

**CITY OF SANTA BARBARA
CITY COUNCIL**

Helene Schneider
Mayor
Frank Hotchkiss
Mayor Pro Tempore
Grant House
Ordinance Committee Chair
Dale Francisco
Finance Committee Chair
Cathy Murillo
Randy Rowse
Bendy White



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**JUNE 5, 2012
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 4:00 p.m. - Interviews for City Advisory Groups (Estimated Time)

FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: Amendment To Housing Authority Loan For Bradley Studios Project (120.03)

Recommendation: That the Finance Committee recommend that Council approve a loan amendment that would change the terms of a loan previously made to the Housing Authority.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through June 30, 2012.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of May 9, and May 14, 2012, the regular meeting of May 15, 2012, and the special meeting of May 21, 2012.

3. Subject: Agreement With Easy Lift Transportation, Incorporated, For Paratransit Services (510.04)

Recommendation: That Council authorize the Public Works Director to execute an Agreement with Easy Lift Transportation, Incorporated, for paratransit services for the elderly and mobility-impaired, in an amount not to exceed \$229,416.73 for Fiscal Year 2013.

4. Subject: Service Agreement With Thresholds To Recovery, Inc., To Operate Sobering Center (520.04)

Recommendation: That Council approve and authorize the Chief of Police to negotiate and execute a Service Agreement with Thresholds to Recovery, Inc., in a form approved by the City Attorney, to operate the Sobering Center in Fiscal Year 2013, beginning July 1, 2012, and ending June 30, 2013, with annual fees not to exceed \$196,920.

5. Subject: Approval Of Parcel Map And Execution Of Agreements For 1550 And 1600 West Mountain Drive (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,800 and standard agreements relating to the approved subdivision at 1550 and 1600 West Mountain Drive.

6. Subject: License Agreement For Use Of The Unused Portion Of Chapala Street For Temporary Valet Parking (330.08)

Recommendation: That Council authorize the Public Works Director to execute a License Agreement with the Santa Barbara Beach House Hotel, L.P., in a form of agreement approved by the City Attorney, for use of the unused portion of Chapala Street for temporary valet hotel parking.

7. Subject: Contract For Influent Flow Monitoring And Sampling Services At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with V&A Consulting Engineers, Inc., in the amount of \$213,400 for flow monitoring and sampling services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$21,340 for extra services of V&A Consulting Engineers, Inc., that may result from necessary changes in the scope of work.

CONSENT CALENDAR (CONT'D)

NOTICES

8. The City Clerk has on Thursday, May 31, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

9. Subject: 2012 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2012 Legislative Platform that guides the City's support or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

10. Subject: Introduction Of Ordinance For Supervisors Memorandum Of Understanding (MOU), Management Salary Plans, And Cancellation Of Fiscal Year 2012 Furlough Deductions For Certain Employee Groups (440.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Supervisors MOU; Adopting the 2012-2013 Management Salary Plans for Unrepresented Non-Safety Managers, Including the City Administrator and the City Attorney, and for Certain Unrepresented Safety Managers; and Cancelling Three Pay Periods of Fiscal Year 2012 Furlough Deductions for these Supervisors and Managers, and for Confidential Employees.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Grants For Rental Assistance (660.04)

Recommendation: That Council approve three grants totaling \$585,000 in federal HOME Investment Partnerships Program funds to establish rental assistance programs targeted to homeless persons and to persons in danger of becoming homeless: one grant to the Housing Authority of the City of Santa Barbara for \$300,000, one grant to Transition House for \$150,000, and one grant to Casa Esperanza for \$135,000, and authorize the Assistant City Administrator to execute subrecipient agreements and make non-substantive changes in a form approved by the City Attorney.

FIRE DEPARTMENT

12. Subject: Renewal Of Levy For Fiscal Year 2013 For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2012-13.

MAYOR AND COUNCIL REPORTS

13. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 12, 2012.
(Estimated Time: 4:00 p.m.; Continued from May 22, 2012, Agenda Item No. 27)

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the City's Supervisory bargaining unit, the SBPD Police Officers Association, and the SBPD Police Management Association, and regarding discussions with confidential City employees and unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: June 5, 2012

Dale Francisco, Chair

TIME: 12:30 P.M.

Bendy White

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Cathy Murillo

James L. Armstrong
City Administrator

Robert Samario
Finance Director

ITEM TO BE CONSIDERED:

Subject: Amendment To Housing Authority Loan For Bradley Studios Project

Recommendation: That the Finance Committee recommend that Council approve a loan amendment that would change the terms of a loan previously made to the Housing Authority.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Finance Committee

FROM: Housing and Human Services Division, Community Development Department

SUBJECT: Amendment To Housing Authority Loan For Bradley Studios Project

RECOMMENDATION:

That the Finance Committee recommend that Council approve a loan amendment that would change the terms of a loan previously made to the Housing Authority.

DISCUSSION:

The Housing Authority of the City of Santa Barbara (Housing Authority) requests that an amendment be made to its site acquisition loan for the Bradley Studios project, a new 53-unit affordable housing project for low income downtown workers and homeless persons, currently under construction by the Housing Authority at 512-518 Bath Street. This amendment was anticipated and the terms of the loan were described in reports to the Finance Committee and the Agency Board. Staff recommends that the amendment now proceed.

In June, 2008 the Housing Authority received a zero percent interest rate loan of \$4,800,000 from Redevelopment Agency Housing Set-aside Funds for acquisition of the property. This loan enabled the Housing Authority to land bank the site for future development of a new affordable housing project. At the time the property was acquired, staff did not know when the Housing Authority would proceed with a project. Loan repayment was structured as a fully amortized ten-year note starting July 2011 as a precaution in the event progress was not made in developing a project.

The loan included a provision that allows the Redevelopment Agency, in its discretion, to amend the loan to conform to standard loan terms for affordable rental housing development, which is an action staff typically recommends when sufficient progress is made in developing a project. Using City standard loan term parameters, the amended loan would have a 55-year term and include three percent simple interest. Payments on the loan would be deferred until January 2015. Payments would then be made on a residual receipts basis, which means monthly payments would be due only to the extent the project generates positive cash flow. A final balloon payment would be due at the

end of the loan's 55-year term. The \$4,800,000 principal amount of the loan would remain the same. The terms of the Housing Authority loan amendment described above were outlined in the April 15, 2008 Finance Committee staff report and the April 22, 2008 Redevelopment Agency staff report.

As of June 30, 2011, the Housing Authority had clearly made sufficient progress to warrant amending the terms of the land acquisition loan. At that point, the Bradley Studios project had secured their development entitlements, had been awarded additional Redevelopment Agency Housing Set-aside funds through a loan agreement executed on June 21, 2011, and had submitted their successful application for tax credits. Today, the project is well under construction, with completion expected before the end of 2012 and full occupancy expected in 2013.

The City, as the successor housing entity to the former Redevelopment Agency, assumed the housing assets and functions of the Agency. Therefore, staff asks that the Finance Committee recommend to Council approval of the proposed amendment to the loan terms, as originally intended.

ATTACHMENT: Letter from the Housing Authority dated December 12, 2011

PREPARED BY: Sue Gray, Administrative Services Manager/SK

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



HOUSING

AUTHORITY OF THE
CITY OF SANTA BARBARA808 Laguna Street / Santa Barbara
California / 93101Tel (805) 965-1071
Fax (805) 564-7041

December 12, 2011

VIA EMAIL

Mr. Brian Bosse, Housing & Redevelopment Manager
Community Development Department
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

RE: REQUEST FOR CONVERSION TO RESIDUAL RECEIPTS LOAN—LOAN AGREEMENT 510
BETWEEN RDA AND HACSB FOR LAND ACQUISITION FOR 512 BATH/BRADLEY STUDIOS

Dear Brian:

Pursuant to our telephone conversation today, it is appropriate for the Housing Authority and Redevelopment Agency to move forward on formal action to recast the RDA land acquisition loan they provided us for 512 Bath St. to a residual receipts loan with a 55 year term. We discussed this need earlier this year but agreed it was best to wait for the results of the 2011 Round II California Tax Credit Allocation Committee's to determine if Bradley Studios at 512 Bath St. was indeed going to move forward.

We now know Bradley Studios' positive result. The project's groundbreaking is set for next month—January 12, 2012 to be exact. Thus, we now need to return to the RDA Board to formally convert the original three year \$4.8 million dollar land loan that was due on June 30, 2011, to a 55 year residual receipts loan. This conversion was always envisioned if a successful housing project for the site could be brought to fruition. A copy of Agreement 510 is enclosed.

Should you or your staff require any additional information to modify or recast the subject loan as requested, please let me know.

Sincerely,

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA

ROBERT G. PEARSON
Executive Director/CEO

cc: R. Fredericks, Deputy Executive Director
B. Peirson, Finance Director



Agenda Item No. _____

File Code No. 410.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through June 30, 2012.

DISCUSSION:

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through June 30, 2012.

ATTACHMENT: June 2012 Service Awards

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office

JUNE 2012 SERVICE AWARDS

JUNE 5, 2012, Council Meeting

5 YEARS

Tava Ostrenger, Deputy City Attorney, City Attorney's Office
Elva De La Torre, Planning Technician, Community Development Department
Charles Katsapis, Police Officer, Police Department
Brian Larson, Police Officer, Police Department
Michael Little, Police Officer, Police Department
Darla Reader, Police Officer, Police Department
Aaron Tudor, Police Officer, Police Department
Timothy Downey, Urban Forest Superintendent, Parks and Recreation Department

10 YEARS

Jo Anne La Conte, Assistant Planner, Community Development Department
Jeffrey Deforest, Police Officer, Police Department
John Bacon, Police Officer, Police Department
Lorena Renteria, Public Safety Dispatch Supervisor, Police Department
Rickey Callahan, Airport Patrol Officer, Airport Department

15 YEARS

John Mead, Grounds Maintenance Crew Leader, Parks and Recreation Department
Steven Takaya, Parks Supervisor, Parks and Recreation Department

20 YEARS

Lori Pedersen, Administrative Analyst I, City Administrators Office

25 YEARS

Matthew Grul, Automotive Service Writer, Public Works Department
Keith Kapuy, Laboratory Analyst Coordinator, Public Works Department



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING May 9, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco, Grant House.

Staff present: City Administrator James L. Armstrong, Assistant City Attorney N. Scott Vincent, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, May 3, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Proposed Fiscal Year 2013 Operating And Capital Budget For Police And Fire Departments (230.05)

Recommendation: That Council hear presentations from the Police and Fire departments on their proposed budgets for Fiscal Year 2013.

(Cont'd)

Proposed Fiscal Year 2013 Operating And Capital Budget For Police And Fire Departments (Cont'd)

Documents:

- May 9, 2012, report from the Finance Director.
- May 9, 2012, PowerPoint presentations prepared and made by Staff.

Public Comment Opened (Continued from May 2, 2012):

2:01 p.m.

Councilmember House entered the meeting at 2:04 p.m. Councilmember Francisco entered the meeting at 2:08 p.m.

Speakers:

- Staff: Fire Chief Andy Dimizio, Administrative Services Manager Ron Liechti, Police Chief Camerino Sanchez, Police Sergeant Ed Olsen, Deputy Police Chief Frank Mannix, Police Lieutenant Dave Whitham, Police Captain Alex Altavilla, Police Captain Gil Torres, City Administrator James Armstrong.
- Downtown Organization: Bill Collyer, Executive Director.

Discussion:

Fire Chief Andy Dimizio presented an overview of the Fire Department's organization and staffing impacts. Administrative Services Manager Ron Liechti presented the Department's proposed budget changes for the General Fund and Wildland Fire Suppression Assessment Fund. The Fire Chief spoke about accomplishments during Fiscal Year 2012 and key performance objectives for Fiscal Year 2013. Staff responded to the Councilmembers' questions.

Assistant City Attorney Scott Vincent left the meeting at 2:45 p.m. and City Attorney Stephen Wiley took his place. Councilmember Francisco left the meeting at 2:56 p.m. and returned at 3:09 p.m.

Police Chief Camerino Sanchez provided an overview of the Police Department's organization and spoke briefly about crime trends. Police Sergeant Ed Olsen discussed the Department's Restorative Policing program, including a few success stories and the types of arrests made. Deputy Police Chief Frank Mannix presented the Department's proposed budget changes for the General Fund and spoke about its staffing levels. Police Lieutenant Dave Whitham spoke about the Patrol Division's performance measures. Police Captain Alex Altavilla spoke briefly about the Investigative Division, stating that all performance measures for Fiscal Year 2012 had been met and detailing performance measures for Fiscal Year 2013. Police Captain Gil Torres provided an overview of the Administrative Services Division and reviewed ongoing hiring efforts, in-car video cameras, and the proposed project for a new Dispatch Center which is on hold due to the elimination of the Redevelopment Agency. Staff responded to the Councilmembers' questions.

By consensus, the hearing was continued to May 14, 2012, at 6:00 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:47 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING May 14, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco (6:05 p.m.), Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, May 10, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Proposed Fiscal Year 2013 Operating And Capital Budget For Parks And Recreation Department (230.05)

Recommendation: That Council hear a presentation from the Parks and Recreation Department on its proposed budget for Fiscal Year 2013.

(Cont'd)

Subject: Proposed Fiscal Year 2013 Operating And Capital Budget For Parks And Recreation Department (Cont'd)

Documents:

- May 14, 2012, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened (Continued from May 9, 2012):

6:01 p.m.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Creeks Restoration/Clean Water Manager Cameron Benson, Assistant Parks and Recreation Director Jill Zachary, Parks Manager Santos Escobar.
- Parks and Recreation Commission: Commissioners Lesley Wiscomb, Chris Casebeer.
- Members of the Public: Grant Castleberg.

Discussion:

Parks and Recreation Director Nancy Rapp provided an overview of the department's organization and its proposed Fiscal Year 2013 budget as divided by three major funds. Creeks Restoration/Clean Water Manager Cameron Benson discussed the Creeks Division's proposed budget, including a projected revenue increase and the proposed capital program. Department Director Rapp then reviewed the status of the Golf Fund, specifying revenues and appropriations, changes in the number of staff positions, debt restructuring, and proposed fee changes. Assistant Parks and Recreation Director Jill Zachary spoke about the General Fund portion of the Department's budget for next year and noted key budget changes related to increases to hourly staff, restoration of the equipment fund, the number of positions, and the capital program. Department Director Rapp concluded the presentation with a review of General Fund performance measures and funding priorities. Councilmembers' questions were answered.

By consensus, the hearing was continued to May 16, 2012, at 2:00 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:01 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 15, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House (2:08 p.m.), Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Mike Larbig.

CONSENT CALENDAR (Item Nos. 1 - 6)

Motion:

Councilmembers White/Hotchkiss to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote.

CITY COUNCIL

1. Subject: Contract For Professional Services For The Listing And Sale Of Excess City Properties (330.03)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a contract with Goodwin & Thyne Properties for listing and sale of the excess residential City-owned properties known as 136 West Haley Street, 306 West Ortega Street, and 309 West Ortega Street; and
- B. Authorize the Public Works Director to execute a contract with Hayes Commercial Group for the sale of the City-owned commercial property known as 20 South Milpas Street.

Action: Approved the recommendations; Contract Nos. 24,124 and 24,125 (May 15, 2012, report from the Public Works Director).

2. Subject: Purchase Of Water From Carpinteria Valley Water District (540.08)

Recommendation: That Council authorize the Public Works Director to purchase up to 600 acre feet of Cachuma Water from the Carpinteria Valley Water District at a cost of \$150 per acre foot (\$90,000).

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

Action: Approved the recommendation (May 15, 2012, report from the Public Works Director).

3. Subject: Appropriation Of K-9 Donation Funds (520.04)

Recommendation: That Council appropriate \$32,000 in the Police K-9 Trust Fund from accumulated reserves for the Santa Barbara Police Department K-9 program.

Action: Approved the recommendation (May 15, 2012, report from the Chief of Police).

SUCCESSOR AGENCY

4. Subject: Legal Services Contract For Oversight Board (620.01)

Recommendation: That Council, acting as the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, authorize the City Attorney, at the request of the Oversight Board, to negotiate and enter into a legal services contract with Mark Manion, a partner with the law firm of Price, Postel and Parma, LLA, in an amount not to exceed \$25,000, and to direct staff to include the legal services contract on the Recognized Obligation Payment Schedule.

Speakers:

Staff: City Administrator James Armstrong.

Action: Approved the recommendation; Contract No. 24,126 (May 15, 2012, report from the City Attorney).

NOTICES

5. The City Clerk has on Thursday, May 10, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
6. The public hearing scheduled for Tuesday, May 15, 2012, at 2:00 p.m. for the appeal of the Planning Commission decision regarding 1085 Coast Village Road has been continued to Tuesday, June 26, 2012, at 2:00 p.m. at the request of the Applicant/Appellant.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee considered, approved and forwarded to Council a recommendation to grant a loan to Habitat for Humanity for construction of an affordable housing project at 822-824 E. Canon Perdido Street. The Committee also discussed a recommendation from the Creeks Advisory Committee related to funding for the André Clark Bird Refuge Vegetation Maintenance and Restoration Project; the Committee directed that this issue be submitted to the full Council for decision.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Rowse reported on the proceedings of the Downtown Parking Committee's May meeting, which included the possible reconfiguration of the Cota Commuter Parking Lot and the future operation of the commuter shuttles without Redevelopment Agency funding.
- Councilmember Murillo spoke about her attendance at meetings of: 1) the Santa Barbara Metropolitan Transit District, during which the loss of Redevelopment Agency funding was discussed; and 2) the Milpas Action Task Force, which heard a presentation regarding the City's Restorative Policing Program.
- Mayor Schneider commented on her attendance, with Councilmembers House and Murillo, at two awards ceremonies, the Spirit of Service Awards (sponsored by the City's Environmental Services Division) and the Youth Leadership Awards.

RECESS

Mayor Schneider recessed the meeting at 2:21 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 7; she stated that no reportable action is anticipated.

CLOSED SESSIONS

7. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the City's Supervisory bargaining unit, the SBPD Police Officers Association, and the SBPD Police Management Association, and regarding discussions with confidential City employees and unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

May 15, 2012, report from the Assistant City Administrator.

Time:

2:25 p.m. - 3:53 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:53 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING May 21, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, May 17, 2012, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

Subject: State Route 225 Relinquishment Update (680.04)

Recommendation: That Council:

- A. Receive an update on the State Route 225 Relinquishment; and
- B. Provide direction to City staff and the City Attorney regarding the State Route 225 Relinquishment and negotiations with Caltrans for the transfer of State Route 225 to the City.

Documents:

- May 21, 2012, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.
- May 17, 2012, letter from the Housing Authority of the City of Santa Barbara.
- Petition entitled "Cliff Drive - Local Control Now!", submitted by Alice San Andres-Calleja.

Speakers:

- Staff: Public Works Director Christine Andersen, Principal Engineer John Ewasiuk, Supervising Transportation Engineer Derrick Bailey, City Attorney Stephen Wiley.
- Caltrans: Deputy District Director Aileen Loe.
- Members of the Public: Angela Bell; John Kelley; Lesley Wiscomb; Laurel Perez; Alice San Andres-Calleja; David VanHoy; Nick Sebastian; Hillary Blackerby, representing Assemblymember Das Williams.

Motion:

Councilmembers Murillo/Rowse to move forward with relinquishment in parallel with preparation of a work plan to identify the locations, cost estimates, and timelines for safety-oriented improvements to the roadway.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Hotchkiss).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:57 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



Agenda Item No. _____

File Code No. 510.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Agreement With Easy Lift Transportation, Incorporated, For Paratransit Services

RECOMMENDATION:

That Council authorize the Public Works Director to execute an Agreement with Easy Lift Transportation, Incorporated, for paratransit services for the elderly and mobility-impaired in an amount not to exceed \$229,416.73 for Fiscal Year 2013.

DISCUSSION:

Easy Lift Transportation, Incorporated (Easy Lift), is a non-profit agency that provides dial-a-ride paratransit services to people with limited mobility throughout the South County for \$3.50 per one-way ride. The City has had an agreement with Easy Lift since 1990 whereby the City subsidizes Easy Lift's paratransit services from the local transportation sales tax measure funds.

Under the requirement of the Measure A Investment Plan, the City must use at least 10 percent of its Measure A funds for forms of alternative transportation. This agreement complies with the rules governing implementation of Measure A, as approved by the voters of the County of Santa Barbara. Currently, Easy Lift reports that 73 percent of the rides provided in the past 12 months have been for residents of the City of Santa Barbara.

Easy Lift provides vital transportation services for elderly and mobility-impaired members of the community, and staff recommends continuing financial support to Easy Lift at the current contract level.

BUDGET/FINANCIAL INFORMATION:

No additional appropriations are necessary. Currently, the Fiscal Year 2013 budget in the Measure A Fund includes \$229,416.73 in funding for the Easy Lift contract.

PREPARED BY: Browning Allen, Transportation Manager/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: Police Department, Patrol Division

SUBJECT: Service Agreement With Thresholds To Recovery, Inc., To Operate Sobering Center

RECOMMENDATION:

That Council approve and authorize the Chief of Police to negotiate and execute a Service Agreement with Thresholds to Recovery, Inc., in a form approved by the City Attorney to operate the Sobering Center in Fiscal Year 2013, beginning July 1, 2012, and ending June 30, 2013, with annual fees not to exceed \$196,920.

DISCUSSION:

The City has worked with Thresholds to Recovery, Inc., to operate the Sobering Center at the Faulding Hotel since its inception in 1994. The purpose of the Sobering Center is to provide an opportunity for public inebriates to voluntarily get sober in a safe, alcohol-free environment, as opposed to being arrested and booked into Santa Barbara County Jail. In addition to introducing the inebriate to an alcohol-free environment, the officer turnaround time is considerably less and the officer remains in the City.

From May 1, 2011, to April 20, 2012, Thresholds to Recovery processed 539 first-time offenders and 314 repeat offenders, a total of 853 admissions. Since opening in 1994, Thresholds to Recovery has processed 12,985 first-time individual admissions and 20,866 total client admissions, including repeat offenders.

Funds to operate the Sobering Center come from monies previously allocated to pay for the public inebriates' jail booking fees. Personnel at Thresholds to Recovery are experts in the field of drug and alcohol programs, targeting low-income clients. Continued success is anticipated based on program evaluations performed annually over the past nine years. They have continued to provide a treatment network for first-time offenders on a long-term basis. The Sobering Center is a valuable resource to the Police Department and the community. Thresholds to Recovery, Inc. has agreed to operate the Sobering Center for fees of up to \$196,920 in Fiscal Year 2013. This amount represents an increase of 1% in total operating costs when compared to Fiscal Year 2012.

BUDGET/FINANCIAL INFORMATION:

Funding for this contract is included in the Police Department's Fiscal Year 2013 budget.

PREPARED BY: Brent Mandrell, Police Lieutenant

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Council members

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 1550 And 1600 West Mountain Drive

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,800 and standard agreements relating to the approved subdivision at 1550 and 1600 West Mountain Drive.

DISCUSSION:

A Tentative Map for the subdivision located at 1550 and 1600 West Mountain Drive (Attachment 1), was conditionally approved on October 13, 2011, by adoption of the Planning Commission Resolution Number 022-11 (Attachment 2). The project involves subdividing one legal lot into two separate lots. Staff has reviewed the Parcel Map and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the Planning Commission's approval, the Owner(s) (Attachment 3) have signed and submitted the Parcel Map and the required agreements to the City, tracked under Public Works Permit Number PBW2011-01507. Council approval is required if Council agrees with the staff determination that the Parcel Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map.

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*. The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

THE PARCEL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,800 by the Planning Commission Conditions of Approval Resolution Number 022-11
 3. List of Owners/Trustees

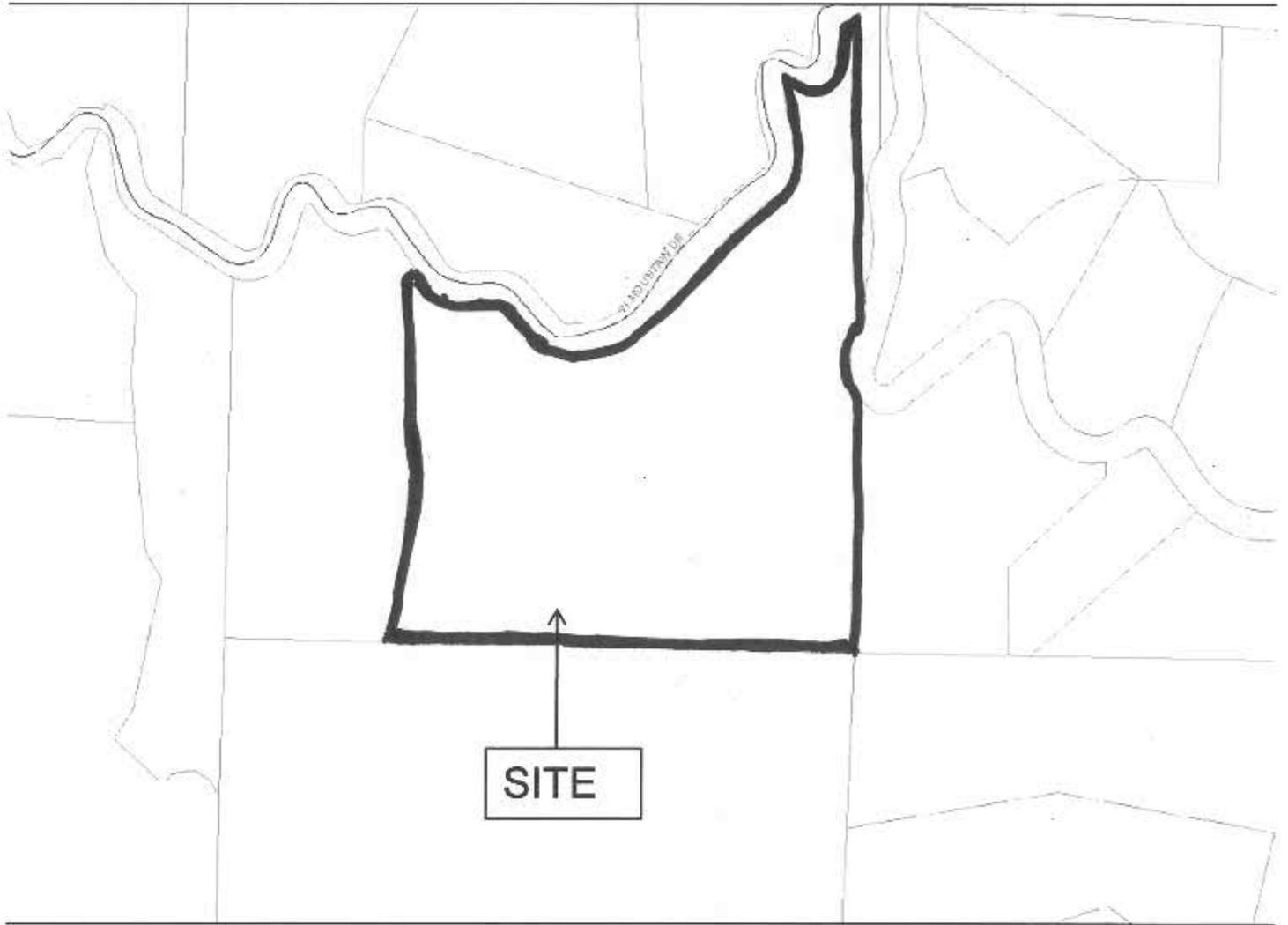
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

**Vicinity Map
1550 and 1600 W. Mountain Drive**



Not to Scale

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,800 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 022-11

1550 and 1600 West Mountain Drive

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 13, 2011, is limited to two (lots) and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The project consists of a proposal to subdivide an existing 18.3-acre lot into two lots. Parcel 1, the "Piano House" site, is proposed to be 15.6-gross acres (14.6-net acres); which is developed with a 2,190-sf residence, 782-sf garage, and a 908-sf accessory building. Parcel 2, the "Book House" site, is proposed to be 2.7-gross acres (2.5-net acres); which is developed with a 5,010-sf residence, a 885-sf carport and a 630-sf accessory building. The lot split proposal does not include additional development.
2. **Development Rights Restrictions.** In order to ensure that portions of the Real Property remain in their natural state, Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Tentative Subdivision Map. The restricted portion of the Real Property consists of the following areas: Lot 1 – The portion that is located outside the Development Envelope, as shown on the Tentative Map; Lot 2 – The area that is located outside the Development Envelope, as shown on the Tentative Map; and the area below the 715-foot elevation (contour) line. The Owner shall not conduct any development within the restricted area of each lot including, but not limited to, grading, irrigation, structures, ornamental landscaping, agriculture or utility service lines. The restricted areas shall be shown on the Parcel Map. The Owner shall continue to be responsible for maintenance of the restricted area in compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
6. **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Mountain Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
7. **City Water Connection Requirement.** Owner agrees to connect to the City water system if at some point in the future a City water main is constructed in Mountain Drive at a point adjacent to Owner's Real Property and such connection is deemed by the Public Works Director to be in the City's interest. Owner shall, at Owner's sole expense, connect to the City water system within one year of being advised in writing that the City water main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a water connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
8. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the restricted development area, which drains directly into Coyote Creek.
9. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

ATTACHMENT 3

LIST OF OWNERS Gardner Family Trust u/d/t March 29, 2000

1550 and 1600 West Mountain Dr.

Theodore R. Gardner II, Trustee

Virginia L.T. Gardner, Trustee



Agenda Item No. _____

File Code No. 330.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: License Agreement For Use Of The Unused Portion Of Chapala Street For Temporary Valet Parking

RECOMMENDATION:

That Council authorize the Public Works Director to execute a License Agreement with the Santa Barbara Beach House Hotel, L.P., in a form of Agreement approved by the City Attorney, for use of the unused portion of Chapala Street for temporary valet hotel parking.

DISCUSSION:

Vanguard Planning LLC, representative for the Santa Barbara Beach House Hotel, L.P., approached the City about obtaining a temporary license agreement to use the unused roadway at Chapala Street for temporary hotel valet parking. The roadway is located north of Yanonali Street and south of the Union Pacific Railroad Station. The Santa Barbara Beach House Hotel, L.P., is the owner of the Hotel Indigo, which recently opened and is in need of parking for their guests. Hotel Indigo is located at 121 State Street and is approximately 500 feet away from the unused roadway at Chapala Street.

A Coastal Exemption from the Planning Division was approved March 6, 2012, for temporary parking use in the Coastal Zone. On April 11, 2012, the Historic Landmarks Commission (HLC) approved a temporary parking plan with the condition that the Santa Barbara Beach House Hotel, L.P., will return to the HLC if the temporary use is planned to continue for longer than one year. The unused roadway at Chapala Street is the future staging and construction area for the Chapala/Yanonali Bridge Replacement Project, which will permanently remove a portion of this unused road since part of the road is on the existing bridge deck. The bridge project is tentatively scheduled to begin construction in May 2013.

BUDGET/FINANCIAL INFORMATION:

Per the agreement, the Santa Barbara Beach House Hotel, L.P., will be required to pay the City's Streets Fund, \$960 per month for parking on the Chapala Street roadway. The revenue is estimated at \$9,600 if the License Agreement becomes effective July 1, 2012, and terminates at the end of April 2013, which is prior to the start of the Chapala/ Yanonali Bridge Replacement Project.

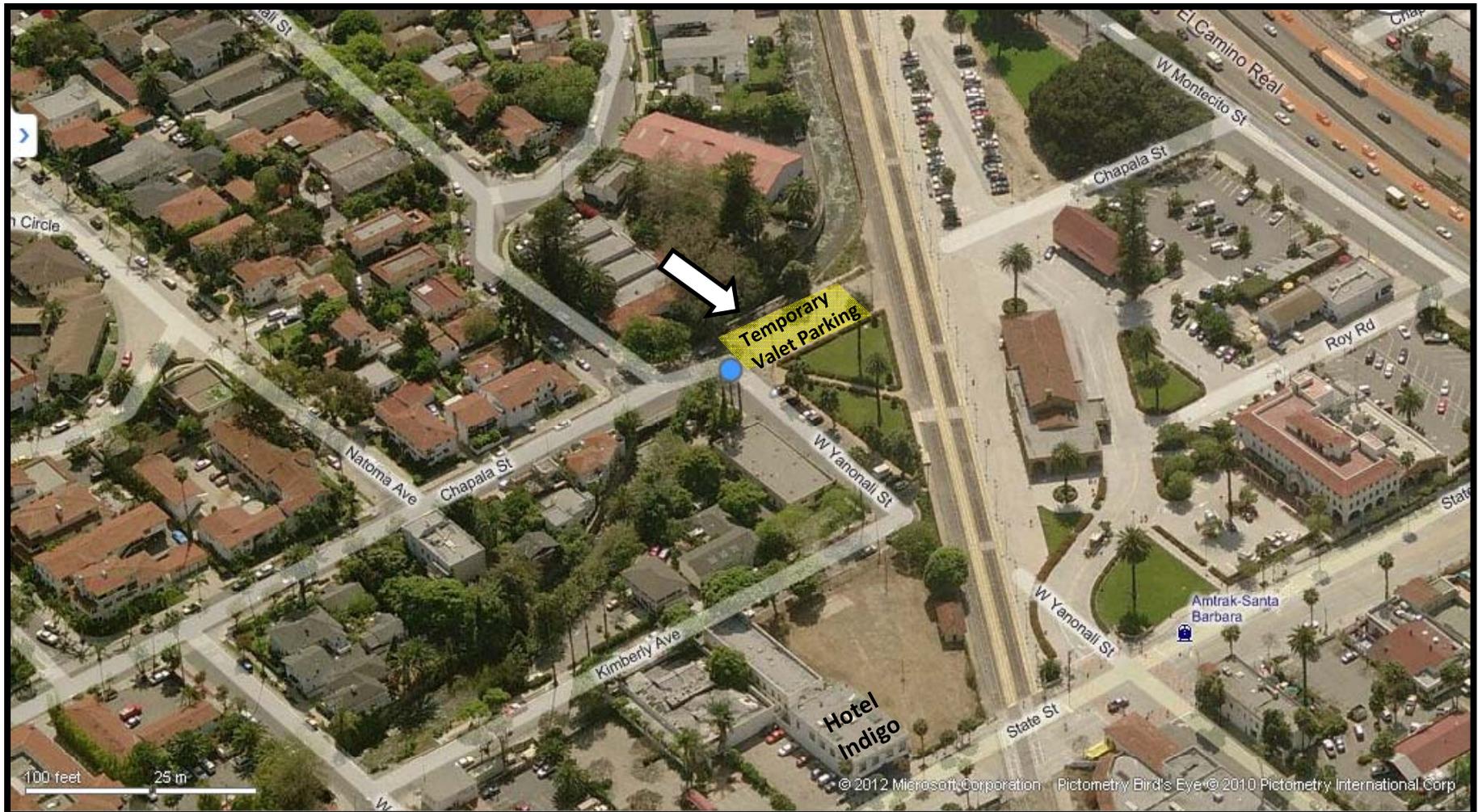
ATTACHMENT: Chapala Temporary Parking Location Map

PREPARED BY: Browning Allen, Transportation Manager/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Proposed temporary valet parking for Santa Barbara Beach House Hotel, L.P., owner of Hotel Indigo





Agenda Item No. _____

File Code No. 540.13

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract For Influent Flow Monitoring And Sampling Services At El Estero Wastewater Treatment Plant

RECOMMENDATION:

That Council authorize the Public Works Director to execute a contract with V&A Consulting Engineers, Inc., in the amount of \$213,400 for flow monitoring and sampling services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$21,340 for extra services of V&A Consulting Engineers, Inc., that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

Wastewater enters the El Estero Wastewater Treatment Plant (El Estero) through four sewer mains. These mains also collect wastewater originating from treatment plant process units. This combined source of water is called confluent because it contains both wastewater from the community, and return flows from El Estero. When the treatment plant was constructed, no provision was made for monitoring the influent flows before the return flows were introduced. This has interfered with staff's ability to directly measure the quantity of, or the constituents in, the wastewater entering the plant from the community. Currently, this data must be estimated by collecting confluent data and subtracting out return flow information.

Staff needs to accurately determine influent flows and loadings into El Estero, rather than continuing to rely on confluent measurements. By monitoring and sampling influent flows, staff will be better able to confirm plant performance, and will be able to use this data to assist with capital improvement decisions and the overall operations of El Estero.

PROJECT DESCRIPTION

The work consists of installing flow monitors and samplers on El Estero's four influent lines, providing training, monitoring, and maintenance services for one year. Afterwards, the flow monitors and samplers will remain in-place and staff will take over operation and maintenance of the equipment.

CONSULTANT ENGINEERING SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with V&A Consulting Engineers, Inc., in the amount of \$234,740 for flow metering and sampling services. A Request for Proposals was issued to four firms for this project. Staff has negotiated a reasonable cost for services that is responsive to the Request For Proposals.

FUNDING

The following summarizes all estimated total Project costs:

ESTIMATED TOTAL PROJECT COST

Flow Monitoring and Sampling Services w/Extra Services (by Contract)	\$234,740
Project Management (City Staff)	\$15,000
TOTAL PROJECT COST	\$249,740

There is sufficient appropriation authority for the El Estero Strategic Plan Implementation project budget in the Wastewater Capital Fund to cover the cost of the contract with V&A Consulting Engineers, Inc..

PREPARED BY: Chris Toth, Wastewater System Manager/LA/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: 2012 Legislative Platform

RECOMMENDATION: That Council

- A. Adopt the 2012 Legislative Platform that guides the City's support or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

DISCUSSION:

The City's Legislative Platform outlines the City's position on legislative matters. It serves as the foundation for the City to support, remain neutral or oppose positions on state and federal legislation.

Each year, the Legislative Platform is reviewed by staff and the Council Committee on Legislation to ensure the platform reflects current policy issues and positions of the Council. The Council Committee met on May 2 and 9 to review the platform and recommend revisions to City Council. The proposed platform (Attachment) is marked with additions and deletions to assist Council in identifying the changes. The Committee recommended that the Council adopt the proposed 2012 Legislative Platform.

Council approval of the Legislative Platform allows the Mayor and Councilmembers, as well as staff, to advocate for state and federal legislation on behalf of the City. In cases where a legislative issue is not addressed in the platform, staff will return to the Committee on Legislation and/or the City Council for direction as necessary. Therefore, platform revisions are recommended so that Council can engage in advocacy efforts without returning to Council. A platform that is comprehensive and current will enable the City to act quickly when advocacy is needed.

Revisions are recommended for several sections of the platform, including the following:

- Revenue and Taxation
- Employee Relations and Risk Management
- Public Safety
- Environmental Quality
- Housing, Community, and Economic Development
- Transportation, Public Works, and Communications
- Waterfront
- Community Services

The proposed changes were recommended for several reasons. Language to address current or anticipated legislative efforts was added. Platform positions that are obsolete were recommended for change or deletion.

Legislative Advocacy

Our current practice for legislative advocacy is intended to produce timely and effective communication with legislators. Advocacy efforts generally occur in one of the following ways:

- Upon referral from the Mayor and Council, City Administrator's Office, department staff, League of California Cities or other sources, staff will compare legislative proposals against the City's Legislative Platform. If the proposed bill raises legal issues, department staff will consult with the City Attorney's Office.
- If a legislative matter is covered in our legislative platform and correspondence is determined to be appropriate, the Mayor will send a letter to the appropriate legislators. In cases where proposed legislation is not addressed in the platform, staff will return to the City Council for final direction as necessary.
- As needed, the Mayor and/or staff will contact legislators via telephone, e-mail or in person to reinforce the City's position or to provide additional information.
- During the legislative session, Staff may consult with and enlist the Council's Committee on Legislation and/or the Mayor if efforts beyond the standard position letter are required. The Mayor and Committee on Legislation may undertake direct contact with legislators or recommend to the City Council that more extensive actions be taken. The Mayor and Committee members may also communicate with other parties who may have an interest in proposed bills.

ATTACHMENT: Draft 2012 Legislative Platform Showing Marked Revisions

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: James L. Armstrong, City Administrator

APPROVED BY: City Administrator's Office



DRAFT 2012 Legislative Platform

City of Santa Barbara

Revision Date: 6/5/2012

CITY ADMINISTRATION		
SCOPE	Issues regarding local authority, state and federal mandates, election law and administration, tort reform, open meeting law (Brown Act), the Public Records Act, the Political Reform Act, and other conflict of interest laws.	
LOCAL AUTHORITY AND DISCRETION	All Departments	<p>Support the ability of local governments to enact local standards or regulations that differ from those enacted at the state and federal level regarding any issue described in the legislative platform.</p> <p>Oppose legislation or regulation that restricts local authority and discretion.</p>
STATE AND FEDERAL MANDATES	All Departments	<p>Support funding for any improvements, programs, and projects required of the City through state or federal mandates.</p> <p>Oppose unfunded state or federal mandates.</p>
OPEN MEETING LAW (THE BROWN ACT) <ul style="list-style-type: none"> • Open Meetings • Restrictions • Closed Sessions • Privacy Rights • Personnel Issues • Property Acquisitions • Attorney/Client Privilege 	Administrative Services/ City Attorney	<p>Support legislation that recognizes the need to conduct the public's business in public. To this end, the City supports the regulation of the state and other public agencies to ensure conformance to the principles of the open meetings provision in the Ralph M. Brown Act.</p> <p>Support legislation that extends application of the Brown Act to the State.</p> <p>Oppose legislation claiming to enhance open and public meetings that in practice unnecessarily complicates the ability of a city to properly communicate with the public and that discourages communications among governing body members through unproductive restrictions and inappropriate activities.</p> <p>Oppose legislation that would impose further unnecessary restrictions on the action that a governing body can take in closed sessions.</p> <p>Support legislation that recognizes the realities of other constraints under which a local governing body must operate that necessitates judicious use of closed sessions, including:</p> <ul style="list-style-type: none"> • The privacy rights granted to individuals under the U.S. and California constitutions; • The personnel issues that have a potential impact on an individual's career and potential earning capacity and that raise serious liability questions for a local jurisdiction; • The protection of the taxpayer's interests over property and other acquisitions by a public agency; and • The proper maintenance of the same attorney-client privilege enjoyed by the

		private sector.
ALLIANCES	All Departments	Support alliances with counties, schools, other cities, employee organizations, other local agencies, and business and professional organizations to support cooperation, sound financial policies, and joint action.
POLITICAL REFORM ACT <ul style="list-style-type: none"> • Practices • Local Authority • Reproduction Costs 	Administrative Services	<p>Oppose regulations and legislation that would restrict or preempt local regulation of campaign financing.</p> <p>Support appropriate efforts to improve and streamline the Political Reform Act and its implementation through regulations.</p> <p>Support an increase in the fee for the reproduction of statements required under the Political Reform Act from ten cents (\$0.10) to twenty-five cents (\$0.25) per page.</p>
ELECTIONS <ul style="list-style-type: none"> • Costs/Procedures • Mail Ballots • Ballot measures 	Administrative Services/ City Attorney	<p>Support legislation that reduces any unnecessary and costly procedures for conducting a municipal election. Oppose legislation that mandates costly and unnecessary procedures related to the local election process.</p> <p>Support vote by mail elections for a county election.</p> <p>Support the requirement that the intent and text of a local ballot measure is to be filed with the City Clerk with a filing fee.</p> <p>Support publishing the title of a local ballot measure in a newspaper of general circulation instead of the full text.</p>
LITIGATION REFORM <ul style="list-style-type: none"> • Local Exposure • Liability • Business Climate 	City Attorney	<p>Support legislation that limits the exposure of local governments to lawsuits related to liability, including but not limited to such areas as unimproved natural conditions, design immunity, hazardous recreational activities, and injuries due to wild animals in public places.</p> <p>Support modifications to the joint and several liability laws that require the responsible parties in a civil action to pay only their fair share of judgment based on their relative responsibility.</p> <p>Support civil justice reform measures designed to improve the business climate in California. The City Attorney will evaluate these measures on a case-by-case basis.</p> <p>Support limitations on lawsuits that have little merit by eliminating the availability of provisions for fee recovery by petitioners or by authorizing cities to collect their fees and costs in cases where they are the prevailing party.</p>

REVENUE AND TAXATION		
SCOPE		Issues and recommendations related to finance administration, taxation reform, and revenue needs, and revenue sources at the federal, state and local levels.
EFFECTIVE FINANCING	Finance	Support meaningful fiscal reform that allows each level of government to adequately finance its service responsibilities.
BEST USE OF FUNDS	Finance	Support the emphasis on efficiency and effectiveness, encouraging governments to achieve the best possible use of public resources.
LOCAL CONTROL	Finance	<p>Support state and local authority to collect legally due sales tax on Internet or other remote transactions.</p> <p>Support local control and accountability for revenues raised and services provided.</p> <p>Support the protection of existing city revenue sources, including the local share of property tax, sales tax, vehicle license fees, <u>and</u> COPS funding, and Redevelopment Agency revenues, among others.</p> <p>Support policies that authorize a simple majority of the voters in a city or county to establish local priorities, including the right to increase taxes or issue general obligation bonds.</p> <p><u>Support the return of motor vehicle license fees to local governments without any offsets to existing local revenues.</u></p>
ADDITIONAL REVENUE FOR LOCAL NEEDS	Finance	Support efforts to bring additional revenue to the state/local revenue structure to meet the needs of a growing population, service reductions, and deteriorating facilities and other capital infrastructure.
STATE MANDATES REIMBURSEMENT	Finance	<p>Support full and prompt reimbursement to all local agencies for all state-mandated programs and/or infractions and losses associated with local revenue shifts.</p> <p>Support reforms prohibiting the State from deferring mandate payments.</p> <p>Oppose unfunded state and federal mandates.</p>
DISASTER RECOVERY	Finance	Support disaster recovery legislation that mitigates losses experienced by local governments.
SITUS-BASED SALES TAX – BRADLEY BURNS	Finance	Support efforts to preserve and protect the existing situs-based sales tax under the Bradley Burns 1% baseline.
FEDERAL STREAMLINED SALES & USE TAX AGREEMENT	Finance	Support the League of California Cities position regarding any federal attempts to impose a uniform sales tax structure on California or any amendments that would directly undermine California’s existing utility users tax structure.

(SSUTA)		
TRANSIENT OCCUPANCY TAX (TOT)	Finance	<p>Support efforts to collect the full amount of local transient occupancy tax from online sales of lodging.</p> <p>Oppose any legislation that would prohibit local voter-approved transient occupancy taxes.</p>
UTILITY USERS TAX (UUT)	Finance	<p>Oppose legislation that would prohibit local governments from collecting utility users tax from modern telecommunication and video technologies, including but not limited to cell phones, Internet-based telephone services (VoIP), <u>pre-paid wireless services</u>, and other wired or wireless technology.</p> <p><u>Support legislation requiring local retailers to collect utility users tax on pre-paid wireless services and remit to the local agency.</u></p>
REGIONAL REVENUES	Finance	<p>Support the identification and implementation of multi-jurisdictional revenues in cases where regional issues, programs, and services are identified.</p> <p>Support the ability of school districts to collect existing parcel tax revenue imposed in any former district upon merging with one or more districts to form a single district.</p>
FRANCHISE FEES	Finance	<p>Support local government ability to receive compensation for use of its public-right-of-way, including but not limited to gas, electric, refuse, and cable and video providers.</p> <p>Oppose any legislation that would reduce video franchise fees or PEG access fees.</p>
PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) ACCESS TELEVISION	Finance	<p>Support legislation that preserves PEG access television and allows PEG access funding to be used to support basic operational costs, including employee salaries, as well as capital maintenance and replacement.</p>

EMPLOYEE RELATIONS AND RISK MANAGEMENT

SCOPE		Issues related to the field of labor relations and human resource management.
LABOR RELATIONS <ul style="list-style-type: none"> • Local Authority • MOU • Mutual Agreement 	City Administrator	<p>Support efforts to promote, initiate, and improve both public and private sector labor-management relations.</p> <p>Oppose interference with management rights or the ability of cities and their employees to bargain on matters within the scope of representation.</p> <p>Support legislation that specifically exempts local public agencies from the requirement to negotiate with any labor or special interest group about matters submitted to the voters of that jurisdiction as initiatives or Charter amendments.</p> <p>Support the long-held position of California courts that public employees cannot engage in strikes.</p> <p>Support local government control of the budget process related to employee compensation.</p> <p>Oppose any legislative action that requires the continuation of the terms of any Memorandum of Understanding (MOU) between a public agency and an employee organization until a successor MOU is agreed upon.</p> <p><u>Oppose the expansion of a local agency's collective bargaining responsibilities to employees over whose conditions of employment the local agency does not have full control.</u></p> <p>Oppose any extension of the State Public Employment Relations Board jurisdiction over local public agency labor relation disputes and charges of unfair labor practices, and to any interference or intervention in local collective bargaining by any labor-management relations councils or boards.</p> <p>Oppose state-mandated compulsory labor arbitration, mediation, or fact-finding processes.</p> <p><u>Oppose state mandated paid time off for employee's union activities.</u></p>
EQUAL EMPLOYMENT OPPORTUNITY <ul style="list-style-type: none"> • Civil Rights/EEO • Sexual Harassment • Standards • Family Leave 	City Administrator	<p>Support legislation furthering the purpose and clarifying the application of state and federal civil rights and equal employment opportunity laws.</p> <p>Support consistent standards for discrimination and harassment claims between state and federal law.</p> <p>Support efforts to conform the California Family Care Leave Laws to the federal Family</p>

<ul style="list-style-type: none"> Sexual Orientation 		<p>and Medical Leave Act (FMLA).</p> <p>Support the amendment of federal civil rights legislation to prohibit employment discrimination on the basis of sexual orientation.</p> <p><u>Oppose extending the filing dates for Fair Employment and Housing Commission (FEHC) charges, and oppose permitting the FEHC to provide affirmative or prospective relief to prevent the recurrence of an unlawful practice.</u></p>
<p>PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)</p> <ul style="list-style-type: none"> Coalition Public Pension Systems Exemptions Limitations Fraud PERS Credit Disability Airport Patrol Pension System Reform Employer Rate Part-Time Work Mandates CalPERS Board 	<p>Administrative Services</p>	<p>Support the PERS Coalition (PERS/PAC) and its efforts to maintain or further the interests of contracting agencies.</p> <p>Support PERS pension system reform that will reduce long-term costs for participating agencies, can be defended to the taxpayer in public debate, will provide long-term financial stability and sustainability, and will allow agencies to continue to be effective locally in recruiting and retaining a skilled, quality work force.</p> <p><u>Support legislation specifically:</u></p> <ul style="list-style-type: none"> <u>Limiting the available defined benefit formulas for local agencies' newly hired employees to more sustainable levels (e.g., pre-SB 400/AB 616 levels);</u> <u>Basing final salary on the average of at least 3 highest years;</u> <u>Requiring mandatory pension contributions by employees of at least 7% (miscellaneous) and 9% (safety) and allowing for greater employee cost-sharing contributions through collective bargaining;</u> <u>Calculating benefits only on base salary, eliminating all "spiking", including the reporting of Employer Paid Member Contributions as compensation;</u> <u>Eliminating the purchase of "air time" (time not actually served);</u> <u>Increasing minimum retirement ages to 55 (safety) and 60 (miscellaneous), and allowing local agencies to set minimum retirement ages for miscellaneous employees at up to the age of social security eligibility;</u> <u>Prohibiting any retroactive retirement benefit enhancements;</u> <u>Prohibiting employee and employer pension holidays (the suspension of pension contributions during periods of high market returns); and/or</u> <u>Allowing changes to retirement benefits applicable to the prospective service of existing employees, consistent with the state and federal constitutions and other applicable law.</u>

		<p>Oppose preemption of charter city authority over their public pension systems.</p> <p>Support certain limitations upon recoveries under judgments against public retirement systems.</p> <p>Support efforts to reduce retirement benefit fraud and a requirement that the PERS Board adjust or cancel the retirement allowance of any person convicted of making fraudulent benefit claims.</p> <p>Support: (a) reducing all disability retirement payments for employees hired after a certain date; (b) imposing an earnings test for persons receiving industrial disability retirement; (c) requiring state departments to identify annual unemployment and disability payments in separate budget items; (d) requiring persons receiving disability retirement payments to obtain an annual medical examination; (e) prescribing a 60% cap on payments for either job-related or non-job-related disabilities; (f) eliminating the tax-exempt status of disability retirement payments; (g) requiring mandatory reinstatement for employees certified able to work by medical exam; and (h) discontinuing disability retirement payments if the employee rejects reinstatement.</p> <p>Oppose a requirement that all plan assets of an employer plan, including “excess assets” be used in the determination of the employer rate.</p> <p>Support allowing local agencies to make an exclusive determination of whether to utilize excess assets to offset costs of plan amendments.</p> <p>Oppose legislation that mandates large increases in compensation during the final year of employment, which have the effect of increasing retirement benefits.</p> <p>Oppose requiring an employer to continue to pay the salary of a member while PERS makes its decision on the member’s application for involuntary disability retirement.</p> <p>Support <u>restructuring expansion of</u> the membership of the CalPERS Board of Administration to include new members appointed by the League of California Cities <u>and substantially increase the number of independent public members (preferably with financial expertise).</u></p> <p>Support increasing the transparency of <u>both PERS pension programs and funding, and non-pension post-retirement benefits and subsidies.</u></p> <p>Support exempting part-time, seasonal, and temporary employees from CalPERS eligibility entirely and eliminating the 1000 hour eligibility threshold.</p>
FEDERAL FAIR LABOR STANDARDS ACT	Administrative Services	Support federal legislation to modify inappropriate sections of the FLSA as it relates to local governments, including, but not limited to, the administrative and professional

(FLSA)		<p>exemptions, salary tests, and the definition of hours worked.</p> <p>Support the position that the FLSA was inappropriately applied to state and local governments through court decisions and was never designed to regulate public sector employment and the application of the FLSA as it relates to local government.</p>
DOMESTIC PARTNERSHIP	Administrative Services	<p>Support legislation that would delete the current state criteria that persons in a Domestic Partnership must be members of the same sex or be over 62 years of age.</p>
EMPLOYMENT-RELATED ISSUES <ul style="list-style-type: none"> • Mandates • OSHA • FEHC 	Administrative Services	<p>Support the special protection of elected officials, county public defenders, public figures and public employees acting in their official capacity against threats of death or serious bodily injury.</p> <p>Support federal and state legislation affirming the establishment of tax exempt employee savings accounts for retirement health expenses.</p> <p>Oppose a mandatory Social Security tax on any public sector employees or employers by the federal government.</p> <p>Oppose any state or federal mandate of benefits on local agency employers, including, but not limited to, benefits for temporary or part-time employees, and veterans' preferences.</p> <p>Oppose extending the filing dates for Fair Employment and Housing Commission (FEHC) charges, and oppose permitting the FEHC to provide affirmative or prospective relief to prevent the recurrence of an unlawful practice.</p> <p>Oppose the mandated inclusion of governmental entities for Occupational Safety and Health Agency (OSHA) violations without appropriate compensation for the mandates.</p> <p>Oppose legislation limiting the ability of public agencies to monitor public employees' use of public assets and resources.</p>
WORKERS' COMPENSATION <ul style="list-style-type: none"> • Injuries • Medical Expenses • Presumptive Injury • Legal Process 	Finance	<p>Support the principles that describe an industrial injury or illness using a narrow view on causation and definition of injury.</p> <p>Support requiring the employee to prove by clear and convincing evidence that sudden or extraordinary employment conditions were the predominant causes for the injury.</p> <p>Support existing workers' compensation laws to be liberally construed only after an injury is deemed "specific" and consists of serious physical or bodily harm.</p> <p>Support the cost containment of medical expenses for workers' compensation claims.</p> <p>Oppose regulations or legislation that would require increased employer medical costs for workers' compensation.</p>

<p>WORKERS' COMPENSATION continued</p>		<p>Oppose regulations or legislation that would expand the definition of a “presumptive” injury, or create new “presumptive” injury categories that lack a basis in current proven medical science.</p> <p>Oppose legislation that would permit an employee to use more than one legal process in regard to disability claims (i.e., ADA, workers’ compensation, DFEH), or any other erosion of the “exclusive remedy” principle as it relates to disability claims covered under workers’ compensation.</p>
<p><u>GENERAL INSURANCE</u></p>	<p><u>Finance</u></p>	<p><u>Oppose regulations or legislation that would increase employer costs for mandated insurance coverage (i.e. general liability, automobile liability, etc.), including expanding employer coverage for personal property owned by an employee or volunteer.</u></p> <p><u>Oppose regulations or legislation that would require a city to repair a sidewalk when the sidewalk damage is caused by privately owned plants or trees and hold a city liable for any injury resulting from the failure to repair the sidewalk.</u></p>

PUBLIC SAFETY		
SCOPE	Federal and state legislation and issues related to law enforcement, fire and life safety policies, emergency communications and services, and disaster preparedness.	
LAW ENFORCEMENT <ul style="list-style-type: none"> • Penalties • Violent Offenders • Cost Reimbursement • Booking Fees • Parking Citations • Data Collection • Predators • Racial Profiling • Deportable Criminals • Smoking 	Police	<p>Support the promotion of public safety through:</p> <ul style="list-style-type: none"> • Stiffer penalties for violent offenders; and • Additional funding for local agencies to recoup the costs of crime and increase community safety. <p>Oppose booking fees and seek their repeal, while encouraging localities to pursue resolution of the issues with their respective counties.</p> <p>Support legislation that allows mailing parking citations to violators when the violation was identified and confirmed through digital imaging technology.</p> <p>Support data collection on hate crimes based on race, national origin, religion, gender, or sexual orientation and improved federal-local communication and coordination on hate crimes.</p> <p><u>Support legislation that removes barriers and builds trust between law enforcement agencies and the immigrant community to ensure that vulnerable individuals can safely report crimes and fully cooperate with local police and Sheriff departments.</u></p> <p>Support federal action to identify predatory lending practices and increase federal enforcement action against lenders who target vulnerable populations, including, but not limited to, elderly, low-income families, and racial minorities.</p> <p>Support federal anti-racial profiling legislation that provides financial support to state and local law enforcement agencies for training.</p> <p>Support reimbursement by the federal government to local agencies, specifically cities, for the costs associated with incarcerating deportable criminals.</p>
NUISANCE CONTROL <ul style="list-style-type: none"> • Adult Entertainment • Alcohol • Medical Marijuana Dispensaries • Drugs 	Police	<p>Support enhanced local control over public nuisances including, but not limited to:</p> <ul style="list-style-type: none"> • Adult entertainment facilities; • Problem alcohol establishments; • Medical marijuana dispensaries; and • Properties where illegal drugs are sold.
SMOKING AND TOBACCO CONTROL	Police	<p>Support legislation that limits the ability of minors to obtain tobacco products.</p> <p>Support legislation that reduces the impacts of environmental tobacco smoke.</p> <p><u>Support legislation that would provide additional funding to reduce tobacco consumption and improve cancer and smoking-related research.</u></p>
VIOLENT CRIMES	Police	Support the reduction of violence through strategies that address domestic violence, access

		to tools of violence, including but not limited to firearms, knives, etc.
GRAFFITI	Police	Support increased authority and resources devoted to cities for abatement of graffiti and other acts of public vandalism.
GANG VIOLENCE	Police	Support programs and funding for cities to prevent gang violence and enhance prevention, intervention and enforcement efforts.
DISASTER RESPONSE	Fire	Support funding for improved public notification mechanisms during natural disasters and other emergencies, including continuous radio reporting.
FIRE AND EMERGENCY MEDICAL SERVICES <ul style="list-style-type: none"> • Mission • Local Control • Transport • Staffing 	Fire	<p>Support the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities authority and discretion to provide all emergency services in their communities.</p> <p>Support local control of emergency medical services and authorize cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including ambulance transport services, provided within local boundaries to improve pre-hospital emergency medical service.</p> <p>Oppose legislation, regulations and standards that impose minimum staffing and response time standards for city fire and emergency medical services since such determinations should reflect the conditions and priorities of individual cities.</p>
INSURANCE	Police/Fire	<p>Support the statewide administrative program that requires a motorist to have proof of insurance to register a vehicle with the Department of Motor Vehicles.</p> <p>Support uninsured vehicles being subject to impoundment, and redeemed only with proof of insurance, with unredeemed vehicles being sold to pay for the cost of the program.</p> <p>Support state legislation providing Fair Access to Insurance Requirements (FAIR) Plan for last resort earthquake and fire coverage in high risk areas.</p>
FEDERAL HOMELAND SECURITY <ul style="list-style-type: none"> • Communication • Standards • Broadband Network 	Police/Fire	<p>Support direct communication between federal agencies and local authorities on critical homeland issues.</p> <p>Support federal standards, guidelines, and funding to ensure reliable, consistent, timely, and redundant preparedness on the front lines.</p> <p>Support a nationwide, interoperable wireless broadband communication network for public safety first responders.</p>
FEDERAL FUNDING	Police/Fire	Support federal funding for public safety, including the Local Law Enforcement Block Grant, Homeland Security Block Grant, the Community Oriented Policing Services (COPS) program, Assistance for Firefighters Grant, Staffing for Firefighters and Emergency Response Grant, Fire Prevention and Safety Grants as well as other public safety funding sources.

ENVIRONMENTAL QUALITY		
SCOPE	Issues related to air and water quality, CEQA, integrated waste management, hazardous materials, coastal issues, energy, water conservation, and utilities.	
INTEGRATED WASTE MANAGEMENT <ul style="list-style-type: none"> • Market development • Electronic waste • Curbside recycling • Multi-Unit Housing Recycling • Local Law Enforcement Agencies • Land Use • Landfill Certification 	Finance/Community Development	<p>Support legislation and other efforts to increase the markets for recycled materials, including advance disposal fees, minimum content laws, and recycling market development zones.</p> <p>Support legislation to strengthen manufacturer responsibility for electronic waste recycling.</p> <p>Support efforts to strengthen curbside recycling programs.</p> <p>Support legislation to expand the container types included in the California Redemption Value Program.</p> <p>Support legislation that promotes reduced packaging and Extended Producer Responsibility (EPR).</p> <p>Support legislation that requires owners of multi-unit housing to provide recycling to tenants.</p> <p>Support legislation to develop a permit process for solid waste anaerobic digestion and/or conversion technologies that are capable of minimizing the amount of solid waste landfill and do not impede or impair existing and planned recycling and waste reduction programs.</p> <p>Support legislation and other efforts to promote the use of multi-use bags by consumers and to reduce the prevalence of single-use bags in the environment.</p> <p>Support legislation and other efforts that facilitate collection and proper disposal of waste pharmaceuticals.</p> <p>Support the right of cities under existing law to be designated as Local Enforcement Agencies for solid waste facility permitting, inspection, and enforcement.</p> <p>Oppose legislation that would preempt local land use authority over solid waste facilities, restrict the ability of a city to issue a land use permit for a solid waste facility, or restrict the ability of a city to apply conditions to such facilities through the conditional use permit process.</p>
UTILITIES	Public Works/Finance	Oppose any legislation that interferes with local utility rate setting authority.

<p>HAZARDOUS MATERIALS</p> <ul style="list-style-type: none"> • Streamlining • Administrating Agencies • Building Permits • Land Use • Biodiesel 	<p>Public Works/ Community Development/ Fire</p>	<p>Support efforts to streamline and coordinate hazardous materials regulation among various levels of government, including city fire departments and county environmental health departments.</p> <p>Support city fire departments as the administrating agencies for hazardous materials regulations or to be the lead agency (the Certified Unified Program Agency) to approve the use and storage of hazardous materials above certain threshold limits and to manage inventory information used by emergency first responders.</p> <p>Oppose legislation or regulations to restrict such authority.</p> <p>Oppose efforts to restrict the ability of cities to issue building or other permits relative to hazardous materials, as long as such facilities comply with the local zoning ordinance and established health and safety regulations.</p> <p>Oppose any proposals that would preempt the ability of a city to deny a land use permit or restrict its ability to issue a conditional use permit for the siting of a hazardous waste facility.</p> <p>Support regulation that allows biodiesel storage (for blends up to B20) in existing Underwriters Laboratory (UL) rated in ground tanks that have secondary containment and working leak detection systems, at the discretion of the local jurisdiction.</p>
<p>REVITALIZATION OF BROWNFIELDS</p> <ul style="list-style-type: none"> • Local Control • Additional Funding • Mitigation • Remediation • Restrictions • State Involvement • Owner Responsibility 	<p>Community Development/ Public Works</p>	<p>Support cities' determination that brownfield remediation projects are consistent with local land use policy.</p> <p>Support additional fiscal resources and options to restore and develop urban and industrial brownfields contaminated by hazardous materials.</p> <p>Support establishing site-specific remediation levels based on the site's proposed use (i.e., parking garage, as opposed to residential development).</p> <p>Support restrictive covenants or deed restrictions to ensure that the level of remediation is appropriate for the future land use.</p> <p>Support continued state responsibility for technical evaluation of site assessments and remediation plans.</p> <p>Support continued site owner responsibility for necessary site assessments and remediation.</p>

<p>WATER QUALITY</p> <ul style="list-style-type: none"> • Infrastructure investment • Standards • Liability • Federal Safe/Clean Water • “Bounty Hunters” • Water Softeners • Watershed Management • Treatment • Reclaimed Water • Reuse • Gray Water • Numeric Limits • Diversion • Financial Commitment • Frivolous Lawsuits • Fees/Penalty Revenues 	<p>Public Works/Community Development</p>	<p>Support state and federal funding for water infrastructure, surface water quality improvement, and urban creek restoration, especially for cities with a history of effective management of water and wastewater infrastructure.</p> <p>Support legislation to protect public agencies that provide wastewater treatment services, from liability for pollution or contamination to groundwater resulting from chemicals that are unlawfully discharged into the collection system.</p> <p>Support efforts to improve the Federal Safe Drinking Water Act and the Federal Clean Water Act and implementation procedures to protect public health and the environment in an efficient and effective manner.</p> <p>Support, as appropriate, state and federal legislative and administrative remedies that would:</p> <ul style="list-style-type: none"> • Limit citizen lawsuits for minor violations of the Clean Water Act but continue to allow injunctive relief for documented violations resulting in substantial documented impacts to water quality; • Ensure that the funds collected from a city as fees, penalties, or judgments are directed toward correcting violations; • Return limited discretion to state and regional water quality control boards in setting penalties to allow fairness based on severity and circumstances of the violation; and • Encourage the state and regional water quality control boards to use their existing discretionary authority, consistent with the requirements of the Clean Water Act, to issue permits that are reasonably achievable. <p>Oppose legislation that requires the use of unreasonable numeric limits in waste discharge permits and storm water permits.</p> <p>Oppose legislation to enact “bounty-hunter” rewards for individuals who identify water quality or water pollution violators.</p> <p>Support the rights of cities to enact ordinances that restrict the use of water softeners to minimize impacts to wastewater treatment operations.</p> <p>Support efforts to set well-defined water quality goals.</p> <p>Support legislation that promotes water conservation.</p> <p>Support regulations and legislation that promote watershed management as a tool to improve water quality.</p>
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<p>WATER QUALITY continued</p>		<p>Support legislation that encourages the cost-effective treatment of municipal wastewater for non-potable reuse, authorizes funding for projects improving, enhancing, or expanding the use of recycled water, and maximizes the responsible use of reclaimed water as an alternative to California’s fresh water supply.</p> <p>Support legislation that updates gray water standards, encourages simple and cost effective permitting process of gray water systems, and removes barriers to installing gray water systems in public, commercial, industrial, multi-family, and single family projects.</p> <p>Support the review and evaluation of proposals for state water taxes.</p>
<p>AIR QUALITY</p> <ul style="list-style-type: none"> • Improvements • Regulations • Land Use • Fund Diversion • Programs/ Standards • Health and Safety Code 	<p>Public Works/ Community Development</p>	<p>Support regulatory changes and infrastructure improvements that will reduce air pollution.</p> <p>Oppose legislation that will reduce air quality standards or restrict city permitting and land use planning authority to minimize negative air quality impacts.</p> <p>Oppose state regulatory changes that mandate restrictions on residential development setbacks from high vehicle traffic without local input</p> <p>Oppose legislation redirecting funds authorized by Health and Safety Code Section 44223, for locally based air quality programs.</p>
<p>CLIMATE PROTECTION</p> <ul style="list-style-type: none"> • Incentives • Fuel Efficiency • Renewable Energy 	<p>Public Works/ Community Development</p>	<p>Support grants, loans, tax credits, and other incentives to assist local governments, businesses, and the public to invest in energy efficient equipment and renewable energy technology.</p> <p>Support grants and other financial incentives for local governments to implement state mandates, including completing and updating an inventory of local government facility greenhouse gas emissions, conducting and updating an inventory of their whole jurisdiction, setting emission reduction targets and monitoring progress, and creating emission reduction action plans.</p> <p>Support grants and other financial incentives for local governments to assess vulnerability and develop and implement adaptive management measures for climate change effects on public health, sea level rise, coastal erosion and inundation, flooding and wildfire hazards, water supply and water quality, biological resources, energy demand, local economy, and other effects.</p> <p><u>Support grants for regional sustainability plans and multi-jurisdictional planning</u></p>

		<p><u>efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments.</u></p> <p>Support legislation that streamlines permitting requirements and costs for energy producing facilities on federal land or which exempts small energy plants (less than 5 mW) from FERC licensing requirement, and require only state and local regulations, as applicable.</p> <p>Support grants, loans, tax credits, and other incentives to assist the public and local governments in using alternative fuels and purchasing fuel efficient and/or flex fueled vehicles.</p> <p>Support legislation that increases energy efficiency requirements as part of the building codes as long as they are healthful.</p> <p>Support legislation to permit assignment of the Public Goods Charge to local governments for implementation of energy conservation programs and projects.</p> <p>Support legislation and measures that encourage renewable energy generation, facilitate renewable resource development, and provide incentives for small renewable generation projects.</p> <p>Support legislation or regulations allowing wheeling of power and/or appropriate remuneration for energy provided to the grid by municipalities.</p>
<p>CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)</p> <ul style="list-style-type: none"> • Procedures and Notices • Definition of a Project • Significant Environmental Effects • Alternatives • Coastal Issues • Miscellaneous 	<p>Community Development</p>	<p><u>Procedures and Notices</u></p> <p>Oppose the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR).</p> <p>Support the development of a funding source for Master EIRs to streamline individual project CEQA review.</p> <p>Oppose shielding Lead Agencies from responding to comments received more than 30 days after a Notice of Preparation (NOP) or received verbally.</p> <p>Support limiting Lead Agency response to late comments received following issuance of the Final EIR and prior to certification.</p> <p>Support eliminating the mandated timeline for entering into CEQA consultant contracts.</p> <p>Support mediation and arbitration in CEQA disputes but not mandatory arbitration.</p> <p>Support raising the threshold for re-circulation of EIRs so that only new “significant unavoidable impacts” would necessitate re-circulation.</p>

<p>CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) continued</p>	<p>Support allowing a tiered Mitigated Negative Declaration (MND) subsequent to an EIR with significant impacts and overriding considerations when the subsequent project qualifies for an MND.</p> <p><u>Definition of a Project</u></p> <p>Support narrowing the definition of “project” to discourage CEQA lawsuits on non-environmental matters.</p> <p><u>Support streamlining to establish new exemptions for projects such as road maintenance, bike paths, temporary events, and in-fill projects.</u></p> <p><u>Support</u> legislation that would allow local standards of review for certain solar projects.</p> <p><u>Oppose</u> regulations limiting local authority to issue building permits based on vehicle miles traveled criteria.</p> <p><u>Oppose</u> legislation that would allow local jurisdictions to prohibit large family day care on single family zoned property.</p> <p><u>Significant Environmental Effects</u></p> <p>Oppose the creation of a new mandate requiring cities to develop boilerplate significance thresholds.</p> <p>Oppose a single statewide set of standards to determine significance at the local level.</p> <p>Support focusing CEQA analysis on physical environmental effects.</p> <p>Oppose amending the definition of “effects” to eliminate the analysis of indirect and cumulative environmental effects.</p> <p>Support amending the guidelines to clarify requirements for analysis of cumulative and indirect environmental effects.</p> <p>Support development of a clear methodology for preparing CEQA analysis of potential global warming impacts of proposed projects.</p> <p>Oppose exempting projects that are subject to their own subsequent environmental review from consideration as a reasonably foreseeable future project when analyzing cumulative impacts.</p> <p><u>Alternatives</u></p> <p>Support eliminating the alternative site requirement for all private projects.</p> <p>Oppose the elimination of the “no project alternative.”</p>
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		<p><u>Coastal Issues</u></p> <p>Oppose legislation that would permit the state to impose conditions on Local Coastal Plans developed by cities and counties.</p> <p>Support efforts to curb frivolous appeals to local coastal decisions.</p> <p>Support prohibition of additional oil offshore development based, in part, on concern about the impacts to on-shore support facilities and services by offshore development activities.</p> <p>Oppose legislation that grants authority to the Coastal Commission that is inconsistent, duplicative and overlapping with the authority of other regulatory agencies, such as regional water quality control boards or other agencies or that grant the Coastal Commission authority outside the coastal zone.</p> <p><u>Miscellaneous</u></p> <p>Support the right of cities to serve as Lead Agencies for the purposes of the Surface Mining and Reclamation Act (SMARA).</p> <p>Oppose any federal or state regulation, statute or constitutional amendment which would place restrictions on federal, state, and local government actions regulating private property or requiring additional compensation beyond the continually evolving judicial interpretation of the Fifth Amendment of the U.S. Constitution.</p> <p>Support the ability of local governments to voluntarily develop and approve species habitat plans for their communities, in conjunction with willing property owners.</p> <p>Support legislation that would consolidate and streamline environmental review studies and processes, and encourage other forms of inter-agency cooperation, for proposed development projects that require permits from multiple jurisdictions (local, state, and federal).</p> <p>Oppose redundant environmental review processes.</p>
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HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT		
SCOPE		Policies that foster local control of community planning decisions as they relate to land use, affordable housing, cultural arts, human and neighborhood services, redevelopment and the community's economic health.
TOURISM	Community Development	Support federal and state efforts to foster tourism policy development and coordination, and raise awareness of the economic impact of travel and tourism.
ARTS, HISTORIC PRESERVATION, CULTURAL RESOURCES	Community Development	Support funding for historic preservation, cultural resources, local arts activities, and arts agencies at levels to sustain the nation's cultural infrastructure, including support for the National Endowment for the Arts, National Endowment for the Humanities, and the Office of Museum Services within the Institute of Museum and Library Services. Support funding for Arts in Education in the U.S. Department of Education's Fund for Improvement of Education to encourage high quality arts instruction in schools.
JOB CREATION	Community Development	Support legislation that will provide tangible and productive tools and incentives to support job creation and retention.
HOMELESSNESS <ul style="list-style-type: none"> • Funding • Food Distribution • Alcohol Impact Areas 	Community Development/ Police	Support legislation and state and federal programs that assist in providing funding for homeless services, including day centers, emergency shelters, transitional housing or permanent supportive housing. Support legislation to reinstate the previous definition language for satellite food distribution that exempted non-profit organizations serving prepackaged servings of food from having to meet extensive structural and operational requirements, usually at remote sites, to obtain a permit. Support legislation to allow cities and counties to designate "Alcohol Impacted Areas" and impose strict local review and controls on the issuance of new Alcohol and Beverage Control (ABC) permits within such areas.
PLANNING AND ZONING <ul style="list-style-type: none"> • General Plans • Water Supply/Land Use • Zoning 	Community Development	Support the use of the general plan as a guide to meeting community planning needs. A city's general plan should not be subject to mandatory review by regional or state agencies. Support protection of local zoning as a primary function of cities and an essential component of home rule. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements, and local land use policy and zoning requirements to meet concerns of the local community.
DEVELOPMENT AGREEMENTS	Community Development	Support voluntary development agreements as one tool for providing flexibility in development approvals.

<p>DEVELOPMENT FEES</p> <ul style="list-style-type: none"> • Local authority • Infrastructure • Mitigation • Condition and Deny Authority 	<p>Community Development</p>	<p>Support providing local discretion in the assessment, collection, and usage of development fees. Support the state provision of infrastructure funding to help local communities meet California’s growth demands and to increase housing affordability.</p> <p>Oppose limiting the ability of cities to levy fees to provide for infrastructure or services.</p> <p>Support maintaining the cities’ ability to condition and deny projects that determine to inadequately mitigate impacts to community schools.</p>
<p>STATE SUBVENTIONS FOR AGRICULTURAL LAND CONTRACTS</p>	<p>Community Development</p>	<p>Support the continuation of State subvention payments to local governments to offset lower property tax rates for agricultural and open space lands in Williamson Act contracts, which provide region-wide protection against conversion of these lands to urban uses and potential associated effects such as loss of prime agricultural soils, loss of agricultural viability, loss of plentiful food supply, loss of habitats, and increased traffic, etc.</p>
<p>ANNEXATION AND INCORPORATION</p>	<p>Community Development</p>	<p>Support strengthening city control over urban boundaries and modifying Sphere of Influence law to limit urban development in unincorporated areas of a county and to facilitate the annexation of urban areas to cities.</p> <p>Support revising the Revenue and Taxation Code to not allow counties to block annexations in exchange for unreasonable property tax sharing agreements.</p> <p>Support expanded authority for cities over adjacent lands outside their sphere of influence regardless of jurisdictional lines so long as the land is not within another city’s sphere.</p> <p>Support allowing more flexibility for cities to provide out of agency services.</p>
<p>SUBDIVISION MAP ACT</p> <ul style="list-style-type: none"> • Local Control • Antiquated subdivisions 	<p>Community Development</p>	<p>Support maximizing local control over subdivisions and public improvement financing and maintaining discretion over the conditions and length of subdivision and parcel maps should be retained by cities.</p> <p>Support reversal of legislation recognizing antiquated subdivisions as legal lots.</p>
<p>BUILDING STANDARDS</p> <ul style="list-style-type: none"> • Health and Safety • Occupancy • Licensing 	<p>Community Development</p>	<p>Support flexibility in the adoption and implementation of health and safety standards contained in the building codes.</p> <p>Support authorizing cities to adopt independent occupancy standards to prevent overcrowding and associated health and safety hazards, including fire-related fatalities.</p> <p>Oppose legislation that would remove licensing requirements for professionals such as architects, landscape architects, contractors, and others related to building and development.</p>

SIGN REGULATION	Community Development	Support the authority of cities to regulate billboards, <u>mobile signs</u> , and other signage.
REDEVELOPMENT Flexibility Liability Project-Area Redevelopment Plan ERAF Sunset	Community Development	Oppose legislation aimed at eliminating redevelopment agencies. Support legislation that increases the flexibility in the use of redevelopment authority. Oppose limiting authority or increasing the liability of redevelopment agencies. Support legislation that provides for the appropriate extension of existing redevelopment project areas that face statutory expiration. Support legislation that allows redevelopment agencies to continue to collect tax increment and extend project area activities in pursuit of Redevelopment Plan goals and to provide affordable housing beyond existing statutory deadlines. Oppose legislation such as Educational Revenue Augmentation Fund (ERAF) and Supplemental Educational Revenue Augmentation Fund (SERAF) that diverts locally-generated tax increment funds from redevelopment agencies. <u>Support AB 1585 or similar legislation to clean up and clarify AB 1X 26 that dissolved redevelopment agencies.</u> <u>Support legislation that enhances or expands community tools to address revitalization and redevelopment needs, including blight, economic development, and affordable housing.</u>
HOUSING <ul style="list-style-type: none"> • Housing Element • Growth • Accountability • Performance Standard • Incentives • Streamlining • Reforms • Growth • RHNA Units • Disputes • Consistency 	Community Development	Support the following housing principles: Local government efforts should be subject to realistic performance standards not to arbitrary state agency review of the housing element. Local government housing efforts should be rewarded by incentives. These incentives should include streamlining by not being subject to HCD review, priority ranking for discretionary funds, and new discretionary funds available for general fund purposes. Support legislation that implements comprehensive reforms to the housing element process to: <ul style="list-style-type: none"> • Address conflicts between local growth projections and state regional housing need numbers; • Allow cities to work together to allocate housing units among themselves within a sub-region; • Resolve problems associated with the distribution of RHNA units within a council of governments; • Improve the housing element review process; • Develop a neutral dispute resolution process and fair enforcement alternatives to deal with disputes over questions of compliance; and

		<ul style="list-style-type: none"> • Revise the formal appeal process so appeals can be heard by politically accountable officials at the state and regional levels. <p>Support legislation that requires state laws and policies related to housing and land use to be internally consistent.</p> <p><u>Support legislation that provides incentives for the development of rental housing.</u></p> <p><u>Support legislation that expands housing opportunities for disabled individuals.</u></p> <p><u>Support the re-establishment of federal tax incentives which were in effect prior to 1986 which encouraged private development and ownership of rental housing.</u></p>
<p>AFFORDABLE HOUSING</p> <ul style="list-style-type: none"> • Financing • CDBG/HOME • Federal Funding • Legal Protections • Elderly Housing • Non-Profits • Fair Market Rents 	<p>Community Development</p>	<p>Support state and federal legislation and programs that provide financing for affordable housing, including the development of fiscal tools and incentives to assist local governments in their efforts to encourage housing and finance the infrastructure to support housing, <u>as well as establishing an ongoing state commitment to funding affordable housing.</u></p> <p><u>Support legislation that establishes a permanent source of funding for an affordable housing such as the Housing Opportunity and Market Stabilization (HOMeS) Trust Fund.</u></p> <p><u>Support legislation that looks at the next generation of community revitalization tools including affordable housing development and preservation in light of the dissolution of redevelopment agencies.</u></p> <p>Support federal funding for the Community Development Block Grant Program (CDBG) for community development, affordable housing, neighborhood improvement, and economic development needs.</p> <p>Support federal funding for the HOME Investment Program that creates and preserves affordable housing for low and moderate-income families and individuals.</p> <p>Support the preservation of the HUD Section 8 Program funding.</p> <p>Support at the federal level, the calculation of Section 8 “fair market rents” and “area median income” on a sub-regional basis, rather than on a countywide basis.</p> <p>Support federal funding of: 1) New construction and rental assistance, modernization of units of elderly housing, also known as HUD Section 202; 2) Efforts to preserve elderly housing and permit nonprofit organizations to purchase elderly housing projects with expiring Section 8 contracts; and 3) Housing for persons with disabilities, also known as Section 811; 4) Homeless assistance grants, also known as McKinney Act.</p> <p><u>Oppose any legislation to reduce financing for the Section 8 Program, including block grants.</u></p>

		<p><u>Support</u> legislation that provides new incremental units of Section 8 voucher assistance nationwide, particularly in higher cost areas, and adequate voucher renewal funding.</p> <p>Support and encourage legislation that establishes additional legal protections to local agencies that approve affordable housing and that establish local pro-active affordable housing policies.</p>
RENT CONTROL/ MOBILE HOME REGULATION	Community Development	<p>Support initiatives that maintain cities as the enforcement authority for mobile home park regulation, including rent control.</p> <p>Support the preservation of existing mobile home parks as an important source of affordable housing.</p> <p>Support legislation that would retain the affordability requirement of mobile homes upon annexation.</p>
MILITARY BASE REUSE	Community Development	<p>Support incentives for the reuse of closed military facilities to meet local community needs as determined by local governments.</p>
RESIDENTIAL CARE FACILITIES <ul style="list-style-type: none"> • Permitting • Licensing 	Community Development	<p>Support permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building, and safety standards. State and county licensing agencies should be required to confer with a city’s planning agency in determining whether to grant a license to a community care facility.</p>

TRANSPORTATION, PUBLIC WORKS and COMMUNICATIONS		
SCOPE	Review state and federal legislation relating to transportation funding, construction, public works, telecommunications, and related areas.	
TRANSPORTATION <ul style="list-style-type: none"> • Funding • Alternative Transportation • Unmet Infrastructure • Gas tax • Bicycle/ Pedestrians • Commuter Rail/On-TRAC • Measure A 	Public Works/ Community Development	<p>Support additional funding for local public transportation, other transportation alternatives to single occupancy vehicles, and other critical unmet infrastructure needs.</p> <p>Support the continued adoption and implementation of a regional long-term capital investment plan and budget to upgrade and repair vital infrastructure.</p> <p>Support appropriations of existing and new state and federal funds directly to cities and counties for the preservation, maintenance, rehabilitation, and improvement of the local street and transportation system.</p> <p>Support maximizing investments in infrastructure and reinforce local land use practices to accomplish strategic local growth objectives.</p> <p>Support local transportation decision-making and pursue transportation policy changes that move funding and decision-making to the local level to fund urban infrastructure needs.</p> <p>Support funding opportunities for bicycle and pedestrian projects.</p> <p>Support legislation and policies that promote the goals, objectives, and continuation of Measure A programs.</p> <p>Support legislation and policies that promote the goals and objectives of the On-TRAC commuter rail program.</p> <p>Support federal funding of Highway 101 improvements as a top regional priority, and federal funding for local priority projects and other funding categories.</p> <p>Support legislation that maintains or increases local funding for transportation projects, including State gas tax, Highways Users' Tax (HUTA) Proposition 42 and 1B funds.</p> <p>Support legislation that prevents "borrowing" or taking of local transportation funds by the State of California.</p>
VEHICLES <ul style="list-style-type: none"> • Road Damage • Local Control • Safety 	Public Works/ Community Development	<p>Oppose increasing the weight of large vehicles allowed on city streets to prevent street and roadway infrastructure damage and associated street maintenance costs.</p> <p>Support retention of maximum City control of the local street and road system.</p> <p>Support traffic safety enhancements such as motorcycle helmets, child restraints, seat belt and speed limit laws.</p> <p>Support local discretion to set lower speed limits.</p>

		<p><u>Support legislation that promotes vehicle speed limits that are designated and enforced with consideration of street design, neighborhood characteristics, adjacent land use, and mix of transportation mode usage.</u></p> <p><u>Support legislation to facilitate buses in turn-out pockets merging back into traffic and requiring motorists to yield to merging buses.</u></p>
<p>PUBLIC WORKS PROJECTS</p> <ul style="list-style-type: none"> • Flexibility • Partnerships • Innovations • Lower Mission Creek 	<p>Public Works</p>	<p>Support maintaining retention proceeds for any public works contract to assure that the primary contractor completes all required work and permits the City's final acceptance of the project.</p> <p>Support retaining maximum flexibility for timely and cost-effective completion of public works projects.</p> <p>Support innovative strategies including public-private partnerships at the state and local levels to enhance public works funding.</p> <p>Support the option to use design-build contracting and other innovations designed to enhance efficiency with public contracting.</p> <p>Support continued funding for the Lower Mission Creek project in annual federal appropriations and authorized by the Water Resource Development Act.</p>
<p>TELECOMMUNICATIONS</p> <ul style="list-style-type: none"> • Infrastructure • Right-of-Way 	<p>Public Works</p>	<p>Support the authority of cities to zone and plan for the deployment of telecommunications infrastructure.</p> <p>Support the ability of cities to maintain and manage the public right-of-way and receive compensation for its use.</p>

AIRPORT		
SCOPE	Issues related to federal and state legislation affecting airport operations funding regulation, and implementation of the Airport Master Plan.	
FUNDING <ul style="list-style-type: none"> • Airport Improvement Program (AIP) • Passenger Facility Charges (PFC) • Security • Bankruptcy • Bonds • Alternative Minimum Tax • Disadvantaged Business Enterprise (DBE) 	Airport	<p>Support legislation reauthorizing the Federal Aviation Administration (FAA) and the Airport Improvement Program (AIP), including support of the following provisions:</p> <ul style="list-style-type: none"> ○ Increase AIP funding and maintain or reduce the 5% AIP match requirement for small airports; ○ Strengthen or maintain budget protections for AIP funding; ○ Eliminate the competition plan requirement for AIP; ○ Eliminate unnecessary AIP grant assurances; and ○ Maintain or expand revenue sources that contribute to AIP. <p>Support federal legislative efforts to maintain or increase appropriations to the AIP for infrastructure projects relating to safety, security, aviation operations and capacity, and noise abatement.</p> <p>Support dedicated aviation security operations and infrastructure funding sources separate from the AIP.</p> <p>Support efforts to reimburse airports for operational and infrastructure costs associated with implementation of federal security and other mandates.</p> <p>Support reform legislation that helps protect airports from the impact of airline bankruptcies.</p> <p>Support reclassification of all airport bonds as ‘governmental’ instead of ‘private activity.’</p> <p>Support continuation of the elimination of the Alternative Minimum Tax (AMT) penalty on Airport Private Activity Bonds.</p> <p>Support efforts to provide airports with greater flexibility in the use of AIP and Passenger Facility Charge (PFC) funds, including elimination of the mandated loss of entitlement funds from imposing a higher PFC.</p> <p>Support an increase or elimination of the cap on PFC charges.</p> <p>Support efforts to streamline the airport PFC application and reporting process.</p> <p>Support efforts to eliminate and/or restructure the federal Airport Disadvantaged Business Enterprise (DBE) program.</p> <p>Support funding for modernization of the FAA air traffic control equipment to improve the safety and efficiency of the national air transportation system.</p>

SAFETY AND SECURITY <ul style="list-style-type: none"> • Streamlining • Cargo Screening • Staffing • Ground Transportation 	Airport	<p>Support streamlining the airport security screening process to reduce passenger inconvenience and improve customer service, while maintaining security and safety.</p> <p>Support a threat based (risk-based) system of air cargo inspection and screening.</p> <p>Support local primacy in granting access to airport restricted areas.</p> <p>Support efforts to preserve current staffing levels for Aircraft Rescue and Fire Fighting crews.</p> <p>Support timely, secure and cost effective background screening for Airport employees.</p> <p>Support measures to improve Santa Barbara Airport's ability to regulate and enforce rules established for ground transportation providers.</p>
ENVIRONMENT <ul style="list-style-type: none"> • Airport Noise • Greenhouse Gases • Environmental Review 	Airport	<p>Support measures to alleviate noise impacts on communities surrounding airports that benefit both the community and the airport such as the implementation of a phased Stage 3 requirement for lighter jet aircraft and the phase-out of noisy Stage 1 and Stage 2 jet aircraft weighing less than 75,000 lbs.</p> <p>Support efforts to reduce pollution, including potential greenhouse gas emissions, resulting from aircraft operations and airport ground service equipment.</p> <p>Oppose efforts to expand state airport noise standard variance requirements.</p> <p>Support additional steps to expedite the airport environmental review and approval process while preserving environmental protections.</p>
AIR SERVICE	Airport	<p>Support efforts to stimulate the airline industry's ability to provide air service to Santa Barbara.</p> <p>Support legislation that recognizes or encourages aviation's contributions to the economy that result from air travel, tourism, commerce, freight transport, and manufacturing.</p> <p>Support a passenger bill of rights that is consistent with Airport and passenger needs.</p> <p>Support changes that would enhance Santa Barbara Airport's ability to improve air service options for local travelers.</p>
TRANSPORTATION/ INFRASTRUCTURE	Airport	<p>Support legislation funding connectivity between air and ground transportation through improved infrastructure and enhancement of alternative transportation options.</p>
PLANNING <ul style="list-style-type: none"> • Land Use • Coordination 	Airport	<p>Support efforts to ensure that development around airports is consistent with land use planning guidelines and compatible with airport operations.</p> <p>Support coordination between FAA and sponsor airports on National Environmental Policy Act (NEPA) compliance issues and preparation of joint NEPA/CEQA documents.</p>
RENTAL CAR CONCESSIONS	Airport	<p>Support airport interests in proposed legislation that may impact the terms under which rental car concessions operate at the airport.</p>
EDUCATION	Airport	<p>Support aviation education that informs students about career opportunities in aviation and encourages interest in a math and science curriculum.</p>

WATERFRONT		
SCOPE	Issues related to federal and state legislation affecting harbor operations, funding, and regulation.	
PUBLIC ACCESS	Waterfront	Support continued public access to marinas, state tidelands, waterfront facilities, and marine resources.
ECONOMIC CONTRIBUTIONS	Waterfront	Support legislation that recognizes economic contributions of ports and harbors to state and federal economies, through maritime trade, maritime industries and commercial fishing.
FEDERAL REGULATION	Waterfront	Support coordination of Executive Agencies to ensure timely permitting of statutorily mandated Civil Works projects and contain regulatory demands that inflate project costs.
LOCAL CONTROL <ul style="list-style-type: none"> • Revenues • Use • Preservation • Environment • Sanctuaries • Local Control • Cruise Ships • Air Quality 	Waterfront	<p>Support continuation of the Tidelands Trust Grant and requirements that all revenues generated within the granted lands are used to repair, maintain, and improve facilities and infrastructure within those granted lands.</p> <p>Support legislation allowing ports and harbors to establish or designate local control over special-use areas for vessels or related recreational equipment of a specific type or use.</p> <p>Support the preservation of ocean resources through established marine sanctuaries, while reserving the ability to comment on potential sanctuary expansion that could affect activities including but not limited to dredging, vessel traffic, wastewater disposal, or general construction, maintenance and repair of Waterfront facilities.</p> <p>Support local jurisdictional control and environmental/regulatory oversight of cruise ship visits near ports and harbors.</p> <p>Support state and federal efforts to reduce environmental impacts of shipping, including whale strikes, in the Santa Barbara Channel.</p> <p>Support state and federal efforts to reduce environmental impacts of oil seeps in the Santa Barbara Channel.</p>
FISHERIES <ul style="list-style-type: none"> • Fishing • Ecological Health • Planning 	Waterfront	<p>Support environmentally compliant commercial and recreational fishing, as essential to the fabric of working ports and harbors.</p> <p>Support legislative efforts to sustain the ecological health of aquatic biological systems, including fish, shellfish, and marine mammals.</p> <p>Support protection of the California Gray Whale and efforts to assess its population, mortality rates and migration rates.</p>

<p>ENVIRONMENT</p> <ul style="list-style-type: none"> • Local Authority • Disposition of Crafts • Non-Native Marine Species • Waste • Seabirds • Water Pollution • Fuel Tank • Oil Spills • Recycling • Boat Paint 	<p>Waterfront</p>	<p>Support enhanced local authority over disposition of wrecked, derelict, abandoned, non-operable or non-seaworthy craft.</p> <p>Support legislation that encourages and funds eradication or control of non-native marine species in ports and harbors.</p> <p>Support physical alternatives or grant funds for disposal of marina-generated household wastes or treated building materials.</p> <p>Support efforts to ensure seabird protection while allowing ports and harbors to undertake maintenance operations and control or abate nuisance fowl.</p> <p>Support state or federal funding for retrofits or rehabilitation of underground marine-fuel tanks or systems.</p> <p>Support state or federal funding to mitigate or remediate non-point source and point-source pollution that affects harbor water quality.</p> <p>Support efforts to fund oil-spill prevention and response in ports and harbors.</p> <p>Support efforts to fund recycling and/or disposal options for waste oil and other byproducts of maritime activities or vessel maintenance.</p> <p>Support efforts to research and test alternatives to copper-based anti-fouling paints for boat bottoms.</p>
<p>FACILITIES</p> <ul style="list-style-type: none"> • Funding • Abandoned Watercraft • Utilities • Boat Launching • Repair and Maintain Harbor Facilities 	<p>Waterfront</p>	<p>Support legislation providing federal or state grant or low-interest loan funds for development of harbor infrastructure facilities.</p> <p>Oppose legislative or administrative efforts to eliminate the state Department of Boating and Waterways and/or reduce or reallocate its budget. <u>If obligations of the Department of Boating and Waterways are absorbed by another department of state government, oppose efforts to redirect funds historically utilized by the Harbors and Watercraft Revolving Fund, as described in the Harbors and Navigation Code.</u></p> <p>Oppose legislative or administrative efforts to increase funds historically appropriated to the State Parks and Recreation Department, as authorized in Section 85.2 (b) (1).</p> <p>Oppose legislative or administrative efforts to reallocate or divert funds from the intended purposes of the State Harbors and Watercraft Revolving Fund, as described in the California Harbors and Navigation Code.</p> <p>Support legislation expanding and/or increasing the budget of the state’s Abandoned Watercraft Abatement Fund and Vessel Turn In Program.</p> <p>Support legislation providing harbor managers a financially feasible means of supplying and recovering costs of utilities such as electricity to berths and marinas.</p>

		<p>Support legislation that funds construction and/or maintenance of boat-launching facilities.</p> <p>Oppose legislation that seasonally restricts the ability to repair and maintain harbor facilities, while considering impacts to sensitive species.</p>
<p>DREDGING</p> <ul style="list-style-type: none"> • Funding • Material • Corps of Engineers • Federal Initiatives • Obligation 	<p>Waterfront</p>	<p>Support policies and funding for dredging small-craft ports and harbors, including environmentally feasible disposition of dredged materials and/or the use of dredged materials for beach nourishment.</p> <p>Support full execution by the Corps of Engineers of its basic navigation, shore and flood protection mission, as well as environmental restoration and recreation authorized by Congress.</p> <p>Support federal initiatives that benefit marine infrastructure needs including: Maritime Infrastructure Banks, maintenance dredging of Santa Barbara Harbor, expanded ocean dredge disposal sites and development of new upland dredge disposal and reuse sites.</p> <p>Oppose any action that would prohibit the U.S. Army Corps of Engineers from realizing its obligation to dredge Santa Barbara Harbor.</p>
<p>BOATING SAFETY</p> <ul style="list-style-type: none"> • Education • Enforcement 	<p>Waterfront</p>	<p>Support boating safety, including education and enforcement or regulation of boating practices, vessel types and equipment.</p> <p>Support legislation implementing a boater-safety certification program.</p> <p>Support boating safety and enforcement efforts through funding of equipment, training and other resources utilized by Harbor Patrol Officers.</p>
<p>EDUCATION</p>	<p>Waterfront</p>	<p>Support programs that utilize the California Department of Boating and Waterways as an educational vehicle for boating and harbor management programs.</p>
<p>SEARCH AND RESCUE OPERATIONS</p>	<p>Waterfront</p>	<p>Support the U.S. Coast Guard's services mission to conduct Homeland Security and search-and-rescue operations as agency priorities.</p>
<p>ENFORCEMENT</p>	<p>Waterfront</p>	<p>Support Homeland Security legislation, programs and/or grants that benefit and protect small ports and harbors.</p>

COMMUNITY SERVICES		
SCOPE	Issues related to childcare, parks and recreation, libraries, cultural arts, community and human services programs.	
PARKS FUNDING <ul style="list-style-type: none"> • Programs • Community Park Land • Partnerships • Coastal Access 	Parks and Recreation	<p>Support full federal funding for the Forest Service's Urban and Community Forestry Program, the Land and Water Conservation Fund, and the Urban Parks and Recreation Recovery Program.</p> <p>Support legislation that promotes the acquisition, development or redevelopment of park land to meet community park and recreation needs.</p> <p>Support regional multi-agency open space acquisition initiatives.</p> <p>Support the continuation of funding for Coastal Access Projects.</p> <p>Support <u>legislation that retains or enhances public access to and the affordability of public parks and recreation programs.</u></p>
STATE NATURAL AREA AND PARK BOND FUNDS <ul style="list-style-type: none"> • Eligibility • Distribution 	Parks and Recreation	<p>Oppose tying local eligibility for park bond grant funds to non-park related issues, such as rent control or housing element status. Statewide park bond measures should include a component that provides per capita grants to cities and counties.</p> <p>Support efforts to assure bond funds are not held for other state funding needs.</p> <p>Support <u>new State bond funding for the acquisition, development or redevelopment of park and recreation facilities to meet community needs.</u></p>
NATURAL RESOURCE PROTECTION	Parks and Recreation	<p>Support legislation that fosters protection and restoration of natural resources, including streams, stream and riparian habitat, wetlands, estuaries, rural and urban open space, etc.</p> <p>Support legislation that provides local agencies with matching grants and/or technical support from the California Natural Resources Agency or other state agencies to revise and implement new resource protection policies and programs.</p>
PROPOSITION 50/84/1E	Parks and Recreation	<p>Support legislation that distributes bond funds as competitive monies to a range of State agencies and does not limit funds based on geographic location or scope of need.</p> <p>Support legislation that allows grantees an opportunity to receive grant funds for project design and permitting, in addition to construction, and also provides a mechanism to extend completion schedules.</p>
PARKS AND YOUTH EDUCATION	Parks and Recreation	<p>Support legislation that establishes new grants or expands the scope of existing grants (currently limited to urbanized areas with populations over 100,000) for which the City would be eligible for park development, park improvement, and youth recreation programs.</p>

<p>CHILDREN/YOUTH</p> <ul style="list-style-type: none"> • Job Training • Prenatal Care • Youth Program • Foster Care • Federal Grants • After School • Equal Access • Parks and Recreation Facilities • Educational Programs • Library funding • Health Care 	<p>Parks and Recreation/ Police/ Community/ Development/ Library</p>	<p>Support state and federal funding for school-based job training programs to produce more job placement opportunities and collaborations with municipal services.</p> <p>Support the creation of more affordable, innovative, and quality local child care options for parents and concurrently encourage adherence to strict regulations and guidelines.</p> <p>Support increased state and federal funding for prenatal care, early health care, preschool, and childcare programs to ensure healthy children and school readiness.</p> <p>Support increased funding for foster care.</p> <p>Support creation of permanent state or federal funding sources for youth programs.</p> <p>Support federal reauthorization and full funding of the Individuals with Disabilities Education Act (IDEA), the Child Care and Development Block Grant, and the Temporary Assistance to Needy Families (TANF) block grant, including after-school recreation and tutoring programs.</p> <p>Support increased state and federal funding for affordable after-school programs and programs that promote and enhance physical fitness and well-being of children and youth.</p> <p>Support legislation that would provide state and federal funding for increased access for children with disabilities to after-school and other recreation programs, including required staff support related to medications, mobility, and activity integration.</p> <p>Support legislation that would provide state and federal funding for the <u>acquisition, development and/or operation of park and recreation facilities that serve underprivileged children, families, and older adults and which promote and enhance physical health and well-being of children, youth, adults and seniors.</u></p> <p>Support legislation providing state and federal funding for improving pre-school reading readiness, for supporting public library services assisting elementary and secondary school students with information, research, and curriculum materials, for adult literacy and computer literacy instruction, and for acquisition of learning materials.</p> <p>Oppose legislation or administrative efforts to decrease the state's budgets for First 5 and K through 12 programs that support children and families.</p> <p>Support the concept of universal health care for all Californians.</p> <p>Support incentives to improve coordination of public health considerations with community land use planning.</p> <p><u>Support promotion of programs, and access to community programs, which encourage children and adolescents to develop lifelong healthy eating, physical activity and exercise habits.</u></p>
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<p>SENIORS</p> <ul style="list-style-type: none"> • Programs • Care Facilities • Wellness 	<p>Parks and Recreation</p>	<p>Support efforts to develop and improve intergenerational recreation programs and activities that include seniors.</p> <p>Support legislation that facilitates development of senior residential and day care facilities integrated within the community-at-large.</p> <p>Support funding for wellness, physical activity, recreational programs, and day care for seniors on low or fixed incomes.</p>
<p>HEALTH FACILITIES</p>		<p>Support an increase in the number of hospice beds allowed in the County for persons who are terminally ill or diagnosed with a life-threatening illness.</p>
<p>PUBLIC LIBRARIES</p> <ul style="list-style-type: none"> • Funding • Computers • State Public Library Fund • Privacy Rights 	<p>Library</p>	<p>Support full funding of the State Public Library Fund, understanding how libraries play an integral role in building and sustaining our communities.</p> <p>Oppose elimination or further reduction of the State Public Library Fund or other sources of library funding.</p> <p>Support legislation providing federal funding for improving pre-school reading readiness, for supporting public library services assisting elementary and secondary school students with information, research, and curriculum materials, for adult literacy and computer literacy instruction, and for acquisition of learning materials.</p> <p>Support federal funding for telecommunications equipment and services in public libraries to provide equal access to information for all residents; oppose requirements on use of federal funds for Internet access services for adults that mandate installation of filtering software.</p> <p>Oppose elimination of the California Library Literacy and English Acquisition Services Program.</p> <p>Oppose legislation that requires public libraries to install and maintain computer-filtering software for use on computers in the library that, in an attempt to block obscene materials, also prevents access to material protected by the First Amendment.</p> <p>Oppose legislation, regulations, and guidelines that erode privacy, information access and Constitutional rights, and oppose the use of governmental authority to suppress the free and open exchange of information and ideas.</p>



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Introduction Of Ordinance For Supervisors Memorandum Of Understanding (MOU), Management Salary Plans, And Cancellation Of Fiscal Year 2012 Furlough Deductions For Certain Employee Groups

RECOMMENDATION:

That Council, introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Supervisors MOU; Adopting the 2012-2013 Management Salary Plans for Unrepresented Non-Safety Managers, including the City Administrator and the City Attorney, and for Certain Unrepresented Safety Managers; and Cancelling Three Pay Periods of Fiscal Year 2012 Furlough Deductions for these Supervisors and Managers, and for Confidential Employees.

EXECUTIVE SUMMARY:

The City has reached agreement with the Supervisors bargaining unit for a new one-year labor agreement (Memorandum of Understanding, or "MOU"), in accordance with the parameters set by Council. For the first time in three years, the agreement does not include furloughs or other temporary wage and benefit concessions. The agreement does not provide for salary increases, but provides for certain changes to benefits. It will result in increased one-time labor costs in Fiscal Year 2012 and Fiscal Year 2013, but will not result in an ongoing increase to net labor costs. The recommended management plans contain provisions similar to that for Supervisors. However, these plans will result in net ongoing labor cost savings to the City.

As an incentive for reaching agreement before the expiration of the current Supervisors MOU, and given available revenues to do so, negotiators agreed to cancel the three remaining Fiscal Year 2012 furlough deductions. It is recommended that this be extended to unrepresented managers and confidential employees as well.

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DISCUSSION:

During Fiscal Years 2010, 2011 and 2012, managers and supervisors participated in labor concessions. These consisted of temporary unpaid furloughs (leave without pay), relinquishment of vacation cash-out rights, and other temporary reductions in salaries and benefits. Concessions also included the cancellation of a 1.5% approved management salary increase in Fiscal Year 2010 (3% for unrepresented Safety Chiefs) that the employees that they manage received. The concessions reduced labor costs that the City would otherwise have incurred by the following percentages.

Unit	FY 10	FY 11	FY 12
Non-Safety Mgrs & Sworn Execs	-8.75%	-8.75%	- 6.75%
Supervisors	- 6.0%	- 5.0%	- 5.0%

Combined with concessions from other labor groups, the City saved approximately \$13,450,753 over the three fiscal years, with \$8,747,899 of the savings accrued to the General Fund. The concessions were critical to the City in avoiding layoffs and more significant reductions in services during the early years of the economic crisis.

The Supervisors MOU expires on June 30, 2012, and negotiators have reached an early agreement for a new one-year MOU that does not include furloughs or other temporary concessions, but also does not permanently increase labor costs. The membership of the bargaining unit is expected to ratify the agreement in advance of today's meeting. The management salary plans for unrepresented managers also expire on June 30, 2012, and new one-year plans are recommended with terms similar to the Supervisors. However, due to the higher value of the vacation cash-out benefit that will be permanently cancelled, these management plans would actually result in net ongoing savings to the City.

Supervisors MOU

The agreement with Supervisors is for one year, expiring on June 30, 2013. The following are the major provisions of the agreement.

- The three remaining furlough deductions in Fiscal Year 2012 will be cancelled, without a corresponding reversal of the hours employees have already taken. This was offered as an incentive for early agreement.
- The annual vacation cash-out benefit will be permanently discontinued.
 - A final one-time vacation cash-out of up to 40 hours will be offered to employees with more than 200 hours of vacation accrual on the books, and to the extent that such employees do not elect to exercise that cash-out right, the one-time savings will be distributed to all supervisors on a per capita basis.
 - The vacation accrual cap will be raised by 40 hours.

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- The cafeteria plan allowance (for the purchase of health insurance) will be increased by \$116 per month effective July 1, 2012.
- The Harbor Patrol Supervisor will continue to contribute 3% toward his PERS benefit;
- The City may reopen negotiations for second tier retirement for new hires in January 2013, on the same time schedule as the reopener with the Treatment and Patrol bargaining unit.
- If the City elects to close during the 2012 holiday season as a productivity or cost-saving measure, employees who do not work will need to use their own leave banks or take unpaid leave to cover the time.

The agreement includes other miscellaneous changes, including small changes to leave use rules and an agreement to implement a savings plan for employees to save for their own retirement healthcare costs.

Although this agreement does not increase ongoing total compensation, because of the cancellation of the temporary furlough, employees will still see an increase in their take-home pay next year. The agreement also includes a “me too” clause whereby, if the City increases compensation for General Unit employees in Fiscal Year 2013, Supervisors will also receive an equivalent increase.

Management Salary Plans

The management plans are also effective for one year. The management plan for non-safety managers (Management Salary Plan 1) includes provisions similar to the Supervisors’ agreement.

- The three furlough deductions will be cancelled.
- The annual vacation cash-out benefit will be permanently discontinued; a final one-time vacation cash-out will be offered to all managers, and to the extent that such employees do not elect that cash-out right, the one-time savings will be distributed to all managers on a per capita basis; and the vacation accrual cap will be raised by 40 hours.
- The cafeteria plan allowance (for the purchase of health insurance) will be increased by \$116 per month effective six months later than Supervisors, in January 1, 2013.

Because managers’ use of the vacation cash-out was almost double that of supervisors, the City will actually achieve ongoing net labor cost savings of approximately 1.4% from this plan. This savings is in addition to the savings from the cancellation of an approved 1.5% salary increase in Fiscal Year 2010 that has never been restored for managers, but which Supervisors and General employees received.

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Introduction Of Ordinance For Supervisors Memorandum Of Understanding (MOU), Management Salary Plans, And Cancellation Of Fiscal Year 2012 Furlough Deductions For Certain Employee Groups

June 5, 2012

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Under the applicable employment contracts, changes to health and welfare benefits applicable to executive management are also applicable to the City Administrator and the City Attorney.

The Police and Fire Chiefs, and the Deputy Police Chief and Fire Operations Division Chief will also be subject to similar provisions as listed above (Management Salary Plan 2). The Fire Prevention Division Chief and Fire Battalion Chiefs have not been included in this group since they are in the process of filing a petition to be represented in negotiations with the City by a newly formed Fire Management Association.

As with the non-safety managers, savings from the elimination of the vacation cash-out for these safety managers will significantly exceed the cost to increase the cafeteria plan. These managers will also continue to pay approximately 3% toward their PERS benefit, which they were not required to do prior to the need for labor concessions. Also, the approved 3% salary increase for this group of managers was cancelled in Fiscal Year 2010 and has never been restored. Other safety managers (Fire Battalion Chief and members of the Police Management Association) received a 3% salary increase in Fiscal Year 2010.

It is likely that staff will have further recommendations related to the safety managers covered by Management Salary Plan 2, following the conclusion of ongoing negotiations with Police Management Association and potentially a newly formed Fire Management Association.

Cancellation of Furlough Deductions

The pay cut from the Fiscal year 2012 unpaid furlough was originally spread across 26 total pay periods to mitigate the impact on employee take-home pay. As mentioned above, the agreement with Supervisors includes cancellation of the three remaining Fiscal Year 2012 furlough deductions, which was offered as an incentive for this early agreement. The same relief from furlough deductions is recommended for unrepresented managers with the adoption of the salary plans. Most employees have taken the required furlough time off, so there will not be a related adjustment to furlough hours.

The same incentive for early agreement has been offered as an option to the General bargaining unit. Despite the availability of this incentive and additional hours spent negotiating, this group has not yet reached agreement. However, there is still the potential for General employees to achieve the cancellation of one or more pay periods of furlough deductions if agreement is reached by mid-June.

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Introduction Of Ordinance For Supervisors Memorandum Of Understanding (MOU),
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Staff recommends extending the cancellation of the full three furlough deductions to the City's non-supervisory Confidential employees who are not represented by a bargaining unit and, therefore, not able to influence the timing of negotiations. As is traditional, final recommendations on pay and benefits for Confidential employees will occur following negotiations with the General bargaining unit.

Labor Cost Changes

The net costs of these labor agreements are as follows:

ALL FUNDS	FY 2012	FY 2013	ONGOING
Supervisors	\$ 39,390	86,462	427
Confidential Supervisors	844	2,803	(70)
Managers	34,896	(25,255)	(134,188)
Safety Chiefs	337	(25,059)	(12,929)
Confidential	14,669	42,832	369
TOTAL	\$ 90,136	\$ 81,783	(\$ 146,391)

However, since the agreements discontinue an unbudgeted labor cost (vacation cash-out) in favor of budgeted labor costs (health benefit increases), the budgetary impact will be different than the net cost of the agreements as shown above. The budgetary impact is reflected in the "Budget/Financial Information" section, below.

BUDGET/FINANCIAL INFORMATION:

The Citywide budget impact of the combined actions recommended herein, and the estimated budget impact of pending negotiations, is as follows:

	FY 2012	FY 2013	ONGOING
All Funds			
Completed Negotiations	\$ 90,136	140,351	208,538
Pending Negotiations	200,000	200,000	200,000
TOTAL	\$ 290,136	\$ 340,351	\$ 408,538
General Fund Only			
Completed Negotiations	\$ 55,689	72,905	126,591
Pending Negotiations	100,000	100,000	100,000
TOTAL	\$ 155,689	\$ 172,905	\$ 226,591

The above estimated costs for pending negotiations are subject to the negotiations process and will be finalized at the conclusion of negotiations.

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The Fiscal Year 2012 costs above related to the cancellation of the furlough savings will be absorbed by each department's budget. As needed, additional appropriations will be requested with the close of Fiscal Year 2012.

As in prior fiscal years, the anticipated cost for the final vacation cash-out is not proposed to be appropriated in the Fiscal Year 2013 budget. To cover the Fiscal Year 2013 ongoing health benefit costs for the General Fund, staff recommends using \$172,905 in available Workers' Compensation reserves. Sufficient funds are available in each of the enterprise fund operations to cover these costs. The Fiscal Year 2013 budget that will be presented to Council for adoption on June 19, 2012 will include these additional appropriations for each of the City's funds.

PREPARED BY: Kristine Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE 2012-2013 SUPERVISORS MOU; ADOPTING THE 2012-2013 MANAGEMENT SALARY PLANS FOR UNREPRESENTED NON-SAFETY MANAGERS, INCLUDING THE CITY ADMINISTRATOR AND THE CITY ATTORNEY, AND FOR CERTAIN UNREPRESENTED SAFETY MANAGERS; AND CANCELLING THREE PAY PERIODS OF FISCAL YEAR 2012 FURLOUGH DEDUCTIONS FOR THESE SUPERVISORS AND MANAGERS, AND FOR CONFIDENTIAL EMPLOYEES

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The 2012-2013 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees Bargaining Unit (hereinafter the "Supervisors MOU"), effective July 1, 2012 and attached hereto and incorporated herein by reference as "Exhibit A", is hereby adopted.

SECTION 2. The City Administrator is authorized to apply the changes to salaries and benefits contained in the Supervisors MOU to the City's confidential supervisors.

SECTION 3. The 2012-2013 Salary Plan Applicable to Unrepresented Managers and Professional Attorneys, effective July 1, 2012, and attached hereto and incorporated herein by reference as Exhibit "B", (hereinafter the "Management Salary Plan 1") is hereby approved.

SECTION 4. The 2012-2013 Salary Plan Applicable to Certain Unrepresented Safety Managers, effective July 1, 2012, and attached hereto and incorporated herein by reference as Exhibit "C" (hereinafter the "Management Salary Plan 2") is hereby approved.

SECTION 5. The City Administrator is authorized to cancel or refund the last three (3) of twenty six (26) total payroll deductions for the Fiscal Year 2012 unpaid furlough, instituted pursuant to Resolution No. 11-053, for unrepresented managers and confidential employees that are active employees on the date of adoption of this Agreement, or to refund such amount if already deducted, without a corresponding reversal of furlough time taken, or accrued but not yet taken. However, an employee who failed to use furlough hours before the deadline and is entitled to repayment of deductions for the furlough hours not taken shall not be entitled to this payment in addition to repayment of the deductions for the furlough hours not taken.

SECTION 6. The City Administrator is hereby authorized to implement the agreements and actions outlined herein without further action by the City Council, unless such Council action is required by state or federal law.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SANTA BARBARA
AND
SANTA BARBARA CITY SUPERVISORY EMPLOYEES'
BARGAINING UNIT**

THIS AGREEMENT IS ENTERED INTO AS OF _____, BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY", AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES' BARGAINING UNIT, HEREINAFTER REFERRED TO AS "UNIT".

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City and the Unit, having met and conferred in good faith concerning the issue of wages, hours, and terms and conditions of employment, as herein set forth, declare their agreement to the provisions of this Memorandum of Understanding.

FOR THE CITY:

FOR THE UNIT:

Kristine E. Schmidt
Employee Relations Manager

Victor Garza, Parking/TMP Superintendent
Unit President

Michael Pease
Budget Manager

Lisa Arroyo
Supervising Engineer

Mike Cano
Utility Services Supervisor

Judd Conley
Waterfront Maintenance Superintendent

Jaime Limon
Senior Planner II

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- APPENDIX F: HOLIDAY CLOSURE PLAN

1. BENEFITS-PERMANENT PART-TIME EMPLOYEES

a. Employees filling positions authorized by City Council in the City's official list of authorized positions at 20 hours or more per week on a less than full time basis shall receive benefits as follows:

i. Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, and holiday equal to the percent of time regularly scheduled versus a regular work week rounded up to the nearest ten percent (10%).

ii. Vacation and sick leave equal to the percent of time worked versus a regular work week rounded up to the nearest ten percent (10%).

b. Employees who were already filling positions authorized by City Council in the official 2004-2005 Position and Salary Control Resolution at 20 hours or more per week on a less-than-full-time basis as of May 1, 2005 will continue to receive full-time health benefits (cafeteria plan contribution, medical contribution, dental contribution, vision contribution).

2. BEREAVEMENT LEAVE

The City's current bereavement leave policy shall be up to five (5) days leave with pay and shall include the following immediate family members: mother, father, brother, sister, spouse, child, grandparents by blood or marriage, grandchildren by blood or marriage, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, person standing in loco parentis, and step family members. In addition to the immediate family members listed herein, an employee shall be eligible for up to five (5) days bereavement leave with pay for his/her domestic partner and the domestic partner's immediate family, as defined above. In order to receive this benefit, domestic partners must be registered with the City Clerk's office or the Secretary of State.

The parties agree that co-worker funeral attendance will be acceptable to the City upon Department Head approval consistent with maintenance of operations.

Though bereavement leave pay is not applicable, the City shall encourage departments to make reasonable efforts to allow employees to use accrued vacation, compensatory time, or personal leave to attend the funeral of an aunt, uncle, or cousin.

3. BILINGUAL SKILLS

The City and the Unit agree to encourage employees to voluntarily develop bilingual skills in instances where the public contact nature of their jobs would make such skills valuable. Bilingual skills for purposes of this article may include both verbal interpretation and routine written translation skills. Complex written translations and complex verbal transactions during large group meetings may be performed if the employee possesses these skills.

Any employee who is requested by the City and agrees to bilingual designation and whose duty assignments require frequent and regular use of bilingual language skills in Spanish and in English with members of the public shall be designated by the Department Head in writing and said designation shall be approved by the Human Resources Manager, who shall test and certify the employees for verbal language proficiency and/or written translation skills as necessary.

As used in this section, the phrase "regular and frequent" means at least several times in each working day. Designation of the bilingual language skill is restricted to the actual needs of the position. An employee's ability to read, write or speak Spanish occasionally or, incidental use of language skills in Spanish, or the use of bilingual skills other than for the purpose of meeting the requirements of the job shall not warrant a bilingual designation.

All employees certified for use of bilingual skills shall receive compensation, per payperiod, in the amount of \$64.00

4. CAFETERIA PLAN

The City will provide a flexible benefit plan known as the "Supervisors' 125 Cafeteria Plan" within the meaning of Section 125(d) of the Internal Revenue Code. The City shall contribute the following per employee, per month to the plan:

<u>Time Period Covered</u>	<u>Amount Per Month</u>
January 1, 2012- June 30, 2012	\$895
July 1, 2012- December 31, 2013	\$1011

The employee will distribute this money among the various cafeteria plan options.

5. CATASTROPHIC LEAVE

Permanent full-time and permanent part-time employees who are incapacitated due to a catastrophic off-duty illness or injury and anticipate exhausting all leave balances may request assistance under the City's Catastrophic Leave Policy. (See Appendix D.)

6. CHILD CARE

The City and the Unit agree to abide by all provisions of the City Child Care Policy (Appendix E).

- a. The City will provide a pre-tax salary reduction plan for dependent care needs in accordance with Section 129 of the Internal Revenue Code.
- b. One member of the Supervisory Employees' Unit shall be appointed to a Child Care Center Advisory Committee, if established
- c. All City child care subsidy amounts will apply across the board to all child care slots if a child care center is established.
- d. The City will explore establishing priority for a percentage of slots for City employee access to child care services provided in leased City facilities.

7. DEFERRED COMPENSATION

The City and the Unit agree that employees shall have the option of selecting deferred compensation as a benefit program.

8. DISABILITY RETIREMENT

- a. An employee found physically or mentally incompetent to perform his/her regular duties shall be terminated pursuant to Charter Section 1007 or retired, if eligible, pursuant to State law and City regulations. An employee eligible to retire for non-industrial disability shall be entitled to use sick leave benefits to extend the date the employee is first eligible to receive retirement benefits for up to a maximum of ninety (90) days.
- b. An employee later found not to be disabled shall be reinstated with back pay and benefits to the date such pay and benefits ceased.
- c. In no case shall an industrially injured employee be entitled to use sick leave benefits to postpone the effective date of retirement.

9. DISCIPLINARY ACTION

a. Any proposed suspension, demotion, or termination of a supervisor, whether classified or unclassified, will be reviewed by Human Resources.

b. The City at its option shall have the right to amend Charter Section 1007 to eliminate procedural redundancies with current "Skelly" procedures required by State law and City regulations for classified employees.

c. If either federal or State law is adopted requiring binding arbitration of disciplinary disputes, the City, at its option, shall have the right to repeal the disciplinary appeal rights provided by Charter Section 1007.

d.. The City, at its option, may require an employee to forfeit vacation or holiday time in lieu of taking other disciplinary action pursuant to Charter Section 1007 and enabling ordinances.

10. DOMESTIC PARTNERSHIP BENEFITS

The City shall allow domestic partners dependent coverage under the medical, dental, and vision plans. In order to receive this benefit, domestic partners must be registered with the City Clerk's office or the Secretary of State. The affected employee(s) shall be responsible for all tax consequences of this benefit.

11. DRESS CODE

It is agreed that employees recognize and will comply with standards of dress consistent with the positive representation of the City government through its employees and consistent with uniform requirements and safety policies established by the City. Failure to do so will result in an employee being directed to conform to the appropriate dress standard. No dress codes other than the above standard are to be established in the various departments.

12. DRUG AND ALCOHOL TESTING

Employees with commercial driver's licenses in "safety sensitive" positions are subject to the City of Santa Barbara Drug and Alcohol Testing Policy Pursuant to Department of Transportation Regulations.

Employees not subject to the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations are subject to pre-employment drug testing and post-accident drug and alcohol testing pursuant to the City of Santa Barbara Drug and Alcohol Testing Policy, attached hereto as Appendix A.

13. EQUAL EMPLOYMENT OPPORTUNITY

a. The City and the Unit agree that the provisions of this Agreement shall be applied equally to all employees covered herein without favor or discrimination because of race, creed, color, sex/gender, age, national origin, political or religious affiliations, Unit membership, sexual orientation, marital status, disability, or pregnancy.

b. The City and the Unit agree to commit themselves to the goal of equal employment opportunity in all City services. Further, the Unit agrees to encourage their members to assist in the implementation of the City's equal employment opportunity program.

14. FURLOUGH- CANCELLATION OF DEDUCTIONS

The City shall cancel the last three (3) of 26 total payroll deductions for the Fiscal Year 2012 unpaid furlough under the "City Of Santa Barbara Fiscal Year 2012 Mandatory Unpaid Furlough Plan-Supervisors" for employees that are active employees on the date of adoption of this Agreement, or

refund such amount if already deducted. This is a cancellation of the deduction only, without a corresponding reversal of the furlough time off taken, or awarded but not yet taken. An employee who failed to use furlough hours before the deadline and is entitled to repayment of deductions for the furlough hours not taken, shall not be entitled to this payment in addition to repayment of the deductions for the furlough hours not taken.

15. HEALTH AND SAFETY

a. The City and the Unit agree to abide by all provisions of the California Plan approved in accordance with the provisions of the Federal Occupational Safety & Health Act of 1970, and any applicable legislation as may be passed by the State of California to implement that plan. The City recognizes that it is the duty of management to make every reasonable effort to provide and maintain a safe place of employment. The Unit will cooperate by encouraging all employees to perform their work in a safe manner. It is the duty of all employees in the course of performing their duties to be alert to unsafe practices, equipment, and conditions and to report any such unsafe practices or conditions to their immediate supervisors. If such conditions cannot be satisfactorily remedied by the immediate supervisor, an employee has the right to submit the matter either personally or through the Steward to his/her Department Head or his/her designated representative. On any matter of safety that is not resolved, consultation will take place between management and Unit representatives. Compliance with basic safety requirements will be part of each employee's performance evaluation criteria.

b. The City agrees to conduct a Safety Program on City time for the purpose of educating employees concerning the provisions of the Occupational Safety and Health Act as well as the City's safety policies. The Unit agrees to support without qualification the City's Safety Program and will encourage its members to attend safety courses if required by the City and made available on City time. The City agrees that any safety courses the employees are required to take will be provided on City time with pay and that first aid training shall be provided to City designated employees in an on-duty status.

c. Both the City and the Unit recognize the need and will strive to reduce the number of industrial injuries among the employees.

d. The parties agree that the City shall perform on-site safety inspections in major work sites at least once a year, and to hold regular safety meetings with departmental safety coordinators. It is further agreed that the City shall continue to maintain vehicles and equipment in a safe operating condition and that no employee will be penalized for refusing to use vehicles or equipment proven to be unsafe pursuant to State law.

e. In departments where regular safety meetings are conducted, if minutes of those meetings are taken, copies of those minutes shall be posted on departmental bulletin boards. Departmental representatives will be permitted to place items on the safety meeting agenda and to attend these meetings to explain those items.

f. The City shall comply with all State and federal requirements that pertain to the operation of computer equipment. In addition, as part of its commitment to making a reasonable effort to provide and maintain a safe place of employment, the City shall review the health and safety implications of operating computer equipment.

g. Departments shall maintain binders of current Material Safety Data Sheets on substances with which Unit employees work or come into contact. These binders shall be made available for inspection at all reasonable times.

16. HOLIDAYS

a. The City and the Unit agree that the following days shall be observed as legal holidays by all employees in the Unit:

January 1st	(New Year's Day)
3rd Monday in January	(Martin Luther King, Jr.'s Birthday)
March 31 st	(Cesar Chavez Day)
3rd Monday in February	(Washington's Birthday)
Last Monday in May	(Memorial Day)
July 4th	(Independence Day)
1st Monday in September	(Labor Day)
4th Thursday in November	(Thanksgiving)
The Friday immediately following Thanksgiving Day	
December 25th	(Christmas Day)

b. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

c. Whenever a holiday occurs on an employee's regularly scheduled day off, the employee is entitled to an additional day off. Such day off shall be taken within sixty (60) calendar days, or shall be compensated at straight pay.

d. Whenever an employee is specifically required to work on a day which is being observed as a holiday, the employee shall receive an additional day off at straight time compensation and be compensated at the rate of time and one-half for the hours worked. The employee must take the additional day off within sixty (60) calendar days or shall be paid for that day on a straight time basis. Time and one half shall not be paid for hours that the employee voluntarily chooses to work, but is not required to work.

e. Nothing in this Agreement shall preclude the City from declaring a holiday when a legal holiday has been declared by the President of the United States or the Governor of the State of California.

f. If the City chooses to close some or all offices to the public during the 2012 holiday period, employees will either work, use their own paid leave banks, or take unpaid leave in accordance with the 2012 Holiday Closure Plan contained in Appendix F,

17. IMPLEMENTATION OF MOU

City shall implement the provisions of this Memorandum of Understanding by adopting appropriate resolutions, ordinances, and administrative policies.

18. INSURANCE

The City and the Unit agree that for the period of, the City shall provide a Medical/Dental/Vision insurance program through December 31, 2013.

The City retains full and complete control over the selection, approval, and administration of the City's employee medical/dental/vision insurance programs to include selection of the carrier, insurance contract renewal, and changes in program specifications. However, medical/dental/vision insurance benefits effective during the course of this Agreement shall remain at least equivalent to those in effect at the commencement of this Agreement and shall include a medical plan option.

The City shall notify the Unit within two weeks of receipt by the City of any notification received regarding major changes in benefits or cancellation of contracts from insurance companies providing insurance coverage identified in this section. Upon such notification, a meeting will be scheduled with the Unit to allow information to be exchanged and afford the Unit the opportunity to consult with the City on the matter.

19. LAYOFF POLICY

a. The City and the Unit agree that any employee whose position is abolished, pursuant to Section 1008 of the City Charter, shall receive a minimum of thirty (30) days written notice prior to the effective date of abolition. The affected employee shall be given every opportunity through promotional examinations, transfers, and voluntary demotion to fill existing vacant positions. In the event that an employee scheduled to be laid off does not possess minimum qualifications for vacant positions, opportunity for trainee-level appointment to a vacancy in the bargaining unit will be considered. In no case shall open competitive recruitment be used to fill a vacancy until it is determined that no person holding a position to be eliminated meets the qualifications for the vacancy and that no person holding such a position has the potential and willingness to meet those qualifications pursuant to the trainee-level position ordinance (Municipal Code Section 3.04.055).

Notwithstanding the above, a Department Head shall have the sole right not to employ, accept transfer of, or demote any employee laid off who in the Department Head's sole opinion is not qualified for a position with due regard for the provisions of this Agreement, City policy, and State and federal law. A Department Head, however, may not reject an employee who has "bump rights" to a position as provided herein.

b. Order of Layoff

1. Under the City's policy on the abolition of positions and reduction of personnel by layoff, employees will be laid off by classification, department and division in the following order:

- a) Probationary employees (if any);
- b) Regular employees who received an overall performance evaluation score of less than 70% (under the former evaluation form), or an overall score of "needs improvement" (under the new 2008-2009 evaluation form) on the last two consecutive annual performance evaluations.
- c) By inverse order of seniority. Seniority is determined by continuous service in the classification.
- d) If employees have the same seniority within the classification, selection shall be made at random.

2. Employees affected by layoff shall have the right to return to the last position they previously held in the City service so long as they meet the position's current minimum qualifications and are physically able to perform and that position continues to exist. If an employee bumps down into the last position held, the employee will bump another employee within that classification, department and division as provided in subsection "2", above.

3. The City shall determine and implement the order of layoff after consultation with the Unit."

c. Whenever the City Administrator submits a budget to the City Council requiring layoff of general employees or supervisory employees as outlined in Paragraph b, the City Administrator shall, at the time of budget submission, provide the Unit with a list of prospective layoffees and a seniority list from which eligibility for layoffs was determined.

d. The City may offer a separation enhancement plan to avoid layoffs.

20. LEAVE OF ABSENCE

a. It is agreed that supervisory employees shall have the right to request an extended leave of absence without pay for a period of up to one year for personal reasons or for additional schooling. If the leave is approved, the employee will have right of return but such leave shall be considered a break in service with no accrual of benefits. Leave approval will be at the discretion of the City Administrator.

b. Employees may be entitled to up to 12 weeks of leave, with benefit continuation and reinstatement rights, under the City's FMLA/CFRA Family Care and Medical Leave Policy for the birth of a child or to care for a newborn, for the placement of a child with an employee in connection with adoption or foster care, to care for a child, parent, spouse, domestic partner or child of a domestic partner who has a serious health condition, or for the employee's own serious health condition. For combined pregnancy and child bonding leave, the amount of leave available under this policy may be longer.

c. Extended Medical leaves of absence may be granted by the City Administrator for a period of up to a total of one year (including any period of FMLA/CFRA Family Care and Medical Leave) on request of the employee due to the employee's illness. The City shall continue to pay its contribution to insurance (medical, dental, vision, psychological, life, and long-term disability) for the longer of the first ninety (90) days of such medical leaves of absence, or any period of leave continuation provided under the FMLA/CFRA Family Care and Medical Leave Policy.

d. The following criteria will be used in determining the granting of personal or extended medical leaves of absence:

1. Employee's seniority in City service.
2. Employee's job performance record.
3. Employee's disciplinary action record.
4. Needs of the City service.

e. No sick leave, vacation or holidays shall accrue to any employee during any full biweekly pay period in which the employee is on authorized leave without pay. Employee on leave without pay (other than medical) shall also be responsible for full payment (employer and employee portion) of insurance premiums.

f. No sick leave, vacation, or holiday shall accrue or be paid to employees during any period of authorized leave without pay or suspension.

g. "Continuous service" means employment with the City without break or interruption; in computing continuous service for the purposes of this chapter, neither military leaves nor leaves of absence on account of illness, whether with or without pay, shall be construed as a break in employment or service. Other absences aggregating in excess of ninety (90) days in any period of twelve (12) months, including layoffs on account of lack of work, lack of funds, or abolishment of positions shall be construed as breaking "continuous service".

21. LIFE INSURANCE

The City will provide a term life insurance policy covering the employee in the amount of one (1) year's annual salary (effective 1st of January of each year) or \$60,000, whichever is greater, with an equal accidental death and dismemberment provision.

22. LONG-TERM DISABILITY INSURANCE

The City will provide a long-term disability insurance plan by enrolling Unit members in the City of Santa Barbara Long-Term Disability Plan.

23. MAINTENANCE OF BENEFITS

The City and the Unit agree that all benefits, other than direct wages, as provided by ordinance, resolution, and City Charter, which are in existence at the commencement of this Agreement, shall not be diminished, lessened, or reduced for the duration of this Agreement.

Wage adjustments as provided for from time to time by ordinance or resolution, or by City Charter, as may be amended, shall also continue for the duration of this Agreement.

The City and the Unit agree that the City has the right and prerogative to assign duties to and direct employees in accordance with applicable job specifications and Section 3.12 of the Santa Barbara Municipal Code.

24. MANAGEMENT RIGHTS

The City and the Unit agree that the City has an exclusive right to manage and direct the performance of services and the work force performing such services unless the City has specifically delegated, abridged, or modified any such rights in this Agreement. Such rights shall include but not be limited to the sole right to determine the organization structure of the City, establish levels and types of services to be provided, determine the methods, means, and number of personnel by which operations are to be conducted, including sole authority to contract or subcontract for municipal services, and to exercise complete control and discretion over the technology of performing the City's work. The City retains complete authority over the policies and direction and administration of all City departments including but not limited to standards and methods of selection for employment; promotion and performance evaluation; disciplinary action; relief of employees from duty because of lack of work or other legitimate reasons; maintenance of the efficiency of government operations; establishment of the work week and work schedules; and determination of the content of job classifications consistent with applicable laws and with due regard for provisions of this Agreement.

25. MEETING AND CONFERRING

The City and the Unit agree to meet and confer regarding renewal of the Memorandum of Understanding by using the concept of Mutual Gain Bargaining. Mutual Gain Bargaining principles to be observed include important assumptions such as focusing on issues not personalities, interests not positions, and satisfying mutual interests. The Unit and the City recognize that bargaining enhances the ongoing relationship between both parties that both parties can win in bargaining and can help each other do so, and that open and honest discussion expands the area of mutual interests therefore expanding the options available to the parties to arrive at successful solutions.

26. MUNICIPAL CODE CHANGES

During the term of the Agreement the City and the Unit shall meet and confer with regard to any further City proposed changes to Santa Barbara Municipal Code Title 3 which are within the scope of representation

27. OVERTIME

a. The City and the Unit agree that overtime work will be assigned to the employees on a rotation basis whenever possible.

b. Overtime compensation shall accrue in fifteen minute minimum blocks of time for work performed fifteen minutes or more beyond a regularly scheduled work day or work week.

c. If an employee is called back to duty on an overtime basis, such employee shall be compensated for no less than two (2) hours overtime. If an employee is called back to work on an emergency basis, if conditions permit, City shall provide said employee with nourishment and/or a rest period of appropriate

duration.

d. The parties agree that employees have the right to request cash payment or compensatory time off (CTO), but that approval of one or the other benefit remains the right of the City consistent with the needs of the City.

Overtime worked shall be compensated at the rate of one hour of CTO for one hour of overtime worked or one and one-half hour cash out for one hour of overtime worked.

Overtime not cashed out shall be maintained in a CTO "Bank". An employee may accrue up to 100 CTO hours in his/her bank. The employee may maintain this bank unless the employee terminates or agrees to cash out a portion of all the hours in the bank. Management will make every effort to provide employees with opportunities to take compensatory time off to avoid exceeding the bank limit. The City retains the right to cash out CTO hours other than the 100 hour bank described above at the overtime rate.

It is agreed that the City has the right to require employees to take compensatory time off but shall provide a minimum of seven (7) calendar days advance notice in such cases.

e. Prior management approval is required for the use of CTO, however employees may use CTO hours from their overtime bank without prior notice for time off due to illness or injury of their spouse or children. Such emergency leave shall not be unreasonably withheld by the City. Emergency leave shall be deducted from the employee's CTO bank. No emergency leave payment shall be made except after satisfactory evidence of dependent illness or injury has been accepted and approved by the Department Head.

f. The City and the Unit agree that overtime work accrued during a declared disaster as determined by the President of the United States, the Governor of the State, the Mayor of the City, City Council, or the City Administrator shall be compensated at the rate of time and one-half providing that the City is reimbursed at the rate of time and one-half wages in Federal or State Disaster Relief Funds.

28. PAYROLL

a. Employees who receive payroll overpayment, shall reimburse City for such overpayment. City shall establish a reasonable schedule of payments based upon amount of such overpayment and date overpayment was made.

b. All employees shall participate in the City's payroll direct deposit program.

1. Each employee shall execute a payroll authorization form and submit a voided check or savings deposit slip to the Payroll Office. It shall be the employee's choice as to which bank he or she designates as the institution receiving payroll funds.

2. When the authorization form is properly executed and filed with the Payroll Office, the City will begin automatically depositing the net amount of pay on or before each designated biweekly payday in the employee's designated bank account.

3. Exceptions: An exception to this policy may be granted by the Finance Director to an employee upon a showing of good cause for such exception (e.g., that he/she is unable to establish and/or maintain a personal banking/financial account for direct deposit, or that other personal circumstances necessitate a temporary or permanent exception). The Finance Director may require the employee to renew this exception periodically. Exceptions will not be unreasonably denied.

4. Employees participating in direct deposit will be provided with a payroll detail report each pay period. Alternatively, employees may voluntarily opt out of a paper detail and access this information electronically via the City's computer system.

29. PERSONAL LEAVE

- a. Employees shall be entitled to the same number of personal leave days as the General Employees' Bargaining Unit agrees to.
- b. Personal leave days must be taken by the end of each fiscal year or lost. An exception to this general rule is that the use of personal leave days awarded in July 2011, the deadline for the use of which was previously extended to June 30, 2013, will be further extended to December 30, 2013. Personal leave shall be scheduled on the same basis as vacation. In no case shall employees be entitled to cash payment for personal leave days not taken.
- c. City shall maintain minimal staffing on workday afternoon prior to New Years and Christmas holidays so that as many employees as possible may enjoy personal leave, vacation, or CTO at those times.

30. PROBATIONARY PERIOD

The probationary period required by Charter Section 1004 may be extended beyond one (1) year by signed mutual agreement of City and employee.

31. PROCESSING OF GRIEVANCES/DISPUTES

- a. Grievances shall be defined as an alleged violation of this Agreement or dispute regarding interpretations, application, or enforcement of this Agreement or the City Charter, City ordinances, resolutions, and written policies related to personnel policies and working conditions. Grievances shall not include disagreements, disputes, or activities regarding or pertaining to examinations for employment or promotion, disciplinary action, performance evaluations, probationary terminations and items subject to meet and confer.

No act or activity which may be grievable may be considered for resolution unless a grievance is filed in accordance with the procedure contained herein within thirty (30) calendar days of the date the grievable activity occurred or the date the employee could reasonably have known such activity occurred.

- b. The Unit agrees that whenever investigation or processing of a grievance is to be transacted during working hours, only the amount of time necessary to bring about a prompt disposition of the matter will be utilized. At the City's discretion, time spent by City employees on the investigation and processing of grievances will be recorded on a form provided by management.

Representatives will be permitted reasonable time off with pay for the investigation and processing of grievances after first obtaining permission from his/her Department Head. Such permission will be granted promptly unless such absence would cause an undue interruption of work.

Upon entering a work location, the representative shall inform the appropriate Department Head and supervisor of the nature of his/her business. An employee pursuing a grievance shall be granted permission to leave the job unless such absence would cause an undue interruption of work. If the employee cannot be made available, the representative will be immediately informed when the employee will be made available.

- c. The City and the Unit agree that all grievances will be processed in accordance with the following procedure.

Any employee who has a grievance shall first try to get it settled through discussion with his/her immediate supervisor without undue delay. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision. If after such discussion the employee does not believe the grievance has been satisfactorily resolved, he/she may file a formal appeal in writing to his/her Department Head within ten (10) calendar days after receiving the informal decision of his/her immediate supervisor.

The Department Head receiving the formal appeal shall render his/her written decision and comment to the employee within ten calendar days after receiving the appeal.

If after receipt of the written decision of the Department Head the employee is still dissatisfied, he/she may appeal the decision of the Department Head to the City Administrator. Such appeal shall be made by filing a written appeal to the City Administrator within five (5) working days after receipt of the written decision of the Department Head. The City Administrator shall review the decision of the Department Head, and his/her decision, which shall be rendered within twenty-five (25) working days after the appeal is made, shall be final. The City Administrator may request the advice of the Board of Civil Service Commissioners in any grievance proceeding, but he/she shall not be bound to follow any recommendation of the Board.

The time limitations for filing and responding to grievances may be waived or extended by mutual agreement of the parties. If either party to the grievance so requests, an informal hearing shall be conducted at the Department Head or City Administrator appeal levels. Employees may be represented by counsel or other person at any stage in the grievance process.

d. Grievances which are general in character and which involve interpretation or application of this MOU or City policies or which involve matters requiring resolution outside the authority of the employee's Department Head shall be filed directly with the Assistant City Administrator who shall provide a written response within ten (10) calendar days.

An employee may appeal the response of the Assistant City Administrator. The employee's appeal and City Administrator's response shall be handled in accordance with the procedures in section "c" above.

e. Disputes or complaints regarding open competitive or promotional examinations for employment shall be processed in accordance with the policy adopted by the City Administrator. The City shall consult with the Unit prior to adopting or amending such policy.

f. Disputes or complaints regarding performance appraisals shall first be discussed with the individual who made the appraisal. An employee dissatisfied with the appraiser's response may discuss his/her complaint with the individual at the next higher level of supervision whose decision shall be final. An employee may be represented by counsel or other individual during these discussions.

32. PROFESSIONAL REGISTRATION PAY

It is agreed that when the Department Head assigns any Supervising Engineer to maintain the ability to assume responsible charge for sealing City design projects by using his/her California professional registration, that employee shall receive an additional 5.0% of his/her biweekly salary.

33. PURPOSE

It is the purpose of this Memorandum of Understanding to promote and provide for harmonious relations, cooperation, and understanding between management and the employees covered by this memorandum; to provide an orderly and equitable means of resolving any misunderstanding or differences which may arise under this Memorandum of Understanding; and to set forth the full and entire understanding of the parties reached as a result of good faith meeting and conferring regarding the wages, hours, and other terms and conditions of employment covered by the memorandum.

34. RECOGNITION

a. Pursuant to the provisions of Section 3.12 of the Municipal Code of the City and applicable State law, the Unit is recognized as the majority representative of the City supervisory employees and as the exclusive bargaining agent for the employees in said Unit.

b. The terms "supervisory employee(s)" or "employee(s)" as used herein shall refer only to full-time or permanent part-time employees serving in classifications who occupy positions designated as supervisory and authorized by the City Council in the City's official list of authorized positions

Classifications may be added to or deleted from the supervisory employees bargaining unit in accordance with the provisions of this Agreement and the City's Employer/Employee Relations Ordinance.

35. RECRUITMENT

The names of nine (9) more eligibles (including tie scores) than the number of vacancies shall be certified to the appointing authority in alphabetical order for classified positions.

36. RENEWAL

The City and the Unit agree that, for the term of this Agreement, each party waives the right and each agrees that the other party shall not be obligated to meet and confer with respect to any subject or matter pertaining to or covered by this Agreement, except as to meeting and conferring over the renewal or continuation of this Agreement, or as otherwise provided herein.

It is further agreed that nothing in this Agreement shall in any way diminish the rights of the employees, the City, or the Unit as established by the Meyers-Miliias-Brown Act of the State of California and all amendments thereto, or Santa Barbara Municipal Code, Chapter 3.12, except as herein provided.

37. REPRESENTATION - UNIT OFFICERS AND REPRESENTATIVES

a. The City and the Unit agree that Unit officers and representatives will be allowed to meet with City management during normal work hours on City time for the purpose of meeting and conferring in good faith and without loss of pay or any benefits.

b. The Unit agrees to provide the City with a list of Unit officers and employee representatives, with their job classifications, who are authorized to meet and confer in good faith. Unit shall keep the list up to date.

c. The City agrees that authorized Unit representatives shall be given access to work locations during working hours to conduct Unit grievance investigations and/or observe working conditions. Such visits are to be made with the prior knowledge and approval of the Department Head and a management representative may accompany the Unit staff member on the visit.

d. The Unit shall provide the City with a list of representatives and shall update said list as appropriate.

38. RETIREE DENTAL INSURANCE

a. The City will provide information on available individual dental plans to any Unit employee who retires. The premiums for any such dental plans shall be paid by the retiree.

c. At such time in the future that the General Employees' Unit bargains for and receives a dental insurance option for retirees, the City and the Unit agree to meet and confer regarding a dental insurance option for Unit Retirees.

39. RETIREE MEDICAL

a. This provision is applicable to employees who retire from City service on or after January 1, 2005 and

1. Have 15 or more years of classified or unclassified service; or
2. Retire from the City with an industrial disability.

b. For employees who retire on or after January 1, 2010, the City shall contribute \$9.65 per month, per year of service up to a maximum of 35 years (i.e., \$337.75/month) towards the purchase of medical insurance for the retiree and his/her spouse or domestic partner registered with the City Clerk or the Secretary of State, if applicable.

c. The retiree is not limited to the purchase of a City sponsored plan, provided however, that if the retiree purchases another insurance plan, the retiree must supply the City with adequate proof of insurance coverage prior to any contribution from the City. Proof of such coverage shall be provided to the City on a periodic basis, as reasonably determined by the City.

d. The City shall continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first, provided however, that if the retiree dies before reaching the age of 65 and there is a surviving spouse or registered domestic partner, the City's contribution shall cease when the retiree would have reached 65. Thereafter, the spouse or domestic partner may remain on the insurance plan, at his/her cost, subject to the conditions set forth by the insurance company.

e. If any Court decision with binding effect on the City of Santa Barbara rules that a retiree medical provision like the provision contained herein violates the State or Federal law against age discrimination, the parties agree that within 30 days they will reopen negotiations on said provision to convert to a retiree medical policy with equivalent cost that does not violate age discrimination law. The parties agree that whatever policy is agreed upon will not reduce or increase the City's contribution toward retiree medical insurance.

f. Before September 30, 2012, the City will hold an information meeting to explain the options for a Retiree Health Savings Trust (i.e., IRS Section 115 Trust) with a Health Reimbursement arrangement to employees. Thereafter, upon notification to the City that the Association agrees to employee funding of such a plan in a manner consistent with IRS and other plan rules, the City will implement the plan as soon as practicable to allow employees to contribute.

40. RETIREMENT

a. Miscellaneous Employees:

1. The City will provide miscellaneous employees the two percent (2.7%) at age fifty-five (55) benefit formula under the Public Employees' Retirement System (PERS), pursuant to Government Code 21354.5.
2. The City will contribute toward the PERS normal employee's contribution as detailed in section "3", below, and these contributions, if any, shall be credited to the member's account. The City shall report the value of any Employer Paid Member Contributions (EPMC) to PERS as compensation earnable through enabling City resolution, pursuant to Government Code Section 20636(c)(4).
3. Employees will continue to pay the full cost of the benefit enhancement to 2.7% at 55, including the effects of market volatility, according to the following formula:
 - i. While the PERS miscellaneous plan employer rate is exactly equal to 20.164%, the

employee shall pay 7.162% of the 8% required employee contribution. This will be deducted on a pre-tax basis and credited to the employee's PERS member account. The City will pay the difference of .838%, which shall be reported to PERS as compensation earnable, and credited to the employee's member account.

- ii. If PERS sets the employer rate at less than 20.164%, the employee shall receive credit for 30.559% of the amount by which the employer rate is less than 20.164%. The City will apply the credit by paying an additional portion of the required 8% employee contribution, up until the point where the City again pays a full 7% of the 8% required employee contribution. This additional City-paid employee contribution (EPMC) shall be reported to PERS as compensation earnable, and credited to the employee's member account.

[For example: If the employer rate is only 18.164% of PERS-able compensation, the City will pay an additional 0.61% (2.0% times 30.559%) of the 8% employee contribution, for a total of 1.448%];

- iii. If PERS sets the employer rate at more than 20.164%, the employee shall pay 30.559% of the amount by which the employer rate exceeds 20.164%. The employee shall pay for this cost in the following manner:

- A. First, through an increase in the employee-paid portion of the 8% required employee contribution up to a maximum increase of 0.838%. This additional employee paid amount will be deducted on a pre-tax basis and credited to the employee's member account.

[For example: If the employer rate is 22.164% of PERS-able compensation, the employee will pay an additional 0.61% (2.0% times 30.559%) of the 8% employee contribution, for a total of 7.772%];

- B. Second, through payroll deduction. To the extent allowable by PERS, and in compliance with any restrictions imposed by PERS, the City will amend its contract to allow the employee to assume this additional cost in such a way that it will be credited to the employee's PERS member account and payable on a pre-tax basis. [Unless the parties through meeting and consulting (not meeting and conferring) agree that affected employees can pay through another mechanism, including, but not limited to paid vacation or paid holiday. If the parties enter into the meet and consult process, a State mediator will act as the facilitator.]

[For example: If the employer rate is 25.164% of PERS-able compensation, the employee will pay an additional 1.528% (5.0% times 30.559%) of PERS-able compensation as follows: an additional 0.838% (8%-7.162%) to cover the full 8% employee contribution, and a payroll deduction equal to 0.69% (1.528%-0.838%) of PERS-able compensation.]

4. The following contract provisions shall apply to the PERS miscellaneous plan
 - i. The City will provide One-Year Final Compensation for Miscellaneous employees under PERS, pursuant to Government Code 20042.
 - ii. The PERS Miscellaneous contract shall provide for Military Service Credit as Public Service under Government Code Section 21024 and for Public Service Credit for Excluded or Limited Prior Service under Government Code Section 21031.
 - iii. The PERS Miscellaneous contract shall provide for Public Service Credit for Peace

Corps or Americorps: Volunteers in Service to America (VISTA) pursuant to Government Code Section 21023.5,

iv. The City will provide the Fourth (4th) Level of 1959 Survivor Benefits for Miscellaneous employees, pursuant to Government Code Section 21574.

b. Harbor Patrol Safety Employees:

1. The PERS contract shall provide local safety member status under the 3% at 50 benefit formula to employees regularly assigned as Harbor Patrol Officers pursuant to Government Code 20423.
2. The City will provide to Harbor Patrol Officers the additional PERS benefits of One-Year Highest Compensation, Increased Level of 1959 Survivor Benefits (Level Two), Post Retirement Survivor Benefits and Post Retirement Survivor Allowance to Continue After Remarriage, Military Service Credit as Public Service under Government Code Section 21024 and Public Service Credit for Excluded or Limited Prior Service under Government Code Section 21031.
3. Harbor Patrol Safety employees will continue to contribute toward their enhanced retirement benefits by paying 3% of PERS-reportable earnings to the City through post-tax payroll deductions in the manner contemplated by Govt Code § 20516(f). Such payments will not be credited under the retirement system.
4. The City will continue to pay the entire 9% PERS normal employee's contribution for Harbor Patrol Officers during the term of the agreement, which shall be credited to the member's account. City shall report the value of Employer Paid Member Contributions (EPMC) to PERS as compensation earnable through enabling City resolution, pursuant to Government Code Section 20636(c)(4).

c. The City is authorized to amend its contract with PERS immediately, in order to be able to implement the incentives listed below:

Upon declaration of the Council of the City of Santa Barbara that the State of California's budgetary or fiscal impacts on the City's budget have caused grave fiscal conditions to exist that require prompt and immediate attention, the City may offer the following early retirement incentives to applicable employees:

1. Two years additional service credit in accordance with Government Code Section 20903; and/or
2. City payment of Military Service Credit as Public Service in accordance with Government Code Section 21024.

41. RETIREMENT REFORM

Upon 30 days written notice from the City to the Association, but not sooner than January 2, 2013, the parties will formally reopen meet and confer negotiations regarding applying a second tier of retirement plan to newly hired employees, and regarding the compensation and non-pension benefits provided to those newly hired employees that are subject to such alternate retirement benefits.

42. RETROACTIVITY

An employee will be eligible for the increases to salaries and benefits provided under the Agreement on the dates specified for each increase if the employee is an active City employee and bargaining unit member on the date that the City Council ratifies this Agreement.

43. SAFETY EQUIPMENT

The City and the Unit agree that the City will either provide all safety equipment required by the City or will reimburse the employee for purchasing the equipment whenever such equipment has been required by the City as necessary for the job. Such equipment shall include, but not be limited to, safety shoes, safety glasses, helmets, gloves, boots, life jackets, and all related safety items. Both parties agree that the City shall retain the right to determine the minimum specifications of the safety equipment, procurement procedures, and limitations and exclusions.

City shall provide prescription safety glasses to those employees who wear prescription glasses and perform duties that require the use of safety glasses. Such employees shall provide the City with the lens specifications prescribed by the employee's doctor. The City will provide the initial pair of safety glasses based upon this prescription and shall replace same only upon a subsequent substantial change of prescription or evidence acceptable to the City that said prescription safety glasses are rendered unusable by accidental damage suffered while performing assigned duties.

Notwithstanding the above, the parties agree that employees designated by the City as required to wear steel-toed safety shoes, in the performance of their duties, shall be eligible to receive an annual allowance for the provision of said shoes upon the presentation of valid claims in keeping with City established procedures in amounts not to exceed the amounts established for general employees.

44. SAFETY RETIREMENT FOR AIRPORT PATROL- REOPENER

During the term of the agreement, either party may notify the other in writing to request that the parties meet and confer to consider (1) whether PERS safety retirement status can and should be granted to Airport Patrol Officers and (2) any cost offsets related to such a change. Cost offsets will require mutual agreement. All other provisions of this Agreement will remain in full force and effect.

45. SALARIES

a. There will be no salary increase during the term of this agreement, However, if City agrees to increase total compensation to General bargaining unit by an amount equivalent of 0.5% or more of base salary on an ongoing basis effective in the July 2012 to June 2013 Fiscal Year, Supervisors will get a 0.5% salary increase for each 0.5% increase in ongoing total compensation that the General Unit receives on the same effective date(s). An increase to total ongoing compensation shall not include one-time payments or reallocation of the cost of an eliminated benefit, such as vacation cash out, to another form of compensation.

c. Effective at the beginning of the first full pay period after September 15, all supervisory employees eligible for a merit increase shall receive a merit increase as outlined in Appendix C.

d. Employees shall receive at least a five percent (5%) salary increase upon promotion provided, however, that the City shall not be required to pay a salary in excess of the salary range authorized for the appropriate classification by the City Council in the official Position and Salary Control Resolution.

e. The City shall make every effort to maintain Supervisory classes fifteen (15) to twenty (20) percent above the highest paid subordinate depending on the difference in responsibilities and the programmatic/section responsibilities of the class; if multiple supervisory or subordinate class levels exist, this differential may be set at ten (10) percent.

f. The salaries of employees who are reclassified shall be set at a level determined by the City subject to the following: (1) in no case shall the salary of an employee who receives an upward reclassification be less than the employee's salary at the time of reclassification, and (2) in no case shall the salary of an employee reclassified downward be set below the level the employee was previously receiving in the higher classification.

g. Anniversary dates for newly hired employees shall be the first of the month if the employee was

hired on or before the fifteenth of that month and the first day of the following month for those hired after the fifteenth. The probationary period shall begin on the first day of employment.

46. SALARY SURVEY

The City and the Association agree to meet on a monthly basis during the term of this agreement, beginning in July 2012, to update the 2005-2006 total compensation survey for reference during negotiations for a successor agreement. The City and the Association agree to make every effort to have the results finalized prior to March 1, 2013. This may be waived by agreement between the parties.

47. SERVICE CREDIT FOR SICK LEAVE UPON RETIREMENT

At the time of retirement, the City purchases an annuity for the retiring supervisor that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave under Government Code 20965.

The following conditions apply to this benefit:

- a. In order to qualify for service credit for sick leave upon retirement, the retiring supervisor must have at least 500 sick leave hours;
- b. The conversion rate of 0.004 years (which equals one day) of service credit for each 8 hours of sick leave is utilized;

Example:

A Miscellaneous employee retires at age 55 (2.7% benefit factor under the 2.7% at 55 formula) with an average monthly salary in the highest year of \$4,000. If the employee has 600 hours of sick leave:

600 hours of sick leave ÷ 8-hour day
= 75 days of sick leave x .004 years conversion rate
= 0.3 years of service credit.

0.3 years service credit x 0.02 (2.7% benefit factor) x \$4,000 average monthly salary
= \$32.40 per month annuity

- c. The retiring supervisor may take the cash purchase value of the annuity in lieu of the monthly annuity;
- d. Safety group members who obtain 90% of final compensation upon retirement are not eligible for this benefit. (All safety group PERS contracts limit a safety member's maximum annual pension to no more than 90% of final compensation regardless of the length of service and this benefit carries the same restriction); and
- e. If the City amends its PERS Miscellaneous or Police Safety contract to include service credit for sick leave upon retirement, miscellaneous or safety members, respectively, will be included in that PERS contract amendment and the annuity program will be discontinued for that group.

48. SEVERABILITY

Should any provision in this Agreement be held inoperative, void or invalid by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected thereby, and the parties agree to meet and consult over the invalidated provision.

49. SICK LEAVE

a. The City and the Unit agree that the City's sick leave policy shall be that employees shall accrue sick leave at the rate of 3.7 hours for each full pay period of service with unlimited accumulation. Said sick leave accrual shall commence at the beginning of the employee's employment with the City.

b. The programs referred to as "Non-Replenishable" and "City Administrators" sick leave authorized by Municipal Code Sections 3.08.150(b) and 3.08.210, respectively, are eliminated.

c. If, during the term of this Agreement, City General employees are granted a sick leave buy back or conversion option, then the Unit will have the opportunity to accept or reject a similar option.

d. An employee may use sick leave for a medical appointment when it is not possible to arrange such appointment during non-work time subject to the following conditions: (1) reasonable advance notice which in no event shall be less than 24 hours; and (2) subject to supervisory approval based on operational needs.

e. An employee may use up to six days (48 hours) of available accrued sick leave per calendar year to attend to an illness of a child, parent, or spouse of the employee as provided under State law. Part-time employees may use the equivalent of six (6) months of sick leave accrual at their prorated accrual rate for such purposes. All rules for use of sick leave will apply, including those regarding physician statement requirements and use of sick leave for medical appointments.

50. STANDBY PAY

The City and the Unit agree that effective during this Agreement, when an employee is officially designated by management to remain available to return to work at any time during specific hours outside of normal working hours, the employee shall receive two hours of straight-time pay or compensatory time off for each eight hours on standby or fraction thereof. To the extent feasible, the parties agree that standby shall be assigned on an equitable basis to all eligible employees.

The City and the Unit agree that all employees will be on automatic standby duty during a state of emergency or civil defense disaster as declared by the President of the United States, the Governor of the State, the Mayor of the City, the City Council, or the City Administrator. Such automatic emergency standby shall be without compensation unless the City is reimbursed by the State or federal government for such an expenditure.

51. TERM OF AGREEMENT

The City and the Unit agree that the term of this Agreement shall be twelve (12) months, commencing July 1, 2012 and ending June 30, 2013.

52. TRAINING

a. The parties recognize that training programs and the advancement of employees to positions of higher skill are matters of great importance and interest to the City, the Unit, and the employees covered by this Agreement. However, the City shall retain the right to determine what training is required for the employee to improve his/her performance on the job and to make such training a condition of employment. Such training may include requests by Department Heads for additional training of current employees, subject to the approval of the City Administrator. The parties agree that employees will be trained in the use of fire prevention equipment and that a fire evacuation plan will be developed by each department for each major City facility and posted.

b. The City and the Unit agree that all direct costs for all training or instruction required by the City shall be paid for by the City provided, however, that no overtime shall accrue to employees for travel time to or from any training program conducted on a non-City site.

c. Employees will be eligible to participate in the City-wide Educational Reimbursement Program. Effective July 1, 2010, employees will be eligible to apply for reimbursement under the "Master's Degree Reimbursement Program for Management Employees", subject to the same terms and limitations as management employees.

d. The Unit shall appoint three members to serve on the Supervisory Training Advisory Committee. This Committee shall meet when necessary to recommend course content changes for supervisory training, or when management proposes substantial changes to course content. Management shall inform the Unit of any proposed changes.

53. UNIFORM MAINTENANCE ALLOWANCE

a. The City and the Unit agree that employees required by the City to wear field uniforms shall have the full cost of the uniform maintenance paid for by the City. The City retains full and complete control over the administration of the uniform maintenance program. However, City shall provide field personnel with a minimum of seven (7) and a maximum of eleven (11) uniform changes based on the employee's request and the operational needs of the department.

b. Police, Airport and Harbor Patrol supervisory personnel shall receive an annual cash uniform purchase and replacement allowance equal to the amount received by those supervised.

Employees shall be required to purchase and maintain the uniform in accordance with department standards.

54. UNIT CONVENTION ATTENDANCE

It is agreed that not more than four (4) Unit officers or delegates will be permitted to attend Unit national or State conventions or Unit-related training and skill development meetings once a year with up to three (3) days per year with pay. Attendance will be subject to approval of Department Head.

55. VACATION POLICY

a. It is agreed that vacation time earned may be taken as accrued subject to approval by the City and in accordance with the following schedule:

<u>Length of Continuous Service</u>	<u>Vacation Entitlement</u>
0 - 2 years	12 days (96 hours) per year
3 - 5 years	15 days (120 hours) per year
6 - 10 years	22 days (176 hours) per year
11 - 15 years	25 days (200 hours) per year
16 & over years	28 days (224 hours) per year

Vacation periods shall be scheduled by management to provide adequate staffing. Such scheduling shall be subject to the needs of the City but shall take into account employee seniority and choice. No employee may accrue a vacation balance in excess of three hundred and twenty (320) hours unless approved for excess accrual based upon City need or personal emergency.

The employee will submit an excess vacation accrual request and meet with his/her supervisor as soon as possible to schedule the use of the excess accrual. The proposed request shall be forwarded by the supervisor to the Department Head for review. If endorsed by the Department Head, the request shall be forwarded to the City Administrator for consideration of approval.

b. On a one-time basis, employees who had more than 200 hours of accrued vacation balance as of May 18, 2012 may receive cash in lieu of up to forty (40) hours of accrued vacation time. To be eligible to receive the cash out, employees must request the cash-out on the biweekly time sheet for the pay period ending on July 13, 2012. Following the cash out, an amount equivalent to \$83,500 less the actual City cost

of the cash out will be will be distributed per capita among all employees in the unit, either as a one-time payment on or before August 30, 2012, or in such alternative manner as City and the Association may mutually agree.

56. VACATION/SICK LEAVE ADVANCED CREDIT UPON HIRE

An employee who is appointed from outside City of Santa Barbara government service within one (1) year of leaving employment with either the City of Santa Barbara or another city, county, state agency, federal agency or special district and who, in the opinion of the Human Resources Manager, possesses government experience directly related to the position to which he or she has been appointed, may be offered credit for years of prior service with the City of Santa Barbara and/or his or her immediate previous government employer in the following ways:

- i. Vacation Accrual: At the discretion of the Human Resources Manager, the employee may be offered credit for up to the total number of prior full years of service at the City of Santa Barbara and/or his or her immediate previous government employer toward the initial vacation accrual rate. The employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Santa Barbara service for that accrual rate.
- ii. Sick bank: At the discretion of the Human Resources Manager, the employee may be credited with up to 96 hours of sick leave. Thereafter, employee will accrue sick leave at the normal rate.

A former City of Santa Barbara employee reemployed within one year under Santa Barbara Municipal Code Section 3.16.320 will automatically qualify for the full vacation accrual credit under (i), above, for his or her prior City of Santa Barbara service. However, under no circumstance will prior accrued vacation balances cashed out to the employee upon termination be reinstated.

57. WORK SCHEDULE

- a. The normal work week shall average forty (40) hours. There shall be at least two (2) consecutive days of rest observed after each work week subject to City needs for stand by, call back, and overtime. The Department Head shall establish a "regular" schedule for each employee with a start and quit time. Such schedule shall not be changed without forty-eight (48) hours advance notice except in emergencies. City shall provide employees with reasonable "clean-up" time and employees shall be ready to begin work at start time. City agrees that work outside the regularly scheduled work day or work week shall be compensated in accordance with the overtime policy contained herein.
- b. In no case shall an employee's work schedule be altered to avoid the payment of overtime earned as a result of call back after the employee's regular shift, work day, or work week ends.

58. WORKERS' COMPENSATION

- a. The City and the Unit agree that Municipal Code Section 3.08.220 shall be amended to provide that supervisory employees who sustain illness or injury arising out of and in the course of their City employment shall receive benefits equal to those mandated by the State of California plus the difference between State mandated benefits and the equivalent of eighty-five percent (85%) of the individual's gross (excluding O.T.) salary, if any, paid by the City for a maximum of ninety (90) working days.
- b. This section shall apply to any absence due to "industrial" injury or illness which begins on or after July 1, 1979.
- c. This section shall not be construed to grant employees the use of sick leave benefits in lieu of or to supplement workers compensation benefits provided herein or by State law , except as follows:

An employee who returns from an accepted work-related injury or illness to regular duty or modified duty may attend follow-up medical appointments during work hours when it is not possible to arrange such appointments on non-work time. Reasonable advance notice must be given to the supervisor, which in no event shall be less than 24 hours. Release time is subject to supervisory approval based on operational needs.

Under these conditions, to account for the lost work time to attend physician, physical therapy, chiropractic, counseling and other physical and mental care appointments, the employee may:

1. Use accrued paid leave time (sick leave, vacation time, compensatory time, or personal leave); or
2. Use "industrial leave without pay" if employee has no accrued paid leave time, or
3. If the employee has not reached a permanent and stationary status, the employee may elect to use "industrial leave without pay" if employee does not choose to use accrued paid leave (sick leave, vacation time, compensatory time, or personal leave). However, employees who have reached permanent and stationary status must exhaust available leave balances before being placed on leave without pay.

An employee who has not reached a permanent and stationary status and uses industrial leave without pay may be entitled to "wage loss" under workers' compensation system depending on eligibility.

The City may make changes to its Personnel Policies including, but not limited to, the Santa Barbara Municipal Code to reflect the substance of this Agreement.

59. WORKING OUT OF CLASSIFICATION

a. Out of Classification Work

The City and the Unit agree that it is the intent of departmental management, whenever possible, to avoid working an employee out of classification for a prolonged period of time.

It is further agreed that working an employee out of classification will occur only to meet the work requirements within the City and that such out of classification work will terminate after twenty-five (25) work days in any one calendar year, or if extended beyond twenty-five (25) work days, the employee shall be compensated at the rate of the higher classification while the out of classification work continues subject to the right of employee to waive this provision based upon personal career development.

For purposes of this article, an out of classification assignment is defined as the full-time performance of the significant duties of an authorized, funded, permanent, full-time position in one classification by an employee in a position in another classification. "Significant duties" shall be as defined on the appropriate class specification.

When an employee works out of classification continuously for fifteen (15) working days or more, the City shall place a letter in the employee's personnel file acknowledging the out of classification work.

b. Reclassification Requests

If an employee believes he/she is working out of classification on a regular on-going basis, the employee may:

- a. Request a reclassification from his/her manager in writing. The manager shall respond in writing within ten (10) working days of receipt of the request. The manager may recommend that a classification review be conducted by submitting a written request, approved by the Department Head, to Human Resources.
- b. If the employee is not satisfied with the manager's response, he/she may submit a written

reclassification request to his/her Department Head or designee within ten (10) working days of receiving his/her manager's written response. Within twenty (20) working days of receipt of the employee's written request, the Department Head or designee shall meet with the employee and issue a written response to the employee and the Human Resources Office.

c. If the Department Head's response so requests that a classification review be conducted, Human Resources shall conduct said classification review and shall issue its decision to the employee and the Department Head within forty-five (45) working days of receipt of the request. The decision to request, or not request, a classification review shall be at the Department Head's sole discretion, however the decision will not be arbitrary or capricious."

**CITY OF SANTA BARBARA
DRUG AND ALCOHOL TESTING POLICY**

CITY OF SANTA BARBARA DRUG AND ALCOHOL TESTING POLICY

This policy sets forth the rights and obligations of the covered employees. You should familiarize yourself with the provisions of this policy BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.

If you are an employee covered by this policy, you should be aware that you are still required to comply with the provisions of the City's Drug and Alcohol Free Workplace Policy (ATTACHMENT A) that was adopted by the City Council on August 21, 1990. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the Drug and Alcohol Free Workplace Policy.

A. EMPLOYEE QUESTIONS

Employees shall refer any questions regarding rights and obligations under this policy to Human Resources or to the Unit.

B. COVERED EMPLOYEES

Employees in the supervisory job classifications that are not covered under the CITY OF SANTA BARBARA DRUG AND ALCOHOL TESTING POLICY PURSUANT TO DEPARTMENT OF TRANSPORTATION REGULATIONS

C. PROHIBITIONS

The following conduct is prohibited and may result in discipline, up to and including termination:

1. The use, possession, manufacture, dispensation or distribution of drugs and alcohol is prohibited:
 - a. in the workplace;
 - b. while on City time;
 - c. in City vehicles or facilities except as defined in City's facilities use policies;
 - d. prior to coming to work, so that the employee's performance is impaired.
2. Reporting for duty or remaining on duty while having an alcohol blood concentration level of 0.08 or greater.
3. Being on duty or operating a vehicle on duty while possessing alcohol.
4. Using alcohol while on duty.
5. Reporting for duty or remaining on duty when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform their job.
6. Reporting for duty or remaining on duty if the employee tests positive for controlled substances.

7. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.08 or greater on an alcohol test or tested positively on a controlled substances test.

A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:

- a. A refusal to provide a urine sample for a drug test;
- b. An inability to provide a urine sample without a valid medical explanation;
- c. A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
- d. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
- e. Tampering with or attempting to adulterate the urine specimen or collection procedure;
- f. Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested (the time allotted shall be reasonable. In most cases the City will provide transportation to and from the collection site.);
- g. Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager who shall determine whether to send the employee for a post-accident controlled substances and/or alcohol test was not obtained.

D. CIRCUMSTANCES UNDER WHICH DRUG AND ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES.

1. Pre-Employment Testing

All applicants for City employment may be required to submit to pre-employment/pre-duty drug testing. This applies to initial appointment as a classified employee only, and not to promotion within the service.

Note: there is no pre-employment alcohol test.

2. Post-Accident Testing

Post-accident drug and alcohol testing will be conducted on employees following an accident.

Alcohol: Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours.

Drug: A post-accident drug test shall be conducted within eight (8) hours following the accident

An accident occurs when as a result of an incident involving a vehicle operated by a covered employee:

- (1) any individual(s) receives an injury(s) requiring immediate hospital treatment ,or
- (2) there is a recommendation by an on scene paramedic or medical professional that individual(s) involved in the accident should see a physician for injury(s) arising out of the accident.

3. Return To Duty / Follow-up Testing:

A covered employee who has violated any of the prohibitions of this policy (See Section C) may be required to submit to a return to duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.08 or a verified negative result on a controlled substances test.

E. EMPLOYEE RESPONSIBILITIES

An employee must notify his/her department head of all alcohol or criminal drug statute convictions no later than 5 days after such conviction.

An employees must notify his/her supervisor, before beginning work, when drugs (prescription or non-prescription) may interfere with the safe and effective performance of duties or operation of City equipment (See Attachment A, Article III, Section 3).

Any employee who thinks he/she may have an alcohol or drug use problem is urged to voluntarily seek free confidential assistance from the City's Employee Assistance Program (EAP) counselor. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to job related performance problems.

F. MANAGERS' AND SUPERVISORS' RESPONSIBILITIES

1. Managers and supervisors are responsible for enforcement of this policy and will inform the Department Head and the Human Resources Manager of any violations.
2. Employees who may have a suspected alcohol or drug use problem should be encouraged to voluntarily seek confidential assistance from the City's Employee Assistance Program (EAP).
3. When an employee is involved in an accident, managers and supervisors shall prevent the employee from engaging in further work, remove the employee from the workplace, and then send the employee for a drug and/or alcohol tests within the timelines outlined in Section D. 2 above.
4. When it is suspected that an employee may have illegal drugs or is under the influence of illegal drugs, managers and supervisors may notify the appropriate law enforcement agency.

G. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL

1. Alcohol Testing:

Alcohol testing will be conducted by using an evidential breath device (EBT) approved by the National Highway Traffic Safety Administration. (Non-EBT devices may be used for initial screening tests.)

A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted. A positive test for alcohol means a confirmed alcohol concentration of 0.08 or more.

The procedures that will be utilized by the collection and testing of the specimen shall be the same as those required under the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations (49 CFR 40).

2. Drug Testing:

Drug testing will be conducted pursuant to the same requirements as those required by the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations (49 CFR Part 40).

- a. The urine specimen will be split into two (2) bottles labeled as: primary" and "split" specimen. Both bottles will be sent to the lab;
- b. A positive test means a test that is positive for controlled substances under the Federal D.O.T. Urine Specimen Testing Levels (Current levels ATTACHMENT B). If the urinalysis of the primary specimen tests positive for the presence of controlled substances, the employee has seventy-two (72) hours to request that the split specimen be analyzed by a different certified lab at the employee's cost.
- c. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine;
- d. If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis;
- e. All drug results will be reviewed and interpreted by a physician before they are reported to the employee and then to the City;
- f. With all positive drug tests, the physician (a.k.a. Medical Review Officer) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as "negative."

3. Confidentiality:

The confidentiality of records shall be maintained in the same manner as set forth in the City Of Santa Barbara Drug And Alcohol Testing Policy Pursuant To Department Of Transportation Regulations.

H. CONSEQUENCES OF FAILING/REFUSING AN ALCOHOL AND/OR DRUG TEST:

FAILING A PRE-EMPLOYMENT DRUG TEST WILL BE GROUNDS FOR REJECTION FROM EMPLOYMENT.

UPON FAILING A POST-ACCIDENT ALCOHOL AND/OR DRUG TEST THE EMPLOYEE:

1. Will be removed from driving or operating any heavy or dangerous equipment;
2. May be disciplined up to termination. Failing/refusal to take a controlled substances/alcohol test may result in disciplinary action, up to and including termination.
3. May be allowed to sign a last chance agreement as an alternative to discipline which could require the employee to undergo treatment to cure his/her alcohol or drug abuse and be tested periodically. Generally, an employee who tests positive and has not been found to be using alcohol or drugs on-duty will be offered a last chance agreement. The City does not pay for this examination or any treatment. However, if the exam and/or treatment is

covered by the employee's insurance policy, the employee may use the insurance policy to (help) pay for the covered expenses.

4. The employee may use accumulated vacation, personal leave, overtime or leave without pay while undergoing treatment/rehabilitation
5. The employee may use sick leave only when participating in a medically supervised/approved residential rehabilitation program or during the first ninety (90) days of a medically supervised/approved outpatient rehabilitation program.
6. May not be returned to his/her position until the employee submits to a return-to-duty controlled substances and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.08 or a negative result on a controlled substances test;
7. May be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

I. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse. Employees are encouraged to contact the City's Benefits Office for the number of the current EAP provider.

RESOLUTION NO. 90-141

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA, ADOPTING A DRUG AND ALCOHOL FREE WORKPLACE POLICY.

WHEREAS, The Federal Drug Free Workplace Act of 1988 requires the adoption of a drug free workplace policy, and

WHEREAS, the presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours jeopardizes the safety of employees, the public, and the efficiency of City operations; and

WHEREAS, the City wants to establish a drug and alcohol free workplace;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA:

That the attached Drug and Alcohol Free Workplace Policy be adopted.

Adopted August 21, 1990

CITY OF SANTA BARBARA
DRUG AND ALCOHOL FREE WORKPLACE POLICY

I. PURPOSE

The City of Santa Barbara, in its efforts to provide a drug and alcohol free environment, has adopted this Drug and Alcohol Free Workplace Policy. It is the purpose of this policy to eliminate alcohol and drug abuse by City Employees and its effects in the workplace. The presence of drugs and alcohol on the job and the influence of these substances on employees during working hours jeopardizes the safety of employees, the public, and the efficiency of City operations. It is the intent of the City, in adopting this policy, to meet the requirements of the Drug Free Workplace Act of 1988 (41 U.S.C. Section 701-707).

II. POLICY

In recognition of the duties entrusted to the employees of the City of Santa Barbara and with knowledge that drugs and alcohol hinder a person's ability to perform job related duties safely and effectively, the City of Santa Barbara adopts the following policy:

1. The use, possession, manufacture, dispensation or distribution of drugs and alcohol is prohibited:
 - a. in the workplace;
 - b. while on City time;
 - c. in City vehicles or facilities except as defined in City's facilities use policies;
 - d. prior to coming to work, so that the employee's performance is impaired.
2. The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped, under federal law.
3. The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems (as well as for a variety of other personal problems). Employees may seek confidential assistance from the EAP counselor.

III. APPLICATION

1. This policy applies to all full time, part time and temporary employees, and to all applicants for positions with the City. This policy applies to alcohol and all substances, drugs or medications, legal or illegal, which impairs an employee's ability to effectively and safely perform his/her job duties.
2. A copy of this policy will be provided to all City employees.
3. A drug-free awareness program will be established to inform employees of the dangers and penalties of drug use in the workplace and of available counseling, rehabilitation and employee assistance programs.

4. Violations of the policy may result in disciplinary action being taken, up to and including termination, in addition to possible criminal penalties or refusal to hire an applicant.

IV.EMPLOYEES RESPONSIBILITIES

An employee:

1. Must not report to work, or be subject to scheduled duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use.
2. Must not use, possess, manufacture, dispense or distribute drugs or alcohol
 - a. in the workplace;
 - b. on City time;
 - c. in City vehicles or facilities except as defined in City's facilities use policies;
 - d. prior to coming to work, so that the employee's performance is impaired.
3. Must notify his/her supervisor, before beginning work, when drugs (prescription or non-prescription) may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using prescribed drug, authorization from a qualified physician may be required.
4. Must notify his/her department head of any criminal drug or alcohol statute conviction, for a violation occurring in the workplace, no later than five (5) days after such conviction.
5. A safety employee must notify his/her department head of all alcohol or criminal drug statute convictions, no later than five (5) days after such conviction.
6. Who thinks he/she may have an alcohol or drug use problem is urged to voluntarily seek free confidential assistance from the City's Employee Assistance Program (EAP) counselor. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to job related performance problems.

V. MANAGERS AND SUPERVISORS RESPONSIBILITIES AND GUIDELINES

1. Managers and supervisors are responsible for enforcement of this policy and will inform the Department Head and the Human Resources Manager of any violations.
2. Employees who may have a suspected alcohol or drug use problem should be encouraged to voluntarily seek confidential assistance from the City's Employee Assistance Program (EAP).
3. When it is suspected that an employee is under the influence of drugs or alcohol at the workplace, managers and supervisors shall prevent the employee from engaging in further work, remove the employee from the work place, consult with another manager or supervisor to confirm their suspicions, and then, take appropriate action. The employee shall be informed that a Unit representative or shop steward could be notified, at the employee's request. Managers and supervisors may notify the appropriate law enforcement agency.
4. When it is suspected that an employee may have illegal drugs or is under the influence if illegal drugs, managers and supervisors shall notify the appropriate law enforcement agency.

5. For employees working on programs receiving federal grant money, the City shall:
 - a. notify the Federal contracting agency within ten (10) days after receiving notice of an employee's criminal drug statute conviction occurring in the workplace. (41 U.S.C. Section 701-717)
 - b. impose a sanction, or require the satisfactory participation in a drug abuse assistance or rehabilitation program for any employee who is convicted of a criminal drug statute violation occurring in the workplace. (41 U.S.C. Section 701-707)

Federal D.O.T. Urine Specimen Testing Levels
From 49 CFR Part 40 Subpart F

All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

Type of Drug or Metabolite	Initial Test	Confirmation Test
(1) Marijuana metabolites	50	
(i) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)		15
(2) Cocaine metabolites (Benzoylecgonine)	300	150
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines	1000	
(i) Amphetamine		500
(ii) Methamphetamine		500 (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.)
(5) Opiate metabolites	2000	
(i) Codeine		2000
(ii) Morphine		2000
(iii) 6acetylmorphine		10 Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.

	CITY OF SANTA BARBARA ADMINISTRATIVE POLICIES:		Policy No. TBA
	9/80 WORK SCHEDULE POLICY		
	Issued by: Barbara Barker, Human Resources Manager		Adopted: 5/8/2007 Updated

PURPOSE:

To set forth the City of Santa Barbara's policy and procedures governing the establishment and administration of an alternate work schedule commonly referred to as "9/80's".

This policy is intended to complement the provisions of the City of Santa Barbara's "FlexWork Policy" and "Child Care Personnel Policies". However, in the event of a conflict between those provisions and this policy, this policy shall control for all purposes.

POLICY:

The 9/80 alternate work schedule may be the standard assigned schedule for a position or work unit, or may be granted, at the employee's request, as an alternative work schedule under the City's FlexWork Program or Childcare Personnel Policies (also called "Family Friendly Policies"). The guidelines set forth in this policy will apply to any employee working a 9/80 schedule.

DEFINITIONS:

1. 9/80 Alternate Work Schedule

The 9/80 alternate work schedule shall consist of eight (8) work days of nine (9) hours and one work day of eight (8) hours for a total of eighty (80) hours during two (2) consecutive work weeks. For non-management employees, the eight (8) hour work day must be on the same day of the week as the employee's regular Flex Day Off (FDO). Under the 9/80 schedule, one calendar (e.g, Saturday-Friday) week shall consist of 44 work hours (four 9-hour days and one 8-hour day) and the alternating calendar week will consist of 36 work hours (four 9-hour days and one day off).

2. Flex Day Off

The Flex Day Off (FDO) shall be an eight (8) hour day and may occur on any day of the week. For non-management employees, the FDO must be the same day of the week as the employee's 8-hour work day that occurs in the preceding and subsequent work weeks (e.g. if the employee's regularly scheduled Flex Day Off is each alternate Friday, then the employee shall be scheduled to work eight hours the preceding and subsequent Fridays).

3. 9/80 FLSA Workweek

Under the Fair Labor Standards Act, the workweek is defined as "a fixed and regularly



9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

recurring period of seven consecutive 24-hour periods (168 hours).” When an employee is assigned to a 9/80 schedule, the 9/80 work week begins on the employee’s 8 hour day, at exactly four (4) hours after the scheduled start time and ends 168 hours later, at the same time on the same day during the following week. This results in 40 straight time hours per FLSA workweek, and 80 straight time hours per pay period.

4. City Pay Period

The City’s pay period begins at 12:00 a.m. (midnight) on Saturday, and ends immediately before the same time on Friday two weeks later. This is different than the FLSA work period for an employee on a 9/80 schedule, whose FLSA workweek may span 2 pay periods.

5. Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act is a Federal law that sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees that it covers.

6. Non-Exempt Employee

A non-exempt employee is an employee who, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, is subject to the provisions of the Fair Labor Standards Act. Nonexempt employees are generally required to account for all hours worked and must be compensated at not less than time-and-one half at the regular rate for all hours worked over 40 in one FLSA workweek.

APPROVAL:

Scheduling of a 9/80 Work Schedule including the selection of the work days, work times, and the FDO, shall be done by management based on business needs, subject to the requirements of the applicable M.O.U. and/or sideletter governing the 9/80 Work Schedule.

The City and the Unit agree that under certain circumstances, alternative work schedules (9/80, 4/10, and/or modified starting or ending times) may be beneficial to both employees and the City. Employees may request , upon their own initiative, consideration of an alternate schedule and/or FDO based on childcare, alternative commute, school, or other personal issues through the FlexWork Policy or Childcare Personnel Policies.



9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

CHANGES TO SCHEDULE LIMITED:

1. Changing the Flex Day Off

Once the FDO is designated, working on the FDO may incur overtime in one or more FLSA workweeks, therefore working on the FDO or making changes to the FDO requires management approval.

Temporary changes to the FLSA workweek and/or the FDO to avoid overtime are not permitted.

2. Working on the 8 Hour Day

Once the 9/80 schedule begins, working an alternate schedule on the 8 hour work day may incur overtime liability* in one or more FLSA workweeks. Therefore, altering an employee's schedule on the 8 hour day requires management approval. (*e.g., if an employee scheduled to work from 8-5 comes in 7-4 instead, one work week will incur 1 hour of overtime, and the employee will be short an hour in the next work week and need to use leave balances.)

HOLIDAYS, PERSONAL TIME OFF AND JURY DUTY:

1. Holidays

Employees on a 9/80 work schedule who are eligible for holiday pay will be entitled to the same Holiday pay as employees on a 10/80 (40 hour) work schedule. Holiday pay shall remain at eight (8) hours. When a holiday falls on a regular nine (9) hour workday, the employee shall use one (1) hour of personal accrued leave time (vacation, personal leave, or comp time) to make up the ninth hour.

When the holiday is observed on the employee's FDO, the employee will accrue an additional 8-hour holiday day off. If required under the applicable M.O.U., such day off shall be taken within thirty (30) calendar days or shall be compensated at straight pay after the 30th day.

2. Personal Leave and Bereavement Leave

Employees on a 9/80 work schedule who are eligible for personal and/or bereavement leave will be entitled to the same Personal Leave and/or Bereavement pay as employees on a 10/80 (40 hour) work schedule. Personal Leave and Bereavement pay are granted to full-time employees in amounts equivalent to 8 hour days (e.g., the employee will be eligible for a total of up to 32 hours of personal leave and up to 40 total hours of bereavement leave). Personal Leave and Bereavement pay are charged at nine (9) hours for time taken on a scheduled nine hour day and (8) hours for time taken



9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated

on a scheduled eight hour day.

3. Vacation, Sick, Compensatory Time, PTO, etc.

Time off from work using accrued vacation, sick, PTO, or other paid leave banks will be charged at nine (9) hours for time taken on a scheduled nine hour day. Time off from work on the eight (8) hour work day will be charged at eight (8) hours.

4. Jury Duty

An employee shall not be entitled to jury duty pay, or to overtime pay or compensatory time off for jury duty on the FDO. However, an employee on an absence exceeding one week for jury duty, military duty, etc. may request to temporarily switch back to a regular 10/80 schedule. The transition guidelines below will apply to approval of such request to transition to the 40-hour schedule (Section F2, below) or back from the 40-hour schedule (Section F1, below).

OVERTIME:

1. Overtime Earned

When an overtime-eligible employee is on a 9/80 work schedule, overtime for hours exceeding 40 in a workweek, both under the FLSA and as provided under any applicable M.O.U., will be based on the FLSA workweek. In other words, employees who are eligible for overtime shall receive overtime pay or compensatory time off for hours worked in excess of 36 or 44 hours in their respective scheduled (e.g., Sunday-Friday) calendar workweek.

Employees may also be eligible for overtime or compensatory time for other hours in excess of the regular 9/80 work schedule, as provided under the applicable M.O.U.

2. Overtime Paid

The 9/80 FLSA workweeks will not generally correspond with the City's pay periods. Therefore, where adjustments to overtime compensation cannot be calculated until the completion of the employee's workweek (e.g., when they occur in the last half of the 8 hour day), a one pay period's delay in the employee receiving the additional compensation may occur.



9/80 WORK SCHEDULE POLICY

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Updated

TRANSITIONING TO OR FROM A 9/80 WORK SCHEDULE

When an employee transitions from a 10/80, 4/10, or other 40-hour per week work schedule to a 9/80 work schedule, there will be a change to the beginning of the FLSA workweek. This results in a situation in which 4 hours fall in both the old workweek and the new workweek. The following procedures are designed to avoid an overtime obligation during this change. Any deviation from these procedures must be approved in advance by management.

1. Transitioning to a 9/80 Work Schedule

For a non-management employee, the transition to a 9/80 work schedule will be set to begin during a 36-hour calendar workweek, when an FDO occurs. Four hours in the new FLSA workweek will overlap with the prior 40 hour calendar work week, but because the following calendar week will contain 36 hours, this will result in 40 hours of straight time in the first new FLSA work week.

2. Transitioning to a normal 40 hour Work Schedule

For a non-management employee, the transition back to a normal 40-hour work week (e.g. "10/80" or "4/10") from a 9/80 work schedule will be set to begin the week following a 36-hour calendar work week. This will result in 40 hours of straight time in both the prior FLSA 9/80 work week and the new regular FLSA calendar work week.

While this change will not lead to overtime, this will result in the employee working only 72 hours in the pay period in which the change occurs. Employees must use 4 hours from their available leave banks to make up this time not worked. [To avoid this result, management would need to approve the employee to work an additional 4 hours during that pay period, recognizing that those hours will be paid at the overtime rate.]

APPENDIX B : SUPERVISORY PERFORMANCE EVALUATION

1. Performance Evaluation Form: Beginning with the September 2009 evaluation process, supervisors will be evaluated using the Supervisory Evaluation Form, attached hereto as "**Attachment A**".
2. Timing of Performance Evaluations:

Performance evaluation is an on-going process throughout the year. However, there are some specific time frames for formal evaluation:

 - A. All employees in the Supervisory Bargaining Unit are to have a formal performance evaluation completed by September 15 each year.
 - B. For new or newly promoted supervisors:
 - i. Within first three months on the job, employee shall receive and discuss a formal list of duties.
 - ii. At six months the first formal evaluation shall take place.
 - iii. At nine months any areas that need improvement shall be evaluated again. If no improvement has been made, serious consideration should be given at this time to the termination or demotion of the employee, if warranted.
3. Work Performance Objectives: Work Performance Objectives and Training and Employee Development Objectives shall be drafted cooperatively between the employee and his/her supervisor with the goals of personal growth and strengthening the supervisory skills of the employee, and increasing the productivity and effectiveness of the work unit.
4. Qualification for Merit Increase:
 - A. Upon the recommendation of the department head, an employee who is not already at the top of the salary range for the employee's classification may qualify for a merit increase of 5%, not to exceed the maximum of the salary range for the employee's classification. Merit increases will be effective on the first day of the pay period following September 15th.
 - B. In order to qualify for a merit increase of up to 5%, the employee must receive an overall rating of "Successful" or "Exceptional" on the annual performance evaluation.
 - C. An employee receiving an overall rating of "Needs Improvement" will not be eligible for a merit increase.
 - D. New or Newly Promoted Supervisors may qualify for a prorated merit increase.
 - i. Employees in a position for six (6) months or more, but less than 12 months, as of September 15th will receive a prorated merit increase if they meet the qualifications for a merit increase. [Example: 9 months/12 months x 5% = 3.75% merit increase for 9 months service.]
 - ii. Employees in a position less than six (6) months as of September 15th will receive a formal evaluation and may qualify for a merit increase at the subsequent September 15th review date. [Example: 15 months/12 months x 5% = 6.25% merit increase for 15 months service.]
 - iii. An exception to the method outlined in B(ii) of this section will be made where an employee is appointed or promoted directly to the "D" (4th) salary step for the new classification. In this case, the supervisor in the new position less than six (6) months as of September 15th will receive an evaluation and be eligible for a merit increase (if the supervisor meets the qualification for merit increase

standards) at the conclusion of one year in that position. That individual will not have to wait until the following September.

5. Exemplary Pay Plan

For the term of the Agreement the incentive program based on performance, attached hereto as "**Attachment B**", is suspended. This program provided lump sum bonus payments based upon the employee's total performance score. The Unit reserves the right, however, to raise the issue of an Exemplary Pay Plan or other merit-based pay programs as part of future regular labor negotiations.



SUPERVISORY PERFORMANCE EVALUATION

Employee Name: EMPLOYEE NAME Page 4 of 60
Evaluator's Name: Evaluator's Name
Current Eval Date: **00/00/2009** Prior Eval Date: *00/00/2008*

Employee Classification: **Employee Classification**
Department: **Department**
Division: **Division**
Supervisor's Classification: **Supervisor's Classification**

RATING SCALE

The evaluator should assign each duty or responsibility a rating based on the following scale

- **Exceptional:** *Used sparingly* for special recognition of a breakthrough to a new higher level of accomplishment and/or unexpectedly superior performance on a special or emergency project or assignment.
- **Successful:** Employee *meets and/or exceeds* expectations and performance standards.
- **Needs Improvement:** Performance has been *below the expected level* and employee must correct identified deficiencies.
- **Unacceptable:** Employee has clearly demonstrated that the employee is *unable or unwilling* to perform successfully.

SECTION 1: SUPERVISION AND LEADERSHIP DUTIES

1. Selection of Employees

Regularly update job descriptions; cooperate in H.R. recruitment and examination processes; effectively interview candidates; make good hiring decisions; follow equal employment opportunity guidelines; ensure effective orientation of new hires.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed

2. Employee Performance Management

Observe and document performance; provide frequent and candid coaching and counseling; write and deliver timely and meaningful performance evaluations; initiate appropriate disciplinary action.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed

3. Planning and Distribution of Work

Analyze work load of the unit; organize and delegate work to obtain maximum efficiency; establish and maintain effective administrative procedures and records.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed



SUPERVISORY PERFORMANCE EVALUATION

Employee Name: EMPLOYEE NAME Page 5 of 60

Evaluator's Name: Evaluator's Name

Current Eval Date: **00/00/2009**

Prior Eval Date: 00/00/2008

4. Work Unit Performance

Set, communicate, track, and ensure the achievement of work group goals, including measures for productivity, quality, timeliness, accuracy, and customer service; support the City's P3 Performance Measurement Program.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed

5. Leadership

Unify staff to pursue department and organizational goals; provide support and guidance to staff; resolve problems that arise in the course of the unit's work; encourage creativity and innovation; model appropriate behavior; accept accountability for work unit outcomes.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed

6. Staff Development

Inform staff about changes in professional field; analyze staff training needs; provide opportunities for staff to attend required and optional training; identify and support the achievement of employees' long-term career goals.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed

SECTION 2: OTHER DUTIES / WORK OBJECTIVES

1. n/a

Type description here.

Evaluator's Comments:

n/a

Exceptional Work Successful Needs Improvement Unacceptable N/A or Not Observed



SUPERVISORY PERFORMANCE EVALUATION

Employee Name: EMPLOYEE NAME Page 6 of 60

Evaluator's Name: Evaluator's Name

Current Eval Date: **00/00/2009**

Prior Eval Date: 00/00/2008

SECTION 3 : PROFESSIONALISM

Note: Check the appropriate rating in each of the categories for this evaluation period. "Evaluator Comments" are required for an evaluation rating of other than "Successful."

	Exceptional Work	Successful	Needs Improvement	Unacceptable	N/A or Not Observed	Evaluator's Comments
Section 3: Professionalism						
<u>Interaction with Co-Workers</u> <i>Demonstrates appropriate & professional behavior toward coworkers, even when there is a difference of opinion.</i>						
<u>Teamwork</u> <i>Demonstrates support of group objectives. Able to subordinate individual interests for the benefit of department and work group objectives.</i>						
<u>Responsiveness to Management</u> <i>Appropriately communicates ideas & important information to management, follows instructions, accepts constructive criticism, respects management's decision-making role.</i>						
<u>Timeliness/ Thoroughness</u> <i>Completes assigned work in a timely manner and pays attention to detail.</i>						
<u>Judgment & Decision-Making</u> <i>Can be relied upon to make rational, ethical, sensible decisions. Demonstrates honesty, integrity, & personal accountability.</i>						
<u>Communication</u> <i>Communicates effectively verbally & in writing within scope of responsibility.</i>						
<u>Flexibility / Adaptability</u> <i>Adjusts effectively to changes in priorities, circumstances, directions, and personalities.</i>						
<u>Initiative</u> <i>Initiates action and implements solutions within area of responsibility without direction from management.</i>						



SUPERVISORY PERFORMANCE EVALUATION

Employee Name: EMPLOYEE NAME Page 7 of 60
 Evaluator's Name: Evaluator's Name
 Current Eval Date: **00/00/2009** Prior Eval Date: 00/00/2008

SECTION 4 : COMPLIANCE

Note: Check the appropriate rating in each of the categories for this evaluation period. "Evaluator Comments" are required for an evaluation rating of other than "Successful."

	Exceptional Work	Successful	Needs Improvement	Unacceptable	N/A or Not Observed	
Section 4: Compliance						Evaluator's Comments
<u>Organizational Values</u> <i>Demonstrates knowledge of and compliance with the City's organizational values. (See Employee Handbook)</i>						
<u>Customer Service</u> <i>Demonstrates knowledge of and compliance with the Customer Service Code of Conduct. (See Employee Handbook)</i>						
<u>Training & Development</u> <i>Attends required minimum LEAP training; demonstrates commitment toward personal & professional development</i>						Enter Hours of Training Attended >>> 0
<u>Attendance & Punctuality</u> <i>Is available to work as scheduled; keeps unplanned absences and tardiness to a minimum (Evaluator: do not include protected absences).</i>						
<u>Job Safety</u> <i>Promotes safety awareness and compliance with workplace safety rules; ensures employee attendance at required safety training; thoroughly documents accidents and injuries; supports the department's efforts minimize accidents and injuries.</i>						
<u>Workplace Policies</u> <i>Complies with departmental and Citywide workplace policies including, but not limited to, the Non-discrimination and Harassment Policy, the Drug and Alcohol Free Workplace Policy, and Computer Use Policies.</i>						

SECTION 5 : OTHER PERFORMANCE CONSIDERATIONS



SUPERVISORY PERFORMANCE EVALUATION

Employee Name: EMPLOYEE NAME Page 8 of 60

Evaluator's Name: Evaluator's Name

Current Eval Date: 00/00/2009

Prior Eval Date: 00/00/2008

Significant accomplishments, commendations received, barriers faced to meeting objectives, disciplinary action, and other considerations going into this evaluation.

Evaluator's Comments:

n/a

SECTION 6 : GOALS FOR NEXT YEAR

A. Work Performance Objectives

Evaluator's Comments:

n/a

B. Training and Employee Development Objectives

Evaluator's Comments:

n/a

C. Schedule 6 month Check-in? (Optional)

No Yes Date: 00/00/00



SUPERVISORY PERFORMANCE EVALUATION

Employee Name: EMPLOYEE NAME Page 9 of 60
 Evaluator's Name: Evaluator's Name
 Current Eval Date: **00/00/2009** Prior Eval Date: *00/00/2008*

SECTION 7 : OVERALL PERFORMANCE RATING

In developing the overall rating for the past year, the Evaluator may consider factors such as the relative importance of each job responsibility to success, the amount of time the employee has been in the job, the amount of training he/she has had, the type and complexity of duties he/she has been assigned, and the pace and complexity of the work environment.

Exceptional

Used sparingly, this overall rating is for special recognition of a breakthrough to a new higher level of accomplishment and/or unexpectedly superior performance on a special or emergency project or assignment.

Successful

The employee's overall performance, during this review period meets and/or exceeds expectations and performance standards. Performance is within the expected scope and is indicative of a competent employee in this classification. It is expected that employees who are performing both at and above expectations will receive this rating.

Needs Improvement

The employee's overall performance, during this review period, has been below the expected level. The employee must take steps to correct identified deficiencies. For an overall rating of "Needs Improvement" or below, supervisor and employee should develop a Performance Improvement Plan ("PIP") or other corrective plan.

Unacceptable

On an overall basis the employee has, during this review period, performed in a manner significantly below the level to be expected considering the employee's previous experience, time in the classification and the employee's assigned duties and responsibilities. It appears to be reasonably certain that the employee is unable (or unwilling) to perform successfully.

Evaluator's Comments about Overall Rating

n/a

Recommend STEP Increase? Yes No Not Applicable (top of salary range)
 (Overall Rating must meet Successful or Exceptional Work rating)

Employee's Comments about Overall Rating

n/a

Signatures

Employee: _____ Date: _____

Evaluator: _____ Date: _____

Reviewer*: _____

Department Head: _____ Date: _____

*Note: It is highly suggested that the Evaluator provide the evaluation to a Reviewer (e.g. the Evaluator's manager, Assistant Department Head, or Department Head) for feedback/review **prior** to the evaluation being provided to the employee.

Supervisory Performance Evaluation

EXEMPLARY PERFORMANCE PAY

(PROGRAM CURRENTLY SUSPENDED- SEE ARTICLE 11)

Qualifications

Exemplary performance pay is available to supervisory employees who complete their annual work objectives during the evaluation period. To qualify for Exemplary Performance Pay a supervisor must:

- Have ten (10) points assigned in Section IV., Annual Work Objectives and complete to the satisfaction of the evaluator all Annual Work Objectives.
- Receive an overall score of eighty-five (85) points on the Supervisory Performance Evaluation.
- Employee must be in current supervisory classification position one full year, i.e., from the beginning of the pay period following September 15 of evaluation year and continuing through the full pay period following the next September 15.

Amount

Awards will be a percentage of the supervisor's current annual salary as defined in the chart listed below. Exemplary pay will be awarded in a lump sum payment to qualified individuals by October 22 each year.

85	Points	2.0%
86	Points	2.2%
87	Points	2.4%
88	Points	2.6%
89	Points	2.8%
90	Points	3.0%
91	Points	3.2%
92	Points	3.4%
93	Points	3.6%
94	Points	3.8%
95 - 100	Points	4.0% Maximum

APPEALS

Process

The following is recommended as the process for reviewing complaints regarding performance evaluations:

Complaints regarding a performance evaluation may be discussed with the next highest level of supervisor above the individual initiating the evaluation and taken to Department Head for final review.

APPENDIX D : CATASTROPHIC LEAVE POLICY (SUPERVISORS)

- I. **PURPOSE:** To establish a program whereby City employees can donate vacation and/or compensatory time to:
 - A. The sick leave banks of permanent full-time and permanent part-time employees who are incapacitated due to a catastrophic off-duty illness or injury; or
 - B. The vacation leave banks of permanent full-time and permanent part-time employees who are caring for a spouse, child or registered domestic partner who has a catastrophic illness or injury.
- II. **DEFINITION:** A catastrophic illness or injury is a severe illness or injury which is unusual, unexpected, or immediate in nature; and which is expected to preclude an employee from returning to work for an extended period of time, during which the employee will exhaust all of his/her applicable accumulated leave balances.
- III. **POLICY:** City employees may donate vacation and/or compensatory time to a permanent full-time or permanent part-time employee if:
 - A. An employee experiences a catastrophic illness or injury or must care for a spouse, child or registered domestic partner who has a catastrophic illness or injury which requires the employee to be absent from work for an extended period of time;
 - B. The employee has nearly exhausted all applicable leave balances (sick, vacation, personal leave, and compensatory time in the case of the employee's off-duty catastrophic illness or injury; vacation, personal leave and compensatory time due to caring for a spouse, child or registered domestic partner who has experienced a catastrophic illness or injury); and
 - C. The employee or if incapacitated, the legally recognized representative has agreed to accept the donation if approved by the Department Head and the City Administrator.
 - D. The Department Head will take action to help ensure that each employee's decision to donate or not donate to a Personal Catastrophic Leave Account is kept confidential and that the donor and recipient employees are not pressured to participate.
 - E. State and federal income tax on the value of vacation and/or compensatory time donated shall be deducted from the recipient employee's pay at the time the hours are used.
- IV. **PROCEDURES:**
 - A. A request is made by the recipient employee or if incapacitated, the legally recognized representative to the Department Head for the establishment of a Personal Catastrophic Leave Account. This request may be made prior to the employee exhausting all of his/her applicable paid leave balances so that time donated may be utilized immediately upon exhaustion of the employee's leave balances, but not before.
 - B. Upon approval of the Department Head and the City Administrator, and upon agreement of the recipient employee, a Personal Catastrophic Leave Account will be established. The employee or if incapacitated, the legally recognized representative will sign the "Request to Receive Donation(s)" form allowing publication and distribution of information regarding his/her situation.
 - C. The employee or if incapacitated, the legally recognized representative will be required to provide verification of the catastrophic illness or injury from an attending physician before and while using time donated under this program. All information provided by the attending

physician will remain confidential.

- D. The request for donations shall occur in three month intervals and may be extended up to a maximum of twelve (12) continuous months for any one catastrophic illness/injury, based upon approval of the Department Head and City Administrator.
- E. Donated vacation and/or compensatory time shall be converted and credited to the recipient's applicable leave bank in equivalent hours based upon the recipient's base hourly rate. (e.g., employee A makes \$20/hour and donates 1 hour of vacation time to employee B who earns \$10/hour. B's applicable leave bank is increased by 2 hours for each hour donated by A.)
- F. Employees will use the "Donation of Vacation and/or Compensatory Time" form to submit donations of vacation and/or compensatory time directly to Human Resources. All donations will be reviewed for compliance with this policy. After review, the form will be forwarded to Payroll for action and adjustment to the donor's and recipient's paid leave balances.
- G. All donations of vacation and/or compensatory time shall be in increments of 4 hours or more (e.g. 4, 8, 12 hours) and shall be made in three month increments. An employee may not donate vacation or compensatory time which would reduce his or her total accrued combined balance of vacation, compensatory time, personal leave and sick leave to less than 120 hours after the donation.
- H. The donation of vacation and/or compensatory time is irreversible. Should the recipient employee not use all the donated time for the catastrophic illness or injury, any balance will revert to a City-wide "Catastrophic Leave Bank" for future use by employees with need for that donated time pursuant to the provisions of this Catastrophic Leave Policy.
- I. The donation of vacation and/or compensatory time must be made to a specific approved catastrophic leave recipient with the following exception: an employee who is within 50 hours of the maximum vacation accrual may request to donate up to a maximum of 50 hours directly to City-wide "Catastrophic Leave Bank" to avoid cessation of accruals. Such donation directly to the City-wide "Catastrophic Leave Bank" may not be made more than one time in any 12 month period."
- J. A report on the usage of Personal Catastrophic Leave Accounts and status of the City-wide "Catastrophic Leave Bank" will be available to recognized labor organizations and others with a need to know. The report will include the identity of the recipient(s), hours donated, hours used and the remaining balance(s).

APPENDIX E : CHILD CARE PERSONNEL POLICIES

CITY OF SANTA BARBARA

CHILD CARE PERSONNEL POLICIES

February 20, 1990

Note: A leave or reduced schedule approved under one of these policies runs concurrently with any applicable leave entitlements under the FMLA/CFRA Family and Medical Leave Policy.

CONTENTS

1. **Maternity Leave Policy**
2. **Parental Leave Policy**
3. **Flexible Leave Policy**
4. **Alternative Work Schedules**
5. **Job Sharing**
6. **Part-time Work**
7. **At-home Work**

1. MATERNITY LEAVE (medical leave)

The City of Santa Barbara is committed to providing time off from work, so far as possible, to employees during pregnancy and following childbirth.

Maternity leave requests, including both medical and non-medical components (see section on Parental leave for information regarding non-medical leave), must be submitted to the City Administrator via the Department Head at least 30 days in advance. The requirement for 30 days advance notice may be waived when warranted by unexpected medical circumstances. Pursuant to state law, maternity leaves for medical reasons will be granted for up to four (4) months and may be extended up to a maximum of one (1) year subject to the operational needs of the department as determined by the Department Head. All medical leaves must be verified by a doctor's certificate of disability.

When an employee is physically disabled from work due to pregnancy or following childbirth, the employee will obtain a doctor's certificate of disability indicating the dates when the employee will be physically unable to work. When physically disabled, the employee may use sick leave or other paid leave. An employee disabled due to pregnancy or childbirth may request an unpaid leave of absence for medical reasons once her sick leave and other paid leave balances total less than forty (40) hours. A doctor's note listing the dates of the disability must be submitted with the medical leave request. Any leave of absence greater than 7 days must be approved in advance by the City Administrator.

The City will coordinate an employee's use of State Disability Insurance (SDI) with City paid leave which allows employees on maternity leave and covered by SDI to extend the use of their paid leave time.

When an employee is on medical leave of absence due to pregnancy, the City will continue to pay the employer portion of the insurance for the first ninety (90) days of the medical leave of absence. Thereafter, an employee will have to pay both the employer and the employee portions of her insurance.

2. PARENTAL LEAVE (all employees, non-medical leave)

The City recognizes that after the birth or adoption of a child, it is important for a parent to be with his or her child. As a result, the City encourages Department Heads to accommodate requests for parental leaves to care for a newborn or newly adopted child.

Parental leaves shall be with pay if the employee has leave balances of vacation, personal leave, or compensatory time. An employee may request a parental leave of absence without pay when the employee's paid leave balances total less than forty (40) hours (see section on Maternity Leave for information regarding medical leave related to pregnancy and childbirth).

Parental leave requests must be submitted to the City Administrator via the Department Head at least 30 days in advance. When requested, parental leaves will be approved for a length of time sufficient to provide the employee a minimum of one (1) month absence from work. Any medical leave related to pregnancy and child birth (maternity leave) will not be counted in the minimum one (1) month. The scheduling of parental leave is subject to the approval of both the City Administrator and Department Head based on the operational needs of the department. Extension of the parental leave of absence may be granted, subject to the approval of the City Administrator, via the Department Head. The total duration of the combined medical and parental leaves of absence cannot exceed one year.

Employees are encouraged to discuss their time off needs with their supervisors as early as possible. Employees are also encouraged to save their vacation, personal leave, and compensatory time for use during a parental leave. Temporary waivers of the minimum annual vacation use and maximum vacation accrual will be considered to assist prospective parents in building their leave banks.

While on parental leave of absence without pay, an employee will have to pay both the employer and

employee portions of his or her insurance.

3. **FLEXIBLE LEAVE POLICY** (All Employees)

Employees may use accrued personal leave, vacation, comp time, to respond to emergency needs for spouse or dependent*, such as illness, child care or elder care. The employee shall notify his/her supervisor immediately of the nature of the emergency. Approval for leaves under this policy shall not be unreasonably withheld. Advance approval for spouse or dependent illness is not required.

* For purposes of this policy, a dependent is one who is a dependent pursuant to IRS regulations.

4. **ALTERNATIVE WORK SCHEDULES** (All employees)

The City believes that alternative work schedules are viable options to meet personal needs in areas such as child care and transportation where such schedules continue to meet the operational needs of the department.

Individual employees may request alternative work schedules which meet their personal needs and the operational requirements of the department. Alternative schedules may be different daily work hours or a different work week. Approval for reasonable alternative work schedules is subject to the operational needs of the department as determined by the Department Head. The continuation of such schedules shall be subject to Department Head review with reasonable input from affected employees.

5. **JOB SHARING** (All Employees)

The City recognizes that job-sharing may facilitate the balancing of employees' personal needs with their job responsibilities. As a result, the City encourages Department Heads to attempt to accommodate requests for job-sharing subject to the operational needs of the department as determined by the Department Head.

An employee may request that his/her full-time position be redefined as a job-sharing position to be filled by two permanent part-time employees. Requests for job sharing positions shall be submitted to the Department Head and require final approval by the City Administrator and City Council.

Job sharing positions may be discontinued at the discretion of the Department Head, with 30 days notice to affected employees.

6. **PART-TIME WORK** (All employees)

An employee may request to work on a part-time basis. A request to work part-time for a limited duration is subject to the operational needs of the department as determined by the Department Head. The Department Head may grant part-time assignments of limited duration. Extensions of part-time assignments will be considered upon employee request.

All part-time assignments may be periodically reconsidered by the Department Head. If the Department Head determines additional hours are required in the position, the employee will be given thirty days notice of the requirement to work increased hours.

Part-time assignments must be a minimum of 20 hours per week. Part-time regular employees receive fully paid insurance benefits and paid leave benefits prorated based on the number of hours worked.

To change an employee from full-time to part-time status requires a Personnel Action Form (PAF) and notification to the Personnel Office.

7. AT-HOME WORK (All employees)

With prior approval of the Department Head and review by Risk Management, an employee may request to work at home on a limited-term basis. All requests will be subject to the operational needs of the department as determined by the Department Head. Increased City liability including safety and workers' compensation issues will be closely reviewed prior to granting at-home work requests.

Requests for work schedules which include working at home for part of the regular work week may be submitted to the Department Head. Authorization for such schedules for either a predetermined or indefinite length of time will be made based on the following criteria:

- a) the operational needs of the department work site must be met adequately;
- b) the job duties must be such that work can be accomplished at home;
- c) proper equipment and supplies necessary to the job assignment can be provided at reasonable cost;
- d) sufficient measures of productivity can be determined;
- e) efficient and effective methods can be established for supervisory review of work assignments;
- f) the employee can be contacted at home during predetermined work hours.

Plans for meeting each of these criteria should be submitted in writing to the Department Head for evaluation. Once approved, at-home work schedules are subject to periodic review and may be discontinued at the discretion of the Department Head, with fourteen (14) days notice to the employee.

**APPENDIX F
2012 HOLIDAY CLOSURE PLAN
SUPERVISORS**

STATEMENT OF PURPOSE:

Demand for City services traditionally drops dramatically during the week between the Christmas Holiday and the New Year's Day Holiday. As a productivity and cost-saving measure, the City of Santa Barbara may elect to close non-essential offices to the public during the period between the two holidays.

The first Holiday Closure is tentatively planned from Monday December 24, 2012 through Tuesday, January 1, 2013. This period will include 2 normal legal holidays (Christmas Day and New Year's Day).

The City reserves the right to cancel the Holiday Closure, and/or to call some or all available employees back to work in the event of a crisis or emergency.

EFFECT ON EMPLOYEES:

Employees in operations that close for the holiday closure period will have several options for their normal workdays. They may:

- 1) **Take accrued paid leave.** Employees may use accrued leave from their vacation, personal leave, or compensatory time balances.
- 2) **Take voluntary leave without pay.** Employees prefer leave without pay for all or part of the time may have the portion of time they were on unpaid leave spread over the remaining pay periods paid in the fiscal year, beginning the first pay period in which the unpaid leave is taken. As with all unpaid leaves of absence, some benefits (such as paid time off and retirement contributions) will not accrue during the unpaid leave. However, the Holiday Closure will not affect monthly health, life or disability insurance premium contributions.

Employees who opt to spread leave without pay over the remaining pay periods in the fiscal year, will be required to reimburse the City upon termination of employment if the full value of the time off has not been recouped.

- 3) **Work.** Employees are encouraged to take the time off. However, employees may choose to work one or more days during the Holiday Closure.

Work assignments during the Holiday Closure period may or may not fall within the employee's normal job duties, hours, or location. If an employee does not intend to work all scheduled days during the Holiday Closure, the Department Head may choose which days the employee will work. Employees who wish to work during the Holiday Closure must advise their Manager no later than November 15, 2012.

In order to ensure adequate supervision of non-supervisory employees who choose to work, some supervisors may be required to work during the closure. However, management will make reasonable efforts to allow those supervisors who wish to take time off to be able to do so.

2012-2013 Management Salary Plan
Applicable to Unrepresented Non-safety Managers and Professional Attorneys, including the City Administrator and the City Attorney
(Management Salary Plan 1)

1. This Management Salary Plan sets forth a plan for salary and benefit adjustments for certain unrepresented management employees for the period of July 1, 2012 through June 30, 2013.
2. This Salary Plan will apply to all non-safety management employees and professional attorneys not represented by a recognized employee organization, including the City Administrator and the City Attorney.
3. Vacation Cash Out: The management Vacation Cash-out provision contained in the Management Performance and Compensation Plan will be discontinued indefinitely, subject to the following:
 - A. On or before July 30, 2012, employees will be given a one-time final opportunity to cash out up to 40 vacation hours;
 - B. After the cash out, the City Administrator may distribute total savings from any vacation amounts that eligible safety and non-safety managers elected not to cash out to all unrepresented managers eligible for the cash out (including those who exercise the cash out option) on an equal per capita basis as a lump sum payment; and
 - C. The vacation accrual maximum will be increased to 392 hours effective July 1, 2012.
4. Cafeteria Plan: Effective January 1, 2013, the City's monthly contribution to the cafeteria plan for the purchase of health and welfare benefits will be increased by \$116 per month for both Group 1 and Group 2 managers.
5. The Management Performance and Compensation Plan and the Professional Attorneys Compensation Plan, will be amended, as necessary, to include these changes to compensation and benefits.

2012-2013 Management Salary Plan
Applicable to Certain Unrepresented Safety Managers
(“Management Salary Plan 2”)

1. This Management Salary Plan sets forth a plan for salary and benefit adjustments for unrepresented management employees for the period of July 1, 2012 through June 30, 2013
2. This salary plan will apply only to the following unrepresented safety management employees: Fire Division Chief-Operations, the Fire Chief, the Deputy Police Chief, and the Police Chief. This salary plan shall not apply to police management employees represented by the Police Management Association, nor to the Fire Division Chief-Prevention or the Fire Battalion Chiefs.
3. PERS Cost-Sharing
 - A. Managers that are part of the PERS Fire Safety Plan will continue to participate in retirement cost-sharing under the PERS retirement plan in the same amount and through the same method as members of the Santa Barbara City Firefighters Association.
 - B. Managers that are part of the PERS Police Safety Plan will continue to participate in retirement cost-sharing by paying 3.0% of earnings to the City through post-tax payroll deductions in the manner contemplated by Govt Code § 20516(f). Such payments will not be credited under the retirement system. Such payments will not affect the City’s payment of the 9% EPMC.
4. Vacation Cash Out: The management Vacation Cash-out provision contained in the Management Performance and Compensation Plan will be discontinued indefinitely, subject to the following:
 - A. On or before July 30, 2012, all managers will be given a one-time final opportunity to cash out up to 40 vacation hours;
 - B. After the cash out, the City Administrator may distribute total savings from any vacation amounts that eligible safety and non-safety managers elected not to cash out to all unrepresented managers eligible for the cash out (including those who exercise the cash out option) on an equal per capita basis as a lump sum payment; and
 - C. The vacation accrual maximum will be increased to 392 hours effective July 1, 2012.
5. Cafeteria Plan: Effective January 1, 2013, the City’s monthly contribution to the cafeteria plan for the purchase of health and welfare benefits will be increased by \$116 per month for both Group 1 and Group 2 managers.

6. The Management Performance and Compensation Plan will be amended, as necessary, to include these changes to compensation and benefits.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: Housing and Human Services Division, Community Development Department

SUBJECT: Grants For Rental Assistance

RECOMMENDATION:

That Council approve three grants totaling \$585,000 in federal HOME Investment Partnerships Program funds to establish rental assistance programs targeted to homeless persons and to persons in danger of becoming homeless: one grant to the Housing Authority of the City of Santa Barbara for \$300,000, one grant to Transition House for \$150,000, and one grant to Casa Esperanza for \$135,000, and authorize the Assistant City Administrator to execute subrecipient agreements and make non-substantive changes in a form approved by the City Attorney.

DISCUSSION:

Background

Santa Barbara has one of the most expensive housing markets in the country. The median rent for studios is \$1,048 per month and \$1,269 per month for one-bedroom apartments. High rents exacerbate efforts to move homeless people back into housing and to keep housed people who are at risk of becoming homeless. The Point-in-Time Count/Vulnerability Index Survey administered during the last week of February 2011 encountered 1,040 homeless people in the City of Santa Barbara. In estimating the annual number of homeless people, the standard rule of thumb is to multiply the point-in-time count by a factor of three.

The three proposed rental assistance programs would provide immediate rental housing assistance to homeless persons and to persons in danger of becoming homeless. The programs would be implemented as strategies to meet goals established in the Ten-Year Plan to End Chronic Homelessness throughout Santa Barbara County. The proposed grant to the Housing Authority would provide funding for a successful program that was originally funded by the City in October 2010. The proposed grants to Transition House and Casa Esperanza would allow them to continue their existing Homeless Prevention and Rapid Re-Housing (HPRP) programs funded by federal American Recovery and Reinvestment Act (ARRA) funding that is now ending.

Each of the local nonprofit organizations proposed to implement the rental assistance programs have considerable experience in collaboratively providing a range of services to the homeless. Each of the three proposed rental assistance programs is structured to address separate segments of the homeless and near homeless populations. The proposed programs would be paid for with federal Home Investment Partnerships (HOME) program funds awarded to the City and would conform to guidelines established by the U.S. Department of Housing and Urban Development (HUD) for tenant based rental assistance programs (TBRA). Each program is described separately below.

Housing Authority TBRA – Section 8 Type of Rental Assistance

The City provided the Housing Authority with a \$200,000 HOME grant in Fiscal Year 2010 to provide immediate rental assistance to chronically homeless persons while they are on the Section 8 Program waiting list. The assistance provided is nearly identical to Section 8 assistance in that participants receive a rental subsidy that is used to rent apartments they select that meet specified requirements. The Housing Authority helps participants find suitable apartments, inspects the apartments to ensure that they are decent and appropriately sized, and determines a reasonable amount for the rent in conjunction with the landlord. Participants contribute 30 percent of their income toward rent, and HOME funds make up the difference, with payments going directly to the landlord.

The City's Housing Authority operates the Section 8 Program, which is available to the general public. Demand far exceeds available funding, as the current waiting list has over 3,000 applicant households. Because of the long waiting list, it takes two to five years to receive a Section 8 Certificate – far too long for someone who is homeless to wait. The proposed grant would enable homeless persons to receive temporary rental assistance immediately and live in housing while they stay on the waiting list and wait for their Section 8 assistance to become available.

The Housing Authority estimates it would be able to provide rental assistance to 20 homeless persons with the proposed \$300,000 grant, based on an average monthly subsidy estimated at \$630. The actual number of assisted persons will depend on actual figures for individual client income, rent, and how long rental assistance is needed.

Transition House TBRA – Homeless Prevention

Transition House received a three-year grant of federal HPRP funds to provide homeless prevention services that is now ending. Under their HPRP grant, which was coordinated by the City, Transition House provided case management and cash assistance to allow 150 families at risk of becoming homeless to stay in their homes.

Transition House requests HOME funds to continue their homeless prevention services. HOME funds would be used for rental assistance to at-risk households as direct payments to their landlords, similar to the Housing Authority's Section 8 Type of Assistance described above. Assisted households would contribute 30% of their income toward rent, and HOME funds would make up the difference, with payments made directly to the

landlord. Transition House estimates that the proposed grant would keep 135 low income at-risk families from becoming homeless over a two-year period. Federal Emergency Solutions Grant funds awarded to Transition House from the County of Santa Barbara will to provide funds for administration and case management.

Applicant households with eviction notices would be carefully screened to determine that they are in imminent danger of becoming homeless and to determine that they will have sufficient means to pay rent and sustain their housing after assistance has ended. Based on past experience under their HPRP grant, Transition House expects financial assistance would last three to six months. HOME regulations set a maximum term of 24 months. Participation in case management would be mandatory while receiving rental assistance.

Casa Esperanza TBRA – Rapid Rehousing

Casa Esperanza also received federal HPRP grant funds to provide rapid rehousing services in Santa Barbara. Under the HPRP grant which is now ending, Casa Esperanza has assisted 290 homeless persons secure permanent housing. Casa Esperanza seeks \$135,000 in HOME funds to continue their rapid rehousing program. These funds would be used to provide rental assistance to low income homeless persons in the form of one-time direct payments to landlords of security deposits and first month rents. Assisted households would contribute 30% of their income to the first month rent and HOME funds would make up the difference. After the first month, the assistance ends, and the person would be responsible for paying 100% of the rent thereafter. Casa Esperanza estimates that 125 homeless persons would be served over a two-year period with the proposed grant. Federal Emergency Solutions Grant funds awarded to Casa Esperanza from the County are expected to provide funds for administration and case management.

The program would be targeted to homeless persons who have recently secured a steady income stream, such as from a job or SSI benefits. They have the ability to pay rent, but simply lack the funds needed upfront to move into an apartment. Casa Esperanza reports that without such assistance, persons in this situation generally take three to four months to raise the necessary funds. The proposed grant would get these people housed immediately and off the street or out of the homeless shelter.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriations in the HOME Fund to cover the three proposed grants. No additional appropriations are needed. In accordance with HUD regulations, the City must commit \$752,530 before the end of the City's fiscal year, which ends June 30, 2012. Committing the funds requested here would help meet this commitment deadline. The City's Finance Committee approved the three proposed grants at its meeting of May 22, 2012.

ATTACHMENTS: 1. Letter from the Housing Authority
2. Letter from Transition House
3. Letter from Casa Esperanza

PREPARED BY: Sue Gray, Administrative Services Manager/SK

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



HOUSING

AUTHORITY OF THE
CITY OF SANTA BARBARA

808 Laguna Street / Santa Barbara
California / 93101

Tel (805) 965-1071
Fax (805) 564-7041
TTY (866) 660-4288 (En)
TTY (866) 288-1311 (Sp)

May 4, 2012

HAND DELIVERED

Mr. Simon Kiefer, Project Planner
Community Development Department
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

RE: REQUEST FOR RENEWAL FUNDING OF CITY HOME GRANT FOR THE
OPERATION OF A TENANT BASED RENTAL ASSISTANCE PROGRAM IN
THE AMOUNT OF \$300,000 FOR A TWO YEAR PERIOD.

Dear Simon:

As you know, the Housing Authority, in partnership with the City of Santa Barbara, established a Tenant Based Rent Assistance (TBRA) program in October, 2010 with \$100,000 per year of funding for a two year period. The objective of this HOME funded program was to provide rental subsidy to very low income homeless individuals, who maintain an active Section 8 application, to secure decent, safe, sanitary housing within the City of Santa Barbara boundaries. This program continues to be a key tool in community's efforts to end chronic homelessness. This is not an easy effort given the high number of homeless individuals encountered through the Point-in-Time Count/Vulnerability Index Survey administered in the last week of February 2011. Through this survey, 1,536 people were encountered countywide, with 1,040 (67.71%) in the City of Santa Barbara.

The Housing Authority continues to experience an extremely high demand for its Section 8 Housing Choice Voucher program from low income renters in Santa Barbara (our wait list is in excess of 3,000 applicants), yet the ability to provide Section 8 vouchers to help all those in need and eligible, including homeless individuals, is limited. Thus, the HOME TBRA program has been a source of additional housing assistance to those homeless individuals that would otherwise not be provided. Once housed under the HOME TBRA program, the participants are qualified to receive a maximum of two years of rental subsidy by which time it is anticipated that other sources of rental assistance would be available or there ceases to be a need for subsidy (i.e. we hope some will be off of housing assistance all together should circumstances like employment and increased income as a result through self-sufficiency efforts.)

Since our initial lease-up under the HOME TBRA program in March of 2011, the Housing Authority has housed 12 homeless individuals through the program on the Vulnerability Index list, with an additional three homeless individuals actively seeking housing having recently been issued a voucher. This is a very effective model program for housing the homeless. To this end, we are requesting a renewal of the City grant of federal HOME dollars in the amount of \$300,000 for another two year period to continue

Mr. Simon Kiefer
May 4, 2012
Page 2

to run the TBRA program. One hundred percent of this funding is will be used for housing assistance payments as the Housing Authority is providing for the cost of administering the program. The renewal of funds would provide housing assistance for approximately 20 of our most chronically homeless individuals.

We hope that City staff and the Council agree that this program is worthy of continued use of HOME dollars, as it effectively is addressing what is perhaps the community's most perplexing and difficult social issue—homelessness. We look forward to your support of this request as well as the City Council's favorable consideration. Please let me know if you require any additional information to move this funding request forward.

Sincerely,

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA



ROB FREDERICKS
Deputy Executive Director/CAO

cc: R. Pearson, Executive Director/CEO
S. Szymanski, Deputy Executive Director/COO
B. Peirson, Finance Director
V. Loza, Housing Management Director



April 26, 2012

Simon Kiefer
Project Planner
Housing and Redevelopment
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RE: HOME TBRA for Homelessness Prevention

Dear Simon,

This letter is a follow up to our recent conversation regarding the use of HOME funds for tenant based rental assistance (TBRA) for clients who would be served through Transition House's Homelessness Prevention Program.

Transition House has offered homelessness prevention case management services coupled with emergency rental assistance for four years. Our program offerings also include free, onsite evening classes providing education for at-risk families in computer skills, career development, English as a Second Language, and parenting skills.

In 2009, Transition House was awarded funding through both a City of Santa Barbara collaborative and a county collaborative for homelessness prevention services. The three-year grants were part of the American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Rehousing (HPRP) initiative. These HUD administered funds provide for case management and cash assistance. The City collaborative has been managed by Sue Gray.

The ARRA funds will end in August of 2012. Transition House believes that our homelessness prevention program has been of great benefit to the Santa Barbara community. We wish to continue providing this service after the ARRA funds have been exhausted. We realize that it is more cost effective, not to mention humane, to keep at-risk households in their homes, rather than have them lose everything and enter the homeless services system.

Transition House has recently received funding to support the salary of our case manager, as well as some administrative costs, through the Emergency Solutions

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Kathleen Baushke
Executive Director

Grant (ESG) program, a HUD source which seeks to continue funding homelessness prevention and rapid re-housing services. The funding levels available are significantly less than those provided through ARRA HPRP. Because of this, we request that the City of Santa Barbara consider allocating \$150,000 in HOME funds to Transition House's homelessness prevention program, to be used strictly for cash assistance (TBRA). These funds would be utilized beginning in September 2012. Over the course of the following 24 months, Transition House would seek to serve 135 households with prevention assistance.

Transition House's HPRP program has been governed by strict guidelines provided by HUD. Transition House would follow similar criteria in managing TBRA. Recipient households must make less than 30% AMI (as documented by pay stubs, tax returns, SSI letters of award, etc.); provide a pending eviction notice and a copy of their long-term lease on their apartment; and be paying a "reasonable" rent. Reasonable rent is determined by following HUD Fair Market Rent (FMR) guidelines for the Santa Barbara area, and by research done by the case manager on rents being charged for similar-sized apartments in like neighborhoods.

Clients who are given TBRA security deposit assistance to move into a new apartment will be required to have the apartment inspected. This was also a requirement of ARRA funding. The case manager is trained to conduct these inspections—they are quite similar to inspections that the Housing Authority conducts for section 8 voucher rental units. The case manager will then work with the landlord to correct any issues arising from the inspection before the client takes occupancy of the unit.

The household must be determined to be in imminent danger of becoming homeless if not for TBRA assistance. Transition House not only collects information on the household's financial disposition and whether they have other options or resources to help them pay rent, but also screens for additional factors that are used to determine high risk for homelessness. A listing of those factors is attached—the list contains both HUD suggested determiners, and additional factors we have observed in our 28 years working with homeless families. (The list includes factors for determining eligibility for rapid re-housing to determine "homeless" clients, and factors for at-risk households for homelessness prevention.)

Finally, it must be determined that the household will have the means to pay rent and sustain the housing after the assistance has ended. That means that the household will be able to gain an adequate income source (for example, they may be in the midst of a job search, or waiting for paperwork on an entitlement to be processed), or a lesser rent (they may be on the section 8 waiting list, or a waiting list for another program/housing that would result in a reduced rent).

Recipient households are usually required to participate in a minimum six months of case management. Each family's circumstances are different—case management addresses issues such as management of household finances, career development,

accessing entitlements, and life skills and sound decision making, all with the goal of sustaining housing.

Transition House utilizes a methodology that is required by HUD to determine client eligibility, and to administer the program. Annual audits have been performed both by HUD staff, and by City and County staff, of Transition House's case files including required documentation, compliance with program regulations, case management strategy, and data collection methods. We have consistently received positive feedback on our program. Transition House will continue to follow HUD requirements after ARRA ends.

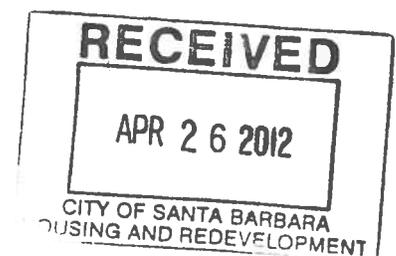
Please let me know any additional information you require at this time. Sue Gray could provide additional input on the quality of Transition House's program. Thank you for considering Transition House's request.

Sincerely,



Kathleen Baushke
Executive Director

enclosure



Criteria to meet HUD's Homeless Definition

- Sleeping in an emergency shelter
- Sleeping in a place not meant for human habitation, such as cars, parks, abandoned building, streets/sidewalks
- Staying in a hospital or other institution for up to 180 days but was sleeping in an emergency shelter or other place not meant for human habitation (cars, parks, streets, etc.) immediately prior to entry into the hospital or institution
- Graduating from, or timing out of a transitional housing program
- Victims of domestic violence.

Additional risk factors for households facing eviction to *become* homeless; or barriers to returning to housing for already homeless households

- Mental health issues, or
- Substance abuse issues, or
- Physical disabilities and other chronic health issues, including HIV/AIDS
- Severe housing cost burden (greater than 50 percent of income for housing costs)
- Homeless in last 12 months
- Young head of household (under 25 with children or pregnant)
- Current or past involvement with child welfare (CWS), including foster care

- Extremely low income (less than 30 percent of Area Median Income)
- Sudden and significant loss of income
- Limited or no work history
- Lack of a high school diploma or skills-based education
- Lack of childcare
- Lack of transportation

- Eviction within 2 weeks from a private dwelling (including housing provided by family or
- Discharge within 2 weeks from an institution in which the person has been a resident for more than 180 days (including prisons, mental health institutions, hospitals)
- Residency in housing that has been condemned by housing officials and is no longer meant for human habitation
- Pending foreclosure of housing (rental or homeownership), or
- High overcrowding
- Sudden and significant increase in utility costs

- Past institutional care (prison, treatment facility, hospital)
- Recent traumatic life event, such as death of a spouse or primary care provider, abandonment of spouse or primary care provider, or recent health crisis that prevented the household from meeting its financial responsibilities
- Credit problems that preclude obtaining of housing
- Significant amount of debt.

- Criminal justice issues including head of household experiencing past arrest, probation, or felony conviction.

- Has not identified an appropriate subsequent housing plan
- Lacks financial resources and support networks to identify immediate housing or remain in existing housing.



Casa Esperanza Homeless Center

offering hope and help every day!

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Simon Kiefer

City of Santa Barbara

630 Garden Street

Santa Barbara, CA. 93101

Dear Mr. Kiefer:

This is our formal request to access Tenant-Based Rental Assistance (HOME Funds) on behalf of homeless individuals who seek help through the Casa Esperanza Homeless Center.

For the last three years Casa Esperanza successfully provided deposits and first month rental assistance to homeless individuals via the HPRP program via ARA funding available through HUD. Through this program, Casa Esperanza has helped people move from homelessness to housing in the City of Santa Barbara over the last 3 years.

The ARA program will come to an end in July 2012, and there is a desperate need to replace this funding. We are requesting \$135,000 in grant-based rental assistance funds to be used for both deposits and first-month rental assistance. We will ensure that first-month assistance covers no more than 70% of the grant amount and that each client is able to provide 30% of the necessary payment. We will use this funding to leverage County funds for housing assistance and both County and philanthropic resources for case management and administrative costs. Thus far we have secured \$50,000 from the County for this purpose, in partnership with Good Samaritan in Santa Maria, \$25,000 dedicated to Casa Esperanza and the South Coast.

Over the last twelve months we provided initial rental entry assistance to 126 individuals in the City of Santa Barbara. All of these individual were homeless and met low-income guidelines. We estimate that we can provide rental assistance to a minimum of 125 individuals and families.

We have found that once a client secures a job or SSI benefits that it takes an average of 3-4 months of saving money to cover the costs of moving into housing. This exposes the client unnecessary shelter time and clogs the shelter system, creating waiting lists and increased levels of homelessness on the streets. When the ARA/HPRP program went into effect, Casa Esperanza has operated with virtually no waiting list, and homeless people are no longer exposed unnecessary periods of homelessness and shelter environments. This is a specific goal of the HEARTH Act and best practices in the effort to end homelessness.

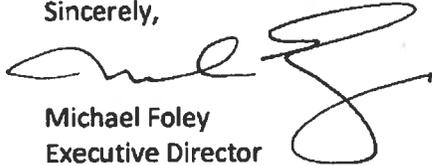
Our target population is low-income people who are currently homeless and meet current HPRP guidelines for Rapid Re-Housing. Each potential client fills out a complete intake form and provides proof of income, identification, etc. Each client must meet federal low-income guidelines. Each client works with the Housing Case Manager to complete a budget. In order to qualify for funding, the budget must show that the client has a balanced budget, with all costs covered by income. If this threshold is not met, the client is not eligible for assistance.

Casa Esperanza will use the current HPRP forms to provide proof that each housing unit meets

physical standards, verified by the Case Manager in person. We determine rent-reasonableness by comparing the proposed rent with similar available units, via Craig's List and other advertisement venues.

Thank you for considering this very urgent request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Foley', with a large, stylized flourish at the end.

Michael Foley
Executive Director



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2011

TO: Mayor and Councilmembers

FROM: Fire Prevention Division, Fire Department

SUBJECT: Renewal Of Levy For Fiscal Year 2013 For The Wildland Fire Suppression Assessment District

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2012-13.

DISCUSSION:

On July 11, 2006, the City Council adopted Resolution 06-064 which declared the Council's intention to order expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones. The Resolution described the special benefit to be assessed and approved an Engineer's Report, confirmed the diagram and assessment, and ordered a levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2007. As required by the Resolution, the Assessment must be renewed annually by the Council. The City has renewed the Wildland Fire Suppression Assessment for the past five years.

Assessment funds continue to reduce the risk and severity of wildland fires through the reduction of flammable vegetation. The assessment provides three primary services:

Vegetation Road Clearance: Each year the assessment provides approximately 14 miles of road clearance in the Foothill and Extreme Foothill Zones. The frequency is such that most roads in the District are cleared of impeding vegetation every three years. Clearing vegetation from the roadways is required of property owners by law and allows for safer egress of residents and ingress of first responders during an emergency. In Fiscal Year 2012, 14 miles of roadway were cleared to benefit the District.

Defensible Space Inspection and Assistance: This element of the assessment provides assistance to property owners in creating defensible space around their homes. Defensible space is a key element in preventing the ignition of homes during a wildfire by reducing the exposure of the home to burning vegetation. Defensible space assistance will again involve scores of site visits to assist homeowners. In addition, the assessment provides chipping services to residents of the District after the vegetation has been cut. Chipping services provides a cost effective way for homeowners to dispose of cut material. The chipped vegetation may be reused as a ground cover in landscaping.

Vegetation Management: Vegetation Management is the selective removal of flammable vegetation in open land outside of property owner's defensible space. The goal is to lessen the severity of a fire, in the event that one occurs, by depriving the fire of large amounts of fuel. This is accomplished by preferentially removing exotic plants; thinning, pruning and limbing vegetation to remove fire ladders; limbing up the canopy; and, pruning out dead material. Vegetation management retains the overall look of wildland areas and minimizes impacts to natural resources while reducing the amount of flammable vegetation. Vegetation management was successfully completed on 26 acres this year. This project required staff to strengthen the public-private relationship by working with multiple, individual property owners and contract crews to link individual parcels across large areas of adjacent land. By working in cooperation with multiple property owners, there is a greater impact on reducing the community threat from wildfire. In addition to vegetation removal, this project also accomplished education, protection of natural resources unique to the area and outlined individual maintenance programs. The project areas are identified in the Wildland Fire Plan.

ANNUAL LEVY:

The Wildland Fire Assessment may be annually increased by the Consumer Price Index (CPI) in an amount not to exceed four percent per year. In adjusting for the Consumer Price Index, the allowable increase is calculated using the CPI from the past year plus any deferred increases from previous years. For Fiscal Year 2013, staff and the Assessment Engineer propose a CPI increase of 2.17 percent. The rate for Fiscal Year 2013 as suggested in the Engineer's Report will therefore be set at \$73.72 per single family home in the Foothill Zone and \$91.41 per single family home in the Extreme Foothill Zone. The total revenues from the assessment is estimated at \$239,133.

The Fiscal Year 2012 rates were \$72.16 and \$89.46, respectively, for a total assessment of \$231,771. The increase for Fiscal Year 2013 will allow staff to provide the same level of service as in previous years.

As required in Resolution 06-064, an updated Engineer's Report has been prepared and includes the proposed budget and assessment rate. The updated Engineer's Report must be considered by the City Council at a noticed public hearing and serves as the basis for the continuation of the assessment. The updated Engineer's Report is available for review at Fire Department Administration, 925 Chapala Street and the City Clerk's Office at City Hall at 735 Anacapa Street.

Hearing

On May 22, 2012, the Council adopted Resolution No. 12-031 to declare its intent to renew the Wildland Fire Suppression Assessment District within the Foothill and Extreme Foothill Zones and to set a time of 2:00 p.m. on Tuesday, June 5, 2011, in the City Council Chambers for a public hearing on the Wildland Fire Suppression Assessment District. Staff recommends that the Wildland Fire Suppression Assessment District be continued for Fiscal Year 2013 to fund and deliver these successful mitigation programs.

BUDGET/FINANCIAL INFORMATION:

The estimated \$239,133 cost of providing services in Fiscal Year 2013 is recovered through the resident-approved Wildland Fire Suppression Assessment levied on the annual property tax bills of property owners within the Assessment district boundaries. Both the cost of providing the services and the assessment district revenue have been included in the Wildland Fire Assessment District Fund budget for Fiscal Year 2013. No additional budget appropriations are necessary.

SUSTAINABILITY IMPACT:

Vegetation removed through vegetation road clearance and the defensible space chipping assistance program is chipped and spread back on to the ground or in areas of local parks where feasible. The goal is reuse at least 80% of all chipped material locally avoiding the cost of disposal fees, extra vehicle trips and landfill use. Non-native pest plants are not chipped, but rather hauled off-site to be disposed of properly. In 2012, staff exceeded that goal, achieving 99%.

ATTACHMENT: Engineer's Report

PREPARED BY: Joe Poiré, Fire Marshal

SUBMITTED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO CONTINUE VEGETATION ROAD CLEARANCE, IMPLEMENTATION OF A DEFENSIBLE SPACE INSPECTION AND ASSISTANCE PROGRAM, AND IMPLEMENTATION OF A VEGETATION MANAGEMENT PROGRAM WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES; DECLARING THE WORK TO BE OF MORE THAN GENERAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; APPROVING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT, AND ORDERING CONTINUATION OF THE WILDLAND FIRE SUPPRESSION ASSESSMENT DISTRICT FOR FISCAL YEAR 2012-13

WHEREAS, on July 11, 2006, by its Resolution No. 06-064, after receiving a weighted majority of ballots in support of the proposed assessment, this Council ordered the formation of and levied the first assessment within the City of Santa Barbara Wildland Fire Suppression Assessment, pursuant to the authority provided in California Government Code Section 50078 et seq. and Article XIID of the California Constitution, and

WHEREAS, although the methodology by which the assessments are applied to properties in the District does not change from year to year, a new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District including, but not limited to, use changes, parcel subdivisions, and/or parcel consolidations; and

WHEREAS, it is the intention of this Council to continue to levy and collect assessments for the Wildland Fire Suppression Assessment for Fiscal Year 2012-13. Within the Assessment District, the proposed services to be funded by the assessments ("Services") are generally described as including, but not limited to, the following: (1) continuing the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones, continuing this program will reduce fuel, enhance evacuation routes, and decrease fire response times; (2) enhancing the defensible space fire prevention inspection and assistance program for all properties in the Foothill and Extreme Foothill Zones; and (3) implementing a vegetation management program in the Foothill and Extreme Foothill Zones. As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire

hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04.020.M). “Defensible space” is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 47 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04). “Vegetation management” means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety; and

WHEREAS, by Resolution No. 12-031 the City Council preliminarily approved the Engineer’s Report for said District and set a date the date of June 5, 2012 for a Public Hearing; and

WHEREAS, the Engineer’s Report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer’s Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 5, 2012, at the hour of 2:00 p.m. in the Council Chambers, City Hall, 735 Anacapa Street, Santa Barbara, was appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, on June 5, 2012, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by the Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer’s Report to pay the costs and expenses thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The Assessment District benefited by the fire suppression services and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

SECTION 3. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of the fire suppression services and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, plans and specifications for the fire suppression services and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
- (c) the assessment of the total amount of the cost and expenses of the proposed fire suppression services upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. The assessments for Fiscal Year 2012-13 shall be continued at the rate of SEVENTY THREE DOLLARS AND SEVENTY TWO CENTS (\$73.72) per single-family equivalent benefit unit in the Foothill Zone and NINETY ONE DOLLARS AND FORTY ONE CENTS (\$91.41) in the Extreme Foothill Zone for Fiscal Year 2012-13 per single family equivalent benefit. The estimated Fiscal Year 2012-13 cost of providing the Services is \$239,133; and

SECTION 6. The assessment to pay the costs and expenses of the fire suppression services for Fiscal Year 2012-13 is hereby continued.

SECTION 7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the fire suppression services at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Santa Barbara. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Santa Barbara Wildland Fire Suppression Assessment District.

SECTION 9. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the fire suppression services.

SECTION 10. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.



CITY OF SANTA BARBARA
WILDLAND FIRE SUPPRESSION ASSESSMENT

FINAL ENGINEER'S REPORT

JUNE 2012

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078 *ET SEQ.*, AND
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

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Frank Hotchkiss, Councilmember
Grant House, Councilmember
Randy Rowse, Councilmember
Cathy Murillo, Councilmember

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INTRODUCTION

The City of Santa Barbara is located about 100 miles northwest of Los Angeles, largely on the slopes between the Pacific Ocean and the Santa Ynez Mountains. The City of Santa Barbara provides fire services throughout the City limits. Fire services include fire suppression, protection, prevention, evacuation planning, and education.

Due to topography, location, climate and infrastructure, the Santa Barbara community has a relatively high inherent risk of wildland fires. Listed below are some of the major wildland fires that have occurred in Santa Barbara County since 1970:

FIGURE 1 – WILDLAND FIRE HISTORY IN SANTA BARBARA COUNTY

Year	Fire Name	Acres	Homes Lost
1971	Romero Canyon Fire	14,538	4
1977	Sycamore Canyon Fire	805	234
1977	Hondo Canyon Fire	10,000	0
1979	Eagle Canyon Fire	4,530	5
1990	Painted Cave Fire	4,900	524
1993	Marre Fire	43,864	0
2002	Sudden Fire	7,160	0
2004	Gaviota Fire	7,440	1
2007	Zaca Fire	240,207	0
2008	Gap Fire	9,443	0
2008	Tea Fire	1,940	210
2009	Jesusita Fire	8,733	80

In response to the considerable wildland fire risk in the area, the City of Santa Barbara Fire Department prepared a Wildland Fire Plan in January, 2004, in which it identified four High Fire Hazard Zones: The Coastal Zone, the Coastal Interior Zone, the Foothill Zone, and the Extreme Foothill Zone. The two Zones with the highest wildland fire risk are the Foothill and Extreme Foothill Zones (the "Zones"), and these are the Zones that are included in this assessment.

These Zones are at a high risk of wildland fires due to the following factors:

- Climate.** The climate consists of cool, moist winters and hot, dry summers. The low humidity and high summer temperatures increase the likelihood that a spark will ignite a fire in the area, and that the fire will spread rapidly.

- **Topography.** Periodic wind conditions known as “Sundowner” and “Santa Ana” winds interact with the steep slopes in the Santa Ynez Mountains and the ocean influence, resulting in an increase in the speed of the wind to severe levels. These two types of wind conditions increase the likelihood that fires will advance downslope towards the Foothill and Extreme Foothill Zones. In addition, these winds can greatly increase the rate at which a fire will spread.
- **Chaparral.** Much of the undeveloped landscape is covered with chaparral. Chaparral sheds woody, dead, and organic materials rich in flammable oils, which accumulate over time. Areas covered with chaparral typically experience wildland fires which burn the accumulated plant materials, and renew the chaparral for its next cycle of growth. Therefore, areas of chaparral which are not thinned, and from which the dead plant materials are not removed or burned off in prescribed fires, provide ample opportunities for wildland fires to occur and to spread.
- **Road Systems.** Many of the roads in the Foothill and Extreme Foothill Zones do not meet current Fire Department access and vegetation road clearance standards, and many are made even more narrow due to the encroachment of vegetation. A number of the bridges have weight requirements that are below Fire Department weight standards. In addition, many driveways are long and steep, posing a safety hazard. All of these factors make it more difficult and more hazardous for the Fire Department to provide fire suppression services in these areas.
- **Water Supply.** In the Extreme Foothill Zone, the City water supply is limited in some areas, and not available in others. These factors increase the risks associated with fires, due to the reduced availability of water to fight any fires that occur.
- **Fire Response Time.** Much of the Extreme Foothill Zone, and some of the Foothill Zone, is outside the City’s 4 minute Fire Department response time. As a result, fires in these areas may have more time to spread and to increase in severity before fire suppression equipment can reach them.
- **Proximity to the Los Padres National Forest.** The Los Padres National Forest (LPNF) is a large forest to the north of the Foothill and Extreme Foothill zones. The LPNF provides a great deal of potential fuel for any wildland fire in the area. Wildland fires that start in the LPNF have the potential to move south toward the Foothill and Extreme Foothill zones.

This Engineer’s Report (the “Report”) was prepared to: 1) contain the information required by Government Code Section 50078.4, including a) a description of each lot or parcel of property to be subject to the assessment, b) the amount of the assessment for each lot or parcel for the initial fiscal year, c) the maximum amount of the assessment which may be

levied for each lot or parcel during any fiscal year, d) the duration of the assessment, e) the basis of the assessment, f) the schedule of the assessment, and g) a description specifying the requirements for protest and hearing procedures for the assessment pursuant to Section 50078.6; 2) establish a budget to provide services to reduce the severity and damage from wildland fires (the "Services") that will be funded by the 2012-13 assessments; 3) determine the benefits received from the Services by property within the City of Santa Barbara Wildland Fire Suppression Assessment District (the "Assessment District") and; 4) assign a method of assessment apportionment to lots and parcels within the Assessment District. This Report and the assessments have been made pursuant to the California Government Code Section 50078 et. seq. (the "Code") and Article XIID of the California Constitution (the "Article").

In Fiscal Year 2006-07, the City of Santa Barbara City Council (the "Council") by Resolution called for an assessment ballot proceeding and public hearing on the then-proposed establishment of a wildland fire suppression assessment.

On May 5, 2006 a notice of assessment and assessment ballot was mailed to property owners within the proposed Assessment District boundaries. Such notice included a description of the Services to be funded by the proposed assessments, a proposed assessment amount for each parcel owned, and an explanation of the method of voting on the assessments. Each notice also included a postage prepaid ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots were mailed to property owners in the Assessment District, the required minimum 45 day time period was provided for the return of the assessment ballots. Following this 45 day time period, a public hearing was held on June 20, 2006 for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public had the opportunity to speak on the issue. After the conclusion of the public input portion of the hearing, the hearing was continued to July 11, 2006 to allow time for the tabulation of ballots.

With the passage of Proposition 218 on November 6, 1996, The Right to Vote on Taxes Act, now Article XIIC and XIID of the California Constitution, the proposed assessments could be levied for fiscal year 2006-07, and continued in future years, only if the ballots submitted in favor of the assessments were greater than the ballots submitted in opposition to the assessments. (Each ballot is weighted by the amount of proposed assessment for the property that it represents).

After the conclusion of the public input portion of the Public Hearing held on June 20, 2006, all valid received ballots were tabulated by the City of Santa Barbara Clerk. At the continued public hearing on July 11, 2006, after the ballots were tabulated, it was determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted).

As a result, the Council gained the authority to approve the levy of the assessments for fiscal year 2006-07 and to continue to levy them in future years. The Council took action, by a Resolution passed on July 31, 2006, to approve the first year levy of the assessments for fiscal year 2006-07.

The authority granted by the ballot proceeding was for a maximum assessment rate of \$65.00 per single family home, increased each subsequent year by the Los Angeles Area Consumer Price Index (CPI) not to exceed 4% per year. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

In each subsequent year for which the assessments will be continued, the Council must preliminarily approve at a public meeting a budget for the upcoming fiscal year's costs and services, an updated annual Engineer's Report, and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year. A new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations. At this meeting, the Council will also call for the publication in a local newspaper of a legal notice of the intent to continue the assessments for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Council prior to the Council's decision on continuing the services and assessments for the next fiscal year.

If the assessments are so confirmed and approved, the levies will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2012-13. The levy and collection of the assessments will continue year-to-year until terminated by the City Council.

If the City Council approves this Engineer's Report for fiscal year 2012-13 and the assessments by Resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2012-13.

A Public Hearing is scheduled for June 5, 2012. At this hearing, the Council will consider approval of a resolution confirming the assessments for fiscal year 2012-13. If so confirmed and approved, the assessments will be submitted to the Santa Barbara County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2012-13.

The Assessment District is narrowly drawn to include only properties that benefit from the additional fire protection services that are provided by the assessment funds. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

In 2008 per California Public Resource Code 4201-4204 and Government Code 51175 - 89, the Office of the State Fire Marshal (OSFM) completed an analysis to identify Local Responsibility Area areas of Very High Fire Hazard Severity Zones (VHFHSZ) within the City of Santa Barbara. Discussions between OSFM and the City of Santa Barbara Fire Department were concluded in 2010. As a result additional parcels have been added to the 2004 City of Santa Barbara high fire hazard area, Foothill Zone. These additional parcels are not included in the Wildland Fire Suppression Assessment District at this time, and wildland fire suppression services provided to these parcels are not funded from this assessment.

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements were satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”) case. This ruling is the most significant legal decision clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

This Engineer’s Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and tangibly benefit from improved protection from fire damage, increased safety of property and other special benefits and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the Court of Appeal for the Second District of California amended its original opinion upholding a benefit assessment district for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review and the court’s decision in Dahms became binding precedent for assessments. In Dahms, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the ground that

the assessments had been apportioned to assessed property based, in part, on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the SVTA decision because the Services to be funded are clearly defined; the Services are available to and will be directly provided to all benefiting property in the Assessment District; and the Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with Dahms because, similar to the Downtown Pomona assessment validated in Dahms, the Services will be directly provided to property in the Assessment District. Moreover, while Dahms could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

The Engineer's Report is consistent with Bonander because the Assessments have been apportioned based on the overall cost of the Services and proportional special benefit to each property. Finally, the Assessments are consistent with Buetz because the general

benefits have been explicitly calculated and quantified and excluded from the Assessments.

DESCRIPTION OF SERVICES

The City of Santa Barbara Fire Department provides a range of fire protection, prevention, and educational services to the City and its residents.

The following is a description of the wildland fire suppression Services that are provided for the benefit of property within the Assessment District. Prior to the passage of the assessment in 2006, the baseline level of service was below the standard described in the City's 2004 Wildland Fire Plan. Due to inadequate funding, the level of service continued to diminish and would have diminished further had this assessment not been instituted. With the passage of this assessment, the services were enhanced significantly. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre 2006) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

$$\begin{aligned} \text{Final Level of Service} &= \text{Baseline level of Service (pre-2006)} \\ &+ \\ &\text{Enhanced Level of Service} \end{aligned}$$

The services (the "Services") undertaken by the Santa Barbara Fire Department and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. In addition to the definitions provided by the California Government Code Section 50078 et. seq., (the "Code") the Services are generally described as follows:

- Expansion of the vegetation road clearance program to cover all public roads within the Foothill and Extreme Foothill Zones. This program reduces fuel, enhance evacuation routes, and decrease fire response times
- Implementation of a defensible space and fire prevention inspection and chipping assistance program for all properties in the Foothill and Extreme Foothill Zones
- Implementation of a vegetation management program in the Foothill and Extreme Foothill Zones

As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road

Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04).

"Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Chapter 49 of the California Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04).

"Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

COST AND BUDGET

FIGURE 2 - COST AND BUDGET

CITY OF SANTA BARBARA Wildland Fire Suppression Assessment Estimate of Costs Fiscal Year 2012-13		<i>Total Budget</i>
Services Costs		
Evacuation Planning - Evacuation Roadway Clearing		
Staffing		\$41,000
Materials		\$3,000
Project Costs		\$48,000
Defensible Space		
Staff		\$35,000
Materials		\$5,000
Chipping Program		\$36,000
Vegetation Management		
Staffing		\$39,906
Project		\$40,000
Totals for Installation, Maintenance and Servicing		\$247,906
Less: District Contribution for General Benefits		(\$18,413)
Net Cost of Installation, Maintenance and Servicing to Assessment District		\$229,493
Incidental Costs:		
District Administration and Project Management		\$6,150
Allowance for County Collection		\$3,490
Subtotals - Incidentals		\$9,640
Total Wildland Fire Suppression District Budget		\$239,133
(Net Amount to be Assessed)		
Assessment District Budget Allocation to Parcels		
Total Assessment Budget		\$239,133
Single Family Equivalent Benefit Units in District		3,244
Assessment per Single Family Equivalent Unit (SFE)		\$ 73.72

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits derived from the Services, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the Foothill and Extreme Foothill zones of the High Fire Hazard Area as defined by the 2004 Wildland Fire Plan. The method used for apportioning the assessment is based upon the proportional special benefits from the Services derived by the properties in the assessment area over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

- 1.) Identification of all benefit factors derived from the Improvements
- 2.) Calculation of the proportion of these benefits that are general
- 3.) Determination of the relative special benefit within different areas within the Assessment District
- 4.) Determination of the relative special benefit per property type
- 5.) Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as the Santa Barbara Fire Department, to levy assessments for fire suppression services. Section 50078 states the following:

"Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article."

In addition, California Government Code Section 50078.1 defines the term "fire suppression" as follows:

"(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard."

Therefore, the Services provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the Services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the California Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that are provided to property in the Assessment District. These benefit factors confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the services to reduce the severity and damage from wildland fires that are provided in the Assessment District. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies, which

describe the types of special benefit received by property from the Services of the Assessment District. These types of special benefit are summarized as follows:

- ***Increased safety and protection of real property assets for all property owners within the Assessment District.***

As summarized previously, properties in the Assessment District are currently at higher risk for wildland fires. Uncontrolled fires would have a devastating impact on all properties within the Assessment District. The assessments fund an increase in services to mitigate the wildland fire threat, and thereby can significantly reduce the risk of property damage associated with fires. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

*"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."*¹

*"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."*²

*"A wildfire sees your home as just another fuel source. The survivable space you construct around your home will keep all but the most ferocious wildfires at bay."*³

*"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."*⁴

*"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."*⁵

*"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses."*⁶

- ***Protection of views, scenery and other resource values, for property in the Assessment District***

The Assessment District provides funding for the mitigation of the wildland fire threat to protect public and private resources in the Assessment District. This

benefits even those properties that are not directly damaged by fire by maintaining and improving the aesthetics and attractiveness of public and private resources in the community, as well as ensuring that such resources remain safe and well maintained.

*"Intensely burned forests are rarely considered scenic."*⁷

*"Smoke affects people...for example; in producing haze that degrades the visual quality of a sunny day...The other visual quality effect is that of the fire on the landscape. To many people, burned landscapes are not attractive and detract from the aesthetic values of an area."*⁸

*"A visually preferred landscape can be the natural outcome of fuels treatments."*⁹

- ***Enhanced utility and desirability of the properties in the Assessment District.***

The assessments fund Services to reduce the severity and damage from wildland fires in the Assessment District. Such Services enhance the overall utility and desirability of the properties in the Assessment District.

"Residential satisfaction surveys have found that having nature near one's home is extremely important in where people choose to live...This is especially true at the wildland-urban interface where some of the most serious fuels management must occur."

¹⁰

*"People are coming to the [Bitterroot] valley in part because of its natural beauty which contributes to the quality of life that so many newcomers are seeking."*¹¹

BENEFIT FINDING

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from increased safety and protection of real property, increased protection of scenery and views, and enhanced utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

$$\text{Total Benefit} = \text{Total General Benefit} + \text{Total Special Benefit}$$

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements.

The starting point for evaluating general and special benefits is the pre 2006 baseline level of service, had the assessment not been approved by the community. The assessment will fund Services “over and above” this general, baseline level and the special benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

$$\begin{aligned} \text{General Benefit} = & \\ & \text{Benefit to Real Property Outside the Assessment District} + \\ & \text{Benefit to Real Property Inside the Assessment District that is Indirect and} \\ & \text{Derivative} + \\ & \text{Benefit to the Public at Large} \end{aligned}$$

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded

by the assessment would be a special benefit because the Services particularly and distinctly benefit the properties in the Assessment District over and above the baseline benefits.

Nevertheless, arguably some of the Services benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

(In the 2009 *Dahms* case, the court upheld an assessment that conferred a 100% special benefit to the assessed parcels on the rationale that the services and improvements funded by the assessments were provided directly and only to property in the assessment district over and above those services or improvements provided by the city generally. Similarly, the Assessments described in this Engineer's Report fund wildland fire services directly and only to the assessed parcels located within the assessment area. Moreover, every property within the Assessment District will receive the Services. While the *Dahms* decision would permit an assessment based on 100% special benefit and zero or minimal general benefits, in this report, the general benefit is estimated and described and budgeted so that it is funded by sources other than the Assessment.)

CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, there were approximately 550 of these "proximate" properties.

CRITERIA:

550 PARCELS OUTSIDE THE DISTRICT BUT PROXIMATE TO THE DISTRICT BOUNDARIES
 3550 PARCELS IN THE ASSESSMENT DISTRICT
 50% RELATIVE BENEFIT COMPARED TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

CALCULATION

GENERAL BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT = $(550/(550+3,550)) * .5 = 6.7\%$

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside, but near the Assessment District's boundaries, we use the more conservative approach of finding that 6.7% of the Services may be of general benefit to property outside the Assessment District.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly "over and above" and "particular and distinct" when compared with the pre-2006 baseline level of Services, had the assessment district not passed.

In determining the Assessment District boundaries, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to achieve the desired level of wildland fire suppression and protection throughout the Assessment District. Fire protection and suppression will be provided as needed throughout the area.

The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension of a local government service to benefit lands previously not receiving that particular service. The Fire Department therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there may be some indirect general benefit to the public at large.

The public at large uses the public highways and other regional facilities when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the Assessment District, it is arguably "indirect and derivative" and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, and regional facilities within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that less than 1.0% of the land area in the Assessment District is covered by highways and regional facilities. This 1.0% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment District, we find that approximately 7.7% of the benefits conferred by the Assessment District may be general in nature and should be funded by sources other than the assessment.

GENERAL BENEFIT =

$$\begin{aligned}
 & 6.7 \% \text{ (OUTSIDE THE ASSESSMENT DISTRICT)} \\
 & + 0.0 \% \text{ (INSIDE THE DISTRICT - INDIRECT AND DERIVATIVE)} \\
 & + 1.0 \% \text{ (PUBLIC AT LARGE)} \\
 \\
 & = 7.7 \% \text{ (TOTAL GENERAL BENEFIT)}
 \end{aligned}$$

The Assessment District's total budget for 2012-13 is \$239,133. The Assessment District must obtain funding from sources other than the assessment in the amount of approximately \$18,413 ($\$239,133 \times 7.7\%$) to pay for the cost of the general benefits. This is because the assessments levied by the Fire Department may not exceed the special benefits provided by the Services, and the Assessment Engineer concluded that a combined total of 7.7% of the cost of Services provide a general benefit to properties

outside the Assessment District and a benefit to the public at large. For Fiscal Year 2012-13, the City will contribute at least \$18,413, or 7.7% of the total Assessment District budget, to the Assessment District from sources other than this assessment. This contribution constitutes more than the 7.7% general benefits estimated by the Assessment Engineer.

ZONES OF BENEFIT

Initially, the Fire Department evaluated the geographic area within and around the City limits (including the City of Santa Barbara, Santa Barbara County, Montecito and National Forest lands) based upon three fire hazard risk variables: vegetation (fuel), topography and weather. This analysis was used to narrowly determine the boundaries of the "high fire hazard area." Further, zones were narrowly drawn within the high fire hazard area and graded "extreme," "high," "moderate" or "low". Next, the Fire Department evaluated the roof type, proximity of structures, road systems, water supply, fire response times and historic fire starts within the high fire hazard area and developed 4 specific zones:

- Extreme Foothill Zone
- Foothill Zone
- Coastal Zone
- Coastal Interior Zone

These zones were used to apply appropriate policies and actions based upon hazard and risk. The results of this analysis were tabulated and presented in Tables 2 through 4 in the 2004 Wildland Fire Plan.

Accordingly, "Zones of Benefit" corresponding to the fire risk zones are used to equitably assign special benefit, and are used for the basis of the "Fire Risk Factors" discussed below. Each zone was narrowly drawn, and has been given a score, based upon the evaluated risk criteria, as shown in Figure 3. (The assessment provides Services in the Extreme Foothill Zone and the Foothill Zone only.)

FIGURE 3 - RELATIVE HAZARD/RISK SCORING FOR HIGH FIRE HAZARD AREA ZONES

Hazard/Risk Attribute	Extreme		Coastal	
	Foothill Zone	Foothill Zone	Coastal Zone	Interior Zone
Combined Hazard Assessment - vegetation (fuel), topography, weather*	40	30	20	10
Roof Type**	1	2	2	3
Proximity	1	3	1	3
Road	3	3	1	1
Water	3	1	1	1
Response	3	2	2	2
Ignitions	1	1	1	1
Total Score	52	42	28	21

* The Hazard Assessment element of this analysis is the most significant. Scores have been "weighted" by a factor of 10.

** In the Extreme Foothill Zone fire retardant roofing materials are more prevalent, resulting in lower risk in this area.

Figure 4 shows the numeric scoring system used to develop the relative total scores.

FIGURE 4 - SCORING SYSTEM

Qualitative Score	Numeric Score
Very High	4
High	3
Moderate	2
Low	1

The total relative scores for each zone are tabulated and normalized, based up the Foothill Zone, and shown in Figure 5.

FIGURE 5 - WILDLAND FIRE RISK FACTORS

Zone	Raw Score	Wildland Fire Risk Factor
Extreme Foothill Zone	52	1.24
Foothill Zone	42	1.00
Coastal Zone**	28	0.67
Coastal Interior Zone**	21	0.50

**Coastal Zone and Coastal Interior Zone are included in this analysis for clarity; however these zones are not included in the Assessment District.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, the Assessment Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because vacant, commercial, industrial and other properties also receive special benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial/industrial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there clearly is a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that benefit from reduced wildland fire risk. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property and the potential use of property by residents and employees. This method is further described below.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel of one acre or less in the Foothill Zone (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

The relative benefit to properties from fire related Services is:

EQUATION 1 – RELATIVE BENEFIT TO PROPERTIES

$$\text{Benefit} \approx \Sigma (\text{Fire Risk Factors}) * \Sigma (\text{Structure Value Factors})$$

That is, the benefit conferred to property is the “sum” the risk factors multiplied by the “sum” of the structure values factors.

FIRE RISK FACTORS

Typical fire assessments (non-wildland) are evaluated based upon the fire risk of a certain property type. These evaluations consider factors such as use of structure (e.g. used for cooking), type of structure (centralized heating), etc.

Wildland fires, on the other hand, are initiated largely from external ignitions and are far less affected by structural, mechanical and electrical systems inherent to the building (except roof type). The principle Wildland fire risk factors are:

- Vegetation (fuel)
- Topography
- Weather
- Roof type
- Proximity of Structure
- Road Systems
- Water Supply
- Response
- Ignitions

These factors were fully evaluated in the 2004 Wildland Fire Plan and are manifested in the relative zone scores as shown in Figures 3, 4 and 5, above. Hence, the Fire Risk Factor for all properties within the Foothill Zone is 1.00 and the Fire Risk Factor for all properties in the Extreme Foothill Zone is 1.24.

STRUCTURE VALUE FACTORS

The relative value of different property types was evaluated within the high fire hazard area to determine the Structure Value Factor according to the following formula:

EQUATION 2 - STRUCTURE VALUE FACTORS

$$\Sigma (\text{Structure Value Factors}) \approx (\text{Structure Weighting Factor} * \text{Average Improved Value}) * (\text{Land Weighting Factor} * \text{Average Total Value}) * (\text{Unity Density Factor})$$

Where:

- "Structure Weight Factor" = 10 to "weight" relative importance of structure over land.
- "Average Improved Value" is average of value of all improvements (e.g. structures), per property type, as provide by County Assessor records.
- Land Weighting Factor = 1
- "Average Total Value" is average of value of all land + improvements (e.g. structures), per property type, as provide by County Assessor records. County assessor land values were not used directly because experience has shown total values to be more comprehensive.
- Unit Density Factor corresponds values with units (i.e. "per residential unit" or "per acre") based upon effective density of structure on parcel.

Figure 6 below is a tabulation of the Structure values for each property type as defined by Equation 2, above.

FIGURE 6 – STRUCTURE VALUE FACTORS

Property Type	Structure Value Factor	Unit
Single Family	1.0000	per each*
Multi-Family	0.3683	per res. unit
Commercial/Industrial	0.8187	per acre
Office	0.7058	per acre
Institutional	0.3841	per each
Storage	0.0952	per acre
Agricultural	0.0809	per acre
RangeLand	0.0181	per acre
Vacant	0.0324	per each

*for homes on an acre or less. For homes on more than one acre, the Structure Value Factor is increased by 0.0809 per acre

RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit on one acre or less are assigned one Single Family Equivalent or 1.0 SFE in the Foothill Zone. In the Extreme Foothill Zone, all improved residential properties on one acre or less are assessed 1.24 SFEs (See Table 5). Residential properties on parcels that are larger than 1 acre receive additional benefit and are assigned additional SFEs on a "per acre" basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of

dwelling units that occupy each property. The relative benefit for multi-family properties was determined as per Equation 1 to be 0.3683 SFEs per residential unit in the Foothill Zone and 0.4567 per residential unit in the Extreme Foothill Zone. This rate applies to condominiums as well.

COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined as per Equation 1 to be 0.8187 SFEs per acre in the Foothill Zone and 1.0151 per acre in the Extreme Foothill Zone. The relative benefit for office properties was determined as per Equation 1 to be 0.7058 SFEs per acre in the Foothill Zone and 0.8751 per acre in the Extreme Foothill Zone.

VACANT/UNDEVELOPED, OPEN SPACE AND AGRICULTURAL PROPERTIES

The relative benefit for vacant properties was determined as per Equation 1 to be 0.0324 SFEs per parcel in the Foothill Zone and 0.04012 per parcel in the Extreme Foothill Zone. Open space and agricultural land have minimal improvements and few, if any; structures that require defensible space, and are assigned benefit "per acre." The relative benefit for open space properties was determined as per Equation 1 to be 0.0181 SFEs per acre in the Foothill Zone and 0.0224 per acre in the Extreme Foothill Zone. The relative benefit for agricultural properties was determined as per Equation 1 to be 0.0809 SFEs per acre in the Foothill Zone and 0.1002 per acre in the Extreme Foothill Zone.

OTHER PROPERTIES

Institutional properties, such as publicly owned properties (and are used as such), for example, churches, are assessed at 0.3841 per parcel in the Foothill zone and 0.4762 per Parcel in the Extreme Foothill zone. The relative benefit for storage properties was determined as per Equation 1 to be 0.0952 SFEs per acre in the Foothill Zone and 0.1180 per acre in the Extreme Foothill Zone.

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

All public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

SUMMARY OF BENEFITS FOR EACH PROPERTY TYPE

Figure 7 summarizes the relative benefit for each property type.

FIGURE 7 - RELATIVE BENEFIT FACTORS FOR FOOTHILL AND EXTREME FOOTHILL ZONES

Property Type	Foothill Zone		Extreme Foothill Zone	
	Benefit Factors (SFEs)	Unit	Benefit Factors (SFEs)	Unit
Single Family	1.0000	per each	1.2400	per each
Multi-Family	0.3683	per unit	0.4567	per unit
Commercial/Industrial	0.8187	per acre	1.0152	per acre
Office	0.7058	per acre	0.8752	per acre
Institutional	0.3841	per each	0.4763	per each
Storage	0.0952	per acre	0.1181	per acre
Agricultural	0.0809	per acre	0.1003	per acre
RangeLand	0.0181	per acre	0.0225	per acre
Vacant	0.0324	per each	0.0402	per each

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Fire Chief of the City of Santa Barbara Fire Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Chief or his or her designee will promptly review the appeal and any information provided by the property owner. If the Chief or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Chief or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Chief or his or her designee shall be referred to the City Council and the decision of the Council shall be final.

ADDITIONAL BACKGROUND ON RELATIVE BENEFIT

In essence, when property owners are deciding how to cast their ballot for a proposed assessment, each property owner must weigh the perceived value of the Services proposed to them and their property with the proposed cost of the assessment to their property. If property owners of a certain type of property are either opposed or in support

of the assessment in much greater percentages than owners of other property types, this is an indication that, as a group, these property owners perceive that the proposed assessment has relatively higher or lower “utility” or value to their property relative to owners of other property types. One can also infer from these hypothetical ballot results, that the apportionment of benefit (and assessments) was too high or too low for that property type. In other words, property owners, by their balloting, ultimately indicate if they perceive the special benefits to their property to exceed the cost of the assessment, and, as a group, whether the determined level of benefit and proposed assessment (the benefit apportionment made by the Assessment Engineer) is consistent with the level of benefits perceived by the owners of their type of property relative to the owners of other types of property.

DURATION OF THE ASSESSMENT

The duration of the assessment is one year, and may be continued each year by a vote of the City Council. The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index, not to exceed 4% per year.

CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES

The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Services within the boundaries of the Assessment District, namely, the Foothill and Extreme Foothill Zones.

EXISTING GENERAL FUNDS

Prior to formation, Wildland Fire Services were funded with approximately \$200,000 from the City of Santa Barbara general fund. The intent of the program is that this general fund revenue will be maintained by the City to the extent feasible and the assessment will augment the current funding and services. Further, a portion of the general fund revenue

is needed to pay for any and all general benefits from the wildland fire Services, as described above.

ASSESSMENT

WHEREAS, the City Council of the City of Santa Barbara is proceeding with the proposed levy of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Code and Article and the order of the Council of said City, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2012-13 is generally as follows:

SUMMARY COST ESTIMATE

	FY 2012-13 <u>Budget</u>
Evacuation Planning – Evacuation Roadway Clearing	\$ 92,000
Defensible Space	\$ 76,000
Vegetation Management	<u>\$ 79,906</u>
Total for Installation, Maintenance and Servicing	\$ 247,906
Less: Contribution for General Benefits	<u>(\$ 18,413)</u>
Incidental Costs:	
Administration and Project Management	\$ 6,150
Allowance for County collection	<u>\$ 3,490</u>
Subtotal – Incidentals	\$ 9,640
Total Wildland Fire Suppression Assessment Budget	\$ 239,133

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 4%.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 4% or the yearly CPI change plus any CPI change in previous years that was in excess of 4%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 4% can be used in a future year when the CPI adjustment is below 4%. For 2012-13, the allowable CPI increase is 2.17%.

Hence, the proposed rates for 2012-13 will increase by 2.17% from the 2011-12 rates – from \$72.16 to \$73.72 per single family home in the Foothill Zone and from \$89.46 to \$91.41 per single family home in the Extreme Foothill Zone. The total revenue derived from the assessment is \$239,133 for 2012-13.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the City of Santa Barbara for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Santa Barbara County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Assessment District.

Dated: June 5, 2012

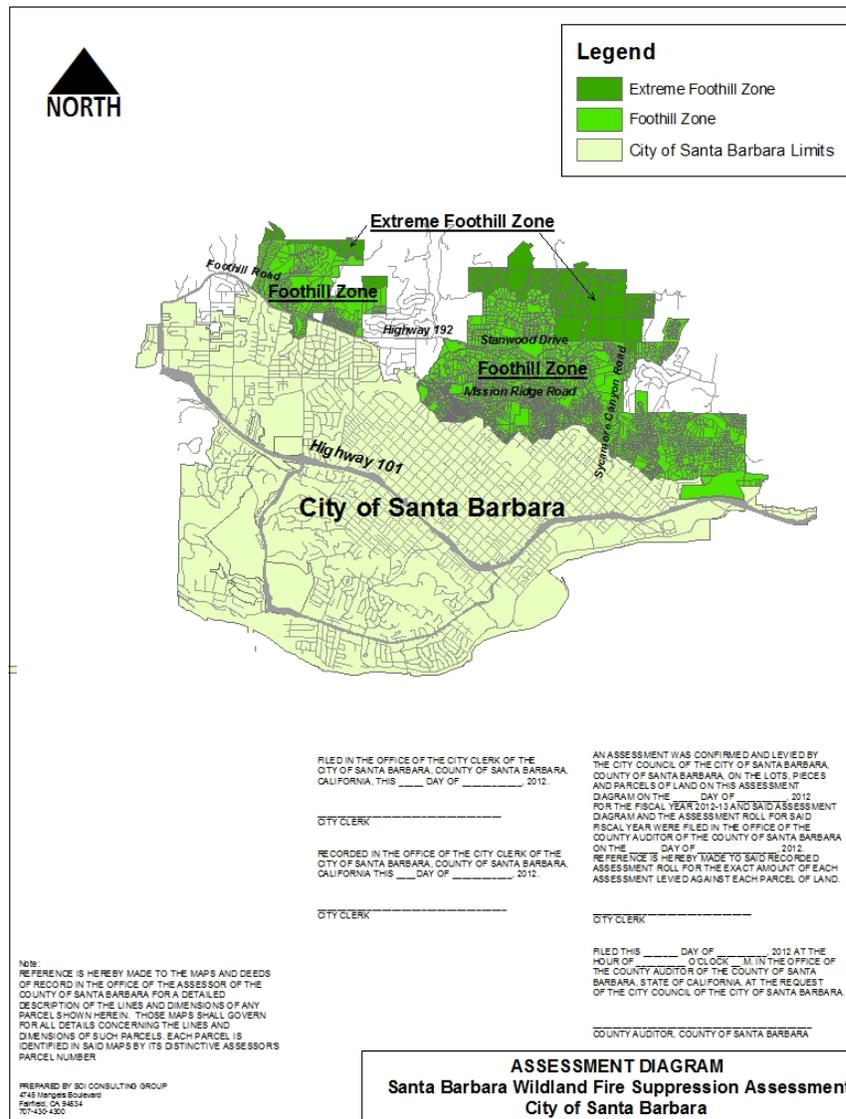
Engineer of Work



By  _____
John W. Bliss, License No. C052091

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Wildland Fire Suppression District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Santa Barbara, for fiscal year 2012-13, and are incorporated herein by reference, and made a part of this Diagram and this Report.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FY 2012-13

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern for all details concerning the description of the lots of parcels.

APPENDIX B – CALIFORNIA GOVERNMENT CODE SECTION 50078 ET. SEQ.

50078. Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article. The assessment may be made for the purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property.

50078.1. As used in this article:

(a) "Legislative body" means the board of directors, trustees, governors, or any other governing body of a local agency specified in subdivision (b).

(b) "Local agency" means any city, county, or city and county, whether general law or chartered, or special district, including a county service area created pursuant to the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3.

(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard.

50078.2. (a) The ordinance or resolution shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and the costs of providing the fire suppression by the district to that property. The assessment shall be related to the benefits to the property assessed.

(b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as

defined in Section 4102 of the Public Resources Code. This subdivision is not applicable to any benefit assessment levied prior to January 1, 1984, on land devoted primarily to agricultural, timber, or livestock uses.

50078.3. Any ordinance or resolution adopted by a local agency pursuant to this article establishing uniform schedules and rates for assessments for fire suppression services which substantially conforms with the model ordinance which the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the Health and Safety Code shall be presumed to be in compliance with the requirements of Section 50078.2.

50078.4. The legislative body of the local agency shall cause to be prepared and filed with the clerk of the local agency a written report which shall contain all of the following:

- (a) A description of each lot or parcel of property proposed to be subject to the assessment.
- (b) The amount of the assessment for each lot or parcel for the initial fiscal year.
- (c) The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.
- (d) The duration of the assessment.
- (e) The basis of the assessment.
- (f) The schedule of the assessment.
- (g) A description specifying the requirements for protest and hearing procedures for the proposed assessment pursuant to Section 50078.6.

50078.5. (a) The legislative body may establish zones or areas of benefit within the local agency and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the local agency.

(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit. The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used.

50078.6. The clerk of the local agency shall cause the notice, protest, and hearing procedures to comply with Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the legislative body to answer inquiries regarding the protest proceedings.

50078.13. The local agency shall pay the county for costs, if any, incurred by the county in conducting the election. An election called by a legislative body pursuant to this article is subject to all provisions of the Elections Code applicable to elections called by the local agency. The local agency may recover the costs of the election and any other costs of preparing and levying the assessment from the proceeds of the assessment.

50078.16. The legislative body may provide for the collection of the assessment in the same manner, and subject to the same penalties as, other fees, charges, and taxes fixed and collected by, or on behalf of the local agency. If the assessments are collected by the county, the county may deduct its reasonable costs incurred for that service before remittal of the balance to the local agency's treasury.

50078.17. Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying an assessment or modifying or amending an existing ordinance or resolution. If an ordinance or resolution provides for an automatic adjustment in an assessment, and the automatic adjustment results in an increase in the amount of an assessment, any action or proceeding to attack, review, set aside, void, or annul the increase shall be commenced within 90 days of the effective date of the increase. Any appeal from a final judgment in the action or proceeding brought pursuant to this section shall be filed within 30 days after entry of the judgment.

50078.19. This article does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

50078.20. Any fire protection district may specifically allocate a portion of the revenue generated pursuant to this article to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred pursuant to Section 8589.13 of this code and Section 13906 of the Health and Safety Code.

APPENDIX C – ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

Proposition 218 was approved by voters as a Constitutional Amendment on November 6, 1996. It became Article XIIC and Article XIID of the California State Constitution and has imposed additional requirements for assessment districts. Following is a summary of the Article.

SEC.1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited.

- (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except: (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A. (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A. (3) Assessments as provided by this article. (4) Fees or charges for property related services as provided by this article.
- (b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

SEC. 4. Procedures and Requirements for All Assessments.

- (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.
- (b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

- (c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.
- (d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.
- (e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.
- (f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.
- (g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

SEC. 5. Effective Date.

Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

- (a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.
- (c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.
- (d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

END NOTES

¹ Insurance Services Offices Inc.

<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

² Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage," <http://www.ibhs.org/publications/view.asp?id=125>

³ Institute for Business & Home Safety, "Is Your Home Protected from Wildfire Damage? A Homeowner's Guide to Retrofit," <http://www.ibhs.org/publications/view.asp?id=130>

⁴ U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1, <http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

⁵ U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2, <http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

⁶ Insurance Services Offices Inc., p. 1,

<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

⁷ Renewable Natural Resources Foundation, "Workshop on National Parks Fire Policy: Goals, Perceptions, and Reality," Renewable Resources Journal, Volume 11, Number 1, Spring 1993, p. 6

⁸ Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 3

⁹ U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 1, http://ncrs.fs.fed.us/pubs/gtr/gtr_nc261.pdf

¹⁰ U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 25, http://ncrs.fs.fed.us/pubs/gtr/gtr_nc261.pdf

¹¹ Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 2



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 22, 2012
TO: Mayor and Councilmembers
FROM: City Clerk's Office, Administrative Services Department
SUBJECT: Interviews For City Advisory Groups

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 5, and June 12, 2012.

DISCUSSION:

Interviews of applicants for various positions on City Advisory Groups are to be held on May 22, 2012, at 6:00 p.m. Applicants will also have the option to be interviewed on June 5, and June 12, 2012, at an estimated time of 4:00 p.m.

For the current vacancies, 45 individuals submitted 51 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation, in response to a set of questions specific to the group for which they are applying. Applicants applying to more than one advisory group may have up to 5 minutes for their presentation.

Applicants for the newly established Santa Barbara Youth Council have been notified that they must also appear for an interview before the Youth Council. They will have the option to appear on Monday, May 14, 2012, at 5:00 p.m. at the Louise Lowry Davis Recreation Center, or Monday, May 21, 2012, at 5:30 p.m. in the Council Chamber.

Appointments are scheduled to take place on June 26, 2012.

ATTACHMENT: List of Applicants

PREPARED BY: Brenda Alcazar, CMC, Deputy City Clerk

SUBMITTED BY: Marcelo A. López, Assistant City Administrator/Administrative Services Director

APPROVED BY: City Administrator's Office

ACCESS ADVISORY COMMITTEE

- Two vacancies.
- Terms expire 12/31/2014.
- Residents of the City or a full-time employees of an entity doing business within the City who demonstrate an interest, experience, and commitment to issues pertaining to disability and access and who represent the public at large:
 - Two representatives from the Architectural/Engineering/Building Community.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Architectural/ Engineering/Building Community (2)</i>	Brian Barnwell	12/16/08 (3 years, 6 months)		

BUILDING AND FIRE CODE BOARD OF APPEALS

- Two vacancies.
- Open terms.
- Residents of the City or adjoining unincorporated areas of Santa Barbara County.
- Appointees shall demonstrate knowledge and expertise in specialty areas governed by the construction and fire codes of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Resident of the City or unincorporated area of Santa Barbara County (2)</i>	None			

CENTRAL COAST COMMISSION FOR SENIOR CITIZENS

- One vacancy.
- Term expires 6/30/2013.
- Resident of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Resident of the City (1)</i>	Brenda Collins Powell			Current Community Development & Human Services Committee Member; term expires 12/31/13.

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Three vacancies.
- One term expires 12/31/2013; one term expires 12/31/2014; and one term expires 12/31/2015
- Residents or employees within the City but need not be qualified electors of the City.
- One representative from each:
 - Housing Interests
 - Human Services Agencies
 - Senior Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Housing Interests (1)</i>	Jacqueline Duran		1) Community Development & Human Services; 2) Rental Housing Mediation Task Force	
	Dale Fathe-Aazam			
	Steven B. Faulstich			
<i>Human Services Agencies (1)</i>	Alejandra Gutierrez			
<i>Senior Community (1)</i>	Bonnie Raisin			Also eligible for the Human Services Agencies category.

COMMUNITY EVENTS & FESTIVALS COMMITTEE

- Four vacancies.
- One term expires 12/31/2014; and three terms expire 12/31/2015.
 - Three representatives of the Business/Lodging/Retail Industry; and
 - One resident of the City who represents the public at large (one of whom shall not represent any specific group).
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Business/Lodging/ Retail Industry (3)</i>	Laura McIver			
<i>Public at Large (1)</i>	Rebekah Altman	12/19/06 (5 years, 6 months)		
	Robert W. Burnham		1) Transportation and Circulation Committee; 2) Community Events & Festivals	Current Access Advisory Committee Member; term expires 12/31/14
	Charles Huff		1) Community Events & Festivals; 2) Parks and Recreation Commission; 3) Neighborhood Advisory Committee	

FIRE AND POLICE PENSION COMMISSION

- Three vacancies.
- One term expires 12/31/2012; one term expires 12/31/2013; and one term expires 12/31/2014.
- One active retired police officer who need not be a resident or qualified elector of the City; and
- Two qualified electors of the City who are not active firefighters or police officers for the City of Santa Barbara.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Active/Retired Police Officer (1)</i>	None			
<i>Qualified Electors (2)</i>	Luis Esparza		1) Water Commission; 2) Measure P Committee; 3) Fire & Police Pension Commission	Current Measure P Committee Member; continuing to serve until a successor is appointed.

HOUSING AUTHORITY COMMISSION

- Two vacancies.
- One term expires 6/30/2014 (appointment effective on 7/1/2012); and one term expires September 14, 2016 (appointment effective September 15, 2012).
- One appointee may be a non-City resident:
 - One representative of the public at large; and
 - One tenant who is receiving housing assistance from the Housing Authority of the City of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Public at Large (1)</i>	Sarah Maria Anthony			City
	Robert Burke			City Also eligible for the Tenant category. Current Rental Housing Mediation Task Force Member; term expires 12/31/14.
	Geoff Green	7/1/08 (4 years)		County
<i>Tenant (1)</i>	Mary Johnston	6/28/05, 7/11/06, 7/1/08, 6/29/10 (7 years)		City

LIBRARY BOARD

- Two vacancies.
- Terms expire 12/31/2015.
- Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Electors (2)</i>	Jonathan R. Glasoe			
	Lucille Teresa Boss Ramirez			
	Christine Roberts	12/16/08 (3 years, 6 months)		
	Patricia E. Ruth			

LIVING WAGE ADVISORY COMMITTEE

- Three vacancies.
- One term expires 6/30/2015; and two terms expire 6/30/2016
- One representative from each:
 - Employee of a local Santa Barbara area nonprofit entity;
 - Owner/Manager of a service contractor subject to the City's Living Wage Ordinance;
 - Santa Barbara Downtown Organization or Santa Barbara Chamber of Commerce Nominee
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Nonprofit Entity (1)</i>	None			
<i>Owner/Manager of a service contractor subject to the City's Living Wage Ordinance (1)</i>	None			
<i>Santa Barbara Downtown Organization <u>or</u> Santa Barbara Chamber of Commerce Nominee (1)</i>	None			

MEASURE P COMMITTEE

- Six vacancies.
- Two terms expire 12/31/2012; One term expires 12/31/2013; two terms expire 12/31/2014; and one term expires 12/31/2015
- Two residents of the City; and one representative from each:
 - Civil Liberties Advocate
 - Drug abuse, treatment & prevention counselor
 - Criminal Defense Attorney
 - Medical Professional
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Civil Liberties Advocate (1)</i>	Luis Esparza	3/6/07 (5 years, 3 months)	1) Water Commission; 2) Measure P Committee; 3) Fire & Police Pension Commission	
<i>Criminal Defense Attorney (1)</i>	None			
<i>Drug abuse, treatment & prevention counselor (1)</i>	None			
<i>Medical Professional (1)</i>	None			
<i>Residents of the City (2)</i>	None			

MOSQUITO AND VECTOR MANAGEMENT DISTRICT BOARD

- One vacancy.
- Term expires 1/7/2013.
- Registered voter of the City of Santa Barbara or a member of the City Council.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Registered Voter of the City of Santa Barbara or a member of the City Council (1)</i>	None			

NEIGHBORHOOD ADVISORY COUNCIL

- Two vacancies.
- One term expires 12/31/2014; and one term expires 12/31/2015
- Residents of the City who need not be qualified electors of the City:
- One resident of the City who represents the public at large; and
- One representative from any of the following neighborhoods:
 - West Downtown
 - Eastside
 - Lower Eastside
 - Laguna
 - Westside
 - Lower Westside
- Appointees may not hold any full-time paid office or employment in City government.

NOTE: Applicants under the Neighborhood Representative category are also eligible for appointment to the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Neighborhood Representative (1)</i>	Roane Akchurin			Westside Neighborhood
	Ed Cavazos			Westside Neighborhood
	Ed King			Eastside Neighborhood
	Joseph A. Rution			Laguna Neighborhood

(Cont'd)

NEIGHBORHOOD ADVISORY COUNCIL (CONT'D)

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Public at Large (1)</i>	Jacques Habra			
	Charles Huff		1) Community Events & Festivals; 2) Parks and Recreation Commission; 3) Neighborhood Advisory Committee	
	Mari G. Mender			

PARKS AND RECREATION COMMISSION

- Two vacancies.
- Terms expire 12/31/2012.
- Qualified electors of the City.
Note: Council may appoint a youth member that is age 16 or 17 years, is a resident of the City and a citizen of the United States.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
Qualified Electors of the City (2)	Megan Luciana Diaz			Qualified Elector
	Christina Nicole Gonzalez			Qualified Elector
	Charles Huff		1) Community Events & Festivals; 2) Parks and Recreation Commission; 3) Neighborhood Advisory Committee	Qualified Elector
	Charmaine Curtis Jacobs			Qualified Elector

RENTAL HOUSING MEDIATION TASK FORCE

- Three vacancies.
- One term expires 12/31/2012; and two terms expire 12/31/2015.
- Residents of the City or the County of Santa Barbara:
 - One homeowner
 - Two landlords

Note: Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Homeowner (1)</i>	None			
<i>Landlords (2)</i>	Silvio DiLoreto	6/28/05 & 12/18/07 (7 years)		County
	Jacqueline Duran		1) Community Development & Human Services; 2) Rental Housing Mediation Task Force	County
	Charles V. Eckert, III			County
	Martin B. Manzo			City

SANTA BARBARA YOUTH COUNCIL

- Three vacancies.
- Terms expire 6/30/2014.
- Members must be between the ages of 13 – 19 years. Members may be students attending any public, private, alternative or continuation high school, or independent studies.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Student Members (3)</i>	Rocio Pacheco Garcia			San Marcos High School
	Amber Rowley			San Marcos High School
	Sami Soto			Bishop Diego High School
	Anna Rose Welsh			Alta Vista Middle College
	Naomi Zamudio			Santa Barbara High School

SINGLE FAMILY DESIGN BOARD

- Two vacancies.
- One term expires 6/30/2015; and one term expires 6/30/2016
- Residents of the County of Santa Barbara:
 - One licensed landscape architect;
 - One person who possesses professional qualifications in fields related to architecture, including but not limited to, building design, structural design, structural engineering, industrial design, or landscape contracting.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Licensed Landscape Architect (1)</i>	Lisa James			City
	Jaime Pierce			County
<i>Professional Qualifications (1)</i>	Travis B. Colburn			City

TRANSPORTATION AND CIRCULATION COMMITTEE

- One vacancy.
- Term expires 12/31/2014.
- Qualified elector of the City or the County of Santa Barbara.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector (1)</i>	Robert Burnham		1) Transportation and Circulation Committee; 2) Community Events & Festivals	Current Access Advisory Committee Member; term expires 12/31/14.
	Daniel Ramirez			Current Community Development & Human Services Committee Member; term expires 12/31/15.
	Kathleen Rodriguez			
	Jonathan H. Ziegler			

WATER COMMISSION

- One vacancy.
- Term expires 12/31/2015.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector (1)</i>	Megan Birney			
	Gabe Dominocielo			Current Civil Service Commissioner; term expires 12/31/14.
	Luis Esparza		1) Water Commission; 2) Measure P Committee; 3) Fire & Police Pension Commission	Current Measure P Committee Member; continuing to serve until a successor is appointed.



Agenda Item No. _____

File Code No. 440.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 5, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the City's General bargaining unit, the City's Supervisory bargaining unit, the SBPD Police Officers Association, and the SBPD Police Management Association, and regarding discussions with confidential City employees and unrepresented management about salaries and fringe benefits.

SCHEDULING: Duration, 45 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office