



DATE: November 25, 2019
TO: Honorable Mayor and City Council
FROM: Scott Lanphier, Public Works Director
SUBJECT: Asset Management Program Update

RECOMMENDED ACTION

Staff recommends the City Council receive an update of the Asset Management Program and:

1. Adopt a resolution authorizing execution of an agreement with MIG, Inc, in the amount of \$170,000, for the Asset Management Public Outreach Campaign.
2. Adopt a resolution amending the Community Asset Management Program Committee (CAMP) Rules of Procedure.

SUMMARY

The Council re-adopted Asset Management as a Council priority in February 2019. The goal of the program is to ensure the community continues to receive vital services through a sustainable infrastructure strategy. Over the past few years, Council and staff have successfully implemented numerous Asset Management projects, practices, and policies. Accomplishments include directing maintenance funding to risk-based priorities, developing or amending standards to reduce future maintenance requirements, realigning asset responsibilities to increase efficiencies, selecting project alternatives that reduce financial impacts on City assets, and conducting pilot projects.

Staff is proposing to execute a contract with MIG, Inc., in the amount of \$170,000 to implement a public outreach and engagement campaign over the upcoming year. This campaign will utilize a variety of in-person and on-line elements to increase the community's awareness about the City's infrastructure issues and gather public feedback. This public feedback will be used to craft new City policies, to prioritize rehabilitation projects, and to develop updated practices related to Asset Management.

Staff is also proposing changes to the Community Asset Management Program (CAMP) committee by adjusting the committee's Rules of Procedure with a new mission statement and revised duties, responsibilities, membership, and terms.

Simultaneously, staff will continue to collect data on asset conditions, actively analyze all of the City's asset classes, and utilize the Council's approved risk-based criteria to prioritize the repair and replacement of City assets. Staff will also implement technology to streamline data collection and analysis to more easily implement effective and financially sound maintenance practices and rehabilitation project recommendations for near-term and long-term asset management.

DISCUSSION

The City's Asset Management Program focuses on policies, projects, and practices to efficiently maintain and improve City owned infrastructure. The City Council selected the Asset Management Program as a City goal in 2015, 2017, and 2019 and directed staff to ensure the community continues to receive vital services through a sustainable infrastructure strategy.

While the City is engaged in Asset Management efforts for the entire infrastructure system, this effort is focused on infrastructure that is funded in whole or part by the City's General Fund. The General Fund pays for the operations, maintenance, and replacement of some or all of the following types of assets: streets, bridges, sidewalks, street lights, traffic signals, parks, landscaped areas, City buildings, trails, storm drains, waterways, and walls.

Since early 2015, staff and Council have completed a number of successful actions as part of this effort. Over the course of the next year, staff will simultaneously begin a public outreach campaign, continue to actively pursue asset management projects, policies, practices, and pilots, and implement technology and data analysis to streamline information processing and increase internal efficiency. Below is a discussion of each of these elements.

Asset Management Activities

Accomplishments

The overall goal of the Asset Management Program is to ensure the City is balancing infrastructure resources with community needs. Over the past few years, the Council approved various policies, and staff implemented a number of changes, that help to achieve that balance.

- Council directed staff to develop an Asset Management Program (AMP) for General Fund assets and approved a contract with Kayuga to collect data, evaluate the status of the City's non-enterprise assets, and develop financial and operational policy options.
- Council created the Community Asset Management Program (CAMP) Committee.

- Staff, CAMP, and Council completed an initial review of data for the following assets: roadways, buildings, sidewalks and pedestrian access ramps, walls, traffic signals, street lights, and traffic signs, bridges, curbs and gutters, parks and plazas, roadway landscape areas, trails, and storm drains.
- Council approved a risk-based method for prioritizing the repair and replacement of various City assets. The City Council has approved project funding for the following project categories based on this prioritization:
 - Council authorized the City to focus repairs on high-risk roadways which helped match rehabilitation efforts to available resources. This prioritization required a reduced service level for lower risk streets. Additionally, the City successfully sought Senate Bill 1 pavement maintenance funds, which now provide additional roadway funding and allows the City to repair more than just high-risk roadways.
 - Council's approved prioritization method for pedestrian access ramps indicated the top priority to construct ramps at high use locations and the second priority to construct ramps at medium use locations near senior centers, medical/office facilities, bus stops, and school areas. This year's access ramp project constructed 22 ramps in these locations.
- Council approved the 2018 sidewalk repair policy that eliminated the inefficient sidewalk repair subsidy and reduced the City's maintenance deficit.
- Staff developed a new standard detail for median landscaping which is visually attractive and reduces pruning and other maintenance requirements. It includes plant materials that require less road lane closures to perform maintenance and reduces staff liability working along the roadway.
- Council authorized a swap of assets between the Livermore Area Recreation and Parks District (LARPD) and the City, where the Barn was transferred to LARPD and the City accepted responsibility for Robertson Park Road to better align with each agency's core mission. While this asset swap was expenditure neutral for the City and LARPD, the City was previously required to use General Funds to maintain the Barn and can now utilize other dedicated funding sources such as gas tax, Measure B, BB, and others to maintain the roadway.
- Asset management is now considered in all City efforts including entitlement projects that will result in new City-owned assets, capital improvement projects, fleet equipment, facility design and infrastructure, and others. With each new or proposed project, staff focuses on alternatives to reduce financial impacts to current or future assets. The City requires financing districts to fund rehabilitation of new infrastructure built with new developments.
- Council directed future Capital Improvement Program Budgets to include asset management financial information. The budget now identifies renewal and

replacement funding needs for all approved capital improvement projects. This helps provide transparency and highlight the gap between what is needed annually for renewal and replacement versus what is allocated in the two-year budget. The CIP projects were identified and prioritized based upon the Asset Management Programs that have been developed to date.

- Council approved funding and an implementation plan for the Holmes Street Wall Replacement Pilot project to remove the failing decorative wall south of Concannon Boulevard and replace it with a fence.

Next Steps – 2020 and 2021

- Staff will continue work on the Holmes Street Wall Pilot Project and develop fence design guidelines for arterial backing lots to preserve consistent aesthetics along major arterials and gateways.
- Staff is evaluating stormwater maintenance activities and developing new business processes to comply with regulations and balance maintenance funding with system needs.
- Staff will continue to utilize the Council's approved risk-based criteria to prioritize the repair and replacement of various City assets.
- Staff is integrating asset data into the City's asset management systems to streamline information processing and increase staff efficiency. Staff is exploring mobile device options for field staff to allow real-time data collection and analysis. Data integration and real-time collection is necessary to continuously update condition assessments and conduct life cycle planning, risk analysis, and capital project prioritization.
- An existing vacant position will be reallocated to add an Asset Management Specialist to improve Geographic Information System data, analysis, and accuracy. This new team member will work within the City's electronic asset management systems to perform gap analysis to identify missing and future data needs and provide improved graphic tools to assist with future decision-making.
- Staff will implement an Asset Management Public Outreach Campaign and engage the CAMP Committee in this effort with a new mission statement and composition as detailed below.

Public Outreach Campaign

In order for the Asset Management Program to be successful, community awareness and input is imperative. While the City has hosted numerous CAMP and Council meetings and provided materials online, there remains a general lack of awareness of this effort and of the significant need to invest in Livermore's infrastructure. The City needs to provide a solid foundational awareness of the variety and quantity of infrastructure owned by the City, as well as the infrastructure's condition, and the costs involved to properly maintain

these assets. This baseline information will then allow community members to provide feedback on the difficult decisions needed.

Staff intends to utilize a consultant to help develop an asset management public education and engagement program. This community outreach campaign has two primary goals:

1. Share infrastructure information with the community to foster a sense of ownership and shared responsibility among the residents, businesses, and property owners.
2. Solicit community feedback and measure public perception on the importance of various assets to the community's identity and character and gauge potential interest in policy alternatives.

Together, staff and the consultant (project team) will produce a variety of in-person and digital tools as outlined below, including the creation of a brand identity.

In-Person Outreach

The project team will provide outreach at existing events where people already congregate. This will include presentations to various stakeholder groups (ex: Chamber of Commerce, Rotary, etc.) and booths at events such as the Downtown Festival, Farmer's Market, and possible neighborhood events. In-person outreach will also include youth and family-oriented activities to help stimulate interest in maintenance, including high school curricula and maintenance themed story times at the public library.

To augment the reach of the community engagement, all displays and activities will be developed to be replicated and transferable for use at multiple events. Similarly, a flexible toolkit, briefing book, and speaker training will assist the project team, CAMP members, and other project ambassadors to present a cohesive narrative and common message.

Digital Outreach

This effort will develop multiple on-line outreach tools including a project website, informational video, interactive web-based game or quiz, survey, newsletter articles, and social media posts. These tools will help build awareness, increase interest in the topic of asset management, and gather feedback.

Outreach Results

Both the in-person and the digital outreach will increase the community's awareness and perception about infrastructure issues and provide focus areas and strategies to move the Asset Management Program forward. The results of these efforts will provide specific and detailed guidance on next steps. Staff and Council will use the feedback gathered from this outreach effort to help draft new policies, practices, and pilot projects for specific asset classes.

Based on the feedback received, the project team will also recommend a series of activities that staff can continue beyond the life of the campaign to keep people informed and engaged over the long-term. These may include development of a cyclical check-in with the Council such as a maintenance awards program, an infrastructure dashboard or scorecard, or indicators such as the pavement index.

Public outreach will continue indefinitely as a critical element of the Asset Management Program. Future outreach will always include this foundational awareness but will evolve into more detailed information focused on the specific asset class(es) in question.

Consultant Selection Process

In August 2019, staff circulated a Request for Proposals seeking a qualified firm specializing in strategic messaging and public outreach. Five firms submitted proposals. Following initial screening of the responses, staff chose to interview two of the following consulting firms (noted by an asterisk):

- MIG, Inc., Berkeley CA*
- Placeworks, Berkeley CA*
- Good Upworthy, Los Angeles CA
- Tripeppi Smith, Irvine CA
- TBWB, San Francisco CA

A selection committee, including City staff and three members of the CAMP committee, conducted interviews with these finalists in October 2019. After deliberation, the selection committee chose MIG, Inc. as the highest ranked firm based on their proposed project approach, budget, and their overall experience with public infrastructure outreach.

Staff presented the selection of MIG and the proposed scope of work to the CAMP Committee at their October meeting. The Committee agreed with the recommendation to select MIG for this effort and provided the following feedback about the scope:

1. Suggest the campaign provide education on where current tax dollars go and why those funds are insufficient.
2. Make it clear the pressure is coming from both internal means (infrastructure is aging) and external regulations that continue to grow.

The project team will incorporate these recommendations into the outreach messaging. The public outreach campaign will occur over approximately 18 months, including preparation, message testing, and design of interactive tools. Of this, approximately 6-8 months will include interaction with the public via on-line or in-person events.

CAMP Committee

In June 2016, City Council created the CAMP Committee as a limited duration committee to brainstorm ideas and solutions for infrastructure challenges and provide feedback to staff on proposed management strategies and priorities. Council appointed nine members to the CAMP Committee for an anticipated two-year term, ending in

approximately June 2018. Members have actively served this extended timeframe and successfully reviewed and analyzed detailed asset data and provided recommendations.

Over the course of the next two years, the CAMP Committee's mission will transition from data analytics to public outreach. As such, staff is proposing the Council adopt the revised CAMP Rules of Procedure (Attachment 1) to reflect the new mission, duties, and responsibilities, a restructured membership composition, and new term limits. Staff is proposing the Council conduct a new recruitment and interview process and select up to nine members to serve an approximate two-year term.

If approved, the CAMP Committee will be renamed to the CAMP Outreach Committee and will act as a focus group for outreach efforts including confirming the approach, methods, messages, and example projects that will form the basis of the outreach campaign. Additionally, CAMP members will serve as ambassadors for the outreach efforts by presenting at various stakeholder meetings and participating through digital communications.

Existing CAMP members are eligible to reapply and allowed to serve the full two-year term. Staff presented this item to the CAMP Committee at their October meeting and it was well received. CAMP members were aware they were voluntarily working past their term limit and agreed there is a need to transition from intense, detailed, data analysis to focus on broader public outreach.

CAMP members suggested the committee remain approximately nine members because it allowed for robust dialog and encouraged personal responsibility to attend meetings. The CAMP members suggested staff provide a briefing book to summarize key findings from the previous few years. The CAMP members also encouraged Council to consider appointing a diverse group of Livermore residents and businesses who are opinion leaders and have ties to large networks. They specifically suggested the CAMP Outreach Committee be comprised of a property owner, property renter, business owner, communications expert, asset management expert, and other stakeholders.

If approved by Council, staff anticipates the recruitment period for the CAMP Outreach Committee will begin in December 2019, Council subcommittee interviews will occur in January 2020, and Council appointment of specific committee members will occur in January/February 2020. This schedule is designed to integrate directly into the first steps of the public outreach campaign with a project team and CAMP Outreach Committee meeting in February 2020.

FISCAL AND ADMINISTRATIVE IMPACTS

Funding for the Public Outreach Campaign is included in the Fiscal Years 2019-21 Budget.

ATTACHMENTS

1. CAMP Redlined Rules of Procedure

Prepared by:

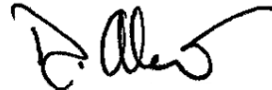
Debbie Bell
Management Analyst II

Approved by:



Marc Roberts
City Manager

Fiscal Review by:



Douglas Alessio
Administrative Services Director



CITY OF LIVERMORE
COMMUNITY ASSET MANAGEMENT
PROGRAM OUTREACH COMMITTEE
(CAMP OUTREACH)
RULES OF PROCEDURE

Prepared by the City Clerk's Office
[July 2016](#)[November 2019](#)



CITY OF LIVERMORE

COMMUNITY ASSET MANAGEMENT PROGRAM

OUTREACH COMMITTEE (CAMP OUTREACH)

RULES OF PROCEDURE

1. Mission, Duties, and Responsibilities

The Community Asset Management Program Outreach Committee shall have the following mission, duties, and responsibilities:

- ~~A. Brainstorm ideas and solutions for infrastructure challenges with City staff;~~
- ~~B. Provide feedback to City staff on proposed infrastructure management strategies and priorities; and~~
- ~~C. Assist in fostering an open dialogue with the community and City staff regarding infrastructure challenges and solutions.~~

Mission

The mission of the Community Asset Management Program Outreach Committee is to provide advice and direction on educating and engaging the community in decisions related to the short- and long-term maintenance of the City's infrastructure. CAMP members will provide input into the development of a communication and outreach campaign; provide input on discussions related to specific priorities, and help extend the reach and effectiveness of the City's efforts. CAMP members serve in an advisory capacity, with their input serving as recommendations that inform strategy, approach, and decision-making.

Duties and Responsibilities

The Community Asset Management Program Outreach Committee shall have the following duties and responsibilities:

- Help the City understand community member opinions, priorities, and perceptions related to the importance and need for dedicated effort to maintain City infrastructure;
- Participate in discussions and provide input into City efforts to identify, create, and/or revise policies to support maintenance of City assets;

- Provide advice to City staff, consultants, elected officials, and other key stakeholders on educational efforts to explain how potential asset management decisions, policies, and strategies may impact the economy, environment, and overall quality of life in Livermore; and
- Serve as ambassadors for the outreach efforts and support and participate in outreach activities in person, through digital communications, or other activities.

2. Members

The Community Asset Management Program Outreach Ceommittee, also known as CAMP Outreach, shall consist of nine (9) members, all of whom shall reside or work own/operate/or represent a business or organization in Livermore. To encourage a wide array of perspectives and opinions, and to the extent that such individuals are interested and available, the Community Asset Management Program Outreach Committee could include representatives from the following categories:

Large and/or small business, nonprofit organization, communications expertise, asset management expertise, education, public health, environmental, construction, utility, infrastructure, landlord, rental property group, low income resident, resident under 30, retired resident, resident at large.

Some categories may be best served by having more than one representative and some individuals can represent more than one category. Overall, members shall represent the diversity of Livermore's demographics and be geographically distributed.

3. Term limits

The Community Asset Management Program Outreach Ceommittee is a limited duration committee. It is anticipated that members will serve through June-December 20182021.

4. Attendance Policy

Attendance of committee members is mandatory at all meetings. Members who are unable to attend a meeting must notify the staff liaison of their absence prior to the meeting. A committee member may be subject for removal after two absences.

5. Elections and Officers

The Community Asset Management Program Outreach Ceommittee shall elect a chairperson and a vice chairperson at the-its first meeting; and annually at the last meeting of the year thereafter. Election of the officers shall be by majority vote of the Community Asset Management Program Outreach Ceommittee. The role of the officers shall be as follows:

- A. Chairperson – The Chairperson shall preside at all regular meetings and may call special meetings. The Chairperson shall decide upon all points of order and procedure during the meeting.
- B. Vice Chairperson – The Vice Chairperson shall assume all duties of the Chairperson in the absence or disability of the Chairperson.
- C. Presiding Officer – In the absence of the Chairperson or Vice Chairperson, the members present shall select a Presiding Officer.

6. Meetings

The Community Asset Management Program [Outreach C](#)ommittee will convene beginning ~~July 2016 in 2020~~. ~~Meetings shall be held on Wednesdays at 6:00pm at the Civic Center Library, 1188 South Livermore Avenue. Specific dates are to be determined. Meetings for 2016 will be held the third Monday of August, September and October. Meeting dates for 2017 will be determined at the October 2016 meeting. Meetings shall be held at the Maintenance Service Center, 3500 Robertson Park Road.~~ All meetings shall be open to the public. The Community Asset Management Program [Outreach C](#)ommittee may not meet in closed session.

7. Agenda Preparation and Posting

Agendas shall be prepared in accordance with the requirements of the Brown Act and shall be posted in a location that is freely accessible to members of the public at least 72 hours in advance of a meeting. The agenda shall specify the time and location of the meeting and contain a brief description of each item of business to be transacted or discussed at the meeting.

8. Minutes of Proceedings

An account of all proceedings of the Community Asset Management Program [Outreach C](#)ommittee shall be prepared by the staff liaison, agendized, and approved by the Community Asset Management Program [Outreach C](#)ommittee.

9. Quorum

Five members constitute a quorum of the Community Asset Management Program [Outreach C](#)ommittee. A quorum of the members must be present to conduct any business. In the absence of a quorum at a meeting, the meeting must be adjourned. The matters listed on the agenda shall be taken up at the next scheduled meeting of the Community Asset Management Program [Outreach C](#)ommittee if deemed necessary. A meeting may also be declared adjourned in advance, if absence notifications received by staff create a lack of a quorum. Cancellations of meetings must comply with the requirements of the Brown Act.

10. Conduct at Meetings

- A. All meetings shall be held in accordance with City policies and the Brown Act Open Meeting Laws (Government Code, [Sections 54950 and following](#)). Only items listed on the agenda may be considered by the Community Asset Management Program [Outreach Committee](#).
- B. General Conduct of Meetings – Points of order shall be settled by the Chairperson. Points of order shall comply with the Brown Act, Rosenberg’s Rules of Order (see Appendix A), Community Asset Management Program [Outreach Committee](#) Rules of Procedure, and City policies. The Chairperson will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting. Any member desiring to speak must first be recognized by the Chairperson and shall confine any remarks to the subject under consideration.
- C. Voting on Items – Voting on items shall be in accordance with Rosenberg’s Rules of Order. The Community Asset Management Program [Outreach Committee](#) shall not take a sealed ballot vote.

11. Citizens’ Forum/Public Comments

Every agenda shall provide the opportunity for members of the public to address the Community Asset Management Program [Outreach Committee](#) on subjects which are not listed on the agenda and are within the subject matter jurisdiction of the Community Asset Management Program [Outreach Committee](#). The Chairperson may establish time limits per individual speaker. The Community Asset Management Program [Outreach Committee](#) shall not discuss nor take action on subjects raised under Citizens’ Forum/Public Comments; but the Chairperson, with the concurrence of a majority of the Community Asset Management Program [Outreach Committee](#), may direct staff to place subjects raised under Citizens’ Forum/Public Comments on a future Community Asset Management Program [Outreach Committee](#) agenda.

12. Subcommittees

The Community Asset Management Program [Outreach Committee](#) may create [ad hoc subcommittees, but shall not create standing subcommittees \(those with ongoing subject-matter jurisdiction and regularly scheduled meetings\) without prior City Council approval](#). Such subcommittees shall be subject to all City policies and the requirements of the Brown Act.

13. Staff Support

The head of the department responsible for supporting the Community Asset Management Program [Outreach Committee](#) shall designate one or more employees to serve as staff liaison to the Community Asset Management Program [Outreach Committee](#). The Staff Liaison shall prepare and post the agenda, take and maintain meeting minutes, prepare other documents as directed by the Chairperson, and generally assist the Community Asset Management Program [Outreach Committee](#) in performing its duties. The Staff Liaison shall have no voting authority.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MIG, INC.,
IN AN AMOUNT NOT TO EXCEED \$170,000, FOR AN ASSET MANAGEMENT
PUBLIC OUTREACH CAMPAIGN**

On February 19, 2019, the City Council approved the Asset Management Program as a Council goal and priority for Fiscal Years 2019-2021. A critical element of the Asset Management Program is to develop a continual public outreach and engagement program to foster a sense of ownership and shared responsibility among the City's residents, businesses, and property owners for the ongoing maintenance, renewal, and replacement of infrastructure.

The City of Livermore recently completed a Request for Proposal process for a consultant to develop an Asset Management Public Outreach Campaign. Staff received five proposals. After interviews and reviews, a selection committee rated MIG, Inc. as the highest ranked firm based on the proposed project approach, budget, and overall experience with public infrastructure outreach.

The Asset Management Public Outreach Campaign will utilize a variety of in-person and on-line tools to increase the community's awareness and perception about the City's infrastructure issues and provide focus areas and strategies for ongoing asset management efforts.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore authorizes the City Manager to execute the agreement with MIG, Inc., attached hereto as Exhibit A, in an amount not to exceed \$170,000, for the development of an Asset Management Public Outreach Campaign.

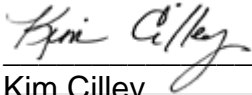
On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 25, 2019, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

APPROVED AS TO FORM:

Sarah Bunting
City Clerk



Kim Cilley
Assistant City Attorney

Exhibit A – Agreement

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this day of , 2019, by and between the City of Livermore ("City"), a municipal corporation, and MIG, Inc. ("Consultant"), a California Corporation.

RECITALS

City requires professional services to create and facilitate an asset management public education and engagement program.

Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges City has relied upon these warranties to retain Consultant.

AGREEMENT

NOW, THEREFORE, City and Consultant hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. **Retention as Consultant.** City hereby retains Consultant, and Consultant hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.
2. **Relationship of Parties – Independent Contractors.** The relationship of the parties shall be that of independent contractors. Consultant and its employees are not City officers or employees. Consultant is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.
3. **Description of Services.** Consultant shall provide the following professional services as more particularly set forth in Exhibit "A" (collectively "the Services"):

Develop an asset management public education and engagement program utilizing a variety of in-person and digital tools. This effort will increase the community's infrastructure awareness and provide strategies to move Livermore's asset management program forward.

4. **Consultant's Responsibilities.** Consultant shall:
 - (a) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;
 - (b) Provide the resources necessary to complete the Services in a timely manner;

(c) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

(d) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Consultant to practice its profession and to provide the Services;

(e) Comply with all laws in effect that are related to Consultant and the Services;

(f) Coordinate the Services with Debbie Bell, Management Analyst II ("Project Manager"), or such other person designated as the Project Manager by City;

(g) Be available to the Project Manager, and other parties referred to Consultant by the Project Manager, to answer questions or inquiries related to the Services;

(h) Only invoice City for the Services rendered. Consultant's invoice shall be in writing and describe the Services performed for the payment requested. Consultant shall not submit an invoice to City more frequently than once a calendar month;

(i) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Consultant and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Consultant shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Consultant shall give City 30 calendar-days' written notice prior to destroying the invoices and records, and allow City an opportunity to take possession. If City wants them, Consultant and City shall coordinate their delivery to City in the most efficient manner possible;

(j) Prepare and submit a written report to the Project Manager, within 3 business-days of the Project Manager's written request, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services; and,

(k) Consultant shall correct, at its own expense, all errors in the Services. Should Consultant fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Consultant.

(l) If applicable, Consultant shall ensure that all work for compensation is provided in compliance with the requirements of the California Labor Code including but not limited to hours of labor, nondiscrimination, payroll records, apprentices, worker's compensation and prevailing wages. If applicable, Consultant shall comply with all prevailing wage laws, such as sections 1773, 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the California Labor Code and any other applicable wage and hour law. If any violation of prevailing wage law associated with this Agreement is deemed to have occurred by any court or administrative authority, Consultant shall forfeit to the City, as

a penalty, the sum of fifty dollars (\$50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the applicable prevailing rates for any work done to accomplish the purposes of this Agreement.

(m) Consultant's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

5. Compensation and Payment.

(a) The total compensation payable by City to Consultant for the Services **SHALL NOT EXCEED** the sum of \$170,000 ("not-to-exceed amount"). City shall compensate Consultant for the Services rendered at the hourly rates, task amounts or travel expenses set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates, task amounts or travel expenses are intended to be Consultant's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Consultant, its agents, and employees to provide the Services.

(b) City shall pay Consultant no later than 30 days after City receives a written invoice from Consultant and verifies the Services were performed for the payment requested.

6. Term. The term of this Agreement commences on November 26, 2019, and terminates upon the completion of the Services or September 30, 2021, whichever occurs first.

7. Termination by City. City may terminate any portion or all of the Services by giving Consultant at least 30 calendar-days written notice. Upon receipt of a termination notice, Consultant shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Consultant in accordance with Section 5.

8. Ownership of Documents. All drawings, designs, data, photographs, reports and other items prepared or obtained by Consultant in the performance of the Services are City's property and Consultant shall deliver them to City upon demand.

9. Copyright and Right of Use. All items created by Consultant for City under this Agreement are works made for hire, and Consultant shall give City the copyright and all intellectual property rights to all items developed, prepared, and delivered as part of the Services. Consultant agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Consultant to City and Consultant obtains a license to such items for the benefit of City. All licenses must be perpetual, world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

10. Confidentiality. Consultant shall not disclose any confidential or proprietary information received from City to anyone except Consultant's employees who require access to the information to perform the Services. This obligation shall survive termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

11. Indemnity and Defense.

(a) Definitions. When used in this "Indemnity and Defense" section, these terms have the following meaning:

(1) "City," means the City, its elected officials, officers, directors, employees, agents, or designated volunteers.

(2) "Design Professional," means licensed architects, licensed landscape architects, registered professional engineers, professional land surveyors and the business entities which offer such services in accordance with the provisions of the California Business and Professions Code listed at California Civil Code, section 2782.8, upon which Consultant relies to meet the obligations of, or perform work pursuant to, this Agreement.

(3) "Non-Design Professional," means any person or entity upon which Consultant relies to meet the obligations of, or perform work pursuant to, this Agreement who or which is not a Design Professional.

(4) "Loss," or "Losses," mean all claim for or actual loss, liability, damage, cost, and expense including but not limited to reasonable attorney, consultant and expert fees, and court costs arising out of or in connection with Consultant's obligation or work to perform this Agreement including the City's active or passive negligence, except for such Loss arising from the sole negligence or willful misconduct of the City.

(b) Non-Design Professional Services. Consultant shall defend, indemnify, and hold harmless the City from and against any alleged Loss arising out of, pertaining to, or relating to, the services of any Non-Design Professional.

(c) Design Professional Services. For an alleged Loss that solely arises out of, pertains to, or relates to, the services of a Design Professional, Consultant shall defend and indemnify the City solely for such Losses due to the negligence, recklessness, or willful misconduct of the Design Professional(s) as allowed by application of California law, including California Civil Code, section 2782.8, as written on the effective date of this Agreement and according to applicable judicial interpretations.

(d) Mixed Services. If an alleged Loss arises out of, pertains to, or relates to both the services of a Design Professional and a Non-Design Professional, Consultant shall defend City against the claimed Loss and shall indemnify and hold harmless City from all Losses alleged against the Non-Design Professional combined with any Losses

allegedly due to the negligence, recklessness, or willful misconduct of any Design Professional.

12. Insurance. Consultant shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Consultant shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

13. Acceptance of Final Payment. Consultant's acceptance of final payment will release City from any and all claims and liabilities for compensation under this Agreement.

14. Acceptance of Work. City's acceptance of, or payment to Consultant for, the Services does not release Consultant from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an assumption of Consultant's responsibility or liability by City for any defect or error in the Services.

15. Conflict of Interest. Consultant represents that no City employee or official has a financial interest in Consultant. Consultant shall not offer, encourage, or accept any financial interest in any part of Consultant's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any of the Services are paid by reimbursement from an agreement between City and a private party, Consultant represents that it has not performed any work for that private party during the 12-month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

16. Economic Disclosure. Consultant shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Consultants' financial interest. While it is Consultant's sole responsibility to evaluate its conflicts of interest, the Consultant nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

17. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other consultants to provide, services that are the same or similar to the Services described in this Agreement.

18. No Assignment. Consultant shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Consultant constitutes an assignment.

19. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or

dispute against City arising from this Agreement, the Consultant must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

20. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

21. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by City can be used in place of the original for all purposes with the same effect as if it was the original.

22. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

TO CITY: Attention: Debbie Bell
Public Works Department
3500 Robertson Park Road
Livermore, California 94550

TO CONSULTANT: Attention: Noé Noyola
MIG, Inc.
800 Hearst Avenue
Berkeley, California 94710

23. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

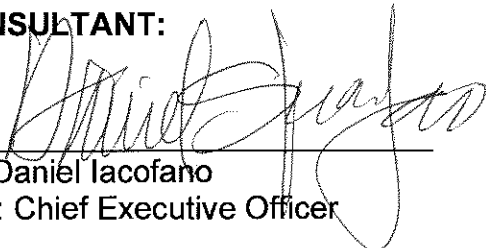
24. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

25. Counterparts. This Agreement may be executed in counterpart by delivering a facsimile or secure electronic copy of the signed agreement to the other party, followed by delivery of the original documents bearing the original signatures. However, failure to deliver the original documents does not affect the enforceability of this Agreement.

Signatures and Attachment List on the Next Page

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONSULTANT:



By: Daniel Iacofano
Title: Chief Executive Officer

Dated:

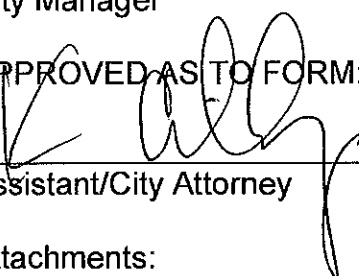
11.7.19

CITY OF LIVERMORE:

Marc Roberts
City Manager

Dated:

APPROVED AS TO FORM:



Assistant/City Attorney

Attachments:

- Exhibit A – Scope of Work
- Exhibit B – Insurance Requirements

"Maintenance is often dismissed as mere drudgery. But in fact repairing things is often trickier than making them."

—David Edgerton, King's College London
Speaker at the Festival of Maintenance 2018

Project Understanding

Livermore is a community often associated with the term "high-quality of life." The City has invested in premier public facilities, cultural arts, and cutting-edge technology. Concurrently, it continues to honor its cattle ranching and agricultural heritage, while growing its wine making capabilities. The city is renowned as a place for science, technology, and innovation through Sandia National Laboratories and the Lawrence Livermore National Laboratory. Livermore residents are well-educated, earn above average incomes, and have a strong tradition of civic participation. With this comes high expectations for City government and elected officials to ensure the City continues to innovate and move forward while still protecting and maintaining its family-oriented lifestyle.

The City is a leader among cities in recognizing that a substantial commitment to maintenance of community assets is required to keep pace. At the same time, it can be difficult for maintenance priorities to compete with the latest civic opportunities, and it can be tempting to defer maintenance investments that may seem less urgent or being done purely in response to a maintenance schedule. MIG has worked with Bay Area communities to help decision-makers and the public understand the value of investing in community infrastructure and maintenance so they can realize the significant cost savings incurred when small problems are addressed before they can become larger ones. This can be hard to celebrate and avoiding the lure of a ribbon cutting can be difficult and require discipline in how funds are allocated, and new projects are considered.

MIG is prepared to bring a creative, exciting approach to community investment in maintenance. Bolstered with the technical expertise of Harris and Associates, MIG will design a communications and outreach strategy that will present the needs and priorities in a way that is fun and allows for youth and adults to "geek out" over their local infrastructure and community assets. We will help the community understand trade-offs, funding limitations, and the hard choices that will need to be made.

MIG's approach will advance the work of the CAMP Committee and use their experience, insights, and feedback to confirm the approach, methods, and example projects that will form the basis of the campaign. We expect to use a variety of in-person and digital tools that help educate and inform community opinion and support for prioritized maintenance investments.

The MIG Team will achieve this effort using the following tasks:

1. PROJECT TEAM MEETINGS AND COORDINATION

MIG will meet regularly with the project team in-person, phone and webinar. A biweekly call will be scheduled to ensure work products and deliverables are being developed, reviewed, and deployed per the schedule.

2. COMMUNICATIONS STRATEGY AND OUTREACH PLAN

This Plan is the heart of the campaign and will guide the development of messages, materials, and deployment within the project schedule. This document will briefly describe communications goals, objectives, key messages, target audiences, methods, and performance metrics. In general, the recommended methods will include a mix of digital and in-person activities and some targeting activities that are described in later tasks. MIG will prepare a draft and final document for City review.

3. COORDINATION WITH KEY STAKEHOLDER AND DECISION-MAKERS

Stakeholder and Decision-Maker Meetings

MIG will meet with the key stakeholders and decision-makers as requested in the RFP. They include:

- Eight (8) facilitated meetings with CAMP, on a quarterly basis.
- Up to three (3) meetings with the City Council to review at a minimum the Communications Strategy and Outreach Plan and the Key Findings Report and next steps. A third meeting may be scheduled if necessary.

For each meeting, we will work with the City to develop an agenda and related materials. For CAMP meetings, the MIG Team will facilitate and document the meetings. For the City Council, we will respond to the requested form, such as a work session or traditional meeting.

For all meetings, MIG will develop the agenda and materials for City review in advance of the meeting, we will document results and key action items from each activity. Our engineering specialist will assist with preparation and participate in these meetings as needed. For additional meetings beyond those listed above, including pop up events and community or neighborhood meetings where City Staff and other project ambassadors can lead, a Briefing Book and training will be developed (see below). MIG will also participate in other select community events through Task 8 – In Person Events (below).

Stakeholder Briefing Book, Toolkit, and Training

To help augment the reach of the community engagement, MIG will develop an Outreach Toolkit and Briefing Book that will assist consultants, city staff, CAMP committee members, and other project ambassadors with presenting a cohesive AMP narrative, common messaging, and figures. The Briefing Book will be developed with the defined project identity as a series of slides that will assist project ambassadors in versatile settings throughout the community. The Toolkit typically will function as a flexible kit with multiple tools such as the Briefing Book in digital form as a PowerPoint presentation, fact sheets and FAQ sheets, talking points, and other graphics and materials. Part of this task includes a training with project ambassadors to ensure a cohesive approach by all project representatives.

4. BRAND IDENTITY

MIG will develop three conceptual brands for the campaign. The City will select one concept for further development and refinement to serve as the project identity that sets the look and feel of the materials. The City will provide consolidated feedback and direction to minimize revisions and to ensure the task is completed within the allocated level of effort.

5. INFORMATIONAL VIDEO

MIG will develop and produce a brief (3-5 minute) animated educational video that explains city infrastructure and conveys the need for ongoing asset management in a clear, concise, and compelling manner. The video will also serve as a link to additional public engagement tools and will be formatted to be shown on the City website, through social media networks (YouTube, Facebook, et al.), and at in-person presentations and events. Note: As MIG conducts research and meets with CAMP, we may find, the project is best served by 2-3 30-35 second animated clips, or video of Livermore residents instead of an animation. MIG will work with the City to revise the approach and complete the task within the agreed upon level of effort.

Specific tasks associated with the video production include:

Script

The MIG Team will work with City staff to create an initial outline and organize content flow. MIG will begin developing a full-length script with subject matter support and review from the City. We will edit content to ensure subject relevance and accuracy. We will provide a draft script to the City for review and feedback, addressing comments and edits to produce a final script.

Storyboard

Having established the full-length script, MIG will develop a corresponding storyboard—pairing key visual frames with script content, establishing video style and structure. The storyboard will propose placement of animations, static graphics, infographics, and/or still images, to be fully developed in the subsequent design and animation phase. We will provide a draft full-length storyboard to the City for review and feedback, addressing comments and edits to produce a final storyboard to be used for the development of the rough cut.

Graphic Design and Animations

Based upon the graphics outlined in the storyboard, the MIG Team will begin to fully develop the graphical assets and animations to be incorporated in the final video, using a combination of original illustrations and photography.

Rough Cut

Once all the graphics and animations have been approved, MIG will assemble all pieces together to create a complete rough cut of the video. The rough cut will offer City staff the ability to review content, transitions and narrative flow before the module is finalized. *Note that the rough cut will include a placeholder voiceover track, to be replaced with professionally recorded voiceover in the final cut.*

Final Cut and Voiceover

Upon approval of the rough cut, MIG will produce the final cut of the video. We will also share two voiceover talent options for the recording of complete scripts for the video. After the voiceover has been recorded, the MIG Team will lay in the final track and ensure visuals are properly synchronized with the animated sequences. We will ensure that the final video is produced in a format that the City can utilize through multiple channels.

6. WEB-BASED INTERACTIVE AND OUTREACH TOOLS

MIG recommends using the City's established Asset Management webpage to host a wide array of digital tools, activities, and interactions. We believe redirecting the resources needed to host and maintain this effort to the actual products would be a more effective use of funds. Web design and hosting could consume 10-20% of the allocated budget reducing the resources available for new compelling engagement and content. MIG will work with the City to incorporate branding and imagery into the existing site that will reflect the campaign without incurring the expense of designing, populating, and hosting a website.

To build awareness and increase interest in the topic of asset management, MIG will develop a fun and educational online interactive tool that will help explain the importance of maintaining City-managed infrastructure. We will work with the City to determine the optimal format for the tool, with an understanding that the chosen approach will be interactive, educational, and accurate. Possible options for the interactive tool include:

Online Game

MIG can create a web-based game that allows users to play a City Manager or similar role to make funding and maintenance decisions about City infrastructure. The game would use animation and a compelling script to illustrate the need for increased funding. The game could conclude with a call to action encouraging users to submit feedback via a brief survey.

Online Quiz

MIG can develop an online quiz, hosted on the City website as well as through social media channels, that would help educate residents about the cost of ongoing asset management and the need to keep the City's infrastructure well-maintained. The quiz could include questions comparing the cost of regular maintenance versus emergency repair, risks of deferred maintenance, etc. MIG will work with City staff to develop the content and will develop a visual look and feel (including images) for the final quiz.

Online Survey

MIG will review findings from the 2010 Infrastructure Poll and trends from the National Citizens Survey results where the City of Livermore asked for community feedback about the City's infrastructure. MIG will develop current questions from these surveys into a 2020 online version that will be deployed through an online platform such as Survey Monkey, Google Forms, or another commonly used online survey tool. The survey will test awareness of the City's infrastructure issues, salient messaging strategies, and identify asset management priorities.

Newsletters

MIG will prepare a digital newsletter template that can be updated by City Staff to send regular mass emails to the project audience. In addition, at least two print newsletter articles will be prepared by MIG as part of this project to be direct mail by City Staff as part of a quarterly newsletter to all residents. The newsletter will reflect the format of the quarterly mailer and will potentially contain infographics, advertise the online interactive outreach tool, or share the video.

7. SOCIAL MEDIA CAMPAIGN

MIG will create a campaign to promote the video and interactive tool through social media—using the City's existing social media channels as well as additional paid promotions to reach a wider audience. MIG will develop a series of posts (including text and graphics) to run on Facebook and Instagram. Some posts will include an embedded version of the video (so users can directly view the feed); other posts will feature a link to the interactive tool (game or quiz) that is hosted on the City's website.

For paid promotions, MIG preliminarily recommends allocating \$3,000 to in-feed social media advertising on Facebook and Instagram, targeting homeowners throughout the Livermore community. With the addition of a tracking pixel to the City of Livermore site, these social media ads can employ retargeting technology. Retargeting allows advertisers to re-attract previous visitors to its website.

8. IN-PERSON EVENTS

MIG will look for opportunities and will develop robust outreach materials to integrate the AMP Strategy into existing events where people already congregate. One specific opportunity is for MIG to host a creative booth and display area at the annual Downtown Street Festival. The booth will be inviting and include activities for all participants that include a mix of technology and hands-on. We expect the quirkiness of a booth celebrating "maintenance of city assets" will be a curiosity and a good draw. The MIG Team will work with the City to secure space at the event, tables, and supporting infrastructure. We anticipate City staff or volunteers will be needed to ensure adequate booth coverage during the full event. We will develop the displays and activities that can be replicated and transferable for use throughout other events across the city by MIG staff, by City Staff, CAMP Committee Members, and other select stakeholders. If recommended as appropriate and useful, by city staff and/or CAMP members, other similar but smaller scale events could include farmers' markets, neighborhood level events such as National Night out, or business/chamber events or meetings. etc. These in person pop-up events can also be useful in reaching low income and under-represented communities. A tabling pop-up outside of Contreras Market can help reach the Spanish speaking community, for example. The outreach plan will include recommendations that identify how the reach of these activities can be extended.

9. YOUTH AND KID-FRIENDLY ACTIVITIES

MIG will develop youth and family-oriented activities linked to the campaign and school STEM curricula to help stimulate youth interest in maintenance. MIG will work with an area high school to create a project opportunity for at least one class to create an opportunity to explore projects related to maintenance.

Children are often captivated by contraction and maintenance activities and their parents will often engage and participate in these activities. MIG will work with the City Library to host "maintenance themed stories" during reading hour. Books such as: *The Day the Lifting Bridge Got Stuck* by Robert Yagelski can help us reach children and their parents and introduce them to other events related to the campaign. MIG will provide coordination, advice, and direction to library staff. They in turn would integrate this topic into the schedule of activities. Depending on the response and level of interest, this could be offered multiple times.

10. KEY FINDINGS REPORT

MIG will prepare a report which summarizes the campaign efforts, results of the campaign, lessons learned, feedback gathered with community priorities identified, and feedback on potential policy options. The Key Findings Report will outline the community's change in awareness and perception about infrastructure issues as a result of this project and provide focus areas and strategies to move asset management forward. This document will be a critical tool for City Council and staff, as such, it will include specific and detailed guidance on next steps based on the feedback received.

MIG will recommend a series of activities that can be continued beyond the life of the campaign to help keep maintenance on a front burner in the community's priorities. These may include development of an annual/cyclical check-in with the council to keep people informed and engaged over the long term such as a maintenance awards program, an infrastructure dashboard or scorecard, or indicators such as the pavement index. These will build on existing campaign activities and respond to feedback received throughout. The activities will be reported in a summary memo outlining these recommended activities.

fee proposal

City of Livermore Asset Management Outreach		MIG, Inc.										Harris & Associates		TOTAL Professional Fees			
		Joan Chaplick P/C		Tim Carroll Strategic Communications		Noe Noyola Project Manager		Ed Canalin Graphics		Graphics and Outreach Associates		MIG Totals			Dennis Klingelhofer Engineer		Direct Costs
		Hrs @ \$205	Hrs @ \$185	Hrs @ \$140	Hrs @ \$185	Hrs @ \$105	Hrs @ \$105	Hrs @ \$275									
1.0	Project Team Meetings and Coordination	12	\$2,460	32	\$5,920	60	\$8,400	0	\$0	0	\$0	104	\$16,780	6	\$1,650	\$500	\$18,930
2.0	Communications Strategy and Outreach Plan	2	\$410	24	\$4,440	24	\$3,360	0	\$0	0	\$0	50	\$8,210	2	\$550	\$100	\$8,860
3.1	Meetings with Stakeholders and Decision-makers	16	\$3,280	44	\$8,140	66	\$9,240	0	\$0	8	\$840	134	\$21,500	36	\$9,900	\$600	\$32,000
3.2	Briefing Book, Toolkit, and Training	2	\$410	16	\$2,960	12	\$1,680	0	\$0	32	\$3,360	62	\$8,410	0	\$0	\$1,000	\$9,410
4.0	Brand Identity	1	\$205	2	\$370	4	\$560	16	\$2,960	0	\$0	23	\$4,095	0	\$0	\$100	\$4,195
5.0	Informational Videos	2	\$410	32	\$5,920	8	\$1,120	32	\$5,920	40	\$4,200	114	\$17,570	4	\$1,100	\$500	\$19,170
6.1	Web-Based and Outreach Tools (games/quizzes)	2	\$410	32	\$5,920	8	\$1,120	32	\$5,920	65	\$6,825	139	\$20,195	2	\$550	\$0	\$20,745
6.2	Online Survey	1	\$205	8	\$1,480	4	\$560	0	\$0	12	\$1,260	25	\$3,505	3	\$625	\$0	\$4,330
6.3	Newsletters	0	\$0	8	\$1,480	8	\$1,120	0	\$0	24	\$2,520	40	\$5,120	0	\$0	\$0	\$5,120
7.0	Social Media Campaign	0	\$0	12	\$2,220	2	\$280	4	\$740	18	\$1,890	36	\$5,130	2	\$550	\$5,000	\$10,680
8.0	In-Person Events	2	\$410	8	\$1,480	32	\$4,480	4	\$740	32	\$3,360	78	\$10,470	2	\$550	\$2,000	\$13,020
9.0	Youth and Kid-Friendly Activities	2	\$410	4	\$740	16	\$2,240	4	\$740	12	\$1,260	38	\$5,390	0	\$0	\$500	\$5,890
10.0	Key Findings Report	8	\$1,640	18	\$3,330	24	\$3,360	8	\$1,480	24	\$2,520	82	\$12,330	9	\$2,475	\$0	\$14,805
	Subtotal	50	\$10,250	240	\$44,400	268	\$37,520	100	\$18,500	267	\$28,035	925	\$138,705	66	\$18,150	\$10,300	\$167,155
	Project Administration Costs (10%)														\$1,815	\$7,030	\$2,845
	Total Professional Fees:	50	\$10,250	240	\$44,400	268	\$37,520	100	\$18,500	\$267	\$28,035	925	\$138,705	66	\$19,965	\$11,330	\$170,000

Project Start: Nov. 26, 2019 End: Sept. 30, 2021 (22 months)

Livermore AMP

Draft Project Schedule

11/7/19

Task Duration City Council Meeting CAMP Meetings

Approximate Date of Major Deliverable Training/Direct Engagement Tool Availability Ends

TASK	ACTIVITY(ES)	Nov 2019	Dec 2019	Jan 2020	Feb 2020	March 2020	April 2020	May 2020	June 2020	July 2020	August 2020	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	Sept 2021	
1	Project Team Meetings (biweekly) and Coordination																								
2	Communications Strategy & Outreach Plan																								
3.1	Meetings with Stakeholders and Decision-makers																								
3.2	Briefing Book/Toolkit, Training																								
5	Informational Videos																								
6.1	Web-based and Outreach Tools (quiz/game)																								
6.2	Online Survey																								
6.3	Newsletter Digital Template / Articles																								
7	Social Media Campaign																								
8	In-Person Events																								
9	Youth and Kid Friendly Events																								
10	Key Findings Report/Cyclical Activity																								

EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products and completed operations, as applicable:
\$1,000,000/\$2,000,000 aggregate per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability or other form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
\$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability:
 Statutory limits as required by the State of California including **\$1,000,000** Employers' Liability per accident, per employee for bodily injury or disease. A waiver of subrogation is required for Workers' Compensation insurance. If Consultant/Contractor is a sole proprietor, then they must sign "Contractor Release of Liability".

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore. The City of Livermore reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Consultant/Contractor; or automobiles owned, leased, hired or borrowed by the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.
2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. The additional

- insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.
3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
 4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
 6. It shall be a requirement under this agreement that any available insurance proceeds broader than, or in excess of, the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.
 7. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences. The City of Livermore reserves the right to require complete and certified copies of all insurance policies required by this Agreement.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION AMENDING THE COMMUNITY ASSET
MANAGEMENT PROGRAM COMMITTEE RULES OF PROCEDURE**

The Community Asset Management Program (CAMP) committee was authorized by the City Council in 2015 as a limited-duration committee intended to serve through June 2018 in support of the City's asset management program.

The City Council re-adopted Asset Management as a priority in February 2019 and staff has evaluated the current needs of the asset management program.

The City Council has adopted Rules of Procedure for each advisory body. It has been determined that in order to meet the current needs of the asset management program, the committee's Rules of Procedure requires revisions to:

1. Provide a mission statement;
2. Modify the duties, responsibilities, membership composition, and terms of committee members; and
3. Change the committee's name from "Community Asset Management Program" to "Community Asset Management Program Outreach Committee"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that the amended Community Asset Management Program Outreach Committee's Rules of Procedure, attached hereto as Exhibit A, are hereby adopted.

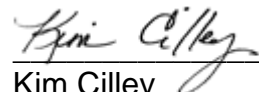
On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 25, 2019, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

APPROVED AS TO FORM:

Sarah Bunting
City Clerk



Kim Cilley
Assistant City Attorney

Exhibit A – Rules of Procedure



CITY OF LIVERMORE
COMMUNITY ASSET MANAGEMENT
PROGRAM OUTREACH COMMITTEE
(CAMP OUTREACH)
RULES OF PROCEDURE

Prepared by the City Clerk's Office
November 2019



CITY OF LIVERMORE
COMMUNITY ASSET MANAGEMENT PROGRAM
OUTREACH COMMITTEE (CAMP OUTREACH)
RULES OF PROCEDURE

1. Mission, Duties, and Responsibilities

The Community Asset Management Program Outreach Committee shall have the following mission, duties, and responsibilities:

Mission

The mission of the Community Asset Management Program Outreach Committee is to provide advice and direction on educating and engaging the community in decisions related to the short- and long-term maintenance of the City's infrastructure. CAMP members will provide input into the development of a communication and outreach campaign; provide input on discussions related to specific priorities, and help extend the reach and effectiveness of the City's efforts. CAMP members serve in an advisory capacity, with their input serving as recommendations that inform strategy, approach, and decision-making.

Duties and Responsibilities

The Community Asset Management Program Outreach Committee shall have the following duties and responsibilities:

- Help the City understand community member opinions, priorities, and perceptions related to the importance and need for dedicated effort to maintain City infrastructure;
- Participate in discussions and provide input into City efforts to identify, create, and/or revise policies to support maintenance of City assets;
- Provide advice to City staff, consultants, elected officials, and other key stakeholders on educational efforts to explain how potential asset management decisions, policies, and strategies may impact the economy, environment, and overall quality of life in Livermore; and
- Serve as ambassadors for the outreach efforts and support and participate in outreach activities in person, through digital communications, or other activities.

2. Members

The Community Asset Management Program Outreach Committee, also known as CAMP Outreach, shall consist of nine (9) members, all of whom shall reside or own/operate/or represent a business or organization in Livermore. To encourage a wide array of perspectives and opinions, and to the extent that such individuals are interested and available, the Community Asset Management Program Outreach Committee could include representatives from the following categories:

Large and/or small business, nonprofit organization, communications expertise, asset management expertise, education, public health, environmental, construction, utility, infrastructure, landlord, rental property group, low income resident, resident under 30, retired resident, resident at large.

Some categories may be best served by having more than one representative and some individuals can represent more than one category. Overall, members shall represent the diversity of Livermore's demographics and be geographically distributed.

3. Term limits

The Community Asset Management Program Outreach Committee is a limited duration committee. It is anticipated that members will serve through December 2021.

4. Attendance Policy

Attendance of committee members is mandatory at all meetings. Members who are unable to attend a meeting must notify the staff liaison of their absence prior to the meeting. A committee member may be subject for removal after two absences.

5. Elections and Officers

The Community Asset Management Program Outreach Committee shall elect a chairperson and a vice chairperson at its first meeting. Election of the officers shall be by majority vote of the Community Asset Management Program Outreach Committee. The role of the officers shall be as follows:

- A. Chairperson – The Chairperson shall preside at all regular meetings and may call special meetings. The Chairperson shall decide upon all points of order and procedure during the meeting.
- B. Vice Chairperson – The Vice Chairperson shall assume all duties of the Chairperson in the absence or disability of the Chairperson.
- C. Presiding Officer – In the absence of the Chairperson or Vice Chairperson, the members present shall select a Presiding Officer.

6. Meetings

The Community Asset Management Program Outreach Committee will convene beginning in 2020. Meetings shall be held on Wednesdays at 6:00pm at the Civic Center Library, 1188 South Livermore Avenue. Specific dates are to be determined. All meetings shall be open to the public. The Community Asset Management Program Outreach Committee may not meet in closed session.

7. Agenda Preparation and Posting

Agendas shall be prepared in accordance with the requirements of the Brown Act and shall be posted in a location that is freely accessible to members of the public at least 72 hours in advance of a meeting. The agenda shall specify the time and location of the meeting and contain a brief description of each item of business to be transacted or discussed at the meeting.

8. Minutes of Proceedings

An account of all proceedings of the Community Asset Management Program Outreach Committee shall be prepared by the staff liaison, agendaed, and approved by the Community Asset Management Program Outreach Committee.

9. Quorum

Five members constitute a quorum of the Community Asset Management Program Outreach Committee. A quorum of the members must be present to conduct any business. In the absence of a quorum at a meeting, the meeting must be adjourned. The matters listed on the agenda shall be taken up at the next scheduled meeting of the Community Asset Management Program Outreach Committee if deemed necessary. A meeting may also be declared adjourned in advance, if absence notifications received by staff create a lack of a quorum. Cancellations of meetings must comply with the requirements of the Brown Act.

10. Conduct at Meetings

- A. All meetings shall be held in accordance with City policies and the Brown Act Open Meeting Laws (Government Code sections 54950 and following). Only items listed on the agenda may be considered by the Community Asset Management Program Outreach Committee.
- B. General Conduct of Meetings – Points of order shall be settled by the Chairperson. Points of order shall comply with the Brown Act, Rosenberg's Rules of Order (see Appendix A), Community Asset Management Program Outreach Committee Rules of Procedure, and City policies. The Chairperson will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting. Any member desiring to speak must first be recognized by the Chairperson and shall confine any remarks to the subject under consideration.
- C. Voting on Items – Voting on items shall be in accordance with Rosenberg's Rules of Order. The Community Asset Management Program Outreach Committee shall

not take a sealed ballot vote.

11. Citizens' Forum/Public Comments

Every agenda shall provide the opportunity for members of the public to address the Community Asset Management Program Outreach Committee on subjects which are not listed on the agenda and are within the subject matter jurisdiction of the Community Asset Management Program Outreach Committee. The Chairperson may establish time limits per individual speaker. The Community Asset Management Program Outreach Committee shall not discuss nor take action on subjects raised under Citizens' Forum/Public Comments; but the Chairperson, with the concurrence of a majority of the Community Asset Management Program Outreach Committee, may direct staff to place subjects raised under Citizens' Forum/Public Comments on a future Community Asset Management Program Outreach Committee agenda.

12. Subcommittees

The Community Asset Management Program Outreach Committee may create ad hoc subcommittees, but shall not create standing subcommittees without prior City Council approval. Such subcommittees shall be subject to all City policies and the requirements of the Brown Act.

13. Staff Support

The head of the department responsible for supporting the Community Asset Management Program Outreach Committee shall designate one or more employees to serve as staff liaison to the Community Asset Management Program Outreach Committee. The Staff Liaison shall prepare and post the agenda, take and maintain meeting minutes, prepare other documents as directed by the Chairperson, and generally assist the Community Asset Management Program Outreach Committee in performing its duties. The Staff Liaison shall have no voting authority.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.




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DATE: November 25, 2019

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Direction and Appropriation of Funding to Initiate an Infrastructure Financing District for the Trevarno Road Neighborhood

RECOMMENDED ACTION

Staff recommends the City Council:

1. Provide direction on forming an infrastructure financing district to replace the sewer and water systems that serve the properties along Trevarno Road; and
2. If directed to proceed with the financing district, adopt a resolution appropriating \$150,000 in the General Fund (001) for Capital Improvement Project No. 2019-60.

SUMMARY

The private water and sewer systems that serve properties along Trevarno Road are over 100 years old and are failing. There are 12 single family homes plus common landscaping served by the water system. These 12 homes and LARPD's Trevarno Road office and classroom facility are served by the sewer system.

The City has received a petition signed by 7 residents of Trevarno Road. It requests the City form an infrastructure financing district to fund the repair or replacement of the existing private sewer and water systems with new public systems. They also request that the City accept the new utilities for public maintenance. The property owners would be assessed on their property tax bills the cost to repay the infrastructure costs and all costs to form and administer the district plus interest.

Staff has estimated the costs of the infrastructure improvements at a conceptual level and is asking for City Council direction on whether to proceed with preliminary studies to provide more detailed cost estimates and potential assessment amounts. The preliminary