

**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>

**SEPTEMBER 18, 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

2:00 p.m. - City Council Meeting Begins
6:00 p.m. - City Council Meeting Reconvenes

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

AFTERNOON SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring September 21, 2012 As Alzheimer's Action Day (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. **Subject: Adoption Of Ordinance For A Lease Agreement With Clean Seas, L.L.C. (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Clean Seas, L.L.C. at a Monthly Rent of \$2,200, for Approximately 1,800 Square Feet of Water Area Adjacent to Marina 1-F Finger in the Santa Barbara Harbor, Effective October 18, 2012.

CONSENT CALENDAR (CONT'D)

3. Subject: Adoption Of Ordinance For Amendments To Municipal Code 9.116 (520.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 9.116 of the Santa Barbara Municipal Code Relating to Emergency Services.

4. Subject: Adoption Of Ordinance For Signature Flight Support Corporation Restated Lease (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Restated Lease Agreement No. 12,037 Dated August 1, 1983, As Amended, Between Signature Flight Support Corporation, a California Corporation, and the City of Santa Barbara Encompassing Approximately 938,321 Square Feet Located at 515 Robert Marxmiller Place at the Santa Barbara Airport.

5. Subject: Adoption Of Ordinance Approving Sale Of City Surplus Real Property Located At 309 West Ortega Street (330.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Sale of the Surplus Real Property Located at 309 West Ortega Street (APN 037-113-007) to Raquel Medina, an Unmarried Woman, in the High Bid Amount of \$400,300.

6. Subject: Introduction Of Ordinance Approving Sale Of City Surplus Real Property Located At 136 West Haley Street and 306 West Ortega Street (330.03)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Sale of the Surplus Real Property Located at 136 West Haley Street (APN 037-162-010) to Victor Kirschbaum, in the high bid amount of \$350,000, and 306 West Ortega Street (APN 037-073-028) to G. Scott Armstrong & Cathy L. Armstrong, Trustees of the Armstrong Family Trust U/A/D 2/12/02, in the high bid amount of \$250,000; and
- B. Authorize the City Administrator to execute the Land Purchase Agreements and Escrow Instructions and Title Transfer Documents, as approved by the City Attorney, to effectuate the sale of the real property located at 136 West Haley Street and 306 West Ortega Street.

CONSENT CALENDAR (CONT'D)

7. Subject: Contract For Construction For The La Colina Road Sidewalk Infill Project (530.04)

Recommendation: That Council:

- A. Award a contract to Mendez Concrete, Inc., waiving minor irregularities, in their low bid amount of \$239,530.50 for construction of the La Colina Road Sidewalk Infill Project, Bid No. 3640;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$25,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Accept Measure A Regional Safe Routes to School Grant funding in the total amount of \$111,004 for construction of the La Colina Road Sidewalk Infill Project; and
- D. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2013 Streets Grants Capital Fund by \$111,004 for the La Colina Road Sidewalk Infill Project.

8. Subject: Increase In Construction Change Order Authority For Cater Water Treatment Plant Advanced Treatment Project (540.10)

Recommendation: That Council authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Cater Water Treatment Plant Advanced Treatment Project, Contract No. 23,803 in the amount of \$886,016 for a total project change order authority of \$2,284,016, bringing the total contract amount to \$16,264,016.

9. Subject: Contract For Capital Campaign Counsel For Children's Library And Endowment Fundraising Campaign (570.04)

Recommendation: That Council:

- A. Authorize the Library Director to execute a Professional Services Contract in a form of contract approved by the City Attorney, with Whaley LeVay in the amount of \$96,000 for Library Capital Campaign Counsel for a fundraising campaign of \$5,000,000 for a new Children's Library and an endowment for future library services;
- B. Authorize the transfer of \$96,000 from the Library's Maximus Trust account to the Library Department's General Fund; and
- C. Increase estimated revenues and appropriations in the Fiscal Year 2013 Library Department, General Fund, by \$96,000.

CONSENT CALENDAR (CONT'D)

10. Subject: Purchase Of New Internet Website (170.04)

Recommendation: That Council:

- A. Authorize the Administrative Services Director to negotiate and execute a professional services agreement, in a form of agreement acceptable to the City Attorney, with PixelPushers, Inc., doing business as Civica Software, for the acquisition and implementation of a new City Internet website in an amount not to exceed \$130,000;
- B. Authorize the Administrative Services Director to approve additional services that may be identified during the implementation phase, in an amount not to exceed \$13,000;
- C. Authorize the Administrative Services Director to negotiate and execute a technical support and maintenance agreement, in a form acceptable to the City Attorney, for up to four years at an annual cost not to exceed \$5,880; and
- D. Appropriate \$43,000 in the Information Systems Capital Fund from reserves to cover the portion of the project not currently covered from existing appropriations.

NOTICES

11. The City Clerk has on Thursday, September 13, 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.
12. Received letters of resignation from Santa Barbara Youth Council members Will Busch, Grant Sexton and Cody Sugarman; the vacancies will be part of the next recruitment for City Advisory Groups.
13. Recruitment for City Advisory Groups:
 - A. The City Clerk's Office will accept applications through Friday, October 19, 2012, at 5:00 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, October 3, 2012;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, October 30, 2012, at 4:00 p.m. (Estimated Time), Tuesday, November 13, 2012, at 6:00 p.m., and Tuesday, November 20, 2012, at 4:00 p.m. (Estimated Time); and
 - C. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 11, 2012.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

14. Subject: Introduction of Ordinance Adopting The 2012-2013 General Unit Memorandum of Understanding (440.02)

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, for the period of July 1, 2012 through September 30, 2013 and provide for certain compensation and benefit adjustments for Confidential employees, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) and Providing for Compensation Changes for Confidential Employees; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City Of Santa Barbara Amending Resolution No. 12-042, the Position and Salary Control Resolution for Fiscal Year 2013, Affecting the Public Works Department Effective September 18, 2012.

COMMUNITY DEVELOPMENT DEPARTMENT

15. Subject: Santa Barbara Climate Action Plan (650.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Santa Barbara Climate Action Plan and Making Environmental Findings Pursuant to the California Environmental Quality Act.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

16. Subject: Conference with Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC Case No. CV-1103624 JHN (AGRx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

17. 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 Police Management Association and the new Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

RECESS

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

18. Subject: General Plan Implementation - Public Works Priorities (650.06)

Recommendation: That Council provide direction on priorities for Public Works Department resources regarding implementation of the General Plan and other interests in Neighborhood Transportation Management Plans to address pedestrian and traffic safety.

ADJOURNMENT



PROCLAMATION

ALZHEIMER'S ACTION DAY September 21, 2012

WHEREAS, Alzheimer's disease tragically robs individuals of their memories, and leads to progressive mental and physical impairments; and

WHEREAS, there are currently more than 600,000 people in California living with Alzheimer's disease and more than 5.4 million nationwide; and

WHEREAS, many families in our city and state are shouldering the burden for caring for a loved one with Alzheimers; and

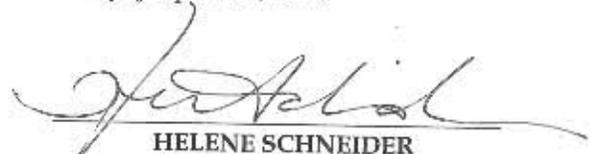
WHEREAS, with early detection and diagnosis, individuals and families can gain access to treatments, enroll in critical research trials, fully participate in planning for the future, and receive help; and

WHEREAS, more research is needed in order to better understand Alzheimers and develop new ways to accurately diagnose and treat Alzheimers; and

WHEREAS, this eventually fatal disease represents a serious and growing threat to the health of the residents of our city and state; and

WHEREAS, the City of Santa Barbara recognizes individuals, families, friends and caregivers dealing with the devastating effects of Alzheimer's disease, the researchers who are seeking a cause or causes and cure, and the educational programs and support services provided by The Alzheimer's Association California Central Coast Chapter.

IN WITNESS WHEREOF, I HELENE SCHNEIDER have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 21st day of September, 2012.



HELENE SCHNEIDER
Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE AGREEMENT WITH ONE FIVE-YEAR OPTION WITH CLEAN SEAS, L.L.C. AT A MONTHLY RENT OF \$2,200, FOR APPROXIMATELY 1,800 SQUARE FEET OF WATER AREA ADJACENT TO MARINA 1-F FINGER IN THE SANTA BARBARA HARBOR, EFFECTIVE OCTOBER 18, 2012.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, an Ordinance of the Council of the City of Santa Barbara approving a five-year lease with one five-year option with Clean Seas, L.L.C. at a monthly rent of \$2,200, for approximately 1,800 square feet of water area adjacent to Marina 1-F Finger in the Santa Barbara Harbor, effective October 18, 2012, is hereby approved.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARABRA AMENDING CHAPTER 9.116 OF THE
SANTA BARBARA MUNICIPAL CODE RELATING TO
EMERGENCY SERVICES

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

SECTION 1. Chapter 9.116 of Title 9 of the Santa Barbara Municipal Code is amended
to read as follows:

9.116.010 Purposes.

The declared purposes of this ordinance are to provide for the preparation and carrying
out of plans for the protection of persons, property, and the environment within this City
in the event of an emergency or disaster; the direction of emergency organization; and
the coordination of the emergency functions of the City with the County Operational
Area, other public agencies or entities, and affected private persons, corporations, or
organizations. Any expenditures made in connection with such Emergency Services
activities, including mutual aid activities, shall be deemed conclusively to be for the
direct protection and benefit of the inhabitants of the City.

9.116.020 Definitions.

As used in this Chapter, the following terms shall have the designated meanings:

- A. "State of Emergency" means the duly proclaimed existence of conditions of
disaster or of extreme peril to the safety of persons and property within the
state caused by such conditions as air pollution, fire, flood, storm, epidemic,
civil unrest, drought, sudden and severe energy shortage, plant or animal
infestation, the Governor's warning of an earthquake or volcanic prediction, or
an earthquake, or other conditions, other than conditions resulting from a
labor controversy or conditions causing a "state of war emergency", which, by
reason of their magnitude, are or are likely to be beyond the control of the
services, personnel, equipment, and facilities of the City and require the
combined forces of a mutual aid region or regions to combat, or with respect
to regulated energy utilities, a sudden and severe energy shortage requires
extraordinary measures beyond the authority vested in the California Public
Utilities Commission..
- B. "State of War Emergency" means a condition which exists immediately, with
or without a proclamation thereof by the Governor, whenever this state or
nation is attacked by an enemy of the United States, or upon receipt by the
state of a warning from the federal government indicating that such an enemy
attack is probable or imminent.

- C. "Local Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, civil unrest, drought, sudden and severe energy shortage, plant or animal infestation, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission..
- D. "Operational Area" means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. Pursuant to Government Code Section 8559, each county is designated as an Operational Area. The Operational Area for the City of Santa Barbara is the County of Santa Barbara.
- E. "Standardized Emergency Management System" (SEMS) means the system required to be established by Government Code Section 8607(a) for managing emergencies involving multiple jurisdictions and agencies.
- F. Any other term or phrase used herein which is not defined herein but is defined within the Emergency Services Act, Government Code Section 8550, et seq., shall have the meaning ascribed therein.

9.116.030 Emergency Services Council - Membership.

The Emergency Services Council is hereby created and shall consist of the following:

- A. The City Administrator, who serves as Director of Emergency Services, shall be chairman.
- B. The Emergency Services Manager, who serves as Vice-Chair.
- C. The Chief of Police, the Fire Chief, the Director of Public Works, and such representatives of departments, services or divisions as are designated by the City Administrator.
- D. Such representatives of the community as may be appointed by the City Administrator with the consent of the City Council.

9.116.040 Emergency Services Council - Powers and Duties.

It shall be the duty of the Santa Barbara Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the City Council, emergency preparedness and mutual aid plans and agreements and such ordinances and resolutions and rules as are necessary to implement such plans and agreements. The Emergency Services Council shall meet upon call of the Director of Emergency Services, or in his or her absence from the City or inability to call such meeting, the Assistant City Administrator, or, in the absence or inability of both the Director of

Emergency Services and the Assistant City Administrator, the Emergency Services Manager the Emergency Services Council shall be responsible for the development of the City of Santa Barbara Emergency Management Plan which shall provide for the effective mobilization of all the resources of the City, both public and private, to meet any condition constituting a Local Emergency, State of Emergency, or State of War Emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. The Emergency Management Plan shall take effect upon adoption by resolution of the City Council.

9.116.050 Director of Emergency Services - Powers and Duties.

The Director is hereby empowered:

- A. To ask the City Council to proclaim the existence of a local emergency, if the City Council is in session.
- B. To proclaim the existence of a local emergency, if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the local emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council.
- C. To ask the Governor, through the Operational Area (County), to proclaim a state of emergency when, in the opinion of the Director, the resources of the City or the Operational Area are inadequate to respond to the emergency.
- D. To control and direct the effort of the Emergency Services Organization of the City for the accomplishment of the purposes of this ordinance.
- E. To direct coordination and cooperation between divisions, services and staff of the Emergency Services Organization of the City and to resolve questions of authority or responsibility that may arise between them.
- F. To use all City resources for the preservation of life and property and to reduce the effects of the emergency.
- G. To represent the Emergency Services Organization of the City in all dealings with the public or private agencies pertaining to emergency services.

9.116.060 Powers of Director During an Emergency.

In the event a local emergency is proclaimed as provided in this Chapter, or a state of emergency or a state of war emergency is proclaimed by the Governor or the Director of the California Office of Emergency Services, the Director is empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergencies, provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.
- B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.

- C. To require emergency services of any City officer or employee and, in the event of the proclamation of a state of emergency by the Governor in the region in which this City is located, to command the aid of as many citizens of this community as he or she thinks necessary in the execution of his or her duties; and such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered Emergency Services volunteers.
- D. To requisition necessary personnel or material of any City department or agency.
- E. To execute all of his or her ordinary power as City Administrator, all of the special powers conferred upon him or her by this ordinance or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all Police power vested in the City by the Constitution and general laws.

9.116.070 Emergency Services Organization.

All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 9.116.060.C be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the Emergency Services Organization of the City of Santa Barbara.

All volunteer forces enrolled to aid the City during an emergency will sign an oath and work as a disaster services worker for the duration of the incident in accordance with California Government Code Sections 3100-3109.

9.116.080 Divisions, Services and Staff of the Emergency Services Organization.

The City Council shall pass a resolution adopting the City of Santa Barbara Emergency Management Plan and Local Hazard Mitigation Plan (Federal Disaster Management Act 2000). The Emergency Management Plan shall set forth the form of the Emergency Services Organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees. The Local Hazard Mitigation Plan will outline the natural, technological, and intentional threats to the City. Insofar as possible, the form of organization, titles and terminology shall conform to the state Standardized Emergency Management System (SEMS) and the recommendations of the counterpart Emergency and Disaster Agencies of the Federal Government and the State of California.

9.116.090 Line of Succession for Mayor During Emergency

The line of succession for the position of Mayor, in the case of the absence or disability of the Mayor during a state of emergency, a state of war emergency, a local emergency, or other conditions of disaster, shall commence with the Mayor Pro Tempore and continue through the members of the City Council by seniority. If two members of the City Council have equal seniority, the member whose last name comes earlier alphabetically shall serve as Mayor.

9.116.100 Emergency Operation Centers

Unless exigencies render the same impossible or unduly hazardous, the primary emergency operation center shall be maintained at Fire Station One. The alternate emergency operation center and subsequent disaster operation center are described in the City's Emergency Management Plan. Also, the checklist for setting up the emergency operation center and calling back personnel is specified in the Emergency Management Plan and emergency operation center activation plan.

9.116.110 Punishment of Violations.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, for any person during a disaster:

- A. Wilfully to obstruct, hinder or delay any member of the Emergency Services Organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him or her by virtue of this ordinance.
- B. To do any act forbidden by any lawful rules or regulations issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof.
- C. To wear, carry or display, without authority, any means of identification specified by the Emergency Services Agency of the State.

SECTION 2. All references to "The Uniform Fire Code" in the Santa Barbara Municipal Code shall be amended to refer to "The California Fire Code".

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE AIRPORT DIRECTOR TO EXECUTE A RESTATED LEASE AGREEMENT NO. 12,037 DATED AUGUST 1, 1983, AS AMENDED, BETWEEN SIGNATURE FLIGHT SUPPORT CORPORATION, A CALIFORNIA CORPORATION, AND THE CITY OF SANTA BARBARA ENCOMPASSING APPROXIMATELY 938,321 SQUARE FEET LOCATED AT 515 ROBERT MARXMILLER PLACE AT THE SANTA BARBARA AIRPORT.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain lease between the City of Santa Barbara and Signature Flight Support Corporation, which provides for operation of a Fixed Base Operation at the Santa Barbara Municipal Airport, is restated in its entirety to, among other changes, extend the term to July 31, 2016, and redefine the Premises located at 515 Robert Marxmiller Place effective upon the adoption of this Ordinance, is hereby approved.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE SALE OF THE SURPLUS REAL PROPERTY LOCATED AT 309 WEST ORTEGA STREET (APN 037-113-007) TO RAQUEL MEDINA, AN UNMARRIED WOMAN, IN THE HIGH BID AMOUNT OF \$400,300

WHEREAS, at its meeting of February 7, 2012, the City Council authorized the Public Works Director to sell the surplus real property located at 309 West Ortega Street (APN 037-113-007) at public auction;

WHEREAS, on August 15, 2012, pursuant to Santa Barbara Municipal Code Chapter 4.28, and as duly noticed, the City of Santa Barbara conducted a public auction for the sale of the property located at 309 West Ortega Street (APN 037-113-007);

WHEREAS, Raquel Medina, an unmarried woman, was the winning highest bidder at \$400,300;

WHEREAS, Raquel Medina, an unmarried woman has executed and delivered a Land Purchase Agreement and Escrow Instructions to the City for the purchase of the property in the amount of \$400,300; and

WHEREAS, City Charter Section 520 requires that the sale of real property owned by the City be approved by the adoption of an Ordinance.

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

SECTION 1. That the sale of the surplus real property located at 309 West Ortega Street (APN 037-113-007) to Raquel Medina, an unmarried woman, in the high bid amount of \$400,300 is approved; and

SECTION 2. That upon the successful completion of escrow and upon the effective date of this Ordinance, First American Title Co. Inc. is authorized to record the Grant Deed transferring the property located at 309 West Ortega Street to Raquel Medina, an unmarried woman, in the Official Records, in the office of the County Recorder, Santa Barbara County.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance Approving Sale Of City Surplus Real Property Located At 136 West Haley Street And 306 West Ortega Street

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Sale of the Surplus Real Property Located at 136 West Haley Street (APN 037-162-010) to Victor Kirschbaum, in the high bid amount of \$350,000, and 306 West Ortega Street (APN 037-073-028) to G. Scott Armstrong & Cathy L. Armstrong, Trustees of the Armstrong Family Trust U/A/D 2/12/02, in the high bid amount of \$250,000; and
- B. Authorize the City Administrator to execute the Land Purchase Agreements and Escrow Instructions and Title Transfer Documents, as approved by the City Attorney, to effectuate the sale of the real property located at 136 West Haley Street and 306 West Ortega Street.

DISCUSSION:

136 West Ortega Street

On October 25, 2011, Council authorized the sale of excess real property located at 136 West Haley Street pursuant to Chapter 4.28 of the Santa Barbara Municipal Code. The property is an approximately 2,263 square-foot parcel with C-2 zoning designation, containing a one-bedroom, one-bath residence of approximately 606 square feet (Attachment 1). This property was acquired as part of the Haley/De la Vina Street Bridge Replacement Project in May of 2008. 136 West Haley Street underwent a rehabilitation following bridge construction to bring the historic house up to current building codes and to improve interior and exterior finishes for resale value.

306 West Ortega Street

On April 10, 2012, Council authorized the sale of excess real property located at 306 West Ortega Street pursuant to Chapter 4.28 of the Santa Barbara Municipal Code. The property is an approximately 3,357 square foot parcel with R-4 zoning designation, containing a two bedroom, one-bath residence. The property was separated from a larger parcel containing an eight unit rental complex (Attachment 2). The separation occurred as part of the necessary right of way acquisition for the Ortega Street Bridge Replacement Project that occurred in June of 2010. Minor exterior repairs and the undergrounding of the electrical service meter at 306 West Ortega Street were completed after the bridge construction and prior to sale.

Marketing, Sale, and Noticing of Bid/Auction

On May 15, 2012, Council approved a contract for professional services with Goodwin & Thyne Properties to assist with the marketing, listing and sale of the properties. The professional service agreement allotted a four percent commission upon the sale of the properties; one and one-half percent to be paid to Goodwin & Thyne as the listing agent, and two and one-half percent to the buyer's agent.

A market analysis of both properties was completed by Goodwin & Thyne Properties. A minimum offer/bid price of \$295,000 was determined for 136 West Haley Street, and a minimum offer/bid price of \$275,000 was initially established for 306 West Ortega Street. The properties were listed in the Multiple Listing Services, on the internet, and advertised in local print publications on several occasions. Notice of the City's bid/auction process was published on two different occasions, detailing the terms and date of the sealed bid/auctions. Information packages were available to all interested parties five weeks prior to the auction.

As advertised, on August 8, 2012, at 10:00 a.m., the bid/auction took place for 306 West Ortega Street at the City's Purchasing Office, with the General Services Manager administering the sale. No sealed bids were received, and no oral minimum bids were made at the auction. Subsequently, a new minimum bid price of \$239,000 was set at the recommendation of Goodwin & Thyne Properties to maximize potential buyer interest. The sale of the property at the new reduced price was re-noticed and advertised for auction on August 28, 2012. The bid/auction took place as advertised on August 28, 2012, and one bid was received for \$250,000. There were no oral overbids. The high bid in the amount of \$250,000 was made by G. Scott Armstrong & Cathy L. Armstrong, Trustees of the Armstrong Family Trust U/A/D 2/12/02, who listed Miguel Avila of Sterling Real Estate as their real estate agent. Evidence of financial capability was provided along with a check deposit of \$7,500.

As originally advertised, the bid/auction for 136 West Haley Street took place on August 22, 2012, at 10 a.m., with the General Services Manager administering the sale. Four sealed bids were received and opened as follows: \$331,333; \$306,500; \$333,333.01; and \$350,000. In accordance with the Municipal Code, the bidders were allowed to provide oral overbids, however, none were received. The high bid in the amount of \$350,000 was made by Victor Kirschbaum, who was represented by Bryan Uhrig of Coldwell Banker.

Council Agenda Report

Introduction Of Ordinance Approving Sale Of City Surplus Real Property Located At 136 West Haley Street And 306 West Ortega Street

September 18, 2012

Page 3

Evidence of financial capability to complete the purchase was demonstrated, and the required deposit in the form of a check for \$10,500 was received from the buyer's agent, Mr. Uhrig.

Financial - Escrow

Upon execution of the Purchase Agreements and Escrow Instructions by the City Administrator, two escrows will be opened and administered by First American Title Company. Title insurance and escrow fees for each will be split between the City and the respective property buyers. The escrows will also administer the payment of the seller-agent sales commission, and distribute the net remaining sales proceeds to the City as follows:

136 West Haley Street

Gross bid-sale amount	\$350,000.00
Commission (2.5% to buyer's agent)	(\$8,750.00)
Commission (1.5% to seller's agent)	(\$5,250.00)
1/2 Title Insurance & Escrow fees	(\$2,284.45)
Net proceeds to the Streets Fund	\$333,715.55

306 West Ortega Street

Gross bid-sale amount	\$250,000.00
Commission (2.5% to buyer's agent)	(\$6,250.00)
Commission (1.5% to seller's agent)	(\$3,750.00)
1/2 Title Insurance & Escrow fees	(\$1,821.50)
Net proceeds to the Streets Fund	\$238,178.50

Upon close of escrow, and the effective date of the approving Ordinance, First American Title will be authorized to record the Grant Deeds for the properties in the Official Records of Santa Barbara County, and the transfer of the titles will be completed.

The net proceeds from the sale go to the City Streets Fund and can only be used towards eligible federal projects. These funds can be used as City matching funds for eligible City bridge replacement projects.

Council Agenda Report

Introduction Of Ordinance Approving Sale Of City Surplus Real Property Located At 136 West Haley Street And 306 West Ortega Street

September 18, 2012

Page 4

Staff recommends that Council approve the Ordinance as presented and authorize the City Administrator to execute the Purchase Agreements and Grant Deeds for the sale of the properties, as approved to form by the City Attorney.

ATTACHMENT(S): 1. Parcel and Vicinity map for 136 West Haley Street
2. Parcel and Vicinity map for 306 West Ortega Street

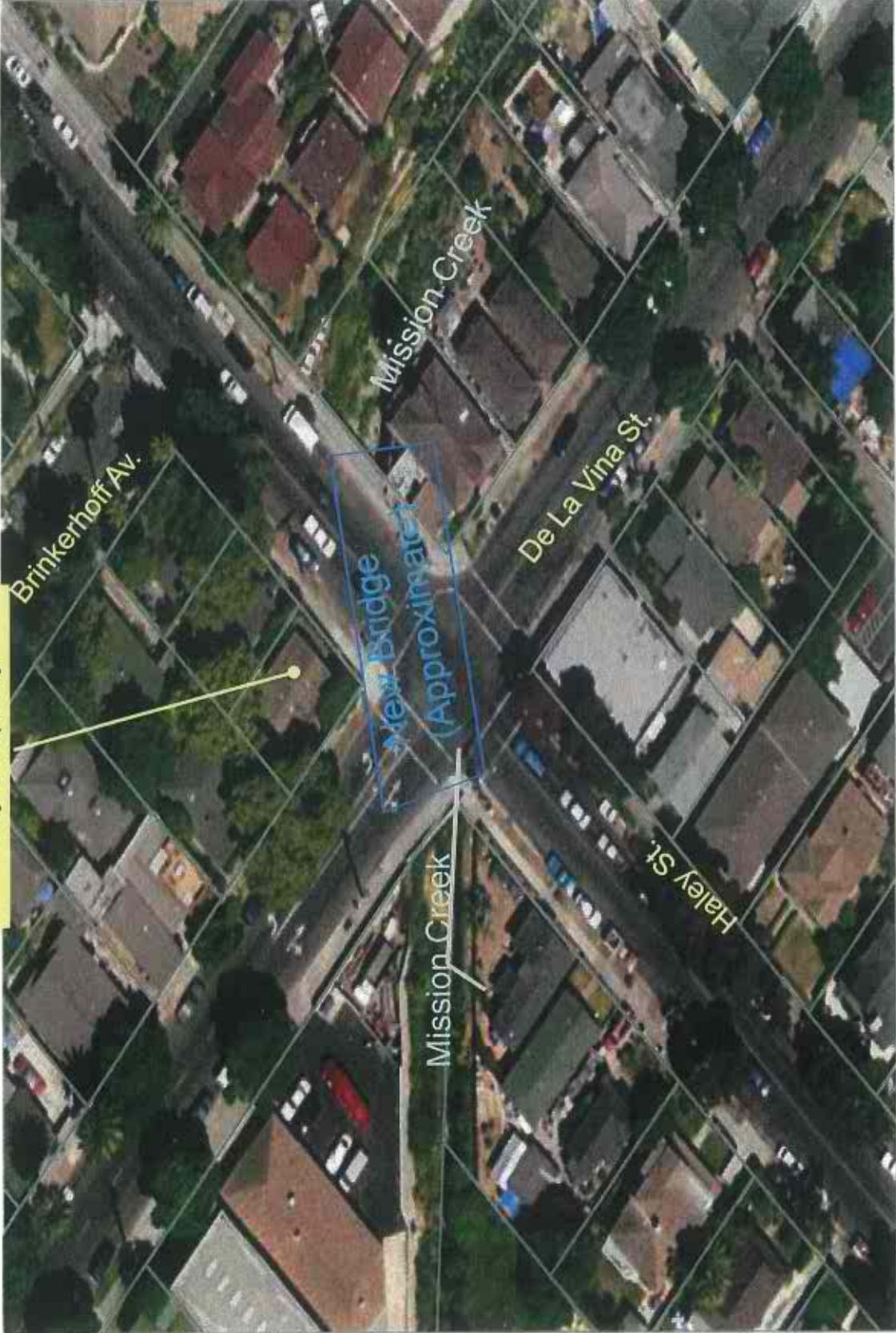
PREPARED BY: John Ewasiuk, Principal Engineer/DT/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Attachment 1

136 W. Haley St.
City Property

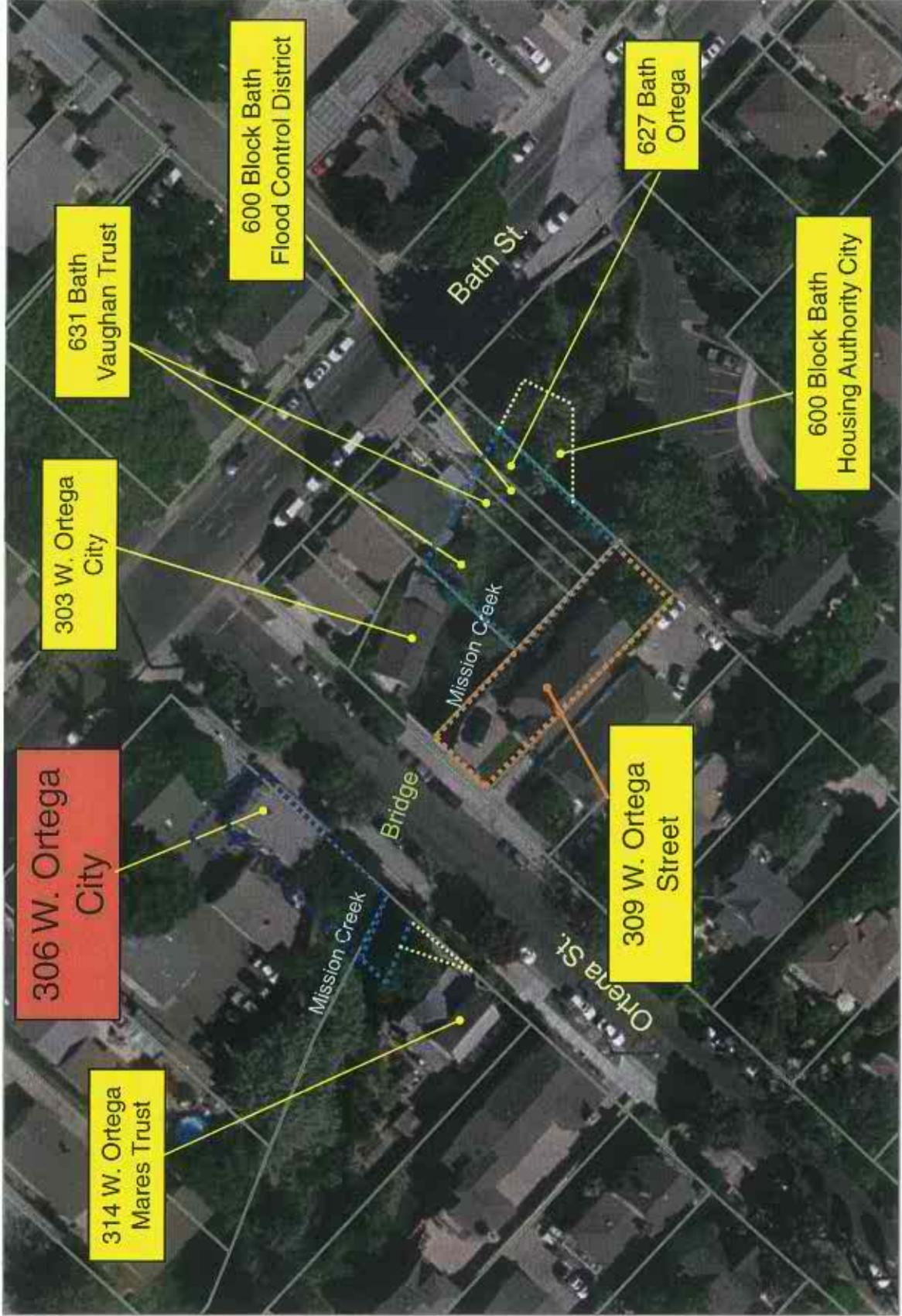


136 West Haley Street



306 West Ortega Street

ATTACHMENT 2



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE SALE OF THE SURPLUS REAL PROPERTY LOCATED AT 136 WEST HALEY STREET (APN 037-162-010) TO VICTOR KIRSCHBAUM, IN THE HIGH BID AMOUNT OF \$350,000, AND 306 WEST ORTEGA STREET (APN 037-073-028) TO G. SCOTT ARMSTRONG & CATHY L. ARMSTRONG, TRUSTEES OF THE ARMSTRONG FAMILY TRUST U/A/D 2/12/02, IN THE HIGH BID AMOUNT OF \$250,000

WHEREAS, at its meeting of October 25, 2011, the City Council authorized the Public Works Director to sell the surplus real property located at 136 West Haley Street (APN 037-162-010) at public auction;

WHEREAS, at its meeting, April 10, 2012, the City Council authorized the Public Works Director to sell the surplus real property located at 306 West Ortega Street (APN 037-073-028) at public auction;

WHEREAS, on August 22, 2012, pursuant to Santa Barbara Municipal Code Chapter 4.28 and as duly noticed, the City of Santa Barbara conducted a public auction for the sale of the property located at 136 West Haley Street (APN 037-162-010);

WHEREAS, on August 28, 2012, pursuant to Santa Barbara Municipal Code Chapter 4.28 and as duly noticed, the City of Santa Barbara conducted a public auction for the sale of the property located at 306 West Ortega Street (APN 037-073-028);

WHEREAS, Victor Kirschbaum, a single man, was the winning highest bidder at \$350,000 for the property at 136 West Haley Street, and G. Scott Armstrong & Cathy L. Armstrong, Trustees of Armstrong Family Trust U/A/D 2/12/02, were the winning highest bidder at \$250,000 for the property at 306 West Ortega Street;

WHEREAS, Victor Kirschbaum has executed and delivered a Land Purchase Agreement and Escrow Instructions to the City for the purchase of the property at 136 West Haley Street in the amount of \$350,000;

WHEREAS, G. Scott Armstrong & Cathy L. Armstrong, Trustees of Armstrong Family Trust U/A/D 2/12/02, have executed and delivered a Land Purchase Agreement and escrow Instructions to the City for the purchase of the property at 306 West Ortega Street in the amount of \$250,000; and

WHEREAS, City Charter Section 520 requires that the sale of real property owned by the City be approved by the adoption of an ordinance.

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

SECTION 1. That the sale of the surplus real property located at 136 West Haley Street (APN 037-162-010) to Victor Kirschbaum, in the high bid amount of \$350,000 is approved;

SECTION 2. That the sale of surplus real property located at 306 West Ortega Street (APN 037-073-028) to G. Scott Armstrong & Cathy L. Armstrong, Trustees of Armstrong Family Trust U/A/D 2/12/02, in the high bid amount of \$250,000 is approved; and

SECTION 3. That upon the successful completion of the respective escrows, and upon the effective date of this Ordinance, First American Title Co. Inc. is authorized to record the respective Grant Deeds transferring the property located at 136 West Haley Street to Victor Kirschbaum, and transferring the property located at 306 West Ortega Street to Armstrong Family Trust U/A/D 2/12/02, in the Official Records, in the office of the County Recorder, Santa Barbara County.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction For The La Colina Road Sidewalk Infill Project

RECOMMENDATION: That Council:

- A. Award a contract to Mendez Concrete, Inc., waiving minor irregularities, in their low bid amount of \$239,530.50 for construction of the La Colina Road Sidewalk Infill Project, Bid No. 3640;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$25,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Accept Measure A Regional Safe Routes to School Grant funding in the total amount of \$111,004 for construction of the La Colina Road Sidewalk Infill Project; and
- D. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2013 Streets Grants Capital Fund by \$111,004 for the La Colina Road Sidewalk Infill Project.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of the installation of sidewalk along the south side of La Colina Road between Pesetas Lane and Lee Drive. In addition, the work consists of the installation of ten new sidewalk access ramps on La Colina Road. The La Colina Road Sidewalk Infill Project (Project) was identified as a high priority corridor for sidewalk infill because it serves as a pedestrian route to several local schools and medical facilities.

CONTRACT BIDS

A total of eight bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Mendez Concrete, Inc. Santa Paula, CA	*\$239,530.50
2.	Lash Construction, Inc. Santa Barbara, CA	\$266,197.00
3.	Berry General Engineering Ventura, CA	\$266,508.00
4.	Kenney Construction, Inc. Santa Barbara, CA	\$299,040.00
5.	Aguilera Brothers Construction, Inc. Santa Paula, CA	\$316,640.00
6.	Hughes General Engineering, Inc. Camarillo, CA	\$337,130.05
7.	V. Lopes Jr. & Sons, Inc. Santa Maria, CA	\$344,774.00
8.	Tierra Contracting Goleta, CA	\$408,175.00

**corrected bid total*

The low bid of \$239,530.50, submitted by Mendez Concrete, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$25,000 or approximately 10% percent is typical for this type of work and size of project.

COMMUNITY OUTREACH

During the Project's design phase, public outreach was done in order to coordinate with and solicit input from property owners and residents immediately adjacent to the Project. A construction notification will be sent out to local residents and schools once the construction contract has been awarded and the tentative construction timeline is known. The final notice will be a door hanger to be delivered 72 hours prior to construction.

FUNDING

This Project is funded by a combination of Transportation Development Act (TDA) funds, a Measure A Regional Safe Routes to School Grant, and Streets Capital funds previously appropriated for Sidewalk Infill. There are sufficient funds in the Streets Capital Program to cover the City's cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Mendez Concrete	\$239,530.50	\$25,000.0	\$264,530.50
TOTAL RECOMMENDED AUTHORIZATION			\$264,530.50

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

	TDA Share	Measure A Grant	Streets Funds	Total
Design and Project Management (by City Staff)	\$78,457	\$0	\$0	\$78,457
Site Survey (by City Staff)	\$12,911	\$0	\$0	\$12,911
Subtotal	\$91,368	\$0	\$0	\$91,368
Construction Contract	\$128,527	\$111,004	\$0	\$239,531
Construction Change Order Allowance	\$25,000	\$0	\$0	\$25,000
Subtotal	\$153,527	\$111,004	\$0	*\$264,531
Construction Management/Inspection (by City Staff)	\$0	\$0	\$44,000	\$44,000
Other Construction Costs (testing, etc.)	\$5,325	\$0	\$0	\$5,325
Subtotal	\$5,325	\$0	\$44,000	\$49,325
TOTAL PROJECT COST	\$250,220	\$111,004	\$44,000	\$405,224

SUSTAINABILITY IMPACT:

This Project will facilitate alternative and environmentally friendly modes of transportation by improving pedestrian access to and from local schools, medical facilities, and the surrounding neighborhood.

PREPARED BY: John Ewasiuk, Principal Civil Engineer/BD/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For Cater Water Treatment Plant Advanced Treatment Project

RECOMMENDATION:

That Council authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Cater Water Treatment Plant Advanced Treatment Project, Contract No. 23,803 in the amount of \$886,016 for a total project change order authority of \$2,284,016, bringing the total contract amount to \$16,264,016.

DISCUSSION:

The Cater Water Treatment Plant (Cater) treats the water for the City of Santa Barbara and the Montecito and Carpinteria Valley Water Districts. The Cater Water Treatment Plant Advanced Treatment Project (Ozone Project), currently under construction, is the culmination of many years of work to determine the best solution for the South Coast water agencies to comply with the upcoming Stage 2 Disinfection By-Products Rule, which will lower the allowable level of disinfection by-products in drinking water.

On June 21, 2011, Council awarded a contract to Cushman Contracting Corporation (Cushman) for construction of the Ozone Project. The Ozone Project is financed through a low interest Safe Drinking Water State Revolving Fund loan. Construction of the Ozone Project began in August of 2011, and is estimated to be completed in April, 2013.

At this time, staff have identified two new project elements that need to be incorporated into the current Ozone Project. The new project elements involve the replacement of five deteriorating chemical tanks, and the installation of a dry-polymer feed system. These changes are discussed below.

REPLACEMENT OF FIVE CHEMICAL TANKS

The condition of the five 6,000 gallon fiberglass reinforced chemical tanks used to store sodium hypochlorite (the chemical used to disinfect the drinking water produced by the Cater Plant) have deteriorated significantly. One tank is currently out-of-service and cannot be used, and two others have developed small leaks that continue to worsen. The remaining two tanks are currently in operation, but are of the same generation as the three failing tanks. The proposed tank replacement requires removing the five tanks from the chemical building, including relocating some utilities, and installing five new tanks in their place.

Staff recommends that these tanks be replaced as part of the Ozone Project, at a cost of \$757,544, which staff believes is a competitive price. Staff also believes that it is to the City's advantage to increase the change order authority to allow the tanks to be replaced by Cushman, the current contractor, because the work could be performed this winter when water demands are low; Cushman is already mobilized, which is a cost savings to the City; and construction management could be covered under the current Ozone Project contract at no additional cost. The proposed increase in the scope of work of the Ozone Project will allow the compromised tanks to be quickly and efficiently replaced.

DRY-POLYMER FEED SYSTEM INSTALLATION

Water treatment solids are a by-product of the treatment process. Cater staff have been working with various off-site facilities for the disposal of Cater's water treatment solids. In the past, staff was sending Cater's water treatment solids to the Ventura Regional Sanitation District. However, more stringent regulations forced staff to send Cater's water treatment solids to the Chiquita Canyon Landfill in Castaic California. Staff recently discovered that constituents in the liquid polymer used in creating the water treatment solids is what is causing the solids to violate local disposal regulations. Staff proposes changing to a dry-polymer, which would put Cater's water treatment sludge back in compliance with local disposal regulations. Staff would then be able to consider using other local options for disposal. This would be a significant cost savings to the City.

Staff recommends that a dry-polymer feed system be installed as part of the Ozone Project. The system can be added as part of the new Dewatering Building, at a cost of \$128,472. Staff believes this is a competitive cost and that Cushman is qualified to perform the work.

SUMMARY

Staff believes these proposed increases in Change Order Authority are in the best interest of the City. The contract changes can be implemented by Cushman without additional charges for mobilization, and they can be completed without any additional construction management charges.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The original change order authority approved by Council was \$1,398,000 which is 10 percent of the construction costs. The Project is 60 percent complete and approximately half of the original change order authority has been used. The two items discussed in this report represent a significant change in scope of the original project, and the cost for both items exceeds the existing change order authority. Considering the importance of the proposed work, and that the Ozone Project is halfway complete, staff recommends increasing the change order authority by \$757,544 for replacement of the chemical tanks plus \$128,472 for the dry-polymer feed system installation for a total of \$886,016.

The Department of Public Health has agreed that the proposed work is eligible for Ozone Project loan funds, and there are sufficient funds in the loan amount to cover this request.

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$13,980,000	\$1,398,000	\$15,378,000
Proposed Increase		\$886,016	\$886,016
Totals	\$13,980,000	\$2,284,016	\$16,264,016

The following summarizes all project design costs, construction contract funding, and other project costs.

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design	Subtotal	\$1,892,000
Construction Contract		\$13,980,000
Construction Change Order Allowance		\$2,284,016
Construction Management/Inspection (by Contract)		\$1,811,113
Design Support during Construction (by Contract)		\$716,100
SCADA Integration (by Contract)		\$782,571
Construction Administration (by City Staff)		\$142,000
Construction Survey (by City Staff)		\$55,000
Construction	Subtotal	\$19,770,800
Project Total		\$21,662,800

There are sufficient funds in the Cater Water Treatment Plant Project Fund (as funded by the Safe Drinking Water State Revolving Fund loan) to cover these expenditures.

PREPARED BY: Joshua Haggmark, Principal Engineer/LS/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2012

TO: Mayor and Councilmembers

FROM: Administration, Library Department

SUBJECT: Contract For Capital Campaign Counsel For Children's Library And Endowment Fundraising Campaign

RECOMMENDATION:

That Council:

- A. Authorize the Library Director to execute a Professional Services Contract in a form of contract approved by the City Attorney, with Whaley LeVay in the amount of \$96,000 for Library Capital Campaign Counsel for a fundraising campaign of \$5,000,000 for a new Children's Library and an endowment for future library services;
- B. Authorize the transfer of \$96,000 from the Library's Maximus Trust account to the Library Department's General Fund; and
- C. Increase estimated revenues and appropriations in the Fiscal Year 2013 Library Department, General Fund, by \$96,000.

DISCUSSION:

BACKGROUND

The Central Library was last renovated in 1980. Since then, changes in demographics, services and technology have made the current space arrangement obsolete. In October 2010, Council approved a project to develop a preliminary design for the relocation of the Children's Library, and to plan functional improvements throughout the rest of the Library. The preliminary design has been completed and includes the initial relocation of the children's section from the main floor to the lower level and a future improvement program to renovate additional areas of the library. The cost of the relocation of the Children's Library is approximately \$2,700,000.

As a next step, the Friends of the Santa Barbara Public Library, following a competitive proposal process, retained Whaley LeVay in 2011 to conduct a campaign planning study. The findings confirmed that raising \$5,000,000 for a new Children's Library and an endowment to support future library service is feasible.

However, the report also indicated that the Library faces significant challenges in launching a capital campaign because of the lack of a formal development program, a seasoned fund-raising board and a well-cultivated donor base. Given these factors and the fierce competition for charitable dollars in the community, the Library needs to conduct a professional campaign with a commitment of sufficient resources and professional guidance.

In addition to funding the campaign planning study in 2011, the Friends of the Santa Barbara Public Library have received grant monies and individual donations for the Children's Library project which were used for additional assistance by Whaley LeVay in initial preparation and planning for the Library capital campaign, drafting a case statement, and assisting in the hiring an experienced fundraiser. Those funds have now been expended.

PROJECT DESCRIPTION

The Library Department seeks to hire an advisor to assist it in continuing with the work of developing campaign strategies and guiding their implementation. Because Whaley LeVay conducted the feasibility study and made initial contact with a group of prospective donors, the Library would like to continue working with them to guarantee continuity of information. Julie LeVay, one of Whaley LeVay's founding partners, led the consulting team that conducted the campaign planning study and is uniquely positioned to conduct this engagement. She has been involved in numerous campaigns of varying sizes, conducted locally and nationally, and for a variety of types of organizations, including the Webb School (\$21 million), and Harvey Mudd College (\$84 million).

Whaley LeVay will serve as Campaign Counsel and in that role will provide campaign strategy development, including goals, timeline, volunteer campaign leadership structure/job descriptions, identification and management of prospective donors, and gift solicitation strategies. Whaley LeVay will direct the work of the staff team assembled for conducting the campaign: Irene Macias, Library Director, Janice Pegram, Capital Campaign Manager, Beverly Schwartzberg, Library Services Coordinator and clerical support staff. Volunteer leadership recruitment, a key aspect of the campaign, involves the recruitment and solicitation of donor prospects. Activities may also include other types of services such as review of a proposal, presentations to a committee, and help with solicitations.

The overall goal of the fundraising campaign is to raise \$5,000,000 by 2016. This includes \$3,000,000 for a new Children's Library and associated fundraising costs and \$2,000,000 for an endowment for future library services. Whaley LeVay will guide the campaign efforts through June 30, 2013 under this contract; although specific totals are not guaranteed, the campaign plan has a goal of raising \$2,000,000 by June 30, 2013.

BUDGET/FINANCIAL INFORMATION:

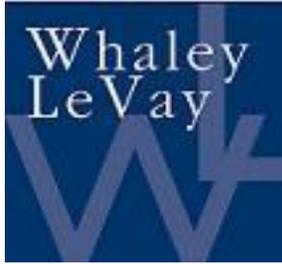
Staff recommends that Council authorize the increase of revenues and appropriations in the Fiscal Year 2013 Library Department General Fund by \$96,000 for this project. The Maximus Trust, a bequest to the Central Library, will provide the funding for the contract in the amount of \$96,000.

ATTACHMENTS:

1. Capital Campaign Whaley LeVay Workplan
2. Proposal to The Santa Barbara Public Library Capital Campaign Counsel August 2012

SUBMITTED BY: Irene Macias, Library Director

APPROVED BY: City Administrator's Office



PROPOSAL TO
THE SANTA BARBARA PUBLIC LIBRARY

CAPITAL CAMPAIGN COUNSEL

Julie LeVay
August 2012

www.whaleylevay.com

INTRODUCTION

OUR UNDERSTANDING OF THE ISSUES

The information upon which this proposal to the Santa Barbara Public Library is based comes from knowledge gained through Whaley LeVay's campaign planning study, as well as subsequent campaign planning counsel provided under the auspices of the Friends of the Library.

The Santa Barbara Public Library has long been considered a community treasure, noted for its collection, architecture, educational resources and cultural events. Located in downtown Santa Barbara at the corner of Anapamu and Anacapa streets, the Spanish Revival building first opened in 1917. Reconstruction followed major earthquake damage in 1925; the Faulkner art and music wing was added in 1930, and major remodeling was completed in 1980.

Major renovation is again on the drawing board. The architectural firm of LPA, Inc. has been engaged to design an expanded children's library that will occupy the first floor of the building which is currently closed to the public. Given the current economic climate, the cost of relocating the children's library must be funded with philanthropic support. Recognizing the value of a diversified funding base, the Library also seeks to establish a development program and begin building an endowment.

As a first step in this process, Whaley LeVay was retained in late 2011 (under the auspices of the Friends of the Library) to conduct a campaign planning study. The significant findings of that study are as follows:

- Raising \$5 million for a new Children's Library and an endowment to support it appears to be feasible.
- The Santa Barbara Public Library is a well-respected, but not particularly well-understood institution.
- The Library faces significant challenges in launching a capital campaign because it does not have a formal development program in place, has not built a well-cultivated donor base, and does not enjoy the benefit of a seasoned fund-raising board.
- Given these factors and the fierce competition for charitable dollars in Santa Barbara, the Library must be prepared to conduct a very professional campaign with a commitment of sufficient resources.

Santa Barbara Public Library now seeks counsel to develop campaign strategies and guide their implementation.

SERVICES

Whaley LeVay will serve as Campaign Counsel for the Santa Barbara Public Library's capital campaign. In that role, we will provide the following services.

**CAMPAIGN
STRATEGY
DEVELOPMENT**

Whaley LeVay will develop basic campaign strategies and plans. We will initially produce a written campaign plan that will address issues such as financial objectives, timetable and phasing, volunteer leadership structure, donor prospect requirements, etc. This document will serve as a guide to get the campaign moving in the right direction. As time moves on and capacity is built within the Library staff, the planning process will become more collaborative.

**VOLUNTEER
LEADERSHIP
RECRUITMENT**

Successful campaigns depend on the level of influence and commitment of volunteer leadership. Effective solicitations require volunteers who first make their own capacity-level campaign pledges and then ask their peers to do the same. The Library must recruit volunteers who will give at capacity, are influential with potential donors and who are willing to use their influence to benefit the campaign. Whaley LeVay will work with Library staff to identify potential candidates and create recruitment strategies. This will be an iterative process that will be refined as initial volunteers are recruited and additional candidates are identified.

**PROSPECT
STRATEGY
DEVELOPMENT**

Prospects are to a campaign what fuel is to an engine. To conduct a successful campaign, the Library must be able to identify a sufficient number of prospective donors with sufficient giving capacity and a strong interest in the project. These prospective donors must also be properly cultivated so that they are ready for solicitation as the campaign moves forward. Whaley LeVay will work with Library staff and volunteer leadership to develop strategies for cultivating and soliciting prospects. This will include the sequencing and timing of soliciting prospects.

**ONGOING
CAMPAIGN
COUNSEL**

Capital campaigns are unpredictable and it is important to be able to respond to unforeseen challenges as well as serendipity. Whaley LeVay will meet with Library staff on a regular basis to assess campaign progress and make recommendations regarding any necessary changes in strategy.

OTHER

Typically during a campaign the consultant is asked for other types of services – help with a solicitation, review of a proposal, presentation to a committee, interviews of job candidates, etc. While these cannot always be anticipated, they almost certainly arise.

PERSONNEL & COSTS

PERSONNEL We propose that Julie LeVay, one of Whaley LeVay's founding partners, lead the engagement. She led the consulting team that conducted the campaign planning study and is uniquely positioned to conduct this engagement. Her resume follows.

COSTS Fees: We propose conducting this engagement for a fixed fee of \$9,600 per month. As in the past, much of our work with you will be conducted on the phone and via email, as well as offsite drafting and reviewing documents, etc. This would include up to two days per month onsite (which can be split into four half days) working directly with Library staff.

Also, should the Library request work that is outside the scope of this engagement, such time would be billed in addition to fees for the study according to the fee schedule below.

Partners	\$300.00 per hour
Senior Consultants	\$240.00 per hour
Support Staff	\$45.00 per hour

Expenses. Out-of-pocket expenses will be billed in addition to fees. Expenses include travel beyond Santa Barbara, secretarial, telephone charges, photocopying, postage, and other direct expenses incurred in the course of the engagement. . Fees and expenses will be billed and payable monthly. Invoices are sent by the 7th day of the month following the billing period and payment is expected by the 28th of the same month.

ATTACHMENTS

ATTACHMENTS

Attached to this proposal you will find:

- Whaley LeVay Qualifications
- Resume for Julie LeVay
- Selected Clients
- “Guidelines for Success: Advice for Organizations New to Fund Raising”

WHALEY LEVAY QUALIFICATIONS

EXPERIENCE WITH CAPITAL CAMPAIGNS

The numerous campaigns in which the partners of Whaley LeVay have been involved have been of varying sizes, conducted locally and nationally, and for a variety of types of organizations.

The goals of the campaigns range from \$2.1 million for St. Mark's School in Altadena, California (which actually achieved \$5.0 million) to \$230 million for the Statue of Liberty- Ellis Island Foundation (which raised over \$500 million). A few other campaigns in which we have been involved are Seattle Repertory Theater (\$15 million), Harvey Mudd College (\$84 million), and The Webb Schools (\$21 million).

GENERAL APPROACH TO CAMPAIGNS

1. Conducting a campaign planning study. The study provides critical information needed to evaluate the institution's plans from a fund-raising perspective, to test the appeal of the case for support, to assess the community's giving potential and to gather information upon which to develop effective strategies.

The primary focus of our studies is on how to raise as much as possible of the amount an institution needs to achieve its plans while leaving it in a strong position for future fund raising.

2. Assistance in preparing and planning for a campaign. The study provides the blueprint for preparing for the campaign—e.g., upgrading support systems, training staff and volunteers, developing a good, well-researched prospect list, etc. It is crucial that the institution have the necessary infrastructure in place to support a major campaign and that a good plan is developed to guide the staff and volunteers through the campaign. A significant investment is usually required to ensure a successful campaign, and that investment is even more significant for organizations new to fund raising. For more information, see page 9 of this proposal.

Our role in this phase is to work with staff to accomplish these tasks. It should be noted that during this phase certain pivotal gifts are usually solicited, as well.

3. Assistance with conducting the campaign. When the institution is prepared and plans are laid, the organized solicitation process begins. (As noted above, certain pivotal gifts will already be closed or still under solicitation.) Usually there is a quiet or leadership-gift phase followed by a public or general-gift phase.

Our role during the campaign is to provide ongoing help in developing strategies for individual prospects and for the solicitation process as a whole. In addition, we help with developing policies and written materials, review campaign progress and suggest course corrections, as needed, and provide solicitation training for staff and volunteers. We continue to look ahead to ensure that, as the campaign moves forward, the

institution is prepared for the next challenge. Throughout the campaign, we work as a team with staff and key volunteers in developing and implementing plans—providing more or less help, depending on the needs and the decision of the staff member in charge.

APPROACH TO CONSULTING

All of our engagements are characterized by the following:

Senior-level professionals. The firm is modeled on the principle that our clients deserve the attention and insight of senior professionals. We have chosen, therefore, not to employ a cadre of junior-level associates to provide service to our clients. Instead, at least one of the firm's two partners stays intimately involved with each engagement while providing most—if not all—of the service. The firm's associates and specialists, when included on an engagement, work under the direction of a partner and usually provide specialized services.

Customized approach to each engagement. Our goal is to offer institutions a customized approach because no two organizations are the same. Each faces unique challenges shaped by its history, environment and current situation. We conduct studies and help design campaigns and other fund-raising programs tailored to the special needs of each organization.

Working as a team with clients. In helping position organizations for long-term success, we work closely with volunteers and staff members who will bear the ultimate responsibility for achieving that success. They bring an intimate knowledge of their institution and, often, good fund-raising experience. We bring objectivity, creativity and broad development experience with a large number of similar institutions. Together we work to strengthen institutional advancement programs and achieve success in capital campaigns and other fund-raising efforts.

Personalized service. Our highly personalized service limits the number of institutions we can serve. In seeking new clients, we look for organizations that desire a consulting relationship in which the firm's partners stay directly involved and have a personal stake in the client's success.

RÉSUMÉ

JULIE H. LEVAY
Partner

Julie LeVay brings to clients more than 30 years of consulting and institutional development experience. Ms. LeVay was formerly a senior associate of Bentz Whaley Flessner where she served a variety of clients. Her particular areas of expertise include campaign planning and strategy development, institutional audits and training, strategic planning, and campaign management.

Throughout her consulting career, Ms. LeVay has provided service to such clients as:

**Escuela de Agricultura de la Region
Tropical Humeda San
Jose, Costa Rica**
Campaign Planning Study

**Jacksonville Community Foundation
Jacksonville, Florida**
Marketing Study

**La Jolla Country Day School
La Jolla, California**
Development Assessment, Campaign
Planning Study, Interim Advancement
Management, Campaign Counsel

**Marin Academy
San Rafael, California**
Development/Marketing/Communications
Audit, Interim Advancement Management,
Campaign Planning Study

**The Nueva School Hillsborough,
California** Development Assessment,
Campaign Planning Study, Campaign
Counsel

**NYU – Stern School of Business
New York, New York** Development
Audit

**The Pittsburgh Foundation
Pittsburgh, Pennsylvania**
Strategic Planning Study

**Pardee RAND Graduate School
The RAND Corporation
Santa Monica, California**
Campaign Planning Study

**Saint Joseph Mercy Health System
Ann Arbor, Michigan**
Post-campaign Assessment, Major Gifts
Study, Major Gifts Program Counsel

**Santa Barbara Public Library
Santa Barbara, California**
Campaign Planning Study

**Seattle Repertory Theater
Seattle, Washington**
Campaign Planning Study, Campaign
Counsel

**University of Maine
Orono, Maine**
Strategic Development Planning

**Walsh College
Troy, Michigan**
Campaign Planning Studies, Campaign
Counsel

**The Webb Schools
Claremont, California**
Campaign Planning Study, Campaign
Counsel

Prior to her consulting career, Ms. LeVay served The Claremont Colleges where she directed a successful capital campaign. Ms. LeVay has also served as the chief development officer for the San Francisco Opera, and has held development positions with the University of California, Santa Barbara, and Cate School.

Ms. LeVay is a graduate of the University of California, Santa Barbara and Marlborough School. She is a frequent speaker and has made presentations for CASE, NAIS, CAIS, AFP, AHP and the Foundation for Independent Higher Education.

SELECTED CLIENTS

AFS Intercultural Programs USA, New York, NY
Strategic Planning Study and Counsel, Board Training

The Beaumont (Hospital) Foundation, Troy, MI
Strategic Plan Development, Fund-Raising Counsel

Betty Ford Center, Rancho Mirage, CA
Development Audit, Strategic Development Planning

The Buckley School, Sherman Oaks, CA
Development Audit

California State University System
Office of the Chancellor
Campaign Planning Study, Advancement Planning

Campbell Hall, North Hollywood, CA
Campaign Planning Study and Campaign Counsel

Cesar Chavez Foundation, Los Angeles, CA
Strategic Development Planning

City College of New York, New York, NY
Strategic Development Planning

The Community Foundation, Jacksonville, FL
Asset Development Planning Study

Drake University, Des Moines, IA
Advancement Audit, Campaign Counsel

Elon College, Elon College, NC
Development Audit and Strategic Planning

EARTH College, Costa Rica
(Escuela de Agricultura de la Region Tropical Humeda)
Campaign Planning Study

Grand Canyon National Park, Grand Canyon, AZ
Strategic Development Planning, Strategic Planning

Harvey Mudd College, Claremont, CA
Campaign Planning Study

Herberger Theater Center, Phoenix, AZ
Fund-raising Counsel

Huntington Memorial Hospital, Pasadena, CA
Campaign Planning Study, Campaign Counsel

Lewis University, Romeo, OH
Campaign Planning

La Jolla Country Day School, La Jolla, CA
Advancement Audit, Campaign Planning Study,
Communications Audit, Campaign Counsel

Los Angeles Chamber Orchestra, Los Angeles, CA
Campaign Planning Study, Campaign Counsel

Los Angeles Philharmonic, Los Angeles, CA
Counsel for Disney Hall campaign, Development Audit

Los Angeles Women's Foundation, Los Angeles, CA
Campaign Planning Study, Campaign Counsel

Marian High School, Bloomfield, MI
Strategic Planning

Marin Academy, San Rafael, CA
Development/Communications/Marketing Audit
Interim Advancement Management
Campaign Planning Study

Marymount High School, Los Angeles, CA
Campaign Planning Study, Campaign Counsel

Mercy Health Foundation, Farmington Hills, CA
Planning Study

Minnesota Children's Museum, St. Paul, MN
Organizational Assessment

National Audubon Society, New York, NY
Campaign Counsel

New York University, New York, NY
Stern School of Business
Development Audit

Pardee RAND Graduate School, Santa Monica, CA
Campaign Planning Study

San Jose State University, San Jose, CA
Development Audit

Seattle Opera, Seattle, WA
Development Program Assessment, Campaign Planning
Study, Campaign Counsel

Seattle Repertory Theatre, Seattle, WA
Campaign Planning Study and Campaign Counsel

St. Joseph Mercy Health System, Ann Arbor, MI
Campaign Planning Study and Campaign Counsel

The Webb Schools, Claremont, CA
Campaign Planning Study, Campaign Counsel

Guidelines for Success: Advice for Organizations New to Fund Raising

An Occasional Paper

From the \$250 million campaign for the Statue of Liberty-Ellis Island Foundation to a \$2.2 million campaign for St. Mark's School, Whaley LeVay's founders have helped organizations, large and small, develop new fund-raising programs and conduct successful first-time campaigns. Based upon our experience, we offer the following guidelines for organizations undertaking their first major fund-raising effort.

Build on a solid foundation. Organizations that are new to fund raising often underestimate the amount of time and work that goes into creating a foundation for successful fund-raising. Most colleges, museums and other organizations that raise large sums of money have been working at it for years. They have developed effective strategies, a strong donor base, a pool of qualified prospects and a cadre of trained volunteers. They have built an experienced staff whose members know the organization's constituents, and understand the techniques of fund raising and the systems necessary to support it.

A organization that is new to fund raising does not have this foundation. Limited short-term success can be achieved without it; long-term success cannot. An organization undertaking its first fund-raising effort must suppress the impulse to jump immediately into soliciting gifts. It must first commit itself to developing a strategic fund-raising plan, identifying and qualifying prospects, and building the internal capacity to carry out the plan successfully.

Develop a good plan. We have seen many new organizations fall short of achieving their fund-raising potential because they began asking for gifts too soon. Some of their best prospects were solicited before a strategy had been developed which would motivate them to give at the highest level possible.

The early gifts of a few key prospects always set the standard for others. These gifts must be solicited first and they must be significant. If not, fund-raising potential will be limited. Rushing to solicit these pace-setters without having the proper strategy and plan in place can be disastrous for the overall success of the effort.

In fund raising, there are no points awarded for how fast solicitations are done... only for how much money is actually raised.

Fund raising costs money. The cost of fund raising for institutions with established fund-raising programs—Harvard University or the Mayo Clinic, for example—typically runs 15% to 30% of the total raised. This consistent level of expenditure over a period of years forms the foundation of successful fund-raising—solid planning, well-cultivated prospects, a cadre of trained volunteers, an experienced staff that has built strong constituent relationships, and sophisticated support systems.

Unless they invest in building this foundation, new organizations cannot raise much money. While they can often secure initial funds from a core group of committed supporters, achieving maximum success depends upon investing in and building a strong fund-raising program.

Guidelines for Success:

Advice for Organizations New to Fund Raising

continued

New organizations have two options: 1) They can attempt to “fast-track” the process by making costly investments early in the process; or, 2) They can take several years to build fund-raising capacity at a more reasonable level of investment. Actually, the second option can be costly as well. If the new organization opts for the slower, more economical approach, it will raise less money during the first few years. Sometimes, given this foregone income, it can cost more to be frugal.

Success demands a business-like approach. Starting a fund-raising program is much like starting any business. A start-up company must know the business it is entering as well as its market, environment, relevant economic factors, etc. Many business failures are due to a lack of understanding of these factors.

It is the same with fund raising. The fundamentals must be understood and applied. Often those starting new fund-raising efforts make basic decisions based upon too little knowledge, and these decisions later result in missed opportunities and diminished results.

New organizations must approach fund raising as they would any business. If the leaders do not know fund raising from both a volunteer and staff perspective, they must seek expert help and avoid making basic decisions until they are better informed.

Today’s environment is tough. The environment for fund raising is more harsh than it has been in the past for one primary reason: competition. During the last few decades public funding has decreased for nearly all non-profit organizations. Suddenly, organizations which have depended upon tax-based funding have had to begin raising funds from the private sector in order to survive. The result has been dramatically increased competition for charitable dollars.

Equally important, the competition is not just for charitable dollars, but for everything needed to raise those dollars—influential volunteers, experienced staff and technologically-advanced development offices.

Success requires a new level of sophistication. In response to increased competition, organizations are making increased demands of prospective donors. Fund raisers have become more clever, aggressive and business-like as they try to get an edge on the competition.

Organizations new to fund raising are immediately thrown into this highly competitive environment. There was a time when a new organization could gradually bring its fund-raising effort up to match the more sophisticated operations of its competitors. Today, that is a very costly approach in terms of lost opportunity.

Guidelines for Success: **Advice for Organizations New to Fund Raising**

continued

The bottom line. Fund raising is tough...very tough for an organization that is just getting into the game. The bottom line is that success in today's competitive environment requires new organization to do things right and to spend the money necessary.

A new organization which is determined to achieve success quickly must create a first impression which establishes its relevance and importance in the minds of prospective volunteers and donors. It must develop a thoughtful, realistic yet aggressive fund-raising plan and then recruit the right volunteers—people who can provide the access and influence needed for success. Also, it must conduct its initial fund raising so that a proper giving level is established which sets a standard for other donors to meet.

New organizations have important opportunities that come with entry into the fund-raising arena. If these initial opportunities are missed, most organizations find it takes a long time to reposition themselves and begin securing the level of gifts necessary for success.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 11, 2012
TO: Mayor and Councilmembers
FROM: Information Systems, Administrative Services
SUBJECT: Purchase Of New Internet Website

RECOMMENDATION: That Council:

- A. Authorize the Administrative Services Director to negotiate and execute a professional services agreement, in a form of agreement acceptable to the City Attorney, with PixelPushers, Inc., doing business as Civica Software, for the acquisition and implementation of a new City Internet website in an amount not to exceed \$130,000;
- B. Authorize the Administrative Services Director to approve additional services that may be identified during the implementation phase, in an amount not to exceed \$13,000;
- C. Authorize the Administrative Services Director to negotiate and execute a technical support and maintenance agreement, in a form acceptable to the City Attorney, for up to four years at an annual cost not to exceed \$5,880; and
- D. Appropriate \$43,000 in the Information Systems Capital Fund from reserves to cover the portion of the project not currently covered from existing appropriations.

DISCUSSION:

The City's current website was designed in 2004, more than 8 years ago. Since then, technology has advanced and people's expectations have significantly increased. Following a series of suggestions and complaints indicating our website was obsolete and not meeting internal and external user needs, in October 2010, we conducted a website needs assessment and online surveys for both City staff and the public. The assessment and surveys revealed the following:

1. The City's website is "clunky" to use - difficult to navigate and find information;
2. It is not easy for staff to update website content;
3. The website lacks many of the new features available on current websites;
4. The website software is no longer supported by the developer, Microsoft; and
5. The website is not compatible with smart phones and tablet computers.

Based on these findings, a capital improvement request was made and approved by Council for the Fiscal Year 2012 and 2013 budgets to fund the new website.

In November 2011, the Website Project Steering Committee was formed with representation from all departments. The Committee developed an RFP with a comprehensive list of functional requirements.

RFPs were sent to more than twenty website development vendors (including six Santa Barbara companies) and four responded. Of the four, Civica and Vision Internet were selected as finalists for product demonstrations to the Committee.

After the demonstrations, the committee solicited both vendors for additional information necessary to choose a finalist resulting in the Steering Committee unanimously selecting Civica because:

1. Civica best satisfied the functional requirements without software modifications;
2. Civica provides more functionality for a lower cost;
3. Civica's customer references were more supportive of the company in terms of fulfilling change requests and technical support; and
4. The resumes of Civica implementation team were strong in web development and programming.

Civica will deliver a website that best meets the needs of the public and City staff, which includes the following project deliverables:

1. Conceptual designs, including graphics and information organization;
2. Software installation, and configuration;
3. Content migration, and website configuration;
4. City staff training;
5. Final testing and approval of content migration.

The City's main website is expected to go live in second quarter of 2013, followed by the addition of the Airport Department and Library Department subsites in the third quarter 2013.

BUDGET/FINANCIAL INFORMATION:

The Information Systems Capital Fund has \$100,000 appropriated for this project. The balance of \$43,000 will be funded from available reserves.

SUSTAINABILITY IMPACT:

As the City increases the delivery of City services over the web and makes those services easier to find, more vehicle trips into the City will be saved.

PREPARED BY: Scott Nelson, Webmaster

SUBMITTED BY: Marcelo Lopez, Assistant City Administrator/Administrative
Services Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Introduction of Ordinance Adopting The 2012-2013 General Unit Memorandum of Understanding

RECOMMENDATION: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, for the period of July 1, 2012 through September 30, 2013 and provide for certain compensation and benefit adjustments for Confidential employees, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) and Providing for Compensation Changes for Confidential Employees; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City Of Santa Barbara Amending Resolution No. 12-042, the Position and Salary Control Resolution for Fiscal Year 2013, Affecting the Public Works Department Effective September 18, 2012.

DISCUSSION:

General Unit Changes

Negotiators from the City and the City's General Employees bargaining unit have resolved a prior impasse and tentatively reached a new fifteen month labor agreement in accordance with City Council negotiation parameters. The agreement was ratified by the bargaining unit membership.

The tentative agreement eliminates the unpaid furlough and the suspension of the annual vacation cash-out option, cost-saving labor concessions that were in place for the three prior fiscal years. The agreement does not include increases to salaries and benefits. It provides for a one-time lump sum payment to each employee of \$383.44 in Fiscal Year 2013.

The new M.O.U. includes an agreement on how employees will be paid during a planned holiday office closure from December 24, 2012 through January 1, 2012. This will allow the closure of non-essential offices and operations during this period, as a productivity management measure, when demand for City services typically drops dramatically. Employees who do not work during the holiday closure will have the option to use their own accrued leave balances, or to take unpaid time off, with the salary reduction impacts of that time off “smoothed” over the remainder of the fiscal year.

Other provisions of the new General Unit MOU include a re-opener clause, at the City’s option, on a second tier of retirement and other salary and benefits for new hires. The City may or may not need to exercise this reopener, given recent state legislation mandating a second tier for all public agencies under the PERS system. There are also other miscellaneous agreement terms that include the following: clarifying procedures for the use of standby and call-back pay and the application of compensatory time; allowing a limited carry-over of existing union business attendance time; providing for discounted waterfront parking passes for waterfront employees; clarifying vacation and leave of absence request procedures; and providing for a market compensation survey for use during the next round of negotiations.

As a “sideletter” agreement, the City and SEIU agreed to a methodology to reclassify water meter readers to a new hybrid “meter reader/wastewater distribution operator-in-training” classification and a “lead meter reader/wastewater distribution operator-in-training” classification in order to provide cross-training and advancement opportunities within the wastewater distribution division. The current meter reader positions are budgeted at the higher Water Distribution Operator II classification, and employees placed in the new classification will continue to underfill the higher level job, so no budget adjustment is necessary. These new hybrid classes will be adopted as a “closed classes”. Any new employees will be appointed into the meter reading function as regular qualified Water Distribution Operators.

Confidential Employee Compensation and Benefit Changes

Staff is recommending a slightly different plan for Confidential employees. Eliminating the vacation cash-out option has been a negotiations priority for the City. In exchange for permanently eliminating this cash-out, the City had offered a package to the General Unit that would have increased the annual medical insurance contribution by \$65 per month (the equivalent historical value of the vacation cash-out for that group) and provided a one-time final cash-out of 40 hours per employee. These terms were similar terms to those that were provided to supervisor and managers. However, this offer was rejected by S.E.I.U. negotiators.

When Employee Relations staff met informally with a group of Confidential employees, they indicated a preference for the City’s offer over the package ultimately agreed to with the General Unit. Since this aligns with City Administration preferences as well, we

are recommending that the alternate terms be provided to the Confidential employee group.

BUDGET/FINANCIAL INFORMATION:

The Fiscal Year 2013 operating budget included an estimate amount to account for pending negotiations of \$200,000 Citywide, with \$100,000 of that in the General Fund. Budget costs will fall within that estimated amount. The Fiscal Year 2012-2013 budget impact for the General Unit will be \$84,510 City-wide, with \$36,996 of that to the General Fund. The Fiscal Year 2012-2013 budget impact for the Confidential employees will be \$10,920 Citywide, with \$7,020 of that to the General Fund.

The cost of the vacation cash-outs was not included in the budget, as that expense is generally not budgeted. The cost of the cash-out for General Unit employees will depend on the number of employees electing to exercise this option, but historically this cost has been about \$183,271 Citywide, with half of that expense attributable to the General Fund. The final cash-out for Confidential employees is expected to cost \$42,450 Citywide, with \$31,142 of that attributable to the General Fund. Staff will attempt to absorb the cost of the vacation cash-out within the normal budget variance; however additional appropriations will be requested if necessary.

PREPARED BY: Kristine Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo Lopez, 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 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY EMPLOYEES' ASSOCIATION (GENERAL UNIT) AND PROVIDING FOR COMPENSATION CHANGES FOR CONFIDENTIAL EMPLOYEES

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Employees' Association, Local 620, Service Employees' International Union, effective as of July 1, 2012 and attached hereto and incorporated herein by reference as Exhibit "A" (hereinafter the "M.O.U.") is hereby adopted.

SECTION 2. The 2012-2013 Salary Plan Applicable to Unrepresented Non-supervisory Confidential Employees, effective July 1, 2012 and attached hereto and incorporated herein by reference as Exhibit "B", (hereinafter the "Confidential Salary Plan") is hereby approved..

SECTION 3. During the term of the M.O.U. and salary plan, the City Administrator is hereby authorized to implement the terms contained therein without further action by the City Council, unless such further action is explicitly required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SANTA BARBARA
AND THE
SANTA BARBARA CITY EMPLOYEES' ASSOCIATION, LOCAL 620
SERVICE EMPLOYEES' INTERNATIONAL UNION

THIS AGREEMENT IS ENTERED INTO AS OF _____ BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY", AND THE SANTA BARBARA CITY EMPLOYEES' ASSOCIATION, LOCAL 620, SERVICE EMPLOYEES' INTERNATIONAL UNION, HEREINAFTER REFERRED TO AS "THE UNION".

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 Union, 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 UNION:

Kristine Schmidt
Employee Relations Manager

Jeff Miller
General Unit Chairperson

Michelle DeCant
Public Works Business Manager

Thomas Dietz
Sr. Waterfront Maintenance Worker

Karl Treiberg
Waterfront Facilities Manager

Dave Harris
Automotive/Equipment Tech

Christie Lanning
Human Resources Analyst

Brad Klein
Maintenance Worker II

Stanley Macias
Painter

Aundray Richey
Sr. Streets Maintenance Worker

Lesley Torgeson
Network/Applications Analyst

Cynthia Goena
S.E.I.U., Local 620

TABLE OF CONTENTS
Alphabetical by Article Title

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
1.	BENEFITS - PERMANENT PART-TIME EMPLOYEES	1
2.	BEREAVEMENT LEAVE	1
3.	BILINGUAL SKILLS	1
4.	BULLETIN BOARDS	2
5.	CAFETERIA PLAN	2
6.	CHILD CARE	2
7.	CITY RIGHTS AND EMPLOYEE RIGHTS	2
8.	DISABILITY RETIREMENT	3
9.	DISCIPLINARY ACTION	3
10.	DIVE SHIFT DIFFERENTIAL	3
11.	DOMESTIC PARTNERSHIP HEALTH BENEFITS	3
12.	DRESS CODES	4
13.	DRUG AND ALCOHOL TESTING POLICIES	4
14.	ENGINEER PROFESSIONAL REGISTRATION PAY	4
15.	EQUAL EMPLOYMENT OPPORTUNITY	4
16.	FLEXIBLE STAFFING	4
17.	GRIEVANCES/DISPUTES	5
18.	HEALTH AND SAFETY	7
19.	HEALTH INSURANCES (MEDICAL, DENTAL, VISION)	8
20.	HOLIDAYS	9
21.	IMPLEMENTATION OF MOU	9
22.	JOB ANNOUNCEMENT, TRANSFERS AND RULE OF 10	10
23.	JURY/WITNESS DUTY	10
24.	LAYOFF POLICY	10
25.	LEAVES OF ABSENCE AND BENEFITS DURING SUCH LEAVES	11
26.	LIFE INSURANCE	12
27.	LONG-TERM DISABILITY	12
28.	MAINTENANCE OF BENEFITS	12
29.	MECHANICS' TOOLS	12
30.	MUNICIPAL CODE CHANGES	13
31.	NO STRIKE OR LOCKOUT	13
32.	ONE-TIME PAYMENT	13
33.	OVERTIME	13
34.	PAYROLL	14
35.	PERSONAL LEAVE	15
36.	PERSONAL PROPERTY DAMAGE REIMBURSEMENT	15
37.	PROBATIONARY PERIOD	16
38.	PURPOSE	16
39.	RECOGNITION	16
40.	REPRESENTATION - UNION OFFICERS AND REPRESENTATIVES	17

41.	RETIREE MEDICAL INSURANCE CONTRIBUTION	17
42.	RETIREMENT	18
43.	RETIREMENT RE-OPENER.....	19
44.	RETROACTIVITY	19
45.	SAFETY EQUIPMENT	19
46.	SALARIES & COMPENSATION ANALYSIS/SALARY SURVEY	20
47.	SERVICE CREDIT FOR SICK LEAVE UPON RETIREMENT	21
48.	SEVERABILITY	21
49.	SHIFT DIFFERENTIAL.....	21
50.	SICK LEAVE.....	22
51.	STANDBY PAY.....	22
52.	STATE DISABILITY INSURANCE (SDI) AND STATE PAID FAMILY LEAVE INSURANCE (PFL).....	22
53.	TERM OF AGREEMENT AND RENEWAL	23
54.	TRAINING.....	23
55.	TRANSPORTATION DEMAND MANAGEMENT	24
56.	UNAUTHORIZED LEAVE	25
57.	UNIFORM MAINTENANCE ALLOWANCE.....	25
58.	UNION BUSINESS ATTENDANCE	25
59.	UNION NOTICE- EMPLOYEE ORIENTATION & INTERDEPARTMENTAL TEAMS	25
60.	UNION SECURITY (AGENCY SHOP & MAINTENANCE OF MEMBERSHIP).....	25
61.	UNION STEWARDS.....	28
62.	USE OF COMPUTER RESOURCES	28
63.	VACATION POLICY	28
64.	VACATION & SICK LEAVE ADVANCED CREDIT UPON HIRE	29
65.	WAIVER.....	29
66.	WORK SCHEDULE	29
67.	WORKERS' COMPENSATION	30
68.	WORKING OUT OF CLASSIFICATION.....	31

APPENDIX A - Shift Differential Examples

APPENDIX B - Child Care Policies

APPENDIX C - Catastrophic Leave Policy

APPENDIX D- City of Santa Barbara Drug and Alcohol Testing Policy For General Unit Employees

APPENDIX E- 9/80 Work Schedule Policy

APPENDIX F- Agreement Regarding Parks Caretakers

APPENDIX G- Holiday Closure Plan

1. BENEFITS - PERMANENT PART-TIME EMPLOYEES

a. Employees filling positions authorized by the 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. Notwithstanding the above, the City may create one or more hybrid "part-time/seasonal" Recreation Program Leader positions with Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, and holiday benefits pro-rated at the regular part-time (PPT) level. These positions may be required to flex-up to full-time during the summer season without a corresponding increase in benefits. (Example: Employee works 25 hours per week year-round, qualifying for 70% benefits, and can be required to work 40 hours for the summer season without a benefit increase from 70%).

c. Employees 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 September 3, 2004 will continue to receive full-time health benefits (cafeteria plan contribution, medical contribution, dental contribution, vision contribution).

2. BEREAVEMENT LEAVE

a. The 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 (in place of the parents), 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 intent of bereavement leave is to provide employees with adequate time to be with their immediate family during a period of anguish, whether it be at the time of death, preparation of funeral arrangements and/or to attend a funeral.

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

c. 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

a. The City and the Union agree to encourage employees to voluntarily develop bilingual skills in instances where the public contact nature of their jobs would make such skills valuable.

Any employee 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 language proficiency.

As used in this section, the phrase "regular and frequent" means at least several times in each working week. 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.

b. The City shall provide an updated list of designated employees at the Union's written request no more than once every six (6) months. In addition, the City shall provide a list of designated employees to the Union within 30 days of ratification of this MOU.

c. All employees designated for use of bilingual skills by their Department Head shall receive \$64.00 per pay period.

4. BULLETIN BOARDS

The City agrees to furnish space for Union-purchased bulletin boards of a reasonable size for posting of Union material. The specific locations of the bulletin boards shall be approved by the City and shall include but not be limited to the following work stations:

Bulletin Board Locations

City Hall
Main Library and Branches
Street Division
Golf Course Maintenance
Public Works-Engineering
Fire Dept. Station #1
Airport Maintenance Shop
Airport Administration Building

Police Department
Harbor Maintenance Shop
Parks Department
Water Resources Division-Yard
ICS-Garage
Wastewater Treatment Plant
Recreation Department Administration Building
Community Development

Other workstations may be added upon approval of the City by mutual agreement.

5. CAFETERIA PLAN

a. A flexible benefits plan known as a "125 Cafeteria Plan" and the "pre-tax advantage" provisions related to an employee's medical, dental, vision, psychological and supplemental life insurance premium contributions and flexible spending accounts within the meaning of Section 125(d) of the Internal Revenue Code shall be provided to employees. Each employee shall be eligible to allocate a discretionary amount of \$362.38 per month.

b. If medical, dental, and vision insurance plan selections exceed the cafeteria plan allocation, the City will pay the difference of these respective insurance premiums up to the amounts in the Medical Insurance, Dental Insurance and Vision Insurance sections of the Health Insurance article of this MOU; said excess premium payments cannot be applied to any other element of the cafeteria plan.

6. CHILD CARE

The City will provide a pre-tax salary reduction plan for employee dependent care needs in accordance with Section 129 of the Internal Revenue Code.

7. CITY RIGHTS AND EMPLOYEE RIGHTS

The parties agree that the City has an exclusive right to manage and direct the performance of services and 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 organizational 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; and determination of the content of job classifications consistent with applicable laws and with due regard for provisions of this agreement.

Employees represented by the Union shall have the right to form, join, and participate in the activities of the Union for the purpose of representation on all matters of employee relations. The City shall not interfere with, intimidate, restrain, coerce, or discriminate against employees because of their exercise of these rights.

8. DISABILITY RETIREMENT

a. An employee found either physically or mentally incompetent to perform his/her regular duties shall, if possible, be provided with the opportunity for transfer, promotion or demotion to a position for which he/she possesses the physical or mental competence, or other action pursuant to Federal or State law and/or City Charter.

b. An employee found not to be disabled within 90 days 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.

d. 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.

9. DISCIPLINARY ACTION

The City may provide the option of forfeiture of vacation time in lieu of taking other disciplinary action pursuant to Charter Section 1007 and enabling ordinances.

10. DIVE SHIFT DIFFERENTIAL

a. Waterfront maintenance employees who are authorized and agree to assignment(s) by the department to conduct underwater dive operations in the performance of maintenance-related duties, will be eligible for dive shift differential for each shift that the employee performs dive operations.

b. Differential pay will be at an hourly rate equivalent to the graveyard shift differential. All time setting up dive equipment, performing safety checks, and donning and doffing dive gear (wetsuit, BCD, etc.) as authorized by management shall be considered dive operations on City paid time.

c. Divers must comply with all dive certification and safety rules promulgated by the City. An employee scheduled to perform dive operations may choose not to dive at any time, by notifying the employee's supervisor, if the employee has a concern that to do so would likely jeopardize the safety of themselves, a co-worker, or member of the public due to weather conditions or any other reason.

11. DOMESTIC PARTNERSHIP HEALTH BENEFITS

The City shall allow same sex and opposite sex 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.

12. DRESS CODES

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.

13. DRUG AND ALCOHOL TESTING POLICIES

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 for General Unit Employees, attached hereto as Appendix D.

14. ENGINEER PROFESSIONAL REGISTRATION PAY

a. When the Department Head assigns an employee in the classification of Project Engineer I or Project Engineer II in the Public Works Engineering Division to maintain the ability to assume responsible charge for sealing City design projects by using his/her professional registration, that employee shall receive an additional 5.0% of his/her base salary. The employee must maintain a current California registration to remain eligible for such pay.

b. With the written approval of the City Administrator, based on the needs of the City, the Department Head may also assign such responsibility, with corresponding registration pay, to either:

- i. A Project Engineer I or Project Engineer II with current California registration as a professional engineer who is assigned to a Division other than the Engineering Division, or
- ii. An employee in a classification other than Project Engineer I or Project Engineer II with current California registration as a professional engineer.

c. City agrees to provide the union a list of employees receiving such pay upon the unions' request.

15. EQUAL EMPLOYMENT OPPORTUNITY

a. The City and the Union 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, Union membership, sexual orientation, marital status, disability, or pregnancy.

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

16. FLEXIBLE STAFFING

The City may choose to flexibly staff classifications within any class series containing an entry and journey level position. Flexible staffing gives the City the ability to hire employees at the entry level or the journey level depending upon applicant qualifications and City staffing needs.

An official list of the flexibly staffed classifications shall be maintained by Human Resources. Classifications designated as flexibly staffed would not require an examination nor the establishment of an eligible list for an incumbent to promote from the entry level to the journey level classification. The City retains the exclusive right to determine if and when an employee may advance from the entry to the journey level.

Flexible staffing does not preclude the City from identifying certain positions that would be permanently assigned to the entry level for as long as their duties and responsibilities remain within the entry-level classification.

17. 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 twenty (20) working days of the date the grievable activity occurred or the date the employee could reasonably have known such activity occurred.

b. The Union 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.

Stewards 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 Steward 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 can not be made available, the Steward will be immediately informed when the employee will be made available.

c. The parties agree that all grievances will be processed in accordance with the following procedure.

Step One

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.

Step Two

If after such discussion the employee does not believe the grievance has been satisfactorily resolved, he or she may file a formal appeal in writing to his/her Department Head within ten (10) working 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 (10) working days after receiving the appeal.

Step Three

If, within ten (10) working days after receipt of the written decision of the Department Head the employee is still dissatisfied, he or she may request the services of a mediator from the State Mediation and Conciliation Service.

Step Four

If, within ten (10) working days after the mediation process has been completed, the employee is still dissatisfied he or she may file a written appeal of the decision of the Department Head to the City Administrator. The City Administrator shall review information provided by the employee, the decision of the Department Head, and suggestions or information provided by the Mediator. The City Administrator shall render his/her decision within twenty-five (25) working days after the appeal is filed. Except as provided under Step Five, below, the City Administrator's decision shall be considered final.

Step Five

Request for Arbitration

If the grievant is not satisfied with the decision at Step Four, he/she may, within fifteen (15) working days after the decision is mailed by the City Administrator, and with the concurrence of the Union, submit a request in writing to the City to proceed to arbitration. The Union shall have the right to invoke the arbitration procedure on behalf of a class of employees. Arbitration shall be conducted in accordance with the rules and procedures delineated in this Article.

Selection of Arbitrator

The parties shall make a good faith effort to select a mutually acceptable arbitrator from a designated list of available arbitrators. If they are unable to agree on an arbitrator within ten (10) days of the submission of the grievance to arbitration, the parties shall request a panel of experienced arbitrators from the California State Mediation and Conciliation Service. Each party shall alternately strike a name until only one name remains. The party who strikes first shall be determined by lot. By mutual agreement, the arbitration may be held under the Expedited Rules of the American Arbitration Association.

Unless the parties agree otherwise, a hearing shall be commenced within sixty (60) days from selection of the arbitrator.

Arbitrator's Authority

Only those issues which directly relate to alleged violations of this Memorandum of Understanding or the City Charter, City ordinances, resolutions and written policies related to personnel policies and working conditions shall be subject to arbitration. In addition, matters for which a separate and comprehensive administrative process is available that provides a remedy no less complete than that provided in arbitration are not within the scope of this procedure. Examples of such comprehensive processes are: discrimination complaints covered by EEOC or DFEH, safety complaints under Cal OSHA and OSHA, workers' compensation matters, and Civil Service appeals. The arbitrator will have no power to add to, subtract from, or modify the terms of this Agreement, the City Charter or Ordinances, or the written policies, rules, regulations or procedures of the City. The arbitrator however, may, in the course of determining the questions properly submitted to him/her, consider arguments and evidence based on external law.

Submission Agreement/Questions Regarding Arbitrability

If the parties cannot agree upon a submission agreement, the arbitrator shall determine the issues by referring to the written grievance and the answers thereto at each step. If any question arises as to the arbitrability of the grievance, such question shall be ruled upon by the arbitrator prior to hearing the merits of the grievance.

Hearing Procedure

Except as indicated in this Article, the arbitration hearing shall be conducted in accordance with the Labor Arbitration Rules of the American Arbitration Association.

Decision

After a hearing and an opportunity to present such closing arguments as may be appropriate, the arbitrator will make a reasonable effort to issue his/her decision within thirty (30) days after the conclusion of the hearing. The arbitrator's decision shall be in writing and set forth his/her findings of fact, reasoning and conclusions on the issues submitted. The decision shall be final and binding on the

parties.

Costs

All costs for the services of the arbitrator, including, but not limited to, per diem expenses, travel and subsistence shall be shared equally by the parties. Any cost incurred to obtain the use of a hearing room shall be shared by the parties. All other costs shall be borne by the party incurring them.

d. 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.

e. 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) working days.

An employee may appeal the response of the Assistant City Administrator. The employee's appeal shall be handled in accordance with the procedures beginning in step three above.

f. 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 Union prior to adopting or amending such policy.

g. 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.

18. HEALTH AND SAFETY

a. The City and the Union 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 Union 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 can not 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 Union 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 Union 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 Union 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 stewards 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.

19. HEALTH INSURANCES (MEDICAL, DENTAL, VISION)

a. **Medical Insurance-** The City agrees to provide an annual open enrollment to employees for medical insurance. The parties agree that the City will pay up to a maximum per employee per month as follows:

<u>Effective Date</u>	<u>Maximum Per Month Per Employee</u>
July 1, 2012	\$990.01

It is agreed that should the amount of subject premium be less than the medical insurance limits described above, the difference between the employee-only premium and said dollar amount shall be applied to employee dependent medical coverage, if any.

The City retains full and complete control over the selection, approval and administration of the City's group insurance program. However, group insurance benefits in effect at the commencement of this agreement shall be maintained to the extent it is within the control of the City.

The City agrees to provide all premium cost projections including the annual actuarial reports or rate increase notifications to the Union as soon as reasonably practical following receipt of said projections.

b. **Dental Insurance-** The parties agree that the City shall pay up to a maximum per month per employee towards the dental insurance premium as follows.

<u>Effective Date</u>	<u>Maximum Per Month Per Employee</u>
July 1, 2012	\$82.66

The City retains complete and full control over the administration of this dental program subject to maintenance of benefits equivalent to those provided for the term of this agreement, to the extent it is within the control of the City.

The City will continue to provide a Dental HMO option (currently Golden West).

d. **Vision Insurance-** The City agrees to provide an annual open enrollment to employees for vision insurance. The City shall pay up to a maximum per month per employee towards the vision insurance premium as follows:

<u>Effective Date</u>	<u>Maximum Per Month Per Employee</u>
July 1, 2012	\$10.21

Employees who drop vision insurance shall not be able to re-enroll within two years of dropping coverage.

20. HOLIDAYS

a. The City and the Union 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)
3rd Monday in February	(Washington's Birthday)
March 31 st	(Cesar Chavez Day)
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 thirty (30) calendar days or shall be compensated at straight pay after the 30th day.

d. When an employee is required to work on a day that is being observed as a legal holiday, the employee shall receive time and one half for the hours worked on that day. The employee will also be entitled to an additional day off. Such day off shall be taken within thirty (30) calendar days or shall be compensated at straight pay after the 30th day.

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. The City will solicit volunteers within a work unit to work on Thanksgiving and Christmas. If an insufficient number of volunteers are available, then the supervisor shall make every reasonable effort to rotate assignments on Thanksgiving and Christmas. City shall maintain minimal staffing on workday afternoon prior to New Year and Christmas holidays so that as many employees as possible may enjoy personal leave, vacation, or CTO at those times.

g. The City may implement a holiday closure for some or all operations during the period around the Christmas and New Year's holidays with employees using paid leave, unpaid time, or working, consistent with the plan included as Appendix G.

21. IMPLEMENTATION OF MOU

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

22. JOB ANNOUNCEMENT, TRANSFERS AND RULE OF 10

a. The City agrees to supply job announcements for posting on employee bulletin boards in all departments but City assumes no responsibility for notices once delivered. City shall also provide Union an interoffice mail slot in City Hall and shall place twenty-five (25) copies of all job announcements in said slot when distributing job announcements to City departments.

b. The City agrees to continue its policy of maintaining consistent oral examination boards to the maximum extent possible. It is agreed that employees may contact the Human Resources Office to request inter-departmental or inter-divisional transfers, and are to contact Department or Division Heads for intra-departmental or intra-divisional transfers. Intra-departmental or divisional transfer opportunities will be made known to employees in those organizations prior to transfer action.

c. City shall provide a minimum application filing period of five (5) days for all open vacant positions and ten (10) days for all promotional vacant positions in the classified service within the general employees' bargaining unit for which an eligibility list must be established.

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

23. JURY/WITNESS DUTY

In the event that an employee of the City is required by a court of competent jurisdiction to perform jury duty, and that requirement causes the employee to be away from his/her regularly assigned work schedule, said jury duty shall be considered leave with pay without interruption of service on the condition that the employee pay to the City Treasurer all compensation he/she receives for the jury duty.

Pursuant to Government Code §1230.1, whenever an employee is served with a subpoena which compels his/her presence as a witness, unless he/she is a party or an expert witness, such employee shall be granted a leave of absence with pay in the amount of the difference between the employee's regular earnings and any amount he/she receives for such appearance.

24. LAYOFF POLICY

a. **Basis of Layoff:** Whenever a position is abolished pursuant to section 1008 of the City Charter an employee will be laid off as set forth below.

b. **Notification to the Union:** Whenever the City Administrator submits a budget to the City Council requiring layoff of employees in the General unit, the City Administrator shall provide the Union with a list of the classifications(s), department(s), and division(s) from which the layoff will be made, and a seniority list of those affected.

c. **Notification to Employee:** Employees to be laid off shall be given at least thirty (30) calendar days prior notice.

d. **Order of Layoff:** Employees will be laid off by classification, department and division in the following order:

1. Probationary employees;
2. Regular employees who within the twenty-six pay periods immediately prior to the layoff received a cumulative performance evaluation score of less than 3.0. under the former evaluation form, or an overall score of "needs improvement" under the new 2009 evaluation form.
3. Regular employees by inverse order of seniority. Seniority is determined by continuous service in the classification.
4. If employees have the same seniority within the classification, selection shall be made at random.

All branches and extensions of the Library are considered in the same division as the Central Library.

e. Bumping (Displacement) Rights: Regular employees who are laid off have the right to return to the last position they previously held under the following conditions:

1. They meet the positions' minimum qualifications
2. They are physically able to perform the duties of the position
3. The position has continued to exist

If an employee bumps down into the last position held, the employee will bump the employee with the least seniority in the classification.

f. Transfer or Voluntary Demotion: If an employee to be laid off meets the minimum qualifications for a vacant position, before an open competitive recruitment can be commenced, the employee will be given an opportunity to fill the vacant position through transfer or voluntary demotion.

If an employee does not meet the minimum qualifications for the vacant position the City will consider appointment to the vacant position as a trainee level appointment. Trainee-level employees appointed under this section will be paid at 100% of Step 1, rather than 80%.

Final appointment through transfer or demotion is at the sole discretion of the Department head.

g. Separation Enhancement Plan: The City may offer a separation enhancement to avoid layoffs.

25. LEAVES OF ABSENCE AND BENEFITS DURING SUCH LEAVES

a. It is agreed that general employees as defined in this agreement 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 unpaid 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 for the longer of the first 90 days of such medical leaves of absences, 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 leaves of absence:

1. the employee's seniority in City service.
2. the employee's job performance record.
3. the employee's disciplinary action record.
4. the 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 unauthorized or authorized leave without pay. Except as provided under subsection "c" above, an employee on leave without pay shall also be responsible for full payment (employer and employee portion) of insurance premiums.

f. No sick leave, vacation, or holiday shall be paid to any employee during any period of unauthorized leave 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) working 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". A layoff resulting in a bumping right to another position shall not constitute a break in service.

h. City acknowledges that the use of legally protected leaves of absence, including but not limited to protected family medical leave, shall not form the basis of disciplinary action. Therefore, the City acknowledges that a low sick leave balance alone does not necessarily indicate an attendance problem, and sick leave usage must be evaluated individually in assessing performance.

26. LIFE INSURANCE

The City will provide a term life insurance policy covering the employee in the amount of \$50,000 with equal accidental death and dismemberment provision.

27. LONG-TERM DISABILITY

The City will provide a long-term disability insurance plan by enrolling Unit members in the City's current long-term disability plan.

28. MAINTENANCE OF BENEFITS

The City and the Union agree that all compensation, including 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, resolution, or by City Charter, as may be amended, shall also continue for the duration of this agreement.

The City and the Union 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.

29. MECHANICS' TOOLS

The City will provide an annual tool allowance of \$750 to regular, full-time incumbents of Vehicle Services Assistant, Automotive/Equipment Technician, Lead Equipment Technician and Heavy Equipment Technician position classes in the Motor Pool and the Golf Course.

Payment shall be made in January of each year. The City shall honor employee claims in cases of theft or destruction of an entire tool box containing tools required by the City for the job and not involving negligence on the part of the employee.

When an employee is hired s/he will be given the full annual tool allowance amount as provided for in this M.O.U.

At the next payment date, the employee will receive a prorated allowance amount. The amount will be based on a percentage of the year the incumbent is employed from hire date to tool allowance payment date. The calculated percentage will be applied to the full payment amount to determine the allowance. In subsequent years the full payment amount will be paid on the regular payment dates.

Example: Employee hired 06/01/05- regular payment date 01/01/06.

- Paid at hire - Full payment amount
- Paid at next regular payment date - 58.3% (based on 7 months)
- Paid subsequent years - Full payment amount

Calculation of prorated payment allowance:

$$\frac{\text{Number of months in position}}{12 \text{ months}} \times \text{Current allowance} = \text{Prorated \$}$$

30. MUNICIPAL CODE CHANGES

During the term of the Agreement the City and the Union 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. The negotiations will be held jointly with the Treatment and Patrol bargaining units. The representatives for the Union shall be limited to S.E.I.U staff and one bargaining unit member from the General bargaining unit and one member for the Treatment and Patrol bargaining units. The negotiations will be interest based.

31. NO STRIKE OR LOCKOUT

The City and the Union agree that during the term of this agreement the City will not lock-out employees; nor will the Union sanction, support, condone, approve, or engage in any strike, sick-in, slow-down, or work stoppage which is detrimental to providing services to the citizens of Santa Barbara.

32. ONE-TIME PAYMENT

The City will provide a one-time lump sum payment of three hundred eighty three dollars and forty-four cents (\$383.44) for each employee in the bargaining unit effective the first full pay period following ratification of this Agreement. The parties agree that this payment will not be considered or reported as special compensation for purposes of retirement contributions.

33. OVERTIME

a. The City and the Union 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. This shall include overtime work done from home.

c. If an employee is called physically back to the workplace on an overtime basis, such employee shall be compensated for no less than two (2) hours overtime. If an employee is called back to the workplace on an emergency basis, if conditions permit, City shall provide said employee with nourishment and a rest period of appropriate duration. When an employee is called back to the workplace on an emergency after the completion of the employee's regular shift, he/she will be provided paid leave time (without deductions from leave banks) to allow five (5) hours off-duty without loss of pay before reporting for their next regularly scheduled shift.

d. Overtime worked shall be compensated as follows:

1. Cash Payment - Time and one-half the regular rate of pay.
2. CTO Credit - Time and one-half the overtime hours worked for non-exempt employees; straight time for overtime hours worked for exempt employees.

e. 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.

f. Except for overtime worked by exempt employees who are compensated with CTO credit, work performed for the purpose of computing overtime shall include all paid leave time actually taken as time off. It will not include holiday or other paid leave time "cashed out" but not taken.

g. Regular part-time employees shall not receive overtime at the overtime rate for time worked until their total number of hours worked exceeds forty (40) hours in a week. Under the forty (40) hour limit, regular, part-time employees are credited at straight time pay or compensatory time for hours worked beyond their normal schedule.

h. The following provisions apply to the accrual and use of CTO:

1. Minimum Allowed Accrual: An employee who requests CTO will not be denied the accrual of CTO in lieu of a cash overtime payment if his or her CTO balance will remain below 50 hours.
2. Compensatory Time Bank: Overtime not cashed out shall be maintained in a CTO "Bank". An employee may accrue up to a maximum of 100 CTO hours in his/her bank. The employee may maintain this bank unless the employee terminates or agrees to cash out a portion or all the hours in the bank.
3. City Directed CTO Cash Out: The City retains the right to cash out CTO hours, other than the 100 hour bank described above, at the overtime rate.
4. City Directed Use of CTO as Time Off: The City has the right to require employees to take compensatory time off but shall provide a minimum of twenty-one (21) calendar days advance notice in such cases. Management shall not compel an employee to take CTO hours as time off if the employee's CTO bank is less than 50 hours.

i. 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.

34. PAYROLL

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

b. City agrees to explain all payroll stub information to employee upon request of said employee.

c. City agrees to provide the Union with up to three (3) deduction codes.

d. The parties agree that the City will continue deducting monies from payroll and remit same to Union as authorized by employee payroll deduction authorizations in accordance with present policy. However, when an employee switches from the General bargaining unit to a unit not represented by S.E.I.U. Local 620, S.E.I.U. dues will no longer be deducted, unless and until the union submits another signed authorization form. Any changes in dues deductions shall be subject to indemnification of the City by the Union.

e. The City shall provide to the Union, on a bi-weekly basis, a new hire and termination list of bargaining unit employees with their name, job classification title and department. The cost of programming said report shall be paid for by the Union.

- f. All employees shall participate in the City's payroll direct deposit program.
1. Each existing employee who was not previously enrolled in direct deposit will submit an authorization form to the Payroll Office within sixty days of ratification of this Agreement. All newly hired employees will be subject to this provision upon hire.
 2. 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.
 3. 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.
 4. 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.
 5. 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.

35. PERSONAL LEAVE

- a. Employees shall be entitled to four (4) days personal leave each fiscal year per the following schedule:

Employees on the payroll July 1:	4 days
Employees hired between July 2 and October 1 (inclusive):	3 days
Employees hired between October 2 and January 1 (inclusive):	2 days
Employees hired between January 2 and April 1 (inclusive)	1 day

- b. Personal leave days must be taken by the end of each fiscal year or lost. 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.

36. PERSONAL PROPERTY DAMAGE REIMBURSEMENT

Any employee who experiences a loss or damage to personal property may submit a claim to his/her immediate supervisor for consideration of reimbursement. The claim shall be submitted within fifteen (15) days after the loss or damage is sustained. The claim shall contain the following information: type of item, date of purchase, replacement cost, condition, description of damage, circumstances, etc. If the personal property is stolen, a report shall be filed with the Police Department.

The following conditions must apply for the claim to be considered:

- a. The loss must be in the line of duty.
- b. There must not be contributory negligence or carelessness on the part of the employee.
- c. There must not be other means of recovery such as, but not limited to, court action or insurance.

- d. The personal property for which the claim is made must be owned by the employee involved. Exceptions to the above may be referred to the Department Director for approval.
- e. \$200 limit per item claimed unless personal property item has written pre-approval by the Department Head.

The supervisor shall conduct an inquiry into the validity of the claim and forward it to the Division Manager with his/her recommendation. The Division Manager shall review the claim and forward his/her recommendation to the Department Director. The Department Director will approve or deny the claim. Claims meeting the above criteria shall not be unreasonably denied.

Reimbursement will be calculated from the following schedule:

<u>Age of Item</u>	<u>% Reimbursed</u>
0 to 6 months	100%
6 to 12 months	80%
12 to 18 months	50%
18 to 24 months	25%
24 months & over	0%

If the claim is approved, payment will be forwarded to the initiating employee.

37. 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.

All original and promotional appointments to the classified service shall be tentative and subject to a probationary period of one (1) year of actual service. If the service of the probationary employee has been satisfactory to the appointing power, then the appointing power shall file with the Human Resources Manager, a statement in writing to such effect. During the probationary period, an employee may be rejected at any time by the appointing power without cause and without right of appeal. Notification of rejection in writing shall be served on the probationer and a copy filed with the Human Resources Manager.

38. 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.

39. RECOGNITION

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

b. The terms "general employee(s)" or "employee(s)" as used herein shall refer only to full-time or unclassified part-time employees serving in non-confidential classifications who occupy positions authorized and designated as "GENERAL" by the City Council in the City's official City's official classification and salary schedules.

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

c. Employees designated management, confidential, and supervisorial shall be designated as such in the in the City's official classification and salary schedules and shall be excluded from "general employee" bargaining unit regardless of classification. City may designate additional management, confidential, or supervisorial employees after first notifying and consulting with Union.

40. REPRESENTATION - UNION OFFICERS AND REPRESENTATIVES

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

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

c. The City agrees that authorized Union staff representatives shall be given access to work locations during working hours to observe working conditions. Such visits are to be made with the prior knowledge of the Department Head and a management representative may accompany the Union staff member on the visit. A staff representative is defined as a paid full-time or part-time employee of the Union.

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

41. RETIREE MEDICAL INSURANCE CONTRIBUTION

a. This provision is applicable to employees who retire from City service on or after October 1, 1994, and

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

b. For employees who retire on or after October 1, 2008, the City shall contribute \$8.75 per month, per year of service up to a maximum of 35 years (i.e., \$306.25/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. For employees who retire on or after the date this agreement is adopted by City Council, the City shall increase the contribution as follows:

<u>Retiring On or After</u>	<u>Dollar/Month/Yr of Service</u>	<u>Maximum (35 Years)</u>
October 11, 2008	\$9.19	\$321.65
October 10, 2009	\$9.65	\$337.75

c. The retiree is not limited to 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 age 65. Thereafter, the spouse may remain on the insurance plan, at his/her own cost, subject to the conditions set forth by the insurance company.

e. In the event Health Care legislation is passed which affects the nature of the benefit described above, the parties will reopen negotiations and modify this benefit, if necessary, so as to maintain their

original intent (e.g., eligibility, scope, cost).

f. 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.

42. RETIREMENT

a. The City will provide 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.

b. The City will contribute toward the PERS normal employee's contribution as detailed in section "c", below, and these contributions 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).

c. 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:

1. 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.
2. 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%];
3. 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:
 - i. 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%];
 - ii. 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.]

- d. The following contract provisions shall apply:
1. The City will provide One-Year Final Compensation under PERS, pursuant to Government Code 20042.
 2. The PERS contract shall provide for Military Service Credit as Public Service under Section 21024 and for Public Service Credit for Excluded or Limited Prior Service under Section 21031.
 3. The PERS 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.
 4. The City will provide the Fourth (4th) Level of 1959 Survivor Benefits, pursuant to Government Code Section 21574.
- e. The City is authorized to amend its contract with PERS immediately, in order to be able to implement the incentives listed below:

Upon the 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.

43. RETIREMENT RE-OPENER

Upon 30 days written notice from the City to the Union, 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.

Unless the parties agree differently, the effective date that a second tier retirement plan is applicable to newly hired Miscellaneous employees shall not be sooner than the effective date that a second tier retirement plan is applicable to newly hired Police Safety and Fire Safety employees. However, the terms of the second tier retirement plan that is applicable to newly hired Police Safety and Fire Safety employees need not be the same as the second tier retirement plan applicable to Miscellaneous employee.

44. 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.

45. SAFETY EQUIPMENT

a. The City and the Union 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.

b. 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 in October for the provision of said shoes upon the presentation of valid claims in keeping with City established procedures in amounts not to exceed the following:

<u>Period</u>	<u>Amount</u>
October 1, 2011-September 30, 2012	\$230
October 1, 2012-September 30, 2013	\$230

If the employee desires, he/she may combine two years allowance for the purchase of shoes. The allowance is for the purchase of shoes only.

The Union and City agree that failure of an employee to wear proper and operational safety shoes may be grounds for disciplinary action.

c. 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.

46. SALARIES & COMPENSATION ANALYSIS/SALARY SURVEY

a. Base salary ranges will remain unchanged during the term of this agreement. However, the parties acknowledge that market competitiveness is important to recruitment and retention of a quality workforce. The City and the Union agree to meet on a monthly basis beginning in October 2012 to update the 2008 total compensation survey during the term of the agreement for reference during negotiations for a successor agreement. The City and the Union agree to make every effort to have the results finalized prior to June 1, 2013. This may be waived by agreement between the parties.

b. Achieving the second salary step, or "B" step, and subsequent steps shall require, in addition to satisfactory performance, a period of one year of actual service. Regular part-time employees are eligible for step raises under the same terms and conditions as apply to regular, full-time employees except that the period of employment required to move a step is the number of hours worked equivalent to one (1) year of full-time employment, or 2080 hours.

c. 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 salary schedules. The City shall make every effort to provide a minimum five percent (5%) separation in salary between classifications within a series and classifications within recognized career ladders as determined by the City. The City shall provide the Union with a chart of career ladders, and the City shall update said list.

d. 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 end of the probationary period shall coincide with the anniversary date.

e. Development of Salary Data. The City agrees to conduct a total compensation survey in collaboration with the union during the term of the agreement and make every effort to have the results finalized prior to the expiration of the agreement, for reference during negotiations for a successor agreement.

47. SERVICE CREDIT FOR SICK LEAVE UPON RETIREMENT

At the time of retirement, the City shall purchase an annuity for the retiring employee that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave under Government Code 20862.8.

The following conditions apply to this benefit:

1. In order to qualify for service credit for sick leave upon retirement, the retiring employee must have at least 500 sick leave hours;
2. The conversion rate of 0.004 years (1 day) of service credit for each day of sick leave is utilized;
3. The retiring employee may take the cash purchase value of the annuity in lieu of the monthly annuity; and
4. If the City amends its PERS Miscellaneous contract to include service credit for sick leave upon retirement, employees will be included in that PERS contract amendment and the annuity program will be discontinued.

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. SHIFT DIFFERENTIAL

a. The City and the Union agree that regular, full-time employees on a shift of eight (8) or more hours shall receive:

1. Swing shift differential pay when 50% or more of the hours of the assigned shift hours, including lunch and excluding overtime, fall between 5:00 p.m. and midnight; or
2. Graveyard shift differential pay when 50% or more of the hours of the assigned shift hours, including lunch and excluding overtime, fall between midnight and 8:00 a.m.

b. Overtime as Continuation of Assigned Shift. Shift differential for overtime which is a continuation (without break) of the assigned shift is paid based upon the eligibility of the assigned shift. See Examples 1, 2, 3 and 4 in Appendix A entitled Shift Differential Examples.

c. Back-to-Back Shifts. Shift differential for overtime which are two (2) entirely distinct assigned shifts are paid based upon the separate eligibility of each shift. See Examples 5 and 6 in Appendix A entitled Shift Differential Examples.

d. Call Backs.

1. Shift differential is not paid for call back overtime of less than eight (8) hours. See Example 7 in Appendix A entitled Shift Differential Examples.
2. Shift differential is paid for call back overtime of eight (8) hours or more when 50% or more of the hours fall between 5:00 p.m. and midnight or midnight and 8:00 a.m. See Example 8 in Appendix A entitled Shift Differential Examples.

e. Shift differential amounts shall be as follows:

<u>Effective Date</u>	<u>Swing Shift</u>	<u>Graveyard Shift</u>
October 11, 2008	\$1.25	\$2.75
October 10, 2009	\$1.35	\$2.90

50. SICK LEAVE

a. The City and the Union 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 a maximum accumulation of two thousand and eighty (2,080) hours. Said sick leave accrual shall begin effective the first day of employment.

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

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

d. 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, registered domestic partner, 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.

51. STANDBY PAY

The City and the Union agree that effective during this agreement, when an employee is officially designated by management to remain available to return physically to the workplace, at any time during specific hours outside of normal working hours, the employee shall receive two hours of straight-time pay for each eight hours or fraction thereof on standby. For periods of standby that are 24 consecutive hours or more, the employees shall receive 1/4 hour of straight time pay for each hour on standby. To the extent feasible, the parties agree that standby shall be assigned on an equitable basis to all eligible employees.

The City and the Union 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.

52. STATE DISABILITY INSURANCE (SDI) AND STATE PAID FAMILY LEAVE INSURANCE (PFL)

a. All employees must participate in the State Disability Insurance (SDI) and State Paid Family Leave (PFL) programs. The employee shall pay all costs associated with these programs.

b. Employees may apply for SDI or PFL benefits with the State of California Economic Development Department (EDD). To be eligible for benefits, the employee must meet all applicable State requirements. Depending on eligibility, an employee may receive:

1. Up to 52 weeks of wage replacement benefits for the employee's own disability, and/or
2. Up to 6 weeks of wage replacement benefits for providing required care for the serious health condition of a child, parent, spouse or domestic partner or for bonding with a new child.

c. Employees who receive SDI or PFL benefits must integrate available SDI and PFL benefits with available paid sick leave, personal leave and compensatory time. Documentation of the SDI/PFL benefits received must be provided to the Payroll Office for this purpose.

d. Employees on a medical or family medical leave of absence who are eligible to use their leave accruals during the leave of absence must exhaust available leave balances before using unpaid leave. Employees must use available sick/family sick leave balances, and then compensatory time off and personal leave balances, before using vacation balances.

e. Employees who coordinate SDI/PFL paid leave benefits with City payroll benefits will receive City retirement contributions, time off accruals, and other non-insurance benefits based on the City-paid portion of wage replacement only. For non-insurance benefits purposes, the SDI/PFL portion of wage replacement will be treated as unpaid leave.

f. Employees coordinating SDI/PFL benefits with City payroll benefits shall be eligible for continuation of City-paid insurance contributions under Article 25 (c) of this Agreement (Leave Of Absence) only up to the date they would have received such benefits had they not coordinated SDI/PFL benefits.

53. TERM OF AGREEMENT AND RENEWAL

The City and the Union agree that the term of this agreement shall be fifteen (15) months commencing July 1, 2012 and ending at midnight on September 30, 2013. It is further agreed that the term of this agreement may be extended by mutual agreement.

The City and the Union also agree that meeting and conferring over the renewal or continuation of this agreement shall be initiated at the request of either party after June 1, 2013 but not later than July 15, 2013 and that every effort will be made to reach an agreement prior to the expiration of this agreement on September 30, 2013. A request to meet and confer shall be filed in writing and meeting and conferring shall commence within ten (10) days of receipt of said request.

54. TRAINING

a. The parties recognize that training programs and the advancement of employees to positions of higher skills are matters of great importance and interest to the City, the Union, 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 suppression equipment and that a fire evacuation plan will be developed by each department for each major City facility and posted.

b. Direct costs for all training or instruction required by the City shall be paid for by the City. Wage compensation for employees shall be determined as follows:

Non-Exempt Employees

The Fair Labor Standards Act (FLSA) provides that time spent by non-exempt employees in training is compensable unless all of the following conditions are met:

1. Attendance is outside of the employee's regular working hours;
2. Attendance is in fact voluntary;
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during such attendance.

Attendance is not voluntary if it is required by the City. It is not voluntary in fact if the employee is given to understand or led to believe that his/her present working conditions or the continuance of his/her employment would be adversely affected by nonattendance.

The training is directly related to the employee's job if it is designed to make the employee handle his/her job more effectively as distinguished from training him/her for another job, or to a new or additional skill.

If the training is considered compensable and travel time is associated with the employee's attendance, the following must be considered:

➤ **Travel During Regular Working Hours.** If the travel time related to attending required training occurs during normal working hours, then the time is considered to be compensable.

➤ **Special One-Day, Out-of-Town Travel.** Travel time associated with special one-day, out-of-town training is required to be paid for irrespective of the mode of transportation utilized or whether the employee drives or is a passenger. Time that can be excluded from payment is normal home-to-work travel time and time spent eating while traveling.

➤ **Overnight Travel.** If an employee travels overnight on business (for more than one day), the employee must be paid for time spent in traveling (except for meal periods) during his/her normal working hours on non-working days, such as Saturday, as well as on his/her regular working days. Travel time as a passenger on an airplane, train, boat, bus, or automobile outside of regular working hours is not considered work time, provided however, that any work which an employee is required to perform while traveling shall be considered as hours worked.

If an employee is offered public transportation but requests permission to drive his/her car instead, the City shall count as hours worked, the time spent driving the car or the time the employee would have had to count as hours worked during working hours if the employee had used the public transportation, whichever is less.

Exempt Employees

In the case of an exempt employee, the MOU language (other than the FLSA requirements applicable to non-exempt employees) determines whether training or related travel time is compensable. Exempt employees will only be paid for time spent in required training and travel during normal work hours. Travel outside of regular work hours is excluded.

c. Employees will be eligible to participate in the City-wide Educational Reimbursement Program. The union waives any requirement for the City to meet and confer on enhancements to this policy to increase the maximum reimbursement (\$1000) or expand reimbursement eligibility. However, the City will notify the union of any such change.

The program is currently unfunded, however upon the request of the Union, the City and the Union will meet informally (not meet and confer) prior to the City's Fiscal Year 2013 mid-year budget review to discuss options for funding the Education Reimbursement Program.

55. TRANSPORTATION DEMAND MANAGEMENT

Bargaining unit members shall be eligible to participate in and shall receive any benefits provided by any established Citywide Alternative Transportation Program.

Effective January 1, 2013 Waterfront Department employees will be eligible to purchase an unlimited annual waterfront parking pass at the same rate as harbor slip holders or a limited annual pass at twenty dollars (\$20) less than the rate for the unlimited pass (prorated for partial years). In no case shall an employee use such limited pass to park in Waterfront lots outside of the employee's working hours. The

Waterfront Director may also limit which parking lots and/or spaces employees may use with the limited pass. Waterfront employees who carpool (defined as 2 or more employees commuting to work together in a single vehicle) will be eligible for free carpool vehicle parking in designated spaces during working hours under terms similar to those offered to other City employees.

56. UNAUTHORIZED LEAVE

An employee's absence shall be unauthorized if such employee does not report absence to supervisor designated by Department Head within one-half (1/2) hour before or one-half (1/2) hour after his/her regular starting time, except in cases of emergency in which case the employee shall provide notification as soon as possible.

57. UNIFORM MAINTENANCE ALLOWANCE

The City and the Union agree that employees required by the City to wear field uniforms shall have the full cost of the uniform maintenance service 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.

58. UNION BUSINESS ATTENDANCE

It is agreed that not more than four (4) Union designated officers or stewards will be permitted up to thirty two (32) hours of leave per person each fiscal year with pay for Union related business defined as follows: conferences, meetings, training and other union activities outside the workplace. Release time will be subject to approval of the Department Head and prior notification to the Human Resources Manager.

If fewer than 4 designated officers or stewards used release time in the prior fiscal year, the number of officers or stewards that did not use any release time in the prior fiscal year may be added to the number of designated officers or stewards eligible for up to 32 hours of release time in the following fiscal year, up to a maximum of 4 additional eligible officers or stewards in any fiscal year.

Stewards will log all union business attendance hours on their timesheets using the assigned pay code or project code for this purpose.

59. UNION NOTICE- EMPLOYEE ORIENTATION & INTERDEPARTMENTAL TEAMS

a. The City will provide the union a list of attendees in the bargaining unit at a group New Employee Orientation meeting not less than two weeks prior to the orientation along with the date, location, and time for the union's presentation. The City will provide a Union representative an opportunity during the orientation to provide information to bargaining unit members regarding the benefits and obligations of union membership. Such presentation shall not exceed 15 minutes in duration. Management may witness the union's presentation.

b. The City will provide the union with advanced written notice of Interdepartmental Team Opportunities offered through its Succession Program that are offered to bargaining unit members, along with the anticipated scope of work. The union will notify the City if the union believes that the anticipated scope of work may involve issues within the scope of collective bargaining and lodge a written demand to bargain on such issues. Bargaining unit member participation on an Interdepartmental Team will not constitute collective bargaining nor satisfy any duty for the City to collectively bargain with the union.

60. UNION SECURITY (AGENCY SHOP & MAINTENANCE OF MEMBERSHIP)

a. Election – This Agency Shop provision went into effect following certification of the election results by the State Mediation and Conciliation Service on October 3, 1995.

b. Definition - Agency Shop as used in this Article means an organizational security agreement as defined in Government Code Section 3502.5 and applicable law.

c. Agency Fee - Each employee in the Unit shall be required to choose to: a) become a member in good standing of the Union; or b) satisfy the agency fee financial obligations set forth below, unless he/she qualifies for the religious exemption set forth below. New employees must make the required choice within 30 days of employment in the Unit.

Unless the employee has a) voluntarily submitted to the City an effective dues deduction request; b) notified the Union of his/her intent to pay an agency fee (full fee or reduced because objections filed), as evidenced by written notice of same from the Union to the City; or, c) qualified for exemption upon religious grounds as provided below, the City, upon notice from the Union of the employee's failure to make a timely choice, shall process a mandatory agency fee payroll deduction in the appropriate amount and forward that amount to the Union.

The amount of the fee to be charged shall be determined by the Union subject to applicable law; and shall therefore be an amount not to exceed the normal periodic membership dues and general assessments applicable to Union members.

As to non-members objecting to the Union spending their agency fee on matters unrelated to collective bargaining and contract administration, the amount of the agency shop fee shall not reflect expenditures which the courts have determined to be non-chargeable, including political contributions to candidates and parties, members-only benefits, charitable contributions and ideological expenditures and, to the extent prohibited by law, shall not reflect expenditures for certain aspects of lobbying, ballot measures, publications, organizing and litigation.

d. Conformance With Law - The Union represents that the collection, administration and use of agency fee funds shall be in conformance with the law. In addition, the Union shall comply with applicable law regarding disclosure of its expenses, notice to employees of their right to object, provision for agency shop fee payers to challenge the Union's determinations of amounts chargeable to objecting non-members, and appropriate escrow provisions to hold contested amounts while the challenges are underway.

The Union shall make available, at its expense, an expeditious administrative appeals procedure to Unit employees who object to the payment of any portion of the representation service fee. Such procedure shall provide for a prompt decision to be made by an impartial decision-maker jointly selected by the Union and the objecting employee(s). A copy of such procedure shall be made available upon request by the Union to non-Union employees and the City.

The foregoing description of permissible agency shop fee charges and related procedures is included here for informational purposes and is not intended to change applicable law. The City will promptly remit to the Union all monies deducted, accompanied by a list of employees for whom such deductions have been made.

e. Employee Notification - Each non-member who is required to pay an agency fee shall annually receive written notification from the Union of the amount of the deduction and the procedure which he/she must follow to receive a rebate for non-representation activities during the year and the procedure for appealing all or any part of the agency fee. The City shall be sent a copy of this yearly notice.

Upon request by the Union, the City shall provide the appropriate employee mailing list.

The City will make a reasonable effort to distribute to each new employee in the Unit, a letter supplied by the Union which describes the Agency fee obligation.

f. Religious Exemption

1. Any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or supporting employee organizations shall not be required to meet the above agency fee obligations, but shall pay by means of mandatory payroll deduction an amount equal to the agency shop fee (proportionate share of the Union's cost of legally authorized representational services), to a non-religious, non-labor charitable organization exempt from taxation under Section 501 (C) (3) of the Internal Revenue Code, as designated by the employee from a list provided by the City Finance Department.

2. To qualify for the religious exemption the employee must provide to the Union, with a copy to the City, a written statement of objection, along with verifiable evidence of membership as described above. The City will implement the change in status within thirty (30) days unless notified by the Union that the religious exemption is not valid.

g. Provision of Information - The Union shall furnish any information needed by the City to fulfill the provisions of this Article.

h. Dues/Fee Deductions - Any of the above described payment obligations shall be processed by the City in the usual and customary manner and time frames.

i. Leave Without Pay - Employees on an unpaid leave of absence for an entire pay period or more shall have agency shop fees suspended. Fee deductions shall have the same priority as dues deductions in the current hierarchy for partially compensated pay periods.

j. Rescission of Agency Shop - The Agency Shop provision may be rescinded pursuant to the procedures contained in Government Code Section 3502.5(d).

k. Union's Right to Implementation Election - The Union shall have the right pursuant to state law to implementation elections during the term of this agreement if the agency shop provision is rescinded under the terms of Section J above. If the Union requests an implementation election, the election will be conducted by the California State Mediation and Conciliation Service.

l. Indemnification/Hold Harmless Clause - The Union agrees to fully indemnify, defend and hold harmless the City and its officers, employees and agents against any and all claims, proceedings, settlements and/or liability regarding the legality of this Article or any action taken or not taken by or on behalf of the City under this Section.

m. Maintenance of Membership - All regular unit employees who are members of the union in good standing shall maintain their membership in the Union in good standing, subject however, to the right to resign from membership by submitting a written request to the union during the month of August annually.

Resignation requests submitted to the City shall be referred to the union. When resignation requests are received outside the window period the Union will promptly provide such members a letter explaining the maintenance of membership provision, along with a copy of this section of the MOU.

Union members who drop their union membership but are subject to Agency Shop fee provisions shall still be required to comply with their financial obligations under the Agency Shop provisions. Fee payers may change their status from full fee payer to "core" fee payer by submitting a written request to the union during the month of August annually.

61. UNION STEWARDS

The City agrees that the Union may designate Stewards to represent employees in the processing of grievances. The Union shall furnish the City with a list identifying by name and work location all regular and alternate Stewards. Said list shall be kept current by the Union at all times.

62. USE OF COMPUTER RESOURCES

Employees' rights and obligations regarding use of the City's computers and computing resources are governed generally by the City's computer use policies. The Union and the City agree that occasional and incidental employee use of City computing resources for union business is allowable within the same parameters applied to other acceptable non-commercial personal use under those policies.

The parties agree that such use shall not interfere with the performance of work duties or the effective delivery of services, and shall not result in any significant cost to the City or compromise the security of City systems. The parties further agree that City computer resources, including the e-mail system, will not be used by the union or City employees to support or oppose a political campaign or ballot measure.

The union acknowledges that employees have no expectation of privacy in the use of City computer resources, including but not limited to e-mail and text messaging, even if they are locked or password-protected.

63. VACATION POLICY

a. All employees shall begin accruing vacation effective the first day of employment. 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	10 days per year (80 hours)
3 - 5 years	13 days per year (104 hours)
6 - 10 years	18 days per year (144 hours)
11 - 17 years	23 days per year (184 hours)
18 - 23 years	25 days per year (200 hours)
24 & over years	28 days per year (224 hours)

b. Vacation periods shall be scheduled by management to provide adequate staffing. Employees may request the use of vacation at any time. Such scheduling may be available throughout the calendar year subject to departmental operational necessity and the needs of the City, and such scheduling shall take into account employee seniority and choice. Requests for vacation time off shall not be denied for arbitrary or capricious reasons.

c. No employee may accrue a vacation balance in excess of thirty-two days (256 hours) unless approved by the City Administrator based upon extenuating circumstances. A request for a waiver of the maximum vacation balance must be made to the City Administrator in writing, with a copy to the employee's Department Head.

c. If an employee takes a minimum of eighty (80) hours of vacation during a vacation year, that employee is eligible to receive cash in lieu of up to one hundred (100) hours of vacation time. Vacation may be "cashed in" in 10 hour increments only, and the amount to be cashed in will not exceed the employee's vacation balance at the end of the vacation year. Employees eligible for vacation "cash in" shall state their intentions to cash in vacation within the time frame and procedures established by the City.

d. Vacation year is defined to be the period beginning with the day after the 23rd payroll date of one calendar year, and ending on the 23rd payroll date of the following calendar year. The chart below lists the vacation year, the time sheet used to request the cashed in vacation, and the date the cashed in vacation will be paid:

<u>Calendar Year</u>	<u>Vacation Year</u>	<u>Request on time sheet for Pay Period ending</u>	<u>Paid Date</u>
2012	11/19/2011- 11/16/2012	11/30/2012	12/14/2012

Employees eligible for vacation cash in shall request vacation cash in on the time sheet dates listed above.

64. VACATION & SICK LEAVE ADVANCED CREDIT UPON HIRE

a. 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.

b. 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.

65. WAIVER

The City and the Union 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 Union as established by the Meyers-Milias-Brown Act of the State of California and all amendments thereto, or Santa Barbara Municipal Code, Chapter 3.12, except as herein provided.

66. WORK SCHEDULE

a. The regularly scheduled seven (7) day work week shall average forty (40) hours.

b. There shall be at least two consecutive days of rest observed after each work week subject to City needs for standby, call back, overtime, and rotation of regularly scheduled shift changes. In the event that a work week without two (2) consecutive days off is necessary or desirable, affected employees shall be given reasonable opportunity to establish work schedules which meet the operational requirements of the City and personal preference. In such cases, the two (2) consecutive days off may be waived by the employee.

c. Prior to any change in shift schedule, affected employees shall be given reasonable opportunity to provide input concerning shift schedules which meet the operational requirements of the City and personal preference. 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.

d. City shall provide employees with reasonable "clean-up" time and employees shall be ready to begin work at start time.

e. City agrees that work outside the regularly scheduled work day or work week shall be compensated in accordance with the overtime policy contained herein.

f. Employees may develop alternative work schedules and/or telecommuting arrangements which meet their personal needs and the operational requirements of the City under the City's Flex Work Policy. Such alternate schedules must be approved by the Department Head. The continuation of such schedules shall be subject to Department Head review with reasonable input from affected employees.

g. In no case shall an employee's work schedule be altered in connection with any particular work shift to avoid the payment of overtime earned.

h. When an Airport Maintenance employee has worked a regularly scheduled night shift, the employee will be provided with paid leave time (without deductions from leave banks) to allow five hours of off-duty time without a loss of pay before reporting for the next regularly scheduled daytime shift. With the permission of the supervisor, the employee may choose to work the beginning of the employee's next regularly scheduled daytime shift, and take the equivalent paid rest period at the end of the regularly scheduled shift instead.

Example:

If employee on a 9/80 shift works 10:00 p.m. - 7 a.m., and is next regularly scheduled to begin a 9-hour shift at 7:00 a.m., the employee may:

- Take a 5 hour rest period from 7 a.m. to 12 p.m., receiving straight time pay for the period from 7:00 a.m. to 12:00 p.m. (5 hours), and then work from 12:00 through the rest of the regularly scheduled shift (4 more work hours).
- With supervisor's permission, work for 4 hours beginning at 7:00 a.m. (when the next scheduled shift begins), and leave 5 hours early instead.

i. Employees on a 9/80 schedule will be covered under the terms of the "9/80 Work Schedule Policy" contained in Appendix E of this Agreement.

67. WORKERS' COMPENSATION

a. The parties agree that Municipal Code Section 3.08.220 shall be amended to provide that general 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.

c. Once an individual is no longer eligible for continuation of 85% of his/her gross pay as described in (a) above and is still unable to return to work, the City shall continue to pay its contribution to insurance for the first ninety (90) calendar days.

d. 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.

68. WORKING OUT OF CLASSIFICATION

Working Temporarily Out of Classification

The City and the Union agree that it is the intent of departmental management to avoid working an employee out of classification.

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 fifteen (15) consecutive work days or thirty (30) work days in any one calendar year; or if extended beyond fifteen (15) consecutive or thirty (30) 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 assignment by the Department Head or designee of the performance of a substantial preponderance of duties of an authorized, funded, permanent, full-time position in one or more higher classification(s) 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.

It is the intent of this article to compensate employees for assigned out of class work extended beyond fifteen (15) consecutive or thirty (30) work days in any one calendar year.

Position 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.

APPENDIX A

SHIFT DIFFERENTIAL EXAMPLES

Example 1. An employee is assigned to work a ten (10) hour shift from 3:30 p.m. to 1:30 a.m. Because 50% or more of the assigned shift hours fall between 5:00 p.m. and midnight, the employee is entitled to Swing Shift Differential pay. If that employee is asked to work overtime from 1:30 a.m. to 3:30 a.m., the employee will be entitled to Swing Shift Differential pay at the overtime rate for the additional two hours (1:30 a.m. to 3:30 a.m.) worked.

Example 2. An employee is assigned to work an eight (8) hour shift from 7:30 a.m. to 4:00 p.m. and is then directed to work an additional five (5) hours to cover for a sick employee from 4:00 p.m. to 9:00 p.m. The employee is not entitled to shift differential pay because the assigned shift hours (7:30 a.m. to 4:00 p.m.) do not qualify for shift differential and the overtime worked is less than eight hours.

Example 3. An employee is assigned to work 8:00 a.m. to 4:30 p.m. However, on this particular day, the employee is assigned to work from 3:00 a.m. to 8:00 a.m. in addition to the assigned regular shift hours in order to cover for an absent employee. The employee is not entitled to shift differential pay because the assigned shift hours do not qualify for shift differential.

Example 4. An employee is assigned to work 7:30 a.m. to 4:00 p.m. and then is directed to work additional time for an emergency situation. The employee then works until 1:00 a.m. The employee is entitled to Swing Shift Differential pay at the overtime rate for the period of 4:00 p.m. to 1:00 a.m. The employee has in effect worked two shifts.

Example 5. An employee is assigned to work the swing shift between 4:00 p.m. and midnight and then is assigned to work the graveyard shift from midnight to 8:00 a.m. In this case the employee is assigned to work two distinct shifts. Therefore, the employee is entitled to Swing Shift Differential pay for the time between 4:00 p.m. to midnight and Graveyard Shift Differential pay at the overtime rate for the hours from midnight to 8:00 a.m.

Example 6. An employee is assigned to work the graveyard shift between midnight and 8:00 a.m. and then is assigned the day shift from 8:00 a.m. to 4:30 p.m. As in Example 5, the employee is assigned two distinct shifts; therefore, the employee is entitled to Graveyard Shift Differential for the time period of midnight to 8:00 a.m., but no shift differential for the time period of 8:00 a.m. to 4:30 p.m.

Example 7. An employee is assigned to work from 4:00 p.m. to midnight. That employee leaves work at midnight, goes home, and then is called back to work between 2:00 a.m. and 7:00 a.m. That employee is entitled to Swing Shift Differential pay for the regular assigned shift from 4:00 p.m. to midnight. The employee is not entitled to shift differential pay for the overtime hours (2:00 a.m. to 7:00 a.m.) because it is considered a call back of less than eight hours.

Example 8. An employee is assigned to work 7:30 a.m. to 4:00 p.m. and then is called back to work at 7:00 p.m. and works until 3:00 a.m. due to an emergency situation. The employee is entitled to Swing Shift Differential at the overtime rate for the call back of eight hours or more (7:00 p.m. to 3:00 a.m.)

APPENDIX B

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 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 C

CITY OF SANTA BARBARA

CATASTROPHIC LEAVE POLICY

- 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 or child 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 or child 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 or child 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 the 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.
- 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 D

**CITY OF SANTA BARBARA
DRUG AND ALCOHOL TESTING POLICY
FOR
GENERAL UNIT EMPLOYEES**

**CITY OF SANTA BARBARA
DRUG AND ALCOHOL TESTING POLICY
FOR GENERAL UNIT EMPLOYEES**

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 union.

B. COVERED EMPLOYEES

Employees in the job classifications represented by SEIU, Local 620 in the General Employees Bargaining Unit 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.

J. 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 union 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:**

Appendix E
Policy No. TBA

9/80 WORK SCHEDULE POLICY

Issued by: Barbara Barker, Human Resources Manager

Adopted: 5/8/2007
Updated: 5/8/2007

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).



**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

3. 9/80 FLSA Workweek

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



**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

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



**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

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 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.



**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

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.]

AGREEMENT BETWEEN THE CITY OF SANTA BARBARA ("THE CITY") AND THE SANTA BARBARA CITY EMPLOYEES' ASSOCIATION, LOCAL 620 SERVICE EMPLOYEES' INTERNATIONAL UNION, AF OF L, CIO ("THE UNION") REGARDING TERM AND COMPENSATION OF RESIDENT PARKS CARETAKERS

Whereas, City owns several residential units on City park property that serve as caretaker residences;

Whereas, City wishes to lease such residential units to qualified City employees ("The Caretakers");

Whereas, City and Union wish to document the terms and conditions of the employer-employee relationship incidental to these residential leases;

Now, therefore, City and Union enter into this agreement concerning the terms and conditions of employment of City park caretakers who are represented by Union.

1) **Lease Agreement.** Any Caretaker who is required or allowed to occupy a residential unit on City park property shall execute a lease agreement with the City. The lease agreement shall govern the landlord-tenant relationship between the City and the Caretaker. Any rent charged for the residential unit shall not exceed the maximum amount allowed under section 10 of California Wage Order 4-2001, or any successor wage order (currently \$381.20 per month). Nothing in this Agreement or any Memorandum of Understanding between the City and the Union shall interfere with the enforcement of any of the provisions of the lease agreement between the City and the Caretaker. City and Union do hereby agree that City is not obligated to meet and confer with Union prior to enforcing any provision of the lease agreement including, but not limited to, termination of the lease. Furthermore, the Caretaker shall not have grievance rights regarding the terms, conditions and covenants of the lease agreement.

2) **Letter Agreement.** This Agreement shall govern the employer-employee relationship between the City and Caretaker. The terms of this Agreement shall supplement the terms of any adopted Memorandum of Understanding between City and Union applicable to the Caretaker's employment. The terms of the Lease Agreement do not govern the employer-employee relationship. Incident to their residence in City parks, Caretakers may be required or allowed to perform miscellaneous services ("Caretaker Services") including, but not limited to:

- a. Skofield Park – opening and closing park entrances, custodial services in park restrooms, park monitoring, special event monitoring and responding to security violations by observing and reporting incidents of fire, accidents, vandalism, illegal dumping, unauthorized camping or other illegal or unauthorized activity; protecting park property from damage and receiving comments and complaints from neighbors and park users. Caretaker to conduct a daily site walk of the property and maintain a log of all time spent on caretaker services.
- b. Franceschi Park – opening and closing park entrances, custodial services in park restrooms, park monitoring, and responding to security violations by observing and reporting incidents of fire, accidents, vandalism, illegal dumping, unauthorized camping or other illegal or unauthorized activity; protecting park property from damage and receiving comments and complaints from neighbors and park users. Caretaker to conduct a daily site walk of the property and maintain a log of all time spent on caretaker services.
- c. Douglas Family Preserve – park monitoring, and responding to security violations by observing and reporting incidents of fire, accidents, vandalism, illegal dumping, unauthorized camping or other illegal or unauthorized activity; protecting park property from damage and receiving comments and complaints from neighbors and park users. Caretaker to conduct a daily site walk of the property and maintain a log of all time spent on caretaker services.

3) **Services Only Required During Work Hours, No Standby Time.** All required Caretaker Services shall be assigned as part of the Caretaker's normal work hours. Outside the Caretaker's normal work hours, the Caretaker shall not be required to be on the park property or to be available to perform Caretaker Services at any time. Time spent on park property outside the Caretaker's normal work hours shall not be considered hours worked and shall not be subject to standby pay.

4) **Services Outside Normal Work Hours Permitted.** Notwithstanding the assignment of work hours in section 3 above, if the Caretaker is on the park property outside the Caretaker's normal work hours and the Caretaker becomes aware of a situation that requires immediate attention in order to protect public safety or public or private property, the Caretaker may, but is not required to, attend to the situation. Any such work shall be compensated in accordance with the wage specified in section 5 below. The Caretaker is not entitled to call- back time or shift differential pay for the services described in this section. City reserves the right to prospectively limit the number of hours spent on such caretaker duties outside of normal work hours.

5) **Pay for Services Outside Normal Work Hours.** If the Caretaker performs any Caretaker Services outside the Caretaker's normal work hours, the Caretaker shall be compensated at minimum wage (currently \$6.75) for caretaker services. Overtime will be calculated as required by law based on the employees "weighted average" rate which is determined by dividing total earnings for the workweek, including earnings during overtime hours, at the straight time rate, by the total hours worked during the workweek, including the overtime hours. For example: 40 hours at \$10.00 an hour for regular employment plus 2 hours at \$6.75 an hour as a Caretaker yields an overtime rate of \$9.85 per hour (\$413.50, divided by 42 hours).

6) **Compensation for Services Outside Normal Work Hours Applied First Against Rent.** All compensation for Caretaker Services Outside Normal Work Hours described in Sections 4 and 5 shall first be applied as a credit against the rental value of the Caretaker residence (currently \$381.20). If the rent credit for any calendar month is exhausted, the Caretaker will be compensated for the additional Caretaker Services as a cash payment. If the Caretaker does not perform Caretaker Services equaling the rental value of the Caretaker residence, the remainder of rent will be forgiven by the City.

7) **Caretaker Services Log.** The Caretaker shall keep a detailed log of all Caretaker Services performed. Caretaker shall present a copy of this log to the Caretaker's supervisor monthly.

8) **Three Year Assignment.** Union agrees that the Caretaker assignment (and tenancy) shall generally be limited to a three-year term. At the conclusion of the three-year term, the Parks and Recreation Director may replace the Caretaker with another qualified Parks and Recreation Department employee who is able to perform the essential caretaker functions, or the City and the incumbent tenant may enter into a new three-year assignment and Lease Agreement. **[This section will not apply to Steve Spencer]**

HOLIDAY CLOSURE PLAN General Unit

The City may implement a holiday closure for some or all operations with employees using paid leave, unpaid time, or working, consistent with the plan included below.

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 close non-essential offices to the public during the period between the two holidays.

The 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 choose to:

- 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 who 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. Employees who wish to work during the Holiday Closure must advise their Manager no later than November 15, 2012.

Some employees may be required to work during the closure. Management will make reasonable efforts to allow those employees who wish to take time off to be able to do so. Employees who wish to be off will not be denied the use of accrued paid leave unless an insufficient number of qualified volunteers are available to perform essential services.

**2012-2013 SALARY PLAN APPLICABLE TO
UNREPRESENTED NON-SUPERVISORY CONFIDENTIAL EMPLOYEES**

1. This plan will apply to positions classified as non-supervisory Confidential employees effective July 1, 2012.
2. The City Administrator is authorized to provide Confidential employees with salaries and benefits under the same terms and conditions as General Unit employees, except as detailed herein.
3. Vacation Cash Out
 - a. Effective July 1, 2012, there shall be no longer be an annual option to receive cash payment in lieu of vacation time (vacation cash-in);
 - b. On a one-time basis, on or before October 30, 2012, employees will be given the option to receive cash in lieu of up to forty (40) hours of accrued vacation time. Following the designated cash out, an amount equivalent to \$42,450 less the actual City cost of the cash out will be will be distributed per capita among all confidential employees as a one-time payment. This payment shall be made on or before December 24, 2012. This payment will not be considered or reported as special compensation for purposes of retirement contributions
4. Medical Insurance: Effective January 1, 2013, the maximum City medical contribution will be increased by \$65 per employee per months, to \$1055.01 per employee per month.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 12-042, THE POSITION AND SALARY CONTROL RESOLUTION FOR FISCAL YEAR 2013, AFFECTING THE PUBLIC WORKS DEPARTMENT EFFECTIVE SEPTEMBER 18, 2012.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT Resolution No. 12-042, the Position and Salary Control Resolution for Fiscal Year 2013, is hereby amended as follows:

<u>Classification Title</u>	<u>FLSA</u>	<u>Service Status</u>	<u>Unit</u>	<u>Range</u>	<u>Biweekly Salary</u>
Lead Meter Reader	N	C	G	296	\$1820.42 - \$2212.73
Meter Reader	N	C	G	276	\$1647.59 - \$2002.65

<u>Classification Title</u>	<u>FLSA</u>	<u>Service Status</u>	<u>Unit</u>	<u>Range</u>	<u>Biweekly Salary</u>
Lead Meter Reader/Water Distribution OIT (closed classification)	N	C	T	296	\$1820.42 - \$2212.73
Meter Reader/Water Distribution OIT (closed classification)	N	C	T	276	\$1647.59 - \$2002.65



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 18, 2012
TO: Mayor and Councilmembers
FROM: Planning Division, Community Development Department
SUBJECT: Santa Barbara Climate Action Plan

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Santa Barbara Climate Action Plan and Making Environmental Findings Pursuant to the California Environmental Quality Act.

EXECUTIVE SUMMARY:

The Santa Barbara Climate Action Plan (CAP) has been prepared in response to City General Plan and State legislative directives. The overall CAP purposes are to reduce the rate of carbon emissions generated in the Santa Barbara community that contribute to accelerated global climate change, and to plan for adaptation of Santa Barbara to climate changes, within a planning period to the year 2030.

The CAP acknowledges City efforts already undertaken or in place that reduce government and community carbon emissions. Future City strategies are identified for further reducing carbon emissions in government operations and the community. Community strategies involve incentives, voluntary measures, and requirements in the areas of energy efficiency, renewable energy, travel and land use, vegetation, waste management, and water conservation. The General Plan Update adopted by Council in December 2011 provided policy direction for the Climate Plan strategies in these areas.

The CAP analysis shows that annual citywide carbon emissions have already lessened to below the State target for total emissions in 2020. With implementation of Plan strategies, future citywide carbon emissions are forecasted to continue reducing and would surpass the AB 32 total emissions target at 25% below 1990 level in 2020. Per capita vehicle emissions are forecasted to surpass the SB 375 target for Santa Barbara County, at 30% below 2005 level in 2020 and 58% below 2005 level in 2030.

Climate change adaptation strategies include measures for community resilience planning, and additional sea level rise actions for technical information collection, detailed vulnerability analysis, and adaptation planning for facilities and coastal resource management, in accordance with recommendations of the Griggs report on sea level rise.

Target dates have been identified for implementation of identified strategies, although these targets are not an end unto themselves; the CAP endeavors to move beyond the State targets, based on long-term sustainability principles adopted in the General Plan. Plan monitoring and reporting will be coordinated as part of the General Plan Adaptive Management Program (AMP), along with periodic updates on climate change and the citywide carbon emissions inventory.

The draft CAP underwent a noticed public review period from June 21 through August 6, 2012, and the Planning Commission conducted a public hearing on July 19, 2012. Comments were received from individuals, agencies, and environmental, business, and community interest groups. The final Climate Action Plan was prepared with consideration of comments received.

The CAP is within the scope of the General Plan Update and Program Environmental Impact Report (EIR) analysis. An Addendum to the Program EIR was prepared to document the CAP's updated greenhouse gas emissions analysis, which shows that citywide greenhouse gas emissions would be lower than earlier identified in the EIR and would meet the State target, thereby constituting a less than significant impact.

For future project environmental reviews of greenhouse gas impacts, the Program EIR with Addendum update provides cumulative impact analysis and the Climate Action Plan functions as a citywide mitigation program.

DISCUSSION:

Policy Guidance for Climate Plan Preparation

The 2005 U.S. Mayors Climate Protection Agreement, endorsed by the City of Santa Barbara and 1054 other cities, directed cities to endeavor to reduce carbon emissions to meet the Kyoto protocol (7% below 1990 levels by 2012). Since that time, city of Santa Barbara government facilities and operations have met that target through concerted efforts in energy, transportation, waste management, and water conservation.

California Assembly Bill 32 (2006 Global Warming Solutions Act) identifies a target for reducing overall statewide greenhouse gas emissions to 1990 levels by the year 2020. The bill also directed development of a Scoping Plan, issued in 2008 by the California Air Resources Board (CARB), which identifies emission-reducing measures that can be taken by the State and different economic sectors. Local government climate action plans are recommended toward meeting the State emissions reduction target, and dozens of cities and counties have prepared them, with many more in progress.

Senate Bill 375 (2008 Sustainable Communities and Climate Protection Act) directs each Metropolitan Planning Organization (MPO) in the State to develop strategies to reduce vehicular carbon emissions through coordinated regional planning for transportation, land use, and housing to reduce vehicle trips and miles travelled. This

effort is underway for the Santa Barbara County MPO by the Santa Barbara County Association of Governments (SBCAG). The California Air Resources Board established year 2020 and 2035 targets for the Santa Barbara County region of 0% increase in year 2005 level of per capita carbon emissions from passenger vehicles.

The *Plan Santa Barbara* General Plan update adopted by City Council in December 2011 directed preparation of a comprehensive climate action plan per State legislation. The General Plan included a variety of updated sustainability policies and programs that also address climate change in the areas of energy, travel and land use, vegetation, waste management, water conservation, hazard avoidance, and emergency preparation. These policies and programs have received recent public review and decision-maker acceptance, and have been incorporated as the basis of the Climate Action Plan.

Carbon Emissions Inventories and Forecasts

Reducing the amount of carbon emissions generated in the Santa Barbara community together with communities across the world is intended to lessen the extent of future climate change and severity of its impacts. The Climate Action Plan establishes citywide carbon emission targets based on the State 2020 total emissions target (1990 level) and State 2020 and 2035 per capita vehicle emissions target for Santa Barbara County (2005 level).

Estimates are identified for citywide carbon dioxide and other heat-trapping greenhouse gas emissions generated from vehicles and equipment, natural gas and electricity usage, and the City's share of emissions from landfill decomposition and State Water Project electricity consumption.

A baseline citywide carbon emissions inventory (2007) and update (2010) are provided based on information from the General Plan traffic model, land use database, and utility company energy use data. Estimates of past emission levels in 1990 and 2005 are also provided because they are used for the State 2020 and 2030 targets.

Forecasts of future citywide carbon emissions are estimated for total emissions (2020) and per capita vehicle emissions (2020 and 2030), along with comparison to the year 2020 and 2030 targets. The analysis started with a "business as usual" forecast incorporating City growth assumptions used for the General Plan, then added emission reductions from State legislative actions, then added emission reductions from Climate Plan measures. This CAP analysis updates the prior greenhouse gas analysis done in the General Plan Update Program EIR.

The analysis shows that, with implementation of the Climate Action Plan, total citywide carbon emissions and per capita vehicle emissions would surpass State legislative targets for the years 2020 and 2030.

AB 32 target for year 2020: Total citywide carbon emissions reduced to 1990 level	
Citywide total carbon emissions compared to target:	
2007 baseline inventory	0.6% above 1990 level
2010 inventory	2.2% below 1990 level
2020 forecast - "business as usual"	18.9% above 1990 level
2020 forecast - State actions included	5.9% below 1990 level
2020 forecast – State actions & City climate plan included	25.0% below 1990 level
2030 forecast – State actions & City climate plan included	41.0% below 1990 level
SB 375 target for years 2020 & 2035: Per capita vehicle emissions at 2005 level or lower	
Citywide per capita vehicle emissions compared to target:	
2007 baseline inventory	3.1% above 2005 level
2010 inventory	4.0% above 2005 level
2020 forecast - State actions & City climate plan included	29.8% below 2005 level
2030 forecast - State actions & City climate plan included	58.2% below 2005 level

Carbon Reduction Strategies

The following summarizes Climate Action Plan strategies to reduce carbon emissions in City government and the Santa Barbara community.

Energy Efficiency and Green Building measures involve more efficient equipment and energy conservation practices in existing and new structures to reduce carbon emissions from electricity generation.

- **Existing Strategies.** Extensive efforts have occurred to upgrade energy efficiency in City government facilities and operations. Many similar private actions have been taken by individuals and businesses within the Santa Barbara community. City actions for the larger community have included more stringent energy conservation requirements for new structures, and City participation in programs such as Architecture 2030, South Coast Energy Efficiency Partnership, emPower, Built Green Santa Barbara, and the Green Business Program of Santa Barbara County.
- **Additional Future Strategies.** Plan strategies continue energy upgrades for City facilities, and voluntary and incentive measures for energy efficiency and green building in existing and new buildings throughout the City. Strategy 4 identifies stronger outreach, incentives, and requirements that could be instituted if periodic assessments determine that voluntary measures are not yielding sufficient progress.

Renewable Energy involves power sources that are not depleted (e.g., solar, wind, hydroelectric, biogas), which reduce carbon emissions from fossil fuel combustion for electrical generation and vehicle fuels. California law requires that by the year 2020, at least one-third of the State's energy is to come from renewable sources. Even with energy conservation, electricity demand is expected to continue rising during this period due to statewide population growth.

- Existing Strategies. Hundreds of solar voltaic panel installations have been installed by individual residents, businesses, and institutions in Santa Barbara. City actions have included solar installations at City facilities and Housing Authority projects; solar design guidelines and recognition program; and alternative energy facilities at the El Estero wastewater treatment plant.
- Additional Future Strategies. Plan strategies include additional City solar and hydroelectric projects; solar requirements for new construction; support for renewable energy technologies; and feasibility analysis of a community choice aggregation program for providing community power.

Travel and Land Use measures reduce the number of petroleum-powered vehicle trips overall and per capita vehicle miles travelled to lessen carbon emissions from combustion of petroleum fuels.

- Existing Strategies. City government operations have reduced carbon emissions with fleet vehicles using alternative fuels and technologies, efficient fleet vehicle operations, and reduction of City employee commute trips. City downtown mixed-use policies, improvements to bicycle and pedestrian facilities, and bus service funding have all supported trip reduction and the growth of alternative travel modes.
- Additional Future Strategies. Plan strategies include continued gradual improvements for bicycle, pedestrian, and transit facilities and services; continued support for transportation demand management measures (e.g., telecommuting, alternative work hours, ride sharing, car sharing, parking policies); continued support for alternative vehicle and fuel use (e.g., electric vehicle plug in stations); and land use and transportation policies that encourage walkable and bikable neighborhoods, and workforce housing close to transit and commercial services.

Vegetation, particularly older established trees, help combat climate change by removing carbon emissions from the atmosphere, as well as providing cooling shade.

- Existing Strategies. The City has an extensive urban forest of trees and vegetation within both public places and on private property. City programs in place include park and street tree maintenance and replacement; creeks restoration; and tree preservation policies and landscape guidelines.
- Additional Future Strategies. Plan strategies are for continued and updated tree management and protection programs and guidelines; planting additional trees; and open space protection and restoration.

Waste Management measures to divert materials from landfill disposal through waste reduction, reuse, recycling, and composting reduces energy use and emissions from product manufacturing and transport. In addition, methane generated from landfills is a very potent greenhouse gas that can be captured to reduce emissions.

- Existing Strategies. Citywide programs for waste diversion have resulted in substantial reduction of landfill disposal of waste. Programs include residential, business, and construction waste recycling and outreach programs; food scraps composting; and City government recycling and waste reduction practices.
- Additional Future Strategies. Plan strategies include partnering on regional waste management facilities; further City government waste diversion; and expanded community programs toward a goal of 75% waste diversion by 2020.

Water Conservation measures result in electricity savings from water transport and processing, and resulting carbon emission reductions.

- Existing Strategies. The Santa Barbara community has reduced overall water use by more than 2,000 acre-feet per year since the drought in the early 1990s. City programs in place include policies and guidelines for water conservation, landscaping, and recycled water; and public education, outreach, and incentive programs for water-wise landscaping and irrigation practices and equipment.
- Additional Future Strategies. Continued and expanded water conservation programs toward a goal of reducing per capita water use by 20% from a baseline use of 154 gallons per day to 117 gallons per day by 2020. 2009 per capita water use was measured at 130 gallons per day.

Climate Change Effects and Adaptation Strategies

Carbon dioxide remains in the atmosphere for decades, and with existing high levels, serious climate changes are forecasted in coming decades despite reduction efforts. Climate processes are complex, not completely understood, and not easily forecasted. Modeling efforts to date have been done primarily at global and regional levels. The timing, pace, and extent of climate change effects in Santa Barbara are uncertain, but more detailed research is expected to become available in coming years.

The 2009 California Adaptation Strategy report anticipates the following types of widespread climate change effects in California in the coming decades:

- Warmer temperatures (average annual temperature increase of 1.8 - 5.4⁰F by 2050), less pronounced in coastal areas
- Reduced precipitation (12 - 35% less annually by 2050), with less snowpack, reducing available water supply
- Sea level rise (averaging 7 inches by 2030, 14 inches by 2050) with effects on greater storm damage, inundation, beach loss, and coastal cliff erosion
- Increased frequency and severity of erratic and extreme weather (heat waves, droughts, wildfires, and large storms with storm surges, flooding, and erosion)
- Increased air and water pollution, and changes in pest and vector transmission
- Changes to agriculture/food supply, and increased summer energy demand

- Effects on wildlife and habitats, including a trend of ecosystems moving toward cooler climates
- Changes to local economies such as fisheries and tourism.

City and other agency programs are already in place providing ongoing planning for emergency preparedness, wildfire prevention and response, flood control, water supply and conservation, coastal hazard and resource management, planning for public services, biological resource protection. These ongoing City programs will need to continue to incorporate updated hazard assessments and plans for adapting facilities and resources to climate change effects (such as measures to strengthen in place, elevate, or relocate coastal facilities).

In fact, these types of updates already occur. As examples, the City's Long-Term Water Supply Program update adopted last year incorporated sea level rise forecasts into supply assumptions. Technical studies are underway in coordination with the U.S. Geological Survey to study seawater intrusion issues for groundwater management. Coastal facilities have incorporated sea level rise in improvement plans. The City Airport Department is coordinating with the Goleta Slough Management Committee to proceed with a more detailed sea level rise study for that area that will inform resource and facility adaptation planning. The Planning Division has updated sea level rise assumptions to be incorporated in technical studies for coastal area project permits, based on California regulatory agency direction. Similarly, cliff retreat rate assumptions used in technical reports for coastal area permits have been updated based on a geologic report for the Master Environmental Assessment update.

The Climate Action Plan incorporates adaptation strategies from the recent General Plan update that address emergency preparedness, wildfire, flooding, and water quality, adaptation planning for public and private development, sea level rise adaptation, bluff retreat, shoreline management, water supply planning, local food cultivation, and wildlife and habitat protection. The CAP also identifies a program for further community resilience planning for emergencies, as was recommended last year by the Planning Commission.

A February 2012 report on Santa Barbara vulnerability to sea level rise was prepared by Dr. Gary Griggs of U.C. Santa Cruz based on California projections (included as Appendix B in Volume 2 of the Climate Action Plan). Specific measures recommended in the report have been incorporated into the Climate Plan strategies. CAP measures addressing sea level rise include:

- Adaptation planning and coordination processes, including monitoring climate changes, vulnerability analysis and adaptation plans, establishing updated safety policies and development standards, coordinating with agencies, organizations and educational institutions, pursuing grant funding, and providing public information

- Monitoring, data collection, and analysis of sea level rise (for monitoring of sea level, cliff retreat, and beach profiles, collection of detailed topographic mapping, and development of projected future flooding and inundation maps)
- Sea level rise risk assessment and vulnerability analysis (for storm flooding, beach and cliff erosion, and permanent inundation).
- Incorporate adaptation in development (update guidelines for public and private development)
- Sea level rise adaptation (identify techniques, policy options, and costs, including for public improvements and utilities)
- Future inundation areas (consider policy options as part of adaptation planning, such as rolling setbacks, building restrictions, incentives for relocation, use of seawalls)
- Bluff retreat guidelines (update retreat rate formula used in development planning)
- Cliff erosion policies (identify updated relocation and drainage control policies)
- Shoreline management plan (coordinate with agencies and develop management plan for beach and cliff management)
- Beach erosion policies (consider policy options for beach management)
- Coastal ecosystems study (joint vulnerability and adaptation planning for wetland, beach & dune, riparian, intertidal zone and offshore kelp habitats)

Implementation and Monitoring

CAP implementation activities will be undertaken by a variety of City departments. Some will also be joint ventures with other local and regional agencies and organizations. Target dates of 2015, 2020, 2025, or 2030 have been identified for each of the climate plan strategies. Some established programs will be expanded, and some new programs will continue through the planning period to 2030. The Plan would be updated in 2030.

Climate plan measures applicable to new development will be implemented through City development design and permitting processes. As occurs now, these may include project design measures that would reduce carbon emissions (e.g., energy, water, waste reduction, landscaping, and travel design) and measures to avoid or address reasonably foreseeable climate-related hazards (e.g., sea cliff retreat, floodplains).

Monitoring and reporting on Climate Plan implementation will be coordinated to be part of the General Plan Adaptive Management Program (AMP) slated for forthcoming development, and would include:

- *Plan Implementation Reports*: Reports on the implementation status of climate plan strategies would be provided as part of regular AMP reports.

- *Periodic Emissions Inventory and Climate Change Updates:* As part of the AMP status reports in 2015, 2020, 2025, and 2030, additional monitoring information would be provided, including (1) an update to the citywide carbon emissions inventory and comparison to targets, and (2) updated information on climate change and future forecasts (e.g., pertaining to temperature, rainfall, storms and flooding, sea level rise, coastal erosion, biological resources, etc.)

Environmental Review

The Climate Action Plan is within the scope of the General Plan Update and its Program EIR analysis. Most strategies in the draft Climate Plan are policies and programs from the General Plan update that were evaluated in the Program EIR. Additional CAP strategies represent added detail and implementation measures consistent with the General Plan policy direction, and which present no new environmental issues or significant impacts beyond the impacts identified in the Program EIR. The California Environmental Quality Act (CEQA) Guidelines direct that a Program EIR is intended to provide for analysis of cumulative effects and avoid subsequent duplicative reconsideration of the impacts of policy considerations.

The State CEQA Guidelines also provide that an Addendum to a prior EIR is prepared to document changes that make the prior EIR adequate for the current project action when the changes do not involve new significant impacts. An Addendum need not be circulated for public review but is attached to the EIR and considered by the decision-making body together with the EIR.

An Addendum to the Program EIR for the Climate Action Plan (included as Appendix D in Volume 2 of the Climate Plan) documents changes to the prior Program EIR climate change analysis to show lower citywide carbon emissions impacts based on the updated CAP analysis. The General Plan growth assumptions and Program EIR traffic model continued to be used in the refined CAP analysis. Lower citywide carbon emissions inventories and forecasts reflect State legislative actions that reduce carbon emissions across the State, and newer standard industry assumptions for vehicle through-trips and aircraft emissions.

CEQA case law provides that when using a prior programmatic EIR for CEQA review of a subsequent project, decision-maker CEQA findings are required to be made, to recognize significant impacts identified in the Program EIR. CEQA findings are included in the proposed Council Resolution for adoption of the Climate Plan.

State CEQA Guidelines provisions from Senate Bill 97 (2007) require greenhouse gas impact analysis as part of environmental review of projects. This also establishes that public agencies may provide for a communitywide greenhouse gas mitigation program through an adopted climate action plan. The Program EIR with CAP Addendum update will provide for cumulative greenhouse gas impact analysis for future projects. The

Climate Action Plan will function as a citywide mitigation program, which can streamline analysis needed by individual projects.

Public Review and Comment

The draft Climate Action Plan received a 45-day noticed public review period from June 21 to August 6, 2012.

The Planning Commission conducted a noticed public comment hearing on July 19th. Staff briefings were also provided at the Water Commission meeting of July 9th, the Council Sustainability Committee meeting of July 26th, and the Harbor Commission meeting of August 16th.

Attachment 1 provides a summary of public comments with staff responses; Attachment 2 contains comment letters received; and Attachment 3 provides advisory board meeting summaries.

BUDGET/ FINANCIAL INFORMATION:

Worldwide efforts to reduce carbon emissions and plan for adaptation to climate change will require cost investments by individuals, businesses, communities, and nations. Such measures also provide individual and community benefits beyond climate protection, including public safety, operational cost savings, economic and jobs benefits, enhanced security and less dependence on foreign oil, resource benefits, and public health/quality of life benefits.

Inaction on carbon reduction would be expected to result in huge costs to respond to future weather effects. The California climate web site references studies estimating the cost of effective climate mitigation in the range of 1-6% of global GDP annually, with inaction on carbon emissions involving much greater costs to respond to climate change effects, estimated at 14-20% of global GDP.

Implementation of City Climate Action Plan strategies will be taken up as part of existing, ongoing City operations and programs whenever possible. Implementation will go forward as budgets allow and are authorized through the annual budget process. Grant funding will be pursued to offset costs, as for example has occurred recently with substantial grant funding obtained for energy efficiency improvements at City facilities.

Many strategies identified for initial implementation actions in the period to 2015 involve already established activities that would continue on with additional area applications that would achieve further carbon emissions reduction.

Other strategies would require further efforts to identify costs and funding sources or budget resources. Examples are transportation facility improvements and programs involving development of new guidelines or ordinances. A number of the adaptation

planning strategies also fall into this category, including community resilience planning, further data collection and monitoring of sea level rise-related conditions, detailed sea level rise vulnerability analysis and adaptation plans for shoreline management, public facilities, and habitat protection. Periodic costs for updating the community carbon emissions inventories and reporting on plan status would also occur.

SUSTAINABILITY IMPACT:

Climate Action Plan measures are consistent with and implement City General Plan sustainability policies, in furtherance of energy conservation, renewable energy, traffic management, vegetation and natural area protection, waste reduction and management, water conservation, pollution prevention, reduction of hazards, and provision of public facilities and services.

The Climate Action Plan measures will incorporate further sustainability into City activities that involve managing City government operations and structures, citywide public services and facilities planning and management, development review and permitting, community education, incentives, guidelines, and regulations, programs for natural area protection and restoration, hazards management, and emergency preparedness.

Identified measures to reduce carbon emissions and adapt to climate changes provide community sustainability benefits other than climate protection, including the following:

- Operational cost savings from measures that conserve energy resources, water resources, and travel fuel, and reduce waste disposal.
- Generation of new businesses and jobs that benefit the community and local economy (e.g., new technologies and services for building retrofits, renewable energy, alternative travel, sustainable gardening, etc.)
- Security enhancement from reducing dependence on foreign oil and conserving our own oil and gas resources
- Conservation of energy, water, and landfill disposal capacity
- Reduced air and water pollution, reduced traffic, and health benefits of more walkable, livable neighborhoods
- Benefits to natural habitats

Notes:

Copies of the proposed Final Santa Barbara Climate Action Plan have been forwarded to City Council members under separate cover.

The Climate Action Plan documents are available on the City web site at:
http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Climate_Action_Plan

- ATTACHMENTS:**
1. Summary of public comments and staff responses
 2. Public comment letters
 3. Advisory board meeting summaries

PREPARED BY: Barbara Shelton, Project Planner/ Environmental Analyst

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

Draft Santa Barbara Climate Action Plan PUBLIC COMMENTS SUMMARY AND STAFF RESPONSES

The following summarizes staff responses to public comments received on the Draft Santa Barbara Climate Action Plan during the public review period from June 18-August 6, 2012.

Support for the Climate Plan: Comments in support of implementing Climate Plan measures were received from Planning Commissioners, Water Commissioners, Harbor Commissioners, Navigant energy consultant, Santa Barbara Association of Realtors, Community Environmental Council, ecologist Wayne Ferren, League of Women Voters of Santa Barbara County, Heal the Ocean, Environmental Defense Center, and the Santa Barbara County Air Pollution Control District. Several of these commenters also proposed changes to the Plan to incorporate stronger policies or delete specified policies (see discussions below).

Corrections and Edits: The proposed final Climate Plan reflects corrections and edits to the text provided by Planning Commissioners, ecologist Wayne Ferren, the City Public Works Energy team, and the Air Pollution Control District.

Public Engagement and Education: Navigant energy consultants recommended incorporation of a more comprehensive community engagement and education program to motivate residents and businesses to do their part in addressing climate change.

Staff response: Current and ongoing City programs already incorporate community outreach and education components (examples: energy efficiency, solar, transportation, waste recycling, and water conservation programs).

Energy and Plumbing Upgrades at Time of Sale: The Santa Barbara Association of Realtors letter indicates appreciation that many Climate Plan measures are based on encouragement and voluntary measures, but requests removal of measures considering mandated energy and plumbing efficiency upgrades at time of property sales. It is viewed that such measures would unfairly add to costs and delays in home sales, and that any such mandates should be applied to all homeowners, not just homeowners selling homes.

Staff response: Strategy 4, the energy retrofit measure referenced, identifies stronger additional outreach, incentives, and requirements that are not mandated with Plan adoption but *may be considered in the future* if voluntary programs yield insufficient progress toward energy efficiency, as would be identified through the periodic reassessments of the community energy and carbon emissions inventory. A requirement for energy efficiency retrofits at the time of sale has been instituted within a number of California jurisdictions. This measure has also been identified as a model policy in State guidance documents for implementing Assembly Bill 32, as a measure that helps to provide for gradual upgrading of existing building stock within a community.

Similarly, Strategy 66 for plumbing retrofits provides that a program *may be* established to work with the real estate industry to require certification of water-efficient toilets in place at time of sale. This measure is consistent with City Long Term Water Supply Plan policies for achieving further water conservation improvements; is timed concurrent with Senate Bill 407 disclosure provisions (2017-residential, 2019-commercial); and is also intended to provide for gradual upgrading of existing building stock within the community.

Cost of Plan Implementation: David Gibbs cautioned against expending City resources to implement Plan measures, calling for more detailed cost and effectiveness analysis. A letter to the editor in the local media from Ted Solomon also noted limited resources and current economic conditions and asserted that AB 32 will drive up the costs of electricity, transportation fuel, and water, and will chase industry and jobs out of California.

Staff response: City budget constraints do not allow for Plan strategies to all be implemented immediately. Implementation measures will be taken up as part of existing, ongoing City operations and programs whenever possible. New programs will go forward as implementation program costs are further developed, and budgets allow and are authorized through the annual City budget process. Available grant funding will be pursued to offset costs, as for example occurred recently with substantial grant funding obtained for energy efficiency improvements at City facilities.

Climate Change Measures and Cost of Renewable Energy: Frank Diani of Goleta commented that Santa Barbara's contribution to global climate change is small and the climate change scare is oversold. He recommends Plan measures that encourage rather than mandate action. He disagrees with the measure involving narrowing of streets, as ineffective for reducing carbon emissions and dangerous to pedestrians and bicyclists. He cautions that the cost of renewable energy development is underestimated, and provides an article supporting this view.

Staff response: Global climate change is the cumulative result of incremental contributions to carbon emissions from communities worldwide, and incremental community contributions to global solutions are needed. Many of the community measures in the plan are voluntary in nature, involving guidelines, incentives, and education rather than requirements. The full text of the street width measure from the recently adopted General Plan update makes it clear that this would only be considered in limited circumstances where emergency access would be assured. The intent of the measure is to accommodate pedestrian and bicycle facility improvements, which encourage non-vehicle travel that helps to manage traffic and safety, and reduce carbon emissions. There is a range of opinion about which energy sources should replace the current level of fossil fuel use; many expect a transition to a combination of sources, including some continuing nuclear

and fossil fuel use, along with more renewable sources such as solar, wind, geothermal, and hydroelectric.

Stronger Carbon Reduction Goals and Actions: The Community Environmental Council (CEC) letter supports implementing Climate Plan strategies, but recommends that the Plan incorporate stronger carbon reduction goals and policies. A goal of 35% or 50% reduction below 1990 levels by 2020 is recommended. Stronger focus is recommended for three strategies identified as most effective in reducing carbon emissions: electric vehicle plug-in stations, renewable energy use through a community choice aggregation program, and parking pricing.

Staff response:

CAP Carbon Emissions Targets: Per the General Plan update adopted by City Council last December, the Climate Plan targets are based on Assembly Bill 32 and Senate Bill 375 carbon emission targets (respectively, 1990 level for total emissions in 2020; 2005 level for per capita vehicle emissions in 2020 and 2035.).

Santa Barbara has been implementing sustainable measures that have been reducing greenhouse gases for years in both City facilities and operations and the larger community in the areas of energy, travel and land use, vegetation, waste management, and water conservation. The community carbon emissions inventories in the Climate Plan demonstrate that with existing City and State policies in place, total Santa Barbara carbon emissions have already been reduced to below 1990 levels. Nevertheless, the Climate Plan identifies additional strategies to achieve further emissions reductions.

The Climate Plan forecasts estimate that with Plan implementation, Santa Barbara would continue to reduce carbon emissions, surpassing the State total emissions target at 25% below 1990 levels in 2020, and continuing to 41% below 1990 levels in 2030. The forecasts estimate that Santa Barbara per capita vehicle emissions would be 30% below the 2005 level in 2020 and 58% below the 2005 level in 2030. In addition, the Plan contains many policies and best management practices expected to be effective but which are not quantifiable (e.g., many green building, circulation improvements, waste management, water conservation measures, etc.) which will reduce emissions further. These measures are not incorporated in the forecast estimates but will be reflected in subsequent monitoring of the citywide emissions inventory.

CAP Strategies: Strategies for further installation of electric plug-in stations (Strategy 20), community choice aggregation (Strategy 8), and parking pricing management (Strategy 32), are included within the CAP and also reflect General Plan update policies adopted by City Council in December 2011. The Climate Plan provides for periodic assessment of the

citywide carbon emissions inventory status to evaluate progress on carbon reduction, and reconsideration of policies through the General Plan Adaptive Management Program during the planning period to the year 2030.

Electric Vehicle Plug-In Stations: The Climate Plan notes that the City fleet currently has 35% alternative fuel or technology vehicles. Strategy 14 in the Climate Plan provides for continued transition of the City fleet to use more alternative vehicle technologies and fuels, as is suggested in the CEC letter.

Eight electric vehicle charging stations have been installed at City parking facilities so far. The City continues to work toward further such installations, and is participating in the development of the Central Coast Plug-In Electric Vehicle Readiness Plan. Climate Plan Strategy 10 from the General Plan provides for expedited processing for infrastructure for alternative/advanced fuels. Strategy 20 on electric vehicle charging stations provides for installing additional electric vehicle charging stations at City parking lots, and working with the business community and community interest groups to identify areas, design standards, and funding sources to facilitate more installations within the community. This measure has been augmented in the proposed Final Plan to incorporate more specifics from the draft Readiness Plan regarding pre-wiring, appropriate locations for quick and slow charging stations, and land use parking provisions.

Community Choice Aggregation: Strategy 8 regarding community choice aggregation reflects the General Plan update policy adopted by City Council last December for a feasibility study as the first step. At a May 2008 Council meeting for consideration of this issue at CEC's request, the City Council directed a letter sent to CEC indicating City interest in participation in a feasibility study with other jurisdictions.

Parking Policies: Strategy 32 of the Climate Plan reflects the City's ongoing parking pricing management program and General Plan policies. General Plan policies in place specify that consideration to establish further on-street parking pricing provisions entails further study and a stakeholder process.

Prioritize Sea Level Rise Adaptation Planning: The Heal the Ocean letter outlines their concerns about sea level rise effects, particularly on flooding and public facilities, and urges the City to proceed quickly with more detailed adaptation planning for sea level rise effects, using year 2100 sea level rise projections.

Staff response: The Climate Plan recognizes sea level rise and its future effects on flooding and facilities as a serious issue. Adaptation planning strategies are set out in the Plan, to be implemented over the coming years within the 2012-2030 Plan horizon. These Plan strategies include obtaining additional coastal technical data, and analysis,

conducting more detailed risk and vulnerability analysis for sea level rise, and identification of adaptation plans for facilities and resources. The proposed Final Plan includes added reference to the issues of underground facilities and hazardous materials raised in the letter.

Implementation of sea level rise adaptation planning will require substantial additional work to coordinate among departments and with many other public and private stakeholders, including landowners, other local jurisdictions, technical experts, and State and Federal agencies.

The Plan identifies that there are ongoing City management processes that will incorporate and address these sea level rise issues, including for emergency preparedness, public facilities management and capital facilities planning, development permitting processes, resource management, and the budget process.

This already occurs. As examples, the City's Long-Term Water Supply Program update adopted last year incorporated sea level rise forecasts into supply assumptions, and technical studies are underway in coordination with the U.S. Geological Survey to further study seawater intrusion issues for groundwater management. The City Airport Department is coordinating with the Goleta Slough Management Committee to proceed with a more detailed sea level rise study for that area that will inform resource and facility adaptation planning. The Planning Division has updated sea level rise assumptions incorporated in technical studies for coastal area project permits based on California regulatory agency direction, and has similarly updated cliff retreat rate assumptions used based on an updated geologic report for the Master Environmental Assessment.

Adaptation planning will be based on the best available modeling information, with plans monitored and refined as more accurate information becomes available. Even at the global and regional level of modeling that is currently available, it is recognized that the further out the forecasts, the less accurate they are, because there are so many input factors that may change and cannot be as accurately predicted. Currently the multiple models for California sea level rise in the year 2100 identify projected rises within a large range between 31 and 69 inches, which presents difficulties for the purpose of developing specific adaptation plans.

Carbon Absorption Measures: The Environmental Defense Center asserts that the Climate Plan does not include specific measures to address greenhouse gas absorption as required by City General Plan Policy ER1.

Staff Response: The Climate Plan does include a programs on vegetation and carbon sequestration, including measures for protection and expansion of the City's urban forest.

Longer Range Carbon Reduction Goals: The Environmental Defense Center letter comments that in order for the Climate Plan to conform to its stated objectives, it should include strategies for reducing community greenhouse gas emissions to a longer-range target of 80% below 1990 levels by the year 2050 as set forth as a directive in Governor Schwarzenegger's Executive Order S-3-05.

Staff Response: The Climate Plan has a planning horizon to the year 2030 with emissions targets within this timeframe based on the AB 32 statewide total emissions target for the year 2020 (1990 level) and the SB 375 targets established for the Santa Barbara County region by the State Air Resources Board for 2020 and 2030 (2005 levels). Future Plan updates will be undertaken based on plan implementation and periodic monitoring of emissions levels. It is expected that ongoing climate change planning will continue toward further reducing carbon emissions past the year 2030 and through the end of the century. Emissions targets for longer-range periods and additional future carbon emissions reduction programs will be revisited in subsequent plan monitoring reports as part of the General Plan adaptive management program, and the Climate Plan update process.

At the community level, forecasting local carbon emissions reductions further into the future beyond 2030 becomes more problematic and speculative, as key variables affecting the forecasts, such as technological changes, State legislative incentives and regulations, and economic factors cannot be accurately predicted that far in advance. As such, there is a broad range of possible assumptions that could be employed in forecasting, resulting in a wide range of potential future emissions levels and a large margin of error. It is difficult to identify the best future City actions on that basis. However, even assuming no further substantial technological or State legislative changes that would substantially reduce emissions generation rates, Santa Barbara is on a good trajectory toward carbon emission reductions at 80% below 1990 levels by the year 2050 with the continuing application of identified emission reduction measures to more energy and travel activities throughout the community over time.

Although the City Climate Plan targets for the planning period to the year 2030 are based on the statewide emissions reduction objectives, the referenced Executive Order in fact only establishes statewide emissions reduction objectives and contains no directive for their application in this same way to each of the separate city and county jurisdictions in California. The only official State emissions target applicable to Santa Barbara at this time is the California Air Resources Board target for Santa Barbara County Sustainable Community planning for regionwide per capita vehicle emissions to not exceed 2005 levels in 2020 and 2035.

Offshore Marine Emissions: The Air Pollution Control District letter indicates appreciation for City support of efforts to reduce marine shipping emissions, and suggests that if the

City has any specific near-term goals to achieve reductions from shipping, they be included in the Climate Plan.

Staff Response: Strategy 38 in the Climate Plan provides for the City to support regional and State efforts to reduce marine shipping emissions, reflecting policy direction from the General Plan update adopted by City Council in December 2011. The Air Pollution Control District and Marine Sanctuary have taken the lead in efforts on this issue locally, and the City has participated in and supported these efforts, such as the recent proposal for reducing ship speeds to reduce emissions.

Carbon Emissions Inventories and Forecasts: The Air Pollution Control District letter questions emission reduction credits for Strategies 3 (energy-efficient building) and 8 (community choice aggregation) in the City forecasts. The letter asserts that only regulatory mandates should be used for assumed emissions reductions.

Staff Response: Assumptions used in calculating carbon reduction estimates for the Climate Plan strategies are contained in Appendix A of the Plan. The analysis used reasonable and conservative assumptions, following industry practice as well as protocols developed by the California Air Pollution Control Officers Association. The carbon reduction analysis for the energy-efficient building measure assumes continuation of a historical rate of voluntary retrofits in Santa Barbara and an average rate of efficiency improvements. The analysis of community choice aggregation assumed 40% renewables, a modest increase in the statewide 33% renewables portfolio target for utilities. This is based on the recent experience of utilities and other jurisdictions (e.g., SCE already achieved nearly 20% renewable by 2010; Marin County has a 50% renewables rate, and Santa Francisco is targeting 50% by 2020). It is not guaranteed that a community choice aggregation would be implemented within the City; however the potential appears great enough that it is reasonable to estimate potential GHG emission reductions from a modest CCA for purposes of estimating emissions reduction for CAP implementation.

For many years, the City has been using mostly incentives and voluntary guidelines together with some regulations to effectively encourage reduction of carbon emissions. The citywide emissions inventory demonstrates that citywide emissions have been reducing. Emission reductions for incentive and voluntary measures are estimated as part of emissions forecasts with assumptions based on historic experience and trends. Periodic future emissions inventories will verify future reduction levels, and CAP policies may be adjusted through an ongoing adaptive management program.

Use of Climate Plan in CEQA Environmental Review: The Air Pollution Control District letter questions the ability of the City to use the Climate Plan as a citywide mitigation

program for greenhouse gas analysis under the California Environmental Quality Act (CEQA).

Staff Response: The impact significance threshold for cumulative greenhouse impacts used in the certified Program Environmental Impact Report for the General Plan update and Climate Plan is whether the citywide emissions meet the Assembly Bill 32 carbon emissions reduction target of 1990 levels in the year 2020. The Climate Plan analysis demonstrates with carbon emissions inventories that currently meet the 1990 level target, and the forecasts show that further reductions would occur and citywide emissions would continue to more than meet the target in the future. Periodic citywide carbon inventories will be conducted to confirm this. Project evaluation guidelines provided in Appendix C of the Climate Plan identify how applicable climate plan measures will be incorporated in development projects. The Climate Action Plan provides the evidentiary basis for use of the Plan for evaluation of cumulative impacts and as a programmatic citywide mitigation program in accordance with the CEQA guidelines.

Carbon Emissions Forecasts are Estimates. Planning Commissioner Addison Thompson commented that the Climate Plan should make clear that emission forecasts are based on assumptions and are not precise but within a range.

Staff Response: Uncertainty in the carbon emissions inventory have been limited to the extent practicable by acquiring energy usage data from utilities and by using estimates of vehicle miles traveled that are derived from an empirical traffic model based on traffic counts and trip generation studies. Forecast estimates of future citywide carbon emissions and the effectiveness of carbon reduction strategies are based on assumptions and have inherent uncertainty. It is not possible to accurately predict factors such as legislation, technology, economic changes that can affect decisions and outcomes. Periodically the citywide emissions inventory will be updated to provide monitoring of progress and comparison against the forecasts. Assumptions used in estimating future emissions forecasts used current standard industry protocols, and are explained in Appendix A and summarized in the Climate Plan discussion of forecasting methodology.

Focusing on Large Energy Users. Planning Commissioner Mike Jordan asked whether Climate Plan measures could be structured to target those that use more energy, for example a large estate versus a small single family home or apartment, and a large parking lot versus a small one.

Staff Response: Climate Plan measures affecting individual residents and businesses are mostly voluntary in nature, and actions taken, such as efficiency retrofits or establishing a parking cash out program, would generally be proportional to the size of home or business to which it is applied. Any programs made mandatory could consider structuring the

measures to provide disincentives for large energy users. Water and utility rates are examples of measures that provide a higher rate as a disincentive for greater water or energy use. Incentive programs can also be used, such as rebate programs for energy and water efficiency retrofits; the City's program for free provision of water-saving landscaping and irrigation equipment; and General Plan land use policies that use a density incentive to encourage smaller, more affordable housing that would also have reduced energy and water use.

ATTACHMENT 2

Santa Barbara Climate Action Plan PUBLIC COMMENT LETTERS RECEIVED

June 27; email	Navigant , Jennifer Barnes
July 3; letter	Native American Heritage Commission, Dave Singleton, Program Analyst
July 17; emailed letter	Santa Barbara Association of Realtors, Jim Caldwell, President
July 23; email	David Gibbs
July 25; email	Frank Diani
August 2; emailed letter	Community Environmental Council, Dave Davis, Executive Director, and Michael Chiacos, Transportation Manager
August 6; emailed letter	Heal the Ocean, Hillary Hauser, Executive Director and James O. Hawkins, Associate Researcher
August 6; emailed letter	Environmental Defense Center, Nathan G. Alley, Staff Attorney
August 6; letter	Santa Barbara County Air Pollution Control District, Carly Wilburton, Air Quality Specialist, Technology and Environmental Assessment Division

Shelton, Barbara

From: Jennifer Barnes [jennifer.barnes@navigant.com]
Sent: Wednesday, June 27, 2012 9:37 AM
To: Shelton, Barbara; 'Gary Griggs'; Nicole Russell; 'jbailard@sedcontech.com'; 'Joe McFadden'; 'Misti Bruceri'
Subject: RE:

Hi Barbara,

Thanks for sending this. We took a quick read through the final plan. Again, we think it's very comprehensive and didn't see any major red flags.

We do have one suggestion for comprehensive community engagement and education. When communications and outreach are mentioned, it is usually specific to a single program but, ideally, the City would create a cohesive, overarching brand platform and communications plan designed to engage stakeholders and motivate residents and businesses to do their part. Specifically, the communications plan would:

- Provide the community and stakeholders with a clear understanding of the overall sustainability plan;
- Use a single name and brand that will engage community members and resonate with various stakeholders;
- Be based on knowledge of what motivates residents and businesses to take conservation action, and what doesn't. Ideally, the City could update any research used for this every few years to keep up with changes in attitudes and awareness;
- Encompass the measure or program specific education campaigns mentioned throughout the plan to clearly demonstrate that the different programs and initiatives are aligned with a big picture, city-wide effort;
- Communicate the plan's goals and GHG emissions reduction progress on a consistent and ongoing basis; and
- Integrate the City's operational accomplishments to leverage "lead by example" messages and public relations opportunities.

Please let me know if you have any questions and thanks again for sending.

Jennifer

From: Shelton, Barbara [mailto:BShelton@SantaBarbaraCA.gov]
Sent: Thursday, June 21, 2012 12:41 PM
To: 'Gary Griggs'; Nicole Russell; 'jbailard@sedcontech.com'; 'Joe McFadden'; Jennifer Barnes; 'Misti Bruceri'
Subject:

Hello,

This is to let you know that the City of Santa Barbara Draft Climate Action Plan has been released for public review through August 6th (see attached notice).

The Draft Plan documents are available on the City web site at the following link:
[http://www.santabarbaraca.gov/Resident/Major Planning Efforts/Climate Action Plan](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Climate_Action_Plan).

Thanks for your analytic input and peer review help on this effort.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-8251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
da_nahc@pacbell.net



July 3, 2012

Ms. Barbara Shelton, Project Planner

City of Santa Barbara

530 Garden Street; P.O. Box 1990
Santa Barbara, CA 93102

Re: SCH#2012061072; CEQA Notice of Completion; Addendum to Environmental Impact Report (EIR - 2009011031) for the "City of Santa Barbara Climate Action Plan Project;" located in the City of Santa Barbara; Santa Barbara County, California.

Dear Ms. Shelton:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE)' and Native American cultural resources were identified in the project area specified., City of Santa Barbara

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

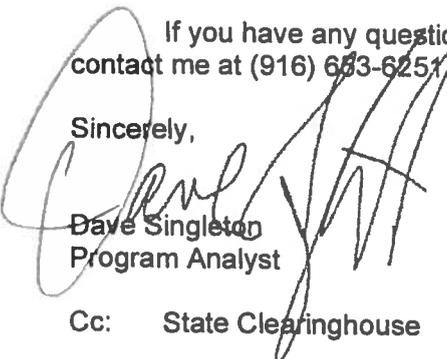
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
Santa Barbara County
July 3, 2012

Ernestine DeSoto
1311 Salinas Place # 5
Santa Barbara CA 93101
805-636-3963
Chumash

Patrick Tumamait
992 El Camino Corto
Ojai , CA 93023
(805) 640-0481
(805) 216-1253 Cell
Chumash

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell
Chumash
Tataviam
Ferrnandefio

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax
Chumash

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez , CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax
Chumash

John Ruiz
1826 Stanwood Drive
Santa Barbara CA 93103
(805) 965-8983
Chumash

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennsle, Chairwoman
365 North Poli Ave
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214
Chumash

Gilbert M. Unzueta Jr.
571 Citation Way
Thousand Oaks, CA 91320
uhuffle@aol.com
(805) 375-7229
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012061072; CEQA Notice of Completion; Addendum to the EIR 2009011031 for the Climate Action Plan; located City-wide; City of Santa Barbara; Santa Barbara County, California.

Native American Contacts
Santa Barbara County
July 3, 2012

Stephen William Miller 189 Cartagena Camarillo , CA 93010 (805) 484-2439	Chumash	Charles S. Parra P.O. Box 6612 Oxnard , CA 93031 (805) 340-3134 (Cell) (805) 488-0481 (Home)	Chumash
Santa Ynez Tribal Elders Council Adelina Alva-Padilla, Chair Woman P.O. Box 365 Santa Ynez , CA 93460 elders@santaynezchumash.org (805) 688-8446 (805) 693-1768 FAX	Chumash	Santa Ynez Band of Mission Indians Tribal Administrator P.O. Box 517 Santa Ynez , CA 93460 info@santaynezchumash. (805) 688-7997 (805) 686-9578 Fax	Chumash
Randy Guzman - Folkes 6471 Cornell Circle Moorpark , CA 93021 ndnRandy@yahoo.com (805) 905-1675 - cell	Chumash Fernandeño Tataviam Shoshone Paiute Yaqui	Carol A. Pulido 165 Mountainview Street Oak View , CA 93022 805-649-2743 (Home)	Chumash
Coastal Band of the Chumash Nation Toni Cordero, Chairwoman P.O. Box 4464 Santa Barbara CA 93140 cordero44@charter.net 805-964-3447	Chumash	Melissa M. Parra-Hernandez 119 North Balsam Street Oxnard , CA 93030 envyy36@yahoo.com 805-983-7964 (805) 248-8463 cell	Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012061072; CEQA Notice of Completion; Addendum to the EIR 2009011031 for the Climate Action Plan; located City-wide; City of Santa Barbara; Santa Barbara County, California.

Native American Contacts

Santa Barbara County

July 3, 2012

Frank Arredondo
PO Box 161 Chumash
Santa Barbara CA 93102
ksen_sku_mu@yahoo.com
805-617-6884
ksen_sku_mu@yahoo.com

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo , CA 93012
805-987-5314

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation Conslt
P.O. Box 365 Chumash
Santa Ynez , CA 93460
freddyromero1959@yahoo.
805-688-7997, Ext 37

Aylisha Diane Marie Garcia Napoleone
33054 Decker School Road Chumash
Malibu , CA 90265

Barbareno/Ventureno Band of Mission Indians
Kathleen Pappo
2762 Vista Mesa Drive Chumash
Rancho Pales Verdes CA 90275
310-831-5295

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012061072; CEQA Notice of Completion; Addendum to the EIR 2009011031 for the Climate Action Plan; located City-wide; City of Santa Barbara; Santa Barbara County, California.



July 17, 2012

Commissioner Bruce Bartlett
Commissioner John P. Campanella
Commissioner Michael Jordan
Commissioner Stella Larson
Commissioner Sheila Lodge
Commissioner Deborah L. Schwartz
Commissioner Addison Thompson
630 Garden St
Santa Barbara, CA 93101

Dear Commissioners,

The Santa Barbara Association of REALTORS® would like to take this opportunity to comment on the City of Santa Barbara Draft Climate Action Plan: June 2012 Public Review Draft. While reviewing the Climate Action Plan Draft we were pleased to continuously notice that many of the communitywide measures were based upon encouragement and voluntary actions as opposed to mandates. However, there are two specific communitywide measures that need to be addressed:

- 1) Page 2-22 – Measure 4 – Section (e)
Upgrades at time of sale. Adopt ordinance provisions to establish requirements for energy efficiency upgrades at the time of property sale to increase the efficiency of existing building stock.
- 2) Page 2-47 – Measure 66 – Section (e)
Toilet retrofits prior to building sales. To coincide with California state law Senate Bill 407, establish a program in 2017 (residential) and 2019 (commercial) to work with the real estate industry to require a certificate of compliance be submitted to the City that efficient fixtures are in place or installed at the time of sale prior to close of escrow. Consider allowing this certification to be made as part of the conventional private building inspection report process.

These two mandated time of sale communitywide measures unfairly burden home sale transactions. To place the burden of the whole community on only homebuyers and sellers is inequitable. These types of mandates are highly inefficient in getting all members of the community to comply with new standards. While some homes are sold every few years, many others remain with the same owner for many years, or even decades. Therefore, if new standards are really important enough to be mandated by law, then the implementation of those standards should be applied to all homes in the community. These mandates also add complications to sales transactions. Another step only delays the escrow process and adds more stress to the homebuyer and seller. The cost of retrofitting or of an inspection can cause the home sales price to increase drastically, leaving the potential homebuyer with an added expense, and possibly, the inability to purchase a home. Government mandates should be implemented, overseen, administered and applied evenly to the entire community. They should not target home sellers and home buyers.



When SB 407 was enacted in the State legislature, the point-of-sale aspect of the bill was removed by the author. The bill "requires, on and after January 1, 2017, a seller of certain residential real property to make a specified disclosure in this regard". In response to this, the California Association of REALTORS® added to the Transfer Disclosure Statement "water-conserving plumbing fixtures". With this disclosure in place mandating this point-of-sale is moot.

We would like to reiterate that these two point-of-sale mandates need to be eliminated from the City of Santa Barbara Draft Climate Action Plan: June 2012 Public Review Draft and all future documents.

Sincerely,



Jim Caldwell
President



Shelton, Barbara

From: David Gibbs [davidgnsb@yahoo.com]
Sent: Monday, July 23, 2012 12:02 PM
To: Shelton, Barbara
Cc: cbolton@newspress.com
Subject: Comments on draft climate plan for city of Santa Barbara

Dear Planning Division Officers,

This plan does not contain any probabilities or even estimates of success or attach any costs for the various proposals.

How can a plan be voted on where there are no reasonable calculations of outcome and cost?

Is our local government oblivious to the importance of how we invest government time and \$ resources? Should they be done only after careful assessment and weighing where we can best apply our limited resources, especially in the current dramatic economic climate?

This appears to be a "Wish List", based on beliefs rather than careful study. Is this the next painted blue line?

Please do not present this draft, it is an embarrassment.

Sincerely,
David Gibbs
Santa Barbara, CA

Shelton, Barbara

To: Shelton, Barbara
Subject: RE: Mr. Campanella (et al at PC)

From: Frank [mailto:fpdiani@aol.com]
Sent: Wednesday, July 25, 2012 12:19 PM
To: Community Development PC Secretary
Cc: voices@newspress.com
Subject: Mr. Campanella (et al at PC)

SB City Planning Commission
Mr. John Campanella

et al, July 25, 2012

Last Saturday I read, with some interest, the SBNP article titled "City plan proposal would limit carbon emissions" by Ms. Bolton. A list was included of some measures the City might take to achieve low carbon emissions. In particular, 'renewable-energy' measures were suggested... etc.

While it is admirable for all of us to consider ways of reducing carbon emissions, the pressure to adopt a "Little Chicken-Sky is falling" mentality should be *courageously* avoided. We must also be *thoughtfully realistic* in evaluating the enormity of the task *and* especially the long time frame which a task of such *world-encompassing* magnitude will take. That is why "narrowing the streets in Santa Barbara" as a candidate solution, in particular, struck me as being an almost humorous solution.

There is a big world out there, a population of some 6 Billion people (give or take) living in both "developed" and "undeveloped" countries. And the total population I understand comprises less than 2% of the earth's surface. [The oceans, we are told, comprise some 70% of the surface.]

Therefore, it is obvious that the Santa Barbara area population of some 300,000 people (more or less), comprises only about 0.005% of the earth's population. With all due respect to this beautiful area, it is, therefore, only a tiny carbon contributor on the world's stage. China, India, (*populations of some 1 Billion each*) and other developing countries, are belching out tons of carbon emissions daily - in their *legitimate* quest to grow and develop. Which make Santa Barbara's contributions appear rather miniscule.

Regardless, I understand we have to *start* somewhere, but narrowing streets for instance, is not what many of us would put on the critical 'to-do' list. Dangers to bicyclists, pedestrians, some autos, etc. etc. are increased by narrower streets, unless of course those people are selectively "*mandated*" (a favorite government word these days) to *not use* those streets. *Encouraging more personal responsibility* and mature and use of existing energy source (enough with the "mandating"!), whether renewable or not, is the more desirable approach in my opinion.

This aside, I happen to believe that the values of 'renewable energy sources' are oversold and they are oversold because the whole carbon – emission – global warming-climate change scare has been oversold – *almost*, in my opinion, to the point of

fanaticism. In addition, the cost, efficiency and time for development of "renewable energy resources" has been grossly and irresponsibly *underestimated*.

Before you dismiss *these politically incorrect* concerns and opinions, I would appreciate your reading the referenced article with reasonable objectivity. The article was published in the IEEE Spectrum of July 2012. It is written by **Vaclav Smil, a distinguished professor in the department of environment and geography at the University of Manitoba, in Canada**. The article attempts to put the whole task of implementing "renewable energy" into proper, more realistic context. The article can also be viewed at:

<http://spectrum.ieee.org/energy/renewables/a-skeptic-looks-at-alternative-energy/0>

Respectfully,

Frank Diani
Goleta CA.

~~~~~`

FYI:

~~~~~Opening paragraph ....

A Skeptic Looks at Alternative Energy

(IEEE Spectrum, July 2012; pp 46-52)

<http://spectrum.ieee.org/energy/renewables/a-skeptic-looks-at-alternative-energy/0>

It takes several lifetimes to put a new energy system into place, and wishful thinking can't speed things along

By Vaclav Smil / July 2012

In June 2004 the editor of an energy journal called to ask me to comment on a just-announced plan to build the world's largest photovoltaic electric generating plant. Where would it be, I asked—Arizona? Spain? North Africa? No, it was to be spread among three locations in rural Bavaria, southeast of Nuremberg.

I said there must be some mistake. I grew up not far from that place, just across the border with the Czech Republic, and I will never forget those seemingly endless days of summer spent inside while it rained incessantly. Bavaria is like Seattle in the United States or Sichuan province in China. You don't want to put a solar plant in Bavaria, but that is exactly where the Germans put it. The plant, with a peak output of 10 megawatts, went into operation in June 2005.

It happened for the best reason there is in politics: money. Welcome to the world of new renewable energies, where the subsidies rule—and consumers pay.

~~~~~



**Community  
Environmental  
Council**

26 West Anapamu St., 2nd Floor  
Santa Barbara, CA 93101  
tel: 805.963.0583 fax: 805.962.9080 • [www.cecsb.org](http://www.cecsb.org)

**Board of Directors**

Dennis Allen  
*President*

Elizabeth Wagner  
*1st Vice President*

Diane Boss  
*2nd Vice President*

Kerry Allen  
*Secretary*

Brian Fahnestock  
*Treasurer*

Dayna Birkley

Jeff Carmody

David D. Davis

Kim Kimbell

Russ McGlothlin

John Melack

Mike Noling

Lori Robinson

Paul Relis - *Emeritus*

Selma Rubin - *Emeritus*

**Partnership Council**

Jordan benShea

Jordan Christoff

Suzette Curtis

Phyllis de Picciotto

Neil Dipaola

Charlie Eckberg

Cass Ensberg

Krista Harris

Karl Hutterer

Tom Jacobs

Andrew Lemert

Barbara Lindemann

Eric Lohela

Ruth Loomer

Maurie McGuire

Shelley Noble

DeAnn Sarver

Jules Zimmer

David D. Davis  
*CEO/Executive Director*

Printed on 100%  
recycled paper

August 2<sup>nd</sup>, 2012

Barbara Shelton

City of Santa Barbara CDD Planning Division

P.O. Box 1990 Santa Barbara, CA 93102

By Electronic Mail c/o [bshelton@santabarbaraca.gov](mailto:bshelton@santabarbaraca.gov)

**RE: City of Santa Barbara Draft Climate Action Plan**

Dear Barbara Shelton,

The Community Environmental Council (CEC) is a solutions oriented environmental non-profit, operating in Santa Barbara since 1970. We focus entirely on clean energy – renewable energy, sustainable transportation, and energy efficiency, and thus take great interest in the City of Santa Barbara's Draft Climate Action Plan. We've thoroughly reviewed the Plan and strongly support City of Santa Barbara efforts to reduce greenhouse gas emissions (GHGs) to the maximum extent possible, and fully implement all 68 measures in the Climate Action Plan (CAP). We also urge the City to set a higher target for GHG reductions and implement new measures as they become feasible.

The CAP shows that the City of Santa Barbara is on track to reach State AB 32 goals of reducing 2020 emissions to 1990 levels. Though the City may be meeting the letter of the AB 32 law, we are far from meeting the spirit of the law. While the City has made impressive strides toward GHG reductions through many worthwhile projects, the main reasons we are reaching the 1990 levels is because the City has low population growth and benefits from state actions such as the Renewable Portfolio Standard and Clean Car Rules. In fact, while the State is projected to grow 40% from 29.8 million people in 1990 to 41.7 million in 2020, the City's population is only increasing 7.6%, from 85,550 residents in 1990 to a projected 92,064 in 2020. Thus, faster growing cities in California must do much more to reduce GHG emissions to 1990 levels, whereas the City of Santa Barbara seems content to rest on our laurels. We were alarmed during discussions at the Sustainability Committee to hear Councilmembers asking why the City is even producing a CAP if we are on track to meet 1990 levels.

CEC urges the City to at least do as much as the average California city and set a more ambitious GHG reduction target. A 35% reduction from 1990 levels by 2020 would put us in the middle of the pack in terms of doing our per capita fair share, considering California's projected population growth. We urge the City to set a more ambitious goal of 50% below 1990 levels by 2020 that reflects our status as a green minded community and the birthplace of the environmental movement.

The CAP lays out many policies that collectively bring the City to 20% reductions by 2020 and 36% reductions by 2030. The City should pursue all these policies and build on them. For example,

**FOSSIL FREE BY '33**

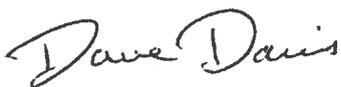
three of the largest policies, Alternative/Advanced Fuels (48,811 metric tons), Community Choice Aggregation (20,101 metric tons), and Parking Policies (31,466 metric tons) account for 72% of the calculated 138,561 metric tons reductions by 2020. These three large, community wide measures could be prioritized, focused on, and strengthened.

For example, with Alternative/Advanced Fuels, the City of Santa Barbara could accelerate efforts to make Santa Barbara a top adopter of electric vehicles (EVs, which currently reduce GHG emissions by 75% per mile compared to a gas car, and will improve as the grid gets cleaner in 2020). Reports from Nissan show that Santa Barbara is one of the top per capita markets for orders of the Nissan LEAF EV. The City of Santa Barbara could build on this by instituting policies to make Santa Barbara one of the most EV friendly cities in the country. While the City has recently installed eight charging stations, has EVs in the City fleet, and is considering new EV friendly policies, the City could accelerate these efforts by adding additional charging stations (including DC Fast Charging stations) at City owned parking garages, passing ordinances to pre-wire new and retrofitted buildings for charging stations, add additional EVs to the city fleet, and work with EV advocates to adopt all the recommended measures in the Plug in Central Coast EV Readiness Plan. While we are a small city, we could become an EV leader as the State of California seeks to have 1.5 million EVs in California by 2025.

For Community Choice Aggregation (CCA), the calculation of 20,101 metric tons was calculated by going from Southern California Edison's target of 33% renewables by 2020 to a modest 40% target. The Marin Clean Energy Authority, which started a CCA in 2010, is currently delivering 50% renewable energy to all customers at a lower cost than PG&E, and has a 100% renewable "Deep Green" option that over 1,000 accounts have signed up for. They are now expanding to allow other California cities outside Marin to join the program.

In summary, in order to follow the spirit of AB32, the City of Santa Barbara should set a target of at least 35% reductions from 1990 levels by 2020. This would position the City as doing our fair share of the average amount that other California cities are doing, considering the larger population growth that is occurring in other regions. CEC strongly urges the City to set a more ambitious goal of 50% that reflects our status as a green minded community and the birthplace of the environmental movement. This goal is achievable by implementing community scale programs that have been proven in other regions, along with building on the many successful environmental projects that the City has already undertaken.

Sincerely,



Dave Davis  
Executive Director



Michael Chiacos  
Transportation Manager



1836 State Street, Santa Barbara, CA 93101; (mail) P.O. Box 90106, Santa Barbara, CA 93190  
Telephone (805) 965-7570; fax (805) 962-0651

August 6, 2012

Barbara Shelton  
City of Santa Barbara CDD Planning Division  
Mail: P.O. Box 1990  
Santa Barbara, CA 93102

**Re: Draft Santa Barbara Climate Action Plan**

Dear Ms. Shelton:

Heal the Ocean has had an opportunity to review the City of Santa Barbara's recently released Draft *Climate Action Plan* (CAP), together with the Santa Barbara Sea Level Rise Study (Griggs & Russell 2012) included in the CAP Volume 2 Appendices. We appreciate that while the City General Plan and the two Assembly Bills (32 and 375) focus heavily, as they should, on the reduction of carbon emissions, we are acutely concerned with the local impacts of sea level rise and greatly appreciate any specific attention the City can focus on this issue. Santa Barbara is, after all, a coastal city, and all coastal cities must be one step ahead of inland areas when it comes to sea level rise, particularly when sea level rise is combined with correlative groundwater rise, together with the predicted increase of storm events and coastal flooding. The impact to water quality is obvious.

**General Comment**

Heal the Ocean commends the City of Santa Barbara for its progress on a host of sustainability goals, including those specifically targeted at addressing global climate change. While our region only represents a very small contribution to total global emissions of greenhouse gases, it is still critical that we take proactive steps towards mitigating our GHG footprint in conjunction with other cities, states, and nations across the world. We look forward to the City continuing to build on past progress in ensuring that Santa Barbara upholds its commitment to the environment and the wellbeing of its citizens by implementing programs that will encourage the adoption of clean energy technologies.

While the mitigation of greenhouse gas emissions is a critical part of the global climate change puzzle, the draft CAP rightly recognizes, and also gives credence to, the necessity in addressing the *impacts* of climate change. In addressing adaptation to climate change, it is critical to note that the globe will experience *some* level of impacts due to a warming climate, even if we were to completely halt global emissions today.

Thus, it is not a matter of "if" anymore, but "when." – and most importantly, by how much. Sea levels will rise along Santa Barbara's coast, and groundwater will meet sea water.

Given the fact that Santa Barbara is a coastal city that will be impacted by a rising ocean, sea water intrusion, and coastal storm events, the draft CAP is tremendously vague in outlining specific areas of concern, and this vagueness, we feel, will leave the City wholly unprepared to prepare and respond to the dangers ahead. It is not too soon to list specific locations, areas, concerns and policies, such as those that guide building and planning. Under each area of concern, location and policy, there should be a list of the technologies and/or remedies that must be considered for immediate scientific inquiry, political, strategic work and even conceptual and/or feasibility engineering. This work should start now.

The timelines considered in the “Adaptation Strategies” of the Draft CAP are arbitrary, and in fact, may encourage a dangerous ennui. By 2020 the City will conduct a sea level rise risk assessment and vulnerability analysis (even though one was already just completed by Griggs & Russell), and after that it will consider short-term effects (from storms), intermediate-term effects (to 2050) and long-term effects (to 2100).

These benchmarks are unpredictable, because scientists are not quite certain how fast sea level rise will occur. As this letter is being written the news has hit that a giant Greenland iceberg, about 46 square miles in size, has broken off from the Petermann Glacier in northwest Greenland and is now heading to sea. The real problem, scientists say, is that this breakup weakens the ice shelf, and when ice shelves weaken or collapse entirely, as has happened in this instance, glaciers speed up, moving more ice off of land and into the ocean, with long term impacts on rising global sea levels. News reports on this event state that scientists predicted the breakup for summer 2012 with some accuracy, but that the breakdown of the Greenland ice as a whole is causing new concern. Even if the City of Santa Barbara didn’t have unpredictability to deal with, we know for certain that by 2100 – 88 years from now – Cabrillo Blvd., the El Estero Wastewater Treatment Plant (WWTP) and the Airport will be at serious risk for flooding due to considerable sea level rise.

It would save the City countless hours of investigation, planning and repositioning if its Adaptation Strategies started from the top down – in other words, from 2100. The City should conclude that it needs to start the planning process NOW for moving infrastructure (would we have spent so many millions rebuilding the Airport if we knew it would be unusable in 88 years – or potentially less?). The City needs to start the policy process NOW for building permits in expected floodplains. Establishing “mandatory rolling setbacks that move landward over time for future development or significant redevelopment in areas likely to be affected by sea level rise inundation within the expected lives of the structure”<sup>1</sup> in the Adaptation Strategies section 86a means that in the next eight years the City might approve development that could be flooded 80 years later?

On Page 52 of the Griggs & Russell Study a risk probability chart indicates that the inundation of Santa Barbara’s low lying areas from 2050 to 2100 is rated HIGH.<sup>2</sup> Instead of a program of assessing and reassessing down the road, should the City not begin to identify land for a new Airport, a new wastewater plant, etc. today? If building permits are allowed in the floodplain (old Estero area) now,

<sup>1</sup> City of Santa Barbara. *Draft Climate Action Plan*. Community Development Department – Planning Division. June 2012, p. 3-29. <<http://www.santabarbaraca.gov/NR/rdonlyres/14B57AB5-BAAF-49A8-9935-0D80B93ED32E/0/ClimateActionPlanforPrint.pdf>>.

<sup>2</sup> Griggs, Gary, and Nicole L. Russell (University of California, Santa Cruz). 2012. *City of Santa Barbara Sea-Level Rise Vulnerability Study*. California Energy Commission. Publication number: CEC-500-2012-XXX, p. 52. <<http://www.santabarbaraca.gov/NR/rdonlyres/D8DD2C50-3E0E-4DA5-A323-0C4F8B4CDF06/0/AppendixBwithCover.pdf>>.

should they require deeper footings/pilings, in the style of Mexico City, which is built on a lake), and should groundwater remediation plans not be mapped out immediately?

One realizes the unpopularity of immediate action. When Santa Barbara's Historic Landmarks Committee voted in 2007 to approve a "Thin Blue Line" project, wherein a light blue line 1,000 feet long would be striped throughout downtown Santa Barbara to show where the sea would rise if Greenland were to melt as a result of the global warming scenario presented in Al Gore's "An Inconvenient Truth," the proposal was met with immediate outrage – mostly from developers and realtors worried that such an artistic statement might diminish property values on the ocean side of the line. The idea was scrapped.

The propensity for procrastination on this issue is going to have to be abandoned, and the sooner the better. Buildings are supposed to last longer than 80 years, and so is the Airport. It is time for the public to realize that this is a problem of tremendous magnitude, and although it is not in our back yard today, it is coming and we need to start *specific* planning. Here is, as Heal the Ocean sees it, a partial list of subjects that should have been addressed from the standpoint of year 2100:

- **Flooding of the El Estero Wastewater Plant;**
- **Flooding of the Santa Barbara Airport (and coincidentally, the Goleta Sanitary District);**
- **Contaminated groundwater surfacing and mixing with ocean water in the City's old Estero and waterfront areas (among other areas);**
- **Buildings condemned, land unusable;**
- **Buried infrastructure – electricity, gas, sewer – flooded;**
- **Surf and storm damage to private and municipal waterfront properties.**

Heal the Ocean sits on the Climate Change committee of the Santa Barbara County Integrated Regional Water Management (IRWM) program, which uses Vulnerability Assessment Checklist. Before revising the Draft CAP into its final version, we recommend that the City consider their checklist, which includes:

- Salt intrusion into coastal aquifers
- Increased wildfires
- Infrastructure (residences, recreation, water and wastewater treatment, tourism and transportation) at less than 6 feet above mean sea level
- Current flooding during extreme high tides or storm surges
- Critical infrastructure within the 200-year floodplain
- Erosion & Sedimentation

Finally, **the City's Planning Commission Staff Report of July 12, 2012**, prepared for its public hearing on July 19, 2012, is a 15-page document mainly focused on the City's strategies for carbon reduction. These measures are fine and good; however, this staff report would have been strongly questioned by Heal the Ocean during that public hearing, which we unfortunately could not attend. Had we been there, we would have stated our puzzlement at Staff's list of Strategies, Target Date and Cost Considerations for a host of items, including a Part III Climate Change Adaptation List. There is on this list "Planning for adaptation," so perhaps the issues raised in this comment letter, and other serious adaptation issues, will be considered at this point (2020? 2030?).

But under “Public Services” there are issues such as “Local food cultivation,” “Community gardens,” and “Regional Agriculture” – and NOTHING on wastewater treatment, wastewater infrastructure or the Airport. This is unacceptable! On Page 3-11 of the CAP the following statement is made:

*“Much greater projected sea level rise in the period to the year 2100 (40-55 inches) could cover much of the waterfront area and into low-lying inland areas and the report deems the future impact to be of high probability and magnitude. Public facilities such as the El Estero Waste Water Treatment Plant and coastal roads would become vulnerable. The probability of increased flooding and permanent inundation on the Airport property by 2100 is rated very high.”*

Why wouldn't the Staff Report at least put these issues on the list? Heal the Ocean maintains that these issues are more important than “Community gardens” and “Local food cultivation.”

### Specific Comments

#### El Estero Wastewater Treatment Plant

The El Estero Wastewater Treatment Plant (WWTP) is one of many treatment plants along the U.S. coastline to be threatened by sea level rise. Several recent studies, including the City's own 2009 *Plan Santa Barbara*, indicate that the WWTP is vulnerable under long term sea level rise scenarios. Given the evidence, the Climate Action Plan CAP) must lay out more specific plans – from the standpoint of the Year 2100.

The potential impacts of WWTP flooding were outlined in a 2009 Pacific Institute report, *The Impacts of Sea-Level Rise on the California Coast*, “[i]nundation from floods could damage pumps and other equipment, and lead to untreated sewage discharges. Besides the flood risk to plants, higher water levels could interfere with discharge from outfalls sited on the coast.”<sup>3</sup> It doesn't need to be stated that discharges of untreated sewage for even a short period of time could lead to serious degradation of coastal waters.

The City's 2009 *Plan Santa Barbara* states that “[w]hile it does not appear likely that the plant could be subject to flooding with modest rises in sea level, projections show that the El Estero facility would be increasingly vulnerable over time to a 100-year flood event with a 4.6-foot sea-level rise.”<sup>4</sup> The Plan Santa Barbara's corresponding map also offers a compelling visual addendum to the preceding excerpt:

<sup>3</sup> Heberger, Matthew, et al. *The Impacts of Sea-Level Rise on the California Coast*. The Pacific Institute, May 2009, p. 62. <[http://www.pacinst.org/reports/sea\\_level\\_rise/report.pdf](http://www.pacinst.org/reports/sea_level_rise/report.pdf)>.

<sup>4</sup> City of Santa Barbara. Certified Final Program Environmental Impact Report for the *Plan Santa Barbara* General Plan Update – Volume I. AMEC Earth & Environmental, Inc., Sept. 2010, p. 18-11. <[http://www.youplansb.org/docManager/1000000694/18.0\\_Global\\_Climate\\_Change.pdf](http://www.youplansb.org/docManager/1000000694/18.0_Global_Climate_Change.pdf)>.

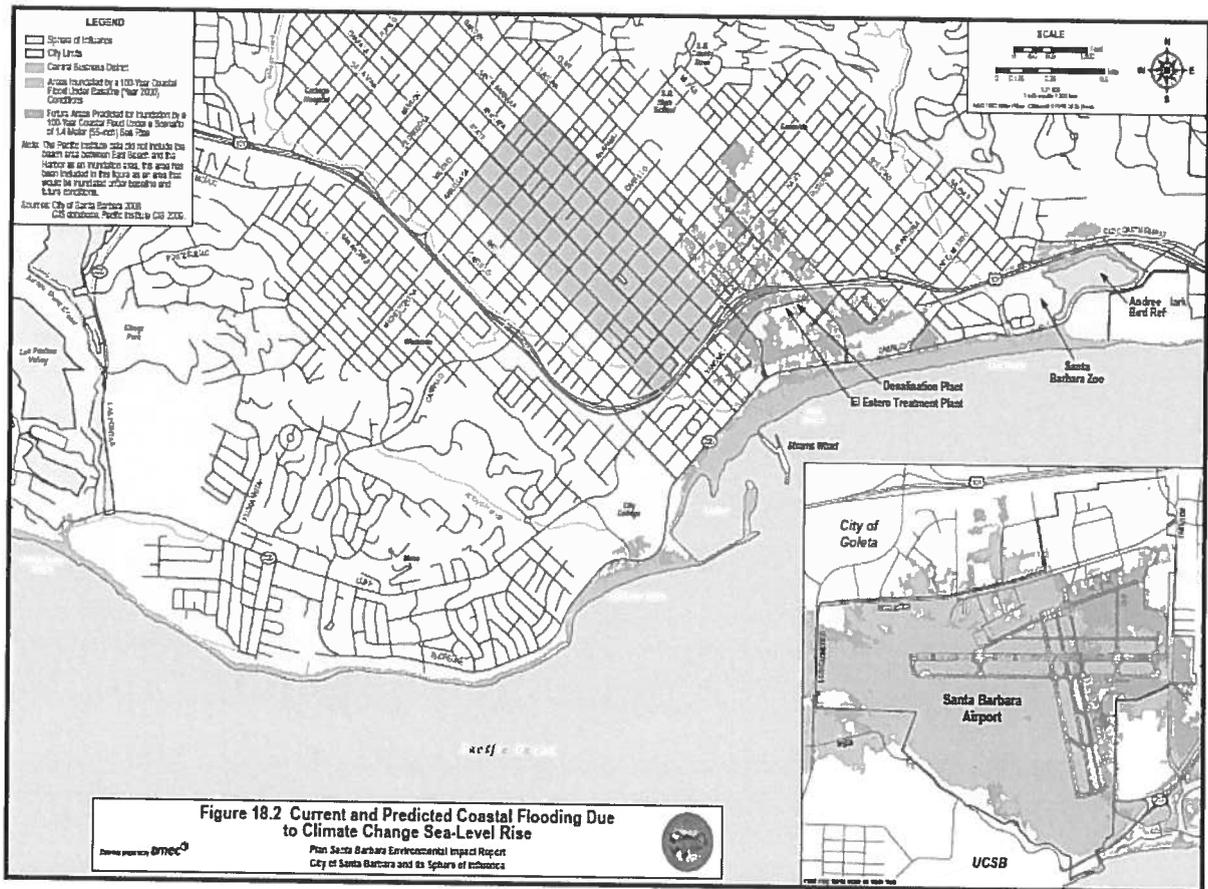


Figure 18.2 from Chapter 18 of Plan Santa Barbara<sup>5</sup>

Even if communities are indulging in “rollback” planning, Heal the Ocean believes Santa Barbara should not treat the flooding of the El Estero Wastewater Treatment Plant as a long-term planning concern. The City needs to begin looking at alternate technologies, alternate (higher) land areas for settling ponds, waterproofing equipment or facilities that cannot be abandoned, and so forth. According to the Pacific Institute study, 28 of California’s coastal wastewater treatment plants are “vulnerable to a 100-year flood event with a 1.4 m sea-level rise,”<sup>6</sup> and among the 28, Santa Barbara’s El Estero Treatment Plant is identified as being vulnerable under such a sea level rise scenario. The following map illustrates the extent of risk posed by sea level rise to California’s treatment plants:

<sup>5</sup> Ibid., p. 18-9.

<sup>6</sup> Heberger, Matthew, et al. *The Impacts of Sea-Level Rise on the California Coast*. The Pacific Institute, May 2009, p. 62. <[http://www.pacinst.org/reports/sea\\_level\\_rise/report.pdf](http://www.pacinst.org/reports/sea_level_rise/report.pdf)>.

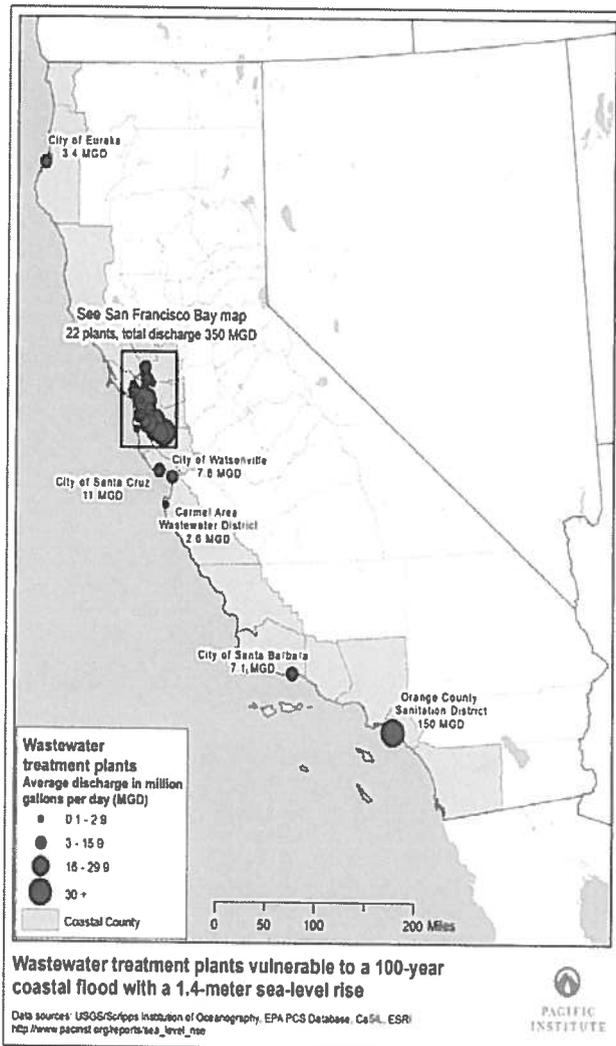


Figure 24 from the Pacific Institute Sea Level Rise Study<sup>7</sup>

Unfortunately, the CAP does not lay out sufficient measures to adapt to these risks. In fact, the Plan only recommends “*Adaptation approaches*,” implying that they may or may not be ultimately implemented. Even the “*approaches*” are vague, e.g.:

*Adaptation approaches: Additional detailed assessment of future area effects; programs addressing vulnerable resources currently located at water level, e.g., strengthening in place or elevation of infrastructure such as transportation, breakwater, pier, wharf, and buildings; or phased relocation; land use policies and standards for new development”<sup>8</sup>*

When? Where? How? Simply stating that the City will implement “programs addressing vulnerable resources” does not offer a rigorous enough plan for adapting to climate change.<sup>9</sup>

<sup>7</sup> Ibid., p. 63.

<sup>8</sup> City of Santa Barbara. *Draft Climate Action Plan*. Community Development Department – Planning Division. June 2012, p. 3-11. < <http://www.santabarbaraca.gov/NR/rdonlyres/14B57AB5-BAAF-49A8-9935-0D80B93ED32E/0/ClimateActionPlanforPrint.pdf>>.

<sup>9</sup> Ibid.

The CAP Appendix 2 Griggs & Russell study states that “sea-level may necessitate the modification of plant facilities or operations in the **coming decades** [emphasis added].”<sup>10</sup> While this is clearly a long term problem, that does not exclude planning in the short to medium term.

**Given the evidence cited above, it is clear that sea level rise poses a serious threat to the City’s wastewater infrastructure. The City must more clearly spell out its strategy to address these issues within this iteration of the *Climate Action Plan*. The CAP needs to offer more specifics on this question, at least a list of strategies to be studied in the immediate future.**

### **Flooding of the Airport**

This issue is briefly addressed in our General Comment, above. Why wouldn’t the CAP at least list the issue of alternate sites? The current Airport will be flooded by 2100. Was it prudent to rebuild the Airport in its present location, and where should it go next?

### **Sea Level Rise and Groundwater**

The ebb and flow between ocean and groundwater is well known. Many coastal communities are already addressing seawater intrusion by injecting recycled water into the groundwater. In 2009, the USGS published a report, *Sources of Fecal Indicator Bacteria in Urban Streams and Ocean Beaches*, J.A. Izbicki et al., which examines this hydrologic connection. Performed in conjunction with the City of Santa Barbara and with contributory funding from Heal the Ocean, the study (2005-2007) is one of the first serious examinations of the relationship between groundwater contamination and the ocean, and made the definitive conclusion that when the ocean comes in, groundwater levels go up.

The City of Santa Barbara has shallow groundwater areas all throughout its boundaries, particularly in the old Estero area (see again **Figure 18.2 from Chapter 18 of the *Plan Santa Barbara***<sup>11</sup> reproduced above). It is not just the ocean that will rise and flood the coastline, the accompanying rise in groundwater will occur, and instead of joining together under the land, it will take place on the surface. As we will mention later in this comment letter, the City planning (and *Plan Santa Barbara*) needs to begin now to limit, or prohibit, building in the old Estero area.

**Submerged infrastructure:** The issue of rising groundwater levels due to sea level rise needs serious examination in the *Climate Action Plan*. An overlooked issue is the flooding of underground infrastructure – sewer, electric and gas lines. A recent USGS study of New Haven, Connecticut, which, in most areas, is 30 feet or less above sea level, found that a 3 foot rise in sea level could possibly “inundate underground infrastructure,<sup>9</sup> flooding basements and submerging sewer pipes and utility lines that deliver water and electricity.”<sup>12</sup>

<sup>10</sup> Griggs, Gary, and Nicole L. Russell (University of California, Santa Cruz). 2012. *City of Santa Barbara Sea-Level Rise Vulnerability Study*. California Energy Commission. Publication number: CEC-500-2012-XXX, p. 38. <<http://www.santabarbaraca.gov/NR/rdonlyres/D8DD2C50-3E0E-4DA5-A323-0C4F8B4CDF06/0/AppendixBwithCover.pdf>>.

<sup>11</sup> City of Santa Barbara. Certified Final Program Environmental Impact Report for the *Plan Santa Barbara* General Plan Update – Volume I. AMEC Earth & Environmental, Inc., Sept. 2010, p. 18-9. <[http://www.youplansb.org/docManager/100000694/18.0\\_Global\\_Climate\\_Change.pdf](http://www.youplansb.org/docManager/100000694/18.0_Global_Climate_Change.pdf)>.

<sup>12</sup> Johnson, Lacey. *Rising Groundwater May Flood Underground Infrastructure of Coastal Cities*. Scientific American, May 2012. <<http://www.scientificamerican.com/article.cfm?id=rising-groundwater-may-flood-underground-infrastructure-of-coastal-cities>>.

**It is critical that the City of Santa Barbara CAP outline a strategy for the flooding of its underground infrastructure – sewer, electric and gas lines – by rising groundwater levels.**

Groundwater, which rises with sea level rise, is already shallow in a good portion of City boundaries, particularly where the old Estero used to be (behind the El Estero Wastewater Treatment Plant) and graphically outlined in color map of **Figure 18.2 from Chapter 18 of the *Plan Santa Barbara***.<sup>13</sup>

### **Groundwater Contamination and Flooding**

Another serious issue of groundwater rise that will eventually cause flooding and mixing of groundwater with ocean water, is the level of contaminants in shallow groundwater throughout the City of Santa Barbara, particularly in the waterfront area and the old Estero. The State Water Resources Control Board's (SWRCB) Geo Tracker program has mapped the City's groundwater wells, each of which are monitored for levels of contamination of PCEs, TCEs, benzene (a carcinogen), 1,2-dichloroethane, toluene, xylenes, MTBE, t-butyl alcohol and other contaminants in shallow groundwater plumes beneath the City. A groundwater rise will lift these contaminants to the surface, mix with the ocean, and flooding of property will become a bigger issue than that of mere flooding.

To illustrate, we superimposed Figure 18.2 from Chapter 18 of the *Plan Santa Barbara*<sup>14</sup> over the SWRCB Geo Tracker map (below). It is obvious that rising groundwater containing the contaminants listed above will not only be coming to the surface, but mixing with the ocean.

The good news is that Heal the Ocean is spearheading a project in which the Regional Water Quality Control Board hazmat staff and Santa Barbara County Fire Site Mitigation Unit (hazmat) will be prioritizing these contaminated sites for cleanup. *Plan Santa Barbara* – and the CAP – should take into consideration the results of this project, to help in mitigation of the deleterious effects of groundwater rise.

---

<sup>13</sup> City of Santa Barbara. "Certified Final Program Environmental Impact Report for the *Plan Santa Barbara* General Plan Update – Volume I." AMEC Earth & Environmental, Inc., Sept. 2010, p. 18-9.  
<[http://www.youplansb.org/docManager/1000000694/18.0\\_Global\\_Climate\\_Change.pdf](http://www.youplansb.org/docManager/1000000694/18.0_Global_Climate_Change.pdf)>.

<sup>14</sup> Ibid.

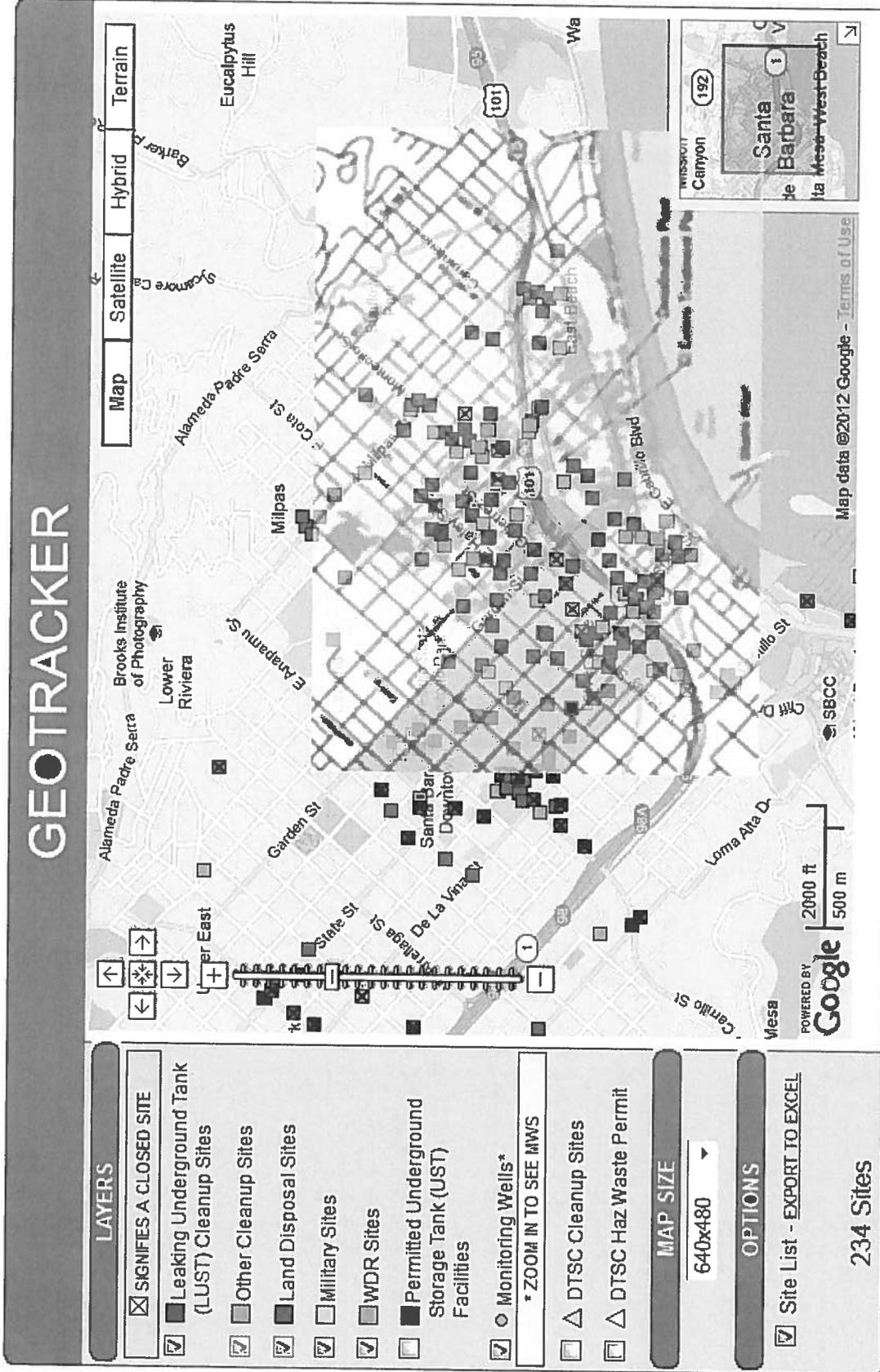


Figure 18.2 from Chapter 18 of Plan Santa Barbara <sup>15</sup> Superimposed over Santa Barbara Geotracker Map

<sup>15</sup> City of Santa Barbara. "Certified Final Program Environmental Impact Report for the Plan Santa Barbara General Plan Update – Volume I." AMEC Earth & Environmental, Inc., Sept. 2010, p. 18-9. <[http://www.youplansb.org/docManager/1000000694/18.0\\_Global\\_Climate\\_Change.pdf](http://www.youplansb.org/docManager/1000000694/18.0_Global_Climate_Change.pdf)>.

**Buildings (or rebuilding) in the Flood Plain**

As mentioned earlier in this comment letter, the planning and building permitting departments of the City of Santa Barbara should not be waiting to see how things go in the matter of sea level rise. Should underground garages be permitted if they are to flood? (Some underground garages and City underpasses are already flooding). Should deeper pilings be required? *Should the City allow the construction of buildings and/or facilities that will very likely be flooded within 88 years?* A construction policy procedure should be started now, so that the City is protected in the future.

**Cabrillo Blvd and Shoreline**

The coastline of the actual City boundaries is not altogether so enormous that areas of concern other than Cabrillo Blvd. and Shoreline should be listed, with problems identified and possible remedies for those problems at least stated. The Pros and Cons are already known for Seawalls, Rock Installation, and the moving of Sand. These methods should be outlined in the CAP, with Pros & Cons for each, specific to the location. In relation to continual sand movement to establish berms and barriers, the environmental effects of dredging need to be studied, and this issue should at least be mentioned in the CAP.

**Conclusion**

In conclusion the Draft Climate Action Plan is unfortunately not a plan. It is a list of considerations, sandwiched into a 2020/2050 framework outlining when more considerations will be made before the almost certain flooding that will come in 2100. We encourage the writers of this document to go back to the studies contained in the Appendices and this letter, and start with the Year 2100 to develop a list of action items. We believe that working from the assumption that flooding is an imminent dilemma will ultimately save the City of Santa Barbara time, money and guesswork. More importantly, it will prevent disaster.

Thank you for considering our comments.

Sincerely,



Hillary Hauser, Executive Director



James O. Hawkins, Associate Researcher



August 6, 2012

Barbara Shelton  
City of Santa Barbara CDD Planning Division  
P.O. Box 1990  
Santa Barbara, California 93102

**RE: City of Santa Barbara Draft Climate Action Plan**

Dear Ms. Shelton,

The following comments on the City of Santa Barbara's Draft Climate Action Plan (CAP) are submitted by the Environmental Defense Center (EDC). EDC is a non-profit public interest law firm which represents community organizations in environmental matters affecting California's south central coast.

The City's General Plan calls for the preparation of a comprehensive climate action plan which, in compliance with the California Global Warming Solutions Act (AB 32), would "address climate change concerns including reducing green-house gas [GHG] emissions, green-house gas absorption, and adaptation to climate change."<sup>1</sup>

The Draft CAP appropriately characterizes the impacts and risks associated with global climate change. The CAP does not, however, entirely conform to its stated objectives. For example, the Draft CAP does not appear to include specific measures to address GHG absorption, as required by the General Plan. Similarly, while the Draft CAP references AB 32, it is not adequately responsive to statewide directives such as Executive Order S-3-05 (Schwarzenegger), which sets forth the following greenhouse gas emission reduction targets: (1) by 2010, reduce GHG emissions to 2000 levels; (2) by 2020, reduce GHG emissions to 1990 levels; and (3) by 2050, reduce GHG emissions to 80 percent below 1990 levels.

It is encouraging to note that "the Santa Barbara community has already met the 2020 and 2030 carbon emissions targets" outlined by AB 32. In order to fully encompass state goals, however, the CAP should include strategies for reducing our current GHG emissions to 80 percent below 1990 levels.

---

<sup>1</sup> 2011 Environmental Resources Element, Policy ER1.

August 6, 2012

EDC re: City of Santa Barbara Draft Climate Action Plan

Page 2 of 2

The CAP should not be a paper exercise, such that it merely tallies our City's past successes and references ongoing programs aimed at reducing GHG emissions. Rather, the CAP should be a forward-looking document which improves upon these efforts and explicitly conforms to both the General Plan and state law.

Please adopt a CAP which will ensure that Santa Barbara continues to be a leader both for our region and for California.

Sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive 'N' followed by a long horizontal stroke that curves upwards at the end.

Nathan G. Alley  
Staff Attorney



**Santa Barbara County  
Air Pollution Control District**

**RECEIVED**

AUG 06 2012

CITY OF SANTA BARBARA  
PLANNING DIVISION

August 2, 2012

Barbara Shelton  
City of Santa Barbara  
Community Development Department, Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93101

**Re: APCD Comments on City of Santa Barbara Draft Climate Action Plan**

Dear Ms. Shelton:

The Air Pollution Control District (District, or APCD) has reviewed the Draft Climate Action Plan (CAP), which addresses climate change issues for the City of Santa Barbara community in the current period to the year 2030, in accordance with directives of the Santa Barbara General Plan and the California Global Warming Solutions Act (AB 32). The purposes of the CAP are to (1) reduce the rate of carbon emissions generation within the Santa Barbara community, and (2) plan for adaptation of Santa Barbara to climate change.

Air Pollution Control District staff offers the following comments on the Draft CAP:

1. **Section 1.0 Introduction, 1.2 Background, Page 1-13:** The discussion of Air District actions to address climate change is potentially misleading and should be revised. The District has not, to date, formally proposed greenhouse gas thresholds for actions where the District is the lead agency. The District has held meetings, workshops, and has made a presentation to the District's Community Advisory Council on this issue. A formal proposal has not been brought before our Board and greenhouse thresholds have not been adopted by the District.

To provide a more accurate description of Air District activities the paragraph under the "Air District" subheading should be revised as follows:

"In 2011, the Santa Barbara County Air Pollution Control District held a public workshop to discuss the development of greenhouse thresholds and potential threshold options, including options for a numeric threshold for stationary sources, proposed a greenhouse gas emissions standard for use in evaluating the environmental impacts of proposed large stationary sources within Santa Barbara County. The proposed threshold level would define a significant impact when a stationary source would generate 10,000 or more metric tons carbon dioxide (CO<sub>2</sub>) equivalent per year (MTCO<sub>2</sub>e/year). This would be used in conducting project environmental reviews required under the California Environmental Quality Act (CEQA)."

Other District activities related to climate change and greenhouse gas (GHG) emissions include the following:

- Incorporation of GHG emissions into large industrial source permits, as required by federal law;
- Updating and refining of the District's countywide GHG emissions inventory;

- Working with individual jurisdictions to quantify and mitigate GHG emissions associated with development projects;
  - Participation in working groups to update and improve GHG quantification and mitigation tools statewide;
  - Working with the California Air Resources Board to implement AB 32 Scoping Plan measures, as necessary.
2. **Section 2.0 Reduction of Carbon Emissions, 2.3 Carbon Emissions Reduction Strategies, Page 2-33:** CEQA Guidelines Section 15183.5, *Tiering and Streamlining the Analysis of Greenhouse Gas Emissions*, discusses the tiering of projects from a greenhouse gas reduction plan. Specifically, Section 15183.5(b)(1)(D) states that an adopted greenhouse gas reduction plan should “*Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level*”. Climate Action Plans typically include a mix of voluntary and mandatory measures to generate GHG reductions. Since the implementation of voluntary measures is not guaranteed, their corresponding reductions are more speculative than mandatory measures. Plans should strive to rely on mandatory measures to meet their GHG reduction targets, and/or measures should be adopted as Conditions of Approval for proposed projects to ensure that measures included in the CAP result in verifiable reductions.
  3. **Section 2.0 Reduction of Carbon Emissions, 2.3 Carbon Emissions Reduction Strategies, Page 2-33:** Large ships are responsible for substantial amounts of worldwide emissions of black carbon, nitrogen oxides (NOx), particulate matter, sulfur, air toxics, greenhouse gases, and substances that deplete ozone in the upper atmosphere. In addition, NOx and Volatile Organic Compounds (VOCs) from ship transits off the coast of Santa Barbara County represent nearly 50% of all ozone precursor emissions in the District emissions inventory. The District has been working to raise awareness of the problem and call for voluntary and regulatory measures to control these emissions. The District's current focus is on exploring the potential for vessel speed reduction in the Channel to achieve substantial reductions in shipping emissions. We appreciate the City's support of efforts to reduce marine shipping emissions, and if the City has any specific near-term goals to achieve reductions from shipping, we suggest you include them in the CAP.
  4. **Section 2.0 Reduction of Carbon Emissions, 2.4 Effectiveness of Strategies, Page 2-49:** There appear to be multiple arithmetic calculation errors in Figure 2-14. For example, the total emissions after adding the subtotal of each scope is 543,204 (447,205 + 93,694 + 2,305), not 502,008 as cited. Also, the Scope 1 Emissions subtotal after adding the various inputs is 449,510 not 447,205 as cited, and Scope 2 Emissions subtotal is 91,921 not 93,694 as cited. These discrepancies should be corrected to accurately portray the emissions forecast with implementation of the plan.
  5. **Section 2.0 Reduction of Carbon Emissions, 2.4 Carbon Emissions Reduction Strategies, Page 2-50-52 and Appendix A, Appendix A3, Page 7 and 10:** Estimates of emission reductions from Climate Plan Strategies should be supported with substantial evidence. Although the CAP includes the assumptions and calculations used to develop the emission reductions estimates for the Climate Plan Strategies, some strategies may be overestimating anticipated reductions.

Specifically, Page 7 of Appendix A3 discusses assumptions made for Strategy 3: *Energy-efficient building – voluntary actions*, and states that it was “*Assume[d] that 1% of City homeowners*

*utilize financing mechanisms to improve home energy efficiency, and that each home experiences a reduction in energy consumption of 40% as a result of extensive improvements.”* The assumption of energy savings from home improvements appears to be highly optimistic. The City should provide a basis for this percentage reduction in energy consumption, and assess whether it is realistic.

In addition, a significant amount of reductions are attributed to Strategy 8: *Community choice aggregation*. This measure consists of a feasibility study of a Community Choice Aggregation arrangement. Due to the speculative nature of this measure, it appears to be difficult to make assumptions regarding its performance and assign a specific amount of GHG emission reductions. The City should provide a sound basis for the emission reductions estimated for this measure and evaluate whether such a large amount of emission reductions is realistic and achievable.

6. **Section 2.0 Reduction of Carbon Emissions, 2.4 Effectiveness of Strategies, Page 2-53:** The value cited in Figure 2-16 as the Citywide *With Plan* Emissions Forecast in 2020 of 502,008 MTCO<sub>2</sub>e does not correspond with values cited elsewhere in the CAP such as in Figure ES-1 on page ES-4, in Figure 2-15 on page 2-52, and Appendix A3 on page 4. The value does match the Total Emissions presented in Figure 2-14, but as stated in Comment 4 above, this value appears to be incorrect.
7. **Section 3.0 Adaption to Climate Change, 3.1 Climate Change Effects, Page 3-7:** Under the “*Air Pollution*” subheading, it is stated that, “*Deposition of reactive nitrogen affects agriculture and natural habitat.*” Please provide additional explanation of how climate change contributes to this impact and what the resulting air pollution concern would be. Note that there are several other impacts of climate change that could affect air quality including increased risk of wildfire and drought leading to potentially higher particulate matter (PM) levels.
8. **Section 4.0 Implementation, Monitoring, and Update, 4.1 Implementation, Page 4-7:** The CAP asserts that an adopted Climate Action Plan can potentially remove or greatly reduce the need for specific projects to quantify and mitigate greenhouse gas emissions under the California Environmental Quality Act (CEQA).

The CEQA Guidelines amendments that were finalized in March 2010 create a mechanism for analysis and mitigation of greenhouse gas impacts at a program level. However, it is our understanding that if specific projects are not addressed and mitigated within the scope of the adopted program, additional greenhouse gas analysis and mitigation may still be required under CEQA. CEQA Guidelines Section 15183.5, *Tiering and Streamlining the Analysis of Greenhouse Gas Emissions*, discusses the tiering of projects from a greenhouse gas reduction plan. Specifically, Section 15183.5(b)(2) discusses the section’s use with later activities and states that:

*“A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR or adoption of an environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the*

*effects of a particular project may be cumulatively considerable, notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, an EIR must be prepared for the project."*

9. **Appendix A, Appendix A1, Pages 7 and 10:** In reference to the effectiveness of Title 24 energy efficiency standards in future years, page 7 states that:

*"To be conservative, AMEC estimated that updated Title 24 standards will become effective every four years in 2014, 2018, and 2022, and that each update will have an additional increment of 50% of the effectiveness of the preceding update because fewer new sources of new reduction will be available. Some other documents which have attempted to account for future updates to Title 24 have assumed greater reductions from future updates (e.g., San Mateo County assumed 70% effectiveness from one update to the next), but this results in a change from baseline that appears to exceed a realistic rate of technological change."*

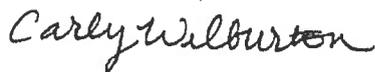
Page 10 then states that:

*"As described for natural gas consumption, projections account for revised State Title 24 energy efficiency standards. Again, to be conservative, AMEC estimated that updated Title 24 standards will become effective every four years in 2014, 2018, and 2022, and that each update will have an additional increment of 70% of the effectiveness of the preceding update because fewer new sources of new reduction will be available... This is consistent with other recent climate plan inventories that have accounted for remodels and updates in Title 24 standards, such as for the County of San Mateo."*

The statements made on page 7 and 10 are contradictory. The document should be revised with the utilization of a consistent methodology.

If you have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at [cvw@sbcapcd.org](mailto:cvw@sbcapcd.org).

Sincerely,



Carly Wilburton,  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: Project File  
TEA Chron File

**Santa Barbara Climate Action Plan  
ADVISORY BOARD MEETING SUMMARIES**

- Planning Commission: Minutes of July 19, 2012 public hearing
- Water Commission: Summary of July 9, 2012 meeting discussion
- Harbor Commission: Summary of August 16, 2012 meeting discussion



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

July 19, 2012

### **CALL TO ORDER:**

Chair Jordan called the meeting to order at 1:02 P.M.

### **I. ROLL CALL**

Chair Sheila Lodge, Vice Chair Mike Jordan, Commissioners Bruce Bartlett, John P. Campanella, Stella Larson, Deborah L. Schwartz, and Addison Thompson.

**Absent: Sheila Lodge**

### **STAFF PRESENT:**

John Ledbetter, Principal Planner  
Danny Kato, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Rob Dayton, Principal Transportation Planner  
Steve Foley, Supervising Transportation Planner  
Barbara Shelton, Project Planner/Environmental Analyst  
Allison De Busk, Project Planner  
Suzanne Riegle, Assistant Planner  
Julie Rodriguez, Planning Commission Secretary

### **II. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
None.
- B. Announcements and appeals.  
None.
- C. Comments from members of the public pertaining to items not on this agenda.  
Chair Jordan opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

**III. NEW ITEM:**

**ACTUAL TIME: 1:03 P.M.**

**DRAFT SANTA BARBARA CLIMATE ACTION PLAN**

The purpose of this hearing was to receive public comment and Planning Commission input on the Draft Santa Barbara Climate Action Plan. The draft document is available online at: [www.santabarbaraca.gov/Resident/Major\\_Planning\\_Efforts/Climate\\_Action\\_Plan](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Climate_Action_Plan).

The Climate Plan is prepared in response to directives of the City General Plan and State Legislature (AB 32-Global Warming Solutions Act, SB 375-Sustainable Communities and Climate Protection Act).

The Climate Plan identifies an inventory and forecasts of carbon dioxide and other “greenhouse gas” emissions generated by the Santa Barbara community that contribute to cumulative effects of accelerated global climate change. Strategies to reduce carbon emissions are identified in the areas of energy, travel and land use, vegetation, waste reduction, and water conservation.

The Plan also identifies potential climate change effects in Santa Barbara from forecasted temperature increase, reduced rainfall, and sea level rise, and strategies to begin planning for adaptation to climate change effects.

The City of Santa Barbara invites public comment on the Draft Plan through August 6, 2012 to the email address below or to the Planning Division office at P.O. Box 1990 (630 Garden Street), Santa Barbara, CA 93102. The Plan will be subsequently forwarded to City Council for adoption.

Case Planner: Barbara Shelton, Project Planner/Environmental Analyst

Email: [BShelton@SantaBarbaraCA.gov](mailto:BShelton@SantaBarbaraCA.gov)

Phone: 805-564-5470, ext. 4467

Barbara Shelton, Project Planner, gave the presentation, joined by John Ledbetter, Principal Planner. Mike Henry, AMEC Environmental & Infrastructure, Inc., was also available to answer the Commission’s questions.

Chair Jordan opened the public hearing at 1:28 P.M.

The following people spoke in support of the project:

1. Michael Chiacos, Community Environmental Council, supports the Climate Action Plan (CAP). The plan should adopt stronger carbon reduction goals and policies, including for the further installation of charging stations throughout the city, robust parking policies, and community choice aggregation.

2. Wayne Ferren, Channel Islands Restoration, supports the CAP, especially the policies related to natural vegetation, and preservation of the urban forest. Also, supports the conservation of shoreline resources.
3. Beth Pitan August, League of Women Voters of Santa Barbara, appreciates all the changes that have been made the last seven years in areas of waste reduction, alternative fuels, solar installations, and water conservation. Congratulated Staff for the good work on the CAP efforts, especially with budget constraints.

With no one else wishing to speak, the public hearing was closed at 1:37 P.M.

The majority of the Commission complimented Staff on an excellent report and shared additional comments:

1. Commissioner Larson would like to see more consideration given to regional efforts, and offshore emissions. Likes the idea of community resiliency, and encouraged promoting community preparedness, safety issues, and corridors for safe passage.
2. Commissioner Schwartz suggested a future work session to discuss how plan measures apply to individual development projects. Suggested coordinating with APCD on off-shore emissions.
3. Commissioner Thompson noted that the emissions numbers are not precise and the Plan should reference a range. If the assumptions and numbers are greater or less, the results will differ.
4. Commissioner Campanella felt that the City's proactive programs in recent years are one reason that the City is already meeting emissions targets. Would like to see partnerships developed within communities, not only with agencies, but also with the for-profit and non-profit communities, as a way to extend funding in the absence of a redevelopment agency. Proactive outreach to business community and public is needed. Liked seeing the urban forest part and useful overlaps with other programs such as mid-block passages.
5. Commissioner Bartlett liked seeing all that has been discussed over the years put into a document and that we are ahead of targets in greenhouse gas emissions. There appears to be a legislative inconsistency with SB375 planning strategies for land use and transportation and California Air Resource Board regulations limiting housing along the freeway. Need to look at reducing "embodied energy". Suggested fixing what is broken in the current system, before creating new policies, e.g. many of our existing policies need enforcement. Policies focusing only on new development will have little impact due to the small increment of growth. Existing built environment is what contributes to the problem and needs policies and incentives. Likes seeing sea level rise in the document and feels it should be stressed more in review of projects. The report is a good start but needs to go further to include the entire populace, not just new development.
6. Commission Jordan liked the use of the Adaptive Management Program for monitoring. Distressed that references to budget constraints seem to relate to City operations and facilities, but exemptions are not available to the private sector.

Liked that the plan starts with voluntary and incentive programs first, then enforcement and requirements only if needed. Agreed with Commissioner Thompson on further explanation on the assumptions made on the data and on revealing whether we are on the high side or low side of a range.

Commissioner Jordan called for a break at 2:40 P.M. and reconvened the meeting at 2:47 P.M.

#### **IV. DISCUSSION ITEMS**

##### **ACTUAL TIME: 2:47 P.M.**

**RECUSALS:** To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

Commissioner Larson recused herself due to her husband being an employee of Cottage Hospital.

Commissioner Bartlett recused himself due to his firm working with Cottage Hospital.

##### **A. CONSTRUCTION UPDATE FOR VILLA RIVIERA REAL ESTATE COMPANY, 601 E. MICHELTORENA ST, 027-270-040, C-O (MEDICAL OFFICE), GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MST2003-00827)**

Six-month construction update on the construction of 115 residential condominiums on the site previously developed with St. Francis Hospital (a.k.a “Cottage Workforce Housing Project”). The project was approved by the Planning Commission on September 21, 2006 (Resolution No. 039-06), and by the City Council on December 19, 2006 (Resolution No. 06-103). The City Council certified the Final Environmental Impact Report for the project on December 19, 2006 pursuant to the California Environmental Quality Act Guidelines Sections 15090 and 15091.

**DISCUSSION ITEM** - Staff presented a six-month update on the status and effectiveness of construction-related mitigations and monitoring for the Cottage Workforce Housing Project. **No formal action on the project was taken during this discussion item.**

Case Planner: Allison DeBusk, Project Planner

Email: ADebusk@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4552

Allison DeBusk, Project Planner, gave the Staff presentation.

Ron Biscaro, Vice President of Project Management, Cottage Hospital, and President, Bella Riviera Real Estate, gave the applicant presentation.

Chair Jordan opened the public hearing at 2:57 P.M. and with no one wishing to speak, the hearing was closed.

Commissioner Schwartz thanked Mr. Biscaro and the project management team for the corrective action taken since the last review.

**ACTUAL TIME: 2:58 P.M.**

**B. CONSTRUCTION UPDATE FOR SANTA BARBARA COTTAGE HOSPITAL (SBCH), 320 WEST PUEBLO STREET, APNS: 025-100-001; 025-061-015; & 025-171-050; SP-8 HOSPITAL ZONE, GENERAL PLAN DESIGNATION: INSTITUTIONAL (MST2003-00152)**

Annual construction update on the construction activities for Santa Barbara Cottage Hospital. The project was approved by the Planning Commission (PC) on March 24, 2005 (Resolution No. 020-05), and by the City Council on April 25, 2005 (Amended PC Resolution No. 020-05). The City Council certified the Final Environmental Impact Report for the project on March 24, 2005 pursuant to the California Environmental Quality Act Guidelines Sections 15090 and 15091.

**DISCUSSION ITEM** - Staff presented an annual update on the status and effectiveness of construction related mitigations and monitoring for the Cottage Hospital Project. **No formal action on the project was taken during this discussion item.**

Case Planner: Suzanne Riegler, Assistant Planner

Email: SRiegler@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 2687

Case Planner: Suzanne Riegler, Assistant Planner, gave the Staff presentation.

Ron Werft, President and CEO, Cottage Health System, gave the applicant presentation, joined by the Cottage Hospital Health System Board of Directors. Steve Fellows, Executive Vice President/Chief Operating Officer, was available to answer any of the Commission's questions.

Chair Jordan opened the public hearing at 3:26 P.M. and with no one wishing to speak, the public hearing was closed.

Commissioner's Comments:

1. Much of the Commission's discussion had to do with emergency helicopter operations and the noise they generate. Commissioner Thompson suggested talking with the Airport and looking into automated noise monitoring station equipment so that real data can be gathered and evaluated.
2. The Planning Commission thanked the Applicant for the progress made this past year.

The next neighborhood information meeting held by Cottage Hospital will be held on August 15, 2012 at 5:30 p.m. in the Burtness Auditorium.

V. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 3:28 P.M.**

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

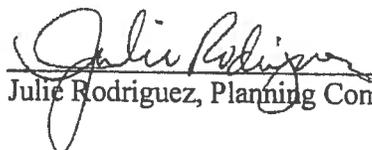
a. Commissioner Schwartz reported on the Historic Landmark's Committee meeting of July 18, 2012.

b. Commissioner Schwartz reported on the Downtown Parking Committee meeting of July 19, 2012.

VI. **ADJOURNMENT**

Chair Jordan adjourned the meeting at 3:30 P.M.

Submitted by,

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

July 9, 2012 Meeting, Item 7, Draft City Climate Action Plan

Summary of Board of Water Commissioner Questions and Comments

1. L. Neustadt - How are Highway 101 trips accounted for in greenhouse gas emissions inventories?

*[B. Shelton – The refined citywide inventory and forecasts used the General Plan traffic model for estimating existing & forecasted trips, and also used updated standard assumptions such as splitting the emissions between jurisdictions for commute trips that cross City lines.]*

2. B. Keller - The water discussions in the Draft Plan look similar to information included in the Long Term Water Supply Plan.

3. B. Keller - The discounted agricultural water rate issue has been raised by Steve Little and debated at the City for years. Would it be possible to identify and include this as a policy in the Climate Plan with the rationalizations that in the hillsides, orchards provide a protective greenbelt beneficial to wildfire risk, and that retaining orchards provides some benefit for carbon sequestration?

*[B. Shelton - I understand there are some legal complexities with the agricultural water rate issue and State laws, but we will take a look at this suggestion for the Plan.*

*R. Bjork – There will be further discussion of this issue with Item 12 - Water Rate Study.]*

4. R. Ruiz – Does AB 32 provide any requirement for State approval of the City Climate Plan?

*[B. Shelton – No; AB 32 encourages rather than requires local jurisdictions to prepare Climate Action Plans, does not specify content requirements, and does not provide for State approval of Plan.]*

**August 16, 2012 Board of Harbor Commissioners Meeting**  
**Summary of Agenda Item 6: City Climate Action Plan Briefing**

Commissioners in attendance: Betsy Cramer, Chair; Bill Spicer, Vice Chair; Cory Bantilan; Eric Friedman; Frank Kelly; Jim Sloan

Staff in attendance: Mitt Kronman; Karl Treiberg; Barbara Shelton; John Ledbetter

Commissioner Questions and Comments

- Strategy 38 – marine shipping emissions and City role  
*[Channel Islands Marine Sanctuary has been taking lead in discussions with federal government, along with Air Pollution Control District and Mayor Schneider supporting. Proposal to reduce speeds in Channel to ten knots could reduce emissions by half, and lowers cost as well.]*
- Sea level rise and adaptation for Waterfront  
*[This has been an ongoing City consideration. Prior rebuilt wharf incorporated 1 ½ feet into planning. Seven inch addition with cap repair. Cabrillo Arts facility was elevated. Adaptation planning will require gathering of more information on changing conditions.]*
- Vegetation – National Geographic online has information on roof top gardens, which also provide benefits visually and for runoff as well as for climate change. Locally could consider bus stop shelter roofs.
- Sea level rise - vulnerability is clear for facilities, roads, sewers, etc. from past floods such as El Nino in '98, Cabrillo flood.
- Sea level rise - economic impacts would be great, e.g., emergency flood costs.
- Sea level rise – need to get underway with adaptation planning and speed up the process
- Report reference to solar costs being relatively low?  
*[Reference is to specific program in plan for City guidelines for new development.]*

**CORRESPONDENCE RECEIVED  
BY THE CITY CLERK'S OFFICE**

## Peirce, Gwendolynn

---

**To:** Shelton, Barbara  
**Subject:** RE: Comment on Santa Barbara Climate Action Plan

---

**From:** David Gibbs [mailto:]  
**Sent:** Monday, September 10, 2012 9:49 AM  
**To:** Shelton, Barbara; 'Jennifer Barnes'; 'Krista Pleiser'; 'Frank '; 'Michael Chiacos'; 'Hillary Hauser'; 'Nathan Alley'  
**Subject:** Response to: Notice of Santa Barbara City Hearing on Climate Action Plan

Dear City Council,  
As a biological scientist and local medical device business owner with products in 76 countries, I urge you NOT to pass this matter.

In these difficult economic times you must perform a more sophisticated analysis of (1) the \$ cost to our community of the measures you advocate, (2) the percent contribution of gases this measure represents relative to totals and the large developing countries increasing emissions, (3) MOST IMPORTANT the fact that our local/ CA/ USA emissions are already dropping significantly due to the shift toward natural gas and more efficient technologies (much more than your expensive measures hypothetically would do).

You should instead look for measures to reduce costs and unnecessary regulations to local businesses, these are definitely impeding growth of businesses and employment. Improvements here will definitely lead to higher employment, more local tax revenues, and enable local government to enhance performance and help pay for our growing entitlements economic crisis.

Please focus on removing things that are dragging down local businesses and our economy. Your current proposal is likely to do more harm than good.

Sincerely,  
David L. Gibbs, Ph.D.  
CEO, Giles Scientific Inc.  
Santa Barbara, CA

**From:** "Shelton, Barbara" <BShelton@SantaBarbaraCA.gov>  
**To:** 'Jennifer Barnes' <jennifer.barnes@navigant.com>; 'Krista Pleiser' <kpleiser@sbaor.com>; 'David Gibbs' <davidgnsb@yahoo.com>; 'Frank ' <IMCEAMAILTO-fpdiani+40aol+2Ecom@SantaBarbaraCA.gov>; 'Michael Chiacos' <mchiacos@cecmail.org>; 'Hillary Hauser' <hillary@healtheocean.org>; 'Nathan Alley' <nalley@environmentaldefensecenter.org>  
**Sent:** Friday, September 7, 2012 5:03 PM  
**Subject:** Notice of Santa Barbara City Council Hearing on Climate Action Plan

Good afternoon,

This is to let you know that a City Council public hearing is scheduled for the afternoon of Tuesday, September 18, 2012 to consider adoption of the final City of Santa Barbara Climate Action Plan (notice attached).

The Climate Plan documents are available on the City web site at the following link, or copies may be obtained from the City Planning Division office at 630 Garden Street.

[http://www.santabarbaraca.gov/Resident/Major\\_Planning\\_Efforts/Climate\\_Action\\_Plan/](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Climate_Action_Plan/)

Please feel free to contact me with any questions.

**Barbara Shelton, Project Planner/ Environmental Analyst**

**City of Santa Barbara Community Development Department, Planning Division**

**630 Garden Street/ P.O. Box 1990, Santa Barbara, CA 93102**

**Telephone: 805.564.5470, Ext 4467; Facsimile: 805.897.1904**

**Office hours: Monday - Friday 8:30-4:30**

**Closed every other Friday - See Calendar Link [http://www.santabarbaraca.gov/Government/City\\_Calendar](http://www.santabarbaraca.gov/Government/City_Calendar).**

## Peirce, Gwendolynn

---

To: Shelton, Barbara  
subject: RE: Comment on Santa Barbara Climate Action Plan

---

From: Frank [mailto: ]  
Sent: Saturday, September 08, 2012 12:41 PM  
To: Shelton, Barbara  
Subject: Re: Notice of Santa Barbara City Council Hearing on Climate Action Plan

Re "Climate Action" plan:

"Even with carbon reduction efforts, current forecasts expect destabilized climate processes with serious effects around the world in the coming decades."

With all due respect for the charitable/human opinions expressed by honestly concerned citizens, some thoughts:

- What exactly does "destabilized climate processes" mean?
- The environmental "movement" ideologues switched titles from "Global Warming" to "Climate Change" a few of years ago when we had a cold spell... which one are we supposed to be compensating for?
- Consider a Realistic Perspective - Santa Barbara County has some 300,000 people living here. When we consider that the world has some 6,000,000,000 people living on it, one wonders how indeed we citizens of SB County can impact any such real [or imagined, depending on one's "beliefs"] *worldwide* "changes". Perhaps a little humility (or even more practically - reality?) is called for. (SB county:  $300,000/6,000,000,000 = .00005$  or **.005%** of the estimated world population)
- I wonder if the mastodons or the dinosaurs, or whatever or whoever went before them, had reduced *their* CO<sub>2</sub> or CO, etc. outputs, could *they* have changed the course of the ancient evolving world conditions?
- Reasonable citizens, while being concerned, must also thoughtfully consider whether we might be like the little kid at the beach trying to pour the whole ocean into a small hole in the sand, or like *Chicken Little* (Not Chic-fil-A  ) shouting frantically: "The Sky is falling!!!"
- I submit that yes, we should be encouraged to "voluntarily" and "responsibly" reduce excess generation of waste, C<sub>2</sub>, etc. etc. but government can best help by a program of "education and rewards", **not** by adding more and more really useless government regulations which results in more reduction of personal freedoms.

I hope the Council keeps the perspectives of world situations, e.g., international cooperation - or lack thereof - and other conditions beyond human (or SB Council) control such as volcanic eruptions, earthquakes and other natural phenomena - in their thinking about *controlling* our 'environment' with more and more regulations.

Frank Diani  
Goleta

-----Original Message-----

From: Shelton, Barbara <BShelton@SantaBarbaraCA.gov>  
To: 'fpdiani@aol.com' <fpdiani@aol.com>  
Sent: Fri, Sep 7, 2012 5:06 pm  
Subject: FW: Notice of Santa Barbara City Council Hearing on Climate Action Plan

Second try..

---

**From:** Shelton, Barbara  
**Sent:** Friday, September 07, 2012 5:04 PM  
**Subject:** Notice of Santa Barbara City Council Hearing on Climate Action Plan

Good afternoon,

This is to let you know that a City Council public hearing is scheduled for the afternoon of Tuesday, September 18, 2012 to consider adoption of the final City of Santa Barbara Climate Action Plan (notice attached).

The Climate Plan documents are available on the City web site at the following link, or copies may be obtained from the City Planning Division office at 630 Garden Street.

[http://www.santabarbaraca.gov/Resident/Major\\_Planning\\_Efforts/Climate\\_Action\\_Plan/](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Climate_Action_Plan/)

Please feel free to contact me with any questions.

*Barbara Shelton, Project Planner/ Environmental Analyst  
City of Santa Barbara Community Development Department, Planning Division  
630 Garden Street/ P.O. Box 1990, Santa Barbara, CA 93102  
Telephone: 805.564.5470, Ext 4467; Facsimile: 805.897.1904  
Office hours: Monday - Friday 8:30-4:30  
Closed every other Friday - See Calendar Link [http://www.santabarbaraca.gov/Government/City\\_Calendar](http://www.santabarbaraca.gov/Government/City_Calendar).*

# DRAFT

## City Council Resolution & CEQA Findings for Climate Action Plan

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE SANTA BARBARA CLIMATE ACTION PLAN AND MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in December 2011, the City Council adopted by Resolution the *Plan Santa Barbara* General Plan Update (GPU); and

WHEREAS, the 2011 City Council Resolution adopting the GPU included findings pursuant to the California Environmental Quality Act to certify the Final Program Environmental Impact Report (FEIR), identify environmental impacts associated with the GPU, and explain overriding considerations providing the basis for Council adoption of the GPU with significant environmental impacts; and

WHEREAS, the certified FEIR for the GPU includes the following components: Volume I FEIR; Volume II Appendices, Volume III Public Comments and Responses; and FEIR Addendum dated November 10, 2011 for the GPU; and

WHEREAS, the adopted GPU includes direction for preparation of a City Climate Action Plan (CAP) pursuant to Assembly Bill 32 and Senate Bill 375 provisions; and

WHEREAS, the adopted GPU contains policy direction on energy, transportation and land use, vegetation, waste management, water conservation, and hazards management that informed preparation of Climate Action Plan provisions for greenhouse gas emissions reduction and climate change adaptation planning; and

WHEREAS, the GPU policies and Program EIR received extensive public review over a multiple-year process and Council acceptance, as outlined in the GPU adoption Resolution; and

WHEREAS, a draft Climate Action Plan was prepared in accordance with GPU direction; and

WHEREAS, an Addendum to the certified Program FEIR dated June 18, 2012 (hereinafter "FEIR CAP Addendum") was prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15164 provisions, that together with the FEIR provides environmental review of the Climate Action Plan and documents changes to the FEIR as part of the review of the Climate Action Plan. The FEIR changes involve lowering the FEIR assessment of climate change impacts and the City Environmental Analyst determined that the Climate Action Plan would not result in any of the conditions in CEQA Guidelines Section 15162 that require preparation of a Subsequent EIR; and

WHEREAS, the FEIR CAP Addendum documents the more detailed analysis of greenhouse gases prepared as part of the Climate Action Plan which demonstrates that climate change impacts of the GPU and Climate Action Plan will be lower than identified earlier in the Program FEIR and would be less than significant; and that the Climate Action Plan falls within the range of the GPU policy options, growth scenarios, and impacts studied in the Final EIR and does not raise new environmental issues or additional significant impacts; and

WHEREAS the draft Climate Action Plan underwent a 45-day public review period June 21-August 6, 2012, including public notification via newspaper notice, mailed notice, and email notice; public access to the draft document via web site, library copies, and provision of paper copies; a noticed public hearing before the Planning Commission held on July 19, 2012; and receipt of public comments via letter, email, and public hearing; and

WHEREAS, with consideration of public and Planning Commission comment received, a proposed final Climate Action Plan was prepared and forwarded to City Council for adoption; and

WHEREAS, on September 18, 2012, the City Council held a noticed public hearing, considered the proposed final Climate Action Plan, public comments, and CEQA environmental review documentation, and deliberated on the matter; and

WHEREAS, the City Planner is the custodian of the record of proceedings for the Climate Action Plan and FEIR Addendum, and the documents and other materials which constitute the record of proceedings for City actions related to the Climate Action Plan, FEIR and FEIR CAP Addendum are on file at office of the City of Santa Barbara Community Development Department, Planning Division, located at 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the office of the City of Santa Barbara Community Development Department, Planning Division.

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

**I. Adoption of Santa Barbara Climate Action Plan**

The City Council of the City of Santa Barbara adopts the Santa Barbara Climate Action Plan, making the following findings:

**A. General Plan Finding**

The targets and strategies of the Climate Action Plan are consistent with the General Plan, including the General Plan goals, policies, and implementation actions involving greenhouse gas reduction, climate change adaptation planning, energy, land use, transportation and circulation, vegetation management, waste management, water conservation, public services and facilities, and hazards and natural resources management within the Land Use Element, Housing Element, Open Space, Parks and Recreation Element, Economy and Fiscal Health Element, Historic Resources Element, Environmental Resources Element, Circulation Element, Public Services and

Safety Element, Local Coastal Plan, Coastal Plan Airport and Goleta Slough, and the Adaptive Management Program and Mitigation Monitoring and Reporting Program.

**B. California Environmental Quality Act (CEQA) Findings:**

The City Council makes the following findings in accordance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq.; the State CEQA Guidelines, California Code of Regulations (CCR) §§15090, 15091, 15092, and 15093; and the City Guidelines for Implementation of the California Environmental Quality Act (City CEQA Guidelines), City Council Resolution No. 94-064, §III.C.2:

**1. CEQA Findings for City Council Consideration of Certified Final Program Environmental Impact Report (FEIR) and FEIR Addendum for the Climate Action Plan (FEIR CAP Addendum), pursuant to CCR §15090 and City Guidelines §II.2.k**

The FEIR CAP Addendum dated June 18, 2012 for the Climate Action Plan, together with the certified FEIR for the GPU, were presented to the City Council, and the City Council has reviewed and considered the information contained in the certified FEIR and FEIR CAP Addendum prior to adopting the Climate Action Plan. This CEQA documentation for the Climate Action Plan reflects the Lead Agency's independent judgment and analysis.

**2. CEQA Findings for Use of Certified Final Program Environmental Impact Report (FEIR) and Addendum to the FEIR dated June 18, 2012 (FEIR CAP Addendum) for Environmental Review of the Climate Action Plan, pursuant to CEQA Guidelines 15183 and 15164.**

An EIR was certified by the City Council for the adoption of the *Plan Santa Barbara* General Plan Update (GPU). The Climate Action Plan is consistent with the GPU and within the scope of analysis of the GPU Program FEIR. Therefore, the adoption of the Climate Action Plan qualifies for an exemption pursuant to CEQA Guideline Section 15183. The FEIR provided a comprehensive programmatic citywide analysis of climate change effects of citywide growth under the GPU policies associated with greenhouse gas emissions and effects of climate change on the City environment. The Climate Action Plan would result in no new environmental issues and no new significant impacts beyond the impacts identified in the FEIR, nor a substantial increase in impacts or the severity of identified in the FEIR. The FEIR CAP Addendum prepared for the Climate Action Plan documents that the more detailed analysis of greenhouse gas impacts within the Climate Action Plan which demonstrates that greenhouse gas impacts of citywide growth under the GPU policies and Climate Action Plan strategies would be lower than identified earlier in the FEIR, and would be less than significant. None of the conditions described in CEQA Guideline Section 15162 calling for the preparation of a subsequent EIR have occurred.

**3. CEQA Findings of Significant, Unavoidable Environmental Impacts of the GPU and Climate Action Plan (Class I Traffic Impact), Reduction of Impact,**

**and Infeasibility of Mitigation Measures and Alternatives, pursuant to PRC Section 21081 and CCR 15091**

The City Council makes the following findings identifying and explaining (a) the potential Class I significant citywide traffic impact that may result from estimated growth and changes within the City to the year 2030 under the GPU policies, and with the Climate Action Plan, based on analysis in the FEIR, and measures incorporated into the GPU and the Climate Action Plan to lessen these impacts, and (b) economic, legal, social, technological and other considerations that make infeasible certain mitigation measures and alternatives identified in the FEIR to reduce this impact, based on GPU analysis, public comment, and Council deliberations:

- a. Transportation Class 1 Significant Impact and Partial Mitigation. Future growth under the GPU and associated traffic effects were incorporated as assumptions underlying the Climate Action Plan. The FEIR impact analysis identified a significant transportation impact associated with peak-hour vehicle traffic congestion from future growth under the GPU, as follows:
  - The FEIR identifies potentially significant peak-hour traffic effects of 20-26 impacted intersections by the year 2030.
  - Feasible changes to the initial GPU project were incorporated into the final GPU and also apply to the Climate Action Plan that will act to lessen peak-hour traffic congestion impacts, including the following: (1) reduction of the non-residential growth cap policy from 2.0 million square feet to the year 2030 to 1.35 million square feet for specified category uses with excluded uses estimated by the FEIR at up to an additional 0.5 million square feet; and (2) incorporation of Mitigation Measure Trans-1, Intersection Level of Service and Arterial Congestion (MM T-1), for installation of signal or other improvements at specified intersections, and establishment of an intersection master plan for physical improvements at specified impacted intersections. The FEIR analysis, including Fehr & Peers and Nelson-Nygaard reports, demonstrates that reduction of non-residential growth would reduce the amount of increase in peak-hour trip generation and associated congestion effects, and that the identified roadway and signal improvements would improve levels of service at specified intersections. Based on the FEIR analysis, these measures provide partial mitigation of identified traffic congestion impacts.
  - The FEIR found that traffic congestion impacts could be further reduced to a substantial degree through application of Mitigation Measure T-2, Reductions in Traffic Demand (MM T-2) resulting in fewer impacted intersections but still with residual impacts even after mitigation remaining at potentially significant and unavoidable levels (Class 1). The FEIR identifies all the EIR alternatives as resulting in some level of residual Class 1 significant traffic impact.
- b. The City Council finds Mitigation Measure T-2 that would provide a robust expansion of TDM, parking pricing, and alternative mode improvements (and the equivalent policies analyzed under the Additional Housing Alternative) to be

infeasible for economic, environmental, social, and other considerations, as follows:

- An up-front commitment to full implementation of MM T-2 measures does not represent the best City policy in the interest of the community and the objectives of the GPU to protect the local economy and community's character, and to live within our resources.
- The Circulation Element policies included in the final GPU and the Climate Action Plan retain the full slate of traffic-reducing mitigation strategies envisioned by MM T-2, but do not direct up front the timing and exact extent they will be implemented. More information and analysis beyond the scope of a program EIR level on the effectiveness, design, and application of such traffic management strategies is prudent. The Santa Barbara community is also divided on whether these measures are advisable. The GPU and Climate Action Plan policies better recognize the uncertainties of the future over a 20-year period, and the importance of having community acceptance of such measures prior to implementation. The revised policies incorporate more flexibility on later determinations of the extent, timing, phasing, and location of TDM implementation, and incorporate more process provisions to ensure the prerequisite support by community stakeholders. The policies rely on the adaptive management component of the GPU which will monitor traffic congestion to assist in determining if and when such measures will be considered.
- The retail economy of Downtown Santa Barbara is in a substantial downturn as evidenced by vacancy rates, sales tax levels, and unemployment rates. Downtown business organizations provided testimony that there would be negative effects to the Downtown merchants from MM T-2 strategies such as on-street parking pricing that could cause Downtown customers to do business, shop, dine, or vacation elsewhere. Any such effects providing a disincentive for visitors to the Downtown could also affect the vitality of the greater downtown cultural life, such as attendance at theaters, concerts, art exhibits, and other cultural events within the Downtown.
- Public testimony was also received expressing concerns that installation of parking meters may not be compatible with the community character of the historical Downtown or the City El Pueblo Viejo district, and that, after the long experience of free street parking in this City, implementation of parking meters would affect quality of life.
- Immediate implementation of the MM T-2 programs would require City fiscal resources not currently available. The City is presently undergoing a substantial economic downturn, and it is unclear when recovery will occur or when implementation of the T-2 measures would become fiscally feasible.

If the potential traffic effects identified in the EIR do gradually occur over the 20-year GPU horizon, the City could choose to implement these additional traffic management measures to avoid or reduce congestion impacts. As such, it is expected that some level of T-2 implementation and mitigation may well occur, providing partial mitigation. Therefore, based on the analysis in the FEIR, future development under the adopted General Plan Update and Climate Action Plan

policies is found to result in a potentially significant and unavoidable (Class 1) effect on peak-hour traffic congestion.

**4. CEQA Findings of Potentially Significant Environmental Impacts of the General Plan Update and Climate Action Plan that are Reduced to Less Than Significant Impacts with Mitigation (Class 2 Impacts), pursuant to PRC Section 21081 and CCR Section 15091**

The City Council makes the following findings identifying and explaining potentially significant impacts in the City to the year 2030 under the GPU and the Climate Action Plan that will be avoided or reduced to less than significant levels (Class 2) by measures incorporated into the GPU, based on analysis in the FEIR together with the FEIR CAP Addendum:

- a. Climate Change Class 2 Less Than Significant Impact. The future growth within the City under the GPU was analyzed in the FEIR, and a potentially significant climate change impact was identified associated with a forecasted future increase in citywide greenhouse gas emissions from transportation fuel and energy use in buildings, which would not be consistent with the State Assembly Bill 32 objective for reducing greenhouse gas emissions to 1990 levels by the year 2020. The FEIR found that estimated future increases in greenhouse gases could be substantially reduced but not eliminated through application of Mitigation MM T-2 for a robust expansion of TDM, parking pricing, and alternative mode improvements, but for the reasons described above under Finding I.C.3.b, City Council found MM T-2 infeasible for economic, environmental, social, and other considerations. An unspecified level of T-2 implementation and mitigation is expected to occur providing at least partial mitigation, however future growth under the final GPU was found to result in a potentially significant and unavoidable impact on climate change.

The Climate Action Plan provides further and more detailed analysis of potential greenhouse gas effects associated with City growth under the GPU, which are documented in the FEIR CAP Addendum. Updated assumptions for calculating forecasted citywide emissions reflected current guidance from State regulatory agencies for estimating emissions, and additional State legislative and regulatory actions that would reduce greenhouse gas emissions statewide. The Climate Action Plan analysis demonstrated that citywide greenhouse gas emissions have already been reduced to below the level identified in the State Assembly Bill 32 objective. With the incorporation of the adopted GPU policy reducing non-residential growth that mitigated forecasted traffic generation as discussed in Finding I.C.3.a above, and with the updated assumptions for greenhouse gas emissions generation, and with implementation of the Climate Action Plan strategies, forecasted future citywide emissions were also shown to be lower than identified earlier in the FEIR, and would meet and surpass the Assembly Bill 32 greenhouse gas reduction objective, and therefore constitute a less than significant impact (Class 2).

- b. Other Class 2 Less Than Significant Impacts and Mitigations. The following additional environmental impacts of the GPU were identified in the FEIR as potentially significant but mitigated to less than significant levels, and would

continue to occur with implementation of the Climate Action Plan. The Climate Plan strategies provide additional detail for implementing mitigation for the geologic (sea cliff retreat) and hydrologic (sea level rise/flooding) impacts identified. The Class 2 impacts and mitigations include:

- Air Quality: potential health effects of diesel particulate exhaust along Highway 101, mitigated with a policy limiting development adjacent to the highway;
- Biological Resources: potential resource effects from gradual loss of native upland, creek/riparian, and coastal habitats and species, mitigated with a series of resource protection policies and programs;
- Geology: potential geological and safety effects of sea cliff retreat, mitigated with updated bluff retreat review guidelines and development of a shoreline management plan;
- Hazardous Materials: potential effect from inadequate household hazardous materials disposal capacity, mitigated with a program to establish additional facility capacity;
- Historic Resources: potential effects to historic resources from gradual development, mitigated with additional measures to protect historic resources, including landmark and historic district programs, additional development design buffer requirements, and protections during adjacent construction activity.
- Hydrology: potential flood hazards from sea level rise, mitigated with adaptive management and groundwater management planning.
- Noise: potential noise effects of increasing highway traffic over time, mitigated with traffic management, and noise monitoring and mitigation measures.
- Open Space/ Visual Resources: potential effect from gradual loss or fragmentation of important open space due to incremental development, mitigated with planning and development policies to protect key open space, together with biological resource mitigation for habitats and creeks.
- Public Utilities/ Solid Waste Management: potential effect from inadequate long-term facility capacity for solid waste disposal, mitigated through coordination with South Coast jurisdictions to establish additional long-term waste management facility capacity and additional City efforts toward diversion of waste from landfill disposal.

## **5. CEQA Findings of Infeasibility of Alternatives pursuant to PRC Section 21081 and CCR Section 15091**

The General Plan Update FEIR identified several alternatives for the GPU. When adopting the GPU, the City Council made certain findings regarding the infeasibility of the alternatives identified in the General Plan Update FEIR; those findings are incorporated herein by reference.

**C. CEQA Statement of Overriding Considerations pursuant to PRC Section 21081 and CCR Section 15093**

The Climate Action Plan is based on General Plan Update growth and traffic modeling, and it reflects, incorporates, and implements GPU policies pertaining to greenhouse gas emissions, energy, land use, transportation, vegetation, waste management, water conservation, climate adaptation planning and hazards management. The Climate Action Plan is within the scope of the GPU and FEIR analysis. Based on the analysis of the FEIR together with the FEIR CAP Addendum, the City Council identifies a potentially significant and unavoidable traffic impact with future citywide growth under the GPU policies and Climate Action Plan, as identified in finding I.C.3 above.

The California Environmental Quality Act (CEQA) requires decision-making agencies to balance the economic, legal, social, technological, and other benefits of a proposed plan, including region-wide and statewide environmental benefits, against its unavoidable environmental effects when determining whether and how to approve the plan. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, then the adverse environmental effects may be deemed acceptable.

In accordance with Section 21081 of the California Environmental Quality Act and Section 15093 of the State CEQA Guidelines, after careful consideration of the environmental documents, staff reports, public testimony, and other evidence contained in the administrative record, the City Council makes the following Statement of Overriding Considerations setting forth the specific overriding economic, legal, social, technological, environmental, and other benefits of the General Plan Update and Climate Action Plan that warrant approval of the Climate Action Plan notwithstanding that all identified environmental impacts are not fully mitigated to insignificant levels. The remaining significant effects on the environment associated with traffic are deemed acceptable due to these findings:

1. Recognizing that there are trade-offs among various plan objectives, and differences of opinion within the Santa Barbara community as to the best balance of policies, and based on careful consideration of community input and analysis of the Plans, the City Council finds that the final General Plan Update (GPU) and Climate Action Plan policies provide the best long-term balance of policies for meeting the City objectives to accomplish the following:
  - Promote a strong economy and a stable long-term revenue base necessary for essential services and community enhancements, through land use policies that support business and employee needs, job opportunities, a variety of business sizes and types, educational opportunities, local businesses, and green businesses, and tourism.
  - Protect and enhance the historic and visual resources of the City and the character of established neighborhoods and the City's Central Business District.
  - Live within our resources by balancing the amount, location, and type of development with available resources including water, energy, transportation, housing, and food.

- Extend and update growth management programs to effectively manage resources and protect community character while permitting high-priority beneficial development.
  - Support sustainable, pedestrian-scale in-fill development oriented to multiple transportation modes.
  - Increase the sustainability of City neighborhoods by promoting a sense of place with a focal community center and improved connectivity and access to daily necessities including limited commercial activity, transit, community services, and open spaces for gathering and recreation.
  - Improve the balance between the number of jobs and the number of local housing opportunities, support local jobs and employees, and support economic and social diversity through land use policies that support housing affordability.
  - Promote reductions in energy consumption, use of fossil fuels, and the City's contribution to global climate change through energy and green building policies, and creative land use patterns and transportation planning.
  - Protect and wisely use natural resources, minimize environmental hazards, and provide for present and future environmental, health, and service needs.
  - Maintain the unique character and quality of life of Santa Barbara as a desirable place to live, work, and visit, through policies supporting sustainable, well-designed development, social and economic diversity, and a healthy environment.
  - Strategically place new housing within or near commercial districts and adjoining neighborhoods for ease of access.
  - Improve the jobs-housing balance by improving the affordability of housing for all economic levels in the community.
  - Decrease reliance on the automobile and encourage active lifestyles through policies and improvements designed and intended to increase the safety, convenience, and integration of multiple transportation modes.
  - Provide adequate services and facilities for existing and future residents, and address the long-term effects of climate change on public services and facilities.
2. The GPU will allow for sufficient growth to continue economic benefits, while not unnecessarily exacerbating the jobs/housing imbalance and associated traffic effects.
  3. The GPU maintains community character with less density around City historic resources, which will also benefit the tourist economy. The GPU provides additional tools for preservation of the City's historic resources, including the new Historic Resources Element.
  4. The GPU Adaptive Management component is designed to allow for policy adjustments over time based on clear objectives and regular monitoring.

5. The GPU provides for an emphasis on “community benefit” projects, including affordable housing.
6. The GPU policies for a lower non-residential growth cap and provision of unit size/density incentives for affordable workforce housing benefit the South Coast region with respect to improvement of the jobs/housing imbalance and managing traffic and greenhouse gas generation.
7. The GPU maintains and increases opportunities and choice of travel modes, to benefit management of peak-hour vehicle traffic congestion.
8. The GPU promotes public health through policies such as Sustainable Neighborhood Plans, location of mixed-use are housing, and support for alternative travel mode improvements for walking and biking.
9. The GPU maintains and enhances the City’s role in regional partnerships with other governmental agencies and community groups.
10. The GPU supports neighborhood grassroots planning and establishes a sustainability framework for the General Plan.

**D. Findings for the Fish & Game Code pursuant to PRC Section 21089 (b) and Fish & Game Code Section 711.4**

An Environmental Impact Report and FEIR CAP Addendum have been prepared by the City of Santa Barbara, which have evaluated the potential for the Climate Action Plan to result in adverse impacts on wildlife resources. For this purpose, wildlife is defined as “all wild animals, birds, plants, fish, amphibians, and related ecological communities, including habitat upon which the wildlife depends for its continued viability”. The Climate Action Plan has the potential to result in adverse but not significant effects on upland, creek/riparian, and coastal habitats and associated species. Mitigation measures from the GPU have been incorporated into the Climate Action Plan such that potential impacts will be less than significant. Because the Climate Action Plan is statutorily exempt from further environmental review pursuant to CEQA Guideline Section 15183, the Climate Action Plan is exempt from the California Department of Fish and Game fee pursuant to Fish and Game Code § 711.4(d)(1).

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

**II. Adoption of Mitigation Monitoring and Reporting Program for the Climate Action Plan pursuant to PCR Section 21081.6 and CCR Section 15097**

Mitigation measures from the GPU have been imposed and made enforceable by incorporation into the Climate Action Plan. The City Council hereby adopts the previously-adopted mitigation monitoring and reporting program (MMRP) for the adopted General Plan Update as the MMRP for the Climate Action Plan, as provided in FEIR Volume I Section 23.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 18, 2012  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference with Legal Counsel – Pending Litigation

**RECOMMENDATION:**

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC Case No. CV-1103624 JHN (AGR<sub>x</sub>)

**SCHEDULING:** Duration, 15 minutes; anytime  
**REPORT:** None anticipated  
**SUBMITTED BY:** Stephen P. Wiley, City Attorney  
**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 18, 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 Police Management Association and the new Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

**SCHEDULING:** Duration, 30 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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 18, 2012

**TO:** Mayor and Councilmembers

**FROM:** Transportation Division, Public Works Department

**SUBJECT:** General Plan Implementation – Public Works Priorities

### **RECOMMENDATION:**

That Council provide direction on priorities for Public Works Department resources regarding implementation of the General Plan and other interests in Neighborhood Transportation Management Plans to address pedestrian and traffic safety.

### **EXECUTIVE SUMMARY:**

Council adopted the newly updated General Plan on December 1, 2011. Public Works staff is working with Community Development staff to implement the General Plan. In February 2012, at a joint meeting with the Planning Commission, Council prioritized staff's efforts for implementation. Subsequently, in May of 2012, Council also indicated an interest in placing a high priority on a plan for the Eastside Neighborhood to address transportation management and safety issues in the wake of the death of Sergio Romero on Milpas Street last October. Prioritization of an Eastside Neighborhood plan should be considered within the context of other potential transportation priorities, such as the planned Alternative Transportation Demand Analysis, other neighborhoods that have expressed interest in transportation management and safety improvements, and the increasing cost of maintaining existing City streets. The Transportation Division of Public Works is seeking Council guidance on priorities for resource allocation.

### **DISCUSSION:**

Recently, Public Works Traffic Engineering staff created a plan to improve safety at two Milpas Street Intersections (Ortega and Yanonali Streets) following the tragic death of Sergio Romero, who was struck in a crosswalk at Ortega Street. During the decision making process, Council indicated interest in placing a high priority on a transportation planning effort focused on the Eastside area, including Salinas Street, Milpas Street, and the cross streets in between. Staff indicated that we would bring this back to Council as part of the follow up discussion for General Plan implementation efforts related to Transportation Planning.

## GENERAL PLAN PRIORITIES

At the joint meeting with the Planning Commission in February 2012, Council prioritized staff efforts to implement the recently adopted General Plan. Attachment 1 shows the timing of the initial implementation efforts that are lead by Community Development. Public Works Transportation Division participation is also highlighted. Item 13 on the attachment, Alternative Transportation Demand Analysis, is the only effort listed in which Public Works has the lead, and is expected to perform most of the work. This would be a significant allocation of Transportation Division resources.

Assessing the current and future demand of alternative modes of transportation is the initial step of Policy C1 in the Circulation section of the General Plan. The Alternative Transportation Demand Analysis effort would require consultant services and new, innovative tools to measure Santa Barbara's current and future need to use alternative modes of transportation. The outcome would be used to prioritize alternative transportation projects in the Six-Year Capital Improvement Plan. Over the past decade, most of alternative transportation projects have been construction projects from the Six-Year Capital Improvement Plan. This effort would provide a reassessment of the current pulse of the community with respect to alternative modes of transportation. Community Outreach efforts are anticipated to cost approximately \$50,000 to \$150,000 for consultant services.

If Council wishes to revisit the prioritization of this project, another option for implementing this effort would be to evaluate each alternative mode individually. For example, the current and future demand for bicycling is typically evaluated when updating the Bike Master Plan, which has been discussed as a possible next effort.

## NEIGHBORHOOD TRANSPORTATION MANAGEMENT AND SAFETY

In determining the priority to be assigned to transportation planning efforts on the Eastside, it should be noted that several other neighborhoods have also expressed interest in review of transportation impacts. One request is the Mesa neighborhood that has expressed interest in a Transportation Management Improvement Plan for Cliff Drive. The Mesa Architects have been working with the neighborhood to develop a plan for Cliff Drive to be studied upon Caltrans relinquishment of State Route 225. The relinquishment process will likely take a year or so to complete. Working with the Mesa neighborhood could be another option for Transportation Division resources once the relinquishment is completed.

Safe Passage is a neighborhood effort to improve pedestrian safety on Mission Canyon Road/Los Olivos Street between the Mission and the Natural History Museum. Mayor Schnieder and Councilmember Francisco have placed an item on the Council's agenda for September 25, 2012 to hear from the stakeholders of Safe Passage. This is another example of current community concerns that deal with transportation safety.

Requests for traffic calming have come from residents on the following streets: Crestline Drive, Meigs Road, Westmont Road, Calle Noguera, Alston Road, Los Olivos

Street, Dover Road, Wentworth Avenue, Flora Vista Drive, Voluntario Street, Peach Grove Lane, and Santa Fe Place. A crash analysis was performed with each request to discover any existing safety issues. Only in the case of Meigs Road was such a safety issue discovered and engineering standard practices applied. Although those streets were found to be within safety standards, residents commonly want to slow travel speeds further through neighborhoods, usually to increase the quality of the pedestrian experience. Decreasing travel speeds can be accomplished through various types of traffic calming devices, many have which have been tested on Santa Barbara streets. Traffic calming devices can be expensive to install and maintain.

### POSSIBLE APPROACHES TO THE EASTSIDE NEIGHBORHOOD

Two options can be considered for the Eastside should the Council make it the priority: either a Traffic Safety Improvement Plan or a Neighborhood Transportation Management Plan. A Traffic Safety Improvement Plan would focus on crash reductions and is similar to what has been done for the Milpas and Salinas corridors. The Traffic Engineer would conduct an analysis of all the intersections of the cross streets between Milpas and Salinas to determine what intersection adjustments are needed. Improvements would be done based on standard traffic engineering standards and requirements, and would not involve neighborhood consensus. It may also involve the addition, removal, or direction change of stop signs. On-street parking is also commonly removed at intersections to increase sight lines. This approach would not address neighborhood pedestrian quality or comfort perceptions.

Neighborhood Transportation Management Plans include the steps taken in a Traffic Safety Improvement Plan, but also attempt to address the quality of the pedestrian experience. This is accomplished primarily with capital improvements that increase the quality of the pedestrian experience at intersections and decrease the design speed of the roads through traffic calming devices. Neighborhoods routinely ask to lower speed limits, but this is neither effective nor legally enforceable. Working with neighborhoods to build consensus on a Neighborhood Transportation Management Plan involves significant staff resources and ultimately, capital investment in the community solutions that are developed. Short and long-term budgets should be developed at funding levels that are compensatory with the size of the plan. Focusing on a single street corridor, such as Salinas Street, or a single cross street such as Cacique Street, involves less staff time and fiscal resources.

Staff has included a list and map of Eastside Improvements that were constructed from 2002 through 2012, and some still being completed, for more background on the Eastside (Attachment 2).

### COMPETITION FOR STREET FUNDING

Also important for Council's consideration is the increasing need and cost of maintaining existing City streets. As has been reported in other Council Agenda Reports this year, Public Works has estimated that the ability to maintain the City's road surfaces at a

standard level of care is slipping. As the overall road surface quality deteriorates over time, the cost of maintenance increases exponentially. A recent study of the City's Pavement Condition Index, which measures average road surface quality, shows that it has further declined.

Any funding for Neighborhood Transportation Management Plan improvements will directly compete for road maintenance funding. Currently, the City spends approximately \$2 million annually on pavement maintenance efforts. Based on the current Pavement Condition Index, maintaining the pavement condition at a standard level of care is estimated to cost approximately \$7 million annually.

## CONCLUSION

Possible Options for an Eastside Plan include:

- A. Conduct a Traffic Safety Improvement Plan on the Eastside between Milpas and Salinas Streets including a neighborhood hearing at the Transportation Circulation Committee to listen to Eastside traffic safety concerns. The plan will implement standard engineering solutions to address the safety issues discovered.
- B. Work with staff at a follow-up workshop to identify the boundaries and objectives for an Eastside Neighborhood Transportation Management Plan.

Public Works staff continue to assist Community Development with General Plan implementation efforts as shown in Attachment 1. Staff could move forward next year on the Eastside with a Traffic Safety Improvement Plan as a part of its current budget and staff resources. However, any direction for staff to conduct a Neighborhood Transportation Management Plan on the Eastside will require reprioritizing the Alternative Transportation Demand Analysis. Other potential priorities, such as the interests of other neighborhoods and maintaining existing streets, should also be considered.

Implementing a neighborhood planning effort in the Eastside will require a Neighborhood Transportation Management Plan followed by significant capital budget commitment in the upcoming Fiscal Year 2014 budget process. If a Neighborhood Transportation Management Plan is selected, staff further recommends that Council hold a work session to focus on the objectives and expected outcomes of any Neighborhood Transportation Management Plan effort and establish benchmarks before the project begins so that progress in meeting those objectives can be measured.

## **BUDGET/FINANCIAL INFORMATION:**

The Alternative Transportation Demand Analysis cost would range from \$50,000 to \$150,000, depending on the Community Outreach strategy. Planning and conducting Community Outreach for a Neighborhood Transportation Management Plan could cost from \$50,000 to \$200,000, depending on size and complexity of the subject streets and number of stakeholders. Staff has budgeted the funds required either for the

Alternative Transportation Demand Analysis or for working with a neighborhood on a Transportation Management Plan.

Implementing capital improvements that are part of Council adopted Transportation Plans can cost from \$500,000 to \$5,000,000 (and more) depending on the complexity of the area and the chosen solutions. For example, the Cliff Drive improvements recommended by the Mesa Architects could cost upwards of \$10,000,000. There are no funds identified yet for any capital improvements that would be recommended in a future Transportation Management Plan.

In contrast, most Traffic Safety Improvement Plans can be accomplished with staff resources, generally require \$20,000 to \$150,000 to implement, and could be completed with funds already allocated for this type of project.

As an alternative to using Streets Capital Funds, Community Development Block Grant (CDBG) funds could be an appropriate alternative funding mechanism for traffic or transportation planning solutions on the Eastside, if eligible.

**ATTACHMENTS:**      1. General Plan - Draft Implementation Program: Phase 1  
                                 2. 2002-2012 Eastside Improvements

**PREPARED BY:**      Browning Allen, Transportation Manager/RD/kts

**SUBMITTED BY:**    Christine F. Andersen, Public Works Director

**APPROVED BY:**      City Administrator's Office

**General Plan**  
**Draft Implementation Program: Phase 1 Schedule**

Project Ranking	Project Description	FY12/13 2012-2013 <sup>1</sup>	FY14 2013-2014	FY15 2014-2015	FY16 2015-2016
1	Housing Element Certification by HCD	X			
2	Historic Resources Element	X			
3	Average Unit Size Density Program	X	X		
4	Non-Residential/Growth Management	X			
5	Zoning and LCP Map Amendments	X	X	X	
6	Highway 101 Air Quality Setback	X	X	X	
7	SB 375/Housing Element Update	X	X	X	
8	Climate Action Plan	X	X		
9	Safety Element	X	X		
10	Adaptive Management Program	X	X	X	X
11	Emergency Shelter Zoning	X			
12	Building Height Over 45 Feet	X			
13	Alternative Transportation Demand Analysis	X			
14	Arts Master Plan	X			
15					
16					
17					

-  Efforts with Public Works support
-  Effort led by Public Works

<sup>1</sup> Fiscal Year is from July 1 to June 31<sup>st</sup>.

## EASTSIDE IMPROVEMENTS (APS/Salinas/101/Calle Cesar Chavez/Anapamu)

## STREETS CAPITAL FUNDS

2002-2012

<b>Completed Projects*</b>	<b>Total Project Cost</b>	<b>% of Project in Eastside</b>	<b>Project Cost in Eastside</b>
CDBG 2010-11 Access Ramps (2010-2011)	\$93,123	100%	\$93,123
Eastside Sidewalk & Access Ramps (2010-2011)	\$141,658	100%	\$141,658
Alisos Access Ramps (2010-2011)	\$205,918	100%	\$205,918
ARRA Access Ramp & Sidewalk Maintenance Project (2010-2011)	\$869,377	15%	\$130,407
Alisos St Access Ramps (2008-2009)	\$89,997	100%	\$89,997
Montecito Street Lighting (2007-2008)	\$203,167	100%	\$203,167
Mason St Pedestrian Bridge (2007-2008)	\$643,502	100%	\$643,502
Sidewalk Infill (2007-2008)	\$570,503	85%	\$484,928
Punta Gorda Voluntario St Improvements (2006-2007)	\$456,514	100%	\$456,514
Milpas St Beautification (2006-2007)	\$1,192,323	100%	\$1,192,323
Punta Gorda South Sidewalk (2006-2007)	\$185,317	100%	\$185,317
Sidewalk Infill FY04 (2003-2004)	\$534,750	25%	\$133,688
Sidewalk Infill FY 2002 (2003-2004)	\$694,194	5%	\$34,710
		<b>TOTAL</b>	<b>\$3,995,250</b>

\*Excludes routine pavement, watermain, and sewermain maintenance.

<b>Projects in Progress</b>	<b>Expected Completion Date</b>	<b>Project Cost in Eastside</b>
Cacique Undercrossing	Summer 2012	> \$1,000,000
Milpas Pedestrian Improvements	Fall 2012	\$230,000
Punta Gorda Bridge	Summer 2014	\$2,000,000
Sycamore Channel	Summer 2014	\$1,000,000
Safe Routes to School Cleveland	Summer 2014	\$290,000

**LEGEND:**

-  SIDEWALK AND/OR ACCESS RAMP PROJECT COMPLETED 2004-2012
-  LIGHTING PROJECT COMPLETED 2004-2012
-  SIDEWALK AND/OR ACCESS RAMP PROJECT IN PROGRESS
-  PEDESTRIAN FLASHING BEACON PROJECT IN PROGRESS
-  CACIQUE UNDERCROSSING



# EASTSIDE IMPROVEMENTS

NOT TO SCALE

DESIGN	MR
DRAWN	MR
CHECKED	BD
PROJ. NO.	N/A