



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

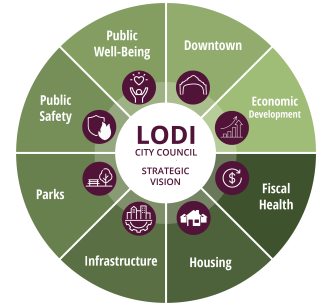
## AGENDA - Regular Meeting

Date: August 6, 2025

Time: Closed Session - 5:00 p.m.

Regular Session - 7:00 p.m.

Mayor Cameron Bregman  
Mayor Pro Tempore Ramon Yezpe  
Councilmember Lisa Craig-Hensley  
Councilmember Mikey Hothi  
Councilmember Alan Nakanishi



### Notice Regarding Public Comments

Public Comment may be submitted in the following ways:

- In-person
- Email – [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov)
  - > Received no later than two hours prior to the meeting
- Mail – City Clerk's Office, P.O. Box 3006, Lodi, CA 95241
- Hand delivered to: City Clerk's Office, 221 W. Pine Street, Lodi, CA 95240
  - > Received no later than two hours prior to the meeting

Public comment received via email, mail, or hand delivery will be provided to the City Council and included in the official minutes record of the meeting, but will not be read aloud at the meeting.

### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant Exposure to Litigation pursuant to California Government Code Section 54956.9(d)(2) (On April 12, 2025 an attorney representing City Manager Scott Carney sent the City's outside Legal Counsel an email making legal arguments concerning certain alleged whistle blowing, and potential retaliation relating to it. The email directed the City to place a "litigation hold" on potentially related documents. This correspondence is a normal step prior to initiation of litigation and is a threat of litigation under Government Code Section 54956.9. The email is available for inspection upon request.)
- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant Exposure to Litigation pursuant to California Government Code Section 54956.9(d)(2)
- CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION pursuant to Government Code section 54956.9(d)(1). Name of case: Christopher Bennitt v. City of Lodi, et. al, San Joaquin County Superior Court Case No. STK-CV-UCP-2025-1701 (CA)
- CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION Consider initiation of litigation pursuant to Government Code section 54956.9(d)(4): 1 potential case (CA)

- e) CONFERENCE ON LABOR NEGOTIATIONS – Regarding International Brotherhood of Electrical Workers, Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees, Pursuant to Government Code § 54957.6 (HR)
- f) CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Prospective Sale of Real Property Located at 350 N. Washington St. (APN 041-240-28); the Negotiating Parties are James Lindsay, Acting City Manager, for the City of Lodi and Cody Diede, Diede Construction, Inc., per Government Code 54956.8.

**C-3 Adjourn to Closed Session****6:55 p.m. Invocation/Call to Civic Responsibility.**

Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

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***NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.***

**C-4 Return to Open Session / Disclosure of Action****A. Call to Order / Roll Call****B. Presentations**

- B.1** Present “Firefighter of the Year 2024” Plaque to Fire Engineer Tony Moore (FD)

**C. Consent Calendar (Reading; Comments by the Public; Council Action)**

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, refer to the Notice at the beginning of this agenda.

- C.1** Approve Minutes
  - a) April 16, 2025 (Regular Meeting)

**Attachments:** [Attachment 1 - April 16, 2025 Regular Meeting Minutes](#)

- C.2** Approve Plans and Specifications and Authorize Advertisement for Bids for the Lodi Police Department Training Facility (Phase 1) and Approve and Authorize the Acting City Manager to Execute a Letter of Intent with San Joaquin Delta College to Partner on the Training Facility (PW & PD)

**Attachments:** [Attachment 1 - Site Map](#)  
[Attachment 2 - Draft Letter of Intent Public Safety Facility](#)

- C.3** Appoint Council Member Hothi as Voting Delegate and Council Member Craig-Hensley as Alternate Voting Delegate to Represent the City of Lodi at the 2025 League of California Cities Annual Conference and Expo (CLK)

**Attachments:** [Attachment 1 - 2025 Cal Cities Voting Delegate Information Packet](#)

- C.4** Receive and File Report Regarding Legislation Position Letters (CLK)

**Attachments:** [Attachment 1 - AB 650](#)  
[Attachment 2 - AB 650 Letter of Support](#)  
[Attachment 3 - Delta Cities and Organizations Opposition Letter](#)

- C.5** Appoint John Beckman to the Measure L Citizens' Oversight Committee (CLK)

**D. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

If you wish to address the Council, please refer to the Notice at the beginning of this agenda. Individuals are limited to one appearance during this section of the Agenda.

**E. Comments by the City Council Members on Non-Agenda Items**

**F. Public Hearings**

**G. Regular Calendar**

- G.1** Provide an update on the Public Safety response and enforcement regarding fireworks on and around the 4th of July (PD/FD)

- G.2** Council Discussion Regarding the Utilization of Proceeds from Waste Management's Annual Administrative Fee and One-Time Surplus Funds Associated with Fiscal Year 2024/25 (CM)

- Res. **G.3** Adopt a Resolution Authorizing Acting City Manager to Execute a Professional Services Agreement with DKG Consultants, LLC for Finance, Accounting and Administrative Consulting Services in an Amount Not to Exceed \$67,500 (CM)

**Attachments:** [Attachment 1 - PSA DKG Consultants](#)  
[Attachment 2 - Resolution](#)

- Res. **G.4** Adopt a Resolution Repealing and Replacing Resolution No. 2019-172 and Approving a Revised Travel Policy in Accordance with Government Code Section 53232.2 (CM)

**Attachments:** [Attachment 1 - Proposed Travel Policy 2025](#)  
[Attachment 2 - Current Travel Policy 2019](#)  
[Attachment 3 - Resolution](#)

- G.5** Consider Waiving the First Reading and Introducing an Urgency Ordinance to Amend Lodi Municipal Code Section 2.44.040 "Appointing Authorities" Allowing the City Council to Temporarily Appoint Staff to Perform Required Duties During Appointee Vacancies and Acknowledging that City Manager and City Treasurer Are Not Conflicting Offices (CM/CA)

**Attachments:** [Attachment 1 - Urgency Ordinance](#)

- Res. **G.6** Consider Waiving the Second Reading and Adopting an Ordinance No. 2032 Amending the Zoning Map from Unzoned to General Commercial (GC) for Approximately 8.81 Acres at APN 061-020-15, and Detach APN 061-020-15 from the Woodbridge Fire Protection District, Adopting a Resolution Authorizing The Filing Of An Application With The Local Agency Formation Commission for the Annexation of Assessor Parcel Number 061-020-15, Abutting Portions Of East Kettleman Lane And Beckman Road with Related Municipal Services, Including Detachment of The Woodbridge Rural Fire District and Authorizing the City Manager to Execute a Agreement Between The City of Lodi, Maverik, Inc., and Woodbridge Fire District Regarding Annexation Of Property From The District to the City Of Lodi in Substantial Conformance with the Attached Draft in a Form Acceptable by the City Attorney (Applicant: Maverik Inc.; File Number: PL2023-40; CEQA Determination: A Mitigated Negative Declaration has been prepared pursuant to Section 15070 to 15075 of the CEQA Guidelines) (CLK)

**Attachments:** [Attachment 1 - Draft Ordinance](#)  
[Attachment 2 - Aerial Map](#)  
[Attachment 3 - Annexation Exhibit](#)  
[Attachment 4 - Development Phases](#)  
[Attachment 5 - Municipal Services Review](#)  
[Attachment 6 - LAFCO Resolution](#)  
[Attachment 7 - Draft Annexation Agreement](#)

## **H. Ordinances**

- Ord. **H.1** Consider Waiving the Second Reading and Adopting an Ordinance No. 2031 Amending Associated Zoning Map Designations City-wide (Applicant: City of Lodi; File Number: 2024-04 Z-GPA-EIR; CEQA Determination: A Final Subsequent Environmental Impact Report ("EIR") has been prepared pursuant to Sections 15162, 15166, and 15175 through 15178 of the CEQA Guidelines (SCH #2023010102)) (CLK)

**Attachments:** [Attachment 1 - Draft Ordinance](#)

## **I. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Olivia Nashed  
City Clerk



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*All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. Agendas and staff reports are also posted on the City's website at [www.lodi.gov](http://www.lodi.gov). If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Olivia Nashed at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Olivia Nashed (209) 333-6702.*  
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*Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at [www.lodi.gov](http://www.lodi.gov) by clicking the meeting webcasts link. Members of the public may view and listen to the open session of this meeting at [www.facebook.com/CityofLodi/](https://www.facebook.com/CityofLodi/).*  
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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Present "Firefighter of the Year 2024" Plaque to Fire Engineer Tony Moore (FD)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Michelle Munoz, Management Analyst

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**RECOMMENDED ACTION:**

Presentation

**BACKGROUND INFORMATION:**

Chief Johnson will present the "Firefighter of the Year 2024" plaque to Fire Engineer Tony Moore.

Tony Moore began his career in the Fire Service with Mokelumne Rural Fire District in 2006 and was there for nine years. In 2015, joined the Waterloo Morada Fire District where he worked for one year. In 2016, he joined the Lodi Fire Department and was promoted to Fire Engineer.

Engineer Anthony Moore was nominated by his peers for the Firefighter of the Year award for his deep commitment to the mission and values of the Lodi Fire Department. Engineer Moore goes above and beyond the call of duty, putting his heart into everything he does. He manages the department's uniform program, works with the Mechanics Team, teaches CPR, and assists with radio communication efforts. He also serves as a Fire Science instructor at Lincoln Technical Academy. Engineer Moore has a positive attitude and leads by example.

**STRATEGIC VISION:**

All.

**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.



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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Approve Minutes

a) April 16, 2025 (Regular Meeting)

**MEETING DATE:**

July 16, 2025

**PREPARED BY:**

Olivia Nashed, City Clerk

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**RECOMMENDED ACTION:**

Approve the following minutes as prepared:

a) April 16, 2025 (Regular Meeting)

**BACKGROUND INFORMATION:**

Attached is a copy of the subject minutes marked Attachment 1.

**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.

**LODI CITY COUNCIL  
REGULAR MEETING  
CARNEGIE FORUM  
305 WEST PINE STREET, LODI  
WEDNESDAY, APRIL 16, 2025 - 7:00 PM**

**C-1 Call to Order / Roll Call**

The City Council Closed Session Meeting of April 16, 2025, was called to order by Mayor Bregman at 5:15 p.m.

**Present:** Council Member Craig-Hensley, Council Member Nakanishi and Mayor Bregman

**Absent:** Council Member Hothi and Mayor Pro Tempore Yepez

**Also Present:** Acting City Manager Jaromay, City Attorney Lucchesi, and City Clerk Nashed

**C-2 Announcement of Closed Session**

City Attorney Lucchesi announced the following Closed Session items:

- a) CONFERENCE ON LABOR NEGOTIATIONS - Regarding International Brotherhood of Electrical Workers, Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees, Pursuant to Government Code § 54957.6 (HR)
- b) ACTUAL LITIGATION - Government Code §54956.9: Two Cases - Timothy Ivey v. City of Lodi, Workers' Compensation, WCAB Case #'s ADJ14304026 (02/11/2021) and WCAB Case # ADJ1891300 (03/07/2023) (CA)
- c) Public Employee Appointment - Title: Acting City Manager, Pursuant to Government Code § 54957.

**C-3 Adjourn to Closed Session**

At 5:17 p.m., Mayor Bregman adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:00 p.m.

**C-4 Return to Open Session / Disclosure of Action**

At 7:00 p.m., Mayor Bregman reconvened the City Council meeting, and City Attorney Lucchesi disclosed the following actions.

Item C-2 a) was no reportable action.

Item C-2 b) was no reportable action.

Item C-2 c) was no reportable action.

**A. Call to Order / Roll Call**

The open session of the Regular City Council Meeting of April 2, 2025, was called to order by Mayor Bregman at 7:06 p.m.

**Present:** Council Member Craig-Hensley, Council Member Nakanishi and Mayor Bregman

**Absent:** Council Member Hothi and Mayor Pro Tempore Yepez

**Also Present:** Acting City Manager Jaromay, City Attorney Lucchesi, and City Clerk Nashed

## **B. Presentations**

- B.1 Presentation of Proclamation Proclaiming the Week of April 20-26, 2025, as Administrative Professionals Week (CLK)

Mayor Bregman presented Proclamation to City of Lodi Administrative Staff in honor of Administrative Professionals Week.

- B.2 Presentation of Proclamation Proclaiming the Week of April 20-26, 2025, as National Volunteers Week in Lodi (PD)

Mayor Bregman presented Proclamation to volunteers of the Lodi Library, Public Works Department, Parks, Recreation and Cultural Services Department, Lodi City Employees Association, Lodi Animal Shelter, Police Cadet Program, Police Chaplaincy Program, Lodi Police Department Partners Foundation, Crime Stoppers Board, and Lodi Police Foundation in honor of National Volunteers Week.

- B.3 Presentation of Proclamation Proclaiming the Week of April 13-19, 2025, as National Animal Control Officer Appreciation Week in Lodi (PD)

Mayor Bregman presented Proclamation to Lodi Police Department Officers Jennifer Bender and Meghan Ramczyk in honor of National Animal Control Officer Appreciation Week.

- B.4 Presentation of Proclamation Proclaiming the Week of April 13-19, 2025, as National Public Safety Telecommunicator's Week in Lodi (PD)

Mayor Bregman presented Proclamation to Lodi Police Department Dispatchers Reyes Gonzales and Kelli Michaels in honor of National Public Safety Telecommunicator's Week.

## **C. Consent Calendar (Reading; Comments by the Public; Council Action)**

Council Member Nakanishi made a motion, seconded by Council Member Craig-Hensley, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

### **VOTE:**

The above motion carried by the following vote:

Ayes: Council Member Craig-Hensley, Council Member Nakanishi, and Mayor Bregman

Noes: None

Absent: Council Member Hothi and Mayor Pro Tempore Yezpez

- C.1 Adopt a Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Service Agreement with Golden State Communications, Inc., of San Jose (\$135,000), and Appropriating Funds (\$130,000) (ISD-IT)

Adopted **Resolution No. 2025-045** authorizing City Manager to execute Amendment No. 1 to Professional Service Agreement with Golden State Communications, Inc., of San Jose (\$135,000), and appropriating funds (\$130,000).

- C.2 Adopt a Resolution Accepting and Appropriating the Homeless Housing, Assistance, and Prevention (HHAP) Round 4 Grant, in the Amount of \$652,126.26 and Authorizing the City Manager to Execute the HHAP Program - Round 4 Subrecipient Agreements (4) in a Form Acceptable by the City Attorney (CD)

Adopted **Resolution No. 2025-046** accepting and appropriating the Homeless Housing, Assistance, and Prevention (HHAP) Round 4 Grant, in the amount of \$652,126.26 and authorizing the City Manager to execute the HHAP Program - Round 4 Subrecipient Agreements (4) in a form acceptable by the City Attorney.

- C.3 Adopt a Resolution Authorizing \$250,000 of City Manager Change Order Authority to On-Call Well and Pump Repair Contract with Zim Industries, Inc., of Fresno and Appropriating Funds (\$250,000) (PW)

Adopted **Resolution No. 2025-047** authorizing \$250,000 of City Manager change order authority to On-Call Well and Pump Repair Contract with Zim Industries, Inc., of Fresno and appropriating funds (\$250,000).

- C.4 Adopt a Resolution Authorizing City Manager to Execute Amendment No. 2 to Chemical Supply Professional Services Agreement with Pacific Star Chemical, LLC, of Sherwood, Oregon (\$240,000) (PW)

Adopted **Resolution No. 2025-048** authorizing City Manager to execute Amendment No. 2 to Chemical Supply Professional Services Agreement with Pacific Star Chemical, LLC, of Sherwood, Oregon (\$240,000).

- C.5 Adopt a Resolution Authorizing City Manager, or his designee, to Execute Change Orders for an Additional \$50,000 for the 2024 Utility Frame Cover Adjustment Project (PW)

Adopted **Resolution No. 2025-049** authorizing City Manager, or his designee, to execute change orders for an additional \$50,000 for the 2024 Utility Frame Cover Adjustment Project.

- C.6 Adopt a Resolution Repealing Traffic Resolution 2025-008, and Reenacting the Complete, Current Version of the Traffic Resolution; Authorize Public Works Director to Establish Parking Restrictions within City Rights of Way to Comply with Daylighting Law AB 413 - CVC 22500(n) Utilizing Appropriate Signs and/or Markings in Accordance with City Policy and Applicable Laws; Approving No Parking on the South Side of Harney Lane Between the Easterly City Limits and 450 feet East of Reynolds Ranch Parkway, Adding Angle Parking on Sacramento Street from Lockeford Street to 170 Feet North of De Force Avenue, Removing Angle Parking on Pacific Avenue (West Side) from 600 feet South of Elm Street to 730 feet South of Elm Street, and on Sacramento Street (East Side) from Lodi Avenue to Oak Street; Removing One-Way Restrictions on East-West Alley between Lodi Avenue and Walnut Street from Sacramento Street to 160 Feet West of Sacramento Street and One-Way Restrictions on North-South Alley between Sacramento Street and School Street from Lodi Avenue and Walnut Street (PW)

Adopted **Resolution No. 2025-050** repealing Traffic Resolution 2025-008, and reenacting the complete, current version of the traffic resolution; authorized Public Works Director to establish parking restrictions within City Rights of Way to comply with Daylighting Law AB 413 - CVC 22500(n) utilizing appropriate signs and/or markings in accordance with City Policy and applicable laws; approved No Parking on the south side of Harney Lane between the easterly City limits and 450 feet east of Reynolds Ranch Parkway, adding angle parking on Sacramento Street from Lockeford Street to 170 Feet North of De Force Avenue, removing angle parking on Pacific Avenue (West Side) from 600 feet south of Elm Street to 730 feet south of Elm Street, and on Sacramento Street (East Side) from Lodi Avenue to Oak Street; removing one-way restrictions on east-west alley between Lodi Avenue and Walnut Street from Sacramento Street to 160 feet west of Sacramento Street and one-way restrictions on north-south alley between Sacramento Street and School Street from Lodi Avenue and Walnut Street.

- C.7 Approve Specifications and Authorize Advertisement for Bids for 2025-27 Sidewalk and Miscellaneous Concrete Repair Program; Adopt a Resolution Authorizing City Manager or Designee to Award the Contract to Lowest Responsive Bidder In The Amount Not-To-Exceed \$335,000; Authorize City Manager to Execute Change Orders In The Amount Not-To-Exceed \$40,000 (PW)

Approved specifications and authorized Advertisement for Bids for 2025-27 Sidewalk and Miscellaneous Concrete Repair Program; adopted **Resolution No. 2025-051** authorizing City Manager or Designee to award the contract to lowest responsive bidder in the amount not-to-exceed \$335,000; authorized City Manager to execute change orders in the amount not-to-exceed \$40,000.

- C.8 Approve Specifications and Authorize Advertisement for Bids for 2025-27 Block Wall Repair Program and Adopt a Resolution Authorizing City Manager or Designee to Award Contract to Lowest Responsive Bidder and Execute Change Orders for a Combined Amount Not-To-Exceed \$50,000 (PW)

Approved specifications and authorized Advertisement for Bids for 2025-27 Block Wall Repair Program and adopted **Resolution No. 2025-052** authorizing City Manager or Designee to award contract to lowest responsive bidder and execute change orders for a combined amount not-to-exceed \$50,000.

- C.9 Accept Protocol Account Report through March 2025 (CLK)

Accepted Protocol Account report through March 2025.

- C.10 Receive Annual Report Regarding Boards, Committees, and Commissions Relating to 2024 Attendance (CLK)

Received annual report regarding Boards, Committees, and Commissions relating to 2024 attendance.

**D. Comments by the Public on Non-Agenda Items**

John Slaughterback provided public comment regarding City of Bell corruption case.

**E. Comments by the City Council Members on Non-Agenda Items**

Council Member Nakanishi commented that the City of Lodi is a general law city. He also noted that Council Members do not write checks on behalf of the City, possess City-issued credit cards, nor set salaries.

Council Member Craig-Hensley provided comment regarding City Council fiscal responsibilities. She emphasized that the City of Lodi is a full-service City, listing services provided by the City. Council Member Craig-Hensley also noted upcoming projects and areas in need of General Fund funding. She provided a summary of the fiscal priorities, as they relate to the City Council Strategic Vision. She noted that budget meetings are scheduled for late May and implored residents to engage in that process. Council Member Craig-Hensley stated that an ad hoc financial oversight committee should be formed, to bring recommendations to Council. She requested an update on the Annual Comprehensive Financial Report and quarterly financial summaries. She also requested a financial policy book.

Mayor Bregman provided comment regarding preliminary discussions on the Grape Bowl project. He noted that he attended Arbor Day celebrations.



## F. Public Hearings

None.

## G. Regular Calendar

- G.1 Adopt a Resolution Approving the Exception to the 180-day Waiting Period for Appointing a Retired Annuitant to Conduct Investigations in the Police Department (ISD - HR)

Interim Assistant City Manager Bobby Magee and Police Chief Ricardo Garcia provided brief oral report on the item.

Council Member Nakanishi made a motion, seconded by Council Member Craig-Hensley, to adopt **Resolution No. 2025-053** approving the exception to the 180-day waiting period for appointing a retired annuitant to conduct investigations in the Police Department

### VOTE:

The above motion carried by the following vote:

Ayes: Council Member Craig-Hensley, Council Member Nakanishi, and Mayor Bregman

Noes: None

Absent: Council Member Hothi and Mayor Pro Tempore Yopez

- G.2 Adopt a Resolution to Ratify and Accept the Donation of a Newly Remodeled Soft Interview Room from The Phyllis's Garden Foundation (\$3,001) (PD)

Police Chief Garcia provided an introduction to the item and Phyllis's Garden Foundation Representative Gay Hardwick provided an oral presentation on the item. Before and After pictures of the remodeled room were shared via PowerPoint presentation.

Council Member Craig-Hensley made a motion, seconded by Council Member Nakanishi, to adopt **Resolution No. 2025-054** approving the exception to the 180-day waiting period for appointing a retired annuitant to conduct investigations in the Police Department

### VOTE:

The above motion carried by the following vote:

Ayes: Council Member Craig-Hensley, Council Member Nakanishi, and Mayor Bregman

Noes: None

Absent: Council Member Hothi and Mayor Pro Tempore Yopez

- G.3 Present Option to Cancel Award of Request for Proposal for the Access Center and Emergency Shelter Operations Approved on September 6, 2023 Due to Lack of Funding Sustainability and Definitive Scope Change Develop a New Request for Proposal (CD)

Item was pulled by City staff to be agendaized on a future meeting agenda.

- G.4 Discuss and Provide Direction to Staff Regarding the Appointment of City Treasurer (CLK)

City Clerk Nashed provided a brief oral report on the item.

## H. Ordinances

None.

I. **Adjournment:** Mayor Bregman thanked Acting City Manager Christina Jaromay for doing a fantastic job during her interim role. There being no further business to come before the City Council, Mayor Bregman adjourned the meeting at 8:31 p.m.

ATTEST:

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Olivia Nashed,  
City Clerk

DRAFT




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Approve Plans and Specifications and Authorize Advertisement for Bids for the Lodi Police Department Training Facility (Phase 1) and Approve and Authorize the Acting City Manager to Execute a Letter of Intent with San Joaquin Delta College to Partner on the Training Facility (PW & PD)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Public Works Director and Police Chief

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**RECOMMENDED ACTION:**

Approve Plans and Specifications and Authorize Advertisement for Bids for Phase 1 ("Phase 1") of the Lodi Police Department Training Facility ("Training Facility") and Approve and Authorize the Acting City Manager to Execute the Letter of Intent with San Joaquin Delta College ("Delta") to Partner on the Training Facility.

**BACKGROUND INFORMATION:**

The City of Lodi Police Department has a need for a dedicated Training Facility. Currently, Police personnel utilize a small shooting range ("Range") located in the basement of the City Hall Annex (formerly the Police Facility) which was recently updated. This Range includes five shooting lanes with a maximum target distance of 25 yards and is mostly suitable for pistol shooting.

A dedicated Training Facility is necessary to provide expanded capability for training and certifying staff in the various skills needed for police service on a long-term basis. These skills include long-range shooting (up to 300 yards), bomb disposal, and high performance driving. Since the existing Range is limited to short-range pistol shooting only, the City of Lodi Police Department must utilize other agencies' facilities to practice these other skills. The proposed location of the training facility is at White Slough Water Pollution Control Facility.

Development of the Training Facility has been a goal of the City for over 10 years, but due to funding constraints, the City has had to look into phased construction and collaborations with other local agency partners. To this end, the City approached San Joaquin Delta College ("Delta") about partnering on the development of the Training Facility because both agencies can benefit from the development of the Project. Specifically, the Training Facility will provide one stop public safety training for Delta's POST Academy students and City public safety staff in the following areas:

- Firearms; and
- Chemical agents training; and
- Emergency Vehicle Operations Course ("EVOC") training.

The City and Delta currently envision the Training Facility to be developed in three phases. The general scope of each phase is as follows:

- Phase I, The City is proposing to building the 300-yard, 10 position range including site and access road improvements (the plans and specifications for Phase 1 are presented for Council for

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## COUNCIL COMMUNICATION

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consideration now and described in more detail below).

- Phase 2, Delta would build the EVOC, shade/bleacher area, a classroom accommodating 40 students, fencing/lighting and restrooms.
- Phase 3, Additional shade areas and range expansion.

### Action Item 1 - Approval of Plans and Specifications for Phase 1

The first phase of this Training Facility project includes the work associated with establishing ten - 300 yard shooting positions including the construction of a target berm, protective shielding walls, graded parking area, site fencing and other ancillary grading and drainage improvements. The improvements included in Phase 1 (aside from portions of the perimeter fencing) have been designed to integrate into future Training Facility phases and will remain part of ultimate facility.

The complete Phase 1 plans and specifications are on file in the Public Works Department. The planned bid opening date is September 18, 2025. The Phase 1 project estimate is \$1,000,000 including construction, contingencies and staff time to manage the project construction.

Staff recommends Council approve the Phase 1 plans and specifications and authorize advertisement for bids for the Lodi Police Department Training Facility.

### Action Item 2 - Letter of Intent Approval and Authorize Execution

City staff collaborated with Delta's team to prepare the attached Letter of Intent describing each entity's role and next steps to accomplish phases 2 and 3 of the Training Facility. The letter acknowledges that the City will complete the bidding process, select the lowest responsive bidder, and proceed with construction of Phase 1 of the Training Facility. Then the City and Delta's architecture and design teams would collaborate to determine the final design and cost estimates for the proposed Phase 2.

If Delta's cost estimate indicate that Phase 2 of the Training Facility can be constructed at or below Delta's budget of \$3,000,000.00, the City and Delta would then formalize for Council and Board consideration a Memorandum of Understanding ("MOU"), detailing the Parties' respective rights and obligations regarding the Training Facility during and after completion of construction of Phase 1 and Phase 2 of the Project; and Long-term lease agreement ("Lease Agreement"), providing Delta's rights to develop Phase 2 of the Project on City owned land and to use the Training Facility as outlined in the MOU.

Therefore, Staff recommends Council approve and authorize the Acting City Manager to execute the Letter of Intent with Delta for the Training Facility.

### **STRATEGIC VISION:**

7B. Public Safety: Create an outdoor training facility.

### **FISCAL IMPACT:**

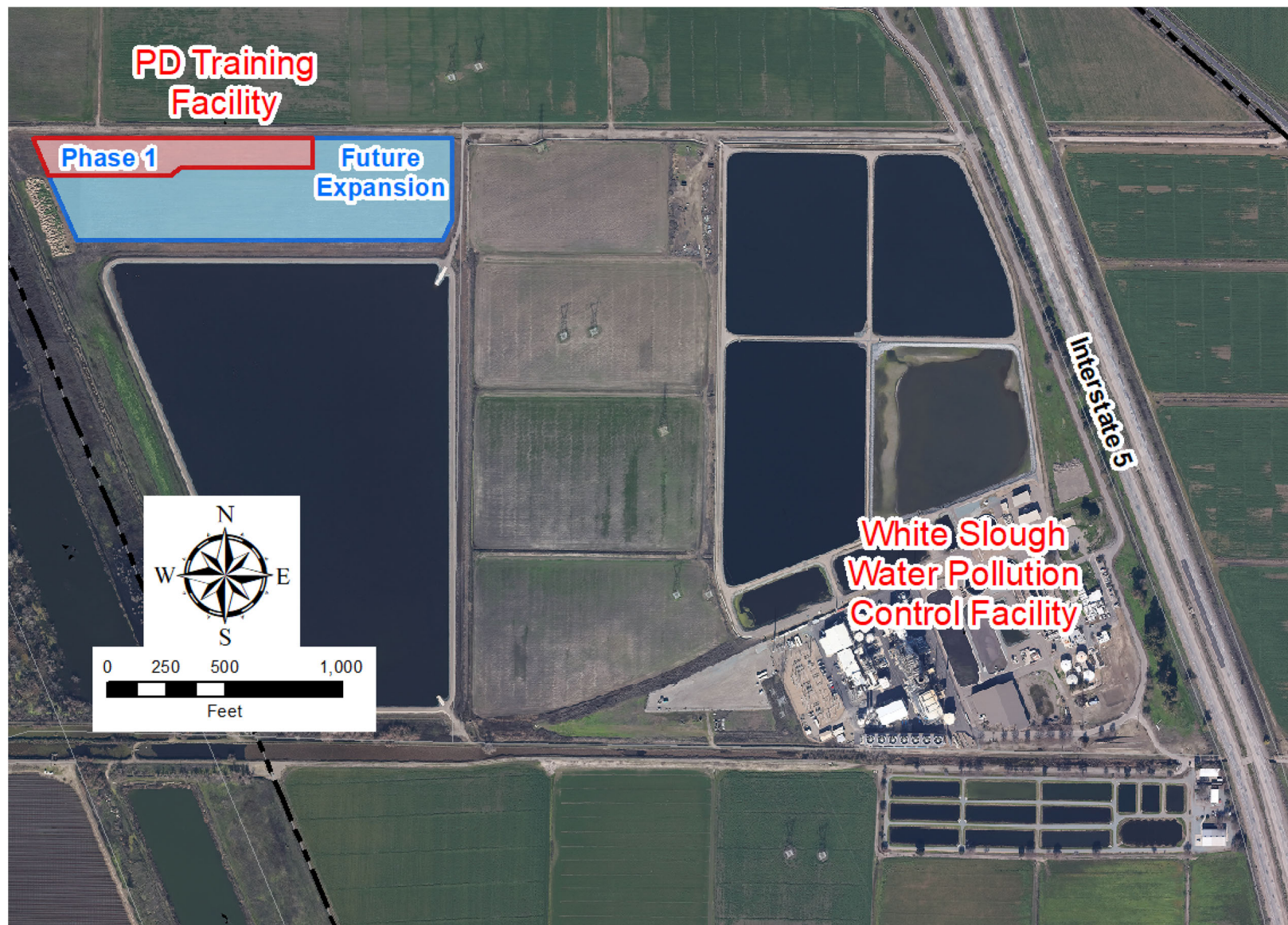
This initial phase will have minimal fiscal impact. There will be some savings associated with reduced travel time for long gun qualifications.

### **FUNDING AVAILABLE:**

General Fund Capital (43199000.77020) GFCP-22007 - \$1,029,490

## Exhibit A

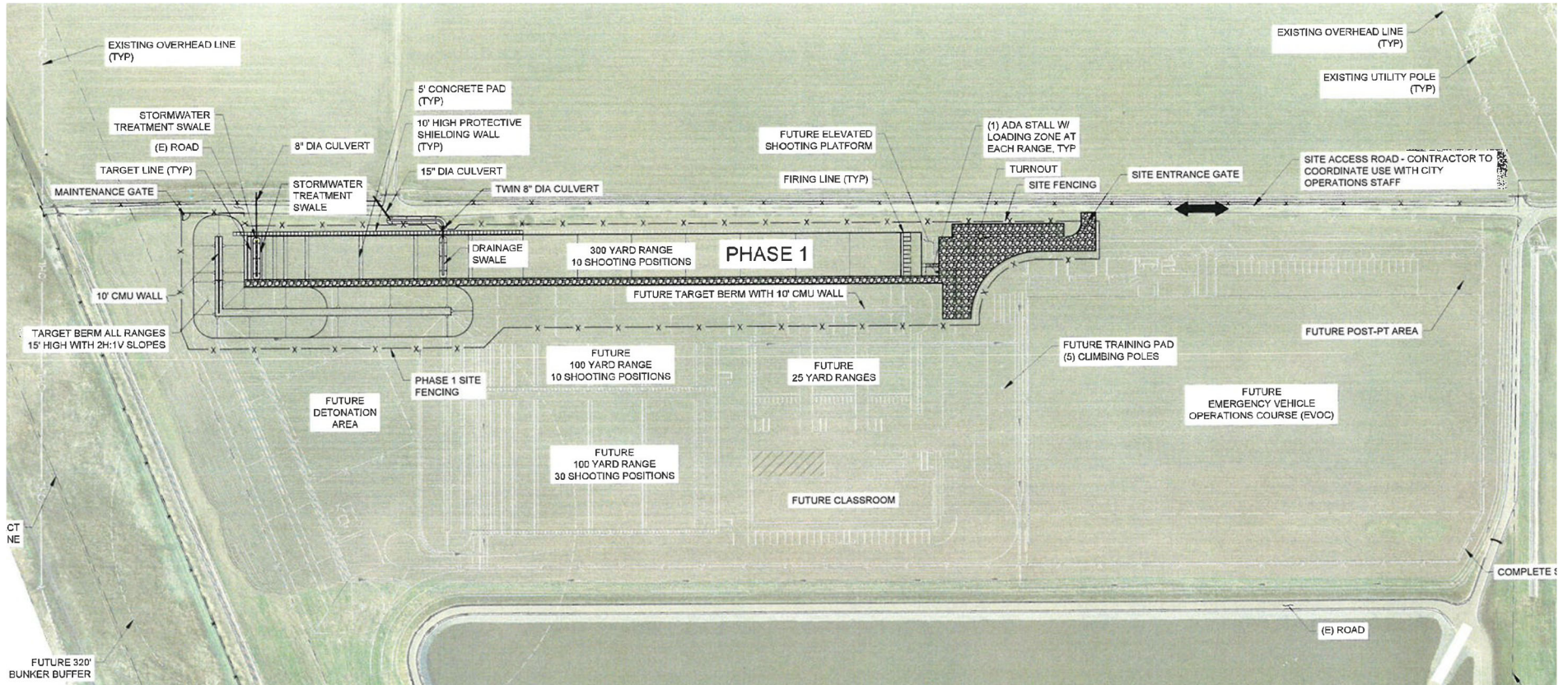
### Lodi Police Department Training Facility Site Map





# Exhibit B

## Lodi Police Department Training Facility Phase 1 Site Map



This Joint Letter of Intent, dated July \_\_, 2025, confirms the intentions of and the preliminary terms regarding the San Joaquin Delta College's ("Delta") and the City of Lodi's ("City") (hereinafter sometimes collectively referred to as "Parties") desire to jointly develop a Public Safety Training Facility on land owned by the City of Lodi.

### Background

The City approached Delta about partnering on the development of a Public Safety Training Facility project ("Project") on land owned by the City. The development of this Project has been a goal of the City for over 10 years. Lodi's City Council allocated \$1,142,588.00 to the Project on July 19, 2023.

Delta and the City will both benefit from the development of the Project. Specifically, once the Project is completed, the Public Safety Training Center facility ("Facility") will provide a one stop public safety training facility for Delta's POST Academy students and City public safety staff by providing the necessary facilities for, without limitation, firearms and chemical agents training, and Emergency Vehicle Operations Course ("EVOC") training. The Facility will also expand Delta's POST Academy's training offerings by providing facilities that offer State required perishable skills training. Once the Project is completed, the Facility will negate the current requirement that Delta students travel to and from multiple sites away from Delta's campuses, including but not limited to the Stockton Police Department Firearms Training Facility for firearms and chemical agents training and Stanislaus County for EVOC training. Once the Project is completed, the Facility will also mitigate the costs to the City to provide training to its public safety staff, as the City will no longer have to pay rental fees to non-City facilities and will no longer have to send its officers to out of town training providers for State mandated skills training.

The City and Delta currently envision the Project/Facility to be developed in three phases. The general scope of each phase is as follows:

- Phase 1 of the Project
  - o Installation of infrastructure to support the Project
  - o One 300 yard range (10 positions)
  - o Access road improvements
  - o Site clearing and grading
  - o Site fencing
- Phase 2 of the Project
  - o Emergency Vehicle Operations Center ("EVOC")
  - o 40 Student EVOC Classroom
  - o Required Parking for EVOC and EVOC Classroom
  - o Restrooms
  - o Shaded Bleacher Area Adjacent to EVOC



- Fencing Around EVOC
- Lighting for EVOC
- Phase 3 of the Project
  - Additional shade areas
  - Two 100 yard ranges
    - 30 position range
    - 10 position range
  - Three 25 yard ranges (10 positions each)
    - Open interior to also use as 30 positions

The City committed to contribute \$1,142,588.00 to the development of the Project and has verbally agreed to enter into a long-term lease with Delta for the City land on which the Project will be developed. The City has also verbally agreed to be responsible for the development and cost of Phase 1 of the Project, which includes, but may not be limited to the City's engagement of an architectural and engineering firm ("A/E") to design Phase 1 of the Project and obtain any required approvals for Phase 1 of the Project, the construction of Phase 1 of the Project, including the City's engagement of a contractor to construct Phase 1 of the Project, as well as the management of the design and construction of Phase 1 of the Project.

Delta is interested in developing Phase 2 of the Project. If Delta proceeds with development of Phase 2 of the Project as outlined in this Joint Letter of Intent this would entail Delta's engagement of a separate A/E ("Delta's A/E") to design Phase 2 of the Project and obtain the required approvals, including the City's approval of the proposed Phase 2 design as consistent with Phase 1, the remainder of the Project, and consistent with the Project's prior environmental review process, Delta's engagement of a contractor to construct Phase 2 of the Project via a low bid competitive procurement and Delta's management of the design and construction of Phase 2 of the Project.

#### Status

The City has engaged an A/E who has completed the design of and is in the process of obtaining all required approvals for Phase 1 of the Project. Once all required approvals are obtained, the City plans to engage and pay for a contractor to construct Phase 1 of the Project.

The cost of Phase 2 of the Project is not yet known. Thus, through a Request for Qualifications and Proposals procurement process Delta has engaged an Architectural/Engineering firm, PBK, to first provide cost estimating services to determine whether the requirements of Phase 2 of the Project can be constructed at or below Delta's Project budget of \$3,000,000.00 ("Delta's Project Budget") and align the Phase 2 Project scope of work with PBK's cost estimate and Delta's Project Budget ("PBK's Phase 1 Services").

Joint Letter of Intent Terms and Conditions

Given all of the foregoing, this Joint Letter of Intent to be executed by the City and Delta memorializes the following:

- The City and Delta commit to continue to partner on the development of the Project.
- The City agrees it is responsible for the costs related to and management of all aspects of the development of Phase 1 of the Project, including, but not limited to the design, construction, closeout and approvals of Phase 1 of the Project.
- Once all required approvals for the design of Phase 1 of the Project by the City's A/E are obtained, the City agrees to administer and manage the procurement process to engage the services of a contractor to construct Phase 1 of the Project, as well as manage the construction of Phase 1 of the Project.
- Once this Joint Letter of Intent is approved and executed by the Parties, Delta agrees to issue a Notice to Proceed to PBK to proceed with PBK's Phase 1 Services.
- Should at the conclusion of PBK's Phase 1 Services the cost estimate indicates that the cost of Phase 2 of the Project exceeds Delta's Project Budget, Delta has the right to either (1) enter into negotiations with the City regarding the scope of Phase 2 of the Project and/or potential cost sharing arrangement for Phase 2 of the Project; or (2) not proceed any further with development of Phase 2 of the Project. Should Delta decide not to proceed any further with the development of Phase 2 of the Project, Delta will provide written notice to the City of same ("Notice of Unaffordability") and have no further obligation to the City regarding the Project.
- Should Delta issue a Notice of Unaffordability to the City, upon receipt of Delta's Notice of Unaffordability, and if the City desires to continue to pursue the development of Project, the City can pursue other partners for development of Project.
- Should at the conclusion of PBK's Phase 1 Services PBK's cost estimate indicate that Phase 2 of the Project can be constructed at or below Delta's Project Budget, the City and Delta agree to negotiate, approve and execute a Memorandum of Understanding ("MOU"), to be drafted by Delta for review and approval by City, detailing the Parties' respective rights and obligations regarding the Project / Facility during and after completion of construction of Phase 1 and Phase 2 of the Project, including but not limited to the reiteration of Project management responsibilities during construction of Phase 1 and Phase 2 of the Project, the Parties respective rights to use the Facility after Phase 1 and Phase 2 of the Project completion, as well as the Parties' respective obligations regarding the maintenance, operations and management, and future costs and/or revenue sharing of the Facility.
- Should at the conclusion of PBK's Phase 1 Services PBK's cost estimate indicate that Phase 2 of the Project can be constructed at or below Delta's Project Budget, the City and Delta agree to negotiate, approve and execute a long-term lease agreement ("Lease Agreement"), to be drafted by Delta for review and approval by City, providing Delta the

right to use and occupy the land on which the Project / Facility will be developed, Delta's rights to develop Phase 2 of the Project on City owned land and to use the Facility as outlined in the MOU.

- Should both an MOU and a Lease Agreement be executed by the Parties, Delta will thereafter issue a Notice to Proceed to PBK to commence with PBK's Phase 2 Services, which generally includes determining what Agencies Having Jurisdiction ("AHJ's") approvals are required for Phase 2 of the Project, providing engineering and/or architectural services to deliver a constructible set of drawings and specifications for Phase 2 of the Project to be approved by the AHJ's, assisting Delta in the preparation of bid documents and administration of a low bid competitive procurement by which Delta solicits bids from contractors for the construction of Phase 2 of the Project, provide construction administration services during the construction phase of Phase 2 of the Project and provide all support and requirements to ensure Phase 2 of the Project occupancy and Delta's and City's receipt of any and all AHJ's approvals required for use and occupancy by the Delta and City of Phase 2 of the Project post construction of Phase 2 of the Project.
- Should both an MOU and a Lease Agreement be executed by the Parties, PBK delivers a constructible set of drawings and specifications for Phase 2 of the Project that are thereafter approved by the AHJ's, and Phase 1 of the Project is completed by City, Delta agrees to administer and manage a low bid competitive procurement by which Delta will solicit bids from contractors for the construction of Phase 2 of the Project.
- Should Delta initiate a low bid competitive procurement by which Delta solicits bids from contractors for the construction of Phase 2 of the Project, the bids submitted in response to Delta's low bid competitive procurement for Phase 2 of the Project come in at or below Delta's Project Budget, Delta will approve and execute a contract with the lowest responsible responsive bidder ("Contractor") and will manage the construction of Phase 2 of the Project by Contractor.
- Should the bids submitted in response to Delta's low bid competitive procurement for Phase 2 of the Project come in above Delta's Project Budget, Delta has the right to either (1) enter into negotiations with the City regarding the scope of Phase 2 of the Project and/or potential cost sharing arrangement for the construction of Phase 2 of the Project; or (2) not proceed with construction of Phase 2 of the Project. Should Delta decide not to proceed with construction of Phase 2 of the Project, Delta will advise City of same via a written Notice of Unaffordability and will have no further obligation to the City regarding the Project.
- Should after receipt of bids submitted in response to Delta's low bid competitive procurement for Phase 2 of the Project Delta issues a Notice of Unaffordability to City, upon receipt of Delta's Notice of Unaffordability, and if the City desires to continue to pursue the development of Phase 2 of the Project, the City can pursue other partners for the development of Phase 2 of the Project.

PLACE ON LETTERHEAD WITH DELTA AND CITY LOGOS

By signing below, the Parties indicate their acceptance of the above terms and conditions of this Joint Letter of Intent.

**SAN JOAQUIN DELTA COLLEGE:**

BY: \_\_\_\_\_ Date: \_\_\_\_\_

LISA AGUILERA LAWRENSON  
SUPERINTENDENT/PRESIDENT

**CITY OF LODI:**

BY: \_\_\_\_\_ Date: \_\_\_\_\_

JAMES LINDSAY  
ACTING CITY MANAGER




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Appoint Council Member Hothi as Voting Delegate and Council Member Craig-Hensley as Alternate Voting Delegate to Represent the City of Lodi at the 2025 League of California Cities Annual Conference and Expo (CLK)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Olivia Nashed, City Clerk

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**RECOMMENDED ACTION:**

Appoint Voting Delegate and Alternate Voting Delegate to Represent the City of Lodi at the 2025 League of California Cities Annual Conference and Expo.

**BACKGROUND INFORMATION:**

The League of California Cities ("Cal Cities") was founded 1898. The organization partners with City leaders across the State, to expand and protect local control through education and advocacy. Cal Cities offers education and training programs for City leaders and hosts conferences to provide an open forum for California cities' officials to meet and to share information and experiences.

The League has standing policy committees which make recommendations to the Board of Directors on legislation, new policy guidelines, and key issues impacting cities. The committees are composed of elected and appointed city officials throughout the State of California, including the League of California Cities Executive Committee, comprised of mayors and vice mayors. Council Member Hothi is currently appointed as the delegate on the Executive Committee and Council Member Craig-Hensley as the alternate.

The 2025 League of California Cities Annual Conference and Expo will be held October 8-10, in Long Beach. On the last day of the conference, a General Assembly Meeting is held for all Cal Cities' member cities, to consider and act on resolutions that establish League policy. As a Member, the City of Lodi may appoint a voting delegate and an alternate voting delegate to attend and vote on the City's behalf. The voting delegate and alternate voting delegate must be registered to attend the conference. Council Member Hothi and Council Member Craig-Hensley have expressed their interest in attending the conference and have been registered.

Historically, if a member of the Executive Committee (delegate or alternate) is attending, the City Council appoints them as the voting and alternate delegates. Therefore, staff recommends the City Council appoint Council Member Hothi as voting delegate and Council Member Craig-Hensley as alternate voting delegate for the 2025 League of California Cities Annual Conference and Expo.

**STRATEGIC VISION:**

8B. Public Well-Being: Partner with other entities to provide outreach, education and activities to engage diverse cultures and communities.

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## COUNCIL COMMUNICATION

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**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.



# Every voice matters! Appoint a voting delegate for the 2025 General Assembly

Jul 16, 2025

The General Assembly will convene on Oct. 10 during the Annual Conference and Expo. Appoint a voting delegate to represent your city by Sept. 24

*By Cal Cities Staff*

Every year, Cal Cities convenes a member-driven General Assembly to vote on policy resolutions that impact local control. The General Assembly, held this year in Long Beach on Oct. 10, is a meeting of all voting delegates — one from every **member city** (</home/about-us/member-cities>). Cities must appoint a voting delegate by Sept. 24.

## Who is a voting delegate, and what are they responsible for?

A voting delegate is a council-appointed city official — elected or appointed — who represents their city at the General Assembly. Delegates play an important role during the General Assembly by voting on **resolutions** (<https://www.calcities.org/home/post/2025/07/09/cal-cities-policy-resolutions-are-due-aug.-9.-here-s-how-to-submit-one>), which if approved, become Cal Cities policy.

Voting delegates should attend the full conference through the General Assembly, which takes place on the Friday of the annual conference. However, delegates can **register** (<https://my.calcities.org/Events/Calendar-Of-Events/Meeting-Home-Page?meetingid=%7B567DB46E-D8D2-EF11-8EEA-6045BDFFB49A%7D>) for just the Friday portion of the annual conference if they cannot attend the full conference.

## How does a voting delegate prepare for their role?

Cal Cities wants to ensure each voting delegate understands their role. A voting delegate may want to prepare by **reviewing the Cal Cities resolutions process and General Assembly procedures** ([https://www.calcities.org/docs/default-source/advocacy/here's-how-resolutions-and-the-general-assembly-works-.pdf?sfvrsn=3d5ac3d8\\_3/Here%27s-how-resolutions-and-the-General-Assembly-works-.pdf](https://www.calcities.org/docs/default-source/advocacy/here's-how-resolutions-and-the-general-assembly-works-.pdf?sfvrsn=3d5ac3d8_3/Here%27s-how-resolutions-and-the-General-Assembly-works-.pdf)).

Should Cal Cities receive a resolution by the Aug. 9 deadline, the resolution will be sent to member cities for council consideration. Discussing resolutions during a council meeting is a helpful way to prepare voting delegates for the General Assembly.



## How does my city appoint a voting delegate?

Per Cal Cities' bylaws, every member city may designate a delegate and up to two alternates, by approval of the city council. The [voting delegate appointment packet \(/docs/default-source/advocacy/2025-voting-delegate-information-packet.pdf?sfvrsn=3bb670a\\_1\)](/docs/default-source/advocacy/2025-voting-delegate-information-packet.pdf?sfvrsn=3bb670a_1) contains the necessary information cities need to appoint a delegate.

After your city council selects its delegates, [complete this online form \(https://my.calcities.org/Voting-Delegate-Submissions\)](https://my.calcities.org/Voting-Delegate-Submissions) to submit your delegates. The form must be completed by Wednesday, Sept. 24. Email all questions to [votingdelegates@calcities.org \(mailto:votingdelegates@calcities.org\)](mailto:votingdelegates@calcities.org).

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Sacramento, CA 95814

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F: (916) 658-8240



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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Receive and File Report Regarding Legislation Position Letters (CLK)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Olivia Nashed, City Clerk

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**RECOMMENDED ACTION:**

Receive and File Report Regarding Legislation Position Letters Requests Received for Mayor's Signature.

**BACKGROUND INFORMATION:**

**AB 650 (Papan) - Planning and Zoning: Housing Element: Regional Housing Needs Allocation**

On April 10, 2025, the City of Lodi received communication from the League of California Cities, urging local jurisdictions to submit a Letter of Support for AB 650. AB 650 allows local governments to begin the housing element update process six months early, provide greater certainty and reduce ambiguity in the housing element review process, and ensure that local governments have adequate time to respond to the California Department of Housing and Community Development's (HCD) review letters.

The Support Letter was needed immediately and, due to this urgency, Mayor Bregman signed the Support Letter for AB 650 on April 15, 2025.

**Governor's Trailer Bills for Delta Tunnel Project**

On May 27, 2025, the City of Lodi received communication from the San Joaquin County Board of Supervisors and Sacramento County, requesting the City's support and signature on a coalition letter opposing the Governor's Trailer Bills regarding the Delta Conveyance Project (also known as the Delta Tunnel). The Trailer Bills were introduced by Governor Newsom as part of the budget proposal for 2025-2026 fiscal year.

A response from the City of Lodi was required immediately, therefore a confirmation to the Board of Supervisors and Sacramento County was provided on May 29, 2025 to participate in the Letter of Opposition.

**STRATEGIC VISION:**

1A. Downtown: Community and Economic Development.

**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.


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## AB-650 Planning and zoning: housing element: regional housing needs allocation. (2025-2026)

SHARE THIS:



Date Published: 04/24/2025 09:00 PM

REVISED MAY 23, 2025

AMENDED IN ASSEMBLY APRIL 24, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### ASSEMBLY BILL

**NO. 650**

Introduced by Assembly Member Papan  
(Coauthors: Assembly Members Pacheco, Haney, and Wicks)

**February 13, 2025**

An act to amend Sections 65583, 65584, 65584.01, [65584.03](#), 65584.04, 65584.05, ~~65585~~, and ~~65589.5~~ and [65585](#) of the Government Code, relating to land use.

### LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Papan. Planning and zoning: housing element: regional housing needs allocation.

(1) Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, which includes, among other mandatory elements, a housing element. Existing law requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. Existing law defines "affirmatively furthering fair housing," as provided.

The Planning and Zoning Law requires that a housing element include, among other things, a program that sets forth a schedule of actions during the planning period. Existing law requires the Department of Housing and Community Development to develop a standardized reporting format for programs and actions taken pursuant to the requirement to affirmatively further fair housing.

This bill would require the department to develop the above-described standardized reporting format on or before December 31, 2026.

(2) Existing law requires, for the 4th and subsequent revisions of the housing element, the department to determine the existing and projected need for housing for each region, as specified. Existing law requires the department, in consultation with the council of governments, to determine the existing and projected need of housing for each region at least 2 years prior to the scheduled revision of the housing element, as provided. Existing law requires the department to meet and consult with the council of governments regarding the assumptions and methodology to be used to determine the region's housing needs at least 26 months prior to the scheduled revision of the housing element, as provided.

This ~~bill~~ *bill, except as specified*, would extend the above-described timeline for the department to determine the existing and projected need of housing for each region from 2 years to ~~30 months~~ *3 years* prior to the scheduled revision of the housing element, and the above-described timeline to meet and consult with a council of governments from at least 26 months to at least ~~32~~ *38* months prior to the scheduled revision of the housing element, respectively.

*(3) Existing law authorizes at least 2 or more cities and a county, or counties, and at least 28 months prior to the scheduled housing element revision, to form a subregional entity to allocate the subregion's existing and projected housing need among its members. If the council of governments does not receive a notification of this formation at least 28 months prior to the update, existing law requires the council of governments to implement specified requirements regarding the regional housing need process. Existing law requires the council of governments to determine the share of regional housing need assigned to each delegate subregion at least 25 months prior to the scheduled revision.*

*This bill would extend the above-described timeline for cities and counties to form a subregional entity to allocate the subregion's housing need, as provided, from 28 months to 34 months, and the above-described timeline for the council of governments to determine the share of regional housing need assigned to each subregion from 25 months to 31 months, respectively.*

~~(3)~~

(4) Existing law, at least 2 years before a scheduled revision of the housing element, as specified, requires each council of governments, or delegate subregion as applicable, to develop, in consultation with the department, a proposed methodology for distributing the existing and projected regional housing need to jurisdictions, as specified. Existing law, at least 1 <sup>1</sup>/<sub>2</sub> years before a scheduled revision of the housing element, as specified, requires each council of governments and delegate subregion, as applicable, to distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, and the department, as specified.

This bill, except with respect to the 7th housing element cycle for councils of governments with a housing element revision due date during the 2027 calendar year, would instead require that the above-described methodology be developed from at least 2 <sup>1</sup>/<sub>2</sub> years before a scheduled revision of the housing element, and that the distribution of the draft allocation plan be made at least 2 years before a scheduled revision of the housing element, respectively.

~~(4)~~

(5) Existing law requires a planning agency to submit a copy of its draft housing element or amendments to its housing element or housing element revision to the department for review, and requires the department to notify the city, county, or city and county with written findings if the department finds that the housing element or the amendment does not substantially comply with specified law. If the department finds that the draft housing element or draft amendment is not in substantial compliance, existing law requires the jurisdiction to either update the draft to substantially comply with specified law, or adopt the draft housing element or amendment without changes, as provided.

This bill would require the department, if the department finds that a draft element or draft amendment does not substantially comply, as described above, to (A) identify and explain the specific deficiencies in the draft element or draft amendment and (B) provide the specific analysis or text that the department expects the planning agency to include in the draft element or draft amendment to remedy those deficiencies, as specified. The bill would require a jurisdiction, in updating a noncompliant housing element or amendment under the above-described provisions, to include the specific analysis or text in its draft element or amendment. ~~The bill would also exempt a jurisdiction from certain requirements to approve a so-called "builder's remedy project" under specified law for the period during which the department is reviewing that jurisdiction's updated draft element or draft amendment after submission of the updated element or amendment, as described above, or for 90 days~~

~~from the date the department notifies the planning agency of additional deficiencies with the draft, as provided. The bill would make various conforming changes in this regard.~~

(5)

(6) By imposing additional duties on local governments, this bill would create a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65583 of the Government Code is amended to read:

**65583.** The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The housing element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing.

(4) (A) The identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. The identified zoning designations shall include sufficient sites meeting the requirements of subparagraph (H) with sufficient capacity, as described in subparagraph (I), to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zoning designation or designations that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zoning designation or designations with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zoning designations where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards that apply to emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters.

(B) Emergency shelters shall only be subject to the following written, objective standards:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(C) For purposes of this paragraph, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

(D) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(E) If a local government has adopted written, objective standards pursuant to subparagraph (B), the local government shall include an analysis of the standards in the analysis of constraints pursuant to paragraph (5).

(F) A local government that can demonstrate, to the satisfaction of the department, the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need and the needs of the other jurisdictions that are a part of the agreement for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zoning designation where new emergency shelters are allowed with a conditional use permit.

(G) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zoning designations for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(H) The zoning designation or designations where emergency shelters are allowed, as described in subparagraph (A), shall include sites that meet at least one of the following standards:

(i) Vacant sites zoned for residential use.

(ii) Vacant sites zoned for nonresidential use that allow residential development, if the local government can demonstrate how the sites with this zoning designation that are being used to satisfy the requirements of paragraph (1) are located near amenities and services that serve people experiencing homelessness, which may include health care, transportation, retail, employment, and social services, or that the local government will provide free transportation to services or offer services onsite.

(iii) Nonvacant sites zoned for residential use or for nonresidential use that allow residential development that are suitable for use as a shelter in the current planning period, or which can be redeveloped for use as a shelter in the current planning period. A nonvacant site with an existing use shall be presumed to impede emergency shelter development absent an analysis based on substantial evidence that the use is likely to be discontinued during the planning period. The analysis shall consider current market demand for the current uses, market conditions, and incentives or standards to encourage shelter development.

(I) The zoning designation or designations shall have sufficient sites meeting the requirements of subparagraph (H) to accommodate the need for shelters identified pursuant to paragraph (7). The number of people experiencing homelessness that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, unless the locality can demonstrate that one or more shelters were developed on sites that have fewer square feet per person during the prior planning period or the locality provides similar evidence to the department demonstrating that the site can accommodate more people experiencing homelessness. Any standard applied pursuant to this subparagraph is intended only for calculating site capacity pursuant to this section, and shall not be construed as establishing a development standard applicable to the siting, development, or approval of a shelter.

(J) Notwithstanding subparagraph (H), a local government may accommodate the need for emergency shelters identified pursuant to paragraph (7) on sites owned by the local government if it demonstrates with substantial evidence that the sites will be made available for emergency shelter during the planning period, they are suitable for residential use, and the sites are located near amenities and services that serve people experiencing homelessness, which may include health care, transportation, retail, employment, and social services, or that the local government will provide free transportation to services or offer services onsite.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees, and other exactions required of developers, local processing and permit procedures, historic preservation practices and policies and an assessment of how existing and proposed historic designations affect the locality's ability to meet its share of the housing need pursuant to paragraph (1), and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.

(7) (A) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; extremely low income households; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(B) For the seventh and subsequent revisions of the housing element, the analysis required in subparagraph (A) shall also include an analysis of the housing needs of acutely and extremely low income households.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in



each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for all income levels that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to affirmatively further fair housing and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, a program for rezoning of those sites, subject to the following deadlines:

(i) For the adoption of the sixth revision of the housing element, jurisdictions with an eight-year housing element planning period pursuant to Section 65588, including adoption of minimum density and development standards or, for a jurisdiction in the coastal zone, any necessary local coastal program amendments related to land use designations, changes in intensity of land use, zoning ordinances, or zoning district maps, consistent with Sections 30512, 30512.2, 30513, and 30514 of the Public Resources Code, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless

the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards or, for a jurisdiction in the coastal zone, any necessary local coastal program amendments related to land use designations, changes in intensity of land use, zoning ordinances, or zoning district maps, consistent with Sections 30512, 30512.2, 30513, and 30514 of the Public Resources Code, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

(ii) For adoption of the seventh and all subsequent revisions of the housing element, rezonings shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

(iii) Notwithstanding clause (ii), for the adoption of the seventh and all subsequent revisions of the housing element, rezonings shall be completed no later than three years and 90 days after the statutory deadline in Section 65588 for adoption of the housing element, unless the deadline is extended pursuant to subdivision (f). This clause shall apply only if the local government complies with all of the following:

(I) The local government submits a draft element or draft amendment to the department for review pursuant to paragraph (1) of subdivision (b) of Section 65585 at least 90 days before the statutory deadline established in Section 65588 for adoption of the housing element.

(II) The local government receives from the department findings that the draft element or draft amendment substantially complies with this article pursuant to paragraph (3) of subdivision (b) of Section 65585 on or before the statutory deadline set forth in Section 65588 for adoption of the housing element.

(III) The local government adopts the draft element or draft amendment that the department found to substantially comply with this article no later than 120 days after the statutory deadline set forth in Section 65588.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) (A) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(B) For the seventh and subsequent revisions of the housing element, the program shall also assist in the development of adequate housing to meet the needs of acutely low income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in subdivision (a) of Section 66313.

(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(10) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.

(iii) An assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) (i) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(ii) The assessment required pursuant to this paragraph shall be completed before the planning agency makes its first draft revision of a housing element available for public comment pursuant to subdivision (b) of Section 65585.

(D) (i) On or before December 31, 2026, the department shall develop a standardized reporting format for programs and actions taken pursuant to this paragraph. The standardized reporting format shall enable the reporting of all of the assessment components listed in subparagraph (A) and, at a minimum, include all of the following fields:

(I) Timelines for implementation.

(II) Responsible party or parties.

(III) Resources committed from the local budget to affirmatively further fair housing.

(IV) Action areas.

(V) Potential impacts of the program.

(ii) A local government shall utilize the standardized report format developed pursuant to this subparagraph for the seventh and each subsequent revision of the housing element.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for lower income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exists:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project, (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and, (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(i) Notwithstanding any other law, the otherwise applicable timeframe set forth in paragraph (2) of subdivision (b) and subdivision (d) of Section 21080.3.1 of the Public Resources Code, and paragraph (3) of subdivision (d) of Section 21082.3 of the Public Resources Code, for a Native American tribe to respond to a lead agency and request consultation in writing is extended by 30 days for any housing development project application determined or deemed to be complete on or after March 4, 2020, and prior to December 31, 2021.

(j) On or after January 1, 2024, at the discretion of the department, the analysis of government constraints pursuant to paragraph (5) of subdivision (a) may include an analysis of constraints upon the maintenance, improvement, or development of housing for persons with a characteristic identified in subdivision (b) of Section

51 of the Civil Code. The implementation of this subdivision is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

**SEC. 2.** Section 65584 of the Government Code is amended to read:

**65584.** (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) It is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, and reasonable actions should be taken by local and regional governments to ensure that future housing production meets, at a minimum, the regional housing need established for planning purposes. These actions shall include applicable reforms and incentives in Section 65582.1.

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants are released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) **(1) (A)** The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least ~~30 months~~ **three years** prior to the scheduled revision required pursuant to Section ~~65588~~ **the 65588, except in the following circumstances:**

*(i) For regions with a scheduled housing element revision due date in the 2027 calendar year, the department shall determine the region's housing need at least two years before the scheduled revision.*

*(ii) For regions with a scheduled housing element revision due date in the 2028 calendar year or the first six months of the 2029 calendar year, the department shall determine the region's housing need at least 32 months before the scheduled revision.*

*(B) For cities and counties without a council of governments, the department shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least 30 months before the scheduled revision required pursuant to Section 65588, except for cities and counties with a scheduled housing element revision due date in the 2027 calendar year or the first six months of the 2028 calendar year, the department shall determine their existing and projected housing need at least two years before the scheduled revision.*

**(2) The** appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall further all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households. The regional housing needs allocation plan shall allocate units for extremely ~~low-~~ **low** and acutely low income households in a manner that is roughly proportional to, and within a range of 3 percent of, the housing need for very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

(f) (1) Subject to paragraph (2), for purposes of this section with respect to revisions of the housing element through the sixth revision, "household income levels" are as determined by the department pursuant to the following code sections:

(A) Very low incomes, as defined by Section 50105 of the Health and Safety Code.

(B) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(C) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(D) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

(2) For purposes of this section with respect to the seventh and subsequent revisions of the housing element, "household income levels" are as determined by the department in accordance with the definitions of acutely low, extremely low, very low, low, moderate, and above moderate income in Section 65582.

(g) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

**SEC. 3.** Section 65584.01 of the Government Code is amended to read:

**65584.01.** For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If agreement is not reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(b) (1) At least ~~32~~ **38** months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing ~~needs~~. *needs, except for the seventh housing element cycle, for which the department shall meet and consult with the council of governments at least two months prior to developing the existing and projected housing need for a region pursuant to the timelines in subparagraph (A) of paragraph (1) of subdivision (b) of Section 65584.* The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The percentage of households that are overcrowded and the overcrowding rate for a comparable housing market. For purposes of this subparagraph:

(i) The term "overcrowded" means more than one resident per room in each room in a dwelling.

(ii) The term "overcrowded rate for a comparable housing market" means that the overcrowding rate is no more than the average overcrowding rate in comparable regions throughout the nation, as determined by the council of governments.

(D) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(E) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs. For purposes of this subparagraph, the vacancy rate for a healthy rental housing market shall be considered no less than 5 percent.

(F) Other characteristics of the composition of the projected population.

(G) The relationship between jobs and housing, including any imbalance between jobs and housing.

(H) The percentage of households that are cost burdened and the rate of housing cost burden for a healthy housing market. For the purposes of this subparagraph:

(i) The term "cost burdened" means the share of very low, low-, moderate-, and above moderate-income households that are paying more than 30 percent of household income on housing costs.

(ii) The term "rate of housing cost burden for a healthy housing market" means that the rate of households that are cost burdened is no more than the average rate of households that are cost burdened in comparable regions throughout the nation, as determined by the council of governments.

(I) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the data request.

(J) The housing needs of individuals and families experiencing homelessness.

(i) The data utilized by the council of governments shall align with homelessness data best practices as determined by the department.

(ii) Sources of homelessness data may include the Homeless Data Integration System administered by the Interagency Council on Homelessness, the homeless point-in-time count, or other sources deemed appropriate by the department.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (I), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments. The methodology submitted by the department may make adjustments based on the region's total projected households, which includes existing households as well as projected households.



(c) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (b). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (a), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (b). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (b), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (b).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

(4) In regions in which the department is required to distribute the regional housing need pursuant to Section 65584.06, no city or county may file an objection to the regional housing need determination.

(d) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

**SEC. 4. Section 65584.03 of the Government Code is amended to read:**

**65584.03.** (a) At least ~~28~~ <sup>34</sup> months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section 65584.04. The purpose of establishing a subregion shall be to recognize the community of interest and mutual challenges and opportunities for providing housing within a subregion. A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of geographically contiguous local governments and shall be approved by the adoption of a resolution by each of the local governments in the subregion as well as by the council of governments. All decisions of the subregion shall be approved by vote as provided for in rules adopted by the local governments comprising the subregion or shall be approved by vote of the county or counties, if any, and the majority of the cities with the majority of population within a county or counties.

(b) Upon formation of the subregional entity, the entity shall notify the council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least ~~28~~ <sup>34</sup> months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections 65584 and 65584.04. The delegate subregion and the council of governments shall enter into an agreement that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the council of governments to the subregion.

(c) At least ~~25~~ <sup>31</sup> months prior to the scheduled revision, the council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted.

(d) Each delegate subregion shall fully allocate its share of the regional housing need to local governments within its subregion. If a delegate subregion fails to complete the regional housing need allocation process among its member jurisdictions in a manner consistent with this article and with the delegation agreement between the subregion and the council of governments, the allocations to member jurisdictions shall be made by the council of governments.

~~SEC. 4.~~ **SEC. 5.** Section 65584.04 of the Government Code is amended to read:

**65584.04.** (a) At least two and one-half years before a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop, in consultation with the department, a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall further the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months before the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (e) that will allow the development of a methodology based upon the factors established in subdivision (e).

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

(3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (e) before the public comment period provided for in subdivision (d).

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

(d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community as well as members of protected classes under Section 12955 and households with special housing needs under paragraph (7) of subdivision (a) of Section 65583. The proposed methodology, along with any relevant underlying data and assumptions, an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, how each of the factors listed in subdivision (e) is incorporated into the methodology, and how the proposed methodology furthers the objectives listed in subdivision (d) of Section 65584, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written or electronic request for the proposed methodology and published on the council of governments', or delegate subregion's, internet website. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall consider including the following factors in developing the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.

(E) Emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(6) The percentage of existing households at each of the income levels listed in subdivision (f) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

(7) The rate of overcrowding.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The housing needs of individuals and families experiencing homelessness. If a council of governments has surveyed each of its member jurisdictions pursuant to subdivision (b) on or before January 1, 2020, this paragraph shall apply only to the development of methodologies for the seventh and subsequent revisions of the housing element.

(11) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(12) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.

(13) Any other factors adopted by the council of governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.

(f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (e) was incorporated into the methodology and how the methodology furthers the objectives listed in subdivision (d) of Section 65584. The methodology may include numerical weighting. This information, and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, internet website.

(g) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

(1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county.

(2) Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the public comment period described in subdivision (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, and as a result of consultation with the department, each council of governments, or delegate subregion, as applicable, shall publish a draft allocation methodology on its internet website and submit the draft allocation methodology, along with the information required pursuant to subdivision (e), to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(j) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(k) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its internet website.

(l) The department may, within 45 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

(m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) (A) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(B) For the seventh and subsequent revisions of the housing element, the allocation to each region required under subparagraph (A) shall also include an allocation of units for acutely low and extremely low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan and furthers the objectives listed in subdivision (d) of Section 65584.

(n) This section shall become operative on January 1, 2025.

(o) For the seventh housing element cycle, the changes to this section made by the act adding this subdivision shall not apply to councils of governments with a housing element revision due date during the 2027 calendar year.

**SEC. 5. SEC. 6.** Section 65584.05 of the Government Code is amended to read:

**65584.05.** (a) At least two years before the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, and the department, based on the methodology adopted pursuant to Section 65584.04 and shall publish the draft allocation on its internet website. The council of governments may additionally distribute the draft allocation plan upon adoption of the final methodology reviewed and accepted by the department pursuant to paragraph (2) of subdivision (i) of Section 65584.04. The draft allocation shall include the underlying data and methodology on which the allocation is based, and a statement as to how it furthers the objectives listed in subdivision (d) of Section 65584. It is the intent of the Legislature that the draft allocation should be distributed before the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 30 days following receipt of the draft allocation, a local government within the region or the delegate subregion, as applicable, or the department may appeal to the council of governments or the delegate subregion for a revision of the share of the regional housing need proposed to be allocated to one or more local governments. Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584. An appeal pursuant to this subdivision shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Section 65080. Appeals shall be limited to any of the following circumstances:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04.

(2) The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.

(3) A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant to subdivision (b) of Section 65584.04. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

(c) At the close of the period for filing appeals pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall notify all other local governments within the region or delegate subregion and the department of all appeals and shall make all materials submitted in support of each appeal available on a publicly available internet website. Local governments and the department may, within 45 days, comment on one or more appeals. If no appeals are filed, the draft allocation may be adopted pursuant to subdivision (g).

(d) No later than 30 days after the close of the comment period, and after providing all local governments within the region or delegate subregion, as applicable, at least 10 days prior notice, the council of governments or delegate subregion shall conduct one public hearing to consider all appeals filed pursuant to subdivision (b) and all comments received pursuant to subdivision (c).

(e) No later than 45 days after the public hearing pursuant to subdivision (d), the council of governments or delegate subregion, as applicable, shall do all of the following:

(1) Make a final determination that either accepts, rejects, or modifies each appeal for a revised share filed pursuant to subdivision (b). Final determinations shall be based upon the information and methodology described in Section 65584.04 and whether the revision is necessary to further the objectives listed in subdivision (d) of Section 65584. The final determination shall be in writing and shall include written findings as to how the determination is consistent with this article. The final determination on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the share of the regional housing need allocated to one or more local governments that are not the subject of an appeal.

(2) Issue a proposed final allocation plan.

(3) Submit the proposed final allocation plan to the department.

(4) Set a date for a public hearing to adopt a final allocation plan pursuant to subdivision (g).

(f) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the appeals process. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. The total distribution of housing need shall not equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03.

(g) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01 and has taken into account all appeals, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 15 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine if the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(h) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

(i) Any time period in subdivision (d) or (e) may be extended by a council of governments or delegate subregion, as applicable, for up to 30 days. Any time period in subdivision (b), (c), (d), (e), or (g) may be reduced by a

council of governments or delegate subregion, as applicable, to facilitate earlier adoption of the final allocation plan. No time period shall be reduced to fewer than a minimum of 10 days.

(j) The San Diego Association of Governments may follow the process in this section for the draft and final allocation plan for the sixth revision of the housing element notwithstanding such actions being carried out before the adoption of an updated regional transportation plan and sustainable communities strategy.

(k) For the seventh housing element cycle, the changes to this section made by the act adding this subdivision shall not apply to councils of governments with a housing element revision due date during the 2027 calendar year.

~~SEC. 6.~~ **SEC. 7.** Section 65585 of the Government Code is amended to read:

**65585.** (a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) (1) (A) At least 90 days prior to adoption of a revision of its housing element pursuant to subdivision (e) of Section 65588, or at least 60 days prior to the adoption of a subsequent amendment to this element, the planning agency shall submit a draft element revision or draft amendment to the department. The local government of the planning agency shall make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, the local government shall take at least 10 business days after the 30-day public comment period to consider and incorporate public comments into the draft revision prior to submitting it to the department. For any subsequent draft revision, the local government shall post the draft revision on its internet website and shall email a link to the draft revision to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting the draft revision to the department.

(B) The planning agency staff shall collect and compile the public comments regarding the housing element received by the city, county, or city and county and provide these comments to each member of the legislative body before it adopts the housing element.

(C) The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the first draft submittal for each housing element revision pursuant to subdivision (e) of Section 65588 or within 60 days of its receipt of a subsequent draft amendment or an adopted revision or adopted amendment to an element. The department shall not review the first draft submitted for each housing element revision pursuant to subdivision (e) of Section 65588 until the local government has made the draft available for public comment for at least 30 days and, if comments were received, has taken at least 10 business days to consider and incorporate public comments pursuant to paragraph (1).

(2) (A) At least 90 days prior to the initial adoption of a revision of its housing element pursuant to subdivision (e) of Section 65588, and at least 7 days prior to any subsequent adoption submittal if changes have occurred to the inventory of sites, a local government shall do both of the following:

(i) Make a draft of its inventory of sites required pursuant to paragraph (3) of subdivision (a) of Section 65583 available to the department and the public and post the draft inventory on its internet website.

(ii) Send an email to all individuals and organizations that have previously requested notices notifying them that the inventory has been updated that includes a link to the draft inventory on its website.

(B) The requirements of this paragraph shall apply to the seventh and each subsequent revision of the housing element.

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine whether the draft element or draft amendment substantially complies with this article. If the department finds that the draft element or draft amendment does not substantially comply with this article, the department shall in a written communication to the planning agency do both of the following:

(1) Identify and explain the specific deficiencies in the draft element or draft amendment, including a reference to each subdivision of Section 65583 that the draft element or draft amendment does not comply with.



(2) Provide the specific analysis or text that the department expects the planning agency to include in the draft element or draft amendment to remedy the deficiencies identified in paragraph (1).

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made, and the specific analysis or text required, by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with this article, the legislative body shall take one of the following actions:

(1) (A) Include the specific analysis or text in the draft element or draft amendment to substantially comply with this article, as required by the department pursuant to subdivision (d).

(B) Any change to a draft element or draft amendment pursuant to subparagraph (A) shall be completed in accordance with subdivision (b). This subparagraph does not constitute a change in, but is declaratory of, existing law.

~~(C) Notwithstanding Section 65589.5, a jurisdiction shall not be required to approve a builder's remedy project, as defined in paragraph (11) of subdivision (h) of Section 65889.5, within the planning agency's jurisdiction during either of the following periods:~~

~~(i) The duration of the department's review of a draft element or draft amendment revised pursuant to this paragraph.~~

~~(ii) Ninety days from the date the department notifies the planning agency of additional deficiencies not previously identified by the department in response to the prior submission of the draft element or draft amendment.~~

(2) Adopt the draft element or draft amendment without the specific analysis or text required by the department pursuant to subdivision (d). The legislative body shall include in its resolution of adoption written findings that explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with this article despite the findings of, and specific analysis or text required by, the department.

(g) (1) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy of the adopted element or amendment and any findings made pursuant to paragraph (2) of subdivision (f) to the department.

(2) This subdivision shall not be construed to excuse a legislative body from complying with subdivision (f). This paragraph does not constitute a change in, but is declaratory of, existing law.

(h) The department shall, within 60 days, review adopted housing elements or amendments and any findings pursuant to paragraph (2) of subdivision (f), make a finding as to whether the adopted element or amendment is in substantial compliance with this article, and report its findings to the planning agency. If the department finds that the adopted element or amendment is not in substantial compliance with this article, the department shall identify each subdivision of Section 65583 that the housing element does not substantially comply with and provide the specific analysis or text to the planning agency that, if adopted, would bring the housing element or amendment into substantial compliance.

(i) (1) (A) The department shall review any action or failure to act by the city, county, or city and county that it determines is inconsistent with an adopted housing element or Section 65583, including any failure to implement any program actions included in the housing element pursuant to Section 65583. The department shall issue written findings to the city, county, or city and county as to whether the action or failure to act substantially complies with this article, and provide a reasonable time no longer than 30 days for the city, county, or city and county to respond to the findings before taking any other action authorized by this section, including the action authorized by subparagraph (C).

(B) If the department finds that the city's, county's, or city and county's action or failure to act does not substantially comply with its adopted housing element or its obligations pursuant to Section 65583, there shall be a rebuttable presumption of invalidity in any legal action challenging that action or failure to act.

(C) If the department finds that the action or failure to act by the city, county, or city and county does not substantially comply with this article, and if it has issued findings pursuant to this section that an



amendment to the housing element substantially complies with this article, the department may revoke its findings until it determines that the city, county, or city and county has come into compliance with this article.

(2) The department may consult with any local government, public agency, group, or person, and shall receive and consider any written comments from any public agency, group, or person, regarding the action or failure to act by the city, county, or city and county described in paragraph (1), in determining whether the housing element substantially complies with this article.

(j) The department shall notify the city, county, or city and county and may notify the office of 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 this element, or any action or failure to act described in subdivision (j), does not substantially comply with this article or that any local government has taken an action in violation of the following:

(1) Housing Accountability Act (Section 65589.5).

(2) Section 65863.

(3) Chapter 4.3 (commencing with Section 65915).

(4) Section 65008.

(5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019, Sections 65941.1, 65943, and 66300).

(6) Section 8899.50.

(7) Section 65913.4.

(8) Article 11 (commencing with Section 65650).

(9) Article 12 (commencing with Section 65660).

(10) Section 65913.11.

(11) Section 65400.

(12) Section 65863.2.

(13) Chapter 4.1 (commencing with Section 65912.100).

(14) Section 65905.5.

(15) Chapter 13 (commencing with Section 66310).

(16) Section 65852.21.

(17) Section 65852.24.

(18) Section 66411.7.

(19) Section 65913.16.

(20) Article 2 (commencing with Section 66300.5) of Chapter 12.

(21) Section 65852.28.

(22) Section 65913.4.5.

(23) Section 66499.41.

(24) Homeless Housing, Assistance, and Prevention program (Chapter 6 (commencing with Section 50216) and Chapter 6.5 (commencing with Section 50230) of Part 1 of Division 31 of the Health and Safety Code).

(25) Encampment Resolution Funding program (Chapter 7 (commencing with Section 50250) of Part 1 of Division 31 of the Health and Safety Code).

(26) Family Homelessness Challenge Grants and Technical Assistance Program (Chapter 8 (commencing with Section 50255) of Part 1 of Division 31 of the Health and Safety Code).

(27) (A) Article 11.5 (commencing with Section 65658).

(B) This paragraph shall become operative only if Assembly Bill 3068 of the 2023–24 Regular Session of the Legislature is enacted and takes effect on or before January 1, 2025.

(k) Commencing July 1, 2019, prior to the Attorney General bringing any suit for a violation of the provisions identified in subdivision (j) related to housing element compliance and seeking remedies available pursuant to this subdivision, the department shall offer the jurisdiction the opportunity for two meetings in person or via telephone to discuss the violation, and shall provide the jurisdiction written findings regarding the violation. This paragraph does not affect any action filed prior to the effective date of this section. The requirements set forth in this subdivision do not apply to any suits brought for a violation or violations of paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

(l) In any action or special proceeding brought by the Attorney General relating to housing element compliance pursuant to a notice or referral under subdivision (j), the Attorney General may request, upon a finding of the court that the housing element does not substantially comply with the requirements of this article pursuant to this section, that the court issue an order or judgment directing the jurisdiction to bring its housing element into substantial compliance with the requirements of this article. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If a court determines that the housing element of the jurisdiction substantially complies with this article, it shall have the same force and effect, for purposes of eligibility for any financial assistance that requires a housing element in substantial compliance and for purposes of any incentives provided under Section 65589.9, as a determination by the department that the housing element substantially complies with this article.

(1) If the jurisdiction has not complied with the order or judgment after 12 months, the court shall conduct a status conference. Following the status conference, upon a determination that the jurisdiction failed to comply with the order or judgment compelling substantial compliance with the requirements of this article, the court shall impose fines on the jurisdiction, which shall be deposited into the Building Homes and Jobs Trust Fund. Any fine levied pursuant to this paragraph shall be in a minimum amount of ten thousand dollars (\$10,000) per month, but shall not exceed one hundred thousand dollars (\$100,000) per month, except as provided in paragraphs (2) and (3). In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(2) If the jurisdiction has not complied with the order or judgment after three months following the imposition of fees described in paragraph (1), the court shall conduct a status conference. Following the status conference, if the court finds that the fees imposed pursuant to paragraph (1) are insufficient to bring the jurisdiction into compliance with the order or judgment, the court may multiply the fine determined pursuant to paragraph (1) by a factor of three. In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(3) If the jurisdiction has not complied with the order or judgment six months following the imposition of fees described in paragraph (1), the court shall conduct a status conference. Upon a determination that the jurisdiction failed to comply with the order or judgment, the court may impose the following:

(A) If the court finds that the fees imposed pursuant to paragraphs (1) and (2) are insufficient to bring the jurisdiction into compliance with the order or judgment, the court may multiply the fine determined pursuant to paragraph (1) by a factor of six. In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(B) The court may order remedies available pursuant to Section 564 of the Code of Civil Procedure, under which the agent of the court may take all governmental actions necessary to bring the jurisdiction's housing element into substantial compliance pursuant to this article in order to remedy identified deficiencies. The court shall determine whether the housing element of the jurisdiction substantially complies with this article and, once the court makes that determination, it shall have the same force and effect, for all purposes, as

the department's determination that the housing element substantially complies with this article. An agent appointed pursuant to this paragraph shall have expertise in planning in California.

(4) This subdivision does not limit a court's discretion to apply any and all remedies in an action or special proceeding for a violation of any law identified in subdivision (j).

(m) In determining the application of the remedies available under subdivision (l), the court shall consider whether there are any mitigating circumstances delaying the jurisdiction from coming into compliance with state housing law. The court may consider whether a city, county, or city and county is making a good faith effort to come into substantial compliance or is facing substantial undue hardships.

(n) Nothing in this section shall limit the authority of the office of the Attorney General to bring a suit to enforce state law in an independent capacity. The office of the Attorney General may seek all remedies available under law including those set forth in this section.

(o) Notwithstanding Sections 11040 and 11042, if the Attorney General declines to represent the department in any action or special proceeding brought pursuant to a notice or referral under subdivision (j), the department may appoint or contract with other counsel for purposes of representing the department in the action or special proceeding.

(p) Notwithstanding any other provision of law, the statute of limitations set forth in subdivision (a) of Section 338 of the Code of Civil Procedure shall apply to any action or special proceeding brought by the office of the Attorney General or pursuant to a notice or referral under subdivision (j), or by the department pursuant to subdivision (o).

(q) The amendments to this section made by the act adding this subdivision shall not be construed to limit the department's ability to enforce programmatic requirements or remedies against cities, counties, and continuums of care pursuant to the Homeless Housing, Assistance, and Prevention program (Chapter 6 (commencing with Section 50216) and Chapter 6.5 (commencing with Section 50230) of Part 1 of Division 31 of the Health and Safety Code), the Encampment Resolution Funding program (Chapter 7 (commencing with Section 50250)), and the Family Homelessness Challenge Grants and Technical Assistance Program (Chapter 8 (commencing with Section 50255)).

~~SEC. 7. Section 65589.5 of the Government Code is amended to read:~~

~~65589.5.(a)(1) The Legislature finds and declares all of the following:~~

~~(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.~~

~~(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.~~

~~(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.~~

~~(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.~~

~~(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:~~

~~(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.~~

~~(B)While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.~~

~~(C)The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.~~

~~(D)According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.~~

~~(E)California's overall home ownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in home ownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.~~

~~(F)Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.~~

~~(G)The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.~~

~~(H)When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.~~

~~(I)An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.~~

~~(J)California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.~~

~~(K)The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.~~

~~(L)It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.~~

~~(3)It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.~~

~~(4)It is the intent of the Legislature that the amendments removing provisions from subparagraphs (D) and (E) of paragraph (6) of subdivision (h) and adding those provisions to Sections 65589.5.1 and 65589.5.2 by Assembly Bill 1413 (2023), insofar as they are substantially the same as existing law, shall be considered restatements and continuations of existing law, and not new enactments.~~

~~(b)It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).~~

~~(c)The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the~~

economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas:

(d) For a housing development project for very low, low-, or moderate-income households, or an emergency shelter, a local agency shall not disapprove the housing development project or emergency shelter, or condition approval in a manner that renders the housing development project or emergency shelter infeasible, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(A) Inconsistency with the zoning ordinance or general plan land use designation.

(B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) On the date an application for the housing development project or emergency shelter was deemed complete, the jurisdiction had adopted a revised housing element that was in substantial compliance with this article, and the housing development project or emergency shelter was inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan:

(A) This paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed on a site, including a candidate site for rezoning, that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element if the housing development project is consistent with the density specified in the housing element, even though the housing development project was inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation on the date the application was deemed complete.

~~(B)If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.~~

~~(6)On the date an application for the housing development project or emergency shelter was deemed complete, the jurisdiction did not have an adopted revised housing element that was in substantial compliance with this article and the housing development project is not a builder's remedy project:~~

~~(7)On the date an application for the housing development project or emergency shelter was deemed complete, the jurisdiction did not have an adopted revised housing element that was in substantial compliance with this article, and the housing development project is a builder's remedy project, and at least one of the conditions described in subparagraph (C) of paragraph (1) of subdivision (f) of Section 65585 applies:~~

~~(e)Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

~~(f)(1)Except as provided in paragraphs (6) and (8) of this subdivision, and subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development. Nothing in this section shall limit a project's eligibility for a density bonus, incentive, or concession, or waiver or reduction of development standards and parking ratios, pursuant to Section 65915.~~

~~(2)Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project:~~

~~(3)Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter:~~

~~(4)For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity:~~

~~(5)For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter:~~

~~(6)Notwithstanding paragraphs (1) to (5), inclusive, all of the following apply to a housing development project that is a builder's remedy project:~~

~~(A)A local agency may only require the project to comply with the objective, quantifiable, written development standards, conditions, and policies that would have applied to the project had it been proposed on a site with a general plan designation and zoning classification that allow the density and unit type proposed by the applicant. If the local agency has no general plan designation or zoning classification that would have allowed the density and unit type proposed by the applicant, the development proponent may identify any objective, quantifiable, written development standards, conditions, and policies associated with a different general plan designation or zoning classification within that jurisdiction, that facilitate the project's density and unit type, and those shall apply.~~

~~(B)(i)Except as authorized by paragraphs (1) to (4), inclusive, of subdivision (d), a local agency shall not apply any individual or combination of objective, quantifiable, written development standards, conditions, and policies to the project that do any of the following:~~

~~(I)Render the project infeasible;~~

~~(II)Preclude a project that meets the requirements allowed to be imposed by subparagraph (A), as modified by any density bonus, incentive, or concession, or waiver or reduction of development standards and parking ratios, pursuant to Section 65915, from being constructed as proposed by the applicant.~~

~~(iii)The local agency shall bear the burden of proof of complying with clause (i):~~

~~(C)(i)A project applicant that qualifies for a density bonus pursuant to Section 65915 shall receive two incentives or concessions in addition to those granted pursuant to paragraph (2) of subdivision (d) of Section 65915.~~

~~(ii)For a project seeking density bonuses, incentives, concessions, or any other benefits pursuant to Section 65915, and notwithstanding paragraph (6) of subdivision (o) of Section 65915, for purposes of this paragraph, maximum allowable residential density or base density means the density permitted for a builder's remedy project pursuant to subparagraph (C) of paragraph (11) of subdivision (h):~~

~~(iii)A local agency shall grant any density bonus pursuant to Section 65915 based on the number of units proposed and allowable pursuant to subparagraph (C) of paragraph (11) of subdivision (h):~~

~~(iv)A project that dedicates units to extremely low-income households pursuant to subclause (I) of clause (i) of subparagraph (C) of paragraph (3) of subdivision (h) shall be eligible for the same density bonus, incentives or concessions, and waivers or reductions of development standards as provided to a housing development project that dedicates three percentage points more units to very low income households pursuant to paragraph (2) of subdivision (f) of Section 65915:~~

~~(v)All units dedicated to extremely low-income, very low income, low-income, and moderate-income households pursuant to paragraph (11) of subdivision (h) shall be counted as affordable units in determining whether the applicant qualifies for a density bonus pursuant to Section 65915:~~

~~(D)(i)The project shall not be required to apply for, or receive approval of, a general plan amendment, specific plan amendment, rezoning, or other legislative approval:~~

~~(ii)The project shall not be required to apply for, or receive, any approval or permit not generally required of a project of the same type and density proposed by the applicant:~~

~~(iii)Any project that complies with this paragraph shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, redevelopment plan and implementing instruments, or other similar provision for all purposes, and shall not be considered or treated as a nonconforming lot, use, or structure for any purpose:~~

~~(E)A local agency shall not adopt or impose any requirement, process, practice, or procedure or undertake any course of conduct, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is a builder's remedy project:~~

~~(F)(i)A builder's remedy project shall be deemed to be in compliance with the residential density standards for the purposes of complying with subdivision (b) of Section 65912.123.~~

~~(ii)A builder's remedy project shall be deemed to be in compliance with the objective zoning standards, objective subdivision standards, and objective design review standards for the purposes of complying with paragraph (5) of subdivision (a) of Section 65913.4.~~

~~(G)(i)(I)If the local agency had a local affordable housing requirement, as defined in Section 65912.101, that on January 1, 2024, required a greater percentage of affordable units than required under subparagraph (A) of paragraph (11) of subdivision (h), or required an affordability level deeper than what is required under subparagraph (A) of paragraph (11) of subdivision (h), then, except as provided in subclauses (II) and (III), the local agency may require a housing development for mixed-income households to comply with an otherwise lawfully applicable local affordability percentage or affordability level. The local agency shall not require housing for mixed-income households to comply with any other aspect of the local affordable housing requirement.~~

~~(II)Notwithstanding subclause (I), the local affordable housing requirements shall not be applied to require housing for mixed-income households to dedicate more than 20 percent of the units to affordable units of any kind.~~

~~(III)Housing for mixed-income households that is required to dedicate 20 percent of the units to affordable units shall not be required to dedicate any of the affordable units at an income level deeper than lower income households, as defined in Section 50079.5 of the Health and Safety Code.~~

~~(IV)A local agency may only require housing for mixed-income households to comply with the local percentage requirement or affordability level described in subclause (I) if it first makes written findings, supported by a preponderance of evidence, that compliance with the local percentage requirement or the affordability level, or both, would not render the housing development project infeasible. If a reasonable person could find compliance with either requirement, either alone or in combination, would render the project infeasible, the project shall not be required to comply with that requirement.~~

~~(ii)Affordable units in the development project shall have a comparable bedroom and bathroom count as the market rate units.~~

~~(iii)Each affordable unit dedicated pursuant to this subparagraph shall count toward satisfying a local affordable housing requirement. Each affordable unit dedicated pursuant to a local affordable housing requirement that meets the criteria established in this subparagraph shall count towards satisfying the requirements of this subparagraph. This is declaratory of existing law.~~

~~(7)(A)For a housing development project application that is deemed complete before January 1, 2025, the development proponent for the project may choose to be subject to the provisions of this section that were in place on the date the preliminary application was submitted, or, if the project meets the definition of a builder's remedy project, it may choose to be subject to any or all of the provisions of this section applicable as of January 1, 2025.~~

~~(B)Notwithstanding subdivision (c) of Section 65941.1, for a housing development project deemed complete before January 1, 2025, the development proponent may choose to revise their application so that the project is a builder's remedy project, without being required to resubmit a preliminary application, even if the revision results in the number of residential units or square footage of construction changing by 20 percent or more.~~

~~(8)A housing development project proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, that is consistent with the density specified in the most recently updated and adopted housing element, and that is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation on the date the application was deemed complete, shall be subject to the provisions of subparagraphs (A), (B), and (D) of paragraph (6) and paragraph (9).~~



~~(9) For purposes of this subdivision, "objective, quantifiable, written development standards, conditions, and policies" means criteria that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal, including, but not limited to, any standard, ordinance, or policy described in paragraph (4) of subdivision (c). Nothing herein shall affect the obligation of the housing development project to comply with the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. In the event that applicable objective, quantifiable, written development standards, conditions, and policies are mutually inconsistent, a development shall be deemed consistent with the criteria that permits the density and unit type closest to that of the proposed project.~~

~~(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.~~

~~(h) The following definitions apply for the purposes of this section:~~

~~(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.~~

~~(2) "Housing development project" means a use consisting of any of the following:~~

~~(A) Residential units only.~~

~~(B) Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:~~

~~(i) At least two-thirds of the new or converted square footage is designated for residential use.~~

~~(ii) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:~~

~~(I) The project includes at least 500 net new residential units.~~

~~(II) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.~~

~~(iii) At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:~~

~~(I) The project includes at least 500 net new residential units.~~

~~(II) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.~~

~~(III) The project demolishes at least 50 percent of the existing nonresidential uses on the site.~~

~~(IV) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.~~

~~(C) Transitional housing or supportive housing.~~

~~(D) Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.~~

~~(3)(A) "Housing for very low, low-, or moderate-income households" means housing for lower income households, mixed-income households, or moderate-income households.~~

~~(B) "Housing for lower income households" means a housing development project in which 100 percent of the units, excluding managers' units, are dedicated to lower income households, as defined in Section~~

~~50079.5 of the Health and Safety Code, at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee. The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.~~

~~(C)(i)"Housing for mixed-income households" means any of the following:~~

~~(I)A housing development project in which at least 7 percent of the total units, as defined in subparagraph (A) of paragraph (8) of subdivision (o) of Section 65915, are dedicated to extremely low income households, as defined in Section 50106 of the Health and Safety Code.~~

~~(II)A housing development project in which at least 10 percent of the total units, as defined in subparagraph (A) of paragraph (8) of subdivision (o) of Section 65915, are dedicated to very low income households, as defined in Section 50105 of the Health and Safety Code.~~

~~(III)A housing development project in which at least 13 percent of the total units, as defined in subparagraph (A) of paragraph (8) of subdivision (o) of Section 65915, are dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code.~~

~~(IV)A housing development project in which there are 10 or fewer total units, as defined in subparagraph (A) of paragraph (8) of subdivision (o) of Section 65915, that is on a site that is smaller than one acre, and that is proposed for development at a minimum density of 10 units per acre.~~

~~(ii)All units dedicated to extremely low income, very low income, and low income households pursuant to clause (i) shall meet both of the following:~~

~~(I)The units shall have an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code.~~

~~(II)The development proponent shall agree to, and the local agency shall ensure, the continued affordability of all affordable rental units included pursuant to this section for 55 years and all affordable ownership units included pursuant to this section for a period of 45 years.~~

~~(D)"Housing for moderate income households" means a housing development project in which 100 percent of the units are sold or rented to moderate income households, as defined in Section 50093 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code. The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.~~

~~(4)"Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code.~~

~~(5)Notwithstanding any other law, until January 1, 2030, "deemed complete" means that the applicant has submitted a preliminary application pursuant to Section 65941.1 or, if the applicant has not submitted a preliminary application, has submitted a complete application pursuant to Section 65943. The local agency shall bear the burden of proof in establishing that the application is not complete.~~

~~(6)"Disapprove the housing development project" includes any instance in which a local agency does any of the following:~~

~~(A)Votes or takes final administrative action on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.~~

~~(B)Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.~~

~~(C)Fails to meet the time limits specified in Section 65913.3.~~

~~(D)Fails to cease a course of conduct undertaken for an improper purpose, such as to harass or to cause unnecessary delay or needless increases in the cost of the proposed housing development project, that effectively disapproves the proposed housing development without taking final administrative action if all of the following conditions are met:~~

~~(i)The project applicant provides written notice detailing the challenged conduct and why it constitutes disapproval to the local agency established under Section 65100;~~

~~(ii)Within five working days of receiving the applicant's written notice described in clause (i), the local agency shall post the notice on the local agency's internet website, provide a copy of the notice to any person who has made a written request for notices pursuant to subdivision (f) of Section 21167 of the Public Resources Code, and file the notice with the county clerk of each county in which the project will be located. The county clerk shall post the notice and make it available for public inspection in the manner set forth in subdivision (c) of Section 21152 of the Public Resources Code;~~

~~(iii)The local agency shall consider all objections, comments, evidence, and concerns about the project or the applicant's written notice and shall not make a determination until at least 60 days after the applicant has given written notice to the local agency pursuant to clause (i);~~

~~(iv)Within 90 days of receipt of the applicant's written notice described in clause (i), the local agency shall issue a written statement that it will immediately cease the challenged conduct or issue written findings that comply with both of the following requirements:~~

~~(I)The findings articulate an objective basis for why the challenged course of conduct is necessary;~~

~~(II)The findings provide clear instructions on what the applicant must submit or supplement so that the local agency can make a final determination regarding the next necessary approval or set the date and time of the next hearing;~~

~~(v)(I)If a local agency continues the challenged course of conduct described in the applicant's written notice and fails to issue the written findings described in clause (iv), the local agency shall bear the burden of establishing that its course of conduct does not constitute a disapproval of the housing development project under this subparagraph in an action taken by the applicant;~~

~~(II)If an applicant challenges a local agency's course of conduct as a disapproval under this subparagraph, the local agency's written findings described in clause (iv) shall be incorporated into the administrative record and be deemed to be the final administrative action for purposes of adjudicating whether the local agency's course of conduct constitutes a disapproval of the housing development project under this subparagraph;~~

~~(vi)A local agency's action in furtherance of complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), including, but not limited to, imposing mitigating measures, shall not constitute project disapproval under this subparagraph;~~

~~(E)Fails to comply with Section 65905.5. For purposes of this subparagraph, a builder's remedy project shall be deemed to comply with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete;~~

~~(F)(i)Determines that an application for a housing development project is incomplete pursuant to subdivision (a) or (b) of Section 65943 and includes in the determination an item that is not required on the local agency's submittal requirement checklist. The local agency shall bear the burden of proof that the required item is listed on the submittal requirement checklist;~~

~~(ii)In a subsequent review of an application pursuant to Section 65943, requests the applicant provide new information that was not identified in the initial determination and upholds this determination in the final written determination on an appeal filed pursuant to subdivision (c) of Section 65943. The local agency shall bear the burden of proof that the required item was identified in the initial determination;~~

~~(iii)Determines that an application for a housing development project is incomplete pursuant to subdivision (a) or (b) of Section 65943, a reasonable person would conclude that the applicant has~~

~~submitted all of the items required on the local agency's submittal requirement checklist, and the local agency upholds this determination in the final written determination on an appeal filed pursuant to subdivision (c) of Section 65943.~~

~~(iv) If a local agency determines that an application is incomplete under Section 65943 after two resubmittals of the application by the applicant, the local agency shall bear the burden of establishing that the determination is not an effective disapproval of a housing development project under this section.~~

~~(G) Violates subparagraph (D) or (E) of paragraph (6) of subdivision (f).~~

~~(H) Makes a written determination that a preliminary application described in subdivision (a) of Section 65941.1 has expired or that the applicant has otherwise lost its vested rights under the preliminary application for any reason other than those described in subdivisions (c) and (d) of Section 65941.1.~~

~~(I) (i) Fails to make a determination of whether the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), or commits an abuse of discretion, as defined in subdivision (b) of Section 65589.5.1 if all of the conditions in Section 65589.5.1 are satisfied.~~

~~(ii) This subparagraph shall become inoperative on January 1, 2031.~~

~~(J) (i) Fails to adopt a negative declaration or addendum for the project, to certify an environmental impact report for the project, or to approve another comparable environmental document, such as a sustainable communities environmental assessment pursuant to Section 21155.2 of the Public Resources Code, as required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if all of the conditions in Section 65589.5.2 are satisfied.~~

~~(ii) This subparagraph shall become inoperative on January 1, 2031.~~

~~(7) (A) For purposes of this section and Sections 65589.5.1 and 65589.5.2, "lawful determination" means any final decision about whether to approve or disapprove a statutory or categorical exemption or a negative declaration, addendum, environmental impact report, or comparable environmental review document under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) that is not an abuse of discretion, as defined in subdivision (b) of Section 65589.5.1 or subdivision (b) of Section 65589.5.2.~~

~~(B) This paragraph shall become inoperative on January 1, 2031.~~

~~(8) "Lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing.~~

~~(9) Until January 1, 2030, "objective" means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.~~

~~(10) Notwithstanding any other law, until January 1, 2030, "determined to be complete" means that the applicant has submitted a complete application pursuant to Section 65943.~~

~~(11) "Builder's remedy project" means a project that meets all of the following criteria:~~

~~(A) The project is a housing development project that provides housing for very low, low-, or moderate-income households.~~

~~(B) On or after the date an application for the housing development project or emergency shelter was deemed complete, the jurisdiction did not have a housing element that was in substantial compliance with this article.~~

~~(C) The project has a density such that the number of units, as calculated before the application of a density bonus pursuant to Section 65915, complies with all of the following conditions:~~

~~(i)The density does not exceed the greatest of the following densities:~~

~~(I)Fifty percent greater than the minimum density deemed appropriate to accommodate housing for that jurisdiction as specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2;~~

~~(II)Three times the density allowed by the general plan, zoning ordinance, or state law, whichever is greater;~~

~~(III)The density that is consistent with the density specified in the housing element;~~

~~(ii)Notwithstanding clause (i), the greatest allowable density shall be 35 units per acre more than the amount allowable pursuant to clause (i), if any portion of the site is located within any of the following:~~

~~(I)One-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code;~~

~~(II)A very low vehicle travel area, as defined in subdivision (h);~~

~~(III)A high or highest resource census tract, as identified by the latest edition of the "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development;~~

~~(D)(i)On sites that have a minimum density requirement and are located within one-half mile of a commuter rail station or a heavy rail station, the density of the project shall not be less than the minimum density required on the site:~~

~~(I)For purposes of this subparagraph, "commuter rail" means a railway that is not a light rail, streetcar, trolley, or tramway and that is for urban passenger train service consisting of local short distance travel operating between a central city and adjacent suburb with service operated on a regular basis by or under contract with a transit operator for the purpose of transporting passengers within urbanized areas, or between urbanized areas and outlying areas, using either locomotive-hauled or self-propelled railroad passenger cars, with multitrip tickets and specific station-to-station fares;~~

~~(II)For purposes of this subparagraph, "heavy rail" means an electric railway with the capacity for a heavy volume of traffic using high speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other vehicular and foot traffic are excluded, and high platform loading;~~

~~(ii)On all other sites with a minimum density requirement, the density of the project shall not be less than the local agency's minimum density or one-half of the minimum density deemed appropriate to accommodate housing for that jurisdiction as specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2, whichever is lower;~~

~~(E)The project site does not abut a site where more than one-third of the square footage on the site has been used, within the past three years, by a heavy industrial use, or a Title V industrial use, as those terms are defined in Section 65913.16;~~

~~(12)"Condition approval" includes imposing on the housing development project, or attempting to subject it to, development standards, conditions, or policies;~~

~~(13)"Unit type" means the form of ownership and the kind of residential unit, including, but not limited to, single-family detached, single-family attached, for-sale, rental, multifamily, townhouse, condominium, apartment, manufactured homes and mobilehomes, factory-built housing, and residential hotel;~~

~~(14)"Proposed by the applicant" means the plans and designs as submitted by the applicant, including, but not limited to, density, unit size, unit type, site plan, building massing, floor area ratio, amenity areas, open space, parking, and ancillary commercial uses;~~

~~(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the housing development project's application is complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o):~~

~~(j)(1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:~~

~~(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete:~~

~~(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density:~~

~~(2)(A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:~~

~~(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units:~~

~~(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units:~~

~~(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision:~~

~~(3) For purposes of this section, the receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision:~~

~~(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project:~~

~~(k)(1)(A)(i) The applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any~~

~~action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):~~

~~(I)The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section:~~

~~(II)The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section:~~

~~(III)(ia)Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted:~~

~~(ib)This subclause shall become inoperative on January 1, 2030:~~

~~(IV)The local agency violated a provision of this section applicable to a builder's remedy project:~~

~~(ii)If the court finds that one of the conditions in clause (i) is met, the court shall issue an order or judgment compelling compliance with this section within a time period not to exceed 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, provided, however, that the court shall not award attorney's fees in either of the following instances:~~

~~(I)The court finds, under extraordinary circumstances, that awarding fees would not further the purposes of this section:~~

~~(II)(ia)In a case concerning a disapproval within the meaning of subparagraph (I) or (J) of paragraph (6) of subdivision (h), the court finds that the local agency acted in good faith and had reasonable cause to disapprove the housing development project due to the existence of a controlling question of law about the application of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or implementing guidelines as to which there was a substantial ground for difference of opinion at the time of the disapproval:~~

~~(ib)This subclause shall become inoperative on January 1, 2031:~~

~~(B)Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within the time period prescribed by the court, the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Trust Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of the fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Trust Fund for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.~~



~~(C)If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.~~

~~(D)Nothing in this section shall limit the court's inherent authority to make any other orders to compel the immediate enforcement of any writ brought under this section, including the imposition of fees and other sanctions set forth under Section 1097 of the Code of Civil Procedure.~~

~~(2)For purposes of this subdivision, "housing organization" means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney's fees and costs if it is the prevailing party in an action to enforce this section.~~

~~(I)If the court finds that the local agency (1) acted in bad faith when it violated this section and (2) failed to carry out the court's order or judgment within the time period prescribed by the court, the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. If a court has previously found that the local agency violated this section within the same planning period, the court shall multiply the fines by an additional factor for each previous violation. For purposes of this section, "bad faith" includes, but is not limited to, an action or inaction that is frivolous, pretextual, intended to cause unnecessary delay, or entirely without merit.~~

~~(m)(1)Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.~~

~~(2)(A)A disapproval within the meaning of subparagraph (I) of paragraph (6) of subdivision (h) shall be final for purposes of this subdivision, if the local agency did not make a lawful determination within the time period set forth in paragraph (5) of subdivision (a) of Section 65589.5.1 after the applicant's timely written notice.~~

~~(B)This paragraph shall become inoperative on January 1, 2031.~~

~~(3)(A)A disapproval within the meaning of subparagraph (J) of paragraph (6) of subdivision (h) shall be final for purposes of this subdivision, if the local agency did not make a lawful determination within 90 days of the applicant's timely written notice.~~

~~(B)This paragraph shall become inoperative on January 1, 2031.~~

~~(n)In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as~~



otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

~~(o)(1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.~~

~~(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:~~

~~(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.~~

~~(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.~~

~~(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

~~(D) The housing development project has not commenced construction within two and one-half years, or three and one-half years for an affordable housing project, following the date that the project received final approval. For purposes of this subparagraph:~~

~~(i) "Affordable housing project" means a housing development that satisfies both of the following requirements:~~

~~(I) Units within the development are subject to a recorded affordability restriction for at least 55 years for rental housing and 45 years for owner-occupied housing, or the first purchaser of each unit participates in an equity sharing agreement as described in subparagraph (C) of paragraph (2) of subdivision (c) of Section 65915.~~

~~(II) All of the units within the development, excluding managers' units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.~~

~~(ii) "Final approval" means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:~~

~~(I) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.~~

~~(II) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.~~

~~(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, including any other locally authorized program that offers additional density or other development bonuses when affordable housing is provided. For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).~~

~~(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.~~

~~(4) For purposes of this subdivision, "ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.~~

~~(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.~~

~~(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

~~(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.~~

~~(8)(A) This subdivision shall apply to a housing development project that submits a preliminary application pursuant to Section 65941.1 before January 1, 2030.~~

~~(B) This subdivision shall become inoperative on January 1, 2034.~~

~~(p)(1) Upon any motion for an award of attorney's fees pursuant to Section 1021.5 of the Code of Civil Procedure, in a case challenging a local agency's approval of a housing development project, a court, in weighing whether a significant benefit has been conferred on the general public or a large class of persons and whether the necessity of private enforcement makes the award appropriate, shall give due weight to the degree to which the local agency's approval furthers policies of this section, including, but not limited to, subdivisions (a), (b), and (c), the suitability of the site for a housing development, and the reasonableness of the decision of the local agency. It is the intent of the Legislature that attorney's fees and costs shall rarely, if ever, be awarded if a local agency, acting in good faith, approved a housing development project that satisfies conditions established in paragraph (1), (2), or (3) of subdivision (a) of Section 65589.5.1 or paragraph (1), (2), or (3) of subdivision (a) of Section 65589.5.2.~~

~~(2) This subdivision shall become inoperative on January 1, 2031.~~

~~(q) This section shall be known, and may be cited, as the Housing Accountability Act.~~

~~(r) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.~~

**SEC. 8.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

REVISIONS:  
Heading—Line 2.

**CITY COUNCIL**

Cameron Bregman, Mayor  
Ramon Yepez, Mayor Pro Tempore  
Mikey Hothi  
Lisa Craig-Hensley  
Alan Nakanishi



Christina Jaromay  
**Acting City Manager**

Katie O. Lucchesi  
**City Attorney**

Olivia Nashed  
**City Clerk**

April 15, 2025

The Honorable Diane Papan  
Member, California State Assembly  
1021 O Street, Suite 4220  
Sacramento, CA 95814

RE: AB 650 (Papan) Planning and Zoning: Housing Element: Regional Housing Needs Allocation.  
Notice of SUPPORT (As of 3/28/25)

Dear Assembly Member Papan,

The City of Lodi is pleased to support your measure AB 650 (Papan), which would allow local governments to begin the housing element update process six months early, provide greater certainty and reduce ambiguity in the housing element review process, and ensure that local governments have adequate time to respond to the California Department of Housing and Community Development's (HCD) review letters.

Since 1969, California's local governments have planned and selected sites for housing at all income levels through the housing element portion of a local government's general plan. Every five to eight years, local governments are required to adopt a blueprint outlining where developers can or cannot build residential developments within their respective communities and obtain certification from HCD. Local governments plan for their fair share of housing development as determined through the Regional Housing Needs Allocation (RHNA) process. As part of this complex process, local governments submit in their housing elements a variety of essential data, actions, and programs to promote fair, equitable, and affordable housing in their community. Currently, local jurisdictions are planning and zoning for nearly 2.5 million additional homes statewide.

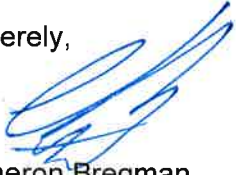
During the 6th RHNA cycle, local governments experienced various challenges in obtaining certification from HCD. Some of the challenges include a short timeline for completing these complex documents and responding to HCD's feedback, a lack of clarity regarding what the state expects from local governments when reviewing additional housing element drafts, and the introduction of new requirements late in the housing element review process.

AB 650 would address these issues by allowing local governments to begin updating their housing element six months early. The bill would also require HCD to provide specific text and analysis that must be included in the housing element to remedy deficiencies, ensuring that local governments are not penalized when HCD identifies additional deficiencies not previously identified in prior review letters.

The proposed changes would provide the City of Lodi additional time to prepare our Housing Element, allowing for a more thoughtful and comprehensive planning process. The extended timeline would ease the burden on staff and consultants, enabling more robust public engagement and additional analysis needed to interpret and incorporate numerous recent changes in state housing law.

For these reasons, the City of Lodi is pleased to support your measure AB 650 (Papan).

Sincerely,



Cameron Bregman  
Mayor  
City of Lodi

cc. Jerry McNerney, State Senator  
Heath Flora, State Assembly Member  
Marla Livengood, Regional Public Affairs Manager, Central Valley Division, [mlivengood@calcities.org](mailto:mlivengood@calcities.org)  
League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)



June 2, 2025

The Honorable Mike McGuire President Pro-Tempore California State Senate

The Honorable Robert Rivas Speaker of the Assembly California State Assembly

The Honorable Scott Wiener, Chair Senate Budget Committee California State Senate

The Honorable Jesse Gabriel, Chair Assembly Budget Committee California State Assembly

The Honorable Ben Allen, Chair Senate Budget Subcommittee 2 California State Senate

The Honorable Steve Bennett, Chair Assembly Budget Subcommittee 3 California State Assembly

The Honorable Monique Limon, Chair Senate Natural Resources and Water Committee California State Senate

The Honorable Diane Papan Assembly Water, Parks, and Wildlife Committee California State Assembly

The Honorable Catherine Blakespear, Chair Senate Environmental Quality Committee California State Senate

The Honorable Isaac Bryan, Chair Assembly Natural Resources Committee California State Assembly

**Re: Opposition to Governor's Budget Trailer Bill Clearing Way for the Controversial Delta Tunnel**

Dear President Pro-Tempore McGuire, Speaker Rivas, Senators Wiener, Allen, Limon, Assemblymembers Gabriel, Bennett, Papan, and Assemblymember Bryan:

The undersigned Cities and local organizations strongly oppose the Administration's proposal related to the Delta Conveyance Project (DCP or Delta Tunnel) included as part of his May Budget Revision.

The proposal, unrelated to state budgeting policy and inappropriately suggested for inclusion in a state spending plan, would change several, separate parts of state law to benefit only a portion of California, to the detriment of Californians north of the Delta.

First, the trailer bill will trammel on the critical environmental protections provided through the State Water Board's permitting process, by eliminating rules and procedures that could slow down or stop the tunnel. After Department of Water Resources lost in court on their financing plan for the tunnel, the proposal also attacks case law by changing state law that to allow the project to issue an unlimited amount of bonds to pay for the tunnel, to be repaid by participating public water agencies – meaning taxpayers will be footing the bill for this project no matter how expensive it becomes. Third, it undermines the ability of our five counties to defend our communities, constituents and ecosystems in Court by treating this 39-foot diameter, 40-mile-long tunnel like a four-block NBA basketball arena. The difference here is that every city and county affected by this project opposes it, unlike small, local projects that have the support of the local agency and the community. And finally, this proposal empowers the project proponents to more easily and forcibly acquire land from Delta landowners, furthering the harm to our communities' legacy farmers and ranchers. None of these provisions deserve support and certainly not in a budget bill that runs on a truncated process with little time for public review, scrutiny and feedback.

Dating back to 2009, the Legislature and Administration have consistently and deliberately avoided provisions that facilitate highly controversial and extraordinarily expensive isolated conveyance projects in the Delta (currently called the Delta Conveyance Project) in final versions of legislation. This has been the case, for example, with proposed resources bonds and exemptions from the California Environmental Quality Act (CEQA) that would facilitate new Delta conveyance. When the Governor last tried this type of surprise legislative push in 2023, the Legislature pushed back on the inclusion of such a divisive and expensive project. We are looking once again to your leadership in protecting the Delta as a place and preserving the existing process through which the project proponents must pass.

The Legislature's sterling track record on this issue has been established through thoughtful and decisive actions. Changing existing laws for the explicit benefit of this highly controversial project would pick "winners and losers" between those living within and near the Delta and those that primarily seek to export more water from massive new water diversions on the Sacramento River in the northern Delta with a capacity to take 6,000 cubic feet of water per second. Disadvantaged and culturally significant communities in the Delta would be gravely and permanently damaged should the project – which spans three counties and would take an estimated 14 years to construct – move forward. The inclusion of the Delta Tunnel in May Revision is contrary to the policies the administration and Legislature have espoused in recent years and is a breach of trust and understanding that has existed for nearly a decade and a half.

For those legislators representing areas that may receive water through this proposal tunnel, we urge you to consider the fact that the tunnel will not lead to additional water storage. There is no new water created or made available through the tunnel. A generous estimate suggests the potential for a 10-15% increase in water supplies as a result of reduced carriage water requirements through the Delta, among other factors, and there is no limit on how much the project can cost, and those who would receive this water must pay for it, beginning more than a decade before it could deliver any water.

For these reasons, we urge you to reject the Governor's trailer bill proposals when they come before you for your consideration.

Sincerely,



Bobbie Singh-Allen, Mayor  
City of Elk Grove



Cameron Bregman, Mayor  
City of Lodi



Toni Lundgren, City Manager  
City of Manteca



Andy Su, Mayor  
City of Mountain House



Wes Rhea, President & CEO  
Visit Lodi



Bob Gutierrez, Interim President/CEO  
San Joaquin Partnership



Bill Wells, Executive Director  
California Delta Chambers & Visitors Bureau



JP Doucette, President & CEO  
Lodi Chamber of Commerce



Christopher Dobson, General Manager  
Sacramento Area Sewer District

/s/

John R. Beckman, CEO  
BIA of the Greater Valley



Betty Wilson, Executive Director  
Business Council of San Joaquin County  
Association

/s/

Amy Blagg, Executive Director  
Lodi District Grape Growers



/s/  
Timm Quinn, CEO  
Greater Stockton Chamber of Commerce

/s/  
Justin Hopkins, General Manager  
Stockton East Water District

/s/  
Shannon Hurles, CEO  
Builders' Exchange of San Joaquin



Martha Guerro, Mayor  
City of West Sacramento

/s/  
Robyn Camino, Chief Executive  
Visit Stockton

/s/  
Tracie Graves, Founder/Administrator  
SJ Delta Neighborhood Watch



Christina Fugazi, Mayor  
City of Stockton






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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Appoint John Beckman to the Measure L Citizens' Oversight Committee (CLK)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Maria Ditmore, Deputy City Clerk

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**RECOMMENDED ACTION:**

Appoint John Beckman to the Measure L Citizen's Oversight Committee.

**BACKGROUND INFORMATION:**

The City Council directed the City Clerk to post for three expiring terms on the Measure L Citizens' Oversight Committee on June 4, 2025. The expiring terms are for seats representing Districts 1 through 3. Per Resolution 2021-180, members of the City Council may recommend one eligible applicant to represent their district for appointment to the committee. If there are no eligible applicants from a Council Member's district, the Council Member may recommend an eligible applicant from any of the other districts for appointment.

Councilmember Craig-Hensley has recommended that the City Council concur with appointing John Beckman to represent District 2.

**APPOINTMENTS:****Measure L Citizens' Oversight Committee**

John Beckman	District 2	Term to expire June 30, 2028
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**STRATEGIC VISION:**

3A. Fiscal Health: Promote City's transparency & fiscal fluency.

**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.



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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Provide an update on the Public Safety response and enforcement regarding fireworks on and around the 4th of July (PD/FD)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Ricardo Garcia, Police Chief and Ken Johnson, Fire Chief

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**RECOMMENDED ACTION:**

Provide an update on the Public Safety response and enforcement regarding fireworks on and around the 4th of July.

**BACKGROUND INFORMATION:**

The Fourth of July holiday historically brings a significant increase in community activity, including the use of both legal and illegal fireworks. In preparation, both the Police Department and Fire Department coordinated enforcement and response efforts to mitigate risks, maintain public safety, and respond to emergencies.

Over the three-day period of July 3rd through July 5th, the Lodi Fire Department responded to a total of 83 calls for service. Of these calls, 12 were fire-related incidents. Notably, 3 of these fires were confirmed to be directly related to fireworks activity.

Throughout the month of July, the Lodi Police Department conducted proactive enforcement to deter illegal fireworks use. On July 4th, the Lodi Police Department received a total of 30 reports of fireworks through their online reporting system and 61 calls for service via telephone. In addition, officers took 8 police reports related to illegal fireworks activity. They issued 6 citations and referred one case to the City Attorney's Office for further review.

Both departments worked collaboratively to enhance public awareness through community messaging, media outreach, and visibility in high-activity areas.

**STRATEGIC VISION:**

7G. Public Safety: High levels of community involvement by public safety employees.

**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.



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## COUNCIL COMMUNICATION

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### **AGENDA TITLE:**

Council Discussion Regarding the Utilization of Proceeds from Waste Management's Annual Administrative Fee and One-Time Surplus Funds Associated with Fiscal Year 2024/25 (CM)

### **MEETING DATE:**

August 6, 2025

### **PREPARED BY:**

James Lindsay, Acting City Manager

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### **RECOMMENDED ACTION:**

Discussion utilization of the proceeds from Waste Management's annual administrative fees and one-time surplus funds associated with Fiscal Year 2024/25.

### **BACKGROUND INFORMATION:**

The franchise agreement with USA Waste of California, Inc. dba Central Valley Waste Services, commonly known as Waste Management (WM), includes an administrative fee of \$1,000,000, payable in \$250,000 increments to the City over four years beginning April 2024.

Section 9d of the agreement states:

- (d) WM will pay the City an administrative fee of \$250,000 on or about April 1, 2024, April 1, 2025, April 1, 2026, and April 1, 2027.

The administrative fee is intended to fund a City Council-chosen project that improves our community and would otherwise not be funded in the near future. To date, the City has received two payments of \$250,000, for a combined total of \$500,000.

Additional one-time funds are available from unrealized project allocations and budget surplus in Fiscal Year 2024/25. Funding available, from both sources referenced above, totals approximately \$1.68 million.

Council directed Staff to evaluate and recommend community improvement projects that would qualify for the one-time surplus funds which could either be used separately or coupled with the proceeds from the WM administrative fees to fund one or more projects. Staff will be prepared with suggestions at the City Council meeting on how the \$500,000 in WM annual funds could be allocated.

We recommend the City Council defer allocating any surplus funds until the mid-year budget update is presented in February, as legal services related to employment matters, personnel, and financial investigations continue to accrue, with the final cost of those services not being known for several months.

### **STRATEGIC VISION:**

5C. Infrastructure: Address deferred maintenance.

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## COUNCIL COMMUNICATION

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### FISCAL IMPACT:

Not applicable.

### FUNDING AVAILABLE:

General Fund Capital (WM Annual Funds):	\$ 500,000
Parks Capital (Reallocated funds):	\$ 500,000
FY25 Budget Surplus (Approximate):	<u>\$ 686,000</u>
<b>Total Funding Available (Approximate):</b>	<b>\$1,686,000</b>




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Authorizing Acting City Manager to Execute a Professional Services Agreement with DKG Consultants, LLC for Finance, Accounting and Administrative Consulting Services in an Amount Not to Exceed \$67,500 (CM)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

James Lindsay, Acting City Manager

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**RECOMMENDED ACTION:**

Adopt a resolution authorizing Acting City Manager to execute a Professional Services Agreement with DKG Consultants, LLC for finance, accounting and administrative consulting services in an amount not to exceed \$67,500.

**BACKGROUND INFORMATION:**

On June 10, 2025, City Council received Moss Adams LLP's City-Wide Internal Controls Review Final Report. The Report shows that the City has opportunity to strengthen controls, policies, procedures and systems. The evaluation discovered gaps in internal controls of varying degrees across multiple departments and suggests the City address the following priorities in the next 6-12 months:

- Implement a fraud, waste, and abuse hotline
- Establish an internal audit function
- Implement a committee-based approach for investment management
- Assess current staffing levels
- Develop a process to ensure monthly accounts receivable aging reconciliation are performed and that both the preparer and reviewer sign off on the accounts receivable aging reconciliation as evidence of completion of their duties
- Set a threshold where a Utility Billing manager must review customer account adjustments prior to being posted
- Perform bank reconciliation for the past seven months
- Assess the necessity of fleet vehicles and dispose of vehicles that are no longer needed
- Strengthen the review process over the pre-import data validation for Fire Department payroll
- Strengthen the CAL-Card use and review process
- Establish a centralized procurement function to oversee and streamline procurement activities across all departments

Lodi Municipal Code Section 3.20.075 - Professional/technical services contracts provides for exceptions to the formal bid process for purchases greater than \$60,000 including when a professional services agreement is for accounting and financial services. However, the City Manager's Office solicited informal quotes from three (3) firms specializing in local government audit control and finance/accounting consulting services.

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## COUNCIL COMMUNICATION

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Based on the received proposals, staff recommend DKG Consultants, LLC for their expertise in local government finance, accounting and budgeting, their succinct understanding of the scope of services and their proposed timeline for completion of the project.

Therefore, in an effort to expedite the recommendations from Moss Adams' Report, staff recommend City Council authorize Acting City Manager to execute a professional services agreement with DKG Consultants, LLC for finance, accounting and administrative consulting services.

### **STRATEGIC VISION:**

3A. Fiscal Health: Promote City's transparency & fiscal fluency.

### **FISCAL IMPACT:**

DKG Consultants, LLC's consulting services will result in expedited improved internal controls and fiscal transparency ensuring the City is fiscally responsible and prudent in upholding public trust.

### **FUNDING AVAILABLE:**

Funds are available in the FY25/26 budget account 10095000.72450 for a not to exceed amount of \$67,500.

## **AGREEMENT FOR PROFESSIONAL SERVICES**

### **ARTICLE 1 PARTIES AND PURPOSE**

#### **Section 1.1 Parties**

THIS AGREEMENT is entered into on \_\_\_\_\_, 2025, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and DKG Consultants, LLC, a California limited liability company (hereinafter "CONTRACTOR").

#### **Section 1.2 Purpose**

CITY selected the CONTRACTOR to provide the services required in accordance with the Scope of Services attached, as Exhibit A and incorporated by this reference.

CITY wishes to enter into an agreement with CONTRACTOR for implementation of internal controls recommendations (hereinafter "Project") as set forth in the Scope of Services attached as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

### **ARTICLE 2 SCOPE OF SERVICES**

#### **Section 2.1 Scope of Services**

CONTRACTOR, for the benefit and at the direction of CITY, shall perform the Scope of Services as set forth in Exhibit A.

#### **Section 2.2 Time for Commencement and Completion of Work**

CONTRACTOR shall commence work pursuant to this Agreement, upon receipt of a written notice to proceed from CITY or on the date set forth in Section 2.6, whichever occurs first, and shall perform all services diligently and complete work under this Agreement based on a mutually agreed upon timeline or as otherwise designated in the Scope of Services.

CONTRACTOR shall submit to CITY such reports, diagrams, drawings and other work products as may be designated in the Scope of Services.

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be counted against CONTRACTOR's contract performance period. Also, any delays due to weather, vandalism, acts of God, etc., shall not be counted. CONTRACTOR shall

remain in contact with reviewing agencies and make all efforts to review and return all comments.

**Section 2.3 Meetings**

CONTRACTOR shall attend meetings as may be set forth in the Scope of Services.

**Section 2.4 Staffing**

CONTRACTOR acknowledges that CITY has relied on CONTRACTOR's capabilities and on the qualifications of CONTRACTOR's principals and staff as identified in its proposal to CITY. The Scope of Services shall be performed by CONTRACTOR, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONTRACTOR of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel at CITY's sole discretion and shall be notified by CONTRACTOR of any changes of CONTRACTOR's project staff prior to any change.

CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein. CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals, and shall indemnify, defend and hold harmless CITY against any costs associated with such licenses, permits, qualifications, insurance and approvals which may be imposed against CITY under this Agreement.

**Section 2.5 Subcontracts**

Unless prior written approval of CITY is obtained, CONTRACTOR shall not enter into any subcontract with any other party for purposes of providing any work or services covered by this Agreement.

**Section 2.6 Term**

The term of this Agreement commences on August 7, 2025 and terminates upon the completion of the Scope of Services or on June 30, 2026, whichever occurs first.

**Section 2.7 Option to Extend Term of Agreement**

At its option, CITY may extend the terms of this Agreement for an additional one (1) year extension; provided, CITY gives CONTRACTOR no less than thirty (30) days written notice of its intent prior to expiration of the existing term. In the event CITY



exercises any option under this paragraph, all other terms and conditions of this Agreement continue and remain in full force and effect.

The total duration of this Agreement, including the exercise of any option under this paragraph, shall not exceed two (2) year(s).

### **ARTICLE 3** **COMPENSATION**

#### **Section 3.1 Compensation**

CONTRACTOR's compensation for all work under this Agreement shall conform to the provisions of the Fee Proposal, attached hereto as Exhibit B and incorporated by this reference.

CONTRACTOR shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

#### **Section 3.2 Method of Payment**

CONTRACTOR shall submit invoices for completed work on a monthly basis, or as otherwise agreed, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the Scope of Services said work is attributable. CONTRACTOR's compensation for all work under this Agreement shall not exceed the amount of the Fee Proposal.

#### **Section 3.3 Costs**

The Fee Proposal shall include all reimbursable costs required for the performance of the Scope of Services. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved in advance and in writing, by CITY.

#### **Section 3.4 Auditing**

CITY reserves the right to periodically audit all charges made by CONTRACTOR to CITY for services under this Agreement. Upon request, CONTRACTOR agrees to furnish CITY, or a designated representative, with necessary information and assistance needed to conduct such an audit.

CONTRACTOR agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONTRACTOR agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and

inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. CONTRACTOR further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

#### **ARTICLE 4** **MISCELLANEOUS PROVISIONS**

##### **Section 4.1 Nondiscrimination**

In performing services under this Agreement, CONTRACTOR shall not discriminate in the employment of its employees or in the engagement of any subcontractor on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

##### **Section 4.2 ADA Compliance**

In performing services under this Agreement, CONTRACTOR shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

##### **Section 4.3 Indemnification and Responsibility for Damage**

CONTRACTOR to the fullest extent permitted by law, shall indemnify and hold harmless CITY, its elected and appointed officials, directors, officers, employees and volunteers from and against any claims, damages, losses, and expenses (including reasonable attorney's fees and costs), arising out of performance of the services to be performed under this Agreement, provided that any such claim, damage, loss, or expense is caused by the negligent acts, errors or omissions of CONTRACTOR, any subcontractor employed directly by CONTRACTOR, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, except those injuries or damages arising out of the active negligence, sole negligence, or sole willful misconduct of the City of Lodi, its elected and appointed officials, directors, officers, employees and volunteers. CITY may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CITY chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, CONTRACTOR shall pay all of the costs related thereto, including without limitation reasonable attorney fees and costs. The defense and indemnification obligations required by this Agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations set forth herein.

**Section 4.4 No Personal Liability**

Neither the City Council, nor any other officer or authorized assistant or agent or City employee shall be personally responsible for any liability arising under this Agreement.

**Section 4.5 Responsibility of CITY**

CITY shall not be held responsible for the care or protection of any material or parts of the work described in the Scope of Services prior to final acceptance by CITY, except as expressly provided herein.

**Section 4.6 Insurance Requirements for CONTRACTOR**

CONTRACTOR shall take out and maintain during the life of this Agreement, insurance coverage as set forth in Exhibit C attached hereto and incorporated by this reference.

**Section 4.7 Successors and Assigns**

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

**Section 4.8 Notices**

Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight delivery, postage prepaid, or three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

To CITY:                      City of Lodi  
                                     221 West Pine Street  
                                     P.O. Box 3006  
                                     Lodi, CA 95241-1910  
                                     Attn: City Manager

To CONTRACTOR: DKG Consultants, LLC  
                                 4536 Winding Way  
                                 San Jose, CA 95129  
                                 Attn: Jon Corbett

**Section 4.9 Cooperation of CITY**

CITY shall cooperate fully and in a timely manner in providing relevant information it has at its disposal relevant to the Scope of Services.

**Section 4.10 CONTRACTOR is Not an Employee of CITY**

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of the services and work to be performed hereunder. CITY, however, retains the right to require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

**Section 4.11 Termination**

CITY may terminate this Agreement, with or without cause, by giving CONTRACTOR at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONTRACTOR shall be entitled to payment as set forth in the attached Exhibit B to the extent that the work has been performed. Upon termination, CONTRACTOR shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONTRACTOR with third parties in reliance upon this Agreement.

**Section 4.12 Confidentiality**

CONTRACTOR agrees to maintain confidentiality of all work and work products produced under this Agreement, except to the extent otherwise required by law or permitted in writing by CITY. CITY agrees to maintain confidentiality of any documents owned by CONTRACTOR and clearly marked by CONTRACTOR as "Confidential" or "Proprietary", except to the extent otherwise required by law or permitted in writing by CONTRACTOR. CONTRACTOR acknowledges that CITY is subject to the California Public Records Act.

**Section 4.13 Applicable Law, Jurisdiction, Severability, and Attorney's Fees**

This Agreement shall be governed by the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be venued with the San Joaquin County Superior Court. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in force and effect. In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's

fees from the party who does not prevail as determined by the San Joaquin County Superior Court.

**Section 4.14 City Business License Requirement**

CONTRACTOR acknowledges that Lodi Municipal Code Section 3.01.020 requires CONTRACTOR to have a city business license and CONTRACTOR agrees to secure such license and pay the appropriate fees prior to performing any work hereunder.

**Section 4.15 Captions**

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent hereunder.

**Section 4.16 Integration and Modification**

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

**Section 4.17 Contract Terms Prevail**

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

**Section 4.18 Severability**

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

**Section 4.19 Ownership of Documents**

All documents, photographs, reports, analyses, audits, computer media, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared under this Agreement, shall be deemed the property of CITY. Upon CITY's request, CONTRACTOR shall allow CITY to inspect all such documents during CONTRACTOR's regular business hours. Upon termination or completion of services under this Agreement, all information collected, work product and documents shall be delivered by CONTRACTOR to CITY within ten (10) calendar days.

CITY agrees to indemnify, defend and hold CONTRACTOR harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were intended.

**Section 4.20 Authority**

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

**Section 4.21 Federal Transit Funding Conditions**

☐ If the box at left is checked, the Federal Transit Funding conditions attached as Exhibit D apply to this Agreement. In the event of a conflict between the terms of this Agreement or any of its other exhibits, and the Federal Transit Funding Conditions, the Federal Transit Funding Conditions will control.

**Section 4.22 Counterparts and Electronic Signatures**

This Agreement and other documents to be delivered pursuant to this Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document, and will be effective when counterparts have been signed by each of the parties and delivered to the other parties. Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Delivery of a copy of this Agreement or any other document contemplated hereby, bearing an original manual or electronic signature by facsimile transmission (including a facsimile delivered via the Internet), by electronic mail in "portable document format" (".pdf") or similar format intended to preserve the original graphic and pictorial appearance of a document, or through the use of electronic signature software will have the same effect as physical delivery of the paper document bearing an original signature.

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**IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Agreement as of the date first above written.**

ATTEST:

CITY OF LODI, a municipal corporation

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

\_\_\_\_\_  
JAMES LINDSAY  
Acting City Manager

APPROVED AS TO FORM:

DKG Consultants, LLC, a California limited liability company

By: \_\_\_\_\_  
KATIE O. LUCCHESI  
City Attorney



By: \_\_\_\_\_  
Name: JON CORBETT  
Title: Principal

**Attachments:**

**Exhibit A/B – Scope of Services & Fee Proposal**

**Exhibit C – Insurance Requirements**

**Exhibit – Federal Transit Funding Conditions (if applicable)**

**Funding Source:** \_\_\_\_\_  
**(Business Unit & Account No.)**

Doc ID:

CA: Rev.04.2025-LT (CA Formatted)



**City of Lodi**  
**Audit Recommendations Implementation**

**Objective:** Implement recommendations from Moss Adams review of City of Lodi internal controls.

**Scope of Services:**

1. Evaluate options for a third-party fraud, waste, and abuse reporting mechanism, solicit proposals, and facilitate selection of a vendor.
2. Evaluate options for the City's investment portfolio, solicit proposals, and facilitate selection of a vendor.
3. Develop an inventory of City policies, identify gaps, propose draft policies where identified gaps exist, establish a regular review and update schedule.
4. Develop operating procedures related to Accounts Receivable and Cash Management findings and recommendations.
5. Review the inventory of the City's fleet assets and make findings/recommendations related to best practices for inventory tracking and replacement funding; develop a policy and procedure of ongoing maintenance of inventory.
6. Develop and implement a fixed assets policy and procedure to address adds, removals, and changes in fixed assets.
7. Review timekeeping processes and procedures in Fire Department and make amendments, including improved system integrations as feasible, to improve accuracy and consistency.
8. Review payroll procedure and timeline and propose adjustments, including developing an updated operating procedure, to address the issue of having to estimate time and then make after-the-fact adjustments.
9. Amend the credit card policy and develop operating procedures and training to ensure awareness of and compliance with policy.
10. Review and recommend updates to the Purchasing Policy; develop a training that can be delivery by Lodi staff based on revisions; evaluate feasibility of providing a centralized Purchasing resource within the Finance Department to serve in an oversight capacity to promote policy compliance.
11. Review Accounts Payable process flow, including approvals, and develop new operating procedures to enhance efficiency.
12. Provide executive coaching services to the Acting Assistant City Manager/Administrative Services Director.

**Timeline and Deliverables:** The work under this agreement will commence upon City Council approval, and the agreement will be in effect through June 30, 2026. The deliverable will be full execution items identified in the scope of services. At its sole discretion, the City may remove



items from the scope as it deems appropriate. Upon mutual agreement between the City and DKG Consultants, the scope may be amended or deliverables added.

**Consultant Team:** Drew Corbett will be the lead consultant on this engagement, and Emilia Archer will serve as a supporting consultant on this engagement. DKG Consultants will provide supplemental consulting resources as necessary to properly support the project.

**Rates/Not-to-Exceed Amount:** DKG Consultants proposes a not-to-exceed amount \$67,500 for this agreement. This rate is inclusive of all consultant expenses (materials, travel, mileage, etc.). Hourly billing rates are as follow:

Drew Corbett:	\$225 per hour
Emilia Archer:	\$200 per hour
Supplemental Consulting Resources (as needed):	\$200 per hour

**NTE \$67,500**



## EXHIBIT C

**NOTE: The City of Lodi is now using the online insurance program PINS Advantage. Once you have been awarded a contract you will receive an email from the City's online insurance program requesting you to forward the email to your insurance provider(s) to submit the required insurance documentation electronically**

### Insurance Requirements for Professional Services

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors.

#### **MINIMUM SCOPE AND LIMIT OF INSURANCE**

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto or if Contractor has no owned autos, then hired, and non-owned autos with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.
4. **Professional Liability (Errors and Omissions)** Insurance appropriate to the Consultant's profession, with limits not less than **\$1,000,000** per occurrence or claim, \$2,000,000 aggregate. May be waived by Risk Manager depending on the scope of services.

#### Other Insurance Provisions:

- (a) Additional Named Insured Status  
The City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers are to be covered as additional insureds on the CGL and auto policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 if a later edition is used
- (b) Primary and Non-Contributory Insurance Endorsement  
The limits of insurance coverage required may be satisfied by a combination of primary and umbrella or excess insurance. For any claims related to this contract, the Contractor's insurance coverage shall be primary coverage **at least as broad as** ISO CG 20 01 04 13 as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
- (c) Waiver of Subrogation Contractor hereby grants to City of Lodi a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City of Lodi by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City of Lodi has received a waiver of subrogation endorsement from the insurer

**NOTE:** (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) and (c) above: 221 West Pine Street, Lodi, California, 95240; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.

- (d) Severability of Interest Clause  
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability under the Contractors commercial general liability and automobile liability policies.
- (e) Notice of Cancellation or Change in Coverage Endorsement  
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 West Pine St., Lodi, CA 95240.

- (f) Continuity of Coverage  
All policies shall be in effect on or before the first day of the Term of this Agreement. At least thirty (30) days prior to the expiration of each insurance policy, Contractor shall furnish a certificate(s) showing that a new or extended policy has been obtained which meets the minimum requirements of this Agreement. Contractor shall provide proof of continuing insurance on at least an annual basis during the Term. If Contractor's insurance lapses or is discontinued for any reason, Contractor shall immediately notify the City and immediately obtain replacement insurance. Contractor agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).
- (g) Failure to Comply  
If Contractor fails or refuses to obtain and maintain the required insurance, or fails to provide proof of coverage, the City may obtain the insurance. Contractor shall reimburse the City for premiums paid, with interest on the premium paid by the City at the maximum allowable legal rate then in effect in California. The City shall notify Contractor of such payment of premiums within thirty (30) days of payment stating the amount paid, the name(s) of the insurer(s), and rate of interest. Contractor shall pay such reimbursement and interest on the first (1st) day of the month following the City's notice. Notwithstanding any other provision of this Agreement, if Contractor fails or refuses to obtain or maintain insurance as required by this agreement, or fails to provide proof of insurance, the City may terminate this Agreement upon such breach. Upon such termination, Contractor shall immediately cease use of the Site or facilities and commence and diligently pursue the removal of any and all of its personal property from the site or facilities.
- (h) Verification of Coverage  
Consultant shall furnish the City with a copy of the policy declaration and endorsement page(s), original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. **Failure to exercise this right shall not constitute a waiver of the City's right to exercise after the effective date.**
- (i) Self-Insured Retentions  
Self-insured retentions must be declared to and approved by the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.
- (j) Insurance Limits  
The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives or subcontractors. Contractor's obligation to defend, indemnify and hold the City and its officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph is not limited to or restricted by any requirement in the Agreement for Contractor to procure and maintain a policy of insurance.
- (k) Subcontractors  
Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City is an additional insured on insurance required from subcontractors
- (l) Claims Made Policies  
If any of the required policies provide coverage on a claims-made basis:  
1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.  
2. Insurance must be maintained and evidence of insurance must be provided for **at least** five (5) years after completion of the contract of work.  
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- (m) Qualified Insurer(s)  
All insurance required by the terms of this Agreement must be provided by insurers licensed to do business in the State of California which are rated at least "A-, VI" by the AM Best Ratings Guide, and which are acceptable to the City. Non-admitted surplus lines carriers may be accepted provided they are included on the most recent list of California eligible surplus lines insurers (LESLI list) and otherwise meet City requirements.

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTORIZING THE ACTING CITY  
MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH  
DKG CONSULTANTS, LLC, FOR FINANCE, ACCOUNTING AND  
ADMINISTRATIVE CONSULTING SERVICES (\$67,500)

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WHEREAS, on June 10, 2025, City Council received Moss Adams LLP's City-Wide Internal Controls Review Final Report. The Report shows that the City has opportunity to strengthen controls, policies, procedures and systems. The evaluation discovered gaps in internal controls of varying degrees across multiple departments and suggests the City address the following priorities in the next 6-12 months:

- Implement a fraud, waste, and abuse hotline.
- Establish an internal audit function.
- Implement a committee-based approach for investment management.
- Assess current staffing levels.
- Develop a process to ensure monthly accounts receivable aging reconciliation are performed and that both the preparer and reviewer sign off on the accounts receivable aging reconciliation as evidence of completion of their duties.
- Set a threshold where a Utility Billing manager must review customer account adjustments prior to being posted.
- Perform bank reconciliation for the past seven months.
- Assess the necessity of fleet vehicles and dispose of vehicles that are no longer needed.
- Strengthen the review process over the pre-import data validation for Fire Department payroll.
- Strengthen the CAL-Card use and review process.
- Establish a centralized procurement function to oversee and streamline procurement activities across all departments.

WHEREAS, Lodi Municipal Code Section 3.20.075 - Professional/technical services contracts provides for exceptions to the formal bid process for purchases greater than \$60,000 including when a professional services agreement is for accounting and financial services. However, the City Manager's Office solicited informal quotes from three (3) firms specializing in local government audit control and finance/accounting consulting services. Based on the received proposals, staff recommend DKG Consultants, LLC for their expertise in local government finance, accounting and budgeting, their succinct understanding of the scope of services and their proposed timeline for completion of the project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the Acting City Manager to execute a Professional Services Agreement with DKG Consultants, LLC, for finance, accounting and administrative consulting services to address and expedite the recommendations from Internal Controls Review Final Report; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (adopted 11/6/19, Resolution No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: August 6, 2025

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I hereby certify that Resolution No. 2025-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 6, 2025, by the following votes:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2025-\_\_\_\_\_



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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Repealing and Replacing Resolution No. 2019-172 and Approving a Revised Travel Policy in Accordance with Government Code Section 53232.2 (CM)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

James Lindsay, Acting City Manager

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**RECOMMENDED ACTION:**

Adopt a resolution repealing and replacing Resolution No. 2019-172 and approving a revised Travel Policy in accordance with Government Code Section 53232.2.

**BACKGROUND INFORMATION:**

The Lodi City Council adopted Resolution 2019-172 on August 21, 2019, approving the City's current Travel Policy. The current policy requirements do not permit the use of a travel per-diem advance for the majority of travel occurrences. This exclusion requires employees to use City procurement cards (CAL-Cards) or their personal credit card for travel expenses.

The City Council has received two separate independent reviews of the City's financial internal controls - The June 2025 Internal Controls Review conducted by Moss Adams and the findings of Lance, Soll & Lunghard, LLP that accompanied the fiscal year 2024 Annual Comprehensive Financial Report. Both reviews called for corrective actions related to the timely processing of CAL-Card statements and improving the compliance of employee expenditures with adopted policies. Reconciling travel expenditures with CAL-Card statements and determining compliance with travel meal policies accounted for over 50% of the processing delays and compliance issues.

The changes proposed in the revised Travel Policy significantly reduce CAL-Card usage for business travel. Meals will be reimbursed on a per diem basis and paid in advance of travel according to U.S. General Services Administration (GSA) rates. The proposed Travel Policy revisions will also allow airfare to be reimbursed on a per diem basis at the rate of the cheapest flight available to/from the business travel destination. Mileage reimbursements have been updated in the new policy proposal to reflect City Hall as the employee's starting and ending point of the travel period for the calculation and will be reimbursed according to the IRS rates.

In addition to the revised Travel Policy, staff is working on updates to the City's CAL-Card Use Policy and reducing the number of CAL-Cards issued to employees. These changes are anticipated to be presented for City Council review and approval in September.

**STRATEGIC VISION:**

3A. Fiscal Health: Promote City's transparency & fiscal fluency.

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## COUNCIL COMMUNICATION

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**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.

# Travel Policy

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ADOPTED BY LODI CITY COUNCIL  
\_\_\_\_\_, 2025





## 1. PURPOSE

The purpose of the Travel Policy is to establish responsibilities and guidelines for all officers, elected or appointed officials, staff, and persons in the service of the City of Lodi (hereinafter referred to as "Travelers") when attending business or professional conferences, training seminars, or other travel on authorized City business.

## 2. SCOPE

This policy applies to all Travelers on official business for the City of Lodi. All travel arrangements, reconciliations and reimbursements shall be performed within the Approving Authority and in compliance with all federal and state regulations and laws, including the IRS regulations, Lodi Municipal Code, and this Travel Policy. All forms referenced in this policy (Business Expense Report, Mileage Reimbursement, Travel Authorization Form, Out-of-State/Out-of-Country Authorization, and Pre-Paid Lodging Certification) are available for download on the City of Lodi's Intranet site on the Finance Division page: <http://intranet/finance/finance.asp> , or upon request from Finance Division staff.

### A. Definitions

1. Business Travel – authorized attendance at conferences, meetings, and seminars or authorized travel for any other purpose in connection with official City responsibilities. Business travel includes both day trips and trips requiring one or more overnight stays in connection with official representation of the City.
2. Local Travel – travel within a radius of 200 miles roundtrip from Lodi.
3. Out-of-Town Travel – travel greater than 200 miles roundtrip from Lodi.
4. Business Travel Period – period of time necessary to travel by the most cost effective and appropriate travel method to attend City business. Additional time required to travel as a result of the alternative travel methods selected by Travelers must be approved by the Department Head or Approving Authority prior to the time of booking.
5. Department Travel Coordinator – the person that a Department Head has designated to maintain and process travel arrangements and reimbursements for their department.
6. Mileage Allowance – the reimbursement paid to the Traveler for the use of his/her personal vehicle during travel on official City business. The mileage reimbursement rate will be the prevailing rate established by the IRS. The start and end point for calculating mileage shall start from the Lodi City Hall and return to the Lodi City Hall.
7. Allowable Expense – an expenditure deemed by the U.S. General Services Administration (GSA) as a stand-alone expense that is fully reimbursable and not included as an incidental expense under per diem rates.
8. Incidental Expense – federal regulations define "incidental expenses" as fees and tips given to porters, baggage carriers, bellhops, hotels maids, stewards and stewardesses and others; transportation between places of lodging or business and places where meals are taken; and the mailing cost associated with filing travel vouchers.
9. Business Expense Report (BER) – report itemizing all business expenses incurred during the travel period. This report requires all receipts to be attached when submitted to Finance for reimbursement. BERs shall be submitted to the Finance Division within ten (10) working days of returning from travel. Travelers who fail to submit a travel reimbursement request within twelve (12) months of travel will not be eligible for reimbursement pursuant to Section 911.2 of the Government Code.
10. Travel Authorization Form – request for travel approval. This form shall be completed and approved by the Department Head, or Approving Authority prior to first day of the travel period and shall serve as the approval document retained for Traveler.

### 3. POLICY

Reimbursement of approved business-related expenses are available for any Traveler in the service of the City. Travelers must substantiate the expenses with original receipts. Expenses should be reasonable and shall not include personal items. A detailed record of all reimbursable expenses incurred during the travel period must be submitted on a Business Expense Report.

Travel associated with Peace Officer Standards Training (POST) shall be governed by the rules and regulations determined by POST.

In all instances, approval to incur any travel expenses shall be obtained from the Department Head or Approving Authority, prior to making travel arrangements. The approved Travel Authorization Form is required for the protection of the Traveler while traveling on behalf of the City.

#### A. Policy intent

The Travel Policy enunciated herewith shall be construed so that no Traveler shall suffer any undue loss while traveling on official City business.

##### 1. California Government Code §53232.2

In accordance with California Government Code §53232.2(b), any local agency that reimburses members of a legislative body, including members of the City Council, for actual and necessary expenses incurred in the performance of official duties, is required to adopt a written policy specifying the types of occurrences that qualify a member of that legislative body to receive payment and or/reimbursement of expenses related to travel, meal, lodging, and other actual and necessary expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred by officials of legislative bodies in connection with the following types of activities generally constitute authorized expenses, as long as other requirements of this policy are met:

- Official board, council, committee, commission meetings scheduled subject to the Brown Act; and
- Attending conferences, seminars, workshops or educational events related to the business or operations of such groups; and
- Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels of City boards, commissions, committees, councils and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes; and
- Participating in regional, state and national organizations whose activities affect the City's interests; and
- Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

Expenditures not specifically covered by this list of occurrences will require prior approval by the City Council, or other legislative body action, at a public meeting before the expense is incurred.

Travel Authorizations and/or Business Expense Reports covered by this section will be documented and filed in a timely manner with the Finance Division of the Internal Services Department (Finance Division), as required by this Policy.

All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Government Code §7920-7930).

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- loss of reimbursement privileges; and
- a demand for restitution to the appropriate legislative body; and
- the agency's reporting the expenses as income to the Traveler or elected official to state and federal tax authorities; and
- civil penalties of up to \$1,000 per day and three times the value of the resources used; and
- prosecution for misuse of public resources (Government Code §53232.4); and
- discipline, up to, and including, termination.

In accordance with Government Code §53232.3 (d), Council members shall provide a brief report on the meetings attended at City expense at the next available Council meeting. If multiple Council members attended the same meeting, a joint report may be made.

#### **4. BUSINESS TRAVEL**

##### **A. Out-of-State/Out-of-Country Travel**

All travel out-of-state or out-of-country must be pre-approved by the City Manager. All costs associated with obtaining a passport or immunizations required for out-of-country travel are not reimbursable. All unapproved out-of-state travel will not be reimbursable and those expenses will be the sole responsibility of the traveler.

##### **B. Travel Authorizations**

All travel requires authorization and must be approved prior to the first day of travel. The Department Travel Coordinator will complete the Travel Authorization Form and obtain approval from the Department Head, or its Approving Authority.

##### **C. Approving Authority**

All Travel Authorization Forms must be approved in advance by the Department Head or, in the absence of the Department Head, the person acting in their place. Department Head travel, including the Library Director, shall be approved by the City Manager, or their designee, in the absence of the City Manager. Council Appointee travel shall be approved by the City Manager, or their designee, in the absence of the City Manager. City Manager travel shall be approved by another Council Appointee. City Council travel shall be approved by the City Clerk, or the City Manager in the absence of the City Clerk.

The Finance Division is authorized to reimburse Travelers whose expenses are justifiable and in compliance with this policy. Any unresolved disputes between the Finance Division and the Traveler's department shall be resolved/approved by the City Manager. Disputes regarding reimbursement of Councilmember travel costs shall be heard by the Council in open session and resolved by a majority vote.

##### **D. Cancellations**

If cancellation occurs due to a City-related change, the department will be responsible for any cancellation charges incurred. If cancellation occurs at the Traveler's request, the Traveler will be responsible for all charges incurred and will be billed to the Traveler unless proper justification is provided and approved by the Department Head. Acceptable justifications are family death, illness, or family-related illness.

Any Cash Advances received must be returned to the Finance Division when an event is cancelled, postponed indefinitely, or another individual will be traveling on the City's behalf. **Under no circumstances** are Travelers to transfer a travel advance to another Traveler.

## **E. Meals**

The Finance Division shall advance 100 percent of all meal expenses anticipated during the travel period that are not included in any other fees on a per diem basis. Per Diem is allowed for meals and incidental expenses. The Federal General Services Administration (GSA) establishes per diem rates for destinations within the Continental United States. As set by the GSA, the City will reimburse the Traveler a daily per diem rate equal to the GSA lowest tier rate for meals and incidental expenses, based on the travel destination, including taxes and gratuity. The rate will be adjusted down for partial days of travel and for meals included in conference registration fees. **No receipts** will be required for per diem travel advances. Current rates can be found on the Federal General Services Administration Per Diem website: <http://www.gsa.gov/perdiem>.

Generally, airfare, lodging, car rental expenses, and reservation fees shall be paid via City-issued credit cards. When the lodging provider requires pre-payment, the Finance Division may issue a warrant payable to the lodging establishment. The department must present written documentation from either the lodging establishment or the conference materials that states the amount of the required pre-payment. The Traveler must sign a statement that they will not request reimbursement for any pre-paid expenses on a Business Expense Report. Any cash advance request must be reduced by the amount of all pre-paid expenses. Additionally, \$5.00 per day for incidental expenses may be requested as part of the cash advance.

Travelers may also request their airfare to be advanced, per diem, in lieu of paying via City-issued credit card. The Department Travel Coordinator shall submit documentation to the Finance Division showing the cheapest flight roundtrip to the Traveler's destination. The Finance Division shall issue the advanced airfare with the Traveler's per diem meals by warrant payable to the Traveler.

All cash advance requests shall be received by the Finance Division for processing a minimum of twenty (20) working days prior to any required action on the request, or as soon as may be practicable. Requests to attend meetings, conferences, or training must include documentation which indicates the meeting place, time and agenda, if available. Cash advances will not be issued prior to five (5) working days before expected travel and shall not be made for amounts less than \$100.00, unless adequate justification is submitted to show that undue hardship to the individual will result in the event the smaller advance is not made.

All per diem and cash advances will be mailed to the address of record of the Traveler. The Finance Division has the option of withholding advances if a previous advance is unsettled or if the Traveler has been notified of ineligibility for an extended period of time.

## **F. Lodging**

Reimbursement for the cost of lodging is limited to the actual cost incurred and should not exceed the maximum GSA rates (domestic or foreign) excluding tax, per day. Government Rates should always be requested. The City is not responsible for luxury upgrades (ocean views, king-size beds, suites, etc.). In the event that the Traveler is attending a conference, the acceptable rate for lodging shall be the negotiated rate secured by the conference, regardless of cost. All exceptions shall be approved by the Approving Authority.

The City will allow a Traveler to arrive the evening prior to an event when the event location is a 90-minute or more drive from Lodi. Locations in the South Bay Area and in San Francisco are exceptions and will automatically qualify for an overnight stay. All other exceptions will require prior approval of the Approving Authority.

The City will not reimburse a Traveler for costs incurred for a stay at a room-sharing type of location (Air BnB-type site) that is not properly licensed through their respective city, county or state or one that does not pay Transient Occupancy Tax.

Most hotels offer self-parking while some require valet parking. The City preferred parking option is that which offers the lowest cost and will generally be the self-parking option. If valet parking is the only option, or the safest option that a hotel offers, reimbursement will be approved for the valet option.

When a companion accompanies a Traveler on official business, reimbursement for lodging will be at the lowest available single-occupancy rate for the accommodations. It is the Traveler's responsibility to obtain the lodging rates for both single and double occupancy accommodations and indicate those rates on the Business Expense Report.

## **G. Transportation**

Generally, the method of travel will be by the most reasonable means available, taking into consideration requirements for reimbursement for lodging and Traveler time devoted to travel at the expense of performance of other duties.

The Department Travel Coordinator will arrange for reservations and tickets for approved travel authorizations approving air transportation. The lowest available fare will be used for air travel unless otherwise specifically authorized by the Approving Authority. As a general rule, Travelers will be expected to accept flights departing within two (2) hours of the desired departure time. Such a window may not be suitable for all situations.

The Department Travel Coordinator must carefully monitor flights with cancellation penalties. If a Traveler wishes to drive their personal vehicle in lieu of air travel and possibly a rental car, reimbursement will be authorized only up to the amount of the least expensive alternative. The request for reimbursement must include a printed copy of the quoted airfare as justification for the cost of air travel and the cost of the Traveler's mileage and attest to the least expensive alternative.

In some instances, train travel may be a viable alternative to air travel or car travel. The Department should evaluate the cost and time involved, prior to approval. In most instances it would be expected that the Traveler would incur additional taxi or rideshare fares at their destination. This cost should be included in the analysis. In addition, the time involved with the trip must be considered as a factor. A two-hour train trip to San Francisco is reasonable, but a 12-hour trip to San Diego would not be reasonable, unless the Traveler is taking vacation time en route.

Travelers on out-of-town trips should use public conveyances (taxis, rideshares, airport shuttles, buses, etc.) whenever such uses appear to be more economical than a rental car. Department Heads have discretion to approve rental cars which do not meet these criteria. A rental car should not be requested unless one or more of the following criteria are met:

- Multiple business meetings that require travel between points make use of public conveyance impractical.
- Three or more City Travelers are attending the same meeting and one rental car for the group would be more economical.
- It is less expensive to rent a car overall.

The Department Travel Coordinator will arrange for reservations only upon receipt of an approved travel authorization form. Car rental expenses are to be paid by City-issued credit card or the Traveler's personal credit card.

The Traveler must fill the gas tank before returning the car to avoid fuel surcharges. Fuel expenses will be reimbursed based upon the receipts provided. Exceptions to the use of self-service fueling will not be allowed unless the Traveler can demonstrate and justify the reasons for not using available self-service fuel dispensing facilities. In emergency situations, use of rental car company fueling options may be authorized by the Department Head.

Employees traveling on City business and renting a vehicle are required to purchase the **optional Collision Damage Waiver (CDW)** offered by the rental car agency at the time of rental.

The City's excess liability coverage extends to authorized employees operating rental vehicles for official business, so additional liability insurance (such as the Liability Insurance Supplement) is **not required** and **will not be reimbursed**.

However, the City's vehicle damage coverage does **not** apply to rental vehicles. Therefore, the **CDW must be purchased** to ensure coverage for damage to or theft of the rental vehicle. Reimbursement for CDW is authorized and should be submitted with appropriate rental documentation as part of the Business Expense Report. Failure to purchase CDW is a violation of this policy.

Traveling outside the city in City vehicles is the preferred method of travel after common carrier. The Fleet Services Division has a wide variety of vehicles available to Travelers. If more than one Traveler is traveling on the same trip, all reasonable efforts will be made to minimize transportation costs by using a single vehicle. Individuals that are not City Travelers or participants in City sponsored programs are prohibited from being transported in City-owned vehicles.

While City vehicle use is preferred, Department Head approval is required when the Traveler chooses to use a private vehicle. All private vehicle travel will be reimbursed at the current IRS approved mileage rate.

For the purposes of this Policy, a private vehicle must meet the following:

- The vehicle shall be a conventional four-wheel, enclosed vehicle; and
- The vehicle must be equipped with seat belts; and
- The vehicle must be in sound mechanical condition, adequate for providing required transportation in a safe manner and without unreasonable delay; and
- The vehicle must be insured to, at least, the state minimum required coverages; and
- Proof of Insurance - upon request, Travelers must provide current proof of insurance to the Risk Management Division or their department head; and
- Primary Coverage - when a Traveler uses a personal vehicle for City business, the Traveler's personal auto insurance is primary. The City does not provide coverage for physical damage to a Traveler's personal vehicle or for any liability arising out of personal use; and
- Reimbursement Does Not Imply Coverage - receipt of mileage reimbursement for use of a personal vehicle does not imply that the City has assumed liability or provided insurance coverage for such use; and
- Driver Responsibility - Travelers are responsible for ensuring their vehicle is in safe operating condition and complies with all applicable laws and regulations.

The approved method of travel may differ from that requested as deemed appropriate by the Department Head, or Approving Authority.

#### **H. Authorized/Unauthorized Reimbursable Expenses**

While traveling on official City business, the following expenses are reimbursable at actual cost **upon presentation of original receipts**:

- Necessary taxicab, rideshare, airport transportation, bus fares, shuttle charges, or bridge tolls, including tips. Transportation justifications should be noted on the receipts and/or maps (ex. Hotel to Airport, Airport to Conference, etc.).
- Conference or seminar registration fees and associated materials, which can be shown to be of extreme value to the participant in their work for the City. The decision to approve these expenses rests with the Department Head or, Approving Authority.
- Parking fees.
- Postage.
- In-flight internet is allowable for business purposes on flights two (2) hours or more.

Other justifiable expenses will be approved based on a review of special circumstances.

If a Traveler does not have a receipt for a travel-related item, a memo is required. The memo must include all details and circumstances for not having the receipt and what corrective action they will take to prevent its reoccurrence. The Traveler and Department Head, or Approving Authority, must sign the memo.

**Note:** Receipts are not required for meal reimbursements consistent with *Section 4(E)* of this policy.

While traveling on official City business, the following expenses are reimbursable at **actual cost, without receipts**:

- Metered parking and parking in unattended lots (maximum of \$6.00 per travel day).
- Public transit fares (fee schedule must be attached to travel reimbursement request).

While traveling on official City business, the following expenses are **unauthorized and not reimbursable**:

- Baby-sitting fees.
- Personal toiletries.
- Traffic fines or parking tickets.
- Alcoholic beverages.
- Laundry services (except for Long-Term Travel).
- In-room movies.

Entertainment or optional events offered as part of the conference registration package.

## **5. SAME-DAY TRAVEL**

These trips are considered to be local and do not qualify for an overnight stay or per diem rates, unless prior authorization is obtained by the City Manager. Same-Day Travel, if using a private vehicle, qualifies for mileage reimbursement, and toll and parking reimbursements if the expenses occurred during travel. Mileage shall be reimbursed in accordance with the "Mileage Allowance" referenced in *Section 2(A)6* of this policy. Toll and Parking Expenses shall be reimbursed at actual cost or up to \$6.00 per day without a receipt.

### **A. Meal Expense for Travel Not Requiring Overnight Stay**

Travelers who incur costs due to attendance at a meeting, training or conference which includes a meal will not be reimbursed for said meals consumed within the Lodi City limits during the individual's normal working day when it can be demonstrated that the meal or meals involved are included in the cost of the meeting or conference which the Traveler is attending for the benefit of the City. Meals within Lodi City limits will also be reimbursed based on per diem when the meal is approved by the department for Same-Day Travel of less than 200 miles round trip and will follow the process according to *Section 4(E)*.

## **6. OTHER PROVISIONS**

### **A. City Hosted Meals**

When on official City business, Travelers will not conduct City business at the expense of persons/companies doing or seeking to do business with the City. Specifically, transportation and related expenses associated with gaining knowledge about goods and services being offered by private persons or private entities doing business with the City shall be borne by the City. However, this provision may be waived by the City Manager, if it is determined to be in the best interest of the City. This provision shall not apply to transportation and related expenses paid as a normal part of a City contract for goods or services.

If the City deems necessary to host a business meeting(s) with outside stakeholders while attending meetings or conferences, when such meetings include a meal, the City will pay the actual cost of the meal for all attendees, including non-alcoholic beverages, tax and tip, when documented by appropriate receipts. Efforts shall be made to arrange for reasonably priced meals based on the area, the nature of

the meeting, and type of stakeholder group. All such hosted meetings must be approved in advance by the City Manager.

## **B. Candidate Travel Expenses for Employment Applications**

The City Manager, or their designee, may approve payment for an employment candidate's travel expenses for selected employment interviews when the following circumstances exist:

- Recruiting was done outside the San Joaquin County area.
- The reimbursement would apply only at a point in the selection process that involves a limited number of candidates.
- Reimbursement amounts would be subject to the same limitations as City Travelers. Human Resources will advise the candidate of the City's travel policy limits and receipt requirements.
- The candidate may book their own travel arrangements; however, reimbursement will occur after the fact.

## **C. Long-Term Travel**

Long-term travel shall be defined as Business Travel for thirty (30) or more consecutive calendar days outside of the City, notwithstanding any personal return trips home during the course of the extended work period.

The Department Head or, Approving Authority is responsible for advising the Finance Division at least thirty (30) days in advance of any long-term travel. The Finance Division and the department requiring long-term travel shall have the authority to negotiate lodging rates, mileage reimbursement rates, and incidental expenses for the Traveler that may differ from those designated in this policy. Efforts will be made by the Finance Division and the Department Head, or Approving Authority, to ensure that lodging is adequate for a long-term stay and that the provider will invoice the City, rather than require the Traveler to incur the cost of lodging. Travelers who choose to make arrangements that differ from the negotiated rates must do so at their own expense.

## **D. Tips**

GSA per diem rate for meals include taxes and tips. The GSA per diem rate for incidental expenses intended to cover fees and tips given to porters, baggage carriers, hotel staff, or other service providers.

## **E. Contest/Drawing Prizes at Conferences/Events**

If a Traveler attending a conference or training event, on City time as a representative of the City, wins a prize, collects items from vendors or is given items that aggregate over \$50 by a single vendor, such prize or items are deemed to be City property.

**Example 1:** Traveler is selected as a winner in a blind drawing of all registered attendees for a \$1000 Visa gift card. Traveler must turn over the gift card to the City.

**Example 2:** A vendor gives a Traveler a polo shirt(s) with the vendor logo. Traveler must determine the value of the polo shirt(s). If value exceeds \$50, Traveler must report such shirt(s) to their department head. The department head may allow the Traveler to keep the shirt(s) or take the shirt(s) from the Traveler and dispose of it/them. If the Traveler is allowed to keep the shirt(s), this will likely become a reportable item on the Traveler's annual Conflict of Interest statement (Form 700), if they are subject to such reporting.

**Example 3:** Traveler picks up pens, pencils, toys and Post-it note pads from multiple vendors while at a conference. The aggregate value of the items exceeds \$50, but the value from any given vendor does not exceed \$50. Traveler may keep the items for personal use and has no reporting responsibilities for these items.

**Example 4:** Vendor scans Traveler's badge. Subsequently, Traveler is notified that they are the winner of an iPad. The iPad is considered City property and must be turned over to the City.



**Example 5:** Traveler drops their business card in a bowl at a vendor booth. Traveler is subsequently notified that they are the winner of a Harley Davidson motorcycle. The motorcycle is considered City property and must be turned over to the City.

## **7. RECONCILIATIONS & REIMBURSEMENTS**

### **A. Business Expense Report (BER)**

Upon return from the event, the Traveler must submit an approved Business Expense Report (BER) to the Finance Department. This report itemizes all expenses associated with the event and is approved by the Department Head. All original receipts must be attached, including the original itemized hotel bill. Additionally, the approved Travel Authorization Form must be attached to the BER and submitted to the Finance Department within ten (10) working days of the Traveler's return.

### **B. Outstanding Business Expense Reports**

Each Department is responsible for monitoring outstanding BER's for its Travelers. The Department Travel Coordinator should contact the Traveler within ten (10) working days of return if the Traveler has not submitted the necessary receipts and a completed BER. Failure to settle outstanding cash advances in a timely manner may result in a delay in reimbursement, and the Traveler may be required to pay their personal credit card bill prior to reimbursement.

The Finance Division will send a written memorandum to the Department Head for distribution to the Traveler when the Traveler has not completed the BER within eleven (11) working days. If an outstanding BER has not been received within thirty (30) calendar days, the Finance Division will notify the Traveler's Department Head to advise the Traveler that cash advance privileges have been revoked and send a copy of this revocation to the Traveler. The Finance Division will create a journal entry and transfer the cost of any outstanding cash advances that are sixty (60) calendar days delinquent to the Traveler's department. Notification of the journal entry will be sent to the Traveler's Department Travel Coordinator. Any inaccuracies regarding organization units or general ledger accounts will be the responsibility of the Traveler's department. Any collection of funds after the journal entry has been issued shall be deposited by the Traveler's department.

## **8. PEACE OFFICER STANDARDS TRAINING (POST)**

Travelers that are required to attend POST training events will be required to follow the travel policy referenced above.

## **9. VIOLATIONS OF THIS POLICY**

Any violations of this policy may be subject to revocation of travel privileges and may be subject to disciplinary action.

**City of Lodi**

# Travel Policy

**Adopted by Lodi City Council August 21, 2019**

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## **INTRODUCTION**

### **1.1 PURPOSE**

The purpose of this policy is to:

- Provide approved travel policy and information needed for the preparation and reconciliation of travel requests;
- Provide guidance to travelers and approvers on cost-effective management of travel expenses;
- Identify reimbursable versus non -reimbursable expenses; and
- Clarify employee responsibility for controlling and reporting travel expenses.

It is impossible to anticipate every situation that may be encountered while traveling on business. Each employee is expected to exercise good judgment in incurring travel expenses and to obtain prior Department Head approval or, in the absence of the Department Head, approval from the person acting in their place, for all foreseeable travel-related expenditures.

Expenses which are not approved or which are not in compliance with this policy will be the traveler's personal responsibility.

### **1.2 SCOPE**

These policies and procedures are applicable to all officers, employees, elected or appointed officials and persons in the service of the City of Lodi.

This policy shall not apply to same day travel of less than 300 miles round trip in a private or City vehicle, regardless of destination, except in regard to meal reimbursement at the discretion of the department. Business mileage reimbursement in a personal vehicle for same day mileage of less than 300 miles shall be requested on a Mileage Reimbursement form (Appendix G) on a monthly basis. All private mileage other than that associated with overnight travel shall be reimbursed monthly using the Mileage Reimbursement Form. This also excludes any and all reimbursements for same day travel, other than mileage, bridge tolls parking, and meals. Meal expenses shall be reimbursed at the discretion of the department and within the provisions of Section 2.7.

All forms referenced in this policy are available on the Finance division intranet site: <http://intranet/finance/finance.asp>

## **2. POLICIES**

### **2.1 GENERAL**

Whenever any person in the service of the City is compelled to travel in the performance of their duties, they shall be reimbursed for their actual and necessary expenditures for transportation, lodging, and meals. This policy shall fix a maximum cost to be paid for such travel, lodging, and meals, which shall be applicable to all such persons alike, including said members of the City Council. These normal maximums have been set forth by the City Council as indicated below. The normal maximums may be exceeded, with department head approval, only when a person in the service of the City incurs expenses incidental to attendance at a conference, convention, other City business, or in the transportation of wards, inmates, or witnesses when such expenses are necessary and unavoidable.

When the cost of travel shall be reimbursed to the employee by another agency, whether state, federal, non-profit, or private, such reimbursement and the intent for same shall be disclosed as a source of funding on the travel reimbursement request. In advance of travel, the employee must decide whether to accept the rates of the City or the other agency. If the travel costs are borne by the City, reimbursement from the other agency shall be paid to the City and deposited as expenditure abatement. If the other agency will reimburse the traveler directly, no City advance shall be made.

Travel associated with Peace Officer Standards Training (POST) shall be governed by the rules and regulations determined by POST. Refer to Appendix F for the reimbursement form associated with POST travel.

In all instances, approval to incur any travel expenses shall be obtained from the Department Head or, in the absence of the Department Head, the person acting in their place, prior to making travel arrangements. The approved travel request form is required for the protection of the employee while traveling as an agent of the City.

### **2.2 POLICY INTENT**

The travel policy enunciated herewith shall be construed so that no officer or employee shall suffer any undue loss while traveling on official City business.

#### **A. California Government Code §53232**

In accordance with California Government Code §53232.2(b), any local agency that reimburses members of a legislative body, including members of the City Council, for actual and necessary expenses incurred in the performance of official duties, is required to adopt a written policy specifying the types of occurrences that qualify a member of that legislative body to receive payment and or/reimbursement of expenses related to travel, meal, lodging, and other actual and necessary expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred by officials of legislative bodies in connection with the following types of activities generally constitute authorized expenses, as long as other requirements of this policy are met:

- Official board, council, committee, commission meetings scheduled subject to the Brown Act;
- Attending conferences, seminars, workshops or educational events related to the business or operations of such groups;
- Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels of City boards, commissions, committees, councils and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes;
- Participating in regional, state and national organizations whose activities affect the City's interests;
- Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

Expenditures not specifically covered by this list of occurrences will require prior approval by the City Council, or other legislative body action, at a public meeting before the expense is incurred.

Expense Reports and/or Travel Reimbursement claims covered by this section will be documented and filed in a timely manner with the Finance Division of the Internal Services Department (Finance Division), as required by this Policy.

All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Government Code §6250-6270).

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- 1) loss of reimbursement privileges;
- 2) a demand for restitution to the appropriate legislative body;
- 3) the agency's reporting the expenses as income to the employee or elected official to state and federal tax authorities;
- 4) civil penalties of up to \$1,000 per day and three times the value of the resources used;
- 5) prosecution for misuse of public resources (Government Code §53232.4); and
- 6) discipline, up to, and including, termination.

The guidelines are included as Appendix C.



In accordance with Government Code §53232.3 (d), Council members shall provide a brief report on the meetings attended at City expense at the next available Council meeting. If multiple Council members attended the same meeting, a joint report may be made.

## **2.3 TRAVEL ARRANGEMENTS**

### **A. Travel Requests and Reimbursement — General Guidelines**

Employees should consult with their Department Travel Coordinator, if one has been designated, for guidance with the preparation and submission of travel requests and travel reimbursement requests. The Department Travel Coordinator is responsible for making travel arrangements and can assist employees with these procedures.

All travel requests and travel reimbursement requests must be dated and include the signature of the employee and approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

Travel reimbursement requests shall be submitted to the Finance Division, within 10 working days of returning from travel. Travelers who fail to submit a travel reimbursement request within 12 months of travel will not be eligible for reimbursement pursuant to Section 911.2 of the Government Code.

For additional information regarding travel reimbursement requests and travel advances, refer to *Section 2.5(F) — Delinquent Recovery*.

### **B. Booking Travel Arrangements**

Initial travel arrangements/reservations should be made by the Department.

See *Section 2.8(A) — Air Travel* for additional information on booking airline reservations.

## **2.4 APPROVING AUTHORITY FOR TRAVEL**

All travel requests must be approved in advance by the Department Head or, in the absence of the Department Head, the person acting in their place. Department Head travel, including the Library Director, shall be approved by the City Manager, or the Deputy City Manager in the absence of the City Manager. Council Appointee travel shall be approved by the City Manager or the Deputy City Manager in the absence of the City Manager. City Manager travel shall be approved by the Deputy City Manager. City Council travel shall be approved by the City Clerk, or the City Manager in the absence of the City Clerk. The Finance Division is authorized to reimburse travelers whose expenses are justifiable and in compliance with this policy. Any unresolved disputes between the Finance Division and the traveler's department shall be resolved/approved by the City Manager. Disputes

regarding reimbursement of Councilmember travel costs shall be heard by the Council in open session and resolved by a majority vote.

**A. Mandatory Travel**

- (1) An officer authorized by law to incur necessary travel expenses when transporting prisoners, court wards or visiting court wards, dependent children, or conservatees who are in placement, shall be required to obtain approval for such travel from the Department Head or, in the absence of the Department Head, the person acting in their place.
  - (a) The Finance Division is authorized to make travel advances for trips involving the transportation of prisoners or court wards. To request an advance to transport prisoners or court wards, a regular travel advance request should be submitted directly to the Finance Division.

**B. Long-Term Travel**

- (1) Long-term travel shall be defined as employee business travel for 30 or more consecutive calendar days outside of the City, notwithstanding any personal return trips home during the course of the extended work period.
- (2) The Department Head or, in the absence of the Department Head, the person acting in their place is responsible to advise the Finance Division by requesting a meeting with the Finance Manager at least 30 days in advance of any long-term travel. The Finance Division and the department requiring employee long-term travel shall have the authority to negotiate lodging rates, mileage reimbursement rates, and incidental expenses for the traveler that may differ from those designated in this policy. Efforts will be made by the Finance Manager and the Department Head or, in the absence of the Department Head, the person acting in their place to ensure that lodging is adequate for a long-term stay and that the provider will invoice the City, rather than require the traveler to incur the cost of lodging. Employees who choose to make arrangements that differ from the negotiated rates must do so at their own expense.
- (3) Travel advances will generally not be issued for the entire duration of the long-term travel. The Finance Division will work with the traveler's department to ensure the employee has sufficient funds to mitigate any undue hardship, while ensuring the City is not placed at undue risk for recovery of outstanding funds. This process will generally result in the issuance of an initial cash advance to cover anticipated expenses for no more than the first 30 days of travel. After that initial 30-day period, the traveler will submit bi-weekly travel reimbursement requests.

### **C. Travel Out of State or Out of Country**

Travel out of state or outside the United States is authorized when it involves apprehension, investigation and transportation of prisoners, dependents or wards of the Court and training and conferences. The traveler must first complete a travel request form for the approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

All travel out of state or out of country must be pre-approved by the City Manager. See Appendix D for the appropriate approval form.

All costs associated with obtaining a passport or immunizations required for out of country travel are not reimbursable.

### **D. Candidate Travel Expenses for Selected Employment Applicants**

The City Manager, or their designee, may approve payment of employment candidate travel expenses for selected employment interviews when the following circumstances exist:

- (1) Recruiting was done outside the San Joaquin County area.
- (2) The reimbursement would apply only at a point in the selection process that involves a limited number of candidates.
- (3) Reimbursement amounts would be subject to the same limitations as apply to City employees. Human Resources will advise the candidate of the City's travel policy limits and receipt requirements.
- (4) The candidate may book his/her own travel arrangements; however, reimbursement will occur after the fact.

### **E. Entities Doing or Seeking to Do Business with the City**

When on official City business, employees/officials will not conduct City business at the expense of persons/companies doing or seeking to do business with the City. Specifically, transportation and related expenses associated with gaining knowledge about goods and services being offered by private persons or private entities doing business with the City shall be borne by the City. However, this provision may be waived by the City Manager if it is determined to be in the best interest of the City. This provision shall not apply to transportation and related expenses paid as a normal part of a City contract for goods or services.

## **2.5 TRAVEL ADVANCES**

### **A. Generally Prescribed Expenses**

The Finance Division is authorized to pay 100 percent of registration or conference fees to the conference provider and issue an advance to the traveler for up to 90 percent of the estimated lodging and meal expenses for official travel, unless such expenses are expected to be paid with a City-issued credit card. In addition, travel advances may include up to 50 percent of the estimated personal private mileage reimbursement, pursuant to existing employee agreements, when personal vehicles are approved for use for official travel. (Generally this rate will be the current mileage rate authorized by the Internal Revenue Service). Additionally, \$5.00 per day for incidental expenses may be requested as part of the travel advance. Generally, airfare, lodging and car rental expenses are paid via City-issued credit cards and are not advanced to the traveler. When the lodging provider requires pre-payment, see *Section 2.6(G) — Pre-Paid Lodging*, which details this process.

### **B. Trips Lasting 10-29 Calendar Days**

On trips lasting 10 to 29 calendar days, the Finance Division is authorized to advance up to 100 percent of the estimated lodging and meal expenses for official travel and other expenses as deemed appropriate by the traveler's Department Head.

### **C. Trips Lasting 30 Calendar Days or More**

For trips lasting 30 calendar days or longer, please refer to *Section 2.4(C) – Long-Term Travel*.

### **D. Travel Advance Processing**

Travel advance requests shall be received by the Finance Division for processing a minimum of twenty (20) working days prior to any required action on the request. Requests to attend meetings, conferences, or training must include a copy of documentation which indicates the meeting place, time and agenda, if available. Generally, travel advances will not be issued prior to five (5) working days before expected travel and shall not be made for amounts less than \$100.00 unless adequate justification is submitted to show that undue hardship to the individual will result in the event the smaller advance is not made.

Travel advances will be mailed to the address of record of the employee. The Finance Division has the option of withholding advances if a previous advance is unsettled or if the traveler has been notified of ineligibility for an extended period of time pursuant to *Section 2.5(F)(4)*.

### **E. Travel Advance Reconciliation**

Within 10 working days after return from a trip, or within 10 working days of receipt of reimbursement from a third party, a traveler must account for all advances pertaining to that trip by submitting all necessary receipts and a travel reimbursement request form to the Department Head. Any excess of advances over expenses must be refunded immediately by check from the traveler made payable to the City of Lodi. A travel reimbursement request in the amount of the actual travel expense incurred by the traveler must be forwarded to the Finance Division. A check in the amount indicated on the *Amount Owed by Employee* line of the reimbursement form must be forwarded immediately to the Finance Division.

Advances must be returned to the Finance Division when an event is canceled, postponed indefinitely, or another individual will be traveling on the City's behalf. **Travelers are, under no circumstances, to transfer a travel advance to another employee.** If necessary, the Finance Division can issue a replacement travel advance with 24 hours notice.

## **F. Delinquent Recovery**

- (1) Each Department is responsible for monitoring outstanding travel advances for its employees. The Department Travel Coordinator should contact the traveler within 10 working days of return, or within 10 working days of receipt of reimbursement from a third party, if the traveler has not submitted the necessary receipts and a completed travel reimbursement request form.
- (2) Failure to settle outstanding cash advances in a timely manner may result in a delay in reimbursement, and the traveler may be required to pay his/her personal credit card bill prior to reimbursement.
- (3) The Finance Division will send a written memorandum to the Department Head for distribution to the traveler (a sample memo is included as *Appendix A*) when the traveler has not completed the travel reimbursement request form within 11 working days.
- (4) If an outstanding travel advance has not been recovered within 30 calendar days, the Finance Division will notify the traveler's Department Head to advise the employee that travel advance privileges have been revoked and send a copy of this revocation to the employee.
- (5) The Finance Division will create a journal entry and transfer the cost of any outstanding advances that are 60 calendar days delinquent to the traveler's department. Notification of the journal entry will be sent to the traveler's Department Travel Coordinator. Any inaccuracies regarding organization units or general ledger accounts will be the responsibility of the traveler's department. Any collection of funds after the journal entry has been issued shall be deposited by the traveler's department.
- (6) If an outstanding travel advance has not been recovered within 60 calendar days from the date the accounting for the event was due, the Finance Division

may initiate formal collection procedures. These collection procedures will include referral of the full amount outstanding to a collection agency.

- (7) Unrecovered outstanding advances and/or proceeds from discount, rebate, or premium coupons on transportation tickets, which are considered as being a monetary benefit to the employee, are reportable to taxing authorities.

## **2.6 LODGING**

### **A. Reimbursement – General Guidelines**

Reimbursement for the cost of lodging is limited to the actual cost incurred. Generally such costs should not exceed the maximum federal rate (domestic or foreign) excluding tax, per day. The City is not responsible for reimbursement for luxury upgrades (ocean views, king-size beds, suites, etc.).

Domestic and foreign rates, “Federal Foreign & Domestic Per Diem Rates,” are available at: <http://www.gsa.gov/portal/category/100120>

For domestic rates, click on the appropriate state on the map of the United States. Refer to the “Maximum Lodging” which excludes taxes. For foreign rates, click on the world map section below the United States map and select the appropriate foreign area.

Generally, the City will allow an employee to arrive the evening prior to an event when the event location is a 90-minute or more drive from Lodi. Locations in the South Bay Area and in San Francisco are exceptions and will automatically qualify for an overnight stay. Any other exceptions will require prior approval of the Department Head and City Manager.

The City will not reimburse a traveler for costs incurred for a stay at a room-sharing type of location (Air BnB-type site) that is not properly licensed through their respective city, county or state or one that does not pay Transient Occupancy Tax.

### **B. Extended Stay Accommodations**

For trips involving one or more weeks of lodging, the Department should explore the cost of weekly lodging versus daily lodging. In addition, consideration can be given for lodging which includes a refrigerator and microwave at an additional cost. It would then be expected that savings would benefit the department when the traveler chose to purchase groceries instead of dining out. When requesting reimbursement for such extended stay accommodations, a letter explaining the cost analysis must accompany the completed travel reimbursement request.

### **C. Additional Allowances**

Generally, lodging at conference facilities will be allowed regardless of cost. If the conference facility is full, then lodging at alternate hotels shall be acceptable.

The Department shall attempt to locate the least expensive alternative. Additional allowances for lodging sufficient to cover actual costs where it is manifestly impracticable to occupy less costly accommodations may be specifically authorized by the Department Head or, in the absence of the Department Head, the person acting in their place.

Most hotels offer self-parking while some require valet parking. The City preferred parking option is that which offers the lowest cost and will generally be the self-parking option. If valet parking is the only option, or the safest option, that a hotel offers, reimbursement will be approved for the valet option.

#### **D. Travel with a Companion**

When a companion accompanies a traveler on official business, reimbursement for lodging will be at the lowest available single-occupancy rate for the accommodations. It is the traveler's responsibility to obtain the lodging rates for both single and double occupancy accommodations and indicate those rates on the travel reimbursement request.

#### **E. Requesting Government Rates**

The traveler should ask for government rates at the time of arrival (unless a group or conference rate is less). A City identification card or business card is generally sufficient identification.

#### **F. Hotel Cancellations**

Hotel cancellations are the responsibility of the traveler. Any cancellation charges incurred will be billed to the traveler unless proper justification is provided.

#### **G. Pre-Paid Lodging**

When lodging must be pre-paid to ensure reservations, the Finance Division may issue a warrant payable to the lodging establishment or the Department may pay the pre-paid amount utilizing a City issued credit card. The Department must present written documentation from either the lodging establishment or the conference materials that states the amount of the required pre-payment. The traveler must sign a statement that he/she will not request reimbursement for any pre-paid lodging on a travel reimbursement request (a sample statement is included as *Appendix D*). Any travel advance request must be reduced by the amount of any pre-paid lodging expense.

#### **H. Hotel Receipts**

When requesting reimbursement for hotel accommodations, the original itemized hotel bill must accompany the completed travel reimbursement request.

### **2.7 MEALS**

## **A. Reimbursement – General Guidelines**

Reimbursement for meals shall be made only when travel extends for a minimum of six (6) hours during the normal working day. In order to be reimbursed for the cost of meals, travel must begin before the times reflected on the following schedule:

MEAL	TRAVEL BEGINS BEFORE
Breakfast	6:00 a.m.
Lunch	11:00 a.m.
Dinner	5:00 p.m.

In addition, the trip must last for a minimum of six (6) hours, ending after 7:00 p.m., to qualify for dinner. For purposes of determining eligibility for reimbursement, travel shall be considered to begin when the traveler departs his/her residence if the trip begins before or after normal office hours. If the trip begins during normal office hours, travel shall be considered to begin when the traveler departs his/her office.

## **B. Meals Supplied by Common Carriers/Conference/Hotel**

Meals which are supplied by common carriers or are included in conference fees or hotel rates will not be reimbursed individually, but are considered to be included in the fees paid directly to the airline, conference or hotel (i.e., if a traveler is booked on a flight which serves lunch at no additional cost, no reimbursement will be provided for the lunch meal). A continental breakfast does not constitute a meal. The traveler or the Department Travel Coordinator should inform the carrier/conference/hotel of any special dietary requirement at the time reservations are made, and the traveler should remind the provider of the special request.

## **C. Meals Consumed Within Lodi City Limits**

Employees who incur costs due to attendance at a meeting, training or conference which includes a meal will not be reimbursed for said meals consumed within the Lodi City limits during the individual's normal working day when it can be demonstrated that the meal or meals involved are included in the cost of the meeting or conference which the employee is attending for the benefit of the City. Meals within Lodi City limits will also be reimbursed when the meal is approved by the department for same day travel of less than 300 miles round trip within the provisions of Section 2.7.

## **D. Meal Reimbursement Rates**

Meal reimbursement, including tips, will be for actual amounts, supported by itemized receipts, up to the maximum amount, based on the following criteria:



- **Meals consumed within the Continental United States:** Maximum amounts will be based on the meal rates published by the U.S. General Services Agency (GSA) and can be found at:

<http://www.gsa.gov/portal/category/100120>

- **Meals consumed outside the Continental United States:** Maximum amounts will be based on the U.S. Department of State meal rates in effect for the destination and can be found at:

[https://aoprals.state.gov/content.asp?contentid=184&menu\\_id=78](https://aoprals.state.gov/content.asp?contentid=184&menu_id=78)

## **E. Meal Reporting Requirements**

The traveler must report on the travel reimbursement request form the **ACTUAL amount expended** for each meal for each day, supported by itemized receipts. Please use the Meal Expense Summary form included in Appendix E. Even if the amount is greater than the maximum allowed under this Policy, meal reimbursement will be reimbursed based upon the maximum amount allowed. Because of Internal Revenue Service (“IRS”) requirements, employees should keep a record of these expenses for Federal Income Tax purposes. The record should include:

- Name and location of establishment where the meal/event took place.
- Exact amount and date of the expense.
- Specific business discussed.

Traveler must include a print-out of the allowance for the appropriate city from the appropriate GSA website referenced in Section 2.7 (D) along with their reimbursement claim.

Meals provided as part of the training/conference are not reimbursable. Traveler must include a copy of the training/conference program showing meals that are included with the cost of the conference/training.

## **F. Restrictions**

No reimbursement shall be made for alcoholic beverages of any kind.

## **2.8 TRANSPORTATION**

Normally, travel will be by the most reasonable means available, taking into consideration requirements for reimbursement for meals and lodging and employee time devoted to travel at the expense of performance of other duties.

## **A. Air Travel**

- (1) The Department Travel Coordinator will arrange for reservations and tickets for approved travel requests authorizing air transportation. The lowest available fare will be used for air travel unless otherwise specifically authorized by the approving authority. As a general rule, employees will be expected to accept flights departing within two (2) hours of the desired departure time. Such a window may not be suitable for all situations.
- (2) The Department Travel Coordinator must carefully monitor flights with cancellation penalties. If cancellation occurs due to a City-related change, the City department will cover the penalty cost. If, however, cancellation occurs due to a traveler's personal request, the traveler will be required to pay the penalty. An exception may be made for cancellations related to a family death (for which the airlines may not impose penalties) or an illness approved by the Department Head.

***Note:*** Most tickets issued today are non-refundable and non-transferable. These tickets will incur a fee for any changes.

- (3) All air travel arrangements for City employees should be made by the Department Travel Coordinator or the designee.
- (4) If an employee wishes to drive their personal vehicle in lieu of air travel and possibly a rental car, reimbursement will be authorized only up to the amount of the least expensive alternative. The request for reimbursement must include a printed copy of the quoted airfare as justification for the cost of air travel and the cost of the employee's mileage and attest to the least expensive alternative.

## **B. Train Travel**

In some instances train travel may be a viable alternative to air travel or car travel. An example would be the AMTRAK to San Francisco, in lieu of a car and paying for parking. The Department should evaluate the cost and time involved, prior to approval. In most instances it would be expected that the traveler would incur additional taxi fares at his/her destination. This cost should be included in the analysis. In addition, the time involved with the trip must be considered as a factor. A two-hour train trip to San Francisco is reasonable, but a 12-hour trip to San Diego would not be reasonable, unless the traveler is taking vacation time en route.

## **C. Car Rental**

- (1) Employees on out-of-town trips should use public conveyances (taxis, airport shuttles, buses, etc.) whenever such uses appear to be more economical than a rental car. Department Heads have discretion to approve

rental cars which do not meet these criteria. Generally, a rental car should not be requested unless one or more of the following criteria are met:

- a. Multiple business meetings that require travel between points make use of public conveyance impractical.
  - b. Three or more City employees are attending the same meeting and one rental car for the group would be more economical.
  - c. It is less expensive to rent a car overall.
- (2) The Department Travel Coordinator will arrange for reservations only upon receipt of an approved travel request.
- (3) Rental car expenses are to be paid by one of the following methods:
- a. City issued credit card; or
  - b. Traveler's personal credit card.
- (4) Suggested auto sizes per number of people:
- 1-2 passengers — compact or subcompact;
- 3-4 passengers — mid-size permitted.
- (5) Travelers are to waive all additional insurance offered when renting a car. Any additional insurance authorized by the traveler may, at the Department Head or, in the absence of the Department Head, the person acting in their place, discretion, be a reimbursed expense.
- (6) Rental Car Fueling:
- a. The traveler must fill the gas tank before returning the car to avoid fuel surcharges. Fuel expenses will be reimbursed based upon the receipts provided. Exceptions to the use of self-service fueling will not be allowed unless the employee can demonstrate and justify the reasons for not using available self-service fuel dispensing facilities.
  - b. In emergency situations, use of rental Car Company fueling options may be authorized by the Department Head.
- (7) Where extended personal travel is involved (see *Section 2.13 – Extended Personal Travel*), rental car expenses must be pro-rated to allow reimbursement for only those costs associated with City business.

#### **D. Travel by City Vehicle**

- (1) Travel out of the City in City vehicles is the preferred mode of travel after common carrier. The Fleet Services Division has a wide variety of vehicles available to City employees.
- (2) If more than one officer, employee, or person is traveling on the same trip, all reasonable efforts will be made to minimize transportation costs by use of a single vehicle.
- (3) Individuals that are not City staff or participants in City sponsored programs are prohibited from being transported in City-owned vehicles.

#### **E. Travel by Private Vehicle**

- (1) While City vehicle use is preferred, Department Head approval is required when the traveler chooses to use a private vehicle. All private vehicle travel will be reimbursed at the current IRS approved mileage rate.
- (2) Authorized out-of-City travel will normally be reimbursed at the IRS approved rate. However, when air travel is the most appropriate and economical means of transportation, maximum reimbursement will be in an amount equal to air coach fare unless the traveler clearly demonstrates in advance to the satisfaction of the Finance Division that travel by other means is more advantageous to the City.
- (3) For reimbursement purposes, mileage shall be determined based upon a starting point of the City office of the traveler, unless mileage is less based upon the traveler's home address. In all cases, normal commute mileage for the traveler shall be deducted from the total miles traveled before determining the total miles eligible for reimbursement. Traveler shall submit a Mapquest directions print-out (or equivalent mileage calculation) that documents the mileage requested for reimbursement.
- (4) For purposes of this Policy, a private vehicle must meet the following:
  - The vehicle shall be a conventional four-wheel, enclosed vehicle;
  - The vehicle must be equipped with seat belts;
  - The vehicle must be in sound mechanical condition, adequate for providing required transportation in a safe manner and without unreasonable delay.
  - The vehicle must be insured to, at least, the state minimum required coverages.

Use of a two or three wheel private vehicle is prohibited on City business.

#### **F. Exceptions**

The approved mode of travel may differ from that requested as deemed appropriate by the Department Head.

### **2.9 ADDITIONAL ALLOWANCES**

**A. Baggage Handling, Tips and Incidentals**

When included on the final travel reimbursement request, \$5.00 per travel day will be allowed to cover baggage handling, tips, and incidental expenses. Receipts are not required when requesting the \$5.00 allowance for such expenses. Incidental expenses including laundry and personal telephone calls are not reimbursable.

**B. Telephone, Facsimile and Internet Access**

Due to the high cost of hotel phone usage, travelers are **strongly discouraged** from making calls from hotel equipment. It is the Department's responsibility to advise all travelers of this recommendation. Acceptable alternatives to hotel phone usage are:

- (1) **Cellular Phones.** Travelers are encouraged to use City-issued or personal cellular phones, provided that long distance is included at no additional cost.
- (2) A Department Head or Designated Department Representative may, at their discretion, authorize payment of hotel phone, facsimile or internet access charges. Any such authorization must include a letter of explanation signed by the Department Head or, in the absence of the Department Head, the person acting in their place.

**C. Reimbursable Expenses with Receipts**

While traveling on official City business, the following expenses are reimbursable at actual cost **upon presentation of original receipts**:

- (1) Necessary taxicab, airport transportation, bus fares, shuttle charges, or bridge tolls, including tips.
- (2) Conference or seminar registration fees and associated tapes, reports, etc., which can be shown to be of extreme value to the participant in their work for the City. The decision to approve these expenses rests with the Department Head or, in the absence of the Department Head, the person acting in their place.
- (3) Parking fees.
- (4) Traveler's checks surcharge.
- (5) Postage.
- (6) Other justifiable expenses will be approved based on a review of special circumstances.

**D. Reimbursable Expenses without Receipts**

While traveling on official City business, the following expenses are reimbursable at **actual cost, without receipts**:

- (1) Metered parking and parking in unattended lots (maximum of \$6.00 per travel day).
- (2) Bay Area Rapid Transit (BART) fares (fee schedule must be attached to final travel reimbursement request).

#### **E. Non- Reimbursable Expenses**

- (1) Baby-sitting fees.
- (2) Personal toiletries.
- (3) Personal care expenses.
- (4) Traffic fines or parking tickets.
- (5) Hotel luxury upgrades.
- (6) Expenses associated with a non-employee who accompanies the employee on official business.
- (7) Alcoholic beverages.
- (8) Laundry services
- (9) In-room movies.
- (10) Entertainment outside those activities offered as part of the conference registration package.

### **2.10 FREQUENT FLYER MILES/HOTEL INCENTIVES**

Travelers who participate in airline frequent flyer programs or hotel incentive programs may apply City travel to these programs. Any benefit derived from these programs may accrue to the traveler. However, Department Travel Coordinators are not to be hindered from booking the most economical flights, lodging accommodations or car rental in order to benefit the traveler personally.

### **2.11 OPTIONAL EVENTS AT A CONFERENCE**

The City will pay for all events included in a conference registration fee. Where a conference includes other optional events at an additional cost, the traveler must be able to justify the business relationship of the event. Networking with other attendees is **not** a valid business relationship. Where an optional event is not business-related and includes a meal, the traveler can be reimbursed up to the maximum meal reimbursement rate.

**Example 1:** A conference includes an optional dinner event at a resort with entertainment provided. The cost of the dinner trip is \$50.00. Since there is no business purpose, the traveler can request reimbursement for the current maximum meal rate.

**Example 2:** A conference includes an optional tour of the world famous San Diego Wild Animal Park. There is no meal provided. This event is not reimbursable.

**Example 3:** The Conference of Water Quality Officials includes a tour (or a tour and a meal) of the local water treatment plant and a discussion of how the entity has utilized the latest technology. The person traveling works for the City in the water treatment plant. The traveler would submit a statement that this tour was related to their job with the City. The cost of this event would be reimbursable to the employee.

## **2.12 EXTENDED TRAVEL BASED ON COST SAVINGS**

It is acknowledged that travel out of state will generally involve arrival the night before, regardless of the time the event begins. In addition, an employee is expected to return on the last day of the event when the last activity ends prior to 3:00 p.m. If the last activity extends beyond 3:00 p.m., then the City Manager may authorize the traveler to stay the additional night and return the following morning. Occasionally extending a stay beyond that required by the event may result in significant cost savings on airline fares. The stay can be extended when the airfare savings exceed the additional total cost for all of the following:

- Additional hotel costs;
- Additional meal costs;
- Additional per diem costs; and
- Traveler's salary for his/her paid status on the additional days away from the office.

If all of the above is true, the Department must include with the travel reimbursement request a signed statement and a detailed accounting of the savings.

## **2.13 EXTENDED PERSONAL TRAVEL**

Under no circumstances will the City reimburse an employee for expenses incurred when the employee opts to extend their time at the destination for personal reasons. (i.e., the employee takes vacation, stays through the weekend, or arrives during the weekend). Reimbursable expenses will cease to accrue as of the expected return time had travel been consistent with *Section 2.12 – Extended Travel Based on Cost Savings*. Reimbursement for car rental and airport parking must be prorated to allow reimbursement for only those costs associated with City business.

## **2.14 CONTEST/DRAWING PRIZES AT CONFERENCES/EVENTS**

If an employee attending a conference or training event, on City time as a representative of the City, wins a prize, collects items from vendors or is given items that aggregate over \$50 by a single vendor, such prize or items are deemed to be City property.

**Example 1:** Employee is selected as a winner in a blind drawing of all registered attendees for a \$1000 Visa gift card. Employee must turn over the gift card to the City.

Example 2: A vendor gives an employee a polo shirt(s) with the vendor logo. Employee must determine the value of the polo shirt(s). If value exceeds \$50, employee must report such shirt(s) to their department head. The department head may allow the employee to keep the shirt(s) or take the shirt(s) from the employee and dispose of it/them. If the employee is allowed to keep the shirt(s), this will likely become a reportable item on the employee's annual Conflict of Interest statement (Form 700), if they are subject to such reporting.

Example 3: Employee picks up pens, pencils, toys and Post-it note pads from multiple vendors while at a conference. The aggregate value of the items exceeds \$50, but the value from any given vendor does not exceed \$50. Employee may keep the items for personal use and has no reporting responsibilities for these items.

Example 4: Vendor scans employee badge. Subsequently, employee is notified that they are the winner of an iPad. The iPad is considered City property and must be turned over to the City.

Example 5: Employee drops their business card in a bowl at a vendor booth. Employee is subsequently notified that they are the winner of a Harley Davidson motorcycle. The motorcycle is considered City property and must be turned over to the City.

## **2.15 Peace Officer Standards Training (POST)**

**Employees that are required to attend POST training events, will be required to follow the travel policy referenced above. Employees will be required to submit a reimbursement claim, within the required time lines.**

**Employees required to attend a POST training event, will be reimbursed for meals in accordance with GSA rates for the area of travel and in accordance with the policy as stated above. Receipts for all meals will need to be included with the final travel packet.**

**The Department will be responsible for submitting the POST reimbursement forms to POST. The reimbursement received from POST will be used to offset the department's expense of sending the employee to training. It is the department's responsibility to know what trainings are subject to reimbursement from POST and which ones are not.**



## APPENDIX A

[Date]

To: [Traveler Name]

From: [Department Head]

Subject: **NOTICE OF OVERDUE TRAVEL REIMBURSEMENT REQUEST**

Pursuant to City of Lodi Travel Policy Section 2.5(E), travelers must account for any travel advances associated with their travel within 10 working days after returning from the trip (or within 10 working days after receipt of reimbursement from a third party).

Your travel reimbursement request related to Travel Request No. \_\_\_\_\_ is past due. Please submit this request immediately.

## **APPENDIX B**

### **PRE-PAID LODGING CERTIFICATION**

I, the undersigned, hereby certify that I will not request reimbursement for any pre- paid lodging expenses on any travel reimbursement request in accordance with the City of Lodi Travel Policy, Section 2.6(G).

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dept: \_\_\_\_\_

Date: \_\_\_\_\_

## **APPENDIX C**

### **GUIDELINES FOR TYPES OF EVENTS RESULTING IN ELECTED OFFICIAL REIMBURSEMENT**

All qualifying trips/events and related expenses are subject to the provisions of the Travel Policy.

**1. Official board, council, committee, commission meetings scheduled subject to the Brown Act.**

These are meetings to perform the duties of the legislative bodies of which the claiming individuals are members, or similar meetings of other legislative bodies that the claiming individuals are required to attend in order to carry out the official business of their own legislative bodies.

**2. Attending conferences, seminars, workshops or educational events related to the business or operations of such groups.**

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include Urban Land Institute conferences.

**3. Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels. City boards, commissions, committees, councils, and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes.**

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body.

**4. Participating in regional, state and national organizations whose activities affect the City's interests.**

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include annual or regional conferences of the Council of Governments or League of California Cities.

**5. Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.**

All events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body or to City business and operations.

**6. Events that promote public service and morale by recognizing City participation and service.**

All events under this category should be limited to **local** events that recognize participation and service for **specific projects or accomplishments**, rather than general career service events such as retirement events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

**7. Attend City events.**

All events under this category should be limited to local City-sponsored events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

## APPENDIX D

[Date]

To: City Manager

From: [Department Head]

Subject: **OUT OF STATE/COUNTRY TRAVEL APPROVAL**

Please approve out of state/country travel for the following:

Employee: \_\_\_\_\_

Dates: \_\_\_\_\_

Destination: \_\_\_\_\_

Purpose of Travel: [Describe the purpose of the travel and the benefit to the City of the travel]

Approved ☐ Denied ☐

\_\_\_\_\_  
City Manager

## **APPENDIX E**

Business Expense and Claim Voucher Form

## **APPENDIX F**

POST Reimbursement Request Form

## **APPENDIX G**

Mileage Reimbursement form(s)

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING AND REPLACING  
RESOLUTION NO. 2019-172 AND APPROVING THE CITY OF LODI TRAVEL  
POLICY IN ACCORDINACE WITH GOVERNMENT CODE SECTION 53232.2

=====

WHEREAS, the Lodi City Council adopted Resolution 2019-172 on August 21, 2019, approving the current Travel Policy; and

WHEREAS, on June 10 and July 16, 2025, the Lodi City Council was presented with findings regarding the City's internal controls, including CAL-Card usage; and

WHEREAS, staff recognizes the importance and urgency of revising the City's policies; and

WHEREAS, the findings related to the CAL-Card usage resulted from issues with travel expenses and compliance with the City's Travel Policy; and

WHEREAS, staff has revised the City's Travel Policy to significantly reduce CAL-Card usage for travel expenses, and reflect operational efficiencies since the last update in 2019.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby repeal and replace Resolution No. 2019-172 and approves the City of Lodi Travel Policy, attached hereto as Exhibit A to this Resolution.

Dated: August 6, 2025

=====

I hereby certify that Resolution No. 2025-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 6, 2025, by the following votes:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2025-\_\_\_\_\_






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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Consider Waiving the First Reading and Introducing an Urgency Ordinance to Amend Lodi Municipal Code Section 2.44.040 "Appointing Authorities" Allowing the City Council to Temporarily Appoint Staff to Perform Required Duties During Appointee Vacancies and Acknowledging that City Manager and City Treasurer Are Not Conflicting Offices (CM/CA)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

James Lindsay, Acting City Manager and Katie O. Lucchesi, City Attorney

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**RECOMMENDED ACTION:**

Consider waiving the first reading and introducing an urgency ordinance to amend Lodi Municipal Code Section 2.44.040 "Appointing Authorities" allowing the City Council to temporarily appoint staff to perform required duties during appointee vacancies and acknowledging that City Manager and City Treasurer are not conflicting offices.

**BACKGROUND INFORMATION:**

After considering who to appoint as the City Treasurer at the July 16, 2025 City Council meeting, Council directed staff to prepare an urgency ordinance amending the Lodi Municipal Code (LMC) Section 2.44.040 to allow the temporary appointment of the Acting City Manager as City Treasurer.

The positions of City Manager, City Attorney, City Clerk and City Treasurer are currently separate and distinct in LMC, and specifically in Section 2.44.040. The attached urgency ordinance would amend LMC Section 2.44.040 allowing the City Council to appoint another qualified City employee whose duties do not conflict with a role that is vacant (including the City Manager in performance of City Treasurer duties) to temporarily perform the vacant appointee role until the permanent appointment process is complete.

Pursuant to Government Code Section 36937(b), the City Council has the power to enact an urgency ordinance as necessary to protect public peace, health, and safety if approved by a 4/5 vote of the Councilmembers. This urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety in order to allow the expedited appointment of the Acting City Manager to temporarily serve as the City Treasurer during the vacancy of the permanent appointee. The appointed City Treasurer position has historically been filled by the Assistant City Manager or the Deputy City Manager. However, the full-time Assistant City Manager position currently remains vacant and other qualified staff members in the Accounting Division are newer to their positions and the City of Lodi.

Due to the efforts underway to update the City's financial policies and procedures, Council expressed that it is necessary to quickly appoint a seasoned leader with financial experience to the City Treasurer role in order to maintain public peace and the City's fiscal health.

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## COUNCIL COMMUNICATION

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### **STRATEGIC VISION:**

3A. Fiscal Health: Promote City's transparency & fiscal fluency.

### **FISCAL IMPACT:**

Not applicable.

### **FUNDING AVAILABLE:**

Not applicable.

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE SECTION 2.44.040, "APPOINTING AUTHORITIES" NOTING COUNCIL'S ABILITY TO TEMPORARILY APPOINT STAFF TO PERFORM REQUIRED DUTIES DURING PERMANENT APPOINTEE VACANCIES AND ACKNOWLEDGING THAT THE CITY MANAGER CAN TEMPORARILY SERVE AS CITY TREASURER BECAUSE SUCH ROLES ARE NOT CONFLICTING INCOMPATIBLE OFFICES

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Purpose. The purpose of this Urgency Ordinance is to amend Lodi Municipal Code (LMC) Section 2.44.040 to acknowledge that Council can temporarily appoint a qualified City employee to perform required appointee duties during a vacancy in the permanent position and to find that the City Manager role is not incompatible with the City Treasurer's designated duties, so that the Acting City Manager can temporarily perform those additional tasks until a permanent City Treasurer can be appointed.

SECTION 2. Findings. This Urgency Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b). The City Council makes the following findings supporting the adoption of this urgency Ordinance:

- A. The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code Section 36937(b).
- B. The urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety in order to allow the expedited appointment of the Acting City Manager to temporarily serve as the City Treasurer during the vacancy of the permanent appointee. The appointed City Treasurer position has historically been filled by the Assistant City Manager or the Deputy City Manager. However, the full-time Assistant City Manager position currently remains vacant.
- C. Due to the efforts underway to update the City's financial policies and procedures, Council determined that it is necessary to appoint a seasoned leader with financial experience to the City Treasurer role in order to maintain public peace and the City's fiscal health. The City Council expressed the desire to appoint Acting City Manager James Lindsey to be that person, and temporarily perform the City Treasurer duties until another permanent appointee can be selected.
- D. The LMC currently defines the City Manager and City Treasurer as separate and distinct roles appointed by Council, and an amendment to the LMC would acknowledge Council's ability to make temporary appointments and expressly clarify that the City Manager and City Treasurer tasks do not conflict. Thus, the urgency ordinance's expedited amendment would ensure that Council's temporary appointment of Mr. Lindsey during this vacancy would comply with the LMC, it would not violate of the doctrine of incompatible offices, and it exhibit timely action to preserve the public peace, health, and safety related to the management and oversight of the City's finances.
- E. Any urgency ordinance adopted pursuant to Government Code Section 36937(b) shall be effective immediately upon adoption.

SECTION 3. LMC Section Amended. The Lodi Municipal Code Section 2.44.040 entitled "Appointing authorities" is hereby amended to read as follows:

#### 2.44.040 - Appointing authorities.

The appointing authorities are the city council, in the case of the city manager, city attorney, city clerk and city treasurer; the library board, in the case of the library director; and the city manager, for all other employees. To ensure fulfillment of required appointee duties, the city council may also appoint another qualified city employee whose duties do not conflict with the vacant role (including the city manager in performance of city treasurer duties) to temporarily perform the vacant appointee role until the permanent appointment process is complete. These appointing authorities, in whom is vested by law the power to make appointments, transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of this chapter and the rules established under this chapter. In addition, the city manager shall have the authority to discipline or dismiss the library director based on employment practices.

**SECTION 4. Severability.** If any provision of this Urgency Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Urgency Ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 5. No Mandatory Duty of Care.** This Urgency Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 6. No Conflict.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 7. Effective Date and Publication.** This Ordinance is hereby declared an Urgency Ordinance under Government Code of the State of California, Section 36937, subsection (b) thereof, and it shall take effect immediately upon adoption and approval by at least four-fifths vote of the City Council. In lieu of publication of the full text of this Urgency Ordinance within fifteen (15) days after its passage, a summary of the Urgency Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_\_ day of \_\_\_\_\_, 2025

---

Cameron Bregman  
Mayor

Attest:

---

OLIVIA NASHED, City Clerk  
State of California  
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2025, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2025, by at least a 4/5 vote of the City Council as follows:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

Approved as to Form:

\_\_\_\_\_  
KATIE O. LUCCHESI  
City Attorney






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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Consider Waiving the Second Reading and Adopting an Ordinance No. 2032 Amending the Zoning Map from Unzoned to General Commercial (GC) for Approximately 8.81 Acres at APN 061-020-15, and Detach APN 061-020-15 from the Woodbridge Fire Protection District, Adopting a Resolution Authorizing The Filing Of An Application With The Local Agency Formation Commission for the Annexation of Assessor Parcel Number 061-020-15, Abutting Portions Of East Kettleman Lane And Beckman Road with Related Municipal Services, Including Detachment of The Woodbridge Rural Fire District and Authorizing the City Manager to Execute a Agreement Between The City of Lodi, Maverik, Inc., and Woodbridge Fire District Regarding Annexation Of Property From The District to the City Of Lodi in Substantial Conformance with the Attached Draft in a Form Acceptable by the City Attorney (Applicant: Maverik Inc.; File Number: PL2023-40; CEQA Determination: A Mitigated Negative Declaration has been prepared pursuant to Section 15070 to 15075 of the CEQA Guidelines) (CLK)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Olivia Nashed, City Clerk and Cynthia Marsh, Deputy Community Development Director

---

**RECOMMENDED ACTION:**

Consider Waiving the Second Reading and Adopting an Ordinance No. 2031 Amending the Zoning Map from Unzoned to General Commercial (GC) for Approximately 8.81 Acres at APN 061-020-15, and Detach APN 061-020-15 from the Woodbridge Fire Protection District, Adopting a Resolution Authorizing The Filing Of An Application With The Local Agency Formation Commission for the Annexation of Assessor Parcel Number 061-020-15, Abutting Portions Of East Kettleman Lane And Beckman Road with Related Municipal Services, Including Detachment of The Woodbridge Rural Fire District, and Authorizing the City Manager to Execute an Agreement Between The City Of Lodi, Maverik, Inc., and Woodbridge Fire District Regarding Annexation Of Property From The District to the City of Lodi in Substantial Conformance with the Attached Draft in a Form Acceptable by the City Attorney.

**BACKGROUND INFORMATION:**

Ordinance No. 2032 entitled, "An Ordinance of the Lodi City Council Amending the Zoning Map from Unzoned to General Commercial (GC) for Approximately 8.81 Acres at APN 061-020-15, and Detach APN 061-020-15 from the Woodbridge Fire Protection District" was introduced at the regular City Council meeting of July 16, 2025.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required - one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

---

## COUNCIL COMMUNICATION

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Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

The proposed Resolution authorizes submittal of the Maverik project to the San Joaquin Local Agency Formation Commission (LAFCO) for annexation into the City of Lodi and concurrent detachment from the Woodbridge Rural Fire Protection District. Approval also enables the City Manager to execute a Memorandum of Understanding (MOU) with the District to facilitate the transition of fire service responsibilities to the City of Lodi Fire Department. This action is necessary to ensure coordinated and consistent service delivery upon annexation.

### **STRATEGIC VISION:**

2B. Economic Development: Expand and diversify economic opportunities.

### **FISCAL IMPACT:**

Not applicable.

### **FUNDING AVAILABLE:**

Not applicable.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE TITLE 17 - DEVELOPMENT CODE - RELATED TO SECTION 17.10.030, "ZONING MAP", TO PRE-ZONE A PROPERTY TO GENERAL COMMERCIAL (GC) LOCATED AT THE SOUTHEAST CORNER OF EAST KETTLEMAN LANE AND BECKMAN ROAD AT ASSESSOR PARCEL NUMBER 061-020-15 (APPLICATION NO. PL2023-041)

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI, AS FOLLOWS:

**SECTION 1. FINDINGS AND INTENT**

The City Council of the City of Lodi hereby finds, pursuant to Lodi Municipal Code ("LMC") Chapter 17.72, that:

- A. The proposed Pre-zone will ensure and maintain internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan. The project site ("Site") is comprised of Assessor Parcel Number 061-020-15 ("Parcel") and a portion of the Beckman Road right-of-way west of the Parcel. The 2010 General Plan Land Use Map identifies the Parcel as having the General Commercial general plan designation pursuant to Figure 2-1 (Land Use Diagram) of the General Plan. The Parcel has the County of San Joaquin Agriculture 40 (AG-40) zoning designation. The proposed Pre-zone of the Parcel to GC zone will be compatible with the existing General Plan Land Use Map designation of General Commercial, and it would allow commercial uses on the Parcel. The proposed Pre-zone action would not create any inconsistencies with LMC Title 17 (Development Code) since it pertains to the Zoning Map only and the text of Title 17 would remain unchanged under this proposed action.

Additionally, the proposed Pre-zone would further the following General Plan policies:

- i. Land Use Element Policy LU-G1: Create a balanced and sustainable land use pattern that provides for a diversity of uses and satisfies existing and future needs.
  - ii. Land Use Element Policy LU-P10: Allow employee-serving amenities and services such as restaurants, cafés, dry cleaners, and other complementary uses in Business Park areas.
- B. The proposed Pre-zone action will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City because the GC zoning designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the Parcel.
- C. The Parcel would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested Pre-zone and anticipated land use development. The Parcel is located adjacent to an urban area, and provides all necessary infrastructure (e.g., roads, utilities). The Parcel is presently undeveloped and the proposed improvements to this vacant Site will conform with LMC commercial standards.



- D. The proposed project complies with the California Environmental Quality Act ("CEQA") Guidelines (14 CCR § 15061), as the City as the lead agency prepared an Initial Study for the annexation and zoning requests. The Initial Study (IS) determined that the Project will have potential environmental effects but these effects can be mitigated through recommended mitigation measures. Thus, the City has prepared a Mitigated Negative Declaration (MND) and a Mitigation Monitoring Reporting Program (MMRP) to be adopted by the Council. Mitigation measures have been incorporated into the Project's conditions of approval.

## **SECTION 2. ZONING MAP AMENDMENT**

The Zoning Map, referred to in LMC Section 17.10.030, and by reference made a part hereof, said Code is hereby amended to provide a General Commercial (GC) zoning designation for portion of Assessor's Parcel Number 061-020-15 upon annexation to the City.

## **SECTION 3. SEVERABILITY**

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

## **SECTION 4. NO MANDATORY DUTY OF CARE**

This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

## **SECTION 5. NO CONFLICT**

All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

## **SECTION 6. PUBLICATION.**

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
CAMERON BREGMAN  
Mayor

Attest:

\_\_\_\_\_  
OLIVIA NASHED, City Clerk

State of California  
County of San Joaquin, ss.

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2025, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2025, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

OLIVIA NASHED  
City Clerk

Approved as to Form:

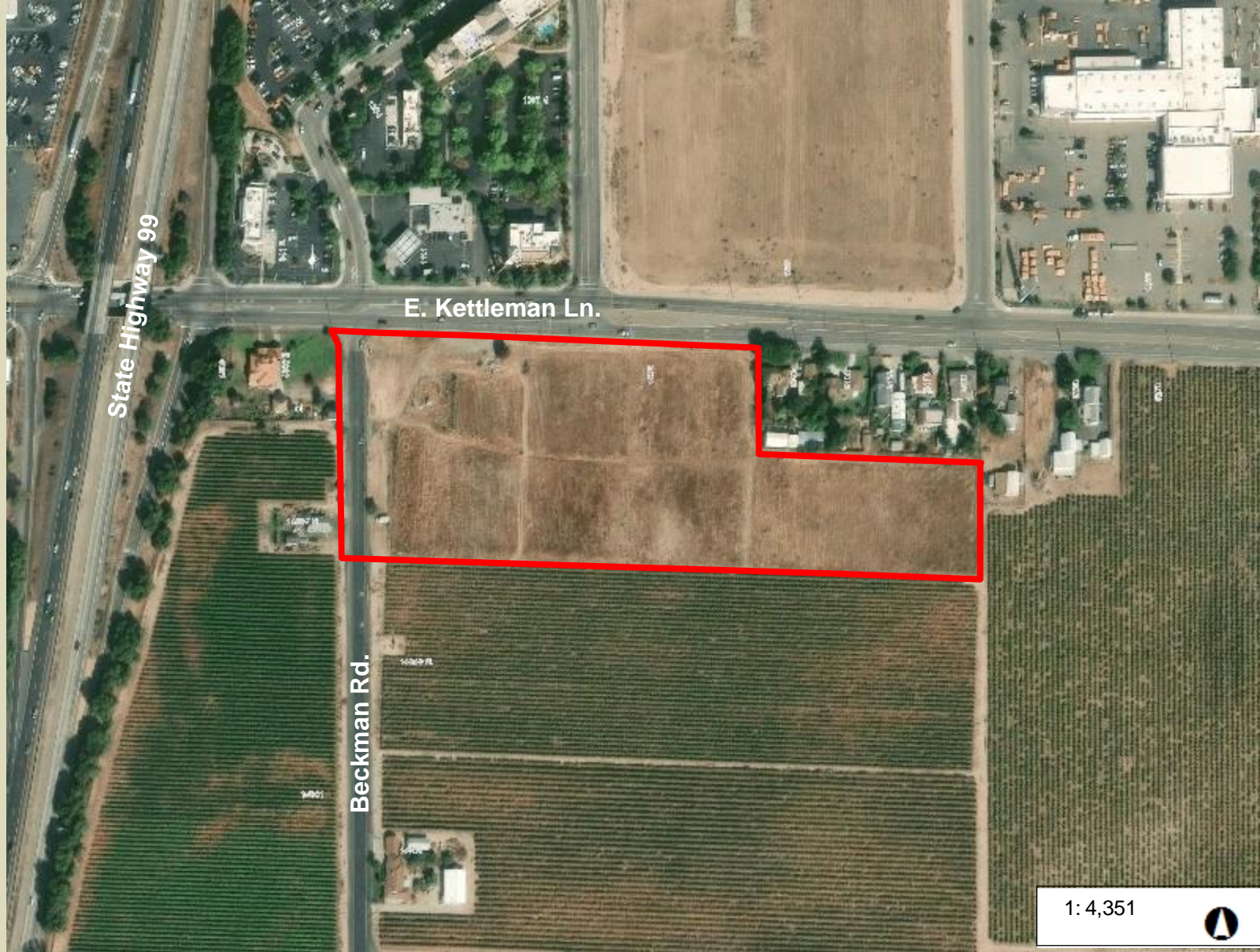
for

KATIE O. LUCCHESI  
City Attorney





# Aerial Map - Maverik Annexation



1: 4,351



725 0 363 725 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City of Lodi Geographic Information Systems

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

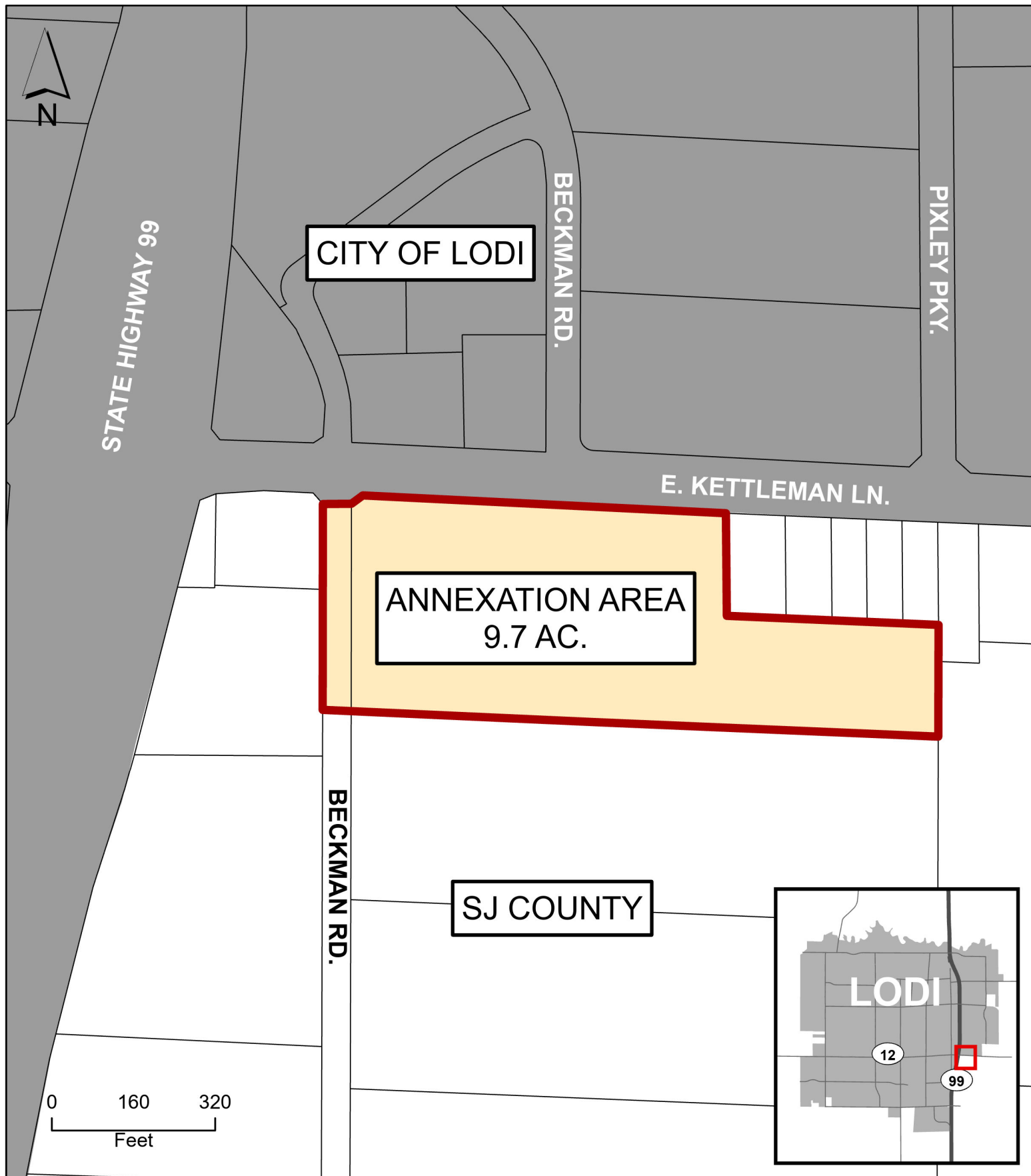
THIS MAP IS NOT TO BE USED FOR NAVIGATION



## Legend

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

## Notes

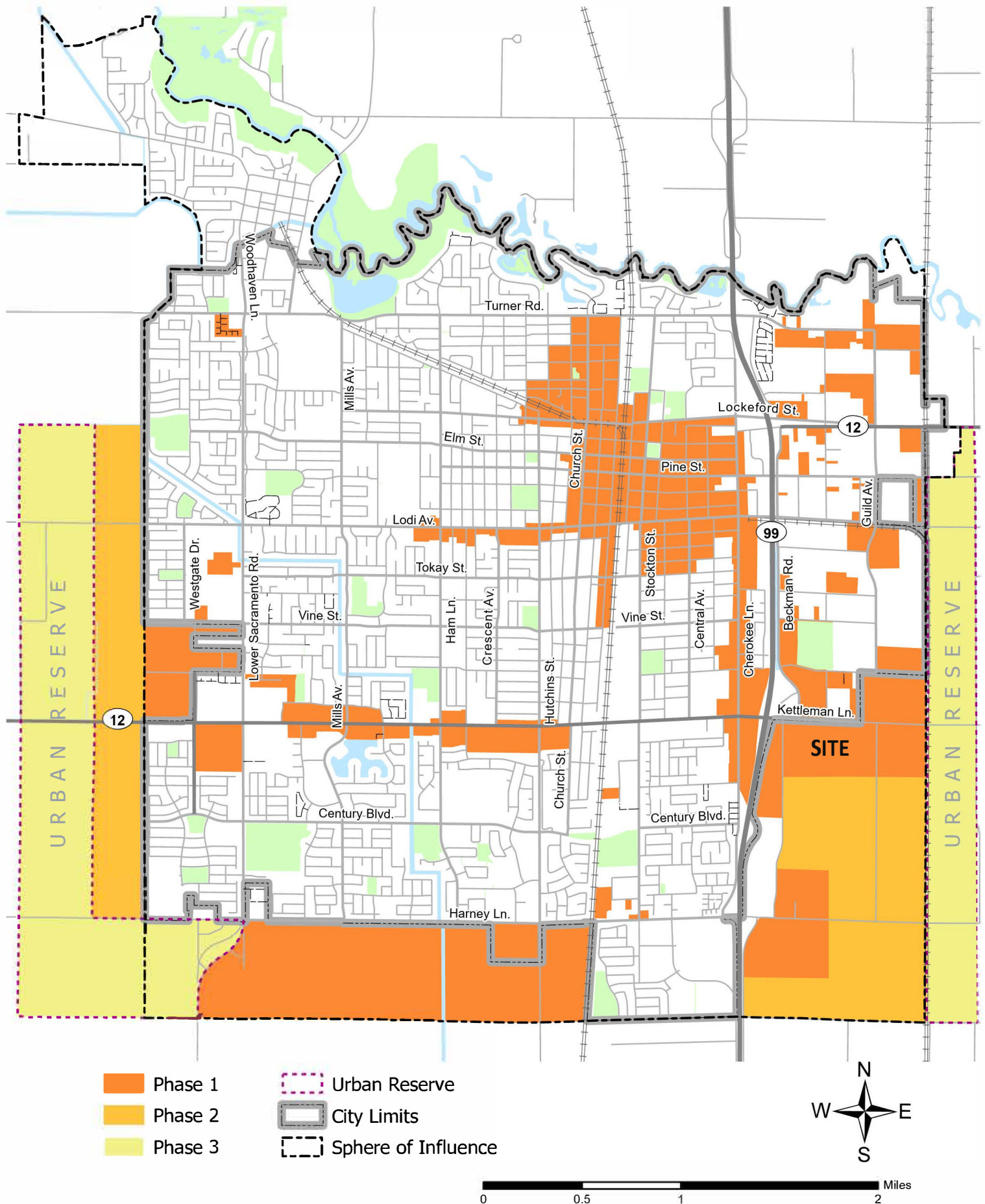


# MAVERIK ANNEXATION EXHIBIT

CITY OF LODI COMMUNITY DEVELOPMENT DEPT.



FIGURE 3-1: DEVELOPMENT PHASES



**PUBLIC REVIEW DRAFT**

**2022 LODI MUNICIPAL SERVICE REVIEW AND  
SPHERE OF INFLUENCE UPDATE**



Prepared by the City of Lodi  
Community Development Department  
221 West Pine Street  
Lodi, CA 95240

September 2022

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**CITY OF LODI  
MUNICIPAL SERVICES REVIEW  
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## 1 INTRODUCTION

This Municipal Services Review (MSR) was prepared by the City of Lodi (the City) for the San Joaquin Local Agency Formation Commission (LAFCo) in compliance with the 2000 Cortese-Knox-Hertzberg Act, which requires each LAFCo to prepare service reviews prior to establishing or updating spheres of influence (SOI).

According to LAFCo policies, the purpose of an MSR is to evaluate the provision of services from a comprehensive perspective and recommend actions, when necessary, to promote the efficient provision of those services. This MSR must define the probable 30-year boundary of its service area and the agency's sphere horizons at the end of the 10 and 30-year time period coordinated with this MSR.

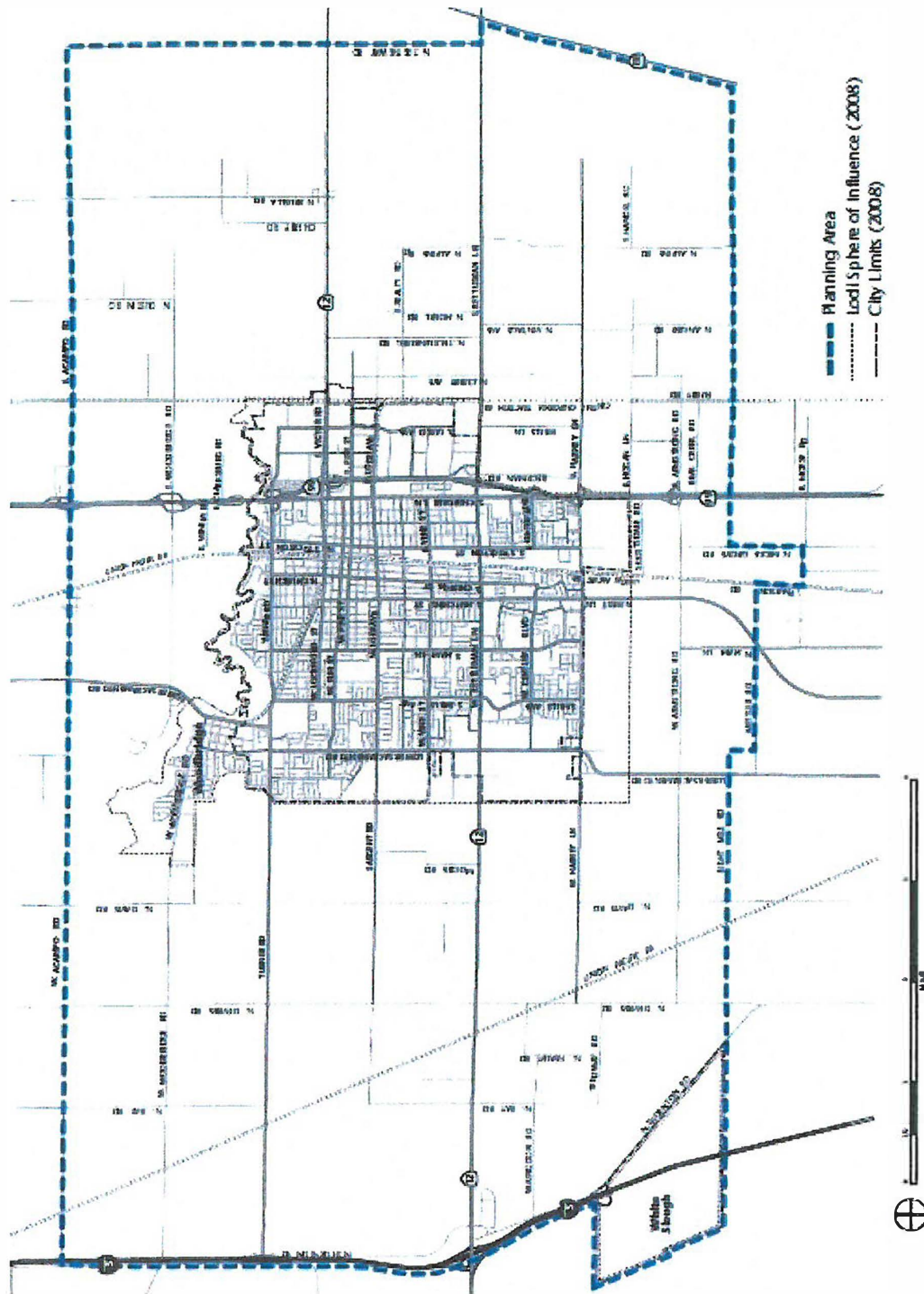
In 2007, LAFCo approved the existing MSR and Sphere of Influence for the City of Lodi. This 2007 MSR included recently added annexations from 2006 and 2007. After this approval, the City of Lodi approved the 2010 General Plan. The 2010 General Plan identifies land to provide for potential growth during the next 20 years and beyond. Figure 1-2: SOI below, is a map showing the existing SOI and City limit boundaries, the 2010 Lodi General Plan boundaries. The 10-year sphere horizon and the thirty-year sphere horizon boundaries are provided in section *B. Sphere of Influence* below.

### **A. Planning Area**

State law allows cities to identify a Planning Area. This is an area outside of city boundaries and generally outside the SOI that bears a relation to the City's planning and policy direction.

The City of Lodi Planning Area covers 79.4 square miles, or 50,827 acres. This land area is dominated by vineyards and agriculture. Development in the Planning Area is concentrated in the urbanized areas: within Lodi city limits and Woodbridge, a community contiguous to Lodi and within Lodi's SOI; and in Flag City, an unincorporated commercial center at the junction of I-5 and SR-12. (See Figure 1-1 below)

Figure 1-1: Planning Area



### ***B. Sphere of Influence***

The Sphere of Influence (SOI) is the area outside of the City limits that the City expects to annex and urbanize in the future. It is the expected physical limit of the City based on the most current information.

Figure 1-2 illustrates the current City limits and the existing SOI, as well as the proposed areas for the 10-Year and 30-Year Horizons. The boundaries of the 10-year horizon will be expanded to include the Phase I areas in the south-east quadrant which is generally bound by East Kettleman Lane to the north, East Hogan Lane to the south, Central California Traction Company Railroad (CCTRR) to the east, and Golden State (Hwy 99) to the west. The boundaries of the 30-year horizon will be expanded to include the Phase II areas in the south-east quadrant.

Figure 1-2: Sphere of Influence

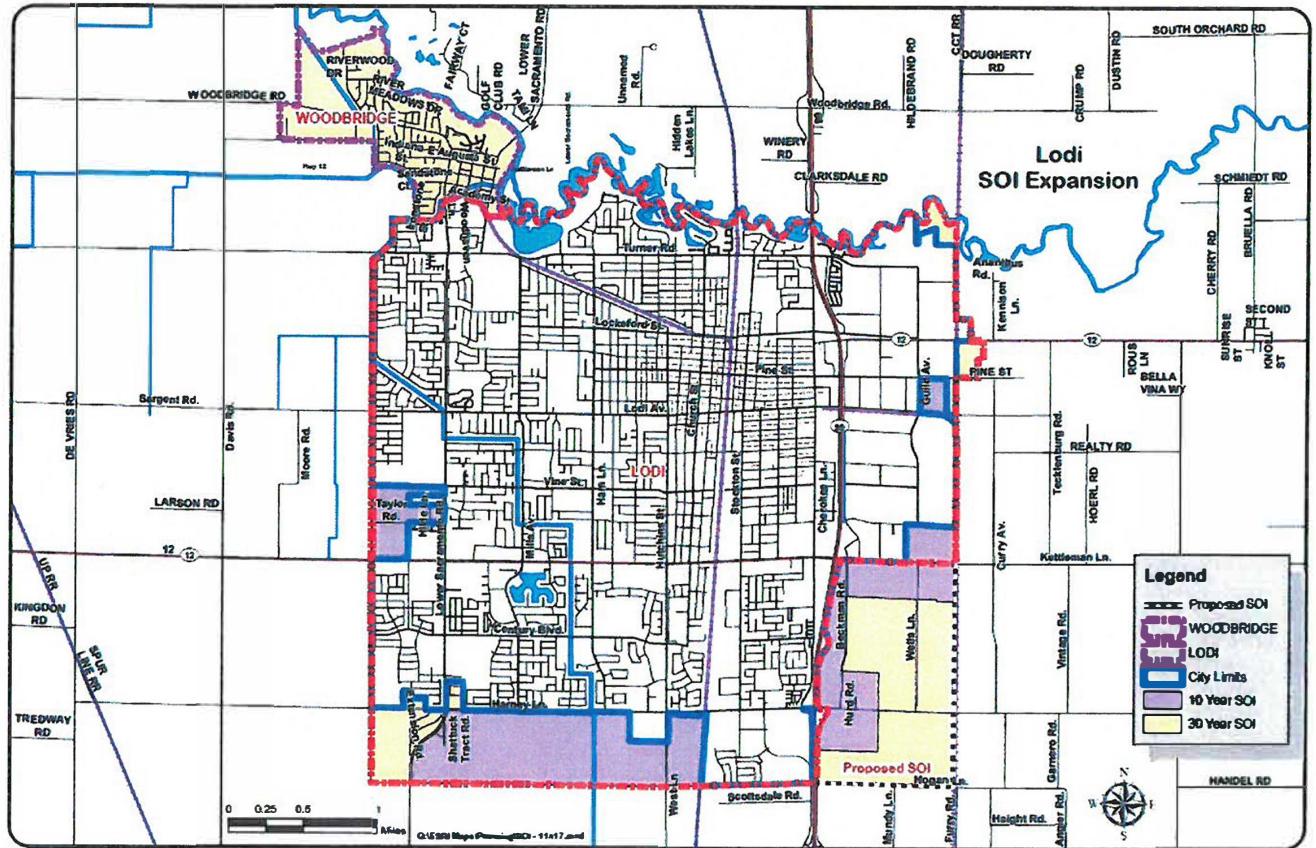


Table 1-1 presents the acreages of each planned land use, based on General Plan land use designations, within the existing City limits, and within the existing SOI and proposed SOI.

**Table 1-1: Land Use Acreages**

Overall Acreage Calculations		City Limits	Existing SOI	Proposed SOI	Total Acres
LDR	Low Density Residential	2911.5	893.1		3804.6
MDR	Medium Density Residential	470.5	166.6		637.0
HDR	High Density Residential	208.5	13.1		221.5
C	Commercial	406.1	52.4	162.1	620.6
O	Office	92.6	18.9		111.5
I	Industrial	1183.2	104.4	242.1	1529.7
BP	Business Park			396.0	396.0
OS	Open Space	310.8	164.5	51.2	526.6
PQP	Public/Quasi-Public	6.7	38.4		45.2
DMU	Downtown Mixed Use	89.3			89.3
MC	Mixed Use Corridor	466.7	34.0		500.7
W	Water	67.0			67.0
	Total Acres	6212.9	1485.4	851.4	8549.6

Source: City of Lodi, Engineering Department, GIS Division



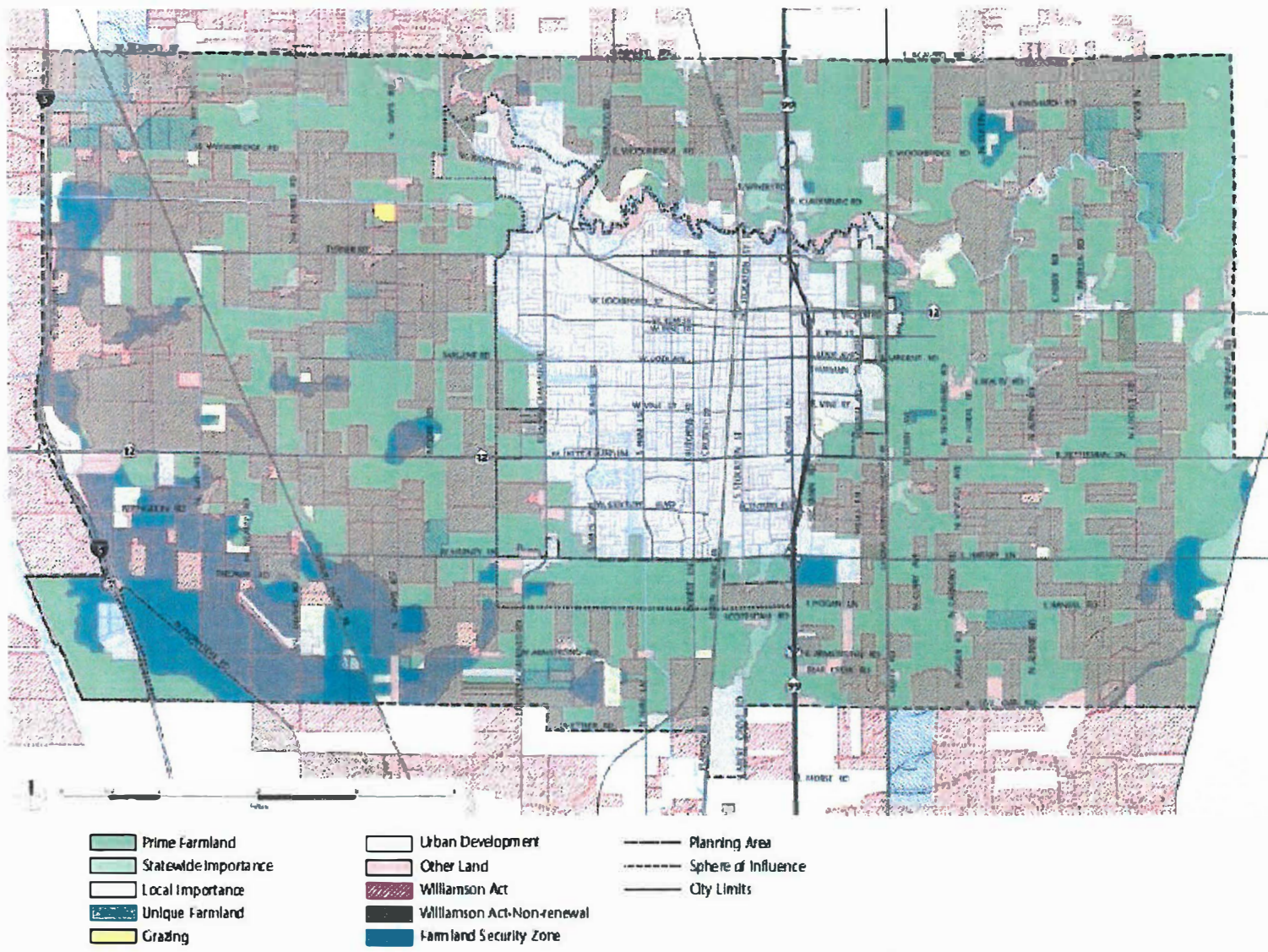
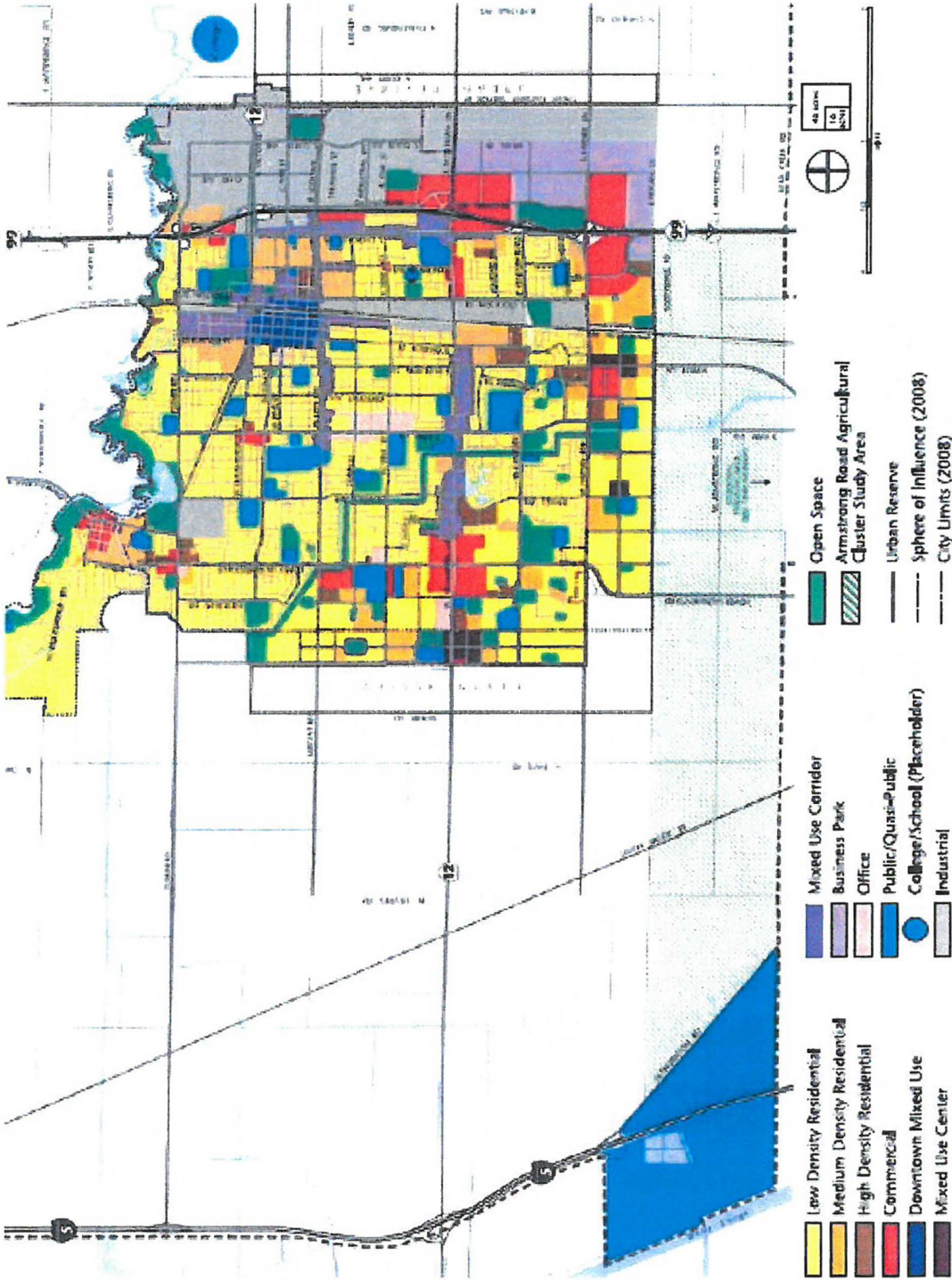


Figure 1-3: Williamson Act Lands in the Planning Area

Figure 1-4 illustrates the City of Lodi General Plan Land Use Map for the entire Planning Area, including the City and SOI boundaries.

Figure 1-4: General Plan Land Use Map





This 2022 MSR and SOI plan will modify the existing SOI to include an area in the south-east quadrant of the 2010 Lodi General Plan (see Figure 1-2) for economic and jobs growth which is designated Commercial, Business Park and Industrial in the 2010 Lodi General Plan.

The Cortese-Knox-Hertzberg Act requires LAFCO to make nine written determinations. Following the SOI plan in Chapter 2, this MSR dedicates a chapter to each of these determinations in the order listed below.

- ◆ Infrastructure Needs and Deficiencies
- ◆ Growth and Population Projections for the Affected Area
- ◆ Financing Constraints and Opportunities
- ◆ Cost Avoidance Opportunities
- ◆ Opportunities for Rate Restructuring
- ◆ Opportunities for Shared Facilities and Determinations of Disadvantaged Unincorporated Communities
- ◆ Government Structure Options
- ◆ Evaluation of Management Efficiencies
- ◆ Local Accountability and Governance

### ***C. LAFCo and the Sphere of Influence***

Government Code Section 56076 defines a SOI as a “plan for the probable physical boundaries and service area of a local agency, as determined by the Commission.” An SOI is an area within which a city or district may expand through the annexation process. In simple terms, an SOI is a planning boundary within which a city or district is expected to grow over time.

In determining a sphere of influence, the Commission is required to consider and make written determinations with respect to the following factors (Government Code Section 56425):

1. The present and planned land uses in the area, including agricultural and open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, which occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The purpose of a SOI is to encourage “logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities.” SOI serves a similar function in LAFCo determinations as general plans do for cities and counties.

In order to prepare or update a SOI, a MSR must be conducted which addresses the nine factors previously outlined. LAFCo must conduct the MSR and adopt written determinations with respect to those nine factors either prior to, or in conjunction with, any action to establish or update a SOI. Adopted LAFCo policies emphasize the use of existing plans, data and information currently available for the preparation of MSR documents rather than requiring preparation of new service documents.

#### ***D. California Environmental Quality Act***

The LAFCO procedures for CEQA compliance are authorized by Section 21083 of the California Public Resources Code which requires that the Secretary of the Resources Agency to adopt guidelines for the implementation of the California Environmental Quality Act of 1970 (CEQA) by public agencies. The guidelines which have been adopted, are set forth in the California Code of Regulations (Chapter 3, Title 14 Sections 15000, *et. seq.*) Section 15022 of the guidelines requires that each public agency adopt objectives, criteria, and specific procedures for administering its responsibilities under CEQA. The purpose of these regulations is to comply with the requirements of Section 15022. This MSR has been completed in full compliance with CEQA and LAFCO procedures.

Because this MSR is an informational document used for future actions that LAFCo or the City have not approved, adopted or funded, it is considered to be statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines. A notice of exemption pursuant to CEQA will be prepared by LAFCo.

Additionally, the Lodi City Council certified the Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi 2010 General Plan on April 7, 2010. The EIR was certified by Resolution No. 2010-41. All lands within the proposed boundaries of the SOI are designated for urbanization by the General Plan and no changes to the current General Plan designations are proposed. The action of approving the MSR and adopting the proposed SOI will not result in any approvals of a project that would have the potential to result in impacts to the environment. Nor would approving the MSR and adopting the SOI result in any changes to

the planned and allowed density and/or intensity of future land uses. It can be seen with certainty that approving the MSR and adopting the proposed SOI do not have the potential to result in impacts to the environment and therefore these actions are exempt from review under CEQA subject to Section 15183 of the CEQA Guidelines. The City of Lodi will prepare a Notice of Exemption for LAFCo to consider in conjunction with its review of the MSR and SOI.

## 2 SPHERE OF INFLUENCE PLAN

The Sphere of Influence (SOI) Plan for the City of Lodi described in this chapter analyzes the City's ability to serve existing and future residents within the proposed SOI. LAFCo is responsible for the sufficiency of the documentation and the Plan's consistency with State law and LAFCo policy.

This SOI plan has been completed in compliance with all applicable LAFCo policies as prescribed by the state legislature to:

1. Promote orderly growth and urban development.
2. Promote cooperative planning efforts among cities, the county and special districts to address concerns regarding land use and development standards, premature conversion of agriculture and open space lands, efficient provision of services, and discouragement of urban sprawl.
3. Serve as a master plan for future local government reorganization by providing long range guidelines for efficient provision of public services.
4. Guide consideration of proposals and studies for changes of organization or reorganization.
5. For cities and special districts that provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services within any disadvantaged unincorporated communities (DUCs) within the sphere of influence.

According to Government Code 56425 of the Cortese-Knox-Hertzberg Act, LAFCo must consider and prepare determinations for the following five factors.

1. The present and planned land uses in the area, including agricultural open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

LAFCo guidelines for determining SOI requires that “sphere horizons,” or planning increments, depict a city’s logical boundaries at time periods of between five and ten years, and up to thirty years. SOI areas must be consistent with general plan land use elements, and with the municipal services review (MSR). LAFCo also encourages general plan policies for implementing ordinances and programs that address smart growth principles, infill and redevelopment strategies, mixed use and increased densities, community buffers, and conservation of habitat, open space, and agricultural land.

LAFCo has established procedural guidelines for determining SOIs, including a Timeframe guideline which states “Territory that is currently receiving services from a local agency, or territory that is projected to need a local agency’s services within a 0–30-year timeframe may be considered for inclusion within an agency sphere. “Sphere horizons” or planning increments should depict the agency’s logical boundary at a time period of between 5 and 10 years and at the end of the 30-year time period.”

Detailed determinations as to the City’s ability to provide adequate services to existing and future residents within the existing SOI are contained in the subsequent chapters of this MSR.

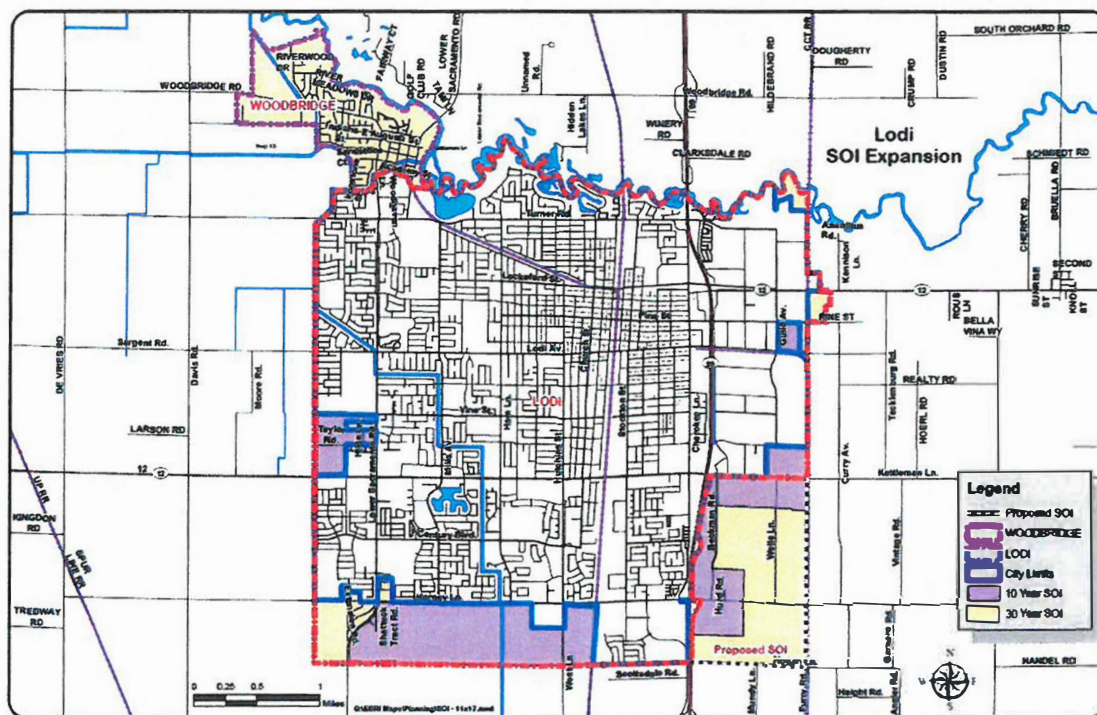
### **1. *Sphere of Influence***

The current and proposed Sphere of Influence (SOI) are identified on Figure 2-1. This figure also identifies areas of the existing and proposed SOI that are defined as 10-year SOI and 30-year SOI. The City has estimated the available capacity for residential and non-residential development inside the City limit and in the proposed SOI. Development potential is calculated based on assumptions of new commercial and residential development that could be built under the General Plan land use designation and densities/intensities. These assumptions enable calculation of projected population and employment and allow the City to plan for growth and infrastructure accordingly.

- 10 Year SOI represents a reasonable level of development given current market conditions and historic development trends. This SOI includes approved and under construction development projects; infill development and redevelopment downtown, along the City’s major corridors, and in the current and proposed SOI.
- 30 Year SOI represents the next most contiguous areas that will be made available once the land area depicted in the 10 Year SOI has been largely built out.

The only proposed amendment to the current Lodi SoI is the addition of the East Study Area that includes 851 acres of land which is generally bound by East Kettleman Lane to the north, East Hogan Lane to the south, Curry Avenue to the east, and Highway 99 to the west.

Figure 2-1: Proposed SOI



### Table 2-1: SOI Land Use Acreages

### Overall Acreage Calculations

		City Limits	Existing SOI	Proposed SOI	Total Acres
LDR	Low Density Residential	2911.5	893.1		3804.6
MDR	Medium Density Residential	470.5	166.6		637.0
HDR	High Density Residential	208.5	13.1		221.5
C	Commercial	406.1	52.4	162.1	620.6
O	Office	92.6	18.9		111.5
I	Industrial	1183.2	104.4	242.1	1529.7
BP	Business Park			396.0	396.0
OS	Open Space	310.8	164.5	51.2	526.6
PQP	Public/Quasi-Public	6.7	38.4		45.2
DMU	Downtown Mixed Use	89.3			89.3
MC	Mixed Use Corridor	466.7	34.0		500.7
W	Water	67.0			67.0
	Total Acres	6212.9	1485.4	851.4	8549.6

Source: City of Lodi, Engineering Department, GIS Division

**Note:** Table 2.1 acreages include the Woodbridge community, which is designated predominantly residential and, while located in the Lodi SOI, is not anticipated for annexation to the City.

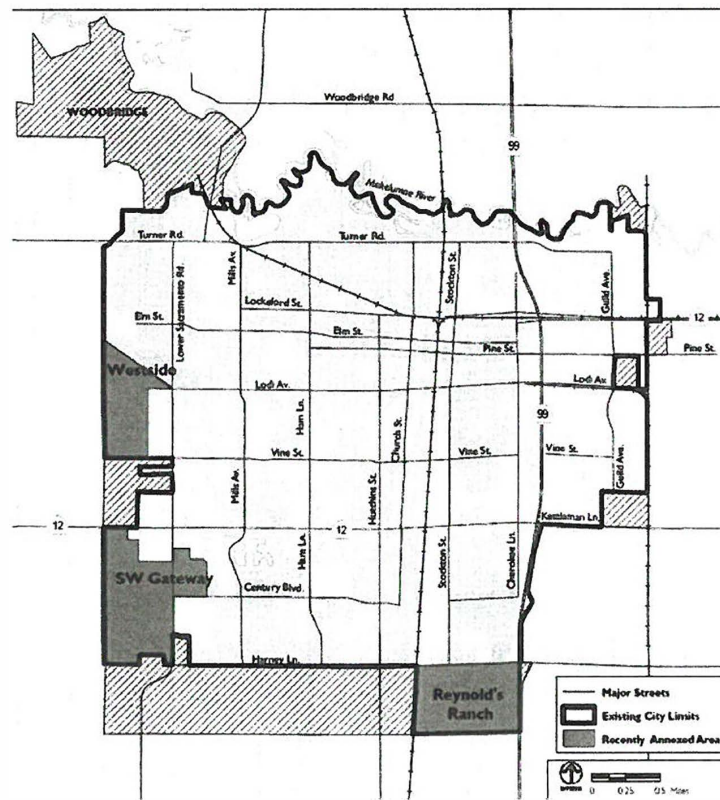


## 2. City and SOI Capacity

### *2006 and 2007 Annexed Areas*

The Reynold's Ranch, Westside and Southwest Gateway projects were annexed into the City in 2006 and 2007. Due to the economic downturn that extended from 2008 through 2014, development of these projects was significantly delayed. However, over the past seven years much of this land has been developed and the City is nearing build out of residential lands inside the City limits. The undeveloped portions of previously annexed properties and underutilized vacant properties within the City Limits are estimated to have capacity to accommodate approximately 1,000 dwellings.

Figure 2-2: Recently Annexed Lands



### *Residential Capacity*

Figure 2-1 identifies the existing City limits and the existing and proposed Lodi SOI. The remaining undeveloped lands in recent annexations, combined with the potential for infill development and densification in the existing community, are assumed to be able to accommodate approximately 1,000 new dwellings.

The Lodi 2010 General Plan estimates residential lands in the current SOI can accommodate approximately 4,400 dwelling units. A review of current General Plan residential designations within the existing Lodi SOI indicate the 2010 General Plan likely overestimated the development capacity in the existing SOI. This may be a result of Woodbridge community lands being included in the estimates, land that are not considered likely to annex to the City. For this analysis development capacity in the existing SOI is assumed to range from 3,800 to 4,400 dwellings. Combined with capacity inside the current City limits, residential development capacity is assumed to be 4,800 to 5,400 dwellings for the City limits plus SOI.

The General Plan assumes 2.7 persons per household to generate population estimates. The most recent American Community Survey/US Census data assumes 2.85 persons per household overall for the City and this more current household size is used in this analysis.

Based on the capacity to accommodate approximately 1,000 dwelling inside existing City limits and between 3,800 and 4,400 dwellings in the existing SOI, the City has a combined capacity to accommodate 4,800 to 5,400. Assuming 2.85 persons per household, these dwelling could accommodate 13,700 to 15,400 new residents. The City is not proposing any additions of residential lands to its SOI.

### ***Non-Residential Capacity***

Table 2-4 summarizes the overall acreage calculations by land use, within the city limits, existing SOI, and proposed SOI. Industrial and commercial represent the largest non-residential land uses, with proposed development concentrated in the area identified as the East Study Area. The majority of industrial land in Lodi is located east of Highway 99 and north of Kettleman Lane. It is estimated there are approximately 150 acres of undeveloped industrial lands north of Kettleman and east of Highway 99.

The East Study Area includes a total of 851 acres, of which 51 acres is the Cherokee Memorial Cemetery that will not be available for development. Portions of the remaining 800 acres are currently developed as residential uses or as agricultural industrial uses that will limit the potential for developing employment generating uses for the foreseeable future.

The Lodi General Plan designates lands in the East Study Area for urban uses. The Cemetery is designated Open Space and the remaining lands are designated Business Park (396 acres), Commercial (162 acres) and Industrial (242 acres).

The City conducted an analysis of employees per acre in the City of Lodi and in San Joaquin County. The review was compared to analysis prepared by the Southern California Association of Governments studies to validate assumptions. Based on this analysis it is anticipated that employment generating uses in the East Study Area will generate an average of 6.47 employees per gross acres across the entire East Study Area. Based on 800 total available acres, it is estimated



the East Study Area could accommodate approximately 5,200 new employees. The vacant 150 acres of industrial land north of Kettleman Lane are estimated to provide capacity of an additional 970 employees, resulting in a total capacity of approximately 6,200 employees. There is also capacity for additional employment uses as infill within the City that are anticipated to be primarily retail and service oriented uses.

### 3. Development Projections

#### *Residential Projections*

Lodi has developed at a relatively consistent rate over the years and has developed in a logical and compact form with a balance of land uses. The City intends to maintain these growth characteristics of moderate rate and orderly growth over both the 10-year and 30 year planning horizons. Over the past forty years Lodi population has grown at a rate of between 1 percent and 1.5 percent annually, with limited periods of both slower and more rapid growth. For purposes of SOI planning, the City anticipates a population growth rate of 1.5 percent annually. Table 2-2 notes five-year population projections from 2022 through 2052 based on a 1.5 percent growth rate, beginning with an estimated 2019 population of 67,581. This growth rate represents a middle ground between Lodi's historical growth rate of 1 percent and the maximum growth rate of 2 percent allowed by the General Plan.

Table 2-2 Population Projections

Year	Population
2019	67,581
2020	68,595
2021	69,521
2022	70,459
2027	75,345
2032	80,570
2037	86,158
2042	92,133
2047	98,522
2052	105,354

The City's 10-year population is expected to increase by 10,111, reaching a population of 80,570 by 2032. By comparison, the City's 30-year population is projected to increase by 34,895 residents, reaching a population of 105,354 by 2052.

### ***Non-Residential Projections***

Lodi's economic base has historically been concentrated on agriculture and manufacturing. Agriculture and manufacturing businesses have been attracted by the city's access to transportation routes and facilities as well as a location that is central to the markets of the western United States. Today, tourism is a growing sector of the basic economy as well: visitors are attracted primarily by Lodi's premium wine industry.

The 2010 General Plan seeks to provide balanced land uses that generate adequate revenue to pay for the cost of services provided. A combination of office, retail, and visitor's services and attractions, provide a range of jobs for local workers and revenue streams for the City government. The new growth areas provide land for potential large employment opportunities, similar to the Blue Shield call center for industrial users. Highway adjacent commercial designations may attract commercial users who favor highway accessibility.

The City has designated the area east of Highway 99, East Study Area, as an expansion to the SOI to accommodate business park, research and development, light industrial and similar employment generating uses.

The City has analyzed total employment in the City, including an evaluation of jobs by sector, an projected future employment that would be accommodated in the current City limits and the proposed SOI. While employment growth has been steady in Lodi over the past several decades, the rate has not been rapid. It is anticipated that future growth will continue at a pace of approximately 1 percent annually.

Table 2-3: Employment Projections

Year	Projected Employees
2022	30,106
2027	31,642
2032	33,256
2037	34,952
2042	36,735
2047	38,609
2052	40,578

The City's 10-year employment is expected to increase by 3,150, reaching 33,256 jobs by 2032. By comparison, the City's 30-year employment is projected to increase 10,472, reaching 40,578 jobs by 2052.

#### **4. 10-Year and 30-Year SOI Capacity**

##### ***10 year/30 year SOI – Residential***

Based on the City's analysis residential development in the 10-year and the 30-year horizons are projected to be:

###### **10-year (2032) Horizon**

- Total population: 80,570
- New residents: 10,111

###### **30-year (2052) Horizon**

- Total population: 105,354
- New residents: 34,895

Based on the City's analysis, the current City limits plus the current SOI has the capacity to accommodate between 13,700 to 15,400 new residents.

Based on an assumed growth rate of 1.35 percent annually, the residential capacity in the City limits and the current SOI can accommodate anticipated residential through year 2036 or year 2037, varying based on the assumed capacity of the SOI.

The current SOI is adequate to accommodate development in the 10-year planning horizon, but changes to the City's General Plan land use designations or additional expansions of the City's SOI will be required to accommodate development of the 30-year planning horizon.

The City is anticipating a comprehensive General Plan update in the next several years and long-term growth strategies will be considered in that planning process.

##### ***10 year/30 year SOI – Non-Residential***

Based on the City's analysis non-residential development in the 10-year and the 30-year horizons are projected to be:

###### **10-year (2032) Horizon**

- Total employment: 33,256
- New jobs: 3,150

###### **30-year (2052) Horizon**

- Total employment: 40,578
- New jobs: 10,472

Based on the City's analysis, the current City limits plus the current SOI has the capacity to accommodate non-residential development that would provide approximately 6,200 new jobs.

Based on an assumed growth rate of 1.0 percent annual job growth, the non-residential land capacity in the City limits and the current and proposed SOI can accommodate anticipated non-residential development through year 2041.

The current SOI is adequate to accommodate development in the 10-year planning horizon, but changes to the City's General Plan land use designations or additional expansions of the City's SOI may be required to accommodate development of the 30-year planning horizon.

With regards to non-residential development, historic jobs-per-acre may vary with future growth as Lodi has attracted light industrial uses with employees-per-acre substantially higher than the historic 6.47 employees-per-acre assumed in this analysis. Similar to residential capacity, the ability to accommodate anticipated non-residential development will be considered a future General Plan update and strategies to accommodate long-term employment growth will be established.

## **5. Determinations**

This section includes the five determinations required by State law for SOI's. This sphere plan proposes to change the existing SOI to include the 10-year horizon boundaries which will be expanded to include the Phase I areas in the south-east quadrant which is generally bound by East Kettleman Lane to the north, East Hogan Lane to the south, Curry Avenue to the east, and Golden State (Hwy 99) to the west, and the boundaries of the 30-year horizon which will be expanded to include the Phase II areas in the south-east quadrant. The proposed SOI expansion areas are identified within the General Plan as Commercial, Business Park, Industrial, and Open Space land uses – +/- 851.4-acres. This area does not include any residential uses and will not generate population growth directly, as this is an economic growth area for the City.

Written determinations are included for each of the required areas and are provided below. The San Joaquin LAFCo "Service Review Policies" document dated December 14, 2012, prepared by the San Joaquin LAFCo was used as a guide in the preparation of this MSR. The following determinations are based on a comprehensive review of services contained in this MSR. These determinations affirm the City's ability to provide services to existing and future populations within its SOI in accordance with Government Code section 56425:

**Determination 1:** The present and planned land uses in the area, including agricultural open space lands.

Present and planned land uses are appropriate for serving existing and future residents of Lodi. The City of Lodi 2010 General Plan includes goals, policies, and implementing programs that address growth, development, and conservation of open space. Planned land uses in the Lodi 2010

General Plan include Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Business Park, Office, Downtown Mixed-Use, Mixed-Use Center, Mixed Use Corridor, Industrial, Open Space, Public/Quasi-Public, and Urban Reserve. Land designations applicable to the 10 and 30-year horizons are identified within the General Plan as Commercial, Business Park, Industrial, and Open Space land uses – +/- 851.4-acres. This area does not include any residential uses and will not generate population growth directly, as this is an economic growth area for the City. (see Table 2-7).

As discussed in Chapter 1, the City is seeking to establish an area of interest which the City has identified as the Armstrong Road Agricultural Cluster Study Area which involves the preservation of prime agricultural lands and is located along the south edge of Lodi, from Interstate 5 (I-5) to State Route (SR) 99, and south to Stockton's Planning Area boundary. The City of Lodi is not proposing to include this area within a sphere of influence. This area of interest is intended to maintain a clear distinction between the Cities of Lodi and Stockton. In coordination with relevant public agencies and property owners, the City will continue to study this area to determine a strategy to meet this objective.

**Determination 2:** The present and probable need for public facilities and services in the area.

The City of Lodi provides adequate services to meet the needs of the existing population. Services provided by the City include fire, police, water, wastewater, stormwater drainage, and electrical utility. The City also provides public facilities including transportation, libraries, and recreational facilities. New development within the SOI will lead to population growth and the need for additional service provision. The expanded tax base that results from new development, as well as the continuation of the residential Community Facilities Districts, will provide funding for these services. Development fees will address the capital cost of new development. General Plan policies are in place to ensure adequate service provision for current and future populations.

Existing public facilities and services are adequate for serving the needs of Lodi's population. Lodi's fire department has adequate staff and facilities to provide for existing populations and is in the process of developing new facilities to better serve growing populations. Lodi's police department has adequate staff and facilities. The City's water supply, wastewater and storm drainage services meet the needs of current population and are currently being updated and expanded to meet the needs of future populations. The determinations included in Chapter 3 of this MSR show that public facilities and services are adequate to meet needs of current population and are being improved so as to meet needs of future populations.

**Determination 3:** The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The determinations included in Chapter 3 this MSR show that public facilities and services are adequate to meet the needs of the current population. In addition, public facilities and services

are being improved over time, and specific timeframes and policies have been established to meet the projected demand from the City's future growth.

**Determination 4:** The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

As discussed in Chapter 1, the City is seeking to establish an area of interest which the City has identified as the Armstrong Road Agricultural Cluster Study Area which involves the preservation of prime agricultural lands and is located at along the south edge of Lodi, from Interstate 5 (I-5) to State Route (SR) 99, and south to Stockton's Planning Area boundary. The City of Lodi is not proposing to include this area within a sphere of influence. This area of interest is intended to maintain a clear distinction between the Cities of Lodi and Stockton.

The existing SOI includes the community of Woodbridge, which is a social and economic community of interest for the City of Lodi, and Flag City, an unincorporated commercial center at the junction of I-5 and SR-12. The City of Lodi does not propose any change to its existing SOI in that area and is not looking to annex any lands in that area. Flag city cannot be annex since it is not contiguous to the City. Therefore, adjacent communities will not be impacted at this time.

**Determination 5:** For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence must be analyzed.

SB 244 (Chapter 513, Statutes of 2011) made changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act related to "disadvantaged unincorporated communities." Disadvantaged unincorporated communities are inhabited territories (containing 12 or more registered voters) where the annual median household income is less than 80 percent of the statewide annual median household income.

Cortese-Knox-Hertzberg Local Government Reorganization Act Section 56375(a)(8)(A) prohibits LAFCo from approving a city annexation of more than 10 acres if a disadvantaged unincorporated community is contiguous to the annexation territory but not included in the proposal, unless an application to annex the disadvantaged unincorporated communities has been filed with LAFCo or if the Commission finds that a majority of the registered voters are opposed to annexation. The legislative intent is to prohibit "cherry picking" by cities of tax-generating land uses while leaving out under-served, inhabited areas with infrastructure deficiencies and lack of access to reliable potable water and wastewater services. Disadvantaged unincorporated communities are recognized as social and economic communities of interest for purposes of recommending SOI determinations pursuant to Section 56425(c).

The Disadvantaged Communities Mapping tool maintained by the California Department of Water Resources (<https://gis.water.ca.gov/app/dacs/>) was reviewed and did not show any disadvantaged communities within the proposed SOI.

There are two small clusters of homes in the East Study Area that qualify as Disadvantaged based on income levels. One such cluster is comprised of nine homes and therefore is not considered a Disadvantaged Community. A second area comprised of approximately 30 homes is located adjacent to Harney Lane. The City has proposed both of these clusters of homes be added to the Lodi SOI and would be prepared to annex these homes should property owners desire to be added to the City. Due to the limited number of homes the City has ample capacity to provide municipal services to these properties.

### **3 INFRASTRUCTURE NEEDS AND DEFICIENCIES**

The purpose of this section is to evaluate infrastructure needs and deficiencies for services provided by the City of Lodi as they relate to current and future users. Infrastructure needs and deficiencies will be evaluated in terms of supply, capacity, condition of facilities, and service quality with correlations to operational, capital improvement, and finance plans.

This section of the MSR will address the provision of public services within the existing City boundaries which include the annexed Reynold's Ranch project area and within the recently approved annexation areas of the Westside and SW Gateway project areas, and the provision of public services within the 10-year and 30-year horizon boundaries. The following services are provided by the City of Lodi, and will be evaluated in this section:

- ◆ Fire Protection and Emergency Medical Services
- ◆ Law Enforcement
- ◆ Water Supply and Treatment
- ◆ Wastewater Collection and Treatment
- ◆ Stormwater Drainage
- ◆ Electrical Utility
- ◆ Public Services (Libraries)

In order to approve a change in the SOI and annexation of land into the City of Lodi, LAFCO must determine that the necessary infrastructure and public services exist to support the new uses at comparable service levels. The information put forward in this MSR supports the City of Lodi's requested 10-year and 30-year horizons.

#### ***A. Fire Protection and Emergency Medical Services***

The Lodi Fire Department covers the city (12.69 square miles) from four fire stations: Fire Station 1 is located in the downtown area, Fire Station 2 is located on the eastside of Lodi, Fire Station 3 is located in the southwest section of town, and Station 4 is in the northwest section of town. A fifth station has been contemplated to serve development in the southern portion of the City but a specific location has not yet been identified. In addition, the City of Lodi Fire Department utilizes the State Master Mutual Aid System under CAL OES (Office of Emergency Services), which utilizes resources from municipal fire departments to provide fire protection throughout the State.



The Lodi Fire Department Fire Prevention Division is responsible for enforcing the California Fire Code under the direction of the Fire Marshal (Battalion Chief). The Fire Marshal evaluates, schedules, and records all residential, commercial, industrial, and educational inspections. In addition to building inspection the Fire Prevention Division issues fire operational permits and special use permits for events. The City also has a mutual aid agreement with the Woodbridge Fire Protection District, Stockton Fire Department, and Cosumnes Fire District.<sup>1</sup>

The Fire Department provides a wide range of emergency and non-emergency services, including hazardous materials response, public education, and related safety services. The Emergency Operations Center, located at the Police department building, serves as the center of the city's emergency operations. The Lodi Police department is the primary public safety access point (PSAP) for all 911 calls within the jurisdiction of Lodi. Fire and EMS calls for service are routed to the Stockton Regional Dispatch Center (SRDC). Lodi, Stockton, Manteca, Lathrop-Manteca, and South County Fire Authority are all dispatched from the SRDC. City operations remain in compliance with the National Incident Management System (NIMS), a comprehensive national approach to incident management, applicable to federal, state, and local governments and the Standardized Emergency Management System (SEMS), which provides a strategy and framework to address multi-agency and multijurisdictional emergencies in California.

The City of Lodi has adopted a resolution to abide by the California Disaster and Civil Defense Master Mutual Aid Agreement. As shown in Figure 3-1, the Lodi Fire Department is bordered by the Woodbridge, Mokelumne and Liberty Fire Protection districts. Lincoln and Waterloo-Morada Fire Protection Districts are also in proximity of the City. The Lincoln Fire District, however, is served by the City of Stockton Fire Department under a contract agreement. The Lodi Fire Department has established mutual aid agreements with the following fire districts in order to increase cost effectiveness and efficiency in responding to emergencies in San Joaquin County:

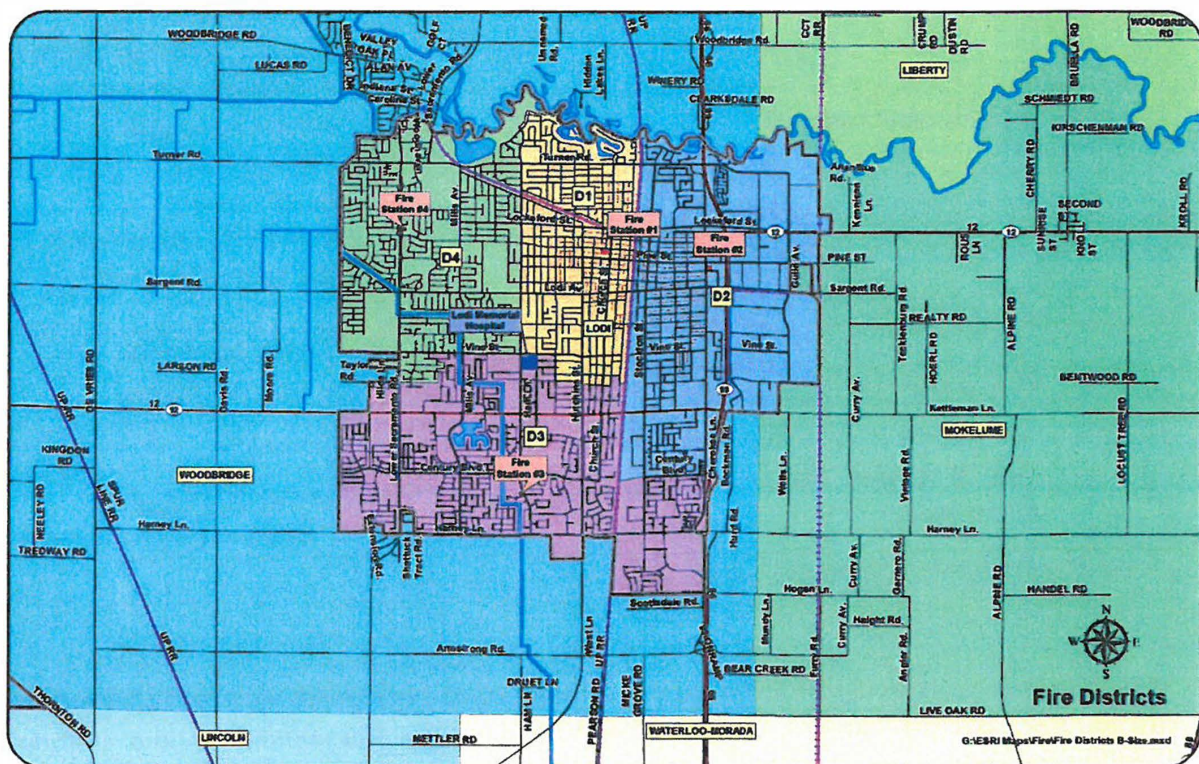
- ◆ Lathrop Manteca Fire District
- ◆ Woodbridge Rural Fire Protection District
- ◆ Ripon Consolidated District
- ◆ Mokelumne Fire Protection District
- ◆ Linden-Peters Rural County Fire Protection District
- ◆ Clements Rural Fire Protection District
- ◆ Escalon Consolidated Fire Protection District

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<sup>1</sup> Pacific Municipal Consultants, Lodi Shopping Center Draft Environmental Impact Report, prepared for the City of Lodi, August 2004.

- ◆ Waterloo-Morada Fire District
- ◆ Thornton Fire Protection District
- ◆ Stockton Fire Department
- ◆ Farmington Fire District
- ◆ French Camp McKinley Fire District
- ◆ Manteca Fire Department
- ◆ Montezuma Fire District
- ◆ South County Fire Authority

Figure 3-1 County Fire Districts, Lodi Fire Stations, and Hospital



### 1. Existing Facilities and Services

Administrative offices of the Lodi Fire Department, including Fire Administration and Fire Prevention, are located at 210 W. Elm St. Fire Administration houses the Fire Chief, Deputy Chief of Operations, Fire Marshal, Chief of Training, and Department Administration Assistants. The Fire Prevention division includes the Fire Marshal, and Administrative Clerk. In addition to the administrative office, the fire department operates four fire stations which are distributed throughout the City. All of the fire stations are located within City boundaries. Table 3-1 shows

the location, equipment, and services provided at each location. Fire station locations are also shown in Figure 3-3.

Table 3-1: Lodi Fire Stations and Equipment

Station	Location	Equipment
1	210 W Elm Street	Battalion 2011, Truck 2051, Engine 2031, and a reserve engine.
2	2 S Cherokee Lane	Engine 2032, State of California Office of Emergency Services (OES) Engine 338, Hazmat 2081, USAR Trailer, Public Education Trailer, and the Santa Fire Truck
3	2141 S Ham Lane	Engine 2033 and a reserve engine
4	180 N Lower Sacra- mento Road	Engine 2034 and a reserve truck

Source: <http://www.lodi.gov/fire/> accessed 10/19/21.

The department is the City's second largest General Fund department with 56.6 positions and a FY 2021-22 operating budget of \$16,392,350. A summary of expenditures and staffing are shown below in Table 3-2.

Table 3-2: Lodi Fire Budget and Staffing

	2018/19	2019/20	2020/21	2020/21	2021/22 City
Fire Department Expenditure Summary	Actuals	Actuals	Budget	Estimated Actuals	Council Adopted
71 - Salaries & Benefits	10,624,260	11,630,988	12,749,720	12,694,530	13,944,010
72 - Supplies & Services	1,013,862	1,033,598	989,260	1,014,260	1,272,940
74 - Insurances	122,085	262,320	267,900	267,900	320,400
77 - Operating Transfers	519,180	839,180	640,750	640,750	855,000
78 - Capital Projects	0	11,984	0	0	0
<b>Fire Department Total</b>	<b>12,279,386</b>	<b>13,778,069</b>	<b>14,647,630</b>	<b>14,617,440</b>	<b>16,392,350</b>

	2018-19	2019-20	2020-21	2021-22
STAFFING SUMMARY	Positions	Positions	Positions	Positions
<b>FIRE DEPARTMENT</b>				
Administrative Assistant	1.0	1.0	1.0	1.0
Deputy Fire Chief	1.0	1.0	1.0	1.0
Fire Battalion Chief	4.0	4.0	4.0	4.0
Fire Captain	16.0	16.0	16.0	16.0
Fire Chief	1.0	1.0	1.0	1.0
Fire Engineer	19.0	19.0	19.0	19.0
Firefighter I/II	14.0	14.0	14.0	14.0
Management Analyst	0.6	0.6	0.6	0.6
<b>Fire Department Total</b>	<b>56.6</b>	<b>56.6</b>	<b>56.6</b>	<b>56.6</b>

The department received a total of 7,521 calls in 2021, averaging 28.4 calls per day.<sup>2</sup> The General Plan establishes a travel time goal of 3:00 minutes or less for emergency calls. Response time, from receipt of call to arrival on site is described in Table 3-2.

Table 3-3: Lodi Fire Response Times

	Call Processing		Turn Out		Response		Total	
	Ave. <sup>1</sup>	90% <sup>2</sup>	Ave.	90%	Ave.	90%	Ave.	90%
Station 1	116	204	77	110	169	279	361	593
Station 2	116	204	71	88	186	285	373	577
Station 3	116	204	70	81	222	327	408	612
Station 4	116	204	74	106	213	334	403	644

1. Average time in seconds
2. Time in seconds to complete 90% of responses

<sup>2</sup> R. Penix, City of Lodi Fire Department, 5/13/22.



## **2. Provisions for Future Growth and Systems Improvement**

The Growth Management Element of the City's 2010 General Plan includes policies to ensure that adequate fire personnel related facilities are funded and provided to meet future growth. These policies include:

- GM-G4: Provide public facilities including police and fire services, schools, and libraries commensurate with the needs of the existing and future population.
- GM-P27: Maintain sufficient fire and police personnel and facilities to ensure maintenance of acceptable levels of service. Provide needed facilities concurrent with phased development.

In order to achieve continued compliance with the National Fire Protection Association's response time criteria of 6 minutes for 90% of all calls, the Fire Department expand operations and construct new fire stations as appropriate to serve new development. Additional fire stations will be proposed to address the ultimate sphere boundaries. The expanded tax base that results from new development, as well as the continuation of the residential Community Facilities Districts, will provide funding for fire services. Development fees will address the capital cost of new fire facilities and equipment.

### **B. Law Enforcement**

#### **1. Existing Facilities and Services**

Police protection services in the City of Lodi are provided by the Lodi Police Department. The Department has operated out of the Lodi Police Facility at 215 West Elm Street since the facility's completion in February 2004. The facility includes 51,000 square feet for police and jail services, and 8,000 square feet for future use by the San Joaquin County Superior Court.<sup>3</sup>

The Lodi Police Department is divided into three districts, encompassing five geographical areas or "patrol beats," as shown in Figure 3-2. The Sunset District's geographical borders are generally east to Hutchins Street, north to city limits, west to the city limits, and south to city limits. The Heritage District's geographical borders are generally west to Hutchins Street, north to the city limits, east to the city limits and south to city limits but excluding the area of the Central District. The Central District's geographical borders are generally west to Hutchins Street, north to Elm Street, south to Vine Street and East to Cherokee lane.

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<sup>3</sup> City of Lodi Police Department, <http://www.lo-di.gov/police/index.htm>, accessed on 10/19/21.

The department is divided into 2 divisions. The Operations Division responds to the majority of calls for service and is made up of Patrol, Traffic, Parks, School Resource, Community Liaison, and Community Service Officers. The Chaplains, Partners, and Crime Prevention are also a part of the Operations Division. The Support Services Division is comprised of the Office of Professional Standards, Investigations, Dispatch/Jail, Animal Services, and Records. The General Investigations Unit is responsible for the majority of follow-up investigations which include homicide, assaults, robbery, and child abuse. The Special Investigations Unit focuses on drug, gang, and vice offenses.

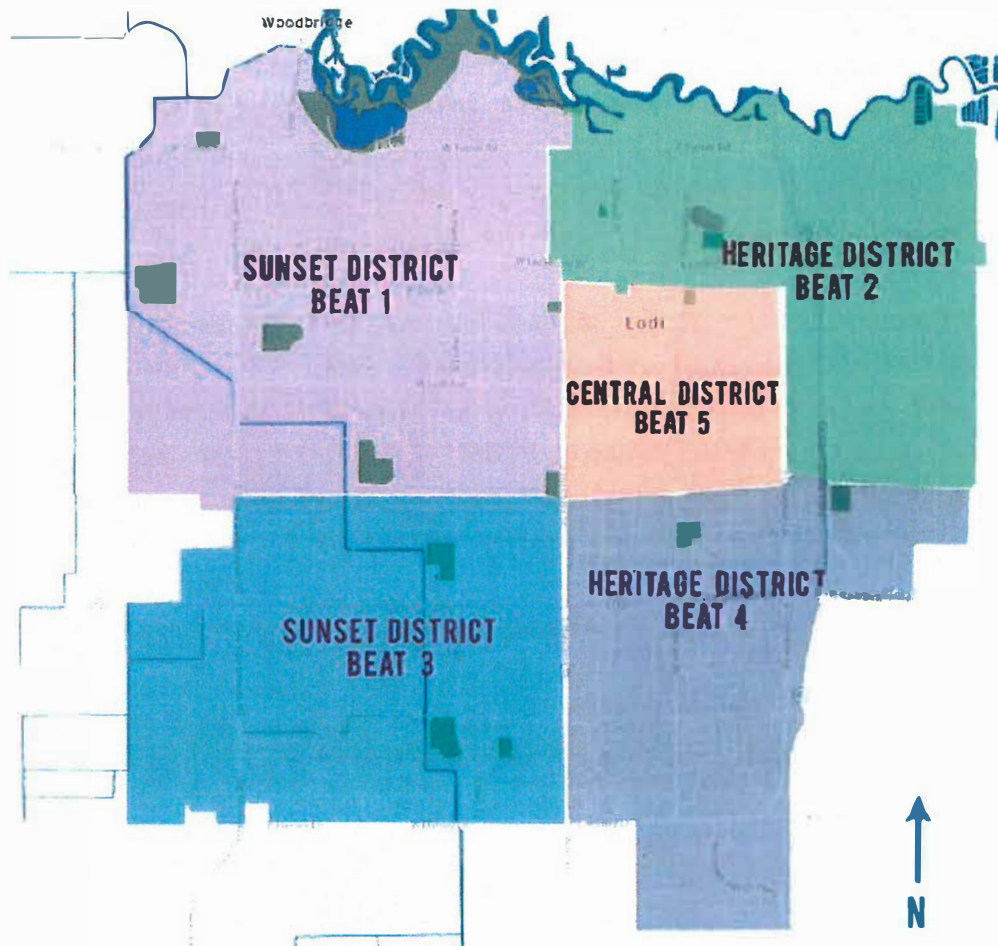
The Lodi Police Department defines offenses for statistical purposes using the Uniform Crime Reporting Code of California which classifies crimes as Part 1 or Part 2 based on their severity. Part 1 Crimes include homicide, rape, robbery, aggravated assault, burglary, larceny, auto theft, and arson, Part 2 Crimes affect property. In 2021, 1,923 Part 1 crimes were reported, and the following crime rates per 1,000 residents: violent 3.28; property 24.59; overall 27.87. It should be noted that overall crime rates per 1,000 residents have decreased 35 percent since 2011 which had the following crime rates: violent 3.7; property 39.2; overall 42.9.<sup>4</sup> The Lodi Police Department's ratio of officers to 1,000 population is 1.2. The table below compares crime rates per 1,000 residents by city.

Table 3-4: Regional Crime Rates

Crime Rates per 1,000 residents (2021)		
City	Violent	Property
Lodi	3.28	24.59
Tracy	2.1	17.4
Manteca	2.6	21.01
Stockton	12.62	30.82

<sup>4</sup> Lodi Police Department 2021 Annual Report

Figure 3-2: Lodi Police Department and Service Districts



The department is the City's largest General Fund department with 111 positions and a FY 2021-22 operating budget of \$27,157,950. A summary of expenditures and staffing are shown in Table 3-5

Table 3-5: Lodi Police Budget and Staffing

Police Department Expenditure Summary	2018/19 Actuals	2019/20 Actuals	2020/21 Budget	2020/21 Estimated Actuals	2021/22 City Council Adopted
71 - Salaries & Benefits	17,376,484	19,994,567	21,791,530	21,277,750	22,968,530
72 - Supplies & Services	2,346,125	2,979,292	2,594,700	2,697,090	2,768,730
74 - Insurances	237,260	501,630	512,300	512,300	612,690
77 - Operating Transfer O	100,000	336,000	210,000	210,000	808,000
78 - Capital Projects	23,085	115,089	56,921	56,930	0
<b>Police Department Total</b>	<b>20,082,954</b>	<b>23,926,578</b>	<b>25,165,451</b>	<b>24,754,070</b>	<b>27,157,950</b>

STAFFING SUMMARY	2018-19 Positions	2019-20 Positions	2020-21 Positions	2021-22 Positions	2021-22 Positions
<b>POLICE DEPARTMENT</b>					
Administrative Assistant	1.0	1.0	1.0	1.0	1.0
Animal Services Supervisor	1.0	1.0	1.0	1.0	1.0
Assistant Animal Services Officer	2.0	2.0	2.0	2.0	2.0
Code Enforcement Officer	2.0	2.0	2.0		2.0
Dispatcher Supervisor	1.0	1.0	1.0	1.0	3.0
Dispatcher/Jailer	13.0	13.0	13.0	13.0	1.0
Lead Dispatcher/Jailer	4.0	4.0	4.0	4.0	13.0
Management Analyst	1.0	1.0	1.0	1.0	4.0
Police Captain	2.0	2.0	2.0	2.0	
Police Chief	1.0	1.0	1.0	1.0	1.0
Police Corporal	7.0	7.0	7.0	7.0	2.0
Police Lieutenant	5.0	5.0	5.0	5.0	1.0
Police Officer	53.0	53.0	53.0	53.0	7.0
Police Records Clerk	3.0	3.0	3.0	4.0	5.0
Police Records Clerk Supervisor	1.0	1.0	1.0	1.0	53.0
Police Sergeant	9.0	9.0	9.0	9.0	
Property/Evidence Technician	1.0	1.0	1.0	1.0	4.0
Senior Administrative Clerk	1.0	1.0	1.0	1.0	1.0
Senior Police Administrative Clerk	1.0	1.0	1.0	1.0	9.0
<b>Police Department Total</b>	<b>109.0</b>	<b>109.0</b>	<b>109.0</b>	<b>108.0</b>	<b>1.0</b>
Senior Administrative Clerk	1.0	1.0	1.0	1.0	1.0
Senior Police Administrative Clerk	1.0	1.0	1.0	1.0	1.0
<b>Police Department Total</b>	<b>109.0</b>	<b>109.0</b>	<b>109.0</b>	<b>109.0</b>	<b>111.0</b>

The General Plan policies below are required to prevent crime and to ensure the adequate provision of public services.

- GM-G4: Provide public facilities including police and fire services, schools, and libraries commensurate with the needs of the existing and future population.
- GM-P27: Maintain sufficient fire and police personnel and facilities to ensure maintenance of acceptable levels of service. Provide needed facilities concurrent with phased development.
- S-P7: Site critical emergency response facilities such as hospitals, fire stations, police offices, substations, emergency operations centers and other emergency service facilities and utilities to minimize exposure to flooding and other hazards.



Funding for these capital improvements is to be provided through development impact mitigation fees on all new residential, commercial, office and industrial developments.

The City of Lodi funds its law enforcement exclusively through the General Fund, a portion of these funds being generated by Measure L sales tax revenues. Forty percent of Lodi's General Funds are allocated to the Lodi Police Department for the 2022 budget cycle, providing a yearly budget of \$27,157,950.

As outlined in the Lodi General Plan Health and Safety Elements, the goal for Lodi Police Department response time is an average of three minutes for emergency calls (Priority 1) and 30 minutes for non-emergency calls (Priority 2). This year (2022), the actual average response times are 4.42 minutes for emergency calls, and 26.39 minutes for non-emergency calls. Table 3-6 compares Priority 1 and Priority 2 response times by city.

Table 3-6: Lodi Police Response Times

Police Department Response Times		
City	Priority 1 (minutes)	Priority 2 (minutes)
Lodi	4.42	26.39
Tracy	9:58	27:46
Manteca	4:48	27:00
Stockton	19.3	26.0

## 2. Provisions for Future Growth and Systems Improvement

The development of recent annexations will result in additional demand for police service. The additional operations costs that result will be provided by the expanded tax base that results from new development, as well as the continuation of the residential Community Facilities Districts. Capital costs for facilities and equipment will be funded by development impact mitigation fees.

All areas outside of the City boundaries are currently under the jurisdiction of the San Joaquin County Sheriff's Department. Once annexed, the City of Lodi Police Department will expand police services in order to provide service to the project areas. As mentioned above, funding will be provided by the expanded tax base, Community Facilities Districts, and development impact mitigation fees.

### C. Public Services (Libraries)

### **1. Libraries**

The City of Lodi library, located at 201 West Locust Street, provides family programs, adult literacy programs, free public internet access, informational material, and other community services. Figure 3-3 shows the library's location relative to other public services.

As of 2022, the library had holdings of approximately 89,000 books, 25 magazine subscriptions, 8 newspapers, as well as audio books, videos, music CDs, and CD-ROM media. The Lodi Public Library serves 27,149 registered borrowers, who check out approximately 200,000 items a year. The library offers a number of services and programs to assist its users, including computer services, performances, workshops and classes, and special programs for youth.

Given Lodi's compact form, a central main library branch is appropriate, though additional neighborhood branches may be desirable. Locations for new library branches would include mixed-use centers and the Eastside, which currently has poor access to the existing library. Additionally, while most of the Public/Quasi-Public designation in the General Plan is attributed to new schools, an estimated 10-acres are assumed to be used for other public uses, such as library branches. Sites identified in the 2002 Lodi Public Library Facilities Management Plan should also be considered. The following 2010 General Plan policies are applicable to library facilities.

- GM-G4: Provide public facilities including police and fire services, schools, and libraries commensurate with the needs of the existing and future population.
- GM-P25: Locate any additional library branches to ensure all neighborhoods are served, in particular in the Eastside neighborhood and in proposed mixed-use centers.

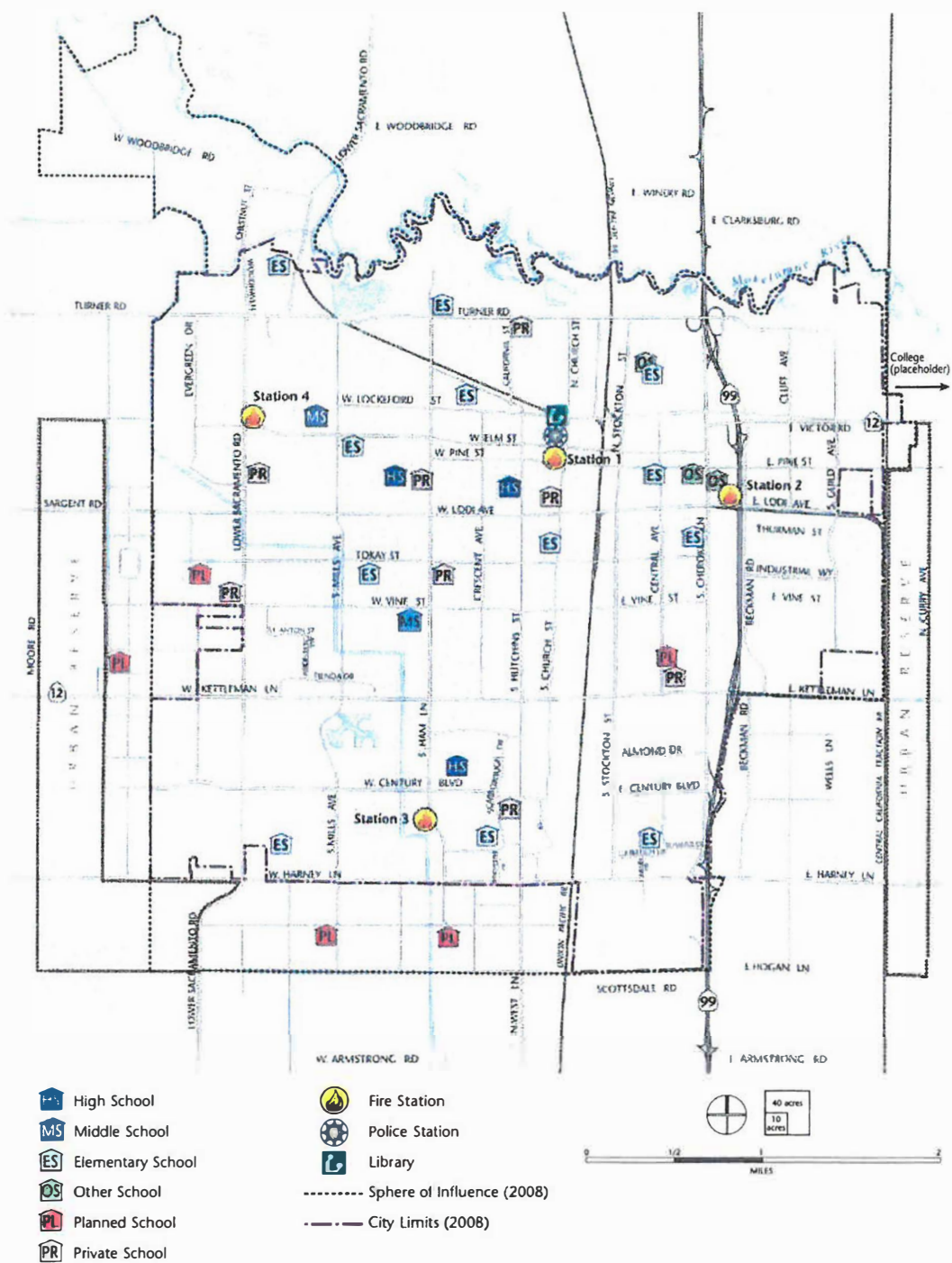
The library is open 64 hours a week and is staffed by eight full time employees and a FY 2021-22 operating budget of \$1,666,850. A summary of expenditures and staffing are shown in Table 3-7.

Table 3-7: Lodi Library Budget and Staffing

	2018/19	2019/20	2020/21	2020/21	2021/22 City
Library Expenditure Summary	Actuals	Actuals	Budget	Estimated	Council Adopted
71 - Salaries & Benefits	802,254	841,054	924,390	787,960	927,820
72 - Supplies & Services	336,886	307,130	473,000	426,600	475,700
74 - Insurances	16,125	33,000	32,900	32,900	39,350
77 - Operating Transfers	185,620	159,050	254,000	254,000	162,980
78 - Capital Projects	10,233	0	80,000	86,000	61,000
<b>Library Total</b>	<b>1,351,119</b>	<b>1,340,234</b>	<b>1,764,290</b>	<b>1,587,460</b>	<b>1,666,850</b>

STAFFING SUMMARY	2018-19 Positions	2019-20 Positions	2020-21 Positions	2021-22 Positions
<b>LIBRARY</b>				
Librarian	0.0	1.0	1.0	1.0
Library Assistant	2.0	2.0	2.0	2.0
Library Services Director	1.0	1.0	1.0	1.0
Library Technician	1.0	1.0	1.0	1.0
Literacy/Volunteer Manager	1.0	1.0	0.0	0.0
Literacy/Program Manager	0.0	0.0	1.0	1.0
Senior Library Assistant	2.0	2.0	2.0	2.0
<b>Library Total</b>	<b>7.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

### Figure 3-3: Public Services



#### **D. Water Supply, Conservation and Treatment**

This section summarizes findings from City documents regarding the City's ability to provide adequate water service to the City including recent annexations. These documents include the 2020 Urban Water Management Plan (UWMP), 2012 Wastewater Master Plan, 2010 General Plan, 2012 Water Master Plan, and the 2020 Water Quality Report.

The City of Lodi Water Utility is the sole water purveyor for the City. The City's water service area is contiguous with City boundaries and covers approximately 13.6 square miles. There are a few minor connections outside the City. The service area includes a mix of residential, commercial, and industrial land use, and is characterized by an essentially flat terrain.

The City provides a small volume of water to Sunnyside Estates and Henderson School, which are located outside of the City boundary but within the General Plan boundary, in the vicinity of Harney Lane and Lower Sacramento Road. The City has been providing a small volume of water to Sunnyside Estates for potable use since 2002 through an agreement between the City and San Joaquin County Department of Public Works. Over the past year, approximately 19 AF of water (6.2 million gallons) was supplied to Sunnyside Estates. Even though the City sells water to Sunnyside Estates outside of the City service area, the volume of water is small and well below the reporting threshold of 3,000 AFY for the City to be considered a wholesale supplier.

The City's Surface Water Treatment Facility (SWTF) began operation in November 2012 and is located near Lodi Lake on four acres of City-owned property. The City currently serves 26,230 metered, unmetered, and inactive municipal connections and delivers approximately 13,978 AF to its customers (Table 3-8). The City is a public water system (PWS) in accordance with the CWC and the California Health and Safety Code. The service area of the City (i.e., city boundaries) is served by one PWS, as depicted on Figure 3-4.

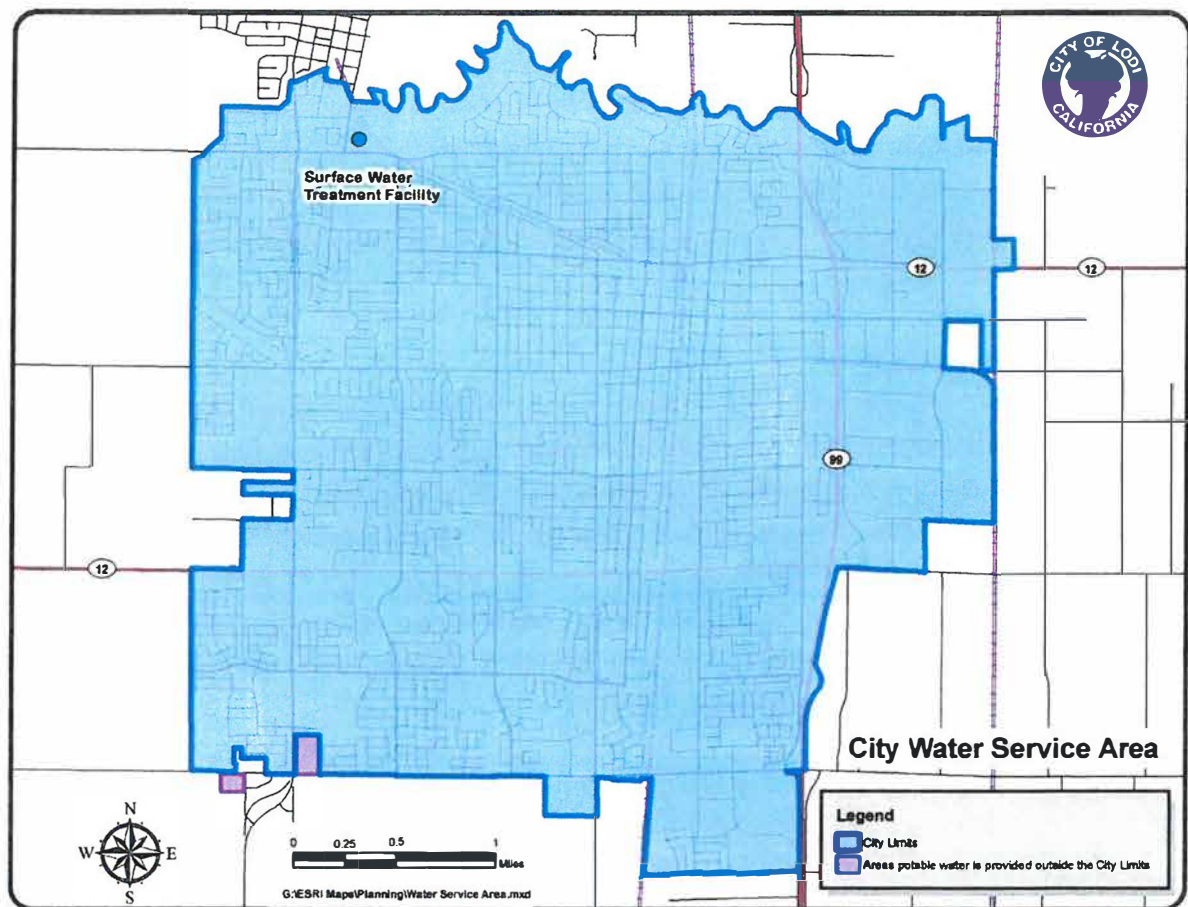
Table 3-8: Public Water Systems

Table 2 1: Public Water Systems (DWR Table 2-1)			
Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020
3910004	City of Lodi	26,230	13,978
TOTAL		26,230	13,978

Source: 2020 UWMP



Figure 3-4: City Water Service Area



## 1. Existing Supply and Demand

### Supply

This section discusses the City of Lodi's two primary water sources: groundwater from the Eastern San Joaquin Basin and surface water purchased water from the Woodbridge Irrigation District (WID).

### Groundwater

The City relies on local groundwater from the Eastern San Joaquin Subbasin and surface water supplies from the Mokelumne River purchased from Woodbridge Irrigation District (WID). The City's primary source of water is groundwater that it pumps using 28 groundwater production wells distributed throughout the water service area.

### Surface Water

From the completion of the SWTF in November 2012 through FY 2016, an average of 26 percent of the monthly water supply came from surface water instead of groundwater and an average of 300 acre-feet (AF) less water was pumped from the wells each month. (One acre-foot of water is the amount of water that covers an area one acre in size to a depth of one foot and provides sufficient supplies for three to four families annually.) Since FY 2016, surface water has provided around 50 percent of the total water supply with an associated reduction in groundwater use.

### Irrigation District Water

In May 2003, the City entered into an agreement with WID to purchase 6,000 acre-feet per year (AFY) of surface water from the Mokelumne River (with delivery via WID canal facilities near Woodbridge Dam) for a period of 40 years. In the future, the City will continue to pump groundwater and utilize treated surface water per its agreements with WID, as seen in Table 3-9. The City also has access to a banked surface water supply under its agreement with WID. The City had an agreement with North San Joaquin Water Conservation District (NSJWCD) from October 2015 through October 2020 for up to 1,000 AFY of Mokelumne River water, but no water was provided under this agreement in FY 2020.

Table 3-9: Total Water Supplies

Table 2: Total Water Supplies – Actual and Projected (AF)						
Water Supply Source	Year					
	2020	2025	2030	2035	2040	2045
Purchased Water from the Mokelumne River	6,503	6,000	6,000	6,000	6,000	6,000
Groundwater	7,475	15,000	15,000	15,000	15,000	15,000
<b>Total Water Supply</b>	<b>13,978</b>	<b>21,000</b>	<b>21,000</b>	<b>21,000</b>	<b>21,000</b>	<b>21,000</b>

### **Demand**

This section discusses the City of Lodi's potable and raw water demand, and recycled water demand.

Water production is the volume of water measured at the source (i.e., SWTF outflows and City groundwater wells), and includes all water delivered to residential, government, commercial, and industrial connections, as well as unaccounted-for water (e.g., water lost from leaking

pipes). All of the City's water came from groundwater wells before November 2012 (FY 2013) when the SWTF came online; the SWTF presently provides, on average, approximately 50 percent of the annual water production.

In 2020, 33 percent of the accounts that the City delivers water to remain unmetered and consist primarily of residential, government, and commercial customers. There is recycled water used in the vicinity of the wastewater treatment plant (WWTP); however, this water is not included as a water demand since it is not replacing water that would have otherwise been provided by the City. The recycled water is used to irrigate crops for cattle, power plant cooling, and pond replenishment.

Future water demand estimates are based on the assumptions that the City's population and housing units will increase at a consistent 1.16 percent annually and water demand per capita will stay relatively stable. By 2045, average annual water demands are expected to have increased from current demands by approximately 24 percent, from about 14,000 AFY in 2020 to about 18,300 AFY in 2045 (shown in Table 3-10).

Table 3-10: Total Water Demand

Table 3: Total Water Demands – Actual and Projected (AF)						
Water Demand Sector	Year					
	2020	2025	2030	2035	2040	2045
Potable and Raw Water	13,979	14,663	15,512	16,410	17,360	18,365
Recycled Water Demand	4,746	4,746	4,746	4,746	4,746	4,746

## 2. Existing Water Distribution System

The City currently utilizes groundwater as its primary source of supply. The City's existing water distribution system is a 245-mile grid network of 6, 8, 10, 12 and 14-inch diameter mains, four-water storage tanks with a combined storage capacity of 5.1 million gallons and a total of 28 groundwater wells spaced at half-mile intervals throughout the City. The City built a new storage tank at Well 23 (Maggio Circle) that has been in operation since 2020. In addition, a storage tank at Well 28 (Kettleman Lane and Westgate Drive) is scheduled to be completed by 2025.

The capacity of the wells range from 1.2 to 3.0 mgd and the total capacity of the 28 existing wells is 54.8 mgd. All wells are equipped with chlorination equipment which provides system-



wide disinfection. The 28 wells have a combined capacity of 37,910 gpm or 19.9 billion gallons per year.

(Sources: 2012 Water Master Plan; 2020 UWMP)

### **3. *Water Quality***

An assessment of the drinking water sources for the City of Lodi's distribution system was completed in February 2003 and water treatment plant in August 2011. The sources are considered most vulnerable to the following activities:

- ◆ Gas stations (historic and current)
- ◆ Chemical/petroleum processing and storage
- ◆ Metal plating/finishing/fabricating
- ◆ Plastic/synthetic producers
- ◆ Dry cleaners
- ◆ Known contaminant plumes
- ◆ Sewer collection systems
- ◆ Fleet/truck/bus terminals
- ◆ Machine shops
- ◆ Utility stations and maintenance areas
- ◆ Agricultural drainage
- ◆ Photo processing/printing

The City has incorporated management measures to help maintain high groundwater quality, including cleanup work that is ongoing for PCE (Tetrachloroethylene) and TCE (Trichloroethylene), as these chemicals have been detected in wells in north and central Lodi area. The City's consultants have developed a computer model of the groundwater, which will enable the City to optimize the number, size and location of wells to accomplish the cleanup in an efficient manner.

### **4. *Demand Management and Conservation Measures***

In compliance with the Urban Water Management Act, the City's 2020 UWMP identifies a series of Demand Management Measures (DMM), also known as Best Management Practices (BMPs). These measures are designed to maximize the efficient use of water and minimize water waste.

#### **Water Waste Prevention Ordinances**

The City's ongoing Water Conservation Ordinance (Lodi Municipal Code, Chapter 13.08, Article III), first implemented in 1977 with the most recent update going into effect on December 18, 2015, defines water waste prohibitions for the City's customers. The Ordinance provides sever-

al definitions of the “waste of water,” outlines watering days and hours, describes the City’s enforcement procedures, and discusses the violations and infractions process.

The Water Conservation Ordinance has been actively enforced for ten years resulting in adjusted customer water use. In the future, the Water Conservation Ordinance will continue to set a baseline level for conservation in the City due to enforceable restrictions on water wasting activities.

### **Metering**

The City’s primary means for achieving and sustaining the urban use targets is through its Water Meter Program. The City currently meters and bills for actual water used for its metered customers and is currently implementing a program to install water meters on all unmetered commercial and residential customers and is estimated to be completed by 2025.

The City has completed all phases of the residential metering program with conversion to usage volumetric-based water rates occurring at least several months after the meter is installed. It is estimated that all customers will be transitioned to usage-based water rates by January 2025.

Various studies have estimated water savings as a result of metering and commodity pricing. Past studies have indicated that metering results in a 10 to 40 percent reduction in water use, with 15 percent as most typical.

### **Conservation Pricing**

As previously mentioned, the City is currently implementing its Water Meter Program. Water meters for all customers will be installed through 2025 with implementation of usage-based billing for all customers occurring by the beginning of 2025. The City is also working on meter installation for currently unmetered commercial customers which should also be completed by 2025. The City continues to use a water rate structure that includes a fixed service charge and a three-tier usage rate structure which is intended to help encourage water conservation.

### **Programs to Assess and Manage Distribution System Loss**

In 2001, the City implemented a capital improvement program to replace water lines, averaging one percent replacement annually. The Water Meter Program that began in 2011 included water main evaluation and replacement of mains (including relocation) that did not comply with the City’s six-inch minimum diameter criteria. The City has since completed the residential metering program.

### **Other Demand Management Measures**

The effectiveness of this program is based upon the number of rebates issued for water conservation devices (currently tracked by the City) and the percentage of customers that install the equipment after purchasing the devices. As the City becomes fully metered, the effectiveness of this DMM may be evaluated by comparing metered water use for customers before and after installation of water saving devices.

## **5. *Future Demand, Supply, and Water Projects***

### **Demand**

Water demand projections provide the basis for sizing and staging future water supply facilities. Water use and production records, combined with projections of population and urban development, provide the basis for estimating future water requirements. In addition, projected water use and supplies are also projected under the assumption that years 2021 through 2025 are drought conditions.

Future water demands were projected based on actual water use from 2015 through 2020, as measured by production rates at the City's groundwater well sites and the SWTF as well as average metered water use by customer class. Future water demand estimates are based on assumptions that the City's population and housing units will increase at a consistent 1.16 percent annual increase and water demand per capita will stay relatively stable. By 2045, average annual water demands are projected to increase from current demands by approximately 24 percent, from about 14,000 AFY in 2020 to about 18,300 AFY in 2045. Demand projections by water use sector are presented in Table 3-11.

Table 3-11: Potable and Non-Potable Water Use

Use Type	Additional Description	Projected Water Use				
		2025	2030	2035	2040	2045
Single Family	Metered and unmetered accounts	7,780	8,231	8,707	9,211	9,745
Multi-Family	Metered and unmetered accounts	2,170	2,296	2,429	2,570	2,718
Commercial	Metered and unmetered accounts	3,108	3,288	3,478	3,679	3,892
Institutional/Governmental	Metered and unmetered accounts	878	929	983	1,040	1,100
Industrial	Metered and unmetered accounts	270	285	302	319	338
Losses	Calculated using AWWA software	456	482	510	540	571
<b>TOTAL</b>		<b>14,663</b>	<b>15,512</b>	<b>16,410</b>	<b>17,360</b>	<b>18,365</b>

Source: 2020 UWMP

### Supply

The City currently uses groundwater as its primary source of supply, pumping 7,475 AF from its 28 wells in 2020, as shown in Table 3-12. The City currently has the capacity to store approximately 12.6 AF of water (5.1 million gallons) in four different storage tanks - one at the SWTF and three in key areas of the City's distribution system.

Limited recycled water is used in the vicinity of the WWTP, primarily for the City-owned agricultural fields, and at power-generating facilities owned by NCPA. Approximately 4,746 AF of recycled water was beneficially applied to or used on the City-owned lands surrounding the WWTP in 2020. This recycled water supply does not help meet potable demand and all projections would be used within the vicinity of the WWTP.

Table 3-12: Water Supplies

Water Supply	Additional Detail on Water Supply	2020		
		Actual Volume	Water Quality	Total Right or Safe Yield (AF)
Purchased or Imported Water	WID from Mokelumme River	6,503	Drinking Water	6,000
Purchased or Imported Water	NSJWCD from Mokelumme River	0	Drinking Water	1,000
Groundwater (not desalinated)	From 28 municipal wells	7,475	Drinking Water	15,000
Recycled Water		4,746	Recycled Water	
<b>Total</b>		<b>18,724</b>		<b>22,000</b>

Table 3-13 summarizes the projected future water supplies through 2045, including purchased water from WID, groundwater, and recycled water. In the future, the City will continue to pump groundwater and utilize treated surface water per its agreements with WID. From WID, the agreement allotment of 6,000 AF is assumed, though the supply volume may increase when the City decides to use its banked supply. The SWTF currently has a treatment capacity of 10 MGD (approximately 11,200 AFY) and is expandable to up to 20 MGD (approximately 22,400 AFY), so the City has the opportunity to expand its surface water use in the future. The potential for an increase in storage capacity in the City's distribution system, and two additional storage tanks, increases the City's reliability for providing water to its customers.

With a safe yield of 15,000 AFY estimated for the portion of the groundwater subbasin underlying the City, the City is able to reasonably project having access to that same amount of groundwater in the future. Table 3-13, though, the total amount of recycled water reasonably available is the total amount of wastewater influent from the municipal sewer line. Municipal wastewater is estimated to increase as the City's population increases.

Table 3-13: Projected Water Supply

Water Supply	Additional Detail on Water Supply	Projected Water Supply									
		2025		2030		2035		2040		2045	
		Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield	Reasonably Available Volume	Total Right or Safe Yield
Purchased or Imported Water	WID from Mokelumne River	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Groundwater (not desalinated)	From 28 municipal wells in the Eastern San Joaquin Subbasin	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Recycled Water		5,844		5,912		5,980		6,049		6,119	
<b>Total</b>		<b>26,844</b>	<b>21,000</b>	<b>26,912</b>	<b>21,000</b>	<b>26,980</b>	<b>21,000</b>	<b>27,049</b>	<b>21,000</b>	<b>27,119</b>	<b>21,000</b>

Source: 2020 UWMP

### Water Projects

The City, which solely relied on groundwater historically, has increased its use of surface water such that it accounts for almost half of the City's supplies. The City plans to expand SWTF capacity from 10 MGD (or 36.1 AFD) to 20 MGD (or 61.4 AFD) around 2030 or demand when needed to meet demands. This project would include new water supply agreements to increase the City's surface water supplies beyond 6,000 AFY. The SWTF expansion project is included in Table 3-14.

Since the completion of the 2015 UWMP, the City has built a new storage tank at Well 23 and is in the process of building an additional storage tank at Well 28 which should be completed in 2025. These storage tanks push back or potentially eliminate the need to construct new wells, which were determined to be needed by 2035 to meet demands in the City's Water Master Plan.



Table 3-14: Water Supply Projects

<input type="checkbox"/>	No expected future water supply projects or programs that provide a quantifiable increase to the agency's water supply. Supplier will not complete the table below.				
<input checked="" type="checkbox"/>	Some or all of the supplier's future water supply projects or programs are not compatible with this table and are described in a narrative format.				
Page 6-23	Provide page location of narrative in the UWMP				
Name of Future Projects or Programs	Joint Project with other suppliers?	Description	Planned Implementation Year	Planned for Use in Year Type	Expected Increase in Water Supply to Supplier
SWTF Expansion	No	Expand SWTF capacity from 10 MGD (or 36.1 AFD) to 20 MGD (or 61.4 AFD) somewhere around 2030 or as demand approaches supply	2030	All Year Types	5,200 to 6,000 AFY

Source: 2020 UWMP

## E. Wastewater Collection and Treatment

The City of Lodi Department of Public Works provides wastewater collection and treatment for the incorporated area of the City of Lodi. The City's Wastewater Master Plan was prepared in 2012 and is the primary source for the information included in this section. This Master Plan outlines a long-term strategy for meeting future discharge and capacity requirements in order to meet community needs for a planning horizon that extends to 2020. Population projections used for wastewater facility planning were based on a 1.5 percent growth rate, which is the City's assumed annual growth rate.<sup>5</sup>

### 1. Wastewater Collection Facilities

The City's wastewater system currently consists of about 191 miles of collection system pipelines ranging in sizes from 4 to 42 inches in diameter, with 6 inches being the predominant size. The pipelines discharge into a 48-inch sewer outfall line that was rehabilitated in 2008 reducing the pipe diameter from 48 inches to 42 inches, which flows southwest to the City's White Slough Water Pollution Control Facility (WSWPCF) located approximately six miles west of town.

<sup>5</sup> West Yost and Associates, 2001, *City of Lodi Wastewater Master Plan*, June 2012.

There are six wastewater trunk lines (Hutchins Street, Mills Avenue, Ham Lane, Lower Sacramento Road, Stockton Street/Washington Street, Beckman Road) serving the city that generally flow from the north to the south. The six wastewater trunk lines connect to the Century Boulevard Trunk Line that flows east to west, and into the 42-inch trunk sewer to the WSWPCF.

There are five lift stations located in the northern area of the city, Evergreen Pump Station, Woodlake Pump Station, Rivergate Pump Station, Mokelumne Pump Station and Cluff Pump Station, and three lift stations located in the southern area of the City, Tienda Pump Station, Harney Lane Pump Station and Reynolds Ranch Pump Station.

## ***2. Wastewater Treatment Plant Permitting and Capacity***

The wastewater treatment facility has a current average dry weather flow capacity of 8.5 million gallons per day (mgd). Current dry weather flow is 4.4 mgd. The wastewater treatment facility was originally constructed in 1966 with a capacity of 5.8 mgd. In the late 1980's and early 1990's the City expanded the treatment capacity to 6.3 mgd, and also improved the level of treatment. Between 2003 and 2009 the City again expanded the dry weather treatment capacity to the current 8.5 mgd and added denitrification, tertiary treatment and ultraviolet light disinfection improvements.

## ***3. Wastewater and Recycled Water***

The City manages about 7,800 acre-feet per year of influent flows to the WSWPCF, and about 3,500 acre-feet per year is treated to secondary level and used for agricultural irrigation near the WSWPCF for growing animal feed and fodder crops that are not for human consumption. The City uses this industrial and/or domestic recycled water to irrigate about 790 acres of agricultural land owned by the City.

## ***3. Future Wastewater Demand and System Improvements***

In accordance with the General Plan's Land Use and Growth Management Element, the City shall develop new facilities for water, wastewater and drainage as needed for development, and shall fund necessary systemwide improvements in compliance with these policies:

- GM-G2 Provide infrastructure including water, sewer, stormwater, and solid waste/recycling systems that is designed and timed to be consistent with projected capacity requirements and development phasing.
- GM-P5 Update impact fee system to balance the need to sufficiently fund needed facilities and services without penalizing multifamily housing or infill development.



- GM-P8 Ensure that public facilities and infrastructure including water supply, sewer, and stormwater facilities are designed to meet projected capacity requirements to avoid the need for future replacement and upsizing, pursuant to the General Plan and relevant master planning.
- GM-P9 Coordinate extension of sewer service, water service, and stormwater facilities into new growth areas concurrent with development phasing. Decline requests for extension of water and sewer lines beyond the city limit prior to the relevant development phase and approve development plans and water system extension only when a dependable and adequate water supply for the development is assured.

The WWTP has adequate capacity to treat all wastewater flows to Title 22 standards for recycled water (California Code of Regulations, Division 4, Chapter 3, Section 60301). The industrial wastewater, the majority of which comes from a fruit canning facility, is blended with treated flows and is stored for agricultural irrigation of neighboring City-owned land. Table 3-15 shows the volume of municipal (residential and commercial) plus industrial wastewater collected in the service area during 2020.

Table 3-15: Collected Wastewater

<input type="checkbox"/> There is no wastewater collection system. The supplier will not complete the table below.						
Percentage of 2020 service area covered by wastewater collection system <i>(optional)</i>						
Percentage of 2020 service area population covered by wastewater collection system <i>(optional)</i>						
Wastewater Collection			Recipient of Collected Wastewater			
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated? <i>Drop Down List</i>	Volume of Wastewater Collected from UWMP Service Area 2020	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area?	Is WWTP Operation Contracted to a Third Party?
City of Lodi	Metered	5,787	City of Lodi	White Slough Water Pollution Control Facility	Yes	No
<b>Total Wastewater Collected from Service Area in 2020:</b>		5,787				

Improvements to the WSWPCF are currently underway. Improvements include proposed lift stations, and two new trunk lines are expected to be added to the existing wastewater system.

Current improvement plans are guided by the Phase 3 Improvements Project 2007 which calls for installation of new influent screens (two), screening washers, influent pumps (two), and new diffusers in Aeration Basins 1 and 2 and the construction of two new aeration basins and a secondary clarifier. Flow modifications are also planned for aeration basins. These improvements will increase the treatment capacity of WSWPCF to treat up to 8.5 mgd of average dry weather flows. The City's most recent permit, issued in September 2007, allows for an effluent limit of 8.5 mgd upon completion of the WSWPCF Phase 3 Improvements.<sup>6</sup>

Table 3-16: Projected Wastewater Flow

	2001 (mgd)	2021 (mgd)
Average	7.5	4.4
Peak Month	8.5	7.4
Peak Day	9.7	7.1
Peak Hour	14.4	15.3
Peak Day, dry weather	8.9	15.5
Peak Hour, dry weather	12.7	7.4

Source: C West Yost and Associates, January 15, 2001, City of Lodi Wastewater Master Plan.

#### ***F. Stormwater Drainage***

Lodi's stormwater drainage system is managed by the City's Public Works Department. The gravity-based stormwater system consists of trunk lines, retention basins, pump stations, and surface infrastructure such as gutters, alleys, and storm ditches. Most of the basins are used as parks and recreational facilities during non-runoff periods. Stormwater is disposed by pumping into the Woodbridge Irrigation District (WID) Canal, Lodi Lake, and the Mokelumne River.

<sup>6</sup> Swimley, Charles, Water Services Manager, City of Lodi. Written communication with Isby Swick, DC&E, October 11, 2007.

## 1. Existing Stormwater Drainage System

The City's storm drain infrastructure includes catch basins, manholes, 18 storm outlets, 227.9 acres of detention basins, 14 electrically powered pumping stations, and 110 miles of storm-water collection and conveyance piping. As of 2002-2003, the City had 2,750 catch basins and 1,600 manholes. On average, these numbers increase by 33 and 28 each year, respectively.

A significant portion of the City's stormwater runoff is released into the WID Canal. In accordance with the Storm Drainage Discharge Agreement between the City and WID, the City can discharge a maximum of 160 cubic feet per second (cfs) in the winter and 40 cfs in the summer into the WID canal. Maximum discharge rate per site is 60 cfs in the winter and 20 cfs in the summer. However, maximum discharge rates can be increased with twelve-hour notice if approved by WID. The City's most recent agreement was approved by City Council on Oct 20, 1993 and extends for 40 years. This agreement includes the City's right to modify existing Beckman and Shady Acres pump stations and to construct additional discharge points.

Excess stormwater is temporarily stored in retention basins, from where it is gradually released into the Mokelumne River, WID Canal and Lodi Lake to reduce potential flooding impacts. Many of the City's detention basins function as sports facilities during dry conditions. Table 3-17 further describes the storm drain system basin data.

Table 3-17: Storm Drain Data

Basin/Park	Tributary Area (acres)	Site Land Area (acres)	Detention Capacity (ac.ft.)
A-1, Kofu	491	12 <sup>1</sup>	41.5
A-2, Beckman	564	16.2 <sup>2</sup>	60.0
B-1, Vinewood	964	16.0	41.5
B-2, Graves <sup>3</sup>	450	13.2	31.1
C, Pixley <sup>4</sup>	1,091	27.3	128.7
D, Salas	790	21.0	94.0
E, Peterson	340	20.9	61.0
F (at Kettleman)	369	30.0	68.5
F (near Tokay)		30.0	68.5
G (DeBenedetti)	866	46.3	202.0
H (Discharge to River)	428		
I (Undeveloped)	320	25.0	
<b>Total</b>	<b>6,673</b>	<b>227.9</b>	<b>728.3</b>

*Italics indicate future or partially complete facilities. 1: Kofu acreage includes park south to tennis courts, excludes Municipal Service Center (MSC) & MSC parking. 2: Beckman acreage excludes Fire Station. 3: Graves Park formerly Twin Oaks Park. 4: Pixley volume does not include 7 ac. ft. in Beckman Rd. ditch*

Stormwater quality concerns include suspended solids and high nitrate levels (most likely from lawn fertilizers). Algal blooms below City outlets following pumping evidence this problem. The City's stormwater pumps, and detention basins are adequate for existing runoff volume. However, localized flooding has occurred at the 1700 block of Lockeford Street and residential streets southwest of Peterson Park. Improvements have been made to improve flooding problems at Lockeford Street; minor flooding in the area southwest of Peterson Park due to under-sized pipes has not yet been addressed. Systemwide modeling has not been completed to confirm and predict operation of the system as it expands.

## ***2. Future Stormwater Drainage Demands and System Improvements***

The stormwater plan for the reasonable development of the General Plan includes the division of the City's growth areas into 16 drainage watersheds. For each of these watershed areas, the tributary trunk drain, detention basin, discharge rate (gravity flow or pump station), and outfall pipeline have been preliminarily sized. These facilities are briefly described in General Plan Table 3-6, though facility planning, and sizing will need to be refined and verified through preparation of a detailed stormwater master plan.

Proposed development of recent and approved project areas will necessitate expansion and improvements to the existing Stormwater system. These improvements include:

- ◆ Lumina Subdivision is required to deepen the existing basin and construct an outlet structure.
- ◆ Gateway South subdivision is required to build a new detention basin.
- ◆ Rose Gate II subdivision is required to build a new detention basin and pump station.

## ***G. Electrical Utility***

Electrical service to the city is provided by the Lodi Electric Utility. The Lodi Electric Utility is a customer-owned and City-operated utility that provides electrical services for residential, commercial, and industrial customers in the city.

Since 1968, the Lodi Electric Utility has been a member of the Northern California Power Agency (NCPA), which is a California Joint Powers Authority comprised of seventeen public utilities. Through NCPA, Lodi Electric Utility is able to obtain electricity at cost, facilitating low energy prices for customers.

In 2007, 53% of the city's power came from renewable energy sources, primarily geothermal and small and large hydroelectric; natural gas (29%) and coal (18%) composed the remaining

power sources. Natural gas service for the Planning Area is provided by Pacific Gas and Electric Company (PG&E) and is piped from gas fields in Tracy and Rio Vista.

In calendar year 2021, Lodi used 446 gigawatt-hours (GWH) of electricity. On average, between 6,700 and 7,060 kW-hours of electricity are consumed per household per year.<sup>7</sup>

### **1. *Energy Conservation***

The City currently administers and implements a variety of local energy conservation and waste reduction programs, including:

- Low-voltage LED lighting equipment in traffic signals.
- Solar assisted equipment at all new bus shelters/stops.
- Curbside recycling (which has allowed the city to meet the California Integrated Waste Management Act of 1989 requirement to divert at least 50% of waste from landfills).
- Energy education programs for children and students.
- Standards for photovoltaic panel installation.
- Lighting, heating, solar, and air conditioning rebate programs for residential and non-residential customers through the City's Electric Utility.

The General Plan seeks to reduce energy consumption through conservation efforts and renewable energy sources, as well as through land use, transportation, water, and green building and construction strategies.

Title 24 of the California Electrical Code provides energy conservation standards for residential and commercial construction. The City enforces these standards through the local building permit process.

### **2. *Future Demand and Infrastructure Improvements***

The Utility projects that electrical demand will grow 11.2% from year 2020 (132.5 MWh) to year 2030 (147.3 MWh). As areas are annexed into the City, the electrical service provider will shift from PG&E to the Lodi Electric Utility. Infrastructure needs related to annexations are discussed below:

Provision of electrical service to the new residential sub-divisions in the South and West part of the City will require expansion of existing primary distribution lines and establishment of ser-

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<sup>7</sup> H. Shariar, Lodi Electric Utility, 5/13/22.

vice connections and would be funded by the developer. Power provided to the project areas would be derived from the Henning and Industrial Substations.

Provision of electrical service to industrial load growth in the East part of the City will require building a new distribution line and expansion of existing lines and would be funded by the developer. Power provided to the project areas would be derived from the Industrial Substation.

## ***H. Determination***

As the City of Lodi continues to grow, there will be a need to expand infrastructure services. The following is a summary of the major City actions that may be required to ensure adequate provision of infrastructure services for the five-year sphere horizon.

### ***1. Fire Protection***

Providing adequate service to the southern area of the City is currently a challenge faced by the Lodi Fire Department. Average response time of 4.8 minutes exceeds the three-minute goal largely due to high response times for the southern corners of the City. The new fire stations planned for the SW Gateway and Reynold's Ranch project areas will improve response times and level of service to the southern areas of the City and enable the department to provide service to the project areas.

Adequate fire service for the recently annexed areas and areas within the 10-year and 30-year horizons will be met by the development of new fire stations and increased staffing. The expanded tax base that results from new development, the continuation of the residential Community Facilities Districts, and development impact fees will provide funding for additional fire stations, equipment and personnel.

### ***2. Law Enforcement***

The City will implement policies under the General Plan Health and Safety Element which requires the City to ensure the adequate provision of police services.

- GM-G4 Provide public facilities—including police and fire services, schools, and libraries commensurate with the needs of the existing and future population.
- GM-P27 Maintain sufficient fire and police personnel and facilities to ensure maintenance of acceptable levels of service. Provide needed facilities concurrent with phased development.



### **3. Public Services**

#### **Library**

Additional neighborhood branches may be desirable. Locations for new library branches would include mixed-use centers and the Eastside, which currently has poor access to the existing library. The following 2010 General Plan policies are applicable to library facilities.

- GM-G4 Provide public facilities including police and fire services, schools, and libraries commensurate with the needs of the existing and future population.
- GM-P25 Locate any additional library branches to ensure all neighborhoods are served, in particular in the Eastside neighborhood and in proposed mixed-use centers.

### **4. Water Supply, Conservation and Treatment**

Future water demands were projected based on actual water use from 2015 through 2020, as measured by production rates at the City's groundwater well sites and the SWTF as well as average metered water use by customer class. Future water demand estimates are based on assumptions that the City's population and housing units will increase at a consistent 1.16 percent annual increase and water demand per capita will stay relatively stable. By 2045, average annual water demands are projected to increase from current demands by approximately 24 percent, from about 14,000 AFY in 2020 to about 18,300 AFY in 2045.

In order to provide water service to the existing population, the City will need to continue using existing supply sources including groundwater and recycled water. The estimated safe groundwater yield will increase as the City's surface area expands due to annexations within the SOI. However, the City will not approve new developments until adequate water supply is assured.

### **5. Wastewater Collection and Treatment**

Wastewater treatment for the City of Lodi is provided by the City operated White Slough Wastewater Pollution Control Facility (WSWPCF). The facility's current design capacity is 8.5 million gallons per day (mgd) and has adequate capacity to treat all wastewater flows to Title 22 standards. The service area currently generates an estimated 4.4 mgd of dry weather flow, and the plant is currently functioning at 75-percent of design capacity.

The *City of Lodi Wastewater Management Plan* projected that wastewater flow would reach 8.5 mgd in 2020, and the WSWPCF would be operating at 100-percent of design and RWQCB per-

mitted capacity. The significant infrastructure for wastewater collection and treatment needed for the development of recently annexed areas will be designed to connect to existing systems and will be funded by development fees. The City will utilize the Wastewater Master Plan update process to identify needed improvements to support additional growth within the SOI.

## **6. *Stormwater Drainage***

The stormwater plan for the reasonable development of the General Plan includes the division of the City's growth areas into 16 drainage watersheds. For each of these watershed areas, the tributary trunk drain, detention basin, discharge rate (gravity flow or pump station), and outfall pipeline have been preliminarily sized. These facilities are briefly described in General Plan Table 3-6, though facility planning, and sizing will need to be refined and verified through preparation of a detailed stormwater master plan.

## **7. *Electric Utilities***

Electrical services are provided to residential, commercial and industrial customers in the City of Lodi by the Lodi Electric Utility. The Utility is a member of the Northern California Power Agency (NPCA), a Joint Action Agency which enables the Utility to purchase and supply electricity at cost.

According to the Utility, peak demand in megawatt hours (MWh) increased 6.25 percent from 124.7 MWh in 2010 to 132.5 MWh in 2020. The Utility is planning to meet future energy needs by implementing conservation programs, as well as planning for new infrastructure. Increased energy demand generated by the development of the recent annexations is consistent with projected future energy demands, as both respond to regional growth forecasts and the City's General Plan. New infrastructure development will connect to the existing system.

Provision of electrical service to the new residential sub-divisions in the South and West part of the City will require expansion of existing primary distribution lines and establishment of service connections. Power provided to the project areas would be derived from the Henning and Industrial Substations. Provision of electrical service to industrial load growth in the East part of the City will require building a new distribution line and expansion of existing lines. Power provided to the project areas would be derived from the Industrial Substation.

The Lodi Utility has sufficient capacity to meet increased energy demand generated by recent and future annexations. Provision of electrical service to future annexations will require new infrastructure, including the expansion of existing primary distribution lines and establishment of service connections, which will be funded by the developer.



## **4 GROWTH AND POPULATION PROJECTIONS**

This chapter identifies future growth projections for the City of Lodi and its SOI that need to be taken into consideration when planning for the provision of services. A detailed discussion on existing and future municipal services to meet the future demand identified in this chapter is included in Chapter 3 of this MSR.

As discussed in Chapter 3, the City has plans and policies in place to ensure that if demand increases, as allowed by the General Plan, adequate public services will be provided, while existing levels of service are maintained.

### **A. *Population and Demographics***

The population and employment growth trends are identified in Table 4-1. This table identifies population trends within the County since 2000. The County experienced a great deal of growth in the early 2000's that slowed during the economic downturn from 2007 to 2012.

Lodi is the fourth largest city in San Joaquin County, with a population of 70,668. Between 2000 and 2015, the City of Lodi's population increased by 12 percent to 63,719 as shown in Table 4-2. The growth is consistent with the historical growth rate of 1% for the city. Growth was particularly slow between 2010 and 2015.

Neighboring cities in San Joaquin County experienced more dramatic population growth between 2000 and 2015, with the cities of Stockton and Tracy increasing 26 and 50 percent, respectively. Between 2000 and 2015, the population of San Joaquin County increased by 28 percent.

Demographic shifts experienced during this same time period in Lodi include an increase in percentage of children and 35 to 54-year-olds, and an increase in family size and non-family households, and an increase in residents of Hispanic/Latino origin. Table 4-2 identified household trends in Lodi.

Table 4-1: Population Trends in San Joaquin County

Cities	Years				Percent Change 2000 - 2021
	2000	2010	2015	2020	
Escalon	5,963	7,132	7,413	7,501	25.79
Lathrop	10,445	18,023	20,353	28,503	172.88
<b>Lodi</b>	<b>57,011</b>	<b>62,134</b>	<b>63,719</b>	<b>69,624</b>	<b>22.12</b>
Manteca	49,255	67,096	73,787	87,319	77.27
Ripon	10,158	14,297	14,922	16,292	60.38
Stockton	243,771	291,707	306,999	320,876	31.63
Tracy	56,929	82,922	85,296	98,601	73.19
Balance Of County	130,066	141,995	147,022	155,685	19.69
Total County	563,598	685,306	719,511	783,534	39.02

Table 4-2: Population and Household Trends in Lodi

	2000	2010	2015	2022
Population	57,935	62,134	63,719	68,751
Housing Units	21,442	23,792	23,830	24,383
Average Household Size	2.70 (3.4% vacant)	2.78 (7.1% vacant)	2.85 (7.2% vacant)	2.81
Single Family Units	14,468	16,446	16,483	
Multi-Family Units	6,475	6,908	6,908	
Mobile Homes	499	438	439	458

Source: State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2020, and 2021. Sacramento, California, May 2021.

The City of Lodi adopted a Growth Management Ordinance (GMO) in 1991 (Ordinance 1521, 1991). The intent of the GMO is to regulate growth in order that General Plan policies can be achieved, to ensure the adequate provision of public services and facilities, and to promote increased housing options for all segments of the population. The GMO limits the number of approved residential units to reflect a two-percent yearly population growth. This does not apply

to senior housing, commercial and industrial projects, on-site replacement housing, or projects of four units or less.

The tables below summarize the population growth from 2010 to 2019 with data provided by the American Community Survey and US Census.

### ***B. Population Projections***

There are several methods for projecting population growth. The tables below provide the population projections for the City of Lodi, from 2019 through the 30-year horizon in 2052. The tables represent projections based on the assumed annual growth rate of 1.5 percent as it provides a middle ground between Lodi's historic growth rate and the maximum growth rate allowed by the General Plan. Assuming a 1.5 percent growth rate, the City population will reach 80,570 by 2032, and 105,354 by the end of the twenty-year horizon in 2052.

Table 4-3 Population Projections

Year	Population
2019	67,581
2020	68,595
2021	69,521
2022	70,459
2027	75,345
2032	80,570
2037	86,158
2042	92,133
2047	98,522
2052	105,354

The Lodi 2010 General Plan uses 2.7 persons per household to generate population estimates from projected housing units. The 2021 numbers from the California Department of Finance uses 2.81 persons per household. For the purpose of this MSR, 2.83 persons per household is used due the fact that most units are single-family residences. This does create different population estimates for the City.

Table 4-4 Growth in Households

<b>Growth in Households</b>	
Assumed Household Size:	2.83 persons per household
New Households 2022 - 2032	4,443
New Households 2022 - 2052	14,061

### ***C. Development Projections***

This section provides an overview of projected employment growth and residential development to accommodate new residents in Lodi. Further detail related to development projections is provided in Chapter 2.

#### ***1. Employment Growth***

The tables below summarize the City's employment growth from 2010 through 2019, and the County's projections for 2030 by employment type.

Table 4-5 Employment Growth Rate

Employment Growth			
2010	25,631		
2019	28,917		
Change	3,286		
Annual Rate	1.35%		
2010	25,631	25,977	
2011	25,977	26,328	
2012	26,328	26,683	
2013	26,683	27,043	
2014	27,043	27,408	
2015	27,408	27,778	
2016	27,778	28,153	
2017	28,153	28,534	
2018	28,534	28,919	
2019	28,919		
Source: ACS/US Census			
San Joaquin County Projections			
All Industries			
2020	2030	% Growth	
330,917	379,830	14.8%	
Ann. Growth Rate:		1.5%	
Manufacturing			
2020	2030	% Growth	
20,868	21,050	0.9%	
Ann. Growth Rate:		0.1%	
Professional and Business Services			
2020	2030	% Growth	
32,332	36,856	14.0%	
Ann. Growth Rate:		1.4%	
Transportation and Warehousing			
2020	2030	% Growth	
45,434	58,274	28.3%	
Ann. Growth Rate:		2.8%	
Construction			
2020	2030	% Growth	
18,691	19,289	3.2%	
Ann. Growth Rate:		0.3%	

Based on historic City of Lodi trends and the projections of San Joaquín County, it is assumed employment growth will continue at an average annual rate of 1.35 percent. The following table projects employment levels in five-year increments, resulting in ten-year (2032) employment of 34,426 and 30-year employment of 45,016.

Table 4-6 Projected Employees

Year	Projected Employees
2022	30,106
2027	32,194
2032	34,426
2037	36,814
2042	39,367
2047	42,097
2052	45,016

## 2. Recent Annexations

Recent annexations of the Reynold's Ranch, Westside and SW Gateway project areas includes constructed and planned residential, commercial, and industrial development. These project areas are expected to accommodate population growth in Lodi through approximately 2025.

Development of the Reynold's Ranch project site will induce population and housing growth, as it entails the conversion of existing agricultural land to urban uses. However, the initial phase of the project will emphasize retail and office development which will not substantially increase population. No displacement of housing will result from this development. The development of Reynolds Ranch project site would result in up to 1,084 units at buildout.

The land use designation for the Westside and SW Gateway project sites (including the 12 additional parcels discussed in Chapter 1) under the General Plan is Planned Residential (PR). The PR land use designation allows for single-family detached and attached homes, secondary residential units, multifamily residential units, parks, open space, public and quasi-public uses, and other compatible uses. According to the General Plan, residential development in PR designated areas will maintain a mix of residential densities, with a goal of 65 percent low-density, 10 percent medium-density, and 25 percent high-density. The development of these project sites is projected to result in 2,000 units at buildout.

### ***3. Sphere of Influence***

As described in Chapter 2, the unincorporated areas of the SOI are based upon Chapter 2 of the Lodi 2010 General Plan land use plan. General Plan development potential identifies the Unincorporated SOI as containing approximately 4,000 dwelling units along with approximately 3,816 units within the existing City limits and with approved projects. The Department of Finance estimates 2015 demographics to include 23,830 dwelling units for the City. The current buildout of the City and SOI boundary would include 7,816 dwelling units. The existing City Limits and Unincorporated SOI would ultimately contain approximately 31,646 housing units.

### ***Determination***

The City of Lodi's General Plan, including the Growth Management Ordinance (GMO) discussed above, provides a framework for future growth within the City and its SOI. The GMO limits the number of approved residential units to reflect a two-percent yearly population growth. Historically, the City has experienced one percent yearly population growth. The City's 2022 population is estimated at 70,668 by the American Community Survey / US Census. Assuming a middle ground growth rate of 1.5 percent growth rate, the City will reach 87,046 by 2035.

The 2022 City population is 70,668. The projected population of the City (year 2032) based on a 1.5% annual growth rate is 82,013. Residential lands within the City's currently designated 10 Year SOI provide adequate lands to accommodate this amount of development/population growth. The projected City population in 30 years (year 2052) is 110,460. Residential lands in the current SOI is not adequate to support this amount of residential development/population growth. The City will consider future residential growth areas when it completes the next comprehensive update of its General Plan and will consider amendments to its SOI to accommodate 30 year project population growth at that time.

The substantial majority of employment growth in the City is projected to occur in the East Study Area, a proposed SOI expansion area that is designated Commercial, Business Park and Light Industrial by the City of Lodi General Plan. Based on analysis of existing employment uses in the City of Lodi, it is estimated that employment development in the East Study Area will accommodate an average of 6.47 employees per acre on average across the entire East Study area. With a total of approximately 800 developable acres, the East Study Area could accommodate approximately 5,200 employees.

## 5 FINANCING CONSTRAINTS AND OPPORTUNITIES

This section of the MSR evaluates the funding mechanisms available for the provision of expanded services in the City of Lodi to meet future needs for fire, police, public services, water, wastewater and stormwater infrastructure, and electrical utilities. These fees and taxes ensure adequate service levels to meet the needs of the existing and projected population.

### **A.     *Development Fees***

The City of Lodi has negotiated Development Agreements for major development projects and will use the same process for future projects with the developer's consent. These agreements are relevant to all projects in which landowners agree to contribute to costs of facilities and services, and the City agrees to provide service as required. The landowner's contribution to these facilities and services is assessed by the City through Development Impact Mitigation Fees (Development Fees), which ensure that new development pays its fair share of capital improvement costs for public facilities and utilities needed to support additional growth. Development Fees are collected on a per acre basis, using Residential Acre Equivalents (RAE).

General Plan policies require the City to collect water, wastewater, drainage, and school development fees for all new residential, commercial, office, and industrial development sufficient to fund required system-wide improvements (Land Use and Growth Management Element, Goal J: Policy 2 and Goal I: Policy 7). Development fees are also collected from all new development for capital improvements and equipment for fire and police protection (Health and Safety Element, Goal C: Policy 10 and Goal D: Policy 7).

New developments that are consistent with the Circulation Element of the General Plan are required to pay their fair share of traffic impact fees and/or charges. In addition, developments that generate more traffic than assumed by the Circulation Element are required to prepare traffic studies and fund to any additional capital improvements identified by the study (Circulation Element Goal A; Policy 5).

The City also requires that new developments pay school impact fees or fulfill other commitments or obligations to the Lodi Unified School District (LUSD) as authorized by AB 2969, resolution of the LUSD Board of Education (Land Use and Growth Management Element).

### **B.     *Tax Assessment***

Previous to the passing of Proposition 13 in 1978, property taxes were the main source of local government revenue and were subject to adjustment based on local government needs.



Proposition 13 reduced property taxes by approximately 50 percent and gave the State of California the power to allocate funds gained from taxes.

Proposition 98, which passed in 1988, mandated that a minimum funding level be maintained by the State of California, which led to the Educational Revenue Augmentation Fund (ERAF) property tax shift. ERAF transferred revenues from city, county and special districts to schools. Between 1993 and 2005, ERAF resulted in the transfer of \$17.5 million from the City of Lodi to local schools.

The City of Lodi has a tax sharing agreement with San Joaquin County. This agreement addresses the adjustment of the allocation of property tax revenue between the City and County when a jurisdictional change occurs, such as annexation of unincorporated property into the City limits. The Agreement was most recently updated in June 2005. The agreement specifies property tax sharing for additional land annexed into the City, with allocations being determined by the detachment of fire districts. The City receives 20 percent of property taxes for annexations that involve a detachment from a fire district. Any such a detachment from an existing service district would require LAFCo review and approval.

The City of Lodi currently collects the following taxes:

- ◆ Property
- ◆ Sales and Use
- ◆ Transient Occupancy
- ◆ Franchise
- ◆ Documentary Transfer
- ◆ Motor Vehicle in Lieu
- ◆ Public Protection
- ◆ Business License
- ◆ In Lieu Franchise

In 2021, these taxes contributed over \$56.6 million dollars to the City's total revenue and are projected to provide for 80 percent of the General Fund for the 2021-2022 fiscal year.<sup>1</sup> As of 2022, the City has initiated negotiations with the County to restructure the existing tax sharing agreement. The City and the County have engaged a firm to provide technical studies to support the negotiation and progress toward agreement has been made. The City recognizes that

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<sup>1</sup> City of Lodi Annual Budget FY 2021-2022

no annexation can be contemplated until the City and County reach agreement on sharing of property tax revenues.

**C. *Connection and Usage Fees***

In addition to impact fees and property taxes, Lodi receives funds for the on-going provision of water, wastewater, and electricity service through connection fees and usage fees. The Lodi Department of Finance reviews these fees on an annual basis to ensure that they reflect the appropriate levels necessary to provide adequate levels of water, wastewater, and electricity service. These fees are also discussed in Chapter 7, Rate Restructuring, of this MSR.

**D. *Mello-Roos Community Facilities Districts***

The Mello-Roos Community Facilities Acts of 1982 was created in response to Proposition 13, which limited a local agency's ability to fund needed improvements and services with property tax increases based on assessed property value. This act provides an alternative financing method by allowing local government agencies to establish Mello-Roos Community Facilities Districts (CFDs) to finance needed improvements and services. CFDs are typically created in undeveloped areas and can finance streets, sewer systems, basic utility infrastructure, police and fire protection, schools, parks, libraries and other communities.

Mello-Roos CFDs are a requirement for the approval of residential maps, and therefore will be created for Reynold's Ranch, Westside and SW Gateway project areas as well as future developments within the SOI. These comprehensive CFDs will be used as a revenue source to offset the cost of ongoing maintenance for public facilities, including those for police, fire, parks/recreation, and public works.

The City has begun the process of updating its comprehensive CFD. The cost of services analysis prepared to support City/County tax sharing negotiations provides the basis for updating the CFD. Additionally, the specific demands unique to each annexation area (landscape areas, parks, public facilities, drainage facilities, etc.) will be evaluated and the CFD rate for each annexation area will be calculated and will be applied when the subject area is annexed to the City and annexed as a unit of land into the City's CFD.

**E. *Opportunities for Revenue Enhancement***

In November 2018, the voters in Lodi approved Measure L providing much needed revenue to maintain and enhance services in the community. Other revenue enhancing options are available, including Transient Occupancy, Business License, or additional Transactions and Use taxes. All require a vote of the Council and the public and can be considered at Council direction. Given the limited ability of the City to expand services in the face of known cost drivers, primarily CalPERS UAL increases, additional revenue may be needed to provide the level of service demanded by the community.

***F. Determination***

The City of Lodi receives funds for the provision of public utilities and services through impact fees, property taxes, and connection and usage fees. These fees apply to all land that is annexed into the City. The City's Department of Finance reviews these fee structures on an annual basis to ensure that they provide adequate financing to cover the provision of city services.

The City has adequate fee structures and planning processes to ensure that the fee structures remain sufficient to cover costs of required services, and thus no financial constraints to service provision have identified. The General Plan includes policies that require new development to pay its fair share capital improvement costs for water, wastewater, electricity, schools, fire protection, and police protection facilities and services. The cost of providing on-going services for annexed land is offset by the increased tax base provided by new development. Taxes, including property and sales tax, are expected to provide 80 percent of the City of Lodi's General Fund for the 2021-2022 fiscal year.

## 6 COST AVOIDANCE OPPORTUNITIES

This chapter addresses methods that can be applied to minimize the cost-of-service provision for fire protection, law enforcement, public services, water, sewer and stormwater drainage, and electrical utilities, while still maintaining an adequate level of service.

### **A. Background**

The City of Lodi provides fire and police protection, public services (transportation, libraries and schools), water, wastewater, stormwater drainage, and electricity service within the City. The City also provides limited services to areas outside the City boundaries. As property is annexed into the City, the City will extend the service areas to include the annexed areas. The transfer of service from existing provider to the City of Lodi may be phased in order to reduce costs. This may increase overall cost to properties in the SOI, as residents and businesses in the SOI would be receiving access to additional services not currently provided. Service providers in the SOI are listed in Table 6-1.

Implementation of the City's General Plan and Growth Management Ordinance will ensure that no new development will be approved without demonstrating the required infrastructure to provide adequate levels of service is planned or in place. The cost of expanding infrastructure and services will be minimized when new development is able to connect to existing service systems.

Additional cost avoidance opportunities are being pursued by the Lodi Electric Utility and the Lodi Fire Department, as follows:

- In July 2015 the City of Lodi Fire joined a Joint Powers Agreement (JPA) with the City of Stockton Fire, Lathrop Manteca Fire District and the City of Manteca Fire Department. Benefits of forming a JPA and then develop a governance structure that meets the needs of the regional communications dispatch partnership. The formation of the group was specific to the City of Stockton provide contract services to the JPA for emergency and non-emergency dispatch services under an Operational Agreement between the JPA and the City. Each of these individual agencies is afforded equal representation on the JPA Board of Directors. The JPA is a legal public entity that is separate for the City of Stockton and all the member agencies. The JPA, is not limited to dispatch services alone, it could expand to cover fire training and equipment purchases. Furthermore, the JPA Board could engage additional fire agencies for contract dispatch services.
- The City is also studying the potential for consolidation and contraction with the five surrounding fire districts. The Lodi Fire Department Strategic Plan identifies consolidation of

6-1

fire districts as having the potential to reduce overhead costs, increase efficiency and spread cost of protection over a larger population area.

**Table 6-1 Summary of Service Providers**

<b>Service Provided</b>	<b>Before Annexation</b>	<b>After Annexation</b>
General Government	San Joaquin County	City of Lodi
Fire Protection	Woodbridge, Mokelumne, and Liberty Fire Protection Districts	Lodi Fire Department
Law Enforcement	San Joaquin County Sheriff's Department	Lodi Police Department
Schools	Lodi Unified School District (LUSD)	LUSD
Libraries		City of Lodi
Transportation	San Joaquin Regional Transit District (SJRTD)	City of Lodi, SJRTD
Water	Woodbridge Irrigation District	City of Lodi
Electrical Utilities	PG&E	Lodi Electric Utility

#### **B. Determination**

As annexation occurs, duplication of costs will be avoided by ensuring that all services to be provided by the City will be removed from County responsibility. As discussed above, the City's General Plan and Growth Management Ordinance ensure that all new development plans provide the infrastructure and services necessary for population increases. Furthermore, the City does not approve new development unless the required infrastructure needed to provide adequate levels of service is planned for or is in place.

As property is annexed into the City, the City will extend their service areas to include annexed areas. While this may increase overall cost to properties in the SOI, residents and businesses in annexed area receive a higher level of service and/or provision of services not available in unincorporated areas of the SOI. The City is exploring ways to reduce the cost of transferring service providers through phasing.

Measures to reduce the cost-of-service provision and provide adequate services include selling underutilized assets, consolidating service districts, and connecting new infrastructure to existing systems. In addition to streamlining operations, retiring under-utilized equipment, and establishing a policy for full cost recovery from developers for new facilities, the Electric Utility

implemented the following rate actions to better align costs and charges. These efforts will reduce operation and maintenance costs. The potential for consolidation and contraction with the five surrounding fire districts is discussed in more detail in *Chapter 7. Rate Restructuring*. Such actions have the potential to reduce overhead costs, increase efficiency and spread cost of protection over a larger population area.

## **7 RATE RESTRUCTURING**

The purpose of this chapter is to determine the potential for minimizing the rates charged to customers for public services, while maintaining the same level of service or achieving a better level of service. As discussed in Chapter 3, the City of Lodi funds its fire and police departments exclusively through the General Fund as opposed to a fee charged for usage of the service. Therefore, these services are not included in the discussion below.

### **A. *Water and Wastewater***

The city provides annexed properties with water and wastewater services. As discussed in Chapter 5 of this MSR, development impact mitigation fees fund the capital improvements needed to connect new developments to the City's water and wastewater infrastructure. Service charges are collected by the City to pay for ongoing services. Fixed rates are established for single-family and multi-family residential units, based on the number of bedrooms per unit. Flat rates for commercial and industrial customers are based on meter size.

The City is installing water meters on un-metered properties in its service area. In accordance with California Assembly Bill 2572, the City must install water meters on all customer connections by 2025. Installation of meters will enable the City to charge water customers based on actual use, which is expected to result in a 10 to 40 percent reduction in water use, with 15 percent as most typical.

The City plans to expand SWTF capacity from 10 MGD (or 36.1 AFD) to 20 MGD (or 61.4 AFD) around 2030 or demand when needed to meet demands. This project would include new water supply agreements to increase the City's surface water supplies beyond 6,000 AFY. Additionally, new storage tanks at wells 23 and 28 push back or potentially eliminate the need to construct new wells, which were determined to be needed by 2035 to meet demands in the City's Water Master Plan.

### **B. *Electricity***

The Electric Utility Fund is used to account for all activities related to providing electric services to Lodi residents and businesses. Those services include the cost of purchasing electricity; design, construction, and maintenance of electric infrastructure (overhead and underground); customer service; engineering; administration; and debt service. The electric utility is funded by rates

charged for the electric services provided. A portion of the rates are designed to support infrastructure expenses and other rates are charged based on usage.

The Electric Utility implements a number of strategies to maintain affordable, equitable rates and ensure sufficient reserves are available to address emergencies or unplanned expenses. In addition to streamlining operations, retiring under-utilized equipment, and establishing a policy for full cost recovery from developers for new facilities, the Electric Utility implemented the following rate actions to better align costs and charges. In 2016, the utility eliminated the minimum bill, implemented a new fixed charge and reduced the number of energy tiers from 5 to 3. In an effort to avoid cost shifts associated with net energy metering, Lodi Electric implemented a new solar tariff (LMC Section 13.20.290) in 2017 whereby customers installing generation facilities of 1 megawatt or less would be required to pay all costs associated with the interconnection of their system and installation of a solar meter which will register “delivered” energy that will be charged to a customer at regular retail rates and “received” energy that will be credited at the avoided cost of said energy for excess energy delivered to the utility’s distribution grid from the customer-generator.

In addition, the electric utility has a City Council approved Reserve Policy, reviewed every three years, which requires the utility to maintain a level of reserves equal to 90 days operating cash, a \$1M capital contingency reserve as well a level of reserves included as part of the annual budget process for unexpected and/or extraordinary power supply expenses – the amount of which is calculated each year.

The electric utility’s current service rates are compared with PG&E rates in Table 7-1. The Utility’s rates are lower than PG&E rates for residential, commercial, industrial and systems users. Based on this comparison, the Utility is providing adequate service to Lodi residents for rates that are fair and reasonable.

**Table 7-1 Comparison of Expected Utility Rates (cent/kWh)**

	<b>Residen- tial</b>	<b>Commercial</b>	<b>Industrial</b>
Lodi Electric Utility	17.6	18.4	13.4
PG&E	27	25	18
Lodi Utility rates as percent of PG&E rates	65.1%	73.6%	74.4%

Source: 2019 study completed by Michael Bell Management Consulting for Northern California Power Agency



### **C.     *Determination***

The City of Lodi sets rates and fees for water, wastewater, and electricity. The City's Finance Department is responsible for reviewing, analyzing and evaluating financial policies and procedures. The installation of water meters and implementation and exploration of an Energy Cost Adjustment evidence the City's commitment to minimizing rates charged to customers for utilities and public services. In addition, the comparative electricity rates shown in Table 7-1 show that Lodi Electric Utility is charging fair and reasonable rates to customers.

The City reviews the fees it charges for water, wastewater, and electricity on an annual basis to ensure that adequate services are provided in a cost-effective manner. Currently, fixed rates for water and wastewater are established for single-family and multi-family residential units, and flat rates for commercial and industrial customers are based on meter size. Installation of water meters, in accordance with Assembly Bill 2572, will enable the City to charge water customers based on actual use, which is expected to result in an average 15 percent reduction in water demand. Increased water rates for 2021-2022 are helping to cover the cost of PCE/TCE contamination.

## 8 OPPORTUNITIES FOR SHARED FACILITIES

Currently, the City of Lodi provides the appropriate level of fire protection, police, schools, libraries, transportation, water, sewer, stormwater, and energy in a cost-effective manner within the City limits. In a few cases, the City provides services to areas outside the City limits. The Lodi Unified School District provides service to Lodi, North Stockton, and the unincorporated communities of Acampo, Clements, Lockeford, Victor and Woodbridge.

The focus of this section is to identify opportunities for reducing overall costs and improving services by sharing facilities and resources. The following outlines existing and potential opportunities for the City of Lodi to share facilities and resources.

### **A. *Background***

The City has already identified opportunities for reducing overall costs and/or meeting General Plan goals through sharing facilities with other agencies and establishing multi-use facilities.

#### **1. *Fire Department***

Additional fire stations will be proposed to address the ultimate sphere boundaries, as stated in the department's Strategic Plan, Strategic Planning Topic #5, Objective 1: Facilitate the planning and construction of a new Fire station facility. The expanded tax base that results from new development, as well as the continuation of the residential Community Facilities Districts, will provide funding for fire services. Development fees will address the capital cost of new fire facilities and equipment.

#### **2. *Police Department***

The development of recent annexations will result in additional demand for police service. The additional operations costs that result will be provided by the expanded tax base that results from new development, as well as the continuation of the residential Community Facilities Districts. Capital costs for facilities and equipment will be funded by development impact mitigation fees.

#### **3. *Water Supply and Distribution***

The City, which solely relied on groundwater historically, has increased its use of surface water such that it accounts for almost half of the City's supplies. The City plans to expand SWTF capacity from 10 MGD (or 36.1 AFD) to 20 MGD (or 61.4 AFD) around 2030 or demand when needed to

meet demands. This project would include new water supply agreements to increase the City's surface water supplies beyond 6,000 AFY.

#### **4. *Wastewater Treatment***

Consistent with the General Plan land uses, water, sewer, wastewater treatment, recycled water, and stormwater facilities are planned and sized assuming a reasonable growth rate and development potential, which for the Urban Reserve areas includes: the industrial areas reaching a 50% level of development and the residential areas reaching a 75% level of development. These facilities are briefly described in General Plan Table 3-6. Though facility planning and sizing will need to be refined and verified through preparation of a detailed wastewater master plan.

#### **5. *Stormdrain System***

The stormwater plan for the reasonable development of the General Plan includes the division of the City's growth areas into 16 drainage watersheds. For each of these watershed areas, the tributary trunk drain, detention basin, discharge rate (gravity flow or pump station), and outfall pipeline have been preliminarily sized. These facilities are briefly described in General Plan Table 3-6, though facility planning and sizing will need to be refined and verified through preparation of a detailed stormwater master plan.

### **B. *Determination***

As stated in Table 8-1, the City of Lodi has existing and planned shared facilities, both within the City and through relationships with other service providers, including San Joaquin County. These shared facilities include the Lodi Police Department Headquarters that will house the San Joaquin County Superior Court, the City's contracts with the Woodbridge Irrigation District (WID) for surface water from the Mokelumne River and use of the WID canal for stormwater drainage, the City's agreement to provide wastewater treatment services to Flag City, and combination stormwater basins and parks.

Multiple planning processes are in place to identify future opportunities for shared facilities that will improve levels of service in a cost-effective manner and contribute to meeting General Plan goals. These planning processes include the City's annual budgeting process, the planning processes for utilities (i.e., water services, wastewater services, electric utility), and for fire and police services.

**Table 8-1 Shared Detention Basin and Park Facilities**

<b>Description/ Park Amenities</b>	
<b>Existing Park/Basin</b>	
A-1, Kofu	Baseball fields, tennis and basketball courts, skate park, picnic area, restrooms
A-2, Beckman	Baseball and soccer fields, dog area, play area, picnic area, restrooms
B-1, Vinewood	Baseball and soccer fields, dog area, restrooms
B-2, Graves	Baseball and soccer fields, play area, picnic area, restroom
D, Salas	Baseball and soccer fields, play area, picnic area, restroom
E, Peterson	Baseball and soccer fields, inline hockey, tennis and basketball courts, play area, picnic area, restroom
<b>Planned Basins</b>	
C, Pixley	Approved Community Park
F (at Kettleman)	
F (near Tokay)	
G, DeBenedetti	Approved Community Park

Source: City of Lodi Stormwater Management Program, 2003.

## 9 GOVERNMENT STRUCTURE

This section analyzes the benefits and constraints of the Lodi government structure in regard to the provision of public services. As previously noted in this MSR, the City of Lodi, San Joaquin County, and several special districts and municipal service districts provide services and infrastructure within the SOI.

As discussed in Chapter 6, the City is studying the potential to provide contract services for the Woodbridge Fire District and employ all firefighters currently employed by Woodbridge Fire District, in order to enhance the level of service provided to areas currently in the Woodbridge Fire District.

### **A. Background**

#### **1. City of Lodi**

The City of Lodi governs within its incorporated boundaries. Residents ultimately oversee the provision of public services within the City's jurisdiction as the City is run by an elected City Council who answer to the public through the electoral process. Annexed properties within the City's SOI are provided with a wide range of public services including municipal water, sewer, and stormwater drainage. Therefore, annexation increases the potential for services to be made available to unincorporated areas of the SOI. In the case of fire protection, the structure of the City's services includes several districts that may benefit from consolidation as annexation occurs.

#### **2. San Joaquin County**

San Joaquin County Service Maintenance Districts are governed by the San Joaquin County Board of Supervisors, which sets rates and fees within the service districts and ensures adequate service is provided to customers. These districts include parks, lighting and maintenance, drainage, wastewater collection and treatment. As annexation occurs, San Joaquin County services will be taken over by the City as it merges County services areas into its own service systems. Table 6-1 lists the County districts within the SOI that will be transferred to the City after annexation.

#### **3. Other Districts and Municipal Service Providers**

In addition to the City of Stockton and San Joaquin County, there are several other special districts and municipal infrastructure and service providers in the SOI (i.e., Woodbridge, Moke-

lumne, and Liberty Fire Protection Districts, San Joaquin Regional Transit District (SJRTD). These other service providers include water districts, wastewater collection and treatment districts, and fire districts.

#### ***4. Practices and Performance***

The City of Lodi, San Joaquin County, and several other special districts and private utility companies (i.e., PG&E) provide services and infrastructure within the incorporated and unincorporated areas of the SOI. Expansion of urban development within the SOI is dependent upon the extension of infrastructure and provision of services from the City of Stockton. As an incorporated city, the Lodi City Council establishes fee structures and directs the provision of police, fire, water, wastewater, and stormwater drainage services based on service level goals and standards.

The City intends to work with property owners and the County to annex all areas within its SOI to consolidate services and increase efficiencies and infrastructure and service deliveries. As planned development occurs within the SOI, the City will extend and expand infrastructure and services logically and efficiently pursuant to the City's General Plan and supporting master plans. Provision of infrastructure and services by the City within the SOI will not duplicate or conflict with the provision of infrastructure or services by other providers, as stated in General Plan Policy GM-P6 – "Annex areas outside the existing sphere of influence to conform with development needs for Phase 1, Phase 2, and Phase 3. Subsequent phases shall be annexed as current phases reach development thresholds."

Infrastructure and services that will be provided with annexation will, in most cases, enhance those services currently available; however, there may also be a corresponding increase in service fees. The City's General Plan goals and policies support the City's intention to annex and provide services within the SOI and provide services in a cost-effective manner. The City is committed to provide City services and facilities within the SOI upon annexation in conformance with City Council adopted policies and master plans. For unincorporated islands within the city limits, the City is committed to working in good faith with all stakeholders, including property owners, members of the public, and other government agencies, to prepare feasibility studies regarding the annexation of these islands.

#### ***B. Management Efficiencies***

The City undertakes long-range planning programs to better plan and budget for needed improvements to services and facilities. For example, the City's General Plan identified the potential for growth and establishes the baseline for other plans, such as water and sewer master

plans. Using these long-range plans as a basis, the City uses its annual budgeting process to balance expenditures for provision of needed services with anticipated income. During this process, the City analyzes the need for City staffing, equipment and facilities for the following year, and department heads are encouraged to continually explore methods to minimize the cost for services while maintaining a high level of service.

### ***C. Government Accountability***

The City of Lodi was incorporated in 1906 as a Charter City. Today Lodi operates under a Manager/Council form of government with 421 employees budgeted for Fiscal Year 2021-22.

The City of Lodi is a general law city, governed primarily by the laws of the State of California and by its own ordinances and regulations. The City Council establishes local laws, sets policies, approves programs, appropriates funds, supervises the operations of City government. City Council Members are elected on a by-district basis from five single-member Council districts by voters residing in the district in which the Council Member resides (learn more about Council Districts). Council Members hold four-year terms. Elections for members of the Council are held in November of even-numbered years. There is no limit to how many terms a person may serve as a Lodi City Council Member.

Actions of the City Council, including opportunities for public involvement and public hearing, are regulated in accordance with the Brown Act (California Government Code Section 54950 et seq.), other applicable statutes and regulations, and City procedures. The City Attorney is responsible for ensuring compliance with the Brown Act and the City's governing codes.

### ***D. Determination***

Since the City of Lodi is an incorporated city, the City Council will make final decisions concerning fee structures and provision of services. As discussed in previous chapters, the City of Lodi reviews its fee structures on a regular basis. The City's General Plan also has numerous goals, objectives, policies and actions to ensure that adequate services are provided in a cost-effective manner to accommodate new growth.

The residents of Lodi have a range of opportunities to oversee the activities of elected, appointed, and paid representatives responsible for the provision of public services to the community through elections, publicized meetings and hearings, as well as through the reports completed in compliance with State and federal reporting requirements.

The City has demonstrated the ability to work with other service providers and districts to ensure that adequate services are provided in a cost-effective manner. Efforts to ensure effective government structure for the provision of schools, fire protection, and water supply demonstrate the City's foresight to plan for future service needs as City boundaries expand due to annexations and population increases. Assuming that the City continues to evaluate the existing government structure and seeks opportunities for improvement, no significant barriers are expected in regard to government structure during the five-year sphere horizon.

The City has implemented successful mergers and continues to explore opportunities to work with other service providers. Since the merging of 18 elementary school districts and the Union High School District in 1996 to form LUSD, the district has obtained over \$100,000,000 in State bond funds for construction and renovation of school facilities. The City is currently exploring the potential to contract services for the Woodbridge Fire District. These efforts demonstrate the City's efforts to work with other districts to provide cost-efficient, high-level service within the City and its SOI.



## 10 EVALUATION OF MANAGEMENT EFFICIENCIES

Efficiently managed entities consistently implement plans to improve service quality while containing costs. The purpose of this section is to evaluate the City of Lodi's functions, operations, and practices as they pertain to the ability of the City to provide quality services to meet current and future demand.

LAFCo is required to consider the advantages and disadvantages of any options that might be available to provide the services. In reviewing potential government structure options, consideration may be given to financial feasibility, service delivery quality and cost, regulatory or government frameworks, operational practicality, and public reference.

### **A. Background**

The City of Lodi undertakes long-range planning programs to better plan and budget for needed improvements to services and facilities. The 2010 Lodi General Plan – Growth Management and Infrastructure Element, Parks Recreation and Open Space Element and the Safety Element include implementation programs which outline schedules for service review, as summarized in Table 10-1. The timeframe for service reviews ranges from ongoing to every 5-10 years.

**Table 10-1: Schedule for Service Review**

<b>Task</b>	<b>Responsibility</b>	<b>Time Frame</b>
Capital Improvement Program that identifies and sets priorities for water, wastewater, and drainage improvements	Planning Department Public Works Department	Ongoing
Urban Water Management Plan	City Council Public Works Department	Every 5 years
Water Master Plan Update	City Council Public Works Department	Every 5-10 years
Wastewater Master Plan Update	City Council Public Works Department	Every 5-10 years
Drainage Master Plan Update	City Council Public Works Department	Every 5-10 years
Review fee ordinance for funding needed for water, wastewater drainage, and other improvements	City Council Public Works Department	Every 5 years

10-1

**Table 10-1: Schedule for Service Review (Cont.)**

<b>Task</b>	<b>Responsibility</b>	<b>Time Frame</b>
Review of fee ordinance to provide funding for capital improvements and equipment for fire and police protection	City Council Fire Department Police Department Public Works Department	Ongoing

The City's annual budgeting process is used to balance expenditures for provision of needed services with anticipated revenue. During this process, the City analyzes the need for City staffing, equipment and facilities for the following year, and department heads are encouraged to continually explore methods to minimize the cost for services while maintaining a high level of service. The annual budget is used as a planning tool by the City.

**B. Determination**

The 2010 Lodi General Plan identified a reasonable growth area for the 25-year planning horizon and the necessary infrastructure to serve this area and population. The 2010 General Plan sets a baseline for other planning documents, and the annual City Budget and regular service reviews will ensure that the City of Lodi continues to provide adequate levels of service in a cost-effective manner within its service area. The City's annual budgeting process balances service expenditures and analyzes the need for City staffing, equipment and facilities for the following year.

The ability to serve the anticipated growth within the SOI is not expected to have a significant effect on governmental structure of the City or its ability to provide services. Mechanisms are in place within City departments to effectively provide for public participation in the planning and development process to address growth within the SOI. The City will continue to work with service providers such as the LUSD, SJRTD, PG&E and others, to address government structure options to provide efficient and cost-effective public facilities and services.

The City of Lodi General Plan has numerous goals, objectives, policies and actions to ensure that adequate services are provided in a cost-effective manner to accommodate new growth, and implementation programs that include schedules for review of capital improvement programs and fee ordinances for funding infrastructure improvements. Implementation programs also provide schedules for updating the City's Water Master Plan, Wastewater Master Plan, and Drainage Master Plan. Timeframes for service reviews ranges from ongoing to every 5-10 years. These long-term planning processes for the City of Lodi are contributed to by city de-

partments and community input. The City will continue to use these processes to ensure management effectiveness, and to meet goals, objectives and policies established by the General Plan.

The City's current management process is adequate and meets the needs of the City. The City has demonstrated the ability to work with other service providers and districts to ensure that adequate services are provided in a cost-effective and well-planned manner. Efforts to ensure effective government structure for the provision of fire and police protection, transportation, water supply, wastewater treatment, and storm drainage facilities demonstrate the City's foresight to plan for future service needs as City boundaries expand due to annexations and population increases. The City will continue to evaluate the existing government structure and seek opportunities for improvement. Therefore, no significant barriers are expected in regard to government structure during the 10 and 30-Year Horizons.

## 11 LOCAL ACCOUNTABILITY AND GOVERNANCE

This section assesses the level of accountability provided by the City of Lodi to those it serves, focusing on the public accessibility and level of public participation offered in regard to the operation of the City.

### **A.     *Background***

The City of Lodi was incorporated on December 6, 1906. The City of Lodi is a General Law city that operates under the City Council/City Manager form of municipal government with 391 employees budgeted for 2015-2016. This general law format allows for citizens to elect a governing body that will set policy, pass ordinances and resolutions, and approve fiscal spending.

The City of Lodi has five elected officials. The City Council consists of the Mayor (Mayor Pro Tempore) and three council members and is the City's governing body having primary responsibility for enacting legislation and policies. The City also has an elected City Treasurer. The Mayor is elected by fellow council members on an annual basis, and City Council Members are elected for four-year terms. However, there are no term limits for the Mayor or City Council Members. Regular City Council meetings are held on the first and third Wednesday of every month at 7:00 p.m. at the Carnegie Forum, located at 305 W. Pine Street. Council meetings are broadcast live on SJTV Channel 26 and rebroadcast the following Friday at 3:00 p.m. In addition to council meetings, informational sessions ("Shirtsleeve sessions") are held most Tuesdays at 7:00 a.m., also at Carnegie Forum.

The City Council appoints a seven-member Planning Commission, of which each member serves a four-year term. Established by State law, the purpose of the Planning Commission is to review changes to the City's General Plan and zoning regulations to ensure the development in Lodi is of the highest quality and to provide recommendations to Council on such matters dealing with community development. The Commission is responsible for holding public hearings that elicit public comment on development plans. The Commission meets the second and fourth Wednesday of every month at 7:00 p.m., also at the Carnegie Forum.

The City of Lodi has additional boards, commissions and committees that advise the City Council. Registered voters of San Joaquin County are invited by the City to apply for positions on boards, commissions and committees as they become available.

The official City Council meeting agenda is posted at least 72 hours before regular meetings and at least 24 hours before special meetings, according to Government Codes sections 54954.2 and 54956. The official City of Lodi posting location is at the Lodi Carnegie Forum, located at 305 W. Pine Street, where it is available to the public 24 hours a day. Additional posting locations include Lodi City Hall and the City Clerk's Office, both located at 221 W. Pine Street, and at the Lodi Public Library, located at 201 W. Locust Street. Agendas are also posted on the City's website.

City Council Guidelines allow for public comment during City Council meetings for both agenda and non-agenda items. However, public comment time for non-agenda items is limited to five minutes (Council Guideline #1). The public may contact the City Council via written correspondence, including e-mail, or verbal correspondence (voice mail). Written correspondence sent to any member of the City Council by a member of the public is forwarded to the Mayor, each Council Member, the City Manager, City Attorney, and any affected Department Heads (Council Guideline #2).

City Hall, the primary location for City administrative function, is located at 221 West Pine Street and is open from 7:30 a.m. to 5:30 p.m., Monday through Thursday and alternating Fridays from 8:00 am to 5:00 pm. The City provides its residents with information on City policy and upcoming opportunities for public involvement on its website and on SJTV Channel 26. In addition, residents are notified as required by law for public hearings.

The City prepares annual reports according to State and federal regulations on General Plan implementation process, water quality, growth for the Department of Finance, and Community Development Block Grant (CDBG) implementation. These reports are available to the public for review and comment.

#### ***B. Determination***

The City of Lodi is a General Law city that operates under the City Council/City Manager form of municipal government, and therefore residents of Lodi are offered a range of opportunities to oversee the activities of elected, appointed and paid representatives responsible for the provision of public services to the community through elections, noticed meetings and hearings, as well as through the reports completed in compliance with State and Federal reporting requirements. The City's website provides up-to-date public access to meeting agendas, service departments, documents for public review, and other resources. Annual City reports on General Plan implementation process, water quality, growth, and Community Development Block Grant (CDBG) implementation are also made available for public review and comment.

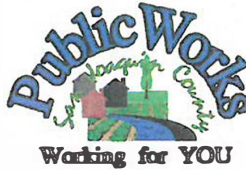
The City has five elected officials, including the mayor and four council members, and holds council meetings twice a month. Additional informal sessions are held every week. Council guidelines allow for limited public comment during City Council meetings. The resident-elected City Council appoints a Planning Commission to provide recommendations to Council on such matters dealing with community development.

The City of Lodi is an incorporated city, and the City Council makes final decisions concerning fee structures and provisions of service. Actions of the City Council, including opportunities for public involvement and public hearings, are regulated in accordance with the Brown Act (California Government Code Section 54950 et seq.), other applicable statutes and regulations, and City procedures. The residents of Lodi are offered a wide range of opportunities to oversee and provide input on the activities of elected, appointed, and paid representatives responsible for the provision of public services to the community through elections, noticed meetings and hearings, as well as through the reports completed in compliance with State and Federal reporting requirements.



**SAN JOAQUIN**  
—COUNTY—

Greatness grows here.



**Department of Public Works**

**Fritz Buchman, Director**

**Alex Chetley, Deputy Director - Development**

**David Tolliver, Deputy Director - Operations**

**Najee Zarif, Deputy Director - Engineering**

**Kristi Rhea, Business Administrator**

September 27, 2022

**MEMORANDUM**

**TO:** James E. Glaser, Executive Officer  
LAFCo

**FROM:** Christopher RM Heylin, PE., Development Services Engineer  
Development Services Division

CH

**SUBJECT:** DRAFT MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE  
– CITY OF LODI

**LOCATION:** Unincorporated areas around City of Lodi

**COMMENTS:**

- **Sunnyside Estates, a County Maintenance District, is currently surrounded on 3 sides by the City of Lodi and the 10 year SOI indicates it will be completely enveloped. At what point does LAFCo move forward with annexation to avoid creating a small County island?**

**CH:SC**

*X:\LAFCO\LAFCo Referrals\Draft Municipal Service Review and Sphere of Influence Update - City of Lodi\Comments to LAFCo.doc*

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL AGENCY FORMATION COMMISSION FOR THE ANNEXATION OF ASSESSOR PARCEL NUMBER 061-020-15, ABUTTING PORTIONS OF EAST KETTLEMAN LANE AND BECKMAN ROAD WITH RELATED MUNICIPAL SERVICES, INCLUDING DETACHMENT OF THE WOODBRIDGE RURAL FIRE DISTRICT

=====

WHEREAS, the Maverik Annexation project comprises a single parcel (APN 061-020-15) and a portion of a street right-of way adjacent to the west of the parcel which together measures ±9.71 acres ("Site"); and

WHEREAS, the project site is located within the San Joaquin County jurisdiction and described as follows ("Site"); and

APN	Site Address	Property Owner
061-020-15	4872 East Kettleman	F J Management, Inc.
Beckman Road Right-of-Way Adjacent to the West of APN 061-020-15	None	San Joaquin County

WHEREAS, the property owner for APN 061-020-15 is FJ Management, Inc., 185 South State Street, Suite 1300, Salt Lake City, UT 84111; and for the Beckman Road Right-of-Way is San Joaquin County, 44 North San Joaquin Street, Stockton, CA 95202; and

WHEREAS, the petition for annexation is for the purposes of obtaining general City services as outlined in the Municipal Services Review; and

WHEREAS, the subject territory will, upon annexation, be able to receive normal City services as required by section 56653 of the Cortese/Knox Local Government Reorganization Act of 1985; and

WHEREAS, in accordance with section 56375(a)(7) of the Cortese/Knox Local Government Reorganization Act of 1985 and the policies of the San Joaquin County Local Agency Formation Commission, the City Council has concurrently with this resolution adopted an ordinance to prezone APN 061-020-15 to General Commercial (GC) Zone; and

WHEREAS, per CEQA guidelines, it has been determined that the Project involves potential significant effects on the environment. Still, these effects could be reduced to a less-than significant level with recommended mitigation measures. A Notice of Intent (NOI) to adopt the CEQA IS/MND was published on the City of Lodi website on April 7, 2025, in The Lodi News-Sentinel on April 5, 2025, submitted to the State Clearinghouse on April 7, 2025 (SCH 2025040384), and recorded with the San Joaquin County Clerk on April 7, 2025, which provided a public review period through May 7, 2025 on the draft CEQA IS/MND document. Members of the public and public agencies were invited to comment on the document, with one comment received during the public review period and incorporated into the final CEQA IS/MND; and



WHEREAS, the annexation action would also include the applicant's requested detachment from the Woodbridge Fire District. The detachment will be subject to an agreement by the developer to mitigate the district's loss of property taxes. Future services will be provided by the City of Lodi; and

WHEREAS, the City Council held a duly noticed public hearing pursuant to Lodi Municipal Code Chapter 17.74, at which time all interested parties had the opportunity to be heard. After consideration of the project, the City Council considered and found that potential effects on the environment due to the construction of the project could be reduced to a less-than-significant level with recommended mitigation measures and certified the project's Mitigated Negative Declaration (MND); and

WHEREAS, based on review of the entire record herein, including the accompanying staff report, all supporting, referenced, and incorporated documents, and comments received, the City Council finds the following support for filing of the annexation request to LAFCO:

1. The Site is within the City's Sphere of Influence (SOI) and is included in Phase 1 of the growth management plan for the General Plan. Phase 1 is the highest priority phase and represents the likely scenario for anticipated growth during the planning period of the General Plan, after accounting for market conditions and recent trends.
2. The 2022 Municipal Services Review concluded that there will be adequate public services (fire, police, library, water, sewer and electrical) for the Site.
3. The Site is contiguous to the City to the north.
4. Existing new growth areas within the City (Gateway, Reynolds Ranch, Rosegate) will be approaching development thresholds within the next five years and the supply of vacant infill sites is increasingly limited. The Site will provide an additional growth area contiguous to existing development.
5. The Project will result in the City expanding into an unincorporated area that is adjacent to the City. This will be an outward expansion in a southerly direction.
6. The City's 2022 Sphere of Influence Update shows a 10-year horizon and a 30-year horizon for City expansion. The Site is within the boundaries of the 10-year horizon.
7. The Site will not result in an island of unincorporated parcels.
8. The Project boundaries conform to parcel lines and will not split any parcels.
9. The Project will result in a full suite of public services to the Site as shown in the Municipal Service Plans.
10. Beckman Road and East Kettleman Lane will provide access into the Annexation Area. East Kettleman Lane is already within the city limits. The entire right-of-way of Beckman Road adjacent to Property will be annexed as part of the Project avoid fragmentation of governmental responsibility.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby adopt a resolution authorizing the filing of an annexation request to annex the Site into the City, and detach the Site from the Woodbridge Fire Protection District, and direct staff to prepare and submit an annexation application for the Project to LAFCO, and to complete any necessary related tasks.

Dated: July 16, 2025

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I hereby certify that Resolution No. 2025-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 16, 2025, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

Olivia Nashed  
City Clerk

2025-\_\_\_\_\_

**AGREEMENT BETWEEN THE CITY OF LODI, MAVERIK, INC., AND WOODBRIDGE FIRE DISTRICT  
REGARDING ANNEXATION OF PROPERTY FROM THE DISTRICT TO THE CITY OF LODI**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2025, by and between the City of Lodi, a municipal corporation ("CITY"), FJ Management Inc., a Utah corporation ("FJM") qualified to do business in California, and Maverik, Inc., a Utah corporation qualified to do business in California ("Maverik") (may be referred to collectively as, "APPLICANT"), and the Woodbridge Fire District, a California Special Fire District ("DISTRICT").

WITNESSETH

WHEREAS, APPLICANT desires to annex certain property known as the Maverik Annexation Project, consisting of San Joaquin County Assessor's Parcel Number 061-020-15 (4872 East Kettleman Lane, approximately 8.81 acres) and a portion of adjacent street right-of-way to the west, for a total annexation area of approximately 9.71 acres (the "Property") into the CITY. The vested owner of the Property is FJM, and is leased to Maverik pursuant to a certain unrecorded Ground Lease with an effective date of July 1, 2022 (as may have been amended from time to time, the "Lease"). A legal description and map identifying the location of the Property is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, upon annexation, a detachment of the Property from the DISTRICT that serves the Property occurs because the CITY will provide fire services once the Property is annexed; and

WHEREAS, upon annexation, the DISTRICT will lose its share of the property tax previously allocated to it; and

WHEREAS, APPLICANT and the DISTRICT desire to resolve the transition of lost revenue(s) to the DISTRICT and comply with the existing policy of the Local Agency Formation Commission ("LAFCO").

NOW THEREFORE, it is mutually agreed by and between the CITY, APPLICANT and DISTRICT as follows:

1. Upon annexation of the Property to the CITY and the detachment of the Property from the DISTRICT, Maverik shall pay to the DISTRICT, within fifteen (15) business days of recordation of said annexation, the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) as shown in Exhibit "B" for an unconditional release and waiver from any additional obligation(s) related to property tax loss.
2. The provisions of this Agreement shall inure to the benefit of and bind the heirs, successors and assigns of the respective parties to this Agreement.
3. The parties intend that this Agreement and the covenants created herein shall constitute covenants running with the land, as defined in California Civil Code Section 1462, so as to bind and benefit the successors, heirs, and assigns of the parties.
4. It is understood and agreed by and between the parties hereto that this Agreement shall be deemed and construed to be entered into and to be performed in the County of San Joaquin, State of California, and that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and govern its interpretation.

5. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the Court, in addition to any other remedies.
6. Any notice required by this Agreement shall be in writing and delivered postage prepaid as follows:

TO APPLICANT:

FJ Management Inc.  
185 South State Street, Suite 1300  
Salt Lake City, UT 84111  
Attn: Legal Department

TO DISTRICT:

Woodbridge Fire District  
400 E Augusta St.  
Woodbridge, CA 95258  
Attn: Fire Chief

WITH A COPY TO:

Maverik, Inc.  
185 South State Street, Suite 800  
Salt Lake City, Utah 84111  
Attn: Todd Meyers

TO CITY:

City Clerk City of Lodi  
221 West Pine Street  
Lodi, CA 95240

7. This Agreement may be amended in writing by the mutual agreement of all of the parties.
8. In consideration of the covenants, conditions, and promises of APPLICANT to be performed as set forth in this Agreement, DISTRICT shall not contest or otherwise oppose the annexation sought by APPLICANT.

IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives as of the date first above written.

FJ MANAGEMENT INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

MAVERIK, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

WOODBIDGE FIRE DISTRICT

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF LODI

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

By CITY ATTORNEY \_\_\_\_\_

Name: \_\_\_\_\_



ATTEST:

By CITY CLERK \_\_\_\_\_

Name: \_\_\_\_\_

EXHIBIT A - Legal Description and Map to be attached to final agreement.

EXHIBIT B - Financial Payment Schedule to be attached to final agreement.




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Consider Waiving the Second Reading and Adopting an Ordinance No. 2031 Amending Associated Zoning Map Designations City-wide (Applicant: City of Lodi; File Number: 2024-04 Z-GPA-EIR; CEQA Determination: A Final Subsequent Environmental Impact Report ("EIR") has been prepared pursuant to Sections 15162, 15166, and 15175 through 15178 of the CEQA Guidelines (SCH #2023010102)) (CLK)

**MEETING DATE:**

August 6, 2025

**PREPARED BY:**

Olivia Nashed, City Clerk and Katie Lucchesi, City Attorney

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**RECOMMENDED ACTION:**

Consider Waiving the Second Reading and Adopting an Ordinance No. 2031 Amending Associated Zoning Map Designations City-wide (Applicant: City of Lodi; File Number: 2024-04 Z-GPA-EIR; CEQA Determination: A Final Subsequent Environmental Impact Report ("EIR") has been prepared pursuant to Sections 15162, 15166, and 15175 through 15178 of the CEQA Guidelines (SCH #2023010102)).

**BACKGROUND INFORMATION:**

Ordinance No. 2031 entitled, "An Ordinance of the Lodi City Council Amending Associated Zoning Map Designations City-wide (Applicant: City of Lodi; File Number: 2024-04 Z-GPA-EIR; CEQA Determination: A Final Subsequent Environmental Impact Report ("EIR") has been prepared pursuant to Sections 15162, 15166, and 15175 through 15178 of the CEQA Guidelines (SCH #2023010102)).

On July 16, 2025, the City Council voted to certify the Final Subsequent Environmental Impact Report (EIR), approve the associated General Plan amendments, and to complete the First Reading and Introduction of Ordinance No. 2031, with Zoning Map amendments, including rezoning the 13 parcels identified in the Housing Element sites inventory.

However, in the July 16<sup>th</sup> action on Ordinance No. 2031, Council removed 2057 Lower Sacramento Road (APN 0580300) from the list of parcels to rezone in this ordinance, and directed staff to identify an alternative site to meet the City's Regional Housing Needs Allocation (RHNA) obligations. Staff is separately proceeding with that process (see below) and will bring that back to Council in a future item.

Therefore, staff recommends Council waive the second reading and adoption of Ordinance No. 2031, which excludes the 2057 Lower Sacramento Road parcel.

Informational Update on Staff Efforts Regarding Alternate Site to 2057 Rezone

To initiate the process to amend the Housing Element in accordance with state law, staff consulted with the City's Housing Element consultant to determine next steps.

Based on that consultation, staff understands that removing this site may raise concerns at the state level,

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## COUNCIL COMMUNICATION

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particularly given its location within one of Lodi's two designated Racially Concentrated Areas of Affluence (RCAAs). To date, this is the only Housing Element site within an RCAA boundary identified for rezoning, and its removal may undermine the City's ability to demonstrate compliance with the Affirmatively Furthering Fair Housing (AFFH) requirements under state law.

In light of these factors, staff formally requested guidance from the California Department of Housing and Community Development (HCD) regarding the potential implications of the Council's direction and the appropriate procedural path to pursue a Housing Element amendment. Once the input from HCD is received, staff will report back to Council with a recommended course of action to comply with the Housing Element and state law requirements.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required - one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

### **STRATEGIC VISION:**

4C. Housing: Continued progress towards Regional Housing Needs Assessment goals.

### **FISCAL IMPACT:**

Not applicable.

### **FUNDING AVAILABLE:**

Not applicable.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 17 OF THE LODI MUNICIPAL CODE RELATED TO THE  
"ZONING MAP," SECTION 17.10.030 OF THE LODI MUNICIPAL CODE, TO AMEND THE  
ZONING DESIGNATION OF MULTIPLE PROPERTIES THROUGHOUT THE CITY TO  
ENSURE CONSISTENCY WITH THE 2025 FOCUSED GENERAL PLAN UPDATE  
(APPLICATION NO. 2024-04)

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI, AS FOLLOWS:

**SECTION 1. FINDINGS AND INTENT**

The City Council of the City Lodi hereby finds, pursuant to Lodi Municipal Code ("LMC") Chapter 17.72, that:

- A. *Consistency with the General Plan* - The proposed zoning changes implement the updated General Plan designations and policies in a consistent and complementary manner.
- B. *No Detriment to Public Interest, Health, Safety, Convenience, or Welfare* - Rezoning supports the City's strategic goals for infill development, housing production, and sustainability without creating adverse effects on the community.
- C. *Compliance with CEQA and Lodi Environmental Review Guidelines* - Environmental analysis has been conducted and circulated in accordance with CEQA, and the draft environmental document has been made available for public comment.
- D. *Physical Suitability of the Sites* - The sites proposed for rezoning are physically suitable based on absence of significant physical constraints, existing infrastructure availability, and appropriate land use compatibility.

**SECTION 2. ZONING MAP AMENDMENT**

The Zoning Map, referred to in LMC Section 17.10.030, and by reference made a part hereof, said Code is hereby amended as shown on Exhibit A, attached and incorporated herein by reference, upon approval of the requested amendment.

**SECTION 3. SEVERABILITY**

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

**SECTION 4. NO MANDATORY DUTY OF CARE.**

This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 5. NO CONFLICT.**

All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.



**SECTION 6. EFFECTIVE DATE AND PUBLICATION.**

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
CAMERON BREGMAN  
Mayor

Attest:

\_\_\_\_\_  
OLIVIA NASHED, City Clerk  
State of California  
County of San Joaquin, ss.

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2025, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2025, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

OLIVIA NASHED  
City Clerk

Approved as to Form:

for  
KATIE O. LUCCHESI  
City Attorney

