



# ADMINISTRATIVE REPORT

DATE: FEBRUARY 27, 2009

TO: MAYOR AND CITY COUNCIL  
BEN REYES, CITY ATTORNEY

FROM: BELINDA B. ESPINOSA, CITY MANAGER

## PLACES TO BE

- **MARCH 5 CONTRA COSTA COUNTY MAYOR'S ASSOCIATION**

The Mayors Association will be meeting on March 5 in the City of Clayton. The meeting begins at 6:30 PM followed by dinner at 8:00 PM. The speaker this month is Bill McGammon, Executive Director, East Bay Regional Communications System. Mayor Pro Tem Fujita, the City Manager, and Police Chief Clancy will be attending.

- **MARCH 24 STATE OF THE CITY ADDRESS**

Mayor Horton will be presenting the State of the City address at Noon on March 24 at The Embers Restaurant. This event is sponsored by the Pinole Chamber of Commerce and reservations can be made by contacting Deanna at [pinolechamber@yahoo.com](mailto:pinolechamber@yahoo.com) or call (510) 724-4484.

## ITEMS OF INTEREST

- **FY 2008-09 MID YEAR BUDGET REPORT SCHEDULED FOR MARCH 3 CITY COUNCIL AGENDA**

Staff will present to the City Council the FY 2008-09 Midyear Budget report on the March 3 City Council agenda. This will be an important discussion regarding the City's overall financial status. The complete 15 page staff report is available on the web through the agenda packet for March 3. However, a summary of the report is outlined below.

Due to depletion of the General Fund Reserves, the City Council/Agency Board authorized a \$2.289 million loan in April 2008 from the Redevelopment Agency in order to balance the General Fund over the next three years. The strategy was designed to correct a pattern of deficit spending dependent on the General Fund Reserves, limit growth in the General Fund budgets to 2% per year, reduce General Fund budgets by 10% or \$1.3 million below their FY 2007-08 spending levels by 2012, and build a General Fund Reserve of \$1.0 million by 2012.

An underlying assumption of the financial strategy behind the original Expenditure Control Budget was to restrain expenditure growth in tandem with modest but sustained growth in tax revenues. However, in fact, this has not been the case. While expenditures have been reduced, revenues have deteriorated significantly, thus causing a need for reassessment of the strategy and additional expenditure reductions.

At the February 3, 2009 City Council meeting, Staff informed the City Council that the Expenditure Control Budget did not include a financial strategy for repayment of the \$2.289 million loan from the Redevelopment Agency and that the only way to begin to build a General Fund Reserve was through the sale of the City owned Post Office building to the Redevelopment Agency.

With all of this in mind, it has now become necessary to propose to the City Council that additional expenditure reductions may be necessary in order to work within our revenue base and begin establishing a General Fund Reserve. Staff originally thought that it would be possible to reduce our dependency on the redevelopment loan to \$1.5 million. However, after further analysis, that will not be possible even with the current General Fund reductions already identified taken in Round 1 (\$1,776,139 in reductions and transfers to Measure S and Redevelopment) and in Round 2 (\$1,310,250).

The original \$1.3 million recovery plan proposed Across-The-Board expenditure reductions included:

	<b>Original Target</b>	<b>Identified Target</b>	<b>Remaining Target</b>
• General Government	\$177,800	\$111,224	\$ 66,576
• Police Department	666,450	335,944	330,506
• Fire Department	313,500	66,075	247,425
• Public Works Department	90,925	74,850	16,075
• Community Development	9,525	9,525	0
• Recreation Programs	43,050	126,907	(83,857)
<b>Total</b>	<b>\$1,301,250</b>	<b>\$ 724,525</b>	<b>\$ 576,725</b>

As you can see, we have an additional \$576,725 in reductions to identify just to meet the \$1.3 million goal which now due to even further revenue decline is estimated at \$1.6 million. This makes it even more important that we continue to monitor revenues and look for methods for increasing reoccurring revenues and further reducing our expenditures. Staff has taken steps to review the General Fund operating budgets to identify additional reductions without eliminating sworn fire and police personnel.

At the direction of the City Council on February 3, 2009, the City's labor negotiation team has initiated discussions with employee labor groups on how they can assist us with identifying ways to close our remaining budget gap. We are not alone in this struggle, as many of our

neighboring cities have already engaged in this type of meeting with labor. We have invited our labor representatives to bring forward any and all types of cost saving ideas for discussion.

Preliminary discussions with the City's management staff (at will employees) have resulted in a commitment to cost savings from deferral of a 3% cost-of-living adjustment scheduled for July 1, 2009 coupled with a mandatory unpaid 3-day work furlough in FY 2008-09 and FY 2009-10. This will result in an estimated savings of \$34,770 to the City's General Fund. This will be presented to the city Council for approval on March 3, 2009.

We still need to determine additional General Fund reductions or additional revenues totaling approximately \$357,107 in order to eliminate our budget deficit. Our hope is to be able to close this gap without involuntary staffing reductions. However, we must face the reality that such action will be required if the gap is not closed, or if economic conditions continue to deteriorate. Should additional General Fund Reductions be necessary, the next round will not be as easily realized without a combination of salary and benefit concessions, reduction and/or elimination of direct programs and services to the public, and/or reductions in force.

- **POLICE DEPARTMENT AND COMMUNITY PRESERVATION**

#### **Community Preservation Unit**

Two members of the Community Preservation Unit conducted directed enforcement in the areas of Sarah Drive, Appian Way and Fitzgerald Dr in response to recent auto burglaries in the areas. This information was developed through analysis and ComStat information. The action involved a number of vehicle and pedestrian contacts. One particular stop identified a person who was a person of interest in these incidents.

#### **New Canine at Pinole PD**

Officer Angela Likos picked up our new K9, Spike, in Southern California. The team will begin training in April 2009 and start patrol duties in May of 2009.

#### **Offer of Employment to New Officer**

A Suisun City Police Officer was given a conditional offer of employment for a position as a Police Officer in Pinole. We hope to have him on board soon.

#### **Expansion of Police Dispatch Services**

We continue to talk with surrounding Law Enforcement agencies to discuss the feasibility of coordinating dispatch functions. There does seem to be quite a bit of interest in this since we are all suffering from the same economic downturn. The two baseline requirements for continuing to explore any option is that there be no degradation of service to the officers and citizens of Pinole and Hercules (our current contract city), and second that there be an actual reduction of costs that comes from this partnership. This subject was discussed by the City Council at the February 26 Workshop.

- **DRAFT SPECIFIC PLANS AND GENERAL PLAN UPDATE**

Staff is working with our consultant PMC on updating the schedule for completion of the City's General Plan. As you know, the General Plan process was stopped in October 2007, when the decision was made to begin the Specific Plan process for the three main commercial corridors of the city: Pinole Valley Road, San Pablo Avenue and Appian Way. The DRAFT Specific Plan for the three corridors is now being circulated for public review.

The Planning Commission, sitting as the Steering Committee for the Specific Plan process, held a meeting to review the first four chapters of the Draft Specific Plan on Feb. 23, 2009. These chapters included the background information, vision, existing conditions and economic development chapters of the draft document. The Planning Commission will continue its review of the draft Specific Plan for the San Pablo Avenue, Pinole Valley Road, and Appian Way corridors at two upcoming meetings in March.

On March 9, 2009 the Commission will discuss Circulation and Land Use Chapters of the draft Specific Plan. On March 23, 2009 the Commission will discuss the draft Design Guidelines, Infrastructure and Public Facilities, and Implementation Chapters. Both upcoming meetings will start at 7:00PM in the City Council Chambers. The City encourages members of the public to provide input on the draft plan to help guide future development along the three corridors. If you have any questions regarding the draft plan, please contact Planning Manager Winston Rhodes at (510) 724-9832 or via email at [wrhodes@ci.pinole.ca.us](mailto:wrhodes@ci.pinole.ca.us).

The General Plan update has resumed, with work now underway on the draft Background Report, Community Character, and Natural Resources and Open Space portions of this document. A Steering Committee meeting on this information is anticipated in April. Work is also commencing on the Housing, Circulation, Land Use and Economic Development elements for the General Plan update.

Steering Committee review is anticipated to begin on these elements in June. The schedule for the Specific Plan and General Plan completion will evolve based on the public input received and the direction provided by the Steering Committee. Regular schedule updates will be provided in the weekly report and information will also be provided on the project web site at [www.pinolegeneralplan.com](http://www.pinolegeneralplan.com). Interested members of the public may also sign up to join an email interest list as well to help follow the General Plan Update process.

- **SUCCESSFUL JOINT EDHAC/COMMUNITY SERVICES COMMISSION MEETING**

The Economic Development and Housing Advisory Committee (EDHAC) and the Community Services Commission (CSC) met jointly on February 24<sup>th</sup>. Their joint agenda touched on common areas of interest, including recreation, cultural events, arts and education. The two new advisory boards gained a better understanding of their respective roles and how to coordinate when a proposed project or program is important to each group.

Of particular note, was the reinforcement of the function of each board in providing an additional forum for the public to get involved and help explore the pros and cons of the projects and programs the City may engage in. EDHAC discussed its work plan and the CSC presented a list of possible projects that could be funded through the new Measure WW funding (Park District Bonds).

The boards also discussed how to coordinate the review of projects of interest to both boards. Recommendations of both boards, representing the perspective of each, will be forwarded to City Council on a project-by-project basis. One example of a topic that is of particular interest to both groups is in the area of education. From the EDHAC's perspective, good schools support strong neighborhoods and make Pinole an attractive place to have a business. Part of the CSC's mission is to provide a community connection with the schools. Both boards will have input in the future about how to mutually support sustaining excellence in Pinole schools.

Another important component of the CSC's mission is to outreach to non-profit organizations and civic clubs in Pinole. Both groups agreed this is a significant role for the CSC which will provide an important source for understanding the "pulse" of the community at large.

- **COMMUNITY INPUT SOLICITED FOR MEASURE WW PROJECTS**

Measure WW is an East Bay Regional Parks District bond passed by voters in November 2008 and includes a provision of funding to all cities and agencies located within the EBRPD boundary on a per capita basis. Pinole's allocation is \$877,216, which must be spent on parks and recreation capital projects.

At their joint Community Services Commission (CSC) and EDHAC meeting, EDHAC added a few projects to the list and both groups agreed to get community input on the full list. CSC will mail a postcard to all residents with information on completing an online survey and attending a CSC meeting dedicated to finalizing the project list.

Projects include:

- Adding Pinole Creek Trail amenities from San Pablo Ave. to Collins school;
- Additional skate park funds;
- Seed funding for a bike/pedestrian connection to Hercules;
- Implementing a new park at the Sarah Drive open space area; developing a small recreation facility behind the Swim Center;
- Adding 3 new tennis courts;
- Renovating existing tennis courts;
- Adding a bocce ball facility;
- Renovating the old soccer field at Pinole Valley Park;
- Installing an exercise par course for seniors near the Senior Center and along the creek trail;
- Refurbishing the Fernandez Park basketball court and pathway; and

- Improvements to the Pinole Community Playhouse

Estimated costs will be included for all projects in addition to an estimate of the ongoing maintenance costs from the General Fund. The project list from the community will then be brought to City Council for final approval.

- **PROPOSED NO SMOKING ORDINANCE DISCUSSED AT COMMUNITY SERVICES COMMISSION MEETING**

The Community Services Commission (CSC) endorsed a proposed ordinance for no smoking in public parks or public trails within Pinole. Previously, the City Council authorized installation of No Smoking signs in Pinole parks. There currently is not an ordinance addressing this issue. The Community Services Commission is forwarding their recommendation to the Planning Commission for further review since the Planning Commission addresses land use issues. We are gathering ordinances from other cities to use as a base document if the City Council wishes to proceed.

- **CHUCK E. CHEESE MOVING FORWARD**

Representatives from Chuck E. Cheese filed a formal application with the Planning Department this week to open a restaurant/entertainment center in the Pinole Vista area. The company will lease 19,000 sq. ft. of the former Levitz Furniture at 1460 Fitzgerald Drive. The company has applied for the following reviews that will be brought to the Planning Commission at a future date:

- Design Review for exterior changes including new paint
- Design Review for a new business sign
- Conditional Use Permit to allow on-site beer and wine sales

All of these reviews require a public hearing by the Planning Commission. Notice will be posted on the site 10-days in advance of the hearing date and notices are also sent to property owners within 1,000 feet of the site. Planning Commission agendas are posted at City Hall and on-line at least 72 hours prior to the hearing. [To view the agenda on-line, click on the "Agendas and Meetings" icon at the bottom of the City of Pinole home page and then click on Planning Commission.](#)

A scheduled opening date for Chuck E. Cheese has not been determined. However, they are expected to open in 2009.

- **COMMUNITY GROUP FUNDING PROGRAM—CALL FOR APPLICATIONS**

The Community Group Funding Program uses redevelopment funds to compensate local non-profit and youth groups assisting in community revitalization through projects that remove blight and help revitalize the community. The Program provides funds for project

materials and pays organizations for the hours their volunteers spend completing an approved project. Past projects include painting public buildings and organizing cleanup activities. All projects must be improvements beyond regular maintenance and must take place within the Redevelopment Project Area.

New for the 2009/2010 fiscal year, Community Group Funding Program projects to be completed throughout the upcoming year are approved by the Agency Board as part of the annual budget update process. **Groups interested in applying for funding for a project to be completed between July 1, 2009 and June 30, 2010 should submit an application to City Hall by April 1, 2009.** Even if your group received funds through the Community Group Funding Program previously, you will need to complete an application so the project can be included in the budget.

Contact Redevelopment Analyst Leslie Carbahal at 510-724-9831 or by email at [licarbahal@ci.pinole.ca.us](mailto:licarbahal@ci.pinole.ca.us) for program details and to request an application. Program information and an application form are attached to Weekly Report. Additional information is available on the city's website at: [www.ci.pinole.ca.us/redevelopment/community\\_fund.html](http://www.ci.pinole.ca.us/redevelopment/community_fund.html)

• **PREVAILING WAGE POLICY OF THE PINOLE REDEVELOPMENT AGENCY**

In February 2000, the Redevelopment Agency adopted a Prevailing Wage Policy. The Agency policy expands the criteria where prevailing wages must be paid and imposes greater prevailing wage requirements on private Agency-assisted developments than would otherwise apply under state law. Many projects that do not trigger state law prevailing wage requirements do require prevailing wages under our policy.

The Agency adopted the policy to ensure that prevailing wages are paid in accordance with the Agency goals and objectives with the understanding that the reporting requirements and the wage rates required would have a fiscal impact on development projects. The Agency agreed to take into consideration the financial burden this policy imposes when working with developers as to the amount of Agency contribution available for projects.

[The Policy is attached to this weekly report in its entirety.](#) Below is a summary of the key elements of the policy:

**Projects subject to the Policy:**

- Construction contracts subsidized directly or indirectly by public funds of \$100,000 or more.
- Construction projects financed by Agency bonds,
- Construction projects on land owned or leased by the Agency,
- Construction projects that are subject to a Disposition and Development Agreement.

**Projects exempt from the Policy:**

- Tenant Improvement projects constructed one year or more after a certificate of occupancy is issued for the building shell,
  - Construction or rehabilitation of 4 or fewer single family residences,
  - Construction projects using public employees,
  - Rehabilitation of multifamily housing of seven or fewer units
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- **CALL FOR CHARTER SCHOOL QUESTIONS**

The City Council is planning a workshop to provide information on the charter school concept. The workshop is tentatively scheduled for March 25, 2009. Experts on charter schools will be invited to address what charter schools are, how they work and what the laws are governing charter schools. If you have a question about charter schools that you would like addressed at this meeting, please send an e-mail with your question to either Mary Roberts, Director Community Development Dept., at [mroberts@ci.pinole.ca.us](mailto:mroberts@ci.pinole.ca.us) or Amy Wooldridge, Director Recreation Dept. at [awooldridge@ci.pinole.ca.us](mailto:awooldridge@ci.pinole.ca.us).

- **PINOLE CREEK DEMONSTRATION PROJECT REPORT SCHEDULED FOR MARCH 3 CITY COUNCIL AGENDA**

Staff from the City, Restoration Design Group, and Contra Costa County Flood Control District will make a presentation about the Pinole Creek Demonstration Project and other projects in the Pinole Creek Watershed to the City Council on the March 3. The staff report is available on the web through the agenda packet for March 3. The presentation will include the following:

- Long term maintenance of channel improvements in Pinole Creek
- Flood Insurance Rate Maps for the City of Pinole
- Other projects in the Pinole Creek Watershed
- Pinole Creek Demonstration Project

On March 19, there is a neighborhood meeting to discuss the above subjects. The meeting will be held at 7:00 PM at the Christ the Lord Episcopal Church, which is located at 592 Tennent (across from Fernandez Park) in Pinole. The \$2.3 million project will involve excavating soil along the creek channel from Railroad Avenue to Orleans Drive, constructing 1,200 feet of a Class 1 bikeway, landscaping along the bikeway with amenities, installing interpretive signage, and restoring approximately three acres of riparian and marsh habitat. The project will also install erosion control and fish habitat features along the bank of the creek.

Construction of the Pinole Creek Demonstration Project in the City of Pinole is scheduled to begin in June and will be under construction through October, but there is concern that State River Parkways (Proposition 50 Bond) Grant funding will not be available.

During the construction, people will be detoured from the Bay Trail Bridge over Pinole Creek to Railroad Avenue and from the Pinole Creek Trail between Railroad Avenue and Orleans Drive to Tennent Avenue. [Questions should be directed to Graham Wadsworth, Assistant City Engineer, in the City of Pinole Public Works Department at 510-724-9846.](#)

- **SOLAR PANELS TO BE CONSTRUCTED AT FOUR CITY FACILITIES**

The Public Works Department is working on a \$1.4 million project to turn sunlight into electricity savings estimated at \$45,000 per year by placing solar panels on City Hall, the Senior Center, the Youth Center and at the Swim Center / Tiny Tots.

Combining the four systems would reduce annual green house gas emissions by approximately 300,000 pounds of carbon dioxide over 30 years, which is equivalent to the amount removed from the atmosphere by about 40 acres of trees. On March 3, the City Council is being asked to grant permission to apply for a California Solar Initiative Program rebate that could be over \$400,000 from Pacific Gas and Electric Company. The schedule is to have the project complete in 2009. [If you want additional information, please call Graham Wadsworth at 510-724-9846.](#)

- **MEADOW AND PINOLE VALLEY PARK RESTROOM PROJECT REPORT SCHEDULED FOR MARCH 3 CITY COUNCIL AGENDA**

Staff will make a presentation and ask the City Council to select a pre-fabricated building from two options for proposed restrooms at Meadow Park and Pinole Valley Park South Soccer Field on the March 3. The staff report is available on the web through the agenda packet for March 3. [If you want additional information, please call Graham Wadsworth at 510-724-9846.](#)

- **WASTEWATER PLANT IMPACTED BY THE STORMS**

The recent series of rainstorms resulted in a significant amount of inflow and infiltration to the Pinole and Hercules sewer collections systems. So much so that on Sunday February 22, 2009 flows at the plant exceed the capacity of the land outfall to Rodeo. Some flows, about 120,000 gallons of treated effluent, had to be discharged via the shallow water outfall just offshore of the plant. Use of this emergency outfall is prohibited by our permit from the Regional Water Control Board, and a number of other regulatory agencies were notified of the situation.

**It's important to note, that although such discharge is prohibited, it is significantly different than some more newsworthy discharges of sewage into the bay. This is because our flows meet our permit limitations, and the board considers these flows to be fully treated, and not raw sewage.**

Adding capacity to our land outfall to Rodeo is one of the plant upgrades that will be a part of future plant improvements.

- **CITY MANAGER OUT OF TOWN**

I will be out of state on vacation March 9 through March 13. I am going back to Texas to complete some unfinished business from my brother's estate. Michelle Fitzer will serve as Acting City Manager in my absence. I will be available at all times by cell phone.

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COMMUNITY  
GROUP  
FUNDING  
PROGRAM

The Community Group Funding Program is an award winning, innovative collaboration bridging community and government efforts to ensure successful community-based revitalization.

The program uses redevelopment funds to compensate local community groups assisting in the revitalization of our community through projects that remove blight and enhance the quality of life for Pinole residents.

THE CGFP  
GRANT  
APPLICATION  
PROCESS

CGFP grant requests are approved as part of the annual budget update process.

Applications should be received no later than April 1 for funding during the upcoming fiscal year (July – June). If funding is

available, additional grants may be awarded throughout the year. Contact Redevelopment Staff at 510-724-9831 for more information.

- 1 Community Group:** Contacts Redevelopment Agency at (510) 724-9831 to discuss project ideas and request an application.
- 2 Community Group:** Completes and submits the application prior to the April 1 deadline. If after April 1, contact staff to determine funding availability.
- 3 Redevelopment Agency:** Reviews the application and determines whether eligibility requirements have been met. Staff will present the Agency Board with a slate of all eligible applications to be evaluated in consideration of funds available. The Board approves or denies the application and staff notifies the community group before July 1.
- 4 Community Group:** Completes the project on the specified date, keeping receipts for materials and a log documenting volunteer hours. Receipts and logs are submitted to Redevelopment Agency.
- 5 Redevelopment Agency:** Processes payment following receipt of required documentation. Community group receives compensation for hours worked and materials costs.
- 6 Community Group:** Submits a Financial Summary Form within 90 days following the event or program.

CITY OF PINOLE  
REDEVELOPMENT AGENCY  
2131 PEAR STREET  
PINOLE, CA 94564  
WWW.CI.PINOLE.CA.US  
(510) 724-9831



COMMUNITY  
GROUP FUNDING  
PROGRAM

In 1995, the Redevelopment Agency Board approved the Community Group Funding Program (Program) in an effort to merge the endeavors of local community groups with the Agency's commitment to revitalizing the community, removing blight, and enhancing the quality of life for residents of Pinole. The Program provides the opportunity for various organizations to give back to the community, while raising funds to support their group's mission.

The Program pays organizations for hours their volunteers spend completing an approved project. In addition, an additional \$1 per volunteer hour is allocated to the Community Assistance Program, which acts as a reserve fund through which the Redevelopment Agency makes donations to worthy causes. Community groups may elect to perform services through the Program and divert all earnings to the Community Assistance Program.

*Community groups must receive Agency Board approval prior to the start of their project.*

See reverse for details about the application process.



## ELIGIBILITY

Applicant groups must satisfy the following criteria:

- Must be a recognized non-profit service and/or youth group based in Pinole.
- Must sponsor activities that provide a service to the redevelopment area or its residents.
- Must propose a project or activity that eliminates blight or beautifies the redevelopment project area, is an improvement and not a maintenance project, and that is not subject to public bidding requirements.

## FUNDING & COMPENSATION

The Program provides funds for project materials and reimbursement for volunteer hours worked toward the completion of a project. Aside from the benefits of an improved community and a sense of accomplishment, volunteers earn \$8.00 per volunteer hour, paid to the nonprofit organization.

**Applications must be received by April 1 for funding during the next fiscal year (July – June).** If funding is available, applications received after April 1 may be considered on an individual basis.

## ACTIVITIES

There are many activities community groups can perform to assist the redevelopment effort.

Examples include:

- Planting trees and landscaping in public areas.
- Painting public buildings.
- Constructing and installing signs along public trails.
- Participating in "graffiti buster" activities.
- Organizing cleanup projects.
- Promoting projects in the historic Old Town.

*The Community Group Funding Program does not fund continuing maintenance projects.*

## LOCATION

All projects must occur within the Redevelopment Project Area or substantially benefit Project Area residents.

## PARTICIPATION

In order to pursue funding through the Program, interested community groups must submit an application, which will include project specifics, a budget for the number of volunteer hours, and materials costs.

Applications will be reviewed by Redevelopment Staff to verify that the project location falls within the Redevelopment Project Area and that the proposal meets all other Program requirements.

Staff presents the application to the Agency Board for review and approval along with a slate of proposed projects for the upcoming fiscal year.

Community groups are encouraged to contact the Agency with unique ideas for CGFP projects. Groups that are interested in working on a project and raising funds for their group, but have no specific project they wish to complete, should contact Redevelopment Staff for potential project ideas and opportunities.

Although all projects must meet the Program's eligibility requirements, staff will work with community groups to develop a project to meet the goals of the group and the Redevelopment Agency.

FOR MORE INFORMATION  
CONTACT THE CITY OF PINOLE  
REDEVELOPMENT AGENCY  
WWW.CI.PINOLE.CA.US  
(510) 724-9831



COMMUNITY GROUP FUNDING PROGRAM  
**PROJECT APPLICATION**

Application Date: \_\_\_\_\_

Name of Community Group: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Work Phone Number: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_

Community Group Mailing Address: \_\_\_\_\_

Non-profit status, if known: \_\_\_\_\_

**PROJECT**

Name of Project: \_\_\_\_\_

Project Start Date: \_\_\_\_\_ Project Completion Date: \_\_\_\_\_

Description of Project: \_\_\_\_\_

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Who will the Project benefit: \_\_\_\_\_

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Individual(s) responsible for managing/supervising the Project: \_\_\_\_\_

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Necessary approvals from other agencies, if required: \_\_\_\_\_



**PREVAILING WAGE POLICY**  
**OF THE**  
**PINOLE REDEVELOPMENT AGENCY**

**1. General Policy:** All workers performing Construction Work as defined below, for a Subject Project, from the commencement of construction until the issuance of a final Certificate of Occupancy, shall be paid wages not less than the per diem rate determined to be the prevailing wage rate by the Director of the California Department of Industrial Relations pursuant to California Labor Code Section 1773 et. seq. or any successor statutes. The total prevailing wage rate shall be paid directly to the worker in a cash equivalent as wages, but if the worker is subject to a collective bargaining agreement, the wages shall be disbursed in accordance with the provisions of such collective bargaining agreement.

For the purpose of this Policy, Construction Work includes all construction of the building core and shell. It shall also include all tenant improvements for such project if a building permit for such improvement has been issued within one year after the City's approval of a certificate of occupancy for the building shell. Also included are public works. Construction Work does not include work done off the site on materials to be assembled in the project at a later date, but Construction Work includes assembly of such materials on site.

**2. Projects Subject to the Prevailing Wage Policy:** Contract provisions required pursuant to this policy shall be included in any contracts for construction projects (Subject Projects) with a total construction cost, including tenant improvements, of \$100,000 or more and that meet the criteria set forth in (a), (b), (c), or (d), and that are not exempt pursuant to (3), below:

(a) Construction projects subsidized directly or indirectly by public funds in the amount of \$100,000 or more pursuant to a contract or agreement with the Agency;

(b) Construction projects financed in whole or in part by the issuance of Agency bonds;

(c) Construction projects on land owned by the Agency, or leased to the landowner or developer by the Agency;

(d) Construction projects that are subject of a Disposition and Development Agreement or Owner Participation Agreement.

**3. Projects Exempt from the Prevailing Wage Policy:** Contracts or agreements for the following shall be exempt from the requirements of this policy:

(a) Construction projects consisting solely of tenant improvements where the building permits for such work were issued more than one year after a certificate of occupancy was approved for the building shell;

(b) Any project where Federal or State law prohibits imposition of a prevailing wage requirement;

(c) Construction or rehabilitation of four or fewer single family residences;

(d) Any project constructed using public employees;

(e) Rehabilitation of multifamily housing of seven or fewer units

(f) In the case of Subject Projects otherwise subject to the requirements of this policy, the obligations to pay prevailing wages to employees engaged on such projects shall not apply to supervisory, managerial or secretarial personnel, to persons employed in the rental, operation or maintenance of the project, or to any person employed in a job classification for which no wage determination is issued (Exempt Employees);

**4. Employees Covered:** The obligation to pay prevailing wages to employees engaged on Subject Projects shall apply to all employees, except Exempt Employees, performing construction work for the developer, the general contractor or subcontractor or other contractor engaged in construction of the project by the developer, including their successors and assignees (Covered Employees).

**5. Prevailing Wage Determinations:** Prevailing wage rates applicable to Covered Employees engaged pursuant to contracts or agreements for Subject Projects shall be those wage rates as determined and published periodically by the Department of Industrial Relations pursuant to Section 1773 of the Labor Code.

**6. Payroll Records:** Accurate and complete payroll records for Covered Employees engaged pursuant to contracts or agreements for Subject Projects shall be compiled, maintained and submitted to the Agency as required. Certified copies of the payroll records shall be available for inspection at all reasonable hours at a local office of the employer. Copies of the records shall be provided promptly upon request by a representative of the Agency. Any Covered Employee, or his or her authorized representative, or member of the public may also request a copy of the records from the Agency. The address and social security numbers of employees may be masked or deleted so as to prevent disclosure in copies furnished to the public. The failure of developers, contractors or subcontractors performing under contracts or agreements for Subject Projects to provide complete payroll records for Covered Employees shall create a presumption that prevailing wages have not been paid.

**7. Apprentices:** No requirement of this Policy shall prevent the employment of apprentices, as defined in Chapter 4, Division 3 of the Labor Code, under contract or

agreement for Subject Projects. Every such apprentice shall be paid not less than the standard wage paid to apprentices under the regulations of the craft or trade at which he or she is employed pursuant to the Labor Code. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he or she is training pursuant to the Labor Code.

**8. Contracts and Subcontracts:** All developers shall cause contractors and subcontractors working under contracts or agreements for Subject Project to incorporate provisions containing all the requirements of this policy into each contract, with a lower tier contractor under contract for a Subject Project. In the event such provisions are not so incorporated the developer shall be liable to Covered Employees in any action or proceeding for the difference between the prevailing wage rate required to be paid pursuant to the requirements of this Policy and the amount actually paid to the worker, including costs and attorney's fees, as if the developer, contractor or subcontractor were the Covered Employee's actual employer.

**9. Monitoring:** Compliance with the requirements of this policy contained in contracts for Subject Projects will be monitored by the Agency, but the Agency assumes no responsibility except as imposed by valid contract or applicable law regarding the performance of developers, contractors, subcontractors, or others under contract for Subject Projects. Specifically, the Agency assumes no responsibility regarding the completeness or accuracy of the payroll records that may be submitted to it.

**10. Breach: Liability for Unpaid wages** The Developers, contractors, subcontractors or others under contracts for Subject Projects, shall be liable to their Covered Employees for the unpaid wages, overtime wages, and benefits required by provisions included in contracts for Subject Projects by this Policy. The Agency shall not be liable to any Covered Employee for unpaid wages, overtime wages and benefits required by provisions included in contracts for Subject Projects pursuant to this Policy. The Agency's sole liability to employees engaged on Subject Projects shall be as provided under applicable law.

**11. Enforcement:** In addition to any other rights provided by California to recover compensation, a worker that has been paid less than the prevailing wage rates shall have a right to commence an action or proceeding against his or her employer for the difference between the prevailing wage rates and the amount paid to such worker for each calendar day or portion thereof for which the worker was paid less than the compensation required pursuant to this policy. No issue other than that of the liability of the employer for the amount of the unpaid wages allegedly due shall be determined in such action or proceeding, and the burden shall be on the employer to establish that the amounts demanded are not due. A worker recovering any or all of the wages claimed to be due shall recover his or her attorney's fees in securing such recovery.

Nothing in this section shall preclude enforcement by the California Division of Labor Standards Enforcement.

The Agency shall include a requirement for compliance with this policy for projects which are subject to the prevailing wage requirement in any Disposition and Development agreements, Owner Participation agreements, lease agreements or sale agreements. In addition, no agency funds shall be paid nor shall the proceeds of any bond issuance be released for projects subject to the prevailing wage requirement until the person undertaking the project has executed a written agreement to comply with the policy.

**12. Severability:** If any portions of provisions included in contracts for Subject Projects pursuant to the provisions of this Policy are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of such provisions. Such provisions shall include language declaring that the parties to such contracts for Subject Projects would have included such provisions and portions of provisions whether or not any one or more may be declared invalid or unconstitutional on their face or as applied.

*Adopted by Redevelopment Agency Board of Directors on February 1, 2000*