

CITY OF SANTA BARBARA CITY COUNCIL

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



Paul Casey
Acting City Administrator

Ariel Pierre Calonne
City Attorney

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

OCTOBER 21, 2014 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: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

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

ORDER OF BUSINESS

- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting
- 4:00 p.m. - City Advisory Group Interviews (Estimated Time)

ORDINANCE COMMITTEE MEETING - 12:30 P.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Follow Up On Sidewalk Behavior And Panhandling Ordinances (120.03)

Recommendation: That the Ordinance Committee:

- A. Review draft ordinance amendments to the State Street Sitting and Lying Down Ordinance and the Abusive Panhandling Ordinance and forward recommendations to City Council; and
- B. Review proposed ordinances to prohibit public urination and defecation and to authorize the Library Director to promulgate facility specific regulations and forward recommendations to City Council.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Recognition Of PathPoint 50th Anniversary**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of October 7, 2014.

3. Subject: Fiscal Year 2015 Interim Financial Statements For The Two Months Ended August 31, 2014 (250.02)

Recommendation: That Council accept the Fiscal Year 2015 Interim Financial Statements for the Two Months Ended August 31, 2014.

4. Subject: Update Of The City's Conflict Of Interest Code Resolution To Include New And Deleted Positions Subject To Disclosure Requirements (110.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Conflict of Interest Code of the City of Santa Barbara to Incorporate by Reference the Fair Political Practices Commission's Model Code and Rescinding Resolution No. 12-078.

5. Subject: Introduction Of Ordinance To Amend Municipal Code Section 5.52.160 And Increase In Design Support Services For Recommissioning The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code By Amending Section 4.52.160 Pertaining to Public Works Projects; and
- B. Authorize the Public Works Director to amend and increase a City Professional Services Contract, subject to approval as to form by the City Attorney, with McCabe and Company, Inc., in an amount not to exceed \$75,000, bringing the total amount of the contract to \$165,000, for support services related to the City's existing Coastal Development Permit for the Desalination Plant.

CONSENT CALENDAR (CONT'D)

6. Subject: Adoption Of Ordinance Regarding The Average Unit-Size Density Incentive Program Review Process (640.02)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara amending Section 22.22.133 of the Santa Barbara Municipal Code regarding Historic Landmarks Commission referral to Planning Commission and amending Chapter 28.20 of the Santa Barbara Municipal Code establishing Planning Commission review of certain rental housing projects proposed in accordance with the Average Unit-Size Density Incentive Program.

7. Subject: A Resolution Denying The Appeal And Upholding The Decision Of The Single Family Design Board Regarding 215 La Jolla Drive. (640.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Single Family Design Board to Grant Project Design Approval and Final Approval with Findings for Proposed Additions to a Single Family Residence Located at 215 La Jolla Drive, pursuant to Council's direction of September 30, 2014.

8. Subject: Introduction of Ordinance for 2014-2017 Treatment And Patrol (TAP) Memorandum Of Understanding (MOU) (440.02)

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, for the period of January 1, 2014 through September 30, 2017, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2014-2017 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units);
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara For Paying and Reporting the Value of Employer Paid Member Contributions for Sworn Harbor Patrol Employees in the Treatment and Patrol Bargaining Units effective January 10, 2015; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara For Paying and Reporting the Value of Employer Paid Member Contributions for Sworn Harbor Patrol Employees in the Treatment and Patrol Bargaining Unit effective July 11, 2015.

CONSENT CALENDAR (CONT'D)

9. **Subject: Set A Date For Public Hearing Regarding Appeal Of Single Family Design Board Denial For 3626 San Remo Drive**

Recommendation: That Council:

- A. Set the date of November 25, 2014, at 2:00 p.m. for hearing the appeal filed by Jarrett Gorin, representing Capital Pacific Development Group (Applicant), of the Single Family Design Board denial of an application for property located at 3626 San Remo Drive, Assessor's Parcel No. 053-231-011 (portion), Zoning Designations: E-3/SD-2 (One-Family Residence Zone/Special District Zone 2: Upper State), General Plan Designation: Low Density Residential (Maximum 5 Dwelling Units per Acre). The project proposes construction of a two-story, 2,652 square-foot, single-family residence and attached 479 square-foot, two-car garage on a vacant 14,094 square-foot parcel. The total building area of 3,131 square feet is 74% of the maximum required floor-to-lot area ratio. The project is associated with a four-lot subdivision originally approved in 2010; and
- B. Set the date of November 24, 2014, at 1:30 p.m. for a site visit to the property located at 3626 San Remo Drive.

NOTICES

10. The City Clerk has on Thursday, October 16, 2014, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

11. **Subject: Review Of Fiscal Year 2016 Human Services And Community Development Block Grant Funding Priorities, Application Release And Funding Process (610.05)**

Recommendation: That Council:

- A. Review and provide input and direction to the Community Development and Human Services Committee (CDHSC) on proposed funding priorities for the Fiscal Year 2016 Human Services and Community Development Block Grant allocation process;

(Cont'd)

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT (CONT'D)

11. (Cont'd)

- B. Authorize staff to release the Fiscal Year 2016 funding application along with the committee application review process, criteria and schedule; and
- C. Establish a funding commitment from the Fiscal Year 2016 General Fund in the amount of \$655,000 for the Human Services Program.

MAYOR AND COUNCIL REPORTS

12. Subject: Request From Councilmember Hotchkiss And Councilmember Francisco Regarding Bicycle Survey Report (670.04)

Recommendation: That Council consider the request from Councilmember Hotchkiss and Councilmember Francisco regarding a presentation on a bicycle survey report.

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

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to October 28, 2014, and November 11, 2014.

(Estimated Time: 4:00 p.m.)

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

14. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Alfred Taff v. City of Santa Barbara*, WCAB Case #: Unassigned.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

CLOSED SESSIONS (CONT'D)

15. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Douglas Wilson v. City of Santa Barbara* WCAB Case #: Unassigned.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 21, 2014
TIME: 12:30 p.m.
PLACE: Council Chambers

Randy Rowse, Chair
Frank Hotchkiss
Cathy Murillo

Office of the City
Administrator

Office of the City
Attorney

Kate Whan
Administrative Analyst

Ariel Pierre Calonne
City Attorney

ITEM FOR CONSIDERATION

Subject: Follow Up On Sidewalk Behavior And Panhandling Ordinances

Recommendation: That the Ordinance Committee:

- A. Review draft ordinance amendments to the State Street Sitting and Lying Down Ordinance and the Abusive Panhandling Ordinance and forward recommendations to City Council; and
 - B. Review proposed ordinances to prohibit public urination and defecation and to authorize the Library Director to promulgate facility specific regulations and forward recommendations to City Council.
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CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: October 21, 2014

TO: Ordinance Committee

FROM: Ariel Pierre Calonne, City Attorney

SUBJECT: Follow Up On Sidewalk Behavior And Panhandling Ordinances

RECOMMENDATION:

That the Ordinance Committee:

- A. Review draft ordinance amendments to the State Street Sitting and Lying Down Ordinance and the Abusive Panhandling Ordinance and forward recommendations to City Council; and
- B. Review proposed ordinances to prohibit public urination and defecation and to authorize the Library Director to promulgate facility specific regulations and forward recommendations to City Council.

DISCUSSION:

Background

On April 22, 2014, the City Council voted unanimously (6-0, Francisco absent) to refer to the Ordinance Committee several issues raised in a memorandum from Councilmembers Hotchkiss and Rowse. The memorandum raised the possibility of taking the following specific actions:

- Expanding the 7:00 a.m. to 9:00 p.m. hours of the current Sit/Lie prohibition;
- Adding a prohibition on sitting, standing or lying down upon any planting, railing or statue placed or installed on a public sidewalk;
- Expanding the “active” panhandling prohibition near ATM's from 25 feet to 80 feet, subject to constitutional analysis by the City Attorney;
- Expanding the “active” panhandling prohibition to other areas where there are captive audiences, such as buses and other public transportation vehicles; and
- Prohibiting urinating or defecating in public.

The Council memorandum also suggested directing the City Attorney to undertake research and report back to the Ordinance Committee on the legal feasibility of adding to the municipal code the following considerations:

- A prohibition on groups of people congregating in a manner that blocks the free movement of pedestrian traffic on our downtown sidewalks;
- A prohibition on the use of public benches and street furniture for the storage, sale or display of merchandise or personal items; and
- A prohibition on active panhandling within a prescribed distance of a queue of persons waiting to gain admission to a place of business and outdoor dining areas.

Thereafter, the Ordinance Committee met on June 10, 2014, and considered the Council's direction. The Ordinance Committee requested this office to prepare certain code amendments for review, and to complete a mapping project which would identify whether the proposed regulations would leave open sufficient public areas to pass constitutional muster, i.e., ample alternative channels of communication must be left open for panhandling and solicitation in general.

The Proposed Code Amendments

The Ordinance Committee requested further review of six municipal code amendments to address new and ongoing nuisance behaviors:

- A prohibition against urinating or defecating in public (Exhibit 1 attached);
- A prohibition on using public street furniture for the display of goods for sale or donation (Exhibit 2 attached);
- Adding expanded safety zones around sensitive locations where captive audiences feel threatened by active panhandling. These areas include:
 - Within 25 feet of an outdoor dining area
 - Within 80 feet of ATMs
 - Within 25 feet of admission lines, such as movie queues
 - Within 25 feet of public benches or seating areas
 - On buses or other public transportation (Exhibit 3 attached);
- Extending the existing "sit/lie" prohibition on State Street from 7:00 a.m. to 2:00 a.m. of the following day, rather than 9:00 p.m. (Exhibit 4 attached);
- Revising the prohibition on pedestrians blocking sidewalks to include congregated groups of people (Exhibit 5 attached); and
- Delegating the Library Director the authority to promulgate regulations for the use of the libraries, including the Central Library and its outdoor plaza (Exhibit 5A attached).

Each of these proposed amendments has distinct legal issues that should be considered.

Legal Issues

Prohibition against Urinating or Defecating in Public

This proposed code amendment is a straightforward exercise of the City's police power to protect the public health, safety, and welfare. There are ample public toileting facilities in Santa Barbara.

Prohibition on Using Public Street Furniture for the Display of Wares for Sale or Donation

Restricting the sale of goods in public can have First Amendment implications when goods bearing expressive messages, such as printed T-shirts or literature, are being sold. In *One World One Family Now v. City and County of Honolulu* (9th Cir. 1996) 76 F.3d 1009, Honolulu was faced with objections from visitors and local residents, as well as merchants, who complained that street T-shirt sales on one of the busiest commercial streets in Waikiki created a sidewalk obstruction and visual eyesore, and competed unfairly with "brick and mortar" stores. The city began enforcing a local ordinance that banned the sale of all "goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services ... upon the public streets, alleys, sidewalks, malls, parks, beaches and other public places in Waikiki." (*Id.* at p.1011.) After being threatened with prosecution, the plaintiffs (who sold printed T-shirts with messages like "TAKE IT EASY MEDITATE HANG LOOSE HAWAII" and "WAIKIKI HAWAII HARINAM") sued under the federal civil rights law.

The Ninth Circuit Court of Appeals began its analysis by acknowledging that "when the sale of merchandise bearing political, religious, philosophical or ideological messages is 'inextricably intertwined' with other forms of protected expression (like distributing literature and proselytizing), the First Amendment applies." (*Id.* at p.1012.) The Court found that the T-shirts in question met that standard; thus the sales activities were entitled to First Amendment protection.

The Court went on to apply the familiar "time, place and manner" rules:

"We use the standard governing time, place and manner restrictions. Such restrictions are valid if they (1) are content-neutral; (2) are narrowly tailored to serve a significant governmental interest; and (3) leave open ample alternative channels of communication." (*Ibid.*)

As to content neutrality, the Court held that:

“A speech restriction is content-neutral if it is “justified without reference to the content of the regulated speech.” “A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others.” ***The test is whether the government has adopted the restriction “because of disagreement with the message it conveys.”*** (*Ibid*; citations omitted, emphasis added.)

The Ordinance Committee’s proposal to ban the sale of all goods from public street furniture does not reflect disagreement with any particular speech message because it is generally applicable to all goods.

The Court also recognized three significant governmental interests that the sales ban legitimately promoted, each of which applies to a tourism-focused city like Santa Barbara as well as it did to Honolulu’s Waikiki: “(1) ‘maintaining the aesthetic attractiveness of Waikiki,’ (2) ‘promoting public safety and the orderly movement of pedestrians,’ and (3) ‘protecting the local merchant economy.’” (*Ibid.*)

Finally, the Court concluded that:

“Honolulu’s peddling ordinance also leaves open ample alternative channels of communication. The ordinance forecloses one narrow form of expression—sidewalk sales of message-bearing merchandise—and leaves the plaintiffs free to disseminate and seek financial support for their views through “myriad and diverse” alternative channels, such as handing out literature, proselytizing or soliciting donations. In addition, plaintiffs’ volunteers may hand out free T-shirts to passers-by, or mingle with Waikiki’s tourist throngs wearing T-shirts (thereby acting as human billboards). Plaintiffs may also sell T-shirts through local retail outlets or by opening their own stores, so long as they comply with the regulations generally applicable to merchants.” (*Id.* at p.1014.)

Based upon the *One World One Family Now* case, we believe Santa Barbara may legitimately include public street furniture among the locations where street vending is prohibited.

Expanded Safety Zones around Sensitive Locations Where Captive Audiences Feel Threatened By Active Panhandling

On June 10, 2014, the Ordinance Committee expressed serious concerns about safety around ATMs, movie queues, public benches, and outdoor dining areas because these are locations where persons who are being solicited are confined to restricted areas as captive audiences. In those situations, the persons being solicited are most likely to experience a sense of powerlessness, and to be intimidated by an unwanted effort by a panhandler to solicit donations. The Committee requested further analysis of adding or expanding safety buffer zones (within which panhandling would be prohibited) around these sensitive locations.

There is little doubt that valid time, place and manner regulations may prohibit abusive panhandling altogether, while prohibiting and allowing active or passive panhandling in specified locations only. The question for the Ordinance Committee and Council is whether the areas where active and passive panhandling would be prohibited – the expansion of the 25-foot buffer around ATMs to 80 feet, and the addition of a 25-foot buffer around movie queues, public benches, and outdoor dining areas – would leave open ample alternative channels for communication. This analysis is fundamentally data-driven.

We have approached the issues empirically by mapping the downtown core business areas and the areas affected by the proposed expanded safety zones. Over the summer, the City's GIS staff mapped the locations of ATMs, movie queues, public benches, outdoor dining areas and paseos on the State Street and Milpas Street corridors as they are currently regulated by the City. These facilities and locations were chosen because the Ordinance Committee identified them as locations where an additional safety buffer might be needed to address the recent increase in problematic panhandling. An overview map of State Street is attached as Exhibit "6" and more detailed maps of each block of State Street (400 to 1200) are provided as Exhibits "7" through "15."

The maps show that the proposed safety buffers have the effect of prohibiting panhandling in many areas of State Street. The Ordinance Committee should carefully consider these maps and determine whether ample alternative areas are provided for protected speech activities including panhandling.

Extending the Existing "Sit/Lie" Prohibition on State Street from 7:00 A.M. to 2:00 A.M. of the Following Day, Rather than 9:00 P.M.

The major legal issues presented are whether extending the hours of the existing sit/lie prohibition from 9:00 p.m. to 2:00 a.m. on State Street implicates either First Amendment or Eighth Amendment (cruel and unusual punishment) concerns.

The First Amendment concerns are familiar, and for the purposes of this analysis we assume without conceding that expressive conduct may be implicated by the act of sitting or lying down upon a sidewalk. Using the time, place and manner regulatory test, the proposed extension to 2:00 a.m. is clearly content-neutral. The significant governmental interests include the need for free pedestrian passage on crowded State Street, in this case focusing upon the late evening hour when the vibrant State Street nightlife scene causes conflict between revelers walking or milling about and those who might seek to sit or lie down upon the sidewalks. Because the regulations cover only the busiest portion of the busiest street in Santa Barbara, we believe ample alternative locations are available to sit or lie down on the public sidewalk. (See *Roulette v. City of Seattle* (9th Cir. 1996) 97 F.3d 300.)

The Eighth Amendment cruel and unusual punishment concerns are less familiar, and arise out of the potential disparate impact sit/lie regulations may have upon the homeless population. These concerns were noted in a now-vacated Ninth Circuit case called *Jones v. City of Los Angeles* (9th Cir. 2006) 444 F.3d 1118 (the opinion was withdrawn after the City settled the lawsuit). In *Jones*, homeless individuals brought a federal civil rights action seeking limited injunctive relief against enforcement of a Los Angeles ordinance that criminalized sitting, lying, or sleeping on public streets and sidewalks **at all times and in all places** within City. The plaintiffs argued, successfully, that the ordinance constituted cruel and unusual punishment because penalized homeless persons were on the streets due to the lack of available shelter space – effectively criminalizing their status as homeless rather than any distinct criminal conduct.

The Court began its analysis by declaring Los Angeles' ordinance "one of the most restrictive municipal laws regulating public spaces in the United States," noting that unlike Santa Barbara's ordinance, the L.A. regulation applied citywide and at all hours of the day or night. The Court went on to explain that:

"The City could not expressly criminalize the status of homelessness by making it a crime to be homeless without violating the Eighth Amendment, **nor can it criminalize acts that are an integral aspect of that status**. Because there is substantial and undisputed evidence that the number of homeless persons in Los Angeles far exceeds the number of available shelter beds at all times, including on the nights of their arrest or citation, Los Angeles has encroached upon Appellants' Eighth Amendment protections by criminalizing the unavoidable act of sitting, lying, or sleeping at night while being involuntarily homeless. A closer analysis of *Robinson* and *Powell* instructs that **the involuntariness of the act or condition the City criminalizes is the critical factor** delineating a constitutionally cognizable status, and incidental conduct which is integral to and an unavoidable result of that

status, from acts or conditions that can be criminalized consistent with the Eighth Amendment.” (*Jones v. City of Los Angeles* (9th Cir. 2006) 444 F.3d 1118, 1132 *vacated*, (9th Cir. 2007) 505 F.3d 1006; emphasis added.)

Importantly, the Court concluded by stating that:

“By our decision, we in no way dictate to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets of Los Angeles at any time and at any place within the City. All we hold is that, so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds, ***the City may not enforce section 41.18(d) at all times and places throughout the City*** against homeless individuals for involuntarily sitting, lying, and sleeping in public.” (*Jones v. City of Los Angeles* (9th Cir. 2006) 444 F.3d 1118, 1138 *vacated*, (9th Cir. 2007) 505 F.3d 1006; emphasis added.)

Jones is clearly distinguishable from Santa Barbara’s ordinance in that the City’s ordinance applies only to a limited portion of one street during limited hours. Nonetheless, if the Court is persuaded that Santa Barbara’s ordinance is aimed at homelessness, rather than late night street obstruction of State Street revelers and daytime obstruction of tourists and residents in the City’s core commercial area, the City may face a legal challenge under the theory that extending the sit/lie ban until 2:00 a.m. inappropriately burdens those who have nowhere else to sleep. It is important to note that *Jones* is not the law, but only a potential insight into the Ninth Circuit’s current thinking.

Revising the Prohibition on Pedestrians Blocking Sidewalks to Include Congregated Groups of People

Laws prohibiting congregations of people in public forums, such as sidewalks, squarely implicate First Amendment speech and assembly rights. The initial question presented is whether the City’s existing circa-1966 regulation meets current constitutional scrutiny.

Santa Barbara Municipal Code section 9.98.010 provides as follows:

9.98.010 Unlawful.

No person shall stand or sit in or upon any street, sidewalk or crosswalk in the City in any manner so as to hinder or obstruct the free passage of pedestrians thereon, or to annoy or molest such pedestrians. (Ord. 3162 §1, 1966.)

While simple enough on its face, this ordinance raises serious First Amendment considerations, particularly if it is revised to address congregations of people on sidewalks at any time or place, because it would then broadly prohibit even speech-related activities, such as peaceful protests or picketing, which might “annoy” pedestrians or “hinder” their free passage.

The United States Supreme Court has long held that:

“Access to the ‘streets, sidewalks, parks, and other similar public places . . . for the purpose of exercising (First Amendment rights) cannot constitutionally be denied broadly . . .’ Free expression ‘must not, in the guise of regulation, be abridged or denied.’” (*Grayned v. City of Rockford* (1972) 408 U.S. 104, 117.)

On the other hand, focused restrictions on the time, place and manner of street (or sidewalk) protests can be upheld:

“The control of travel on the streets is a clear example of governmental responsibility to insure this necessary order. A restriction in that relation, designed to promote the public convenience in the interest of all, and not susceptible to abuses of discriminatory application, cannot be disregarded by the attempted exercise of some civil right which, in other circumstances, would be entitled to protection. One would not be justified in ignoring the familiar red light because this was thought to be a means of social protest. Nor could one, contrary to traffic regulations, insist upon a street meeting in the middle of Times Square at the rush hour as a form of freedom of speech or assembly. **Governmental authorities have the duty and responsibility to keep their streets open and available for movement.** A group of demonstrators could not insist upon the right to cordon off a street, or entrance to a public or private building, and allow no one to pass who did not agree to listen to their exhortations.” (*Cox v. State of La.* (1965) 379 U.S. 536, 554-55; emphasis added.)

Santa Barbara’s existing Chapter 9.98 may be too broad to meet constitutional requirements because, on its face, it would prohibit a large array of constitutionally protected speech activities, such as peaceful protest and picketing.

This conclusion raises the next question, namely, can SBMC Chapter 9.98 be amended to narrow its reach to fit within constitutional dimensions. We would advise amending the existing ordinance to read as follows:

9.98.010 Unlawful Street or Sidewalk Obstruction.

No person shall stand, or sit, or congregate in or upon any street, sidewalk or crosswalk in the City ~~in any manner so as~~ with the intent to hinder or obstruct the free passage of pedestrians thereon, or to annoy or molest such pedestrians, or to block the entrance to a building, and refuse to disperse after having been ordered to do so by the police when the police reasonably believe an immediate threat to public safety is present.

~~9.98.020 Parade Viewing Excepted.~~

~~This chapter shall not apply to persons engaged in viewing a parade duly and regularly permitted by the City.~~

The proposed amendment adds an intent requirement and a requirement that the police order dispersal only in those situations where the sidewalk or street obstruction threatens public safety. This will allow the police to stop violent protests, which are not protected by the First Amendment, while still avoiding interference with constitutionally-protected speech activities on the streets and sidewalks. We also advise repealing SBMC section 9.98.020, which creates an exemption for persons viewing a parade. This exemption is unnecessary given the proposed public safety limitation on the ordinance, and may appear to be a difficult-to-defend content-based restriction.

With these amendments, we believe Chapter 9.98 may minimize First Amendment concerns while providing a useful tool to deal with persons who intentionally obstruct the sidewalks or streets, and who refuse to disperse when ordered to do so by the police in order to mitigate immediate threats to public safety.

Delegating the Library Director the Authority to Promulgate Regulations for the Use of the Libraries, Including the Central Library and its Outdoor Plaza

The City Council has the police power to regulate the use of public facilities including the libraries. This power may be delegated to the Library Director. The proposed ordinance (Exhibit 5A) grants the Library Director the authority to promulgate criminally enforceable regulations that would govern behavior at the City's library facilities.

CONCLUSION

We believe the accompanying ordinance revisions are responsive to the Ordinance Committee's requests. In closing, it is important to remember that the Council may generally enact reasonable time, place and manner restrictions upon constitutionally protected speech, provided that the regulations are content-

neutral, narrowly drawn, necessary to further a significant government interest, and allow for ample alternative channels for communication.

Content neutrality is critical:

“The principal inquiry in determining content neutrality, in speech cases generally and in time, place, or manner cases in particular, is whether the government has adopted a regulation of speech because of disagreement with the message it conveys.” (*Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).)

And, there must be “no evidence that the city adopted the ordinance because of a disagreement with the message” (*Honolulu Weekly, Inc. v. Harris*, 298 F.3d 1037, 1044 (9th Cir. 2002).)

- ATTACHMENT(S):**
1. Prohibition on Urinating or Defecating in Public
 2. Prohibition on Use of Street Furniture For Display Of Goods For Sale Or Donation
 3. Expanded Active Panhandling Safety Zones
 4. Extended Sit/Lie Prohibition
 5. Sidewalk Obstruction Due To Congregated Groups Of People
 6. State Street 400-1200 Blocks
 7. State Street 400 Block
 8. State Street 500 Block
 9. State Street 600 Block
 10. State Street 700 Block
 11. State Street 800 Block
 12. State Street 900 Block
 13. State Street 1000 Block
 14. State Street 1100 Block
 15. State Street 1200 Block

PREPARED BY: Ariel Pierre Calonne, City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office

EXHIBIT 1 PROHIBITION ON URINATING OR DEFECATING IN PUBLIC

Chapter 9.07 Urinating or Defecating in Public.

Section 9.07.010 Urinating or Defecating in Public Prohibited.

No person shall defecate or urinate in public or upon any street, sidewalk, or other public place.

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY
OF GOODS FOR SALE OR DONATION

UNCODIFIED FINDINGS:

The City Council finds that these regulations are necessary to maintain the aesthetic attractiveness of Santa Barbara which depends heavily on its tourism-based economy for its financial vitality. These regulations are also necessary in order to promote public safety and the orderly movement of pedestrians, particularly in the crowded downtown core, where on-street or on-sidewalk vending will present a substantial obstruction to pedestrian and vehicular traffic. Finally, these regulations are essential to protect the local merchant economy which would be undersold and threatened economically by competition from street vendors who do not pay rent or other overhead expenses.

9.48.010 Commercial Use of City Streets.

A. GENERALLY. It shall be unlawful for any person, whether acting as principal, agent, clerk, employee, or otherwise, to use any public street, public parking lot, public street furniture, or public sidewalk in the City for the purpose of selling, vending, offering for donations, offering for sale or soliciting or receiving orders for the sale of any goods, wares or merchandise.

B. SALE OF NEWSPAPERS. Notwithstanding subsection A hereof, nothing herein shall prohibit any person from selling or offering for sale newspapers, magazines and periodicals upon any of the public sidewalks of the City in the present customary and usual manner of selling and offering for sale of newspapers, magazines, and periodicals in the City.

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY
OF GOODS FOR SALE OR DONATION

C. EXEMPTION FOR SIDEWALK SALES, FARMERS' MARKETS,
AND SIDEWALK CAFE TABLES. Notwithstanding subsection A hereof, an
individual or an organization may, upon the issuance of a permit by the Director
of Public Works in accordance with the requirements of this Chapter and the
administrative regulations adopted pursuant hereto, use a public street or
sidewalk in the City for the following limited purposes:

1. Sidewalk Sales. A retail business licensed to do business
at a location within the City may conduct a sale of merchandise on a City
sidewalk under the following conditions:
 - a. the sale occurs only on a public sidewalk immediately
adjacent to the retail business; and
 - b. the retail business does not conduct such sidewalk
sales for more than a total of ten (10) days for each calendar year provided,
however, that those businesses within a two (2) block radius of a construction
project which impacts pedestrian or vehicular access to the City block within
which the business is located for a period exceeding fourteen (14) consecutive
days may be allowed up to twenty (20) days for sidewalk sales during the year in
which the construction project is undertaken.

2. Farmers' Markets. An individual or an organization may
use a public street or City parking lot for the purpose of conducting a Certified
Farmers' Market [as defined and provided for in Title 3, Chapter 3 of the
California Code of Regulations] under the following conditions:

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY
OF GOODS FOR SALE OR DONATION

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY OF GOODS FOR SALE OR DONATION

- a. the merchandise offered for sale at the Farmers'

Market is allowed to be sold at a Certified Farmers' Market; and

- b. the use of the street or public parking lot is authorized by and pursuant to a written license agreement between the City and the Market sponsor, which license agreement limits the Market to a specified day or days of the week and to certain limited hours; and,

- c. the vendors of merchandise at the Farmers' Market are authorized to conduct such sales by the organization sponsoring the Market and entering into the license agreement with the City.

3. Limited Nonprofit Sidewalk Sales. In connection and concurrent with a Parade or Event (as permitted and defined in Municipal Code Section 9.12.020), which Parade or Event is sponsored by a nonprofit entity (as evidenced by tax-exempt status under state and federal tax laws), a public sidewalk may be used for the limited merchandising of items or services under the following conditions:

- a. the sidewalk sales may occur for a period not to exceed five (5) days in any calendar year, and the sales must be concurrent with the associated Parade or Event; and,

- b. the location of any booth or table used by a sidewalk vendor under this subsection shall be at a specific location approved in advance by the City; and,

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY OF GOODS FOR SALE OR DONATION

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY OF GOODS FOR SALE OR DONATION

c. the net proceeds received by the nonprofit corporation from such sales are to be devoted exclusively for the benefit of the sponsoring nonprofit organization(s); and,

d. the persons conducting such sales are authorized in writing to do so by the nonprofit organization sponsoring the event; and,

e. for the purposes of this subsection, the word “concurrent” shall be defined as occurring within the same calendar week (Sunday through Saturday).

4. Sidewalk Sales in Connection with a Reserved Park Event.

A public street or sidewalk immediately adjacent to a City park facility may be used for the limited merchandising of items under the following conditions:

a. the person or organization sponsoring the merchandising is a nonprofit entity, and it has reserved the adjacent park facility for an event pursuant to the requirements of Santa Barbara Municipal Code Chapter 15.05 and 15.16; and, event; and

b. the sales occur only during the time the park is being used for the reserved event; and,

c. the persons conducting such sales are authorized in writing to do so by the nonprofit sponsoring the event and;

d. the net proceeds received by the nonprofit corporation from such sales are to be devoted exclusively for the benefit of the sponsoring nonprofit organization.

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY OF GOODS FOR SALE OR DONATION

EXHIBIT 2 PROHIBITION ON USE OF STREET FURNITURE FOR DISPLAY
OF GOODS FOR SALE OR DONATION

5. Sidewalk Cafe Tables Under Chapter 9.95. for the placement of sidewalk cafe tables in accordance with Santa Barbara Municipal Code Chapter 9.95.

D. SIDEWALK MERCHANDISING REGULATIONS AND PERMITS.

The City Administrator, acting by and through the Director of Public Works, is hereby directed to prepare an appropriate administrative process (along with related administrative regulations) for the City's acceptance, review, and processing of applications for the issuance of sidewalk merchandising permits, as such permits are allowed by and consistent with the requirements of this Section.

EXHIBIT 3 EXPANDED ACTIVE PANHANDLING SAFETY ZONES

9.50.010 Purpose.

In order to protect and promote the rights of the general public to be free from inappropriate conduct and from the ~~potential~~ intimidating physical confrontations sometimes associated with panhandling, the City Council finds that there is a need to adopt a City ordinance which imposes reasonable and specific time, place, and manner limitations on those forms of inappropriate and unlawful conduct which may be associated with ~~aggressive~~ abusive and active panhandling. At the same time, the Council seeks to properly and duly recognize, as well as ~~fully~~ protect to the ~~full~~ fullest extent possible, the First Amendment free speech rights of all concerned.

The Council ~~also~~ finds that balancing the need for public safety with the need to ~~duly~~ protect constitutional rights is especially critical in certain popular retail and visitor-serving areas of the City, ~~such as~~ Specifically, Cabrillo Boulevard, lower Milpas Street, and certain blocks of State Street (those within the City Central Business District) ~~since these areas~~ are popular public gathering spaces and are often crowded with members of the public and visitors to the Santa Barbara area, ~~and since~~ Moreover, these areas provide only limited public amenities, such as public seating and outdoor dining areas, and members of the public should be free to use those areas without fear of coercive panhandling with its attendant risk of fraud, intimidation and violence. The Council further finds that, because these areas of Santa Barbara often have thousands of visitors each day and because there is limited public seating and gathering areas available within these blocks of these streets, it is necessary and appropriate to provide

EXHIBIT 3 EXPANDED ACTIVE PANHANDLING SAFETY ZONES

panhandling regulations which prevent some persons from monopolizing the use of a public bench or a public seating area, as well as nearby sidewalk areas, for active panhandling. There is therefore a necessity for the City Council to adopt ~~City~~ regulations which provide for the shared and reasonable use of these public facilities by all members of the public, especially the elderly and persons with special access needs.

The City Council further finds that panhandling near automated bank teller machines is particularly problematic because persons who use such machines may have large quantities of cash in their possession and generally feel vulnerable to attack or intimidation. Likewise, active panhandling on busses and other forms of public transportation threatens the person being solicited because they are in a confined space with no means of leaving the area in order to avoid being panhandled.

Finally, ~~the~~ The City Council ~~believes~~ finds that these ~~City~~ panhandling regulations will not prevent those persons who wish to ~~properly~~ solicit alms or charitable donations from appropriately using public benches and public seating facilities within these areas of the City for temporary respite purposes, nor will these panhandling regulations impact the content of any protected forms of expressive statements made by a panhandler or otherwise improperly restrict anyone's First Amendment rights.

The City Council also finds that these panhandling regulations have been demonstrated, by careful mapping of the regulated areas which has been considered by Council, to leave open ample alternative locations within the City

EXHIBIT 3 EXPANDED ACTIVE PANHANDLING SAFETY ZONES

for active and passive panhandling. Active panhandling on or near public benches and seating areas is prohibited only in the most crowded and intensely used areas of the City's commercial districts, and even with those areas many areas are open for active and passive panhandling.

9.50.030 Abusive Panhandling Prohibited; Specific Locations Where Active Panhandling is Restricted.

A. Abusive Panhandling Prohibited. Abusive Panhandling is unlawful and prohibited entirely within the city of Santa Barbara.

B. Active Panhandling Restricted. Active Panhandling is prohibited when the person being panhandled is in any of the following locations:

1. Waiting at a bus stop;
2. In a vehicle on a public street or alleyway;
3. In a City parking lot or parking structure without regard to whether the person is in a vehicle or not;
4. Within twenty-five feet of an outdoor dining area of a restaurant or other dining establishment serving food for immediate consumption;
5. Within ~~twenty-five~~ eighty feet of an automated bank teller machine;
- or
6. Within twenty-five feet of ~~in~~ a queue of persons waiting to gain admission to a place of business or to a vehicle, or waiting to purchase an item or admission ticket.; or
7. On buses or other public transportation vehicles.

EXHIBIT 3 EXPANDED ACTIVE PANHANDLING SAFETY ZONES

9.50.040 Use of Public Benches and Facilities on Certain Streets for Active Panhandling.

Active Panhandling is prohibited while seated on or otherwise using a public bench or seating area (including any landscape planter or other public street furniture which can be sat upon), and within twenty-five feet of such benches and seating areas, within the following areas of the City:

1. State Street. On either side of State Street from the 400 block to the 1200 block; or
2. Milpas Street. Either side of Milpas Street from the 00 block South to the 200 block North; or
3. Cabrillo Boulevard. Cabrillo Boulevard between Castillo Street and Milpas Street.

EXHIBIT 4 EXTENDED SIT/LIE PROHIBITION

9.97.010 Sitting or Lying on Public Sidewalks in Certain Downtown Areas of State Street.

A. Prohibition. No person shall sit or lie down upon a public sidewalk or public paseo, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk or public paseo, during the hours between 7:00 a.m. and ~~9:00 p.m.~~ 2:00 a.m. of the following day along the first thirteen (13) blocks of State Street from Cabrillo Boulevard to and including the 1300 block of State Street.

For the purposes of this subsection (A), the terms "public sidewalk or public paseo" shall also include those public pedestrian sidewalks or public paseos which serve as access to and from State Street and the City parking facilities adjacent to State Street within the designated blocks, which shall also specifically include the area known as "Storke Placita," as well as the railings, statues, sculptures, or planter areas within the designated blocks.

B. Exceptions. The prohibitions of Subsection A shall not apply to any person or persons:

1. who is sitting or lying down on a public sidewalk due to a medical emergency;
2. who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. who is operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit issued pursuant to Chapter 9.95 of this Title or who is participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted

EXHIBIT 4 EXTENDED SIT/LIE PROHIBITION

on public sidewalk pursuant to a street use or other applicable parade permit issued by the City in accordance with this Code.

Nothing in any of these exceptions shall be construed to permit any conduct which is otherwise prohibited by this Code.

C. Scope. Nothing herein shall be deemed to apply the requirements of subsection (A) to the following:

1. a person who is sitting on a chair, ~~wall~~, or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner for such purposes or;

2. a person who is sitting on a public sidewalk within a bus stop zone while waiting for public transportation.

D. Prior Warning. No person shall be prosecuted for a violation of this Chapter unless the person engages in conduct prohibited by this Chapter after having been notified by a law enforcement officer that the conduct violates this Chapter.

EXHIBIT 5 SIDEWALK OBSTRUCTION DUE TO CONGREGATED GROUPS
OF PEOPLE

9.98.010 Unlawful Street or Sidewalk Obstruction.

No person shall stand, or sit, or congregate in or upon any street, sidewalk or crosswalk in the City ~~in any manner so as~~ with the intent to hinder or obstruct the free passage of pedestrians thereon, or to annoy or molest such pedestrians, or to block the entrance to a building, and refuse to disperse after having been ordered to do so by the police when the police reasonably believe an immediate threat to public safety is present.

~~9.98.020 Parade Viewing Excepted.~~

~~This chapter shall not apply to persons engaged in viewing a parade duly and regularly permitted by the City.~~

EXHIBIT 5A LIBRARY REGULATIONS

2.28.030 Duties of Director.

The Library Director shall be responsible for the supervision and control of all personnel, materials, and equipment assigned to the Department and for the performance of the functions of the Department, subject to the supervision of the City Administrator. The Library Director shall have the authority to promulgate and post facility specific regulations. No person shall violate any such regulations. Any person found to be in violation of a facility specific regulation promulgated by the Library Director shall be subject to removal from the facility upon request of the Library Director or his or her designee. Such request, when made to law enforcement after refusal to comply, shall be a basis for forcible removal, citation or arrest.



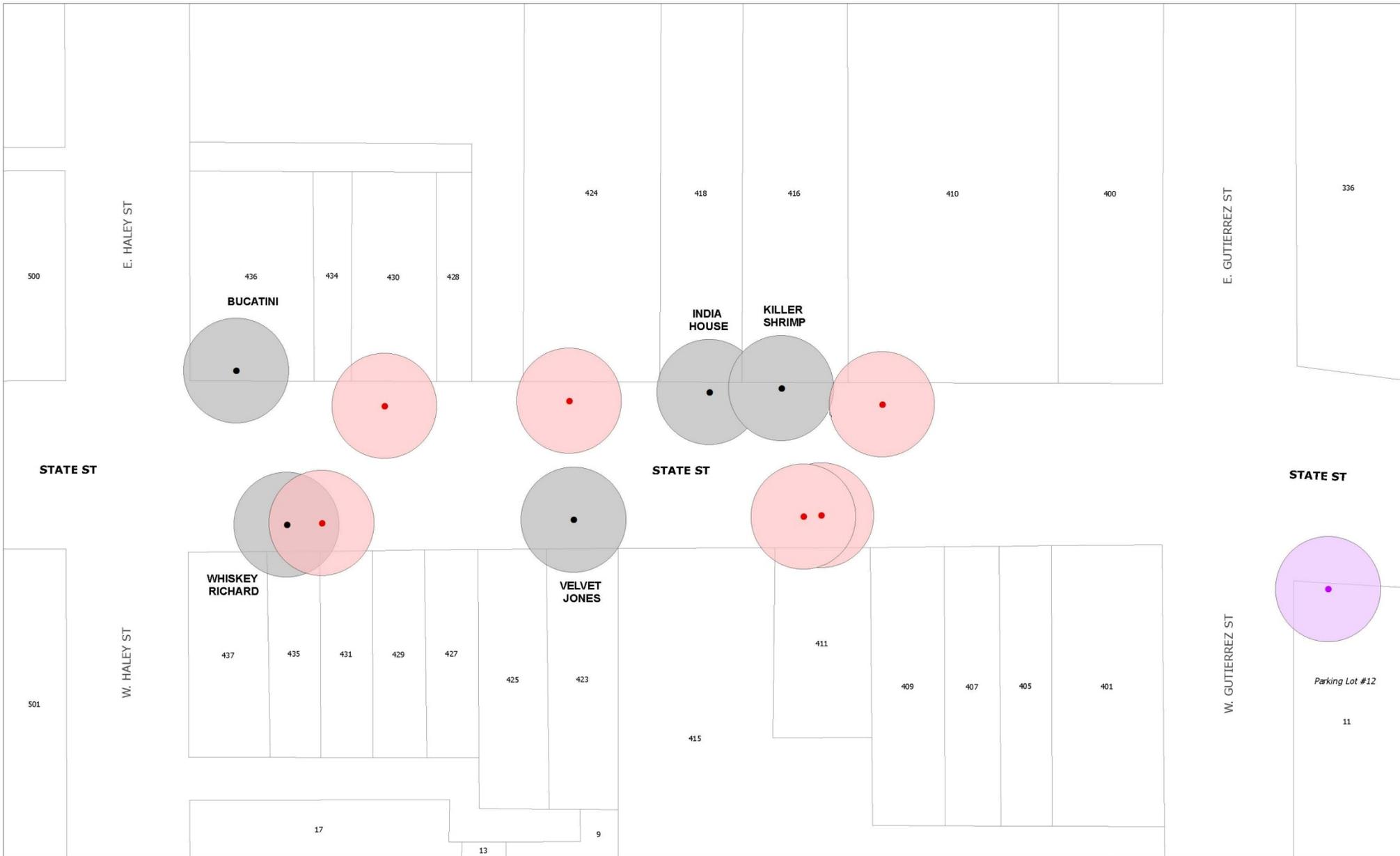
Features shown herein were compiled from the records of various public agencies and are for informational purposes only. The City of Escondido does not accept any responsibility for the accuracy or completeness of this information.

EXHIBIT 6

State Street "400 Block - 1200 Block"

- Legend**
- ATM Locations
 - Benches
 - Movie Theaters
 - Parking Lot Access
 - Restaurants
 - 25ft buffer
 - 50ft buffer
 - 75ft buffer
 - 100ft buffer
 - 125ft buffer
 - 150ft buffer
 - 175ft buffer
 - 200ft buffer





Future street renovations completed hereby result of a grant project and are not within the city's jurisdiction. The City of Berkeley does not accept any responsibility for the performance or completion of the alterations.

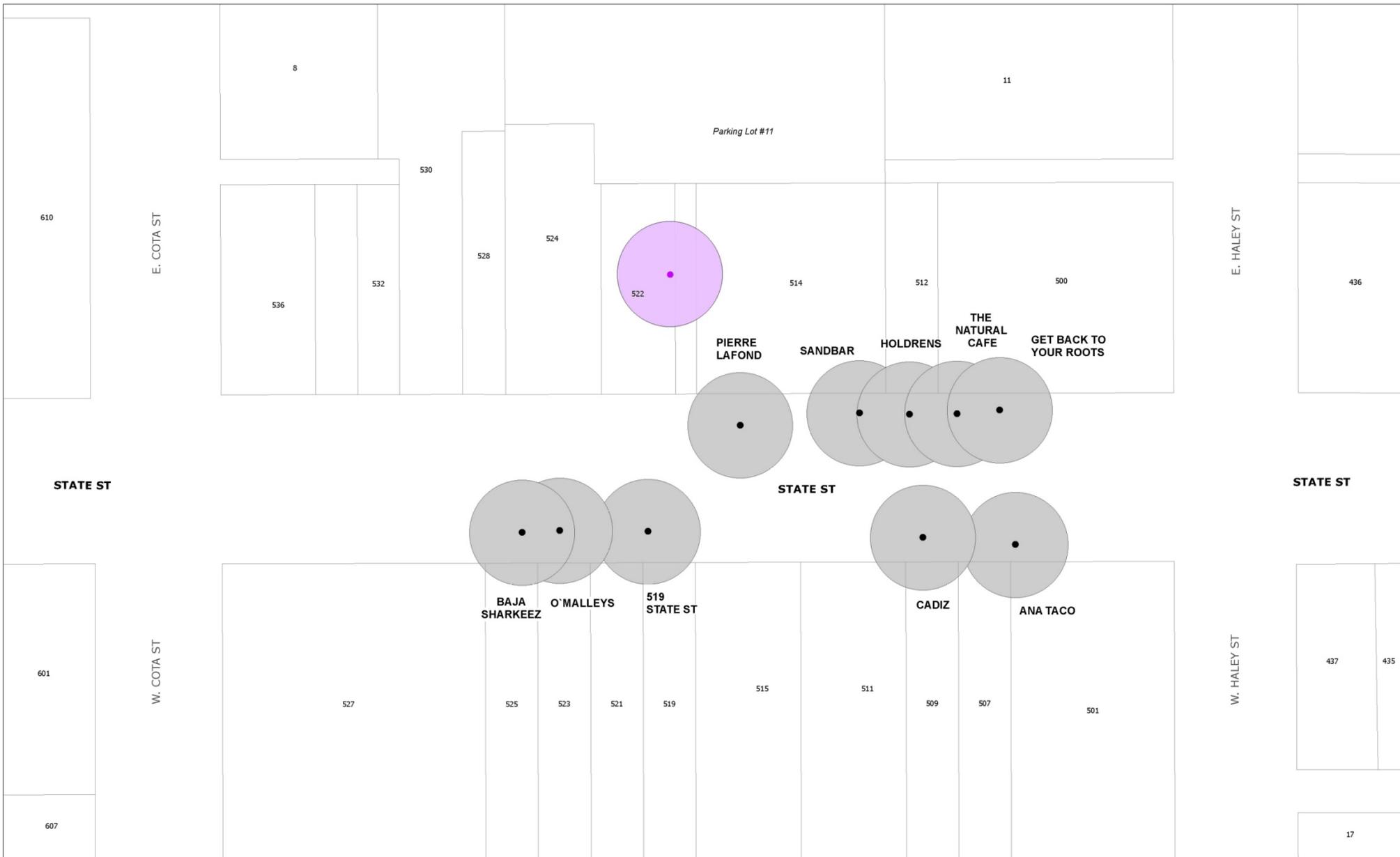
EXHIBIT 7

STATE STREET: 400 BLOCK

September 16, 2014

Legend	
• Restaurants	25ft buffer
• Benches	25ft buffer
• Parking Lot Access	25ft buffer





Products shown herein were compiled from the records of various public and governmental agencies and are provided for informational purposes only. The City of San Francisco does not assume any responsibility for the accuracy or completeness of the information.

EXHIBIT 8

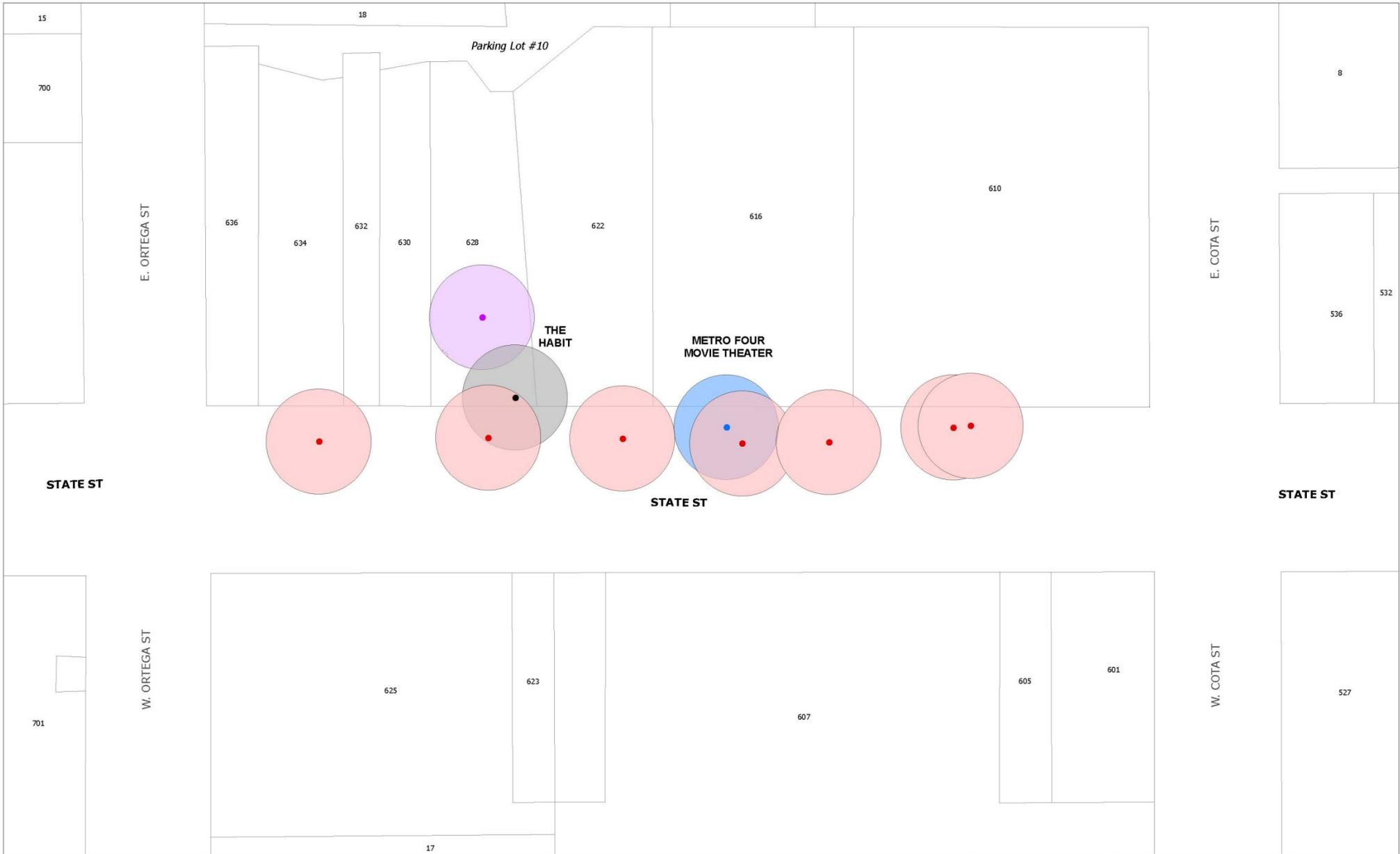
STATE STREET: 500 BLOCK

September 16, 2014

Legend

- Restaurants
- Parking Lot Access





Planners should be aware that this map is a representation of the current data and is not a guarantee of accuracy. The City of San Jose is not responsible for any errors or omissions on this map. All information is subject to change without notice.

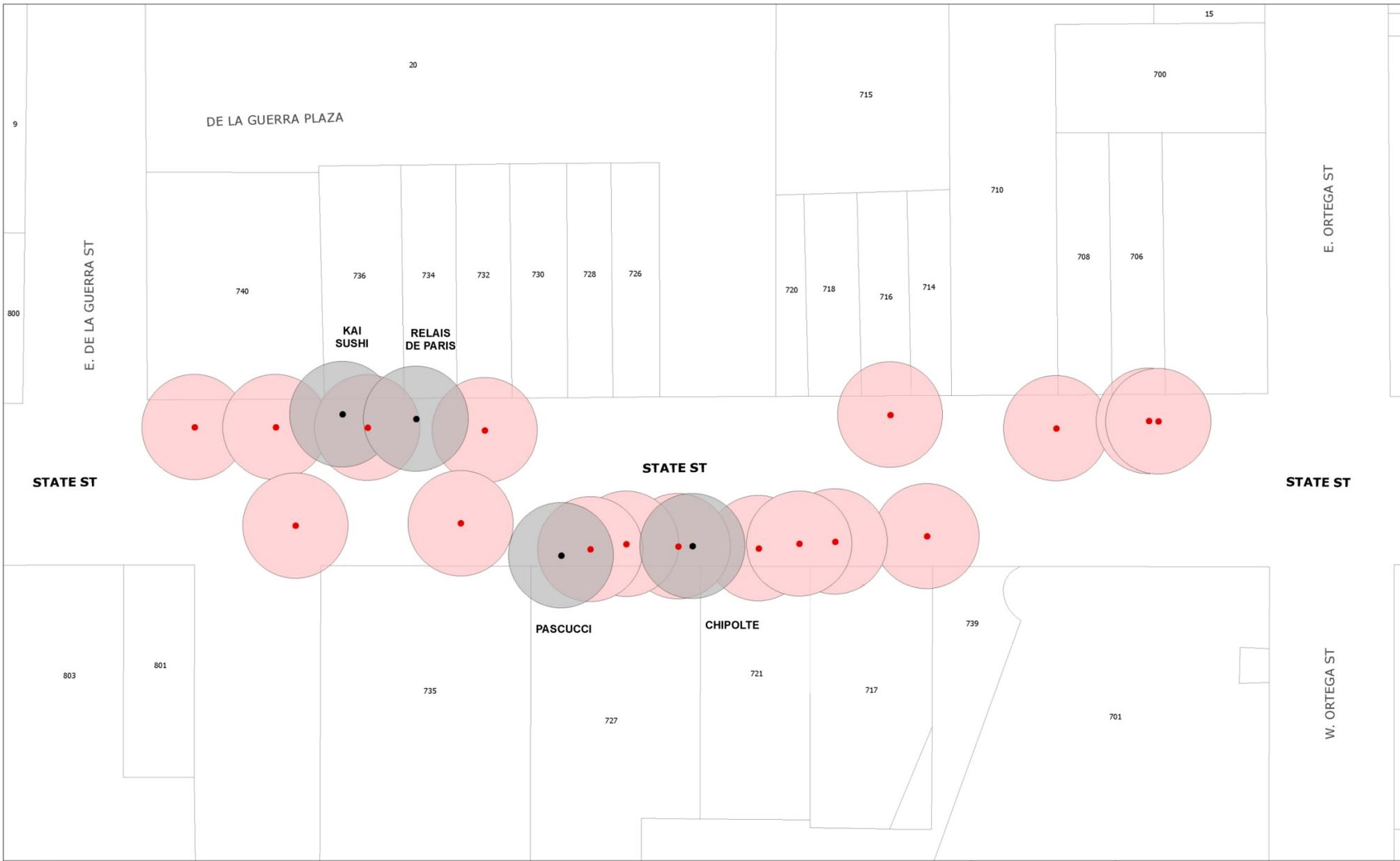
EXHIBIT 9

STATE STREET: 600 BLOCK

September 17, 2014

Legend	
• Benches	25ft buffer
• Movie Theater	25ft buffer
• Parking Lot Access	25ft buffer
• Restaurants	25ft buffer





Property street names were compiled from the records of various public and private entities and are for informational purposes only. The City of San Francisco does not accept any responsibility for the accuracy or completeness of this information.

EXHIBIT 10

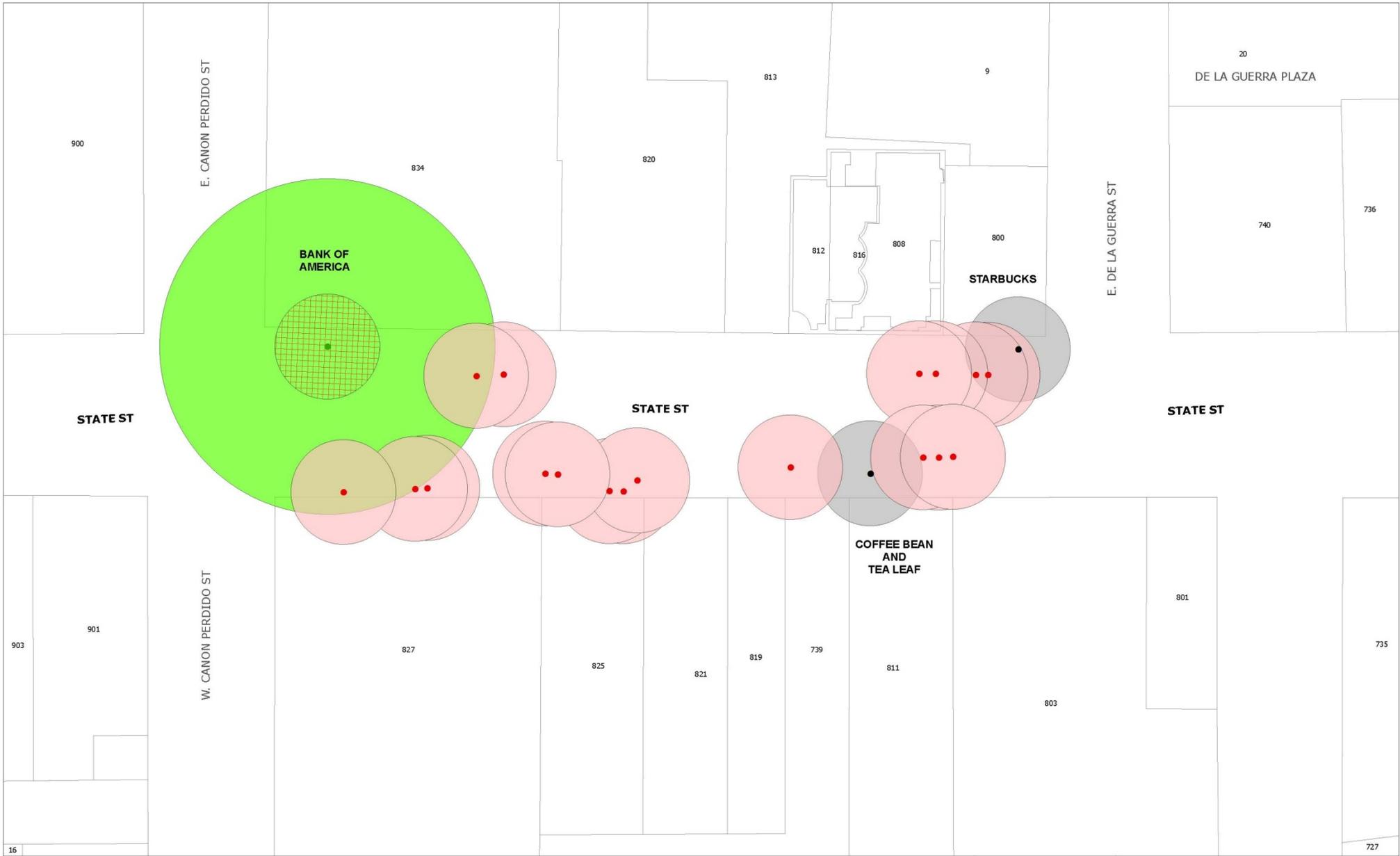
STATE STREET: 700 BLOCK

September 17, 2014

Legend

- Benches
- Restaurants
- 25ft buffer
- 25ft buffer





Future street renovations completed
 from the results of a public safety
 assessment of the street. The City of Seattle
 does not accept any responsibility for the
 performance or completion of
 the renovation.

EXHIBIT 11

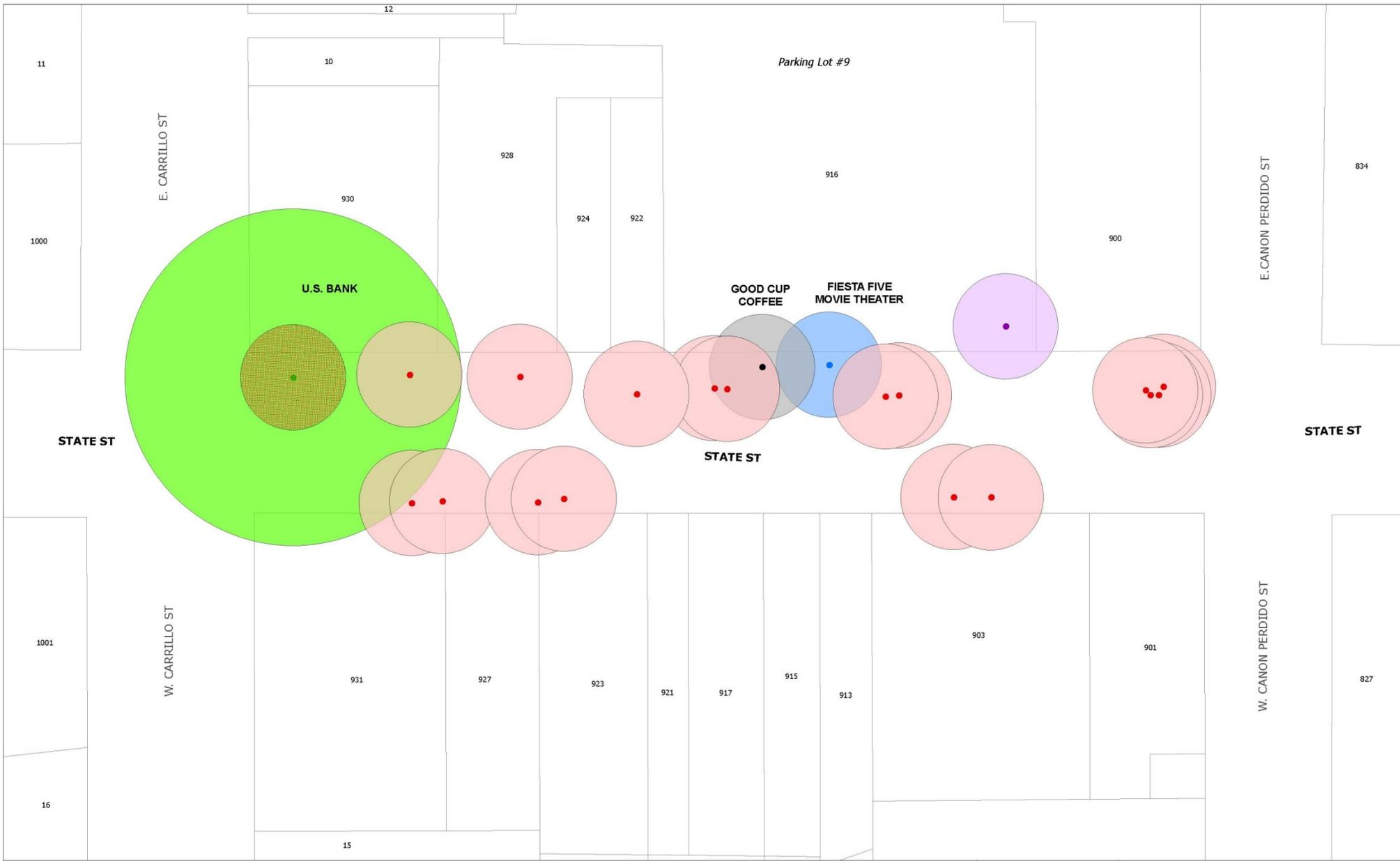
STATE STREET: 800 BLOCK

September 17, 2014

Legend

- ATM Location
- Benches
- Restaurants
- 25ft buffer
- 25ft buffer
- 25ft buffer
- 25ft buffer





Platmap sheets have been compiled from the records of various public and private entities and are for informational purposes only. The City of Santa Barbara does not assume any responsibility for the accuracy or completeness of this information.

EXHIBIT 12

STATE STREET: 900 BLOCK

September 17, 2014

Legend	
• ATM Location	25ft buffer
• Benches	80ft buffer
• Movie Theater	25ft buffer
• Parking Lot Access	25ft buffer
• Restaurants	25ft buffer





Future street layouts were compiled from the results of various public and private studies and are for informational purposes only. The City of San Jose does not assume any responsibility for the accuracy or completeness of this information.

EXHIBIT 13

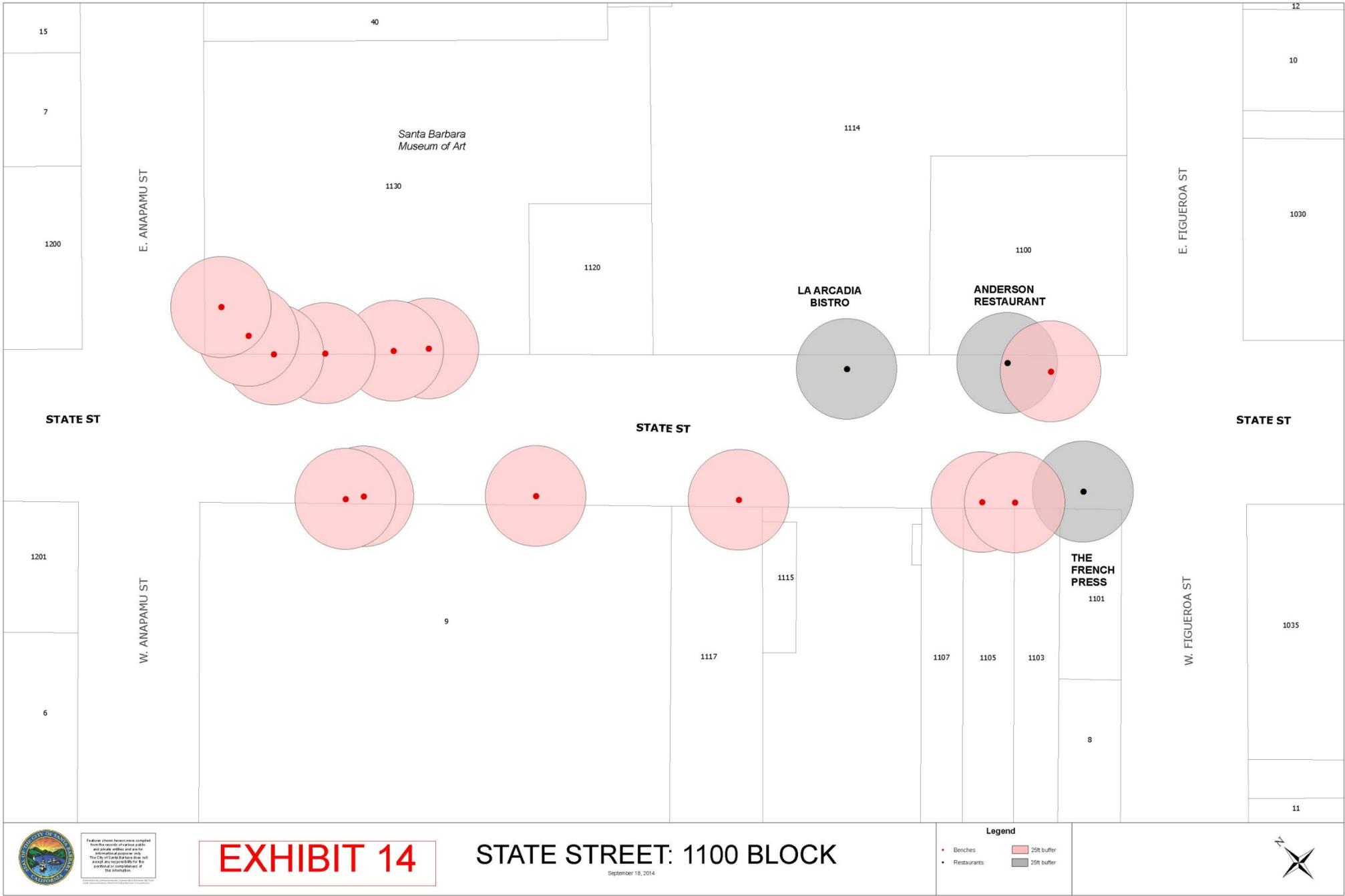
STATE STREET: 1000 BLOCK

September 17, 2014

Legend

- ATM Location
- Benches
- Restaurants
- 25ft buffer
- 50ft buffer
- 25ft buffer
- 25ft buffer





Planners should be aware that this map is a general representation of the data provided. The City of Santa Barbara does not warrant the accuracy of the information presented on this map. The City of Santa Barbara is not responsible for any errors or omissions on this map.

EXHIBIT 14

STATE STREET: 1100 BLOCK

September 18, 2014

Legend

- Benches
- Restaurants
- 25ft buffer
- 25ft buffer





PROCLAMATION
PathPoint 50th Anniversary
October 21, 2014

*WHEREAS, The City of Santa Barbara recognizes that **PathPoint** was established in 1964 and celebrates 50 years of comprehensive training and support services that empower people with disabilities or disadvantages to live and work as valued members of our communities; and*

*WHEREAS, **PathPoint** empowers individuals with developmental disabilities, mental illness, substance abuse disorders and economic disadvantages to build a path towards self-sufficiency by accessing community resources, honing work-readiness skills and fostering independent living skills; and*

*WHEREAS, **PathPoint's** spectrum of services fully supports individuals with disabilities or disadvantages throughout their lifetimes, facilitating greater independence and self-determination by supporting their evolving interests and goals; and*

*WHEREAS, **PathPoint** has been offering these valuable services to our community for 50 years, a milestone to be recognized and celebrated.*

***NOW, THEREFORE, I, HELENE SCHNEIDER,** by virtue of the authority vested in me as Mayor of the City of Santa Barbara, do hereby congratulate **PathPoint** on their **50th ANNIVERSARY** and call upon the people of Santa Barbara to celebrate with programs, activities, and ceremonies supporting the full participation of individuals with disabilities and disadvantages in all aspects of community life.*

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California to be affixed this 21st day of October 2014.



HELENE SCHNEIDER
MAYOR



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING October 7, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

Staff present: Acting City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the Acting City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through October 31, 2014.

Documents:

October 7, 2014, report from the Administrative Services Director.

Speakers:

Staff: Acting City Administrator Casey.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Daniel Garcia, Police Officer, Police Department

10-Year Pin

Brenda Beltz, Associate Planner, Community Development Department

Jose LaTorre, Police Officer, Police Department

15-Year Pin

Traci Barnett, Administrative Assistant, Public Works Department

Callie Marquez, Electronics/Communications Technician, Public Works Dept.

Barbara Carey McKinnon, Senior Library Technician, Library Department

Nancy Rapp, Parks and Recreation Director, Parks and Recreation Department

20-Year Pin

John Williams, Police Officer, Police Department

Tara O'Reilly, Senior Library Technician, Library Department

Matthew Donahue, Senior Airport Maintenance Worker, Airport Department

25-Year Pin

Freda Markowitz, Administrative Specialist, Parks and Recreation Department

30-Year Pin

Ida Gerry Morozowsky, Accounting Assistant, Finance Department

Fernando Rodriguez, Administrative Specialist, Police Department

2. **Subject: Proclamation Declaring October 2014 As Bullying Prevention Month (120.04)**

Action: Proclamation presented to Andrew Rodriguez, Santa Barbara Youth Council Member, and Dr. David Cash, Santa Barbara School District Superintendent.

3. **Subject: Proclamation Declaring October 2014 As Dyslexia Awareness Month (120.04)**

Action: Proclamation presented to Dr. David Cash, Santa Barbara School District Superintendent.

PUBLIC COMMENT

Speakers: Phil Walker; Clint Orr; Maggie Campbell, Downtown Santa Barbara.

CONSENT CALENDAR (Item Nos. 4 – 11)

Motion:

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

Vote:

Unanimous voice vote.

4. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of September 23, 2014.

Action: Approved the recommendation.

5. Subject: Approval Of Benefit Plans Effective January 1, 2015 (430.06)

Recommendation: That Council:

- A. Approve renewal of the Aetna and Kaiser Permanente medical plans, Delta Dental Plans, Vision Service Plan, Employee Assistance Program (EAP), Flexible Spending Accounts, and Hartford Life and Disability Insurance Plans; and
- B. Authorize the Acting City Administrator to execute any necessary agreements for renewals with current carriers, and with Wells Fargo Insurance Services for benefits broker/consulting contract services.

Speakers:

Staff: Senior Human Resources Analyst Clare Turner.

Action: Approved the recommendations; Agreement No. 24,997 (October 7, 2014, report from the Administrative Services Director).

6. Subject: Grant From California Department Of Parks And Recreation, Division Of Boating And Waterways, For Removal Of Vessels Per The State's Vessel Turn-In Program (570.03)

Recommendation: That Council:

- A. Authorize the Waterfront Director to execute an agreement with the California Department of Parks and Recreation, Division of Boating and Waterways, accepting an \$8,800 grant for the disposal of recreational vessels per the state's Vessel Turn-In Program; and
- B. Increase Fiscal Year 2015 estimated revenue in the amount of \$8,800 and appropriate the funds to the Waterfront Department's Fiscal Year 2015 Capital Budget.

Action: Approved the recommendations; Agreement No. 24,998 (October 7, 2014, report from the Waterfront Director).

7. Subject: Donation For Animal Control Program Equipment (520.05)

Recommendation: That Council:

- A. Accept a donation of \$4,500 from the Deborah K. Oldham Trust of 2001; and
- B. Approve an increase in appropriations and estimated revenues in the amount of \$4,500 in Fiscal Year 2015 to the Police Department Miscellaneous Grants Fund for Animal Control equipment which will enhance safety and service.

Action: Approved the recommendations (October 7, 2014, report from the Chief of Police).

8. Subject: Contract For Santa Barbara Airport Wildlife Hazard Assessment And Wildlife Hazard Management Plan Update (560.01)

Recommendation: That Council approve and authorize the Airport Director to execute a contract with Dudek, Inc., for preparation of a Wildlife Hazard Assessment and Wildlife Hazard Management Plan update in an amount not to exceed \$133,507.

Action: Approved the recommendation; Contract No. 24,999 (October 7, 2014, report from the Airport Director).

9. Subject: Amendment To Agreement With Jarvis, Fay, Doporto & Gibson, LLP, For Legal Services Relating To *Jacks v. City Of Santa Barbara* (160.03)

Recommendation: That Council:

- A. Authorize the City Attorney to execute an amendment to the professional services agreement (Contract No. 24,107) with the law firm of Jarvis, Fay, Doporto & Gibson, LLP, to amend the Compensation and Costs provision, increasing the contract amount by \$25,000, from \$50,000 to \$75,000; and
- B. Allocate \$25,000 from the General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2015 budget.

Action: Approved the recommendations; Agreement No. 24,107.1 (October 7, 2014, report from the City Attorney).

NOTICES

- 10. The City Clerk has on Thursday, October 2, 2014, 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.
- 11. Receipt of communication advising of vacancy created on the Parks and Recreation Commission with the resignation of Olivia Uribe. The vacancy will be part of the current City Advisory Groups Recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee heard a Staff report on the status of the Golf Fund, including options for the continued operation of the golf course. Staff will present this report to the full Council on November 11, 2014.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

12. Subject: Consideration Of Potential Amendment To The Municipal Code, Title 5, Affecting Business License Taxes Payable By Artists (210.01)

Recommendation: That the City Council direct the City Attorney to draft an ordinance to amend Title 5 of the Municipal Code pertaining to business license taxes to add an exemption for artists with annual gross receipts of less than \$5,000.

Documents:

- October 7, 2014, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Treasury Manager Genie Wilson.

Motion:

Councilmembers White/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

13. Subject: Launch Of Online Financial Transparency System (210.01)

Recommendation: That Council receive a report and demonstration of OpenGov, the City's new Online Financial Transparency System.

Documents:

October 7, 2014, report from the Finance Director.

Speakers:

- Staff: Finance Director Robert Samario, Budget Manager Michael Pease.
- Members of the Public: John Doordan, Ethan Shenkman.

By consensus, the Council received the report and demonstration, and their questions were answered.

PUBLIC HEARINGS

14. Subject: Average Unit-Size Density Incentive Program Review Process (640.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.22.133 of the Santa Barbara Municipal Code Regarding Historic Landmarks Commission Referral to Planning Commission and Amending Chapter 28.20 of the Santa Barbara Municipal Code Establishing Planning Commission Review of Certain Rental Housing Projects Proposed in Accordance with the Average Unit-Size Density Incentive Program.

Documents:

- October 7, 2014, report from the Community Development Director.
- Proposed ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Public Comment Opened:

3:01 p.m.

Speakers:

Staff: Project Planner Allison De Busk.

Public Comment Closed:

3:06 p.m.

Motion:

Councilmembers White/Francisco to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmembers Hart, Murillo).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss mentioned his attendance at the Taste of Milpas event.
- Councilmembers White and Rowse commented on community meetings held regarding the issue of improvement to the City's infrastructure.
- Councilmember Murillo reported that the Santa Barbara Youth Council is applying for a grant related to its Anti-Bullying Project, and that the Independent Living Resource Center is welcoming a new director. She also spoke about her attendance at an event to congratulate arts grant recipients and at a meeting of the Community Action Commission.

(Cont'd)

Information (Cont'd):

- Mayor Schneider commended Mick Kronman, the City's Harbor Master, for hosting the annual conference of harbormasters and port directors; she also congratulated Steve Lyons and Carol Palladini for having been named Man and Woman of the Year by the Santa Barbara Foundation.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:17 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Fiscal Year 2015 Interim Financial Statements For The Two Months Ended August 31, 2014

RECOMMENDATION:

That Council Accept the Fiscal Year 2015 Interim Financial Statements for the Two Months Ended August 31, 2014.

DISCUSSION:

The interim financial statements for the two months ended August 31, 2014 (16.7% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds.

ATTACHMENT: Interim Financial Statements for the Two Months Ended August 31, 2014

PREPARED BY: Julie Nemes, Accounting Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
GENERAL FUND					
Revenue	116,755,343	14,692,183	-	102,063,160	12.6%
Expenditures	<u>116,915,887</u>	<u>18,834,988</u>	<u>1,660,629</u>	96,420,271	17.5%
<i>Addition to / (use of) reserves</i>	<u>(160,544)</u>	<u>(4,142,805)</u>	<u>(1,660,629)</u>		
SOLID WASTE FUND					
Revenue	20,645,776	3,370,288	-	17,275,488	16.3%
Expenditures	<u>20,514,100</u>	<u>3,178,967</u>	<u>259,402</u>	17,075,730	16.8%
<i>Addition to / (use of) reserves</i>	<u>131,676</u>	<u>191,320</u>	<u>(259,402)</u>		
WATER OPERATING FUND					
Revenue	39,347,669	6,815,208	-	32,532,461	17.3%
Expenditures	<u>44,810,028</u>	<u>5,979,941</u>	<u>1,366,573</u>	37,463,515	16.4%
<i>Addition to / (use of) reserves</i>	<u>(5,462,359)</u>	<u>835,267</u>	<u>(1,366,573)</u>		
WASTEWATER OPERATING FUND					
Revenue	18,883,613	3,345,328	-	15,538,285	17.7%
Expenditures	<u>19,629,078</u>	<u>2,751,083</u>	<u>1,584,034</u>	15,293,960	22.1%
<i>Addition to / (use of) reserves</i>	<u>(745,465)</u>	<u>594,245</u>	<u>(1,584,034)</u>		
DOWNTOWN PARKING					
Revenue	7,922,546	1,413,825	-	6,508,721	17.8%
Expenditures	<u>8,418,162</u>	<u>1,152,295</u>	<u>629,886</u>	6,635,981	21.2%
<i>Addition to / (use of) reserves</i>	<u>(495,616)</u>	<u>261,530</u>	<u>(629,886)</u>		
AIRPORT OPERATING FUND					
Revenue	15,469,349	2,803,274	-	12,666,075	18.1%
Expenditures	<u>15,718,468</u>	<u>1,854,967</u>	<u>448,582</u>	13,414,919	14.7%
<i>Addition to / (use of) reserves</i>	<u>(249,119)</u>	<u>948,307</u>	<u>(448,582)</u>		
GOLF COURSE FUND					
Revenue	2,091,048	356,231	-	1,734,817	17.0%
Expenditures	<u>2,061,048</u>	<u>431,496</u>	-	1,629,552	20.9%
<i>Addition to / (use of) reserves</i>	<u>30,000</u>	<u>(75,265)</u>	-		
INTRA-CITY SERVICE FUND					
Revenue	5,264,885	1,075,472	-	4,189,413	20.4%
Expenditures	<u>5,604,701</u>	<u>804,058</u>	<u>173,093</u>	4,627,550	17.4%
<i>Addition to / (use of) reserves</i>	<u>(339,816)</u>	<u>271,415</u>	<u>(173,093)</u>		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
FLEET REPLACEMENT FUND					
Revenue	2,731,151	452,887	-	2,278,265	16.6%
Expenditures	<u>3,928,590</u>	<u>160,929</u>	<u>(80,837)</u>	3,848,499	2.0%
<i>Addition to / (use of) reserves</i>	<u>(1,197,439)</u>	<u>291,957</u>	<u>80,837</u>		
FLEET MAINTENANCE FUND					
Revenue	2,640,697	439,532	-	2,201,165	16.6%
Expenditures	<u>3,303,824</u>	<u>322,450</u>	<u>259,215</u>	2,722,160	17.6%
<i>Addition to / (use of) reserves</i>	<u>(663,127)</u>	<u>117,083</u>	<u>(259,215)</u>		
SELF INSURANCE TRUST FUND					
Revenue	6,507,674	1,083,124	-	5,424,550	16.6%
Expenditures	<u>6,075,279</u>	<u>1,089,060</u>	<u>51,568</u>	4,934,651	18.8%
<i>Addition to / (use of) reserves</i>	<u>432,395</u>	<u>(5,936)</u>	<u>(51,568)</u>		
INFORMATION SYSTEMS ICS FUND					
Revenue	3,120,588	520,098	-	2,600,490	16.7%
Expenditures	<u>3,308,585</u>	<u>599,487</u>	<u>16,062</u>	2,693,036	18.6%
<i>Addition to / (use of) reserves</i>	<u>(187,997)</u>	<u>(79,389)</u>	<u>(16,062)</u>		
WATERFRONT FUND					
Revenue	12,661,137	2,869,988	-	9,791,149	22.7%
Expenditures	<u>13,538,509</u>	<u>2,283,191</u>	<u>863,752</u>	10,391,565	23.2%
<i>Addition to / (use of) reserves</i>	<u>(877,372)</u>	<u>586,797</u>	<u>(863,752)</u>		
TOTAL FOR ALL FUNDS					
Revenue	254,041,476	39,237,437	-	214,804,039	15.4%
Expenditures	<u>263,826,260</u>	<u>39,442,910</u>	<u>7,231,960</u>	217,151,390	17.7%
<i>Addition to / (use of) reserves</i>	<u>(9,784,784)</u>	<u>(205,473)</u>	<u>(7,231,960)</u>		

*** It is City policy to adopt a balanced budget. In most cases, encumbrance balances exist at year-end. These encumbrance balances are obligations of each fund and must be reported at the beginning of each fiscal year. In addition, a corresponding appropriations entry must be made in order to accommodate the 'carried-over' encumbrance amount. Most differences between budgeted annual revenues and expenses are due to these encumbrance carryovers.*

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Remaining Balance</u>	<u>Percent Received</u>	<u>Previous YTD</u>
TAXES					
Sales and Use	21,726,115	2,637,783	19,088,332	12.1%	2,522,477
Property Taxes	27,164,000	-	27,164,000	0.0%	-
Utility Users Tax	7,257,800	1,173,336	6,084,464	16.2%	1,163,394
Transient Occupancy Tax	17,641,400	3,840,292	13,801,108	21.8%	3,619,084
Business License	2,571,200	324,217	2,246,983	12.6%	324,662
Real Property Transfer Tax	678,000	112,171	565,829	16.5%	136,136
<i>Total</i>	<u>77,038,515</u>	<u>8,087,799</u>	<u>68,950,716</u>	10.5%	<u>7,765,753</u>
LICENSES & PERMITS					
Licenses & Permits	233,500	38,807	194,693	16.6%	25,212
<i>Total</i>	<u>233,500</u>	<u>38,807</u>	<u>194,693</u>	16.6%	<u>25,212</u>
FINES & FORFEITURES					
Parking Violations	2,681,987	511,883	2,170,104	19.1%	456,100
Library Fines	105,500	18,672	86,828	17.7%	19,374
Municipal Court Fines	120,000	-	120,000	0.0%	16,944
Other Fines & Forfeitures	300,000	59,676	240,324	19.9%	57,128
<i>Total</i>	<u>3,207,487</u>	<u>590,231</u>	<u>2,617,256</u>	18.4%	<u>549,546</u>
USE OF MONEY & PROPERTY					
Investment Income	627,224	112,508	514,716	17.9%	105,480
Rents & Concessions	398,797	60,016	338,781	15.0%	67,846
<i>Total</i>	<u>1,026,021</u>	<u>172,525</u>	<u>853,496</u>	16.8%	<u>173,326</u>
INTERGOVERNMENTAL					
Grants	145,780	25,000	120,780	17.1%	15,551
Reimbursements	437,654	-	437,654	0.0%	50,992
<i>Total</i>	<u>583,434</u>	<u>25,000</u>	<u>558,434</u>	4.3%	<u>66,543</u>
FEES & SERVICE CHARGES					
Finance	949,905	157,281	792,624	16.6%	147,277
Community Development	4,587,515	730,843	3,856,672	15.9%	663,665
Recreation	3,049,474	574,912	2,474,562	18.9%	612,164
Public Safety	653,827	99,499	554,328	15.2%	87,270
Public Works	5,951,301	1,057,265	4,894,036	17.8%	1,022,454
Library	762,398	1,973	760,425	0.3%	10,636
Reimbursements	4,471,212	765,790	3,705,422	17.1%	737,743
<i>Total</i>	<u>20,425,632</u>	<u>3,387,563</u>	<u>17,038,069</u>	16.6%	<u>3,281,209</u>
OTHER REVENUES					
Miscellaneous	1,660,410	534,108	1,126,302	32.2%	496,331
Franchise Fees	3,771,000	643,144	3,127,856	17.1%	588,361
Indirect Allocations	6,411,155	1,068,526	5,342,629	16.7%	1,048,790
Operating Transfers-In	1,198,189	144,481	1,053,708	12.1%	206,688
Anticipated Year-End Variance	1,200,000	-	1,200,000	0.0%	-
<i>Total</i>	<u>14,240,754</u>	<u>2,390,258</u>	<u>11,850,496</u>	16.8%	<u>2,340,170</u>
TOTAL REVENUES	<u>116,755,343</u>	<u>14,692,183</u>	<u>102,063,160</u>	12.6%	<u>14,201,759</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR & CITY COUNCIL	756,584	114,598	1,026	640,960	15.3%	
ARTS AND COMMUNITY PROMOTIONS	2,615,532	697,413	375,208	1,542,911	41.0%	
<i>Total</i>	<u>3,372,116</u>	<u>812,010</u>	<u>376,234</u>	<u>2,183,872</u>	35.2%	<u>678,647</u>
<u>City Attorney</u>						
CITY ATTORNEY	2,230,664	346,582	11,926	1,872,157	16.1%	
<i>Total</i>	<u>2,230,664</u>	<u>346,582</u>	<u>11,926</u>	<u>1,872,157</u>	16.1%	<u>333,414</u>
<u>Administration</u>						
CITY ADMINISTRATOR	1,701,162	231,627	22,526	1,447,009	14.9%	
CITY TV	574,909	76,873	63,480	434,556	24.4%	
<i>Total</i>	<u>2,276,071</u>	<u>308,500</u>	<u>86,006</u>	<u>1,881,565</u>	17.3%	<u>384,320</u>
<u>Administrative Services</u>						
CITY CLERK	501,579	72,702	28,623	400,254	20.2%	
HUMAN RESOURCES	1,480,519	190,467	28,025	1,262,027	14.8%	
EMPLOYEE DEVELOPMENT	49,468	4	3,450	46,015	7.0%	
<i>Total</i>	<u>2,031,566</u>	<u>263,173</u>	<u>60,098</u>	<u>1,708,296</u>	15.9%	<u>251,626</u>
<u>Finance</u>						
ADMINISTRATION	248,574	32,474	(18)	216,118	13.1%	
REVENUE & CASH MANAGEMENT	501,855	75,641	-	426,214	15.1%	
CASHIERING & COLLECTION	488,983	73,946	-	415,037	15.1%	
LICENSES & PERMITS	499,751	78,965	10,807	409,979	18.0%	
BUDGET MANAGEMENT	469,712	67,795	31,000	370,917	21.0%	
ACCOUNTING	658,363	84,639	12,557	561,167	14.8%	
PAYROLL	317,283	48,305	-	268,978	15.2%	
ACCOUNTS PAYABLE	239,384	36,692	-	202,692	15.3%	
CITY BILLING & CUSTOMER SERVICE	728,300	68,732	49,427	610,141	16.2%	
PURCHASING	642,333	99,269	420	542,644	15.5%	
CENTRAL WAREHOUSE	194,284	30,726	(37)	163,595	15.8%	
MAIL SERVICES	115,979	16,080	(37)	99,935	13.8%	
<i>Total</i>	<u>5,104,801</u>	<u>713,265</u>	<u>104,120</u>	<u>4,287,417</u>	16.0%	<u>678,466</u>
TOTAL GENERAL GOVERNMENT	<u>15,015,218</u>	<u>2,443,529</u>	<u>638,383</u>	<u>11,933,306</u>	20.5%	<u>2,326,473</u>
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	1,114,970	158,660	2,900	953,409	14.5%	
SUPPORT SERVICES	686,915	104,254	2,722	579,939	15.6%	
RECORDS BUREAU	1,416,338	213,372	5,579	1,197,387	15.5%	
ADMIN SERVICES	1,023,214	203,714	(1,719)	821,219	19.7%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
PUBLIC SAFETY						
<u>Police</u>						
PROPERTY ROOM	213,855	31,717	316	181,823	15.0%	
TRAINING/RECRUITMENT	527,921	76,336	(7,044)	458,629	13.1%	
RANGE	1,360,698	219,437	40,780	1,100,481	19.1%	
COMMUNITY & MEDIA RELATIONS	862,784	136,200	-	726,584	15.8%	
INFORMATION TECHNOLOGY	1,254,006	357,771	4,045	892,190	28.9%	
INVESTIGATIVE DIVISION	4,956,320	787,327	720	4,168,273	15.9%	
CRIME LAB	159,784	26,879	-	132,905	16.8%	
PATROL DIVISION	15,725,291	2,352,786	216,236	13,156,269	16.3%	
TRAFFIC	1,413,132	191,313	1,100	1,220,719	13.6%	
SPECIAL EVENTS	858,861	348,108	6,410	504,344	41.3%	
TACTICAL PATROL FORCE	1,640,617	221,124	-	1,419,493	13.5%	
STREET SWEEPING ENFORCEMENT	349,699	53,863	-	295,836	15.4%	
NIGHT LIFE ENFORCEMENT	323,946	30,176	-	293,770	9.3%	
PARKING ENFORCEMENT	996,316	142,130	20,000	834,186	16.3%	
COMBINED COMMAND CENTER	2,563,864	347,886	17,000	2,198,978	14.2%	
ANIMAL CONTROL	690,845	117,670	-	573,175	17.0%	
<i>Total</i>	<u>38,139,376</u>	<u>6,120,721</u>	<u>309,045</u>	<u>31,709,610</u>	16.9%	<u>6,123,914</u>
<u>Fire</u>						
ADMINISTRATION	885,848	125,359	6,589	753,900	14.9%	
EMERGENCY SERVICES AND PUBLIC ED	318,743	53,974	-	264,769	16.9%	
PREVENTION	1,149,258	180,376	-	968,882	15.7%	
WILDLAND FIRE MITIGATION PROGRAM	194,952	30,645	-	164,307	15.7%	
OPERATIONS	18,017,158	3,021,582	33,814	14,961,763	17.0%	
TRAINING AND RECRUITMENT	437,757	54,718	-	383,039	12.5%	
ARFF	1,965,145	282,517	-	1,682,628	14.4%	
<i>Total</i>	<u>22,968,862</u>	<u>3,749,170</u>	<u>40,403</u>	<u>19,179,288</u>	16.5%	<u>3,619,631</u>
TOTAL PUBLIC SAFETY	<u>61,108,238</u>	<u>9,869,891</u>	<u>349,448</u>	<u>50,888,898</u>	16.7%	<u>9,743,545</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	1,128,240	143,393	6,846	978,001	13.3%	
ENGINEERING SVCS	5,192,599	762,321	13,890	4,416,388	14.9%	
PUBLIC RT OF WAY MGMT	1,093,734	167,193	3,457	923,084	15.6%	
ENVIRONMENTAL PROGRAMS	394,544	28,894	175,605	190,044	51.8%	
<i>Total</i>	<u>7,809,117</u>	<u>1,101,801</u>	<u>199,798</u>	<u>6,507,518</u>	16.7%	<u>1,059,692</u>
TOTAL PUBLIC WORKS	<u>7,809,117</u>	<u>1,101,801</u>	<u>199,798</u>	<u>6,507,518</u>	16.7%	<u>1,059,692</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
REC PROGRAM MGMT	759,266	124,719	6,990	627,557	17.3%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
FACILITIES & SPECIAL EVENTS	776,403	122,099	-	654,304	15.7%	
YOUTH ACTIVITIES	1,066,422	294,032	(976)	773,366	27.5%	
ACTIVE ADULTS	717,758	110,766	1,719	605,273	15.7%	
AQUATICS	1,311,185	371,242	26,494	913,449	30.3%	
SPORTS	566,618	98,714	481	467,424	17.5%	
TENNIS	289,547	40,525	-	249,022	14.0%	
NEIGHBORHOOD & OUTREACH SERV	1,205,643	166,808	-	1,038,835	13.8%	
ADMINISTRATION	730,223	122,236	(5,663)	613,650	16.0%	
PROJECT MANAGEMENT TEAM	423,272	62,853	(1,367)	361,786	14.5%	
PARK OPERATIONS MANAGEMENT	366,555	48,802	-	317,753	13.3%	
GROUNDS & FACILITIES MAINTENANCE	4,782,581	652,368	46,984	4,083,229	14.6%	
FORESTRY	1,197,025	165,285	91,905	939,835	21.5%	
BEACH MAINTENANCE	160,875	21,975	10,572	128,328	20.2%	
MEDIANS PARKWAYS & CONTRACTS	1,195,887	207,338	(5,055)	993,603	16.9%	
<i>Total</i>	<u>15,549,260</u>	<u>2,609,762</u>	<u>172,082</u>	<u>12,767,416</u>	17.9%	<u>2,679,821</u>
<u>Library</u>						
ADMINISTRATION	478,261	74,914	-	403,347	15.7%	
PUBLIC SERVICES	2,690,010	419,991	-	2,270,019	15.6%	
SUPPORT SERVICES	1,616,205	278,634	18,485	1,319,086	18.4%	
<i>Total</i>	<u>4,784,476</u>	<u>773,539</u>	<u>18,485</u>	<u>3,992,453</u>	16.6%	<u>657,367</u>
TOTAL COMMUNITY SERVICES	<u>20,333,736</u>	<u>3,383,300</u>	<u>190,567</u>	<u>16,759,868</u>	17.6%	<u>3,337,188</u>
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	695,273	150,474	1,326	543,473	21.8%	
RENTAL HOUSING MEDIATION	190,415	31,109	-	159,306	16.3%	
HUMAN SERVICES	997,649	6,762	202,100	788,787	20.9%	
HOUSING PRESERVATION AND DEV	34,180	1,220	32,960	-	100.0%	
LONG RANGE PLAN & SPEC STUDY	888,247	126,765	20,659	740,824	16.6%	
DEVEL & ENVIRONMENTAL REVIEW	1,396,909	203,656	8,174	1,185,079	15.2%	
ZONING INFO & ENFORCEMENT	1,409,022	205,806	2,641	1,200,576	14.8%	
DESIGN REV & HIST PRESERVATION	1,167,599	163,617	3,818	1,000,163	14.3%	
BLDG INSP & CODE ENFORCEMENT	1,179,583	175,470	655	1,003,458	14.9%	
RECORDS ARCHIVES & CLER SVCS	578,999	87,446	1,622	489,931	15.4%	
BLDG COUNTER & PLAN REV SVCS	1,430,626	248,199	8,478	1,173,949	17.9%	
<i>Total</i>	<u>9,968,502</u>	<u>1,400,523</u>	<u>282,433</u>	<u>8,285,546</u>	16.9%	<u>1,311,912</u>
TOTAL COMMUNITY DEVELOPMENT	<u>9,968,502</u>	<u>1,400,523</u>	<u>282,433</u>	<u>8,285,546</u>	16.9%	<u>1,311,912</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
OTHER	-	660	-	(660)	100.0%	
TRANSFERS OUT	198,500	33,083	-	165,417	16.7%	
DEBT SERVICE TRANSFERS	351,276	314,699	-	36,577	89.6%	
CAPITAL OUTLAY TRANSFER	1,725,000	287,500	-	1,437,500	16.7%	
APPROP.RESERVE	406,301	-	-	406,301	0.0%	
<i>Total</i>	<u>2,681,077</u>	<u>635,942</u>	<u>-</u>	<u>2,045,135</u>	23.7%	<u>481,596</u>
TOTAL NON-DEPARTMENTAL	<u>2,681,077</u>	<u>635,942</u>	<u>-</u>	<u>2,045,135</u>	23.7%	<u>481,596</u>
 TOTAL EXPENDITURES	 <u>116,915,887</u>	 <u>18,834,988</u>	 <u>1,660,629</u>	 <u>96,420,271</u>	 17.5%	 <u>18,260,406</u>

*** The legal level of budgetary control is at the department level for the General Fund. Therefore, as long as the department as a whole is within budget, budgetary compliance has been achieved. The City actively monitors the budget status of each department and takes measures to address potential over budget situations before they occur.*

For Enterprise and Internal Service Funds, the level of budgetary control is at the fund level. The City also monitors and addresses these fund types for potential over budget situations.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Special Revenue Funds
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
TRAFFIC SAFETY FUND					
Revenue	525,000	28,794	-	496,206	5.5%
Expenditures	<u>525,000</u>	<u>31,419</u>	-	<u>493,581</u>	6.0%
<i>Revenue Less Expenditures</i>	<u>-</u>	<u>(2,625)</u>	-	<u>2,625</u>	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	3,625,652	790,194	-	2,835,458	21.8%
Expenditures	<u>3,942,496</u>	<u>503,652</u>	<u>205,480</u>	<u>3,233,363</u>	18.0%
<i>Revenue Less Expenditures</i>	<u>(316,844)</u>	<u>286,541</u>	<u>(205,480)</u>	<u>(397,905)</u>	
COMMUNITY DEVELOPMENT BLOCK GRANT					
Revenue	1,188,961	30,538	-	1,158,423	2.6%
Expenditures	<u>1,206,376</u>	<u>70,784</u>	<u>16,945</u>	<u>1,118,648</u>	7.3%
<i>Revenue Less Expenditures</i>	<u>(17,415)</u>	<u>(40,246)</u>	<u>(16,945)</u>	<u>39,776</u>	
COUNTY LIBRARY					
Revenue	1,882,415	142,869	-	1,739,546	7.6%
Expenditures	<u>2,050,394</u>	<u>339,172</u>	-	<u>1,711,222</u>	16.5%
<i>Revenue Less Expenditures</i>	<u>(167,979)</u>	<u>(196,303)</u>	-	<u>28,324</u>	
STREETS FUND					
Revenue	10,216,835	1,523,076	-	8,693,759	14.9%
Expenditures	<u>10,216,841</u>	<u>1,465,553</u>	<u>92,023</u>	<u>8,659,265</u>	15.2%
<i>Revenue Less Expenditures</i>	<u>(6)</u>	<u>57,523</u>	<u>(92,023)</u>	<u>34,494</u>	
MEASURE A					
Revenue	3,376,976	244,259	-	3,132,717	7.2%
Expenditures	<u>3,882,346</u>	<u>486,451</u>	<u>802,453</u>	<u>2,593,442</u>	33.2%
<i>Revenue Less Expenditures</i>	<u>(505,370)</u>	<u>(242,192)</u>	<u>(802,453)</u>	<u>539,274</u>	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

SOLID WASTE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	20,092,765	3,369,664	-	16,723,101	16.8%	3,313,875
Other Fees & Charges	297,342	-	-	297,342	0.0%	-
Grants	20,000	-	-	20,000	0.0%	-
Miscellaneous	235,669	624	-	235,045	0.3%	79,268
TOTAL REVENUES	<u>20,645,776</u>	<u>3,370,288</u>	<u>-</u>	<u>17,275,488</u>	<u>16.3%</u>	<u>3,393,143</u>
EXPENSES						
Salaries & Benefits	1,021,607	135,292	-	886,315	13.2%	133,989
Materials, Supplies & Services	18,621,494	3,035,342	257,096	15,329,056	17.7%	2,862,668
Special Projects	546,216	-	-	546,216	0.0%	215
Transfers-Out	50,000	8,333	-	41,667	16.7%	8,333
Capital Outlay Transfers	-	-	-	-	0.0%	2,926
Equipment	149,783	-	2,306	147,477	1.5%	-
Other	100,000	-	-	100,000	0.0%	-
Appropriated Reserve	25,000	-	-	25,000	0.0%	-
TOTAL EXPENSES	<u>20,514,100</u>	<u>3,178,967</u>	<u>259,402</u>	<u>17,075,730</u>	<u>16.8%</u>	<u>3,008,131</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

WATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Water Sales- Metered	34,869,458	6,518,805	-	28,350,653	18.7%	6,657,418
Service Charges	606,500	202,233	-	404,267	33.3%	64,417
Cater JPA Treatment Charges	2,516,860	-	-	2,516,860	0.0%	468,814
Investment Income	529,200	82,074	-	447,126	15.5%	82,878
Rents & Concessions	22,872	3,812	-	19,060	16.7%	3,812
Reimbursements	782,779	-	-	782,779	0.0%	469
Miscellaneous	20,000	8,284	-	11,716	41.4%	4,480
TOTAL REVENUES	<u>39,347,669</u>	<u>6,815,208</u>	<u>-</u>	<u>32,532,461</u>	17.3%	<u>7,282,288</u>
EXPENSES						
Salaries & Benefits	8,724,787	1,249,197	-	7,475,590	14.3%	1,197,150
Materials, Supplies & Services	9,985,338	992,421	1,310,883	7,682,034	23.1%	981,086
Special Projects	778,363	44,468	51,806	682,089	12.4%	70,978
Water Purchases	8,604,703	1,229,094	-	7,375,609	14.3%	1,242,963
Debt Service	5,087,163	471	-	5,086,692	0.0%	471
Transfer-Out	686,346	686,346	-	-	100.0%	-
Capital Outlay Transfers	10,469,228	1,744,871	-	8,724,357	16.7%	1,864,872
Equipment	164,800	24,727	(24,586)	164,660	0.1%	6,155
Capitalized Fixed Assets	124,300	7,795	28,470	88,035	29.2%	7,571
Other	35,000	550	-	34,450	1.6%	525
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>44,810,028</u>	<u>5,979,941</u>	<u>1,366,573</u>	<u>37,463,515</u>	16.4%	<u>5,371,771</u>

NOTE-These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

WASTEWATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	17,928,555	2,960,998	-	14,967,557	16.5%	3,014,051
Fees	775,071	351,864	-	423,207	45.4%	230,272
Investment Income	158,100	26,512	-	131,588	16.8%	24,624
Rents & Concessions	20,887	-	-	20,887	0.0%	-
Miscellaneous	1,000	5,953	-	(4,953)	595.3%	4,609
TOTAL REVENUES	<u>18,883,613</u>	<u>3,345,328</u>	<u>-</u>	<u>15,538,285</u>	17.7%	<u>3,273,556</u>
EXPENSES						
Salaries & Benefits	5,893,242	832,367	-	5,060,875	14.1%	798,460
Materials, Supplies & Services	6,972,105	902,412	1,479,086	4,590,607	34.2%	708,008
Special Projects	712,909	16,969	103,448	592,492	16.9%	6,402
Debt Service	1,848,322	342,295	-	1,506,027	18.5%	314
Capital Outlay Transfers	3,928,500	654,750	-	3,273,750	16.7%	692,455
Equipment	95,000	535	-	94,465	0.6%	-
Capitalized Fixed Assets	26,000	6	1,500	24,494	5.8%	-
Other	3,000	1,750	-	1,250	58.3%	1,000
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>19,629,078</u>	<u>2,751,083</u>	<u>1,584,034</u>	<u>15,293,960</u>	22.1%	<u>2,206,639</u>

NOTE-These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

DOWNTOWN PARKING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Improvement Tax	980,000	250,279	-	729,721	25.5%	226,652
Parking Fees	6,535,946	1,091,794	-	5,444,152	16.7%	1,101,881
Other Fees & Charges	3,000	468	-	2,532	15.6%	562
Investment Income	102,100	16,508	-	85,592	16.2%	16,729
Rents & Concessions	104,000	21,332	-	82,668	20.5%	18,821
Miscellaneous	4,000	1,193	-	2,807	29.8%	688
Operating Transfers-In	193,500	32,250	-	161,250	16.7%	7,250
TOTAL REVENUES	<u>7,922,546</u>	<u>1,413,825</u>	<u>-</u>	<u>6,508,721</u>	17.8%	<u>1,372,583</u>
EXPENSES						
Salaries & Benefits	4,183,765	651,804	-	3,531,961	15.6%	616,672
Materials, Supplies & Services	2,333,046	273,738	179,586	1,879,723	19.4%	264,246
Special Projects	547,226	12,177	450,301	84,748	84.5%	58,576
Transfer-Out	309,125	51,521	-	257,604	16.7%	50,511
Capital Outlay Transfers	970,000	161,667	-	808,333	16.7%	251,292
Equipment	25,000	1,388	-	23,612	5.6%	-
Appropriated Reserve	50,000	-	-	50,000	0.0%	-
TOTAL EXPENSES	<u>8,418,162</u>	<u>1,152,295</u>	<u>629,886</u>	<u>6,635,981</u>	21.2%	<u>1,241,297</u>

NOTE-These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

AIRPORT OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases-Commercial/Industrial	4,545,175	718,309	-	3,826,866	15.8%	724,699
Leases-Terminal	4,607,134	848,088	-	3,759,046	18.4%	737,181
Leases-Non-Commercial Aviation	1,819,730	321,387	-	1,498,343	17.7%	279,049
Leases-Commercial Aviation	4,218,655	787,867	-	3,430,788	18.7%	656,936
Investment Income	121,300	17,125	-	104,175	14.1%	20,234
Miscellaneous	157,355	110,498	-	46,857	70.2%	22,707
TOTAL REVENUES	<u>15,469,349</u>	<u>2,803,274</u>	<u>-</u>	<u>12,666,075</u>	18.1%	<u>2,440,806</u>
EXPENSES						
Salaries & Benefits	5,723,701	818,104	-	4,905,597	14.3%	760,764
Materials, Supplies & Services	7,894,304	1,021,380	457,083	6,415,841	18.7%	980,564
Special Projects	93,475	-	-	93,475	0.0%	57,038
Transfer-Out	20,354	3,392	-	16,962	16.7%	3,288
Debt Service	1,815,718	-	-	1,815,718	0.0%	-
Capital Outlay Transfers	-	-	-	-	0.0%	20,723
Equipment	67,060	12,091	(8,501)	63,470	5.4%	11,385
Appropriated Reserve	103,856	-	-	103,856	0.0%	-
TOTAL EXPENSES	<u>15,718,468</u>	<u>1,854,967</u>	<u>448,582</u>	<u>13,414,919</u>	14.7%	<u>1,833,762</u>

NOTE-These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	1,766,876	298,732	-	1,468,144	16.9%	330,773
Investment Income	10,100	1,373	-	8,727	13.6%	2,040
Rents & Concessions	313,572	55,880	-	257,692	17.8%	66,938
Miscellaneous	500	246	-	254	49.2%	(100)
TOTAL REVENUES	<u>2,091,048</u>	<u>356,231</u>	<u>-</u>	<u>1,734,817</u>	17.0%	<u>399,651</u>
EXPENSES						
Salaries & Benefits	1,108,919	170,337	-	938,582	15.4%	152,229
Materials, Supplies & Services	621,804	77,842	-	543,962	12.5%	80,877
Debt Service	245,698	169,522	-	76,176	69.0%	165,865
Capital Outlay Transfers	80,727	13,455	-	67,273	16.7%	35,781
Equipment	3,000	-	-	3,000	0.0%	-
Other	900	340	-	560	37.8%	-
TOTAL EXPENSES	<u>2,061,048</u>	<u>431,496</u>	<u>-</u>	<u>1,629,552</u>	20.9%	<u>434,752</u>

NOTE-These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

INTRA-CITY SERVICE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	2,638,369	439,728	-	2,198,641	16.7%	421,796
Work Orders - Bldg Maint.	2,604,016	411,251	-	2,192,765	15.8%	336,799
Miscellaneous	17,500	223,660	-	(206,160)	1278.1%	10,207
Operating Transfers-In	5,000	833	-	4,167	16.7%	-
TOTAL REVENUES	<u>5,264,885</u>	<u>1,075,472</u>	<u>-</u>	<u>4,189,413</u>	<u>20.4%</u>	<u>768,802</u>
EXPENSES						
Salaries & Benefits	3,618,855	542,206	-	3,076,649	15.0%	503,993
Materials, Supplies & Services	1,556,168	190,173	41,004	1,324,991	14.9%	197,575
Special Projects	378,193	69,885	130,861	177,447	53.1%	106,362
Equipment	15,000	1,193	-	13,807	8.0%	-
Capitalized Fixed Assets	10,000	600	1,228	8,172	18.3%	85
Appropriated Reserve	26,485	-	-	26,485	0.0%	-
TOTAL EXPENSES	<u>5,604,701</u>	<u>804,058</u>	<u>173,093</u>	<u>4,627,550</u>	<u>17.4%</u>	<u>808,015</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

FLEET REPLACEMENT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Rental Charges	2,244,137	374,023	-	1,870,114	16.7%	371,468
Investment Income	123,000	18,987	-	104,013	15.4%	20,315
Rents & Concessions	233,966	38,994	-	194,972	16.7%	38,996
Miscellaneous	130,048	20,882	-	109,166	16.1%	22,354
TOTAL REVENUES	<u>2,731,151</u>	<u>452,887</u>	<u>-</u>	<u>2,278,265</u>	16.6%	<u>453,133</u>
EXPENSES						
Salaries & Benefits	200,432	27,029	-	173,403	13.5%	28,227
Materials, Supplies & Services	2,725	304	-	2,421	11.2%	364
Special Projects	-	195	-	(195)	100.0%	3,596
Capitalized Fixed Assets	3,725,433	133,401	(80,837)	3,672,870	1.4%	1,553
TOTAL EXPENSES	<u>3,928,590</u>	<u>160,929</u>	<u>(80,837)</u>	<u>3,848,499</u>	2.0%	<u>33,740</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

FLEET MAINTENANCE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Maintenance Charges	2,527,627	421,271	-	2,106,356	16.7%	410,572
Reimbursements	10,000	-	-	10,000	0.0%	1,667
Miscellaneous	103,070	18,261	-	84,809	17.7%	17,178
TOTAL REVENUES	<u>2,640,697</u>	<u>439,532</u>	<u>-</u>	<u>2,201,165</u>	<u>16.6%</u>	<u>429,417</u>
EXPENSES						
Salaries & Benefits	1,331,631	170,160	-	1,161,471	12.8%	182,721
Materials, Supplies & Services	1,197,875	146,858	242,187	808,830	32.5%	151,479
Special Projects	60,000	1,605	11,412	46,983	21.7%	282
Debt Service	43,070	-	-	43,070	0.0%	7,178
Equipment	9,000	-	-	9,000	0.0%	8,800
Capitalized Fixed Assets	646,181	3,827	5,616	636,738	1.5%	-
Appropriated Reserve	16,067	-	-	16,067	0.0%	-
TOTAL EXPENSES	<u>3,303,824</u>	<u>322,450</u>	<u>259,215</u>	<u>2,722,160</u>	<u>17.6%</u>	<u>350,460</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

SELF INSURANCE TRUST FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Insurance Premiums	2,785,022	464,170	-	2,320,852	16.7%	459,352
Workers' Compensation Premiums	3,388,165	564,694	-	2,823,471	16.7%	491,784
OSH Charges	203,462	33,910	-	169,552	16.7%	32,306
Investment Income	55,200	6,712	-	48,488	12.2%	7,787
Miscellaneous	-	1,000	-	(1,000)	100.0%	3,477
Operating Transfers-In	75,825	12,638	-	63,188	16.7%	-
TOTAL REVENUES	<u>6,507,674</u>	<u>1,083,124</u>	<u>-</u>	<u>5,424,550</u>	16.6%	<u>994,706</u>
EXPENSES						
Salaries & Benefits	571,460	69,129	-	502,331	12.1%	75,302
Materials, Supplies & Services	5,503,719	1,019,930	51,568	4,432,221	19.5%	984,405
Special Projects	100	-	-	100	0.0%	-
TOTAL EXPENSES	<u>6,075,279</u>	<u>1,089,060</u>	<u>51,568</u>	<u>4,934,651</u>	18.8%	<u>1,059,707</u>

The Self Insurance Trust Fund is an internal service fund of the City, which accounts for the cost of providing workers' compensation, property and liability insurance as well as unemployment insurance and certain self-insured employee benefits on a city-wide basis. Internal Service Funds charge other funds for the cost of providing their specific services.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	3,120,588	520,098	-	2,600,490	16.7%	419,166
TOTAL REVENUES	<u>3,120,588</u>	<u>520,098</u>	<u>-</u>	<u>2,600,490</u>	16.7%	<u>419,166</u>
EXPENSES						
Salaries & Benefits	1,950,182	259,495	-	1,690,687	13.3%	260,492
Materials, Supplies & Services	973,700	282,659	16,062	674,979	30.7%	175,756
Special Projects	18,400	-	-	18,400	0.0%	-
Capital Outlay Transfers	344,000	57,333	-	286,667	16.7%	35,333
Equipment	8,250	-	-	8,250	0.0%	3,821
Capital Fixed Assets	1,000	-	-	1,000	0.0%	-
Appropriated Reserve	13,053	-	-	13,053	0.0%	-
TOTAL EXPENSES	<u>3,308,585</u>	<u>599,487</u>	<u>16,062</u>	<u>2,693,036</u>	18.6%	<u>475,402</u>

NOTE-These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
For the Two Months Ended August 31, 2014 (16.7% of Fiscal Year)

WATERFRONT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial	1,401,007	300,056	-	1,100,951	21.4%	274,350
Leases - Food Service	2,694,636	570,324	-	2,124,312	21.2%	528,365
Slip Rental Fees	4,204,739	709,027	-	3,495,712	16.9%	688,844
Visitors Fees	455,000	96,441	-	358,559	21.2%	82,237
Slip Transfer Fees	575,000	401,875	-	173,125	69.9%	106,950
Parking Revenue	2,069,466	592,808	-	1,476,658	28.6%	586,648
Wharf Parking	255,000	53,261	-	201,739	20.9%	54,934
Grants	25,600	-	-	25,600	0.0%	-
Other Fees & Charges	236,723	42,110	-	194,613	17.8%	40,669
Investment Income	117,000	14,336	-	102,664	12.3%	10,587
Rents & Concessions	304,966	52,187	-	252,779	17.1%	49,922
Miscellaneous	322,000	37,563	-	284,437	11.7%	49,795
TOTAL REVENUES	<u>12,661,137</u>	<u>2,869,988</u>	<u>-</u>	<u>9,791,149</u>	<u>22.7%</u>	<u>2,473,301</u>
EXPENSES						
Salaries & Benefits	6,050,691	925,786	-	5,124,906	15.3%	878,133
Materials, Supplies & Services	3,916,361	591,469	844,680	2,480,212	36.7%	505,173
Special Projects	259,813	16,212	-	243,601	6.2%	14,574
Debt Service	1,729,040	512,529	-	1,216,511	29.6%	351,455
Capital Outlay Transfers	1,385,000	230,833	-	1,154,167	16.7%	257,359
Equipment	80,500	6,362	1,968	72,170	10.3%	4,111
Capital Fixed Assets	17,104	-	17,104	-	100.0%	6,973
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
TOTAL EXPENSES	<u>13,538,509</u>	<u>2,283,191</u>	<u>863,752</u>	<u>10,391,565</u>	<u>23.2%</u>	<u>2,017,778</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services

SUBJECT: Update Of The City's Conflict Of Interest Code Resolution To Include New And Deleted Positions Subject To Disclosure Requirements

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Conflict of Interest Code of the City of Santa Barbara to Incorporate by Reference the Fair Political Practices Commission's Model Code and Rescinding Resolution No. 12-078.

DISCUSSION:

The State Political Reform Act requires that cities review their Conflict of Interest Code biennially and submit any changes to the City Council by December of even-numbered years. The Conflict of Interest Code lists the positions that have been designated to file the Statement of Economic Interest (Form 700) annually and upon assuming or leaving the position. Exhibit A of the recommended resolution updates the list of designated positions. Attached is a summary of the changes that includes the renaming of a position, the addition of new positions to the list, the deletion of designated positions and the transfer of one advisory group (Arts Advisory Committee) from the Community Development Department to the City Administrator's Office.

The proposed resolution will become effective January 1, 2015.

ATTACHMENT: Summary of Changes

PREPARED BY: Gwen Peirce, CMC, City Clerk Services Manager

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

SUMMARY OF CHANGES TO EXHIBIT A**REVISED JOB TITLE**

New Title	Prior Title
Airport Marketing Coordinator	Airport Marketing Specialist
Administrative Services Director	Assistant City Administrator / Administrative Services Director
Community Development Director	Assistant City Administrator / Community Development Director

POSITIONS ADDED TO CONFLICT OF INTEREST CODE

Title/Department	Disclosure Category
Administrative Analyst (Public Works)	3, 6
Administrative Analyst I/II (Parks & Recreation)	3, 6
Administrative/Clerical Supervisor (Waterfront)	3, 6
Airport Operations Supervisor (Airport)	1, 2
Assistant Transportation Planner (Public Works)	3, 4, 6
Associate Planner (Parks & Recreation)	3, 4, 6
Billing Supervisor (Finance)	1
Custodial Supervisor (Public Works)	6
Facilities Maintenance Supervisor (Public Works)	6
Finance Supervisor (Finance)	1
Fire Prevention Division Chief (Fire)	1, 2
Information Systems Supervisor (Administrative Services)	1, 2
Maintenance Supervisor (Public Works)	6
Payroll Supervisor (Finance)	1
Project Manager II (Public Works)	3, 4, 6
Purchasing Supervisor (Finance)	1
Senior Human Resources Analyst (Administrative Services)	1, 2
Water Resources Specialist (Public Works)	6

DELETED POSITIONS

Title	Department
Associate Planner	Airport
Golf Course Manager	Parks & Recreation
Housing Programs Specialist	Community Development
Project Planner/Environmental Analyst	Community Development
Survey Party Chief	Public Works
Transportation Engineering Associate	Public Works

ADVISORY GROUP TRANSFERRED TO NEW DEPARTMENT

Title	From Department	To Department
Arts Advisory Committee	Community Development	City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE CONFLICT OF INTEREST CODE OF THE CITY OF SANTA BARBARA TO INCORPORATE BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S MODEL CODE AND RESCINDING RESOLUTION NO. 12-078

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, Title 2, Division 6 of the California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act, and which can be incorporated by reference.

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

SECTION 1. The terms of Title 2, Division 6 of the California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, incorporated herein by reference, along with the attached Exhibit "A" in which members and employees are designated, and Exhibit "B" in which disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Santa Barbara.

SECTION 2. The City Clerk is the filing official for the Mayor, Councilmembers, City Administrator, City Attorney, and Planning Commissioners. For the persons holding these positions, the City Clerk accepts the filing, retains a copy, and forwards the original to the Fair Political Practices Commission in Sacramento. For all other persons holding designated positions, the City Clerk is the filing officer and retains the statements. The City Clerk will make the statements available for public inspection and reproduction (Government Code Section 81008).

SECTION 3. This Resolution shall take effect January 1, 2015, and rescinds Resolution No. 12-078.

**EXHIBIT A
RESOLUTION NO.**

LIST OF DESIGNATED POSITIONS
CONFLICT OF INTEREST CODE

<u>POSITION</u>	<u>DISCLOSURE CATEGORY</u>
Councilmembers	As required by State Law
City Administrator/City Clerk/City Treasurer/	“
City Attorney	“
Planning Commission Members	“
Acting Positions	Subject to the same disclosure requirements as the position in which the person is “acting.”
Consultant *	1, 2
It has been determined that the following positions manage public investments and will file the Form 700 Statement of Economic interests with the City Clerk, who will retain the statements:	
Finance Director	As required by State Law
Fire and Police Pension Commission Members	“

* Consultants who participate in the making of decisions on behalf of the City shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The City Administrator may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of the disclosure requirements. The City Administrator’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

DEPARTMENT

DISCLOSURE CATEGORY

Administrative Services

Staff Positions:

Administrative Services Director	1, 2
City Clerk Services Manager	1, 2
Human Resources Manager	1, 2
Information Systems Manager	1, 2
Information Systems Supervisor	1, 2
Senior Human Resources Analyst	1, 2

Members of the following Advisory Group:

Board of Civil Service Commissioners	1, 2
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Airport

Staff Positions:

Airport Director	1, 2
Airport Maintenance Superintendent	6
Airport Maintenance Supervisor	6
Airport Marketing Coordinator	6
Airport Operations Manager	1, 2
Airport Operations Supervisor	1, 2
Airport Patrol Supervisor	6
Assistant Airport Director	1, 2

DEPARTMENT

DISCLOSURE CATEGORY

Airport (Continued)

Custodial Supervisor	6
Project Planner	3, 4, 6
Senior Property Management Specialist	2, 4, 6

Members of the following Advisory Group:

Airport Commission	1, 2
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City Administrator

Staff Positions:

Administrative Analyst	1, 2
Assistant City Administrator	1, 2
Assistant to the City Administrator	1, 2
Employee Relations Manager	1, 2

Members of the following Advisory Group:

Arts Advisory Committee	1
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City Attorney

Staff Positions:

Assistant City Attorney I, II, III	1, 2
Deputy City Attorney	1, 2

DEPARTMENT**DISCLOSURE CATEGORY****Community Development****Staff Positions:**

Assistant Planner	3, 4, 6
Associate Planner	3, 4, 6
Building Inspection/Plan Check Supervisor	1, 2
Building Inspector	1, 2
Building Inspector Aide	1, 2
Chief Building Official	1, 2
City Planner	1, 2
Community Development Business Manager	1, 2
Community Development Director	1, 2
Community Development Programs Specialist	3, 4, 5
Community Development Programs Supervisor II	3, 4, 5
Planning Technician I/II	3, 4, 6
Plans Examiner	1, 2
Principal Planner	1, 2
Project Planner	1, 2
Senior Building Inspector	1, 2
Senior Plan Check Engineer	1, 2

DEPARTMENT

DISCLOSURE CATEGORY

Community Development (Continued)

Staff Positions:

Senior Planner I, II	1, 2
Senior Plans Examiner	1, 2
Senior Rental Housing Mediation Specialist	2, 5

Members of the following Advisory Groups:

Architectural Board of Review	1, 2
Building and Fire Code Board of Appeals	1, 2
Community Development and Human Services Committee	1, 2
Community Events and Festivals Committee	1, 2
Historic Landmarks Commission	1, 2
Sign Committee	1, 2
Single Family Design Board	1, 2

Finance

Staff Positions:

Accounting Manager	1
Billing Supervisor	1
Budget Manager	1
Buyer	1
Environmental Services Manager	1

DEPARTMENT**DISCLOSURE CATEGORY****Finance (Continued)**

Finance Supervisor	1
General Services Manager	1
Payroll Supervisor	1
Purchasing Supervisor	1
Risk Manager	1
Treasury Manager	1

Members of the following Advisory Groups:

Living Wage Advisory Committee	1, 2
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Fire**Staff Positions:**

Administrative Services Manager	2, 3, 6
Emergency Services Manager	1, 2, 5, 6
Fire Battalion Chief	2, 3, 6
Fire Chief	1, 2
Fire Inspector I, II, III	2, 3, 6
Fire Operations Division Chief	1, 2
Fire Prevention Division Chief	1, 2

Library**Staff Positions:**

Library Director	1, 2
Library Services Manager	6

DEPARTMENT

DISCLOSURE CATEGORY

Parks and Recreation

Staff Positions:

Administrative Analyst I, II	3, 6
Assistant Parks and Recreation Director	1, 2
Associate Planner	3, 4, 6
Creeks Restoration/Clean Water Manager	6
Creeks Supervisor	6
Neighborhood & Outreach Services Supervisor I	6
Parks and Recreation Director	1, 2
Parks Manager	1, 2
Recreation Programs Manager	6
Senior Neighborhood & Outreach Services Supervisor	6
Senior Recreation Supervisor	6
Urban Forest Superintendent	6
Water Resources Specialist	6

Members of the following Advisory Groups:

Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee	1, 2
Parks and Recreation Commission	1, 2

DEPARTMENT

DISCLOSURE CATEGORY

Police

Staff Positions:

Police Chief	1, 2
Deputy Police Chief	1, 2
Police Business Manager	3, 6
Police Captain	3, 6
Police Information Technology Manager	6
Police Lieutenant	3, 6

Members of the following Advisory Group:

Fire and Police Commission	1, 2
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Public Works

Staff Positions:

Administrative Analyst	3, 6
Assistant Public Works Director/ City Engineer	1, 2
Assistant Transportation Planner	3, 4, 6
Associate Transportation Planner	3, 4, 6
Custodial Supervisor	6
Facilities and Energy Manager	3, 6
Facilities Maintenance Superintendent	6
Facilities Maintenance Supervisor	6
Maintenance Supervisor I/II	6
Parking/TMP Superintendent	3, 4

DEPARTMENT**DISCLOSURE CATEGORY****Public Works (Continued)****Staff Positions:**

Principal Engineer	1, 2
Principal Transportation Planner	1, 2, 3, 4, 6
Project Engineer I, II	3, 4, 6
Project Manager II	3, 4, 6
Project Planner	1, 2
Public Works Business Manager	3, 4, 6
Public Works Director	1, 2
Public Works Inspector II	3, 4
Senior Engineering Technician (Land Development)	3, 4, 6
Senior Public Works Inspector	3, 4
Senior Real Property Agent	2, 4, 6
Streets Manager	3, 4, 6
Supervising Engineer	3, 4, 6
Supervising Transportation Engineer	3, 4, 6
Supervising Transportation Planner	1, 2
Transportation Manager	3, 4, 6
Wastewater Collection System Superintendent	2, 4, 6
Wastewater System Manager	3, 6
Wastewater Treatment Superintendent	2, 4, 6
Water Distribution Superintendent	2, 4, 6

DEPARTMENT**DISCLOSURE CATEGORY****Public Works (Continued)**

Water Resources Manager	2, 4, 6
Water Resources Specialist	6
Water Resources Supervisor	2, 4, 6
Water System Manager	2, 4, 6
Water Treatment Superintendent	2, 4, 6

Members of the following Advisory Groups:

Board of Water Commissioners	1, 2
Downtown Parking Committee	1, 2
Transportation and Circulation Committee	1, 2

Waterfront**Staff Positions:**

Administrative Analyst I	3, 6
Administrative/Clerical Supervisor	3, 6
Harbor Operations Manager	3, 6
Harbor Patrol Supervisor	3, 6
Maintenance Supervisor I, II	3, 6
Property Management Specialist	2, 3, 4, 6
Waterfront Business Manager	2, 3, 4, 6
Waterfront Director/Harbormaster	1, 2
Waterfront Facilities Manager	3, 6
Waterfront Maintenance Superintendent	3, 6

DEPARTMENT

DISCLOSURE CATEGORY

Waterfront (Continued)

Waterfront Parking Supervisor

3, 6

Members of the following Advisory Group:

Harbor Commission

1, 2

**EXHIBIT B
RESOLUTION NO.**

**CITY OF SANTA BARBARA
DISCLOSURE CATEGORIES**

General Provisions

When a designated employee or individual is required to disclose investments, business positions and sources of income, he or she need only disclose investments in business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two (2) years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City. When a designated employee or individual is required to disclose real property he or she need only disclose that which is located in whole or in part within or not more than two (2) miles outside the boundaries of the City or within two (2) miles of any land owned or used by the City.

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Exhibit "A".

Disclosure Categories

- Category 1: All investments, business positions and sources of income. See Schedules A-1, A-2, B, C, D, and E to the Statement of Economic Interests.
- Category 2: All interests in real property. See Schedule B.
- Category 3: All investments, business positions, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department. See Schedules A-1, A-2, B, C, D, and E.
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition of real property. See Schedules A-1, A-2, B, C, D, and E.
- Category 5: Investments in business entities and sources of income of the type which contracts with the City to provide services, supplies, materials, machinery or equipment to any City department. See Schedules A-1, A-2, B, C, D, and E.
- Category 6: Investments in business entities and sources of income of the type which contracts with the City to provide to the designated employee's department services, supplies, materials, machinery or equipment. See Schedules A-1, A-2, B, C, D, and E.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Amend Municipal Code Section 5.52.160 And Increase In Design Support Services For Recommissioning The Charles E. Meyer Desalination Facility

RECOMMENDATION: That Council:

A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code By Amending Section 4.52.160 Pertaining to Public Works Projects; and

B. Authorize the Public Works Director to amend and increase a City Professional Services Contract, subject to approval as to form by the City Attorney, with McCabe and Company, Inc., in an amount not to exceed \$75,000, bringing the total amount of the contract to \$165,000, for support services related to the City's existing Coastal Development Permit for the Desalination Plant.

DISCUSSION:

Amendment to Municipal Code Section 4.52.160:

On September 23, 2014, Council discussed and considered a range of procurement methods that might be appropriate for design, construction and operation of the reactivation of the Charles E. Meyer Desalination Facility. As discussed by the Council, Santa Barbara Charter section 519 provides that certain water-related projects may be exempted from the typical design-bid-build procurement method when an alternate procurement method is approved by an affirmative vote of a majority of the total members of the City Council. The City Council determined that an alternate procurement method was appropriate for reactivation of the desalination facility for a variety of reasons, including the need for an expedited schedule, a potential for monetary savings and the operational requirements of the facility. The Council adopted Resolution No. 14-067 directing staff to prepare an enabling ordinance that establishes a process to be followed when, in Council's determination, an alternative procurement method may be appropriate, as in the case of reactivation of the desalination facility.

Council Agenda Report

Introduction Of Ordinance To Amend Municipal Code Section 5.52.160 And Increase In Design Support Services For Recommissioning The Charles E. Meyer Desalination Facility

October 21, 2014

Page 2

Staff recommends amending Santa Barbara Municipal Code section 4.52.160 to add provisions allowing for the design-build-operate procurement method in appropriate circumstances. The amendment to the Municipal Code would require that in those limited situations when an alternate procurement method is appropriate, Council would proceed by adoption of a resolution (as occurred in this case) that identifies the method of procurement, the reasons why the recommended alternate method is justified, the solicitation process to be used and the criteria for determining contract award.

Much progress has been made to date toward issuance of the design-build-operate contract as directed by City Council. Staff has issued the Statement of Qualifications and the panel is evaluating the responses received. The shortlisted proposers will be invited to submit proposal based on the Request for Proposals which will be issued November 10. Proposals are due from proposers at the end of January 2015.

Professional Services Contract with McCabe and Company, Inc.:

On May 6, 2014, Council approved preliminary design services for recommissioning the Charles E. Meyer Desalination Facility. As part of that action, Council approved a Professional Services Contract with McCabe and Company, Inc. for services related to working with the Coastal Commission to clarify the permitting requirements for reactivating the desalination plant in an amount not to exceed \$90,000.

The City has had good success in moving the permitting process forward. The Coastal Commission hearing for the project is expected in January, 2015. At the time the contract was negotiated with McCabe and Company, Inc. it was anticipated that services would be required through October, 2014. With the extended time to fulfill the Coastal Commission requirements and the potential for delays in scheduling of the hearing, Staff recommends that Council authorize the Public Works Director to amend the current contract with McCabe and Company to extend through April, 2015.

BUDGET/FINANCIAL INFORMATION:

If the recommendation is approved, the total professional services contract expenditure authority will be increased to \$165,000.

There are sufficient appropriated funds in the Water Drought, Desalination Facility Fund to fund the additional costs.

PREPARED BY: Joshua Haggmark, Acting Water Resources Manager/LS/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE BY AMENDING SECTION 4.52.160 PERTAINING TO PUBLIC WORKS CONTRACTS.

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

SECTION 1. Section 4.52.160 of Chapter 4.52 of Title 4 of the Santa Barbara Municipal Code is amended to read as follows:

4.52.160 Public Works Contracts.

(a) Bidding and advertising and award of contracts for public works, excluding maintenance and repair, shall be as required by Section 519 of the City Charter.

(b) Section 519 of the City Charter provides that certain water-related projects may be excepted from the requirements of Section 519 by the affirmative vote of a majority of the total members of the City Council.

(1) The City Council may determine by resolution that such a project may be solicited and contracted for using alternate project delivery methods, including but not limited to design-build, and design-build-operate, or competitive negotiation. Any such resolution shall set forth the reasons supporting the use of the alternate project delivery method for the project and describe the solicitation method to be used and the criteria for determining the party to whom the contract should be awarded. The Council may

also authorize the reimbursement of the costs of proposers in participating in solicitations for such projects.

(2) The selection process shall, to the extent feasible, be fair and open, encourage creative and innovative solutions, and ensure that the City receives the best value possible. During the selection process, the City may meet individually with potential proposers prior to submission of proposals in order to encourage creative solutions. Such meetings shall be tape recorded and the recording shall be made available upon request after final contract award.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.22.133 OF THE SANTA BARBARA MUNICIPAL CODE REGARDING HISTORIC LANDMARKS COMMISSION REFERRAL TO PLANNING COMMISSION AND AMENDING CHAPTER 28.20 OF THE SANTA BARBARA MUNICIPAL CODE ESTABLISHING PLANNING COMMISSION REVIEW OF CERTAIN RENTAL HOUSING PROJECTS PROPOSED IN ACCORDANCE WITH THE AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM

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

SECTION 1. Section 22.22.133 of the Santa Barbara Municipal Code is amended to read as follows:

22.22.133 Historic Landmarks Commission Referral to Planning Commission.

A. **PLANNING COMMISSION COMMENTS.** When the Historic Landmarks Commission determines that a development is proposed for a site which is highly visible to the general public, the Historic Landmarks Commission may, prior to granting project design approval of the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Historic Landmarks Commission in its deliberations.

B. **PLANNING COMMISSION NOTICE AND HEARING.** Prior to making any comments regarding an application pursuant to this Section, the Planning Commission shall hold a noticed public hearing. Notice of the hearing shall be provided in accordance with the requirements of Section 22.22.132.

SECTION 2. Section 28.20.020 of the Santa Barbara Municipal Code is amended to read as follows:

Section 28.20.020 Definitions.

For purposes of this Chapter 28.20, the following words or phrases shall have the respective meanings assigned to them in the following definitions unless, in a given instance, the context in which they are used indicates a different meaning:

A. Affordable Housing. Residential units that are sold or rented at values defined as being affordable by the City of Santa Barbara's Affordable Housing Policies and Procedures, as such policies and procedures may be approved by the City Council from time to time.

B. Average Unit Size. The total of the net floor area of each of the residential units in a project and divided by the number of residential units in that project.

C. Community Benefit Housing. Residential development that has a public benefit including the following housing types:

1. Priority Housing;
2. Housing affordable to low, moderate, or middle income households as defined in SBMC Chapter 28.43; and
3. Transitional Housing, affordable efficiency dwelling units (as described in Section 28.87.150 of this Code), and Supportive Housing which supports special needs populations such as housing for seniors, the physically or mentally disabled, the homeless, or children aging out of foster care.

D. Employer Sponsored Housing. Residential units which are developed, owned, maintained, and initially sold or rented to employees of a local Employer (or group of employers) where each residential unit is occupied as a primary residence (as defined by federal income tax law) by a household that includes at least one person who works on the south coast region of Santa Barbara County.

E. Net Floor Area. For purposes of this Average Unit-Size Density Program, net floor area is the area in square feet of all floors confined within the exterior walls of a residential unit, but not including the area of the following: exterior walls, vent shafts, courtyards, garages, carports, common areas not controlled by the occupant of an individual residential unit, and any areas with a ceiling height of less than five (5) feet above the finished floor. In addition, the area occupied by stairs or an elevator shaft within the exterior walls of a residential unit shall be counted only on one floor of the residential unit.

F. Limited-Equity Housing Cooperative. A corporation organized on a cooperative basis that meets the requirements of state Civil Code § 817 and which restricts the resale price of the cooperative's shares in order to maintain a specified level of affordability to any new shareholder.

G. Local Employer. A person, business, company, corporation or other duly formed legal entity which employs persons whose primary place of employment is located within the South Coast region of Santa Barbara County.

H. Priority Housing. Priority Housing includes the following three categories of housing: 1. Employer-Sponsored Housing; 2. Limited-Equity Housing Cooperatives; and 3. Rental Housing.

I. Project Site. All lots included within a project proposed in accordance with the Average Unit-Size Density Incentive Program.

J. Rental Housing. Housing developed and maintained as multiple dwelling units on the same lot for occupancy by separate households pursuant to a lease on other rental agreements where all dwelling units are owned exclusively by the same legal entity.

K. Supportive Housing. As defined in state Health and Safety Code Section 50675.14(b)(2).

L. Transitional Housing. That type of Supportive Housing that is re-circulated to other eligible program participants as specified and defined in state Health and Safety Code Section 50675.2(h).

SECTION 3. Chapter 28.20 of Title 28 of the Santa Barbara Municipal Code is amended by adding Section 28.20.080 to read as follows:

28.20.080 Planning Commission Review of Rental Housing Projects

A. Planning Commission Review. The Planning Commission shall review all rental housing projects proposed in accordance with the provisions of the Average Unit-Size Density Incentive Program when both of the following criteria are satisfied:

1. Any lot within the project site has a High Density Residential land use designation or the project is being proposed under the Average Unit-Size Density Incentive Program Priority Housing Overlay, and
2. The project site has a combined net lot area of 15,000 square feet or greater.

B. Review by Pre-Application Review Team. All Average Unit-Size Density Incentive Program projects subject to Planning Commission review pursuant to this Section 28.20.080 shall be reviewed by the Pre-Application Review Team as provided in Section 27.07.070 of this Code.

C. Timing of Review. The Planning Commission review pursuant to this Section 28.20.080 shall occur after the initial concept review by the Architectural Board of Review or Historic Landmarks Commission, as applicable. The project applicant may elect to have additional concept reviews by the applicable design review body, prior to the review by the Planning Commission. If an Average Unit-Size Density Incentive Program project requires a discretionary approval by the Planning Commission

pursuant to any other provision of this Code, then the review required pursuant to this Section 28.20.080 may be combined with the hearing for the other discretionary approval required for the project.

D. Hearing Procedures. The Planning Commission shall conduct its review at a public hearing noticed in accordance with Section 28.87.380 of this Code. The Planning Commission shall receive a written report from the Pre-Application Review Team concerning the proposed design and improvement of the project and the project's consistency with the City's General Plan. The Planning Commission shall provide comment and recommendation by majority vote regarding the proposed design and improvement of the project and the project's consistency with the City's General Plan. The Planning Commission comments and recommendations are intended for use by the applicable design review body in their deliberations.

E. Communication to Design Review Body. Following the Planning Commission review hearing, the Community Development Department staff shall communicate the Planning Commission's comments and recommendations to the applicable design review body.

F. Additional Planning Commission Review. If a project is subject to Planning Commission review pursuant to this Section 28.20.080, the Historic Landmarks Commission cannot elect to refer the project to the Planning Commission pursuant to Section 22.22.130 and the Architectural Board of Review cannot elect to refer the project to the Planning Commission pursuant to Section 22.68.050. However, the project applicant may request an additional concept review of the project by the Planning Commission.

SECTION 4. The provisions of Section 28.20.080, as expressed in this ordinance, shall only apply to a project if the project's first concept review before the Historic Landmarks Commission or Architectural Board of Review occurs after the effective date of this ordinance.

SECTION 5. The City Council of the City of Santa Barbara makes the following findings in accordance with the California Environmental Quality Act regarding the adoption of the proposed Zoning Ordinance Amendments:

1. A Program Final Environmental Impact Report (FEIR) was certified for the 2011 General Plan, and includes EIR Addenda prepared and considered by City Council as part of adoption of the final 2011 General Plan (12-1-11), Climate Action Plan (9-18-12), and Historic Resources Element (10-2-12).

2. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects which are consistent with the development density established by General Plan policies for which a FEIR was certified shall not require additional environmental review except under specified instances.

3. The City Environmental Analyst determined that the proposed zoning ordinance amendments do not trigger additional environmental review requirements for the following reasons:

a. There are no additional site-specific or project-specific significant effects which are peculiar to the proposed zoning amendments;

b. There are no new significant effects not addressed in the prior FEIR; and

c. There is no new information since the FEIR that would involve more significant impacts than identified in the FEIR.

Environmental review for the proposed zoning ordinance amendments is addressed by the General Plan FEIR and Addenda, and no further environmental review is required.

4. The City Planner is the custodian of the record of proceedings for the General Plan Update FEIR, the Addenda, and the documents and other materials which constitute the record of proceedings for these City actions are located at the City of Santa Barbara Community Development Department, Planning Division, 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.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: A Resolution Denying The Appeal And Upholding The Decision Of The Single Family Design Board Regarding 215 La Jolla Drive.

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Single Family Design Board to Grant Project Design Approval and Final Approval with Findings for Proposed Additions to a Single Family Residence Located at 215 La Jolla Drive, pursuant to Council's direction of September 30, 2014.

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE SINGLE FAMILY DESIGN BOARD TO GRANT PROJECT DESIGN APPROVAL AND FINAL APPROVAL WITH FINDINGS FOR PROPOSED ADDITIONS TO A SINGLE FAMILY RESIDENCE LOCATED AT 215 LA JOLLA DRIVE

WHEREAS, on December 23, 2013, Marlene and Frank Bucy applied for a major façade and interior remodel to an existing, 1,533 square foot, one-story, single-family residence located at 215 La Jolla Drive in the City of Santa Barbara, including a proposed new 379 square foot second-story addition above a new two-car garage. The proposal also includes a 394 square foot one-story addition to the front of the home to expand the living room area, and an 86 square foot, second-level deck. The proposed garage reconstruction received approval for zoning modifications from the Staff Hearing Officer involving reconstruction and expansion of the two car garage. The net floor area of the proposed project is 2,293 square feet, which is just under 85% (84.93%) of the required floor-to-lot area ratio (FAR) for the subject lot; and

WHEREAS, the Single Family Design Board (SFDB) initially reviewed the project on February 10, 2014. During this meeting, a large amount of neighborhood comment was received consisting of numerous letters and speakers in support of or against the project. The SFDB supported the request for zoning modifications involving the garage location but requested the architect provide a landscape plan, study possible night glow impacts from new second story windows and explore alternatives to the proposed second story deck screening. Story poles were also requested to be placed on the property prior to the next review. On July 28, 2014, a site visit was conducted by the SFDB prior to the next scheduled meeting to view the erected story poles. Some of the SFDB members walked the immediate neighborhood to examine possible view blockage concerns. The SFDB reviewed the project later that same day and focused their comments on the privacy screen proposed on the second story deck area. On August 11, 2014, the applicant returned to the SFDB and the SFDB voted to grant approval of the project. The SFDB made the required Neighborhood Preservation Ordinance (NPO) findings; and

WHEREAS, on August 21, 2014, Marc Chytilo, attorney and agent for a nearby neighbor Rhonda Seiter timely filed an appeal regarding the SFDB approval. The appellant requested that Council deny the project, asserting that the proposed project should not have been approved by the SFDB and requested that the single-story character of the street be maintained. The appeal letter expands further by

listing several arguments as to why the project design was not analyzed correctly by planning staff and that the project will result in the following impacts:

- Impacts to privacy and "virtually eliminate ocean views" of appellant Seiter;
- Introduce lighting that will be visible from a substantial portion of the neighborhood;
- Approval of the first two-story home on the block is inconsistent with original stepped lot one-story design of the subdivision;
- Incompatible development with the existing homes in the "immediate" neighborhood; and
- The project is inconsistent with the city's applicable guidelines, coastal policies and the General Plan; and

WHEREAS, on September 29, 2014, the City Council conducted a duly noticed site visit during which it conducted an inquiry into the physical aspects of the issues presented on appeal, including the alleged view impacts from both the appellant's home, the immediate neighborhood, and the nearby Douglas Family Preserve; and

WHEREAS, on September 30, 2014, the City Council conducted a duly noticed public hearing on the appeal. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues, and a PowerPoint presentation on the appeal issues – both of which are incorporated by reference into this Resolution (along with the entire record of proceedings);
2. A presentation by the appellant of her concerns, including a letter dated August 21, 2014 from Marc Chytilo and a package dated September 29, 2014, entitled, "Is a Second Story at 215 La Jolla Drive Compatible with the Neighborhood" which was submitted to Council during the hearing on September 30, 2014;
3. A presentation by the Bucy's representative, attorney Derek A. Westen, including a PowerPoint presentation prepared by the Project's architect and a letter from Mr. Westen dated September 19, 2014, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.
4. Public comments from two members of the Single Family Design Board explaining their views on the Project design and the appeal issues.

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted unanimously to direct the preparation of written findings which, consistent with the oral findings made by Council, would

deny the appeal of the Project and to uphold the decision of the Single Family Design Board, with an additional City Council direction that the Project applicant consider thinning a tree in their backyard as an accommodation to the appellant.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the Single Family Design Board and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the September 30, 2014 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. With respect to alleged visual and view impacts, using the criteria set forth in Evidence Code section 780, and in particular subsection (f), the Council finds that the appellant, her witnesses and her attorney were not credible.

SECTION 4. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

- A. There will be no significant view or visual impacts caused by the small second story addition proposed by the Project applicants. The story poles on the Project site, which were accepted by the appellant as factually true, accurately depicted the outline of the proposed second story addition as well as its impacts on the appellant's views and views of the site from the Douglas Family Preserve. From the appellant's property which sits one house removed from and above the Project site, the story poles covered only a very minor section of ocean view that is already substantially blocked by distant vegetation which is outside the control of either party;
- B. The appellant's privacy will not be substantially impacted by the proposed second story because the proposed second story is approximately 120 feet distant, is on a lot approximately 10 feet lower than the appellant's property, is less than 17 feet in height and there will be carefully placed screening material and the second story clerestory window placement is designed to minimize off-site privacy impacts;
- C. The Council has carefully considered the neighborhood study area for the project, as that term is defined under the City's Single Family Residence Design Guidelines (as authorized and made applicable to this Project by Santa Barbara Municipal Code section 22.69.020 L. (the "Guidelines")). In this case, the Project and in particular the second

story addition is compatible with the twenty (20) lots closest to the Project site; however, pursuant to the Guidelines, the Council has determined that additional lots within a 15 minute walking radius were properly considered because the predominant streetscape, patterns of development and parcel sizes within that radius are consistent and compatible with the Project site. Moreover, the Council finds that the twenty lots closest to the Project site are not the relevant immediate neighborhood, but only a portion thereof.

SECTION 5. The Council makes the following findings pursuant to the Neighborhood Preservation Ordinance, Santa Barbara Municipal Code section 22.69.050 A. 1-7:

Consistency and Appearance. The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood by proposing an architectural style consistent with modern styles located in residential zones within the City. The relatively flat roofline of the proposed second story is consistent with the “Eichler”-style development in the neighborhood study area.

Compatibility. The proposed single family expansion project is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. The West Mesa neighborhood has a variety of architectural styles, house sizes, and lot sizes. At approximately .85 FAR, the size is well within the city’s adopted FAR standards. The proposed high-quality materials and colors are appropriate for the neighborhood.

Quality Architecture and Materials. The proposed building is designed with quality architectural details and quality materials. The architectural design is of high quality in that it reproduces an “Eichler”-like second story addition which is no more than seventeen feet in height, the height to which a single story could be constructed without additional design review.

Trees. The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree. Only one other tree is proposed for removal.

Health, Safety, and Welfare. The public health, safety, and welfare are appropriately protected and preserved in that the neighborhood will be enhanced in value and design by the proposed additions.

Good Neighbor Guidelines. The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting. The applicant had meetings with surrounding neighbors to inform them of the project and to seek their comments and suggestions.

Public Views. The development, including proposed structures and grading, will preserve any significant public scenic views of and from the hillside. The project will not be readily or inappropriately visible from the adjacent Douglas Family Preserve due to its proposed height and the location of other homes that are in closer proximity.

SECTION 6. The residential addition is consistent with all applicable coastal regulations and will not have significant environmental or public view impacts. The subject parcel is not in a sensitive location even though the site is near the Douglas Family Preserve. The property is not located within 50 feet of an ocean bluff-top and therefore, qualifies for a coastal exemption. No significant impacts to public ocean views or from indoor lighting are expected to result from the project given the site location is set back away from any scenic ocean views available from the Douglas Family Preserve. The project is an addition to an existing structure and use of a categorical exemption per State CEQA Guidelines section 15301 is appropriate; no unusual circumstances are presented by the location or nature of the project because of the careful design. It is also correct to apply the coastal exemption because of the size of the project and the project does not pose a risk of adverse environmental effect as defined in the coastal regulations.

SECTION 7. The City Council hereby approves the Project as depicted on the set of plans dated August 11, 2014, as presented to the City Council on September 30, 2104.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Introduction Of Ordinance For 2014-2017 Treatment And Patrol (TAP) Memorandum Of Understanding (MOU)

RECOMMENDATION: That Council

- A. Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, for the period of January 1, 2014 through September 30, 2017, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2014-2017 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units);
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara For Paying and Reporting the Value of Employer Paid Member Contributions for Sworn Harbor Patrol Employees in the Treatment and Patrol Bargaining Units effective January 10, 2015; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara For Paying and Reporting the Value of Employer Paid Member Contributions for Sworn Harbor Patrol Employees in the Treatment and Patrol Bargaining Unit effective July 11, 2015.

DISCUSSION:

Negotiators have reached a new three-year and nine-month labor agreement with the Treatment and Patrol (TAP) bargaining units in accordance with parameters set by Council. The agreement covers the period from January 1, 2014 through September 30, 2017. The Treatment and Patrol Units encompass 120 budgeted positions, including water and wastewater workers, airport and harbor patrol officers, airport operations staff, and park rangers. The agreement has been ratified by the Union membership.

Salaries

Employees will receive the following negotiated salary increases:

	10/4/14	1/10/15	7/11/15	10/3/15	10/1/16
Water Meter Readers	1.0%	-----	-----	1.5%	3.0%
Harbor Patrol Officers	-----	3.0%	3.0%	2.5%	3.0%
All Others	2.0%	-----	-----	2.0%	3.0%

In addition, as explained below, employees have elected to receive an additional 0.5% salary increase effective December 27, 2014 in exchange for the permanent relinquishment of the vacation cash-out benefit. The City has also agreed to up to 0.5% in salary inequity adjustments that may be determined necessary by an ongoing labor market compensation survey.

Harbor Patrol PERS Contribution

The first two salary increases for Harbor Patrol employees listed in the section above will be completely offset by increased employee pension contributions. Increasing City pension costs have been a key concern for the City in recent years. It has been a goal to have all safety employees paying at least the full required 9.0% member contribution toward their pensions. During the economic decline, harbor patrol officers agreed to temporarily pay a 3.0% contribution to the City to offset the cost to the City of their pensions under the California Public Employees Retirement System (PERS). As part of the new agreement, the employee contribution will permanently increase to 6.0% of salary in January 2015, and it will be paid directly to PERS instead. In July of 2015 employees will begin paying the full 9.0% member contribution on their own behalf. For ease of administration, the remaining roll-up benefit will be discontinued at that time, instead of the initially agreed upon January 2015, with those minimal contributions benefitting the pension plan's funded status.

Vacation Cash-Out Suspended

After a final vacation cash out of 100 hours (140 hours for meter readers) in December 2014, the annual cash-out benefit will be eliminated permanently, as it has been for other labor groups. The vacation accrual cap will be increased by 40 hours for non-shift employees and 60 hours for shift workers. As mentioned above, the value of this benefit will be reallocated to a 0.5% salary increase, effective December 27, 2014.

Miscellaneous

The City agreed to begin making a \$50 per month match to the Health Savings Account (HSA) for any employee enrolled in the HSA-coordinated PPO health plan effective in

January 2015, increasing to \$75 per month in January 2016. Other agreements include: small increases to the shift differential pay, a change to employees' ability to accrue compensatory time on a trial basis, a change to the dress code provision, clarification about negotiating over contracting work, and other minor and administrative agreements.

BUDGET/FINANCIAL INFORMATION:

The cost of the TAP Units agreement in Fiscal Year 2015 is estimated to be \$438,565 Citywide, with only about \$7,850 (1.8%) of that to the General Fund. The Fiscal Year 2015 operating budget already included the October 2015 increase. It is anticipated that departments will be able to absorb the 0.5% December 2014 increase in their existing budgets, which will be offset by elimination of the cash out benefit in Fiscal Year 2016 and thereafter. Any special salary adjustments to select positions following the market survey will also likely be absorbed by departments. Staff will return later in the year if any related adjustments need to be made to the Fiscal Year 2015 budget.

The ongoing cost of the three-year and nine-month agreement, net of savings due to the elimination of the unbudgeted vacation cash out benefit, will be \$ 797,884 Citywide, with only about \$14,282 of that to the General Fund.

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE 2014-2017 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE PATROL OFFICERS' AND TREATMENT PLANTS' BARGAINING UNITS (TAP UNITS).

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 Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, effective as of January 1, 2014 and covering the term of January 1, 2014 through September 30, 2017, and attached hereto and incorporated herein by reference as Exhibit "A" (hereinafter the "M.O.U.") is hereby adopted.

SECTION 2. During the term of the M.O.U., the City Administrator is hereby authorized to implement the terms of the M.O.U. without further action by the City Council, unless such further Council action is 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
SERVICE EMPLOYEES' INTERNATIONAL UNION, LOCAL 620, CTW, CLC,
AIRPORT AND HARBOR PATROL OFFICERS' AND
TREATMENT PLANTS' BARGAINING UNITS**

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

Kristine Schmidt
Employee Relations Manager

Chris Toth
Wastewater Systems Manager

Mick Kronman
Harbor Operations Manager

Tracy Lincoln,
Airport Operations Manager

Graciela Reynoso
Human Resources Analyst

FOR THE UNION:

Mike Woods, Lead Negotiator
SEIU Local 620 Field Representative

Thomas Welche, President
Wastewater Treatment Plant Chief Operator

Jason Guy
Control Systems Operator Specialist

Rick Hubbard
Harbor Patrol Officer

John Krohta
Airport Patrol Officer II

Rick Marshall
Water Distribution Operator Technician

Ray Urrutia
Wastewater Collections Operator Technician II

Cynthia Goena
SEIU Local 620 Field Representative

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1. BENEFITS DURING LEAVE WITHOUT PAY

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. Employees on leave without pay shall also be responsible for full payment (employer and employee portion) of insurance premiums except as otherwise provided in this MOU.

2. BENEFITS- PART-TIME EMPLOYEES

a. Employees filling positions authorized by City Council in the City's official list of authorized positions at 20 hours or more per week on a less than full-time basis shall receive benefits (holiday, vacation, and sick leave) as follows:

- i. Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, holiday time, bilingual pay, and other benefits, equal to the percent of time regularly scheduled versus a regular work week rounded up to the nearest ten percent (10%), unless otherwise stipulated in this Agreement..
- ii. Vacation, and sick leave equal to the percent of time worked versus a regular work week rounded up to the nearest ten percent (10%).

b. Employees who were already filling positions authorized by City Council in the official 2004-2005 Position and Salary Control Resolution at more than 20 hours per week on a less-than-full-time basis on September 24, 2004 will continue to receive full-time health benefits (cafeteria plan contribution, medical contribution, dental contribution, vision contribution).

3. BEREAVEMENT LEAVE

The City's bereavement leave policy shall provide up to five (5) days leave with pay for immediate family members. Immediate family is defined as 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 parent), and step family members. In addition to the immediate family members listed herein, an employee shall be eligible for up to five (5) days bereavement leave with pay for his/her domestic partner and the domestic partner's immediate family, as defined above. In order to receive this benefit, domestic partners must be registered with the City Clerk's office or the Secretary of State.

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

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.

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.

4. BILINGUAL SKILLS

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 who is requested by the City and whose duty assignments require frequent and regular use of bilingual language skills in Spanish and in English with members of the public shall be designated by the

Department Head in writing and said designation shall be approved by the Human Resources Manager, who shall test and certify the employees for language proficiency.

Departments will be limited to two (2) employees as being designated for use of bilingual skills in each major division or department. "Major Division" shall be determined by the Department Head.

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

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.

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

5. 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:

- | | |
|---------------------------------|----------------------------|
| Harbor Patrol Office | Water Treatment Plant |
| Airport Administration Building | Wastewater Treatment Plant |
| Parks Division | |

Other work stations may be added upon approval of the City.

6. 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 \$313.74 per month for the term of this Agreement.

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 Insurances article of this MOU; said excess premium payments cannot be applied to any other element of the cafeteria plan.

7. CHILD CARE

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

8. COMMERCIAL DRIVER'S LICENSE

When an employee is promoted to a position where a commercial driver's license is required, the City will allow the employee up to 6 months following initial appointment to obtain the commercial driver's license, unless the employee had a commercial driver's license prior to promotion.

9. DISABILITY RETIREMENT

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

b. An employee later found not to be disabled shall be reinstated with back pay and benefits to the date such pay and benefits ceased.

c. In no case shall an industrially injured employee be entitled to use sick leave benefits to postpone the effective date of retirement.

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.

10. DISCIPLINARY ACTION

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

11. DOMESTIC PARTNERSHIP BENEFITS

The City shall allow same sex and opposite sex domestic partners dependent coverage under 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 employees 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. The Department head may issue guidelines for dress that are consistent with the above standard for a work unit. Said guidelines will be given to employees at the time of hire. The City will provide the Union with Department Dress Guidelines and upon request, will meet and consult with Union over potential impacts to terms and conditions of employment.

13. DRUG AND ALCOHOL TESTING POLICIES

Only 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 (which includes random and reasonable suspicion drug and alcohol testing).

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

14. 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, military and veteran status, 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.

15. 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.

16. 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.

Union 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 Union 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 Union 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 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.

17.

HARBOR AND AIRPORT PATROL SPECIAL DUTY ASSIGNMENT

a. It is agreed that special pay associated with Harbor or Airport Patrol Special Duty Assignments shall be provided at the rate of two percent (2%) of base salary.

b. Harbor or Airport Patrol Special Duty Assignments shall be significant in nature and designated by the Waterfront Director or Airport Director. If such special duty assignments are created, City shall submit a request the Union to voluntarily modify this agreement to include any details for eligibility for such pay that may be required by the California Public Employees Retirement System (CALPERS) for pension reporting purposes.

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 cannot be satisfactorily remedied by the immediate supervisor, an employee has the right to submit the matter either personally or through the Union 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 all 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.

19.

HEALTH INSURANCES (MEDICAL, DENTAL, VISION)

a. **Medical Insurance-**

i. The parties agree that the City will pay 100% of the premium for medical insurance for the employee only, up to a maximum per month per employee of \$1009.43

It is agreed that should the amount of subject premium be less than the 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 will provide an HMO option.

The Union will appoint a standing Union Insurance Advisory Committee. The City agrees to consult with the Committee prior to implementing any insurance contract change. The City shall provide the Union with a copy of the medical insurance policy.

The City retains full and complete control over the selection, approval, and administration of the City's employee medical insurance program to include selection of the carrier, insurance contract renewal, and changes in program specifications. However, medical insurance benefits at the commencement of this Agreement shall be maintained to the extent it is within the control of the City.

ii. Effective January 1, 2015, for an employee who is enrolled in a PPO plan that is coordinated with a Health Savings Account (HSA), the City will match the employee's contribution to the HSA on a dollar-for-dollar basis, not to exceed \$50.00 per month. Effective January 1, 2016, the dollar-for-dollar match will be increased to an amount not to exceed \$75.00 per month

b. **Dental Insurance-** The parties agree that the City shall pay up to a maximum of \$76 per month per employee towards the dental insurance premium.

The City retains complete and full control over the administration of this dental program subject to maintenance of benefits equivalent to those provided above 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.

c. **Vision Insurance-** The City shall pay up to a maximum of \$9.26 per month per employee towards the vision insurance premium for the term of this Agreement. 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 who are in a classification which would normally take a holiday when it occurs.

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

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

b. For shift employees, 2.77 hours per biweekly pay period (9 days per year) will be allocated to their vacation balance and shall be used like vacation. Employees eligible to receive this accrual shall begin accruing effective the first day of employment. Shift employees are those employees that have been designated by the Department Head as shift employees because the nature of operations in their area of responsibility is such that work on holidays is a regular job requirement. Shift employees receive straight time pay for work on a day being observed as a holiday if it is part of the employee's regular shift. However, if a shift employee is called back to work on a day which is not the employee's regular shift day, and that day is being observed as a holiday, as listed above, the employee shall be compensated at the rate of time and one-half. For purposes of this provision, Park Rangers are considered shift employees.

c. 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.

d. If an employee who is not a shift employee under section "b" of this article is required to work on a day that is being observed as a holiday, as listed above, the employee shall be compensated at the rate of time and one-half for 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. 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.

f. The Union reserves the right to raise the issue of adding the Cesar Chavez holiday as a new paid holiday during negotiations for a successor to this Agreement.

21. IMPLEMENTATION OF MOU

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

22. 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. For those employees on shift work, the City will, whenever possible, reschedule an employee to a day shift.

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.

23. 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 this bargaining 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.

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.

24. LEAD PAY

a. During the term of this Agreement, Harbor Patrol Officers who are scheduled and work an assigned shift in Lead capacity shall receive an additional five (5%) percent over their base salary. The five (5%) percent shall not be applied to vacation, sick leave, compensatory time or other paid leaves. The City agrees to designate a "Lead" officer whenever the Harbor Patrol Supervisor and the Harbormaster are not working.

Nothing in this provision is intended to preclude the Harbor Patrol Supervisor or the Harbormaster from assigning a "Lead" officer whenever they deem it to be necessary for the safe and efficient operation of the department. Which officer is assigned as the lead officer is within the sole discretion of Waterfront management.

25. LEAVE OF ABSENCE

a. It is agreed that represented 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 the right of return but such leave shall

be considered a break in service with no accrual of benefits. Leave approval will be at the discretion of the City Administrator.

b. Employees may be entitled to up to 12 weeks of leave, with benefit continuation and reinstatement rights, under the City's FMLA/CFRA Family Care and Medical Leave Policy for the birth of a child or to care for a newborn, for the placement of a child with an employee in connection with adoption or foster care, to care for a child, parent, spouse, domestic partner or child of a domestic partner who has a serious health condition, or for the employee's own serious health condition. For combined pregnancy and child bonding leave, the amount of leave available under this policy may be longer. Employees may also be entitled to up to 26 weeks of leave to care for a covered service member under the City's FMLA/CFRA Family Care and Medical Leave Policy. Employees may also be entitled to "qualifying exigency leave", "military caregiver leave", or other leave under the military family leave provisions of the FMLA/CFRA Family Care and Medical Leave Policy.

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 ninety (90) days of such leave, or any period of leave continuation provided under the FMLA/CFRA Family Care and Medical Leave Policy.

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

1. the employee's seniority in City service.
2. the employee's job performance record.
3. the employee's disciplinary record.
4. the needs of the City service.

e. "Continuous service" means employment with the City without break or interruption; in computing continuous service for the purposes of this article, neither military leaves nor medical leaves of absence, including maternity leaves, 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".

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, other than direct wages, as provided by ordinance, resolution, and City Charter, which are in existence at the commencement of this Agreement, shall not be diminished, lessened, or reduced for the duration of this Agreement, except as may be herein provided.

Wage adjustments as provided for from time to time by ordinance or resolution, or by City Charter, as may be amended in accordance with this Agreement, 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. MANAGEMENT RIGHTS

The parties agree that the City has an exclusive right to manage and direct the performance of services and the work force performing such services unless the City has specifically delegated, abridged, or modified any such rights in this Agreement. Such rights shall include but not be limited to the sole right to determine the 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; establishment of the work week and work schedules; and determination of the content of job classifications consistent with applicable laws and with due regard for provisions of this Agreement.

If a management decision to contract out work being performed by existing employees will foreseeably lead to imminent deletion of an existing authorized full time position, the City will provide at least 30 days notice of decision to Union and opportunity to negotiate effects of decision on employees. Negotiation over effects shall not delay moving forward with contracting out work.

It is further agreed that nothing in this Agreement shall in any way diminish the rights of 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.

30. MUNICIPAL CODE CHANGES & TASK FORCE MEETINGS

a. During the term of the Agreement the City and the Association shall meet and confer with regard to any 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 General bargaining unit. The representatives for the Union shall be limited to SEIU 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.

b. A joint labor/management task force will be established to meet monthly beginning in October 2014 to focus on joint collection of factual information related to:

- The pros and cons of establishing a combined Paid Time Off benefit to replace current existing vacation, holiday and/or sick leave benefits;
- The pros and cons of a "Vacation Purchase" or "Voluntary Furlough" program to allow employees who do not accrue a significant amount of paid vacation to purchase additional time off from work, funded through a salary reduction over the course of the year; and
- The implications of the Affordable Care Act and the pros and cons of making related changes to the existing health insurance premium contribution structure.

This work will be for information purposes, and no changes will be made to existing paid leave or premium contribution structures during the term of the agreement unless mutually agreed. The City will provide paid release time for up to two bargaining unit members for these meetings.

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.

OFFICER STATUS

City recognizes that Airport Patrol Officers are peace officers pursuant to Section 830.33(d) of the California Penal Code and that Harbor Patrol Officers are peace officers pursuant to Section 830.33(b) of the California Penal Code. Park Rangers are peace officers not authorized to carry firearms pursuant to Section 830.31.

City agrees that during the term of this contract departmental policies and procedures pertaining to the function, duties and responsibilities of said Airport Patrol Officers shall be made available to those officers.

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. No employee shall be compelled or permitted to perform work for the City without logging the hours on his or her timecard. Overtime compensation shall accrue for work performed beyond a regularly scheduled work day of at least eight (8) hours at the rate of one and one-half hours of overtime, payable in increments of 15 minutes. This includes overtime work from home or on a mobile device. 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.

c. If an employee is physically called back to the workplace on an overtime basis, such employee shall be compensated for no less than two (2) hours overtime. When an employee is called out on an emergency 3 hours or more before the beginning of his/her regularly scheduled 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 the next regularly scheduled shift. With the permission of the Supervisor, the employee may choose to work the beginning of his/her next regularly scheduled shift, and take the equivalent paid rest period at the end of the regularly scheduled shift instead. The City agrees that such permission shall not be unreasonable withheld. At the supervisor's discretion, the employee may be permitted to voluntarily begin his/or her regular shift immediately following the overtime period, and take the equivalent paid rest period at the end of the revised regular shift instead.

Example: Employee's regular shift is from 8:00 a.m. to 5:30 p.m., but employee is called in to work overtime at 4:30 a.m. (3 hours or more before scheduled shift) until 6:30 a.m. Employee may choose to:

- i) Take 5 hours rest and come in at 11:30 a.m., with the period of 8:00 a.m. to 11:30 a.m. (3.5 hours) as a paid rest period; or
- ii) With the supervisors' permission, come in as regularly scheduled at 8:00 a.m. and go home at 2:00 p.m., with the period of 2:00 p.m. to 5:30 p.m. (3.5 hours) as the paid rest period instead; or
- iii) At the supervisor's discretion, the employee may be permitted to revise his or her regular shift to 6:30 a.m. -2:00 p.m., with the period of 10:30 a.m. to 2:00 p.m. (3.5 hours) as the paid rest period instead.

d. If an employee is required to stay beyond the regularly scheduled work day of at least 8 hours and if such overtime extends two (2) hours or more beyond the workday, the City shall provide the employee with nourishment and a rest period.

e. The parties agree that employees have the right to request cash payment or compensatory time off but that approval of one or the other benefit remains the right of the City consistent with the needs of the City. Denial of an employee's request to take compensatory time off from his/her bank of CTO hours shall require a statement by the Department Head or his designee that approval of the request would unduly disrupt the operation of the department.

It is agreed that the City has the right to require employees to take compensatory time off but shall provide a minimum of seven (7) calendar days advance notice in such cases. The City also retains the right at its option to provide cash payment for overtime at the rate of one and one-half hours of pay for one hour of overtime.

The parties agree that overtime not paid for as described above, shall be accrued in a bank of hours, which if the employee requests, may not exceed more than one hundred (100) hours. Overtime in the "bank" may be taken as compensatory time off (CTO) at the rate of one and one-half hours of CTO for one hour of overtime worked or cashed out at time and one-half.

For a limited trial period, employees may choose to accrue and maintain up to 30 hours of comp time in lieu of taking overtime as cash. Approval of comp time in excess of 30 hours, up to the 100 hour maximum, will remain management's prerogative. The trial period may be discontinued for operational reasons, at management's sole discretion **and without need for further consultation**, upon the expiration date of this agreement.

f. The City and the Union agree that overtime work accrued during a declared disaster, as determined by the President of the United States, the Governor of the State, the Mayor, 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 Treatment and Patrol bargaining units 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.

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

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

2. When the authorization form is properly executed and filed with the Payroll Office, the City will begin automatically depositing the net amount of pay on or before each designated biweekly payday in the employee's designated bank account.
3. Exceptions: An exception to this policy may be granted by the Finance Director to an employee upon a showing of good cause for such exception (e.g., that he/she is unable to establish and/or maintain a personal banking/financial account for direct deposit, or that other personal circumstances necessitate a temporary or permanent exception). The Finance Director may require the employee to renew this exception periodically. Exceptions will not be unreasonably denied.
4. Employees participating in direct deposit will be provided with a payroll detail report each pay period. Alternatively, employees may voluntarily opt out of a paper detail and access this information electronically via the City's computer system. The City may discontinue providing paper pay stubs for employees with direct deposit, effective July 1, 2014 or later, provided that:
 - All employees are signed up for and provided pay stub information via City email on or before pay day; and
 - Employees without regular access to computer or email may request to receive a print out of stub information to be provided on or before pay day

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 (32 hours)
Employees hired between July 2 and October 1 (inclusive):	3 days (24 hours)
Employees hired between October 2 and January 1 (inclusive):	2 days (16 hours)
Employees hired between January 2 and April 1 (inclusive):	1 day (8 hours)

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.

c. City shall maintain minimal staffing on workday afternoon prior to New Years and Christmas holidays so that as many employees as possible may enjoy personal leave, vacation, or C.T.O. at those times.

36. PERSONAL PROPERTY DAMAGE REIMBURSEMENT

Any employee entitled to a uniform allowance 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 and 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. If the employee's supervisor intends to request an extension of the probationary period, notification of that intent shall be given to the employee at least two (2) weeks prior to the expiration of the probationary period if feasible.

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 Airport and Harbor Patrol Officers' Bargaining Unit and the Treatment Plants' Bargaining Unit and as the exclusive bargaining agent for the employees in said Unit.

b. The term "employee(s)" as used herein shall refer only to full-time or permanent part-time employees serving in classifications who occupy positions authorized and designated as in the Airport and Harbor Patrol Officers' Unit and the Treatment Plants' Unit by the City Council on the official City "Position and Salary Control Resolution."

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

40.

RECRUITMENT

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. The City will post available positions on a website accessible to the public and maintain a system for employees, by mail, email or other messaging system, to receive notification of current job announcements at the employee's request.

b. 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.

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

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

e. Positions in the bargaining unit shall not be filled from eligibles placed on the certification list by virtue of being on another eligible list which is at a higher salary range and for which the qualifications are substantially similar.

41.

RENEWAL AND WAIVER

The City and the Union agree that meeting and conferring over the renewal or continuation of this Agreement shall be initiated at the request of either party after July 1, 2017 but not later than August 15, 2017 and every effort will be made to reach an agreement prior to the expiration of this Agreement. 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.

It is further agreed that nothing in this Agreement shall in any way diminish the rights of 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.

Except as otherwise expressly provided in this Agreement or when the parties mutually agree to meet and confer on a matter, 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.

42.

REPRESENTATION - UNION OFFICERS AND STEWARDS

a. The City and the Union agree that Union officers and stewards 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 stewards, with their job classifications, who are authorized to meet and confer in good faith. The 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 conduct Union grievance investigations and/or observe working conditions. Such visits are to be made with the prior knowledge and approval of the Department Head and a management representative may accompany the 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.

43. 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.

For employees who retire on or after January 1, 2011, the City shall contribute \$8.95 per month, per year of service up to a maximum of 35 years (i.e., \$313.25/month) towards the purchase of medical insurance for the retiree and his/her spouse or domestic partner registered with the City Clerk's Office or the Secretary of State, if applicable.

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.

44. RETIREMENT

a. CLASSIC MISCELLANEOUS EMPLOYEES:

1. The City will provide miscellaneous employees the two point seven percent (2.7%) at age fifty-five (55) benefit formula under the Public Employees' Retirement System (PERS), pursuant to Government Code Section 21354.5.
2. The City will contribute toward the PERS normal employee's contribution as detailed in section "3", below, and these contributions, if any, shall be credited to the member's account. The City shall report the value of any Employer Paid Member Contributions (EPMC) to PERS as compensation earnable through enabling City resolution, pursuant to Government Code Section 20636(c)(4).

3. Employees will continue to pay the full cost of the benefit enhancement to 2.7% at 55, including the effects of market volatility, according to the following formula:

i. While the PERS miscellaneous plan employer rate is exactly equal to 20.164%, the employee shall pay 7.162% of the 8% required employee contribution. This will be deducted on a pre-tax basis and credited to the employee's PERS member account. The City will pay the difference of .838%, which shall be reported to PERS as compensation earnable, and credited to the employee's member account.

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

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

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

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

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

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

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

4. The following contract provisions shall apply to the PERS miscellaneous plan

i. The City will provide One-Year Final Compensation for Classic Miscellaneous employees under PERS, pursuant to Government Code section 20042.

ii. The PERS Miscellaneous contract shall provide for Military Service Credit as Public Service under Government Code Section 21024 and for Public Service Credit for

Excluded or Limited Prior Service under Government Code Section 21031.

iii. The PERS Miscellaneous contract shall provide for Public Service Credit for Peace Corps or Americorps: Volunteers in Service to America (VISTA) pursuant to Government Code Section 21023.5,

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

b. CLASSIC HARBOR PATROL SAFETY EMPLOYEES:

1. The PERS contract shall provide local safety member status under the 3% at 50 benefit formula to employees regularly assigned as Harbor Patrol Officers pursuant to Government Code section 20423.
2. The City will provide to Harbor Patrol Officers the additional PERS benefits of One-Year Highest Compensation, Increased Level of 1959 Survivor Benefits (Level Two), Post Retirement Survivor Benefits and Post Retirement Survivor Allowance to Continue After Remarriage, Military Service Credit as Public Service under Government Code Section 21024 and Public Service Credit for Excluded or Limited Prior Service under Government Code Section 21031.
3. Employees will pay contributions toward pension benefits as follows:
 - A. Before January 10, 2015, the City will continue to pay the entire 9% PERS normal employee's contribution for Harbor Patrol Officers, which shall be credited to the member's account, and employees will continue to cost-share by paying 3% of earnings through post-tax payroll deductions directly to the City in the manner contemplated by Govt. Code § 20516.
 - B. Effective January 10, 2015, post-tax employee contributions will stop and employees will instead begin paying 6% toward the 9% member contribution, reducing the City's Employer Paid Member Contribution (EPMC) from 9% to 3%.
 - C. Effective July 11, 2015, employees will begin paying the full 9% member contribution, and the City's Employer Paid Member Contribution (EPMC) will be eliminated.
4. City shall report the value of Employer Paid Member Contributions (EPMC) to PERS as compensation earnable through enabling City resolution, pursuant to Government Code Section 20636(c)(4) only until July 10, 2015, and the resolution will be rescinded effective July 11, 2015.

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

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

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

d. PENSION REFORM: Notwithstanding the provisions above, effective January 1, 2013, new members as defined by California Public Employees' Pension Reform Act of 2013 (hereinafter "AB 340") will be covered under the 2% at 62 Miscellaneous retirement formula or the 2.7% at 57 Safety retirement formula, with a final compensation measurement period of the average of the highest three (3) consecutive years, as well as all other statutory requirements of AB 340. Effective January 1, 2014, new employees and/or members as defined by AB 340 shall contribute half the normal cost for benefits, as defined by AB 340; the City will not pay any portion of these employees' required contributions. As

provided under the law, some new City employees may qualify as “classic” employees by virtue of their prior government service.

45. 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.

46. SAFETY RETIREMENT FOR AIRPORT PATROL- REOPENER

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

47. 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 with the exception of Harbor Patrol Officers, Airport Patrol Officers and Park Rangers, in the performance of their duties, shall be eligible to receive an annual allowance for the provision of said shoes upon the presentation of valid claims in keeping with City established procedures in amounts not to exceed \$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.

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.

48. SALARIES

a. Employees will receive an across-the-board base salary increases as follows:

- i. All employees except Meter Readers and sworn Harbor Patrol employees:
 - 1) October 4, 2014- 2.0% increase
 - 2) December 27, 2014- 0.5% increase
 - 3) October 3, 2015- 2.0% increase
 - 4) October 1, 2016- 3.0% increase

- ii. Meter Readers (Classifications of "Meter Reader/Water Distribution Operator in Training" and "Lead Meter Reader/Water Distribution Operator in Training"):
 - 1) October 4, 2014- 1.0% increase
 - 2) December 27, 2014- 0.5% increase
 - 3) October 3, 2015- 1.5% increase
 - 4) October 1, 2016- 3.0% increase
- iii. Sworn Harbor Patrol Employees
 - 1) December 27, 2014- 0.5% increase
 - 2) January 10, 2015- 3.0% increase
 - 3) July 11, 2015- 3.0% increase
 - 4) October 3, 2015- 2.5% increase
 - 5) October 1, 2016- 3.0% increase

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.

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 Position and Salary Control Resolution. 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. Upon the completion of the compensation survey begun under Appendix F of the predecessor to this Agreement, the parties will reopen negotiations with regard to determining whether and how to address any market inequities identified. Any salary increases to address such market inequities would be effective October 3, 2014 and would not exceed a total of \$53,564 in annualized cost.

If market inequities are agreed to exceed \$53,564 in annualized cost, the parties will meet and consult with regard to the possibility of up to an additional \$53,564 in annualized cost, effective October 1, 2016, to address such inequities. Such discussions shall not be subject to any duty to meet and confer, or to any impasse resolution obligations.

49. 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 section 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 of service credit for each 8-hour 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;

4. Safety group members who obtain 90% of final compensation upon retirement are not eligible for this benefit. (All safety group PERS contracts limit a safety member's maximum annual pension to no more than 90% of final compensation regardless of the length of service and this benefit carries the same restriction); and

5. If the City amends its PERS Miscellaneous or Police contract to include service credit for sick leave upon retirement, non-safety or Police employees, respectively, will be included in that PERS contract amendment and the annuity program will be discontinued for that group.

50. 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.

51. 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, 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, excluding overtime, fall between midnight and 7:00 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 7:00 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>
January 1, 2014	\$1.15	\$2.60
November 1, 2014	\$1.30	\$2.85

52. 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 Administrators" 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-worktime 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.

53. 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 physically return to the workplace, at any time during specific hours outside of normal working hours, the employee shall receive two hours of straight-time pay or compensatory time off for each eight hours on standby or fraction thereof. To the extent feasible, the parties agree that standby, including standby during holidays, 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. The City will make a reasonable effort to obtain such reimbursement.

54. 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. Effective July 1, 2014, employees may also qualify for benefits to care for a seriously ill grandparent, grandchild, sibling, or parent-in-law, as defined; however, eligibility for this benefit does not necessarily create a right to protected leave.

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) (Leave of Absence) of this Agreement only up to the date they would have received such benefits had they not coordinated SDI/PFL benefits.

55. TERM OF AGREEMENT

The City and the Union agree that the term of this Agreement shall be forty five (45) months commencing January 1, 2014 and ending at midnight on September 30, 2017. It is further agreed that the term of this Agreement may be extended by mutual agreement.

56. TRAINING

a. The parties recognize that training programs and the advancement of employees to positions of higher skill are matters of great importance and interest to the City, the 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 prevention equipment under the supervision of the City's Fire Department 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. Determination of eligible employees will be based upon the needs of the City with seniority being a factor considered. 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 worktime, 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. For Harbor and Airport Patrol Officers, the City agrees to encourage employees to voluntarily develop their job skills through the coordinated use of City Police Department audio visual training materials in instances where the nature of their jobs would make such training valuable to employee job performance. The City agrees that Peace Officers Standard Training (P.O.S.T.) is desirable for Airport and Harbor patrol officers. The City may provide such training to permanent patrol officers through and including P.O.S.T. Level I.

d. Employees will be eligible to participate in the Citywide 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 (currently \$1000) or expand reimbursement eligibility. However, the City will notify the union of any such change.

e. In the event an Airport Patrol Officer chooses to take the FAA Ground School on his or her own time, and successfully completes the school and passes the written examination, then, upon verification thereof, the City shall reimburse such employee for his or her expenses for required books and the course fee up to \$200.

57. UNAUTHORIZED LEAVE/SUSPENSION

No sick leave, vacation, or holiday shall be paid to an employee during any period of unauthorized leave or suspension. 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 after his/her regular starting time, except in cases of emergency in which case the employee shall provide notification as soon as possible.

58. UNIFORM MAINTENANCE ALLOWANCE

a. The parties agree that the following classifications, shall receive a cash uniform purchase and replacement allowance paid in the first pay period of employment and as follows:

<u>Time Period</u>	<u>Airport Patrol</u>	<u>Harbor Patrol</u>	<u>Park Ranger</u>
January 1, 2014-September 30, 2017	\$1064	\$1004	\$969

Payment of the Uniform Maintenance Allowance will be paid to employees who are on the payroll during the pay period ending two (2) weeks prior to the payday on which the Uniform Maintenance Allowance is paid in June or December of each year. Payment will be made in a separate check, one-half on the first paycheck received in December and one-half in on the first paycheck received in June.

It is agreed that the above uniform allowance shall be applied towards the purchase of appropriate shoes.

b. The City and the Union agree that employees required by the City to wear uniforms and not receiving a Uniform Maintenance Allowance from the City for participation in a uniform laundry service shall have the full cost of the uniform maintenance paid for by the City. The City retains full and complete control over the administration of the uniform maintenance program. City shall provide all personnel at all treatment plants and in distribution and collection, except Laboratory Technicians, with a minimum of ten (10) uniform changes and a maximum of twelve (12) uniform changes based on the employee's request.

The City shall provide five (5) coverall changes for all Treatment Plant Mechanics and for Operators at El Estero Wastewater Treatment Plant. Operators at the Water Treatment Plant(s) shall receive three (3) coverall changes. The City shall provide Laboratory Technicians with two (2) coverall changes and three (3) laboratory coat changes.

59. UNION BUSINESS ATTENDANCE

It is agreed that not more than five (5) Union officers or chief stewards will be permitted up to twenty-four (24) hours of leave each per year with pay for union activities including training, conference attendance and other off-site union related business. Release time will be subject to approval of scheduling with the Department Head and prior notification to the Human Resources Manager.

60. 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.

61. UNION STEWARDS

The City agrees that the Union may designate Union 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 Union stewards. Said list shall be kept current by the Union at all times. Union stewards may begin representing a grievant only after the employee has tried to resolve the problem with his/her immediate supervisor and the

two parties failed to reach a resolution to the problem.

62. 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 November 1, 1994.

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.

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 also 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.

63.

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.

64.

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)

Vacation periods shall be scheduled by management to provide adequate staffing. Such scheduling shall be subject to the needs of the City but shall take into account employee seniority and choice.

Non-shift employees may not accrue a vacation balance in excess of thirty-two days (256 hours) unless approved by the City Administrator based upon extenuating circumstances. For shift employees, whose holiday pay is added to their vacation banks (including Park Rangers), the maximum vacation accrual will be thirty-five days (280 hours). Effective upon ratification of this Agreement, the vacation accrual maximums will be increased to two hundred and ninety six (296) hours for non-shift employees and three hundred and forty (340) hours for shift employees.

b. There will be one final vacation cash-out opportunity, in the amounts and on the dates provided below, and otherwise subject to the same terms and conditions as were offered in December 2008. After this cash out, the annual vacation cash out will be eliminated:

	Maximum Cash Out	Request for Pay Period Ending	Paycheck Received Date
Meter Readers*	140 hours	November 28, 2014	December 12, 2014
All Other Employees	100 hours	November 28, 2014	December 12, 2014

* *Meter Readers limited to the classifications of "Meter Reader/Water Distribution Operator in Training" and "Lead Meter Reader/Water Distribution Operator in Training"*

65.

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.

66.

WORK SCHEDULE

a. The normal work week shall average forty (40) hours. 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 regularly scheduled shift changes. 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 hours (two days) advance notice except in emergencies. City shall provide employees with reasonable "clean-up" time and employees shall be ready to begin work at start time. City agrees that work outside the regularly scheduled workday shall be compensated in accordance with the overtime policy contained herein.

b. In no case shall an employee's work schedule be altered to avoid the payment of overtime earned as a result of call back after the employee's regular shift, work day, or work weekends.

c. It is the intent of the City, when staffing permits, to assign a minimum of two (2) Harbor Patrol Officers to each shift at the Harbor and a minimum of two operators to the El Estero Treatment Plant.

d. Airport Patrol Officers shall be scheduled on either a four-ten work week (4/10), a three-twelve (3/12) work week, or a three-twelve-and-a-half (3/12.5) work week schedule. Assignment to one of these work schedules shall have no effect on accrual rates or employment terms.

e. A one-year trial period may be conducted to allow Harbor Patrol Officers to work a four-ten work schedule.

At the end of the trial period, the four-ten work schedule will be reviewed by both parties. The criteria for the review will be based on costs, staffing, overlap and mission. The review shall include both parties' right to offer options. Both parties will be obligated to consider those options in good faith. The continuation of this schedule shall be subject to Department Head approval with input from affected employees and based on the criteria listed above.

This change to a four-ten work schedule shall have no effect on accrual rates or employment terms.

f. Employees on a 9/80 Work Schedule will be covered under the "9/80 WORK SCHEDULE POLICY" contained in Appendix E.

67.

WORKERS' COMPENSATION

a. The parties agree that Municipal Code Section 3.08.220 shall be amended to provide that employees who sustain illness or injury arising out of and in the course of their City employment shall receive benefits equal to those mandated by the State of California plus the difference between State mandated benefits and the equivalent of eighty-five percent (85%) of the individual's gross (excluding O.T.) salary, if any, paid by the City for a maximum of ninety (90) working days.

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

c. This section shall not be construed to grant employees the use of sick leave benefits in lieu of or to supplement workers' compensation benefits provided herein or by State law, except as follows.

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

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

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

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

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

68.

WORKING 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 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 full-time performance of the significant 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.

Effective February 1, 2014, Water Resources Division Operators in Training (OIT's) who meet the minimum qualifications of (entry/journey level) an operator position, (certification/experience) and who are assigned to perform full (entry/journey) level duties of that position, will be eligible for acting pay (working out of class pay) under this provision.

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.

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.).

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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 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.
- J. A report on the usage of Personal Catastrophic Leave Accounts and status of the City-wide "Catastrophic Leave Bank" will be available to recognized labor organizations and others with a need to know. The report will include the identity of the recipient(s), hours donated, hours used and the remaining balance(s).

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

CITY OF SANTA BARBARA DRUG AND ALCOHOL TESTING POLICY

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

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

A. EMPLOYEE QUESTIONS

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

B. COVERED EMPLOYEES

Employees in the job classifications represented by SEIU, Local 620 in the Treatment and Patrol Bargaining Units 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 testing prior 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 employee 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 (i) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoylecgonine)	300	150
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines (i) Amphetamine (ii) Methamphetamine	1000	500 500 (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.)
(5) Opiate metabolites (i) Codeine (ii) Morphine (iii) 6acetylmorphine	2000	2000 2000 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.

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PURPOSE:

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

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

POLICY:

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

DEFINITIONS:

1. 9/80 Alternate Work Schedule

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

2. Flex Day Off

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

3. 9/80 FLSA Workweek

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

[For General, Treatment and Patrol, and Hourly bargaining unit members: When a change to or from a standard 9/80 work schedule is made at the City's initiative, the City will make every reasonable effort to give the affected employee 30 calendar days notice and the opportunity to apply for accommodation under these policies. All such requests will be considered in good faith, and will not be denied for arbitrary or capricious reasons.]

CHANGES TO SCHEDULE LIMITED:

1. Changing the Flex Day Off

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

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

2. Working on the 8 Hour Day

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

HOLIDAYS, PERSONAL TIME OFF AND JURY DUTY:

1. Holidays

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

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

2. Personal Leave and Bereavement Leave

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

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.]

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR SWORN HARBOR PATROL EMPLOYEES IN THE TREATMENT AND PATROL BARGAINING UNITS EFFECTIVE JANUARY 10, 2015

WHEREAS, the governing body of the City of Santa Barbara has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691;

WHEREAS, the governing body of the City of Santa Barbara has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Santa Barbara of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Santa Barbara has identified the following conditions for the purpose of its election to pay EPMC;

- This benefit shall apply to all Sworn Harbor Patrol Employees in the Treatment and Patrol Bargaining Units who are "Classic" CalPERS members and not subject to restrictions on EPMC under the California Public Employees' Pension Reform Act of 2013.

- This benefit shall consist of paying 3.000% (Percent) of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable** {excluding Government Code Section 20636(c)(4)} as additional compensation.

- The effective date of this Resolution shall be January 10, 2015.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Santa Barbara elects to pay and report the value of EPMC, as set forth above.

BY

(Name of Official)

(Date adopted and approved)

(Title of Official)

* Note: Payment of EPMC and reporting the value of EPMC on compensation earnable is on pay rate and special compensation except special compensation delineated in Government Code Section 20636(c)(4) which is the monetary value of EPMC on compensation earnable.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR SWORN HARBOR PATROL EMPLOYEES IN THE TREATMENT AND PATROL BARGAINING UNITS EFFECTIVE JULY 11, 2015

WHEREAS, the governing body of the City of Santa Barbara has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691;

WHEREAS, the governing body of the City of Santa Barbara has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Santa Barbara of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Santa Barbara has identified the following conditions for the purpose of its election to pay EPMC;

- This benefit shall apply to all Sworn Harbor Patrol Employees in the Treatment and Patrol Bargaining Units who are "Classic" CalPERS members and not subject to restrictions on EPMC under the California Public Employees' Pension Reform Act of 2013.

- This benefit shall consist of paying 0.000% (Percent) of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable** {excluding Government Code Section 20636(c)(4)} as additional compensation.

- The effective date of this Resolution shall be July 11, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Barbara elects to pay and report the value of EPMC, as set forth above.

BY

(Name of Official)

(Date adopted and approved)

(Title of Official)

* Note: Payment of EPMC and reporting the value of EPMC on compensation earnable is on pay rate and special compensation except special compensation delineated in Government Code Section 20636(c)(4) which is the monetary value of EPMC on compensation earnable.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: Administration, Housing and Human Services Division, Community Development

SUBJECT: Review Of Fiscal Year 2016 Human Services And Community Development Block Grant Funding Priorities, Application Release And Funding Process

RECOMMENDATION: That Council:

- A. Review and provide input and direction to the Community Development and Human Services Committee (CDHSC) on proposed funding priorities for the Fiscal Year 2016 Human Services and Community Development Block Grant allocation process;
- B. Authorize staff to release the Fiscal Year 2016 funding application along with the committee application review process, criteria and schedule; and
- C. Establish a funding commitment for Fiscal Year 2016 from the General Fund in the amount of \$655,000 for the Human Services Program.

EXECUTIVE SUMMARY:

Annually, Council reviews funding priorities, approves the application criteria and schedule, and determines funding availability before applications are made available for Community Development Block Grant (CDBG) and Human Services funds. Pending Council approval, applications for Fiscal Year 2016 grants are scheduled to be released on November 10, 2014. Funding recommendations will be presented to Council by the Community Development Human Services Committee (CDHSC) in late March 2015.

Based on the successful implementation of the grant process over the past years, it is important that distinct, established application criteria and funding priorities be available for use by applicants, staff and the CDHSC. Council now has the opportunity to provide direction to the CDHSC and/or to change the priorities for the upcoming grant year.

DISCUSSION:

Background

Each year since 1974, the City of Santa Barbara has received Community Development Block Grant (CDBG) funds for activities that meet one of three statutory objectives: 1) primarily benefit low and moderate-income persons; 2) eliminate/prevent slums or blight; or 3) meet other urgent local community development needs.

The U.S. Department of Housing and Urban Development (HUD), which administers the CDBG program, also requires that CDBG-funded activities provide low- and moderate-income persons with: 1) decent housing; 2) a suitable living environment; or 3) expanded economic opportunities. Council sub-awards CDBG funds annually to non-profit organizations and City Departments to undertake activities that meet these objectives.

CDBG is primarily a bricks and mortar program and the largest portion of the funds must be used for "Capital" projects; however, a small portion of CDBG funds (no more than 15% of annual allocation) may be expended on "Public Service" activities.

In addition to CDBG, Council grants City Human Services funds to local agencies that provide essential social services to City of Santa Barbara residents. The City Human Services fund is allocated by Council annually, and is augmented with CDBG "Public Service" funds. Both CDBG and Human Service funds are allocated concurrently using a single application.

For Fiscal Year 2015, \$759,165 in Human/Public Services funds have been allocated to 45 programs: \$640,821 from City's Human Services funds; the remaining \$118,198 from CDBG Public Service funds. Also, \$469,812 in Capital funds has been allocated for four construction/rehabilitation projects and one economic development program. (See Attachment 1: Fiscal Year 2015 CDBG/Human Service Funding Overview).

Community Development Human Services Committee (CDHSC)

The CDHSC, a Council-appointed committee, evaluates proposals, interviews applicants, and makes funding recommendations to Council who then makes the final decisions on funding.

Throughout the year the CDHSC also monitors grantees' performance, conducts site visits of grantees, reviews mandatory HUD reports, holds public hearings, discusses issues and provides input on community development and human services needs throughout our community.

The thirteen-member CDHSC includes representatives from the following groups:

- Youth-Oriented Services
- Business Community/Economic Development
- Human Services Organization
- Latino Community
- African American Community
- Senior Community
- Housing Interests
- Four (4) Low-Income Neighborhoods: Eastside; Westside; Downtown; Lower Westside
- Disabled Community
- Housing Authority

Funding Priorities

Each year Council establishes the priorities for Human/Public Services funds for the CDHSC to follow. Council previously adopted the following Public/Human Services priorities:

1st Priority - Programs which help meet basic human needs **and/or** reduce the community impact of homelessness **and/or** reduce the community impact of gang violence via a formal collaboration with the South Coast Task Force on Youth Gangs; and

2nd Priority - Proposals that are preventative in nature and/or promote the highest degree of functioning the individual is capable of achieving.

Council also previously adopted the following priorities for CDBG proposals:

- Proposals which facilitate housing for low and moderate-income persons;
- Proposals which revitalize downtown neighborhoods (Census Tracts 8.01, 8.02, 9, 10, 11.02 and 12.04);
- Proposals which strengthen or expand public or social service agencies that facilitate low and moderate-income housing; and
- Economic development proposals, which leverage financial resources to create or retain jobs for low and moderate-income persons.

Staff does not recommend changes to the priorities at this time.

HUD mandates that every 5 years the City develop a Consolidated Plan (ConPlan) for use of CDBG funds. As part of the development of the next 5-year ConPlan, which is due May 15, 2015, the CDHSC held a public hearing on Housing and Community Development Needs.

At this hearing, held on September 23, the CDHSC heard public input regarding current community needs, which included the need for more affordable housing; the need for prioritization for youth education programs; and the need for the continued allocation of public funds to service-providing organizations to help them leverage private funds. These needs and others will be considered during the development of the ConPlan.

Application-Submittal Process and Review

The application criteria previously adopted by Council can be found on Attachment 2 of this report. Staff has revised some of the criteria language for clarification purposes only; otherwise there are no recommended changes for Fiscal Year 2016.

Upon Council's authorization, funding applications will be available on-line on November 10, 2014 and will be due on December 16, 2014. Applicants will have over a month to prepare and submit their applications. Interviews will be held throughout February 2015, and funding recommendations are tentatively scheduled to come before Council on March 24, 2015. The full application schedule is on Attachment 3.

A mandatory application orientation/technical assistance workshop will be held November 6, 2014. At the workshop, staff will review the application-submittal process, and discuss Measurable Outcomes in-depth. Staff will also be available to all applicants during City business hours to provide further guidance and answer questions via email, in person or by telephone. In addition, staff will post detailed "FAQ" information on the City website.

To encourage maximum participation in the application process and attendance at the orientation/workshop, an announcement will be mailed and e-mailed to all agencies that have expressed an interest in applying or have applied for funding in the past two years. In addition, an advertisement of the funding availability will appear in the *Santa Barbara News Press*; a press release will be issued; and an announcement will be posted on the City's website and the City News In Brief newsletter.

The applications will be completed and submitted on-line using the web-based grant management program "ZoomGrants". Using this program, City staff will have immediate online access to applications submitted before the deadline in order to review them and provide feedback. This gives early applicants the opportunity to correct any errors prior to the due date. The CDHSC will also have on-line access to applications to review and analyze each proposal throughout January, prior to the applicant interviews.

BUDGET/FINANCIAL INFORMATION:

Fiscal Year 2016 CDBG Funding

After recent years of significant cuts to CDBG funds, the City's CDBG allocation remained relatively level during the last two fiscal years at just under \$789,000.

Given the continued adversarial climate in Washington, staff cannot at this time estimate the amount of new entitlement funds the City will be awarded for Fiscal Year 2016. However, the CDHSC makes contingency plans to its recommendations to Council that account for increases or decreases in CDGB funds.

Fiscal Year 2016 Human Services Funding and Allocation (General Fund)

Council has previously expressed a desire to increase Human Services funds by 3% each year to account for inflation; however, as a result of economic challenges, Council has approved level funding in the amount of \$703,256 each year from Fiscal Year 2009 through Fiscal Year 2014. Of this amount, \$75,000 has been set aside to pay the City's share of staffing costs associated with the Central Coast Collaborative on Homelessness (C3H), making the total available \$628,256.

In Fiscal Year 2015, Council approved a 2% increase to the Human Services fund increasing the total available to \$640,821. During the Fiscal Year 2015 budget surplus discussions that were held on June 2, 2014, Council members expressed interest in increasing the Human Services fund by a higher amount during the next budget cycle, as the individual grants had already been approved for the year.

Staff is recommending a 3% (\$19,179) increase for Fiscal Year 2016, which is the amount increased during the years prior to the recession when there was normal growth in General Fund revenues. This would equal \$660,000, and it would bring the fund closer to the \$703,256 that was available before \$75,000 was removed to support the Central Coast Collaborative on Homelessness in Fiscal Year 2013. If Council wishes to increase this allocation by a larger amount, now would be the time to do so.

- ATTACHMENT(S):**
1. CDBG/HS Funding for Fiscal Year 2014 by Priority, Rating and Category
 2. CDHSC Combined Funding Application Criteria, Review and Interview Process
 3. Proposed Fiscal Year 2016 Application Schedule

PREPARED BY: Liz Stotts, Community Development Programs Specialist/DR

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

PUBLIC/HUMAN SERVICE CATEGORY				Grant Amount		
Organization Name	Proposal Title	Service Type	Avg. Score	Human Service	CDBG	Total
PRIORITY 1						
Casa Esperanza Homeless Center	Jail Discharge Program*	Homeless	90.80	\$12,500		\$12,500
Pacific Pride Foundation	Necessities of Life Food Pantry	Food	90.00	\$25,000		\$25,000
Sarah House Santa Barbara	Sarah House	Other	90.00	\$20,000		\$20,000
Foodbank	Warehouse Operations	Food	89.50	\$25,000		\$25,000
Youth and Family Services CIYMCA	Noah's Anchorage	Housing	89.29	\$20,000		\$20,000
Santa Barbara Neighborhood Clinics	Dental Care for the Homeless	Homeless	88.67	\$25,000		\$25,000
Youth and Family Services CIYMCA	Transitional-age Youth Housing	Housing	88.13	\$20,000		\$20,000
Foodbank	Senior Brown Bag Program	Food	88.00	\$7,000		\$7,000
Unitarian Society (Fiscal Umbrella)	Freedom Warming Centers	Homeless	88.00	\$15,000		\$15,000
Casa Esperanza Homeless Center	Shelter & Community Kitchen	Homeless	87.17	\$39,000	\$51,000	\$90,000
Domestic Violence Solutions	Emergency Shelter	Emergency	86.38	\$8,821	\$24,198	\$33,019
Domestic Violence Solutions	DVS Second Stage	Housing	85.50	\$7,000		\$7,000
Santa Barbara County DA's Office	Sexual Assault Response Team	Emergency	85.00	\$7,000		\$7,000
Community Action Commission	Healthy Senior Lunch	Seniors	83.71	\$10,500		\$10,500
Carrillo Counseling Services, Inc.	Safe Parking Program	Homeless	83.43	\$13,000		\$13,000
WillBridge of Santa Barbara, Inc.	WillBridge of Santa Barbara, Inc.	Homeless	82.13	\$22,000		\$22,000
Transition House	Comprehensive Homeless Services	Homeless	81.50	\$0	\$43,000	\$43,000
St. Vincent's	Family Strengthening Program	Housing	81.33	\$8,000		\$8,000
Council on Alcoholism and Drug Abuse	Project Recovery Detox Program	Other	81.00	\$16,000		\$16,000
SB Community Housing Corp	Riviera Life Skills/Trans. Coord.	Housing	80.00	\$14,500		\$14,500
Planned Parenthood	Rita Solinas Patient Assist. Fund	Health	79.86	\$7,000		\$7,000
Peoples' Self-Help Housing	Housing the Homeless	Housing	79.00	\$5,000		\$5,000
SB Community Housing Corp	Faulding Case Coord./Life Skills	Housing	79.00	\$12,000		\$12,000
City of Santa Barbara Parks and Rec.	Youth Employment Traning	Youth	75.13	\$10,000		\$10,000
Surgical Eye Expeditions (SEE) Int.	Vision Care Program	Health	74.00	\$9,000		\$9,000
City of Santa Barbara Parks and Rec.	Santa Barbara Arts Alliance	Youth	71.25	\$5,000		\$5,000
PRIORITY 2						
Child Abuse Listening Mediation	Prevention, Intervention, Treatment	Children	93.88	\$25,000		\$25,000
Santa Barbara Rape Crisis Center	Santa Barbara Rape Crisis Center	Other	88.80	\$32,000		\$32,000
Rental Housing Mediation Task Force	Rental Housing Mediation Task Force	Other	87.67	\$25,000		\$25,000
Future Leaders of America	Youth Leadership and Education	Youth	87.14	\$12,000		\$12,000
Family Service Agency	Ombudsman Proposal	Seniors	86.29	\$19,000		\$19,000
Mental Health Association	Recovery Learning Center - Fellowship Clt	Other	85.71	\$10,500		\$10,500
Boys & Girls Club of Santa Barbara	Power Hour Homework	Children	85.43	\$15,000		\$15,000
Family Service Agency	Big Brothers Big Sisters	Children	85.29	\$9,000		\$9,000
Storyteller Children's Center	Storyteller Children's Center/Master Teac	Children	85.17	\$25,000		\$25,000
Legal Aid Foundation	Emergency Legal Services	Emergency	84.57	\$30,000		\$30,000
Teddy Bear Cancer Foundation	Assistance for Families with Pediatric Can	Other	84.33	\$7,000		\$7,000
Friendship Adult Day Care Center, Inc.	Adult Day Services Program	Seniors	83.43	\$15,500		\$15,500
Family Service Agency	Senior Services Program	Seniors	83.29	\$5,000		\$5,000
Transition House	Homelessness Prevention Program	Homeless	82.60	\$8,500		\$8,500
Family Service Agency	Family Resource Centers	Other	81.86	\$5,500		\$5,500
Academy of Healing Arts - AHA!	Attitude, Harmony, Achievement	Youth	81.38	\$11,000		\$11,000
Carrillo Counseling Services, Inc.	New Beginnings Counseling	Other	80.71	\$7,500		\$7,500
Jodi House Brain Injury Support Center	Jodi House Program Support	Other	80.71	\$10,000		\$10,000
Center for Successful Aging	Senior Peer Counseling/CareLine Program	Seniors	77.57	\$5,000		\$5,000
TOTALS				\$640,821	\$118,198	\$759,019

* Program discontinued

CAPITAL/ECONOMIC DEVELOPMENT - CDBG ONLY				
Organization Name	Proposal Title	Service Type	Avg. Score	CDHSC Recommend
City of Santa Barbara Parks and Rec.	Westside Ctr ADA Restroom Rehabilitatio	Capital	90.80	\$149,282
City of Santa Barbara	Voluntario Street Access Ramps	Capital	90.20	\$140,000
Girls Incorporated	Girls' Bathroom Remodel	Capital	89.00	\$33,653
Women's Economic Ventures	Self Employment Training	Capital	77.33	\$45,316
City of Santa Barbara Parks and Rec.	Parque de los Ninos Renovation Project	Capital	75.40	\$101,561
TOTALS				\$469,812

ADMINISTRATION - CDBG ONLY	
CDBG Administration	\$225,902
Fair Housing	\$11,890
TOTAL	\$237,792

CDBG Entitlement	\$788,961	Human	Total
CDBG Reprogram	\$36,987	Services	
Total CDBG	\$825,948	\$640,821	\$1,466,769

TOTAL PUBLIC/HUMAN SERVICES BY CATEGORY	
Service Type	Human Services Funding
Emergency	\$70,019
Food	\$57,000
Homeless	\$229,000
Housing	\$86,500
Children	\$74,000
Youth	\$38,000
Seniors	\$55,000
Other	\$133,500
Health	\$16,000

**COMMUNITY DEVELOPMENT HUMAN SERVICES COMMITTEE
CDBG/HS COMBINED FUNDING APPLICATION CRITERIA**

- Proposed programs/projects should primarily benefit low and moderate-income residents.
- Applicants must be tax-exempt 501(c)(3) organizations or local units of government whose proposals directly benefit low- and moderate-income City of Santa Barbara residents.
- Proposals must address specific social or physical needs and conditions of the people they propose to serve. Documentation could include social indicators, demographic data, surveys, community plans and need as perceived by potential consumers.
- Proposals must present a marketing strategy, which includes specific efforts to reach ethnic communities.
- Proposals must demonstrate support from the people for which the program is proposed.
- Applicants must clearly identify all funding sources and justify their proposal if services are available through another source.
- Applicants shall seek funding, or demonstrate funding support from other public/private sources. The City shall not be committed to total support of a program, nor shall the City be committed to continue funding in the case where other support is withdrawn.
- City CDBG/HS funds shall support only those services that directly benefit residents of the City of Santa Barbara. Programs operated on a countywide or regional basis must show documentation that: (a) services benefit City residents, and (b) sufficient funds are available to support non-city residents.
- Administrative costs shall be held to a minimum and will be scrutinized during the application-review process.
- Proposals shall identify geographical areas where they propose to provide services.
- Proposals that pay the local minimum wage (as described in Chapter 9.128 of the City of Santa Barbara Municipal Code) to all staff for which CDBG/HS funds are requested shall receive an extra point in the rating process.

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE PROPOSAL REVIEW AND INTERVIEW

A thirteen-member committee appointed by the City Council will review submitted proposals, interview applicants and make funding recommendations to the City Council. The City Council makes final decisions on funding. The Community Development and Human Services Committee include representatives of the following groups:

- Youth-Oriented Services
- Business/Economic Development Community
- Human Services
- Latino/Hispanic Community
- African American Community
- Senior Citizens
- Housing Interests
- Four (4) Low Income Neighborhoods: Eastside, Westside, Downtown, and Lower Westside
- Disabled Community
- Housing Authority Representative

At the scheduled interview, applicants will be allowed a 4-minute presentation, with 10 minutes for questions from the Committee, and a one minute applicant response/final statement. Applicants must have a member of the Board of Directors and appropriate staff present at the interview.

To ensure that verbal presentations made by applicants are accurate and reasonable, applicants are advised that information provided to the Committee is an important factor in formulation of specific funding recommendations; furthermore, statements made by an applicant upon which the Committee relies in making a funding recommendation shall become binding and included as part of any contract which may be executed. Applicants should come prepared to justify their proposal within the priorities outlined previously.

Applicants are further advised that the Committee may request additional information on any part of the proposal after the scheduled interview. Applicants will be required to respond in writing within 2 days of such request.

In reviewing applications, the following evaluation criteria are used by the CDHSC:

- **Agency:** Track record/past performance, salaries too high or too low, large wage disparity between management staff and program staff;
- **Board:** Composition, role, diversity, and level of involvement;
- **Program:** Bi-cultural/bi-lingual staff, quality of service, staff capacity (training/experience), program corresponds with the agency's mission, level of program monitoring;

- **Measurable Outcomes:** Programs must identify realistic, measurable results or changes that a client will experience from receiving the service;
- **Need:** Duplication of service, collaboration with other agencies, composition/diversity of clients, target population, funding request corresponds to the number of clients served; and
- **Finances:** Agency revenue/expenses, percentage of funding sources secured, diversity of funding sources, overreliance on City funds, high amount of year-end excess or deficit funds, significant increase or decrease in request from prior year, assets and financial stability of the organization.

For Capital proposals, these additional categories are evaluated:

- **Project Need:** Whom will benefit from the project; clear identification of need; will project satisfy demonstrated need, does the project align with the mission.
- **Project Cost:** Itemized cost estimate from a contractor; reasonableness; can project be completed without full City funding; leveraging of other funding.

City of Santa Barbara
2015-2019 Consolidated Plan Schedule and
CDBG/HS Funding Schedule FY 2015-2016

Month	Event	Date
SEPTEMBER	Public Hearing on Community Needs	Tues., Sept. 23, 2014
OCTOBER	Council Action on Application	Tues., Oct. 21, 2014
NOVEMBER	<u>Mandatory</u> - Application Orientation and Technical Assistance Workshop David Gebhard Meeting Room - Community Development 630 Garden Street	Thurs., Nov. 6, 2014 2 p.m. – 4 p.m.
	Application Available On-line	Mon., Nov. 10, 2014
DECEMBER	<u>Applications Due</u> Late applications cannot be submitted or accepted – website locked at 4:30 p.m.	Tue., Dec. 16, 2014 4:30 p.m.
	Applications available to CDHSC	Mon., Jan. 12, 2015
JANUARY – FEBRUARY	Applicant Interviews - evenings	Jan. 29; Feb. 3; 5; 10, 12, 2015
	CDHSC Meeting to Rank Applications	Thurs., Feb 12, 2015 6 p.m.
FEBRUARY	CDHSC Subcommittee Formulates Recommendations	Fri., Feb. 20, 2015
	CDHSC Meeting to Vote on Recommendations	Tues., Feb. 24, 2015
	Funding Recommendations Available to Public	Mon., March 2, 2015
	Consolidated and Action Plan Public Notice	Tues., March 10, 2015
MARCH	City Council Public Hearing on Committee Recommendations and Possible Council Action Council Chambers – 735 Anacapa St.	Tues., March 24, 2015 6 p.m. (tentative date)
	Consolidated and Action Plan Draft Due and Public Review Starts	Wed., March 25, 2015
	Environmental Reviews Start	Ongoing April 2015
APRIL	Consolidated and Action Plan Public Review Period Ends	Fri., May 8, 2015
MAY	Consolidated and Action Plan Due	Fri., May 15, 2015
JUNE	Execution of Contracts	Ongoing June 2015
JULY	Contract Period	July 1, 2015 – June 30, 2016



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request From Councilmember Hotchkiss and Councilmember Francisco Regarding A Bicycle Survey Report

RECOMMENDATION:

That Council consider the request from Councilmember Hotchkiss and Councilmember Francisco regarding a presentation on a bicycle survey report.

DISCUSSION:

Attached is a memorandum from Councilmember Hotchkiss and Councilmember Francisco requesting that Council receive a report on the results of a survey conducted by Councilmember Hotchkiss. This informal survey, printed in several local media outlets, collected responses from more than 200 Santa Barbara residents regarding their preference for the Bicycle Master Plan.

ATTACHMENT: Memorandum from Councilmember Hotchkiss and Councilmember Francisco

PREPARED BY: Jennifer Jennings, Administrator's Office Supervisor

SUBMITTED BY: Paul Casey, Acting City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
City Administrator's Office

Memorandum

DATE: October 3, 2014

TO: Paul Casey, Acting City Administrator

FROM: Councilmembers Hotchkiss & Francisco

SUBJECT: Bicycle Survey Report

A large, stylized handwritten signature in black ink, likely belonging to Paul Casey, the Acting City Administrator mentioned in the 'TO' field.

Handwritten initials in black ink, likely representing Councilmembers Hotchkiss and Francisco.

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda regarding the Bicycle Master Plan.

- Summary of information to be presented:
For a month this summer, more than 200 Santa Barbarans responded to a request by Councilmember Hotchkiss printed in several local media outlets regarding their preference for the Bicycle Master Plan.
- Statement of Specific Action:
Councilmembers Hotchkiss and Francisco would like to present the results of this informal survey to the Council and the public at large in the course of a City Council meeting. Their presentation will include a brief PowerPoint slide show. The presentation will be informal for the Council, public, and staff to suggest consideration of ways to best further bicycle safety and mobility, as well as automobile access, throughout our city.
- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action:
It is appropriate for the Council to learn public preferences for future design of our streets.

cc: Mayor and Council
City Attorney
Public Works Director



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Interviews For City Advisory Groups

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to October 28, 2014, and November 11, 2014.

DISCUSSION:

Interviews of applicants for various positions on City Advisory Groups are to be held on October 21, 2014, at an estimated time of 4:00 p.m. Applicants will also have the option to be interviewed on October 28, 2014, at an estimated time of 4:00 p.m. and November 11, 2014, at 6:00 p.m.

For the current 65 vacancies, 70 individuals submitted 81 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation, in response to a set of questions specific to the group for which they are applying. Applicants applying to more than one advisory group may have up to 5 minutes for their presentation.

Appointments are scheduled to take place on December 9, 2014.

ATTACHMENT: List of Applicants

PREPARED BY: Deborah L. Applegate, Deputy City Clerk

SUBMITTED BY: Kristy Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

ACCESS ADVISORY COMMITTEE

- Three vacancies.
- Term Expirations:
 - Three terms: December 31, 2017
- Qualifications/Category: Resident of the City or a full-time employee of an entity doing business within the City who demonstrates an interest, experience, and commitment to issues pertaining to disability and access.
 - One representative from the Architectural/Engineering/Building Community.
 - Two representatives from the Disability Community.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Architectural/ Engineering/Building Community (1)</i>	Martha Degasis	Appointed 12/11/2012 (2 years)		
<i>Disability Community (2)</i>	Ken McLellan	Appointed 12/15/2009, 12/13/2011 (5 years)		

AIRPORT COMMISSION

- Three vacancies.
- Term Expirations:
 - Three terms: December 31, 2018
- Qualifications/Category:
 - Two members must be qualified electors of the City.
 - One member may be from the City or County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector of the City (2 or 3)</i>	Dolores Johnson			
	Claudia Lapin		1) Community Events & Festivals 2) Airport Commission 3) Historic Landmarks Commission	
	Kirk Martin	Appointed 7/11/2006 (8 years, 6 months)		
	Jason Middleton			
	Bruce Miller	Appointed 7/11/2006 (8 years, 6 months)		
<i>Resident of the County of SB (0 or 1)</i>	Paul Bowen			

ARCHITECTURAL BOARD OF REVIEW

- One vacancy.
- Term Expiration:
 - December 31, 2018
- Qualifications/Category:
 - Qualified elector of the City.

(At this time ABR has met the minimum licensing requirements and may appoint non-licensed architects.)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector of the City (1)</i>	Joseph Alcasar Terrell		1) Arts Advisory Committee 2) Historic Landmarks Committee 3) Architectural Board of Review	
	Amy Fitzgerald Tripp			

ARTS ADVISORY COMMITTEE

- One vacancy.
- Term Expiration:
 - December 31, 2015
- Qualifications/Category:
 - Member should be a qualified elector with the City with acknowledged accomplishments in the arts and demonstrates an interest in and commitment to cultural and arts activities.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector of the City (1)</i>	Joseph Alcasar Terrell		1) Arts Advisory Committee 2) Historic Landmark's Committee 3) Architectural Board of Review	
	Margie Yahyavi			

CIVIL SERVICE COMMISSION

- One vacancy.
- Term Expirations:
 - December 31, 2018
- Qualifications/Categories:
 - Must be a qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government, and for one year after ceasing to be a member, shall not be eligible for any salaried office or employment with the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector of the City (1)</i>	Gabe Dominocielo	Appointed 12/07/2010 (4 years)	1) Civil Service Commission 2) Fire & Police Pension Commission	

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Five vacancies.
- Term Expirations:
 - One term expires December 31, 2016 (Downtown Neighborhood)
 - One term expires December 31, 2017 (African American Community)
 - Three terms expire December 31, 2018 (Latino Community, Human Services Agencies, and Westside Neighborhood)
- Must be residents or employees of the designated organizations, but need not be qualified electors of the City, and must represent one of the specified categories or organizations. One representative from each:

➤ Downtown Neighborhood	➤ Westside Neighborhood	➤ African American Community
	➤ Latino Community	➤ Human Services Agencies
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Downtown Neighborhood (1)</i>	Cruzito Herrera Cruz*			
	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
<i>Westside Neighborhood (1)</i>	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
<i>African American Community (1)</i>	None			
<i>Human Services Agencies (1)</i>	Patricia "Max" Rorty	Appointed 12/11/2012 (2 years)		
<i>Latino Community (1)</i>	Yesenia Curiel	Appointed 6/30/2009, (4 years, 6 months)		
	Cruzito Herrera Cruz*			

*Eligible for more than one category.

COMMUNITY EVENTS & FESTIVALS COMMITTEE

- Four vacancies.
- Term Expirations:
 - One term expires December 31, 2015 (Business/Lodging/Retail Industry)
 - One term expires December 31, 2018 (Cultural Arts)
 - Two terms expire December 31, 2018 (Public at Large)
- Qualifications/Category:
 - Two representatives from the Public at Large.
 - One representative of the Business/Lodging/Retail Industry.
 - One representative of Cultural Arts.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Public at Large (2)</i>	Dacia Harwood*			
	Claudia Lapin		1) Community Events & Festivals 2) Airport Commission 3) Historic Landmarks Commission	
	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
	Roger Perry*	Appointed 7/11/2006 (8 years)		
	Kate Schwab	Appointed 12/13/2011 (3 years)		
<i>Business/Lodging/ Retail Industry (1)</i>	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
<i>Cultural Arts (1)</i>	Dacia Harwood*			
	Roger Perry*	Appointed 7/11/2006 (8 years)		

*Eligible for more than one category.

CREEKS ADVISORY COMMITTEE

- Three vacancies.
- Term Expirations:
 - December 31, 2018
- Qualifications/Category:
 - Member must be a resident of the City or County of Santa Barbara and shall have some experience in ocean use, business, environmental issues and provide community-at-large representation.
 - One member must have experience in Environmental/Land Use Issues.
 - Total of three (3) positions open
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Resident of the City or County of Santa Barbara (0-3)</i>	Danielle DeSmeth*	Appointed 12/07/2010 (4 years)		
	LeeAnne French*	Appointed 12/07/2010 (4 years)	1) Creeks Advisory Committee 2) Parks & Recreation Commission	
	Natasha Lohmus*	Appointed 6/30/2009, 6/28/2011 (5 years, 6 months)		
	Penny Owens			
	Allan Stewart-Oaten		1) Transportation & Circulation 2) Creeks Advisory Committee	
<i>Resident of City or County of Santa Barbara with experience in Environmental/Land Use Issues. (1-3)</i>	Danielle DeSmeth*	Appointed 12/07/2010 (4 years)		
	LeeAnne French*	Appointed 12/07/2010 (4 years)	1) Creeks Advisory Committee 2) Parks & Recreation Commission	
	Natasha Lohmus*	Appointed 6/30/2009, 6/28/2011 (5 years, 6 months)		

*Eligible for more than one category.

DOWNTOWN PARKING COMMITTEE

- One vacancy.
- Term Expiration:
 - December 31, 2015
- Qualifications/Category:
 - Appointee shall demonstrate an interest and knowledge of downtown parking issues and must be a resident of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Resident of the City (1)</i>	Ethan Shenkman		1) Planning Commission 2) Downtown Parking	

FIRE AND POLICE COMMISSION

- One vacancy.
- Term Expiration:
 - December 31, 2018
- Qualifications/Category:
 - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Electors of the City (1)</i>	Bernard Melekian	Appointed 12/17/2013 (1 year)		

FIRE AND POLICE PENSION COMMISSION

- Four vacancies.
- Term Expirations:
 - One term expires December 31, 2016 (Qualified Elector)
 - One term expires December 31, 2017 (Active/Retired Police Officer)
 - Two terms expire December 31, 2018 (Qualified Electors)
- Qualifications/Categories:
 - Three qualified electors of the City who are not an active fire fighters or police officers.
 - One active or retired police officer who is a member of the Fire and Police Pension System who need not be a resident or elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Electors (3)</i>	Gabe Dominocielo		1) Civil Service Commission 2) Fire & Police Pension Commission	
<i>Active or Retired Police Officer Who is a Member of the Fire and Police Pension System (1)</i>	None			

HARBOR COMMISSION

- One vacancy.
- Term Expiration:
 - December 31, 2018
- Qualifications/Categories:
 - One qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector of the City (1)</i>	Betsy R. Cramer	Appointed 12/07/2010 3/06/2007, (7 years, 9 months)		
	Mark Rincon-Ibarra		1) Harbor Commission 2) Parks & Recreation Commission	

HISTORIC LANDMARKS COMMISSION

- Three vacancies.
- Term Expiration:
 - Three terms: December 31, 2018
- Qualifications/Categories: One member shall be a qualified elector of the City and two members may be non-residents who are licensed architects.
 - Three members may be a qualified electors of the City and two members may be non-residents (Public at Large)
 - (At this time HLC has met the minimum architect licensing requirements and may appoint non-licensed architects.)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
Public at Large (1-3)	Neil Graffy			(City)
	Anthony Grumbine			(Non-resident)
	Claudia Lapin		1) Community Events & Festivals 2) Airport Commission 3) Historic Landmarks Commission	(City)
	William "Bill" La Voie*	Appointed 12/07/2010 (4 years -prior service)		(Non-resident)
	Judith Orias	Appointed 12/07/2010 (4 years)		(City)
	James Edward Sved			(City)
	Ekaterina Svensson			(City)
	Joseph Alcasar Terrell		1) Arts Advisory Committee 2) Historic Landmarks Commission 3) Architectural Board of Review	(City)
	Julio Juan Veyna*			(Licensed Landscape Architect, City)
Licensed Architect (0-2)	William "Bill" La Voie*	Appointed 12/07/2010 (4 years -prior service)		(Non-resident)
	Julio Juan Veyna*			(Licensed Landscape Architect, City)

*Eligible for more than one category.

LIBRARY BOARD

- One vacancy.
- Term Expiration:
 - December 31, 2018
- Qualifications/Categories:
 - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector (1)</i>	John Shortalford			

LIVING WAGE ADVISORY COMMITTEE

- Three vacancies.
- Term Expirations:
 - June 30, 2018 (Qualified Elector)
 - June 30, 2016 (Employee of Local Santa Barbara Area Non-Profit Entity)
 - June 30, 2015 (Owner/Manager of a Service Contractor Subject to the City's Living Wage Ordinance)
- Qualifications/Categories:
 - One member from the public at large who shall be a qualified elector of the City.
 - One member of the Committee shall be employed by a local Santa Barbara area non-profit entity.
 - One member shall be a owner/manager of a service contractor subject to the City's Living Wage Ordinance.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Member of the Public at Large – Qualified Elector of the City (1)</i>	None			
<i>Employed by a Local Santa Barbara Area Non-Profit Entity (1)</i>	None			
<i>Owner/Manager of a Service Contractor Subject to the City's Living Wage Ordinance (1)</i>	None			

MEASURE P COMMITTEE

- Four vacancies.
- Term Expirations:
 - One term expires December 31, 2016 (Criminal Defense Attorney)
 - One term expires December 31, 2017 (Medical Professional)
 - One term expires December 31, 2018 (Resident of the City)
 - One term expires December 31, 2018 (Drug Abuse, Treatment & Prevention Counselor)
- Qualifications/Categories:

➤ Criminal Defense Attorney	➤ Resident of the City
➤ Medical Professional	➤ Drug Abuse, Treatment & Prevention Counselor
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Criminal Defense Attorney (1)</i>	None			
<i>Medical Professional (1)</i>	None			
<i>Resident of the City (1)</i>	None			
<i>Drug Abuse, Treatment & Prevention Counselor (1)</i>	None			

MOSQUITO AND VECTOR MANAGEMENT DISTRICT BOARD

- One vacancy.
- Term Expirations:
 - January 2, 2017
- Qualifications/Categories:
 - Registered voter of the City of Santa Barbara or a member of the City Council.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Registered Voter of the City of Santa Barbara (1)</i>	Larry L. Fausett	Appointed 6/24/2014 (6 months)		

NEIGHBORHOOD ADVISORY COUNCIL

- Four vacancies.
- Term Expirations:
 - Four terms expire December 31, 2018
- Qualifications/Categories: Resident of the City and three must be from the following six neighborhoods:
 - West Downtown (up to 1)
 - Eastside (up to 1)
 - Lower Eastside (up to 2)
 - Laguna (up to 3)
 - Westside (up to 3)
 - Lower Westside (up to 2)
- Appointees may not hold any full-time paid office or employment in City government.

NOTE: Applicants under the Neighborhood Representative category are also eligible for appointment to the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Neighborhood Representatives</i> (3 or 4)	Chelsea Lancaster			(West Downtown)
	Javier Limon	Appointed 3/02/2011 (3 years, 9 months)		(Lower Westside)
	Beebe Longstreet		1) Neighborhood Advisory Council 2) Parks & Recreation Commission	(Lower Westside)
<i>Public at Large (0 or 1)</i>	J. Bud Stuart			((East Beach))

PARKS AND RECREATION COMMISSION

- Two vacancies.
- Term Expirations:
 - One term expires December 31, 2015
 - One term expires December 31, 2018
- Qualifications/Categories:
 - Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
Qualified Electors of the City (2)	John Abrami			
	LeeAnne French		1) Creeks Advisory Committee 2) Parks & Recreation Commission	
	Linus Huffman			
	Mark Rincon-Ibarra		1) Harbor Commission 2) Parks & Recreation Commission	
	Rocky Jacobson			
	Todd Kelly			
	Beebe Longstreet	Appointed 2/14/1995 (8 years, 10 months)	1) Neighborhood Advisory Council 2) Parks & Recreation Commission	

PLANNING COMMISSION

- One vacancy.
- Term Expiration:
 - December 31, 2018.
- Qualifications/Categories:
 - Qualified elector of the City
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector of the City (1)</i>	Robert D. Hart			
	Jay Higgins			
	Paige Kaye			
	Charles Lester			
	Julia Mayer		1) Planning Commission 2) Community Events & Festivals 3) Community Development & Human Services	
	Ethan Shenkman		1) Planning Commission 2) Downtown Parking Committee	

RENTAL HOUSING MEDIATION TASK FORCE

- Six vacancies.
- Term Expirations:
 - One term: December 16, 2016 (Tenant)
 - Two terms: December 31, 2018 (Landlord)
 - One term: December 31, 2018 (Homeowner)
 - Two terms: December 31, 2018 (Tenant)
- Qualifications/Categories: Non-City members must be affiliated with a landlord tenant organization within City limits.
 - Three Tenants (City or County)
 - Two Landlords (City or County)
 - One Homeowner (City or County)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Tenants - City or County (3)</i>	Robert Burke	Appointed 12/07/2010 (4 years)		(City)
	Melika Garrett			(City)
	Rene Gomez			(City)
<i>Landlords – City or County (2)</i>	Chris Casebeer	Appointed 6/28/2011 (2 years, 6 months)		(City)
	Scott Wexler	Appointed 7/01/2008 (5 years, 6 months)		(City)
<i>Homeowner – City or County (1)</i>	Bruce Wollenberg	Appointed 12/19/2006 12/07/2010 (8 years)		(City)

SANTA BARBARA YOUTH COUNCIL

- Three vacancies.
- Term Expirations:
 - Two terms expire June 30, 2016 (Local Alternative, Community, or Continuation HS)
 - One term expires June 30, 2015 (Santa Barbara High School)
- Qualifications/Categories: Members must be between the ages of 13-19 years.
 - Two members from local alternative, community, or continuation high school (City or County).
 - One member from Santa Barbara High School (City or County).

*Applicants must appear for an interview before the Santa Barbara Youth Council and City Council.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Members From Local Alternative, Community, or Continuation High School (2)</i>	None			
<i>Santa Barbara High School (1)</i>	None			

SIGN COMMITTEE

- Two vacancies.
- Term Expirations:
 - Two terms expire December 31, 2018.
- Qualifications/Categories:
 - Residents of the City who represent the Public at Large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Public at Large (2)</i>	Natalie Cope	Appointed 12/07/2004 12/19/2006, 12/07/2010 (10 years)		
	Bob Cunningham	Appointed 12/19/2006, 12/07/2010 (8 years)		

SISTER CITIES BOARD

- Two vacancies.
- Term Expirations:
 - December 31, 2016 (City)
 - December 31, 2018 (Public at Large)
- Qualifications/Categories:
 - One representative must be a resident of the City.
 - One representative may be a resident of the City or the adjoining areas of Santa Barbara County.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Representative of the City (1 or 2)</i>	None			
<i>Public at Large -City or County (0 or 1)</i>	Takako Wakita	Appointed 2/14/1995 3/02/1999, 12/17/2002, 12/19/2006, 12/07/2010 (15 years)		

TRANSPORTATION AND CIRCULATION COMMITTEE

- Four vacancies.
- Term Expirations:
 - Four terms expire December 31, 2018
- Qualifications/Categories:
 - Three members must be qualified electors of the City.
 - One member may be a resident of the City or County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Residents of the City or Qualified Elector (3 or 4)</i>	Hillary Blackerby	Appointed 6/30/2009, 12/07/2010 (4 years, 6 months)		
	Susan Horne	Appointed 12/07/2010 (4 years)		
	Kathleen Rodriguez	Appointed 6/26/2012 (1 year, 6 months)		
<i>Resident of the County of SB (0 or 1)</i>	Allan Stewart-Oaten		1) Transportation and Circulation 2) Creeks Advisory	

WATER COMMISSION

- One vacancy.
- Term Expiration:
 - December 31, 2018
- Qualifications/Categories:
 - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified Elector (1)</i>	Jai Ranganathan			



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: Risk Management Division, Finance Department

SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Alfred Taff v. City of Santa Barbara*, WCAB Case #: Unassigned.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

PREPARED BY: Ariel Calonne, City Attorney
Mark W. Howard, Risk Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 21, 2014

TO: Mayor and Councilmembers

FROM: Risk Management Division, Finance Department

SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Douglas Wilson v. City of Santa Barbara*, WCAB Case #: Unassigned.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

PREPARED BY: Ariel Calonne, City Attorney
Mark W. Howard, Risk Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office