



## **AGENDA**

### **CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING**

**CAROL DUTRA-VERNACI, Mayor**  
**JEFF WANG, Vice Mayor (District 3)**  
**GARY SINGH, Councilmember (District 1)**  
**JAMIE PATIÑO Councilmember (District 2)**  
**SCOTT SAKAKIHARA, Councilmember (District 4)**

**Tuesday, February 13, 2024**  
**7:00 PM**

**City Hall- Council Chamber**  
**34009 Alvarado-Niles Road**  
**Union City, CA 94587**

- 1. CALL TO ORDER**
  - 1.a. Pledge of Allegiance
  - 1.b. Roll Call
- 2. UNFINISHED BUSINESS - None**
- 3. PROCLAMATIONS AND PRESENTATIONS**
  - 3.a. Police Department Strategic Plan Update
  - 3.b. Presentation on Community Health Needs Assessment by Angus Cochran, Chief, Community Support Services at Washington Hospital

#### **4. ORAL COMMUNICATIONS**

*An individual speaker shall have three minutes to address the Council on non-agenda items under the Oral Communications section of the agenda. The Chair may, in their discretion, lower the time limit to less than three minutes based on the number of speakers and/or business to be conducted by the City Council.*

*Members of the public who wish to speak to the Council under the first Oral Communications section are requested to complete a speaker card, giving their name and city of residence. If a speaker wants further notification from the City, the speaker may include a mailing address. Neither a speaker card or identification of name, city of residence or mailing address are required to provide public comment but are requested for record keeping purposes.*

## **5. CONSENT CALENDAR**

*All matters listed on the Consent Calendar are considered routine in nature and will be enacted by one motion. If discussion is required on a specific item, it will be removed from the Consent Calendar and considered separately.*

### **5.a. Waived Further Reading of Proposed Ordinance**

(This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance.)

### **5.b. Approve The Minutes Of The City Council Meetings Held on November 14, 2023 and November 28, 2023**

### **5.c. Adopt A Resolution Authorizing An Amendment To The Personnel Rules, Section 3.11, To Revise The Rules Regarding Compensation Upon Promotion**

### **5.d. Adopt A Resolution Approving An Amendment To Update The Class Specification For The Classification Of Community & Recreation Program Specialist**

### **5.e. Adopt a Resolution Appointing Manjit Gil to Serve on the Arts and Culture Commission**

### **5.f. Adopt A Resolution Amending The Existing Application Procedures For Commercial Cannabis Permits To Include A Community Outreach Plan Requirement**

### **5.g. Adopt A Resolution Authorizing City Staff To File Annual Funding Applications With The Metropolitan Transportation Commission For The Allocation Of Funds For The Operation Of Union City Transit And Paratransit For Fiscal Year 2023-2024**

## **6. PUBLIC HEARINGS - None**

## **7. CITY MANAGER REPORTS**

### **7.a. Adopt A Resolution Approving The 2024 State And Federal Legislative Platform For The City Of Union City And Authorizing The Mayor Or City Manager to Sign Position Letters On Behalf Of The City**

### **7.b. Introduction Of Ordinance Amending Union City Municipal Code Chapter 5.42 "Tobacco Retailers"**

### **7.c. Adopt A Resolution Approving An Exception To The 180-Day**

Waiting Period For Post-Retirement Employment And Approve  
An Agreement With Retired Annuitant Anita Castillo

8. **SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY - None**
9. **AUTHORITIES AND AGENCIES - None**
10. **CITY COMMISSION / COMMITTEE REPORTS - None**
11. **ITEMS REFERRED BY COUNCIL**
12. **GOOD OF THE ORDER**
13. **CLOSED SESSION - None**
14. **ADJOURNMENT**

### MEETING INFORMATION

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Unless otherwise provided, the City Council's regular meetings are held in person on the second and fourth Tuesday of each month at 7:00 p.m. inside the Council Chamber at City Hall, 34009 Alvarado-Niles Road, Union City CA 94587. The City continues to offer an opportunity to observe Council meetings via Zoom at: <https://unioncity-org.zoom.us/j/81719037355> Passcode: u8SH9cH^

Meetings are broadcast live through UCTV Channel 15 and via live stream at:  
<https://unioncity.org/199/City-Meetings-Video>

Members of the public will not have the ability to provide comment via Zoom except under limited circumstances specified below. The ability to observe remotely as identified above is predicated on the technology being available and functioning without technical difficulties. Should the remote platform(s) not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that makes the platform(s) unavailable, the City Council will proceed with the items of business in person unless otherwise prohibited by law.

Any writings or documents provided to a majority of City Council members relating to each item of business referred to on this agenda are available for review on the City's website at [www.unioncity.org](http://www.unioncity.org) or during regular business hours in the Office of the City Clerk located at 34009 Alvarado-Niles Road, Union City CA 94587.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (510) 675-5448. Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impair.

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## **ADDRESSING THE CITY COUNCIL**

In Person Public Comment: Members of the public may address the Council on a matter on the agenda or during the Public Input portion of the meeting. Members who wish to speak are requested to complete a speaker card, giving their name and city of residence. If a speaker wants further notification from the City, the speaker may include a mailing address. Neither a speaker card nor identification of name, city of residence or mailing address are required to provide public comment but are requested for record keeping purposes.

Written Comment: To provide written comment on an item on the agenda or to address the Council about an issue during Public Comment, you may send an email to [cityclerk@unioncity.org](mailto:cityclerk@unioncity.org). Please include the phrase "public comment" in the subject line and note the agenda item number that you want to address. Written comments will be e-mailed to the City Council and made publicly available.

Public Comment via Zoom: As indicated above, the public cannot address the Council via Zoom unless the City is required to provide such opportunity pursuant to AB 2449. In the event that members of the public are allow to participate via Zoom pursuant to AB 2449, the Mayor will make an announcement at the beginning of the meeting. Raise your virtual hand to notify the host that you would like to speak during the item that you wish to speak on.

## **CITY COUNCIL NORMS AND GUIDELINES (Resolution No. 6129-23; Adopted May 23, 2023)**

The City Council of the City of Union City comply with the following norms:

1. We conduct ourselves in a professional manner, treat everyone with respect, and act with high integrity, always putting the interests of the City of Union City ahead of self-interests in accordance with our code of ethics.
2. We respect the Council-Manager form of government, and do not interfere with the City Manager's role or any professional duties of City staff.
3. We recognize that matters of confidential nature are to be kept private and undisclosed.
4. We respect each other's opinions and are supportive of each other's work advocating for the City, and we ensure that all voices are heard. We do not criticize others for having a different point of view, and we agree to disagree respectfully.
5. We understand that the City Council acts as a body, all members are equal, and policy direction is only given by a majority vote of the City Council. Once a decision is made, all members of the City Council must respect the City Council's direction.
6. We will be prepared for City Council meetings and ask our questions of the City Manager in advance so we can avoid surprising City staff at meetings.
7. We do not criticize City staff publicly or to others and will refrain from directing them. Instead,



we will take our concerns and questions privately to the City Manager.

8. We will govern on an at-large basis, although elected by districts. We will maintain a citywide perspective and consider the needs and interests of the entire community.
9. We will continue to allocate resources based on long-term strategic priorities and efforts, with consideration of citywide service levels and financial capacity.
10. We understand customer service is the priority and each member of the City Council will help constituents regardless of the district in which they reside or from which a Councilmember themselves is elected.
11. We recognize the significant importance of attendance and participation at City Council meetings in proceeding with City business. All members of the City Council should endeavor to miss no more than two regular meetings per calendar year absent extraordinary circumstances. Members of the City Council should, absent unforeseen circumstances, provide a minimum of sixty days' notice to the City Council of planned absences during the Good of the Order or Items Referred by Council portion of the City Council agenda, as appropriate.

May these Council Norms be administered and enforced in the following manner:

1. Councilmembers have the primary responsibility to assure that ethical standards are understood and met by the Council, and that the public can continue to have full confidence in the integrity of government.
2. The Mayor and the Council have the responsibility to intervene when action of its members are in violation of Council Norms.
3. The City Council can review and revise the Council Norms as needed.
4. During City Council discussions, deliberations, and proceedings, the Mayor is designated with the primary responsibility to ensure that Councilmembers adhere to the Council Norms.

#### **CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

This notice/agenda was posted at least 72 hours in advance of the meeting date, in accordance with the Ralph M. Brown Act, on the City's Website and on the bulletin board of City Hall.



## Agenda Item

### ATTACHMENTS:

#### Description

📎 Police Department Strategic Plan Update

#### Type

Resolution



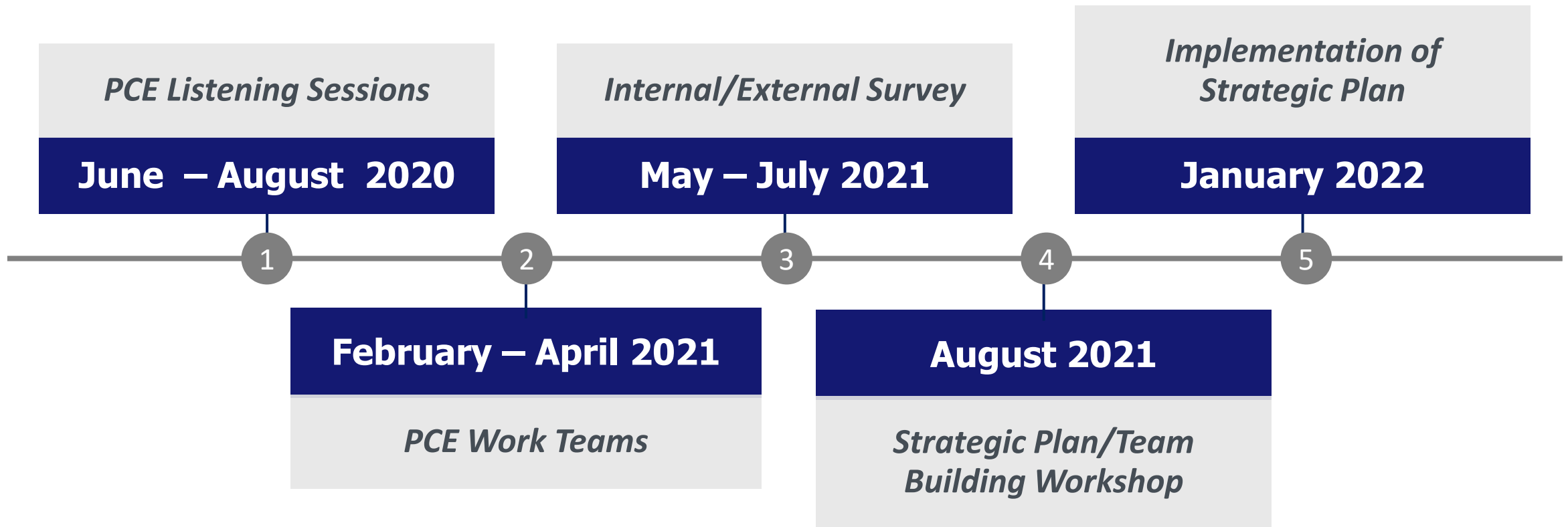
# **UNION CITY POLICE DEPARTMENT**

## **Updates to Strategic Plan 2022 - 2026**

**Presentation to City Council**  
**February 13, 2024**

# Strategic Plan

# TIMELINE



### **Policing and Community Engagement (PCE) Committee Listening Sessions**

- 8 Listening Sessions
- 15 Presenters
- 20+ Public Comments
- 5 Meetings Streamed with nearly 1,000 People in Attendance

## Priorities Identified

- Four areas of focus identified:
  1. Accountability and Transparency
  2. Hiring and Training
  3. Mental Health and Social Services
  4. Community Policing
- Priorities used to develop a framework for reimagining policing.

## **PCE Work Teams Objectives and Strategies**

- 31 Participants
- 17 Meetings over 8 Weeks
- 21 Objectives with 36 Strategies

## Stakeholder Surveys

May – July 2021

- Internal and External Surveys
- 900+ Residents and Members of the Department Participated

	Godbe Research Survey	UCPD Survey
Residents Surveyed	576	349
Satisfaction	72%	71%
Trustworthy	78%	83%



### **Team Building Workshop with Police Department Supervisors, Managers and POST Facilitator**

- Review of Recommendations and Data from:
  - PCE Committee
  - PCE Work Teams
  - Surveys
- Created a Plan
  - 21 goals
  - 54 strategies



# UPDATES AND FUTURE GOALS



## Priority 1

**Accountability and Transparency**

## Priority 2

**Hiring and Training**

## Priority 3

**Mental Health and Social  
Services**

## Priority 4

**Community Policing**



# PRIORITY 1

## Accountability and Transparency

### COMPLETED GOALS

GOALS	STRATEGIES	COMPLETED
1.1: Collaborate with Federal, State, and Local Partners to Implement a Database for Terminated Officers, including a Decertification Process.	1.1.1: New State Legislation Adopted SB-2. Police Decertification Act of 2021.	March 2022
1.2 Implementing Community Dashboard	1.2.2 Social Media	January 2023
1.3 Chief’s Advisory Group/Board	1.3.1 Public Safety Working Group	January 2023



# PRIORITY 1

## Accountability and Transparency

### GOALS FOR 2024

GOALS	STRATEGIES	COMPLETED
1.2 Implementing Community Dashboard	1.2.5 Community Roundtables	
1.4 Non-Sworn Support Services Manager	1.4.1 Create a Non-Sworn Manager Position	

## PRIORITY 2

## Hiring and Training

### COMPLETED GOALS

GOALS	STRATEGIES	COMPLETED
2.2: Ensure Racial Sensitivity and Awareness Training for Dispatchers.	2.2.1: Racial Sensitivity and Awareness Training for Dispatchers.	March 2022
2.3: Modify Hiring Practices to Successfully Attract and Hire Employees.	2.3.2: Epic Recruiting Contract.	February 2022
	2.3.3: Employee Referral Incentive Program.	February 2022
	2.3.4: Over-Hire Authorization.	February 2022
	2.3.5: Competitive Benefit Package with Benchmark Cities.	March 2022

## PRIORITY 2

## Hiring and Training

### COMPLETED GOALS

GOALS	STRATEGIES	COMPLETED
2.4: Enhance Virtual Recruiting and Hiring.	2.4.1: Expand Social Media and Digital Assets.	September 2022
2.6: Highlight Police Training.	2.6.2: Be More Transparent and Provide Additional Information on Training.	May 2023
2.7: Conduct an Analysis on Police Department Training Needs.	2.7.1: Meet with the Community Leaders, Groups, etc. to Identify and Bring Back Informal Training to the Department.	May 2023
2.8: Provide Officer Safety and Wellness Training.	2.8.1: Bolster Wellness Program.	May 2022



# PRIORITY 2

## GOALS FOR 2024

### Hiring and Training

GOALS	STRATEGIES	COMPLETED
2.3 Modify Hiring Practices to Successfully Attract and Hire Employees	2.3.1 Create a Funnel Analysis to Evaluate Attrition during Hiring Process	
2.5 Branding of UCPD	2.5.2 Leadership Draws	



# PRIORITY 3

## Mental Health and Social Services

### COMPLETED GOALS

GOALS	STRATEGIES	COMPLETED
3.1: Develop New Response Standards for Officers/Dispatchers for Mental Health and Family Disputes that Involves Social Services, Behavioral Health, and other Community Resources.	3.1.1: Require Every Officer to Become CIT Certified.	March 2022
3.3: Implement a Crisis Intervention Strategy, Which May Include a Mental Health Response Team.	3.3.1: Create a Contract with Community Assessment and Transport Team (CATT) to Provide Resources.	March 2022





# PRIORITY 3

## Mental Health and Social Services

### GOALS FOR 2024

GOALS	STRATEGIES	COMPLETED
3.1 Develop New Response Standard for Officers/Dispatchers for Mental Health and Family Disputes that involve Social Services	3.1.2 Ongoing Mental Health Briefing Trainings	
	3.1.3 Reoccurring De-Escalation and Persons in Crisis Training for all officers	



# PRIORITY 4

## Community Policing

### COMPLETED GOALS

GOALS	STRATEGIES	COMPLETED
4.1 Implement a Community Policing Program	4.1.1 Restore Community Policing Unit	January 2024
4.4: Adopt a “Top-Down” Philosophy That Supports Innovative and Meaningful Community Policing Progress Through Projects by Department Employees.	4.4.5: District Policing	May 2023



# PRIORITY 4

## GOALS FOR 2024

### Community Policing

GOALS	STRATEGIES	COMPLETED
4.1 Implement a Community Policing Program	4.1.2 Re-Establish Partnerships with CRS, Code Enforcement, Fire, Community Based Organizations	
4.4 Adopt a Top-Down Philosophy that Supports Innovative and Meaningful Community Policing Progress Through Projects by Department Employees	4.4.3 Encourage officers to participate in meaningful community events.	



This Strategic Plan has created the framework and opportunities for the Union City Police Department to better serve our community. We will continue to strive forward to meet our goals.



# THANK YOU





## Agenda Item

### ATTACHMENTS:

#### Description

- 📎 Presentation on Community Health Needs Assessment

#### Type

Resolution



## 2023 Community Health Needs Assessment



Washington Hospital Healthcare System

**Angus Cochran**  
**Chief of Community Support Services**  
**[Angus\\_Cochran@whhs.com](mailto:Angus_Cochran@whhs.com)**  
**510-818-6713**

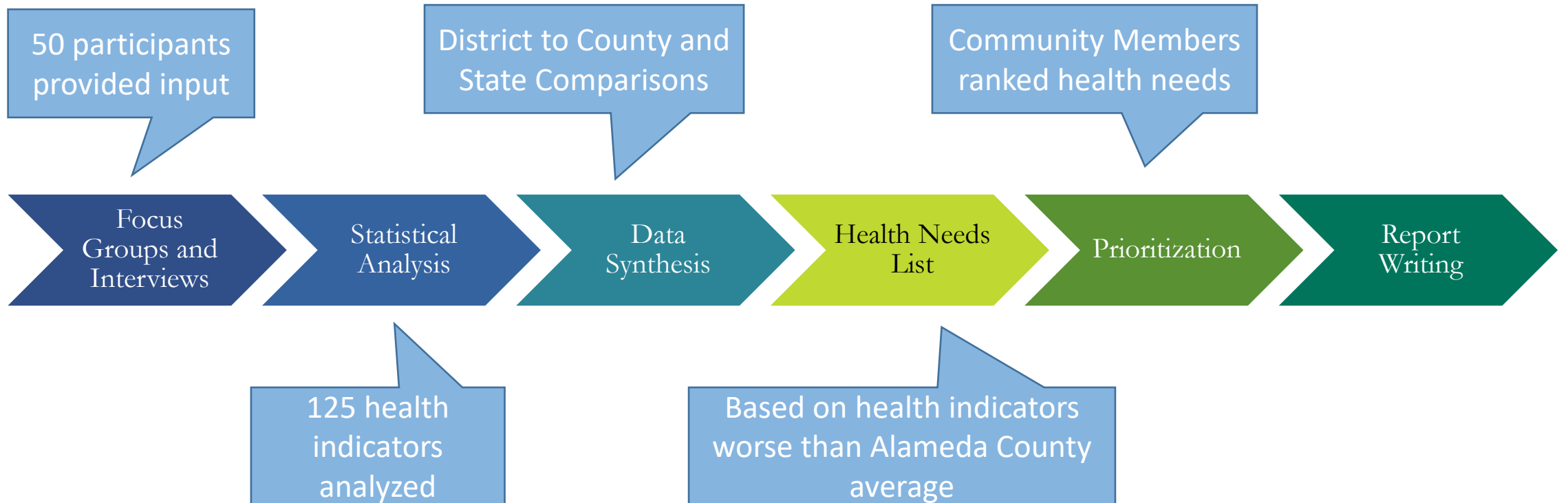
# What is a Community Health Needs Assessment?

- Developed by nonprofit hospitals every three years
- Provides insight into the health of the community
- Prioritizes local health needs
- Identifies areas of focus
- Used to develop outreach and education strategies to improve well-being of community members
- Leverages public data to chart a course for WHHS strategy





# CHNA: A Qualitative and Quantitative Process



Washington Hospital worked with consultant group Actionable Insights, LLC to create 2023 CHNA

# Statistical Data Sources

- Alameda County
  - Healthy Alameda County
  - Alameda County Public Health Department, Community Assessment, Planning, and Evaluation (CAPE)
  - Alameda County Homeless Point-in-Time Count Data Dashboard
  - Alameda County Domestic Violence Review Team report, 2006-2016
- Regional
  - Greater Bay Area Cancer Registry
- California State
  - California Health Maps
  - KidsData
- National
  - Economic Policy Institute

## Key Data Characteristics

- 125 Health Indicators Analyzed
- 58%: Refreshed between 2020-2022
- 36%: Refreshed between 2017-2019
- 6%: Refreshed before 2017

# Qualitative Data Sources

## Key Informant Interviews (7 participants):

- County Public Health
  - *Kimi Watkins-Tartt, Public Director, Alameda County Health Care Services Agency*
  - *Evette Brandon, QIA Director, Alameda County Health Care Services Agency*
- County Behavioral Health
  - *James Wagner, Deputy Director Behavioral Health Care Services*
  - *Katherine Jones, Director, Adult & Older Adult System of Care, Behavioral Health Care Services*
- LGBTQIA+ Community
  - *Yugi Albior, TransVision Supervisor, Bay Area Community Health (BACH)\**
  - *Padmaja Magadala, HIV/TransVision Program Director, BACH*
- Housing/Homelessness
  - *Suzanne Shenfil, Director of Human Services, City of Fremont*

List of Focus Groups Conducted for CHNA 2023

Topic or Population	Focus Group Host/Partner	Number of Participants
Southern Alameda County	South County Partnership	8
Disability community & older adults	Washington Hospital	13
Spanish-speaking community members*	Newark Promotores Network	15
English-speaking Black, Indigenous, and People of Color (BIPOC) community members*	Washington Hospital	7

\* Indicates resident/community member group.

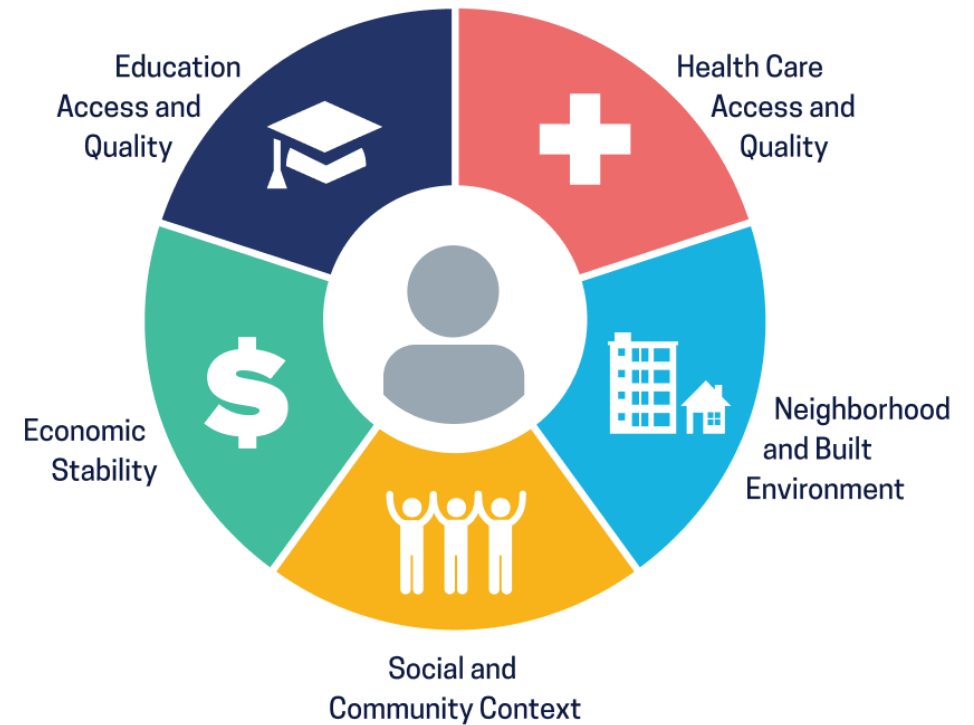
# Using a Broader View of Health

- Community thinks about healthcare **beyond** disease status
- CHNA includes the:

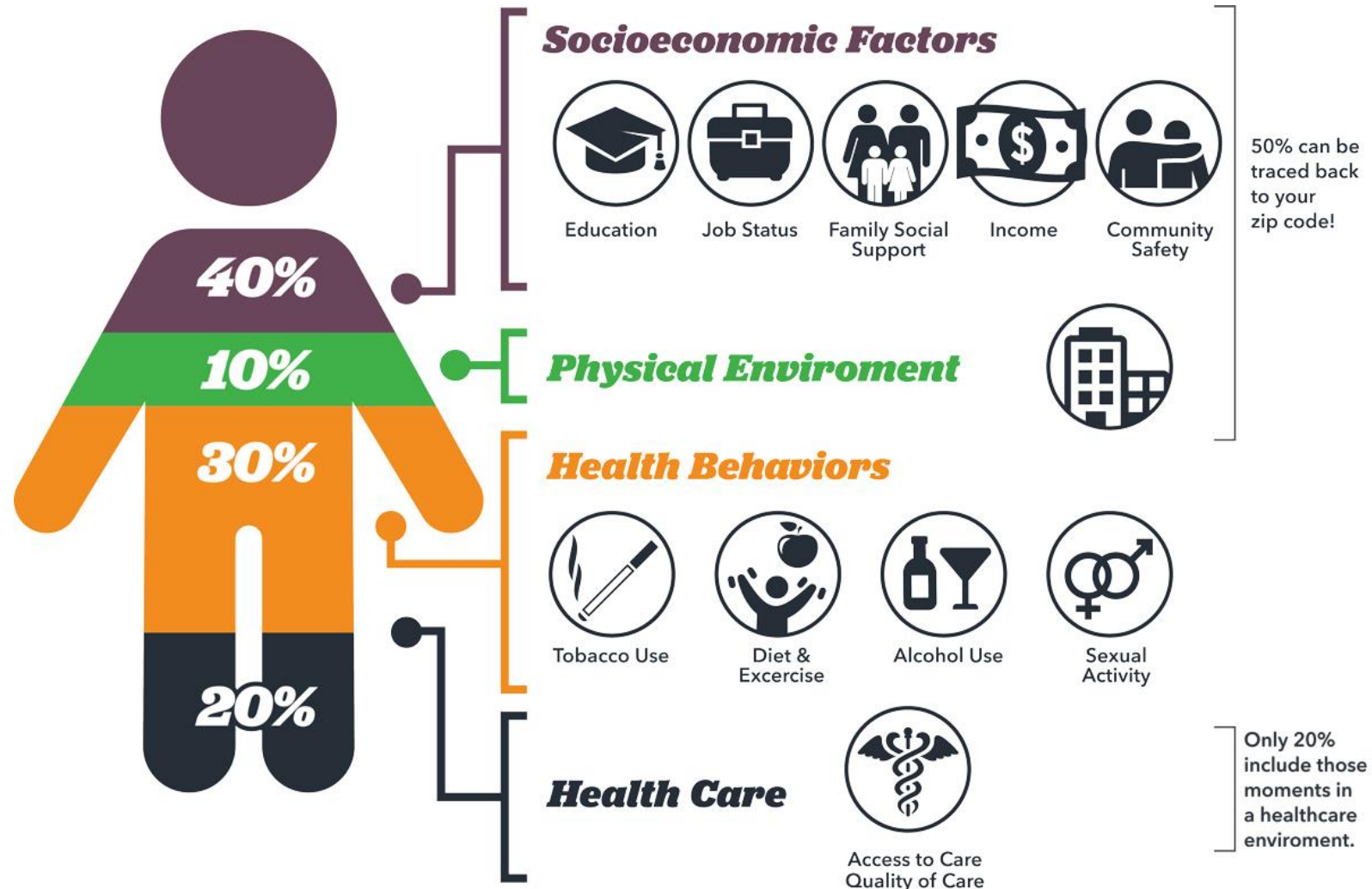
## **“Social Determinants of Health”**

*The conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life that influence health outcomes*

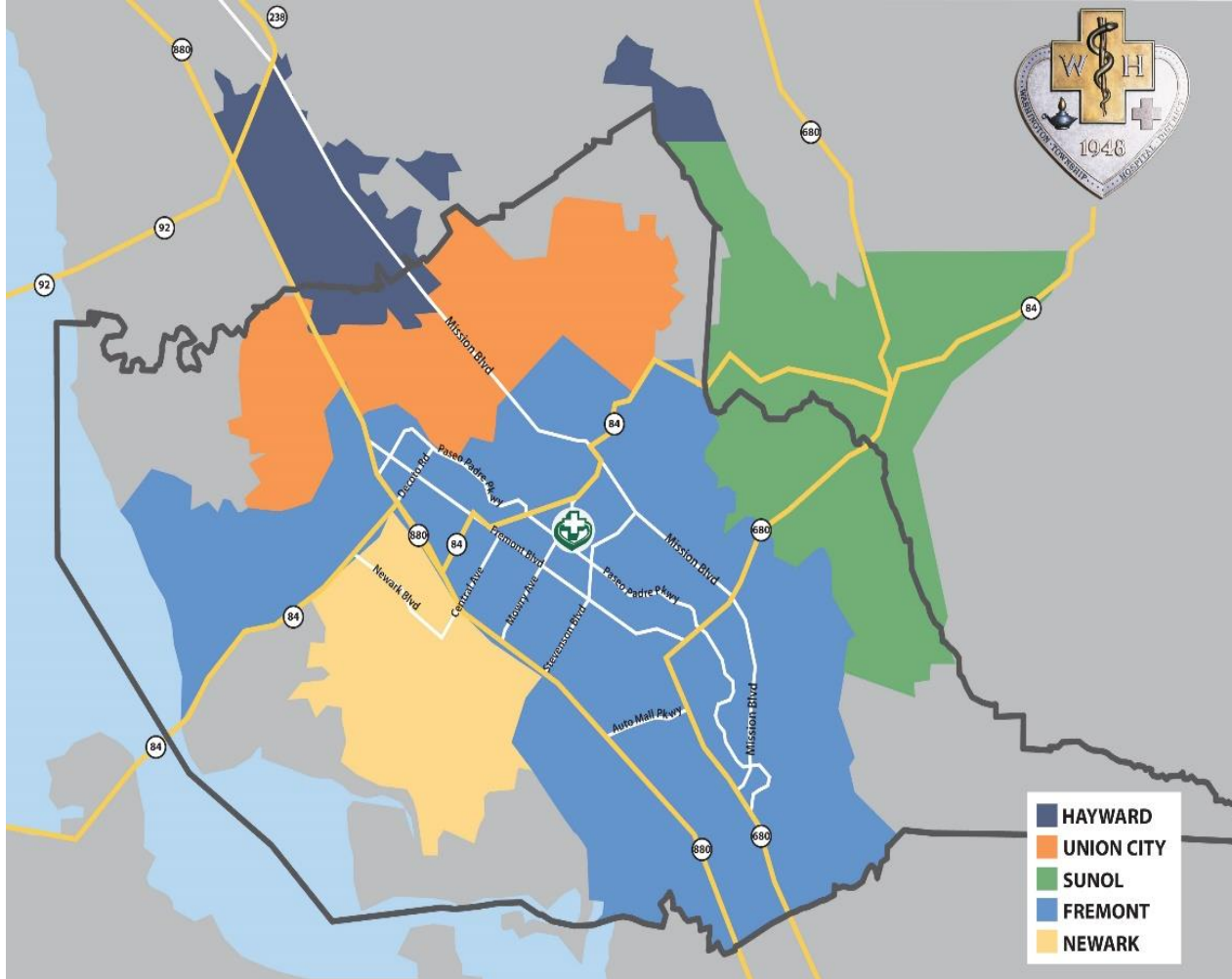
### **Social Determinants of Health**



# Health is Influenced Outside the Hospital

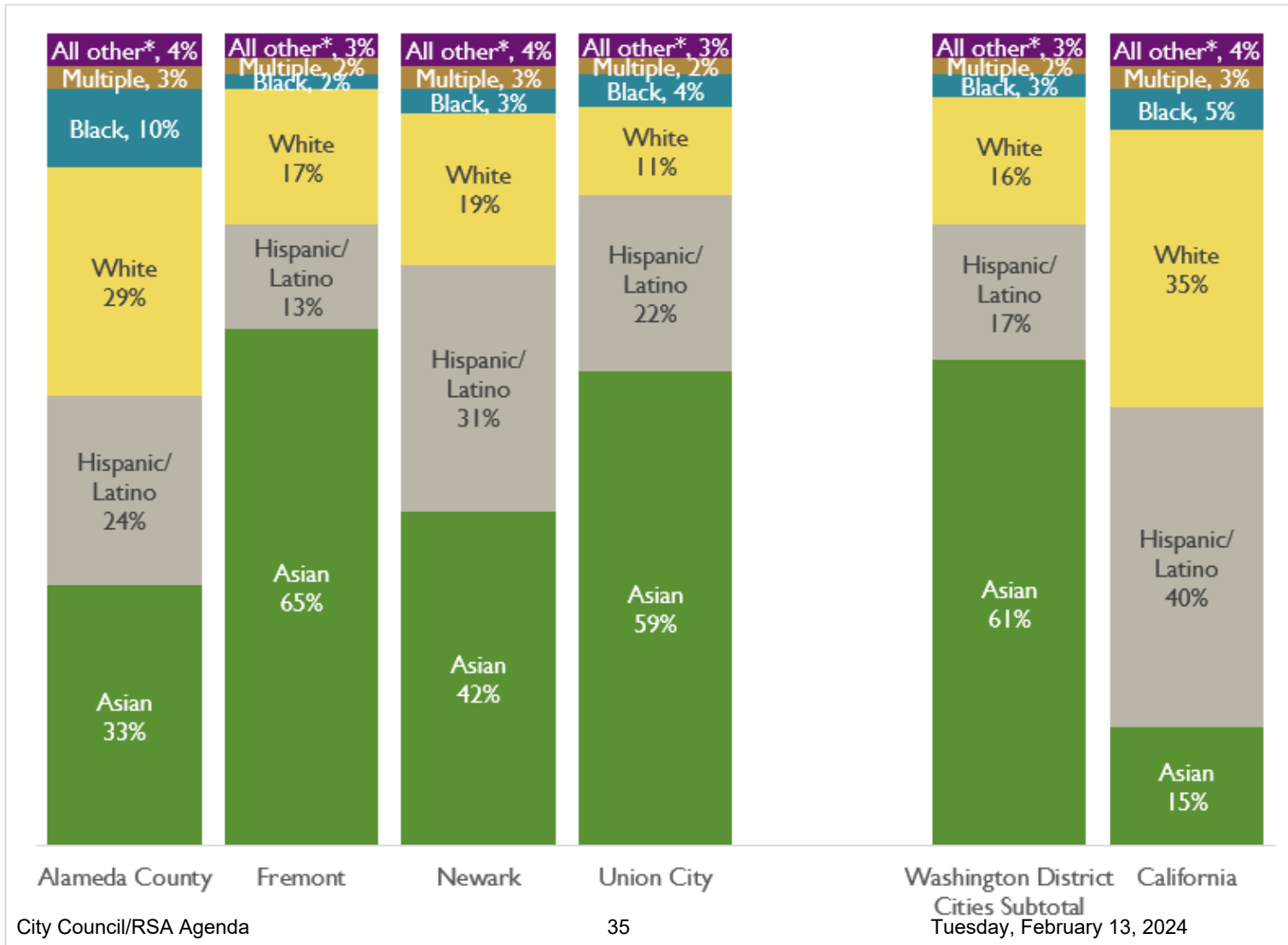


# Washington Township Health Care District



- Service Area Total Population: 350,145
  - Union City: 70,828
- Language Barriers:
  - Greater than 20 percent of Union City residents have limited English proficiency
- Most Common Languages in District:
  - Spanish
  - Chinese (Cantonese and Mandarin)
  - Hindi
  - Tagalog

# Race/Ethnicity of the Health Care District



- WTHCD has much larger Asian population than Alameda County and California overall

# 2023 Community Health Needs

1. Behavioral Health
2. Housing & Homelessness
3. Economic Security
4. Diabetes & Obesity
5. Heart Disease/Stroke
6. Healthcare Access & Delivery
7. Respiratory Health
8. Cancer

Prioritized health needs either showed statistically significant differences in comparison to Alameda County, OR showed racial/ethnic inequalities within the district.



# 1. Behavioral Health

- Emotional and psychological well-being; includes substance use (alcohol, tobacco, etc.)
- Mentioned in every focus group and interview
- Highest concern: Lack of access to Behavioral Health services
- Racial inequities:
  - White, Black, and Hispanic/Latino students have highest rates of alcohol and drug use
  - Multiracial and White adults have higher rates of serious psychological distress

*If I need mental healthcare, I can call and I'll get an appointment eight, 10 weeks out. [Somebody] who is on the street or in a harmful situation, they don't have eight to 10 weeks. Asking somebody to hold on that long to get care is like asking a fish to ride a bicycle, it's just not going to happen.*

*– South County Partnership member*

# Behavioral Health (continued)

## Concerning Indicators for Behavioral Health

Indicator Name	UC	AC
Alcohol: Binge Drinking, Adults (percent)	14.3	15.8
Alcohol/Drug Use in Past Month: 7th Grade (percent)	6.4	5.1
Alcohol/Drug Use in Past Month: 9th Grade (percent)	18.3	13.3
Alcohol/Drug Use in Past Month: NT (percent)	28.6	42.3
Alcohol: Binge Drinking: 7th Grade (percent)	0.1	0.2
Depression-Related Feelings: 7th Grade (percent)	34.7	25.6
Depression-Related Feelings: 9th Grade (percent)	41.5	29.9
Depression-Related Feelings: 11th Grade (percent)	41.4	35.2
Depression-Related Feelings: NT (percent)	47.1	37.4

Notes: Binge drinking is two or more occasions where five or more drinks of alcohol within a couple of hours were consumed. Brown shading indicates a statistic is worse than the county by 5% or more. UC stands for Union City; AC stands for Alameda County. NT stands for students in non-traditional schools. See *Attachment 2: Secondary Data Tables* for all sources.

## 2. Housing & Homelessness

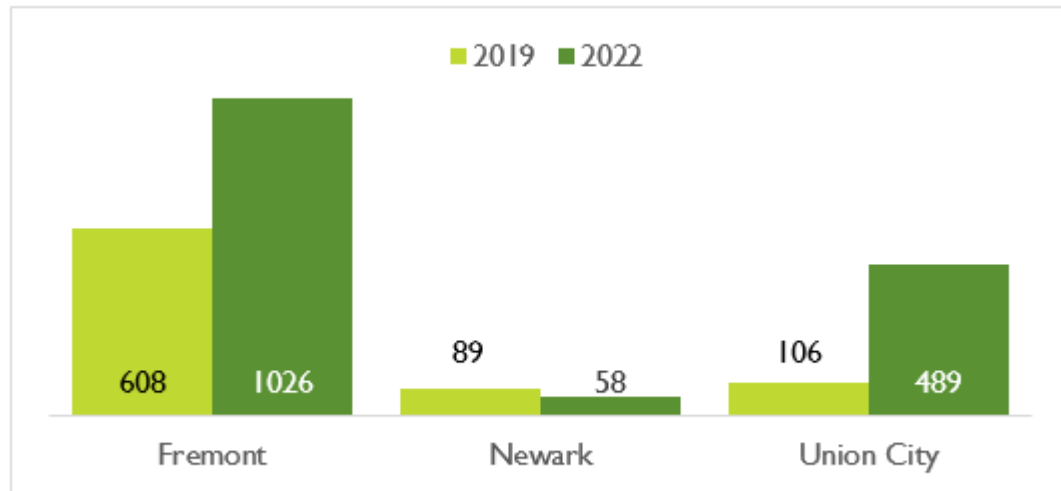
- Number of homeless people in Alameda County increased by 22% in the last two years
- Number of homeless people in the District increased by 95% in the last three years
- COVID-19 decreased emergency shelter capacity
- Racial inequities:
  - Black residents are overrepresented in the homeless population

*Our city just pushed out \$15 million in rental assistance for folks... eventually we're going to see a lot of evictions and potentially more people ending up either having to leave the area or ending up in the homeless category.*

*– South County Partnership member*

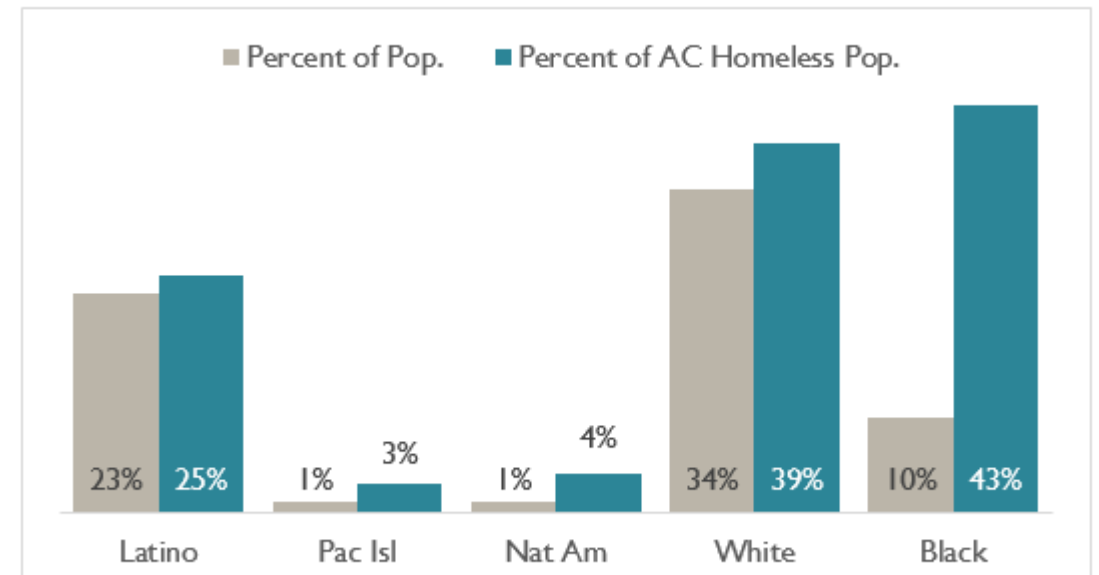
# Housing & Homelessness (continued)

Total Homeless Population by City and Year



Source: Applied Survey Research. Alameda County Point-in-Time Count. 2022.

Populations Overrepresented in the Alameda County Homeless Population



Source: Applied Survey Research. Alameda County Point-in-Time Count. 2022.

### 3. Economic Security

- Topic mentioned in every community focus group
- Sharp rise in food insecurity in summer of 2022
- Overall fear of losing housing due to economic difficulties
- Racial inequities:
  - Black, indigenous, and people of color (BIPOC) populations have lower incomes and a larger proportion of individuals living in poverty than other racial groups

*For Alameda County, there's an index for what it actually costs to live in our county. If you look at that and you look at the incomes of our population, about 20 percent of people are kind of hanging on by their toenails to stay housed, and that's not counting things like saving for a college education for your kid or taking a vacation. It's just the basics for a family to survive.*

*– South County Partnership member*

# Economic Security (continued)

## Economic Security Data by Race/Ethnicity

	Latino	Nat Am	Asian	Pac Isl/ Hawaiian	Black	White	Multi	AC Overall
Median Household Income	83.0k	82.7k	130.2k	97.5k	56.7k	120.5k	<b>99.7k</b>	104.9k
Per Capita Income	28.7k	34.2k	51.5k	32.5k	37.4k	70.2k	33.1k	49.9k
Children Living Below FPL	14.6	15.3	5.1	13.5	27.0	5.0	8.1	10.2
Families Living Below FPL	9.0	12.4	4.7	8.5	13.5	2.6	6.4	5.8
People 65+ Living Below FPL	<b>9.9</b>	22.4	12.4	10.6	15.8	6.3	9.3	9.8
High School Graduation Rate	79.3	80.9	95.4		79.8	91.8	89.7	86.9
People 25+ with a Bachelor's Degree or Higher	21.0	20.5	59.3	20.1	31.3	59.3	<b>46.7</b>	48.7

Source for High School Graduation Rate: California Department of Education. 2020–2021. Notes: For other year and source data, see corresponding tables above. Brown shading indicates that the data are worse than the county by 5% or more. Bold indicates that the data are worse than the county, but by less than 5%. “Nat Am”= Native American/Alaskan native; “Pac Isl”=Pacific Islander/native Hawaiian; “Multi”=Two or more races. AC stands for Alameda County. High School Graduation Rate data not available by city.

## 4. Diabetes & Obesity

- Community members asking for more recreation programs and increased access to healthy foods
- Racial inequities:
  - BIPOC populations have higher rates of diabetes and obesity

*I'm someone who has diabetes... It's very difficult to find affordable organic food, food classes, nutrition classes... That's something that's very important because there's a large percentage of us who are suffering from this illness.*

*– Southern Alameda County resident*

# Diabetes & Obesity (continued)

## Concerning Indicators for Diabetes & Obesity

Indicator Name	UC	AC
Adults with Diabetes (percent)	13.7	10.3
Diabetes ED Visits Rate	2280.7	1541
Diabetes Hospitalization Rate	1831.7	1512
Adults who are Obese (percent)	21.2	↑ 25.4
Children who are Overweight for Age (Ages 2-11) (percent)	15.2	↑ 14.3

Notes: Brown shading indicates a statistic is worse than the county by 5% or more. Where trends were available, color-coded arrows are used to show directionality (green marks positive trends, and red marks negative trends.) UC stands for Union City; AC stands for Alameda County. See Attachment 2: Secondary Data Tables for all sources.

## Concerning Indicators for Diabetes & Obesity by Race/Ethnicity

Indicator Name	Latino	Nat Am	Asian	Pac Isl	Black	White	Multi	AC
Adults with Diabetes	10.1%		11.5%		13.8%	9.6%	2.1%	10.3%
Adults who are Obese	29.2%		10.9%		43.8%	28.0%	38.5%	25.4%

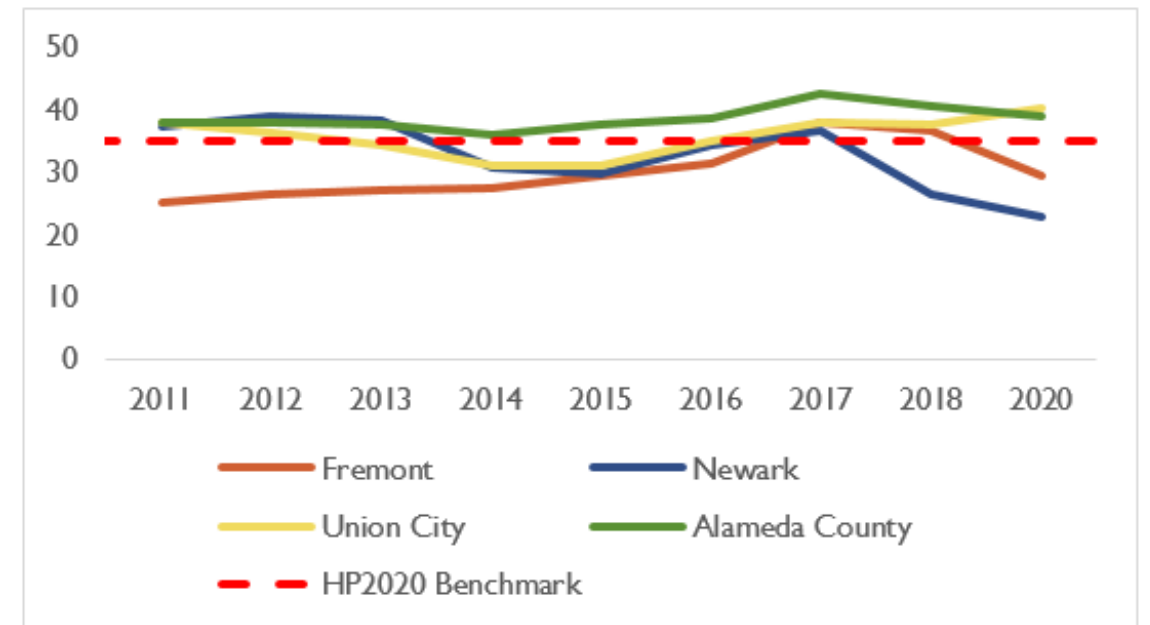
Notes: Brown shading indicates a statistic is worse than the county by 5% or more. Latino stands for Hispanic/Latina/o. Nat Am stands for Native American/Alaskan native. Pac Isl stands for Pacific Islander/native Hawaiian. Multi stands for multiple races/ethnicities. AC stands for Alameda County. See Attachment 2: Secondary Data Tables for all sources.



# 5. Heart Disease/Stroke

- Cerebrovascular conditions (stroke, heart disease, and cardiac arrest) among top causes of death in Alameda County
- Stroke mortality increasing in Union City
- Union City disproportionately impacted by cardiac disease

Stroke Mortality (Age-adjusted Rate per 100,000 pop.)



Source: Alameda County Public Health Community Assessment Planning & Evaluation (CAPE) Unit, with data from Alameda County vital statistics files, 2009–2020. ICD-10 codes I60-I69.

# Heart Disease/Stroke (continued)

## Concerning Indicators for Heart/Stroke

Indicator Name	UC	AC
Stroke ED Visits Rate	68.9	56.2
Hypertension ED Visits Rate	3517.9	2827.2
Heart Failure Emergency Dept Visit Rate	481.5	413.9
Heart Disease Hospitalization Rate	622.2	565.7
Hypertension Hospitalizations Rate	2736.9	2520.5
Acute Myocardial Infarction Mortality Rate	27.8	19.9
Heart Disease Mortality Rate	120.1	109.0
Ischemic Heart Diseases Mortality Rate	75.6	56.0

Notes: Brown shading indicates a statistic is worse than the county by 5% or more. Bold text indicates that an indicator is worse than the county but by less than 5%. UC stands for Union City; AC stands for Alameda County. ED stands for Emergency Department. See *Attachment 2: Secondary Data Tables* for all sources.

# 6. Healthcare Access & Delivery

- Mentioned often in focus groups and key informant interviews
- Communication challenges for monolingual non-English speakers and non-verbal residents (Deaf/Hard of Hearing)
- Call for increased cultural competency
  - Offering care in native language
  - Involving family members in joint decision making around care
  - Using appropriate language with lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) community
- Racial/Gender inequities:
  - Pacific Islanders have lower rates of adult health insurance

*Even though those people have a degree, they have a full-time job, and they work in a high-tech company, but they still want a physician or provider that speaks their own language. I think that when they become sick, they really want people to speak their own language. They feel much more comfortable.*

*– BIPOC Southern Alameda County resident*

# Healthcare Access & Delivery (cont.)

Table 67. Adults Without Health Insurance Aged 18–64 (Percentage)

	Union City	Alameda County
2019	11.9	12.8

Source: U.S. Centers for Disease Control and Prevention PLACES data. 2019. Note: Bold indicates that the data are worse than the county, but by less than 5%.

Table 68. Adults Who Have Had a Recent Routine Checkup

	Union City	Alameda County
2018–2020	69.8	69.4

Source: U.S. Centers for Disease Control and Prevention PLACES data. 2019. Note: A recent checkup is defined as taking place within the past year. Note: Bold indicates that the data are worse than the county, but by less than 5%.

Table 71. Healthcare Access Data by Race/Ethnicity

	Latino	Nat Am	Asian	Pac Isl/ Hawaiian	Black	White	Multi	AC Overall
Adults with Health Insurance (18-64) (percent) (2018–2020)	90.3		93.4	66.7	89.5	96.3	90.0	93.2
People Delayed or Had Difficulty Obtaining Care (percent) (2019–2020)	6.9	94.0	11.1		10.6	17.1	29.7	13.1

Source: California Health Interview Survey. UCLA Center for Health Policy Research, Los Angeles, CA. Notes: No city-level data were available for People Delayed or Had Difficulty Obtaining Care. "Nat Am"= Native American/Alaskan native; "Pac Isl"=Pacific Islander/native Hawaiian; "Multi"=Two or more races. AC stands for Alameda County. Brown shading indicates that the data are worse than the county by 5% or more. Bold indicates that the data are worse than the county, but by less than 5%.

# 7. Respiratory Health

- Respiratory disorders affect the ability to breathe
  - Examples: Asthma, Chronic Obstructive Pulmonary Disorder (COPD), pneumonia, and lung cancer
- Union City significantly impacted when compared to the county

## Concerning Indicators for Respiratory Health

Indicator Name	UC	AC
Asthma Hospitalizations Rate (Adults 18+)	29.2	27.8
COPD Emergency Dept Visits Rate	437.1	413.5

Notes: Brown shading indicates a statistic is worse than the county by 5% or more. UC stands for Union City; AC stands for Alameda County. COPD stands for Chronic Obstructive Pulmonary Disease. See Attachment 2: Secondary Data Tables for all sources.

# 8. Cancer

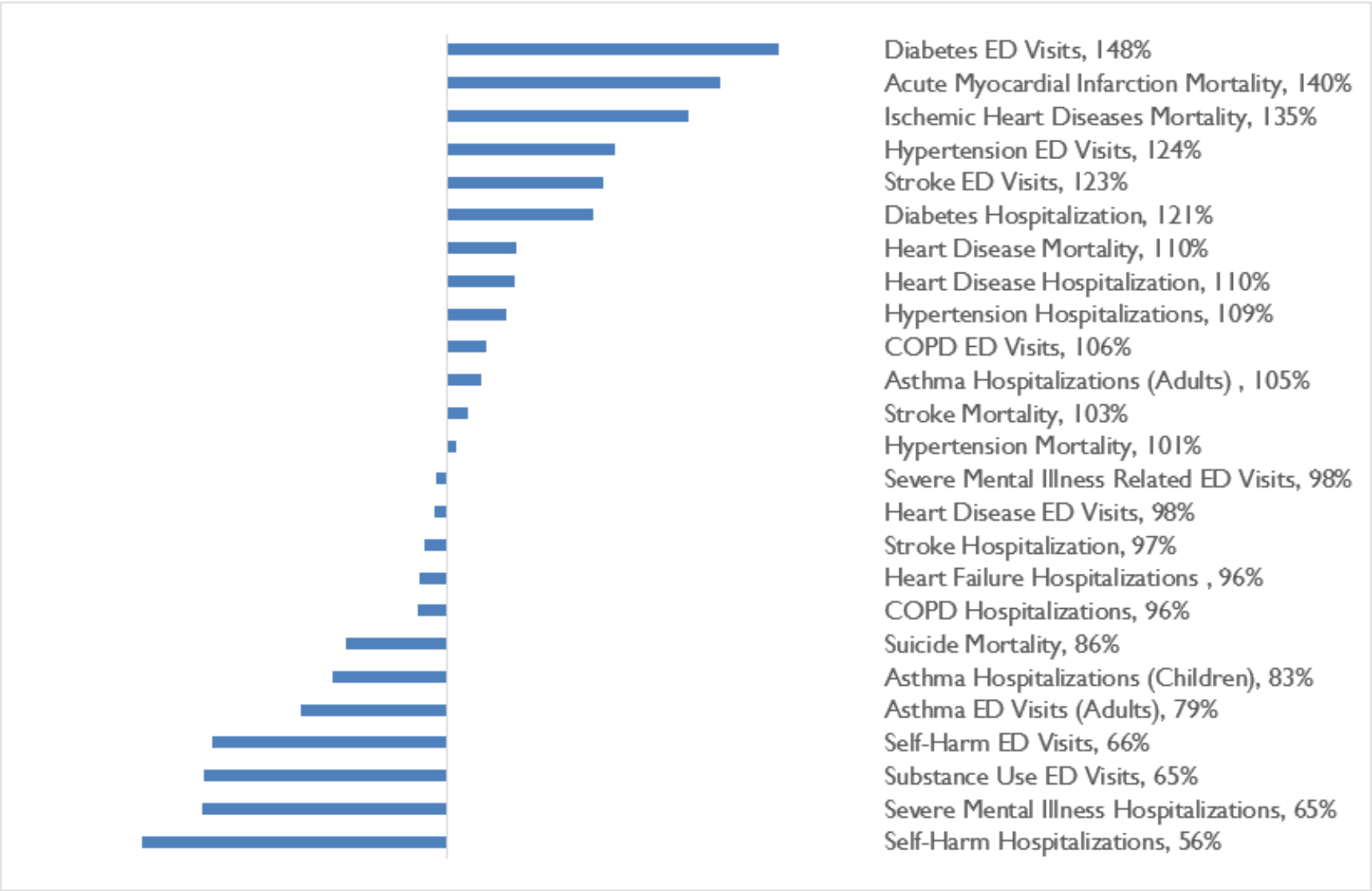
- Cancer is the second leading cause of death in the US
- See racial/ethnic disparities

Concerning Indicators for Cancer, Assembly District 20 (2019)

Indicator Name	Latino	Asian/ Pac Isl	Black	White	AC
Incidence Rate: Breast (female)	119.9	105.8	106.0	156.0	121.6
Incidence Rate: Prostate (male)	90.4	61.9	134.9	90.2	86.9
Incidence Rate: Colorectal	36.6	26.5	47.7	34.3	32.3
Incidence Rate: Melanoma	7.1	--	--	39.1	18.9
Incidence Rate: Pancreatic	14.5	9.6	--	11.4	11.8
Incidence Rate: Lung	33.7	33.0	31.2	42.0	38.7
Incidence Rate: All Sites	440.5	320.5	454.5	559.3	380.1

Notes: Brown shading indicates a statistic is worse than the county by 5% or more. AC stands for Alameda County. See Attachment 2: Secondary Data Tables for all sources.

# Health Snapshot: Union City



# Next Steps: 2024-2026 Community Health Improvement Plan



## 2024 - 2026 Community Health Improvement Plan

*Responding to the 2023 Community Health Needs Assessment*



- **Behavioral Health**
- Housing & Homelessness
- Economic Security
- **Diabetes & Obesity**
- **Heart Disease/Stroke**
- **Healthcare Access & Delivery**
- Respiratory Health
- **Cancer**



# Preliminary Planning for Union City

- Stakeholder Meetings
  - City, NHUSD, Union City Family Center (1/26/24)
  - Federally Qualified Health Centers: Tiburcio Vasquez HC and BACH
  - Faith Community and Community Based Organizations
- Community Education
  - Health Fairs
  - Cardiac Health Screenings
  - Speakers Bureau
- Constituency Focus
  - Youth, Seniors, underrepresented populations

# Potential Community Health Initiatives

- Behavioral Health:
  - Targeted outreach and education on fentanyl use and Naloxone with Haller's Pharmacy
  - Collaborate with Alameda County Behavioral Health Service Agency and Hume Center on an Outpatient Behavioral Health Clinic
- Diabetes:
  - Focused diabetes education with partners that serve the Black and Asian communities, especially faith communities
- Heart Disease/Stroke:
  - Cardiac Health Summit with screenings for cholesterol, blood pressure, peripheral vascular disease, and abdominal aneurysms
  - Health education on healthy living, managing high blood pressure, and recognizing the signs of stroke

# Potential Community Health Initiatives

- Healthcare Access & Delivery:
  - Health insurance information support at UC community events
  - Trauma Service Designation and Injury Prevention (Stop the Bleed, fall prevention, choking first aid)
  - Focus on Healthcare Provider Coordination
- Cancer:
  - Free mammogram program with Tiburcio Vasquez Health Center
  - Skin Cancer Screening at Nakamura Clinic
  - Partner with non-profits and faith organizations to promote preventative screenings for prostate cancer for the Black community.



# Questions?







## Agenda Item

### ATTACHMENTS:

Description	Type
 Draft Minutes 11142023	Attachment
 Draft Minutes 11282023	Attachment
 Draft Minutes 11282023sp	Attachment



## MINUTES

### CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

**CAROL DUTRA-VERNACI, Mayor**  
**GARY SINGH, Vice Mayor (District 1)**  
**JAMIE PATIÑO Councilmember (District 2)**  
**JEFF WANG, Councilmember (District 3)**  
**SCOTT SAKAKIHARA, Councilmember (District 4)**

**Tuesday, November 14, 2023**  
**7:00 PM**

**City Hall- Council Chamber**  
**34009 Alvarado-Niles Road**  
**Union City, CA 94587**

#### **1. CALL TO ORDER**

Mayor Dutra-Vernaci called the meeting to order at 7:00 PM.

1.a. Pledge of Allegiance led by Mayor Dutra-Vernaci.

1.b. Roll Call

Present: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, Mayor Dutra-Vernaci

Absent: None

#### **2. UNFINISHED BUSINESS – None**

#### **3. PROCLAMATIONS AND PRESENTATIONS**

3.a. Proclamation Recognizing November As Sikh American Awareness And Appreciation Month

Received By:

Jaswinder Singh Jandi

Jaspreet S. Atwal

H.P. Singh

Aman Bullar

Kashmir Shah

Raja Singh

Rajinder Singh Raja

Jaswant Singh

Vinod Kumar

- 3.b. Proclamation Recognizing November As Native American Heritage Month

Received Via Zoom By:

Deja Gould, Cultural Program Manager of the Sogorea Te' Land Trust and Tribal Historic Preservation Officer for the Lisjan Nation

Cheyenne Gould, Land Steward of the Sogorea Te' Land Trust and Cultural Resource Manager for the Lisjan Nation

- 3.c. Proclamation Recognizing United Against Hate Week November 12 – 18, 2023

Received by Victor Lopez, Human Relations Commission Chair

#### **4. ORAL COMMUNICATIONS**

Public Comment Given By:

Liz Ames

Andrew Beckwith

Yolanda Garcia (Cherrywood Neighborhood Preservation Committee)

#### **5. CONSENT CALENDAR**

Vice Mayor Singh made a motion, seconded by Councilmember Sakakihara, to approve Items 5.a. through 5.c. Motion passed unanimously.

AYES: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, and Mayor Dutra-Vernaci

NOES: None

ABSENT: None

ABSTAIN: None

- 5.a. Waived Further Reading of Proposed Ordinance

(This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance.)

- 5.b. Adopted **Resolution No. 6224-23** Authorizing An Amendment To The Classification And Compensation Plan To Revise The Salary Schedule In Conformance With California Code Of Regulations, Title 2, Section 570.5 And An Amendment To The Authorized Positions List To Authorize One Full-Time Homeless Program Outreach Worker Position In Lieu Of The Current .65 FTE Homeless Program Outreach Worker Position

- 5.c. Adopted **Resolution No. 6225-23** Approving An Amendment To The Classification And Compensation Plan To Update The Class Specification For The Classification Of Neighborhood Preservation Specialist

#### **6. PUBLIC HEARINGS – None**

#### **7. CITY MANAGER REPORTS**

Mayor Dutra-Vernaci took the City Manager Reports in the following order: 7.b., 7.c. and 7.a. due to presenter availability.

- 7.a. Receive Report On Community Survey Polling Results And Provide Policy Direction On Potential Revenue Measures And Next Steps

Deputy City Manager Jennifer Phan and Bryan Godbe, President of Godbe Research, presented a report on the community survey polling results and requested City Council provide policy direction on next steps as it relates to potential revenue measures.

Public comment given by Liz Ames.

Councilmembers provided comment.

City Council directed staff not to proceed with a Public Safety Parcel Tax in the March 2024 primary election, to instead focus on other possible revenue measures in future election cycles, receive more information regarding adjustments to the Business License Tax (BLT) and Utility Users' Tax (UUT), continue to explore options for a Public Safety Parcel Tax (PSPT), and to report back with a calendar and strategy for community/stakeholder outreach and education.

- 7.b. Receive Report On The Status Of The BART Pedestrian At-Grade Crossing Project, City Project No. 14-14, On The Oakland Subdivision Tracks Located Adjacent To The Union City BART Station And Other Required Railroad Safety Improvements, Including Decoto Road At-Grade Crossing And The Closure Of "I" Street At-Grade Railroad Crossing

City Engineer Farooq Azim presented a report on the status of the BART Pedestrian At-Grade Crossing Project, City Project No.14-14, received by City Council and filed with the City Clerk.

City Engineer Azim responded to questions from Councilmembers.

Public comment given by Liz Ames.

- 7.c. Adopted **Resolution No. 6226-23** Designating Councilmember Jaime Patiño As The Voting Delegate And Councilmember Jeff Wang As The Alternate Voting Delegate For The National League Of Cities – City Summit 2023 On November 16-18, 2023

Deputy City Manager Jennifer Phan presented a report on designating the Voting Delegate(s) for the National League of Cities – City Summit 2023.

Mayor Dutra-Vernaci made a motion, seconded by Vice Mayor Singh, designating Councilmember Jaime Patiño as the Voting Delegate and Councilmember Jeff Wang as the Alternate Voting Delegate for the National League of Cities – City Summit 2023 On November 16-18, 2023. Motion passed unanimously.

AYES:	Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, and Mayor Dutra-Vernaci
NOES:	None
ABSENT:	None
ABSTAIN:	None

8. **SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY – None**
9. **AUTHORITIES AND AGENCIES – None**
10. **CITY COMMISSION / COMMITTEE REPORTS – None**



Councilmember Patiño reported on his attendance of the League of California Cities Board of Directors meeting.

Councilmember Sakakihara reported on his attendance of the Parks and Recreation Commission Meeting.

Vice Mayor Singh reported on his attendance of the Human Relations Commission Meeting, Economic Development Advisory Team (EDAT) Meeting, and Legislation and Policy Committee Meetings.

Councilmember Wang reported on his attendance of the Alameda County Waste Management Authority (ACWMA) Meeting, Economic Development Advisory Team (EDAT) Meeting, and Chamber of Commerce Meeting.

Mayor Dutra-Vernaci reported on her attendance of the Alameda County Transportation Commission (ACTC) Meeting and Metropolitan Transportation Commission (MTC) Meeting.

**11. ITEMS REFERRED BY COUNCIL – None**

**12. GOOD OF THE ORDER**

Councilmember Patiño reported on his attendance of a Union City Chamber of Commerce Event at Birdhaus and upcoming National League of Cities – City Summit in Atlanta, GA.

Councilmember Sakakihara reported on his attendance of Make a Difference Day at Searles Elementary School and Community and Recreation Services (CRS) “Running Dead” 5K Fun Run.

Vice Mayor Singh provided comment regarding illegal dumping on Lewis Avenue and Pacific Street.

Councilmember Wang reported on his attendance of an event at a local Buddhist Temple and the upcoming Chinese National Team Martial Arts Event at James Logan High School.

Mayor Dutra-Vernaci reported on her attendance of the Asia-Pacific Economic Cooperation (APEC) Conference in San Francisco.

Mayor Dutra-Vernaci distributed the current Council Assignments roster for Councilmembers to consider which Commissions and Committees they prefer to serve on in 2024.

**13. CLOSED SESSION – None**

**14. ADJOURNMENT**

Mayor Dutra-Vernaci adjourned the meeting at 9:38 PM.

Respectfully submitted,

Johanna Ota  
Administrative Specialist  
City Clerk’s Office



## MINUTES

### CITY OF UNION CITY/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

CAROL DUTRA-VERNACI, Mayor  
GARY SINGH, Vice Mayor (District 1)  
JAMIE PATIÑO Councilmember (District 2)  
JEFF WANG, Councilmember (District 3)  
SCOTT SAKAKIHARA, Councilmember (District 4)

Tuesday, November 28, 2023  
7:00 PM

City Hall- Council Chamber  
34009 Alvarado-Niles Road  
Union City, CA 94587

#### 1. CALL TO ORDER

Mayor Dutra-Vernaci called the meeting to order at 7:00 PM.

- 1.a. Pledge of Allegiance led by Mayor Dutra-Vernaci.
- 1.b. Roll Call

Present: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh,  
Mayor Dutra-Vernaci  
Absent: None

#### 2. UNFINISHED BUSINESS – None

#### 3. PROCLAMATIONS AND PRESENTATIONS

- 3.a. Presentation by Senator Aisha Wahab - Legislative Update

California State Senator Aisha Wahab presented a report on the 10<sup>th</sup> District Legislative Update.

- 3.b. A Resolution Supporting The Local, State, And Federal Efforts To Exonerate The Port Chicago 50

Received by Reverend Jerome Brown of Brown Temple Community Church

3.c. Acceptance of City Council Requests for Commission and Committee Appointments

Mayor Dutra-Vernaci requested Councilmembers submit their preferred Commission and Committee assignments for her consideration.

4. **ORAL COMMUNICATIONS**

Public Comment Given By:  
Naeemah Brown (NorCal Carpenters Union)  
Mario Garcia  
Wendy Huang  
Alfonso Martinez  
Gabe Robinson

5. **CONSENT CALENDAR**

Mayor Dutra-Vernaci pulled Item 5.g. for additional discussion.

Councilmember Patiño pulled Item 5.c. for additional discussion.

It was moved by Councilmember Patiño and seconded by Vice Mayor Singh to approve Items 5.a. through 5.b, 5.d. through 5.f., and 5.h.

The motion was carried by a unanimous roll call vote.

AYES: Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, and Mayor Dutra-Vernaci  
NOES: None  
ABSTAIN: None  
ABSENT: None

5.a. Waived Further Reading of Proposed Ordinance

(This permits reading the title only in lieu of reciting the entire text of any proposed Ordinance.)

5.b. Approved The Minutes Of The City Council Meeting Held on October 24, 2023

5.d. Adopted **Resolution No. 6227-23** Authorizing HdL Companies To Examine Sales And Use Tax Records Of Union City Businesses

5.e. Adopted **Resolution No. 6228-23** Accepting The Annual Reports For Fiscal Year 2022-2023 Concerning Sources And Uses Of Development Impact Fees Pursuant To Government Code Section 66000, Et. Seq., And Making Certain Findings Related Thereto

5.f. Adopted **Resolution No. 6229-23** Accepting The 5-Year Reports For Fiscal Years 2018-2019 Through 2022-2023 Concerning Sources And Uses Of Development Impact Fees Pursuant To Government Code Section 66000, Et Seq., And Making Certain Findings Related Thereto

5.h. Adopted **Resolutions No. 6230-23 and 6231-23** Approving Amendments To The City's Classification And Compensation Plan In Conformance With California Code Of Regulations, Title 2, Section 570.5, Implementing The 2024

**Discussion of Item 5.c.**

- 5.c. Adopt a Resolution Accepting A Youth Boxing Grant In The Amount of \$88,530 From Alameda County Health Care Services Agency, Amending The Fiscal Year 2023-2024 CRS Grant Fund Budget, And Authorizing The City Manager To Execute The Required Grant Documents, In A Form Approved By The City Attorney

Councilmember Patiño provided comment.

It was moved by Councilmember Patiño and seconded by Vice Mayor Singh to adopt **Resolution No. 6232-23** Accepting A Youth Boxing Grant In The Amount of \$88,530 From Alameda County Health Care Services Agency, Amending The Fiscal Year 2023-2024 CRS Grant Fund Budget, And Authorizing The City Manager To Execute The Required Grant Documents, In A Form Approved By The City Attorney.

The motion was carried by a unanimous roll call vote.

AYES:	Councilmembers Patiño, Sakakihara, Wang, Vice Mayor Singh, and Mayor Dutra-Vernaci
NOES:	None
ABSTAIN:	None
ABSENT:	None

**Discussion of Item 5.g.**

- 5.g. Adopt a Resolution Accepting Completion Of The Veterans Memorial Park Tennis And Basketball Court Rehabilitation Project, City Project No. 22-22

Councilmember Sakakihara announced he had an economic conflict of interest under the Political Reform Act due to a real property interest, his personal residence, being located within proximity of Veterans' Memorial Park.

Councilmember Sakakihara recused himself and left the Council Chamber.

It was moved by Councilmember Patiño and seconded by Vice Mayor Singh to adopt **Resolution No. 6233-23** Accepting Completion Of The Veterans Memorial Park Tennis And Basketball Court Rehabilitation Project, City Project No. 22-22.

The motion was carried by a unanimous roll call vote.

AYES:	Councilmembers Patiño and Wang, Vice Mayor Singh, and Mayor Dutra-Vernaci
NOES:	None
ABSTAIN:	None
ABSENT:	Councilmember Sakakihara

Councilmember Sakakihara returned to the dais.

**6. PUBLIC HEARINGS – None**

**7. CITY MANAGER REPORTS**

7.a. Adopt a Resolution Amending The Policy Governing Expenses For The City Council

City Attorney Kris Kokotaylo presented a report on amending the Policy Governing Expenses for the City Council.

City Attorney Kokotaylo responded to questions from Councilmembers.

Councilmembers provided comment.

It was moved by Mayor Dutra-Vernaci and seconded by Vice Mayor Singh to adopt **Resolution No. 6234-23** Amending The Policy Governing Expenses For The City Council, with City Council directing staff to substitute the month of May for the month of February for the City Manager to report to City Council the amount of funds Councilmembers have spent to-date, and amount of remaining funds that may be redistributed for use through the end of the fiscal year if Councilmembers voluntarily elect to relinquish their allocation.

The motion was carried by a unanimous roll call vote.

AYES: Councilmembers Patiño, Sakakihara, and Wang, Vice Mayor Singh, and Mayor Dutra-Vernaci

NOES: None

ABSTAIN: None

ABSENT: None

**8. SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY – None**

**9. AUTHORITIES AND AGENCIES – None**

**10. CITY COMMISSION / COMMITTEE REPORTS – None**

**11. ITEMS REFERRED BY COUNCIL**

Councilmember Patiño reported on his attendance of an Ava Energy meeting.

Councilmember Sakakihara reported on his attendance of a Stop Waste meeting as Councilmember Wang's alternate.

Mayor Dutra-Vernaci reported on her attendance of a Metropolitan Transportation Commission (MTC) meeting and an Arts and Culture Commission meeting.

**12. GOOD OF THE ORDER**

Councilmember Wang reported on his attendance of the National League of Cities – City Summit in Atlanta, GA and Chinese National Team Martial Arts Event at James Logan High School.

Vice Mayor Singh provided comment regarding the cleanup of illegal dumping on Pacific Street (between Dowe Avenue and Western Avenue).

Vice Mayor Singh provided comment regarding sinking railroad spurs at three locations (close to Tri-CED, Cold Storage, and further down Lewis Avenue).

Councilmember Sakakihara reported on his attendance of the Lions Club Thanksgiving Event, Tri-CED Event, and Ruggieri Senior Center 25<sup>th</sup> Anniversary Event.

Councilmember Patiño provided comment regarding the Port Chicago 50 Resolution.

Councilmember Patiño reported on his attendance of the following: National League of Cities – City Summit in Atlanta, GA, Tri-CED Event, and Ruggieri Senior Center 25<sup>th</sup> Anniversary Event.

Mayor Dutra-Vernaci provided comment on the most recent City Newsletter and resources available to the public.

Mayor Dutra-Vernaci provided comment on the upcoming Station District Community Open House Event.

Mayor Dutra-Vernaci provided comment on California State Governor Gavin Newsom announcing availability of Round 3 of the Encampment Resolution Funding Program (ERF-3-R).

Mayor Dutra-Vernaci provided comment on former Decoto School Custodian George Fletcher Memorial Tree Planting and Plaque Installation.

**13. CLOSED SESSION – None**

**14. ADJOURNMENT**

Mayor Dutra-Vernaci adjourned the meeting in honor of the passing of Former First Lady Rosalynn Carter at 8:52 PM.

Respectfully submitted,

Johanna Ota  
Administrative Specialist  
City Clerk's Office



## **MINUTES**

### **CITY OF UNION CITY CITY COUNCIL SPECIAL MEETING**

**Tuesday, November 28, 2023**

**6:00 PM**

**City Hall- Council Chamber  
34009 Alvarado-Niles Road  
Union City, CA 94587**

#### **1. CALL TO ORDER**

Mayor Dutra-Vernaci called the meeting to order at 6:00 PM.

Roll Call            Present:            Councilmembers Patiño, Sakakihara, Wang,  
Vice Mayor Singh, Mayor Dutra-Vernaci

Absent:            None

#### **2. ORAL COMMUNICATIONS – None**

#### **3. CLOSED SESSION**

##### **3.a. Conference with Legal Counsel - Anticipated Litigation**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9

Number of Potential Cases: Fifty-Seven (57)

#### **4. ADJOURNMENT**

Mayor Dutra-Vernaci adjourned the meeting at 6:48 PM with no reportable action.

Respectfully submitted,

Johanna Ota  
Administrative Specialist  
City Clerk's Office



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JASON CASTLEBERRY, HUMAN RESOURCES DIRECTOR

**SUBJECT:** ADOPT A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PERSONNEL RULES, SECTION 3.11, TO REVISE THE RULES REGARDING COMPENSATION UPON PROMOTION

Staff recommends that the City Council approve a resolution authorizing an amendment to Union City's Personnel Rules to revise Section 3.11, Compensation Upon Promotion, to authorize the City Manager, or their designee, to approve an initial salary for promoted employees to be consistent with external candidates. Any approved initial salary would be within the City Council's approved salary schedule.

### **STRATEGIC PLAN ALIGNMENT**

There is no alignment with a specific Strategic Plan strategy.

### **BACKGROUND**

The Union City Personnel Rules (the "personnel rules") currently state that promoted employees may receive an initial salary in the new position that is the next step above 5% of their current salary. The personnel rules currently provide an external candidate can be hired at a higher step if the labor supply is restricted or the person to be hired is exceptionally well qualified. Thus, there is an inconsistency between the potential initial compensation for external vs. internal candidates, with external candidates able to receive greater initial compensation.

### **DISCUSSION**

Staff recommends a revision to the personnel rules to eliminate this inconsistency between external and internal candidates. This revision allows the City to extend the same opportunities for advancement to internal, qualified candidates as it does for external candidates. The proposed revision to the personnel rules effectuates this by first providing that all promoted employees will receive an initial salary in the new position that is the next step above 5% of their current salary. Next the proposed revision provides that, if warranted for the good



of the service, or when an employee demonstrates outstanding performance or is unusually well qualified, the employee may have an initial salary that is a step greater than the next step in the salary range of the new position of at least 5% above the salary from which the employee was promoted.

All offers extended would remain within the City Council authorized salary range for any given position.

### **FISCAL IMPACT**

There is no additional fiscal impact, as salary assumptions are based on the approved Classification and Compensation Plan and would continue to do so.

### **RECOMMENDATION**

Staff recommends that the City Council approve the resolution authorizing an amendment to the personnel rules to revise the rules regarding Section 3.11, Compensation Upon Promotion.

### **Prepared by:**

Jason Castleberry, Human Resources Director

### **Submitted by:**

Jason Castleberry, Human Resources Director

### **ATTACHMENTS:**

Description	Type
❑ Resolution - Personnel Rules Amendment to Section 3.11	Resolution
❑ Exhibit A - Personnel Rules Section 3.11, Compensation Upon Promotion (Clean and Redline)	Exhibit

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
UNION CITY APPROVING AN AMENDMENT TO THE  
CITY OF UNION CITY PERSONNEL RULES, SECTION  
3.11, COMPENSATION UPON PROMOTION**

**WHEREAS**, the City of Union City Personnel Rules (the “Personnel Rules”) requires necessary updates; and

**WHEREAS**, City staff have undertaken an analysis of necessary updates to the Personnel Rules; and

**WHEREAS**, the updates to the Personnel Rules include revisions related to salary increases upon promotion; and

**WHEREAS**, the City Manager or her designee has met and conferred in good faith with the representatives of all bargaining units related to the above matters; and

**WHEREAS**, the City Council has considered the proposed revisions to the Personnel Rules and finds that the terms and conditions of the proposed revisions are proper and in the best interests of the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City hereby approves the revisions to the Personnel Rules as provided in Exhibit A attached to this resolution.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the City Manager to take such further actions as may be necessary to implement the proposed revisions to the Personnel Rules.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 13<sup>th</sup> day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

---

CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

---

JENNIFER PHAN  
Acting City Clerk

---

KRISTOPHER J. KOKOTAYLO  
City Attorney

### **Section 3.11 Compensation Upon Promotion (REDLINED EDITED VERSION)**

When an employee is promoted, the employee shall ~~normally~~ minimally receive the first step in the salary range for the new position. However, if such step is equal to or less than the present salary, that employee ~~may~~ will receive the next step in the salary range of the new position of at least 5% above the salary from which the employee was promoted. If warranted for the good of the service, or when an employee demonstrates outstanding performance, or is unusually well qualified, the Appointing Authority may promote the employee into a step greater than the next step in the salary range of the new position of at least 5% above the salary from which the employee was promoted. Consideration for compensation which is prescribed above shall be based upon the recommendation of the department head and the Human Resources Director, and must remain within the approved Salary Schedule (Classification and Compensation Plan).

When an employee who has been promoted does not successfully pass the probationary period, the employee's salary when demoted shall be re-established at the step and the salary range of the position from which the employee was promoted.

### **Section 3.11 Compensation Upon Promotion (CLEAN FINAL VERSION)**

When an employee is promoted, the employee shall minimally receive the first step in the salary range for the new position. However, if such step is equal to or less than the present salary, that employee will receive the next step in the salary range of the new position of at least 5% above the salary from which the employee was promoted. If warranted for the good of the service, or when an employee demonstrates outstanding performance, or is unusually well qualified, the Appointing Authority may promote the employee into a step greater than the next step in the salary range of the new position of at least 5% above the salary from which the employee was promoted. Consideration for compensation which is prescribed above shall be based upon the recommendation of the department head and the Human Resources Director, and must remain within the approved Salary Schedule (Classification and Compensation Plan).

When an employee who has been promoted does not successfully pass the probationary period, the employee's salary when demoted shall be re-established at the step and the salary range of the position from which the employee was promoted.



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JASON CASTLEBERRY, HUMAN RESOURCES DIRECTOR

**SUBJECT:** ADOPT A RESOLUTION APPROVING AN AMENDMENT TO UPDATE THE CLASS SPECIFICATION FOR THE CLASSIFICATION OF COMMUNITY & RECREATION PROGRAM SPECIALIST

Staff recommends that the City Council adopt a resolution to approve an update the class specification of Community & Recreation Program Specialist.

### **STRATEGIC PLAN ALIGNMENT**

This program supports Goal B. Governance and Organization Effectiveness of the strategic plan in aligning critical City services with current staffing levels.

### **BACKGROUND**

As part of a review of the Community & Recreation Program Specialist job duties and the needs of the City's Community and Recreation Services Department relative to align position functions with appropriate qualifications and experience expectations, staff recommends minor modifications to the classification specification/job description.

### **DISCUSSION**

The proposed classification specification includes slight modifications to align functions, qualifications, experience, position title and skills expected for the role. The goal is to provide clarity on essential functions, qualifications, and certifications during the next recruitment. The City has met and conferred with the Service Employees International Union (SEIU) regarding the proposed revisions to the class specification. No change to the current salary range is recommended at this time. The Community and Recreation Services Department worked with the Human Resources Department to ensure the class specification is updated prior to future recruitments.

### **FISCAL IMPACT**

There is no fiscal impact for the position specification changes being proposed.

### **RECOMMENDATION**

Staff recommends that the City Council adopt the attached resolution to approve an amendment to the City's Classification and Compensation Plan to update the class specification/job description of Community & Recreation Program Specialist.

### **Prepared by:**

Jason Castleberry, Human Resources Director

### **Submitted by:**

Jason Castleberry, Human Resources Director

### **ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Resolution - Class Specification, Community & Recreation Program Specialist	Resolution
<input type="checkbox"/>	Class Specification (Redlined)	Attachment
<input type="checkbox"/>	Class Specification (Clean)	Attachment

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
UNION CITY AMENDING THE CLASSIFICATION AND  
COMPENSATION PLAN TO UPDATE THE CLASS  
SPECIFICATION FOR THE CLASSIFICATIONS OF  
COMMUNITY & RECREATION PROGRAM SPECIALIST**

**WHEREAS**, the City has undertaken an inquiry and recommends that the City Council update the class specification for the position of Community & Recreation Program Specialist; and

**WHEREAS**, City staff have undertaken an analysis of necessary updates to the classification and compensation plan to update the class specification for the classification of Community & Recreation Program Specialist; and

**WHEREAS**, the City Council has identified in the Strategic Plan Goal B, Governance and Organization Effectiveness to align critical city services with current staffing levels by ensuring the accuracy and clarity for the Community & Recreation Program Specialist class specifications; and

**WHEREAS**, the City Manager or her designee has met and conferred in good faith with the representatives of all bargaining units related to the above matters.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City hereby approves the updated the Community & Recreation Program Specialist class specification, attached hereto and incorporated herein by reference, effective February 13, 2024.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the City Manager to take such further actions as may be necessary to implement the proposed revisions to the class specification for the classification of Community & Recreation Program Specialist.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 13<sup>th</sup> day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

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JENNIFER PHAN  
Acting City Clerk

APPROVED AS TO FORM:

---

KRISTOPHER J. KOKOTAYLO  
City Attorney





## ~~PART-TIME COMMUNITY AND RECREATION~~ ~~PROGRAM~~

### ~~AND FACILITY SPECIALIST MANAGER~~

Bargaining Unit: Service Employees International Union SEIU  
FLSA: Non-Exempt

#### DEFINITION:

~~Incumbents in this position, u~~Under general direction of Recreation Supervisor and Recreation Program Coordinator, the Community and Recreation Program Specialist will assist in coordinating and implementing sports, health, fitness and various community and recreation programs and activities; including active adults 50+ trips, activities and nutrition programs, therapeutic recreation and other programs as well as assist Administrative Assistant and Office Specialist with office duties, facility responsibilities, and perform related work as assigned.~~assist in membership sales, registration and cash handling; provide for set-up, supervision, and security of the Union City Sports Center or other city facilities as needed; schedule use of City facilities; and perform related work as assigned. This position will also provide direction to the seasonal, part-time staff and volunteers to meet daily center program needs. The Facility Manager Program and Facility Specialist acts as a representative of the Union City Sports Center Community and Recreation Services and is responsible for the daily operations of the UC Sports Center during evening and weekends work hours and in the absence of full-time staff. Position reports to the Recreation Supervisor and Recreation Program Coordinator. This position is responsible for the safety, and security of participants, and customer service during after hours use of program operations at city facilities. Work is performed with limited direct supervision. Incumbents are expected to be dependable and use sound judgment. Incumbents work schedule will~~ may be required to work weekends, evenings, and holidays.

#### CLASS CHARACTERISTICS

~~N/A~~The Community and Recreation Program Specialist is an intermediate level position in the Community and Recreation Services and is responsible for the daily operations in the absence of the Recreation Supervisor and Recreation Program Coordinator. This position is responsible for the implementation of scheduled activities, provide customer service to participants and the public, and ; provide ensure strict adherence to standards to maintain program operations while creating a safe and secure environment. and customer service to and public; maintain and security~~This position is distinguished from the Recreation Program Coordinator byin that the latter is responsible for creating the recreation programs, while the Recreation Program Specialist would beis responsible for the implementation of the day-to-day operations of the recreation programs.~~

## EXAMPLES OF DUTIES *(illustrative only)*:

- Direct Guide and Supervise, provide direction, and motivate seasonal staff and volunteers to implement for programs and activities. ~~and to meet daily program needs.~~
- Assists with planning, scheduling, and implementing programs, trips, and activities at a multi-use recreational community center as well as offsite, while working with members and the public as well as special projects as needed. ~~To professionally manage and supervise a multi-use recreational community center, its programs, services and staff targeting youth, adults and families.~~  
~~Acts as the facility representative to ensure~~ Ensures that Union City Leisure Services Community and Recreation Services all applicable safety and security standards, City and department policies, procedures, policies and standards of conduct are known to the users customers and participants of the facility and they are adhered to. Enforces all safety and security standards, City and department policies and procedures.
- ~~Capable of communicating policies and standards of conduct to effectively express expectations and problems to customers and participants. using the facility.~~
- Acts as a liaison with the City staff and departments, contractors, members and general public during programs or events and advises of potential problems.
- Accepts, processes, and distributes equipment and, materials, including food and basic needs donations.
- ~~Directs and supervises the collection of and daily reconciliation of facility admission fees.~~
- Maintains strong customer relations between customers and public consistently ~~staff on daily basis daily.~~
- ~~while e~~ Ensuring that facilities and equipment are clean, safe and in good working condition.  
~~Direct personnel and the facility in the delivery of programs and services to existing guests, families, and new customers on a daily basis daily.~~  
~~Direct and supervise part-time, seasonal staff as needed.~~  
~~Perform basic cleaning duties as needed. Must be aware of the custodial standards and maintenance practices and apply them where necessary.~~  
~~Perform basic maintenance and janitorial duties as needed or assigned.~~  
~~To complete incident reports, accident reports and other documentation in the absence of full-time staff.~~  
~~Assists in organizing and implementing recreational activities for all age groups and helps primarily at the Union City Sports Center. Provides assistance on special projects as needed.~~  
~~Assists in preparing schedule of approved activities.~~  
~~Shall be familiar with crowd control procedures and techniques and can have the ability to direct and move small crowds effectively for safety and security purposes.~~

~~Assists in maintaining discipline and encourages observance of required safety precautions during events and activities.~~

- ~~Assists in maintaining~~ensuring the discipline program is running effectively and encourages observance of required safety precautions during events and activities.
- ~~Enters and retrieves computerized registration and financial data.~~
- Interacts with program participants and volunteers ~~other workers~~ to stimulate interest and participation in recreation programs, services, and activities.
- Issues and collects recreation equipment and ensures the proper use of City facilities, supplies and equipment. ~~return of recreation and other City equipment.~~
- Responsible for the opening and securing of centers and facilities, including alarm systems, at the beginning and end of each business day in accordance with the established policies and procedures. ~~Responsible for the entire security lock-up of the UC Sports Center at the beginning and end of each business day in accordance with the established policies and procedures.~~
- Performs fire and life safety procedures and ensure safety for all customers and participants.

~~Shall learn and remain knowledgeable of the center security and fire alarm systems and emergency evacuation procedures; be able to perform fire and life safety procedures and act as responsible party for ensuring fire and life safety in the absence of full-time staff. Shall learn and remain knowledgeable of the UC Sports Center fire alarm system and emergency evacuation procedures. Performs fire and life safety procedures, and acts as responsible party for ensuring fire and life safety in the absence of full-time staff.~~

- ~~To assist~~ Assists with and coordinates the set-up, take-down and cleanliness of the facility spaces, including Set-up furniture and equipment based on schematic diagrams or plans. ~~as scheduled. requested by customers in accordance with the set-up sheets in advance of the event start times.~~
- Responds to customer requests and solves problems at the appropriate level and escalates the issue when needed.
- Serves as the primary contact for Community and Recreation Services Department when full-time staff are not on duty. ~~Leisure Services Department during non-office hours.~~
- Maintains accounting records for program activities.
- Participate as a member or contributor to the City's Safety Committee group and program.
- ~~Performs basic clerical duties and record keeping~~ as assigned.
- ~~Enforces all safety and security standards, City and department policies and procedures.~~
- ~~Secure the facility, including alarm systems.~~
- ~~Set-up furniture and equipment based on schematic diagrams or plans.~~

### MINIMUM QUALIFICATIONS:

- ~~Minimum of a high school~~ diploma or equivalent.
- ~~One (1) year of customer service experience. Must enjoy working with people of all ages. Experience with considerable customer interactions in recreation, health club industry, or related field is desirable.~~
- ~~Previous Six (6) months of~~ experience in supervising facilities, personnel, recreation programs, special events and/or delivery of services to ~~on-site on site~~ customers.

### LICENSES AND CERTIFICATES:

- Must possess a valid CA driver's license.
- ~~Ability to attain~~ certification in First Aid, CPR and AED techniques ~~within the first 30 days of employment. is required.~~ ~~Certified to train in these concepts by a recognized provider, preferred.~~
- ~~Ability to obtain~~ Food Safety Certification and other certifications as needed for program operations depending on position and location within the first six (6) months of employment if required.

### SPECIAL REQUIREMENTS:

- ~~Work rotating shifts, including early weekday mornings and late evenings, weekends, holidays, and irregular duty assignments.~~
- ~~While performing the duties of this job, the employee is regularly required to reach with hands and arms, stand, walk, climb, stoop, kneel and crouch.~~
- ~~The employee must frequently lift and/or move up to 50 pounds.~~

### KNOWLEDGE AND ABILITIES:

#### Knowledge Of:

- ~~General~~ knowledge of recreation facilities and equipment; cash handling procedures and customer service.
- Basic principles and methods used in planning, organizing, implementing, and evaluating ~~active adults 50+ and therapeutic recreation activities for participants of all ages. recreational sports, health, and fitness activities.~~

- ~~Operation of a variety of word processing, spreadsheet, and publishing software applications, including the CLASS registration system.~~
- ~~Operation As well as operation~~ of standard office equipment including office computers, facsimile, printers and copiers. ~~Rules and regulations of physical fitness related activities.~~
- Center security and fire alarm systems and emergency evacuation procedures as well as crowd control procedures and techniques.

#### Ability To:

- Coordinate several activities involving a variety of groups.
- Communicate clearly and concisely, both orally and in writing.
- Use proper English grammar, spelling and punctuation.
- Understand and follow verbal and written instructions.
- Establish and maintain effective working relationships with coworkers, program participants, instructors, presenters, service providers and the general public.
- Operate an office computer and software applications in a manner appropriate to the position.
- ~~Maintain accounting records for program activities.~~
- Use basic business mathematics. ~~Work independently utilizing sound judgment.~~
- Work independently utilizing sound judgment.
- ~~Secure the facility, including alarm systems.~~
- ~~Set up furniture and equipment based on schematic diagrams or plans.~~
- ~~Maintain a positive and helpful attitude, at all times.~~
- Provide excellent customer service.
- Direct and move large and small crowds effectively for safety and security purposes.

#### WORKING CONDITIONS, ADA, AND OTHER REQUIREMENTS:

The City of Union City is an equal opportunity employer. The City of Union City will comply with its obligations under the law to provide equal employment opportunities to qualified individuals with disabilities.

While performing the duties of this job, the employee is regularly required to reach with hands and arms, stand, walk, climb, stoop, kneel and crouch.

~~The employee~~ This classification must frequently lift and/or move up to 250 pounds.

*Travel: Positions in this class may require local and statewide travel as necessary.*  
*(OPTIONAL)*



## COMMUNITY AND RECREATION PROGRAM SPECIALIST

Bargaining Unit: Service Employees International Union  
FLSA Status: Non-Exempt

### **DEFINITION:**

Under general direction of Recreation Supervisor and Recreation Program Coordinator, the Community and Recreation Program Specialist will assist in coordinating and implementing various community and recreation programs as well as assist with office duties, facility responsibilities, and perform related work as assigned.

### **CLASS CHARACTERISTICS**

The Community and Recreation Program Specialist is an intermediate level position in the Community and Recreation Services and is responsible for the daily operations in the absence of the Recreation Supervisor and Recreation Program Coordinator. This position is responsible for the implementation of scheduled activities, provide customer service to participants and the public, and ensure strict adherence to standards to maintain program operations while creating a safe and secure environment. This position is distinguished from the Recreation Program Coordinator in that the latter is responsible for creating the recreation programs, while the Recreation Program Specialist is responsible for the implementation of the day-to-day operations of the recreation programs.

### **EXAMPLES OF DUTIES *(illustrative only):***

- Guide and motivate seasonal staff and volunteers to implement programs and activities and meet daily program needs.
- Assists with planning, scheduling, and implementing programs, trips, and activities at a multi-use recreational community center as well as offsite, while working with members and the public as well as special projects as needed.
- Ensures all applicable safety and security standards, City and department policies, procedures, and standards of conduct are known to the customers and participants of the facility and they are adhered to.
- Acts as a liaison with the City staff and departments, contractors, members and general public during programs or events and advises of potential problems.
- Accepts, processes, and distributes equipment and materials, including food and basic needs donations.
- Maintains strong customer relations between customers and public consistently.
- Ensures facilities and equipment are clean, safe and in good working condition.
- Assists in ensuring the program is running effectively.

- Interacts with program participants and volunteers to stimulate interest and participation in recreation programs, services, and activities.
- Issues and collects recreation equipment and ensures the proper use of City facilities, supplies and equipment.
- Responsible for the opening and securing of centers and facilities, including alarm systems, at the beginning and end of each business day in accordance with the established policies and procedures.
- Performs fire and life safety procedures and ensure safety for all customers and participants.
- Assists with and coordinates the set-up, take-down and cleanliness of the facility spaces, including Set-up furniture and equipment based on schematic diagrams or plans.
- Responds to customer requests and solves problems at the appropriate level and escalates the issue when needed.
- Serves as the primary contact for Community and Recreation Services Department when full-time staff are not on duty.
- Maintains accounting records for program activities.
- Participate as a member or contributor to the City's Safety Committee group and program.
- Performs basic clerical duties and record keeping.

#### **MINIMUM QUALIFICATIONS:**

- High School diploma or equivalent.
- One (1) year of customer service experience.
- Six (6) months of experience in supervising facilities, recreation programs, special events and/or delivery of services to on-site customers.

#### **LICENSES AND CERTIFICATES:**

- Must possess a valid CA driver's license.
- Certification in First Aid, CPR and AED techniques within the first 30 days of employment. Certified to train in these concepts by a recognized provider, preferred.
- Food Safety Certification and other certifications as needed for program operations depending on position and location within the first six (6) months of employment if required.

#### **SPECIAL REQUIREMENTS:**

- Work rotating shifts, including early weekday mornings and late evenings, weekends, holidays, and irregular duty assignments.

## **KNOWLEDGE AND ABILITIES:**

### **Knowledge Of:**

- General knowledge of recreation facilities and equipment; cash handling procedures and customer service.
- Basic principles and methods used in planning, organizing, implementing, and evaluating active and therapeutic recreation activities for participants of all ages.
- Operation of standard office equipment including office computers, facsimile, printers and copiers.
- Center security and fire alarm systems and emergency evacuation procedures as well as crowd control procedures and techniques.

### **Ability To:**

- Coordinate several activities involving a variety of groups.
- Communicate clearly and concisely, both orally and in writing.
- Use proper English grammar, spelling and punctuation.
- Understand and follow verbal and written instructions.
- Establish and maintain effective working relationships with coworkers, program participants, instructors, presenters, service providers and the general public.
- Operate an office computer and software applications in a manner appropriate to the position.
- Use basic business mathematics.
- Work independently utilizing sound judgment.
- Provide excellent customer service.
- Direct and move large and small crowds effectively for safety and security purposes.

## **WORKING CONDITIONS, ADA, AND OTHER REQUIREMENTS:**

The City of Union City is an equal opportunity employer. The City of Union City will comply with its obligations under the law to provide equal employment opportunities to qualified individuals with disabilities.

While performing the duties of this job, the employee is regularly required to reach with hands and arms, stand, walk, climb, stoop, kneel and crouch. This classification must frequently lift and/or move up to 25 pounds.

*Travel: Positions in this class may require local and statewide travel as necessary.*





## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOAN MALLOY, CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION APPOINTING MANJIT GIL TO SERVE ON THE ARTS AND CULTURE COMMISSION FOR A TERM EXPIRING ON MARCH 8, 2026

Staff recommends that the City Council adopt the attached resolution appointing Manjit Gil to serve on the Arts and Culture Commission for a term expiring on March 8, 2026.

### **STRATEGIC PLAN ALIGNMENT**

This item does not have alignment with the Strategic Plan.

### **BACKGROUND**

On July 10, 2023, Commissioner Mary Ines submitted a letter of resignation effective immediately, vacating her seat for the remainder of the term.

### **DISCUSSION**

In accordance with Government Code Section 54973, the City Clerk posted a Notice of Unscheduled Vacancy on July 14, 2023.

Manjit Gil has been serving as Alternate Arts and Culture Commissioner since appointed on August 8, 2023. The City is also currently conducting a recruitment for additional Commission vacancies.

Board and Commission members are appointed by the Mayor with approval of the City Council. At the request of Mayor Dutra-Vernaci, a resolution has been prepared appointing Manjit Gil to serve on the Arts and Culture Commission for the remaining term vacated by former Commissioner Ines, expiring March 8, 2026.

## **FISCAL IMPACT**

There is no fiscal impact.

## **RECOMMENDATION**

Staff recommends City Council adopt the resolution appointing Manjit Gil to serve on the Arts and Culture Commission for a term expiring March 8, 2026.

### **Prepared by:**

Johanna Ota, Interim City Clerk

### **Submitted by:**

Johanna Ota, Interim City Clerk

## **ATTACHMENTS:**

Description	Type
 Resolution Appointing Manjit Gil to Arts and Culture Commission	Resolution

**RESOLUTION NO. XXXX-24**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
APPOINTING MANJIT GIL TO SERVE ON THE ARTS AND CULTURE COMMISSION**

**WHEREAS**, on July 10, 2023, Commissioner Mary Ines resigned her seat on the Arts and Culture Commission, effective immediately and prior to the term expiration of March 8, 2026; and

**WHEREAS**, the City Clerk posted a Notice of Unscheduled Vacancy in accordance with Government Code Section 54973, on July 14, 2023; and

**WHEREAS**, Board and Commission members are appointed by the Mayor with approval of the City Council.

**NOW, THEREFORE, BE IT RESOLVED** that Arts and Culture Alternate Commissioner, Manjit Gil will serve the remaining term vacated by former Commissioner Ines.

The term expires as shown:

Manjit Gil

Term expiring March 8, 2026

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 13<sup>th</sup> day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
JENNIFER PHAN  
Acting City Clerk

\_\_\_\_\_  
KRISTOPHER J. KOKOTAYLO  
City Attorney



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOAN MALLOY, CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION AMENDING THE EXISTING APPLICATION PROCEDURES FOR COMMERCIAL CANNABIS PERMITS TO INCLUDE A COMMUNITY OUTREACH PLAN REQUIREMENT

Staff recommends that the City Council adopt a resolution amending the existing application procedures for commercial cannabis permits to include a Community Outreach Plan requirement.

### **STRATEGIC PLAN ALIGNMENT**

This report is in alignment with the following City Council Priority:

**Goal A:** Financial Stability and Sustainability

**Strategy 5:** Implement the City's cannabis program to attain the anticipated new revenue with a commitment to adopting where necessary in light of evolving Statewide trends.

### **BACKGROUND**

On November 14, 2017, the City Council adopted Chapter 5.44 of the Union City Municipal Code ("UCMC") which established the regulatory framework for commercial cannabis operators within the City. Concurrently, the City Council adopted Resolution No. 5144-17, allowing for up to three commercial cannabis permits in each of the following categories: cultivation, manufacturing, distribution, testing, and retail.

The City Council to-date has awarded commercial cannabis permits to two retail businesses: Jiva UC LLC (located at 30545 and 30547 Union City Boulevard, Union City, CA 94587) and Flor East Bay LLC (located at 3100 Courthouse Drive, Union City, CA 94587). The City has not awarded any commercial cannabis permits for cultivation, manufacturing, distribution, or testing.

On January 9, 2024, the City Council adopted Resolution No. 6245-24 opening the application process for commercial cannabis permits, effective January 10, 2024 through April 9, 2024. The application process

currently underway is limited to applicants who have previously received an intent to award a commercial cannabis permit (“Resolution of Intent”). The applicants who have previously received a Resolution of Intent and are eligible to apply include: Responsible and Compliant Retail Union City LLC dba Embarc Union City, Eden Campus Holding, Redwood Medical Supply, Harvest of Union City, Jiva Life, LLC (Lemonnade), and Flor East Bay, LLC. This application cycle includes availability of the following permit types: cultivation (3), manufacturing (3), distribution (3), testing (3), and retail (1).

## **DISCUSSION**

At the same meeting, City Council provided direction to City staff to have the application procedures state a preference for locations that have a 1,000-foot buffer/proximity from sensitive uses. These approved procedures govern the manner in which the City Council will later determine whether it will award a permit to any potential applicants.

Moreover, City Council gave further direction for City staff to return within thirty (30) days from the opening of the application process with a Community Outreach Plan requirement. As such, the application procedures have been amended to reflect the inclusion of this component.

Under the Community Outreach Plan requirement, applicants will be required to conduct community outreach to notify the surrounding neighborhood of its intent to seek a commercial cannabis permit(s) in advance of the application submission. This includes a notice to all property owners and tenants within a 1,000-foot radius of the proposed location, in addition to at least one (1) community meeting being held at the proposed location or within a one-mile radius. The purpose of these activities will be to provide information about potential impacts to the neighborhood and to gather public input to better inform application components, where appropriate.

Nothing precludes an applicant from conducting community outreach activities beyond these minimum requirements. Applicants are to demonstrate how they will proactively avoid becoming a nuisance or cause negative impacts on neighbors or the surrounding community.

These requirements are further detailed in Exhibit A. A redlined version is also attached for reference as Exhibit B.

## **FISCAL IMPACT**

There is no fiscal impact of City Council taking the recommended action.

## **RECOMMENDATION**

Staff recommends that the City Council adopt a resolution amending the existing application procedures for commercial cannabis permits to include a Community Outreach Plan requirement.

### **Prepared by:**

Jennifer Phan, Deputy City Manager

### **Submitted by:**

Jennifer Phan, Deputy City Manager

**ATTACHMENTS:**

Description		Type
▣	Attachment 1 - Resolution	Resolution
▣	Exhibit A - Commerical Cannabis Application Procedures (CLEAN)	Exhibit
▣	Exhibit B - Commerical Cannabis Application Procedures (REDLINED)	Exhibit

## **RESOLUTION NO. XXXX-24**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING THE EXISTING APPLICATION PROCEDURES FOR COMMERCIAL CANNABIS PERMITS TO INCLUDE A COMMUNITY OUTREACH PLAN REQUIREMENT**

**WHEREAS**, on November 14, 2017, the City Council adopted Ordinance No. 845-17 which, among other things, established a permitting process for approval of commercial cannabis operators in the City of Union City; and

**WHEREAS**, on November 14, 2017, the City Council adopted Resolution No. 5144-17, which allowed for up to three commercial cannabis permits in each of the following categories: cultivation, manufacturing, distribution, testing, and medicinal retail; and

**WHEREAS**, pursuant to Union City Municipal Code (“UCMC”) Section 5.44.030(D)(2), the City Council may, in its sole discretion, adopt a resolution to open the process for accepting applications for commercial cannabis permit(s) and adopt the procedures to govern the application process and the manner in which the City Council will determine the most qualified applicant to receive the permit(s); and

**WHEREAS**, the City, having conducted several application cycles for commercial cannabis permits, has determined that a qualified pool of operators, consisting of entities that have previously received an intent to award a commercial cannabis permit, exists (otherwise known as “Approved Entities”); and

**WHEREAS**, on January 9, 2024, the City Council adopted Resolution No. 6245-24 opening the application process, effective January 10, 2024 through April 9, 2024, for Approved Entities to apply for commercial cannabis types permitted pursuant to Resolution No. 5144-17, to the extent such permits are available; and

**WHEREAS**, the City Council desires to amend the application procedures to further include a Community Outreach Plan requirement, without any other changes to the adopted application procedures governing the application process and the manner in which the City Council will determine the most qualified applicant to receive such permits as provided in Exhibit A to this Resolution; and

**WHEREAS**, Approved Entities desiring to obtain commercial cannabis permits within the City are required to comply with the selection and award process identified in this Resolution; and

**WHEREAS**, this Resolution does not require or obligate the City Council to award or issue any commercial cannabis permits following the application process even if the City Council determines that an applicant or applicants are qualified to receive the permit(s). The City Council, in its sole and absolute discretion, expressly reserves the right to not award a commercial cannabis permit to an applicant.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City does hereby amend the commercial cannabis permit application procedures to include a Community Outreach Plan requirement, for Approved Entities to apply for commercial cannabis types permitted pursuant to Resolution No. 5144-17, to the extent such permits are available.

**BE IT FURTHER RESOLVED** that the City Council will proceed without any other changes to the adopted application procedures that govern the manner in which the City Council will determine the most qualified applicant(s) to receive the permit(s) as provided in Exhibit A to this Resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 13<sup>th</sup> day of February 2024, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
JENNIFER PHAN  
Acting City Clerk

\_\_\_\_\_  
KRISTOPHER J. KOKOTAYLO  
City Attorney



# APPLICATION PROCEDURES TO APPLY FOR A PERMIT TO OPERATE A COMMERCIAL CANNABIS BUSINESS IN UNION CITY

(LAST UPDATED FEBRUARY 13, 2024)

The City of Union City has previously adopted City Council Resolutions declaring its intent to award commercial cannabis permits to certain qualified entities. Each such Resolution that was adopted was related to a specific location. These applicants have been vetted and deemed to be qualified operators.

The City is seeking to award up to one permit for a retail store, three permits for cultivation, three permits for distribution, three permits for manufacturing, and three testing lab permits.

In order to be eligible to apply, an applicant must have previously been the subject of a City Council Resolution declaring its intent to award a commercial cannabis permit to the applicant. Applicants that have not been the subject of a City Council Resolution declaring its intent to award a commercial cannabis permit are not eligible to apply. Additionally, applicants must abide by requirements laid out in this procedure and in Union City Municipal Code (“UCMC”) Chapter 5.44, *Cannabis*, Chapter 3.24, *Cannabis Business Tax*, and applicable sections of Title 18, *Zoning*.

**The application process to obtain a permit to operate a Commercial Cannabis Use (“CCU”) in Union City will be accepted between January 10, 2024 through April 9, 2024.**

There will be a preference for locations that have a 1,000-foot buffer/proximity from sensitive uses. Applicants should also be prepared to address neighborhood concerns and plan accordingly on conducting early outreach to the surrounding neighborhood in advance of the application submission. The process to apply for a permit in Union City is described below.

---

## BEFORE YOU APPLY

### REVIEW ALL MATERIALS IN ADVANCE

Review the application materials in their entirety and Union City’s Cannabis Ordinances before filling out the application and submitting the required documentation.

Each applicant will be required to pay the total fees of \$10,693.00 for the application process with the submittal of their application. If an application is deemed incomplete in the preliminary determination of eligibility, the applicant will be provided a refund for application process fees in which they did not participate.

The City webpage, <https://www.unioncity.org/cannabis>, includes the cannabis permit

application and the following information:

1. Local Regulations (UCMC Chapters 5.44, 18.117, and 3.24)
2. Background Authorization Form
3. Zoning Verification Letter Application
4. Zoning and Sensitive Uses Map
5. Frequently Asked Questions (FAQs)

## OBTAIN A ZONING VERIFICATION LETTER

Pursuant to UCMC Section 5.44.030(D)(6)(e), applicants are required to obtain a Zoning Verification Letter from the Economic & Community Development Department to ensure that the location proposed by the applicant complies with Title 18 of the UCMC prior to submitting the CCU application. Applicants requesting a Zoning Verification Letter are required to fill out and submit a Zoning Verification Letter Application. Include the address of the proposed business location and a check payable to the City of Union City in the amount of \$327.00 with the written request for a Zoning Verification Letter. The zoning review process typically takes approximately ten (10) working days. Be sure to plan adequate time to obtain the Zoning Verification Letter prior to submitting the permit application form. Applications without a Zoning Verification Letter confirming that the proposed location complies with Title 18 of the UCMC will be rejected.

Please note that the Zoning Verification Letter does not address proximity of sensitive uses, which is the responsibility of the applicant to determine. There is a preference for proposed locations to have a 1,000-foot buffer/proximity from sensitive uses. Per UCMC Section 18.08.531, a "sensitive use" is defined as a park, playground, public library, recreation center, religious institution, school or youth-oriented establishment.

Zoning Verification Letter applications and required payment can be mailed to the address below or can be dropped off to the Planning Division during business hours Monday through Thursday from 9:00 am to 2:00 pm.

City of Union City  
ATTN: Planning Division  
34009 Alvarado-Niles Road  
Union City, Ca 94587

The issuance of a Zoning Verification Letter does not constitute permission from the City of Union City or any of its officials to operate a CCU, nor does it constitute a "permit" within the meaning of the Permit Streamlining Act, nor does it constitute an entitlement under the Zoning Ordinance or Building Code.

## COMPLETE A BACKGROUND CHECK

Completion of a Background Check is required for each owner and investor named in the application demonstrating that they are allowed to serve as an operator per UCMC Section 5.44.030(F)(1)(b). Any new owners and/or investors who have joined the entity since the City awarded, or the City Council declared its intent to award, a cannabis permit to the entity are required to undergo a criminal background check. Individuals who have already undergone this criminal background check are not required to undergo a second background check.

The background application form and fee of \$300 will be transmitted to HdL Companies via the portal when the application is processed: [https://hdlcompanies.formstack.com/forms/bc\\_unioncity](https://hdlcompanies.formstack.com/forms/bc_unioncity). Please retain and provide proof of background check completion by providing a receipt with your application.

## INDEMNIFICATION

To the maximum extent permitted by law, any selected operators shall be required to defend (with counsel acceptable to the City), indemnify and hold harmless the City and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) against the City to attack, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the operator shall reimburse the City for its reasonable legal costs and attorneys' fees.

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## WHEN YOU APPLY

### REQUIRED MATERIALS AT THE TIME OF SUBMISSION

The application must be submitted via the City online [application portal](#). The online application portal will be available January 10, 2024. You will first need to create an account with a unique email address and password. Please note that the email address listed for the Primary Contact person will receive an email notification indicating that the application has been received.

The online application allows you to start, stop, and save your work, allowing you to complete your application over a period of time. **Submissions will only be accepted from January 10, 2024 through April 9, 2024.** Late applications will be rejected.

All components of the application shall be submitted through the online process. More detailed instructions for the submittal requirements are provided on the Application FAQs, which can be found at <https://www.unioncity.org/cannabis>.

All application submissions for a permit shall include the following at the time of submission:

1. Application fee payment totaling \$10,693.00.
2. Zoning Verification Letter with proposed business location listed.
3. Proof of payment for background checks (if applicable).
4. Completed application form and documentation for the following:
  - a) Proposed Location
  - b) Business Plan
  - c) Development Plan
  - d) Labor and Employment Plan
  - e) Safety Plan
  - f) Security Plan
  - g) Neighborhood Plan
  - h) Community Benefits Plan
  - i) Community Outreach Plan
  - j) Qualification of Owners
  - k) List location and status of each cannabis permit held by applicant located in California. Include date each permit was awarded and the date the business opened for each permit.
  - l) Proof of property ownership or the Executed Lease signed by the property owner or authorized agent for the proposed business use
  - m) Identification of changes to *any* plans previously submitted to the City necessitated by the proposed location

All plans and descriptions submitted with the application must include information required by, and abide by, the UCMC including the requirements of UCMC Section 5.44.030(D)(6).

## REQUIRED APPLICATION PLANS AND DESCRIPTIONS

### PROPOSED LOCATION

Your application must include the address and a detailed description of the proposed location. The CCU must be located in an allowed zoning district as required by UCMC Chapter 18.117 and meet all the distance requirements of UCMC Chapter 5.44.040(E)(3), UCMC Chapter 5.44.050(E), and UCMC Chapter 5.44.060(C) for sensitive uses. These sections require a minimum of 100-foot setback from sensitive uses, which include parks, library, K-12 schools, child-care facility and youth-oriented centers. See the City's [Zoning and Sensitive Map](#) for locations of these uses within the City. Please note that the City

makes no warranty, representation or guaranty as to accuracy or completeness of the information provided. The map has been provided as a courtesy and it is recommended that the applicant also perform their own analysis regarding setbacks to sensitive uses.

While the UCMC requires a minimum of 100-foot setback from sensitive uses, there will be a preference for locations that have a 1,000-foot buffer/proximity from sensitive uses.

The distance requirements may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under State law.

## BUSINESS PLAN

With as much detail as possible, the **Business Plan** should describe:

1. Owner qualifications. Resumes/CV are not to exceed one (1) page per owner.
2. A budget for construction, operation, and maintenance, compensation of employees.
3. Equipment costs, utility cost, and other operation costs.
4. Proof of capitalization.
5. A pro forma for at least three years of operation.
6. Fully describe hours of operation and opening and closing procedures.
7. Fully describe the day-to-day operations for each license type being sought.

Additional criteria for **RETAIL** applications only:

1. Describe customer check-in procedures.
2. Identify procedures for receiving deliveries during business hours.
3. Identify estimated number of customers to be served per hour/day.
4. Describe the proposed product line and estimate the percentage of sales of flower and manufactured products.
5. Describe delivery service procedures, number of vehicles and product security during transportation.
6. Fully describe inventory control procedures during business hours
7. Fully describe how all on-hand inventory in the Retail Area will be stored/secured during non-business. Preference given to applicants that secure all product during non-business hours.
8. Identify the point-of-sales and track and trace software. Include in your response the number of sales terminals to be used when the business is at full capacity.
9. Fully describe cash handling procedures from the point of sales through the bank deposit.
10. Minimize impacts on neighboring uses.
11. Union City is seeking timely opening of the retail store.

Additional criteria for **CULTIVATION** applications only:

1. Premises Diagram of the proposed licensed premises. Premises diagram requirements differ based on the license type. Each diagram must include information regarding specific areas listed on page #7 of the CDFA Annual Cannabis Cultivation Licenses, *A Reference Guide for the Cultivation Plan*.
2. Identify location and procedures for receiving deliveries of seedlings and immature plants.
3. Describe the planned square footage/acreage of the cultivation.
4. The estimated number of pounds produced per harvest, and number of anticipated harvests per year.
5. Describe whether the cultivation operation will use natural light, artificial light, or mixed light.
6. Identify how cultivation waste will be rendered unusable and unrecognizable, and how it will be stored and disposed of.
7. Describe the use of any gases used in the cultivation operation, such as CO2, including storage, location, and monitoring systems for employee safety.
8. Minimize impacts on neighboring uses.

Additional criteria for **DISTRIBUTION** applications only:

1. Identify the number of delivery drivers, hours of delivery and vehicles to be used.
2. Describe the transportation security procedures.
3. Describe how inventory will be received, processed, stored and secured on the licensed premises.
4. Describe the quality control procedures designed to ensure all cannabis is proper packaged, labeled and tested.
5. Fully describe cash handling procedures.
6. Minimize impacts on neighboring uses.

Additional criteria for **MANUFACTURING** applications only:

1. Identify all cannabis products manufactured within the licensed premises.
2. Describe quality control procedures.
3. Describe inventory control procedures.
4. Describe the extraction process, equipment and room in which extractions will be conducted.
5. Provide detail as to whether the extraction equipment has been reviewed and certified by a Professional Engineer or Certified Industrial Hygienist.
6. Describe the sanitation procedures.
7. Fully describe cash handling procedures.
8. Minimize impacts on neighboring uses.

Additional criteria for **TESTING** applications only:

1. Describe the sampling standard operating procedures.
2. Describe procedures for transporting cannabis field samples.
3. Describe the chain of custody for field samples.
4. Describe the quality control procedures.
5. Describe the Laboratory Supervisor/Manager responsibilities and qualifications.
6. Identify location and procedures for storing cannabis products.
7. Fully describe cash handling procedures.

## **DEVELOPMENT PLAN**

The **Development Plan** shall be submitted for the proposed location that addresses the provisions listed in UCMC Section 5.44.030(D)(6)(I-n). In addition, plans shall address how the site will be utilized, include any necessary improvements, address deferred site maintenance issues, and mitigate potential impacts on the surrounding community. Development Plans shall be to scale and include: a vicinity map of the surrounding area; a dimensioned site plan that includes at a minimum: property lines, adjacent properties and businesses, parking and access layout, and all existing and proposed structures; and dimensioned floor plan. Describe in detail the timeframe for completing all improvements and the estimated cost for all improvements.

## **LABOR AND EMPLOYMENT PLAN**

1. Describe whether the Commercial Cannabis Business is committed to offering employees a Living Wage. ("Living Wage" shall mean 150% of the minimum wage mandated by California. Refer to: <https://livingwage.mit.edu/counties/06001>).
2. Describe compensation to and opportunities for continuing education and employee training.
3. Describe the number of employees, title/position and their respected responsibilities.
4. Thoroughly describe employee policies and procedures (complete manuals are not required to be submitted).
5. If the Commercial Cannabis Business has twenty (20) or more non-supervisory employees, the applicant must attest that they are committed to or have entered into a labor peace agreement and will abide by its terms.
6. Describe to what extent the business will be a locally managed enterprise whose Owners reside within Union City and/or the County of Alameda.



## SAFETY PLAN

A thorough **Safety Plan** should include an assessment of the facility and consider all possible fire, medical and hazardous situations. Complete policy/procedure manuals are not required at this point of the application process. Please only provide a detailed description for each criteria.

1. The Safety Plan shall be prepared by a professional fire prevention and suppression consultant. Qualified in-house consultants are acceptable.
2. Identify all gases and/or chemicals to be used.
3. Describe accident and incident reporting procedures.
4. Describe evacuation routes.
5. Describe procedures and training for all fire and medical emergencies.
6. Describe and identify the location of all gas monitoring equipment.

To the extent the applicant intends to use any hazardous materials in its operations, this plan shall include information required pursuant to UCMC Section 5.44.030(D)(6)(i).

## SECURITY PLAN

A detailed **Security Plan** should include:

1. The Security Plan shall be prepared by a professional security consultant. Qualified in-house consultants are acceptable.
2. A description and detailed schematic of the overall facility security. It should have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, third-party contractor security, and delivery security.
3. Discuss if on-site security guards will be utilized including number of guards, hours the guards will be on-site, locations guards will be posted, and roles and responsibilities of the guards.
4. Address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed.
5. A floor plan showing the existing conditions. If changes are proposed as part of the project, then a proposed floor plan should also be submitted. The floor plan(s) should be accurate, dimensioned and to-scale.

The Security Plan must comply with the requirements of UCMC Section 5.44.030(J). Security Plans will not be made public unless required under applicable law.

## NEIGHBORHOOD PLAN

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1. Describe how the CCB will take proactive steps to avoid becoming a nuisance or having negative impacts on its neighbors or surrounding community. Additionally, describe how the business will react and respond to complaints specifically related to noise, light, odor, public consumption, loitering, littering, and vehicle and pedestrian traffic.
2. Describe the waste management, recycling plan, and composting of organic materials plan. Describe cannabis waste disposal security measures, methods of rendering all cannabis waste product, damaged product, and expired product unusable and unrecognizable, and method of disposal.
3. Describe any proposed “green” business practices relating to energy and climate, water conservation, greenhouse gas emissions pursuant to UCMC 5.44.030(D)(6)(h). Please note you may need separate authorization from Alameda County Water District and Union Sanitary District regarding adequate water supply and waste treatment for the proposed use pursuant to UCMC 5.44.030(D)(6)(j-k).
4. Describe Air Quality/Odor Mitigation practices including potential sources of odor and/or odor activities; and describe odor control devices and techniques to ensure that odors from cannabis are not detectable beyond the licensed premises (Please note: odor mitigation practices should be relative to the type of license being sought).
5. Describe odor control related to maintenance activities, frequency and role/titles of personnel performing such activities.
6. Describe administrative controls such as staff training procedures and record keeping systems and forms associated with odor control.

## COMMUNITY BENEFITS PLAN

The application should describe all benefits the Commercial Cannabis Business and/or their owners and investors will provide to Union City annually after the City Council adopts a resolution awarding the permit. Benefits may be in the form of financial support of Union City sponsored activities, programs, and organizations identified by the City; and in-kind donations to Union City and non-profit organizations and/or programs identified by the City.

## COMMUNITY OUTREACH PLAN

The applicant should be prepared to address neighborhood concerns and shall be required to conduct community outreach to notify the surrounding neighborhood of its intent to seek a commercial cannabis permit(s) in advance of the application submission. The purpose of community outreach will be to provide information about potential impacts to the neighborhood and to gather input to better inform application components, where appropriate.

The **Community Outreach Plan** should, at a minimum, include:

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### CITY OF UNION CITY

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1. Written correspondence or notice to all property owners and tenants within a 1,000-foot radius of the proposed location outlining:
  - a. Applicant's intent to open a cannabis business at the specified location;
  - b. Any community meeting(s) to be held, including date, time, and location;
  - c. Any methods to provide written input (i.e., tear offs mailers, paper or online surveys, email, comment cards, etc.); and
  - d. Contact information for a community relations representative or onsite manager should any issues associated with the operation of the cannabis business arise.
2. Hosting at least one (1) noticed community meeting prior to the application submission and held either at the proposed location or within a one-mile radius.

The applicant must attest that they have engaged in community outreach to advise and solicit input from the surrounding neighborhood. Application submission must provide all material documents demonstrating the required outreach was done, including, but not limited to:

1. Written correspondence or notice provided.
2. List of property owners and tenants (including names and addresses) that written correspondence or notice was provided to.
3. Sign-in sheets of community meeting attendees.
4. Copies of any materials provided to community meeting attendees.
5. Copies of any written input received.

The applicant is not precluded from conducting community outreach activities beyond the minimum requirements of this application.

## QUALIFICATIONS OF OWNERS

In addition to the one (1) page resume/CV per owner/investor, all applicants, directors, managers and/or laboratory supervisors must provide details regarding any experience they have in operating a retail establishment, a regulated business, or managing employees. If you have any experience operating a cannabis business, please provide the location of such activity and a copy of any permits, licenses, or other written forms of permission for such activity by a local or state government entity.

Has the Applicant or any of its owners been the subject of any administrative action, including but not limited to suspension, denial, or revocation of a cannabis business license at any time during the past five (5) years? If so, please list and explain.

## IDENTIFICATION OF CHANGES

The application shall also identify any changes to the plans or information previously submitted to the City by the applicant that is necessitated by the proposed new location.

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## APPLICATION REVIEW AND EVALUATION PROCESS

The application will be available online at <https://www.unioncity.org/cannabis>.

**The application process to obtain a permit to operate a Commercial Cannabis Use (“CCU”) in Union City will be accepted between January 10, 2024 through April 9, 2024.**

All submitted applications will be evaluated and reviewed by a consultant retained by the City for completeness. Applicants who have submitted all necessary and required information with their application will then undergo a review by City including but not limited to the Police Department, the Planning Division, Finance Department, and any other individual designated by the City Manager. The City may, but is not required to, request additional information from the applicant or schedule an interview with the applicant.

Once the review is complete, the City Manager will present to the City Council a recommendation on approving or denying any permit.

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## CITY MANAGER RECOMMENDATION, PUBLIC HEARING, AND CITY COUNCIL’S INITIAL APPROVAL

The City Manager reserves the right to ask for additional information or implement additional application requirements as needed for the application process.

Applicants being recommended by the City Manager for consideration to the City Council are required to attend a noticed public hearing before the City Council.

Applicants must have an executed lease to operate the cannabis business at the location listed in the application applied or show proof of ownership before the applicant can be forwarded to the City Council.

The City Council is the final authority on choosing whether or not to make the initial declaration to award a permit.

Applicants who receive a Resolution of Intent to Award a Permit will have six months to secure a Resolution Awarding a Cannabis Permit. This process entails submittal of a Site Development Review or Administrative Site Development Review (depending on extent of proposed improvements) to the Planning Division for consideration by the City Council along with the Cannabis Permit. Fees for these applications can be found in the [City’s Master Fee Schedule](#). Additionally, Applicants who receive a Resolution of Intent to

Award a Permit will be required to enter into a reimbursement agreement for City Attorney costs and any necessary consultant costs. Applicants who receive a permit will have one year to pull building permits to construct improvements required to activate the Cannabis Permit.

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## ADDITIONAL CONSIDERATIONS

### PAYMENT OF APPLICATION FEES

Payments must be made by a certified check, cashier's check, money order payable to the City of Union City or credit card. There is a 2.25% convenience fee added to all credit card payments over \$2,500.00.

Applicants are required to pay application fees totaling \$10,693.00.

- a. Preliminary Determination of Eligibility – \$4,485.00
- b. Evaluation by City's Consultant – \$1,895.00
- c. Evaluation by City of Union City – \$1,880.00
- d. City Manager Evaluation and Recommendation – \$2,433.00

In addition to the above application fees, the following non-refundable fees will also need to be paid prior to submitting the application.

- a. Criminal History Check – \$300.00 paid to HdL Companies for each owner and investor listed in the application.
- b. Zoning Verification Letter – \$327.00 paid to the City of Union City.

If an application is deemed incomplete in the preliminary determination of eligibility and evaluation by the City's consultant, the applicant will be provided a refund for application process fees in which they did not participate.

In addition to the fees identified above, applicants that have received a Resolution of Intent to Award a Permit will be required to enter into a reimbursement agreement for City Attorney costs and any necessary consultant costs.

### AMENDMENTS TO THE APPLICATION

Once submitted, applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or as authorized in writing by the City Manager or designee. Applicants will be notified if their application is incomplete and will not move forward in the application process. If deemed appropriate, the City Manager or designee may authorize revisions to an application to revise any proposal in a manner that is deemed to be in the best interests of the City.

## LAND USE ENTITLEMENTS

Please note that being awarded a CCU does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCU application process meet the standards or requirements in Title 18 and any other permit requirements from other city departments or agencies. Furthermore, a commercial cannabis permit does not constitute a permit that runs with the land on which the CCU is established.

## CEQA AND CONDITIONS OF OPERATIONS

Award of Cannabis Permit is subject to the California Environmental Quality Act ("CEQA"). Additional fees will apply for this review, which will be part of the ASD or SD review. Fee amount will depend on extent of CEQA review required.

## THE CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Late proposals **WILL BE REJECTED**. Furthermore, a proposal **RISKS BEING REJECTED** for any of the following reasons:

- a. The application or documents submitted are incomplete, filed late, or not responsive to the requirements of this code.
- b. The issuance of the permit or operation of the commercial cannabis business at the proposed location is inconsistent with State law, UCMC Chapter 5.44, or other applicable City of Union City Municipal Codes.

# APPLICATION PROCEDURES TO APPLY FOR A PERMIT TO OPERATE A COMMERCIAL CANNABIS BUSINESS IN UNION CITY

(LAST UPDATED FEBRUARY 13, 2024)

The City of Union City has previously adopted City Council Resolutions declaring its intent to award commercial cannabis permits to certain qualified entities. Each such Resolution that was adopted was related to a specific location. These applicants have been vetted and deemed to be qualified operators.

The City is seeking to award up to one permit for a retail store, three permits for cultivation, three permits for distribution, three permits for manufacturing, and three testing lab permits.

In order to be eligible to apply, an applicant must have previously been the subject of a City Council Resolution declaring its intent to award a commercial cannabis permit to the applicant. Applicants that have not been the subject of a City Council Resolution declaring its intent to award a commercial cannabis permit are not eligible to apply. Additionally, applicants must abide by requirements laid out in this procedure and in Union City Municipal Code (“UCMC”) Chapter 5.44, *Cannabis*, Chapter 3.24, *Cannabis Business Tax*, and applicable sections of Title 18, *Zoning*.

**The application process to obtain a permit to operate a Commercial Cannabis Use (“CCU”) in Union City will be accepted between January 10, 2024 through April 9, 2024.**

There will be a preference for locations that have a 1,000-foot buffer/proximity from sensitive uses. Applicants should also be prepared to address neighborhood concerns and plan accordingly on conducting early outreach to the surrounding neighborhood in advance of the application submission. The process to apply for a permit in Union City is described below.

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## BEFORE YOU APPLY

### REVIEW ALL MATERIALS IN ADVANCE

Review the application materials in their entirety and Union City’s Cannabis Ordinances before filling out the application and submitting the required documentation.

Each applicant will be required to pay the total fees of \$10,693.00 for the application process with the submittal of their application. If an application is deemed incomplete in the preliminary determination of eligibility, the applicant will be provided a refund for application process fees in which they did not participate.

The City webpage, <https://www.unioncity.org/cannabis>, includes the cannabis permit

application and the following information:

1. Local Regulations (UCMC Chapters 5.44, 18.117, and 3.24)
2. Background Authorization Form
3. Zoning Verification Letter Application
4. Zoning and Sensitive Uses Map
5. Frequently Asked Questions (FAQs)

## OBTAIN A ZONING VERIFICATION LETTER

Pursuant to UCMC Section 5.44.030(D)(6)(e), applicants are required to obtain a Zoning Verification Letter from the Economic & Community Development Department to ensure that the location proposed by the applicant complies with Title 18 of the UCMC prior to submitting the CCU application. Applicants requesting a Zoning Verification Letter are required to fill out and submit a Zoning Verification Letter Application. Include the address of the proposed business location and a check payable to the City of Union City in the amount of \$327.00 with the written request for a Zoning Verification Letter. The zoning review process typically takes approximately ten (10) working days. Be sure to plan adequate time to obtain the Zoning Verification Letter prior to submitting the permit application form. Applications without a Zoning Verification Letter confirming that the proposed location complies with Title 18 of the UCMC will be rejected.

Please note that the Zoning Verification Letter does not address proximity of sensitive uses, which is the responsibility of the applicant to determine. There is a preference for proposed locations to have a 1,000-foot buffer/proximity from sensitive uses. Per UCMC Section 18.08.531, a "sensitive use" is defined as a park, playground, public library, recreation center, religious institution, school or youth-oriented establishment.

Zoning Verification Letter applications and required payment can be mailed to the address below or can be dropped off to the Planning Division during business hours Monday through Thursday from 9:00 am to 2:00 pm.

City of Union City  
ATTN: Planning Division  
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Union City, Ca 94587

The issuance of a Zoning Verification Letter does not constitute permission from the City of Union City or any of its officials to operate a CCU, nor does it constitute a "permit" within the meaning of the Permit Streamlining Act, nor does it constitute an entitlement under the Zoning Ordinance or Building Code.



## COMPLETE A BACKGROUND CHECK

Completion of a Background Check is required for each owner and investor named in the application demonstrating that they are allowed to serve as an operator per UCMC Section 5.44.030(F)(1)(b). Any new owners and/or investors who have joined the entity since the City awarded, or the City Council declared its intent to award, a cannabis permit to the entity are required to undergo a criminal background check. Individuals who have already undergone this criminal background check are not required to undergo a second background check.

The background application form and fee of \$300 will be transmitted to HdL Companies via the portal when the application is processed: [https://hdlcompanies.formstack.com/forms/bc\\_unioncity](https://hdlcompanies.formstack.com/forms/bc_unioncity). Please retain and provide proof of background check completion by providing a receipt with your application.

## INDEMNIFICATION

To the maximum extent permitted by law, any selected operators shall be required to defend (with counsel acceptable to the City), indemnify and hold harmless the City and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) against the City to attack, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the operator shall reimburse the City for its reasonable legal costs and attorneys' fees.

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## WHEN YOU APPLY

### REQUIRED MATERIALS AT THE TIME OF SUBMISSION

The application must be submitted via the City online [application portal](#). The online application portal will be available January 10, 2024. You will first need to create an account with a unique email address and password. Please note that the email address listed for the Primary Contact person will receive an email notification indicating that the application has been received.

The online application allows you to start, stop, and save your work, allowing you to complete your application over a period of time. **Submissions will only be accepted from January 10, 2024 through April 9, 2024.** Late applications will be rejected.



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1. Application fee payment totaling \$10,693.00.
2. Zoning Verification Letter with proposed business location listed.
3. Proof of payment for background checks (if applicable).
4. Completed application form and documentation for the following:
  - a) Proposed Location
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  - e) Safety Plan
  - f) Security Plan
  - g) Neighborhood Plan
  - h) Community Benefits Plan
  - i) Community Outreach Plan
  - j) Qualification of Owners
  - k) List location and status of each cannabis permit held by applicant located in California. Include date each permit was awarded and the date the business opened for each permit.
  - l) Proof of property ownership or the Executed Lease signed by the property owner or authorized agent for the proposed business use
  - m) Identification of changes to *any* plans previously submitted to the City necessitated by the proposed location

All plans and descriptions submitted with the application must include information required by, and abide by, the UCMC including the requirements of UCMC Section 5.44.030(D)(6).

## REQUIRED APPLICATION PLANS AND DESCRIPTIONS

### PROPOSED LOCATION

Your application must include the address and a detailed description of the proposed location. The CCU must be located in an allowed zoning district as required by UCMC Chapter 18.117 and meet all the distance requirements of UCMC Chapter 5.44.040(E)(3), UCMC Chapter 5.44.050(E), and UCMC Chapter 5.44.060(C) for sensitive uses. These sections require a minimum of 100-foot setback from sensitive uses, which include parks, library, K-12 schools, child-care facility and youth-oriented centers. See the City's [Zoning and Sensitive Map](#) for locations of these uses within the City. Please note that the City

makes no warranty, representation or guaranty as to accuracy or completeness of the information provided. The map has been provided as a courtesy and it is recommended that the applicant also perform their own analysis regarding setbacks to sensitive uses.

While the UCMC requires a minimum of 100-foot setback from sensitive uses, there will be a preference for locations that have a 1,000-foot buffer/proximity from sensitive uses.

The distance requirements may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under State law.

## **BUSINESS PLAN**

With as much detail as possible, the **Business Plan** should describe:

1. Owner qualifications. Resumes/CV are not to exceed one (1) page per owner.
2. A budget for construction, operation, and maintenance, compensation of employees.
3. Equipment costs, utility cost, and other operation costs.
4. Proof of capitalization.
5. A pro forma for at least three years of operation.
6. Fully describe hours of operation and opening and closing procedures.
7. Fully describe the day-to-day operations for each license type being sought.

Additional criteria for **RETAIL** applications only:

1. Describe customer check-in procedures.
2. Identify procedures for receiving deliveries during business hours.
3. Identify estimated number of customers to be served per hour/day.
4. Describe the proposed product line and estimate the percentage of sales of flower and manufactured products.
5. Describe delivery service procedures, number of vehicles and product security during transportation.
6. Fully describe inventory control procedures during business hours
7. Fully describe how all on-hand inventory in the Retail Area will be stored/secured during non-business. Preference given to applicants that secure all product during non-business hours.
8. Identify the point-of-sales and track and trace software. Include in your response the number of sales terminals to be used when the business is at full capacity.
9. Fully describe cash handling procedures from the point of sales through the bank deposit.
10. Minimize impacts on neighboring uses.
11. Union City is seeking timely opening of the retail store.

Additional criteria for **CULTIVATION** applications only:

1. Premises Diagram of the proposed licensed premises. Premises diagram requirements differ based on the license type. Each diagram must include information regarding specific areas listed on page #7 of the CDFA Annual Cannabis Cultivation Licenses, *A Reference Guide for the Cultivation Plan*.
2. Identify location and procedures for receiving deliveries of seedlings and immature plants.
3. Describe the planned square footage/acreage of the cultivation.
4. The estimated number of pounds produced per harvest, and number of anticipated harvests per year.
5. Describe whether the cultivation operation will use natural light, artificial light, or mixed light.
6. Identify how cultivation waste will be rendered unusable and unrecognizable, and how it will be stored and disposed of.
7. Describe the use of any gases used in the cultivation operation, such as CO2, including storage, location, and monitoring systems for employee safety.
8. Minimize impacts on neighboring uses.

Additional criteria for **DISTRIBUTION** applications only:

1. Identify the number of delivery drivers, hours of delivery and vehicles to be used.
2. Describe the transportation security procedures.
3. Describe how inventory will be received, processed, stored and secured on the licensed premises.
4. Describe the quality control procedures designed to ensure all cannabis is proper packaged, labeled and tested.
5. Fully describe cash handling procedures.
6. Minimize impacts on neighboring uses.

Additional criteria for **MANUFACTURING** applications only:

1. Identify all cannabis products manufactured within the licensed premises.
2. Describe quality control procedures.
3. Describe inventory control procedures.
4. Describe the extraction process, equipment and room in which extractions will be conducted.
5. Provide detail as to whether the extraction equipment has been reviewed and certified by a Professional Engineer or Certified Industrial Hygienist.
6. Describe the sanitation procedures.
7. Fully describe cash handling procedures.
8. Minimize impacts on neighboring uses.

Additional criteria for **TESTING** applications only:

1. Describe the sampling standard operating procedures.
2. Describe procedures for transporting cannabis field samples.
3. Describe the chain of custody for field samples.
4. Describe the quality control procedures.
5. Describe the Laboratory Supervisor/Manager responsibilities and qualifications.
6. Identify location and procedures for storing cannabis products.
7. Fully describe cash handling procedures.

## **DEVELOPMENT PLAN**

The **Development Plan** shall be submitted for the proposed location that addresses the provisions listed in UCMC Section 5.44.030(D)(6)(l-n). In addition, plans shall address how the site will be utilized, include any necessary improvements, address deferred site maintenance issues, and mitigate potential impacts on the surrounding community. Development Plans shall be to scale and include: a vicinity map of the surrounding area; a dimensioned site plan that includes at a minimum: property lines, adjacent properties and businesses, parking and access layout, and all existing and proposed structures; and dimensioned floor plan. Describe in detail the timeframe for completing all improvements and the estimated cost for all improvements.

## **LABOR AND EMPLOYMENT PLAN**

1. Describe whether the Commercial Cannabis Business is committed to offering employees a Living Wage. ("Living Wage" shall mean 150% of the minimum wage mandated by California. Refer to: <https://livingwage.mit.edu/counties/06001>).
2. Describe compensation to and opportunities for continuing education and employee training.
3. Describe the number of employees, title/position and their respected responsibilities.
4. Thoroughly describe employee policies and procedures (complete manuals are not required to be submitted).
5. If the Commercial Cannabis Business has twenty (20) or more non-supervisory employees, the applicant must attest that they are committed to or have entered into a labor peace agreement and will abide by its terms.
6. Describe to what extent the business will be a locally managed enterprise whose Owners reside within Union City and/or the County of Alameda.

## SAFETY PLAN

A thorough **Safety Plan** should include an assessment of the facility and consider all possible fire, medical and hazardous situations. Complete policy/procedure manuals are not required at this point of the application process. Please only provide a detailed description for each criteria.

1. The Safety Plan shall be prepared by a professional fire prevention and suppression consultant. Qualified in-house consultants are acceptable.
2. Identify all gases and/or chemicals to be used.
3. Describe accident and incident reporting procedures.
4. Describe evacuation routes.
5. Describe procedures and training for all fire and medical emergencies.
6. Describe and identify the location of all gas monitoring equipment.

To the extent the applicant intends to use any hazardous materials in its operations, this plan shall include information required pursuant to UCMC Section 5.44.030(D)(6)(i).

## SECURITY PLAN

A detailed **Security Plan** should include:

1. The Security Plan shall be prepared by a professional security consultant. Qualified in-house consultants are acceptable.
2. A description and detailed schematic of the overall facility security. It should have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, third-party contractor security, and delivery security.
3. Discuss if on-site security guards will be utilized including number of guards, hours the guards will be on-site, locations guards will be posted, and roles and responsibilities of the guards.
4. Address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed.
5. A floor plan showing the existing conditions. If changes are proposed as part of the project, then a proposed floor plan should also be submitted. The floor plan(s) should be accurate, dimensioned and to-scale.

The Security Plan must comply with the requirements of UCMC Section 5.44.030(J). Security Plans will not be made public unless required under applicable law.

## NEIGHBORHOOD PLAN

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1. Describe how the CCB will take proactive steps to avoid becoming a nuisance or having negative impacts on its neighbors or surrounding community. Additionally, describe how the business will react and respond to complaints specifically related to noise, light, odor, public consumption, loitering, littering, and vehicle and pedestrian traffic.
2. Describe the waste management, recycling plan, and composting of organic materials plan. Describe cannabis waste disposal security measures, methods of rendering all cannabis waste product, damaged product, and expired product unusable and unrecognizable, and method of disposal.
3. Describe any proposed “green” business practices relating to energy and climate, water conservation, greenhouse gas emissions pursuant to UCMC 5.44.030(D)(6)(h). Please note you may need separate authorization from Alameda County Water District and Union Sanitary District regarding adequate water supply and waste treatment for the proposed use pursuant to UCMC 5.44.030(D)(6)(j-k).
4. Describe Air Quality/Odor Mitigation practices including potential sources of odor and/or odor activities; and describe odor control devices and techniques to ensure that odors from cannabis are not detectable beyond the licensed premises (Please note: odor mitigation practices should be relative to the type of license being sought).
5. Describe odor control related to maintenance activities, frequency and role/titles of personnel performing such activities.
6. Describe administrative controls such as staff training procedures and record keeping systems and forms associated with odor control.

## COMMUNITY BENEFITS PLAN

The application should describe all benefits the Commercial Cannabis Business and/or their owners and investors will provide to Union City annually after the City Council adopts a resolution awarding the permit. Benefits may be in the form of financial support of Union City sponsored activities, programs, and organizations identified by the City; and in-kind donations to Union City and non-profit organizations and/or programs identified by the City.

## COMMUNITY OUTREACH PLAN

The applicant should be prepared to address neighborhood concerns and shall be required to conduct community outreach to notify the surrounding neighborhood of its intent to seek a commercial cannabis permit(s) in advance of the application submission. The purpose of community outreach will be to provide information about potential impacts to the neighborhood and to gather input to better inform application components, where appropriate.

The **Community Outreach Plan** should, at a minimum, include:

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1. Written correspondence or notice to all property owners and tenants within a 1,000-foot radius of the proposed location outlining:
  - a. Applicant's intent to open a cannabis business at the specified location;
  - b. Any community meeting(s) to be held, including date, time, and location;
  - c. Any methods to provide written input (i.e., tear offs mailers, paper or online surveys, email, comment cards, etc.); and
  - d. Contact information for a community relations representative or onsite manager should any issues associated with the operation of the cannabis business arise.
2. Hosting at least one (1) noticed community meeting prior to the application submission and held either at the proposed location or within a one-mile radius.

The applicant must attest that they have engaged in community outreach to advise and solicit input from the surrounding neighborhood. Application submission must provide all material documents demonstrating the required outreach was done, including, but not limited to:

1. Written correspondence or notice provided.
2. List of property owners and tenants (including names and addresses) that written correspondence or notice was provided to.
3. Sign-in sheets of community meeting attendees.
4. Copies of any materials provided to community meeting attendees.
5. Copies of any written input received.

The applicant is not precluded from conducting community outreach activities beyond the minimum requirements of this application.

## QUALIFICATIONS OF OWNERS

In addition to the one (1) page resume/CV per owner;/investor, all applicants, directors, managers and/or laboratory supervisors must provide details regarding any experience they have in operating a retail establishment, a regulated business, or managing employees. If you have any experience operating a cannabis business, please provide the location of such activity and a copy of any permits, licenses, or other written forms of permission for such activity by a local or state government entity.

Has the Applicant or any of its owners been the subject of any administrative action, including but not limited to suspension, denial, or revocation of a cannabis business license at any time during the past five (5) years? If so, please list and explain.

## IDENTIFICATION OF CHANGES

The application shall also identify any changes to the plans or information previously submitted to the City by the applicant that is necessitated by the proposed new location.

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## APPLICATION REVIEW AND EVALUATION PROCESS

The application will be available online at <https://www.unioncity.org/cannabis>.

**The application process to obtain a permit to operate a Commercial Cannabis Use (“CCU”) in Union City will be accepted between January 10, 2024 through April 9, 2024.**

All submitted applications will be evaluated and reviewed by a consultant retained by the City for completeness. Applicants who have submitted all necessary and required information with their application will then undergo a review by City including but not limited to the Police Department, the Planning Division, Finance Department, and any other individual designated by the City Manager. The City may, but is not required to, request additional information from the applicant or schedule an interview with the applicant.

Once the review is complete, the City Manager will present to the City Council a recommendation on approving or denying any permit.

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## CITY MANAGER RECOMMENDATION, PUBLIC HEARING, AND CITY COUNCIL’S INITIAL APPROVAL

The City Manager reserves the right to ask for additional information or implement additional application requirements as needed for the application process.

Applicants being recommended by the City Manager for consideration to the City Council are required to attend a noticed public hearing before the City Council.

Applicants must have an executed lease to operate the cannabis business at the location listed in the application applied or show proof of ownership before the applicant can be forwarded to the City Council.

The City Council is the final authority on choosing whether or not to make the initial declaration to award a permit.

Applicants who receive a Resolution of Intent to Award a Permit will have six months to secure a Resolution Awarding a Cannabis Permit. This process entails submittal of a Site Development Review or Administrative Site Development Review (depending on extent of proposed improvements) to the Planning Division for consideration by the City Council along with the Cannabis Permit. Fees for these applications can be found in the [City’s Master Fee Schedule](#). Additionally, Applicants who receive a Resolution of Intent to



Award a Permit will be required to enter into a reimbursement agreement for City Attorney costs and any necessary consultant costs. Applicants who receive a permit will have one year to pull building permits to construct improvements required to activate the Cannabis Permit.

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## ADDITIONAL CONSIDERATIONS

### PAYMENT OF APPLICATION FEES

Payments must be made by a certified check, cashier's check, money order payable to the City of Union City or credit card. There is a 2.25% convenience fee added to all credit card payments over \$2,500.00.

Applicants are required to pay application fees totaling \$10,693.00.

- a. Preliminary Determination of Eligibility – \$4,485.00
- b. Evaluation by City's Consultant – \$1,895.00
- c. Evaluation by City of Union City – \$1,880.00
- d. City Manager Evaluation and Recommendation – \$2,433.00

In addition to the above application fees, the following non-refundable fees will also need to be paid prior to submitting the application.

- a. Criminal History Check – \$300.00 paid to HdL Companies for each owner and investor listed in the application.
- b. Zoning Verification Letter – \$327.00 paid to the City of Union City.

If an application is deemed incomplete in the preliminary determination of eligibility and evaluation by the City's consultant, the applicant will be provided a refund for application process fees in which they did not participate.

In addition to the fees identified above, applicants that have received a Resolution of Intent to Award a Permit will be required to enter into a reimbursement agreement for City Attorney costs and any necessary consultant costs.

### AMENDMENTS TO THE APPLICATION

Once submitted, applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or as authorized in writing by the City Manager or designee. Applicants will be notified if their application is incomplete and will not move forward in the application process. If deemed appropriate, the City Manager or designee may authorize revisions to an application to revise any proposal in a manner that is deemed to be in the best interests of the City.

## LAND USE ENTITLEMENTS

Please note that being awarded a CCU does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCU application process meet the standards or requirements in Title 18 and any other permit requirements from other city departments or agencies. Furthermore, a commercial cannabis permit does not constitute a permit that runs with the land on which the CCU is established.

## CEQA AND CONDITIONS OF OPERATIONS

Award of Cannabis Permit is subject to the California Environmental Quality Act ("CEQA"). Additional fees will apply for this review, which will be part of the ASD or SD review. Fee amount will depend on extent of CEQA review required.

## THE CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Late proposals **WILL BE REJECTED**. Furthermore, a proposal **RISKS BEING REJECTED** for any of the following reasons:

- a. The application or documents submitted are incomplete, filed late, or not responsive to the requirements of this code.
- b. The issuance of the permit or operation of the commercial cannabis business at the proposed location is inconsistent with State law, UCMC Chapter 5.44, or other applicable City of Union City Municipal Codes.



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** MARILOU AYUPAN, PUBLIC WORKS DIRECTOR

**SUBJECT:** ADOPT A RESOLUTION AUTHORIZING CITY STAFF TO FILE ANNUAL FUNDING APPLICATIONS WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FUNDS FOR THE OPERATION OF UNION CITY TRANSIT AND PARATRANSIT FOR FISCAL YEAR 2023-2024

Staff recommends that the City Council adopt the attached resolution to authorize City staff to file annual funding applications with the Metropolitan Transportation Commission (MTC) for the allocation of funds for the operation of Union City Transit and Union City Paratransit for Fiscal Year 2023-2024.

### **STRATEGIC PLAN ALIGNMENT**

The action is not an identified strategy in the Strategic Plan.

### **BACKGROUND**

The State of California's Transportation Development Act (TDA), through the Local Transportation Fund (LTF), and State Transit Assistance (STA), provide the two main sources of funding for public transportation. The LTF funds are derived from ¼-cent of the 7¼-cent retail sales tax collected statewide. STA funds are derived from the statewide sales tax on gasoline and diesel fuel. TDA and STA funds are apportioned through MTC.

### **DISCUSSION**

Union City may claim these funds on an annual basis to meet operating, planning and capital requirements. Unclaimed and/or unused funds are rolled over for future transit operating needs and are set aside to fund large upcoming transit capital projects. TDA and STA funds will be claimed to operate the City's local fixed-route

transit system and ADA (Americans with Disabilities Act) complementary paratransit service. Microtransit (The Flea) is funded under our transit budget. The estimated total application amounts for these funds are as follows (fixed-route and paratransit combined) based on current allocation estimates:

TDA	\$4,441,671
TDA Capital	\$100,000
STA	\$1,215,227
<b>Total</b>	<b>\$5,756,898</b>

A portion of Union City Transit’s allocation forms is included for budgetary reference.

**FISCAL IMPACT**

The TDA and STA funding sources, along with anticipated passenger fares and other revenues (including Alameda County Transportation Commission Measure BB), will fully fund Union City Transit and Union City Paratransit services for FY 2023-2024. There will be no impact on the General Fund.

**RECOMMENDATION**

Staff recommends that the City Council adopt the attached resolution to authorize City staff to file annual funding applications with MTC for the allocation of funds for the operation of Union City Transit and Union City Paratransit for FY 2023-2024.

**Prepared by:**

Wilson Lee, Project Specialist  
Steve Adams, Transit Manager

**Submitted by:**

Marilou Ayupan, Public Works Director

**ATTACHMENTS:**

Description	Type
❑ Attachment 1 - Section F Allocation Request Forms	Attachment
❑ Resolution - MTC Funding for Union City Transit	Resolution

## MTC Claim Application - Document F(a)

## Operating Expenses and Revenues

FY 2023-2024

Submittal Date:

Operator: City of Union City

IF YOU ARE AN FTA GRANTEE, PAST  
ACTUAL MUST BE CONSISTENT  
WITH YOUR NTD REPORT!

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automatically in the cells highlighted blue

Enter amounts to the nearest  
dollar in the cells highlighted yellow

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dollar in the cells highlighted yellow

## OPERATING EXPENSES – FUNCTIONAL CLASS

	Past Actual FY 2021-2022	Current Adjusted FY 2022-23	Budgeted FY 2023-24	Past Actual FY 2021-2022	Current Adjusted FY 2022-23	Budgeted FY 2023-24	Past Actual FY 2021-2022	Current Adjusted FY 2022-23	Budgeted FY 2023-24
1. Vehicle Operations	\$ 5,330,670	\$ 6,567,340	\$ 7,974,874	\$ 4,430,349	\$ 5,389,882	\$ 6,622,018	\$ 900,321	\$ 1,177,458	\$ 1,352,856
2. Vehicle Maintenance	\$ 125,003	\$ 194,964	\$ 198,863	\$ 122,619	\$ 193,365	\$ 197,232	\$ 2,384	\$ 1,599	\$ 1,631
3. Facilities Maintenance	\$ 17,977	\$ 10,240	\$ 10,445	\$ 17,977	\$ 10,240	\$ 10,445			
4. General Administration	\$ 1,062,380	\$ 1,259,014	\$ 1,360,216	\$ 793,892	\$ 856,333	\$ 949,481	\$ 268,488	\$ 402,681	\$ 410,735
5. Adjustment (provide explanation on Form X)	\$ -	\$ -	\$ -						
6. TOTAL, LINE 6 MUST EQUAL LINE 22!	\$ 6,536,030	\$ 8,031,558	\$ 9,544,398	\$ 5,364,837	\$ 6,449,820	\$ 7,779,176	\$ 1,171,193	\$ 1,581,738	\$ 1,765,222
7. Memo Item (Explain on Form X)	\$ -	\$ -	\$ -						

## OPERATING EXPENSES – OBJECT CLASS

8. Labor, Operators (5011)	\$ 485,342	\$ 485,764	\$ 495,479	\$ 367,208	\$ 397,012	\$ 404,952	\$ 118,134	\$ 88,752	\$ 90,527
9. Labor, Others (5013)	\$ -	\$ -	\$ -						
10. Fringe Benefits (5012, 5014, portion 5015)	\$ 275,706	\$ 281,089	\$ 286,710	\$ 207,472	\$ 229,082	\$ 233,663	\$ 68,234	\$ 52,007	\$ 53,047
11. Pension Plans/Retirement Costs (portion 5015)	\$ -	\$ -	\$ -						
12. Services (5020)	\$ 149,395	\$ 150,250	\$ 229,276	\$ 108,582	\$ 95,869	\$ 173,807	\$ 40,813	\$ 54,381	\$ 55,469
13. Fuel and Lubricants (5031)	\$ 526,940	\$ 641,498	\$ 777,000	\$ 493,137	\$ 608,139	\$ 677,000	\$ 33,803	\$ 33,359	\$ 100,000
14. Other Materials and Supplies (3032, 5039)	\$ -	\$ -	\$ -						
15. Utilities (5040)	\$ 1,732	\$ 3,030	\$ 3,091	\$ 1,732	\$ 3,030	\$ 3,091			
16. Casualty and Liability (5050)	\$ -	\$ -	\$ -						
17. Purchased Transportation (5100)	\$ 4,803,730	\$ 5,925,843	\$ 7,197,874	\$ 3,937,212	\$ 4,781,744	\$ 5,945,018	\$ 866,518	\$ 1,144,099	\$ 1,252,856
18. Interest Expense (5210)	\$ -	\$ -	\$ -						
19. Leases and Rentals (5220, 5240)	\$ -	\$ -	\$ -						
20. ADA Expenses (5910)	\$ -	\$ -	\$ -						
21. Other (5060, 5090, 5280, 5290, 5920)	\$ 293,186	\$ 544,084	\$ 554,967	\$ 249,495	\$ 334,944	\$ 341,644	\$ 43,691	\$ 209,140	\$ 213,323
22. Adjustment (provide explanation on Form X)	\$ -	\$ -	\$ -						
23. TOTAL, LINE 22 MUST EQUAL LINE 6!	\$ 6,536,031	\$ 8,031,558	\$ 9,544,397	\$ 5,364,838	\$ 6,449,820	\$ 7,779,175	\$ 1,171,193	\$ 1,581,738	\$ 1,765,222
24. Depreciation and Amortization (5260, 5270)	\$ 990,130	\$ 990,130	\$ 980,000	\$ 867,409	\$ 867,409	\$ 860,000	\$ 122,721	\$ 122,721	\$ 120,000
25. Memo Item (Other 5200)	\$ -	\$ -	\$ -						

## REVENUE – OPERATING

26. Fares (4110)	\$ 186,355	\$ 277,250	\$ 300,000	\$ 155,083	\$ 240,064	\$ 260,000	\$ 31,272	\$ 37,186	\$ 40,000
27. Measure B Sales Tax	\$ 788,515	\$ -	\$ -	\$ 456,213			\$ 332,302		
28. Measure BB Sales Tax	\$ 916,195	\$ 1,521,681	\$ 1,519,336	\$ 574,442	\$ 949,094	\$ 953,964	\$ 341,753	\$ 572,587	\$ 565,372
29. type identity of other oper. revenue here	\$ -	\$ -	\$ -						
30. type identity of other oper. revenue here	\$ -	\$ -	\$ -						

## REVENUE – NON-OPERATING

Federal, even if administered by Caltrans or MTC (4500)

31. FTA Section 5307	\$ -	\$ -	\$ 539,730						\$ 539,730
32. FTA Section 5303 Planning	\$ -	\$ -	\$ -						
33. FTA ARPA	\$ -	\$ -	\$ 797,763			\$ 797,763			
34. FTA CRRSAA	\$ -	\$ -	\$ 514,277						

State (4400)

35. Low Carbon Transportation Operations Program	\$ -	\$ 173,107	\$ 214,893		\$ 173,107	\$ 214,893			
36. type identity of state source of rev. here	\$ -	\$ -	\$ -						

Regional, not allocated by MTC:

37. BAAQMD (considered State funds)	\$ 163,570	\$ -	\$ -	\$ 163,570					
38. type identity of other regnl source of rev. here	\$ -	\$ -	\$ -						
39. type identity of other regnl source of rev. here	\$ -	\$ -	\$ -						

Local (4200, 4300):

40. General Fund	\$ -	\$ -	\$ -						
41. Non-Farebox	\$ 2,215	\$ 1,380	\$ 1,500	\$ 2,309	\$ 1,380	\$ 1,500	\$ (94)		
42. type identity of other local source of rev. here	\$ -	\$ -	\$ -						

Other Non-Operating, not allocated by MTC (4600)

43. type identity of other non-oper. revenue here	\$ -	\$ -	\$ -						
44. type identity of other non-oper. revenue here	\$ -	\$ -	\$ -						
45. type identity of other non-oper. revenue here	\$ -	\$ -	\$ -						

## MTC-ALLOCATED REVENUE

46. 5% Unrestricted Funds	\$ -	\$ -	\$ -						
47. type identity of other MTC-allocated rev. here	\$ -	\$ -	\$ -						
48. type identity of other MTC-allocated rev. here	\$ -	\$ -	\$ -						
49. Feeder Bus Funds	\$ -	\$ -	\$ -						
50. AB 1107	\$ -	\$ -	\$ -						
51. Regional Measure 2 (RM2)	\$ -	\$ -	\$ -						

Transportation Development Act (TDA)

52. TDA 4 - Transit Operating - Union City	\$ 4,207,136	\$ 4,725,853	\$ 4,234,825	\$ 3,596,858	\$ 4,070,627	\$ 3,992,497	\$ 610,278	\$ 655,226	\$ 242,328
53. TDA 4.5 - Community Transit - Union City	\$ 167,020	\$ 183,243	\$ 206,846				\$ 167,020	\$ 183,243	\$ 206,846
54.	\$ -	\$ -	\$ -						
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71.	\$ -	\$ -	\$ -						

State Transit Assistance (STA)

72. Pop County Block Grant - Union City	\$ 500,933	\$ 983,584	\$ 1,044,281	\$ 500,933	\$ 983,584	\$ 1,044,281			
73. Pop Lifeline -	\$ -	\$ -	\$ -						
74. Pop MTC Regn'l Coord. -	\$ -	\$ -	\$ -						
75. Revenue Based - Union City	\$ 106,400	\$ 165,460	\$ 170,946				\$ 106,400	\$ 165,460	\$ 170,946
76.	\$ -	\$ -	\$ -						
77.	\$ -	\$ -	\$ -						
78.	\$ -	\$ -	\$ -						
79.	\$ -	\$ -	\$ -						
80.	\$ -	\$ -	\$ -						
81.	\$ -	\$ -	\$ -						
82.	\$ -	\$ -	\$ -						
83.	\$ -	\$ -	\$ -						
84. TOTAL REVENUE	\$ 7,038,339	\$ 8,031,558	\$ 9,544,397	\$ 5,449,408	\$ 6,417,856	\$ 7,779,175	\$ 1,588,931	\$ 1,613,702	\$ 1,765,222
85. Surplus/(Deficit)	\$ 502,308	\$ -	\$ -	\$ 84,570	\$ (31,964)	\$ -	\$ 417,738	\$ 31,964	\$ -
86. (provide explanation on Form X) Memo Item	\$ -	\$ -	\$ -						

MTC Claim Application - Document F(b)

Operating Data

FY 2023-2024

Submittal Date:

Operator: City of Union City

IF YOU ARE AN FTA GRANTEE, PAST  
YEAR ACTUAL MUST BE CONSISTENT  
WITH YOUR NTD REPORT!

Calculations appear automatically  
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Enter amounts to the nearest dollar  
in the cells highlighted yellow

Enter amounts to the nearest dollar  
in the cells highlighted yellow

Employees

1. Total Employees (full time equivalent)
2. Service Area (Square Miles)
3. Service Area Population
4. Number of Routes Operated

Annual Boardings

5. Adult
6. Youth and Student
7. Senior and Disabled
8. Inter-Operator Transfers (at extra fare)
9. Total Revenue Passengers
10. Non Farepaying Passengers (incl. transfers)
11. Total Passengers

Average Boardings

12. Average Weekday Boardings
13. Average Saturday Boardings

Vehicles Operated In Maximum Service

14. Maximum Weekday Vehicles Operated
15. Maximum Weekend Vehicle Operated

Annual Vehicle Miles

16. Revenue Vehicle Miles
17. Non-Revenue Vehicle Miles
18. Total Vehicle Miles

Annual Vehicle Hours

19. Revenue Vehicle Hours
20. Non-Revenue Vehicle Hours
21. Total Vehicle Hours

Systemwide			Motorbus - Union City Transit			Demand Response - Union City Paratransit		
Past Actual FY 2021-2022	Current Adjusted FY 2022-23	Budgeted FY 2023-24	Past Actual FY 2021-2022	Current Adjusted FY 2022-23	Budgeted FY 2023-24	Past Actual FY 2021-2022	Current Adjusted FY 2022-23	Budgeted FY 2023-24
0	0	0						
18	18	18						
68,150	67,702	66,754						
6	6	6	6	6	6			
62,184	77,591	83,798	62,184	77,591	83,798			
50,523	63,043	68,086	50,523	63,043	68,086			
56,698	67,543	72,946	40,807	50,919	54,993	15,891	16,624	17,954
31,094	38,795	41,899	31,094	38,795	41,899			
200,499	246,972	266,730	184,608	230,348	248,776	15,891	16,624	17,954
9,716	12,124	13,094	9,716	12,124	13,094			
210,215	259,096	279,824	194,324	242,472	261,870	15,891	16,624	17,954
725	0	0	681			44		
247	0	0	224			23		
20	20	20	14	14	14	6	6	6
14	14	14	11	11	11	3	3	3
571,061	632,894	636,000	511,473	572,554	575,000	59,588	60,340	61,000
66,831	70,471	71,000	26,173	29,300	29,400	40,658	41,171	41,600
637,892	703,365	707,000	537,646	601,854	604,400	100,246	101,511	102,600
49,582	56,228	57,300	35,479	41,060	42,000	14,103	15,168	15,300
3,001	3,480	3,552	2,484	2,874	2,940	517	606	612
52,583	59,708	60,852	37,963	43,934	44,940	14,620	15,774	15,912

**MTC Claim Application - Document F(c)**

**Capital Allocation Request**

**FY 2023-2024**

**Submittal Date:**      **Operator: City of Union City**

Enter amounts to the nearest dollar in the cells highlighted yellow

Cells highlighted blue calculate automatically

**Start in Column 1**

**START HERE**

		<b>START HERE</b>	
		<b>Column 1</b>	
		<b>Totals</b>	<b>Proposed Project</b>
		<b>FY 2023-2024</b>	<b>FY 2023-2024</b>
			Miscellaneous Capital
1. <b>Project Name</b>			
2. <b>ENTER Total Project Cost</b>		<b>\$ 100,000</b>	<b>\$ 100,000</b>
<b>Capital Project Revenue</b>			
<b>Federal Sources</b>			
3. FTA Section 5309	\$ -		
4. FTA Section 5307	\$ -		
5. FTA Section 5310	\$ -		
6. FTA Section 5311	\$ -		
7. FTA Section 5314	\$ -		
8. STP	\$ -		
9. CMAQ	\$ -		
10. type the source of other federal funds here	\$ -		
11. type the source of other federal funds here	\$ -		
12. type the source of other federal funds here	\$ -		
<b>State Sources</b>			
13. STIP	\$ -		
14. Transportation Congestion Relief Program	\$ -		
15. Prop 116	\$ -		
16. type the source of other state funds here	\$ -		
17. type the source of other state funds here	\$ -		
<b>Regional Sources</b>			
18. AB 434 (regional discretionary and county program mgr.)	\$ -		
19. type the source of other regional funds here	\$ -		
20. type the source of other regional funds here	\$ -		
<b>Local Sources</b>			
21. City or County General Fund	\$ -		
22. County Half-Cent Sales Tax	\$ -		
23. Transit District Sales Tax	\$ -		
24. Transfers from Other Sectors of Operations	\$ -		
25. Developer Fees	\$ -		
26. Transit Impact Development Fee	\$ -		
27. Safe Harbor Lease	\$ -		
28. type the source of other local funds here	\$ -		
29. type the source of other local funds here	\$ -		
<b>MTC Funds (not in this request)</b>			
30. 5% Unrestricted Funds	\$ -		
31. 2% Toll Revenues	\$ -		
32. AB 664 Net Toll Bridge Revenues	\$ -		
33. Prior Allocated TDA	\$ -		
34. Prior Allocated STA	\$ -		
<b>TDA, STA, 1107 &amp; Feeder Bus Request</b>			
35. AB 1107	\$ -		
36. Feeder Bus	\$ -		
37. TDA 4 - Union City	\$ 100,000	\$ 100,000	
38.	\$ -		
39.	\$ -		
40.	\$ -		
41.	\$ -		
42.	\$ -		
43.	\$ -		
44.	\$ -		
45.	\$ -		
46.	\$ -		
47.	\$ -		
48.	\$ -		
49.	\$ -		
50.	\$ -		
51. <b>Total Revenue</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>	
52. <b>Surplus/(Deficit)</b>	<b>\$ -</b>	<b>\$ -</b>	

**RESOLUTION NO. XXXX-24**

**RESOLUTION AUTHORIZING CITY STAFF TO FILE ANNUAL FUNDING APPLICATIONS WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF FUNDS FOR THE OPERATION OF UNION CITY TRANSIT AND PARATRANSIT FOR FISCAL YEAR 2023-2024**

**WHEREAS**, the Transportation Development Act (TDA), Public Utilities Code (PUC) §99200 et seq., provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Alameda for use by eligible applicants for the purpose of transportation services; and

**WHEREAS**, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. §6630 et seq.) a prospective applicant wishing to receive an allocation from the LTF shall file its claim with the Metropolitan Transportation Commission (MTC); and

**WHEREAS**, the State Transit Assistance (STA) fund is created pursuant to PUC §99310 et seq.; and

**WHEREAS**, the STA fund makes funds available pursuant to PUC §99313.6 for allocation to eligible applicants to support approved transit projects; and

**WHEREAS**, TDA funds from the LTF of the County of Alameda and STA funds will be required by applicant in Fiscal Year 2023-2024 for local transportation services; and

**WHEREAS**, the City of Union City is an eligible applicant for TDA and STA funds pursuant to PUC section(s) §99260, §99275, §99313 and §99314;

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager, or their designee, is authorized to execute and file the appropriate applications and supporting documents with MTC for an allocation of TDA and STA funds for Fiscal Year 2023-2024.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to MTC in conjunction with the filing of the applications, and MTC be requested to grant the allocations of funds as specified herein.



**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 13<sup>th</sup> day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

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JENNIFER PHAN  
Acting City Clerk

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KRISTOPHER J. KOKOTAYLO  
City Attorney



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOAN MALLOY, CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION APPROVING THE 2024 STATE AND FEDERAL LEGISLATIVE PLATFORM FOR THE CITY OF UNION CITY AND AUTHORIZING THE MAYOR OR CITY MANAGER TO SIGN POSITION LETTERS ON BEHALF OF THE CITY

Staff recommends that the City Council adopt a resolution approving the 2024 State and Federal Legislative Platform for the City of Union City. Furthermore, by way of adoption, City Council would authorize the Mayor or City Manager to sign position letters on behalf of the City. Both of these actions would ensure the City's position on pending and future legislation is expressed in a timely and effective manner.

### **STRATEGIC PLAN ALIGNMENT**

This item is not identified in the City Council Strategic Plan nor is it directly correlated to a specific priority area. However, the Legislative Platform itself was drafted to align with the Strategic Plan and the multi-year goals, reflecting the overarching ideals and vision for Union City.

### **BACKGROUND**

State and federal legislation has the potential to have direct and significant impacts to a city's fiscal, operational, and environmental stability. On September 12, 2023, City Council authorized the City to enter into a Consulting Services Agreement with Townsend Public Affairs, Inc. (TPA) for legislative advocacy and grant funding research services via Resolution No. 6200-23. In part, the goal of which is for active legislative engagement to protect and promote the interests of Union City's constituents.

As part of the scope of services, TPA was to help develop an official legislative platform and strategy that would represent Union City's priorities in both Sacramento and Washington, DC. This would allow City staff in coordination with TPA to proactively address legislation that may impact the City's ability to operate effectively.

For City Council's consideration is a 2024 State and Federal Legislative Platform for the City of Union City (Exhibit A). The proposed legislative platform is comprised of policy statements that provide a framework for the City to respond to legislative issues of importance in a timely manner. The positions contained in the platform are intended to supplement the goals outlined in City Council's Strategic Plan. By adopting a legislative platform, the City will enhance its capacity to monitor, analyze, and respond to complex and swift-moving legislation. It will also serve as a blueprint when sharing Union City's priorities with key stakeholders in the State legislature and Governor's Administration, as well as Congress and the Biden Administration.

## **DISCUSSION**

As mentioned, a city's legislative platform conveys to legislators, policymakers, and the general public where the City Council stands on important policy positions. This document is critical in the success of any legislative advocacy efforts as it outlines broad policy statements that guide a city and its legislative advocacy firm to be responsive to the most pressing priorities that could pose significant impacts to the community.

TPA worked with City staff to ensure all statements in the proposed 2024 State and Federal Legislative Platform are relevant to Union City. If adopted, it will provide a mechanism for the City to formally engage on legislation; including, but not limited to, introducing legislation, positioning, seeking amendments, or otherwise influencing policy for the betterment of the City.

The proposed 2024 State and Federal Legislative Platform is organized in the following topic-based categories:

- Fiscal Sustainability
- Community Development/Housing and Social Services
- Public Safety
- Environmental Sustainability and Infrastructure

To complement the various policy statements, it is followed by a list of funding priorities for the City, which similarly will allow TPA and City staff to focus its attention on when pursuing funding opportunities through the state and federal process.

Additionally, by adopting the proposed 2024 State and Federal Legislative Platform, City Council will also be authorizing the Mayor or City Manager to sign position letters on behalf of the City. Any position letters submitted will be sent to the author of the bill in question, the City's legislative representatives, and other recipients as deemed appropriate, including a copy for distribution to the City Council.

If any matters arise that are not addressed in the legislative platform, but later become a topic of interest, City staff will place these on the City Council's agenda for consideration. City Council may then decide whether to take further action as needed. City Council may also amend the 2024 State and Federal Legislative Platform for the City of Union City at any given time.

## **FISCAL IMPACT**

There is no fiscal impact as a result of the City Council taking the recommended action.

## **RECOMMENDATION**

Staff recommends that the City Council adopt a resolution approving the 2024 State and Federal Legislative Platform for the City of Union City. Furthermore, by way of adoption, City Council would authorize the Mayor or City Manager to sign position letters on behalf of the City. Both of these actions would ensure the

City's position on pending and future legislation is expressed in a timely and effective manner.

**Prepared by:**

Jennifer Phan, Deputy City Manager

**Submitted by:**

Jennifer Phan, Deputy City Manager

**ATTACHMENTS:**

Description	Type
☐ Attachment 1 - Resolution	Resolution
☐ Exhibit A - 2024 State and Federal Legislative Platform	Exhibit
☐ Powerpoint - Item 7.a.	Attachment

**RESOLUTION NO. XXXX-24**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
APPROVING THE 2024 STATE AND FEDERAL LEGISLATIVE PLATFORM AND  
AUTHORIZING THE MAYOR OR CITY MANAGER TO SIGN POSITION LETTERS  
ON BEHALF OF THE CITY**

**WHEREAS**, state and federal legislation has the potential to have direct and significant impacts to a city's fiscal, operational, and environmental stability; and

**WHEREAS**, the City Council had expressed a desire in increasing its legislative engagement efforts to protect and promote the interests of Union City's constituents; and

**WHEREAS**, on September 12, 2023, the City Council adopted Resolution No. 6200-23, authorizing the City to enter into a Consulting Services Agreement with Townsend Public Affairs, Inc. (TPA) for legislative advocacy and grant funding research services; and

**WHEREAS**, Exhibit A to this Resolution is a 2024 State and Federal Legislative Platform that outlines broad policy statements reflective of the City Council Strategic Plan and multi-year goals; and

**WHEREAS**, the 2024 State and Federal Legislative Platform also goes further to highlight Union City's funding priorities; and

**WHEREAS**, the 2024 State and Federal Legislative Platform provides a mechanism in which the City can monitor, analyze, and respond to complex and swift-moving legislation of importance to Union City; and

**WHEREAS**, the 2024 State and Federal Legislative Platform is a critical document that will be conveyed to legislators and policymakers in both Sacramento and Washington, DC, in addition to the general public.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City does hereby approve the 2024 State and Federal Legislative Platform for the City of Union City as outlined in Exhibit A to this Resolution.

**BE IT FURTHER RESOLVED** that the City Council does hereby authorize the Mayor or City Manager to sign position letters on behalf of the City of Union City as deemed appropriate and when consistent with the policy positions identified in Exhibit A to this Resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Union City  
at a regular meeting held on the 13<sup>th</sup> day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

---

CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

---

JENNIFER PHAN  
Acting City Clerk

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KRISTOPHER J. KOKOTAYLO  
City Attorney

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**M E M O R A N D U M**

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**To:**           **Honorable Carol Dutra-Vernaci, Mayor**  
                  **Honorable Council Members, City of Union City**  
                  **Joan Malloy, City Manager**  
                  **Jennifer Phan, Deputy City Manager**

**From:**       **Townsend Public Affairs, Inc.**  
                  Christopher Townsend, President  
                  Niccolo De Luca, Vice President  
                  Andres Ramirez, Deputy Director  
                  Joseph Melo, Federal Senior Associate  
                  Alex Gibbs, Grants Director

**Date:**         **February 13, 2024**

**Subject:**     **2024 State and Federal Legislative Platform**

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Townsend Public Affairs, Inc. (TPA), alongside City staff, has prepared a draft 2024 State and Federal Legislative Platform for the City of Union City for discussion and adoption by the full City Council. The 2024 legislative platform will reflect the priorities of the City Council and includes advocating for legislation, regulations, and funding that is consistent with the City's adopted goals, particularly those established and stated in the FY 2023-2024 and FY 2024-2025 City Council Strategic Plan.

Once adopted, this document will be shared with key stakeholders in the State Legislature, Governor's Administration, Members of Congress, and the Biden Administration.

**Proposed Legislative Priorities for 2024**

It is expected that the State Legislature in 2024 will maintain its focus on its recent priorities including: Climate Resiliency, Governance and Transparency, Homelessness and Behavioral Health, Housing Development and Greater Access to Housing, Public Safety, and Transportation and Infrastructure.

The State Legislature was on interim recess and reconvened on January 3, 2024 to resume legislative activities. Legislators may begin introducing new pieces of legislation, many of which may be similar to bills that did not advance in 2023, the first year of the two-year 2023-2024 legislative cycle.

In Washington, DC a politically fraught Congress and new Speaker of the House will aim to legislate on several key priorities while balancing elections for the Presidency, House, and Senate. Major legislative action will center on the Fiscal Year (FY) 25 National Defense Authorization Act, 2024 Water Resources Development Act, the Farm Bill, and Energy Permitting Reform. Border security, foreign conflicts, artificial intelligence, and continued implementation of the Inflation Reduction Act and Bipartisan Infrastructure Law will also garner much attention.

Before Congress can focus on policy, both chambers must reconcile FY24 appropriations differences to fund the government and avoid a shutdown. Although this will likely drag into next year, Congress will begin accepting earmark requests for FY25 appropriations process as soon as February 2024.

### **Federal and State Legislative Monitoring and Potential Action**

The following legislative priorities are being recommended for monitoring, analysis, and potential action. The City may choose to take a position on a piece of legislation, continue to monitor without a position, or determine if any further response is required.

TPA will maintain a constantly updated matrix of state legislation and may also present strategic recommendations and provide rolling updates. TPA will monitor legislative activity in the following areas.

<b>Fiscal Sustainability</b>
<p><u>Policy Priorities:</u></p> <ol style="list-style-type: none"><li>1) Support legislative efforts that will require regional collaboration when receiving direct allocation of homeless funds.</li><li>2) Advocate for legislative proposals that bring revenue ballot measures to address critical facilities and infrastructure needs.</li><li>3) Preserve and protect impact fees as a critical tool for providing necessary community infrastructure and services.</li></ol>
<p><u>Funding Priorities:</u></p> <ol style="list-style-type: none"><li>1) Advocate for funding for projects typically paid for through the City General Fund, to help alleviate pressures on the General Fund.</li><li>2) Seek funding for community and recreation projects including parks, camps, and other facilities and services.</li><li>3) Seek funding for other projects with deferred maintenance that are part of the City's Capital Improvement Plan.</li></ol>

<b>Community Development/Housing and Social Services</b>
<p><u>Policy Priorities:</u></p> <ol style="list-style-type: none"><li>1) Advocate for legislation that makes it easier for jurisdictions to access financing for housing and related infrastructure needs.</li><li>2) Monitor and engage on legislation that reduces local land use control.</li><li>3) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds.</li><li>4) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings.</li><li>5) Engage on legislation related to rapid-build/interim shelter or tiny homes communities.</li></ol>
<p><u>Funding Priorities:</u></p> <ol style="list-style-type: none"><li>1) Seek funding for innovative programs to prevent displacement and address hazardous housing conditions.</li><li>2) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing.</li><li>3) Support for seismic retrofits.</li></ol>



- 4) Seek funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), permanent supportive housing, non-congregate shelters and emergency shelters, as well as operating costs.
- 5) Seek funding for permanent housing interventions that reduce and prevent homelessness.
- 6) Support funding efforts relating to mental health treatment, substance abuse treatment, and other related services.
- 7) Seek funding to support the development of below-market-rate housing.
- 8) Funding for the build-out of the greater Station District Area through the construction of Quarry Lakes Parkway.
- 9) Seek funding to clean approximately 16 acres of the Waste Containment Area (WCA) located in City's only transit-oriented development (TOD) area to build much needed housing.

## **Economic Development**

### Policy Priorities:

- 1) Support legislation aimed at fostering economic growth and vitality through the development and redevelopment of underutilized industrial and commercial buildings and sites.
- 2) Monitor and engage, where appropriate, in cannabis tax related legislation.
- 3) Support efforts to address access to enhanced high-speed internet in areas that are underserved including the City's industrial areas.
- 4) Engage in legislation relating to Online Sales Tax Distribution Formula reform.
- 5) Support legislative and other efforts for programs that create pathways to high-wage jobs including workforce development.
- 6) Support efforts that foster the growth and retention of small businesses.
- 7) Support efforts that foster Diversity, Equity, and Inclusion principles in the workforce throughout the State.

### Funding Priorities:

- 1) Advocate for funding to assist the City, in coordination with developers, create vibrant commercial properties that bring jobs and economic growth.
- 2) Seek funding for infrastructure to enhance internet connectivity and broadband related projects in underserved areas including the City's industrial areas.
- 3) Seek funding for the digitalization of city services and records in coordination with the IT Department.

## **Public Safety**

### Policy Priorities:

- 1) Support legislative efforts that foster support for district policing models that provide customized long-term problem-solving solutions to improve the quality of life of residents in Union City.
- 2) Support disaster preparedness, training, response, equipment (back-up generators, communication equipment, etc.), infrastructure (including new or upgraded City facilities) and resilience efforts.
- 3) Support efforts to invest in employees through wellness, mentorship, and training opportunities that prioritize development, resilience, and retention for non-sworn and sworn positions in the police department.
- 4) Support efforts to reduce and prevent crimes against persons and property by using data, technology, and resources for purpose driving proactive policing.

- 5) Support efforts to increase neighborhood patrol resources to allow non-sworn and sworn employees more discretionary time to engage and build relationships with the community.
- 6) Support efforts for a “Service from the Heart” culture in the police department where care, compassion, and empathy is the foundation for all contacts with the community.

Funding Priorities:

- 1) Pursue placement of voter-approved revenue measure(s) on a ballot to address the funding gap between revenues and expenditures for fundamental public safety and other city services.
- 2) Seek funding to reduce gun violence in the City.
- 3) Seek funding for youth violence prevention programs.
- 4) Seek funding to reduce organized retail theft in the City.
- 5) Seek funding for staffing and equipment for the City’s Police Force.
- 6) Seek funding to increase non-sworn positions to improve discretionary time for sworn positions.
- 7) Seek funding sources for the establishment of a City Dispatch Center, should Union City no longer continue contracting with neighbors for those services.
- 8) Seek funding for training on implementing Crime Prevention Through Environmental Design (CPTED) strategies to deter crime and promote public safety.

## **Environmental Sustainability and Infrastructure**

Policy Priorities:

- 1) Measures that support regional planning for climate change and adaptation strategies.
- 2) Increasing resiliency of public infrastructure from threats of climate change.
- 3) Increasing the ability for local agencies to access affordable broadband services to better serve their residents.
- 4) Monitor and engage on legislation related to collection services franchise agreements and organics regulations/waste diversion compliance.

Funding Priorities:

- 1) Seek funding for climate change planning and staffing to support sustainability efforts.
- 2) Seek funding for Zero Waste efforts.
- 3) Seek funding for more EV charging stations at both public and private facilities.
- 4) Seek funding for restoration of Old Alameda Creek to expand open space and recreational opportunities.
- 5) Seek funding for bicycle and pedestrian safety improvements.
- 6) Seek funding for riding transit especially when linked to housing.
- 7) Seek funding for pedestrian rail crossings, both at grade and grade separated safety projects.
- 8) Seek funding for the conversion of the UC Transit fleet to zero emissions.
- 9) Seek funding to convert (approximately 4,000) street light fixtures to LED to conserve energy, improve lighting levels and improve safety.
- 10) Seek funding for energy efficiency improvement projects at City facilities (i.e., windows, HVAC, etc.)

### **One Time State and Federal Funding Priorities for “Member Request” Consideration**

As we have seen at both the Federal and State level, new initiatives and various funding opportunities have taken form over the last few years. This also includes both legislative provisions that direct approved funds to be spent on specific projects, sometimes referred to as “Member Requests” or “Congressionally Directed Spending.”

As it relates to state and federal “Member Requests” / “Congressionally Directed Spending,” our recommended strategy is for the adopted Legislative Platform to include a handful of funding buckets that capture various project themes. This provides the City with the highest amount of flexibility as it is important to not only reflect the priorities of the state and federal lawmakers who sponsor these requests, but also to ensure that the City’s projects fit the eligibility requirements of the various state and federal funding pots.

### **Process for Reporting/Next Steps**

In addition to weekly legislative updates and other communications we send to the City Team, TPA suggests verbal reports to the City Council when the State Legislature is on recess. For example, we may report out in April while they are on Spring Recess and in November or December when Session has concluded.

Due to the ever-changing nature of legislation in Sacramento and Washington, TPA can also provide monthly updates which can be shared with the City Council.

DRAFT

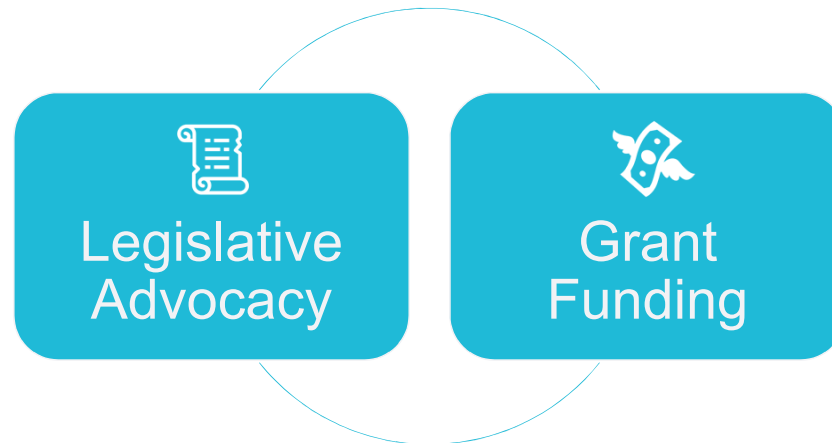


## **Item 7.a: 2024 State and Federal Legislative Platform**

*February 13, 2024 City Council Regular Meeting*

## Background

- **September 12, 2023** – City Council authorized City to enter into an agreement with Townsend Public Affairs, Inc. (TPA) via Resolution No. 6200-23



# Purpose of a Legislative Platform



Outlines City's policy and funding priorities



Consists of broad statements to aid in monitoring, analyzing, and responding to legislative issues of importance



Allows City to move swiftly and engage in a timely manner

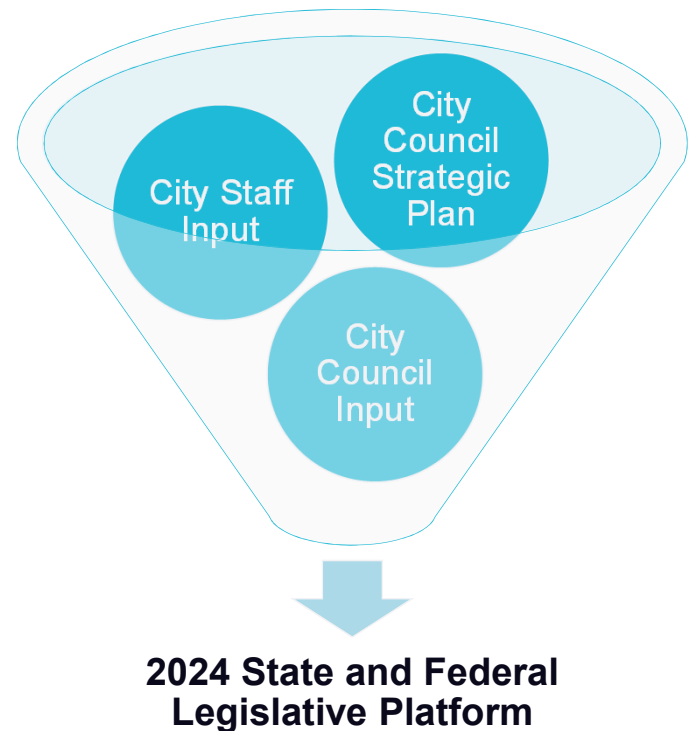


Summarizes policy items that can easily be conveyed to legislators, policymakers, and general public

# Proposed Legislative Platform

## Five Categories:

- Fiscal Sustainability
- Community Development/Housing and Social Services
- Economic Development
- Public Safety
- Environmental Sustainability and Infrastructure





**Item 7.a:**  
2024 State and Federal Legislative Platform

# Fiscal Sustainability

## Policy Priorities:

- 1) Support legislative efforts that will require regional collaboration when receiving direct allocation of homeless funds.
- 2) Advocate for legislative proposals that bring revenue ballot measures to address critical facilities and infrastructure needs.
- 3) Preserve and protect impact fees as a critical tool for providing necessary community infrastructure and services.





**Item 7.a:**  
2024 State and Federal Legislative Platform

# Fiscal Sustainability

## Funding Priorities:

- 1) Advocate for funding for projects typically paid for through the City General Fund, to help alleviate pressures on the General Fund.
- 2) Seek funding for community and recreation projects including parks, camps, and other facilities and services.
- 3) Seek funding for other projects with deferred maintenance that are part of the City's Capital Improvement Plan.



**Item 7.a:**  
2024 State and Federal Legislative Platform

# Community Development/Housing and Social Services

## Policy Priorities:

- 1) Advocate for legislation that makes it easier for jurisdictions to access financing for housing and related infrastructure needs.
- 2) Monitor and engage on legislation that reduces local land use control.
- 3) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds.
- 4) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings.
- 5) Engage on legislation related to rapid-build/interim shelter or tiny homes communities.

# Community Development/Housing and Social Services

---

## Funding Priorities:

- 1) Seek funding for innovative programs to prevent displacement and address hazardous housing conditions.
  - 2) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing.
  - 3) Support for seismic retrofits.
  - 4) Seek funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), permanent supportive housing, non-congregate shelters and emergency shelters, as well as operating costs.
  - 5) Seek funding for permanent housing interventions that reduce and prevent homelessness.
  - 6) Support funding efforts relating to mental health treatment, substance abuse treatment, and other related services.
  - 7) Seek funding to support the development of below-market-rate housing.
  - 8) Funding for the build-out of the greater Station District Area through the construction of Quarry Lakes Parkway.
  - 9) Seek funding to clean approximately 16 acres of the Waste Containment Area (WCA) located in City's only transit-oriented development (TOD) area to build much needed housing.
-



**Item 7.a:**  
2024 State and Federal Legislative Platform

# Economic Development

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## Policy Priorities:

- 1) Support legislation aimed at fostering economic growth and vitality through the development and redevelopment of underutilized industrial and commercial buildings and sites.
  - 2) Monitor and engage, where appropriate, in cannabis tax related legislation.
  - 3) Support efforts to address access to enhanced high-speed internet in areas that are underserved including the City's industrial areas.
  - 4) Engage in legislation relating to Online Sales Tax Distribution Formula reform.
  - 5) Support legislative and other efforts for programs that create pathways to high-wage jobs including workforce development.
  - 6) Support efforts that foster the growth and retention of small businesses.
  - 7) Support efforts that foster Diversity, Equity, and Inclusion principles in the workforce throughout the State.
-



**Item 7.a:**  
2024 State and Federal Legislative Platform

# Economic Development

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## Funding Priorities:

- 1) Advocate for funding to assist the City, in coordination with developers, create vibrant commercial properties that bring jobs and economic growth.
  - 2) Seek funding for infrastructure to enhance internet connectivity and broadband related projects in underserved areas including the City's industrial areas.
  - 3) Seek funding for the digitalization of city services and records in coordination with the IT Department.
-



## Item 7.a: 2024 State and Federal Legislative Platform

# Public Safety

### Policy Priorities:

- 1) Support legislative efforts that foster support for district policing models that provide customized long-term problem-solving solutions to improve the quality of life of residents in Union City.
- 2) Support disaster preparedness, training, response, equipment (back-up generators, communication equipment, etc.), infrastructure (including new or upgraded City facilities) and resilience efforts.
- 3) Support efforts to invest in employees through wellness, mentorship, and training opportunities that prioritize development, resilience, and retention for non-sworn and sworn positions in the police department.
- 4) Support efforts to reduce and prevent crimes against persons and property by using data, technology, and resources for purpose driving proactive policing.
- 5) Support efforts to increase neighborhood patrol resources to allow non-sworn and sworn employees more discretionary time to engage and build relationships with the community.
- 6) Support efforts for a “Service from the Heart” culture in the police department where care, compassion, and empathy is the foundation for all contacts with the community.



**Item 7.a:**  
2024 State and Federal Legislative Platform

# Public Safety

## Funding Priorities:

- 1) Pursue placement of voter-approved revenue measure(s) on a ballot to address the funding gap between revenues and expenditures for fundamental public safety and other city services.
- 2) Seek funding to reduce gun violence in the City.
- 3) Seek funding for youth violence prevention programs.
- 4) Seek funding to reduce organized retail theft in the City.
- 5) Seek funding for staffing and equipment for the City's Police Force.
- 6) Seek funding to increase non-sworn positions to improve discretionary time for sworn positions.
- 7) Seek funding sources for the establishment of a City Dispatch Center, should Union City no longer continue contracting with neighbors for those services.
- 8) Seek funding for training on implementing Crime Prevention Through Environmental Design (CPTED) strategies to deter crime and promote public safety.

# Environmental Sustainability and Infrastructure

## Policy Priorities:

- 1) Measures that support regional planning for climate change and adaptation strategies.
- 2) Increasing resiliency of public infrastructure from threats of climate change.
- 3) Increasing the ability for local agencies to access affordable broadband services to better serve their residents.
- 4) Monitor and engage on legislation related to collection services franchise agreements and organics regulations/waste diversion compliance.



# Environmental Sustainability and Infrastructure

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## Funding Priorities:

- 1) Seek funding for climate change planning and staffing to support sustainability efforts.
  - 2) Seek funding for Zero Waste efforts.
  - 3) Seek funding for more EV charging stations at both public and private facilities.
  - 4) Seek funding for restoration of Old Alameda Creek to expand open space and recreational opportunities.
  - 5) Seek funding for bicycle and pedestrian safety improvements.
  - 6) Seek funding for riding transit especially when linked to housing.
  - 7) Seek funding for pedestrian rail crossings, both at grade and grade separated safety projects.
  - 8) Seek funding for the conversion of the UC Transit fleet to zero emissions.
  - 9) Seek funding to convert (approximately 4,000) street light fixtures to LED to conserve energy, improve lighting levels and improve safety.
  - 10) Seek funding for energy efficiency improvement projects at City facilities (i.e., windows, HVAC, etc.)
-

# Legislative Advocacy Process

- TPA (in conjunction with City staff) will:
  - Review and evaluate legislation
  - Make recommendations on advocacy efforts or positions
  - Prepare position letters consistent with legislative platform
  - Engage State and Federal representatives as appropriate
- For matters consistent with legislative platform:



## Legislative Advocacy Process (cont.)

- If any Councilmember indicates a **conflicting position** or suggests **substantive changes**, letter will not be submitted and item will be brought before the entire City Council for discussion.
- If any matters arise that are not addressed in the legislative platform, item will be brought before the entire City Council for consideration.
- City Council may amend the legislative platform at any given time.



**Item 7.a:**  
2024 State and Federal Legislative Platform

## Recommendation

Staff recommends that the City Council adopt a resolution approving the 2024 State and Federal Legislative Platform for the City of Union City, authorizing the Mayor or City Manager to sign position letters on behalf of the City.



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** KRISTOPHER J. KOKOTAYLO, CITY ATTORNEY

**SUBJECT:** INTRODUCTION OF ORDINANCE AMENDING UNION CITY MUNICIPAL CODE CHAPTER 5.42, "TOBACCO RETAILERS"

The City Council previously provided direction to staff regarding a potential ordinance amending Chapter 5.42, "Tobacco Retailers", of the Union City Municipal Code ("UCMC") (the "Tobacco Retailers Ordinance"). The City Attorney's Office has prepared draft text amendments to the Tobacco Retailers Ordinance based on general direction provided by the City Council and presented those to the City Council on January 9, 2024.

After consideration and discussion, the City Council provided further direction at the January 23, 2024 meeting regarding additional potential revisions to the Tobacco Retailers Ordinance. The City Attorney's Office further prepared draft text amendments based on that direction. Staff and the City Attorney's Office now recommend that the City Council waive full reading and introduce by title only the proposed ordinance amending Union City Municipal Code Chapter 5.42, "Tobacco Retailers".

### **STRATEGIC PLAN ALIGNMENT**

There are no Strategic Plan goals associated with this agenda item.

### **BACKGROUND**

The City Council held a study session on July 25, 2023, regarding possible amendments to the Tobacco Retailers Ordinance. This followed voter approval of Proposition 31, upholding Senate Bill 793 which banned the sale of flavored tobacco products.

At that time, the City Council considered the following potential amendments to the Tobacco Retailers Ordinance and provided general direction as follows:

- 1) Completely prohibit the sale of vape products.
- 2) Prohibit the sale of flavored tobacco products, consistent with state law.

- 3) Prohibit the sale of tobacco products in pharmacies.
- 4) Amend the minimum single cigar price from \$5 to \$8 with the annual increase by the Consumer Price Index (CPI) or some other amount.
- 5) Amend the minimum pack size for cigars (unless sold at the single cigar price identified above) from 5 to 20.
- 6) Prohibit the issuance of tobacco retail licenses within 500 feet of each other.
- 7) Increase the amount for fines related to violations.

The City Council subsequently considered the potential amendments at its January 9, 2024 City Council meeting. At that time, the City Council provided the following direction:

- 1) Allow the transfer of a tobacco retailers license with the transfer of a business by revising the definition of “arm’s length transaction”. This will allow existing tobacco retailers within 500 feet of each other to continue being a tobacco retailer despite a change in business ownership.
- 2) Provide an effective date that is 120 days from adoption.
- 3) Prohibit the redemption and use of coupons by tobacco retailers.
- 4) Revise the minimum pack size requirements for cigars to a minimum pack of 10 with a \$15 minimum.

Additionally, the City Council provided the following direction at the January 23, 2024 City Council meeting:

- 1) Prohibit discounts which allow the sale of any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or any other item.
- 2) Prohibit discounts which allow retailers to provide free or discounted items to a consumer in consideration for the purchase of any tobacco product.
- 3) Provide an enforcement date of June 1, 2024 instead of 120 days from adoption.

The City Council also referred a number of additional items to the Legislation and Policy Committee for consideration.

## **DISCUSSION**

The City Attorney’s Office has prepared draft text amendments to the Tobacco Retailers Ordinance incorporating the City Council’s feedback from the January 9 and January 23 City Council meeting. The text amendments include the prior revisions, except to the extent modified by Council direction on January 9 and January 23, which are highlighted below:

- 1) Union City Municipal Code Section 5.42.050(B) remains to allow existing businesses with a tobacco retailers license to transfer the license with the transfer of the business.
- 2) Arm’s length transaction has been redefined to more broadly include various types of transfers.
- 3) The redemption and use of coupons by tobacco retailers and certain discounts is prohibited.
- 4) The minimum pack size requirements for cigars is now a pack of 10 with a \$15 minimum.

The City Council also requested that the ordinance not take effect until June 1, 2024. This is included in the proposed ordinance.

## **FISCAL IMPACT**

There is no direct fiscal impact associated with adopting this ordinance.

## **RECOMMENDATION**

Staff and the City Attorney's Office recommends that the City Council waive full reading and introduce by title only the proposed ordinance amending Union City Municipal Code Chapter 5.42, "Tobacco Retailers".

### **Prepared by:**

Juliet Vaughn, Associate Attorney

### **Submitted by:**

Kristopher J. Kokotaylo, City Attorney

## **ATTACHMENTS:**

Description	Type
☐ Tobacco Retailer Ordinance	Ordinance
☐ TRL Exhibit A	Exhibit
☐ Item 7.b - Written Public Comment	Attachment
☐ Powerpoint - Item 7.b.	Attachment

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
UNION CITY AMENDING CHAPTER 5.42, "TOBACCO RETAILERS", OF THE  
UNION CITY MUNICIPAL CODE**

**WHEREAS**, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

**WHEREAS**, approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;<sup>1</sup> and

**WHEREAS**, the World Health Organization (WHO) estimates that tobacco kills 98 million people and causes over 1.4 trillion dollars in economic damage each year;<sup>2</sup> and

**WHEREAS**, 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;<sup>3</sup> and

**WHEREAS**, tobacco use is the number one cause of preventable death in California<sup>4</sup> and continues to be an urgent public health issue; and

**WHEREAS**, tobacco use among priority populations in California contributes to health disparities and creates significant barriers to health equity;<sup>5</sup> and

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<sup>1</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf\\_NBK179276.pdf](https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf)

<sup>2</sup> World Health Organization. *WHO Report on the Global Tobacco Epidemic, 2019: Offer Help to Quit Tobacco Use*. 2019. Available at: <https://apps.who.int/iris/handle/10665/326043>.

<sup>3</sup> *Supra*, Note 1.

<sup>4</sup> California Department of Public Health, California Tobacco Control Program. The #1 Preventable Cause of Death. <http://tobaccofreeca.com/other-tobacco-products/the-number-1-preventable-cause-of-death>. Accessed May 12, 2020.

<sup>5</sup> California Tobacco Control Program. *California Tobacco Facts and Figures 2019*. Sacramento, CA: California Department of Public Health. 2019.



**WHEREAS**, despite the State's efforts to limit youth access to tobacco, youth are still able to access tobacco products in California;<sup>6</sup> and

**WHEREAS**, the federal Family Smoking Prevention and Tobacco Control Act, enacted in 2009, prohibited candy and fruit flavored cigarettes<sup>7</sup> largely because these flavored products are marketed toward youth and young adults,<sup>8</sup> and younger smokers and more likely than older smokers to have tried these products;<sup>9</sup> and

**WHEREAS**, in a 2019 observation survey of 36 tobacco retailers within Union City conducted by the Alameda County Public Health Department, 86% of stores surveyed sold flavored tobacco products; and

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<sup>6</sup> California Tobacco Control Program. *California Tobacco Facts and Figures 2016*. Sacramento, CA: California Department of Public Health. 2016. California Tobacco Control Program. *California Tobacco Facts and Figures 2019*. Sacramento, CA: California Department of Public Health. 2019. California Student Tobacco Survey, 2017-18. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California, San Diego; April 2019; Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs — 2014*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014; Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance — United States, 2019. California: Tobacco Use. 2019. Available at: <https://nccd.cdc.gov/youthonline/app/Results.aspx?LID=CA>. Accessed August 31, 2023; Lin C, Baiocchi M, Halpern-Felsher B. Longitudinal trends in e-cigarette devices used by Californian youth, 2014–2018. *Addict Behav*. 2020;108:106459. doi: 10.1016/j.addbeh.2020.106459.

<sup>7</sup> 21 U.S.C. § 387g(a)(1)(A).

<sup>8</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf\\_NBK99237.pdf](https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf); Villanti AC, Collins LK, Niaura RS, Gagosian SY, Abrams DB. Menthol cigarettes and the public health standard: a systematic review. *BMC Public Health*. 2017;17(1):983. doi: 10.1186/s12889-017-4987-z; Institute of Medicine. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Washington, DC: The National Academies Press. 2015. Available at: <https://www.nap.edu/catalog/18997/public-health-implications-of-raising-the-minimum-age-of-legal-access-to-tobacco-products>.

<sup>9</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf\\_NBK99237.pdf](https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf).

**WHEREAS**, according to the California Department of Public Health, flavored tobacco products are used by the majority of youth and young adult tobacco users (86.4% and 57.7%) in California;<sup>10</sup> and

**WHEREAS**, mentholated and flavored products have been shown to be “starter” products for youth who begin using tobacco<sup>11</sup> and that these products help establish tobacco habits that can lead to long-term addiction;<sup>12</sup> and

**WHEREAS**, research indicates that the FDA ban in 2009 on all flavored cigarette products (except menthol) led to a 6% decrease in youth tobacco use and a 17% decrease in the likelihood of a youth becoming a cigarette smoker;<sup>13</sup> and

**WHEREAS**, studies indicate that laws prohibiting the sale of flavored tobacco products lead to decreases in youth tobacco use;<sup>14</sup> and

**WHEREAS**, in 2020, California passed SB 793, which amended California Health and Safety Code Section 104559.5 to prohibit the sale of most types of flavored tobacco products, including flavored electronic cigarettes, non-premium flavored cigars, as well as flavored enhancers;<sup>15</sup> and

**WHEREAS**, in 2022, California voters passed Proposition 31, which upheld SB 793;<sup>16</sup> and

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<sup>10</sup> California Tobacco Control Program. *California Tobacco Facts and Figures 2019*. Sacramento, CA: California Department of Public Health. 2019.

<sup>11</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf\\_NBK99237.pdf](https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> Courtemanche CJ, Palmer MK, Pesko MF. Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use. *Am J Prev Med*. 2017;52(5):e139-e146. doi: 10.1016/j.amepre.2016.11.019.

Farley SM, Johns M. New York City flavoured tobacco product sales ban evaluation. *Tob Control*. 2017;26(1):78-84. doi: 10.1136/tobaccocontrol-2015-052418; Pearlman DN, Arnold JA, Guardino GA, Boles Welsh E. Advancing Tobacco Control Through Point of Sale Policies, Providence, Rhode Island. *Prev Chronic Dis*. 2019;16:E129. doi: 10.5888/pcd16.180614.

<sup>15</sup> California Health and Safety Code (HSC) Section 104559.5.

<sup>16</sup> Statement of the Vote Summary Pages. November 8, 2022, General Election. State of California. <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/06-summary.pdf>.

**WHEREAS**, 75.64 percent of voters in Alameda County voted yes to uphold SB 793;<sup>17</sup> and

**WHEREAS**, California Health and Safety Code Section 104559.5 still allows the sale of flavored loose-leaf pipe tobacco and premium cigars with a wholesale price of twelve dollars (\$12.00 or more), as well as flavored shisha/hookah tobacco if sold in licensed stores that only allow people twenty-one (21) years of age on the premises at any time;<sup>18</sup> and

**WHEREAS**, the health effects of non-cigarette tobacco products such as cigars, cigarillos, smokeless tobacco, and shisha are substantial as demonstrated by research that shows that non-cigarette tobacco products have addictive levels of nicotine, harmful toxins, and dangerous carcinogens;<sup>19</sup> and

**WHEREAS**, unlike cigarette use that has steadily declined among youth, the U.S. has seen a surge in teen e-cigarette use, and youth e-cigarette use remains a serious public health concern;<sup>20</sup> and

**WHEREAS**, research has consistently shown that increases in cigarettes prices will result in less smoking across various sociodemographic populations;<sup>21</sup> and

**WHEREAS**, a systematic review by the U.S. Community Preventive Services Task Force found that a 20% price increase would reduce demand for cigarettes by approximately 10.4%, the prevalence of adult tobacco use by 3.6%, and initiation of tobacco use by young people by 8.6%;<sup>22</sup> and

**WHEREAS**, youth are particularly responsive to changes in tobacco prices and evidence suggests that tobacco companies deliberately target youth with price reductions;<sup>23</sup> and

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<sup>17</sup> Official Election Site of Alameda County. General Election (Certified Final Results) – November 08, 2022. Last Updated: Thursday, December 08, 2022. <https://www.acgov.org/rovresults/248/>.

<sup>18</sup> California Health and Safety Code (HSC) Section 104559.5.

<sup>19</sup> Hoffmann D, Hoffmann I. Chapter 3: Chemistry and Toxicology. In: *Smoking and Tobacco Control Monograph No. 9: Cigars: Health Effects and Trends*. National Cancer Institute; 1998.

<sup>20</sup> Park-Lee E, Ren C, Cooper M, Cornelius M, Jamal A, Cullen KA. Tobacco Product Use Among Middle and High School Students — United States, 2022. *MMWR Morb Mortal Wkly Rep* 2022;71:1429–1435. National Youth Tobacco Survey (NYTS). [https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s\\_cid=mm7145a1\\_w](https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s_cid=mm7145a1_w).

<sup>21</sup> Yao T, Ong MK, Max W, et al. Responsiveness to cigarette prices by different racial/ethnic groups of US adults. *Tob Control*. 2018;27(3):301-309. doi: 10.1136/tobaccocontrol-2016-053434.

<sup>22</sup> Community Preventive Services Task Force. *Reducing Tobacco Use and Secondhand Smoke Exposure: Interventions to Increase the Unit Price for Tobacco Products*. 2012.

<sup>23</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human

**WHEREAS**, although federal and state law ban the sale of individual cigarettes, neither federal nor California state laws restrict the sale of individual little cigars and cigars;<sup>24</sup> and

**WHEREAS**, neither federal nor California law set a minimum price for tobacco products; and

**WHEREAS**, minimum price markups and related laws in other states have been shown to be effective at increasing the price of cigarettes but may remain vulnerable to price manipulation by the tobacco industry without attention to coupons and discounts;<sup>25</sup> and

**WHEREAS**, by selling tobacco products, pharmacies reinforce positive social perceptions of smoking, convey tacit approval of tobacco use, and send a message that it is not so dangerous to smoke;<sup>26</sup> and

**WHEREAS**, the City Council of the City of Union City has a substantial interest in protecting youth and underserved populations from the harms of tobacco use; and

**WHEREAS**, the City Council of the City of Union City finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City of Union City in order to protect the health, safety, and welfare of its residents.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION CITY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.**

The above recitals (“Recitals”) are true and correct and made a part of this Ordinance.

**SECTION 2. CEQA.** Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be

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Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf\\_NBK99237.pdf](https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf)

<sup>24</sup> 21 C.F.R. § 1140.16(b); Cal. Penal Code § 308.3(a).

<sup>25</sup> Huang J, Chriqui JF, DeLong H, Mirza M, Diaz MC, Chaloupka FJ. Do state minimum markup/price laws work? Evidence from retail scanner data and TUS-CPS. *Tob Control*. 2016;25(Suppl 1):i52-i59. doi: 10.1136/tobaccocon-trol-2016-053093.

<sup>26</sup> Hudmon KS, Fenlon CM, Corelli RL, Prokhorov AV, Schroeder SA. Tobacco sales in pharmacies: time to quit. *Tob Control*. 2006;15(1):35-38. doi: 10.1136/tc.2005.012278.

seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

**SECTION 3. Municipal Code Amendment Chapter 5.42.**

Section 5.42 “Tobacco Retailers,” of the Union City Municipal Code is hereby amended to read as displayed in Exhibit A, incorporated and made a part of this Ordinance.

**SECTION 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 5. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect thirty (30) days after its adoption and shall not be enforced until June 1, 2024.

## EXHIBIT A

### 5.42.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

“Administrator” means the ~~Administrative Services~~ Finance Director or designee.

“Arm’s length transaction” means a sale or transfer, in good faith and for valuable consideration ~~that reflects the fair market value in the open market~~ between two informed and willing parties, as determined by the parties, neither of which is under any compulsion to participate in the transaction. A sale or transfer ~~between relatives, related companies or partners, or a sale~~ for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm’s length transaction.

“Coupon” means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price. ~~means anything that can be exchanged for or used to acquire an electronic cigarette, electronic cigarette paraphernalia, electronic cigarette or tobacco product, such as a printed piece of paper, voucher, ticket, rebate, rebate offer, check, credit, token, code, password, or anything labeled “coupon” or “coupon offer.”~~

“Department” means the ~~Administrative Services~~ Finance Department.

“Drug paraphernalia” shall have the definition set forth in California Health and Safety Code Section 11014.5, as that section may be amended from time to time.

“Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. ~~“Electronic cigarette” means “a device that can provide an inhalable dose of nicotine by delivering a vaporized solution” as defined in California Health and Safety Code Section 119405(b), as that section may be amended from time to time, or any device designed to vaporize a liquid solution that releases flavored vapor.~~

~~“Electronic cigarette paraphernalia” means any device designed to provide an inhalable dose of nicotine or a flavored liquid solution through vaporization, nicotine-based or flavored solution-based cartridges for use with electronic cigarettes, and any other item designed for the vaporization, preparation, storing, or consumption of electronic cigarette products.~~

~~“Electronic cigarette product” means any substance containing nicotine or a flavored liquid solution for vaporization, including any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.~~

“Flavored Tobacco Product” means any tobacco product that imparts:

1. a taste or odor distinguishable by an ordinary consumer, other than the taste or odor of tobacco, either prior to or during the consumption of such tobacco product,

including but not limited to tastes or odors relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb, or spice; or

2. a heating, cooling, or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product.

-“License” means a tobacco retailer’s license as defined below.

-“Licensee” means a tobacco retailer with a tobacco retailer’s license.

“Manufacturer” means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.

“Nominal cost” means the cost of any item that is transferred from one person to another for less than the total of: (1) twenty-five percent of the full retail value of the item exclusive of taxes and fees; plus (2) all taxes and fees previously paid and all taxes and fees still due on the item at the time of transfer.

“Nonsale distribution” means to give, within the jurisdictional limits of the City, a tobacco product or coupon at no cost or at nominal cost to a person who is not a tobacco seller.

“Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

“Pharmacy” means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

“Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

“Public place” means any place within the City, public or private, that is open to the general public regardless of any fee or age requirement, including, for example, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, taxis, and buses.

“Retailer” means tobacco retailer as defined herein.

“Self-service display” means the open display or storage of ~~electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia,~~ tobacco products ~~or tobacco paraphernalia~~ in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

~~“Tobacco” means leaves of the tobacco plant dried and prepared for smoking or ingestion.~~

~~“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.~~

~~“Tobacco product” means tobacco and any substance containing tobacco, including, but not limited to, cigarettes, cigars, cigarillos, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or~~

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~~formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.~~

1. any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
2. any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
3. any component, part, or accessory of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.

"Tobacco product" does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

"Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration tobacco products. This definition is without regard to the quantity of tobacco products sold, offered for sale, exchanged, or offered for exchange., electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia.

"Tobacco retailing" shall mean means engaging in the activities of a tobacco retailer. the doing of any of these things. This definition is without regard to the quantity of electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

"Tobacco retailer's license" means the license issued pursuant to Section 5.42.050 this chapter that authorizes electronic cigarette or tobacco retailing at a certain location and by a certain tobacco retailer.

#### **5.42.020 Requirements and prohibitions.**

A. Tobacco Retailer License Required. It is unlawful for any person to act as a tobacco retailer in the City without first obtaining and maintaining a valid tobacco retailer's license pursuant to this chapter for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer's license is a nuisance as a matter of law.

B. Lawful Business Operation. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, State, or Federal law applicable to ~~electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products, tobacco paraphernalia, or tobacco retailing~~ the sale of tobacco products.

C. Display of License. Each tobacco retailer license shall be prominently displayed in a publicly visible location at the licensed location.

D. Positive Identification Required. No person engaged in tobacco retailing shall sell or transfer a ~~n electronic cigarette, electronic cigarette product, electronic cigarette paraphernalia, tobacco product or tobacco paraphernalia~~ to another person who appears to be under the age of



twenty-seven years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under State law ~~to purchase and possess the electronic cigarette, electronic cigarette product, electronic cigarette paraphernalia, tobacco product or tobacco paraphernalia.~~

E. Minimum Age for Persons Selling Tobacco. Persons employed by a tobacco retailer under this chapter that sell tobacco products must be at least the minimum legal sales age established by state law. ~~No person who is younger than the minimum age established by State law for the purchase or possession of electronic cigarette products or tobacco products shall engage in tobacco retailing.~~

F. Self-Service Displays Prohibited. Tobacco retailing by means of a self-service display is prohibited.

G. False and Misleading Advertising Prohibited. A tobacco retailer or proprietor without a valid tobacco retailer license, including, for example, a person whose license has been revoked:

1. Shall keep all ~~electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia,~~ tobacco products ~~and tobacco paraphernalia~~ out of public view. The public display of ~~electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia,~~ tobacco products ~~or tobacco paraphernalia~~ in violation of this provision shall constitute tobacco retailing without a license; and

2. Shall not display any advertisement relating to ~~electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia,~~ tobacco products ~~or tobacco paraphernalia~~ that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

H. Signage Violations. It is a violation of this chapter for any licensee to violate any local, State, or Federal law regulating exterior, storefront, window, or door signage.

I. Drug Paraphernalia. It is a violation of this chapter for any licensee or any of the licensee's agents or employees, to violate any local, State, or Federal law regulating controlled substances or drug paraphernalia.

J. Nonsale Distribution of Tobacco Products Prohibited.

1. No tobacco retailer nor any agent or employee of a tobacco retailer shall engage in the nonsale distribution of any ~~electronic cigarette, electronic cigarette paraphernalia, electronic cigarette product,~~ tobacco product or coupon in any public place.

2. No person, motivated by an economic or a business purpose, shall knowingly permit the nonsale distribution of any ~~electronic cigarette, electronic cigarette paraphernalia, electronic cigarette product,~~ tobacco product or coupon: (a) anywhere in any public place under the legal or de facto control of the person; or (b) through any agent or employee of the person. This provision shall not apply to coupons incidentally distributed in connection with a printed or electronic publication, such as, for example, magazines, newspapers, and websites, so long as that person's distribution of a publication containing coupons is not primarily motivated by an economic or a business purpose to distribute coupons.

3. No tobacco retailer may honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price.

4. No tobacco retailer may sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or other item.

5. No tobacco retailer may provide any free or discounted item to a consumer in exchange for the purchase of any tobacco product.

K. Minimum Pack Size for Cigars.

1. Notwithstanding any other provision of this chapter, no tobacco retailer shall sell, offer for sale, or exchange for any form of consideration:

a. Any single cigar, whether or not packaged for individual sale;

b. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; or

c. Any package of cigars containing fewer than ~~ten~~five cigars.

d. Cigars at a price of less than fifteen dollars per package of ten cigars, including all applicable taxes and fees.

2. This subsection does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds either ~~eight~~five dollars, including all applicable taxes and fees. ~~This or the dollar~~ amount may be increased annually by the Consumer Price Index, as determined by the City Council and adopted by resolution ~~of the City Council and adjusted from time to time, whichever is higher. The public shall be given notice of any such resolution in the manner notice is given of ordinances of the City.~~

3. This subsection shall apply to cigars, cigarillos and any other cigar product regardless of the terminology used for the product.

L. Sale of Electronic Smoking Devices. No person may sell or possess with the intent to sell any electronic smoking device within the city.

M. Flavored Tobacco Products. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product.

1. Presumptive flavored tobacco product. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product is a flavored tobacco product. Any communication by or on behalf of the manufacturer or retailer of a tobacco product that such tobacco product imparts a taste or odor other than the taste or odor of tobacco, or that imparts a heating, cooling, or numbing sensation, constitutes presumptive evidence that the tobacco product is a flavored tobacco product. This includes but is not limited to public statements that a product is flavored, such as describing the product as "chill," "ice," "fresh," "arctic," "sweet," "spicy," or "frost."

#### **5.42.030 Limits on eligibility for a tobacco retailer license.**

A. No license shall be issued to authorize tobacco retailing at other than a fixed location.

B. No license shall be issued to authorize tobacco retailing at a location where ~~electronic cigarettes, electronic cigarette paraphernalia, electronic cigarette products or~~ tobacco products are prohibited from being distributed pursuant to Title 18.

C. No license shall be issued to a location or a tobacco retailer where prohibited pursuant to Section 5.42.110.

D. Proximity to other tobacco retailers. No license may issue, and no existing license may be renewed, to authorize tobacco retailing within 500 feet of a tobacco retailer location already licensed pursuant to this chapter as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of

the property line of the parcel on which an existing licensee's business is located. This restriction does not apply to an applicant who has been licensed to sell tobacco products as of March 1, 2024.

E. Pharmacies. No license may issue, and no existing license may be renewed, to authorize tobacco retailing in a pharmacy.

#### **5.42.040 Application procedure.**

A. Application for a tobacco retailer's license shall be submitted in the name of each proprietor proposing to conduct tobacco retailing and shall be signed by each proprietor or an authorized agent thereof.

It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer's license. No proprietor may rely on the issuance of a license as a determination by the City that the proprietor has complied with all laws applicable to tobacco retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to Section 5.42.110(D) of this chapter. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco retailer's license any status or right to act as a tobacco retailer in contravention of any provision of law.

All applications shall be submitted on a form supplied by the Department and shall contain the following information:

1. The name, address, and telephone number of each proprietor of the business seeking a license;
  2. The business name, address, and telephone number of the single fixed location for which a license is sought;
  3. A single name and mailing address authorized by each proprietor to receive all communications and notices (the "authorized address") required by, authorized by, or convenient to the enforcement of this chapter. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subsection (A)(2);
  4. Proof that the location for which a tobacco retailer's license is sought has been issued a valid state tobacco retailer's license by the California ~~Board of Equalization~~ Department of Tax and Fee Administration;
  5. Whether or not any proprietor or any agent of the proprietor has admitted violating, or has been found to have violated, this chapter and, if so, the dates and locations of all such violations within the previous five years;
  6. A statement signed by each proprietor that no drug paraphernalia is or will be sold at the location for which the license is sought;
  7. Such other information as the Department deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.
- B. A licensed tobacco retailer shall inform the Department in writing of any change in the information submitted on an application for a tobacco retailer's license within ten business days of a change.
- C. All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code Section 6250 et seq.) or any other applicable law, subject to the laws' exemptions.

#### **5.42.050 Issuance of license.**

Upon the receipt of a complete application for a tobacco retailer's license and the license fee required by this chapter, the Administrator shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

A. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter;

B. The application seeks authorization for tobacco retailing at a location for which this chapter prohibits issuance of tobacco retailer licenses. However, this subsection shall not constitute a basis for denial of a license if the applicant provides the City with documentation demonstrating by clear and convincing evidence that the applicant has acquired or is acquiring the location or business in an arm's length transaction;

C. The application seeks authorization for tobacco retailing for a proprietor or location for which this chapter prohibits a license to be issued, including the provisions of Section [5.42.110](#);

D. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter (e.g., mobile vending), that is unlawful pursuant to this Code or that is unlawful pursuant to any other law;

E. The location for which a tobacco retailer's license is sought lacks a valid state tobacco retailer's license by the California [Department of Tax and Fee Administration](#) ~~Board of Equalization~~.

#### **5.42.060 License renewal and expiration.**

A. Term and Renewal of License. A tobacco retailer's license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. The term of a tobacco retailer license is one year. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer's license and submit the license fee no later than thirty days prior to expiration of the term.

B. Expiration of License. A tobacco retailer's license that is not timely renewed shall expire at the end of its term. To renew a license not timely renewed pursuant to subsection A, the proprietor must:

1. Submit the license fee and application renewal form; and
2. Submit a signed affidavit affirming that the proprietor:

a. Has not sold and will not sell any ~~electronic cigarette, electronic cigarette product, electronic cigarette paraphernalia,~~ tobacco product ~~or tobacco paraphernalia~~ after the license expiration date and before the license is renewed; or

b. Has waited the appropriate ineligibility period established for tobacco retailing without a license, as set forth in Section [5.42.110](#)(A) of this chapter, before seeking renewal of the license.

#### **5.42.070 Licenses nontransferable.**

A. A tobacco retailer's license may not be transferred from one person to another or from one location to another. A new tobacco retailer's license is required whenever a tobacco retailing location has a change in proprietor(s).

B. Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:

1. The location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors; and
2. The new proprietor(s) provide the City with clear and convincing evidence that the new proprietor(s) have acquired or is acquiring the location in an arm's length transaction.

**5.42.080 License conveys a limited, conditional privilege.**

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the City identified on the face of the permit. For example, nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including but not limited to, any provision of this Code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California [Labor Code](#) Section 6404.5. For example, obtaining a tobacco retailer license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California [Labor Code](#) Section 6404.5.

**5.42.090 Fee for license.**

The fee to issue or to renew a tobacco retailer's license shall be established from time to time by resolution of the City Council and shall be included within the City's Master Fee Schedule. The fee shall be calculated so as to recover the cost of administration and enforcement of this chapter, including, for example, issuing a license, administering this chapter, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

**5.42.100 Compliance monitoring.**

A. Compliance with this chapter shall be monitored by the Police Department. The City may designate any number of additional persons to monitor compliance with this chapter.

B. Compliance checks shall be conducted so as to allow the Police Department to determine, at a minimum, if the tobacco retailer is conducting business in a manner that complies with laws regulating youth access to ~~electronic cigarettes, electronic cigarette paraphernalia, electronic cigarette products or~~ tobacco products. When the Police Department deems appropriate, the compliance checks shall determine compliance with other laws applicable to tobacco retailing.

~~C. The City shall not enforce any law establishing a minimum age for electronic cigarette, electronic cigarette paraphernalia, electronic cigarette product or tobacco product purchases or possession against a person who otherwise might be in violation of such law because of the person's age (hereinafter "youth decoy") if the potential violation occurs when:~~

~~1. The youth decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the City;~~

~~2. The youth decoy is acting as an agent of a person designated by the City to monitor compliance with this chapter; or~~

~~3. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the Alameda County Public Health Department or the California Department of Health Services.~~

**5.42.110 ~~Violations~~ Suspension and revocation of license.**

A. ~~Violations~~ Suspension or revocation of tobacco retailer license for violation. In addition to any other penalty authorized by law, a Tobacco Retailer License shall be suspended or revoked if the Department finds or a court of competent jurisdiction determines, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, has violated any provision of this Chapter. ~~If the Administrator has reasonable cause to believe a violation of this chapter exists, or if any court of competent jurisdiction determines the same, the Administrator may issue a notice of violation and begin the revocation process as follows:~~

1. Upon a finding of a first violation of this Chapter at a location within any 5 year period, the License shall be suspended for 30 days. ~~First Violation. After a first violation of this chapter at a location within any sixty-month period, the Administrator shall:~~

~~a. Issue a written warning to the licensee, which includes: the facts supporting the finding of a violation, the penalties for further violations of this chapter, and provides thirty days within which the licensee may cure the violation and advise employees of applicable regulations or contact the Administrator to challenge the finding of a violation.~~

~~b. If the licensee contacts the Administrator to challenge the finding of a violation, the Administrator shall provide written notice of a hearing, not less than five business days after the notice, at which the tobacco retailer may show cause, at a time and place specified in the notice, why a violation does not exist. Should the tobacco retailer fail to present evidence at such hearing establishing, in the reasonable determination of the Administrator, that a violation does not exist, the Administrator shall provide written notice to the tobacco retailer that the notice of violation is upheld.~~

2. Upon a finding of a second violation of this Chapter at a location within any 5 year period, the License shall be suspended for 90 days. ~~Second Violation. After a second violation of this chapter at a location within any sixty-month period, the license shall be revoked and no new license shall be issued for the location or the tobacco retailer until thirty days have passed from the date of revocation.~~

3. Upon a finding of a third violation of this Chapter at a location within any 5 year period, the License shall be suspended for 1 year. ~~Third Violation. After a third violation of this chapter at a location within any sixty-month period, the license shall be revoked and no new license shall be issued for the location or the tobacco retailer until ninety days have passed from the date of revocation.~~

4. Upon a finding of four or more violations of this Chapter at a location within any 5 year period, the License shall be revoked with no new license issued for a five year period. ~~Fourth Violation and Additional Violations. After four or more violations of this chapter at a location within any sixty-month period, the license shall be revoked and no new license may issue for the location or tobacco retailer until five years have passed from the date of revocation.~~

B. ~~Revocation Procedures. If the licensee contacts the Administrator to challenge the finding of a violation, the Administrator shall provide written notice of a hearing, not less than five business days after the notice, at which the tobacco retailer may show cause, at a time and place specified in the notice, why a violation does not exist. Should the tobacco retailer fail to present evidence at such hearing establishing, in the reasonable determination of the Administrator, that a violation does not exist, the Administrator shall provide written notice to the tobacco retailer that the notice of violation is upheld.~~ If a license is subject to revocation, the

Administrator shall provide written notice of revocation along with the reasons for revocation, facts suggesting violation, the penalties for violation, and ability to appeal pursuant to subsection C. Within five days of the mailing of notice of revocation, the tobacco retailer shall cease the operation of the business for which the license was issued.

C. **Appeal of Revocation.** A decision of the Administrator to revoke a license is appealable to the City Manager and must be filed with the City Clerk within ten days of mailing of the Administrator's notice of revocation. If such an appeal is made, it shall stay enforcement of the appealed action. An appeal to the City Manager is not available for a revocation made pursuant to subsection D. The date, time, and place of appeal hearings shall be provided in writing to the tobacco retailer with at least ten days' notice and copies of hearing rules. If the tobacco retailer fails to present evidence establishing that tobacco retailer is entitled to retain the license, the City Manager shall uphold the revocation and give written notice to the tobacco retailer. Within five days of the mailing of the notice of upheld revocation, the tobacco retailer shall cease operation of the business for which the license was issued.

D. **Revocation of License Wrongly Issued.** A tobacco retailer's license shall be revoked if the Administrator finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 5.42.050 existed at the time application was made or at any time before the license issued. The decision by the Administrator shall be the final decision of the City. Such a revocation shall be without prejudice to the filing of a new license application.

#### **5.42.120 Enforcement.**

A. ~~Criminal Prosecution.~~ Each incident of violation of this chapter is a ~~misdemeanor.~~ The Department may impose administrative penalties as follows:

1. For a first violation of this Chapter within any 5 year period, two hundred fifty dollars (\$250);
2. For a second violation of this Chapter within any 5 year period, five hundred dollars (\$500); and
3. For a third or subsequent violation of this Chapter within any 5 year period, one thousand dollars (\$1,000).

~~n infraction subject to a one hundred dollar fine or otherwise punishable pursuant to Section 1-16.030 of this Code. Other violations of this chapter may, in the discretion of the City Prosecutor, be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this chapter shall be the responsibility of the Police Chief or designee. In addition, any peace officer or code enforcement official also may enforce this chapter.~~

B. **Civil Enforcement by the City.**

1. **Fines.** Violations of this chapter are subject to a civil action brought by the City of Union City, punishable by a civil fine not less than two hundred fifty dollars and not exceeding one thousand dollars per violation.

2. **Injunctions, Nuisance Abatement, and Code Enforcement.** In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. Where the City pursues a civil action to remedy a violation of this chapter, the prevailing party shall be entitled to recovery of attorneys fees if the City elects, at the beginning

of that action, to seek recovery of its own attorneys' fees pursuant to [Government Code](#) Section 38773.5 as currently drafted or as amended.

C. General Provisions.

1. Cumulative Remedies. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

2. Violations. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter. A violation exists for each day on which ~~an electronic cigarette, electronic cigarette product, electronic cigarette paraphernalia,~~ a tobacco product ~~or tobacco paraphernalia~~ is offered for sale in violation of this chapter. A violation also exists for each individual retail ~~electronic cigarette, electronic cigarette product or~~ tobacco product ~~and each individual retail item of electronic cigarette paraphernalia tobacco paraphernalia~~ that is distributed, sold, or offered for sale in violation of this chapter.

3. Nuisances. Violations of this chapter are hereby declared to be public nuisances.

4. No Testimony for Persons Under Eighteen. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.



**From:** [Gurpreet Bhella \(870GurBhel\)](#)  
**To:** [City Clerk](#)  
**Subject:** Public Comment for agenda item 7.b  
**Date:** Tuesday, February 13, 2024 10:18:21 AM

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**WARNING: External email. Please verify sender before opening attachments or clicking on links.**

Dear City Council Members,

I am writing this letter as a concerned member of our community regarding the prevalence of youth smoking and vaping in our city and schools. I believe that adopting the proposed Tobacco Retail Licensing (TRL) changes is a crucial step towards curbing this alarming trend and safeguarding the health and well-being of our youth.

Personally, I have witnessed many of my peers using tobacco products and it breaks my heart to see their bright lives dimmed by the usage of such products. Some of my friends have fallen in the same state, telling me that they can quit whenever they want, not knowing that they are addicted to these products.

I urge you to consider the adoption of TRL changes as a proactive measure to address the youth smoking epidemic in our city. I am confident that by taking this step, we can create a safer and healthier environment for our young population.

Thank you for your time and consideration.

Sincerely,  
Gurpreet Bhella



**Bay Area Division**

1111 Broadway Ste 1360, Oakland, CA 94612  
Phone (510) 903-4050 Fax (510) 903-4049

[www.heart.org](http://www.heart.org)

February 12<sup>th</sup>, 2024

Union City Mayor and Council  
34009 Alvarado-Niles Road  
Union City, CA 94587

Dear Mayor and Council Members:

The American Heart Association urges Union City to further amend the proposed Tobacco Retail License Ordinance to remove criminal penalties, include proactive enforcement and include all elements within the desk item without exemption. We ask that the City address the desk item and amend the proposed ordinance prior to the implementation of your proposed draft.

A policy is only as strong as enforcement and flavored tobacco restriction needs a strong Tobacco Retail License (TRL) to be effective. Strong TRLs include: a fee that includes administrative and compliance monitoring to cover the total cost of enforcement, a minimum number of compliance checks per year with rechecks upon violation, and an escalating fine/suspension penalty structure that applies to the owner/licensee.

The tobacco industry is actively and aggressively working to addict new young people, particularly those from communities of color, with flavored tobacco products. They know that flavors hook kids.

Cigarette smoking is the leading cause of preventable disease and death in the United States, claiming on average 480,000 lives each year. Evidence shows that smoking increases the risk for heart disease and stroke.

Ending the sale of all flavored tobacco products with a strong tobacco retail license will help protect our community from tobacco addiction and is crucial to preventing tobacco-related death and disease. The American Heart Association respectfully asks for your support of a comprehensive policy.

On behalf of the American Heart Association,

A handwritten signature in black ink, appearing to read "John Maa".

*Dr. John Maa  
Board Member, Greater Bay Area – American Heart Association*

**From:** [Liz Williams](#)  
**To:** [City Clerk](#)  
**Subject:** Public Comment: Agenda Item 7b  
**Date:** Tuesday, February 13, 2024 2:55:46 PM

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***WARNING: External email. Please verify sender before opening attachments or clicking on links.***

Dear Union City City Council members,

I'm not able to attend tonight's City Council meeting in person, so I want to share my written public comment in support of Agenda Item 7b on tobacco retailer licensing.

First, thank you for your ongoing work on this important issue. The proposed tobacco retailer licensing regulations will work together to help create a healthier retail environment in Union City by reducing the impact of the tobacco industry's predatory marketing of its products and limiting the negative public health consequences of tobacco use.

Americans for Nonsmokers' Rights encourages the City Council to update the city's tobacco retailer licensing law, including ending the sale of all vaping products and flavored tobacco products.

We support the draft ordinance that you recently discussed at the January 23 Council Meeting in combination with Councilmember Sakakihara's proposed Desk Item recommendations. Councilmember Sakakihara's recommendations include a number of important enforcement best practices that are designed to help ensure the ordinance provisions are effective and work well in practice, which will help the ordinance work as the Council intends to protect the community.

In particular, we strongly recommend that the mandatory criminal penalties be removed. Instead, the best practice is to focus on administrative penalties, like fines, and suspending or revoking a license. Administrative penalties are preferable because they provide effective motivation for compliance while also reducing contact with, and potential negative interactions between, retail clerks and law enforcement. This would help advance equity and reduce criminalizing people.

We also believe that it is important that all new tobacco retailer licensing provisions become effective at the same time, to make implementation easier, more consistent, and less confusing for retailers, customers, and the city's enforcement officials alike.

We do not support Councilmember Patino's proposal to only prohibit the sale of disposable/single-use vaping products. This partial measure is concerning, because while these single use vaping products are currently very prevalent, especially among youth, we know that nicotine-dependent youth will gravitate towards whatever vaping products remain accessible. Additionally, creating a distinction between types of vaping products and allowing the sale of some but not others creates a loophole that can be exploited and will likely be very difficult for retailers to comply with and enforcement officials to accurately identify. We urge the Council to implement the best practice of prohibiting the sale of all vaping products, regardless of type, so that Union City's law is simple, strong, fair, and enforceable.

We also support the Council's proposed plan to implement all newly enacted tobacco retail sales regulations all together within four months, in order to maximize health protections for residents.

Thank you for your consideration and your leadership on this important issue.

Sincerely,

Liz Williams (she/her)

Project & Policy Manager

Americans for Nonsmokers' Rights | [nonsmokersrights.org](https://nonsmokersrights.org)

American Nonsmokers' Rights Foundation | [no-smoke.org](https://no-smoke.org)

2530 San Pablo Ave, Suite J | Berkeley, CA 94702

510-841-3032 x314 (office)

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**From:** [Joseph Andrew Hayden, Juris Doctor](#)  
**To:** [City Clerk](#)  
**Cc:** [Gratz-Lazarus, Rachel, Public Health, CHS](#); [Subramanian, Nathan, Public Health, CHS](#)  
**Subject:** Public Comment for 7.b. (Tobacco Retail License)  
**Date:** Tuesday, February 13, 2024 4:34:31 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

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***WARNING: External email. Please verify sender before opening attachments or clicking on links.***

Hi City of Union City Council and Clerk –

I’m a product of New Haven Unified School District’s elementary, middle and most importantly James Logan High School. After attending those I went to college and law school with the intent to protect my family and others devastated by Big Tobacco. When I heard about the updates to the Union City Tobacco Retail License (“TRL”), especially with the other Bay Area activism I’ve been doing on the subject, I had to chime in, especially as a previous resident of Union City. I can hardly believe that all these decades later we still have to fight to keep youth from getting addicted to nicotine, but here we are, despite the protests from some retailers that it’s “unfair” to keep them from selling all of this poison without updating the restrictions and enforcement.

I do want to thank the Council for all that they have done in bringing back a revised ordinance. Here are some important **best practices** that I urge you to consider:

- Not creating exemptions for certain products is one. Only banning disposable vapes is not enough. Nicotine-dependent youth may use any vape product that remains accessible in Union City, as we have seen with trends where addicted youth gravitate to available tobacco products. Allowing for the sale of non-disposable vapes would create a loophole for potential exploitation and may be a difficult distinction for both tobacco retailers and those enforcing the TRL ordinance.
- Including language explicitly stating that no one should be punished for possessing, using, or purchasing any tobacco products is ideal.
- Lower the fines to max out at \$500 to avoid misdemeanors altogether. This issue becomes especially important since the current TRL draft does not contain language excluding clerks and employees from TRL penalties if a violation occurs.

Let’s move forward with the current ordinance taking into consideration the items the Legislative & Policy Committee were considering.

Thank you!



**Joseph Andrew Hayden, *Juris Doctor***

joseph@haydennet.com

+1.917.330.6105 Mobile | Whatsapp | Viber

Pronouns: he/him/lui/el/il

**Haydennet.com** - Blog

**JosephHayden.com** - Professional

**Ursinet.com** - Web Hosting & Consulting

**Volunteering:**

Glen Cove Community Association - President

Humane Society of the North Bay - Treasurer/Board Member

Solano Stonewall Democrats - Board Secretary

Tobacco Free Solano/Solano Public Health - Co-Chair

LGBTQ Minus Tobacco - Volunteer

Vallejo Naval & Historical Museum - Household Member

Solano County Democrats - Legislative Committee Member

Vallejo Gay Network - Member & Potluck Host

Solano Rowing Club - Community Outreach Committee Member

Family Equality - Emeritus Board



# CITY COUNCIL MEETING

February 13, 2024





## **ORDINANCE AMENDING CHAPTER 5.42 “TOBACCO RETAILERS”**

City Council

February 13, 2024





## | Background

- July 25, 2023: The City Council held a study session regarding possible amendments to the Tobacco Retailers License Ordinance.
- January 9 and January 23, 2024: The City Council held meetings on both dates to consider possible amendments and provided direction to return with a first reading of an ordinance and referred a number of items to the Legislation and Policy Committee for further consideration.



## | Amendments

Key amendments to the Tobacco Retailers License Ordinance include:

- Prohibition on the sale of vape products.
- Prohibition on the sale of flavored tobacco products.
- Prohibition on the sale of tobacco products in pharmacies.
- Minimum single cigar price of \$8 (increase from \$5) with possible annual increases by the Consumer Price Index (CPI).
- Minimum pack size of 10 (increase from 5) for cigars with a minimum price of \$15.
- Increase the amount for fines related to violations.
- Prohibit the issuance of tobacco retail licenses within 500 feet of each other.



## | Amendments

Key amendments to the Tobacco Retailers License Ordinance include:

- Allow the transfer of a tobacco retailers license with the transfer of a business and revising the definition of “arm’s length transaction”. This will allow existing tobacco retailers within 500 feet of each other to continue being a tobacco retailer despite a change in business ownership.
- Prohibition on discounts.
- Enforcement date of June 1, 2024.



## Recommendation

Staff and the City Attorney's Office recommends that the City Council waive full reading and introduce by title only the proposed ordinance amending Union City Municipal Code Chapter 5.42, "Tobacco Retailers" or provide any further direction as necessary.



## Agenda Item

**DATE:** 2/13/2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JACKIE ACOSTA, FINANCE DIRECTOR

**SUBJECT:** ADOPT A RESOLUTION APPROVING AN EXCEPTION TO THE 180-DAY WAITING PERIOD FOR POST-RETIREMENT EMPLOYMENT AND APPROVING AN EMPLOYMENT AGREEMENT WITH RETIRED ANNUITANT ANITA CASTILLO

Staff recommends that the City Council adopt the attached resolution and employment agreement which will allow the City to hire retired annuitant Anita Castillo on a limited and temporary basis to perform services that require specialized skills while the City conducts a recruitment to fill the vacant Budget Manager position and to also assist with the transfer of information to the person selected to fill the vacant position.

### STRATEGIC PLAN ALIGNMENT

This agenda item does not have alignment with the Strategic Plan.

### BACKGROUND

On February 4, 2024, Anita Castillo, Budget Manager, retired from the City of Union City's workforce, thus becoming a CalPERS retired annuitant. Ms. Castillo possesses specialized skills needed to perform certain work that the City must carry out as information is transferred to current and future employees. Ms. Castillo also possesses knowledge that will need to be documented and transferred to other staff related to budget preparation, the conversion to the Tyler Munis ERP and other specific, detailed accounting functions.

Government Code Section 7522.56(f) requires a 180-day waiting period before a retired annuitant can be employed by a CalPERS agency unless the nature of the employment meets one of the exceptions and is approved via resolution by the governing body. In this case, the nature of Ms. Castillo's recommended appointment will be as an extra help retired annuitant. She will assist staff as needed to learn the complicated and detailed tasks associated with budget preparation, the conversion to the Tyler Munis ERP, and certain general ledger accounting work. Ms. Castillo possesses the specialized skills needed to perform this work and this appointment qualifies for an exception under Government Code section 7522.56(f). As a CalPERS extra

help retired annuitant, she will qualify for this exemption based on her role performing work of limited duration (no more than 960 hours per fiscal year) including the elimination of backlogs, limited-term special project work, and/or work in excess of what regular permanent staff can do. In this instance, this limited term special project relates to the elimination of backlog and the transfer and documentation of knowledge related to the City's budget preparation, the conversion to the Tyler Munis ERP, and accounting functions for which Ms. Castillo is the only person qualified.

## **DISCUSSION**

In order for the City Council to approve the proposed Employment Agreement with Ms. Castillo, the City Council must first adopt a Resolution making specific findings related to hiring a retired annuitant subject to CalPERS regulations contained in Government Code Section 21224. The terms of the Employment Agreement state that the term is of limited duration through December 31, 2025, and that the hourly rate is \$84.55. Such terms are in conformance with CalPERS regulations.

## **FISCAL IMPACT**

The costs related to the adoption of this Resolution and the approval of this Employment Agreement will be covered by salary savings generated by the vacant Budget Manager position.

## **RECOMMENDATION**

Staff recommends that the City Council: 1) adopt a Resolution approving an exception to the 180-day waiting period for post-retirement employment and 2) approve an Employment Agreement with retired annuitant Anita Castillo to serve as an Extra Help Budget Manager.

### **Prepared by:**

Jackie Acosta, Finance Director

### **Submitted by:**

Jackie Acosta, Finance Director

### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Employment Agreement	Attachment
<input type="checkbox"/> Powerpoint - Item 7.c.	Attachment

**RESOLUTION NO. XXXX-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
APPROVING AN EXCEPTION TO THE 180-DAY WAITING PERIOD FOR POST  
RETIREMENT EMPLOYMENT FOR ANITA CASTILLO TO SERVE AS EXTRA  
HELP PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 & 21224**

**WHEREAS**, in compliance with Government Code Section 7522.56, the City Council of the City of Union City (“City Council”) must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

**WHEREAS**, Anita Castillo retired from the City of Union City in the position of Budget Manager on February 4, 2024; and

**WHEREAS**, Government Code Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is August 2, 2024 (February 4, 2024 plus 180 days), without this certification resolution; and

**WHEREAS**, Government Code Section 7522.56 provides that this exception to the 180 day waiting period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the City Council, the City of Union City, and Anita Castillo certify that Anita Castillo has not, and will not, receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the City Council hereby appoints Anita Castillo as an extra help retired annuitant to perform the duties of the Extra Help Budget Manager for the City of Union City under Government Code Section 21224, effective February 14, 2024; and

**WHEREAS**, the entire employment agreement, contract or appointment document between Anita Castillo and the City of Union City has been reviewed by this body and is attached herein; and

**WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the minimum base salary for this position or its equivalent is \$12,234 per month, and the hourly equivalent is \$70.58, and the maximum base salary for this position or its equivalent is \$14,655 per month, and the hourly equivalent is \$84.55; and

**WHEREAS**, the hourly rate paid to Anita Castillo will be \$84.55; and

**WHEREAS**, Anita Castillo has not, and will not, receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

**NOW THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Union City hereby certifies the nature of the appointment of Anita Castillo as described herein and detailed in the attached employment agreement document and that this appointment is necessary to fill the critically needed Extra Help Budget Manager position for the City of Union City by February 14, 2024 to facilitate the transfer and documentation of knowledge related to the City's financial systems and to help eliminate backlogs by assisting staff as needed to learn the complicated and detailed tasks associated with budget preparation, certain general ledger accounting work, and the conversion to a new accounting system . As a retired Budget Manager with 23 years of service, Anita Castillo possesses the necessary knowledge and expertise regarding the City's existing processes and procedures that other staff do not possess. Anita Castillo's appointment is also critical to provide necessary training regarding these procedures.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 13<sup>th</sup> day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

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JENNIFER PHAN  
Acting City Clerk

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KRISTOPHER J. KOKOTAYLO  
City Attorney



## **EMPLOYMENT AGREEMENT BETWEEN THE CITY OF UNION CITY AND ANITA CASTILLO**

This Employment Agreement (this “**Agreement**”) is entered into this 13<sup>th</sup> day of February 2024, by and between the City of Union City (“**City**”) and Anita Castillo (“**Anita Castillo**” or “**Annuitant**”), collectively referred to as “**Parties**.”

### **RECITALS**

**WHEREAS**, on February 4, 2024, Annuitant retired from the City; and

**WHEREAS**, Annuitant has previously served as a Budget Manager; and

**WHEREAS**, Annuitant, by virtue of having previously served as a Budget Manager employed by the City for 23 years has specialized knowledge and expertise to facilitate the transfer and documentation of knowledge related to the City’s financial systems and to help eliminate backlogs by assisting staff as needed to learn the complicated and detailed tasks associated with budget preparation, certain general ledger accounting work and the conversion to a new accounting system in excess of what staff can perform; and

**WHEREAS**, the City desires to employ the Annuitant as an extra help annuitant pursuant to Government Code Section 21224; and

**WHEREAS**, the California Public Employees Retirement System (“**CalPERS**”) regulations allow a benefit recipient to work up to 960 hours per fiscal year pursuant to Government Code Section 21224; and

**WHEREAS**, it is necessary for the City to retain the services of Annuitant, following retirement, as an extra help retired annuitant to work on the transfer and documentation of knowledge related to the City’s financial systems and to help eliminate backlogs by assisting staff as needed to learn the complicated and detailed tasks associated with budget preparation, certain general ledger accounting work and the conversion to a new accounting system in excess of what staff can perform; and

**WHEREAS**, Annuitant desires to accept a part-time and temporary employment contract under the terms and conditions set forth below; and

**WHEREAS**, the City desires by this Agreement to set forth the terms and conditions of Annuitant’s duties and services as an extra help retired annuitant for a limited term as set forth in this Agreement.

## **AGREEMENT**

The Parties hereby agree as follows:

1. **SCOPE OF SERVICE.** Annuitant shall perform her duties to the best of her ability in accordance with the highest professional and ethical standards of the profession. Annuitant shall comply with the City's rules and regulations and she shall obey the laws of the State of California and the United States of America as they apply to the performance of her duties.
2. **TERM.** The term of this Agreement shall begin on February 14, 2024 and end no later than December 31, 2025. Further, as agreed upon by Parties, Annuitant shall not work more than 40 hours per week, nor shall the City be financially responsible for paying Annuitant for work performed in excess of 40 hours per week.
3. **EFFECTIVE DATE.** This Agreement shall become effective after:
  - i. This Agreement is approved and executed by Annuitant; and
  - ii. This Agreement is approved and executed by the City Manager.
4. **RETIRED ANNUITANT STATUS.** It is intended that at all times Annuitant's post-retirement employment shall be in compliance with all laws governing employment of CalPERS retired annuitants, including without limitation Government Code Sections 7522.56 & 21224. Annuitant understands that she is solely responsible for monitoring her hours worked and ensuring that she does not work more than 960 hours in a fiscal year (including work performed prior to execution of this agreement and work performed for other employers participating in CalPERS).
5. **SERVICES TO BE PERFORMED BY ANNUITANT.** Annuitant shall perform the duties of Extra Help Budget Manager or as directed by the City Manager and in accordance with all applicable requirements of federal, state and local laws.
6. **COMPENSATION.** City shall pay Annuitant for her services hereunder as an extra help annuitant and Annuitant shall accept, as full and complete compensation for said services, the sum of Eighty-Four Dollars and Fifty-Five Cents (\$84.55) per hour. Annuitant shall receive no other payment, benefit, or remuneration other than her hourly wage for her services. There shall be no deductions from her wages for health insurance (including medical, dental, vision care, life, disability), or payment of overtime, or accrual of vacation leave, or any other similar benefits of whatever kind or nature.
7. **INDEMNIFICATION.** City agrees, in the event Annuitant is named as a defendant in a civil action arising from or as a result of her performance of duties as Extra Help Budget Manager, to provide Annuitant such indemnification benefits as are required to be provided to an employee of the City under the laws of the State of

California, including, but not limited to, the provisions of Government Code Sections 825 et seq. and 995 et seq. This provision shall not apply with respect to any intentional tort or crime committed by Annuitant, or any actions outside the performance of her job duties pursuant to this Agreement.

8. RESERVED.
9. RESERVED.
10. UNEMPLOYMENT INSURANCE. Annuitant Certifies that she has not received any unemployment insurance payments in the past 12 months.
11. ENTIRE AGREEMENT. This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof, and no other agreement, statement or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding unless in writing and signed by both Parties.
12. GOVERNING LAW. The validity of this Agreement and of any of its terms or provisions as well as the rights and duties of the Parties hereunder, shall be governed by the laws of the State of California and leave for any action concerning the terms of this Agreement shall be in the Superior Court of the County of Alameda.
13. SEVERABILITY. Should any part, term or provision of this Agreement be declared invalid, void or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and shall in no way be invalidated, impaired or affected thereby.
14. ASSIGNMENT. The Parties agree that the expertise and experience of Annuitant are material considerations for this Agreement. Annuitant shall not assign, transfer, or subcontract any interest in this Agreement, nor the performance of any of Annuitant's obligations hereunder.
15. TERMINATION. Annuitant understands that she is an at-will employee and that employment may be terminated by Annuitant or City at any time, for any reason, or for no reason at all. The City's right of termination shall be in addition to other remedies available under law to the City.
16. WAIVER. Waiver by City of any breach or violation of any term or condition of this Agreement shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition. The acceptance by City of the performance of any work or services by Annuitant shall not be deemed a waiver of any term or condition of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the dates hereinafter respectively set forth.

City of Union City

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Joan Malloy  
City Manager

Approved as to Form: \_\_\_\_\_  
Kristopher J. Kokotaylo  
City Attorney

Annuitant

DATED: 2/7/2024

DocuSigned by:  
*Anita Castillo*  
By: \_\_\_\_\_  
216DCE10AD17437  
Anita Castillo



## **Item 7.c.**

Adopt a Resolution Approving an Exception to the 180-Day Waiting Period for Post-Retirement Employment and Approve an Employment Agreement with Retired Annuitant Anita Castillo



## | RECOMMENDATION

Staff recommends that the City Council:

- 1) Adopt a Resolution approving an exception to the 180-day waiting period for post-retirement employment, and
- 2) Approve an Employment Agreement with retired annuitant Anita Castillo to serve as an Extra Help Budget Manager.