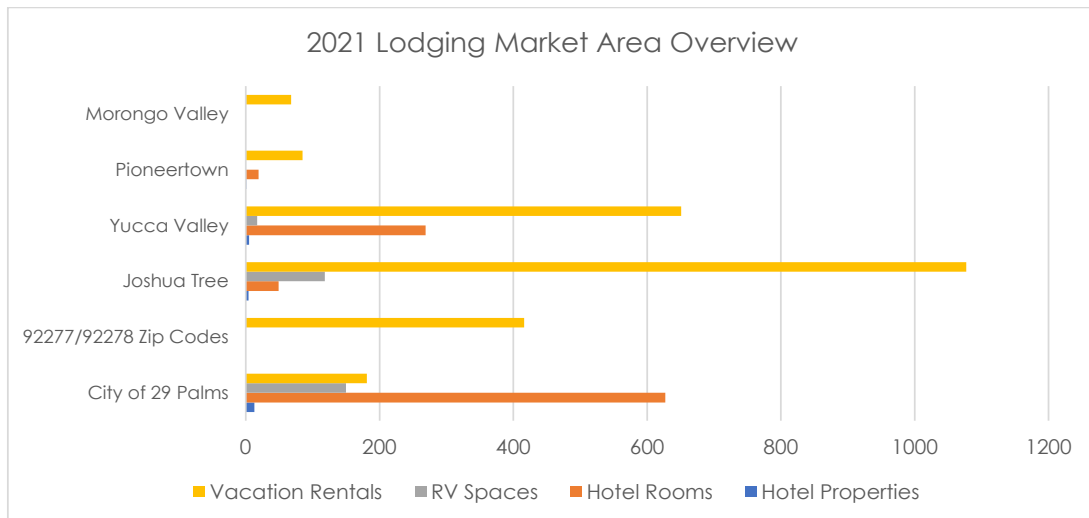
In 2020, 609,000 park visitors spent an estimated \$36.5 million in local gateway regions while visiting Mojave National Preserve. These expenditures supported a total of 459 jobs, \$17.5 million in labor income, \$28.8 million in value added, and \$46.2 million in economic output in local gateway economies surrounding Mojave National Preserve.

The \$50 million in visitor spending in 2019 is broken into eight expenditure categories:

- Hotels \$11.5 million (31%)
- Restaurants \$8.4 million (23%)
- Gas \$4.8 million (13%)
- Retail \$4.3 million (11%)
- Recreation Industries \$3.3million (9%)
- Groceries \$2 million (5%)
- Transportation \$1.1 million (3%)
- Camping \$1.1 million (3%)

[2020 NPS Visitor Spending Effects Report <https://www.nps.gov/subjects/socialscience/vse.htm>]

## Current Market Situation



As of August 2021, the City of Twentynine Palms has 13 hotels/motels, 1 RV Resort, and 181 active short-term vacation rentals, boasting the most diverse lodging market in the region. From nationally branded hotels to historic inns and motels, to recreation vehicle resorts and vacation home rentals, Twentynine Palms offers lodging for all traveler types.

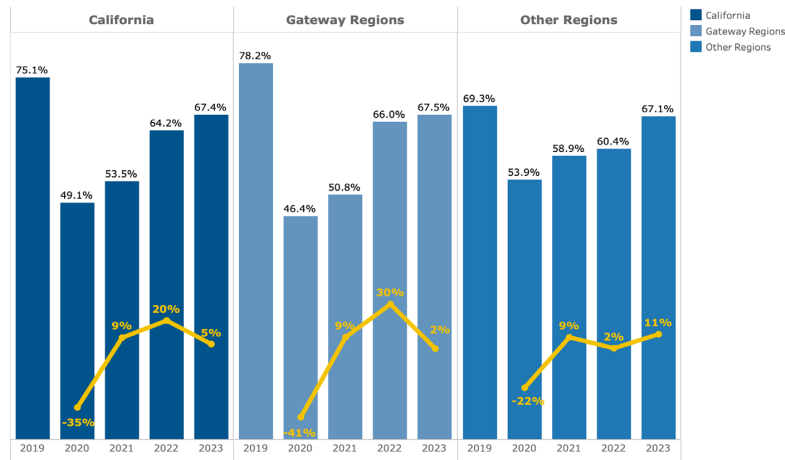
The City of Twentynine Palms continues as the market leader in traditional lodging inventory with 65% of the market areas hotel rooms. With 150+ RV spots at its RV Resort, Twentynine Palms leads with 52% of the areas RV spaces. With only 7% of the areas short-term vacation rental inventory, the City of Twentynine Palms continues to be outpaced by its surrounding communities, specifically in the surrounding unincorporated areas in the Morongo Basin which include Wonder Valley, Joshua Tree, Yucca Valley, Pioneertown, Landers, and Morongo Valley.

## COVID-19 Impact to Travel and Tourism in Twentynine Palms

While State and National vaccination rates continue to climb, the COVID-19 global pandemic is far from over and ongoing travel advisories, restrictions, and border closures are expected to continue, causing disruption to the travel and tourism industry.

Based on the California lodging forecast updates prepared for Visit California by Tourism Economics in June 2021 and listed below, growth in hotel room demand for California's desert region is forecasted to increase by 17% in 2022 and total room revenue is anticipated to increase by 31% as compared to 2021. Tourism Economics forecasts that hotel demand, occupancy, average daily rates, and revenue per available room will reach 99% of pre-pandemic 2019 levels by 2022 and surpass 2019 results by 3% in 2023.

## California Summary: Occupancy



Source: Visit California Research/Tourism Economics

\*California Gateway Regions: Central Coast, Central Valley, **Deserts**, Gold Country, High Sierra, Inland Empire, North Coast, Shasta Cascade.

Source: <https://industry.visitcalifornia.com/research/report/ca-regional-lodging-forecast-july-2021>

## SUMMARY TABLE

Annual forecast: Deserts

### Forecast summary: Annual, Deserts

	Hotel supply (daily)	Hotel room demand (daily)	Occupancy	ADR	RevPAR	Room revenue
<b>Levels</b>						
2018	24,860	15,376	61.9%	\$136.26	\$84.28	\$764,764,029
2019	25,100	15,597	62.1%	\$137.64	\$85.53	\$783,571,992
2020	22,572	10,771	47.7%	\$119.01	\$56.79	\$467,865,071
2021	25,730	13,260	51.5%	\$121.51	\$62.62	\$588,088,328
2022	25,603	15,546	60.7%	\$136.37	\$82.81	\$773,819,363
2023	25,791	15,987	62.0%	\$138.95	\$86.13	\$810,824,253
<b>Growth</b>						
2019	1.0%	1.4%	0.5%	1.0%	1.5%	2.5%
2020	-10.1%	-30.9%	-23.2%	-13.5%	-33.6%	-40.3%
2021	14.0%	23.1%	8.0%	2.1%	10.3%	25.7%
2022	-0.5%	17.2%	17.8%	12.2%	32.2%	31.6%
2023	0.7%	2.8%	2.1%	1.9%	4.0%	4.8%
<b>Relative to 2019</b>						
2020	90%	69%	77%	86%	66%	60%
2021	103%	85%	83%	88%	73%	75%
2022	102%	100%	98%	99%	97%	99%
2023	103%	102%	100%	101%	101%	103%

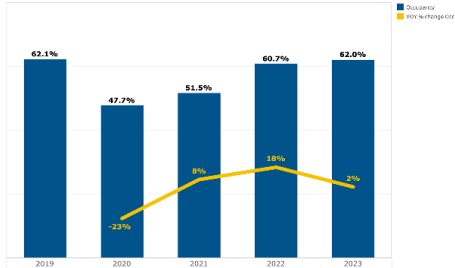
Source: STR; Tourism Economics

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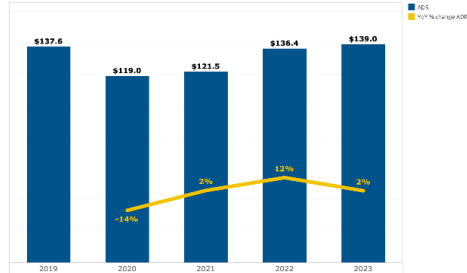
Source: <https://industry.visitcalifornia.com/research/report/ca-regional-lodging-forecast-july-2021>

### Deserts: Occupancy



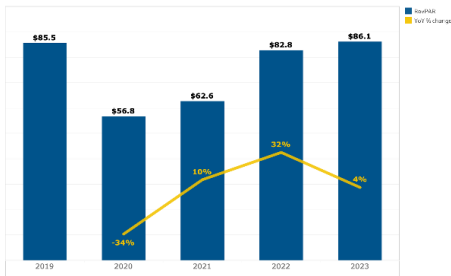
Source: Visit California Research/Tourism Economics

### Deserts: ADR



Source: Visit California Research/Tourism Economics

### Deserts : RevPAR



Source: Visit California Research/Tourism Economics

### Deserts: Room Revenue



Source: Visit California Research/Tourism Economics

Source: <https://industry.visitcalifornia.com/research/report/ca-regional-hodging-forecast-july-2021>

As a destination marketing organization, the Visit 29 Palms TBID must continue to prioritize the health and safety of California residents and visitors for many months to come. Through continued reinforcement of safe and responsible travel practices, the Visit 29 Palms TBID can help to mitigate the increases of coronavirus cases in Twentynine Palms and its surrounding communities. The Visit 29 Palms TBID must also remain tuned in to travel consumer sentiment and willingness to travel and expect that when case numbers spike in the City of Twentynine Palms, County of San Bernardino, and the State of California, travel consumer confidence will sharply decline. While the COVID-19 pandemic will continue to impact travel and tourism in Twentynine Palms, the Visit 29 Palms TBID will need to remain diligent in tracking quarterly TBID revenue and respond quickly with adjustments to spending as needed.

## SWOT Analysis

### Strength

- Surrounded by vast public lands that offer unparalleled outdoor recreation opportunities in the California desert region, Twentynine Palms welcomes visitors from over the globe who seek outdoor adventure, and those seeking safe outdoor spaces during the COVID-19 pandemic.



- Offering the Morongo Basin's most diverse collection of lodging options, Twentynine Palms continues to meet the varied needs and wants of today's travelers.
- The Twentynine Palms Marine Corps Air Ground Combat Center serves as a major economic catalyst for the Morongo Basin and Twentynine Palms; visits by family members and friends of military personnel, civilian workers employed at the Combat Center, and business travelers and government officials, drive significant year-round demand for room nights for the lodging properties in Twentynine Palms.
- Now well underway and set for completion in spring 2022, the City's Project Phoenix downtown revitalization project will include a new Community Center and outdoor event stage which will create new opportunities for events and programming to draw more visitors into Twentynine Palms. Project Phoenix will also include a new Joshua Tree National Park Cultural Visitor Center which will be uniquely different from the park's two other Visitor Centers and will play a significant role in drawing more park visitors to Twentynine Palms in the years to come.

#### **Weakness**

- Currently the City does not have a suitable venue for large special events/festivals.
- Compared to its neighboring communities, Twentynine Palms does not yet offer the same variety of key tourist amenities such as retail, shopping, or live music venues.
- Direct public transportation to/from the Palm Springs and Ontario international airports remains limited.

#### **Opportunities**

- Twentynine Palms' downtown area has seen exciting growth in new businesses in the last year, which combined with the competition of Project Phoenix in the spring 2022 will bring a new vibrancy and energy to the downtown area and contribute to drawing more visitors into the city.
- Twentynine Palms has a rich and unique history, with a growing arts and culture community that can be strategically marketed to increase tourism.
- With stargazing and astronomy growing in popularity, Twentynine Palms is well positioned to attract visitors seeking to experience the dark night skies as the City borders an International Dark Sky Park (Joshua Tree National Park) and is home to Sky's The Limit Observatory and Nature Center and the 29 Palms Astronomy Club.
- Expansion of Twentynine Palms Tourism Business Improvement District to the east would increase the district's short-term vacation rental inventory and TBID revenue and expand our destinations offerings of unique lodging options.

#### **Threats**

- New surges or waves of COVID-19 cases in Twentynine Palms, San Bernardino County and the State of California have the potential to bring back Stay-At-Home orders and mandatory businesses closures and cause further disruption to travel and tourism.
- Travel advisories, travel bans, and border closures are expected to remain ongoing for the duration of the COVID-19 pandemic, with the potential to impact both domestic and international travel. Until international travel returns, Twentynine Palms will continue to feel the impact, especially in the summer season.

- The Twentynine Palms tourism industry is vulnerable to future Federal Government shutdowns which can impact activity at the Twentynine Palms Marine Corps Base and Joshua Tree National Park, two of the City's biggest tourism drivers.
- With an increasingly oversaturated short-term vacation rental market and new lodging properties such as Auto Camp in Joshua Tree set to open soon, there will be increased competition for the hospitality community in Twentynine Palms over the next year.

## MARKETING STRATEGY

### Marketing Objectives and Strategic Goals

Through creative and targeted destination marketing programs and initiatives, the objective of the Visit 29 Palms TBID is to increase awareness for the Twentynine Palms destination and generate increased demand for overnight stays.

#### Qualitative objectives include:

- Establish and strengthen Visit 29 Palms' brand and market positioning, giving the destination a competitive edge and one that appeals to the targeted niche markets.
- Continue to build and refine visual storytelling on Visit29.org, utilizing innovative digital technology and creative digital content to engage with a global audience.
- Improve social media marketing strategy and efforts to engage with and grow targeted niche markets.
- Inspire travelers to view Twentynine Palms as *the* desert getaway destination for visiting Joshua Tree National Park, Mojave Trails National Monument, Route 66, and the Mojave National Preserve.
- Capitalize on the City's proximity to, and relationship with, the Marine Corps Air Ground Combat Center to encourage service members and their families to utilize the tourism amenities in the City of Twentynine Palms, including lodging, restaurants, and attractions.
- Promote the city's tourist amenities and unique travel experiences through targeted digital media marketing efforts, building Twentynine Palms' reputation as a premier destination in California's desert region.

### Strategic Marketing Goals:

1. **Promote safe and responsible travel during COVID-19 and support a safe reopening of Twentynine Palms' tourism industry.** A top priority will be to continue to reinforce safe and responsible travel behavior principles to help mitigate the threat of community spread of COVID-19 and to support a safe reopening of local businesses.
2. **Promotion of travel and tourism to Twentynine Palms to be focused on the city's 5 key destination pillars:**
  - Outdoor Recreation
  - Arts, Culture, History
  - Health and Wellness

- Culinary
- Astronomy & Stargazing

3. **Event Development** – A new strategic goal for the TBID's 2021-2022 year will be to work collaboratively with the City of Twentynine Palms Event Coordinator as well as build relationships with event organizers to bring new events to Twentynine Palms. The special projects category of the TBID's 2021-2022 marketing budget holds funds that will be used towards establishing new events in the city to help drive tourism.
4. **Strategic Partnerships** – Leverage all available partnership opportunities through regional/state tourism partners as well as promote the new Visit 29 Palms Partner Program to build meaningful partnerships at the local level and offer businesses the opportunities to align their goals and audiences with the Visit 29 Palms channels and opportunities.
5. **Sustainability** – Establish Twentynine Palms as a destination that cares for, supports, and protects people and the planet. Visit 29 Palms will celebrate and promote hospitality industry initiatives for sustainable practices, from recycling and water conservation, to reduced single use plastics, and preservation of the dark night sky through responsible lighting. Visit 29 Palms will also work in partnership with the National Park Service, Joshua Tree National Park Association, Leave No Trace Center for Outdoor Ethics, Mojave Desert Land Trust and other conservation focused organizations to help to mitigate visitor impact and preserve our destination's natural and cultural resources.
6. **Expansion of Twentynine Palms Tourism Business Improvement District** – Research and identify opportunities to expand district boundaries to both increase available revenue streams and to expand destination offerings.

## Targeted Marketing

While the COVID-19 pandemic continues, Visit 29 Palms TBID marketing efforts will be streamlined to focus on strengthening, growing, and building year-round drive markets and short-haul domestic markets:

1. **Strengthen** in-state drive markets (Los Angeles, San Diego, San Francisco)
2. **Grow** out-of-state drive markets (Arizona and Nevada)
3. **Build** short-haul domestic markets (Oregon, Washington, Texas, Utah, Colorado)

### Domestic Market Overview

On average, approximately 60% of visitors traveling to Twentynine Palms are from California, namely from the metropolitan cities on Los Angeles, San Diego, San Francisco, and from within the San Bernardino and Orange counties. Other steady, year-round domestic markets are Washington, Oregon, Nevada, Arizona, Texas, Illinois, New York, Massachusetts.

### North American Market Overview

The majority of visitors from the North American region travel to Twentynine Palms and the desert region from Canada, with seasonal but traditionally steady visitation by travelers from

the country's western provinces such as British Columbia and Alberta, as well as the eastern province of Ontario.

### **International Market Overview**

While still being impacted by the COVID-19 pandemic, Twentynine Palms traditionally welcomes international visitors from France, Germany, UK, Spain, Italy, Australia, Switzerland, Denmark, Sweden, China, Japan, and India. International visitation is strongest during the summer months, specifically in the months of July and August.

### **Accessibility by air travel:**

1. Palm Spring International Airport (1 hour)
2. Ontario International Airport (2.5 hours)
3. John Wayne Airport Orange County (2.5 hours)
4. Los Angeles International Airport (3 hours)
5. San Diego International Airport (3.25 hours)

### **Millennial Market**

For marketing travel and tourism in Twentynine Palms, it is important to understand the needs of this growing market. Millennial travelers are looking for **unique and authentic experiences** and to immersing themselves in the destination so that they feel like more like a local than a tourist. Since the millennial generation does the majority of trip planning online, social media content plays an influential role in how millennials decide their travel plans which emphasizes the importance for Visit 29 Palms to develop and execute effective social media campaigns.

### **Branding and Positioning**

A key strategy is branding, with the City of Twentynine Palms using several authentic themes that relate to this destination, such as a desert oasis, a weekend getaway, a desert wilderness experience, a health and fitness space, a place to unwind and relax, a city that cares about its people and planet. Diverse marketing programs need to be employed using several themes to promote the city.

The Visit 29 Palms brand should create a broad theme, that Visit 29 Palms is a rural outdoor desert adventure, in a Joshua Tree National Park gateway community, a unique desert outpost, for a great wilderness experience in the Mojave Desert. It offers wide-open spaces, dark night skies, unique lodging and accommodations, for activities such as bird watching, biking, rock climbing, hiking, photography, stargazing, and relaxation in harmony with the Mojave Desert.

The city as a brand also has unique history; it supports and embraces the home of the largest Marine Corps training base in the world and honors the military families that were pioneers of Twentynine Palms. The cultural history embraces the Indian tribes that were the first inhabitants of the city and many pioneering families that homesteaded the area.

## Partnerships

**City of Twentynine Palms:** A key partnership for ensuring the success of the TBID is the primary relationship between the City of Twentynine Palms, its council members and administrative staff, and the TBID members, TBID Advisory Board and staff. Destination marketing efforts should be aligned with and supportive of the goals and objectives of the city, and both entities should collaborate to create a strong visitor-friendly experience in the destination.

**Twentynine Palms Marine Base:** Working together with MCCA and the Marine Corps base to assist Marines relocating to Twentynine Palms, especially during their season in June-August. The military has active Welcome Aboard and relocation programs, and city and TBID marketing should utilize digital and print media to advertise events, attractions, lodging, and restaurants to bring them into the city.

**Hospitality Businesses:** Marketing efforts throughout the year need to be fairly distributed to support all products and services, and marketing campaigns need to have an inclusive element. A key strategic goal for the Visit 29 Palms TBID will be the continued development and expansion of a partnership program that will allow local businesses, restaurants, shops, and attractions to gain more exposure through the Visit 29 Palms marketing campaigns throughout the year. This is a key step in destination development and provide the TBID with an additional income stream throughout the year to support the tourism marketing efforts.

**Travel and Tourism Industry Partners:** Through building and maintaining relationships with key travel and tourism partners such as Visit California, Brand USA, Greater Palm Springs CVB, Visit San Bernardino County and Discover Inland Empire, Visit 29 Palms can leverage all available partnership opportunities, including those relating to media and PR support and outreach and promotion at both travel trade and travel consumer events.

## Sustainability

**Increase consumer awareness** of environmentally friendly businesses in the City of Twentynine Palms. "The Natural Marketing Institute discovered that 58 percent of consumers consider a company's impact on the environment in considering where to purchase goods and services, and are more likely to purchase from companies that practice sustainable habits. That translates into a client base of 68 million Americans who are favorably predisposed to companies showing positive track records in personal, social, and environmental values. The Cause Marketing Forum reports that consumers also favor companies that actively support their communities: businesses do well by doing good." *[News and Best Practices for Commercial & Industrial Environmental Professionals, <https://www.environmentalleader.com/2016/03/16-benefits-of-becoming-a-sustainable-business/>]*

A destination that is renowned for sustainability has a competitive advantage, for example: "The City of Twentynine Palms supports and protects its people and planet and profits." For example: "**Our National Park** (Joshua Tree National Park) protects fauna, flora, land development, endangered species, and dark night skies." "**Our Hospitality Industry** together with the city promotes recycling, water conservation, helping the local community by providing jobs for local residents and supporting organizations, such as the local artists of

the region and the military troops that serve the U.S., and preserving the dark night sky by fostering good lighting practices.”

During the 2018/2019 partial government shutdown the Twentynine Palms Tourism Business Improvement District spearheaded community volunteer efforts for Joshua Tree National Park in Twentynine Palms, kicking off the efforts with a \$200 donation for cleaning supplies. The 29 Palms Visitor Center was a designated donation off location and coordinated more than 250 hours of volunteer support during the 35-day shutdown. Efforts were made to maintain the cleanliness of bathrooms and trailheads, and volunteers also assisted visitors in the park, sharing maps and park guides, and general information.

**Goals:** Increase recognition of leading environmentally friendly tourism businesses that support and encourage “green business in hospitality.” Encourage initiatives to reduce water consumption, especially by lodging and restaurants. Promote recycling and reduction in the use of plastic straws and single use plastics. Promote sustainable business travel products and be a responsible host; this promotes voluntary integration of environmental and social good practices in the hospitality business operations. Help educate and encourage local businesses to practice responsible lighting practices to reduce light pollution and help protect the dark desert sky.

**Reduce the tourism industry’s carbon footprint.**

- Encourage more bicycle lanes within the city. Shift towards the use of more environmentally friendly forms of transportation for tourism (buses, bicycles, foot and Ubers) both to and within tourist destinations.
- Work with relevant tourism agencies to identify ways to improve sustainable practices in tourism locations and visitor venues.
- Develop partnerships such as Mojave Desert Land Trust and Joshua Tree National Park Association.
- Minimize the production of waste, reduce the use of plastic, promote recycling, and assist the tourism industry to adapt to climate change.

**Joshua Tree National Park sustainability opportunities:**

- **Explore Responsibly** ([www.nps.gov/jotr/planyourvisit/exploreresponsibly.htm](http://www.nps.gov/jotr/planyourvisit/exploreresponsibly.htm)) This is an important campaign for Visit 29 Palms to support. As the number of people traveling through the national park continues to grow, so do the potential risks, dangers, and damage to the natural resources in the park.
- **Ranger Programs** ([www.nps.gov/jotr/planyourvisit/programs.htm](http://www.nps.gov/jotr/planyourvisit/programs.htm)) These educational programs offer a great opportunity for visitors to learn more about how humans, wildlife, and vegetation have adapted to survive in the desert, and geologic forces have shaped this arid land.
- **Every Kid in a Park** ([www.everykidinapark.gov](http://www.everykidinapark.gov)) The National Park Service offers every 4<sup>th</sup> grader a free annual park pass, and the city should help promote this opportunity and encourage visiting families to experience the magic that is Joshua Tree National Park. This program runs annually and is available to all children across the country.

**Leave No Trace Center for Outdoor Ethics (LNT)** ([www.lnt.org](http://www.lnt.org)) Visit 29 Palms became a Leave No Trace Community Partner in April 2019, with a commitment to help educate

visitors on Leave No Trace skills and ethics. The Leave No Trace Center for Outdoor Ethics protects the outdoors by teaching and inspiring people to enjoy it responsibly. The Center accomplishes this mission by delivering cutting-edge education and research to millions of people every year.

**Leave No Trace Seven Principles:**

1. Plan Ahead and Prepare
2. Travel and Camp on Durable Surfaces
3. Dispose of Waste Properly
4. Leave What You Find
5. Minimize Campfire Impacts
6. Respect Wildlife
7. Be Considerate of Other Visitors

© 1999 by the Leave No Trace Center for Outdoor Ethics: [www.LNT.org](http://www.LNT.org)

**International Dark Sky Association (IDA) [www.darksky.org](http://www.darksky.org)**

- Support the goals of the International Dark-Sky Association (IDA), a 501(c)(3) organization founded in 1988, dedicated to help stop light pollution and protect the night skies for present and future generations. Joshua Tree National Park received International Dark Sky Park silver designation in August 2017, and the city and Visit 29 Palms tourism organization should take every effort possible to help protect this designation.

**Mojave Desert Land Trust (MDLT) [www.mdlt.org](http://www.mdlt.org)**

- Support the Mojave Desert Land Trust, a non-profit organization founded in 2006 in Joshua Tree, which has been recognized for its responsible governing and outstanding achievements in land preservation. Visit 29 Palms should support MDLT's mission to protect the Mojave Desert ecosystem and its scenic and cultural resources.

**Joshua Tree National Park Association/Desert Institute [www.joshuatree.org](http://www.joshuatree.org)**

- Established in 1962 as Joshua Tree National Park's primary non-profit, the Joshua Tree National Park Association and its Desert Institute branch support the park's programming goals in education, interpretation, scientific and historic research and activities, thus supporting JTNPA allows Visit 29 Palms to also support Joshua Tree National Park.

## Marketing Programs

### Digital Media Marketing – Website

Since the launch of the custom built Visit29.org website in the spring of 2018, the TBID has invested heavily in digital marketing campaigns to increase visibility, usage, and engagement on the site, and has increased annual website users by over 650% since 2018. Remaining one of the TBID's most powerful marketing tool it is critical that the tourism website continue to evolve and expand, with attention to monthly maintenance and content development.

Newly added in 2021, Visit29.org offers a live chat feature that connects site users directly with staff at the 29 Palms Visitor Center to offer real-time customer service support to website users who are looking to learn more about Twentynine Palms and plan their visit.

A key priority for the TBID's 2021-22 year will be updating the website's navigation and design layout to support a mobile-first experience. To help identify other specific opportunities for improved user experience, an online survey campaign will be developed and launched to ask site users directly for their feedback and suggestions for improvement. The website's key performance indicators will continue to be reviewed and analyzed on a quarterly and annual schedule with maintenance and site updates to follow.

The Visit 29 Palms TBID will maintain search engine marketing campaigns for the 2021-2021 year and will work strategically to increase overall website performance and engagement, with the goal of increasing site users, pageviews and pages/session by 10%, and increase Visit29.org outbound link clicks over the course of the year by 10%.

**Ongoing Strategies:**

- Establish and track key performance indicators and benchmarks for website performance for Visit29.org, with a quarterly reporting schedule
- Study demographic reports to understand where users are coming from and what they are most interested in.
- Update and refresh website content on a seasonal basis.
- Develop creative social media campaigns to help drive traffic to Visit29.org
- Monitor the search feature on the website to better understand what type of content and information users are looking for.
- Monitor page reports in Google Analytics to measure, track, and understand what type of content and information on the website is most/least engaging
- Maintain an active blog where relevant and seasonal content is published monthly to help drive traffic, improve SEO, and build community and visitor engagement.

**Expanded content to support MCAGCC**

- Highlight military special events and special offers on attractions/events.
- Highlight pier diem hotels in Twentynine Palms.
- Provide information on gate access/visitor center.
- Fun facts and trivia about the base.
- Links to official MCAGCC resources and community groups/resources.

**Partner Portal**

- TBID meeting agenda and quarterly/annual reports and presentations.
- Partnership program benefits and opportunities.
- Self-service access to event calendars.
- Access to media kits and marketing collateral.

**Key Areas of Content Development:**

**Plan Your Trip / Trip Planner** – [www.visit29.org/trip-planner/](http://www.visit29.org/trip-planner/)

- Develop seasonal and themed travel itineraries, expand maps, directions, and information on transportation and regional airports.



**Explore** – [www.visit29.org/explore/](http://www.visit29.org/explore/)

- Expand information and resources for planning visits to the national parks, monuments, and preserves in the Mojave Desert, with increased focus on responsible recreation.

**Lodging** - [www.visit29.org/lodging/](http://www.visit29.org/lodging/)

- Continue to improve overall design and layout of lodging landing page; update images and calls to action on a seasonal rotation

**Restaurants, Shops, and Attractions** - [www.visit29.org/restaurants/](http://www.visit29.org/restaurants/)  
[www.visit29.org/attractions](http://www.visit29.org/attractions) [www.visit29.org/shops/](http://www.visit29.org/shops/)

- Continue to improve overall design and layout of business listings in the restaurants, shops, and attractions categories.

## Search Engine Marketing

To continue to increase visibility in online search results and drive targeted traffic to Visit29.org, monthly paid search campaigns will remain a key digital marketing program for the TBID's 2021-2022 year. Through strategic keyword targeting, the Visit 29 Palms TBID can ensure it reaches the right audience at the right time and continuously aim to be in the top few search results for related searches. Search engine marketing efforts with Google Ads have played a tremendous role in increasing visibility and traffic to Visit29.org and currently accounts for driving nearly 20% of all site traffic. Paid search campaigns will continue to be themed by season, and closely tracked and adjusted to ensure best results.

## Digital Display

As a key digital marketing program to help increase reach and awareness for Twentynine Palms as a tourist destination, digital display ads will continue to be executed monthly across the Google Display Network. This network includes Google's own sites such as Gmail and YouTube, and reaches 90% of Internet users worldwide, across millions of websites, news pages, and blogs.

## Social Media Marketing

Travelers want to visualize potential new experiences. How will it make them feel? What photos will they have to share with friends and family afterwards? To stand out in the tourism industry and inspire travelers to book over competitors, social media will be a key strategic marketing tool for experiential storytelling and promotion for the Visit 29 Palms TBID.

The Visit 29 Palms TBID will continue to utilize Facebook, Instagram, Twitter, and YouTube to share creative and engaging content, with a strategic goal of increasing the total number of social media impressions and reach by 10% in 2021-2022. Strategically, Visit 29 Palms will utilize its social media channels to build awareness and engagement, drive lead generation and outbound link clicks to business partners, and nurture relationships with partner organizations and new and returning visitor's.

### FACEBOOK

As the top social media platform with a wide demographic reach, a diverse global audience, and a promotional avenue for small businesses, Facebook connects and promotes users/businesses on multiple levels—it is an all-encompassing, globally used, proven and trusted media outlet with over 2.7 billion monthly users.

**Facebook Opportunities for @Visit29Palms**

1. Continue to utilize Facebook ads to effective reach and engage with targeted audiences and to grow channel following.
2. Increase organic engagement through additional use of video and user-generated content.
3. Plan quarterly contests/giveaways to increase engagement and grow audience organically.

**INSTAGRAM**

With over 1 billion active monthly users, Instagram is one of the most powerful social media platforms for the travel and tourism industry, with many travel consumers now factoring in how “Instagrammable” a travel destination or travel experience is before making decisions. With the platform’s incorporation of hashtags, Instagram plays a powerful role in discovery for travel destinations and with a single click, connects users to an extraordinary image gallery of both user-generated and branded visual content.

**Key Instagram Opportunities for @Visit29Palms**

1. Utilize Instagram ads and strategic hashtags to build awareness and increase engagement with targeted audiences.
2. Prioritize video content and creative, branded use of Stories to increase following and engagement and leverage user-generated content as much as possible.
3. Explore in-app/API advertising options, sell Visit 29 Palms merchandise (when applicable) with “Shoppable” posts.

**TWITTER**

Twitter is known as the real-time, public microblogging network where news breaks first, and it is popular for its brevity in characteristic 140-character limit and unfiltered feed. Currently, there are more than 330 million active monthly users on Twitter, making it one of the biggest social networks worldwide.

**Key Twitter Opportunities for @Visit29Palms:**

1. Travel and tourism related Twitter chats can offer great opportunities for TBID organizations to engage with new travel consumers and efficiently create interest and excitement for the destination and should be part of the TBID’s 2021-2022 strategy.
2. Utilize more video-based content to increase engagement and growth of Twitter followers and consider incorporating Twitter’s ads throughout the year to boost content.
3. Utilize branded hashtags to build visibility and awareness for Twentynine Palms and its tourist amenities and leverage user-generated content as much as possible.

**YouTube**

YouTube is now the second largest search engine and plays a critical role in discovery for travel destinations. This powerful video-based platform is a great way to share information,

education, and entertainment, particularly for the travel and tourism industry. For today's travel consumers, online travel videos play an important role in helping travelers choose their travel destinations and YouTube offers Visit 29 Palms a great opportunity to reach younger demographics and showcase the unique experiences that Twentynine Palms has to offer.

**Key YouTube Opportunities for Visit 29 Palms:**

1. With an already established YouTube channel, Visit 29 Palms must continue to create and publish original and engaging branded video content to promote the destination.
2. By utilizing YouTube's in-platform paid advertising opportunities, Visit 29 Palms can effectively reach targeted audiences with its branded video content.
3. With website optimization and YouTube page optimization going hand-in-hand, increased attention and investment in Visit 29 Palms' YouTube channel will also benefit Visit29.org by increasing visibility and driving new traffic.

### Email Marketing

Visit 29 Palms will prioritize e-newsletter marketing programs to engage travel consumers, travel professionals, travel writers and bloggers, and invite visitors to Visit 29 Palms. A strategic goal will be to increase e-news subscribers by 15% over the course of the 2021-2022 fiscal year and implement pop-up e-news tools on the Visit29.org website.

Visit 29 Palms currently uses a Constant Contact email-marketing program, with a base of 2,000+ leads from subscribers through Visit29.org, events, travel shows, and previous campaigns through Sunset magazine and California Road Trips. With new branding established, the Visit 29 Palms TBID will produce monthly emails, promoting weekend getaways, special events, and spotlights on attractions. Visit 29 Palms will also launch its partner email series, sending quarterly updates to all stakeholders and tourism partners.

### Bloggers and Influencers

Working with bloggers and digital influencers is a key marketing strategy for building destination awareness and engaging with target markets. In many cases, for the price of a free night's lodging or a meal or participation in or support of a FAM tour, earned media in the form of photos and travel articles or blogs by travel writers and bloggers can circulate nationally or internationally for months, if not years. As a strategic goal for 2021-2022, Visit 29 Palms will look to host one blogger/influence per quarter.

### Broadcast Media

Broadcast media marketing programs for 2021-2022 will primarily focus on digital billboard advertising at the Palm Springs International Airport as well as Internet radio campaigns. Visit 29 Palms will be seeking a year-long advertising placement at the Palm Springs International Airport and a minimum of a three-month campaign with iHeart Radio.

### Twentynine Palms Visitor Center

The Twentynine Palms Tourism Business Improvement District will continue to operate the City's Visitor Center and will continue to work in partnership with the Public Arts Advisory Committee (PAAC) to host the quarterly Art in Public Places exhibitions.

The Visitor Center provides a variety of vital visitor resources for out-of-town guests, including maps and brochures, displays highlighting the city's history and culture, and information on upcoming events. A key initiative for the 2021-2022 year will be resuming special events and community gatherings at the Visitor Center. The Twentynine Palms Visitor Center is open seven days a week, from 10 AM to 4 PM Monday through Friday, and 9 AM to 2 PM on Saturday and Sundays and is located at the corner of Hwy 62 and Desert Queen Ave in downtown Twentynine Palms.

## Administration

### **Tourism Business Improvement District Advisory Board**

The 5-member TBID Advisor Board must consist of owners and operators of lodging properties in the city and must have balanced representation from all segments of the city's market, including large national brand hotels, independent hotels/motels, and vacation home rentals. The Advisory Board is appointed by City Council and has an elected Chair, and Vice Chair.

### **Subcommittees**

Subcommittees made up of no more than two Advisory Board members can be formed to help support special projects and initiatives. Subcommittees have previously been created to support the TBID's annual meeting, and the TBID's marketing budget and plan development. The TBID had identified the need to develop additional subcommittees in 2021-2022 to assist with event and partner program development.

### **Staff**

Reporting directly to the City Manager TBID Advisory Board, the TBID's Director of Marketing is responsible for day-to-day marketing activities and the execution of the annual marketing plan and budget. The TBID's Director of Marketing also oversees and manages all contract services as well as the daily operations of the City's Visitor Center and its staff.

### **Contract Services**

When needed, the TBID can use a variety of contract services to help achieve its marketing goals and objectives and has traditionally utilized contract services for digital marketing programs and video/content development. Firms or individuals hired to provide contract services for the Visit 29 Palms TBID report to and work directly with the TBID's Director of Marketing.

### **Finance**

TBID tax revenue generated by the self-assessed 1.5% tourism tax is collected and held by the finance department at the City of Twentynine Palms who assists with all aspects of financial reporting for the Visit 29 Palms Tourism Business Improvement District.

**TBID REVENUE BUDGET**

	2020-21 Approved Budget	2020-21 Adjusted Budget <i>Approved by TBID Advisory Board on May 13, 2021.</i>	2020-21 YTD <i>Revenue through to June 30, 2021.</i>	2021-22 Proposed Budget <i>Approved by TBID Advisory Board on July 26, 2021.</i>
4125 REVENUE: Visit 29! Tourism Assessment Fee 1.5%	\$ 175,000	\$ 252,000	\$ 216,276	\$ 265,000
4150 REVENUE: Income from Merchandise for Resale	\$ 500	\$ 500	\$ 400	\$ 500
4245 INTEREST:		\$ 900	\$ 984	\$ 900
REVENUE: Partnership Program	\$ 2,500	\$ 2,500	\$ 1,456	\$ 3,500
4890 REVENUE: SBC COVID-Compliant Partnership Program			\$ 2,500	
<b>Total Revenue:</b>	<b>\$ 178,000</b>	<b>\$ 255,900</b>	<b>\$ 221,616</b>	<b>\$ 269,900</b>

**TBID EXPENDITURES**

	2020-21 Approved Budget	2020-21 Adjusted Budget <i>Approved by TBID Advisory Board on May 13, 2021.</i>	2020-21 YTD <i>Expenditures through August 23, 2021.</i>	2021-22 Proposed Budget <i>Approved by TBID Advisory Board on July 26, 2021.</i>
<b>SALARIES &amp; BENEFITS</b>				
5110 Marketing Director Salary	\$ 70,845	\$ 74,000	\$ 66,018	\$ 74,000
5120 Visitor Center Assistant	\$ -	\$ 10,000	\$ 1,276	\$ 6,000
5250 Health Benefits	\$ 12,316	\$ 12,316	\$ 10,110	\$ 12,316
5251 Retirement Benefits	\$ 5,478	\$ 5,478	\$ 5,114	\$ 5,478
5252 Workers Comp	\$ 3,542	\$ 3,542	\$ 3,903	\$ 3,542
5254 Unemployment	\$ 305	\$ 305	\$ 592	\$ 305
6241 OFFICE SUPPLIES	\$ 1,200	\$ 1,200	\$ 1,047	\$ 1,200
6244 MISCELLANEOUS	\$ 10,000	\$ 4,000	\$ 4,101	\$ 5,000
6245 CONTINGENCY	\$ 10,000	\$ 10,000	\$ -	\$ 10,000
6251 TRAVEL & ENTERTAINMENT	\$ -	\$ -	\$ -	\$ -
6281 COVID-19 SAFETY MEASURES	\$ 2,500	\$ 2,500	\$ 259	\$ 2,500
6291 VISITOR CENTER BUILDING MAINTENANCE & OPERATIONS	\$ 1,200	\$ 1,200	\$ 826	\$ 600
6340 MERCHANDISE FOR RESALE	\$ -	\$ -	\$ -	\$ -
6343 VIDEO PRODUCTION	\$ -	\$ 20,000	\$ 6,560	\$ 24,000
6344 BROADCAST MEDIA	\$ -	\$ 10,000	\$ 10,000	\$ 13,000
6345 REGIONAL PRINT ADS	\$ -	\$ -	\$ -	\$ -
6346 TOURISM PRINT ADS	\$ -	\$ -	\$ -	\$ -
6347 TRADE CONVENTIONS, MEMBERSHIPS & TRAVEL EXPENSES	\$ -	\$ -	\$ -	\$ 800
6348 TRAVEL SHOWS	\$ -	\$ -	\$ -	\$ -
6353 CONTRACT SERVICES	\$ -	\$ 10,000	\$ -	\$ 10,000
6356 INTERNET MARKETING & WEBSITE	\$ 10,280	\$ 31,130	\$ 13,910	\$ 50,680
6371 SPONSORSHIP/COMMUNITY EVENTS	\$ -	\$ 20,000	\$ 16,850	\$ 20,000
6518 MARKETING EQUIPMENT	\$ -	\$ -	\$ -	\$ -
#### SPECIAL PROJECTS	\$ -	\$ 40,000	\$ -	\$ 30,000
	<b>\$ 127,666</b>	<b>\$ 255,671</b>	<b>\$ 140,565</b>	<b>\$ 269,421</b>
Total Approved Budget	\$ 178,000	\$ 255,900		
Total Revenue	\$ 178,000	\$ 255,900	\$ 221,616	\$ 269,900
Total Expenses	\$ 127,666	\$ 255,671	\$ 140,565	\$ 269,421
Surplus/Deficit	\$ 50,334	\$ 229	\$ 75,711	\$ 479

**Appendix 2****Assessed Businesses in Visit 29 Palms TBID District**

As of 9/7/2021

<b>Hotels &amp; Motels</b>	<b>Site Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
9 Palms Inn	73193 Twentynine Palms Hwy	Twentynine Palms	CA	92277
29 Palms Inn	73950 Inn Ave	Twentynine Palms	CA	92277
America's Best Value Inn	71829 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Campbell House	74744 Joe Davis Drive	Twentynine Palms	CA	92277
El Rancho Dolores	73352 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Fairfield Inn & Suites by Marriott	6333 Encelia Ave	Twentynine Palms	CA	92277
Harmony Motel	71161 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Holiday Inn Express & Suites	72535 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Motel 6	72562 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Oasis Inn & Suites	71809 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Ramsey 29	73842 Twentynine Palms Hwy	Twentynine Palms	CA	92277
Sunnyvale Garden Suites	73843 Sunnyvale Drive	Twentynine Palms	CA	92277
SureStay by Best Western	71487 Twentynine Palms Hwy	Twentynine Palms	CA	92277

<b>RV Resort</b>	<b>Site Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
Twentynine Palms RV Resort & Cottages	4949 Desert Knoll Ave	Twentynine Palms	CA	92277

<b>Short-Term Vacation Rentals</b>	<b>Site Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
VHR001	73452 Sunnyslope Dr.	Twentynine Palms	CA	92277
VHR002	74223 Joe Davis Drive	Twentynine Palms	CA	92277
VHR004	70677 Cottonwood Drive	Twentynine Palms	CA	92277
VHR006	72479 Two Mile Road	Twentynine Palms	CA	92277
VHR007	5960 Sunrise Road	Twentynine Palms	CA	92277
VHR008	6646 National Park Drive	Twentynine Palms	CA	92277
VHR013	72815 Cactus Drive	Twentynine Palms	CA	92277
VHR015	71428 Samarkand Drive	Twentynine Palms	CA	92277
VHR016	73817 Old Dale Road	Twentynine Palms	CA	92277
VHR017	73871 Old Dale Road	Twentynine Palms	CA	92277
VHR019	70370 Baseline Road	Twentynine Palms	CA	92277

VHR022	6612 Indian Cove Road	Twentynine Palms	CA	92277
VHR024	74784 Foothill Drive	Twentynine Palms	CA	92277
VHR025	6600 Indian Cove Road	Twentynine Palms	CA	92277
VHR026	6371 Noels Knoll	Twentynine Palms	CA	92277
VHR027	6783 Alpine Avenue	Twentynine Palms	CA	92277
VHR028	74925 Alta Loma Drive	Twentynine Palms	CA	92277
VHR029	67939 Sullivan Road	Twentynine Palms	CA	92277
VHR032	6837 Araby Avenue	Twentynine Palms	CA	92277
VHR033	74615 Alta Loma Drive	Twentynine Palms	CA	92277
VHR034	6791 Ivanpah Avenue	Twentynine Palms	CA	92277
VHR035	74611 Serrano Drive	Twentynine Palms	CA	92277
VHR036	71524 Samarkand Drive	Twentynine Palms	CA	92277
VHR037	74576 Old Dale Road	Twentynine Palms	CA	92277
VHR038	74576 Old Dale Road, Unit B	Twentynine Palms	CA	92277
VHR039	6039 Daisy Avenue	Twentynine Palms	CA	92277
VHR042	74375 Cottonwood Drive	Twentynine Palms	CA	92277
VHR043	75127 Mayfair Drive	Twentynine Palms	CA	92277
VHR045	6969 Mantonya Road	Twentynine Palms	CA	92277
VHR046	71544 Cactus Drive	Twentynine Palms	CA	92277
VHR051	7758 North Star Avenue	Twentynine Palms	CA	92277
VHR052	73225 Adobe Circle	Twentynine Palms	CA	92277
VHR053	7005 Manzanita Avenue	Twentynine Palms	CA	92277
VHR054	5662 Skyview Lane	Twentynine Palms	CA	92277
VHR055	67979 Sullivan Road	Twentynine Palms	CA	92277
VHR056	5605 Oasis Avenue	Twentynine Palms	CA	92277
VHR057	6600 Split Rock Avenue	Twentynine Palms	CA	92277
VHR059	74460 Cactus Drive	Twentynine Palms	CA	92277
VHR060	6594 Rose Ellen Avenue	Twentynine Palms	CA	92277
VHR061	6662 Mesquite Avenue	Twentynine Palms	CA	92277
VHR062	7545 Sahara Avenue	Twentynine Palms	CA	92277
VHR063	6572 Bullion Avenue	Twentynine Palms	CA	92277
VHR065	7516 Persia Avenue - Main	Twentynine Palms	CA	92277
VHR066	7516 Persia Avenue - Guest	Twentynine Palms	CA	92277
VHR068	6888 Kern Blvd	Twentynine Palms	CA	92277
VHR069	6749 Sherman Road	Twentynine Palms	CA	92277

VHR070	73542 Joshua Drive	Twentynine Palms	CA	92277
VHR071	68460 Bellerue Road	Twentynine Palms	CA	92277
VHR072	69274 Sullivan Road	Twentynine Palms	CA	92277
VHR073	67966 Whitmore Road	Twentynine Palms	CA	92277
VHR074	6627 Split Rock Avenue	Twentynine Palms	CA	92277
VHR075	7759 Sahara Avenue	Twentynine Palms	CA	92277
VHR076	6856 Sherman Road	Twentynine Palms	CA	92277
VHR077	74804 Wellock Road	Twentynine Palms	CA	92277
VHR080	71778 Sunnyslope drive	Twentynine Palms	CA	92277
VHR081	6634 Quail Spring Avenue	Twentynine Palms	CA	92277
VHR082	5971 Mariposa Avenue	Twentynine Palms	CA	92277
VHR083	6244 Carodean Road	Twentynine Palms	CA	92277
VHR084	6553 Via Allegra	Twentynine Palms	CA	92277
VHR085	6565 Via Allegra	Twentynine Palms	CA	92277
VHR086	6705 Ocotillo Avenue	Twentynine Palms	CA	92277
VHR087	6388 West Court Way	Twentynine Palms	CA	92277
VHR088	5742 Carodean Road	Twentynine Palms	CA	92277
VHR089	7391 Sherman Hoyt Avenue	Twentynine Palms	CA	92277
VHR090	74006 Gorgonio Drive	Twentynine Palms	CA	92277
VHR100	69023 Alta Loma Drive	Twentynine Palms	CA	92277
VHR101	6784 Pine Spring Avenue	Twentynine Palms	CA	92277
VHR102	74768 Sunset Drive	Twentynine Palms	CA	92277
VHR103	74835 Alta Loma Drive	Twentynine Palms	CA	92277
VHR104	73477 Didsbury Drive	Twentynine Palms	CA	92277
VHR105	6009 Mojave Avenue	Twentynine Palms	CA	92277
VHR106	74884 Serrano Drive	Twentynine Palms	CA	92277
VHR107	7487 Persia Avenue	Twentynine Palms	CA	92277
VHR108	5812 Primrose Lane	Twentynine Palms	CA	92277
VHR109	74825 Alta Loma Drive	Twentynine Palms	CA	92277
VHR110	6905 Peterson Road	Twentynine Palms	CA	92277
VHR111	68965 Old Dale Road	Twentynine Palms	CA	92277
VHR112	73934 Casita Drive	Twentynine Palms	CA	92277
VHR113	7273 Shoshone Valley Road	Twentynine Palms	CA	92277
VHR115	70595 Foothill Drive	Twentynine Palms	CA	92277
VHR116	5868 Mariposa Avenue, 2nd dwelli	Twentynine Palms	CA	92277
VHR117	71915 Samarkand Drive	Twentynine Palms	CA	92277
VHR118	72935 Siesta Drive	Twentynine Palms	CA	92277
VHR119	5394 Mariposa Avenue	Twentynine Palms	CA	92277
VHR120	75047 Baseline Road	Twentynine Palms	CA	92277



VHR120	75047 Baseline Road	Twentynine Palms	CA	92277
VHR121	6579 Mission Avenue	Twentynine Palms	CA	92277
VHR122	8989 Utah Trail	Twentynine Palms	CA	92277
VHR123	74677 Hill View Road	Twentynine Palms	CA	92277
VHR124	3370 Utah Trail	Twentynine Palms	CA	92277
VHR125	73384 Sullivan Road #A	Twentynine Palms	CA	92277
VHR126	73384 Sullivan Road #B	Twentynine Palms	CA	92277
VHR127	5960 Rose Ellen Avenue	Twentynine Palms	CA	92277
VHR128	74704 Morning Drive	Twentynine Palms	CA	92277
VHR129	7070 Sheridan Avenue	Twentynine Palms	CA	92277
VHR130	73467 Desert Trail Dr	Twentynine Palms	CA	92277
VHR131	74044 Cottonwood Drive	Twentynine Palms	CA	92277
VHR132	5966 Morongo Road	Twentynine Palms	CA	92277
VHR133	72949 Siesta Drive	Twentynine Palms	CA	92277
VHR134	7026 Datura Avenue	Twentynine Palms	CA	92277
VHR135	7358 Persia Avenue	Twentynine Palms	CA	92277
VHR136	6438 Sunrise Road	Twentynine Palms	CA	92277
VHR137	6405 Tamarisk Avenue	Twentynine Palms	CA	92277
VHR138	76076 Sunrise Road	Twentynine Palms	CA	92277
VHR139	73855 White Sands Dr.	Twentynine Palms	CA	92277
VHR140	6373 Noels Knoll Road	Twentynine Palms	CA	92277
VHR141	73829 S Slope Drive	Twentynine Palms	CA	92277
VHR142	6577 Desert Queen Avenue	Twentynine Palms	CA	92277
VHR143	6968 Roberts Avenue	Twentynine Palms	CA	92277
VHR144	72133 El Paseo Drive	Twentynine Palms	CA	92277
VHR145	73543 Joshua Drive	Twentynine Palms	CA	92277
VHR146	6380 Yucca Avenue	Twentynine Palms	CA	92277
VHR147	6837 Muntz Road	Twentynine Palms	CA	92277
VHR148	6463 Mesquite Avenue	Twentynine Palms	CA	92277
VHR150	5868 Mariposa Avenue, Main Hou	Twentynine Palms	CA	92277
VHR151	74563 Alta Loma Drive	Twentynine Palms	CA	92277
VHR152	73767 Serrano Drive	Twentynine Palms	CA	92277
VHR153	5747 Marine Avenue	Twentynine Palms	CA	92277
VHR154	73434 Desert Trail Drive	Twentynine Palms	CA	92277
VHR155	6244 Mojave Avenue	Twentynine Palms	CA	92277
VHR156	71554 Samarkand Drive	Twentynine Palms	CA	92277
VHR157	7112 Indian Cove Road	Twentynine Palms	CA	92277
VHR158	6273 Lupine Avenue	Twentynine Palms	CA	92277
VHR159	6929 Mantonya Road	Twentynine Palms	CA	92277
VHR160	73397 Manana Drive	Twentynine Palms	CA	92277

VHR161	73779 Old Dale	Twentynine Palms	CA	92277
VHR162	6566 El Rey Avenue	Twentynine Palms	CA	92277
VHR163	6731 Ivanpah Avenue	Twentynine Palms	CA	92277
VHR164	6670 Ivanpah Avenue	Twentynine Palms	CA	92277
VHR165	6616 El Rey Avenue	Twentynine Palms	CA	92277
VHR166	6688 Oasis Avenue	Twentynine Palms	CA	92277
VHR167	7589 Sahara Avenue	Twentynine Palms	CA	92277
VHR168	73010 Manana Drive	Twentynine Palms	CA	92277
VHR169	74056 Casita Drive	Twentynine Palms	CA	92277
VHR170	6817 Indian Cove Road	Twentynine Palms	CA	92277
VHR171	6445 Tamarisk Avenue	Twentynine Palms	CA	92277
VHR173	74690 Serrano Drive	Twentynine Palms	CA	92277
VHR174	6244 Carodean Road	Twentynine Palms	CA	92277
VHR175	6673 Tamarisk Avenue	Twentynine Palms	CA	92277
VHR176	73778 Siesta Drive	Twentynine Palms	CA	92277
VHR177	72994 Homestead Drive	Twentynine Palms	CA	92277
VHR180	6350 Athol Avenue	Twentynine Palms	CA	92277
VHR181	9160 Cowan Road	Twentynine Palms	CA	92277
VHR182	6635 Morongo Road	Twentynine Palms	CA	92277
VHR183	68054 Sullivan Road	Twentynine Palms	CA	92277
VHR184	68927 Foothill Drive	Twentynine Palms	CA	92277
VHR185	69301 Cottonwood Drive	Twentynine Palms	CA	92277
VHR187	6721 Desert Quail Drive	Twentynine Palms	CA	92277
VHR188	6026 Morongo Road	Twentynine Palms	CA	92277
VHR189	6251 Encelia Avenue	Twentynine Palms	CA	92277
VHR190	6707 Palo Verde Avenue	Twentynine Palms	CA	92277
VHR191	4694 Hook Tree Road	Twentynine Palms	CA	92277
VHR192	7775 Sahara Avenue	Twentynine Palms	CA	92277
VHR193	74350 National Park Drive	Twentynine Palms	CA	92277
VHR194	73145 Twentynine Palms Highway	Twentynine Palms	CA	92277
VHR195	73145 Twentynine Palms Highway	Twentynine Palms	CA	92277
VHR196	5655 Encelia Drive	Twentynine Palms	CA	92277
VHR197	72589 Sullivan Road	Twentynine Palms	CA	92277
VHR198	74026 Gorgonio Drive	Twentynine Palms	CA	92277
VHR199	5580 Palo Verde Avenue	Twentynine Palms	CA	92277
VHR200	6274 Bailey Avenue	Twentynine Palms	CA	92277
VHR202	72964 Two Mile Road	Twentynine Palms	CA	92277
VHR203	72838 Two Mile Road	Twentynine Palms	CA	92277
VHR204	74725 Serrano Drive	Twentynine Palms	CA	92277
VHR206	72654 Sunnyslope Drive	Twentynine Palms	CA	92277
VHR208	75051 Saddlehorn Road	Twentynine Palms	CA	92277
VHR209	6764 Estrella Avenue	Twentynine Palms	CA	92277
VHR210	6976 Sherman Road	Twentynine Palms	CA	92277

VHR211	6025 Daisy Avenue	Twentynine Palms	CA	92277
VHR212	72208 Sunnyslope Drive	Twentynine Palms	CA	92277
VHR214	68030 Sunnyslope Drive	Twentynine Palms	CA	92277
VHR219	71972 El Paseo Dr	Twentynine Palms	CA	92277
VHR220	72938 Manana Drive	Twentynine Palms	CA	92277
VHR221	6727 Quail Spring Avenue	Twentynine Palms	CA	92277
VHR222	7643 Saladin Avenue	Twentynine Palms	CA	92277
VHR223	7095 Quail Spring Avenue	Twentynine Palms	CA	92277
VHR224	74030 Playa Vista Drive	Twentynine Palms	CA	92277
VHR226	7073 Mission Avenue	Twentynine Palms	CA	92277
VHR227	6213 Bagley Avenue	Twentynine Palms	CA	92277
VHR228	6074 Mojave Avenue	Twentynine Palms	CA	92277
VHR234	5535 Lupine Avenue	Twentynine Palms	CA	92277
VHR242	73314 Sun Valley Drive	Twentynine Palms	CA	92277

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
ORDINANCE NO. 278**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
TWENTYNINE PALMS, CALIFORNIA, ESTABLISHING THE  
TWENTYNINE PALMS TOURISM BUSINESS IMPROVEMENT  
DISTRICT**

**WHEREAS**, the Parking and Business Improvement Area Law of 1989 (Section 36500 et. seq., of the California Streets and Highways Code) authorizes cities to establish tourism business improvement areas for the purpose of promoting tourism; and

**WHEREAS**, the City desires to support its hotels/motels/vacation home rentals by forming a tourism business improvement district in the City as a means to promote tourism related businesses; and

**WHEREAS**, in furtherance of their desire to establish a tourism business improvement district, on March 28, 2017, the City Council adopted a Resolution of Intent to establish Tourism Business Improvement District, Resolution No. 17-05 titled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL TO ESTABLISH THE TWENTYNINE PALMS TOURISM BUSINESS IMPROVEMENT DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING"; and

**WHEREAS**, on April 25, 2017, the City Council held a public meeting at 6:00 p.m. in the Twentynine Palms City Council Chambers located at 6136 Adobe Road, Twentynine Palms, CA 92277 to hear testimony of interested persons regarding the assessment that would result from the establishment of the proposed Tourist Business Improvement District ("TBID"); and

**WHEREAS**, the Twentynine Palms City Council noticed and held a public hearing to establish the Tourism Business Improvement District on May 23, 2017 at 6:00 p.m. at the City of Twentynine Palms City Council Chambers, 6136 Adobe Road, Twentynine Palms, CA 92277 to hear testimony of interested persons for or against the establishment of the proposed TBID, and to hear and consider protests regarding the extent of the area, the method of calculation of assessments, and the furnishing of specific types of improvements or activities; and

**WHEREAS**, there was not a protest by the owners of the businesses within the Twentynine Palms TBID that will pay fifty percent (50%) or more of the total assessments of the entire Twentynine Palms TBID; and

**WHEREAS**, as a result of the fact that there was not a majority protest at the May 23, 2017 public hearing, the City Council desires to proceed with the establishment of the TBID; and

**WHEREAS**, the City Council has found and determined that the businesses within the TBID will be benefitted by the activities funded by the levy of TBID assessments, and only those businesses that will be benefit from tourism visits will be subject to the TBID assessments.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Twentynine Palms as follows:

SECTION 1. The above recitations are true and correct and made a part of this Ordinance.

SECTION 2. The Twentynine Palms Tourism and Business Improvement District (also referred to herein as the "TBID") is hereby established and It shall be known as the "Twentynine Palms Tourism and Business Improvement District."

SECTION 3. The TBID become operative as of October 1, 2017, and its fiscal year shall be from October 1 through September 30.

SECTION 4. The boundaries of the TBID shall be the City of Twentynine Palms, and shall include all hotels/motels/vacation home rentals, and any other business engaged in renting overnight accommodations on a transient basis and subject to the City's Transit Occupancy Tax, within the City of Twentynine Palms.

SECTION 5. All TBID improvements and activities shall be funded by the levy of assessments and the revenue from the assessments shall not be used to provide improvements or activities outside the City or for any purpose other than the purposes specified in this Ordinance.

SECTION 6. The assessments levied hereunder shall be used for funding tourism promotional activities, and such activities may include marketing programs to promote Twentynine Palms as an overnight tourism destination including marketing, advertising, public relations, and other related activities as determined by the Advisory Board.

SECTION 7. An assessment is hereby established, and shall be levied on all existing and future hotel/motel/vacation home rentals, and any other business engaged in renting overnight accommodations on a transient basis which are subject to the City's Transit Occupancy Tax, located within the City of Twentynine Palms (the "Effected Businesses") at a rate of 1.5% per occupied room night rate. The "room rate" shall mean the base room rate charged, prior to application of the City's Transient Occupancy Tax or any other tax or assessment.

SECTION 8. The City of Twentynine Palms shall calculate and collect the assessments from the Effected Businesses within Twentynine Palms as follows:

Basis and Rate for Assessment. The assessment shall be calculated as a percentage of each day's gross occupancy revenue. The rate of the assessment effective in any fiscal year shall be set annually by Resolution of the City Council pursuant to Streets and Highways Code Section 36535, and shall not exceed 1.5%.

Reporting and Remitting. The assessment calculated based on any day's gross occupancy revenues shall be paid to the City quarterly, no later than the date on which the hotel, motel, or vacation home rental owner is required to remit Transient Occupancy Tax to the City, and shall be remitted to the City in the same manner as that used for the collection of Transient Occupancy Tax receipts as set forth in Chapter 3.24.070 of the Twentynine Palms Municipal Code.

Penalties and Interest. Any hotel, motel, or vacation home rental property owner failing to timely make payment to the City of the assessment shall be subject to the same penalties and interest thereon as set forth in Section 3.24.080 of the Twentynine Palms Municipal Code for failure to timely remit Transient Occupancy Tax payments collected by the City.

Debt to City. The amount of assessment, penalty and interest imposed by the provisions of this Ordinance shall be deemed a debt to the City. An action may be commenced in any court of competent jurisdiction in the name of the City for the amount of such debt. The conviction and punishment of any person for failure to comply with the provisions of this Ordinance shall not relieve such person from paying any assessment, penalty or interest due and unpaid at the time of such conviction nor shall payment prevent prosecution of a violation of any of the provisions of this Ordinance. All remedies shall be cumulative, and the use of one or more remedies by the City to enforce this Ordinance shall not bar the use of any other remedy.

Election to Recover from Transient. The assessment is levied upon each hotel, motel, and vacation home rental business subject to the assessment, and each such business shall be solely responsible for paying all assessments when due. Without disturbance of the foregoing, a hotel, motel, or vacation rental business may elect to recover some or all of the amount of the assessment from transients owing rent to the hotel, motel, or vacation rental business. The amount to be recovered from any transient may not exceed the amount of rent owed by that transient to the hotel, motel, or vacation home rental business, multiplied by the then effective rate of the assessment. The amount recovered shall be identified or itemized (separately or in conjunction with the amount of Transient Occupancy Tax owed by that transient) on a document provided to the transient. Assessments levied on hotel, motel, and vacation home rental businesses pursuant to this Ordinance and recovered from transients pursuant to this Ordinance are not considered "rent."

Recordkeeping and Inspections. It shall be the duty of every hotel, motel, and vacation home rental business to keep all records as may be necessary to determine the amount of assessment due hereunder and shall preserve the same for a period of 4 years. The Tax Administrator shall have the right to inspect such records at all reasonable times. The City Manager shall determine the mode and method of recordkeeping required to assist the Tax Administrator to perform the duties required of him under this section. Any audit which must be performed to secure compliance with the terms of this section is to be performed in the City. If for any reason the audit cannot be performed in the City, the hotel, motel, or vacation home rental businesses shall reimburse the City for the actual cost of all transportation, lodging, meals, travel time, and other incidental costs reasonably incurred by the City in conducting the audit; and

SECTION 9. The Twentynine Palms City Council shall appoint an Advisory Board, as described in Streets and Highways Code Section 36530, on or before October 1, 2017; and

SECTION 10. Once appointed, the Twentynine Palms Tourism Business Improvement District Advisory Board shall submit an annual report, which shall include a budget for operations and an identification of the marketing efforts to be undertaken by the Twentynine Palms Tourism Business Improvement District for the ensuing fiscal year, to the City Council annually pursuant to Streets and Highways Code Section 36533.

SECTION 11. The City Manager shall be authorized to expend funds for any item that is consistent with the Advisory Board's annual report budget once it is approved by the City Council; and

SECTION 12. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 13. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of its adoption and shall post a certified copy of this Ordinance, including the vote for and against the same in the Office of the City Clerk in accordance with Government Code section 36933. Any summary of this Ordinance must be approved by the City Attorney before its publication. The City Clerk is further directed to cause this Ordinance to be codified after its adoption. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 14. The businesses subject to this Ordinance shall be subject to any amendments to Section 36500 et seq. of the California Streets and Highways Code.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Twentynine Palms, California, held on this 13<sup>th</sup> day of June, 2017.



*Cindy Villegas*  
Cindy Villegas, City Clerk

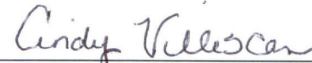
*John E. Cole*  
John E. Cole, Mayor

APPROVED AS TO FORM:

*A. Patrick Muñoz*  
A. Patrick Muñoz, City Attorney

I hereby certify that the foregoing is a true copy of Ordinance No. 278, introduced on the 23<sup>rd</sup> day of May, 2017 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 13<sup>th</sup> day of June, 2017, in Twentynine Palms, California by the following vote, to wit:

AYES:	COUNCIL MEMBERS:	BILDERAIN, KLINK, MINTZ, WRIGHT, COLE
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE



\_\_\_\_\_  
Cindy Villegas, City Clerk



**EXHIBIT A**

**TWENTYNINE PALMS TOURISM BUSINESS IMPROVEMENT DISTRICT**

The Twentynine Palms Tourism Business Improvement District will include all hotels/motels/vacation home rentals currently operating within the City of Twentynine Palms boundaries, which includes the following businesses:

Hotels, Motels and Inns

K - B Ranch Hotel  
6048 Noels Knoll Road,  
Twentynine Palms, CA 92277

Sunnyvale Garden Suites Hotel  
73843 Sunnyvale Drive,  
Twentynine Palms, CA 92277

29 Palms Inn  
73950 Inn Avenue,  
Twentynine Palms, CA 92277

Motel 6 #1085  
72562 29 Palms Hwy.,  
Twentynine Palms, CA 92277

Best Western Gardens  
71487 29 Palms Hwy  
Twentynine Palms, CA 92277

Homestead Inn  
74153 Two Mile Road  
Twentynine Palms, CA 92277

El Rancho Dolores Motel  
73352 29 Palms Hwy.,  
Twentynine Palms, CA 92277

Roadway Inn & Suites  
71809 29 Palms Hwy.,  
Twentynine Palms, CA 92277

America Best Value Inn  
71829 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Harmony Motel  
71161 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Motel 29 Palms  
73842 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

9 Palms Inn  
73243 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Fairfield Inn  
6333 Encelia Avenue,  
Twentynine Palms, CA 92277

Holiday Inn Express 29  
72535 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Campbell House  
74744 Joe Davis Drive,  
Twentynine Palms, CA 92277

Twentynine Palms Resort  
4949 Desert Knoll  
Twentynine Palms, CA 92277

Vacation Home Rentals

Broadview Hacienda – V0001  
73452 Sunnyslope Dr.,  
Twentynine Palms, CA 92277

Heather Schlegel – V0004  
70677 Cottonwood Dr.  
Twentynine Palms, CA 92277

Roadrunners Retreat – V0002  
74223 Joe Davis Rd.,  
Twentynine Palms, CA 92277

VHR – V0006  
72479 Two Mile Rd  
Twentynine Palms, CA 92277

Oasis By Joshua Tree – V0005  
2956 Bad Guys Ln.,  
Twentynine Palms, CA 92277

Wheelhouse rentals LLC – V0007  
5960 Sunrise Rd.,  
Twentynine Palms, CA 92277

Cindy Desert Resort – V0008  
6646 National Park Dr.,  
Twentynine Palms, CA 92277

Nancy Sefton – V0009  
72244 Sunnyslope Dr.,  
Twentynine Palms, CA 92277

Michael Figliolia – V0013  
72815 Cactus Dr.,  
Twentynine Palms, CA 92277

Tuyet Cao – V0014  
74809 Sunset Dr.,  
Twentynine Palms, CA 92277

Kayle Seven Corporation – V0003  
6888 Kerns Blvd.,  
Twentynine Palms, CA 92277

KnC Desert Homestead – V0015  
71428 Samarkand Dr.,  
Twentynine Palms, CA 92277

Vacation Rentals Old Dale – V0010  
74576 Old Dale Rd #A,  
Twentynine Palms, CA 92277

Old Dale Guest House – V0011  
74576 Old Dale Rd. #B,  
Twentynine Palms, CA 92277

Zachary S. Harris – V0018  
73817 1/2 Crestview,  
Twentynine Palms, CA 92277

The Lida Donnell Adobe Rent - V0012  
6649 North Star Ave.,  
Twentynine Palms, CA 92277

49 Palms Park Place – V0019  
70370 Baseline Rd.,  
Twentynine Palms, CA 92277

Ahmad Hussian – V0020  
5798 Adobe Rd.,  
Twentynine Palms, CA 92277

Desert View – V0022  
6612 Indian Cove Rd.,  
Twentynine Palms, CA 92277

29 Palms Inn #71 – V0017  
73871 Old Dale Rd.,  
Twentynine Palms, CA 92277

29 Palms Inn #17 – V0016  
73817 Old Dale Rd.,  
Twentynine Palms, CA 92277

**CITY OFFICES:**  
6136 ADOBE ROAD  
TWENTYNINE PALMS, CA 92277  
(760) 367-6799  
Fax (760) 367-4890  
www.29palms.org



**COUNCILMEMBERS**  
Daniel L. Mintz, Sr., Mayor  
Karmollette O'Gilvie, Mayor Pro Tem  
Steven Bilderain  
Joel A. Klink  
McArthur Wright

**CITY MANAGER**  
Frank J. Luckino, MPA

**Notice of Public Meeting and Public Hearing Related to Reauthorizing of  
the Tourism Business Improvement District (TBID).**

September 16, 2021

**Address Label**

Dear Tourism Partner,

This notice is being provided to you as a business potentially affected by the reauthorization of the Tourism Business Improvement District (TBID) in the City. We have just completed the fourth year of operations for the TBID. The objective is to answer to, "How does the City of Twentynine Palms continue to develop our tourism industry and create more occupancy within our lodging industry?" A tool for sustainability, functionality, and success is a Tourism Business Improvement District (TBID).

As a City partner, we need your expertise in tourism generation. The first step in the TBID process was the adoption of a Resolution of Intention to establish the area to which the TBID would apply, and to set the time and place for a public meeting and a public hearing to consider establishment of the TBID. A Resolution of Intention, Resolution No. 21-16, was adopted by the City Council on September 14, 2021. The Resolution of Intention sets the time and place for a public meeting as September 28, 2021 at 6:00 p.m. at Twentynine Palms City Hall located at 6136 Adobe Road, Twentynine Palms, California, 92277. A copy of the Notice of the Public Meeting and Public Hearing, as well as a Copy of the Resolution of Intention is attached. Note that the Resolution of Intention contains important information that is required to be provided to you as part of this correspondence pursuant to Government Code Section 54954.6.

I look forward to discussing the TBID, and more importantly the marketing plan that increases occupancy and room rates. Tourism is one of the biggest opportunities within our community. If you have any questions or concerns, please contact me at (760) 367-6799, or the TBID Board. The TBID Advisory Board is made up by Chair Rakesh Mehta of Surestay by Best Western, Vice Chair Ash Maharaj of Harmony Motel, Board Member Heidi Grunt of 29 Palms Inn & Campbell House, Board Member Patricia Knight of VHR Management, and Board Member Maria Quinteros of Holiday Inn Express & Suites.

Thank you,

A handwritten signature in black ink, appearing to read 'Frank J. Luckino'. The signature is stylized with a large, sweeping flourish that extends to the right.

Frank J. Luckino  
City Manager

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 21-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DECLARING THE INTENTION OF THE CITY COUNCIL TO ESTABLISH THE TWENTYNINE PALMS TOURISM BUSINESS IMPROVEMENT DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING**

**WHEREAS**, the City desires to support its hotels/motels/vacation home rentals in forming a business improvement district in the City as a means to promote tourism; and

**WHEREAS**, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the California Streets and Highway Code authorizes cities to establish business improvement areas for the purpose of promoting tourism; and

**WHEREAS**, a business improvement district is expected to enhance tourism related businesses throughout the City of Twentynine Palms;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Twentynine Palms as follows:

- A) That the above recitations are true and correct and incorporated herein by reference.
- B) The City Council declares its intention to establish the Twentynine Palms Tourism Business Improvement District and to levy and collect assessments from all affected businesses listed in Exhibit A and described as all hotels/motels/vacation home rentals within the boundaries of the City of Twentynine Palms.
- C) The City Council declares its intention to establish the Twentynine Palms Tourism Business Improvement District and adopts the following findings:

Findings:

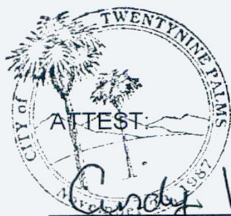
- 1) The name of the business improvement district shall be the Twentynine Palms Tourism Business Improvement District.
- 2) The types of activities to be funded by the levy of assessments include marketing programs to promote Twentynine Palms as an overnight tourism destination including marketing, advertising, public relations and other related activities determined by the advisory board.
- 3) Except where funds are otherwise available, the assessment is proposed to be levied on all existing hotel businesses within the City of Twentynine Palms at 1.5% per occupied room night rate subject to City of Twentynine Palms transient occupancy tax.
- 4) The Twentynine Palms Tourism Business Improvement District is estimated to collect approximately \$265,000. The funds raised shall be spent to promote tourism in

Twentynine Palms. Funds remaining at the end of any term may be used in subsequent years in which assessments are levied as long as they are used consistent with the requirements of this Resolution.

- 5) The City of Twentynine Palms will collect the assessments quarterly from affected hotel/motel/vacation home rentals businesses within Twentynine Palms. Hotel/motel/vacation home rental businesses shall be any hotel/motel/vacation home rental currently operating within the City of Twentynine Palms. The City of Twentynine Palms will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts and remitted to the Twentynine Palms Business Improvement District in a manner acceptable to the Advisory Board and the City of Twentynine Palms.
- 6) The Twentynine Palms Tourism Business Improvement District Advisory Board shall submit an annual report, which shall include a budget for operations and an identification of the marketing efforts to be undertaken by the Twentynine Palms Tourism Business Improvement District for the ensuing fiscal year, to the Twentynine Palms City Council pursuant to Section 36533. The Twentynine Palms Tourism Business Improvement District began on October 1, 2017 and its fiscal year shall be from October 1 through September 30.
- 7) The Twentynine Palms City Council appointed an Advisory Board as described in Section 36530 before October 1, 2017.
- 8) The Twentynine Palms City Council shall hold a public meeting to establish the Twentynine Palms Tourism Business Improvement District and the levy of the assessments is set for September 28, 2021 at 6:00 p.m. at the City of Twentynine Palms City Council Chambers, 6136 Adobe Road, Twentynine Palms, CA 92277.
- 9) At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specific types of improvements or activities will be heard.
- 10) A protest against the establishment of the Twentynine Palms Tourism Business Improvement District, and the furnishing of a specific type of improvement or activity as provided in Section 36524 may be made in writing. To count in the majority protest against the Twentynine Palms Tourism Business Improvement District, a protest must be written. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Twentynine Palms as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. If the owner of the business is a corporation, LLC, partnership or other legal entity, the authorized representative for the entity shall be authorized to sign the protest. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Twentynine Palms before the close of the hearing scheduled herein and may be delivered or mailed to the City Clerk, City of Twentynine Palms, 6136 Adobe Road, Twentynine Palms, CA 92277.

- 11) If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the Twentynine Palms Tourism Business Improvement District that will pay fifty percent (50%) or more of the total assessments of the entire Twentynine Palms Tourism Business Improvement District, no further proceedings to create the Twentynine Palms Tourism Business Improvement District shall occur. New proceedings to form the Twentynine Palms Tourism Business Improvement District shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the Twentynine Palms Tourism Business Improvement District.
- 12) Further information regarding the proposed Twentynine Palms Tourism Business Improvement District may be obtained from the City Clerk, City of Twentynine Palms, 6136 Adobe Road, Twentynine Palms, CA 92277 or by phone at (760) 367-6799.
- 13) The City Clerk is instructed to provide notice of the public hearing as follows:
  - a. Publish this Public Notice in a newspaper of general circulation in the City of Twentynine Palms once, at least seven (7) days before the hearing.
  - b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the Twentynine Palms Tourism Business Improvement District within seven (7) days of the adoption of this Resolution by the City Council.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of September, 2021.



*Cindy Villescas*  
 Cindy Villescas CMC, City Clerk

*Daniel L. Mintz, Sr.*  
 Daniel L. Mintz, Sr., Mayor

I, do hereby certify that the foregoing Resolution No. 21-16, was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof held on 14<sup>th</sup> day of September, 2021, by the following vote:

AYES:	COUNCILMEMBER: BILDERAIN, KLINK, O'GILVIE, WRIGHT, MINTZ
NOES:	COUNCILMEMBER: NONE
ABSENT:	COUNCILMEMBER: NONE
ABSTAIN:	COUNCILMEMBER: NONE

*Cindy Villescas*  
 Cindy Villescas CMC, City Clerk

EXHIBIT A

**TWENTYNINE PALMS TOURISM BUSINESS IMPROVEMENT DISTRICT**

The Twentynine Palms Tourism Business Improvement District will include all hotels/motels/vacation home rentals currently operating within the City of Twentynine Palms boundaries, which includes the following businesses:

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Sunnyvale Garden Suites Hotel  
73843 Sunnyvale Drive,  
Twentynine Palms, CA 92277

29 Palms Inn  
73950 Inn Avenue,  
Twentynine Palms, CA 92277

Motel 6  
72562 29 Palms Hwy.,  
Twentynine Palms, CA 92277

Best Western Gardens  
71487 29 Palms Hwy  
Twentynine Palms, CA 92277

Homestead Inn  
74153 Two Mile Road  
Twentynine Palms, CA 92277

El Rancho Dolores Motel  
73352 29 Palms Hwy.,  
Twentynine Palms, CA 92277

Oasis Inn & Suites  
71809 29 Palms Hwy.,  
Twentynine Palms, CA 92277

America Best Value Inn  
71829 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Harmony Motel  
71161 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Ramsey 29  
73842 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

9 Palms Inn  
73243 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Fairfield Inn  
6333 Encelia Avenue,  
Twentynine Palms, CA 92277

Holiday Inn Express 29  
72535 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Campbell House  
74744 Joe Davis Drive,  
Twentynine Palms, CA 92277

Twentynine Palms RV Resort  
4949 Desert Knoll  
Twentynine Palms, CA 92277

VACATION HOME RENTAL LIST 2021-22

VHR Permit No	VHR Address
VHR001	73452 Sunnyslope Dr.
VHR002	74223 Joe Davis Drive
VHR004	70677 Cottonwood Drive
VHR006	72479 Two Mile Road
VHR007	5960 Sunrise Road
VHR008	6646 National Park Drive
VHR013	72815 Cactus Drive
VHR015	71428 Samarkand Drive
VHR016	73817 Old Dale Road
VHR017	73871 Old Dale Road
VHR019	70370 Baseline Road
VHR022	6612 Indian Cove Road
VHR024	74784 Foothill Drive
VHR025	6600 Indian Cove Road
VHR026	6371 Noels Knoll
VHR027	6783 Alpine Avenue
VHR028	74925 Alta Loma Drive
VHR029	67939 Sullivan Road
VHR032	6837 Araby Avenue
VHR033	74615 Alta Loma Drive
VHR034	6791 Ivanpah Avenue
VHR035	74611 Serrano Drive
VHR036	71524 Samarkand Drive
VHR037	74576 Old Dale Road
VHR038	74576 Old Dale Road, Unit B
VHR039	6039 Daisy Avenue
VHR042	74375 Cottonwood Drive
VHR043	75127 Mayfair Drive
VHR045	6969 Mantonya Road
VHR046	71544 Cactus Drive
VHR051	7758 North Star Avenue
VHR052	73225 Adobe Circle
VHR053	7005 Manzanita Avenue
VHR054	5662 Skyview Lane
VHR055	67979 Sullivan Road
VHR056	5605 Oasis Avenue
VHR057	6600 Split Rock Avenue
VHR059	74460 Cactus Drive
VHR060	6594 Rose Ellen Avenue
VHR061	6662 Mesquite Avenue
VHR062	7545 Sahara Avenue
VHR063	6572 Bullion Avenue
VHR065	7516 Persia Avenue - Main
VHR066	7516 Persia Avenue - Guest
VHR068	6888 Kern Blvd
VHR069	6749 Sherman Road
VHR070	73542 Joshua Drive
VHR071	68460 Bellerue Road
VHR072	69274 Sullivan Road



VACATION HOME RENTAL LIST 2021-22

VHR073	67966 Whitmore Road
VHR074	6627 Split Rock Avenue
VHR075	7759 Sahara Avenue
VHR076	6856 Sherman Road
VHR077	74804 Wellock Road
VHR080	71778 Sunnyslope drive
VHR081	6634 Quail Spring Avenue
VHR082	5971 Mariposa Avenue
VHR083	6244 Carodean Road
VHR084	6553 Via Allegra
VHR085	6565 Via Allegra
VHR086	6705 Ocotillo Avenue
VHR087	6388 West Court Way
VHR088	5742 Carodean Road
VHR089	7391 Sherman Hoyt Avenue
VHR090	74006 Gorgonio Drive
VHR100	69023 Alta Loma Drive
VHR101	6784 Pine Spring Avenue
VHR102	74768 Sunset Drive
VHR103	74835 Alta Loma Drive
VHR104	73477 Didsbury Drive
VHR105	6009 Mojave Avenue
VHR106	74884 Serrano Drive
VHR107	7487 Persia Avenue
VHR108	5812 Primrose Lane
VHR109	74825 Alta Loma Drive
VHR110	6905 Peterson Road
VHR111	68965 Old Dale Road
VHR112	73934 Casita Drive
VHR113	7273 Shoshone Valley Road
VHR115	70595 Foothill Drive
VHR116	5868 Mariposa Avenue, 2nd dwelling unit
VHR117	71915 Samarkand Drive
VHR118	72935 Siesta Drive
VHR119	5394 Mariposa Avenue
VHR120	75047 Baseline Road
VHR121	6579 Mission Avenue
VHR122	8989 Utah Trail
VHR123	74677 Hill View Road
VHR124	3370 Utah Trail
VHR125	73384 Sullivan Road #A
VHR126	73384 Sullivan Road #B
VHR127	5960 Rose Ellen Avenue
VHR128	74704 Morning Drive
VHR129	7070 Sheridan Avenue
VHR130	73467 Desert Trail Dr
VHR131	74044 Cottonwood Drive
VHR132	5966 Morongo Road
VHR133	72949 Siesta Drive
VHR134	7026 Datura Avenue
VHR135	7358 Persia Avenue

VACATION HOME RENTAL LIST 2021-22

VHR136	6438 Sunrise Road
VHR137	6405 Tamarisk Avenue
VHR138	76076 Sunrise Road
VHR139	73855 White Sands Dr.
VHR140	6373 Noels Knoll Road
VHR141	73829 S Slope Drive
VHR142	6577 Desert Queen Avenue
VHR143	6968 Roberts Avenue
VHR144	72133 El Paseo Drive
VHR145	73543 Joshua Drive
VHR146	6380 Yucca Avenue
VHR147	6837 Muntz Road
VHR148	6463 Mesquite Avenue
VHR150	5868 Mariposa Avenue, Main House
VHR151	74563 Alta Loma Drive
VHR152	73767 Serrano Drive
VHR153	5747 Marine Avenue
VHR154	73434 Desert Trail Drive
VHR155	6244 Mojave Avenue
VHR156	71554 Samarkand Drive
VHR157	7112 Indian Cove Road
VHR158	6273 Lupine Avenue
VHR159	6929 Mantonya Road
VHR160	73397 Manana Drive
VHR161	73779 Old Dale
VHR162	6566 El Rey Avenue
VHR163	6731 Ivanpah Avenue
VHR164	6670 Ivanpah Avenue
VHR165	6616 El Rey Avenue
VHR166	6688 Oasis Avenue
VHR167	7589 Sahara Avenue
VHR168	73010 Manana Drive
VHR169	74056 Casita Drive
VHR170	6817 Indian Cove Road
VHR171	6445 Tamarisk Avenue
VHR173	74690 Serrano Drive
VHR174	6244 Carodean Road
VHR175	6673 Tamarisk Avenue
VHR176	73778 Siesta Drive
VHR177	72994 Homestead Drive
VHR180	6350 Athol Avenue
VHR181	9160 Cowan Road
VHR182	6635 Morongo Road
VHR183	68054 Sullivan Road
VHR184	68927 Foothill Drive
VHR185	69301 Cottonwood Drive
VHR187	6721 Desert Quail Drive
VHR188	6026 Morongo Road
VHR189	6251 Encelia Avenue
VHR190	6707 Palo Verde Avenue
VHR191	4694 Hook Tree Road

VACATION HOME RENTAL LIST 2021-22

VHR192	7775 Sahara Avenue
VHR193	74350 National Park Drive
VHR194	73145 Twentynine Palms Highway, A
VHR195	73145 Twentynine Palms Highway, B
VHR196	5655 Encelia Drive
VHR197	72589 Sullivan Road
VHR198	74026 Gorgonio Drive
VHR199	5580 Palo Verde Avenue
VHR200	6274 Bailey Avenue
VHR202	72964 Two Mile Road
VHR203	72838 Two Mile Road
VHR204	74725 Serrano Drive
VHR206	72654 Sunnyslope Drive
VHR208	75051 Saddlehorn Road
VHR209	6764 Estrella Avenue
VHR210	6976 Sherman Road
VHR211	6025 Daisy Avenue
VHR212	72208 Sunnyslope Drive
VHR214	68030 Sunnyslope Drive
VHR219	71972 El Paseo Dr
VHR220	72938 Manana Drive
VHR221	6727 Quail Spring Avenue
VHR222	7643 Saladin Avenue
VHR223	7095 Quail Spring Avenue
VHR224	74030 Playa Vista Drive
VHR226	7073 Mission Avenue
VHR227	6213 Bagley Avenue
VHR228	6074 Mojave Avenue
VHR234	5535 Lupine Avenue
VHR242	73314 Sun Valley Drive

**CITY OF TWENTYNINE PALMS**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the City of Twentynine Palms City Council will hold a Public Hearing at 6:00 p.m. on Tuesday, September 28, 2021, at City Hall in the City Council Chambers, 6136 Adobe Road, Twentynine Palms, California. The purpose of the hearing is to:

Adopt a Resolution confirming the levy of assessments for Fiscal Year 2021-2022 for the Tourism Business Improvement District (TBID).

**ALL INTERESTED AND/OR AFFECTED PARTIES** are invited to submit written comments in favor of, or in opposition to, this matter prior to the time of the hearing, or be heard in support of, or in opposition to, the proposed item, at the time of the hearing. For information, please contact City Manager Frank Luckino, at (760) 367-6799.

Cindy Villescas, City Clerk

(Pub: T. 09/15/2021)

**CITY OF TWENTYNINE PALMS CITY  
COUNCIL  
RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE  
PALMS, CALIFORNIA, CONFIRMING THE CITY COUNCIL TO LEVY  
ASSESSMENTS FOR THE 2020-2021 FISCAL YEAR FOR THE TWENTYNINE  
PALMS TOURISM BUSINESS IMPROVEMENTDISTRICT**

**WHEREAS**, the City desires to support its hotels/motels/vacation home rentals in forming a business improvement district in the City as a means to promote tourism; and

**WHEREAS**, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the California Streets and Highway Code authorizes cities to establish business improvement areas for the purpose of promoting tourism: and

**WHEREAS**, a business improvement district is expected to enhance tourism related businesses throughout the City of Twentynine Palms;

**WHEREAS**, on May 23, 2017, the City Council conducted a public hearing and adopted Ordinance No. 278, and thereby established the Twentynine Palms Tourism Business Improvement District; and

**WHEREAS**, on September 14, 2021, the City Council conducted a public meeting and approved Resolution No. 21-16 declaring its intent to hold a public hearing and levy assessments for the Twentynine Palms Tourism Business Improvement District 2021-2022 Fiscal Year or from October 1, 2021 to September 30, 2022; and

**WHEREAS**, with the adoption of this Resolution, the City Council hereby confirms its intent to levy assessments in the amount of 1.5% per occupied room night rate on all hotels, motels, vacation rentals, and any other business providing transient occupancies and subject to the City's Transient Occupancy Tax within the boundaries of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Twentynine Palms as follows:

- A) That the above recitations are true and correct and incorporated herein by reference.
- B) The City Council confirms its intention to establish the Twentynine Palms Tourism Business Improvement District and to levy and collect assessments from all affected businesses listed in Exhibit A and described as all existing and future hotels/motels/vacation home rentals within the boundaries of the City of Twentynine Palms for the 2021-2022 Fiscal Year, or October 1, 2021 to September 30, 2022.

**PASSED AND ADOPTED** this on the 28<sup>th</sup> day of September 2021.

\_\_\_\_\_  
Daniel L. Mintz, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Cindy Villescas CMC, City Clerk

I, do hereby certify that the foregoing Resolution No. 21-\_\_\_ was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof held on the 28<sup>th</sup> day of September 2021, by the following vote:

AYES:	COUNCILMEMBER:
NOES:	COUNCILMEMBER:
ABSENT:	COUNCILMEMBER:
ABSTAIN:	COUNCILMEMBER:

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Cindy Villescas CMC, City Clerk

EXHIBIT A

**TWENTYNINE PALMS TOURISM BUSINESS IMPROVEMENT DISTRICT**

The Twentynine Palms Tourism Business Improvement District will include all hotels/motels/vacation home rentals currently operating within the City of Twentynine Palms boundaries, which includes the following businesses:

Hotels, Motels and Inns

K - B Ranch Hotel  
6048 Noels Knoll Road,  
Twentynine Palms, CA 92277

Sunnyvale Garden Suites Hotel  
73843 Sunnyvale Drive,  
Twentynine Palms, CA 92277

29 Palms Inn  
73950 Inn Avenue,  
Twentynine Palms, CA 92277

Motel 6  
72562 29 Palms Hwy.,  
Twentynine Palms, CA 92277

Best Western Gardens  
71487 29 Palms Hwy  
Twentynine Palms, CA 92277

Homestead Inn  
74153 Two Mile Road  
Twentynine Palms, CA 92277

El Rancho Dolores Motel  
73352 29 Palms Hwy.,  
Twentynine Palms, CA 92277

Oasis Inn & Suites  
71809 29 Palms Hwy.,  
Twentynine Palms, CA 92277

America Best Value Inn  
71829 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Harmony Motel  
71161 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Ramsey 29  
73842 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

9 Palms Inn  
73243 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Fairfield Inn  
6333 Encelia Avenue,  
Twentynine Palms, CA 92277

Holiday Inn Express 29  
72535 Twentynine Palms Hwy.,  
Twentynine Palms, CA 92277

Campbell House  
74744 Joe Davis Drive,  
Twentynine Palms, CA 92277

Twentynine Palms RV Resort  
4949 Desert Knoll  
Twentynine Palms, CA 92277

VACATION HOME RENTAL LIST 2021-22

VHR Permit No	VHR Address
VHR001	73452 Sunnyslope Dr.
VHR002	74223 Joe Davis Drive
VHR004	70677 Cottonwood Drive
VHR006	72479 Two Mile Road
VHR007	5960 Sunrise Road
VHR008	6646 National Park Drive
VHR013	72815 Cactus Drive
VHR015	71428 Samarkand Drive
VHR016	73817 Old Dale Road
VHR017	73871 Old Dale Road
VHR019	70370 Baseline Road
VHR022	6612 Indian Cove Road
VHR024	74784 Foothill Drive
VHR025	6600 Indian Cove Road
VHR026	6371 Noels Knoll
VHR027	6783 Alpine Avenue
VHR028	74925 Alta Loma Drive
VHR029	67939 Sullivan Road
VHR032	6837 Araby Avenue
VHR033	74615 Alta Loma Drive
VHR034	6791 Ivanpah Avenue
VHR035	74611 Serrano Drive
VHR036	71524 Samarkand Drive
VHR037	74576 Old Dale Road
VHR038	74576 Old Dale Road, Unit B
VHR039	6039 Daisy Avenue
VHR042	74375 Cottonwood Drive
VHR043	75127 Mayfair Drive
VHR045	6969 Mantonya Road
VHR046	71544 Cactus Drive
VHR051	7758 North Star Avenue
VHR052	73225 Adobe Circle
VHR053	7005 Manzanita Avenue
VHR054	5662 Skyview Lane
VHR055	67979 Sullivan Road
VHR056	5605 Oasis Avenue
VHR057	6600 Split Rock Avenue
VHR059	74460 Cactus Drive
VHR060	6594 Rose Ellen Avenue
VHR061	6662 Mesquite Avenue
VHR062	7545 Sahara Avenue
VHR063	6572 Bullion Avenue
VHR065	7516 Persia Avenue - Main
VHR066	7516 Persia Avenue - Guest
VHR068	6888 Kern Blvd
VHR069	6749 Sherman Road
VHR070	73542 Joshua Drive
VHR071	68460 Bellerue Road
VHR072	69274 Sullivan Road



VACATION HOME RENTAL LIST 2021-22

VHR073	67966 Whitmore Road
VHR074	6627 Split Rock Avenue
VHR075	7759 Sahara Avenue
VHR076	6856 Sherman Road
VHR077	74804 Wellock Road
VHR080	71778 Sunnyslope drive
VHR081	6634 Quail Spring Avenue
VHR082	5971 Mariposa Avenue
VHR083	6244 Carodean Road
VHR084	6553 Via Allegra
VHR085	6565 Via Allegra
VHR086	6705 Ocotillo Avenue
VHR087	6388 West Court Way
VHR088	5742 Carodean Road
VHR089	7391 Sherman Hoyt Avenue
VHR090	74006 Gorgonio Drive
VHR100	69023 Alta Loma Drive
VHR101	6784 Pine Spring Avenue
VHR102	74768 Sunset Drive
VHR103	74835 Alta Loma Drive
VHR104	73477 Didsbury Drive
VHR105	6009 Mojave Avenue
VHR106	74884 Serrano Drive
VHR107	7487 Persia Avenue
VHR108	5812 Primrose Lane
VHR109	74825 Alta Loma Drive
VHR110	6905 Peterson Road
VHR111	68965 Old Dale Road
VHR112	73934 Casita Drive
VHR113	7273 Shoshone Valley Road
VHR115	70595 Foothill Drive
VHR116	5868 Mariposa Avenue, 2nd dwelling unit
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VHR118	72935 Siesta Drive
VHR119	5394 Mariposa Avenue
VHR120	75047 Baseline Road
VHR121	6579 Mission Avenue
VHR122	8989 Utah Trail
VHR123	74677 Hill View Road
VHR124	3370 Utah Trail
VHR125	73384 Sullivan Road #A
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VHR133	72949 Siesta Drive
VHR134	7026 Datura Avenue
VHR135	7358 Persia Avenue

VACATION HOME RENTAL LIST 2021-22

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VHR137	6405 Tamarisk Avenue
VHR138	76076 Sunrise Road
VHR139	73855 White Sands Dr.
VHR140	6373 Noels Knoll Road
VHR141	73829 S Slope Drive
VHR142	6577 Desert Queen Avenue
VHR143	6968 Roberts Avenue
VHR144	72133 El Paseo Drive
VHR145	73543 Joshua Drive
VHR146	6380 Yucca Avenue
VHR147	6837 Muntz Road
VHR148	6463 Mesquite Avenue
VHR150	5868 Mariposa Avenue, Main House
VHR151	74563 Alta Loma Drive
VHR152	73767 Serrano Drive
VHR153	5747 Marine Avenue
VHR154	73434 Desert Trail Drive
VHR155	6244 Mojave Avenue
VHR156	71554 Samarkand Drive
VHR157	7112 Indian Cove Road
VHR158	6273 Lupine Avenue
VHR159	6929 Mantonya Road
VHR160	73397 Manana Drive
VHR161	73779 Old Dale
VHR162	6566 El Rey Avenue
VHR163	6731 Ivanpah Avenue
VHR164	6670 Ivanpah Avenue
VHR165	6616 El Rey Avenue
VHR166	6688 Oasis Avenue
VHR167	7589 Sahara Avenue
VHR168	73010 Manana Drive
VHR169	74056 Casita Drive
VHR170	6817 Indian Cove Road
VHR171	6445 Tamarisk Avenue
VHR173	74690 Serrano Drive
VHR174	6244 Carodean Road
VHR175	6673 Tamarisk Avenue
VHR176	73778 Siesta Drive
VHR177	72994 Homestead Drive
VHR180	6350 Athol Avenue
VHR181	9160 Cowan Road
VHR182	6635 Morongo Road
VHR183	68054 Sullivan Road
VHR184	68927 Foothill Drive
VHR185	69301 Cottonwood Drive
VHR187	6721 Desert Quail Drive
VHR188	6026 Morongo Road
VHR189	6251 Encelia Avenue
VHR190	6707 Palo Verde Avenue
VHR191	4694 Hook Tree Road

VACATION HOME RENTAL LIST 2021-22

VHR192	7775 Sahara Avenue
VHR193	74350 National Park Drive
VHR194	73145 Twentynine Palms Highway, A
VHR195	73145 Twentynine Palms Highway, B
VHR196	5655 Encelia Drive
VHR197	72589 Sullivan Road
VHR198	74026 Gorgonio Drive
VHR199	5580 Palo Verde Avenue
VHR200	6274 Bailey Avenue
VHR202	72964 Two Mile Road
VHR203	72838 Two Mile Road
VHR204	74725 Serrano Drive
VHR206	72654 Sunnyslope Drive
VHR208	75051 Saddlehorn Road
VHR209	6764 Estrella Avenue
VHR210	6976 Sherman Road
VHR211	6025 Daisy Avenue
VHR212	72208 Sunnyslope Drive
VHR214	68030 Sunnyslope Drive
VHR219	71972 El Paseo Dr
VHR220	72938 Manana Drive
VHR221	6727 Quail Spring Avenue
VHR222	7643 Saladin Avenue
VHR223	7095 Quail Spring Avenue
VHR224	74030 Playa Vista Drive
VHR226	7073 Mission Avenue
VHR227	6213 Bagley Avenue
VHR228	6074 Mojave Avenue
VHR234	5535 Lupine Avenue
VHR242	73314 Sun Valley Drive





# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Adopt a Resolution of the City Council of the City of Twentynine Palms Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at Split Rock and Desert Avenues, Twentynine Palms, CA 92277 (APNS 0617-104-06, 07, 08, 09 and 17) for the Purposes of Accommodating Public Parking and Transit Center Improvements.

## RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 21-\_\_\_ finding that the public interest and necessity require the acquisition of real property located at Split Rock and Desert Queen Avenues, Twentynine Palms, California (APNs 0617-104-06, 07, 08, 09 and 17) ("Property"), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the "Project").

## ORDER OF PROCEDURE:

Request Staff Report (City Manager Presenting)  
Council Questions of Staff  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

## ATTACHMENTS:

- [Resolution No. 21-\\_\\_\\_](#)
- [Notice of Intent to Adopt a Resolution of Necessity \(Testa, APNs..](#)

## BACKGROUND:

In order to accommodate the Project, Staff has undertaken preliminary investigations required to identify and attempt to acquire property to accommodate the Project. Pursuant to applicable requirements of law, the City had the property interests it proposes to acquire appraised. Those appraisals resulted in an offer letter being sent to the property owners pursuant to Government Code section 7267.2.

Staff has attempted to undertake negotiations with the property owners, but to date has not been able to secure a final agreement for transfer of the Property by way of negotiated agreement. Staff will continue to pursue discussions with the property owners, regardless of the City Council's action with respect to the proposed Resolution of necessity this evening, in an attempt to reach mutually agreeable terms for such a negotiated transfer.

## ANALYSIS

The Resolution before the City Council this evening is a Resolution of necessity under California Code of Civil Procedure §§ 1245.210 *et seq.* Such a Resolution must be considered, and approved, by the legislative body prior to any exercise of eminent domain to acquire property. The Resolution must be passed by a two-thirds majority, or four affirmative votes of the members of the City Council.

The California Eminent Domain Law provides the findings that must be made in a Resolution of necessity. These are:

1. That the public interest and necessity require the project for which the property is proposed to be acquired;
2. That the project is planned in a manner that will create the greatest public good and the least private injury;
3. That the property proposed to be acquired is necessary for the project; and
4. That the offer required by Government Code section 7267.2 has been made to the owner of record.

In addition, City Council is being asked to make the finding that the City has met all other procedural prerequisites to the exercise of eminent domain on the property, including a determination that the Project was reviewed under applicable environmental review procedures.

The amount of compensation due for the property interests involved is not a subject of the Resolution of necessity, and therefore, not before City Council as an issue to be considered as part of this Resolution.

The property owners, and/or their representative, have a right to appear and be heard on the matters encompassed within the Resolution affecting their property. As required by the California Eminent Domain Law, the property owners were given notice of the City's consideration of the Resolution of necessity, and notified of their opportunity to appear and be heard on whether the City has undertaken all required steps and met all procedural prerequisites to the exercise of eminent domain to acquire the property interests proposed to be taken. As of the date of writing this report, the property owner has not contacted the City to inform it that he/she desires to be heard at the meeting.

The facts supporting the various findings included within the resolution of necessity are recited in more detail in the text of the resolution itself. Generally, the public interest and necessity require the Project, in that the Project will provide necessary additional public parking for the downtown community, as well as facilitate needed public transportation facilities. The current limited parking situation in the downtown area is hampering the potential expansion of commercial development, and increased public transportation opportunities will assist in alleviating parking demands. Expansion of parking and public transportation opportunities is necessary to further strengthen the development of the downtown core by allowing more people to frequent downtown amenities. The Project is located in a manner most compatible with the greatest public good and least private injury, in that it is situated directly within the City's downtown commercial corridor. The Project is located in a key area of the City where there is a need to eliminate both physical and economic blight, stimulate desirable growth and increase employment in the commercial sector of the community, and enhance the character of the City's commercial corridor in accordance with and pursuant to the provisions of the City's Downtown Specific Plan.

On September 21, 2021, the Planning Commission of the City of Twentynine Palms determined that the Project is consistent with the City's General Plan as to location, purpose and extent necessary to facilitate the implementation of the General Plan and provide for orderly development patterns and the timely extension and provisions of public facilities pursuant to Government Code section 65402.

The City Council has the option of either passing, or refusing to pass, the proposed Resolution. If the Resolution is passed, City Staff and Special Counsel will proceed to initiate eminent domain proceedings, which ultimately would lead to a determination of the fair market value of the property interests proposed to be taken through court proceedings. If the City Council does not pass the Resolution, the City can either (i) commit to acquiring the identified right of way from the property owners only by negotiated acquisition, (ii) decide not to implement the Project, or (iii) provide alternative direction to Staff. Based on all the foregoing, and on the matters recited in more detail in the Resolution itself, City Staff requests that the City Council adopt Resolution No. 21-\_\_\_\_.

**ENVIRONMENTAL:**

The environmental impacts associated with the Project have been adequately reviewed under CEQA. The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water.

**ALTERNATIVES:**

The City Council could choose not to approve the purchase.

**FISCAL IMPACT:**

The eminent domain proceedings will ultimately lead to a determination of the fair market value of the property interests proposed to be taken. Notably, however, the City had the property appraised for purposes of its Government Code section 7267.2 offer. The City's independent appraisal valued the property interests at \$46,575.00 as of January 8, 2021. Additional costs will be incurred in legal fees, appraisal fees and court costs relating to the initiation of eminent domain proceedings if the Resolution is approved and the matter proceeds to court.

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 21-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF CERTAIN REAL PROPERTY LOCATED AT SPLIT ROCK AND DESERT QUEEN AVENUES, TWENTYNINE PALMS, CA 92277 (APNS 0617-104-06, 07, 08, 09 AND 17) FOR THE PURPOSES OF ACCOMMODATING PUBLIC PARKING AND TRANSIT CENTER IMPROVEMENTS.**

**WHEREAS**, the City of Twentynine Palms (“City”) has been investigating the potential acquisition of real property located at Split Rock and Desert Queen Avenues, Twentynine Palms, California (APNs 0617-104-06, 07, 08, 09, and 17), more particularly described in Exhibit “A” and depicted in Exhibit “B,” each attached hereto and incorporated by this reference (“Property”), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the “Project”); and

**WHEREAS**, pursuant to California Government Code section 7267.2, the City has obtained an appraisal of the Property to be acquired and has made an offer to the owner for the full amount set forth in the appraisal; and

**WHEREAS**, City staff has been negotiating with the owner in an attempt to reach a negotiated acquisition of the public right-of-way easements proposed, but to date, those negotiations have not proven successful; and

**WHEREAS**, the City has given written notice by first class mail at least fifteen (15) days prior to the date of resolution to the owner whose property is to be acquired by eminent domain; and

**WHEREAS**, the City’s notice to those persons sets forth the intent of the City to adopt a Resolution of Necessity for acquisition by eminent domain of the Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the City’s notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure section 1245.235; and

**WHEREAS**, the City Council of the City of Twentynine Palms held a hearing on September 28, 2021, for the purposes of allowing the record owner of the Property reasonable opportunity to appear and be heard regarding the City’s identification of the “Project,” and on the following matters:

- A. Whether the public interest and necessity require the Project;
- B. Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the Property proposed to be acquired is necessary for the Project; and



- D. Whether the offer required by Government Code section 7267.2 had been given to the owners of record; and
- E. Whether the City has met all other procedural requirements for the exercise of eminent domain.

and whether the City had properly exercised all of its statutory responsibilities and duties antecedent to the exercise of eminent domain against the Property, including review under CEQA; and

**WHEREAS**, the Project for which the Property to be acquired was reviewed under applicable environmental review procedures and found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines section 15332, and

**WHEREAS**, the City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the proposed Project in accordance with Code of Civil Procedure section 1230.010 et seq., Government Code sections 37350.5 and 40404, the Constitution of California, and California Eminent Domain Law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Twentynine Palms, California, that the City Council does hereby find, determine and declare upon evidence presented to the City Council as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The public interest and necessity require the acquisition of the Property, including the improvements thereon, for the Project, in that the Project will provide necessary additional public parking and transit opportunities for the downtown community. The current limited parking situation in the downtown area is hampering the potential expansion of commercial development, and increased transit opportunities will assist in resolving this problem. Expansion of parking and transit opportunities is necessary to further strengthen the development of the downtown core by allowing more people to frequent downtown amenities. If parking and transit opportunities are not expanded, the hardship to the downtown area would far outweigh the hardship to property owners if the expansion occurs.

SECTION 3. The City is authorized to acquire the Property, including the improvements thereon for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 et seq. and pursuant to Government Code sections 37350.5 and 40404.

SECTION 4. The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury, in that it is situated directly within the City's downtown commercial corridor. The Project is located in a key area of the City where there is a need to eliminate both physical and economic blight, stimulate desirable growth and increase employment in the commercial sector of the community, and enhance the character of the City's commercial corridor in accordance with and pursuant to the provisions of the City's Downtown Specific Plan.

SECTION 5. The Property is necessary for the Project, in that the Property will be utilized for additional public parking and transit opportunities needed in the City's downtown commercial corridor.

SECTION 6. If and to the extent any portion of the Property is already devoted to a public use, the Project is a more necessary public use pursuant to California Code of Civil Procedure sections 1240.610 et seq.

SECTION 7. The offer required by Government Code section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code section 7267.2(a).

SECTION 8. The environmental impacts associated with the Project have been adequately reviewed under CEQA. The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water.

SECTION 9. The City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the Project in accordance with the applicable provisions of the Code of Civil Procedure, Government Code sections 37350.5 and 40404, and the Constitution of California relating to eminent domain.

SECTION 10. On September 21, 2021, the Planning Commission of the City of Twentynine Palms determined that the Project is consistent with the City's General Plan as to location, purpose and extent necessary to facilitate the implementation of the General Plan and provide for orderly development patterns and the timely extension and provisions of public facilities pursuant to Government Code section 65402.

SECTION 11. The law firm of Rutan & Tucker, LLP, as the City's General Counsel, is hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the City the Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

**PASSED, AND APPROVED** on the 28<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Daniel L. Mintz, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Cindy Villescasc CMC, City Clerk

I, do hereby certify that the foregoing Resolution No. 21-\_\_\_ was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof held on the 28<sup>th</sup> of September, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Cindy Villescas CMC, City Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 71, 72, 73, 74 AND 82 OF TRACT NO. 2520, NEW TOWNSITE ADDITION, IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORD IN BOOK 36 OF MAPS, PAGE 17, RECORD OF SAID COUNTY.

**EXHIBIT "B"**

**PLAT MAP OF PROPERTY**



2758/014122-0049  
16813142.1 a09/22/21

**CITY OFFICES:**

6136 ADOBE ROAD  
TWENTYNINE PALMS, CA 92277  
(760) 367-6799  
Fax (760)367-4890  
www.29palms.org



**COUNCIL MEMBERS**

Daniel L. Mintz Sr., Mayor  
Karmollette O'Gilvie, Mayor Pro Tem  
Steven Bilderain  
Joel A. Klink  
McArthur Wright

**CITY MANAGER**

Frank J. Luckino, MPA

August 23, 2021

**VIA FIRST CLASS MAIL**

Robert J. Testa  
Trustee of the 1988 Chesler Irrevocable Trust  
c/o Martin and Rachel Chesler  
P.O. Box 386  
Palm Desert, CA 92261

Re: APNs: 0617-104-06, 07, 08, 09 and 17  
NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY FOR  
ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT TRACT  
2520, LOTS 71, 72, 73, 74 and 82, TWENTYNINE PALMS, CA

Dear Property Owner:

On August 3, 2021, we sent you notice that the City Council will be meeting on August 24, 2021, to consider the passage of a resolution of necessity, declaring the public interest and necessity require acquisition of certain real property described above, and authorizing the use of eminent domain to acquire it. The purpose of this letter is to inform you that the August 24, 2021 meeting has been rescheduled for **September 28, 2021 at 6:00 p.m.**, in the City Council Chambers located at City Hall, at 6136 Adobe Road, Twentynine Palms, California 92277.

This notice is sent to you under requirements of California Code of Civil Procedure Section 1245.235. This notice concerns the property located at Tract 2520, Lot 81 in the City of Twentynine Palms (the "City"), and bearing the San Bernardino County Assessor Parcel No. 0617-104-16. The City has been investigating the acquisition of certain real property for the purposes of accommodating public parking and transit center improvements (the "Project"). This notice is sent to advise you that the City Council of the City of Twentynine Palms will be asked to consider passage of a resolution of necessity, declaring the public interest and necessity require acquisition of certain real property described above, and authorizing the use of eminent domain to acquire it.

The interest sought to be acquired is the fee simple real property located at APNs 0617-104-06, 07, 08, 09 and 17, as more specifically described in **Exhibit A** hereto, and depicted in **Exhibit B** hereto.

California Code of Civil Procedure Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed public project if the following conditions are established:

- A. The public interest and necessity require the project.
- B. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- C. The property sought to be acquired is necessary for the project.

This notice is sent to inform you that the City Council of the City of Twentynine Palms will be asked to decide if the above conditions are met concerning the City's acquisition of the above-referenced property, and whether the City has complied with all other procedural requirements for utilizing the power of eminent domain to acquire the property.

City Council will also be asked to make a finding that the environmental impacts associated with the Project have been adequately reviewed under the California Environmental Quality Act (CEQA). The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water. You may also appear and comment on that finding at the hearing. If you would like a copy of the Notice of Exemption or any related documents, please contact the Twentynine Palms City Clerk located at City Hall during regular business hours, at the address noted on Page 1, above.

This meeting at which the proposed resolution of necessity will be considered will be held at or about 6:00 p.m. on September 28, 2021, in the City Council Chambers located at City Hall, at 6136 Adobe Road, Twentynine Palms, California 92277.

If these conditions are met, the City Council will be asked to adopt a resolution of necessity, which is a prerequisite for the City's initiation of eminent domain proceedings to acquire property.

Please be advised that you are entitled to appear and be heard on any of the matters encompassed within the resolution, specifically those matters listed above, and whether the City has met all legal prerequisites to the exercise of eminent domain to acquire the property interests proposed. Please take notice that if you wish to legally challenge any action taken by the adoption of the resolution of necessity, or any of the matters listed herein, you may be limited in court to raising only those issues raised at the resolution of necessity hearing, or in written correspondence delivered to the City at, or prior to, the hearing on the matter.

The City Council must adopt a resolution of necessity before an eminent domain proceeding can commence. Within six months after the adoption of the resolution of necessity, the City may commence eminent domain proceedings in the San Bernardino County Superior Court. In any

Page Three  
August 23, 2021

such proceeding, the court will be asked to determine the amount of just compensation to which you may be entitled in the event the property is taken in eminent domain.

Pursuant to Code of Civil Procedure section 1245.235(b)(3), if you wish to appear and be heard at the hearing on the resolution of necessity regarding any of the issues listed in this notice, you must advise the City Clerk in writing within fifteen (15) days of the date of this notice. You may address the notice as follows: **City Clerk, City of Twentynine Palms, 6136 Adobe Road, Twentynine Palms, California 92277**. Your failure to provide a written request to be heard may result in a waiver of your right to appear and be heard, and may result in the waiver of objections in any later legal proceeding which may follow.

Neither the pendency of the City Council's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of your property, and the City will be most willing to continue such negotiations.

If you have any questions, please do not hesitate to contact the City at (760) 367-6799. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Luckino', written over a horizontal line.

Frank Luckino  
City Manager  
City of Twentynine Palms

Enclosures: Exhibit A – Legal Description  
Exhibit B – Map



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 71, 72, 73, 74 AND 82 OF TRACT NO. 2520, NEW TOWNSITE ADDITION, IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORD IN BOOK 36 OF MAPS, PAGE 17, RECORD OF SAID COUNTY.

**EXHIBIT "B"**  
**PLAT MAP OF PROPERTY**





# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Adopt a Resolution of the City Council of the City of Twentynine Palms Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at 6536-38 Desert Queen Avenue, Twentynine Palms, CA 92277 (APN:0617-104-16) for the Purpose of Accommodating Public Parking and Transit Center Improvements.

## RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 21-\_\_\_ finding that the public interest and necessity require the acquisition of real property located 6536-38 Desert Queen Avenue, Twentynine Palms, California (APN 0617-104-16) ("Property"), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the "Project").

## ORDER OF PROCEDURE:

Request Staff Report (City Manager Presenting)  
Council Questions of Staff  
Public Comment  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

## ATTACHMENTS:

- [Resolution No. 21-\\_\\_\\_](#)
- [Notice of Intent to Adopt a Resolution of Necessity \(Reames, APN 0617-104-16\)](#)

## BACKGROUND:

In order to accommodate the Project, Staff has undertaken preliminary investigations required to identify and attempt to acquire property to accommodate the Project. Pursuant to applicable requirements of law, the City had the property interests it proposes to acquire appraised. Those appraisals resulted in an offer letter being sent to the property owners pursuant to Government Code section 7267.2.

Staff has attempted to undertake negotiations with the property owners, but to date has not been able to secure a final agreement for transfer of the Property by way of negotiated agreement. Staff will continue to pursue discussions with the property owners, regardless of the City Council's action with respect to the proposed Resolution of necessity this evening, in an attempt to reach mutually agreeable terms for such a negotiated transfer.

## ANALYSIS

The Resolution before the City Council this evening is a Resolution of Necessity under California Code of Civil Procedure §§ 1245.210 *et seq.* Such a Resolution must be considered, and approved, by the legislative body prior to any exercise of eminent domain to acquire property. The Resolution must be passed by a two-thirds majority, or four affirmative votes of the members of the City Council.

The California Eminent Domain Law provides the findings that must be made in a Resolution of Necessity. These are:

1. That the public interest and necessity require the project for which the property is proposed to be acquired;
2. That the project is planned in a manner that will create the greatest public good and the least private injury;
3. That the property proposed to be acquired is necessary for the project; and
4. That the offer required by Government Code section 7267.2 has been made to the owner of record.

In addition, the City Council is being asked to make the finding that the City has met all other procedural prerequisites to the exercise of eminent domain on the property, including a determination that the Project was reviewed under applicable environmental review procedures.

The amount of compensation due for the property interests involved is not a subject of the Resolution of Necessity, and therefore, not before the City Council as an issue to be considered as part of this Resolution.

The property owners, and/or their representative, have a right to appear and be heard on the matters encompassed within the Resolution affecting their property. As required by the California Eminent Domain Law, the property owners were given notice of the City's consideration of the Resolution of Necessity, and notified of their opportunity to appear and be heard on whether the City has undertaken all required steps and met all procedural prerequisites to the exercise of eminent domain to acquire the property interests proposed to be taken. As of the date of writing this report, the property owner has not contacted the City to inform it that he/she desires to be heard at the meeting.

The facts supporting the various findings included within the Resolution of Necessity are recited in more detail in the text of the Resolution itself. Generally, the public interest and necessity require the Project, in that the Project will provide necessary additional public parking for the downtown community, as well as facilitate needed public transportation facilities. The current limited parking situation in the downtown area is hampering the potential expansion of commercial development, and increased public transportation opportunities will assist in alleviating parking demands. Expansion of parking and public transportation opportunities is necessary to further strengthen the development of the downtown core by allowing more people to frequent downtown amenities. The Project is located in a manner most compatible with the greatest public good and least private injury, in that it is situated directly within the City's downtown commercial corridor. The Project is located in a key area of the City where there is a need to eliminate both physical and economic blight, stimulate desirable growth and increase employment in the commercial sector of the community, and enhance the character of the City's commercial corridor in accordance with and pursuant to the provisions of the City's Downtown Specific Plan.

On September 21, 2021, the Planning Commission of the City of Twentynine Palms determined that the Project is consistent with the City's General Plan as to location, purpose and extent necessary to facilitate the implementation of the General Plan and provide for orderly development patterns and the timely extension and provisions of public facilities pursuant to Government Code section 65402.

City Council has the option of either passing, or refusing to pass, the proposed Resolution. If the Resolution is passed, City Staff and Special Counsel will proceed to initiate eminent domain proceedings, which ultimately would lead to a determination of the fair market value of the property interests proposed to be taken through court proceedings. If City Council does not pass the Resolution, the City can either (i) commit to acquiring the identified right of way from the property owners only by negotiated acquisition, (ii) decide not to implement the Project, or (iii) provide alternative direction to Staff.

Based on all the foregoing, and on the matters recited in more detail in the resolution itself, City Staff requests that the City Council adopt Resolution No. 21-\_\_\_\_.

**ENVIRONMENTAL:**

The environmental impacts associated with the Project have been adequately reviewed under CEQA. The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water.

**ALTERNATIVES:**

The City Council could choose not to approve the purchase.

**FISCAL IMPACT:**

The eminent domain proceedings will ultimately lead to a determination of the fair market value of the property interests proposed to be taken. Notably, however, the City had the property appraised for purposes of its Government Code section 7267.2 offer. The City's independent appraisal valued the property interests at \$10,000.00 as of January 8, 2021. Additional costs will be incurred in legal fees, appraisal fees and court costs relating to the initiation of eminent domain proceedings if the Resolution is approved and the matter proceeds to court.

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 21-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF CERTAIN REAL PROPERTY LOCATED AT 6536-38 DESERT QUEEN AVENUE, TWENTYNINE PALMS, CA 92277 (APN 0617-104-16) FOR THE PURPOSES OF ACCOMMODATING PUBLIC PARKING AND TRANSIT CENTER IMPROVEMENTS.**

**WHEREAS**, the City of Twentynine Palms (“City”) has been investigating the potential acquisition of real property located at 6536-38 Desert Queen Avenue, Twentynine Palms, California (APN 0617-104-16), more particularly described in Exhibit “A” and depicted in Exhibit “B,” each attached hereto and incorporated by this reference (“Property”) for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the “Project”); and

**WHEREAS**, pursuant to California Government Code section 7267.2, the City has obtained an appraisal of the Property to be acquired and has made an offer to the owner for the full amount set forth in the appraisal; and

**WHEREAS**, City staff has been negotiating with the owner in an attempt to reach a negotiated acquisition of the public right-of-way easements proposed, but to date, those negotiations have not proven successful; and

**WHEREAS**, the City has given written notice by first class mail at least fifteen (15) days prior to the date of resolution to the owner whose property is to be acquired by eminent domain; and

**WHEREAS**, the City’s notice to those persons sets forth the intent of the City to adopt a Resolution of Necessity for acquisition by eminent domain of the Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the City’s notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure section 1245.235; and

**WHEREAS**, the City Council of the City of Twentynine Palms held a hearing on September 28, 2021, for the purposes of allowing the record owner of the Property reasonable opportunity to appear and be heard regarding the City’s identification of the “Project,” and on the following matters:

- A. Whether the public interest and necessity require the Project;
- B. Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the Property proposed to be acquired is necessary for the Project; and

- D. Whether the offer required by Government Code section 7267.2 had been given to the owners of record; and
- E. Whether the City has met all other procedural requirements for the exercise of eminent domain.

and whether the City had properly exercised all of its statutory responsibilities and duties antecedent to the exercise of eminent domain against the Property, including review under CEQA; and

**WHEREAS**, the Project for which the Property to be acquired was reviewed under applicable environmental review procedures and found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines section 15332, and

**WHEREAS**, the City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the proposed Project in accordance with Code of Civil Procedure section 1230.010 et seq., Government Code sections 37350.5 and 40404, the Constitution of California, and California Eminent Domain Law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Twentynine Palms, California, that the City Council does hereby find, determine and declare upon evidence presented to the City Council as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The public interest and necessity require the acquisition of the Property, including the improvements thereon, for the Project, in that the Project will provide necessary additional public parking and transit opportunities for the downtown community. The current limited parking situation in the downtown area is hampering the potential expansion of commercial development, and increased transit opportunities will assist in resolving this problem. Expansion of parking and transit opportunities is necessary to further strengthen the development of the downtown core by allowing more people to frequent downtown amenities. If parking and transit opportunities are not expanded, the hardship to the downtown area would far outweigh the hardship to property owners if the expansion occurs.

SECTION 3. The City is authorized to acquire the Property, including the improvements thereon for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 et seq. and pursuant to Government Code sections 37350.5 and 40404.

SECTION 4. The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury, in that it is situated directly within the City's downtown commercial corridor. The Project is located in a key area of the City where there is a need to eliminate both physical and economic blight, stimulate desirable growth and increase employment in the commercial sector of the community, and enhance the character of the City's commercial corridor in accordance with and pursuant to the provisions of the City's Downtown Specific Plan.

SECTION 5. The Property is necessary for the Project, in that the Property will be utilized for additional public parking and transit opportunities needed in the City's downtown commercial corridor.

SECTION 6. If and to the extent any portion of the Property is already devoted to a public use, the Project is a more necessary public use pursuant to California Code of Civil Procedure sections 1240.610 et seq.

SECTION 7. The offer required by Government Code section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code section 7267.2(a).

SECTION 8. The environmental impacts associated with the Project have been adequately reviewed under CEQA. The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water.

SECTION 9. The City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the Project in accordance with the applicable provisions of the Code of Civil Procedure, Government Code sections 37350.5 and 40404, and the Constitution of California relating to eminent domain.

SECTION 10. On September 21, 2021, the Planning Commission of the City of Twentynine Palms determined that the Project is consistent with the City's General Plan as to location, purpose and extent necessary to facilitate the implementation of the General Plan and provide for orderly development patterns and the timely extension and provisions of public facilities pursuant to Government Code section 65402.

SECTION 11. The law firm of Rutan & Tucker, LLP, as the City's General Counsel, is hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the City the Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

**PASSED, AND APPROVED** on the 28<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Daniel L. Mintz, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Cindy Villescasc CMC, City Clerk



I, do hereby certify that the foregoing Resolution No. 21-\_\_\_ was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof held on the 28<sup>th</sup> of September, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Cindy Villescas CMC, City Clerk

**EXHIBIT "A"**

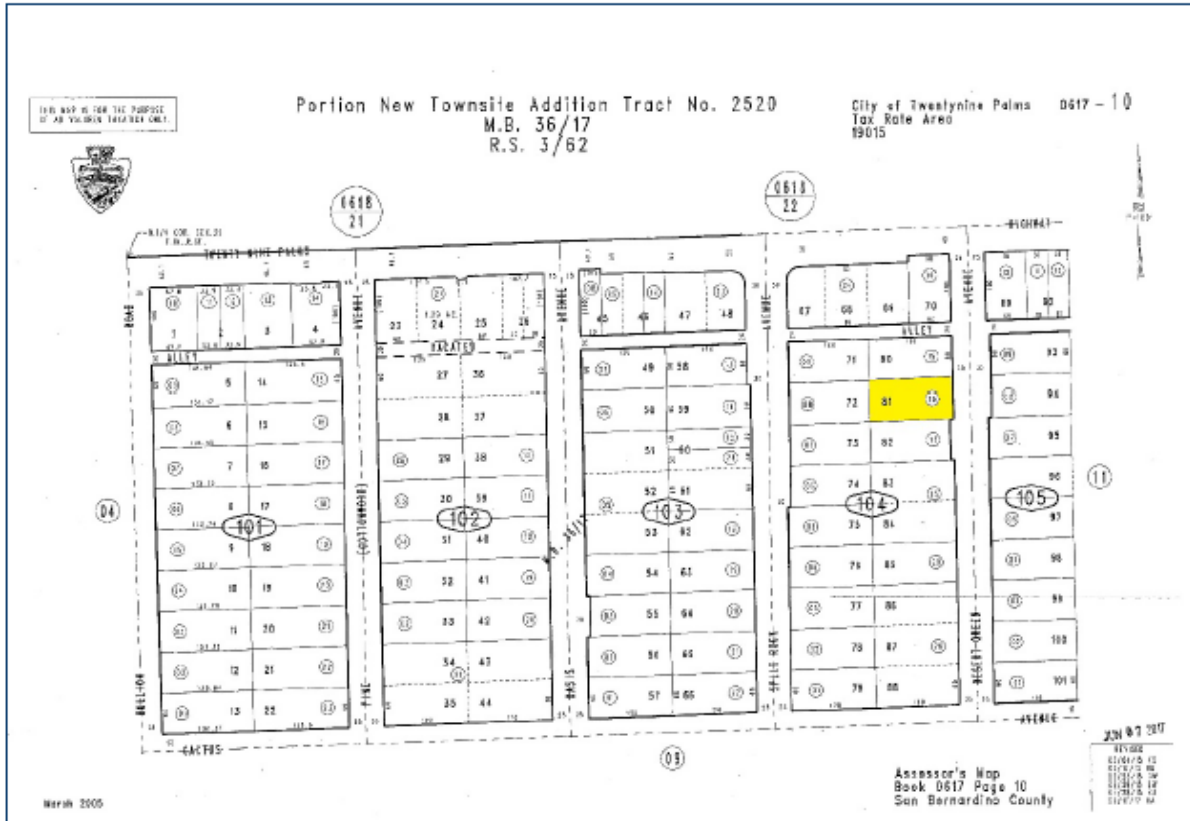
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 81 OF TRACT NO. 2520, NEW TOWNSITE ADDITION, IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 36, PAGE(S) 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**EXHIBIT "B"**

**PLAT MAP OF PROPERTY**



**CITY OFFICES:**

6136 ADOBE ROAD  
TWENTYNINE PALMS, CA 92277  
(760) 367-6799  
Fax (760)367-4890  
www.29palms.org



**COUNCIL MEMBERS**

Daniel L. Mintz Sr., Mayor  
Karmollette O'Gilvie, Mayor Pro Tem  
Steven Bilderain  
Joel A. Klink  
McArthur Wright

**CITY MANAGER**

Frank J. Luckino, MPA

August 23, 2021

**VIA FIRST CLASS MAIL**

David Reames  
18233 Gault Street  
Reseda, CA 91335

Re: APN: 0617-104-16  
NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY FOR  
ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT TRACT  
2520, LOT 81, TWENTYNINE PALMS, CALIFORNIA

Dear Property Owner:

On August 3, 2021, we sent you notice that the City Council will be meeting on August 24, 2021, to consider the passage of a resolution of necessity, declaring the public interest and necessity require acquisition of certain real property described above, and authorizing the use of eminent domain to acquire it. The purpose of this letter is to inform you that the August 24, 2021 meeting has been rescheduled for **September 28, 2021 at 6:00 p.m.**, in the City Council Chambers located at City Hall, at 6136 Adobe Road, Twentynine Palms, California 92277.

This notice is sent to you under requirements of California Code of Civil Procedure Section 1245.235. This notice concerns the property located at Tract 2520, Lot 81 in the City of Twentynine Palms (the "City"), and bearing the San Bernardino County Assessor Parcel No. 0617-104-16. The City has been investigating the acquisition of certain real property for the purposes of accommodating public parking and transit center improvements (the "Project"). This notice is sent to advise you that the City Council of the City of Twentynine Palms will be asked to consider passage of a resolution of necessity, declaring the public interest and necessity require acquisition of certain real property described above, and authorizing the use of eminent domain to acquire it.

The interest sought to be acquired is the fee simple real property located at APN 0617-104-16, as more specifically described in **Exhibit A** hereto, and depicted in **Exhibit B** hereto.

California Code of Civil Procedure Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed public project if the following conditions are established:

- A. The public interest and necessity require the project.
- B. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- C. The property sought to be acquired is necessary for the project.

This notice is sent to inform you that the City Council of the City of Twentynine Palms will be asked to decide if the above conditions are met concerning the City's acquisition of the above-referenced property, and whether the City has complied with all other procedural requirements for utilizing the power of eminent domain to acquire the property.

City Council will also be asked to make a finding that the environmental impacts associated with the Project have been adequately reviewed under the California Environmental Quality Act (CEQA). The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water. You may also appear and comment on that finding at the hearing. If you would like a copy of the Notice of Exemption or any related documents, please contact the Twentynine Palms City Clerk located at City Hall during regular business hours, at the address noted on Page 1, above.

This meeting at which the proposed resolution of necessity will be considered will be held at or about 6:00 p.m. on September 28, 2021 in the City Council Chambers located at City Hall, at 6136 Adobe Road, Twentynine Palms, California 92277.

If these conditions are met, the City Council will be asked to adopt a resolution of necessity, which is a prerequisite for the City's initiation of eminent domain proceedings to acquire property.

Please be advised that you are entitled to appear and be heard on any of the matters encompassed within the resolution, specifically those matters listed above, and whether the City has met all legal prerequisites to the exercise of eminent domain to acquire the property interests proposed. Please take notice that if you wish to legally challenge any action taken by the adoption of the resolution of necessity, or any of the matters listed herein, you may be limited in court to raising only those issues raised at the resolution of necessity hearing, or in written correspondence delivered to the City at, or prior to, the hearing on the matter.

The City Council must adopt a resolution of necessity before an eminent domain proceeding can commence. Within six months after the adoption of the resolution of necessity, the City may commence eminent domain proceedings in the San Bernardino County Superior Court. In any such proceeding, the court will be asked to determine the amount of just compensation to which you may be entitled in the event the property is taken in eminent domain.

Page Three  
August 23, 2021

Pursuant to Code of Civil Procedure section 1245.235(b)(3), if you wish to appear and be heard at the hearing on the resolution of necessity regarding any of the issues listed in this notice, you must advise the City Clerk in writing within fifteen (15) days of the date of this notice. You may address the notice as follows: **City Clerk, City of Twentynine Palms, 6136 Adobe Road, Twentynine Palms, California 92277**. Your failure to provide a written request to be heard may result in a waiver of your right to appear and be heard, and may result in the waiver of objections in any later legal proceeding which may follow.

Neither the pendency of the City Council's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of your property, and the City will be most willing to continue such negotiations.

If you have any questions, please do not hesitate to contact the City at (760) 367-6799. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Luckino', written over a horizontal line.

Frank Luckino  
City Manager  
City of Twentynine Palms

Enclosures: Exhibit A – Legal Description  
Exhibit B – Map

**EXHIBIT "A"**

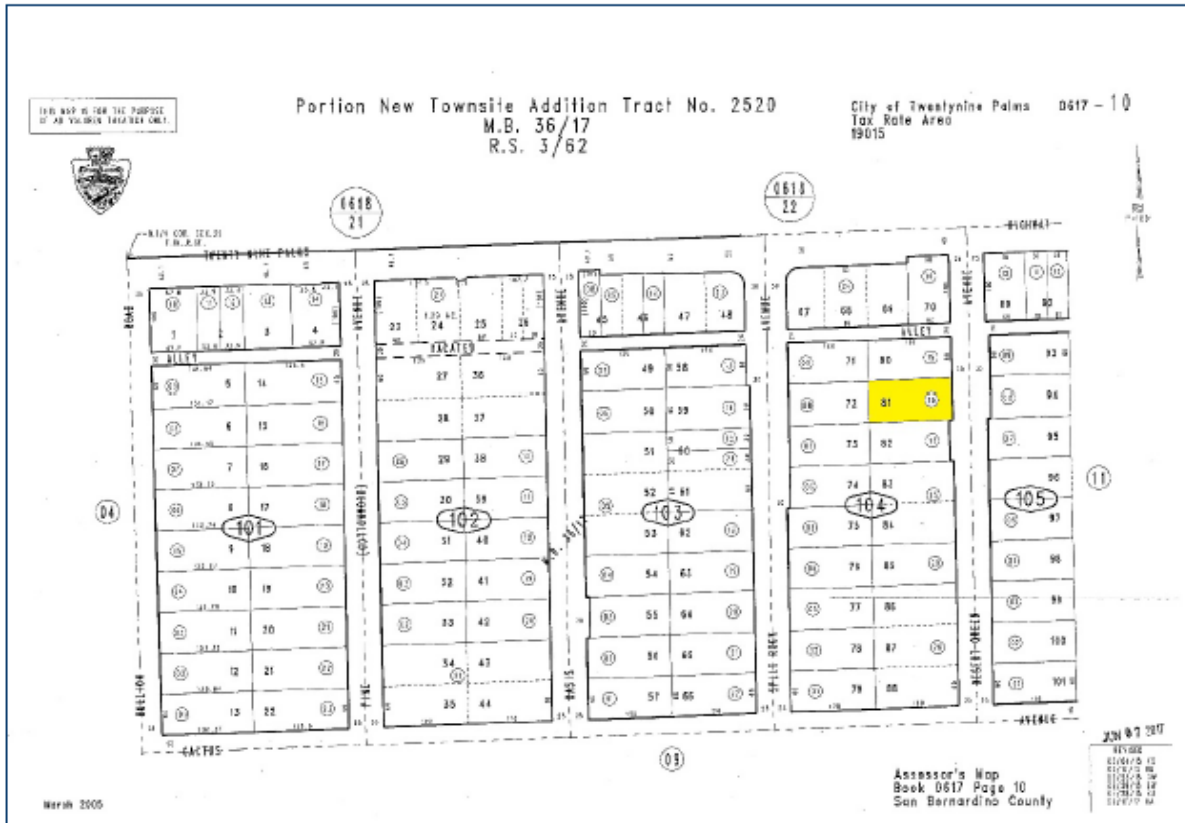
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 81 OF TRACT NO. 2520, NEW TOWNSITE ADDITION, IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 36, PAGE(S) 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**EXHIBIT "B"**

**PLAT MAP OF PROPERTY**







# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Adopt a Resolution of the City Council of the City of Twentynine Palms finding and determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Property Located at 6568 Desert Queen Avenue, Twentynine Palms, CA 92277 (APN: 0617-104-25) for the Purpose of Accomodating Public Parking anf Transit Center Improvements.

## RECOMMENDATION:

Staff recommends that the City Council Adopt Resolution No. 21-\_\_\_ finding that the public interest and necessity require the acquisition of real property located 6568 Desert Queen Avenue, Twentynine Palms, California (APN: 0617-104-25) ("Property"), for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the "Project").

## ORDER OF PROCEDURE:

Request Staff Report (City Manager Presenting)  
Council Questions of Staff  
Public Comments  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

## ATTACHMENTS:

- [Resolution No. 21-\\_\\_\\_](#)
- [Notice of Intent to Adopt a Resolution of Necessity \(Briggs, Moreno APN 0617-104-25\)](#)

## BACKGROUND:

In order to accommodate the Project, Staff has undertaken preliminary investigations required to identify and attempt to acquire property to accommodate the Project. Pursuant to applicable requirements of law, the City had the property interests it proposes to acquire appraised. Those appraisals resulted in an offer letter being sent to the property owners pursuant to Government Code section 7267.2.

Staff has attempted to undertake negotiations with the property owners, but to date has not been able to secure a final agreement for transfer of the Property by way of negotiated agreement. Staff will continue to pursue discussions with the property owners, regardless of the City Council's action with respect to the proposed Resolution of Necessity this evening, in an attempt to reach mutually agreeable terms for such a negotiated transfer.

## ANALYSIS

The Resolution before City Council this evening is a Resolution of Necessity under California Code of Civil Procedure §§ 1245.210 *et seq.* Such a Resolution must be considered, and approved, by the legislative body prior to any exercise of eminent domain to acquire property. The Resolution must be passed by a two-thirds majority, or four affirmative votes of the members of the City Council.

The California Eminent Domain Law provides the findings that must be made in a resolution of necessity. These are:

1. That the public interest and necessity require the project for which the property is proposed to be acquired;
2. That the project is planned in a manner that will create the greatest public good and the least private injury;
3. That the property proposed to be acquired is necessary for the project; and
4. That the offer required by Government Code section 7267.2 has been made to the owner of record.

In addition, City Council is being asked to make the finding that the City has met all other procedural prerequisites to the exercise of eminent domain on the property, including a determination that the Project was reviewed under applicable environmental review procedures.

The amount of compensation due for the property interests involved is not a subject of the Resolution of Necessity, and therefore, not before the City Council as an issue to be considered as part of this resolution.

The property owners, and/or their representative, have a right to appear and be heard on the matters encompassed within the Resolution affecting their property. As required by the California Eminent Domain Law, the property owners were given notice of the City's consideration of the Resolution of Necessity, and notified of their opportunity to appear and be heard on whether the City has undertaken all required steps and met all procedural prerequisites to the exercise of eminent domain to acquire the property interests proposed to be taken. As of the date of writing this report, the property owner has not contacted the City to inform it that he/she desires to be heard at the meeting.

The facts supporting the various findings included within the Resolution of Necessity are recited in more detail in the text of the Resolution itself. Generally, the public interest and necessity require the Project, in that the Project will provide necessary additional public parking for the downtown community, as well as facilitate needed public transportation facilities. The current limited parking situation in the downtown area is hampering the potential expansion of commercial development, and increased public transportation opportunities will assist in alleviating parking demands. Expansion of parking and public transportation opportunities is necessary to further strengthen the development of the downtown core by allowing more people to frequent downtown amenities. The Project is located in a manner most compatible with the greatest public good and least private injury, in that it is situated directly within the City's downtown commercial corridor.

The Project is located in a key area of the City where there is a need to eliminate both physical and economic blight, stimulate desirable growth and increase employment in the commercial sector of the community, and enhance the character of the City's commercial corridor in accordance with and pursuant to the provisions of the City's Downtown Specific Plan.

On September 21, 2021, the Planning Commission of the City of Twentynine Palms determined that the Project is consistent with the City's General Plan as to location, purpose and extent necessary to facilitate the implementation of the General Plan and provide for orderly development patterns and the timely extension and provisions of public facilities pursuant to Government Code section 65402.

The environmental impacts associated with the Project have been adequately reviewed under CEQA. The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water.

The City Council has the option of either passing, or refusing to pass, the proposed Resolution. If the Resolution is passed, City Staff and Special Counsel will proceed to initiate eminent domain proceedings, which ultimately would lead to a determination of the fair market value of the property interests proposed to be taken through court proceedings. If City Council does not pass the resolution, the City can either (i) commit to acquiring the identified right of way from the property owners only by negotiated acquisition, (ii) decide not to implement the Project, or (iii) provide alternative direction to Staff.

Based on all the foregoing, and on the matters recited in more detail in the Resolution itself, City Staff requests that the City Council adopt Resolution No. 21-\_\_\_\_.

**ALTERNATIVES:**

The City Council could choose not to approve the purchase.

**FISCAL IMPACT:**

The eminent domain proceedings will ultimately lead to a determination of the fair market value of the property interests proposed to be taken. Notably, however, the City had the property appraised for purposes of its Government Code section 7267.2 offer. The City's independent appraisal valued the property interests at \$220,000.00 as of January 8, 2021. Additional costs will be incurred in legal fees, appraisal fees and court costs relating to the initiation of eminent domain proceedings if the Resolution is approved and the matter proceeds to court.

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 21-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF CERTAIN REAL PROPERTY LOCATED AT 6568 DESERT QUEEN AVENUE, TWENTYNINE PALMS, CA 92277 (APN 0617-104-25) FOR THE PURPOSES OF ACCOMMODATING PUBLIC PARKING AND TRANSIT CENTER IMPROVEMENTS.**

**WHEREAS**, the City of Twentynine Palms (“City”) has been investigating the potential acquisition of real property located at 6568 Desert Queen Avenue, Twentynine Palms, California (APN 0617-104-25), more particularly described in Exhibit “A” and depicted in Exhibit “B,” each attached hereto and incorporated by this reference (“Property”) for the purposes of accommodating public parking and transit center improvements consistent with the Downtown Specific Plan of the City (the “Project”); and

**WHEREAS**, pursuant to California Government Code section 7267.2, the City has obtained an appraisal of the Property to be acquired and has made an offer to the owner for the full amount set forth in the appraisal; and

**WHEREAS**, City staff has been negotiating with the owner in an attempt to reach a negotiated acquisition of the public right-of-way easements proposed, but to date, those negotiations have not proven successful; and

**WHEREAS**, the City has given written notice by first class mail at least fifteen (15) days prior to the date of resolution to the owner whose property is to be acquired by eminent domain; and

**WHEREAS**, the City’s notice to those persons sets forth the intent of the City to adopt a Resolution of Necessity for acquisition by eminent domain of the Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the City’s notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure section 1245.235; and

**WHEREAS**, the City Council of the City of Twentynine Palms held a hearing on September 28, 2021, for the purposes of allowing the record owner of the Property reasonable opportunity to appear and be heard regarding the City’s identification of the “Project,” and on the following matters:

- A. Whether the public interest and necessity require the Project;
- B. Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the Property proposed to be acquired is necessary for the Project; and
- D. Whether the offer required by Government Code section 7267.2 had been given to the owners of record; and

- E. Whether the City has met all other procedural requirements for the exercise of eminent domain.

and whether the City had properly exercised all of its statutory responsibilities and duties antecedent to the exercise of eminent domain against the Property, including review under CEQA; and

**WHEREAS**, the Project for which the Property to be acquired was reviewed under applicable environmental review procedures and found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines section 15332, and

**WHEREAS**, the City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the proposed Project in accordance with Code of Civil Procedure section 1230.010 et seq., Government Code sections 37350.5 and 40404, the Constitution of California, and California Eminent Domain Law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Twentynine Palms, California, that the City Council does hereby find, determine, and declare upon evidence presented to the City Council as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The public interest and necessity require the acquisition of the Property, including the improvements thereon, for the Project, in that the Project will provide necessary additional public parking and transit opportunities for the downtown community. The current limited parking situation in the downtown area is hampering the potential expansion of commercial development, and increased transit opportunities will assist in resolving this problem. Expansion of parking and transit opportunities is necessary to further strengthen the development of the downtown core by allowing more people to frequent downtown amenities. If parking and transit opportunities are not expanded, the hardship to the downtown area would far outweigh the hardship to property owners if the expansion occurs.

SECTION 3. The City is authorized to acquire the Property, including the improvements thereon for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 et seq. and pursuant to Government Code sections 37350.5 and 40404.

SECTION 4. The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury, in that it is situated directly within the City's downtown commercial corridor. The Project is located in a key area of the City where there is a need to eliminate both physical and economic blight, stimulate desirable growth and increase employment in the commercial sector of the community, and enhance the character of the City's commercial corridor in accordance with and pursuant to the provisions of the City's Downtown Specific Plan.

SECTION 5. The Property is necessary for the Project, in that the Property will be utilized for additional public parking and transit opportunities needed in the City's downtown commercial corridor.

SECTION 6. If and to the extent any portion of the Property is already devoted to a public use, the Project is a more necessary public use pursuant to California Code of Civil Procedure sections 1240.610 et seq.

SECTION 7. The offer required by Government Code section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying

statement/summary were in a form and contained all of the factual disclosures provided by Government Code section 7267.2(a).

SECTION 8. The environmental impacts associated with the Project have been adequately reviewed under CEQA. The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water.

SECTION 9. The City is hereby authorized and empowered to acquire fee title in and to the Property by eminent domain for the Project in accordance with the applicable provisions of the Code of Civil Procedure, Government Code sections 37350.5 and 40404, and the Constitution of California relating to eminent domain.

SECTION 10. On September 21, 2021, the Planning Commission of the City of Twentynine Palms determined that the Project is consistent with the City's General Plan as to location, purpose, and extent necessary to facilitate the implementation of the General Plan and provide for orderly development patterns and the timely extension and provisions of public facilities pursuant to Government Code section 65402.

SECTION 11. The law firm of Rutan & Tucker, LLP, as the City's General Counsel, is hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the City the Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

**PASSED, AND APPROVED** on the 28<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Daniel L. Mintz, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Cindy Villescas CMC, City Clerk

I, do hereby certify that the foregoing Resolution No. 21-\_\_\_ was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof held on the 28<sup>th</sup> of September, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Cindy Villescas CMC, City Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 83 AND 84 OF TRACT NO. 2520, IN THE CITY OF 29 PALMS, COUNTY OF SNA BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36, PAGE 17 MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

**EXHIBIT "B"**

**PLAT MAP OF PROPERTY**



2758/014122-0049  
16813088.2 a09/22/21



**CITY OFFICES:**  
6136 ADOBE ROAD  
TWENTYNINE PALMS, CA 92277  
(760) 367-6799  
Fax (760)367-4890  
www.29palms.org



**COUNCIL MEMBERS**  
Daniel L. Mintz Sr., Mayor  
Karmollette O'Gilvie, Mayor Pro Tem  
Steven Bilderain  
Joel A. Klink  
McArthur Wright

**CITY MANAGER**  
Frank J. Luckino, MPA

August 23, 2021

**VIA FIRST CLASS MAIL**

Chayo Briggs  
P.O. Box 3815  
Apple Valley, CA 92307

Abraham Moreno  
3609 Eisenhower Drive  
Lake Elsinore, CA 92530-5239

Re: APN: 0617-104-25  
NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY FOR  
ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT TRACT  
2520, LOTS 83 AND 84

Dear Property Owner(s):

On August 3, 2021, we sent you notice that the City Council will be meeting on August 24, 2021, to consider the passage of a resolution of necessity, declaring the public interest and necessity require acquisition of certain real property described above, and authorizing the use of eminent domain to acquire it. The purpose of this letter is to inform you that the August 24, 2021 meeting has been rescheduled for **September 28, 2021 at 6:00 p.m.**, in the City Council Chambers located at City Hall, at 6136 Adobe Road, Twentynine Palms, California 92277.

This notice is sent to you under requirements of California Code of Civil Procedure Section 1245.235. This notice concerns the property located at Tract 2520, Lot 81 in the City of Twentynine Palms (the "City"), and bearing the San Bernardino County Assessor Parcel No. 0617-104-16. The City has been investigating the acquisition of certain real property for the purposes of accommodating public parking and transit center improvements (the "Project"). This notice is sent to advise you that the City Council of the City of Twentynine Palms will be asked to consider passage of a resolution of necessity, declaring the public interest and necessity require acquisition of certain real property described above, and authorizing the use of eminent domain to acquire it.

The interest sought to be acquired is the fee simple real property located at APN 0617-104-25, as more specifically described in **Exhibit A** hereto, and depicted in **Exhibit B** hereto.

California Code of Civil Procedure Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed public project if the following conditions are established:

- A. The public interest and necessity require the project.

- B. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- C. The property sought to be acquired is necessary for the project.

This notice is sent to inform you that the City Council of the City of Twentynine Palms will be asked to decide if the above conditions are met concerning the City's acquisition of the above-referenced property, and whether the City has complied with all other procedural requirements for utilizing the power of eminent domain to acquire the property.

City Council will also be asked to make a finding that the environmental impacts associated with the Project have been adequately reviewed under the California Environmental Quality Act (CEQA). The Project is exempt from CEQA under Guidelines Section 15332, In-Fill Development Projects. The Project site consists of approximately 1.45 acres, located in the urbanized downtown area; the action will have no effect on the Project site's General Plan or Zoning designations; and the action will have no effect on protected species, traffic, noise, air quality or water. You may also appear and comment on that finding at the hearing. If you would like a copy of the Notice of Exemption or any related documents, please contact the Twentynine Palms City Clerk located at City Hall during regular business hours, at the address noted on Page 1, above.

This meeting at which the proposed resolution of necessity will be considered will be held at or about 6:00 p.m. on September 28, 2021, in the City Council Chambers located at City Hall, at 6136 Adobe Road, Twentynine Palms, California 92277.

If these conditions are met, the City Council will be asked to adopt a resolution of necessity, which is a prerequisite for the City's initiation of eminent domain proceedings to acquire property.

Please be advised that you are entitled to appear and be heard on any of the matters encompassed within the resolution, specifically those matters listed above, and whether the City has met all legal prerequisites to the exercise of eminent domain to acquire the property interests proposed. Please take notice that if you wish to legally challenge any action taken by the adoption of the resolution of necessity, or any of the matters listed herein, you may be limited in court to raising only those issues raised at the resolution of necessity hearing, or in written correspondence delivered to the City at, or prior to, the hearing on the matter.

The City Council must adopt a resolution of necessity before an eminent domain proceeding can commence. Within six months after the adoption of the resolution of necessity, the City may commence eminent domain proceedings in the San Bernardino County Superior Court. In any such proceeding, the court will be asked to determine the amount of just compensation to which you may be entitled in the event the property is taken in eminent domain.

Page Three  
August 23, 2021

Pursuant to Code of Civil Procedure section 1245.235(b)(3), if you wish to appear and be heard at the hearing on the resolution of necessity regarding any of the issues listed in this notice, you must advise the City Clerk in writing within fifteen (15) days of the date of this notice. You may address the notice as follows: **City Clerk, City of Twentynine Palms, 6136 Adobe Road, Twentynine Palms, California 92277**. Your failure to provide a written request to be heard may result in a waiver of your right to appear and be heard, and may result in the waiver of objections in any later legal proceeding which may follow.

Neither the pendency of the City Council's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of your property, and the City will be most willing to continue such negotiations.

If you have any questions, please do not hesitate to contact the City at (760) 367-6799. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Luckino', written over a horizontal line.

Frank Luckino  
City Manager  
City of Twentynine Palms

Enclosures: Exhibit A – Legal Description  
Exhibit B – Map

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 83 AND 84 OF TRACT NO. 2520, IN THE CITY OF 29 PALMS, COUNTY OF SNA BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36, PAGE 17 MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

**EXHIBIT "B"**  
**PLAT MAP OF PROPERTY**







# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**FOR MEETING:** Sep 28 2021

**SUBJECT:** Building Improvement Loan Program.

## RECOMMENDATION:

The City Council approve the Building Improvement Loan Program ("Program") in furtherance of the development of the City's downtown, and appropriate \$350,000 from the Project Phoenix Capital Budget to fund the Program.

## ORDER OF PROCEDURE:

Request Staff Report (City Manager Presenting)  
Council Questions of Staff  
Request Public Comment  
Council Discussion  
Motion/Second  
Discussion on Motion  
Call the Question

## ATTACHMENTS:

- [Building Improvement Loan Program](#)
- [Loan Agreement](#)
- [Program Application](#)
- [Promissory Note](#)
- [Map of Downtown Area](#)

## BACKGROUND:

The Project Phoenix (Freedom Plaza) site improvements include demolition, grading of the entire site, over excavation and compaction of the community center and visitor center pads, street improvements, including curb and gutter, pavement and sidewalks, parking lots, drainage improvements and underground retention basins, streetlights and landscape lighting, landscape and irrigation improvements, signing and striping, sewers, water improvements, undergrounding utilities, and other miscellaneous improvements.

Project Phoenix (Freedom Plaza) has two buildings, the City of Twentynine Palms Community Center and the Joshua Tree National Park Cultural Center. The Community Center includes a gymnasium, offices, reception area, restrooms, and kitchen at 11,685 square feet. The Joshua Tree National Park Cultural Center, which is a visitor center, gift shop, and museum, along with support space (offices and restrooms), is 4,269 square feet.

These above improvements will cost approximately \$23M, however to be fully successful in revitalizing downtown, the City needs private investment to complement the public investment. The City is proposing a building improvement loan program ("Program") that will help stimulate private investment. The Program area is greater than Project Phoenix (Freedom Plaza), and consists of the downtown specific plan area, from Donnell Hill to National Park Drive, then to City Hall on Adobe Road. The Program will have \$350,000 in funding, however, because there is a 50% private investment funding matching requirement, it should create \$700,000 of improvements. The Program will be administered on a first-come, first-served basis, and will remain available until all funds are exhausted.

**PROGRAM GOAL AND OBJECTIVES**

A. GOAL: To develop Downtown Twentynine Palms into an economically vibrant and attractive area with thriving businesses.

OBJECTIVE 1: Facilitate the physical improvement of downtown buildings to compliment the investment made by the City in infrastructure through a Building Improvement Loan Program (Program)

OBJECTIVE 2: Provide incentives for property owners to clean up, beautify, improve, and maintain the exterior appearance of their property

OBJECTIVE 3: Attract further private investment in Downtown Twentynine Palms by matching private investment with Program loan funds

OBJECTIVE 4: Encourage the use of outdoor spaces both on private property and within public areas such as the Paseo for outdoor dining, entertainment, and socializing.

The City has created a Program guide, which includes a list of eligible and ineligible activities, Program loan terms, the application, loan agreement, and promissory note templates.

**ENVIRONMENTAL:**

The program is exempt from CEQA per section 15301 (a) (d), Existing Facilities.

**ALTERNATIVES:**

The City Council could choose to adjust/modify any aspect of the Program, or not approve the Program.

**FISCAL IMPACT:**

\$350,000 within Project Phoenix Capital Budget





City of Twentynine Palms  
Building Improvement Loan Program

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## I. PROGRAM GOAL AND OBJECTIVES

A. GOAL: To develop Downtown Twentynine Palms into an economically vibrant and attractive area with thriving businesses.

OBJECTIVE 1: Facilitate the physical improvement of downtown buildings to compliment the investment made by the City in infrastructure through a Building Improvement Loan Program (Program)

OBJECTIVE 2: Provide incentives for property owners to clean up, beautify, improve, and maintain the exterior appearance of their property

OBJECTIVE 3: Attract further private investment in Downtown Twentynine Palms by matching private investment with Program loan funds

OBJECTIVE 4: Encourage the use of outdoor spaces both on private property and within public areas such as the Paseo for outdoor dining, entertainment, and socializing.

## II. ELIGIBLE APPLICANTS

In order to be eligible to participate in the Program, an applicant must satisfy the criteria in 1 and 2 below:

1. Must be one of the following:
  - a. The owner of commercially-zoned real property, as evidenced by a title search or deed, located within the boundaries of the Twentynine Palms Downtown Specific Plan area. A map of the Downtown Specific Plan area is attached; or
  - b. A business owner and tenant with a leasehold interest in real property located within the Downtown Specific Plan area. The business owner/tenant must provide written permission from the property owner to participate in the Program, and a copy of their written lease agreement.
2. Submit a complete application to the City meeting the requirements of the Program

### III. ELIGIBLE USES OF FUNDS

The following exterior rehabilitation improvements are eligible to be reimbursed or paid for with Program funds:

- 1) Exterior rehabilitation of building facades including exterior painting, stucco applications, repair of stucco, tile, stone, or brick, and other architectural features;
- 2) Exterior signs including new or repaired signs that are legally installed, or corrections to non-conforming signs;
- 3) Awnings, canopies, porches, and sunshades that will provide shade from the sun;
- 4) Installation of glazing including windows and doors such as the installation of plate glass and roll-up windows;
- 5) Development of patios and other outdoor spaces that will provide outdoor dining areas, including the installation of concrete, pavers, fencing, and fountains. Upon request, the City will provide samples of colored concrete and pavers that are being used in the Project Phoenix area for matching purposes. Further, upon request, the City will make available its concrete stamps that are being used in the Project Phoenix area.
- 6) Installation or enhancement of landscaping and associated irrigation using the City GoNative! Plant palette of drought tolerant, native plant materials;
- 7) Installation of sidewalks pedestrian paths and ramps, including improvements to provide an ADA path of travel to entrances;
- 8) Installation of artwork, including sculptures, signage, and murals in the private patio areas or on the exterior walls of the buildings;
- 9) Installation of outdoor climate control devices such as misting systems or gas heaters that can extend the time of use of outdoor spaces;
- 10) Outdoor lighting that has the Dark Sky seal of approval;
- 11) Architectural or engineering fees for plans, drawings, renderings, and specifications needed to construct the improvements;
- 12) Fees required by local agencies in the permitting process, including City Building Permits, Fire Department Permits, and Health Department Permits; and

- 13) Other exterior improvements deemed appropriate by City staff.

#### IV. INELIGIBLE USES OF FUNDS

The following items are NOT eligible for reimbursement or payment from Program funds:

- 1) Any interior improvements beyond the windows and doors;
- 2) Vinyl lettering in windows;
- 3) Portable signs that are not mounted, such as sandwich boards or A-frame signs;
- 4) Flags or banners;
- 5) Benches, tables, chairs, trash receptacles or other “movable” items that are not affixed to, or a permanent part of, the structure; and
- 6) Asphalt paving.

#### V. PROGRAM LOAN TERMS

The Program requires a 50% matching requirement. Thus for a Program loan of \$5,000, the applicant would be required to contribute \$5,000 in their own funds. The applicant's matching funds may be used to fund costs of the overall rehabilitation project that are ineligible for reimbursement or payment from Program funds. The loan and repayment terms and requirements are as follows.

- 1) Match requirement: 50% of total project amount.
- 2) Minimum loan amount \$5,000.
- 3) Maximum loan amount: \$40,000.
- 4) Loan disbursement:
  - a. No disbursements shall occur until the following conditions have been satisfied:
    - (i) City approval of the application and design, (ii) the applicant's obtainment of any approvals and/or permits required by the City or other governmental agency with jurisdiction over the property or rehabilitation project, and (iii) the applicant's execution of Program loan documents.

- b. Portions of the Loan amount will be released to the applicant or the applicant's contractor on a construction draw basis as receipts or invoices from contractors, vendors, or materials are submitted to the City. The City will endeavor to disburse the funds within fifteen (15) days after City determination that the receipts or invoices are for eligible portions of work related to the approved rehabilitation project; and
- 5) Interest rate: 3% simple interest;
  - a. Repayment Term: 10 years. Repayment will be made in ten equal annual installments, commencing on the first anniversary of the date the project is completed, as evidenced by City's issuance of a certificate of occupancy or other applicable City approval for final inspection/sign-off.
- 6) Permits: Applicants are solely responsible for obtaining all required approvals and permits for the project, including the payment of all required fees to the City and any other governmental entities having jurisdiction over the project.
- 7) Hiring of Contractors:
  - a. The applicant shall have the sole responsibility of hiring a contractor to perform the project.
  - b. All work for which the applicant seeks reimbursement or payment under the Program shall be from a licensed contractor or as an owner-builder.
- 8) Eligible Costs: Costs incurred for the improvements described in Part III above;
- 9) Inspections: Applicant agrees to periodic inspections of the work by City staff to ensure that the project is in substantial conformance with the approved design, except as otherwise approved by the City.
- 10) Construction Signage: Upon completion of the project, for a period of one year, the applicant agrees to display a 8.5" x 11" placard provided by the City with the statement "Project Funded by the City of Twentynine Palms Building Improvement Loan Program".

## VI. PROJECT SELECTION CRITERIA

Projects will be selected that contribute to the overall beautification and enhancement of Downtown Twentynine Palms. The key criteria for project selection will be the overall impact to the property and quality of design. The project should complement the streetscape and public improvements being constructed by the City. It should create an inviting presence from the street and generate traffic to the business as well as nearby businesses. The project should respect the architectural character of the structure and

include local architectural elements of Hi-Desert Adobe, Frontier, Mission, or other local styles as appropriate.

Projects will be selected by a review committee consisting of the City Manager, Community Development Director, and a member of the Action 29 Council (Review Committee).

## VII. APPLICATION PROCESS

- 1) Applicants will complete the application form and checklist as provided in this document, and submit to the Community Development Department of the City of Twentynine Palms at:

Community Development Department  
City of Twentynine Palms  
6136 Adobe Road  
Twentynine Palms, CA 92277

Applications may also be emailed to Travis Clark at [tclark@29palms.org](mailto:tclark@29palms.org)

- 2) Applications will be processed in the order in which they are received, and will be approved or denied by the Review Committee established for this purpose. The City may condition its approval on modifications to the project design that are necessary to conform with the Program requirements.
- 3) Funding for the Program is limited; applicants are encouraged to apply early. Once all Program funds have been committed to eligible projects, no further applications will be accepted or approved.

VIII. MAP OF DOWNTOWN PLAN AREA



IX. APPLICATION FORMS

LOAN AGREEMENT  
CITY OF TWENTYNINE PALMS BUILDING IMPROVEMENT LOAN PROGRAM

THIS LOAN AGREEMENT (CITY OF TWENTYNINE PALMS BUILDING IMPROVEMENT LOAN PROGRAM) (the "**Agreement**") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 202\_ (the "**Effective Date**"), by and between the CITY OF TWENTYNINE PALMS, a California municipal corporation (the "**City**"), and \_\_\_\_\_ (the "Participant"), the owner of a business located at \_\_\_\_\_, Twentynine Palms, California (the "**Property**").

RECITALS

A. City has established the City of Twentynine Palms Building Improvement Loan Program (the "**Program**") to assist business owners in the Downtown Specific Plan area with exterior rehabilitation and beautification improvements. Under the Program the City provides financial assistance, in the form of loans, to local businesses to assist such businesses in performing eligible rehabilitation work.

B. Participant applied for and received approval to participate in the Program, and City is prepared to loan Participant the funds identified below on the terms set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals and the covenants and promises hereinafter contained, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Recitals and Program Rules Incorporated. The foregoing Recitals and the rules and regulations of the Program (the "**Program Rules**") are incorporated herein by this reference and made a part hereof.

2. Participant's Interest in the Property. Participant hereby represents and warrants to City that Participant owns and operates the business located on the Property, and (check applicable statement regarding property interest):

a. \_\_\_ owns the Property in fee; or

b. \_\_\_ has entered into a written lease agreement with the owner of the Property for operation of Participant's business, and has obtained written authorization of the fee owner of the Property to participate in the Program.

3. City Loan. City hereby agrees to loan to Participant the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) (the "**City Loan**") to be used for the purposes and the improvements described on Participant's approved Program application (the "**Improvements**") subject to the terms and conditions of the Program Rules and

any conditions attached to such approval, including, without limitation, that the City Loan may only be used to reimburse Participant for the costs Participant incurs in connection with the Improvements that are eligible for reimbursement under the Program, as set forth in Exhibit "A" hereto, which is incorporated herein by this reference. The City Loan shall be disbursed to Participant in accordance with the terms of a promissory note in the form attached hereto and incorporated herein as Exhibit "B" (the "Note"). Repayment of the City Loan shall be in accordance with the terms of the Note.

4. Construction Schedule. Participant shall satisfy all conditions for disbursement of the City Loan and commence construction of the Improvements within thirty (30) days after the Effective Date, and shall complete construction of the Improvements within six (6) months following City's first disbursement of City Loan funds to Participant.

5. Bodily Injury, Property Damage and Workers' Compensation Insurance; Indemnification. On or prior to, and as a condition of, City's disbursement of any portion of the City Loan, Participant shall furnish or cause to be furnished to City, and shall obtain approval from the Twentynine Palms' City Manager ("**City Manager**") (which approval shall not be unreasonably withheld) of duplicate originals of policies and endorsements, or appropriate certificates thereof, of bodily injury and broad form property damage insurance policies in the amount of at least One Million Dollars (\$1,000,000), combined single limits, for death or injury to any person and property damage, naming the City and the City's officers, officials, members, employees, agents, and representatives (hereinafter, collectively, "**City and City Personnel**") as additional insureds. In addition, all such insurance:

a. shall be primary insurance and not contributory with any other insurance City and City Personnel, or any of them, may have;

b. shall contain no special limitations on the scope of protection afforded to City and City Personnel;

c. shall be "date of occurrence" and not "claims made" insurance;

d. shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

e. shall provide that the policy (i) shall not be cancelled by the insurer or Participant unless there is a minimum of thirty (30) days prior written notice to City, and (ii) shall not be non-renewed by the insurer or Participant unless there is a minimum of thirty (30) days prior written notice to City; and

f. shall be written by a California admitted insurer with a Best rating of not less than B+, Class X; and

None of the above described policies shall require Participant to meet a deductible or self-insured retention amount of more than Ten Thousand Dollars (\$10,000) unless approved in writing by the City Manager of the City in his/her sole and absolute discretion.

Participant shall also furnish or cause to be furnished to City evidence reasonably satisfactory to City that any contractor with whom Participant has contracted for the performance of work on the Property carries workers' compensation insurance as required by the State of California Labor Code. Such insurance shall (i) be endorsed to include a waiver of

subrogation rights against City and City Personnel, and (ii) shall provide for notice of cancellation as described in subparagraph (e) above. Such policies shall be written by a California licensed insurer with a Best rating of not less than B+, Class X.

Prior to the date Participant commences development of the Improvements, Participant shall furnish to City evidence reasonably satisfactory to the City Manager that Participant has Builder's Risk Coverage which shall be maintained in force throughout the development of the Improvements. Such coverage shall include limits sufficient to cover at least ninety percent (90%) of the replacement cost of all of the improvements and betterments on the subject property (or such lesser percentage of the replacement cost as approved by the City Manager in his/her sole discretion). Furthermore, such policy/ies shall conform to the requirements set forth in subparagraphs (e) and (f) above.

The foregoing insurance obligations shall remain in effect until full repayment of the City Loan.

6. Compliance with Laws. Participant shall carry out the design and construction of the Improvements in conformity with all applicable laws, including the City zoning and development standards, building, plumbing, mechanical, fire, and electrical codes, and all other provisions of City's Municipal Code, all applicable disabled and handicapped access requirements, and all environmental mitigation measures imposed as conditions of approval of the Improvements. In addition, Participant shall carry out the construction of the Improvements in conformity with all applicable federal and state labor laws, including, without limitation, if applicable, the requirement under California law to pay prevailing wages and hire apprentices. Participant acknowledges and agrees that it shall be independently responsible for reviewing the applicable laws with respect to development of the Improvements on the Property and complying therewith. Notwithstanding the foregoing, in addition to any other Participant indemnifications of City set forth in this Agreement, Participant shall indemnify, defend, and hold the City and City Personnel harmless from and against any liability, loss, damage, cost or expenses (including, without limitation, reasonable attorneys' fees, expert witness fees, court costs, and costs incurred related to any inquiries or proceedings) which, in connection with the development or construction by or under the direction of Participant, arises from or is related to (a) the noncompliance by Participant of any applicable law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages and hire apprentices); (b) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (c) failure by Participant to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the Participant's development and construction of the Improvements on the Property, Participant shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 6, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. Participant shall be solely responsible for determining and effectuating compliance with such laws. Participant hereby expressly acknowledges and agrees that City has not previously affirmatively represented to Participant or its contractor(s) for the construction or development of the Improvements, in writing or otherwise, in a call for bids or otherwise, that the construction or development of the Improvements as required by this Agreement is not a "public work," as defined in Section 1720 of the Labor Code.

7. Default. Participant shall be deemed in default of this Agreement and the City Loan shall be immediately due and payable if (i) Participant fails to make any payment due under the Note within ten (10) days of the date such payment is due; or (ii) Participant is in material breach of any of Participant's obligations under this Agreement, the Note, the Program, or the Program Rules.

8. Enforced Delay; Extensions for Times of Performance. In addition to specific provisions of this Agreement, performance by either party (who is not then otherwise in material default) shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, supernatural causes, acts of the public enemy, terrorism, epidemics, pandemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, delays of any contractor, subcontractor or supplies, acts of the other party, acts or failure to act of City or any other public or governmental agency or entity, including, without limitation, unreasonable delays in the processing and issuance of required permits for the Improvements (except that any act or failure to act of City shall not excuse performance by City) or any other causes beyond the reasonable control or without the fault of the party claiming an extension of time to perform, for up to a maximum cumulative period of ninety (90) days. Notwithstanding the foregoing, inability to secure satisfactory financing, or market and economic conditions shall not entitle Participant to an extension of time to perform. An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within ten (10) days of knowledge of the commencement of the cause. In addition, times of performance under this Agreement may be extended by mutual written agreement by City and Participant.

9. Additional Terms Applicable to this Agreement.

a. Upon full repayment of the City Loan, to the extent required pursuant to the Note, this Agreement, except for the indemnification provision set forth in Section 6 and Section 14, shall be of no further force or effect.

b. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

c. The person(s) signing this Agreement on behalf of Participant represent and warrant that he/she/they is/are authorized to do so and that Participant is thereby bound to the terms of this Agreement.

10. Notices. Formal notices, demands, and communications between City and Participant shall be sufficiently given if delivered to the addresses indicated below by (i) registered or certified mail, postage prepaid, return receipt requested, or (ii) by reputable same-day or overnight courier or delivery service that provides a receipt showing the date and time of delivery. Notices delivered by same-day or overnight courier or delivery service shall be effective upon receipt. Notices delivered by mail shall be effective upon the earlier of (i) receipt or (ii) Noon on the second business day following deposit with the United States Postal Service. Notices shall be addressed as follows:

If to Participant: \_\_\_\_\_

If to City:

\_\_\_\_\_  
\_\_\_\_\_  
City of Twentynine Palms  
6136 Adobe Rd.  
Twentynine Palms, CA 92277  
Attention: City Manager

Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate by notice delivered as provided in this Paragraph.

11. Administration of Agreement. City shall maintain authority of this Agreement and the authority to implement this Agreement through its City Manager (or his or her duly authorized representative). The City Manager shall have the authority to make approvals, issue interpretations, execute documents, waive provisions, and/or enter into certain amendments of this Agreement on behalf of City so long as such actions do not materially or substantially change the uses or development permitted on the Property or materially add to the costs incurred or to be incurred by City as specified herein.

12. Litigation. This Agreement shall be governed by and construed under the laws of the State of California. The parties agree that in any litigation between the parties arising out of this Agreement, the Superior Court of the State of California in and for the County of San Bernardino shall have exclusive jurisdiction. The prevailing party in any litigation between the parties arising out of or connected to this Agreement, in addition to whatever other relief to which the prevailing party is entitled, shall also be entitled to reasonable attorney's fees, including fees and costs for discovery, expert witness fees, and any fees and costs for appeal. Notwithstanding anything herein to the contrary, in the event of any legal action between the parties, Participant shall not be entitled to damages of any kind from City, including (but not limited to) damages for economic loss, lost profits, or any other economic or consequential damages of any kind and Participant's sole legal remedy shall be an action for specific performance to compel City to disburse the City Loan. In the event of any such legal action, service of process on City shall be made in such manner as provided by law for service on a California public entity; service of process on Participant shall be made in such manner as may be provided for by law, and shall be valid whether made within or without the State of California.

13. Non-liability of City Officers. No member, official, officer, employee, agent, or representative of City shall be personally liable to Participant in the event of any default or breach by City or for any amounts which may become due to Participant or on any obligation under the terms of this Agreement.

14. City Indemnified. Participant agrees to and shall indemnify, defend, and hold City harmless from and against any and all claims, liabilities, losses, damages, costs, and expenses, including reasonable attorney's fees and costs (which shall include fees and expenses related to investigating the action, conducting discovery, retaining expert witnesses, prosecuting the action, and appeal), that is in any way related to (i) the Program, (ii) this Agreement or (iii) Participant's and/or Participant's employees', agents, contractors' or subcontractors' development and/or construction of the Improvements pursuant to the Program, that arises from or is the result of (A) the death or injury to any person, (B) any accident, injury, loss, or damages to any person or to the property of any person, (C) the failure of Participant to

timely make any payment due by Participant to any person, or (D) Participant's failure to comply with the terms of this Agreement and/or any applicable law, ordinance, or regulation.

15. Covenant Against Discrimination. Participant covenants by and for itself, its heirs, successors and assigns, and all persons claiming under or through them that there shall be no discrimination against any person on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin or ancestry in the performance of this Agreement.

16. Participant's Maintenance of Improvements. During the term of this Agreement, and for so long as any portion of the City Loan remains outstanding and unpaid, Participant shall maintain the Property and the Improvements in a first class condition.

17. Time of Essence. Time is of the essence in this Agreement.

18. Entire Agreement, Amendments; Waivers; Counterparts; Attachments.

a. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

b. This Agreement may not be amended except by an instrument in writing signed by the appropriate authorities of City and Participant.

c. All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of City and Participant.

d. Except as otherwise expressly provided, in any circumstance where under this Agreement either party is required to approve or disapprove any matter, approval shall not be unreasonably withheld.

e. This Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns.

f. This Agreement may be executed in counterparts, each of which, when this Agreement has been signed by all the parties hereto, shall be deemed an original, and such counterparts shall constitute one and the same instrument.

g. Notwithstanding Section 18a above, Participant's approved application and all of the exhibits hereto are incorporated herein and made a part hereof.

[end - signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

“PARTICIPANT”

\_\_\_\_\_

BY: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

“CITY”

CITY OF TWENTYNINE PALMS, a California  
municipal corporation

By: \_\_\_\_\_  
Frank Luckino  
City Manager

ATTEST:

\_\_\_\_\_  
Cindy Villescias, City Clerk



EXHIBIT "A"

ELIGIBLE PROGRAM COSTS

[to be inserted]

EXHIBIT "B"

**PROMISSORY NOTE  
TWENTYNINE PALMS BUSINESS IMPROVEMENT LOAN PROGRAM**

\_\_\_\_\_, \_\_\_\_\_ ("Note Date")

FOR VALUE RECEIVED, the undersigned, \_\_\_\_\_, a \_\_\_\_\_, hereinafter referred to as "Borrower," promises to pay to the CITY OF TWENTYNINE PALMS, a California municipal corporation, hereinafter referred to as "City," so much principal as may be outstanding in accordance with the terms of this Promissory Note ("Note"), not exceeding \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), plus accrued interest on the unpaid principal, plus such other costs, charges, and fees which may be owing from time to time, all subject to the terms, conditions, and provisions hereinafter set forth.

Reference is made to:

(i) City's Building Improvement Loan Program, pursuant to which City provides financial assistance to local businesses located within the Twentynine Palms Downtown Specific Plan area for use in performing exterior rehabilitation work (the "Program") and the rules and regulations of the Program (the "Program Rules").

(ii) The Loan Agreement by and between Borrower and City, dated on or about the same date hereof (the "Agreement"), which sets forth terms and conditions for Borrower's proposed rehabilitation improvement project, as described in Borrower's approved Program application. The Agreement is incorporated herein by reference as though fully set forth herein.

1. Principal Amount; Interest Amount. The principal amount of the City's loan to Borrower is \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) ("Loan Amount"), which City shall disburse to Borrower in accordance with the terms set forth in Section 2 below. Simple Interest shall accrue on the outstanding principal balance at a rate of three percent (3%) per annum, commencing on the date the first disbursement is provided to Borrower. Interest shall accrue as set forth in Paragraph 4 in the event of a Borrower default.

2. Disbursement of City Loan. The City Loan shall be disbursed in accordance with the terms of this Section 2:

a. Upon Borrower's completion of some or all of the "Improvements" (as that term is described in the Agreement), and provided all conditions precedent to disbursement set forth below have been satisfied,

Borrower may obtain disbursement of the City Loan, or portion thereof, by (i) notifying the City of Twentynine Palms City Manager ("City Manager") in writing of the amount required; (ii) providing City with supporting documentation showing the work performed and the actual cost thereof; and (iii) providing City with unconditional waiver and releases in the form set forth in Civil Code Section 3262. If the requested disbursement is permitted under the terms of this Note, the City Manager shall promptly, but in no event later than fifteen (15) days after City's receipt of all of the items listed in (i)-(iii) above, effect payment directly to Borrower, to Borrower's contractor, or to the applicable public agency (for City Loan amounts which are to be used to pay for public fees), by check. Notwithstanding anything herein to the contrary, the Borrower shall not be entitled to disbursements for any particular category of Improvements in an amount exceeding the amount set forth for such category in Borrower's list of "Eligible Program Costs", which is attached to the Agreement as Exhibit "A".

All of the following shall be conditions precedent to disbursement of any portion of the City Loan:

- a. Borrower shall have obtained approval from City of all plans prepared and/or required for the Improvements;
- b. Borrower shall have timely obtained all building permits for the Improvements;
- c. Borrower shall have submitted to the City Manager and obtained approval from the same, of Borrower's evidence of insurance;
- d. Borrower shall have signed this Note and delivered the same to City;
- e. Borrower shall have completed construction of all or a portion of the Improvements;
- f. Borrower shall not be in default of its obligations under this Note or under the Agreement.

3. Term of Note; Repayment. Repayment of the City Loan shall be made in accordance with the terms of this Section 3.

a. Subject to Section 4 hereof, Borrower shall repay the City Loan, plus all accrued interest, in ten (10) equal annual installments (each, an "Installment Payment"), commencing on the date that is one (1) year following the date Borrower commences completion of the Improvements, as evidenced by City's issuance of a certificate of occupancy or other applicable City approval for final inspection/sign-off of the work. City shall calculate, and shall notify

Borrower, of the amount of the annual Installment Payments prior to the due date of the first Installment Payment.

b. Notwithstanding the foregoing, however, Borrower shall have the right to prepay all or any portion of this Note at any time without penalty.

4. Default; Acceleration; Cross-Default. In the event:

a. Borrower fails to timely make a payment required by this Note or the Agreement within ten (10) days following the due date of any payment due hereunder or thereunder; or

b. Borrower is in material default of any of the covenants, terms, or provisions of this Note, the Program Rules, or the Agreement, and Borrower fails to timely cure such default under the terms of the applicable document, it being understood and agreed by Borrower that a default of this Note or of the Program Rules or of the Agreement shall be a default of all of the foregoing listed documents;

then Borrower shall be in default of this Note, and the Loan Amount and all accrued interest thereon shall become immediately due and payable. The rate of interest applicable to periods of default for the defaults set forth in this Paragraph 4 shall be calculated at the lesser of ten percent (10%) per annum or the maximum legal rate, and shall accrue as of the date such payment was originally due.

5. Additional Terms.

a. All payments shall be first credited to accrued interest, next to costs, charges, and fees which may be owing from time to time, and then to principal. All payment shall be made in lawful money of the United States. Payments shall be made to City at the address set forth in Paragraph 8 herein or at such other address as City or the holder of this Note may direct pursuant to notice delivered to Borrower in accordance with Paragraph 8.

b. Borrower agrees to pay the following costs, expenses, and reasonable attorney's fees paid or incurred by City, or adjudged by the court, in the collection of amounts in default or other costs incurred as a result of a default by Borrower: (i) reasonable costs of collections, costs and expenses, and attorney's fees paid or incurred in connection with the collection or enforcement of this Note, whether or not suit is filed, and (ii) costs of suit and such sums as the court may adjudge as attorney's fees in any action to enforce payment of this Note or any part of it if City prevails in such suit.

6. Non-assumability. This Note shall not be assumable without the prior, express, written consent of the City Manager.

7. Presentment, Etc. Notwithstanding any other provision herein to the contrary, to the extent permitted by law Borrower hereby waives the following: (a) notice of default or delinquency, (b) notice of acceleration, (c) notice of nonpayment, (d) notice of costs, expenses and losses and interest thereon, (e) notice of interest on interest and late charges, (f) diligence in taking any action to collect any sums owing under this Note or in proceeding against any of the rights and presentment for payment, demand, protest, and notices of dishonor and/or protest; (g) the benefits of all waivable exemptions; and (h) all defenses and pleas on the grounds of any extension or extensions of the time of payment or of any due date under this Note, in whole or in part, whether before or after maturity and with or without notice.

8. Notices. Any notices required by law or this Agreement shall be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (iii) mailing in the United States mail, certified mail, postage prepaid, return receipt requested.

Notices to Borrower shall be addressed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attn: \_\_\_\_\_

Notices to City shall be addressed to:

City of Twentynine Palms  
6136 Adobe Rd.  
Twentynine Palms, CA 92277  
Attention: City Manager

Notices personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices mailed shall be deemed effective on the second business day following deposit in the United States mail. Either party may designate that notices be sent to other or additional addresses by complying with the requirements of this section.

9. Litigation. This Note shall be governed by and construed under the laws of the State of California. The parties agree that in any litigation between the parties arising out of this Note, Superior Court of the State of California in and for the County of San Bernardino shall have exclusive jurisdiction. The prevailing party in any litigation between the parties arising out of or connected to this Note, in addition to whatever other relief to which the prevailing party is entitled, shall also be entitled to reasonable attorney's fees, including fees and costs for discovery, and any fees and costs for appeal. In the event of such legal action, service of process on City shall be made in such manner as provided by law for service on a California public entity;

[EXHIBIT B -  
PAGE 3]

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service of process on Borrower shall be made in such manner as may be provided for by law, and shall be valid whether made within or without the State of California.

10. Waiver. No waiver of any breach, default, or failure of condition under the terms of this Note, or the obligations secured hereby, shall be implied from any failure of City to take, or any delay by the City in taking, action with respect to such breach, default, or failure from any previous waiver or any similar or unrelated breach, default, or failure; and a waiver of any term of this Note must be made in writing and shall be limited to the express written terms of such waiver.

11. Time of Essence. Time is of the essence in this Note.

12. Severability. In the event that any term or provision of this Note is held to be unenforceable, the remainder of this Note shall remain in full force and effect to the fullest extent without inclusion of the unenforceable term or provision.

13. Interpretation. In the event of any conflict between this Note and the Agreement, this Note shall apply. The terms of this Note shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Note or any other rule of construction which might otherwise apply. The paragraph headings are for purposes of convenience only, and shall not be construed to limit or extend the meaning of this Note.

14. Assignment. City, at its option, may assign its right to receive payment under this Note without obtaining the consent of the Borrower or the holder or beneficiary of the lien of any deed of trust or other security instrument, whether recorded or unrecorded. Borrower shall not be permitted to assign or transfer this Note or any portion thereof without the prior express written consent of the City Manager, which consent may be given or withheld in the City Manager's sole discretion.

IN WITNESS WHEREOF, Borrower has executed this Note as of the Note Date.

"Borrower" \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_



## BUILDING IMPROVEMENT LOAN PROGRAM APPLICATION

### *APPLICATION INFORMATION*

<b>Business Name</b>			
<b>Business Address</b>			
<b>Applicant's Name</b>			
<b>Applicant's Address</b>			
<b>Applicant's Phone Number</b>			
<b>Applicant's Email</b>			
<b>Assessor's Parcel Number</b>			
<b>Is the Applicant also the Property Owner?</b>	<b>Yes</b>		<b>No</b>

### *PROPERTY OWNER INFORMATION (if different from Applicant)*

<b>Property Owner Name</b>	
<b>Property Owner Address</b>	
<b>Property Owner Phone Number</b>	
<b>Property Owner Email</b>	

### *SIGNATURES*

<b>Applicant</b>		<b>Date</b>	
<b>Property Owner</b>		<b>Date</b>	

*PROJECT DESCRIPTION*

**Brief Description of Proposed Improvements**

<b>Amount of Loan Request</b> <i>(not to exceed \$40,000)</i>	
--	--



## *APPLICATION CHECKLIST*

The following information is required to be provided at the time of application:

- Application (completed and signed by Applicant and Property Owner)
- Verification of Property Ownership (Title Report or Grant Deed)
- Copy of Applicant's Lease with Property Owner (if Applicant and Property Owner are different)
- Project Description
- Proposal, Estimate, or Bid from qualified contractor(s) to conduct the work – if available
- Copy of Valid City of Twentynine Palms Business License
- If applicable, list of required permits from the City of Twentynine Palms, Caltrans, or other government agency
- Pictures, drawings or other graphical information illustrating the location of the proposed improvements, as well as the type of improvements to be made

Email, mail, or deliver the completed application with copies of the required documents to:

Community Development Department  
City of Twentynine Palms  
6136 Adobe Road  
Twentynine Palms, CA 92277  
tclark@29palms.org

**PROMISSORY NOTE  
TWENTYNINE PALMS BUSINESS IMPROVEMENT LOAN PROGRAM**

\_\_\_\_\_, \_\_\_\_ (“Note Date”)

FOR VALUE RECEIVED, the undersigned, \_\_\_\_\_, a \_\_\_\_\_, hereinafter referred to as “Borrower,” promises to pay to the CITY OF TWENTYNINE PALMS, a California municipal corporation, hereinafter referred to as “City,” so much principal as may be outstanding in accordance with the terms of this Promissory Note (“Note”), not exceeding \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), plus accrued interest on the unpaid principal, plus such other costs, charges, and fees which may be owing from time to time, all subject to the terms, conditions, and provisions hereinafter set forth.

Reference is made to:

(i) City’s Business Improvement Loan Program, pursuant to which City provides financial assistance to local businesses located within the Twentynine Palms Downtown Specific Plan area for use in performing exterior rehabilitation work (the “Program”) and the rules and regulations of the Program (the “Program Rules”).

(ii) The Loan Agreement by and between Borrower and City, dated on or about the same date hereof (the “Agreement”), which sets forth terms and conditions for Borrower’s proposed rehabilitation improvement project, as described in Borrower’s approved Program application. The Agreement is incorporated herein by reference as though fully set forth herein.

1. Principal Amount; Interest Amount. The principal amount of the City’s loan to Borrower is \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (“Loan Amount”), which City shall disburse to Borrower in accordance with the terms set forth in Section 2 below. Simple Interest shall accrue on the outstanding principal balance at a rate of three percent (3%) per annum, commencing on the date the first disbursement is provided to Borrower. Interest shall accrue as set forth in Paragraph 4 in the event of a Borrower default.

2. Disbursement of City Loan. The City Loan shall be disbursed in accordance with the terms of this Section 2:

a. Upon Borrower’s completion of some or all of the “Improvements” (as that term is described in the Agreement), and provided all conditions precedent to disbursement set forth below have been satisfied,

Borrower may obtain disbursement of the City Loan, or portion thereof, by (i) notifying the City of Twentynine Palms City Manager (“City Manager”) in writing of the amount required; (ii) providing City with supporting documentation showing the work performed and the actual cost thereof; and (iii) providing City with unconditional waiver and releases in the form set forth in Civil Code Section 3262. If the requested disbursement is permitted under the terms of this Note, the City Manager shall promptly, but in no event later than fifteen (15) days after City’s receipt of all of the items listed in (i)-(iii) above, effect payment directly to Borrower, to Borrower’s contractor, or to the applicable public agency (for City Loan amounts which are to be used to pay for public fees), by check. Notwithstanding anything herein to the contrary, the Borrower shall not be entitled to disbursements for any particular category of Improvements in an amount exceeding the amount set forth for such category in Borrower’s list of “Eligible Program Costs”, which is attached to the Agreement as Exhibit “A”.

All of the following shall be conditions precedent to disbursement of any portion of the City Loan:

- a. Borrower shall have obtained approval from City of all plans prepared and/or required for the Improvements;
- b. Borrower shall have timely obtained all building permits for the Improvements;
- c. Borrower shall have submitted to the City Manager and obtained approval from the same, of Borrower’s evidence of insurance;
- d. Borrower shall have signed this Note and delivered the same to City;
- e. Borrower shall have completed construction of all or a portion of the Improvements;
- f. Borrower shall not be in default of its obligations under this Note or under the Agreement.

3. Term of Note; Repayment. Repayment of the City Loan shall be made in accordance with the terms of this Section 3.

a. Subject to Section 4 hereof, Borrower shall repay the City Loan, plus all accrued interest, in ten (10) equal annual installments (each, an “Installment Payment”), commencing on the date that is one (1) year following the date Borrower commences completion of the Improvements, as evidenced by City’s issuance of a certificate of occupancy or other applicable City approval for final inspection/sign-off of the work. City shall calculate, and shall notify Borrower, of the amount of the annual Installment Payments prior to the due date of the first Installment Payment.

b. Notwithstanding the foregoing, however, Borrower shall have the right to prepay all or any portion of this Note at any time without penalty.

4. Default; Acceleration; Cross-Default. In the event:

a. Borrower fails to timely make a payment required by this Note or the Agreement within ten (10) days following the due date of any payment due hereunder or thereunder; or

b. Borrower is in material default of any of the covenants, terms, or provisions of this Note, the Program Rules, or the Agreement, and Borrower fails to timely cure such default under the terms of the applicable document, it being understood and agreed by Borrower that a default of this Note or of the Program Rules or of the Agreement shall be a default of all of the foregoing listed documents;

then Borrower shall be in default of this Note, and the Loan Amount and all accrued interest thereon shall become immediately due and payable. The rate of interest applicable to periods of default for the defaults set forth in this Paragraph 4 shall be calculated at the lesser of ten percent (10%) per annum or the maximum legal rate, and shall accrue as of the date such payment was originally due.

5. Additional Terms.

a. All payments shall be first credited to accrued interest, next to costs, charges, and fees which may be owing from time to time, and then to principal. All payment shall be made in lawful money of the United States. Payments shall be made to City at the address set forth in Paragraph 8 herein or at such other address as City or the holder of this Note may direct pursuant to notice delivered to Borrower in accordance with Paragraph 8.

b. Borrower agrees to pay the following costs, expenses, and reasonable attorney's fees paid or incurred by City, or adjudged by the court, in the collection of amounts in default or other costs incurred as a result of a default by Borrower: (i) reasonable costs of collections, costs and expenses, and attorney's fees paid or incurred in connection with the collection or enforcement of this Note, whether or not suit is filed, and (ii) costs of suit and such sums as the court may adjudge as attorney's fees in any action to enforce payment of this Note or any part of it if City prevails in such suit.

6. Non-assumability. This Note shall not be assumable without the prior, express, written consent of the City Manager.

7. Presentment, Etc. Notwithstanding any other provision herein to the contrary, to the extent permitted by law Borrower hereby waives the following: (a) notice of default or delinquency, (b) notice of acceleration, (c) notice of nonpayment, (d)

notice of costs, expenses and losses and interest thereon, (e) notice of interest on interest and late charges, (f) diligence in taking any action to collect any sums owing under this Note or in proceeding against any of the rights and presentment for payment, demand, protest, and notices of dishonor and/or protest; (g) the benefits of all waivable exemptions; and (h) all defenses and pleas on the grounds of any extension or extensions of the time of payment or of any due date under this Note, in whole or in part, whether before or after maturity and with or without notice.

8. Notices. Any notices required by law or this Agreement shall be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (iii) mailing in the United States mail, certified mail, postage prepaid, return receipt requested.

Notices to Borrower shall be addressed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attn: \_\_\_\_\_

Notices to City shall be addressed to:

City of Twentynine Palms  
6136 Adobe Rd.  
Twentynine Palms, CA 92277  
Attention: City Manager

Notices personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices mailed shall be deemed effective on the second business day following deposit in the United States mail. Either party may designate that notices be sent to other or additional addresses by complying with the requirements of this section.

9. Litigation. This Note shall be governed by and construed under the laws of the State of California. The parties agree that in any litigation between the parties arising out of this Note, Superior Court of the State of California in and for the County of San Bernardino shall have exclusive jurisdiction. The prevailing party in any litigation between the parties arising out of or connected to this Note, in addition to whatever other relief to which the prevailing party is entitled, shall also be entitled to reasonable attorney's fees, including fees and costs for discovery, and any fees and costs for appeal. In the event of such legal action, service of process on City shall be made in such manner as provided by law for service on a California public entity; service of process on Borrower shall be made in such manner as may be provided for by law, and shall be valid whether made within or without the State of California.

10. Waiver. No waiver of any breach, default, or failure of condition under the terms of this Note, or the obligations secured hereby, shall be implied from any failure of City to take, or any delay by the City in taking, action with respect to such breach, default, or failure from any previous waiver or any similar or unrelated breach, default, or failure; and a waiver of any term of this Note must be made in writing and shall be limited to the express written terms of such waiver.

11. Time of Essence. Time is of the essence in this Note.

12. Severability. In the event that any term or provision of this Note is held to be unenforceable, the remainder of this Note shall remain in full force and effect to the fullest extent without inclusion of the unenforceable term or provision.

13. Interpretation. In the event of any conflict between this Note and the Agreement, this Note shall apply. The terms of this Note shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Note or any other rule of construction which might otherwise apply. The paragraph headings are for purposes of convenience only, and shall not be construed to limit or extend the meaning of this Note.

14. Assignment. City, at its option, may assign its right to receive payment under this Note without obtaining the consent of the Borrower or the holder or beneficiary of the lien of any deed of trust or other security instrument, whether recorded or unrecorded. Borrower shall not be permitted to assign or transfer this Note or any portion thereof without the prior express written consent of the City Manager, which consent may be given or withheld in the City Manager's sole discretion.

IN WITNESS WHEREOF, Borrower has executed this Note as of the Note Date.

"Borrower" \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

# THE STUDY AREA

210 ACRES  
(.31 SQ MILES)

