



## CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,  
Jan Reimers, Bobby Richards, and Carrie Theis  
Contact: 831.620.2000 [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us)

All meetings are held in the City Council Chambers  
East Side of Monte Verde Street  
Between Ocean and 7th Avenues

### CITY COUNCIL SPECIAL MEETING Thursday, December 3, 2020 3:00 PM

**Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.**

**To attend via Teleconference; Dial in number 1-314-474-1859 PIN: 890 848 190#**

**The public can also email comments to [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us). Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.**

### CALL TO ORDER AND ROLL CALL

### PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

### ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Resolution 2020-079 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 3, 2020

### EXTRAORDINARY BUSINESS

- A. Remarks by outgoing Council Member Jan Reimers
- B. Administer Oath of Office to Dave Potter, Karen Ferlito and Bobby Richards
- C. Remarks by newly sworn Mayor and/or members of the City Council
- D. Appointment of Mayor Pro Tempore

## **ADJOURNMENT**

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

## **SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

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## **SPECIAL NOTICES TO PUBLIC**

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# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 3, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-079 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 3, 2020

## RECOMMENDATION:

Adopt Resolution 2020-079 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 3, 2020

## BACKGROUND/SUMMARY:

On June 2, 2020 the City Council of the City of Carmel-by-the-Sea adopted Resolution 2020-033 which authorized an election to be consolidated with the Statewide General Election on Tuesday, November 3, 2020 for the purpose of electing the Mayor for a full term of two years and electing two members of the City Council for full terms of four years.

The Registrar of Voters, Monterey County has completed the canvass of voters and provided the results as attached.

California Elections Code sections 10262, 10263 and 10264 require, among other things, the City Council to declare the results of the election no later than the next regularly scheduled City Council meeting following presentation of the canvass of returns. Adoption of Resolution 2020-079 satisfies these requirements.

## FISCAL IMPACT:

None for this action

## PRIOR CITY COUNCIL ACTION:

June 2, 2020 adopted Resolution 2020-033 calling for the Election.

## ATTACHMENTS:

Attachment #1 - Resolution 2020-079 Declaring Results of November 3, 2020 Election

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-079**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF CARMEL-BY-THE-SEA ON NOVEMBER 3, 2020**

WHEREAS, on June 2, 2020 the City Council adopted Resolution 2020-033 calling for the holding of a Municipal Election for the purpose of electing a Mayor for a full term of two-years and two Council Members for full-terms of four-years; and

WHEREAS, Resolution 2020-033 requested the County Elections Department to conduct the Election, requested consolidation of the Election and provided a procedure for determining a tie for the November 3, 2020 General Municipal Election; and

WHEREAS, the Monterey County Elections Department canvassed the returns of the election, has provided the results and those results are hereby attached and made a part hereof as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA:**

All absentee and provisional ballots have been duly received and canvassed in the time, form and manner as required by Law.

The whole number of votes cast in said election was as follows:

<u>OFFICE</u>	<u>CANDIDATE</u>	<u>TOTAL VOTES</u>
Mayor	Dave Potter	1,658
Mayor	Judy Refuerzo	578
Council Member	Mo Massoudi	634
Council Member	Karen Ferlito	1,121
Council Member	Graeme A. Robertson	768
Council Member	Bobby Richards	1,040

The number of votes cast at each precinct are as provided in Attachment A.

**THEREFORE, BE IT RESOLVED** that **Dave Potter** is hereby elected to the office of Mayor for a two-year term and **Karen Ferlito** and **Bobby Richards** are hereby elected to the office of City Council Member each for a four-year term.

The City Clerk is instructed to issue a Certificate of Election to **Dave Potter, Karen Ferlito and Bobby Richards** and administer the Oath of Office to each elected person and shall have them subscribe to it and file it in the Office of the City Clerk.



The City Clerk is instructed to enter into the records of this City Council this Resolution as a statement of the result of said election.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3<sup>rd</sup> day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk



**EXHIBIT A**

**City of Carmel-By-The-Sea, Mayor (Vote for 1) \*\*\*\* - Insufficient Turnout to Protect Voter Privacy**

District	Turnout	Registered Voters	DAVE POTTER	JUDY REFUERZO	Total Votes
<b>Countywide</b>					
<b>Electionwide</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
Electionwide - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>Statewide</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
Statewide - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>20th Congressional District</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
20th Congressional District - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>17th State Senatorial District</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
17th State Senatorial District - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>29th State Assembly District</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
29th State Assembly District - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>2nd State Board Equal District</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
2nd State Board Equal District - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>5th Supervisorial District</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
5th Supervisorial District - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
<b>City of Carmel-By-The-Sea</b>					
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
City of Carmel-By-The-Sea - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236
Polling Place (PP)	184	2,687	105 66.88%	52 33.12%	157
Vote by Mail (VBM)	2,265	2,687	1,553 74.70%	526 25.30%	2,079
Unincorporated - Total	2,449	2,687	1,658 74.15%	578 25.85%	2,236

**EXHIBIT A**

**City of Carmel-By-The-Sea, Mayor (Vote for 1) \*\*\*\* - Insufficient Turnout to Protect Voter Privacy**

Precinct	Turnout	Registered Voters	DAVE POTTER		JUDY REFURZO		Total Votes
<b>Countywide</b>							
<b>Electionwide</b>							
5120							
Polling Place (PP)	91	1,417	50	65.79%	26	34.21%	76
Vote by Mail (VBM)	1,215	1,417	819	73.26%	299	26.74%	1,118
<b>Total</b>	<b>1,306</b>	<b>1,417</b>	<b>869</b>	<b>72.78%</b>	<b>325</b>	<b>27.22%</b>	<b>1,194</b>
5121							
Polling Place (PP)	93	1,270	55	67.90%	26	32.10%	81
Vote by Mail (VBM)	1,050	1,270	734	76.38%	227	23.62%	961
<b>Total</b>	<b>1,143</b>	<b>1,270</b>	<b>789</b>	<b>75.72%</b>	<b>253</b>	<b>24.28%</b>	<b>1,042</b>
<b>Electionwide - Total</b>	<b>2,449</b>	<b>2,687</b>	<b>1,658</b>	<b>74.15%</b>	<b>578</b>	<b>25.85%</b>	<b>2,236</b>
<b>Countywide - Total</b>	<b>2,449</b>	<b>2,687</b>	<b>1,658</b>	<b>74.15%</b>	<b>578</b>	<b>25.85%</b>	<b>2,236</b>

# CERTIFICATE OF REGISTRAR OF VOTERS

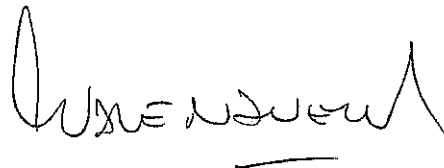
In the Matter of the CANVASS OF THE VOTES CAST )  
 at the **General Election** )  
 held on November 3, 2020 )

I, **Claudio Valenzuela**, Registrar of Voters of the County of Monterey, State of California hereby certify;

**THAT** an election was held within the boundaries of the **City of Carmel-by-the-Sea** on November 3, 2020 for the purpose of electing **(2) Councilmembers** to the **City of Carmel-by-the-Sea, City Council**, and; I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the **City of Carmel-by-the-Sea**.

**I HEREBY FURTHER CERTIFY** that the record of votes cast at said election is set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

**IN WITNESS WHEREOF**, I have hereunto affixed my hand and official seal this Tuesday, November 24, 2020 and filed this date with the **City of Carmel-by-the-Sea**.



**Claudio Valenzuela**  
 Registrar of Voters

**EXHIBIT A**

**City of Carmel-By-The-Sea Member, City Council (Vote for 2)**

\*\*\*\* - Insufficient Turnout to Protect Voter Privacy

District	Turnout	Registered Voters	MO MASSOUDI	KAREN FERLITO	GRAEME A. ROBERTSON	BOBBY RICHARDS	Total Votes
<b>Countywide</b>							
<b>Electionwide</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
Electionwide - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>Statewide</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
Statewide - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>20th Congressional District</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
20th Congressional District - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>17th State Senatorial District</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
17th State Senatorial District - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>29th State Assembly District</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
29th State Assembly District - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>2nd State Board Equal District</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
2nd State Board Equal District - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>5th Supervisorial District</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
5th Supervisorial District - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
<b>City of Carmel-By-The-Sea</b>							
Polling Place (PP)	184	2,687	47 20.52%	65 28.38%	52 22.71%	65 28.38%	229
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Vote by Mail (VBM)	2,265	2,687	587 17.61%	1,056 31.67%	716 21.48%	975 29.24%	3,334
Unincorporated - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563

**EXHIBIT A**

**City of Carmel-By-The-Sea Member, City Council (Vote for 2)** \*\*\*\* - Insufficient Turnout to Protect Voter Privacy

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<b>Countywide</b>							
<b>Electionwide</b>							
5120							
Polling Place (PP)	91	1,417	22 21.15%	32 30.77%	20 19.23%	30 28.85%	104
Vote by Mail (VBM)	1,215	1,417	346 19.63%	550 31.20%	346 19.63%	521 29.55%	1,763
Total	1,306	1,417	368 19.71%	582 31.17%	366 19.60%	551 29.51%	1,867
5121							
Polling Place (PP)	93	1,270	25 20.00%	33 26.40%	32 25.60%	35 28.00%	125
Vote by Mail (VBM)	1,050	1,270	241 15.34%	506 32.21%	370 23.55%	454 28.90%	1,571
Total	1,143	1,270	266 15.68%	539 31.78%	402 23.70%	489 28.83%	1,696
Electionwide - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563
Countywide - Total	2,449	2,687	634 17.79%	1,121 31.46%	768 21.55%	1,040 29.19%	3,563



## CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,  
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#### **CALL TO ORDER AND ROLL CALL**

#### **OPEN SESSION**

#### **EXTRAORDINARY BUSINESS**

- A.** Proclamation recognizing the American Legion and Friends of the WWI Memorial Arch
- B.** Update on the Climate Action and Adaption Project
- C.** Receive a presentation from Carmel Cares regarding the public/private partnership with the City

#### **PUBLIC APPEARANCES**

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## **ANNOUNCEMENTS**

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Councilmember Announcements

## **CONSENT AGENDA**

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. November 2, 2020 Special Meeting Minutes, November 3, 2020 Meeting Minutes, and November 23, 2020 Special Meeting Minutes
2. Monthly Reports for October: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report
3. October 2020 Check Register Summary
4. Resolution 2020-080 amending Policy C16-02 Records Management Program
5. Resolution 2020-081 ratifying appointments to the Community Activities Commission, Harrison Memorial Library Board of Trustees, Historic Resources Board, Planning Commission and extending the term of a Member of the Forest & Beach Commission
6. Resolution 2020-082 establishing the meeting dates of the City Council for calendar year 2021
7. Resolution 2020-083 authorizing Free Use Days of the Sunset Center Theater and lobby for Carmel Unified School District
8. Resolution 2020-084 authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with Native Solutions, for a not-to-exceed fee of \$10,000, for the North Dunes Habitat Restoration Project
9. Resolution 2020-085 authorizing the City Administrator to sign a Letter to Proceed allowing SiteLogiQ to perform an energy analysis of City facilities at no cost to the City

## **CLOSED SESSION**

- A. Conference with Labor Negotiators pursuant to Government Code Section 54957.6. Agency Designated Representative: Assistant City Administrator Maxine Gullo; Employee Organization: Police Officers Association (POA)
- B. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Property: Forest Theater (Lots One to Fifteen inclusive in Block 85 as designated on the map of Addition Number 5 to Carmel-by-the-Sea). Agency Negotiator: City Administrator Chip Rerig; Negotiating Parties: Sunset Cultural Center; Under Negotiation: Lease price and terms of payment

## **ADJOURNMENT**

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CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL  
PROCLAMATION

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
HONORING AMERICAN LEGION POST 512, THE FRIENDS OF THE WWI MEMORIAL ARCH AND  
STONEMASON BRIAN MCELLOWNEY FOR THEIR STEWARDSHIP OF THE WORLD WAR I MEMORIAL  
ARCH

WHEREAS, the World War I Memorial Arch was dedicated on November 11, 1921 as “The Soldiers Memorial Fountain” to honor those who served during the Great War; and

WHEREAS, the monument was the result of the leadership efforts of the American Legion and notable California architect Charles Sumner Greene; and

WHEREAS, on August 6, 1977, the monument was severely damaged in an automobile accident and the restoration was carried out by Thomas Gordon Greene, son of Charles Sumner Greene, and stonemasons Joseph and Brian McEldowney; and

WHEREAS, the restored monument was rededicated on November 11, 1977; and

WHEREAS, in 2017, the Friends of the WWI Memorial Arch including, Ian Martin, Mike Brown, Michael LePage and Brian McEldowney, began fundraising efforts to restore deteriorated portions of the monument; and

WHEREAS, stonemason Brian McEldowney procured coastal sandstone from Santa Barbara County and used his skill and expertise to size, fabricate and texture new stones to replace the damaged ones; and

WHEREAS, it is important for all Carmel residents to remember the sacrifice of those who have served our country and recognize the stewardship of American Legion Post 512, the Friends of the WWI Memorial Arch and especially stonemason Brian McEldowney for restoring the monument in their honor.

NOW, THEREFORE, BE IT PROCLAIMED THAT I, Dave Potter, Mayor of the City of Carmel-by-the-Sea, on behalf of the City Council and the citizens of Carmel hereby honor American Legion 512, the Friends of the WWI Memorial Arch and especially stonemason Brian McEldowney for their stewardship of a nationally recognized monument honoring those who served in World War I.

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David Potter, Mayor



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
EXTRAORDINARY BUSINESS

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Agnes Martelet, Manager, Environmental Compliance

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Update on the Climate Action and Adaption Project

## RECOMMENDATION:

Receive a presentation on the progress of the Climate Action and Adaptation Project.

## BACKGROUND/SUMMARY:

The Climate Action and Adaptation Project was included in the 2019-2020 Capital Improvement Plan (CIP) and was initiated in the fall of 2019 with the formation of the Climate Committee. The Climate Committee consists of two Council members, two staff members, and four members of the public with wide-ranging knowledge of assets and issues associated with Climate Change. The Climate Committee first met in November 2019 and has adopted the following Mission Statement:

*“We will assess the threats and challenges of climate change as they relate to our community by seeking input from experts and local constituents. We will use these inputs to develop actionable plans to mitigate those threats and educate the community.”*

The Climate Committee used guidance from the State’s Climate Adaptation Planning Guide, the State’s Climate Action Resource Guide, the Statewide Energy Efficiency Collaborative, and example reports from neighboring municipalities to develop work plans. The purpose of the work plans is to concurrently assemble a Climate Action Plan that would mitigate the community’s greenhouse gas emissions, and a Climate Adaptation Plan that would increase the community’s resilience to climate change impacts. The work plans were initially developed in January 2020 and were updated in July 2020 due to COVID-19 impacts on City operations. The updated work plans are included in **Attachment 1**.

Despite a four-month hiatus and project defunding due to the impacts of COVID-19 on the City’s budget, the Climate Committee has made important progress on the project, including developing a matrix of climate hazards and assets (**Attachment 2**), and developing a list of data sources and data gaps for various hazards and asset categories (**Attachment 3**).

The Committee also developed a list of stakeholders to contact to gather additional information or to share information about the project. Committee members reached out to many community organizations, including

the Rotary Club, Carmel Residents' Association, Friends of Mission Trail Nature Preserve, Chamber of Commerce, and local high schools and universities. The Committee also reached out to utilities, regional agencies, and professional organizations including the Carmel Area Wastewater District (CAWD), Monterey Peninsula Water Management District, PG&E, Central Coast Community Energy, Monterey Chapter of the American Institute of Architects (AIA), United States Geological Survey, Monterey Fire Department, and Association of Monterey Bay Area Governments (AMBAG).

Since September 2020, the Committee has been holding a series of monthly presentations to better understand potential hazards that could affect Carmel-by-the-Sea, as well as opportunities to increase community resilience. For example, the Committee has heard from the AIA on designing for fire, CAWD on the wastewater treatment facility's vulnerability to sea level rise and storms, Monterey Fire Department on community wildfire preparedness, and the City Forester on the Urban Forest and Climate Change adaptation. The Committee developed hazard and asset summary sheets based on these presentations, which will be used in the development of the vulnerability assessment and adaptation strategies for Carmel (**Attachment 4**). Upcoming presentations include the USGS Coastal Storm Modeling System, which is modeling cumulative impacts of sea level rise and storms on coastal resources along the California coast, and the results of the recently-completed Storm Drain Master Plan for Carmel-by-the-Sea.

The Committee's next steps on the Climate Adaptation Plan will be to develop a vulnerability assessment of City assets to climate hazards of most concern.

For the Climate Action Plan, the Committee will hear from AMBAG in early 2021 about the community greenhouse gas inventory completed for Carmel-by-the-Sea in 2018, and from Central Coast Community Energy on their efforts to minimize greenhouse gas emissions in power generation. Subsequent tasks on the Climate Action Plan will be to conduct a greenhouse gas emissions forecast; however, this work will require consultant technical support, which is currently unfunded.

#### **FISCAL IMPACT:**

In Fiscal Year 2019-2020, the Climate Action and Adaptation Project was included in the CIP with a budget of \$55,000; however, due to the COVID-19 impacts on City operations, the project was defunded in 2020. The project is currently being conducted entirely using staff and Committee volunteer resources.

#### **PRIOR CITY COUNCIL ACTION:**

In June 2019, the City Council adopted the Fiscal Year 2019-2020 budget, which included \$55,000 for a Climate Change Plan. In April 2020, the City Council eliminated funding for this project due to revenue shortfalls resulting from the COVID-19 Pandemic.

#### **ATTACHMENTS:**

Attachment 1: Updated Climate Adaptation and Climate Action Work Plans

Attachment 2: Priority Hazard and Asset Matrix

Attachment 3: Data Sources and Data Gaps

Attachment 4: Hazard & Asset Summary Sheets

Project Phase	Tasks	Suggested Lead(s)	Done?	Timeline																							
				Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	
<b>Phase I - Project Definition and Initiation</b>																											
	Assemble project team	Council	✓																								
	Identify desired project outcomes (mission)	Committee	✓																								
	Define priority hazards, assets, and resilience goals	Council	✓																								
	Define data source(s) and reliability, and data gaps for priority hazards & assets	Staff	✓																								
	<i>Identify &amp; make contact with community organizations to engage with for information sharing and coordination</i>	Committee																									
	<i>Identify &amp; make contact with regional partners to engage with for information and coordination</i>	Committee																									
	Identify sources of support & timing of support where applicable (e.g. grants)	Staff*	✓																								
	<i>Council Update on priority hazards, assets, and partners</i>	Staff																									
<b>Phase II - Assess Vulnerability</b>																											
	<i>Describe historical hazard events, impacts, and identified vulnerabilities</i>	Committee/Staff*																									
	<b>Finalize list of climate effects of most concern, and assets and populations that will be susceptible to them</b>	Council/Committee*																									
	<del>Finalize list of most sensitive populations and assets</del>	<del>Committee*</del>																									
	<del>Evaluate climate change projections for priority effects and impacts of greatest concern</del>	<del>Staff*</del>																									
	<i>Adaptive capacity and existing resources: develop matrix of existing community resources and policies that provide adaptation capacity</i>	Council/staff																									
	Develop Vulnerability Scores for potential impacts and adaptive capacity	Committee*																									
	Council Update on Vulnerability Scoring	Council																									
	<b>Engagement and Outreach: workshops to gather feedback on local vulnerabilities and strengths, community priorities and ideas for adaptation</b>	Committee/Staff*																									
<b>Phase III - Define Adaptation Strategies</b>																											
	Confirm project outcomes and resilience goals	Council																									
	<b>Review community ideas for adaptation and examples from other jurisdictions</b>	Committee																									
	Assemble draft adaptation strategies	Staff*																									
	Review and prioritize strategies	Committee																									
	Council Review of Prioritized Strategies	Council																									
	<b>Engagement and Outreach: workshops to develop and gather feedback on proposed strategies</b>	Committee/Staff*																									
<b>Phase IV - Adaptation Plan</b>																											
	<del>Assemble a Climate Adaptation Plan Report-Workplan</del>	<del>Staff*</del>																									
	<del>Review and Finalize Report-Workplan</del>	<del>Committee*</del>																									
	<del>Council Review and Adoption of the Plan-Workplan</del>	<del>Council</del>																									

\* denotes item that could be conducted by consultant

Tasks in italics are likely to be impacted by social distancing requirements due to Covid-19

Work plan edits: Bold text denotes an added or modified task; crossed-out tasks are removed

Climate Adaptation Plan

WORK PLAN - UPDATE

July 16, 2020

Project Phase	Tasks	Suggested Lead(s)	Done?														
				Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
<b>Phase I - Project Definition and Initiation</b>																	
	Assemble project team	Council	✓														
	Identify desired project outcomes (mission)	Committee	✓														
	Define priority hazards, assets, and resilience goals	Council	✓														
	Define data source(s) and reliability, and data gaps for priority hazards & assets	Staff	✓														
	<i>Identify &amp; make contact with community organizations to engage with for information sharing and coordination</i>	Committee															
	<i>Identify &amp; make contact with regional partners to engage with for information and coordination</i>	Committee															
	Identify sources of support & timing of support where applicable (e.g. grants)	Staff*	✓														
	<i>Council Update on priority hazards, assets, and partners</i>	Staff															
<b>Phase II - Assess Vulnerability</b>																	
	<i>Describe historical hazard events, impacts, and identified vulnerabilities</i>	Committee/Staff*															
	<b>Finalize list of climate effects of most concern, and assets and populations that will be susceptible to them</b>	Council/Committee*															
	<del>Finalize list of most sensitive populations and assets</del>	<del>Committee*</del>															
	<del>Evaluate climate change projections for priority effects and impacts of greatest concern</del>	<del>Staff*</del>															
	<i>Adaptive capacity and existing resources: develop matrix of existing community resources and policies that provide adaptation capacity</i>	Council/staff															
	Develop Vulnerability Scores for potential impacts and adaptive capacity	Committee*															
	Council Update on Vulnerability Scoring	Council															
	<i>Engagement and Outreach: workshops to gather feedback on local vulnerabilities and strengths, community priorities and ideas for adaptation</i>	Committee/Staff*															
<b>Phase III - Define Adaptation Strategies</b>																	
	Confirm project outcomes and resilience goals	Council															
	<b>Review community ideas for adaptation and examples from other jurisdictions</b>	Committee															
	Assemble draft adaptation strategies	Staff*															
	Review and prioritize strategies	Committee															
	Council Review of Prioritized Strategies	Council															
	<i>Engagement and Outreach: workshops to develop and gather feedback on proposed strategies</i>	Committee/Staff*															
<b>Phase IV - Adaptation Plan</b>																	
	Assemble a Climate Adaptation Plan Report- <b>Workplan</b>	Staff*															
	Review and Finalize Report- <b>Workplan</b>	Committee*															
	Council Review and Adoption of the Plan- <b>Workplan</b>	Council															

\* denotes item that could be conducted by consultant

Tasks in italics are likely to be impacted by social distancing requirements due to Covid-19

Work plan edits: Bold text denotes an added or modified task; crossed-out tasks are removed

Climate Action Plan

WORK PLAN

Rev. July 2020

Attachment 1

Project Phase	Tasks	Suggested Lead(s)	Done?	Timeline																							
				Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21		
<b>Phase I - Project Definition and Initiation</b>				<b>Phase I</b>																							
	Create a Climate Action Plan Advisory Committee	Council	✓																								
	Identify desired project outcomes (mission)	Committee	✓																								
	Education: Background on GHG Inventory	Staff	✓																								
	Education: Climate Action Planning Guidance	Staff	✓																								
	Work Plan & Discuss the Scope of the Plan	Staff																									
**	Identify & make contact with community organizations to engage with for information sharing and coordination	Committee																									
**	Identify & make contact with regional partners to engage with for information and coordination	Council																									
**	Identify sources of support & timing of support where applicable (e.g. grants)	Staff	✓																								
**	Identify opportunities for community workshops and educational outreach (continious)	Council/Committee																									
**	Council Update on Phase I progress	Staff																									
<b>Phase II (Option A) - Baseline Assessments &amp; Target Adoption (Community Only)</b>				<b>Phase II (Option A)</b>																							
	Establish/Adopt Community Inventory Baseline (2015, 2018) - <i>AMBAG to deliver community Inventory (Date TBD)</i>	Committee	✓																								
	Identify Goals and GHG Emissions Reduction Targets	Committee																									
++	Estimate trends through an emissions forecast	Staff*																									
**	Council Update on Inventories and Forecasting	Staff																									
	Identify opportunities for community workshops and educational outreach (continious)	Council/Committee																									
<b>Phase II (Option B) - Baseline Assessments &amp; Target Adoption (Community &amp; Municipal)</b>				<b>Phase II (Option B)</b>																							
	Establish/Adopt Community Inventory Baseline (2015, 2018) - <i>AMBAG to deliver community Inventory (Date TBD)</i>	Committee	✓																								
	Establish/Adopt Municipal Inventory Baseline	Staff*																									
	Identify Goals and GHG Emissions Reduction Targets	Committee																									
++	Estimate trends through an emissions forecast	Staff*																									
**	Council Update on Inventories and Forecasting	Staff																									
	Identify opportunities for community workshops and educational outreach (continious)	Council/Committee																									
<b>Phase III - Develop Climate Action Plan</b>																											
	Identify Greenhouse Gas Emissions Reduction Strategies	Committee*																									
	Review and prioritize strategies	Committee*																									
	Conduct Analysis and Assemble Plan Strategies	Staff*																									
	Create Implementation Framework and Timeline	Council*																									
	Workshops to develop and gather feedback on proposed strategies & implementation timeline	Council/Committee*																									
	Council Review of Prioritized Strategies	Council*																									
<b>Phase IV - Action Plan Implementation &amp; Adoption</b>																											
**	Assemble Climate Action Plan Report	Staff*																									
**	Review and Finalize Report	Staff*																									
**	Council Review and Adoption of the Plan	Council																									

\* denotes item that could be conducted by consultant

\*\* shared task with Adaptation Plan

++ Decision Point: Will require consultant to complete. If consultant assistant is unavailable, cannot have certified CAP. If unable to proceed, options include: waiting until funding is available (date unknown), prepare an uncertified climate analysis without forecasts



Climate Action Plan

WORK PLAN

Rev. July 2020

Project Phase	Tasks	Suggested Lead(s)	Done?														
				Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	
<b>Phase I - Project Definition and Initiation</b>																	
	Create a Climate Action Plan Advisory Committee	Council	✓														
	Identify desired project outcomes (mission)	Committee	✓														
	Education: Background on GHG Inventory	Staff	✓														
	Education: Climate Action Planning Guidance	Staff	✓														
	Work Plan & Discuss the Scope of the Plan	Staff															
**	Identify & make contact with community organizations to engage with for information sharing and coordination	Committee															
**	Identify & make contact with regional partners to engage with for information and coordination	Council															
**	Identify sources of support & timing of support where applicable (e.g. grants)	Staff	✓														
**	Identify opportunities for community workshops and educational outreach (continious)	Council/Committee															
**	Council Update on Phase I progress	Staff															
<b>Phase II (Option A) - Baseline Assessments &amp; Target Adoption (Community Only)</b>																	
	Establish/Adopt Community Inventory Baseline (2015, 2018) - <u>AMBAG to deliver community Inventory (Date TBD)</u>	Committee	✓														
	Identify Goals and GHG Emissions Reduction Targets	Committee															
++	Estimate trends through an emissions forecast	Staff*															
**	Council Update on Inventories and Forecasting	Staff															
	Identify opportunities for community workshops and educational outreach (continious)	Council/Committee															
<b>Phase II (Option B) - Baseline Assessments &amp; Target Adoption (Community &amp; Municipal)</b>																	
	Establish/Adopt Community Inventory Baseline (2015, 2018) - <u>AMBAG to deliver community Inventory (Date TBD)</u>	Committee	✓														
	Establish/Adopt Municipal Inventory Baseline	Staff*															
	Identify Goals and GHG Emissions Reduction Targets	Committee															
++	Estimate trends through an emissions forecast	Staff*															
**	Council Update on Inventories and Forecasting	Staff															
	Identify opportunities for community workshops and educational outreach (continious)	Council/Committee															
<b>Phase III - Develop Climate Action Plan</b>				Phase III													
	Identify Greenhouse Gas Emissions Reduction Strategies	Committee*															
	Review and prioritize strategies	Committee*															
	Conduct Analysis and Assemble Plan Strategies	Staff*															
	Create Implementation Framework and Timeline	Council*															
	Workshops to develop and gather feedback on proposed strategies & implementation timeline	Council/Committee*															
	Council Review of Prioritized Strategies	Council*															
<b>Phase IV - Action Plan Implementation &amp; Adoption</b>				Phase IV													
**	Assemble Climate Action Plan Report	Staff*															
**	Review and Finalize Report	Staff*															
**	Council Review and Adoption of the Plan	Council															★

\* denotes item that could be conducted by consultant

\*\* shared task with Adaptation Plan

++ Decision Point: Will require consultant to complete. If consultant assistant is unavailable, cannot have certified CAP. If unable to proceed, options include: waiting until funding is available (date unknown), prepare an uncertified climate analysis without forecasts

City of Carmel-by-the-Sea  
Priority Hazards and Assets  
February 20, 2020

Priority Assets at Risk	Priority Hazards						
	Sea Level Rise	Ocean Warming	Wildfires	Stronger Storms & Higher Windspeeds	More Frequent Droughts	Increased Temperature	Fog changes
<b>Natural Assets</b>							
Mission Trail Nature Preserve			X	X	X	X	X
North Dunes	X				X	X	X
Urban Forest			X	X	X	X	X
Marine Sanctuary		X		X	X	X	X
Carmel Beach	X	X		X			X
<b>Community</b>							
Persons with disabilities			X	X	X	X	
Elderly Population			X	X	X	X	
Visitors	X	X	X	X			
Local Businesses	X	X	X	X		X	
<b>Utilities</b>							
Water Supply (Drought Tolerance)			X		X	X	
Electrical Energy Transmission (Electric Vehicles, safety power shutoffs, outages)			X	X		X	
Sanitary Sewer System	X			X			
PG&E/communication underground infrastructure (gas, cable)	X		X				
Storm drainage system	X			X			
<b>Regional Infrastructure</b>							
Wastewater Treatment Facility	X			X		X	
Transportation Infrastructure	X		X	X			
Hospital and emergency medical care facilities			X	X		X	
Landfill & Waste Management				X			
<b>Local Infrastructure</b>							
Scenic coastal trail, public restrooms and beach access infrastructure	X		X	X		X (visitors)	X
Coastal roadways and parking	X			X		X (visitors)	
Seawalls and revetments	X			X			
Other city streets				X			
Private property (including many second homes)	X		X	X		X	

City of Carmel-by-the-Sea  
 Data Sources and Data Gaps  
 February 20, 2020

Priority Hazard	Priority Assets at Risk from Hazard	Data Sources for Hazards			Data sources for assets at risk	Data Gaps
		Source	Data Precision	Reliability		
Sea Level Rise	<ul style="list-style-type: none"> <li>- North Dunes</li> <li>- Carmel Beach</li> <li>- Visitors</li> <li>- Local businesses</li> <li>- Sanitary sewer system</li> <li>- PG&amp;E underground infrastructure</li> <li>- Storm drainage system</li> <li>- Wastewater treatment facility</li> <li>- Transportation infrastructure</li> <li>- Scenic coastal trail, public restrooms and beach access infrastructure</li> <li>- Coastal roadways and parking</li> <li>- Seawalls and revetments</li> <li>- Private property</li> </ul>	<ul style="list-style-type: none"> <li>- USGS CosMos</li> <li>- State of California Sea-Level Rise Guidance, 2018 Update</li> <li>- Cal-Adapt</li> <li>- Monterey Bay DEM</li> <li>- NOAA SLR Viewer</li> </ul>	Regional	Moderate	<ul style="list-style-type: none"> <li>- Del Mar Master Plan, 2009</li> <li>- Shoreline Management Plan, 2003 (seawalls &amp; revetments, Scenic Coastal Trail)</li> <li>- CAWD WWTP Sea Level Rise Study, 2018 (WWTP and sewer system)</li> <li>- North Dunes Restoration Plan, 2016 (North Dunes)</li> <li>- Storm Drain Master Plan, in process (Storm drainage system)</li> <li>- Conserving California's Coastal Habitats, A Legacy and a Future with Sea Level Rise (regional data, The Nature Conservancy)</li> <li>- David Shonman Shoreline Assessment + powerpoint presentation</li> <li>- Monterey County Multi-jurisdictional Hazard Mitigation Plan, 2016</li> </ul>	<ul style="list-style-type: none"> <li>- PG&amp;E infrastructure resilience and potential issues</li> <li>- Evaluation of coastal infrastructure based on new sea level rise modeling</li> <li>- Critical transportation infrastructure at risk</li> </ul>
Ocean warming & acidification	<ul style="list-style-type: none"> <li>- Marine Sanctuary</li> <li>- Carmel Beach</li> <li>- Visitors</li> <li>- Local businesses</li> </ul>				<ul style="list-style-type: none"> <li>- Projected impacts of ocean warming/acidification on local marine life and health of Sanctuary</li> </ul>	
Wildfires	<ul style="list-style-type: none"> <li>- Mission Trail Nature Preserve</li> <li>- Urban forest</li> <li>- Persons with disabilities</li> <li>- Elderly population</li> <li>- Visitors</li> <li>- Local businesses</li> <li>- Water supply</li> <li>- Electrical energy supply</li> <li>- Transportation infrastructure</li> <li>- Hospital and emergency medical care</li> <li>- Scenic coastal trail, rr, and beach access</li> <li>- Private property, incl. 2nd homes</li> </ul>	<ul style="list-style-type: none"> <li>- California 4th Climate Assessment</li> <li>- Cal-Adapt</li> <li>- Climate Change and Health Profile Report, Monterey County, 2017</li> <li>- Living with Fire in California's Coast Ranges, Promoting Fire-Resistant Communities and Landscapes in an Era of Global Change, Symposium Proceedings, May 2018</li> <li>- CalFire Fire and Resource Assessment Program</li> </ul>	Regional	Moderate	<ul style="list-style-type: none"> <li>- MTNP Baseline Biological Assessment, 2016</li> <li>- MTNP Master Plan</li> <li>- Forest Management Plan, 2000</li> <li>- Climate Change and Health Profile Report, Monterey County, 2017 (sensitive populations)</li> <li>- City of Carmel-by-the-Sea Emergency Operations Plan, 2015</li> <li>- Monterey County Multi-jurisdictional Hazard Mitigation Plan, 2016</li> </ul>	<ul style="list-style-type: none"> <li>- Water supply resilience to wildfires</li> <li>- PG&amp;E infrastructure resilience</li> <li>- Emergency response and medical care resilience</li> <li>- Habitat resilience</li> </ul>

City of Carmel-by-the-Sea  
 Data Sources and Data Gaps  
 February 20, 2020

Priority Hazard	Priority Assets at Risk from Hazard	Data Sources for Hazards			Data sources for assets at risk	Data Gaps
		Source	Data Precision	Reliability		
Stonger storms and higher windspeeds	<ul style="list-style-type: none"> <li>- Mission Trail Nature preserve</li> <li>- Urban forest</li> <li>- Marine sanctuary</li> <li>- Carmel Beach</li> <li>- Persons with disabilities</li> <li>- Elderly population</li> <li>- Visitors</li> <li>- Local businesses</li> <li>- Electrical energy transmission</li> <li>- PG&amp;E underground infrastructure</li> <li>- Sanitary sewer</li> <li>- Storm drainage system</li> <li>- Transportation infrastructure</li> <li>- Hospital and emergency medical care</li> <li>- Landfill and waste management</li> <li>- Scenic coastal trail, public restrooms and beach access infrastructure</li> <li>- Coastal roadways and parking</li> <li>- Seawalls and revetments</li> <li>- Other city streets</li> </ul>	<ul style="list-style-type: none"> <li>- California 4th Climate Assessment</li> <li>- Cal-Adapt</li> </ul>	Regional	Moderate	<ul style="list-style-type: none"> <li>- MTNP Baseline Biological Assessment, 2016</li> <li>- MTNP Stream Stability Study, 2019</li> <li>- Storm Drain Master Plan, in progress</li> <li>- Shoreline Management Plan, 2003</li> <li>- Monterey County Multi-jurisdictional Hazard Mitigation Plan, 2016</li> </ul>	<ul style="list-style-type: none"> <li>- Resilience of urban forest to stronger storms</li> <li>- Resilience of PG&amp;E infrastructure</li> <li>- Resilience of waste management operations to stronger storms and variable rainfall</li> <li>- Emergency response and medical care resilience</li> <li>- Combined effects of erosion from stronger storms and sea level rise on coastal infrastructure</li> </ul>
More frequent droughts	<ul style="list-style-type: none"> <li>- Mission Trail Nature Preserve</li> <li>- North Dunes</li> <li>- Urban forest</li> <li>- Marine Sanctuary</li> <li>- Water supply</li> </ul>	<ul style="list-style-type: none"> <li>California 4th Climate Assessment</li> <li>Cal-Adapt</li> </ul>	Regional	Low	<ul style="list-style-type: none"> <li>- North Dunes Restoration Plan, 2016</li> <li>- North Dunes Restoration Project Update, 2019</li> <li>- Monterey Peninsula, Carmel Bay and South Monterey Bay Integrated Regional Water Management Plan Update, August 2019 (Water supply, habitats)</li> <li>- 2010 Urban Water Management Plan, Monterey County District, California American Water, September 2012 (Water supply)</li> </ul>	<ul style="list-style-type: none"> <li>- Water supply resilience to droughts</li> <li>- Emergency response and medical care resilience</li> <li>- Combined effects of erosion from stronger storms and sea level rise on coastal infrastructure</li> </ul>

City of Carmel-by-the-Sea  
 Data Sources and Data Gaps  
 February 20, 2020

Priority Hazard	Priority Assets at Risk from Hazard	Data Sources for Hazards			Data sources for assets at risk	Data Gaps
		Source	Data Precision	Reliability		
Increased temperature	<ul style="list-style-type: none"> <li>- Mission Trail Nature Preserve</li> <li>- North Dunes</li> <li>- Urban Forest</li> <li>- Marine Sanctuary</li> <li>- Persons with disabilities</li> <li>- Elderly population</li> <li>- Electrical energy transmission</li> <li>- Water supply</li> <li>- Wastewater treatment facility</li> <li>- Hospital and emergency medical care</li> <li>- Scenic coastal trail, rr, beach access</li> <li>- Coastal roadways and parking</li> <li>- Private property</li> </ul>	Cal-Adapt Climate Change and Health Profile Report, Monterey County, 2017	Regional	Moderate	Climate Change and Health Profile Report, Monterey County (Persons w disabilities, elderly population, health & vector borne illness impacts)	- Urban forest resilience to increased temperature
Fog changes	<ul style="list-style-type: none"> <li>- Mission Trail Nature Preserve</li> <li>- North Dunes</li> <li>- Urban Forest</li> <li>- Marine Sanctuary</li> <li>- Carmel Beach</li> <li>- Scenic coastal trail, rr, beach access</li> </ul>	California 4th Climate Assessment	Regional	Low		- Future fog patterns



## CITY OF CARMEL-BY-THE-SEA

### Hazard and Asset Summary Sheet for Wastewater Treatment Facility and Associated Underground Infrastructure

September 17, 2020

<b>TO:</b>	Climate Committee Members
<b>SUBMITTED BY:</b>	Jeff Baron, Councilmember

#### SUMMARY

**Asset:** Wastewater treatment facility and associated underground infrastructure (CAWD)

**Hazards:** Sea level rise, Stronger Storms, More variable rainfall

**Version:** 2

**General Comments and Outlook:** The Carmel Area Wastewater District treatment facility (and underground infrastructure) will be under increasing environmental pressure as sea level rises and storms (and hence rainfall drainage down the Carmel River watershed) increase in intensity. CAWD's prediction is that the facility will need to be relocated by 2062, which is approximately 40 years in the future. The long term options for the facility seem to be

1. Retreat up the valley
2. Pump to Monterey One Water

#### Identified Issues:

- Both long term projects are said to be expensive, in the neighborhood of \$100,000,000.
- It will take a significant amount of time to make the decision as to which path to take.
- The value (cost) of the current facility (which may have to be abandoned) is approximately \$200,000,000
- The lagoon situation will become increasingly precarious as time passes.

#### Outstanding Issues:

- Do not understand (yet) an overrun scenario if the move is not completed in time. What are the consequences and/or costs if the plant is flooded during an extreme weather event?
- Of lesser visibility but still important are possible mitigation measures required for the CAWD underground and pumping infrastructures, particularly along the coastline.

#### Possible Committee Comments or Actions for Final Report

- The committee could/should recommend that the Carmel City Council pass a resolution on this topic, ensuring that the city monitors the transition towards a relocated plant, and perhaps has formal, written input into this process. The resolution might:
  - Document the asset and the various hazards
  - Assign staff/council personnel as liaisons to CAWD, with an eye towards resolution of this asset's vulnerability
  - Urge CAWD to take specific actions

## REFERENCES

Attachment 4

- The CAWD Sea Level Rise Study can found at <https://www.cawd.org/2018-sea-level-rise-study>
- The CAWD presentation to the Committee: [https://ci.carmel.ca.us/sites/main/files/file-attachments/ccc\\_presentation\\_v3.pptx?1600365293](https://ci.carmel.ca.us/sites/main/files/file-attachments/ccc_presentation_v3.pptx?1600365293)
- Recording of the September 17, 2020 Meeting at which CAWD presented: [https://drive.google.com/file/d/1PZK0tP8b2jB\\_XoTtBJLPcXmLVEI9kY1Z/view](https://drive.google.com/file/d/1PZK0tP8b2jB_XoTtBJLPcXmLVEI9kY1Z/view)

## HISTORY

- Version 1 presented at Committee meeting on 10/15/2020
- Version 2 presented at Committee meeting on 11/19/2020.



## CITY OF CARMEL-BY-THE-SEA

### Hazard and Asset Summary Sheet for the A.I.A.'s Designing for Fire Presentation

September 17, 2020

**TO:** Climate Committee Members

**SUBMITTED BY:** John Hill, Committee Member

## SUMMARY

**Asset:** Public and Private Property, Public Safety

**Hazards:** Fire and Wildfire damage due to accumulated dry fuel & increasing wind and weather events.

**Version:** 1

**General Comments and Outlook:** The Monterey Bay Chapter of the American Institute of Architect's Committee on the Environment (COTE) explores the way design responds to climate change as the severity of fires and wildfires in California continues to increase in intensity and occurrence. Designers and the jurisdictions that oversee them should consider how fire affects property, and how to incorporate those factors without sacrificing the design, habitat, and the program. An integrated approach to fire resilience in the landscape along with hardening structures against fire are ways to mitigate fire impact on lives and property.

### Identified Issues:

- Healthy, biodiverse sites are more fire resistant due to reduced fuel volume, native vegetation, avoiding erosion, and preserving trees, shrubs and watershed to create habitats.
- California had low intensity fires until the logging of old growth forests, grazing, introduction of invasive grasses, indigenous burning replaced by fire suppression, and urban sprawl invading wildlands.
- We now live where California needs to burn, in Wildland Urban Interface (WUI) zones.
- We can control fire resiliency by creating defensible space with Fire Defense Zones around structures, an ignition zone (5 feet), a defense zone (30 feet) and reduced fuel zone (100 feet)
- Fuel is affected by the height and placement of plants & their chemical content. Pine forests and Oak woodlands are resilient but dead material and limbed branches in the understory must be maintained.
- Fire retardant plants, trees, and ground covers can absorb heat and fire without burning, trap embers, reduce wind speed, and slow the travel of a fire.
- 9 out of 10 structures lost are due to low intensity ground fire and embers in the 5-foot zone around them. Combustible materials such as decks, wood chips, and plant material should not be located within 5 feet of, nor attached to the structure.
- Vents and windows are the most vulnerable areas in a house, gaps in vent screening should be no more than 1/8" maximum and plants should not be located near or below windows.

### Remaining Issues to be understood:

- Maintenance or abatement status in reducing fuel levels in the City of Carmel by the Sea

### Possible actions to be recommended in the committee's Final Report

- Carmel City Council should consider monitoring the level of fire hazards within the community. Resolutions and/or Ordinances could include:
  - Documenting existing hazards.



- City Forester consider fire retardant trees and plants in City controlled areas and for tree re-  
placement requirements for private property.
- Updating City Planning guidelines to reflect or not conflict with WUI building requirements in the  
Very High Fire Hazard Severity (VHFHS) Zone. Attachment 4

## REFERENCES

- The A.I.A. Designing for Fire Presentation <http://youtu.be/MWslhXidZnc>

## History

- Version 1 presented at committee meeting on 11/19/2020



# CITY OF CARMEL-BY-THE-SEA

## Hazard and Asset Summary Sheet for Community Wildfire Preparedness

October 15, 2020

<b>TO:</b>	Climate Committee Members
<b>SUBMITTED BY:</b>	John Hill, Committee Member

### SUMMARY

**Asset:** Public and Private Property, Public Safety

**Hazards:** Local Fires and Wildfire damage due to accumulated dry fuel & increasing wind and weather events.

**Version:** 1

**General Comments and Outlook:** Community wildfire preparedness is supported by Monterey Fire's Defensible Space Inspection Program and coordination with surrounding fire prevention organizations to limit fire and wildfire risk through planning, prevention, and mitigation. Monterey Fire and Carmel Public Works have working relationships with the Pebble Beach Services District for fire mitigation in Pescadero Canyon, and partner with the Friends of Mission Trail Nature Preserve for fuel reduction in Mission Trail Nature Preserve. CalFire's Fire & Resource Assessment Program (FRAP) and Fire Hazard Severity Zone (FHSZ) maps are available on line, along with information on forest assessment, fire severity zones, defensible space, and hardening a home or structure against fire. Monterey Fire personnel have inspected and graded all Carmel parcels as pass, pending, or fail. Grading criteria is evolving as knowledge on fire spread is developed. Current criteria is based on dry fuel accumulation, spark arrestors, overhanging tree limbs, etc.

#### Identified Issues:

- A healthy forest that balances fuel suppression with environmental and ecological needs in our protected landscapes is very important.
- Some northern and eastern areas within City limits are within the Very High Fire Hazard Severity Zone.
- Some areas within the City limits and adjacent communities have accumulated fuel levels as well as overhead infrastructure (i.e. Mission Trail Park) that present fire and wildfire risks.
- The City's Building Department has adopted the California Building Code requirements in the Very High Fire Hazard Zone but the City's planning guidelines currently do not address them or may be in conflict with them.

#### Remaining Issues to be understood:

- Maintenance or abatement status in reducing fuel levels in the City of Carmel by the Sea (and adjacent communities which could threaten Carmel) in a wildfire, i.e. Del Monte forest in Pebble Beach, Monterey Regional Park District property east of Highway 1, etc.
- Extent of existing and problematic overhead Infrastructure in the City.

**Possible actions to be recommended in the committee's Final Report**

- Carmel City Council consider updating the Safety Element of the General Plan to address fire hazards when the City updates the Housing Element in 2023, and monitors the level of fire hazards within and surrounding the community. Resolutions and/or Ordinances could include:
  - Documenting the various existing hazards.
  - Assign staff/council personnel as liaisons to Monterey Fire and CalFire (Cypress Fire District).
  - Assist Monterey Fire in its current efforts in inspecting and identifying fire risks.
  - Update City Planning guidelines to reflect or not conflict with current California codes (CBC Chapter 7 & CRC R337) in the Very High Fire Hazard Severity (VHFHS) Zone.

**REFERENCES**

- Fire and Resource Assessment Program (FRAP) [ResilientCA.org](https://ResilientCA.org)
- Monterey Fire Defensible Space Inspection Program [mry.maps.arcgis.com](https://mry.maps.arcgis.com) , [monterey.org/fire](https://monterey.org/fire)
- CalFire Defensible Space/Home Hardening [readyforwildfire.org](https://readyforwildfire.org)
- CalFire Fire Severity Zone Viewer [gis.data.ca.gov](https://gis.data.ca.gov)
- Wildland Urban Interface (WUI) [frap.fire.ca.gov](https://frap.fire.ca.gov)
- Every Building's Wildfire Risk in Monterey County [defensibleapp.com](https://defensibleapp.com)

**History**

- Version 1 presented at committee meeting on 11/19/2020



# CITY OF CARMEL-BY-THE-SEA

## Hazard and Asset Summary Sheet for the Urban Forest

October 15, 2020

<b>TO:</b>	Climate Committee Members
<b>SUBMITTED BY:</b>	Scott Lonergan, Committee Member

### SUMMARY

**Asset:** Urban Forest

**Hazards:** Stronger Storms & Wind, More Variable Rainfall, Increased Temperature, Wildfires

**Version:** 1

#### General Comments and Outlook:

- Carmel-by-the-Sea's upper canopy trees impart a distinctive ambiance and identify to the City, and provide several climate adaptation benefits including reducing urban heat island effect, capturing stormwater runoff, improved air quality, and sequestering carbon
- Increased transpiration and water demand, coupled with less consistent water availability as a result of fewer, larger storms, and reduced fog, is increasing tree stress
- Tree species selection and density is a 50 to 100-year decision with implications for 1) tree resilience and ecology, 2) aesthetics, and 3) safety and maintenance cost

#### Identified Issues:

- Our urban forest lacks age and species diversity and is currently showing signs of stress.

#### Remaining Issues to be Understood:

- Urban forest consideration as part of Action Plan e.g. carbon capture, walkability and desirability of the environment

#### Possible actions to be recommended in the committee's Final Report

- Update the CBTS Forest Management Plan, including a public process to determine tree canopy species and density objectives, and a process for ongoing monitoring and plan review.

### REFERENCES

- CBTS Forest Management Plan: [https://ci.carmel.ca.us/sites/main/files/file-attachments/forest\\_management\\_plan\\_0.pdf?1510272614](https://ci.carmel.ca.us/sites/main/files/file-attachments/forest_management_plan_0.pdf?1510272614)
- Sara Davis, City Forester 15-Oct-2020 Climate Change Committee presentation video: <https://carmel.novusagenda.com/agendapublic/VODPreview.aspx?meetingVideoID=898ec714-3a25-42a8-ae8f-2441cf4c1440&index=329>
- Canopy.org including the 16-Jul-2020 Resilient Trees for a New Climate webinar, including presentations from Igor Lacan, and Dave Muffly: <https://canopy.org/more-trees-please/>

### History

- Version 1 presented at committee meeting on 11/19/2020
- Sent for comments to Sara Davis (City Forester) on 11/10/2020



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
EXTRAORDINARY BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert Harary, P.E, Director of Public Works
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Receive a presentation from Carmel Cares regarding the public/private partnership with the City

## RECOMMENDATION:

Receive a presentation from Carmel Cares regarding the public/private partnership with the City.

## BACKGROUND/SUMMARY:

The City of Carmel-by-the-Sea in general, and the Public Works Department in particular, have benefitted significantly from a number of volunteers and non-profit organizations who have stepped up to help us repair, maintain, and beautify the City during these difficult economic times resulting from the COVID-19 Pandemic.

One volunteer organization, called “Carmel Cares,” has been particularly helpful to Public Works this year. The City’s partnership with Carmel Cares has been very exciting, bold, unique, and mutually beneficial, and we hope this partnership continues for many years to come.

According to their website, [www.CarmelCares.org](http://www.CarmelCares.org) “Carmel Cares is a group of Carmelites dedicated to keeping Carmel-by-the-Sea a beautiful, inviting and safe place. We help by partnering with the City of Carmel and non-profits whereby our volunteers work on maintenance and improvement projects as well as community engagement programs. We do most of the work ourselves, but also fund various projects through a partnership with CarmelGives.org and the Carmel Chamber of Commerce.

With funding and support from another non-profit organization, Carmel Gives, Carmel Cares continues to recruit for Volunteer Caretakers to take responsibility for coordinating maintenance and improvements for various City assets around the Village. They currently have leaders for Forest Theater, Sunset Center Campus, the Scenic Pathway, Vista Lobos park, Park Branch Library grounds, WWI Memorial Arch, and many landscaped medians across the village. They have also created unique physical structures around Carmel that add to Carmel’s character. All volunteer efforts fall under the guidance of the Public Works Director and Public Works managers.

The City’s Donation and Gift Policy No. 2017-02 is to “establish a formal process for the acceptance and documentation of donations made to the City in a responsible, transparent, and accountable manner.”

Donations of items valued at \$2,499 or below may be accepted by the City Administrator. Donations of items valued at \$2,500 or more must be accepted by the City Council. A Donation Acceptance Form is filled out and issued to the donor for all non-labor donations. Staff will be submitting future agenda reports to the City Council on an approximate quarterly basis for formal acceptance, and appreciation, of donated goods and services.

The presentation from Dale Byrne, Chief Caring Officer of Carmel Cares, will provide an update on the public/private partnership success of the Carmel Cares program, review completed and ongoing projects, and address future opportunities. A similar presentation was given to the Forest and Beach Commission at their September 9, 2020 meeting.

#### **FISCAL IMPACT:**

None. All work described will be paid for or donated by volunteers. The Public Works Department will supplement their volunteers from time to time with labor, materials, and equipment when it is in the City's interest to do so.

#### **PRIOR CITY COUNCIL ACTION:**

At the October 6, 2020 meeting, the City Council adopted Resolution 2020-067 accepting donations from Carmel Cares including the roll up window at the concession stand at Forest Theater.

#### **ATTACHMENTS:**



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	November 2, 2020 Special Meeting Minutes, November 3, 2020 Meeting Minutes, and November 23, 2020 Special Meeting Minutes

## RECOMMENDATION:

Approve November 2, 2020 Special Meeting Minutes, November 3, 2020 Meeting Minutes, and November 23, 2020 Special Meeting Minutes as presented.

## BACKGROUND/SUMMARY:

The City Council routinely approves the Minutes of its meetings.

## FISCAL IMPACT:

None for this action.

## PRIOR CITY COUNCIL ACTION:

None for this action.

## ATTACHMENTS:

November 2, 2020 Special Meeting Minutes  
November 3, 2020 Meeting Minutes  
November 23, 2020 Special Meeting Minutes

**CITY COUNCIL SPECIAL MEETING**  
**Monday, November 2, 2020**  
**4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 4:30 p.m.

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

**PUBLIC APPEARANCES**

None

**CLOSED SESSION**

**Item A:** Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

**ADJOURNMENT**

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk



**REGULAR MEETING**  
**Tuesday, October 6, 2020**  
**4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor/Chair Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

**PUBLIC APPEARANCES**

None

**ANNOUNCEMENTS**

**Item A:** City Administrator Announcements

The City Administrator wished the Mayor happy birthday, thanked the Mayoral and Council Member candidates for a great campaign and stated a link will be available on the City's website for election results after 8:00 p.m.

**Item B:** City Attorney Announcements

The Mayor stated the City Council met in Closed Session on November 2, 2020 and discussed the matters listed on the agenda with no reportable action.

**Item C:** Councilmember Announcements

Council Member Theis stated Monterey Regional Waste Management District is researching ways to reopen Last Chance Mercantile.

Council Member Reimers discussed the Mutt Mitt Program, and recognized a donor who donated \$5,000 to the program.

Council Member Baron thanked Council Member Reimers for her service, complimented the Community Activities Commission and the Libraries & Community Activities Director for the City's farmers market, and discussed the upcoming Climate Committee meeting.

Mayor Potter thanked the election candidates for running a professional campaign.

## **CONSENT AGENDA**

Mayor Pro Tem Richards requested Item No. 5 be removed for separate discussion.

On a motion by Council Member Reimers and seconded by Council Member Theis, the City Council approved the Consent Calendar with the exception of Item No. 5 by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 5:** Resolution 2020-074 approving a partial waiver of the building fees and planning application fees associated with the Golden Bough Theater remodel

Mayor Potter requested clarification of the status of PacRep's fundraising.

The following members of the public spoke on this item:

Stephen Moorer  
Jeanette Witten

Discussion among the City Council and staff included discussion of the impact of Covid-19 on nonprofit organizations in the City and discussion of 'soft costs' and 'hard costs.' The City Council discussed their support of nonprofit organizations and an alternate option of waiving \$19,500 in fees was discussed. Additionally discussion took place regarding the cost of staff time, the elimination of all projects from the City's budget, being fiscally conservative and the reiteration of the City's support to offer a 50% reduction in fees at this time.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council approved Consent Calendar Item No. 5 as provided in the Staff Report, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, POTTER  
NOES: MAYOR PRO TEM RICHARDS  
ABSENT: NONE  
ABSTAIN: NONE

**Item 1:** October 5, 2020 Special Meeting Minutes, October 6, 2020 Meeting Minutes, and October 22, 2020 Special Meeting Minutes

**Item 2:** Monthly Reports for September: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report

**Item 3:** September 2020 Check Register Summary

### **CONSENT AGENDA CONTINUED...**

**Item 4:** Resolution 2020-073 authorizing and approving the City of Carmel-by-the-Sea current pay rates and ranges for At-Will classifications salary plan in accordance with Municipal Code 2.52.520 effective November 1, 2020

**Item 5:** Resolution 2020-074 approving a partial waiver of the building fees and planning application fees associated with the Golden Bough Theater remodel

**Item 6:** Resolution 2020-075 authorizing the City Administrator to execute Amendment No. 1 to the Measure X Pavement Management Programs Funding Agreement with the Transportation Agency for Monterey County

### **ORDERS OF BUSINESS**

**Item 7:** Resolution 2020-076 authorizing the placement of a plaque in the garden at the Harrison Memorial Library honoring longtime Carmel-by-the-Sea Garden Club member Shirley Meneice for her service to the community

The Libraries & Community Activities Director provided the staff report for this item.

Discussion among the City Council and staff included the City Council's appreciation of Ms. Meneice for her service to the community.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2020-076 authorizing the placement of a plaque in the garden at the Harrison Memorial Library honoring longtime Carmel-by-the-Sea Garden Club member Shirley Meneice for her service to the community, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 8:** Hold the Public Meeting to receive testimony on the proposed renewal of the Carmel Hospitality Improvement District and the levying of assessments

Council Member Theis stated she needs to recuse from this item because she owns a hotel and left the meeting at this time.

Visit Carmel Executive Director Amy Herzog gave the presentation for this item.

The City Council requested clarification regarding the proposed increase, specifically if this increase restricts the percentage to 3% for 10 years and requested clarification regarding how another increase could be processed in the future if needed.

**Item 8 continued...**

The following members of the public spoke on this item

Mark Watson  
Chris Woodman  
Mary Crowe

The City council thanked everyone involved for their hard work with this process.

No vote required, public meeting has been held and testimony received.

Council Member Theis returned to the meeting at this time.

**Item 9:** Resolution 2020-077 authorizing the Mayor to execute a fourth amendment to the City Administrator At-Will Employment Agreement effective November 1, 2020

Council Member Reimers provided the staff report for this item.

Discussion among the City Council included the City Council's appreciation of the thoroughness of the process, the City Administrator's 'fit' with the City and the Council's appreciation of the attention he gives to the village. The City Council requested that the City Administrator's goals be included in his file and reviewed on a regular basis.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council adopted Resolution 2020-077 authorizing the Mayor to execute a fourth amendment to the City Administrator At-Will Employment Agreement effective November 1, 2020, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

**Item 10:** Resolution 2020-078 accepting tree mitigation and donation from Laura Overett and approving a budget amendment to the Fiscal Year 2020/21 Adopted Budget for the North Dunes Habitat Restoration Project

The Public Works Director provided the staff report for this item.

The City Council requested clarification regarding the trees recommended to be removed.

Discussion among the City Council and staff included discussion of when and why the Dunes were purchased and the City Council expressed their appreciation to Ms. Overett for her generous donation. Council Member Reimers quoted from the July 15, 2008 North Dunes & Del Mar Dunes Habitat Restoration Plan written by Jean Ferreira, Botanist: "3. Identify Monterey Cypress landscaping areas in North Dunes that will be maintained as historical landscaping. Remove all other non-native trees in the dunes with exception of one landmark sized Eucalyptus tree at the corner of Ocean and N, San Antonio Ave."

**Item 10 continued...**

Council Member Reimers made a motion and Council Member Theis seconded.

The City Council and staff discussed the established North Dunes Plan and discussed an objection to changing that plan to allow the Council to identify and remove trees when that should be left up to staff. Additionally, the Council discussed supporting the action taken by the City Council two years ago, discussed restoring the Dunes and not restoring the forest; removal of the 10 trees was approved by the plan. Discussion took place regarding the growth of trees in the two years since the plan was adopted, the dimensional standard for removing trees, the restoration effort was to remove planted trees to propagate native dunes species, and discussion of the legality of making changes to which trees are removed. Additionally the City Council discussed using the donation to defer to staff to manage the plan a previous Council has approved. The motion honors the plan from 2008.

On a motion by Council Member Reimers and seconded by Council Member Theis, the City Council adopted Resolution 2020-078 accepting tree mitigation and donation from Laura Overett and approving a budget amendment to the Fiscal Year 2020/21 Adopted Budget for the North Dunes Habitat Restoration Project and "Included in this motion are Staff's recommendations for the \$21,250 to be allocated to the North Dunes Habitat Restoration Capital Improvement Project to fund the following tasks as amended - Native Solutions' dunes biologist, Joey Canapa , for data collection and preparation of the Year 4 and 5 technical report required by the Coastal Development Permit. With an estimated fee of \$7,000, an amendment to the Agreement with Native Solution would be submitted for Council approval at an upcoming meeting. While staff will continue to manage the overall project and have field crews support the project to the extent possible, staff does not have the technical knowledge nor sufficient time to perform these professional services in house; Design and installation of interpretive signage; the tree removal permit that has been approved by the Coastal Commission will be implemented immediately to remove the trees by the volleyball court and nearby as well as the additional trees permitted by the permit and selected by the Forester, Sara Davis. All trees to be removed are the planted trees by the Volleyball Court, designated to be removed in the Jean Ferreira, Botanist, report of July 15, 2008. Should they measure greater, should any trees measure greater than the 8" at chest height, one tree in another location on the Dunes will be allowed to remain, reducing the number of removals to nine; Potential split rail fencing along the site borders along San Antonio and Ocean Avenue", by the following roll call vote:

AYES: REIMERS, THEIS, RICHARDS, POTTER  
NOES: BARON  
ABSENT: NONE  
ABSTAIN: NONE

**FUTURE AGENDA ITEMS**

Council Member Baron requested the City Council discuss at a future meeting a pilot program that would close Scenic Avenue for recreational activities potentially one morning a week.

**CLOSING REMARKS**

Council Member Reimers thanked previous Council Members and those current Council Members who voted yes to restore the Dunes, thanked Save Our Native Dunes for honoring the original plan to restore the Dunes, thanked her supporters in her position and thanked the staff.

Council Member Theis thanked Council Member Reimers for her commitment to the City, for her service on the Planning Commission and expressed her appreciation for knowing where Council Member Reimers stood on certain issues. Council Member Theis also expressed appreciation for Council Member Reimers' boldness and thoroughness and stated she enjoyed working with her.

Council Member Baron thanked Council Member Reimers for her service and stated he enjoyed working with her over the past 2 years.

Mayor Pro Tem Richards stated he hates to see Council Member Reimers leave and expressed his appreciation for her willingness to listen.

City Administrator Rerig stated he is grateful for Council Member Reimers' support and bringing the Council together and stated she is a wonderful addition to the City team.

Mayor Potter thanked Council Member Reimers for her welcoming attitude and stated her leadership made a difference.

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 6:18 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

**CITY COUNCIL SPECIAL MEETING  
Monday, November 23, 2020  
4:30 PM**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 4:32 p.m.

Present: Council Members Baron, Reimers, Theis, Mayor Pro Tem Richards, Mayor Potter

**PUBLIC APPEARANCES**

None

**PUBLIC HEARINGS**

**Item 1:** CDP 18-231 - Beach Fire Management Pilot Program

The Acting Community Planning and Building Director provided the staff report for this item.

The following members of the public spoke on this item

Amy Hall

Jeannie McCullough

Discussion among the City Council and staff included discussion of the current program, the fiscal impact of the fire pits in a COVID and non-COVID era, a propane only program, potential "community fires" at which the community could enjoy a fire on the beach and discussion of other city's beach fire programs and restrictions. Additional discussion took place regarding the purpose for the item being heard by the City Council at this time and the implications if the City Council does not take action on the Pilot Program. The City Council discussed a previous request that the two sides of the issue get together and try to reach a compromise and discussed potentially extending the program for a year and a half or two years to allow time to test the success of the Pilot Program at a time when restrictions due to COVID are not in place. Discussion of the importance of taking action on the Pilot Program and discussion of potentially making the Pilot Program permanent took place.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council approved extending the current Beach Fire Pilot Program to May 31, 2022, by the following roll call vote:

AYES: BARON, THEIS, RICHARDS, POTTER  
NOES: REIMERS  
ABSENT: NONE  
ABSTAIN: NONE

**ADJOURNMENT**

Mayor Potter adjourned the meeting at 5:02 p.m.

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Britt Avrit, MMC  
City Clerk





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Monthly Reports for October: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report

## RECOMMENDATION:

Review and receive monthly reports.

## BACKGROUND/SUMMARY:

This is a monthly series of reports.

Based upon Council direction provided during the April 7, 2020 meeting, staff have added a new section to the monthly staff report regarding the home mail delivery program.

The invoice submitted by Peninsula Messenger Service for the month of October shows 182 residents are receiving mail delivery service.

## FISCAL IMPACT:

None for this action.

## PRIOR CITY COUNCIL ACTION:

Monthly approvals.

## ATTACHMENTS:

- Attachment #1 - City Administrator Contract Log
- Attachment #2 - Community Planning & Building Report
- Attachment #3 - Police, Fire & Ambulance Report
- Attachment #4 - Public Records Act Request Logs
- Attachment #5 - Public Works and Forester's Report for October 2020





# CITY OF CARMEL-BY-THE-SEA

## Monthly Report

October 2020

### Community Planning and Building Department

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Marnie R. Waffle, AICP, Acting Community Planning & Building Director
<b>SUBMITTED ON:</b>	November 23, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

#### OCTOBER 2020 – DEPARTMENT ACTIVITY REPORT

##### I. PLANNING APPLICATIONS:

In October of 2020, **26** planning permit applications were received.

##### II. BUILDING PERMIT APPLICATIONS:

In October of 2020, **49** Building Permit applications were received.

##### III. CODE COMPLIANCE CASES:

In October of 2020, **9** new code compliance cases were initialized.

##### IV. ENCROACHMENT APPLICATIONS:

In October of 2020, **37** encroachment permit applications were received.

##### V. YEAR-TO-DATE TRENDS

Table 1 includes the October 2020 totals, for planning and building permit applications, encroachments and code compliance cases with a comparison to October 2019 totals. As shown in the table, in 2020 there was a **37% decrease** in planning permit applications, a **31% decrease** in building permit applications, **66% decrease** in code compliance cases, and a **50% increase** in encroachment permit applications compared to the same period 2019.

**Table 1. Permit Application Totals**

	<u>Planning</u>	<u>Building</u>	<u>Code Compliance</u>	<u>Encroachments</u>
<b>2019 Totals</b>	452	639	348	210
<b>2020 Totals</b>	284	439	118	315
<b>% Difference</b>	-37%	-31%	-66%	50%



## Planning Permit Report

10/01/2020 - 10/31/2020

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
20323	Design Study	REMODEL OF AN EXISTING SINGLE FAMILY RESIDENCE WITH DETACHED GARAGE. REVISION TO PREVIOUSLY APPROVED DESIGN STUDY DS 15-322 TO CHANGE EXTERIOR MATERIALS, DOOR AND WINDOW LOCATIONS.	Northeast Corner of San Antonio and Ocean Avenues			In Review
20322	Business License	<p>1. This business license BL 20-322 (Studio Fogline) authorizes use of a 200 square foot commercial space offering the following goods and services.</p> <p>a. Primary Use: This use is classified as an offices of a mail order houses or catalog order store (NAICS 454110):</p> <p>i. This industry comprises establishments primarily engaged in retailing all types of merchandise using nonstore means, such as catalogs, toll free telephone numbers, or electronic media, such as interactive television or the Internet. Included in this industry are establishments primarily engaged in retailing from catalog showrooms of mail-order houses.</p> <p>ii. Offices of mail order houses or catalog order stores with no retail outlet are allowed in the RC district (CMC 17.14.040.T.6.b). Retail sales from the business space is prohibited.</p> <p>b. Ancillary Use: The Ancillary Use shall be classified as a Interior Design Service (NAICS 541410):</p>	8th Avenue 4 NW of San Carlos	10/28/2020		Approved

		i. This industry comprises establishments primarily engaged in planning, designing, and administering projects in interior spaces to meet the physical and aesthetic needs of people using them, taking into consideration building codes, health and safety regulations, traffic patterns and floor planning, mechanical and electrical needs, and interior fittings and furniture. Interior designers and interior design consultants work in areas, such as hospitality design, health care design, institutional design, commercial and corporate design, and residential design. This industry also includes interior decorating consultants engaged exclusively in providing aesthetic services associated with interior spaces.				
20320	Design Study	Demolition of existing single family residence and construction of new 2-story residence.	San Antonio 5 SE of 8th			In Review
20319	Design Study	New Driveway Gate located in the shared easement at the front of the property requiring review and approval by the Planning Commission	26162 Ladera Drive	10/26/2020	11/10/2020	Approved
20318	Sign	Commercial sign for Big Little Boxes located at Carmel Square	San Carlos between ocean and 7th	10/23/2020	11/3/2020	Approved
20317	Design Review	Replacement of 7, 150 wall, 2,700 - Kelvin, High-pressure sodium parking lot lights with 24-watt (150-watt equivalent), 2700-Delvin LED's. Only the bulbs, ballasts and associated wiring will be replaced. The light poles and light fixtures will not be replaced and will remain in the same locations.	SS Eighth between Mission and San Carlos (Sunset Center North Parking Lot)	10/23/2020		In Review
20316	Design Study	Replacing existing windows with energy efficient dual pane windows	4 Santa Rita SW 3rd.			Closed
20315	Business License	Psychotherapist Office	Lincoln 2 NW of 7th			Closed

20314	Use Permit	Extend operating hours to midnight	Lincoln SE of Ocean Avenue	10/22/2020		Scheduled for PC
20313	Business License	<p>This business license authorizes the use of a 1,080 square foot restaurant space located in the Service Commercial (SC) Zoning District, offering the following goods and services: Primary Use: This use is classified as a Full-Line Restaurant (NAICS 722110): Approval of this permit authorizes the establishment of a full-line restaurant</p> <p>selling a full line of prepared food and drinks for on-site consumption using non-disposable plates, glasses and utensils. This use is permitted as per Use Permit UP</p> <p>13-1 (Pastries &amp; Petals). The restaurant is authorized 24 interior seats and 23 exterior seats. Ancillary Use: The sale of alcoholic beverages is permitted, but shall be subordinate to the primary use. No more than 20% of the seating is permitted at a bar or in a separate bar room. Other goods or services not directly related to the authorizations listed in condition #1 are prohibited. The use shall be operated in compliance with the floor plan, menu, and business description included as part of the application received on November 14, 2020.</p>	Mission between 4th and 5th	10/21/2020	11/18/2020	Approved
20312	Design Study	EXTEND MAIN LEVEL OF AN EXISTING SINGLE FAMILY RESIDENCE WITH ATTACHED LOWER LEVEL GARAGE. ADD MASTER BEDROOM SUITE. REMODEL INTERIOR INCLUDING KITCHEN AND BATHROOMS. REPLACE EXTERIOR SIDING, ROOF, WINDOWS AND DOORS.	CAMINO REAL 6 NORTHEAST OF 4TH AVENUE			In Review

20310	Design Study	Install artificial turf and landscape upgrade/revision	Santa Fe 4 SE of 1st	10/21/2020		In Review
20309	Design Study	Landscape renovation to include 63' of 18" high stucco wall with stone cap along driveway, 10 x 12 stone patio, 40' long gravel stepped pathway, removal of 12 Catalina Cherry Trees	2996 Franciscan Way	10/22/2020		Corrections Required
20306	Variance	Variance assoc. with DS 20-191 (Brookes). Request for a variance to the cumulative side yard setback regulation based on existing, irregular lot configuration	Carmel 2 NW of 12th	10/20/2020		In Review
20305	Design Study	Demolish duplex, new 1600 s.f. SFR with 200 s.f. garage	SEC Lincoln and 3rd Ave.			In Review
20304	Sign	Additional sign in window next to existing Songbird Counseling sign	Lincoln, 2 NW of 7th	10/15/2020	11/3/2020	Approved
20303	Business License	Retail sales of bespoke home and garden goods	San Carlos 3 NW of 8th	10/15/2020		Corrections Required
20302	Historic Evaluation	Historic Determination of existing residence that has been substantially remodeled	Ocean Avenue 2 NW of Guadalupe	10/13/2020		In Review
20301	Bench Dedication	Bench for late wife Carole Weston Kyewski	Desired location - 1st Murphy Park	10/13/2020		In Review
20300	Design Study	Remodel interior, new Addition, Garage to be demolished and rebuilt and relocated on property	Dolores 5 NW of 2nd	10/12/2020		In Review
20299	Design Study	Construct an 88 SF bathroom addition under the CBTS 2nd bathrom protocl. The new bathroom will be constructed at the rear of the property as described in the enclosed construction drawings. It will be installed where there is existing site coverage and that site coverage will be removed prior to constructing the new bathroom. No new site coverage will be installed as a a result of this addition & existing site coverage of 2 x 88 sf or 176 sg of site coverage will be removed by the owner as reuired by	Santa Fe 3 SE of 2nd	10/13/2020		Corrections Required

		the 2nd Bathroom protocol. The architectural style of the roofline for the addition and all construction materials and windows will be consistent and compatible with the existing look. the New bathroom will consist of a shower and single washbasin and toilet.				
20298	Preliminary Site Assessment		6th 2 NE of 8th			Pending Assignment
20297	Landscape Plan Check/Inspection	Remove Large eugenia bushes in the rear yard and replace with plants per attached landscape plan	4920 Monterey Street	10/9/2020		In Review
20296	Design Study	1. This approval authorizes the repair of a 90 square foot second story deck and addition of a tile walking surface and new metal railing. The project also includes the replacement of a garage door and the painting of the exterior trim brown trim "Mexican Sand Dollar" by Kelly Moore. The project shall be consistent with the project plans and supplemental materials prepared by William Mefford, dated received, November 10, 2020, except as modified by the conditions of approval herein	Carmelo 3 NE of Santa Lucia	10/9/2020	11/16/2020	Approved
20295	Design Study	Spa & retaining wall to be added. Replacement of south gravel walkway with permeable surface. Adjustments of patio footprints.	26174 Dolores Street	10/20/2020		In Review
20294	Design Review	Outdoor seating on private property				In Review

Total Records: 26

11/23/2020





## Building Permit Report

10/01/2020 - 10/31/2020

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
200441	10/29/2020	10/29/2020	Residential. Remove and replace leaking water heater. Install Bradford White 50 gallon electric water heater. Contact: A & R Plumbing (831) 394-7221	2,000	Plumbing	SE Corner Mission & 4th, Unit #1
200440	10/29/2020		Residential. Install approx 60' of new water service. Contact: Chris Wilson Plumbing and Heating (831) 393-9321	6,026	Building	Casanova 5 SW of 9th
200439	10/29/2020	10/30/2020	Residential. Install shower at existing location. Contact: JD's Plumbing (831) 394-3100	5,000	Plumbing	Casanova 3 SW of 13th
200438			VOID	0	Building	
200437	10/30/2020	10/30/2020	Commercial. Repair damage to existing fence. Revised: Replace approx. 66' of perimeter fencing around property in the same location and at the same height. Contact: Cecile Williamson (831) 624-3825	0	Exempt Work	SW Corner Ocean Avenue & Casanova
200436	10/30/2020		Residential. Installing 11 solar P.V panels with battery storage on existing residential roof. No change to electric system	26,076	Building	Torres 2 NE of 4th
200435	10/29/2020	10/29/2020	Residential. Replace a 100amp main electrical panel in-kind. Contact: Wright Electrical Company (831) 207-1519	3,100	Electrical	Camino Real 5 NW of 4th
200434	10/29/2020		Commercial. Replace (e) roof-top package unit with new Bryant 577CPWC48090 in-kind with 90k BTU unit. Contact: R & S Heating & Sheet Metal (831) 641-0508	10,900	Mechanical	SE Corner Ocean & Dolores
200433	10/30/2020		Residential. Installing 14 solar P.V panels with battery storage on existing residential roof. No change to electric system	20,849	Electrical	Santa Fe 2 NE of 1st
200432	10/29/2020	10/29/2020	Remove and replace 60,000 BTU furnace/AC unit. Contact: Chris Wilson Plumbing and Heating (831) 375-4591	10,000	Mechanical	Dolores 4 NE of 1st

200430	10/29/2020	10/30/2020	Residential. Re-roofing: Remove existing wood shake roofing and replace section on 1st story SE side, Certainteed Presidential TL autumn blend color. Contact: Dority Roofing (831) 375-8158	18,400	Roofing	Vizcaino 7 SW of Mountain View
200429	10/23/2020	10/30/2020	Commercial. Remove old galvanized metal roof, install 1/2" ultra fold barrier to separate old roof from new. Install 60 mil with PVC membrane CONDITION: COLOR OF PVC MUST BE TAN, replace old pipe penetrations 10" or smaller vent assemblies with new PVC flashings. Install 2" 2pc compression metal drip edge. Contact: Ross Roofing (831) 394-8581	32,775	Building	San Carlos 2 SE 5th
200428	10/23/2020		Residential. Installing 11 solar P.V panels with battery storage on existing residential roof. No change to electric system.	26,076	Electrical	Torres 2 NE of 4th
200427	10/22/2020		Residential. Installation of 3.780 kW - 9 panel solar array.	22,000	Electrical	Scenic 4 NE of 12th
200426			VOID	24,000	Building	
200425	10/22/2020		Residential. Remodel kitchen. All appliances to go back in same location. Add track lighting on walls.	40,000	Building	Casanova 7 SW of 13th
200424			VOID	0	Building	
200423	10/19/2020	10/20/2020	Residential. Re-roofing: Remove existing shake roof and replace with a CertainTeed Landmark TL composition shingles, Country Grey. Contact: Dority Roofing (831) 375-8158	51,040	Roofing	Scenic 4 NE of 12th
200422	10/19/2020	10/19/2020	Residential. Replace (e) 100 amp main panel with new 100 amp main electrical panel. Contact: Mike Bruno Electric (831) 402-1221	2,300	Electrical	SE Corner Lincoln & 1st
200421	10/19/2020		Residential. Solar PV/ gridtied / 7.13kw/ 19 modules / add 125a subpanel.	35,500	Electrical	Forest 2 SE of 8th
200420	10/16/2020		Residential. Open portions of framing to expose interior foundation, floor, wall and roof connections to better understand (e) buildings, identify structure and prepare for full permit submission. Remove hazardous exterior stucco/paint and replace to match existing.	68,160	Demolition	San Antonio 2 NE of Santa Lucia

200419	10/16/2020		Residential. Remodel including 2 baths, bedroom on main floor, remove existing kitchen and bath on upper floor and replace, new deck over existing lower floor bedroom and guardrails.	527,839	Building	Camino Real 5 SW of 10th
200418	10/15/2020		Residential. Additions to (e) SFR with new detached 1 car garage.	500,000	Building	Carmelo 3 SW of 7th
200417	10/14/2020	10/14/2020	Residential. Replace 11 (e) wood windows in existing openings with Jeldwen solid wood windows. Contact: Austin Barker (831) 229-8287	0	Exempt Work	Casanova 3 SW of 13th
200416	10/14/2020		Residential. Remodel existing residence and add addition.	350,000	Building	North Camino Real 4 SW of 2nd
200415	10/13/2020	10/13/2020	Residential. Replace kitchen windows with new Sierra Pacific aluminum clad windows and doors with simulated divided lights. Contact: RC Benjamin (831) 236-8437	0	Exempt Work	Junipero 3 SE of 12th
200414	10/12/2020	10/28/2020	Residential. INTERIOR REMODEL ONLY, REPLACE EXISTING KITCHEN FIXTURES, CABINETS, AND APPLIANCES WITH NEW FIXTURES, CABINETS, AND APPLIANCES. Contact: Wayfinder Development (831) 521-2489	25,000	Building	Casanova 3 SE of 2nd
200413	10/12/2020	10/12/2020	Residential. Remove & replace water heater in basement. Install 40 gallon Bradford-White water heater. Contact: A&R Plumbing (831) 394-7221	2,500	Plumbing	Vista 2 NW of Mission
200412	10/12/2020	11/18/2020	Residential. Installation of 1 energy storage system. Contact: Tesla (805) 821-1010	7,000	Electrical	SW Corner Camino Real & 11th
200411			Residential	0	Building	
200410	10/12/2020	10/14/2020	Residential. Remove composition shingles - install composition shingles. Contact: SEL Roofing & Waterproofing (831) 277-6738	15,534	Roofing	NW Corner Santa Rita & 1st
200409	10/9/2020	10/9/2020	Residential. Water heater leaks and needs to be changed.	0	Plumbing	Mission 5 SW of 12th

200408	10/8/2020		Residential. Installation of two energy storage systems. Contact: Tesla (805) 821-1010	14,000	Electrical	San Antonio 4 NW of 12th
200407	10/8/2020	10/8/2020	Residential. Overhead meter main load center service change from 100 amp to a 200 amp service. Contact: Craft Electric Co (831) 915-3488	3,000	Electrical	Guadalupe 4 SE of 5th
200406	10/7/2020		Residential. Voluntary Floor Stabilization and Drainage Installation in Crawlspace. Contact: Mark Phelps (925) 961-7912	10,000	Building	Torres 3 SW of 2nd
200405	10/6/2020	10/13/2020	Residential. Remove 1 structural column and replace with 2 new beams and 4 new columns. Contact: Stepanek Construction (831) 915-2730	12,000	Building	SW Corner Junipero & 5th
200404	10/5/2020		Residential. Remove & dispose of (e) tar & gravel roof. Inspect and replace any damaged wood. Install Malarkey roofing system, replace all pipe, plumbing vent, drain pipe flashings. Mop a flood coat of hot asphalt and install 1/4" crushed gray granite over roof. Contact: Ross Roofing (831) 394-8581	18,306	Roofing	1st 2 SW of Dolores
200403	10/23/2020		Residential . Remove existing tile on deck and replace with two layers of fire sheet, single ply 60 MIL PVC roofing material. Remove gutters and down spouts and replace with new. Secure existing railing, install pedestals with slip sheet, and Install porcelain pavers.	21,600	Roofing	Carmelo 4 NW of 4th
200402	10/5/2020		Residential. New ADU and JADU, 1232 s.f. addition.	400,000	Building	Santa Fe 3 SW of 4th
200401	10/5/2020	10/5/2020	Residential. Replace an (e) forced air heating system including 95%+ efficient furnace and new duct work. Contact: Hardy Quality Air (831) 722-3242	9,000	Mechanical	Santa Fe 3 SW of Mtn View
200400	10/5/2020	10/15/2020	Residential. Replace emeter main electrical service panel with new 200 amp main panel. Contact: Tschudin Electric, Inc. (831) 224-2229	3,000	Electrical	26000 Junipero Ave
200399	10/5/2020	11/2/2020	Residential. Remove & replace sheetrock - 2 BR, LR & small connecting hall (not include either bath or kitchen). Contact: Bill Nurge (408) 750-6199	2,500	Building	Monte Verde 2 SE of 7th

200398			Remove existing Eugenia bushes and replace as per plan	500	Building	4920 Monterey St.
200397	10/1/2020	10/7/2020	Residential. Tear off (e) roof & install Presidential TL shingles over 15 lb felt & osb plywood. Contact: Williams Roofing Company (831) 758-2749	20,000	Building	Camino Real 3 SW of 4th
200396	10/1/2020	11/2/2020	Residential. Install new 16 SEER Bryant 126CNA036000 air conditioner. Contact: R & S Heating & Sheetmetal (831) 641-0508	8,600	Mechanical	SW Corner of Monterey and 1st
200395	10/1/2020	11/2/2020	Residential. Install new Bryant 189BNV025000, 19 SEER air conditioner. Contact: R&S Heating & Sheetmetal (831) 641-0508	9,800	Mechanical	Lincoln 3 SE of 11th
200394			Roof Top Solar Installation 7.02kw system	23,000	Electrical	Perry Newberry Way 2 s/w 4th Ave.
200393	10/1/2020	10/1/2020	Residential. Install electrical for under cabinet light.	750	Electrical	San Carlos 4 NE 1st
200392			Residential	0	Building	

Total Records: 49

11/23/2020



## Code Compliance Report

10/01/2020 - 10/31/2020

Case #	Case Type:	Status	Location	Problem Description	Date Received	Date Closed
20125	Skin Care Complaint	Closed	Ocean NE of Dolores	Soliciting sales outside of business	10/26/2020	10/27/2020
20124	Skin Care Complaint	Closed	Ocean NE of Dolores	Soliciting sales outside of business	10/25/2020	10/27/2020
20123	Skin Care Complaint	Closed	Ocean NE of Dolores	Soliciting sales outside of business	10/22/2020	10/27/2020
20122	Business License Violation	Closed	Ocean NW of Dolores	Souvenir displays	10/22/2020	10/28/2020
20120	Sign Violation	Open	San Carlos NE of 7th	Sign Violation	10/17/2020	
20119	Lighting Violation	Open	NW Corner of Scenic and 8th	Bright exterior light	10/13/2020	
20118	Skin Care Complaint	Closed	Ocean NE of Dolores	Soliciting sales outside of business	10/6/2020	10/6/2020
20117	Business License Violation	Closed	Ocean NE of Dolores	Soliciting sales outside of business	10/3/2020	10/3/2020
20115						

Total Records: 9

11/23/2020



## Encroachment Permit Report

10/01/2020 - 10/31/2020

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
200315	Temp Ench	10/29/2020	Trenching of access to underground gas lines as well as power/electrical and sewer. Contact: Rocky Maguire Inc (831) 236-4309	Casanova 7 NW of Ocean, Lot 2		In Review
200314	Temp Ench	10/29/2020	Trenching of access to underground gas lines as well as power/electrical and sewer. Contact: Rocky Maguire Inc (831) 236-4309	Casanova 7 NW of Ocean, Lot 3		In Review
200313	Temp Ench	10/29/2020	Trenching of access to underground gas lines as well as power/electrical and sewer. Contact: Rocky Maguire Inc (831) 236-4309	Casanova 7 NW of Ocean, Lot 1		In Review
200312	Temp Ench	10/29/2020	Replace 30' of 4" lay sewer line 8' deep with manufacture wye. CONDITION: SHORING MUST BE PROPERLY INSTALLED AND MAINTAINED. Contact: Chris Wilson Plumbing and Heating (831) 393-9321	Santa Rita 3 NE of 5th	11/2/2020	Approved
200311	Temp Ench	10/29/2020	Deactivate 1/2" HP plastic service at main. PG&E to do all work. PM 35177951. Contact: PG&E 831-521-6282	San Antonio 2 SW of 4th	11/5/2020	Approved
200310	Driveway	10/29/2020	Remove (e) driveway and front patio and replace with pavers. No change to existing grade. Contact: Goldstone Masonry (831) 521-3662	NW Corner Lincoln & 11th		In Review
200309	Temp Ench	10/28/2020	Replace water service pipe in front yard from meter to house	SW Corner of Lobos & 2nd	10/28/2020	
200308	Temp Ench	10/29/2020	Replace water service pipe in front yard from meter to house. Contact: MyPlumber Inc (831) 682-1934	SW Corner Lobos & 2nd		In Review

200307	Temp Ench	10/26/2020	Replace sewer lateral using pipe bursting. 811 # X029502302. Contact: Rooter King (831) 394-5315	San Carlos 5 NE of 3rd	10/29/2020	Approved
200306	Temp Ench	10/23/2020	PG&E to install new underground service. Applicant to trench, install substructures and backfill. PM #35147344. Contact: PG&E (831) 521-6282	Scenic 3 NW of 8th	10/23/2020	Approved
200305	Temp Ench	10/22/2020	Trenching for PG&E to upgrade gas and electrical service. Contact: Gary Brown (831) 419-5683	1 Sand & Sea		In Review
200304	Temp Ench	10/21/2020	PG&E to install new gas service. PM #35138521. Contact: PG&E (831) 521-6282	Torres 2 SW of 9th	10/21/2020	Approved
200303	Temp Ench	10/21/2020	4" fire service, tie in at existing 6" water main, 4" fire line to building corner, vertical DDC, AC and concrete patch paving. Contact: MPE (415) 377-3618	Lincoln 2 SE of Ocean	10/29/2020	Approved
200302	Temp Ench	10/20/2020	Replace sewer lateral using pipe bursting. 811# W029300613. Contact: Rooter King (831) 394-5315	Torres 2 SE of 5th	10/20/2020	Approved
200301	Temp Ench	10/20/2020	PG&E to install transponder underground service and meter. Contact: PG&E (831) 521-6282	Scenic 7 NW of 8th	11/6/2020	Approved
200300	Temp Ench	10/20/2020	Replace sewer lateral using pipe bursting. 811 # X029302704. Contact: Rooter King (831) 394-5315	Dolores 3 SW of 7th	10/20/2020	Approved
200299	Temp Ench	10/19/2020	PG&E to replace overhead transformer. Applicant to trench/backfill all and provide electric substructures PG&E to make final connections. Contact: PG&E (831) 521-6282	Guadalupe 2 NE of 2nd	10/19/2020	Approved
200298	Driveway	10/19/2020	Take out old asphalt driveway and replace with 1/2" fine asphalt. 13'x100' driveway. Contact: Coastal Paving and Excavating (831) 809-8991	2nd 2 SE of Torres	11/16/2020	Approved
200297	Temp Ench	10/19/2020	Remove and replace asphalt patch in the intersection of Junipero & 3rd. Contact: MPE (831) 277-6134	SE Corner Junipero & 3rd	10/19/2020	Approved
200296	Temp Ench	10/19/2020	Access the public right-of-way on the beach property to remove two tea trees along south side of driveway. Contact: Ron Brown (831) 620-1352	1 Sand & Sea		In Review
200295	Temp Ench	10/16/2020	PG&E to install overhead transformer, riser and meter. PM: 35158836. Contact: PG&E (831) 521-6282	Camino Real 2 SW of 2nd		In Review



200294	Temp Ench	10/16/2020	Placement of a pod to store furniture during floor refinishing. Contact: Wayne Wood (831) 905-6799	San Carlos 2 NE of 2nd	10/19/2020	Approved
200293	Temp Ench	10/16/2020	Replace sewer lateral using pipe bursting. 811# W028800421. Contact: Rooter King (831) 394-5315	Lobos 4 NE of 3rd	10/19/2020	Approved
200292	Temp Ench	10/14/2020	Replace sewer lateral using pipe bursting. 811# W028100178. Contact: Rooter King (831) 394-5315	Casanova 2 NE of 7th	10/14/2020	Approved
200291	Temp Ench	10/13/2020	Replacement of sewer lateral using pipe bursting. 811# W028000289. Contact: Rooter King (831) 394-5315	1st 2 NE of Lobos	10/13/2020	Approved
200290	Temp Ench	10/13/2020	Replacement of sewer lateral using pipe bursting. 811# W028100185. Contact: Rooter King (831) 394-5315	San Carlos 3 NE of 13th	10/13/2020	Approved
200289	Temp Ench	10/13/2020	Replacement of sewer lateral using pipe bursting. 811# W028100180. Contact: Rooter King (831) 394-5315	San Antonio 4 NE of 4th	10/13/2020	Approved
200288	Temp Ench	10/13/2020	Remove and replace a 3x3 square of sidewalk. Contact: Perkins Grading & Underground (831) 236-1101	San Carlos 2 NE of 12th	10/19/2020	Approved
200287	Temp Ench	10/13/2020	Replace approx 80' of sewer line from clean out through breezeway to city main in Dolores St. 811# W028200189. Contact: ACME Plumbing (831) 422-2311	San Carlos 3 SW of 5th	10/14/2020	Approved
200286						
200285	Temp Ench	10/8/2020	Replace sewer lateral using pipe bursting. 811# W027300022. Contact: Rooter King (831) 394-5315	Santa Fe 2 SE of Ocean	10/8/2020	Approved
200284	Temp Ench	10/7/2020	AT&T Job A01TTTR to place 1 ground bed. CONDITION: ALL WORK TO REMAIN AT LEAST 12" CLEAR OF STORM DRAIN. Contact: AT&T (559) 454-4900	NE Corner Dolores & 11th	10/20/2020	Approved
200283	Driveway	10/5/2020	Demo (e) asphalt driveway, grade (e) baserock, install new CalStone pavers. Contact: Valley Lanscaping & Paving (831) 596-1344	SE Corner Lobos & Valley Way	10/8/2020	Approved
200282	Temp Ench	10/5/2020	Placement of POD in driveway to store furniture while painting. Contact: Chris Tescher (831) 594-7721	Carmelo 2 SW of Ocean	10/6/2020	Approved
200281	Driveway	10/5/2020	Replace (e) asphalt driveway with Belgard Cambridge Cobble pavers from garage almost to street, leaving a 4' asphalt apron. Replace (e)	Santa Fe 3 SE of 2nd	10/9/2020	In Review

			brick walk with pavers. Contact: Black Diamond Landscaping (831) 206-8795			
200280	Temp Ench		Outdoor Seating in the Public Way for wine tasting			
200279	Temp Ench		Outdoor Seating in the Public Way for wine tasting			

Total Records: 37

11/23/2020



# CITY OF CARMEL-BY-THE-SEA Monthly Report

October 2020

Public Safety

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Paul Tomasi, Public Safety Director
<b>SUBMITTED ON:</b>	November 12, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

## AMBULANCE REPORT

### Summary of Carmel Fire Ambulance October Calls for Service

#### AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of October 2020 the ambulance was able to meet the performance measure. The response time was 96% with (1) code-3 call over 5 minutes.

47 total calls for service in CBTS

26 Code 3 EMS calls for service – Average response time: 2:58 min, (One EMS calls over 5:00 min)

## MONTEREY FIRE REPORT

### Summary of Monterey Fire October Calls for Service

#### FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of October 2020 the fire department was able to meet the performance measure. The response time was 96% with (1) code-3 calls over 5 minutes.

63 total calls for service in CBTS Average response time: 3:38 min.

44 total Code-3 calls

## BEACH FIRES

Illegal beach fire statistics were not recorded during the month of October.



## RESPONSE SUMMARY REPORT BY DISTRICT

### 27015 CARMEL-BY-THE-SEA FIRE AMBULANCE

Alarm Dates: 10/01/2020 to 10/31/2020



## MEDICAL RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
201001-CFA01080	Emergent	10/1/2020	6:58:46 PM	6:58:54 PM	0:00:08	7:43:56 PM	CAMINO REAL ST ,
201003-CFA01092	Emergent	10/3/2020	10:30:55 PM	10:34:00 PM	0:03:05	11:30:52 PM	OCEAN AVE / SAN
201004-CFA01093	Emergent	10/4/2020	12:11:23 AM	12:15:59 AM	0:04:36	12:24:30 AM	PINE RIDGE RD / F
201004-CFA01096	Emergent	10/4/2020	7:58:07 PM	8:00:09 PM	0:02:02	8:04:48 PM	SAN CARLOS ST /
201005-CFA01102	Emergent	10/5/2020	6:39:05 PM	6:41:17 PM	0:02:12	7:15:01 PM	MONTE VERDE ST
201006-CFA01103	Emergent	10/6/2020	12:14:33 PM	12:18:55 PM	0:04:22	1:04:31 PM	LINCOLN ST / 12TH
201012-CFA01119	Emergent	10/12/2020	11:05:16 PM	11:08:58 PM	0:03:42	11:19:59 PM	CAMINO REAL ST ,
201013-CFA01125	Emergent	10/13/2020	8:36:26 PM	8:38:06 PM	0:01:40	9:25:00 PM	DOLORES ST / 5TH
201014-CFA01126	Emergent	10/14/2020	9:41:59 AM	9:44:42 AM	0:02:43	9:50:00 AM	SAN ANTONIO AVE
201014-CFA01130	Emergent	10/14/2020	10:54:22 PM	10:59:01 PM	0:04:39	11:21:04 PM	CARMELO ST / 10TH
201019-CFA01161	Non-Emergent	10/19/2020	5:52:38 AM	5:58:54 AM	0:06:16	6:08:18 AM	CAMINO REAL ST ,
201020-CFA01170	Emergent	10/20/2020	9:21:00 AM	9:28:00 AM	0:07:00	10:36:00 AM	SANTA LUCIA/FRA
201022-CFA01182	Emergent	10/22/2020	8:03:03 PM	8:05:51 PM	0:02:48	8:09:00 PM	307 STIRLING RD
201023-CFA01183	Emergent	10/23/2020	4:59:12 AM	5:02:20 AM	0:03:08	5:15:49 AM	OCEAN AVE / MISSOURI
201023-CFA01190	Emergent	10/23/2020	3:06:24 PM	3:10:47 PM	0:04:23	3:45:00 PM	OCEAN AVE / DEL
201024-CFA01195	Emergent	10/24/2020	11:14:00 AM	11:17:23 AM	0:03:23	11:53:26 AM	SANTA FE ST / OC
201025-CFA01199	Emergent	10/24/2020	11:53:07 PM	11:55:32 PM	0:02:25	12:41:44 AM	8TH AVE / SANTA
201025-CFA01200	Emergent	10/25/2020	10:35:38 PM	10:38:39 PM	0:03:01	11:04:00 PM	4TH AVE / SAN CA
201026-CFA01210	Emergent	10/27/2020	9:01:54 AM	9:03:07 AM	0:01:13	9:59:14 AM	OCEAN AVE / MISSOURI
201027-CFA01211	Emergent	10/27/2020	10:32:22 AM	10:34:04 AM	0:01:42	11:30:00 AM	LINCOLN ST / 5TH
201027-CFA01212	Emergent	10/27/2020	2:10:18 PM	2:13:16 PM	0:02:58	3:14:44 PM	4TH AVE / SANTA
201027-CFA01215	Emergent	10/27/2020	9:23:40 PM	9:24:37 PM	0:00:57	9:38:46 PM	SAN CARLOS ST /
201028-CFA01219	Emergent	10/28/2020	2:50:49 PM	2:53:23 PM	0:02:34	3:00:21 PM	OCEAN AVE / SCENIC

201030-CFA01225	Emergent	10/30/2020	2:52:25 PM	2:54:49 PM	0:02:24	3:26:46 PM	LINCOLN ST / 6TH
201030-CFA01226	Emergent	10/30/2020	5:51:04 PM	5:53:37 PM	0:02:33	5:56:05 PM	OCEAN AVE / DEL
201030-CFA01228	Emergent	10/30/2020	6:56:29 PM	6:57:44 PM	0:01:15	7:29:25 PM	OCEAN AVE / SCEI

<b>NUMBER OF EMS INCIDENTS</b>	<b>26</b>	<b>AVERAGE RESPONSE</b>	<b>0:02:58</b>
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### FIRE RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
201001-CFA01075	Non-Emergent	10/1/2020	12:13:14 PM	12:17:12 PM	0:03:58	12:24:32 PM	SAN CARLOS ST /
201001-CFA01076	Non-Emergent	10/1/2020	4:13:01 PM	4:17:07 PM	0:04:06	4:24:35 PM	26010 RIDGEWOOD
201003-CFA01088	Emergent	10/3/2020	10:06:27 AM	10:09:22 AM	0:02:55	10:24:19 AM	SANTA FE ST / 4TH
201003-CFA01089	Emergent	10/3/2020	10:31:41 AM	10:33:01 AM	0:01:20	10:49:23 AM	CARPENTER ST / 5
201007-CFA01105	Non-Emergent	10/7/2020	6:09:06 PM	6:13:00 PM	0:03:54	6:20:00 PM	CARPENTER ST / 5
201011-CFA01114	Emergent	10/11/2020	5:09:11 PM	5:12:23 PM	0:03:12	5:22:53 PM	DOLORES ST / 131
201012-CFA01117	Emergent	10/12/2020	3:33:09 PM	3:39:12 PM	0:06:03	3:56:22 PM	SCENIC RD / 8TH
201015-CFA01135	Emergent	10/15/2020	8:00:46 PM	8:04:06 PM	0:03:20	8:09:54 PM	DOLORES ST / 3RD
201015-CFA01136	Emergent	10/15/2020	10:52:06 PM	10:56:53 PM	0:04:47	11:01:29 PM	LOBOS ST / VALLE
201018-CFA01156	Emergent	10/18/2020	9:42:45 AM	9:46:42 AM	0:03:57	9:49:33 AM	CASANOVA ST / 1
201018-CFA01157	Emergent	10/18/2020	10:16:59 AM	10:20:51 AM	0:03:52	10:25:13 AM	GUADALUPE ST / 1
201022-CFA01176	Emergent	10/22/2020	11:41:39 AM	11:44:19 AM	0:02:40	11:45:43 AM	OCEAN AVE / TORI
201022-CFA01178	Emergent	10/22/2020	2:11:50 PM	2:15:53 PM	0:04:03	2:18:09 PM	LINCOLN ST / 13TH
201023-CFA01184	Emergent	10/23/2020	9:19:42 AM	9:21:21 AM	0:01:39	9:27:37 AM	SAN CARLOS ST /
201024-CFA001194	Emergent	10/24/2020	8:11:00 AM	8:15:00 AM	0:04:00	8:17:00 AM	CASANOVA SANTA
201024-CFA01193	Emergent	10/24/2020	3:52:49 AM	3:55:44 AM	0:02:55	3:58:21 AM	OCEAN AVE / MISSI
201025-CFA01201	Emergent	10/26/2020	1:36:00 AM	1:39:00 AM	0:03:00	1:46:00 AM	OCEAN/MISSION
201028-CFA01220	Emergent	10/28/2020	4:48:08 PM	4:51:30 PM	0:03:22	4:56:09 PM	CAMINO REAL ST /
201029-CFA01221	Emergent	10/29/2020	8:06:02 AM	8:10:25 AM	0:04:23	8:16:08 AM	CARPENTER ST / 5
201031-CFA01233	Non-Emergent	10/31/2020	7:46:19 PM	7:48:59 PM	0:02:40	7:55:00 PM	GUADALUPE ST / C
201031-CFA01234	Non-Emergent	10/31/2020	10:25:35 PM	10:29:38 PM	0:04:03	10:37:09 PM	4TH AVE / GUADA

<b>NUMBER OF FIRE INCIDENTS</b>	<b>21</b>	<b>AVERAGE RESPONSE</b>	<b>0:03:32</b>
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<b>TOTAL CARMEL CITY INCIDENTS</b>	<b>47</b>	<b>OVERALL AVERAGE RESPONSE TIME</b>	<b>0:03:21</b>
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## RESPONSES BY DISTRICT

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
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### CARMEL HIGHLANDS

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
201003-CFA01090	Emergent	10/3/2020	3:43:57 PM	3:53:38 PM	0:09:41	4:49:12 PM	1 POINT LOBOS ST
201005-CFA01101	Emergent	10/5/2020	3:15:33 PM	3:22:01 PM	0:06:28	4:10:58 PM	1 POINT LOBOS ST
201007-CFA01104	Emergent	10/7/2020	11:29:02 AM	11:38:42 AM	0:09:40	12:01:49 PM	120 HIGHLAND DR
201017-CFA01149	Emergent	10/17/2020	2:55:56 PM	3:02:00 PM	0:06:04	3:51:44 PM	HWY 1 / POINT LO
201017-CFA01152	Emergent	10/17/2020	11:03:38 PM	11:11:03 PM	0:07:25	11:15:43 PM	HWY 1 / CORONA
201018-CFA01153	Emergent	10/18/2020	3:03:38 AM	3:20:36 AM	0:16:58	3:45:16 AM	HWY 1 / HIGHLAND
201020-CFA01169	Emergent	10/20/2020	8:18:57 AM	8:30:55 AM	0:11:58	9:22:03 AM	28 MAL PASO RD
201022-CFA01175	Emergent	10/22/2020	10:28:19 AM	10:36:32 AM	0:08:13	11:24:51 AM	186 VAN ESS WAY
201024-CFA01198	Emergent	10/24/2020	9:06:18 PM	9:19:06 PM	0:12:48	11:09:15 PM	HWY 1 / YANKEE P
201026-CFA01205	Emergent	10/26/2020	2:37:26 PM	2:43:13 PM	0:05:47	2:46:43 PM	27720 HWY 1
201028-CFA01216	Emergent	10/28/2020	5:24:56 AM	5:35:36 AM	0:10:40	5:39:14 AM	80 SPRUCE WAY
201028-CFA01218	Emergent	10/28/2020	12:16:41 PM	12:27:43 PM	0:11:02	1:18:21 PM	196 UPPER WALDE
201029-CFA01222	Emergent	10/29/2020	2:36:01 PM	2:43:11 PM	0:07:10	3:30:18 PM	2910 RIBERA RD
<b>Subtotal</b>		<b>13</b>	<b>Average Response Time</b>		<b>0:09:32</b>		<b>Carmel Highlands</b>

### CYPRESS FIRE

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
201001-CFA01077	Emergent	10/1/2020	5:35:24 PM	5:40:17 PM	0:04:53	6:14:00 PM	6 CROSSROADS M
201002-CFA01081	Emergent	10/2/2020	11:26:02 AM	11:34:15 AM	0:08:13	12:17:00 PM	26135 CARMEL RA
201002-CFA01086	Emergent	10/2/2020	8:16:22 PM	8:20:42 PM	0:04:20	8:25:00 PM	26047 ATHERTON
201004-CFA01094	Emergent	10/4/2020	6:52:30 AM	6:58:56 AM	0:06:26	7:35:08 AM	3850 RIO RD
201004-CFA01095	Emergent	10/4/2020	3:24:02 PM	3:27:46 PM	0:03:44	4:02:00 PM	24520 OUTLOOK E
201004-CFA01097	Emergent	10/4/2020	9:08:57 PM	9:14:55 PM	0:05:58	10:00:19 PM	3850 RIO RD
201005-CFA01099	Emergent	10/5/2020	8:11:43 AM	8:16:02 AM	0:04:19	8:56:07 AM	2480 BAY VIEW AV
201005-CFA01100	Emergent	10/5/2020	10:30:56 AM	10:36:29 AM	0:05:33	11:30:00 AM	25790 CARMEL KN
201007-CFA01106	Emergent	10/7/2020	10:34:16 PM	10:40:16 PM	0:06:00	11:31:00 PM	555 CARMEL RANC
201008-CFA01108	Emergent	10/8/2020	4:29:20 PM	4:34:41 PM	0:05:21	5:02:00 PM	26245 CARMEL RA
201009-CFA01111	Emergent	10/9/2020	2:36:21 PM	2:44:18 PM	0:07:57	3:50:00 PM	25040 PINE HILLS
201011-CFA01113	Emergent	10/11/2020	7:00:51 AM	7:05:35 AM	0:04:44	7:58:35 AM	26160 CAMINO RE

201012-CFA01118	Emergent	10/12/2020	5:01:48 PM	5:07:18 PM	0:05:30	5:48:08 PM	3850 RIO RD
201013-CFA01123	Emergent	10/13/2020	2:19:07 PM	2:22:00 PM	0:02:53	2:24:20 PM	MISSION ST / 4TH
201015-CFA01133	Emergent	10/15/2020	1:44:40 PM	1:49:00 PM	0:04:20	2:45:02 PM	26245 CARMEL RA
201016-CFA01137	Emergent	10/16/2020	5:56:13 AM	6:05:10 AM	0:08:57	6:09:00 AM	ISABELLA AVE / SC
201016-CFA01138	Emergent	10/16/2020	7:46:10 AM	7:52:23 AM	0:06:13	8:27:04 AM	26360 MISSION FI
201016-CFA01141	Emergent	10/16/2020	12:57:57 PM	1:03:50 PM	0:05:53	1:08:21 PM	24815 CARPENTER
201016-CFA01147	Emergent	10/16/2020	8:09:35 PM	8:20:11 PM	0:10:36	9:09:14 PM	24950 OUTLOOK C
201016-CFA01148	Emergent	10/16/2020	10:48:38 PM	10:54:10 PM	0:05:32	11:44:49 PM	101 CROSSROADS
201017-CFA01150	Emergent	10/17/2020	6:39:29 PM	6:44:04 PM	0:04:35	7:07:37 PM	3600 VIA MAR MO
201017-CFA01151	Emergent	10/17/2020	8:59:51 PM	9:04:22 PM	0:04:31	9:17:00 PM	26509 WILLOW PL
201018-CFA01155	Emergent	10/18/2020	8:20:00 AM	8:24:00 AM	0:04:00	9:00:00 AM	3611 OLIVER RD
201018-CFA01160	Emergent	10/18/2020	2:29:13 PM	2:35:25 PM	0:06:12	3:08:08 PM	26245 CARMEL RA
201019-CFA01162	Emergent	10/19/2020	10:41:48 AM	10:46:37 AM	0:04:49	11:32:55 AM	26171 MESA DR
201019-CFA01163	Emergent	10/19/2020	2:32:26 PM	2:42:55 PM	0:10:29	3:02:00 PM	26142 CARMEL KN
201021-CFA01173	Emergent	10/21/2020	10:30:07 AM	10:34:06 AM	0:03:59	10:50:11 AM	3470 RIO RD
201022-CFA01177	Emergent	10/22/2020	1:07:46 PM	1:12:08 PM	0:04:22	1:47:06 PM	225 CROSSROADS
201022-CFA01180	Emergent	10/22/2020	4:51:00 PM	4:53:00 PM	0:02:00	5:30:00 PM	26270 DOLORES S
201023-CFA01191	Emergent	10/23/2020	6:31:43 PM	6:39:46 PM	0:08:03	6:41:33 PM	25700 CANADA DF
201023-CFA01192	Emergent	10/23/2020	7:26:00 PM	7:28:55 PM	0:02:55	8:21:42 PM	25100 HATTON RC
201024-CFA01196	Emergent	10/24/2020	2:07:10 PM	2:12:17 PM	0:05:07	2:37:22 PM	25583 CANADA DF
201024-CFA01197	Emergent	10/24/2020	5:12:52 PM	5:17:25 PM	0:04:33	5:55:00 PM	5 CROSSROADS M
201026-CFA01209	Emergent	10/27/2020	7:31:00 AM	7:37:00 AM	0:06:00	5:30:18 PM	24520 OUTLOOK C
201026-CFA01208	Emergent	10/26/2020	7:33:00 PM	7:37:00 PM	0:04:00	8:10:00 PM	15TH/DOLORES
201027-CFA01207	Emergent	10/26/2020	5:01:00 PM	5:06:00 PM	0:05:00	5:20:00 PM	25621 CARMEL KN
201030-CFA01227	Emergent	10/30/2020	6:10:10 PM	6:15:28 PM	0:05:18	6:50:48 PM	26999 HWY 1
201030-CFA01229	Emergent	10/30/2020	8:31:04 PM	8:36:32 PM	0:05:28	8:39:28 PM	HWY 1 / RIO RD
201031-CFA01230	Emergent	10/31/2020	12:14:06 PM	12:21:32 PM	0:07:26	1:42:00 PM	CARMELO ST / SCI
201031-CFA01232	Emergent	10/31/2020	6:12:42 PM	6:18:08 PM	0:05:26	7:10:00 PM	26245 CARMEL RA
<b>Subtotal</b>		<b>40</b>		<b>Average Response Time</b>	<b>0:05:32</b>		<b>CYPRESS FIRE</b>

### PEBBLE BEACH

INCIDENT							
201003-CFA01087	Emergent	10/3/2020	9:16:10 AM	9:24:44 AM	0:08:34	9:39:51 AM	1576 CYPRESS DR
201014-CFA01128	Emergent	10/14/2020	1:40:31 PM	1:49:13 PM	0:08:42	2:50:00 PM	3245 CABRILLO RI

201016-CFA01144	Emergent	10/16/2020	5:42:18 PM	5:50:29 PM	0:08:11	6:37:43 PM	1700 SEVENTEEN
201018-CFA01154	Emergent	10/18/2020	6:56:11 AM	7:07:17 AM	0:11:06	7:50:00 AM	3035 SHERMAN RI
201021-CFA01174	Emergent	10/21/2020	5:58:53 PM	6:07:18 PM	0:08:25	7:10:48 PM	1106 WILDCAT CA
201023-CFA01188	Emergent	10/23/2020	2:02:07 PM	2:10:18 PM	0:08:11	2:16:10 PM	3114 HERMITAGE
201026-CFA01206	Emergent	10/26/2020	4:35:47 PM	4:38:00 PM	0:02:13	4:47:48 PM	3388 SEVENTEEN
201027-CFA01213	Emergent	10/27/2020	3:43:04 PM	3:48:41 PM	0:05:37	4:45:00 PM	3290 MACOMBER
<b>Subtotal</b>		<b>8</b>		<b>Average Response Time</b>	<b>0:07:37</b>		<b>PEBBLE BEACH</b>

### MID COAST

<b>INCIDENT</b>							
201016-CFA01139	Emergent	10/16/2020	10:27:43 AM	10:48:50 AM	0:21:07	11:39:46 AM	38751 HWY 1
<b>Subtotal</b>		<b>1</b>		<b>Average Response Time</b>	<b>0:21:07</b>		<b>MID COAST</b>

### SEASIDE

<b>INCIDENT</b>							
201013-CFA01122	Emergent	10/13/2020	8:31:29 AM	8:45:00 AM	0:13:31	9:29:00 AM	1613 WARING ST
201023-CFA01187	Emergent	10/23/2020	12:36:42 PM	12:43:03 PM	0:06:21	12:52:58 PM	1744 SOTO ST
<b>Subtotal</b>		<b>2</b>		<b>Average Response Time</b>	<b>0:09:56</b>		<b>SEASIDE</b>

### PACIFIC GROVE

<b>INCIDENT</b>							
201002-CFA01084	Emergent	10/2/2020	4:09:45 PM	4:14:27 PM	0:04:42	5:10:00 PM	200 LIGHTHOUSE
201009-CFA01110	Emergent	10/9/2020	9:35:57 AM	9:46:36 AM	0:10:39	10:32:23 AM	214 CONGRESS AV
201019-CFA01167	Emergent	10/19/2020	8:17:45 PM	8:34:22 PM	0:16:37	9:10:00 PM	512 LOBOS AVE
<b>Subtotal</b>		<b>3</b>		<b>Average Response Time</b>	<b>0:10:39</b>		<b>PACIFIC GROVE</b>

### MONTEREY

<b>INCIDENT</b>							
201008-CFA01107	Emergent	10/8/2020	2:07:24 PM	2:15:05 PM	0:07:41	3:08:16 PM	100 BARNET SEGA
201012-CFA01116	Emergent	10/12/2020	9:23:50 AM	9:34:59 AM	0:11:09	10:10:12 AM	1499 DAVID AVE
201016-CFA01140	Emergent	10/16/2020	12:26:36 PM	12:37:32 PM	0:10:56	12:56:39 PM	455 RAMONA AVE
201018-CFA01159	Emergent	10/18/2020	12:04:28 PM	12:07:20 PM	0:02:52	12:19:58 PM	FIGUEROA ST / FI
201020-CFA01168	Emergent	10/20/2020	5:05:04 AM	5:14:14 AM	0:09:10	5:52:00 AM	435 PALO VERDE /
201020-CFA01171	Emergent	10/20/2020	6:05:55 PM	6:15:01 PM	0:09:06	7:05:00 PM	209 JOHN ST



201023-CFA01185	Emergent	10/23/2020	9:43:03 AM	9:49:56 AM	0:06:53	10:03:45 AM	2069 LEIDIG CIR
201026-CFA01203	Emergent	10/26/2020	10:08:50 AM	10:11:34 AM	0:02:44	10:29:30 AM	1110 CASS ST
201026-CFA01204	Emergent	10/26/2020	10:38:36 AM	10:50:11 AM	0:11:35	11:46:01 AM	648 PINE AVE
201030-CFA01223	Emergent	10/29/2020	11:59:48 PM	12:07:20 AM	0:07:32	12:08:37 AM	HOLMAN HWY / HV
201030-CFA01224	Emergent D	10/30/2020	10:53:10 AM	11:04:33 AM	0:11:23	11:45:00 AM	2020 DEL MONTE ,

<b>Subtotal</b>		<b>11</b>	<b>Average Response Time</b>	<b>0:08:16</b>			<b>MONTEREY</b>
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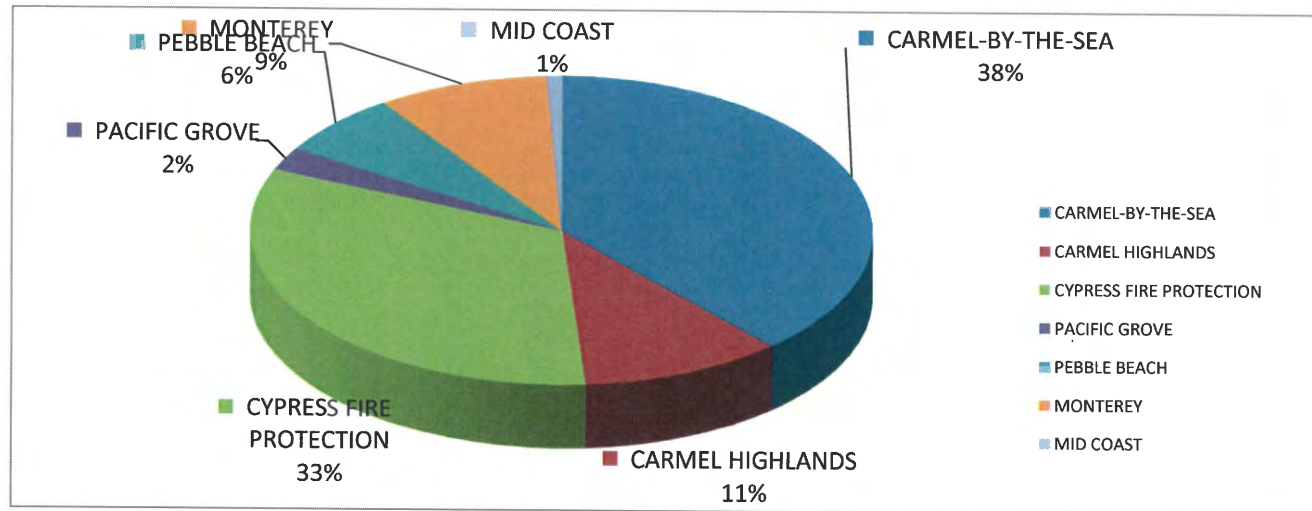
<b>TOTAL ALL CALLS</b>		<b>125</b>	<b>TOTAL AVERAGE RESPONSE TIME</b>	<b>0:05:44</b>			
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**CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT  
OCTOBER 2020**

**Response Summary Report by District Type**

<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
CARMEL-BY-THE-SEA	47	0:03:21
CARMEL HIGHLANDS	13	0:09:32
CYPRESS FIRE PROTECTION	40	0:05:32
PACIFIC GROVE	3	0:10:39
PEBBLE BEACH	8	0:07:37
MONTEREY	11	0:08:16
MID COAST	1	0:21:07
SEASIDE	3	0:10:39
<b>Total Responses</b>	<b>125</b>	<b>0:05:44</b>

Percent of code 3 medical responses < 5min 96.00%





RESPONSE SUMMARY REPORT BY INCIDENT TYPE  
 27060 CARMEL-BY-THE-SEA  
 Alarm Date From: 10/1/2020 To: 10/31/2020



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>100 Series (Fires)</b>						
Dumpster or other outside trash receptacle fire	10/3/2020 10:29 PM	201003-MNT05897	0:02:39	OCEAN AVE	SAN CARLOS ST	2
		<b>1</b>	<b>0:02:39</b>			
<b>300-321 Series (EMS)</b>						
Medical assist, assist EMS crew	10/1/2020 6:49 PM	201001-MNT05850	0:09:39	CAMINO REAL ST	10TH AVE	3
Medical assist, assist EMS crew	10/20/2020 9:32 AM	201020-MNT06271	0:09:16	N CAMINO REAL	4TH AVE	3
Medical assist, assist EMS crew	10/30/2020 6:54 PM	201030-MNT06512	0:02:56	OCEAN AVE	SCENIC RD	3
EMS call, excluding vehicle accident with injury	10/6/2020 12:13 PM	201006-MNT05938	0:02:53	LINCOLN ST	12TH AVE	3
EMS call, excluding vehicle accident with injury	10/8/2020 3:47 PM	201008-MNT05986	0:04:23	3005 LASUEN DR		3
EMS call, excluding vehicle accident with injury	10/9/2020 10:06 AM	201009-MNT06003	0:03:33	RIO RD	LADERA DR	3
EMS call, excluding vehicle accident with injury	10/13/2020 8:35 PM	201013-MNT06110	0:02:13	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	10/16/2020 3:24 PM	201016-MNT06180	0:01:52	LINCOLN ST	6TH AVE	3
EMS call, excluding vehicle accident with injury	10/16/2020 6:19 PM	201016-MNT06185	0:03:42	1ST AVE	GUADALUPE ST	3
EMS call, excluding vehicle accident with injury	10/20/2020 9:20 AM	201020-MNT06269	0:04:51	SANTA LUCIA AVE	FRASER WAY	3
EMS call, excluding vehicle accident with injury	10/21/2020 2:18 AM	201021-MNT06293	0:03:48	SANTA FE ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	10/23/2020 3:05 PM	201023-MNT06358	0:02:40	OCEAN AVE	DEL MAR AVE	3
EMS call, excluding vehicle accident with injury	10/24/2020 11:13 AM	201024-MNT06371	0:02:23	SANTA FE ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	10/24/2020 9:31 PM	201024-MNT06384	0:02:22	5TH AVE	JUNIPERO AVE	3
EMS call, excluding vehicle accident with injury	10/25/2020 10:34 PM	201025-MNT06396	0:02:49	4TH AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	10/27/2020 9:01 AM	201027-MNT06424	0:01:43	MISSION ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	10/27/2020 10:31 AM	201027-MNT06429	0:02:12	LINCOLN ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	10/27/2020 2:09 PM	201027-MNT06438	0:01:09	4TH AVE	SANTA RITA ST	3
EMS call, excluding vehicle accident with injury	10/27/2020 9:22 PM	201027-MNT06445	0:02:18	SAN CARLOS ST	4TH AVE	3
		<b>19</b>	<b>0:03:31</b>			
<b>322-399 Series (Rescues)</b>						
Motor vehicle accident with injuries	10/5/2020 6:37 PM	201005-MNT05929	0:02:58	MONTE VERDE ST	11TH AVE	3
Motor vehicle/pedestrian accident (MV Ped)	10/1/2020 6:50 PM	201001-MNT05849	0:02:48	6TH AVE	JUNIPERO AVE	3
Rescue or EMS standby	10/12/2020 11:04 PM	201012-MNT06082	0:04:18	CAMINO REAL ST	8TH AVE	3
Rescue or EMS standby	10/24/2020 11:52 PM	201024-MNT06386	0:03:20	8TH AVE	SANTA FE ST	3
Rescue or EMS standby	10/30/2020 2:51 PM	201030-MNT06507	0:02:17	LINCOLN ST	6TH AVE	3
		<b>5</b>	<b>0:03:08</b>			
<b>400 Series (Hazardous Material)</b>						
Gas leak (natural gas or LPG)	10/12/2020 3:32 PM	201012-MNT06073	0:03:28	SCENIC RD	8TH AVE	3
Gas leak (natural gas or LPG)	10/18/2020 10:16 AM	201018-MNT06234	0:03:34	GUADALUPE ST	1ST AVE	3
Accident, potential accident, other	10/22/2020 2:11 PM	201022-MNT06333	0:03:41	LINCOLN ST	13TH AVE	3
		<b>3</b>	<b>0:03:34</b>			

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>500 &amp; 600 Series (Service Calls)</b>						
Water or steam leak	10/3/2020 10:05 AM	201003-MNT05880	0:03:53	SANTA FE ST	4TH AVE	2
Public service	10/5/2020 5:09 AM	201005-MNT05913	0:06:29	CAMINO REAL ST	OCEAN AVE	2
Assist invalid	10/1/2020 4:12 PM	201001-MNT05842	0:06:14	26010 RIDGEWOOD RD		2
Assist invalid	10/4/2020 12:10 AM	201004-MNT05899	0:04:28	PINE RIDGE RD	FOREST RD	2
Assist invalid	10/7/2020 6:08 PM	201007-MNT05972	0:04:26	CARPENTER ST	5TH AVE	2
Assist invalid	10/13/2020 9:18 AM	201013-MNT06089	0:05:29	CARPENTER ST	5TH AVE	2
Assist invalid	10/28/2020 4:47 PM	201028-MNT06468	0:03:03	CAMINO REAL ST	8TH AVE	2
Assist invalid	10/29/2020 8:04 AM	201029-MNT06479	0:04:51	CARPENTER ST	5TH AVE	2
Assist invalid	10/31/2020 7:45 PM	201031-MNT06535	0:03:26	GUADALUPE ST	OCEAN AVE	2
No incident found on arrival at dispatch address	10/1/2020 12:12 PM	201001-MNT05837	0:03:29	SAN CARLOS ST	1ST AVE	2
No incident found on arrival at dispatch address	10/4/2020 7:57 PM	201004-MNT05909	0:02:34	SAN CARLOS ST	OCEAN AVE	3
No incident found on arrival at dispatch address	10/9/2020 2:49 PM	201009-MNT06008	0:03:45	10TH AVE	CAMINO REAL ST	3
No incident found on arrival at dispatch address	10/13/2020 7:55 AM	201013-MNT06087	0:04:26	3RD AVE	LINCOLN ST	2
No incident found on arrival at dispatch address	10/14/2020 9:41 AM	201014-MNT06122	0:03:06	SAN ANTONIO AVE	OCEAN AVE	3
No incident found on arrival at dispatch address	10/14/2020 10:53 PM	201014-MNT06134	0:04:41	CARMELO ST	10TH AVE	3
No incident found on arrival at dispatch address	10/19/2020 5:51 AM	201019-MNT06251	0:06:06	CAMINO REAL ST	10TH AVE	2
No incident found on arrival at dispatch address	10/23/2020 9:18 AM	201023-MNT06349	0:02:02	SAN CARLOS ST	8TH AVE	3
No incident found on arrival at dispatch address	10/31/2020 12:34 PM	201031-MNT06528	0:02:51	DOLORES ST	7TH AVE	3
No incident found on arrival at dispatch address	10/31/2020 3:39 PM	201031-MNT06533	0:01:50	SCENIC RD	9TH AVE	2
No incident found on arrival at dispatch address	10/31/2020 10:24 PM	201031-MNT06539	0:05:22	4TH AVE	GUADALUPE ST	2
Smoke from barbecue, tar kettle	10/18/2020 9:41 AM	201018-MNT06233	0:03:57	CASANOVA ST	13TH AVE	3
EMS call, party transported by non-fire agency	10/17/2020 9:03 PM	201017-MNT06222	0:03:01	JUNIPERO AVE	5TH AVE	3
HazMat release investigation w/no HazMat	10/3/2020 10:30 AM	201003-MNT05882	0:02:09	CARPENTER ST	5TH AVE	2
<b>23</b>			<b>0:03:59</b>			

**700 Series (False Alarms)**

False alarm or false call, other	10/16/2020 8:13 PM	201016-MNT06193	0:02:53	LINCOLN ST	OCEAN AVE	3
Smoke detector activation due to malfunction	10/15/2020 10:51 PM	201015-MNT06163	0:04:51	LOBOS ST	VALLEY WAY	3
Alarm system sounded due to malfunction	10/5/2020 7:31 PM	201005-MNT05930	0:00:00	MISSION ST	5TH AVE	2
Alarm system sounded due to malfunction	10/11/2020 5:08 PM	201011-MNT06052	0:03:07	DOLORES ST	13TH AVE	3
Alarm system sounded due to malfunction	10/22/2020 11:40 AM	201022-MNT06331	0:02:43	OCEAN AVE	TORRES ST	3
Alarm system sounded due to malfunction	10/23/2020 4:58 AM	201023-MNT06347	0:03:06	OCEAN AVE	MISSION ST	3
Alarm system sounded due to malfunction	10/24/2020 3:52 AM	201024-MNT06366	0:03:28	OCEAN AVE	MISSION ST	3
Alarm system sounded due to malfunction	10/26/2020 1:35 AM	201026-MNT06397	0:03:21	OCEAN AVE	MISSION ST	3
Smoke detector activation, no fire - unintentional	10/15/2020 8:00 PM	201015-MNT06157	0:03:15	DOLORES ST	3RD AVE	3
Smoke detector activation, no fire - unintentional	10/16/2020 3:58 PM	201016-MNT06181	0:07:12	CARMELO ST	8TH AVE	2
Smoke detector activation, no fire - unintentional	10/24/2020 8:12 AM	201024-MNT06367	0:04:00	CASA NOVA	SANTA LUCIA	3
Detector activation, no fire - unintentional	10/3/2020 1:29 PM	201003-MNT05886	0:03:30	DOLORES ST	OCEAN AVE	2
<b>12</b>			<b>0:03:27</b>			

**Over 5 Minute Response Times Cause of Delay: Code 3 Responses**

201001-MNT05850 - ME 11 responded from St. 11, 2 simultaneous calls in Carmel-by-the-Sea

201020-MNT06271 - ME 11 responded from St. 11, 2 simultaneous calls in Carmel-by-the-Sea. Incorrect address given through dispatch.

<b>Code 2 Calls</b>	<b>19</b>
<b>Code 3 Calls</b>	<b>44</b>
<b>Total # of Incidents</b>	<b>63</b>
<b>% Under 5 Minute Response Time</b>	<b>95.5%</b>



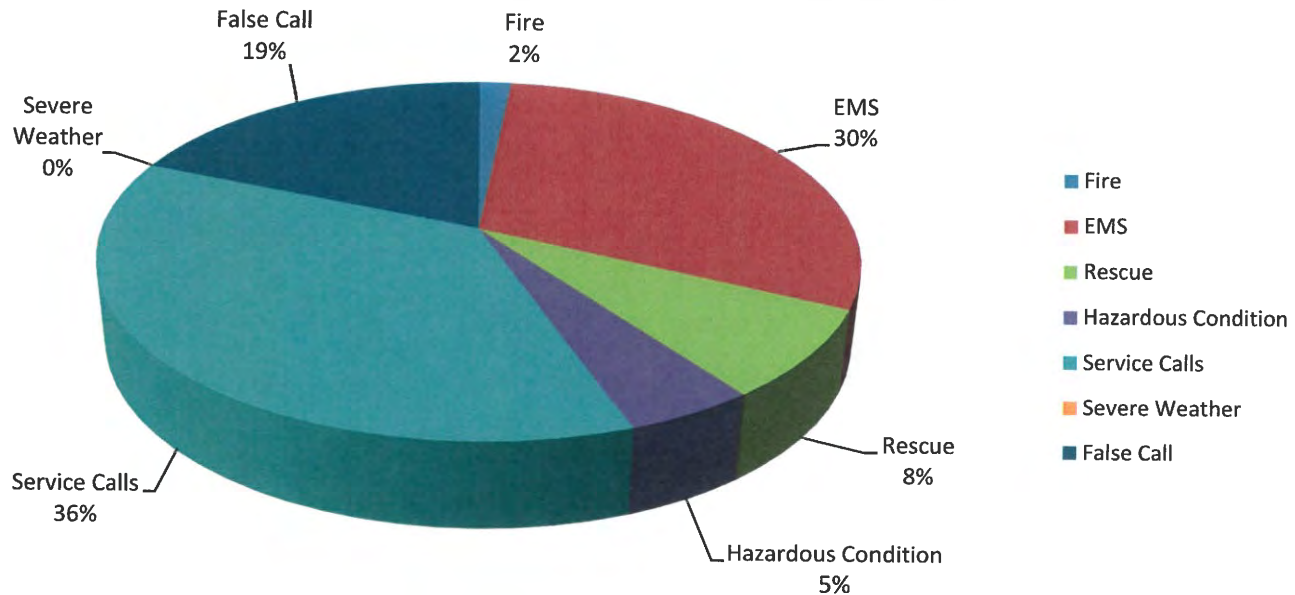
CARMEL-BY-THE-SEA  
OCTOBER 2020

Response Summary Report by Incident Type



Type of Call	Number	Average Response Time
Fire	1	2:39
EMS	19	3:31
Rescue	5	3:08
Hazardous Condition	3	3:34
Service Calls	23	3:59
Severe Weather	0	0:00
False Call	12	3:27

Total Responses 63 3:38



Total Code 3 Calls: 44

Response Times for Code 3  
Calls ≤ 5 minutes: 95.5%





# CITY OF CARMEL-BY-THE-SEA Monthly Report

**October 2020**

**City Clerk's Office**

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>SUBMITTED ON:</b>	November 10, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

In the month of October, the City handled 22 requests for public records.

	This Month	Calendar YTD
City Clerk's Office	10	111
Police Department	12	146
<b>TOTAL REQUESTS/RESPONSES</b>	<b>22</b>	<b>257</b>

October 2020 PRA

request number	Date Requested	10-day due date	records requested	requestor	date completed	notes
2020-102	10/1/2020	10/12/2020	Electronic copies of Public Records Act requests and City's responses to PRA requests CITY CLERK'S OFFICE PRA LOG AUGUST 2020 REQUEST NUMBERS PRA 2020-077, 2020-085 and 2020-089	Paterson	10/2/2020	
2020-103	10/5/2020	10/15/2020	what documents support the City's action to require face coverings in the City of Carmel-by-the-Sea's public parks and open spaces.	Paterson	10/12/2020	
2020-104	10/5/2020	10/15/2020	all communications including emails, text messages, and chat server (such as Microsoft Link, Skype, or Google Hangouts) messages since 1/1/2017 between this person (environmental official, likely the person who addresses compliance issues around your city. It appears that you have an Environmental Compliance Division, this is what I seek) and any 'maintenance workers' or 'gardeners' who particularly work on trees	darryljames334@gmail.com	retracted 10/13/2020	
2020-105	10/8/2020	10/19/2020	Electronic copies of the court case file on the following cases: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE STEVEN MCINCHAK, Petitioner/Plaintiff, v. CITY OF CARMEL-BY-THE-SEA, JASON STILWELL, CITY ADMINISTRATOR OF THE CITY OF CARMEL-BY-THE-SEA, SUSAN PAUL, ADMINISTRATIVE SERVICES DIRECTOR OF THE CITY OF CARMEL-BY-THE-SEA; and DOES 1 through 50, inclusive, Defendants. CASE NO. 5:14-cv-03084; SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY McInchak, Plaintiff/Petitioner vs. City of Carmel-by-the-Sea et al, Defendant/Respondent Case No. M128062, Additionally, electronic copy of the forensic report prepared by Mark Alcock which was the basis for the City placing Steve McInchak on paid administrative leave, executing a search warrant, et cetera.	Paterson		10/22/2020 waiting for records from Iron Mountain
2020-106	10/12/2020	10/22/2020	I would like to make an appointment to come in or have sent to me the complete file on the home I recently purchased at Casanova 5SW of 9th. Assessor Number : 010-271-005	Brad Holmgren	10/13/2020 reviewed paper file	10/12/2020 email sent - needs to set appointment with CPB

October 2020 PRA

request number	Date Requested	10-day due date	records requested	requestor	date completed	notes
2020-107	10/12/2020	10/22/2020	complete and comprehensive account of Carmel's total costs associated with employee compensation.	Todd Maddison/Transparent California	10/22/2020	
2020-108	10/22/2020	11/2/2020	SE corner Lincoln & 13th - records of our construction project specifically any stop work notices, red tags or any other communications with the general contractor	John & Rebecca Arioto	11/2/2020	
2020-109	10/27/2020	11/6/2020	official Oath of Office for Officer Tomasi, Officer Martis, Officer Lightfoot, officer Boucher, Officer Pflieger	David James Rodriguez	11/2/2020	
2020-110	10/27/2020	11/6/2020	copies of their sworn oaths for Martis, Pflieger, Lightfoot, Boucher, Tomasi, Greg Johnson	Bernadette Alvarado	11/2/2020	
2020-111	10/28/2020	11/9/2020	correct dimensions for 101-054-010-000, the owner's name is Lowery	Michael Kovac	11/2/2020	



Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Date Completed by PSO	Requestor	Phone	Info Requested	Status	Date & PSO Mailed
2020-0001	10/02 MJR			10/03 MJR	Shaquille Mangum	626-824-4445	CA2000473	Completed	released at the counter MJR
2020-0002	10/05 mw	10/15/2020		10/8 DA	Michael McDonald	410-231-1993	CG1700589	completed	mailed
2020-0003	10/6 mjr			10/6 MJR	Harris Personal Injury Lawyers	805-544-0100	CA2000473	Completed	mailed
2020-0004	10/6 mjr			10/6 MJR	Dia ATES		CA2000364	Completed	released at the counter SB
2020-0005	10/7 da			10/8 da	Jamison William Sweet		90-0645	Completed	mailed redacted report
2020-0006	10/16 mjr			10/16 mjr	Jillian Winkoff	858-987-6188	CA2000497	Completed	released at the counter MJR
2020-0007	10/16 sb	10/26/2020		10/16 sb	LexisNexis	800-934-9698	CA2000473	Completed	mailed
2020-0008	10/21 da	10/31/2020		10/21 DA	Roy Crumpton		CG2000498	completed	mailed by da
2020-0010	10/15/2020	10/25/2020		10/21 DA	Doug Schmitz		Name Checks	completed	emailed response
2020-0011	10/24/2020	11/4/2020		10/24 DA	Santi Rogers		CC2000601	completed	released at front counter
2020-0012	10/24/2020	11/4/2020		10/24 DA	Robert Moskowitz		CA1800422	completed	released at counter



# CITY OF CARMEL-BY-THE-SEA

## Monthly Report

### Public Works Department Report – October 2020

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert M. Harary, P.E., Director of Public Works
<b>SUBMITTED ON:</b>	November 12, 2020
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

#### City Council Meeting of October 6, 2020

- Authorized \$178,000 Per Capita Parks and Recreation grant to pursue up to 3 trail access, stream stability, and drainage improvements in Mission Trail Nature Preserve, south entry.
- For Mr. Stepanek appeal, modified Forest and Beach Commission decision by imposing \$33,900 fine, removal of neighbor's cypress tree and stump at his expense, and other mitigation measures for damage to multiple trees during grading.
- Accepted \$7,300 donation from Carmel Cares/Carmel Gives to replace the rollup window at the Forest Theater concession stand, as well as new landscape maintenance equipment, two new, upgraded magazine racks for Ocean Avenue, and significant landscaping labor.

#### Forest and Beach Commission Meeting of October 8, 2020

- Approved removal of oak tree pushing into a ledger of a house, Carmelo 4SW of Second.
- Approved removal of a large oak limb conflicting with proposed garage, Lincoln and Fifth.
- City Forester presented forestry enforcement-oriented shortcomings and possible solutions.

#### Climate Action Committee Meeting of October 15, 2020

- Received presentation from Monterey Fire Department regarding defensible space and wild fire resilience.
- Received presentation by City Forester regarding adapting our forest to climate change.

#### Public Works Administration

- Served on Traffic Safety Committee on October 21, 2020 to reduce restrictions for the post office parking lot to 10 minutes on Monday to Saturday, from 8:00 am to 5:00 pm.
- Met with representative of SiteLogiQ, a company who could perform an in-depth analysis of the energy efficiency and sustainability of each City-owned facility at no cost to City.
- Collaborated w/Carmel Cares for Median Minders program and Scenic Pathway restoration.
- Coordinated land survey needs by Friends of Lester Rowntree Native Plant Garden.
- Met with local landscape maintenance volunteers who are aggressively cleaning up the Vista Lobos park.
- Supported Carmel Cares' new website: [www.carmelcares.org](http://www.carmelcares.org)

## **Environmental Programs**

- Gave presentation to City Council regarding the North Dunes Habitat Restoration Project.
- Installed 20 new, metal ribbon-style trash/recycling containers along Ocean Avenue and in the downtown area. Received many compliments.
- Drafted City's first Integrated Pesticide Policy. Draft policy was circulated for comments.
- To comply with state mandate AB1826, notified commercial and multi-family properties who exceed 2 cubic yards of solid waste that they need to work with GreenWaste to establish organics service (yellow bin) by the end of 2020.
- Directed City crews work in North Dunes including relocation and installation of post and cable fencing and pruning of cypress trees.

## **Facility Maintenance**

- ChargePoint, the Electric Vehicle charger manufacturer, tested the two new dual chargers at the Sunset Center north parking lot. Wiring had to be corrected to charge properly.
- Continued to obtain quotes for the Park Branch Library backup generator which is eligible for a 1.87% interest loan from Central Coast Community Energy.
- Completed several plumbing repairs made easier due to the new snake tool donated from Carmel Cares.
- Coordinated with a vendor to inspect and test backflow preventers at City facilities.
- Coordinated with a vendor to inspect and test the City's emergency generators.
- Coordinated with a vendor to install new, ADA-compliant toilet partitions for the First Murphy House restrooms.

## **Street Maintenance**

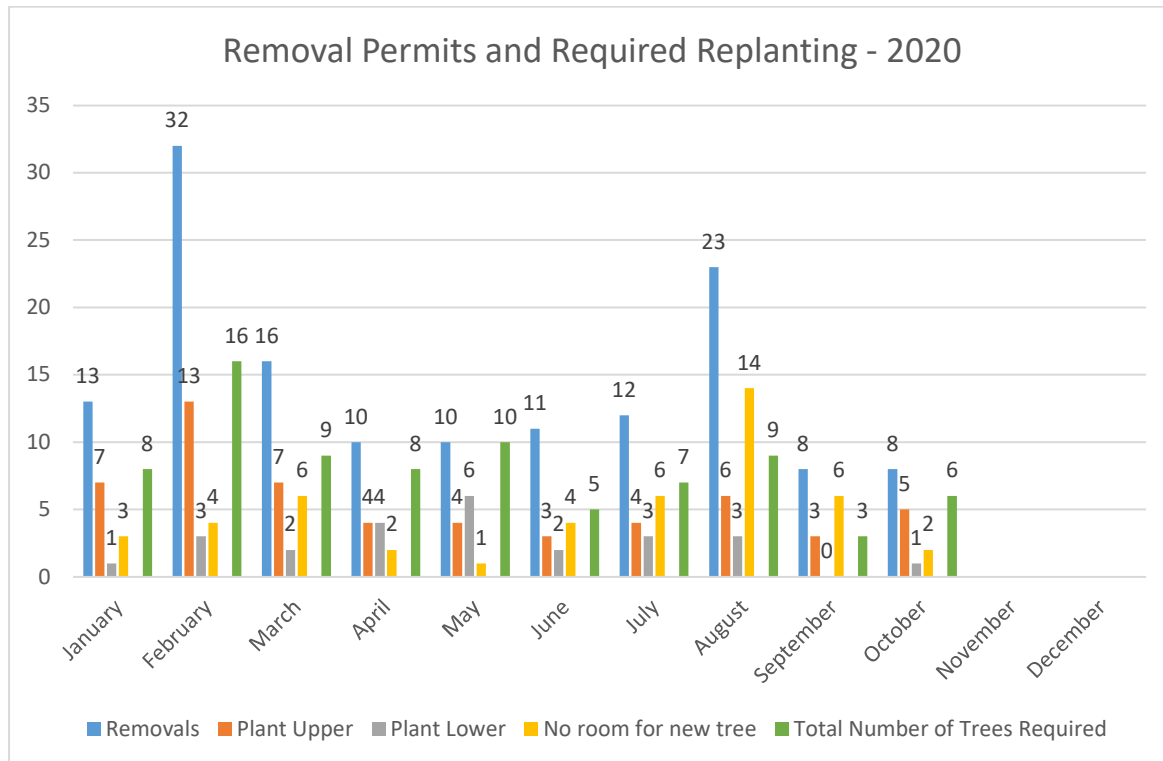
- The Friends of the Mission Trail Nature Preserve constructed a wooden boardwalk over a portion of the Doolittle Trail that gets muddy after winter storms.
- Constructed drainage berms using 5 tons of hot mix asphalt pavement.
- Continued to inspect and clean out drainage culverts across the City.
- Switched over from dry weather drainage diversion into cleaned and opened channels to relay rainwater into the Carmel River and Pacific Ocean.
- Continued removing piles of weeds from the MTNP and Scenic Pathway.
- Replaced a vandalized bench at MTNP and removed unauthorized stickers from stop signs.
- Inspected construction of a decorative stone wall planter at the NW corner of Monte Verde Street and Seventh Avenue.
- Removed campaign signs illegally placed in the public right-of-way

## **Forestry, Parks and Beach (Forester's Report)**

- The Friends of the Carmel Forest planted twenty new trees at the Forest Theater.
- There were 3 notable tree failures in October. A Liquidamber branch fell onto a car, a pine branch fell into an intersection, and a young cypress snapped at the base from girdling roots.
- 2,599 trees have been inventoried in TreeKeeper as of November 2, 2020. Staff is inventorying trees as work and inspections are performed.
- Two large trees are having their wood repurposed into benches and planters.
- Calls from residents about the concern of falling trees and branches is on the rise.

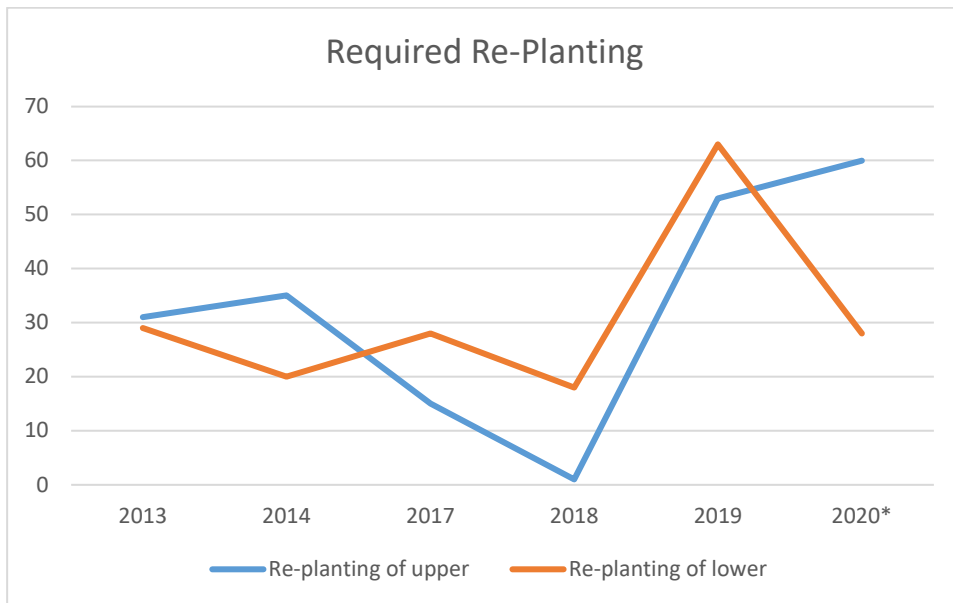
- Outreach has begun for fall right of way tree plantings. Flyers will be affixed to a stake at each proposed planting location. Experience shows that when residents are involved in the tree planting process, the new trees are more likely survive.
- No Stop Work Orders were issued in October.

**Private and Development Activities**



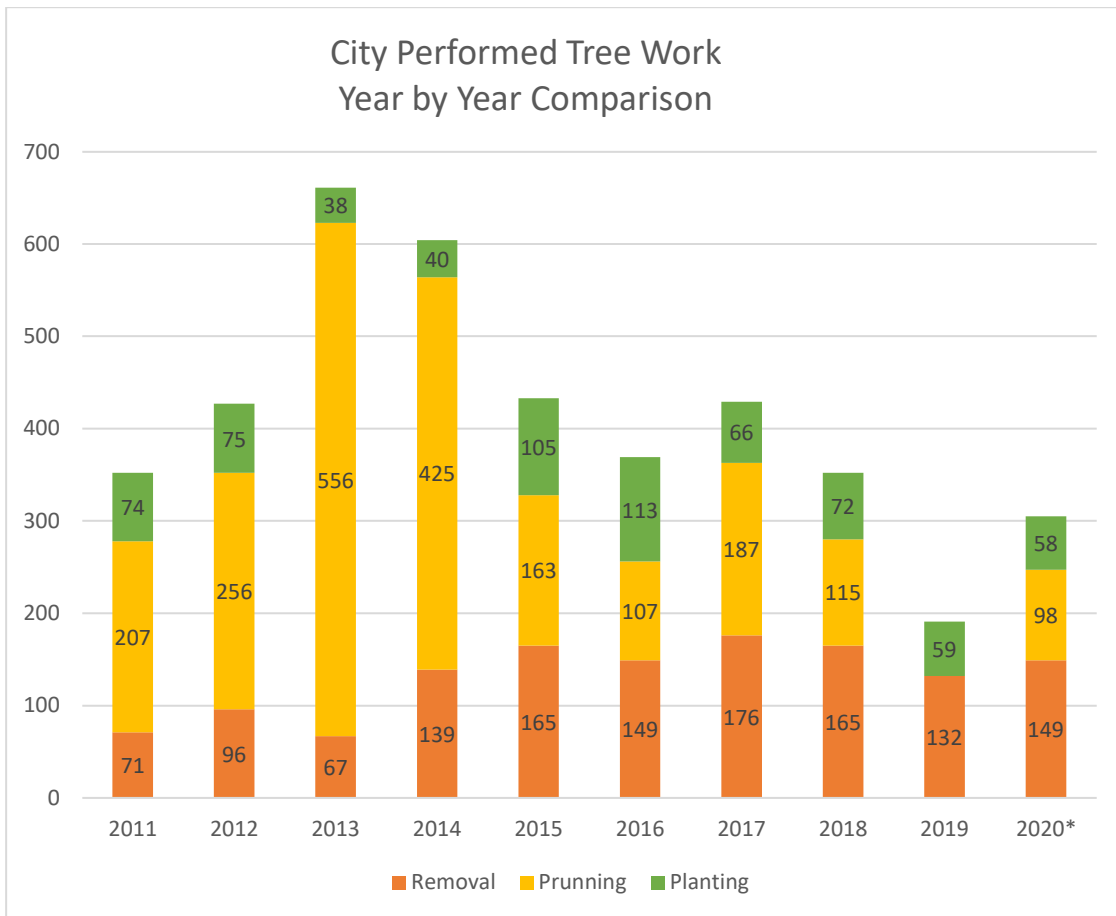
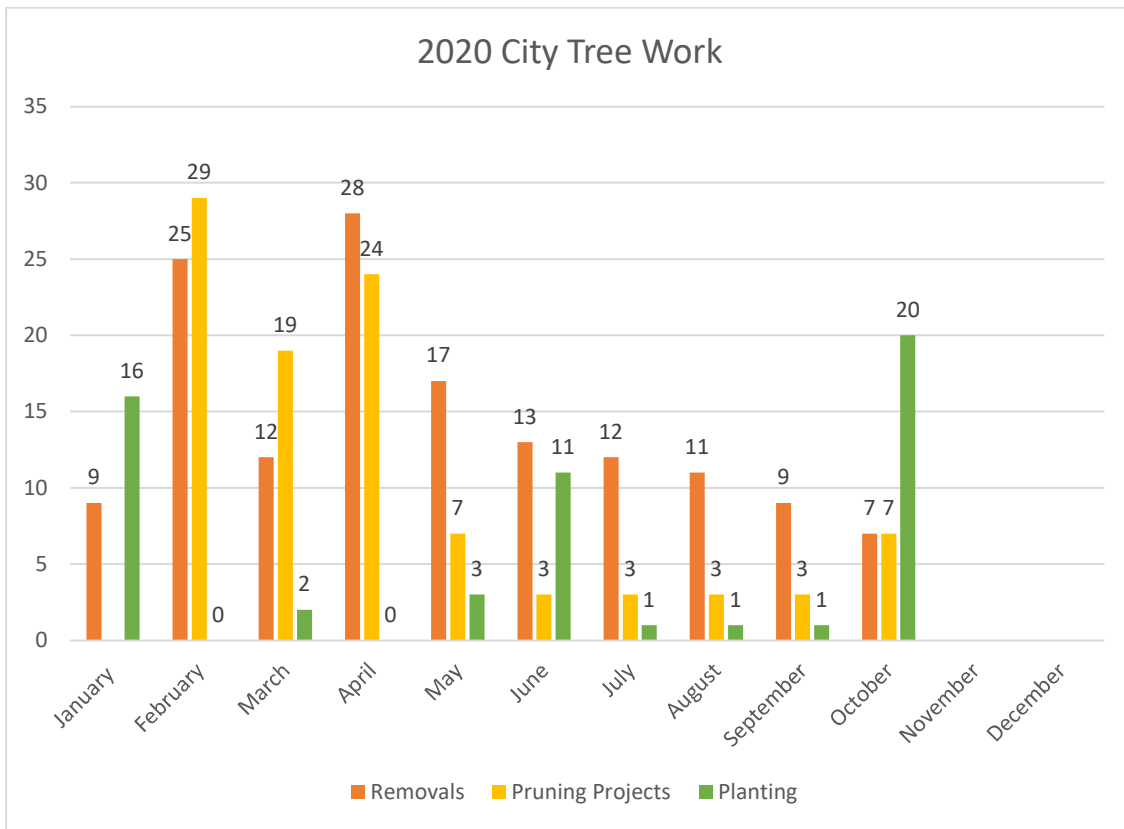
2020 Permitted Removals and Required Planting						
	Removals	Plant Upper	Plant Lower	No Room for New Tree		Total Number of Trees Required
January	13	7	1	3		8
February	32	13	3	4		16
March	16	7	2	6		9
April	10	4	4	2		8
May	10	4	6	1		10
June	11	3	2	4		5
July	12	4	3	6		7
August	23	6	3	14		9
September	8	3	0	6		3
October	8	5	1	2		6

Historic permitted removals and required planting							
	Removal Permits	Removal of upper	Removal of lower	Re-planting Required	Re-planting of upper	Re-planting of lower	Re-planting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	25.97%
2019	170	107	63	116	53	63	68.24%
2020*	165	46	40	100	57	26	60.61%
	*year to date						



**City Forestry, Parks, and Beach Activities**

City Tasks October 2020	
Work Type	Count
Inspection	56
Pruning	7
Removals	7
Failures	3
Planting	20





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Robin Scattini, Finance Manager

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** October 2020 Check Register Summary

## RECOMMENDATION:

Approve the check register for October 2020.

## BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check. Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in October.

## FISCAL IMPACT:

The check register summary for October 2020 totals \$1,118,464.

## PRIOR CITY COUNCIL ACTION:

Council ratified the September 2020 check register at its November 3 regular meeting.

## ATTACHMENTS:

October 2020 check register

**October 2020 Check Register**

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Department: 000 Marketing & Economic Development				
45917	Visit Carmel	CHID distribution: July-Aug 2020	10/20/2020	95,248.98
45920	Monterey County Convention & Visitors Bureau	TID distribution: July-Aug 2020	10/23/2020	46,745.82
<b>Total for Department: 000 Marketing &amp; Economic Development</b>				<b>141,994.80</b>
Department: 110 City Council				
45821	Monterey County Business Council	Partner membership: FY20-21	10/09/2020	500.00
45823	Peninsula Messenger Service	Mail service: Sort and delivery	10/09/2020	7,462.00
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	46.20
<b>Total for Department: 110 City Council</b>				<b>8,008.20</b>
Department: 111 City Administration				
45811	Amazon Web Services Inc	Monthly data storage and cloud service fees	10/09/2020	1,101.62
45815	Coastal TPA, Inc	Dental and vision reimbursement claims	10/09/2020	412.95
45816	CSAC Excess Insurance Authority	FY 2020-2021 Employee Assistance Program	10/09/2020	474.60
45817	Harrison Memorial Library	Reimburse for OnSip VOIP phone service on HML credit ca	10/09/2020	947.23
45818	Iron Mountain	Records management and storage fees	10/09/2020	259.33
45824	Sprint	Usage: voice, messaging, data	10/09/2020	322.99
45825	US Bank	Subscriptions	10/09/2020	60.93
45827	Verizon Wireless	Usage: voice, messaging, data	10/09/2020	246.95
45851	Rachael Grewell	Bond refinance notary signing fee	10/15/2020	250.00
45856	AT&T	Telephone service citywide	10/15/2020	1,380.82
45857	AT&T	Police Dept router and telecommunication services	10/15/2020	711.80
45859	Carmel Pine Cone	Legal noticing	10/15/2020	570.00
45874	T-Mobile	Monthly cell usage	10/15/2020	1,457.37
45921	Alhambra	Water service-City Hall	10/23/2020	51.74
45923	Amazon Web Services Inc	Monthly data storage and cloud service fees	10/23/2020	1,334.41
45925	AT&T	Telephone service citywide	10/23/2020	82.48
45928	Carmel Pine Cone	Legal noticing	10/23/2020	187.50
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	1,319.53
45932	Comcast	Business cable services-City Hall	10/23/2020	68.54
45933	Comcast Business	CALNET NGEN billing	10/23/2020	644.82
45937	Digital Deployment	Maintenance and security updates for website	10/23/2020	700.00
45939	Hinderliter, De Llamas & Associates	Sales tax audit FY 2020-21	10/23/2020	2,745.59
45940	MISAC	Membership 2020-2021	10/23/2020	130.00
45947	TCS Total Compensation Systems Inc	GASB75 Valuation Services	10/23/2020	2,500.00
45948	Toshiba Financial Service	Copier contract Admin ESTUDIO 5506ACT	10/23/2020	433.86



45949	US Bank	OnSip phone services, memberships, training registration	10/23/2020	3,092.91
45952	Wageworks,Inc	Healthcare monthly Admin and Compliance fee	10/23/2020	170.00
45953	Zoom Imaging Solutions, Inc.	Admin copier usage fees	10/23/2020	421.55
<b>Total for Department: 111 City Administration</b>				<b>22,079.52</b>
Department: 112 City Attorney				
45926	Burke,Williams & Sorensen, LLP	August legal services	10/23/2020	33,605.68
<b>Total for Department: 112 City Attorney</b>				<b>33,605.68</b>
Department: 115 Community Planning & Building				
45863	Engineered Fire Systems	Plan review services	10/15/2020	1,050.00
45877	Carmel Towing & Garage	Fuel for Building Inspector vehicle	10/16/2020	35.72
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	80.85
<b>Total for Department: 115 Community Planning &amp; Bu</b>				<b>1,166.57</b>
Department: 116 Police				
45813	Caltronics Business Systems, Inc.	Copy machine Usage Fee per contract	10/09/2020	39.96
45819	Legal Notification Services Inc	iSubpeona Annual License	10/09/2020	129.97
45822	Pacific Gas & Electric	Video cameras citywide	10/09/2020	215.83
45826	US Bank Voyager Fleet	Fuel Police Dept	10/09/2020	247.42
45845	Lemos Service Inc	Repair services - 2012 Ford Expedition	10/15/2020	181.88
45849	Monterey Tire Service Inc	Police Dept Vehicle Maintenance:Tires 2016 Dodge	10/15/2020	698.10
45852	Seaside Chrysler, Dodge, Jeep	Police Dept Vehicle Maint: 2013 Dodge Charger	10/15/2020	2,144.39
45858	Caltronics Business Systems, Inc.	Copy machine Usage Fee per contract	10/15/2020	163.70
45868	Monterey County Information Technology	Monthly connection fees to County IT Radio/Gen	10/15/2020	496.80
45873	T2 Systems Canada Inc.	Digital Iris Services	10/15/2020	125.00
45875	Trucksis Enterprises, Inc.	50 Covid Mask signs/stakes	10/15/2020	486.16
45921	Alhambra	Bottle Water Service for PD	10/23/2020	133.65
45927	California Peace Officers Association	Sworn Membership	10/23/2020	125.00
45929	Carmel Towing & Garage	Fuel for PD	10/23/2020	2,367.74
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	621.67
45932	Comcast	Cable TV/High Speed Internet for PD	10/23/2020	61.78
45934	County of Monterey IT Dept	Monthly connection fees to County IT Radio/Gen	10/23/2020	496.80
45935	Cradlepoint	Netcloud Mobile Essentials Plan, Inv #SQ0819513,	10/23/2020	180.00
45936	De Lage Landen Financial	Police Dept Copier Lease	10/23/2020	474.27
45938	Federal Licensing Inc	Call sign KMA766 licensing	10/23/2020	189.00
45943	Same Day Shred	Shredding services	10/23/2020	45.00
45946	Silke Communications	Radio repair and maintenance	10/23/2020	469.64
<b>Total for Department: 116 Police</b>				<b>10,093.76</b>

Department: 117 Fire

45810	Alhambra	Bottle Water Service for Fire Dept	10/09/2020	14.00
45814	City Of Monterey	Vehicle Repairs for Fire Engine	10/09/2020	11,180.17
45820	Mission Linen Service	Linen maintenance	10/09/2020	98.21
45840	Carmel Towing & Garage	Fuel purchases for ambulance/fire vehicles	10/15/2020	1,346.46
45846	Mission Linen Service	Linen maintenance	10/15/2020	108.63
45861	City Of Monterey	Fire Admin Services	10/15/2020	217,409.76
45868	Monterey County Information Technology	Fire Dept Monthly connection County IT	10/15/2020	149.04
45919	City Of Monterey	Fire Admin Services	10/23/2020	217,409.76
45934	County of Monterey IT Dept	Fire Dept Monthly connection County IT	10/23/2020	149.04
45941	Mission Linen Service	Linen maintenance	10/23/2020	206.62
<b>Total for Department: 117 Fire</b>				<b>448,071.69</b>

Department: 118 Ambulance

45841	Cypress Coast Ford/Lincoln	Amb:F450 Repairs	10/15/2020	1,232.91
45842	De Lage Landen Financial	Copier lease and usage	10/15/2020	75.01
45850	Peninsula Welding & Medical Supply, inc.	Oxygen cylinder rentals	10/15/2020	128.79
45855	Wittman Enterprises, LLC	Ambulance Billing Services	10/15/2020	5,417.68
45861	City Of Monterey	Ambulance administration	10/15/2020	1,672.41
45861	City Of Monterey	Ambulance overtime coverage	10/15/2020	7,084.92
45907	De Lage Landen Financial	Copier lease and usage	10/20/2020	152.95
45919	City Of Monterey	Ambulance administration	10/23/2020	1,672.41
45930	City Of Monterey	Ambulance overtime coverage	10/23/2020	6,157.63
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	315.75
45950	Verizon Wireless	Air Cards for Ambulance	10/23/2020	394.14
<b>Total for Department: 118 Ambulance</b>				<b>24,304.60</b>

Department: 119 Public Works

45812	American Supply Company	Cleaning Supplies	10/09/2020	597.84
45830	Cintas Corporation	Uniforms for PW	10/13/2020	153.74
45831	Granite Rock Company	Supplies for PW	10/13/2020	1,200.48
45832	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for PW	10/13/2020	60.55
45833	Poe's Plumbing & Backflow	FH Park leak repair	10/13/2020	342.44
45834	PSTS, Inc.	Maint. pump the oil-water separator	10/13/2020	569.50
45835	Scarborough Lumber & Building	Supplies for PW	10/13/2020	25.82
45836	Tree Stuff Lockbox No 639707	Rigging equipment	10/13/2020	4,096.36
45837	Underground Service Alert Nor Cal	CA state fee for regulatory costs	10/13/2020	784.73
45838	US Bank	Supplies	10/13/2020	1,362.37
45860	Cintas Corporation	Uniforms for PW	10/15/2020	113.78
45862	De Lage Landen Financial	Copier lease and usage	10/15/2020	205.39

45864	Ewing Irrigation and Landscape Supply	Irrigation supplies	10/15/2020	35.30
45865	Fastenal Company	Supplies for news racks	10/15/2020	21.09
45866	Ferguson Enterprises, Inc.	Plumbing supplies for facilities division	10/15/2020	151.28
45867	Granite Rock Company	Parking blocks for EV charger spaces	10/15/2020	80.95
45869	Monterey Fire Ext. Co.	Extinguisher service at PD	10/15/2020	166.03
45872	Scarborough Lumber & Building	Supplies for PW	10/15/2020	45.18
45876	American Messaging	Messaging service for panic alarms	10/16/2020	114.71
45879	Cintas Corporation	Uniforms for PW	10/16/2020	155.64
45881	Granite Rock Company	Supplies for PW	10/16/2020	858.14
45882	Jamestown Advanced Products Corp	41 trash/recycling receptacles: ribbon style metal	10/16/2020	45,195.63
45885	Poe's Plumbing & Backflow	Clear sewer line at Picadilly Park	10/16/2020	104.21
45886	Pureserve Building Service	Janitorial services	10/16/2020	15,695.75
45889	Scarborough Lumber & Building	Supplies for PW	10/16/2020	90.52
45890	US Bank	Supplies, Enviro Master Covid-19 facility spraying	10/16/2020	1,809.14
45902	Alhambra	Water service Public Works	10/20/2020	460.25
45903	Bill's Plumbing, Drain, Backflow	Replace backflow: beach restroom end of Ocean	10/20/2020	850.00
45904	Carmel Towing & Garage	September fuel	10/20/2020	1,493.37
45905	Cintas Corporation	Uniforms for PW	10/20/2020	121.23
45906	Davey Resource Group, Inc.	TreeKeeper subscription	10/20/2020	2,500.00
45908	Ferguson Enterprises, Inc.	Plumbing supplies for facilities division	10/20/2020	25.21
45909	Gerecke Electrical LLC	Work shop compressor	10/20/2020	1,300.00
45910	Iverson Tree Service	Tree work citywide	10/20/2020	1,981.25
45911	Marina Backflow Company	Backflow test - 8 locations	10/20/2020	440.00
45912	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for PW	10/20/2020	109.62
45913	Poe's Plumbing & Backflow	Repairs at Devendorf Park	10/20/2020	190.00
45915	Scarborough Lumber & Building	Supplies for PW	10/20/2020	75.59
45916	Tree Stuff Lockbox No 639707	Rigging equipment	10/20/2020	326.20
45924	American Messaging	Messaging service for panic alarms	10/23/2020	4.22
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	1,299.60
45945	Sentry Alarm Systems	Monitoring: burglar alarm systems all city buildings	10/23/2020	231.00
45954	Ailing House Pest Control	Pest control services	10/26/2020	574.00
45955	American Supply Company	Material and repair supplies	10/26/2020	275.19
45956	Andy & Me	Rear window replacement: Unit #1	10/26/2020	295.00
45957	Cintas Corporation	Uniforms for PW	10/26/2020	153.67
45958	Golden State Portables	Handicap unit Forest Theater	10/26/2020	380.88
45959	Marina Backflow Company	Backflow test - 2 locations	10/26/2020	110.00
45960	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for PW	10/26/2020	253.90
45961	Mutt Mitt	Mutt Mitt donation purchases	10/26/2020	5,219.13
45962	US Bank	Safety vests, office supplies, training registration	10/26/2020	323.32

Total for Department: 119 Public Works
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93,029.20
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Department: 120 Library

45815	Coastal TPA, Inc	Dental and vision reimbursement claims	10/09/2020	475.25
45931	Coastal TPA, Inc	Dental and vision reimbursement claims	10/23/2020	1,082.50
<b>Total for Department: 120 Library</b>				<b>1,557.75</b>

Department: 122 Economic Revitalization

45847	Monterey County Convention & Visitors Bureau	FY20-21 Jurisdiction Investment: Q2	10/15/2020	60,020.00
45854	Sunset Cultural Center Inc.	FY20-21 Sunset Center Operating Grant: Q2	10/15/2020	144,375.00
45951	Visit Carmel	FY20-21 Regional destination marketing contribution: Q2	10/23/2020	24,000.00
<b>Total for Department: 122 Economic Revitalization</b>				<b>228,395.00</b>

Department: 130 Non-Departmental

45822	Pacific Gas & Electric	Gas & electric service citywide	10/09/2020	56.06
45848	Monterey County Tax Collector	Secured property taxes: FY 2020-21	10/15/2020	80,466.90
45870	Pacific Gas & Electric	Gas & electric service citywide	10/15/2020	8,081.54
45918	Cal-Am Water Company	Water service citywide	10/23/2020	11,029.18
45922	Alliant Insurance Services	FY 2020-2021 Fire Policy	10/23/2020	250.00
45942	Pacific Gas & Electric	Gas & electric service citywide	10/23/2020	808.86
<b>Total for Department: 130 Non-Departmental</b>				<b>100,692.54</b>

Department: 311 Capital Projects

45944	Schaaf & Wheeler Civil Engineers	Storm drain master project: assessment of drainage system	10/23/2020	5,465.00
<b>Total for Department: 311 Capital Projects</b>				<b>5,465.00</b>
<b>Grand Total</b>				<b>1,118,464.31</b>

**October Contract Payments:**

Vendor	Contract Amt	Paid through Oct.	Contract Balance	
Pen Messenger	\$ 72,000.00	\$ 66,215.00	\$ 5,785.00	
Pureserve	\$ 198,349.00	\$ 62,783.00	\$ 135,566.00	
Schaaf & Wheeler	\$ 174,910.00	\$ 159,345.96	\$ 15,564.04	
City of Monterey	\$2,493,245.00	\$ 869,639.04	\$1,623,605.96	Fire admin services
Iverson Tree Svc.	\$ 75,000.00	\$ 1,981.25	\$ 73,018.75	



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Britt Avrit, City Clerk

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Resolution 2020-080 amending Policy C16-02 Records Management Program

## RECOMMENDATION:

Adopt Resolution 2020-080 amending Policy C16-02 Records Management Program.

## BACKGROUND/SUMMARY:

On June 6, 2016 the City adopted Resolution 2016-032 establishing Policy C16-02, Records Management Program for the City.

Policies often represent best practices for organizations and should be reviewed and updated on a regular basis. Policies, as well, should be the framework by which staff ensures the City is compliance with applicable laws and regulations and should not include detailed processes which limit staff from achieving the goal of compliance. The attached policy removes specific procedures to allow current and future staff the opportunity to ensure the City remains compliant through a general procedure without listing the exact process by which staff will be bound.

The City Clerk worked with the City Attorney's Office to review and update Policy C16-02. The amendment provided in Exhibit A to Resolution 2020-080 updates the Policy to reflect current practices, updates definitions, removes those definitions that do not apply, and simplifies the procedures associated with routine maintenance, storage and destruction of records.

Included in Policy C16-02 is the City's Records Retention Schedule which is not impacted by the proposed Policy update. The City Clerk, when budget allows, will engage a consultant to thoroughly review and update the City's Retention Schedule. Once completed, the update will be brought to the City Council for approval.

## FISCAL IMPACT:

No direct fiscal impact for this action.

## PRIOR CITY COUNCIL ACTION:

June 6, 2016, adopted Resolution 2016-032

## ATTACHMENTS:

Attachment #1 - Policy C16-02 redline

Attachment #2 - Resolution 2020-080 Amending Policy C16-02 Records Management Program

C16-02

**CITY OF CARMEL-BY-THE-SEA  
POLICY AND PROCEDURE**

<b>Subject:</b> Records Management Program	<b>Policy/Procedure No:</b> C16-02
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<b>Effective Date:</b> 6 June 2016	<b>Authority:</b> Resolution No. <del>2</del> 2016-032
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**Purpose:**  
The purpose of this policy is to establish a citywide records management program for the ~~preservation, protection, retention and legal disposition~~proper and efficient management of records and to establish a records retention schedule for all City departments in compliance with applicable federal, state and local laws.

**Policy/Procedure:**  
As set forth fully in the policy document attached.

**Responsible Parties:**  
~~City Council~~All City departments/divisions to include employees, elected and appointed officials, temporary workers, volunteers and contractors of the City who are acting on behalf of the City and who have access to, use of, or are involved in the maintenance or storage of the City's records.

**Department of Origin:**  
Administration

**Revision Dates:**  
Resolution 2020-XXX, December 8, 2020

**Rescinded Date:**

C16-02

CITY OF CARMEL-BY-THE-SEA  
POLICY NO. C2016-02  
RECORDS MANAGEMENT PROGRAM

**DEFINITIONS**

- **Active Records** – Records that are referred to at least once a month. Also – as a retention period for a Perpetual Record that remains “active” until some event occurs to change its status, at which time it has fulfilled its function. (See also **Perpetual Record**)
- **Administrative Records** – Records commonly found in all offices and used in the conduct of daily business. These are typically retained for short time periods. Examples include subject, chronological, work plans, and policy files.
- ~~Archival Records – Records with enduring value because they reflect significant historical events, document the history and development of the City, or provide valuable research data.~~
- ~~Damaged Records – Records that have been damaged by water, fire, and other forms of contamination during natural and man-made disasters. Dependent on the severity of the damage, records may be recovered or may need to be declared unrecoverable and destroyed.~~
- ~~Discovery – The pretrial disclosure of pertinent facts or documents by one or both parties to a civil action or proceeding. Anything requested during discovery must be disclosed if it exists – even non-records and records that should have been destroyed earlier. Discovery effectively freezes selected holdings until released by the opposing attorney or the court.~~
- **Email** - Short for electronic mail, the transmission of messages over communications networks. The messages ~~can be notes entered from the keyboard or~~ may include attachments of electronic files ~~stored on disk.~~
- **Inactive records** – Records that are accessed an average of less than once per month, but have not completed their full retention period. These records may be stored in a separate location from active files. ~~Also – a Perpetual Record that has fulfilled its function. (See also Perpetual Record)~~
- **Local Government** – Government Code, Section 6252 states: “‘Local Agency’ includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Government Code, Section 54952.”



- ~~Non-Records – Materials not kept in the ordinary course of business, such as transitory documents, voicemail, email, unofficial copies of documents kept only for convenience or reference, working papers, stocks of publications and blank forms, and library or museum material intended solely for reference or exhibition. Also documents such as rough notes, calculations or drafts assembled in preparation or analysis of other documents. NOTE: A draft that contains substantive comments from a project applicant, an applicant’s attorney, consultant or agent, should be treated as a record of comments received from that source, and the draft or portions showing the substantive comments should ordinarily be retained accordingly. (See also **Discovery**) None records. Non-records are not retained in the ordinary course of business and may include, without limitation, the following materials to the extent that they have no significant or lasting value; electronic messages created for routine communication or in lieu of a telephone call; transmittal letters; acknowledgements, miscellaneous notices of community affairs, employee meetings or holidays, working files and materials that are considered personal, and papers, drafts, rough notes or calculations created and used in the preparation or analysis of records.~~
- **Permanent Records** – Records that are required to be kept in perpetuity, usually identified by statute or other written guidance. Examples include original minutes, ordinances, resolutions, land grant deeds, etc.
- **Perpetual Records** – Records retained as active files for an indefinite period of time and then stored or destroyed after some event takes place. Examples include personnel files which are active until a person terminates his or her employment; policy files kept until the policy is changed; contract files that are active until the contract terminates, then destroyed a fixed number of years later; current database information that is ~~supereeded~~superseded; etc.
- **Program Records** – Records that relate to the primary function of the agency in response to its daily mission. Examples include lien files, recorders files, election files, probate records, medical records, etc.
- **Public Records** – For purposes of the California Records Act, any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- ~~Records – A “thing which constitutes an objective, lasting indication of a writing, event, or other information which is in the custody of a public officer and ~~was is~~ kept either (1) because a law requires it to be kept or (2) because it is necessary or convenient to the discharge of the public officer’s duties and was made or retained for the purpose of preserving its informational content for future reference.” (1981-64 Ops. Cal. Atty. Gen. 317, 326; (1981) citing People v. Pearson (1952) 111 C.A. 2d 9 and People v. Tomalty (1910) 14 C.A. 2d 9). Substantive written communications from individuals or entities who are not City employees, officials, or contractors would ordinarily be considered records.–)~~
- Record Formats – Records received or generated by the City in the course of its business, including paper documents, computer received and generated records in other formats such as microfilm, videos, audio recordings, photographs, maps, etc.
- Records Management – the systematic control of the acquisition, processing, use, protection, storage and final disposition of all records, including the establishment and maintenance of a system for filing and indexing records.
- Records Retention Schedule – The document describing records maintained by City departments and

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~~specifying, in accordance with statutory requirements or evaluations, the period of time established for their retention which must elapse before the records may be destroyed. A list of all records produced or maintained by an agency and the actions taken with regards to those records. A retention schedule is an agency's legal authority to receive, create, retain, and dispose of official public records. It assists the agency by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, historical, or legal value. In the event of litigation, courts accept a retention schedule as establishing an agency's "normal course of doing business".~~

- **Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal, historical and/or legal function. Then a record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.
- **Software** – Any system, program, application, instruction, or protocol designed to store, control or process data.
- **Vital Records** – Records required for daily operations and to resume those operations after a disaster. A Vital Records program protects records from the effects of the disaster and assists in recovery from the event.

## **PROGRAM SCOPE AND OBJECTIVES:**

### **Introduction**

The City of Carmel-by-the-Sea Records Management Program is designed to protect the City's information assets and manage them effectively by employing systematic methods for creation, maintenance, retention, disposition, and retrieval of official City records. Through application of sound record management practices, the program ensures the availability of records and information when needed by City staff and members of the public. These practices also ensure the elimination of unnecessary, redundant records, the preservation of records of continuing value for historical, ~~and~~ legal ~~and administrative research~~ value, and the destruction of records that are obsolete in accordance with established ~~guidelines-procedures~~ once they reach their approved ~~disposition date~~ retention.

By controlling the life cycle of records from creation to final disposition, the City will better manage its information assets, facilitate efficient access to information when needed, provide documentation of compliance to state and federal agencies, and preserve the valuable history of the organization. Records that are not appropriately maintained or improperly destroyed expose the City to potential liability. The City Clerk's Office coordinates the Records Management Program in cooperation with all City departments. The City Clerk is also responsible for preserving the City's legislative history through permanent records such as minutes, ~~minute~~, ordinances, and resolutions.

### **Records Retention Schedule**

The Records Retention Schedule provides the foundation for the Records Management Program and plays a pivotal role in its implementation. The City Clerk maintains the retention ~~schedule which~~ schedule that covers each department of the City and updates the schedule on a periodic basis to accommodate ~~legal administrative, or fiscal policy changes.~~ Changes in federal, state and local laws.

The ~~is~~ schedule, based on the Local Government Records Retention Guidelines (LGRRG), establishes mandatory minimum retention periods for all City records. ~~If federal or state law, court ruling, or regulation establishes the~~

~~retention period for a record, a citation to the relevant provision is given; if no citation is present, authority for the retention period is based on departmental, legal and management recommendations.~~

~~Records not addressed in the attached schedule should be considered routine in nature and would be identified as general information under a specific record series. Retention for those records would be two (2) years unless specific laws, decisions or opinions apply to that records series.~~

~~Transitory correspondence files, consisting of routine transactions, memoranda or emails holding no administrative, fiscal, historical, or legal value should not be filed with working files retained. Examples of transitory documents may be, but are not limited to transmittal letters, forms, requests for routine information or publications, announcements, and other documents not requiring action by the receiving office.~~

Documents that are not transitory in nature, not addressed in this schedule, and for which there are legal requirements or the records is essential either for legal, historical, fiscal or administrative value shall have a record series ~~number and~~ title assigned to them and ~~they~~ shall be added to the retention schedule.

California Government Code, Section 34090.5 sets forth that if a record ~~series~~ can be produced electronically and proper archival methods are set in place, the original may be destroyed, with the exception of those documents that are required to be kept permanently in their original format as outlined in the retention schedule. It is the goal of the City to move toward an electronic imaging program. Until an electronic system is in place, a concerted effort will be made to adhere to the retention schedule and to destroy all appropriate records that are being stored in various facilities throughout the City, and prepare archival material for electronic filing. This process will eliminate a large number of storage boxes and release space for other uses, as well as bring the Records Management Program into full compliance.

#### Email Retention Policy

The City's email system is not intended to be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

Routine email messages comparable to telephonic communications are non-records. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be preserved for future City use or reference. Email messages and attachments comparable to hard copy documents that would be retained under the Records Retention Schedule should be categorized in the appropriate record series. It is each user's responsibility to remove non-substantive records from the email system ~~on a rolling sixty day schedule~~. This includes items in "received" and "sent" folders. ~~An email is not considered destroyed once it has been deleted from a user's mailbox. It may still be considered a record until it is permanently deleted from the system.~~

#### Disposition

City records are authorized to be destroyed on an on-going basis in accordance with the retention periods and best practices prescribed by the Records Retention Schedules set forth as part of this policy. ~~Notwithstanding the provisions herein and in~~ This policy establishes procedures in accordance with Government Code Section 34090, which states that *"unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the City Attorney, the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required."* However, ~~this section~~ Section 34090 specifically prohibits the destruction of the following records:

- a. Records affecting the title to real property or liens thereon;
- b. Court records or records relating to legal proceedings and subject to a legal hold;

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- c. Records required to be kept by statute;
- d. Records less than two years old;
- e. The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

No department may dispose of any official City record prior to the expiration of its approved retention period. ~~In all instances documentation of destruction is required, the attached Authorization to Destroy Obsolete Records must be completed and signed by the Department Head and City Attorney. This form serves as a permanent record, and would be utilized in any legal proceedings as evidence of proper destruction. [O](#) or without following the procedure established in this policy.~~

#### **PROGRAM AUTHORITY**

The City of Carmel-by-the-Sea Records Management Program is based on state and federal laws and agency guidelines governing public records. Numerous State and Federal codes and sections apply to different types of records. The principal California law applicable to City records is Government Code Section 34090 *et. seq.*, which requires original records to be retained a minimum of two years and sets forth other requirements. Each record series listed in the City-wide Records Retention Schedule has applicable laws cited in the "Legal Authority" column.

California has adopted guidelines for retention periods of government records. Any deviation from these guidelines is noted in the "Legal Authority" or "Record Description" sections of the Records Retention Schedule.

1. Government Code Section 34090 – City records may be destroyed with approval of the legislative body by resolution and written consent of the City Attorney, except those records affecting title to real property or liens thereon; court records; records required to be kept by statute; records less than two years old; the minutes, ordinances, or resolutions of the legislative body or of a city commission or committee.
2. Government Code Section 34090.5 – Certain City records may be destroyed without the approval of the legislative body or written consent of the City Attorney if they have been scanned in archival quality in a trusted system that does not permit additions, deletions or changes to the original document. These records shall also be kept in a safe and secure place, and on a device used to reproduce such records as accurately and legibly as the originals and as accessible to the public as the originals.
3. Government Code Section 6200 – Every officer having custody of any record, map, book or paper filed in a public office who is guilty of willfully destroying, altering or removing the whole or any part of such item is punishable by imprisonment in accordance with State law.
4. In addition, California Government Code § 60201 subdivision (d)(4) requires the City to maintain any document that "relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years." Depending upon how long litigation remains pending or when settlement is reached, these "legal holds" can potentially extend the life of a document well beyond the otherwise applicable retention period set forth in the accompanying schedules. Departments will be notified of legal holds on specific documents by the ~~General Manager, District Secretary and/or the District's legal counsel~~ City Attorney, City Administrator and/or City Clerk. Since legal holds commonly target a specific subject or set of information, documents unrelated to the legal hold may be disposed according to the approved retention periods.
5. ~~District's legal counsel. Since legal holds commonly target a specific subject or set of information, documents unrelated to the legal hold may be disposed according to the approved retention periods.~~

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#### **PROCEDURES:**

~~On a routine, on-going basis, City staff shall conduct a review of all records under their control, which have been retained for the period of time required by the Records Retention Schedule. All records shall be categorized within one of the records retention series as set forth on the schedule. This schedule may be amended as appropriate and necessary by resolution when substantial changes in law, statute, ordinance, guideline or procedure is significant enough to warrant the issuance of an amended resolution and/or the rescinding of an existing resolution.~~

~~Upon determining that specific records have reached their retention maximum date, staff will request their destruction following appropriate destruction protocols. Should the City Attorney deem that certain records on schedule for destruction be retained for a longer period of time, the retention period for such records shall be extended accordingly and the retention schedule shall be amended to reflect such extension.~~

~~The City Council, City Administrator, City Attorney and City Clerk, all have distinct responsibilities with respect to the development of policy and procedural records management implementation as described below:~~

~~**City Council**~~

~~The City Council shall approve, adopt, ratify, by resolution, all records management policies, retention schedules, and any amendments thereto.~~

~~**City Attorney**~~

~~The City Attorney shall review the Records Retention Schedule and all proposed amendments to assure compliance with local, state, and federal legal requirements. The City Attorney shall also review and approve all Records Destruction Authorization Memos to ensure that listed records are not the subject of current or pending litigation.~~

~~**City Clerk**~~

~~—The City Clerk, as director of the Records Management Program, shall:~~

- ~~a. Direct the preparation of a citywide records inventory of all departments.~~
- ~~b. Prepare and maintain Records Retention Schedules based on the findings of the records inventory and discussions with City staff.~~
- ~~c. Assist department Records Coordinators in reviewing and updating the Records Retention Schedules on a periodic basis. Revise policy and procedures as necessary to ensure interdepartmental coordination and cooperation in the creation, maintenance, protection, retention, and disposition of all City records.~~
- ~~d. Submit Records Destruction Authorization Memos to each Department Director for approval to destroy records stored in the off-site records center. Carry out such destruction in accordance with established procedures.~~
- ~~e. Maintain accurate logs and databases of all records stored in any off-site records center.~~
- ~~f. Maintain documentation of all records destroyed in accordance with the Records Retention Schedule, including those records destroyed directly by department.~~
- ~~g. Educate City staff on principles of records management and industry best practices through regular training meetings for department liaisons. Provide guidance, consultation, and advice as needed.~~

~~**Departments**~~

~~—Each department shall:~~

- a. ~~Appoint a Records Coordinator to work with the City Clerk in implementing the Records Management Program. This should be someone who is familiar with the nature and purpose of department records, has some authority to ensure adherence to records policies and procedures, and can recommend retention periods based on actual usage and legal requirements.~~
- b. ~~Assist the City Clerk in conducting and maintaining an inventory of all records created and maintained within the department.~~
- c. ~~Review their Retention Schedule bi-annually, submitting to the City Clerk any suggested revisions to retention periods, and additions or deletions of records series as department functions change.~~
- d. ~~At regular intervals but no less than once per year, transfer inactive records to storage in accordance with established procedures and using the Retention Schedule as a guide.~~
- e. ~~Review the list of records eligible for destruction to ensure that none of the records are the subject of an audit or pending litigation.~~
- f. ~~Educate other department staff in proper recordkeeping policies and procedures.~~

~~Following receipt of written approval of the City Attorney, City Administrator and City Clerk, the records of the City as set forth in the approved departmental records retention schedule are authorized to be destroyed and such destruction shall be witnessed by the City Clerk or a designated representative.~~

- All records should be retained and destroyed in accordance with the City’s Records Retention Schedule
- By following the adopted Records Retention Schedule, the City may authorize the destruction of records.
- Unless otherwise provided by federal, state and local law, the City Administrator/or designee may authorize the destruction of any original document which is more than two years old, with written consent from the City Attorney, without retaining a copy of the documents as long as the retention and destruction of the document complies with the Records Retention Schedule as set forth in this policy.
- At least annually, the City Clerk will coordinate with City departments in reviewing records against the Records Retention Schedule to apply retention in a routine and consistent manner. Retention of records will be applied to shared drives, personal drives and external storage devices such as thumb drives.
- Records that have met retention according to the adopted Records Retention Schedule may be destroyed upon written approval of the Department Head, City Attorney, City Administrator and City Clerk.
- Department Heads will sign and provide to the City Clerk a list requesting destruction of records according to the Records Retention Schedule.
- The City Clerk will ensure records that have met retention are destroyed in a secure, efficient, and economical manner including using a shredding company and working with Information Technology staff.
- Records that have met retention pursuant to the adopted Records Retention Schedule and must be retained pursuant to a Litigation Hold will not be destroyed until the records have been released by the appropriate entities.

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**Commented [KT1]:** I added this for clarification since Section 34090 references "written consent" if the City Attorney and in practices, the recommendation on destruction will probably come in the form of a written memo for review and approval.

**Responsibilities:**

- The City Clerk is responsible for coordinating the Records Management Program for the City including:
  - o Developing and implementing an archival program for the storage of records regardless of the manner in which they are stored

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- Providing the training and tools necessary for officials and employees to comply with this policy
- Working with a vendor that- houses those physical records no longer required in office areas and have not met their legal retention.
- The City Clerk is responsible for maintaining an electronic copy of the City's Records Retention Schedule.
- The City Attorney, City Administrator and City Clerk are responsible for reviewing updating and approving the City's Records Retention Schedule in accordance with federal, state and local laws.
- Officials and employees are responsible for protecting, storing, transferring, using and managing the City's records in accordance with the City's Records Retention Schedule and applicable federal, state and local law. Additionally, officials and employees are responsible for ensuring the economical and efficient maintenance and storage of records and promoting security of records in the most effective media format appropriate for preservation.

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C16-02

**CITY OF CARMEL-BY-THE-SEA  
RECORDS RETENTION SCHEDULE**

**LEGEND**

**Records Retention**

AC = Active	AD = Adoption
AU = Audit	CL = Closed/Completions
CU = Current Year	DOB = Date of Birth
E = Election	L = Life
P = Permanent	S = Supersede
T = Termination	

**CITATIONS**

B &P – Business and Professions	H&S – Health & Safety
CAC – California Administrative Code	HUD – Housing and Urban Development
CCP – Code of Civil Procedure	OSHA – Occupational Safety & Health Act
CCR – Code of California Regulations	PC – Penal Code
CEQA – California Environmental Quality Act	POST – Police Officers Standards Training
CFR – Code of Federal Regulations	UFC – Uniform Fire Code
EC – Election Code	USC – United States Code
FMLA – Family & Medical Leave Act, 1993	WIC – Welfare & Institutions Code
GC – Government Code	



## ADMINISTRATION

## C16-02

Record Series	Retention	Citation	Descriptor
<b>AUDIT</b>			
Annual Financial Report	CL + 2	GC34090	Independent auditor analysis
Bonds	CL + 10	GC34090; CCP 337.5	Final bond documentation
Budget	P	GC34090	Annual operating budget approved by Legislative Body
Budget Operating (copies)	S	GC34090	Departmental Reference
Hearing or Review	AU + 2	GC34090; OMB A-128	Documentation created and or received in connection with an audit hearing or review
Reports	AU + 4	GC34090; OMB A-128	Internal and/or external
Reviews, Internal/External Periodic	CU	GC34090; GC6250	Daily, weekly, monthly, quarterly or other summary, review, evaluation, log, list, statistics, except a report
<b>COMMUNITY SERVICES</b>			
Libraries	CU + 2	GC 34090	Books, art, gifts, donations, exhibits, theatre, music, special events, etc.
Plaques	P		Historic value
<b>ELECTIONS</b>			
Affidavit Index	CL + 5	EC 17001	
Applications, Absentee Ballots and Envelopes	E + .5	EC 17505; EC 17302	From date of election
Assisted, Challenged Voters List	E + .5	EC 17304	From date of election
Ballots	E + .5	EC 17302	From date of election; ballots submitted to precincts/City Clerk that were not used - unless contested (EC 17302(c)) retention by court order
Ballots Prop. 218 (Assessment Districts)	P	California Constitution Art. XIII	Property related fees (Assessment Ballot proceeding)
Calendar	E + 2	GC 34090	
Canvass	P	GC 22932; EC 17130; EC 2653	Notifications and Publication of Election; Records used to compile final election results, including tally sheets, voting machine tabulation, detailed breakdown of results; special election results
Certificates of Election	T + 4	GC 81009(a) (d)	Certificates of election; Original reports and statements

Charter Amendments/ Measures	P	GC34458-60; GC34090	Chapter designations by Secretary of State following adoption of voters
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## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Fair Political Practices			
Administration/ Campaign Statements and Conflict of Interest	CU + 5		FPPC Opinions
Campaign disclosure, Elected	P	GC81009(b) (g)	FPPC Filings
Campaign disclosure, Not Elected	E + 5	GC81009(b)	FPPC Filings
Campaign disclosure - Unsuccessful (all other committees)	E + 7	GC81009	FPPC Filings
Candidate Statements	E + 4		Sample ballot retained permanently.
History	P	GC 34090	History of elections, sample ballots, certificates of destruction, other resolutions re: elections
Statement of economic interest - Elected Officials	T + 7	GC 81009(e)	FPPC Filings
Statement of economic interest - Not Elected	E + 5	GC 81009(b)	FPPC Filings
Lobbyist Registration	P	EC 81009(b)	Statements
Maps, Precincts/Voter Information	E + 2	GC 34090; EC 17501; EC 17301	
Nomination Papers Successful Unsuccessful	E + 4 E + 2	EC 17100 GC 81009(b)	
Notifications and Publications	E + 2	GC 34090	Proof of publication or posting, certification and listing of notice of posting; copy of newspaper notice and certification of offices to be voted for at forthcoming election
Oaths of Office	T + 6	GC34090; 29 USC 1113	Elected Officials

Petitions	.75	EC 17200, 17400; GC 7253.5; EC 14700 + GC 3756:8	From date of filing or election; Initiative, referendum, recall, Charter Amendments
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## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Precinct Records	E + .5	EC 17503	From date of election: Precinct official material; declaration of intention, precinct board member applications, orders appointing members of precinct boards and designating polling places Includes notice of appointment of office and record of service
Roster (Of Voters)	E + 5	EC 17300	From date of election; Initiative, referendum recall, general municipal election, Charter Amendments
Voter Affidavits	CL + 5	EC 17000	
Voter Registration Signature Copy	CU + 5	EC 17000	Fire, special or school district
<b>GENERAL SUBJECT</b>			
Administration	P	GC 34090	
Biographies	CU + 2	GC34090	
Classifications and Appointments	P	GC 34090; GC 12946; 29 CFR 516.6(2); 29 CFR 1602.4	Includes supplemental Personnel records. Wage rate tables 2 years.
Correspondence/ Originating Department	CU + 2	GC34090(d)	If not attached to agreement or project file
Goals & Objectives	CU + 2	GC34090	Departmental goals & objectives
Policies & Procedures, Departmental	S + 5	GC34090(d)	Retain while current
<b>Promotional Marketing</b>			
External	CU + 7		
Internal	2		
<b>Reports</b>			
Departmental	CU + 2	GC34090	Special/or final summary, review or evaluation
Staff	CU + 2	GC34090	Non-agenda related, includes supporting documentation
Special Projects	CU + 2	GC34090	
Support Services	CU + 2	GC34090	Reproduction; printing; postal/ mailing services, other internal resources
Travel Records	CU + 2	GC34090	
<b>GRANTS</b>			
Community Development Block Grant and Urban Development	T + 4	GC34090; 24 CFR 570.502 24 CFR85.42*	Applications, reports, contracts, supporting documents; *OMB Cir. A-102, A-110, A-128
Federal and State	CL + 5	GC34090	Refer to grant application close-out procedure
Financial Records	CL + 5	GC34090	Refer to grant application close-out procedure
Unsuccessful	CL + 2	GC34090	Applications not entitled

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>HUMAN RESOURCES</b>			
Benefit Plan Claims	P	GC6250 et seq; OMB A-129 29 CFR 1602.30; 32; Lab Rel Sec 1174*	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance *29 CFR 1637.3; 29 USC 1027; 29 CFR 1627.3; 29 USC 1113
Benefit Plan Enrollment, Denied	CL + 4	GC34090; OMB A-128	
Bond, Personnel Fidelity	T + 2	GC34090	Employee Fidelity Bonds
Employee Handbook	S + 2	GC 34090	General employee information including benefit plans
Employee Programs	CL + 2	GC 34090; GC 12946	Includes EAP and Recognition
Employee Rights General Employees Safety (Police)	T + 2 T + 5	GC12946; 29 CFR 1602; 29 USC 211 (e); 203(m);	May include Arbitration, grievances, union requests, sexual harassment and Civil Rights, complaints, disciplinary actions
Hourly Employees	T + 6	GC12946; GC34090*	*29 CFR 1627.3, Labor Relations Section 1174
Immigrant		Immigration Reform/ Control Act 1986 Pub. L 99-603	I-9's
Medical Leave	CL + 30	FMLA 1993 US OSHA; 29 CFR; 1910.20*	May include Family leave; certifications; tests; W-4's; *29 CFR 1602.30.32; 49 CFR 193-9;
Motor Vehicle Pulls (DMV)	CL + 7	GC12946, *	*CA 91009; 8 USC 1324 (a)
Negotiation	P	29 USC Sections 211(c), 203(m), 207(g)	Notes, notebooks, correspondence, contracts, and Memorandums of Agreements

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Non-Safety Employees	T + 3	Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC	Non-safety employees may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID=s) *1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Personnel Records (copies)	CU + 2	GC34090; GC6250	Attendance; evaluations; drafts; worksheets; postings
PERS, Social Security, SSI	P	29 CFR 1627.3(2); GC 12946, 34090	EEOC/ADEA
Recruitment	CL + 3	Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
Reports	CU + 2	GC34090	Employee statistics, benefit activity; liability loss
Safety Employees	T + 5	Reference: 29 CFR 16273; CCR Sec 1174; 29 CFR 1607.4; *	Police, fire, emergency employees may include; Release Authorizations; Certifications Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre employee medicals *29 CFR 1602.30.32; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Surveys and Studies	CU + 2	GC 12946, 34090; 29 CFR 516.6(2); 29 CFR	Includes classification, wage rates
Training Records Non-Safety	CU + 7	GC6250 et seq	Employee applications, volunteer program training, class training materials, internships;
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers internal and external training
Safety	CU + 2	GC34090	Certifications/designations
Vehicle Mileage Reimbursement Rates	S + 2	GC 34090	Annual mileage reimbursement rates

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>INFORMATION SERVICES</b>			
Internet, World Wide Web	S + 2	GC34090	Management/Policies and supporting documentation
Inventory, Information Systems	S + 2	GC34090	Hardware/Software Inventory logs; systems manuals
Network Information Systems (LAN/WAN)	CU + 4	GC34090; CCP 337.2; 343	Configuration maps and plans
Program Files and Directories	CU + 2 CU + (2 mos.)  CU + 1 CU + .5	GC34090; GC34090.7	Annual backup Daily backup  Monthly backup Weekly backup
Tapes Information Systems	CU + 2	GC34090	System Generation
<b>LEGAL/ LEGISLATIVE</b>			
Agendas	CU + 2	GC34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions
Agenda Reports(Master, Subject Files)	CU + 2	GC34090 (d)	Documentation received, created and/or submitted to Council
Appeals, Civil	CU + 3	CCP 583.320(a)(3); GC 34090	
Applications, Boards, Commissions, Committees	CL + 2	GC34090	Not selected
Applications, Boards, Commissions, Committees	T + 5	GC34090; GC40801	Selected
Articles of Incorporation	P	GC34090; CCP 337.2	
Case Log	CL + 7	CCP 337.2; 343	From Close of cases listed; Chronological listing of cases
Case Records - (High Profile)	P	GC6254	Significant cases which have importance/or set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs
Case Records	CO + 7	42 USC s1983	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
Contracts and Agreements Excl. Capital Improvement	T + 5	CCP 337.2, 343; B&P7042.5; *	Includes leases, equipment, services or supplies *PU7685; 48 CFR:2; GC53066
Incl. Capital Improvement	P	2.08.110;*	Construction *GC37090a; 4004; H&S 19850
Index, Attorney Case	L	GC6254	Including notations on activities related to case



## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Legal Advertising	CU + 4	CCP 343, 349 et seq.; GC 911.2; GC 34090	Includes public notices, legal publications
Logs, Attorney Service Request	CU + 2	GC34090	Service request, summaries of monthly requests
Minutes	P	GC34090(d) ; GC36814; GC40801	Official minutes and hearing proceedings of governing body or board, commission or committee
Notices, Meeting	CU + 2	GC 34090.7, 54960.1(c)(1)	Special meetings
Opinions	S + 2	GC34090; GC6254	Confidential
Ordinances	P	GC34090(d) 40806	Charter amendments; municipal code
Petitions	CU + 1	GC50115; GC6253	Submitted to legislative bodies
Resolutions	P	GC34090(d) 40801	Legislative actions
Tapes, Audio/Video	CU + 3 mos.	GC 34090.7	When used for minute preparation and may have historical value.
<b>MUNICIPAL CLERK</b>			
Assessment Districts	P	GC 34090	Original documentation
Inventory, Records	CU + 2	GC34090; 80 OPS Atty. Gen. 106	Inventory of non-current or inactive records holdings and location, indices. Tapes may be recycled.
Municipal Code	P	GC 34090	Supplements included
Public Records Request	CL + 2	GC 34090	
Records Management	CL + 2	GC34090	Document includes retrieval, transfers - inactive
Records Management Disposition Certification	P	GC34090	Documentation of final disposition or records
Records Retention Schedules	S + 4	CCP 343	
<b>POLICIES/ PROCEDURES</b>			
General Administrative	S + 2	GC34090; 40801	All city policies and procedures
Policy, Council/ Proclamations	S + 2	GC34090	Policies, directives rendered by Council not assigned a resolution or ordinance number
<b>PUBLIC FINANCING AUTHORITY</b>			

Administration	P	GC 34090	
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## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Financial Records	P	GC 34090, 40802, 53901	
Management Reports	2	GC 34090	
<b>PUBLIC INFORMATION</b>			
Brochures, publications, newsletter, bulletins	S + 2	GC 34090	
Calendar, City	CU + 2	GC 34090	
Media Relations	CU + 2	GC 34090	Includes cable, newspaper, radio, message boards, presentations.
<b>RISK MANAGEMENT</b>			
Accident Reports - City Assets	CL + 7	29 CFR 1904.2; 29;* GC34090	Reports and related records * CFR 1904.6
Bonds, Insurance	P	CCP 337.2; 343	Bonds and insurance policies insuring city property and other assets
Claims, Damage	CL + 5	GC34090; GC25105.5	Paid/Denied
Incident Reports	CL + 7	29 CFR 1904.2; 29 CFR 1904.6 GC34090	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement)
Insurance, ACCEL JT Powers Agreement	P	GC34090	(Authority California Cities Excess Liability Insurance) B Accreditation/ MOU=s/agreement/agendas
Insurance, Certificates	P	GC34090	Insurance certificates filed separately from contracts, includes insurance filed by licensees
Insurance, Liability/Property	P	GC34090	May include liability, property, Certificates of Participation, deferred, use of facilities
Insurance, Workers Compensation	P	GC6410; 29 CFR 1910.20	Indemnity; PERS - working files - originalswith Administrator
Photographs, Negatives, Film	CL + 2	GC34090	
Risk Management Reports	CL + 5	OMB 1220- 0029; 29 CFR1904.4; GC 34090	Federal OSHA Forms; Loss Analysis Report; Safety Reports ; Actuarial Studies
Workers Compensation	P	CCR 14311; 15400.2; CA Labor Code 110-139.6	Claim Files, Reports, Incidents (working files) originals filed with Administrator

## DEVELOPMENT

C16-02

Record Series	Retention	Citation	Descriptor
<b>ADMINISTRATION</b>			
Benchmark Data	CU + 2	GC34090d	Horizontal, vertical & control
Bids & Proposals (Unsuccessful)	CL + 2	GC34090d	
Bonds Development	CL + 10	CCP 337.5	Housing; Industrial Development
Security	CL + 2	GC34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work
Code Books	P	GC34090e	National Electrical Code, Uniform Building, Fire, Mechanical Plumbing & Sunplements
Contractor	CU + 2	GC34090d	Current listing
Correspondence	CU + 2	GC34090d	Working documentation
Development Conditions	L	GC34090	Mitigation measures; filed with case files
Development Agreements	P	CCP337, 337.1(a), 337.15; GC34090;4 8 CFR	Infrastructure contracts, franchises. Original maintained for 7 years.
Development Standards	P	GC34090a	Landscape mediums, parkway landscape development, public works construction
Drawings, Project Plan	CU + 2	GC34090d	Does not include those usually filed with case or project
Franchises	P	GC65864, 65869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable, grant of easements and/pr involving construction of improvements *CCP 337.2, 343; AC16023
General Subject Files	CU + 2	GC34090d	Internal working files including correspondence
Grants, Community/Urban Development (includes CDBG)	CL + 4	24CFR 570.502(b ) (3); 241CFR 85.42 & OMB Cir. A- 110, Attach.	Project files, contracts, proposals, statements, reports, sub-recipient docket, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 loan guarantee *OMB Cir. A-102 & 128, HUD regulations
Historic Preservation Inventory	2	GC34090d	Historic structures & landmarks
Incident Files	2	GC34090d	Emergency Call Outs
Land Uses, nonconforming	P	GC34090a	Building or site usage which does not conform to current standards
Logs	CU + 5		Logs, registers or similar records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility

## DEVELOPMENT (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Maps & Plats	P	GC34090a	Engineering & field notes and profiles; cross-section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire
Master Plans, Annual	S + 2	GC34090	Special or long range program plan for municipalities – coordination of services; strategic planning
Permits, Construction	P	GC34090a; H&S19850; 4003-4004	Plans, building, signs, grading, encroachment, including blueprints and specifications
Permits, Other	CL + 2	GC34090d	Alterations, encroachment, excavations, road, street sidewalks & curb alterations, transportation, swimming pool drainage, temporary uses, etc.
Photographs	S + 2	GC34090d	Aerial photographs
Projects, Not Completed or Denied	CL + 2	GC34090d	Building, engineering, planning
Reports	CU + 2	GC34090	Activity, periodic
Seismic Retrofit Program	P	GC34090a	Includes Certificates of Compliance
Street Names and House Numbers	P	GC34090a	Street dedications, closings, address assignment/changes
Studies, Special Projects & Areas	CL + 2	GC34090d	Engineering, joint powers, noise, transportation
Surveys	P	GC34090a	Recording data and maps
<b>BUILDING</b>			
Blueprints, Specifications	CL + 2	GC34090d	Submitted by contractors with application for permit and builds for Certificate of Occupancy
Certificates	L	GC34090a	Compliance, elevation, occupancy which affect real property
Construction (Approved)	P	GC34090a; 4003; 4004; H&S 19850, 4003	New commercial and residential construction, tenant improvements room additions, spa, signs, block wall, remodel including security bonds
Inspection	CL + 2	GC34090d	Correspondence, fees, appeal requests, reports
Permits	P	GC34090a; H&S 19850; 4003-4004	Plans, building, signs, grading, encroachment permits
Signs (Temporary)	S + 2	GC34090d	Home occupations, off-premise signs
<b>CODE ENFORCEMENT</b>			
Abandoned Vehicles	CL + 2	GC34090d	
Case Files	CL + 2	GC34090d	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
Liens & Releases, Supporting Recorded	CL + 2 P	GC34090	Utilities, abatement, licenses

## DEVELOPMENT (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Logs	CU + 2	GC34090d	Lien Recovery, citations, complaints
Regulations	S + 2	GC34090d	Includes rules
Reports, Federal and State	P	GC34090a	Code enforcement statistics; may contain records affecting title to real property or lien thereon
Violations, Building, Property & Zoning	CL + 2	GC34090d	Supporting code enforcement activity
<b>ENGINEERING</b>			
Capital Improvement Projects	CL + 10	CC337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
Construction Tracking, Daily	P	CC337.15	Assesses value of real property
Drawings, Traffic Control Plan	P	GC34090a	Signs, signing & striping, road construction
Flood Control	CL + 2	GC34090d	Storm Drains
Special Districts	P	GC34090a	Supporting documents re: improvement, lighting, underground utility; bonds, taxes & construction
Street/Alley (Abandonment / Vacation)	CL + 2	GC34090d	Relinquishment of rights and fee title
Traffic Signals	CL + 2	GC34090d	Counts, collisions, accidents
<b>ENVIRONMENTAL QUALITY</b>			
Air Quality (AQMD)	CU + 7	CCP 338(k); GC34090	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities; Commute Alternative
Asbestos	P	GC34090a	Documents abatement projects, public buildings
California Environmental Quality Act (CEQA)	P	GC34090a + CEQA Guidelines	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations
Congestion Management	CU + 2	GC34090d	Ride sharing, trip reduction
Environmental Review	CL + 2	GC34090d	Correspondence, consultants, issues, conservation
Pest Control	CU + 2	GC34090d	Pesticide applications, inspections & sampling, documents
Soil	CL + 2	GC34090d	Analysis, construction recommendations
Soil Reports	P	GC34090d	Final Reports
<b>HOUSING</b>			
Bonds	CL + 4	CCP 337	Revenue Bond Documentation

Programs	CL + 3	24 CFR 570.502(b)( 3); 24 CFR 85.42 & OMB Cir. A- 110, #C	Includes comprehensive Housing Authority Strategy, Meeting Credit Certificate, Housing bond advisory, HOME, In-Lieu Housing Mitigation, Low/Moderate Housing, Rental Housing Assistance
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## DEVELOPMENT (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Redevelopment Budgets	P	GC 34090.40802, 53901	Includes annual audit
Bond Issues	P	GC43900 et seq.	
<b>MUNICIPAL FACILITY</b>			
Capital Improvements, Construction	P	2.083110; GC34090a; 4004; H&S 19850; GC34090a	Contains records re: Planning, design, construction, conversion or modification of local government-owned facilities, structures & systems
Facility Rentals/Use	CU + 2	GC34090	Permits, contracts, diagrams, schedules, insurance binders
Maintenance & Operations	CU + 2	GC34090d	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
<b>PLANNING</b>			
Case files, Planning and Zoning	P	GC34909a; H&S 19850; 4003;4004	Pertains to real property. May include blueprints, drawings, maps, plans, reports, evaluations, correspondence, uses, permits, variances, studies, appeals, compliance certificates, lot line adjustments or other planning-related matters brought before legislative body
Certificates	L	GC34090	Retain during life of structure
Flood Records	CU + 2	GC34090	
General Plan and Elements	P	GC34090	Includes sphere of influence
General Plan Amendments Approved Denied	CL + 3 CU + 3	GC34090 GC65103; *	* GC50110
Interpretations	CU + 2	GC34090	
Maps, Plans, Drawings, Exhibits, Photos	P	GC34090; H&S 19850; GC34090.7	Zoning, tentative subdivision, parcel, land use map, aerial photos, specific plans
<b>PROPERTY</b>			
Abandonment	P	GC34090a	Buildings, Condemnation, Demolition
Acquisition/Disposition	CL + 10	GC34090a; GC6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City
Annexation Case Files	P	GC34090a	Reports, agreements, public notices
Appraisals	CL + 2	GC34090; GC6254(h)	Exempt until final acquisition or contract agreement obtained
Deeds & Promissory Notes	P	GC34090a *	* 24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110
Maps, City Boundary	P	GC34090d	Recorded maps, surveys, monuments
Lot Split Cases	P	GC34090	
Relocation Files	CL + 2	GC34090	e.g., Redevelopment



## FINANCE

## C16-02

Record Series	Retention	Citation	Descriptor
<b>ACCOUNTING</b>			
Accounts Payable	AU + 4	GC34090	Invoices, check copies, supporting documents
Accounts Receivable	AU + 4	GC 34090	
Applications	CL + 2	GC34090	Utility connections, disconnects, registers, service
Assessment Districts	P	GC 34090	Collection information; Original documentation files with municipal clerk
Bank Reconciliation	AU + 5	GC34090; 26 CFR 16001-1	Statements, summaries for receipts, disbursements & reconciliation
Billing Records	AU + 2	GC34090	Customer name, service address, meter reading, usage, payments, applications/cancellations
Budget	AU + 2	GC 34090	
Budget adjustments, journal entries	AU + 2	GC34090	Account transfers
Checks	AU + 5	GC34090; CCP 337	Includes payroll, canceled & voided checks
Deposits, Receipts	AU + 4	GC 34090; CCP 337	Checks, coins, currency
Invoices	AU + 2	GC34090	Copies sent for fees owed, billing, related documents
Journals			
Utility Billing	CU + 2	GC34090	Billing including monthly activity
Ledger, General	P	GC34090; *	* CCP 337
Voucher	AU + 4	GC34090; CCP 337	Account postings with supporting documents
Taxes, Receivable	AU + 3	CCP338	
Warrant Register	AU + 2	GC 34090.7	
<b>ADMINISTRATIVE SERVICES</b>			
Budget Operating (copies)	S	GC34090	Departmental Reference
Budget, Proposed	CU + 2	GC34090	Presented to Council
Adopted	P	GC 34090	
<b>FIXED ASSETS</b>			
Inventory	AU + 4	GC34090; 26 CFR 301 65-1(F)	Reflects purchase date, cost, account number
Surplus Property			
Auction	AU + 2	GC34090	Listing of property
Disposal	AU + 4	GC34090; CCP 337	Sealed bid sales of equipment
Vehicle Ownership & Title	L	VC 9900 et seq.	Title transfers when vehicle sold
<b>LICENSE</b>			
Business	T + 4	GC34090; CCP 337	Paid & reports

## FINANCE (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>PAYROLL</b>			
Adjustments	AU + 4	GC 34090 29 CFR 516.5 – 516.6	Audit purposes
Employee Time Sheets	AU + 6	GC34090; 29 CFR 516.2*	Signed by employee for audit & FEMA Reports *20 CFR 516.6(1); IRS Reg. 31.6001-1(e)(z); R&T 19530; LC 1174(d)
PERS Employee Deduction Reports	T + 4	GC34090; CAC 22- 1085-2	Record of deductions ( <i>PERS Public Employee Retirement System</i> ) *26CFR 31.6001-1;29 CFR 516.5, 516.6, LC 1174(d)
Register	P	GC34090; GC37207	Labor costs by employee & program
Salary Records	T + 3	GC34090; 29 CFR 516.2	Deduction authorization, beneficiary designations, unemployment claims, garnishments
<b>PURCHASING</b>			
Bids, RFQ's, RFP's Successful Unsuccessful	AU + 4 AU + 5 CU + 2	GC34090; CCP 337; *	Requests for Qualifications; Requests for Proposals regarding goods and services * GC 25105-1; GC 34090
<b>Requisitions</b>			
Purchase Orders	AU + 4	GC34090; CCP 337	Original documents
Stores	CU + 2	GC34090	Completed forms for ordering
Vendor Register	P	GC34090	Alpha vendor listing of purchase orders, invoices, account numbers and check date
<b>REPORTS</b>			
Audits	P	GC 34090	
Deferred Compensation	T + 5	GC34090; 26 CFR 16001- 1*	Records of employee contributions and city payments *29 CFR 1627.3(2)
Federal and State Tax	AU + 4	GC34090; 29USC 436 *	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2);R&T 19530;29 CFR 516.5-516.6
Financial, Annual	AU + 7	GC 34090.7	
Investment Transactions	P	GC34090; CCP 337; GC 53607	Summary of transactions, inventory & earnings report
Labor Distribution	AU + 2	GC34090	Costs by employee & program
Meter Reading	CU + 2	GC34090	
State Controller	P	GC34090	Controller may destroy after 5 years
Utility Rebates	CU + 2	GC34090	
<b>TREASURER</b>			
Bank Statements	AU + 2	FC 3368, 30210; GC 43900 et seq.	Financing authority

## FINANCE (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>Bonds</b>			
Account Statements	CL + 10	GC34090; CCP 337.5	Monthly statement of transactions.
Administration	CL + 10	GC34090; CCP 337.5	Supporting documents
Bonds and Coupons	CL + 2	GC34090; 53921	Paid/canceled

## PUBLIC SAFETY

C16-02

Record Series	Retention	Citation	Descriptor
<b>EMERGENCY MANAGEMENT</b>			
Mutual Aid, Strategic Plans	S + 2	GC34090	
<b>FIRE SAFETY ADMINISTRATION</b>			
Books, Fire Code	S + 3	GC34090.7 CCP 340.5	Include OPS manuals
General Orders, Policies/Procedures	S + 2		
Inspections, Fire Prevention	CL + 3	UFC 103.34	Alarm/sprinkler systems, prevention efforts
Investigations, Evidence Arson	P	PC 799	Support prosecution resulting in homicide
Investigations, Evidence Arson	CL + 6	PC 800	Great bodily harm, inhabited structure or property
Journals, Fire Station	CU + 2	GC34090	Activities, personnel, engine company
Permits, Uniform Fire Code	CL + 2	GC34090	
<b>PERSONNEL</b>			
Exposure	T + 30	29 CFR 1910.1020	Sampling results, collection methodology, background
Exposure	T + 1	29 CFR 1910.1020	Laboratory reports and worksheets
Medical	T + 30	29 CFR 1910.1020	
Medical	T + 2	29 CFR 1910.1020; *	Employees less than one year *GC34090
Training	T + 2	GC34090	Certifications/designations
<b>PROPERTY</b>			
Apparatus/Vehicle	CU + 2	GC34090 CCP 340.5 *	Repair and Maintenance *8 CAL Code Reg. 3203 (b) (1)
Inventory, Equipment & Supplies	CU + 2	GC34090	
Logs, Fire Equipment/Gear	CU + 2	GC34090	
<b>REPORTS</b>			
Incident	CL + 3	GC34090 CCP338 *	Dispatch and daily logs *CCP 340.5
Field, Non-fire and Logs	CU + 2	GC34090	
Fire, Non-arson and Logs	CU + 2	GC34090	

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Investigations, Evidence Arson	CL + 3	PC 801; UFC 104.32	Structure
Weed Abatement	CL + 2	GC34090	Reports, assessments, resolutions, documentation
<b>HAZARDOUS MATERIALS</b>			
Hazardous Waste Disposal	CU + 10	CAL OSHA; 40 CFR 122.21	Documentation re handling and disposal of hazardous waste
Permits, Hazardous Materials Storage	CU + 2	GC34090	Departments consistently recommend permanent retention of environmentally sensitive materials.
Programs, Household Hazardous Waste	S + 2	GC34090	
Training Materials	S + 2	Cal Code *	Standards and Administration *Reg. 3204(d), et seq.
Underground Storage Tank Compliance Maintenance &	P CU + 2	GC34090a GC34090	Documents re: storage Location, installation, removal, remediation
<b>LAW ENFORCEMENT ADMINISTRATION</b>			
Accounting/Cash Reconciliation	CU + 2	GC34090	
Alarm Records	CU + 2	GC34090	
Claim Files	CL + 6	PC 832.5	Claim copy, correspondence, photographs, supporting documents relative to incidents involving the Police Department filed by citizens
Department Manual	S		Changes to manual are recorded in the General Orders (permanent)
Equipment Communication Inventory	T + 2 S + 2	GC34090 GC34090	Retained until termination of equipment use; Manuals, instructions, procedures Listing of equipment assigned to division, to whom it is assigned
Reports Activity	CU + 2	GC34090	Weekly/monthly/quarterly/ annual activity/statistical reports by division. Retain only one form for retention period
Chemical Emissions Survey	CU + 2 CU + 2	GC34090 GC34090	Surveys, responses, correspondence with other agencies requesting statistical data
Response Files			
<b>INVESTIGATIONS</b>			

Administrative/Internal	CL + 5	PC 832.5 EVC 1045 GC 12946 PC 801.5; 803(c) VC 2547	Initiated by citizens complaints or internally initiated; includes complaint, reports, findings
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## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Asset Forfeiture	CL + 2	GC34090	
Investigations/ Proceedings Case File			
Notifications	CU + 2	GC34090	To legal property owner prior to case filing that property is subject to asset forfeiture proceedings. If case is filed, notification becomes part of forfeiture case file.
Case Books, Investigative	CL + 2	GC34090	Retained by division until a case is suspended/closed; transfer to Records Division to be filed with associated Daily Report (DR) file
Case Files Homicide Investigator's File	P	PC 799	
Narcotics (No arrest, Narcotics Cases)	CL + 2	GC34090	Retained by division until no longer useful for investigative purposes
Officer Involved Shootings	CL + 25	GC34090	
Court Daily Schedule	CU + 1	GC34090.7	Printouts of daily court scheduling
Sign-In Logs	CU + 2	GC34090	Logs officers' names, time in/out for court appearances
Tracking System Records	CU + 2	GC34090	Database records subpoena number, officer name, case number, defendant name, district attorney name, court information disposition
Evidence, Disposition Forms			Attach to duplicate Property Report, file w/DR in Records Division
Fingerprint Applicants Files	T + 2	GC34090	Paperwork authorizing fingerprinting and background checks for city employment applicants and business license applicants
Inked/Palm Cards	AC + 20		Persons booked into detention facility; (Copies distributed to county, state, federal agencies)
Records Latents		Approp. PC Section	1) Retain for applicable case statute of limitation; 2) or until evidence in case is destroyed; Hard copy and digitized
Suspect, Adult/Juvenile	CL	Law Enforcement Managemen t Guide by	Adults/juveniles suspected of a crime, taken for comparison. Destroy after original purpose achieved
Guns, Dealers Record of Sale	CU + 6	PC 12070	Applicants, Monthly Gun Audits, Applications Denied, Stolen (DOJ File)
Informant Files	T + 10		Legal notifications, identification information, payment information, activities information

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Jail Daily Logs	CU + 6	GC34090	Daily report of staffing, bookings/releases, transfers, transportation
Inmate Record			Dependent on facility's classification; see Laws and Guidelines for Local Detention Facilities by Board of Corrections (State of California)
Inspection Files	CL + 6		Inspections by various agencies
Surveys	CL + 2	GC34090	Prepared quarterly, forwarded to State Board of Corrections
Licenses Bicycle	CU + 2	GC34090	
Bingo, Mace	CU + 2	GC34090	
Business	T + 1	GC34090	
License Review Board Administrative Files			
Duplicate (Pink), Secondhand Dealer, Pawn Brokers	CU + 2	GC34090	Original to licensee, Blue duplicate to DOJ; Pink duplicate retained by agency; renewals issued annually by local agency
Logs Auto Theft Case	S CU + 1		
Assignment Daily Activity Officer	CU + 2 CU + 2	GC34090 GC34090	Daily activity of incidents not reported by use of official report
Report Summary	CU + 2	GC34090	Report numbers, type, names, dates retained for research value
Investigative (Pre-Arrest)	CL + 10	GC34090	Retained by division until cases are suspended and closed
Juvenile Detention Property Control	CU + 2 CU + 2	GC34090 GC34090	Logs document juvenile processing per CYA Logs items coming into and going out of property room
Rap Sheet	CL + 2	GC34090	Requests for criminal history
Subpoena	CU + 2	GC34090	Subpoenas received/served daily
Pawn Slips/Tickets	CU + 3	B & P 21628	
Photographs			Crime Scene, Registrant/Applicant, Photo file, Accident. Retain according to practical and functional association.
Daily Report (Negatives)	T	GC34090	Assigned DR number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed
Inmates (Negatives)	CU + 20		By Prisoner number



## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Registration Files, Arson, Sex and Narcotics	Life of registrant within jurisdiction		Fingerprint Card, photo, information also forwarded to DOJ
Arrest/Conviction H&S Section 11357 (b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring after January 1, 1996)	2 (Mandatory destruction from date of conviction or date of arrest with no conviction)	H&S 11361.5	Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: H&S 11357(e), the record shall be retained until a juvenile offender attains the age of 18 years, then destroyed pursuant to 11361.5
Arrest/Conviction H&S Section 11357(b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring before January 1, 1996)	Mandatory Destruction (Upon notice from Department of Justice)	H&S 11361.5 (c)	Applicable to convictions occurring prior to January 1, 1996 or arrests not followed by a conviction occurring prior to January 1, 1996 for violations of H&S Code 11357, 11364, 11365 and 11550
Crime Felony Crimes With Or Without Arrests	See descriptor	PC 800 PC 801	Prosecution for an offense punishable by imprisonment in state prison for eight years or more must commence within 6 years after offense commission. Commencement of prosecution defined in PC 804. Exception: See PC 803 - Tolling/Extension of time periods; Appeals process and "Three Strikes" also considerations in assigning retention.
Misdemeanor / Infractions	CL + 2	GC34090	No arrests, identifiable property or missing persons (See: Note 1)
Supplemental Felony Capital Crimes, Crimes Punishable by Death, Life Imprisonment	P	PC 799	No statutory limitation for prosecution. Includes Murder, kidnapping for ransom, treason, procuring execution by perjury, train wrecking, assault with a deadly weapon by a life-term prisoner, bombing resulting in death or bodily injury, making defective war materials that cause death
Destruction Guns	P		
Narcotics	P		
Disposition of Arrest/Court Action			Retention determined by action taken; i.e., recordable arrest or detention (released no arrest)
False Alarm (Duplicate)	CU + 2	GC34090	

<b>Non-Criminal Occurrences</b>	<b>CU + 2</b>	<b>GC34090</b>	<b>Injured or sick persons; missing persons where person has been returned; traffic collision reports not used as the basis for criminal charges</b>
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## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Property Original	Until case is adjudicated/disposition determined		Copy retained in records case file; Refer to Managing Property in Law Enforcement Agencies (By POST)
Range Inventory	S + 2	GC34090	Quarterly reports of inventories of weapons and ammunition held by Department Range
Reports	CU + 2	GC34090	Arrest & Citation Register; Arson Offenses; Crimes Against Senior Citizens; Death in Custody; Domestic Violence; FBI Include Return A/Supp; Hate Crime Incidents; Homicide Reports, Supp.; Officers Killed or Assaulted; Original to FBI -DOJ; Uniform Crime Reports
Statistical (Crime Analysis)	CU + 2	GC34090	Internally generated information using activity logs, citizen calls, current and past crime statistic reports, finance dept expenditure and budget records; citations, crime reports, accident reports, permits, receipts. Reports created for variety of purposes including increases/decreases in criminal activity; officer workload, deployment, time usage
Statistical (UCR), Uniform Crime Reports Mandatory to DOJ (LEIC); FBI Include Return A/Supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Know to Law Enforcement; Number of Violent Crimes Committed Against Senior Citizens; Monthly Report of Domestic violence Related Calls for Assistance; Monthly Arrest and Citation Register; Monthly Hate Crimes Incidents; Death In Custody Reporting.	CU + 2	GC34090	Originals sent to FBI, DOJ
Research Project Files	CL + 2	GC34090	May include request forms, background materials, staff reports, final project reports and supporting data

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Sealed Adult Found Factually Innocent	Manda-tory Destruc-tion Upon and Pursu- ant to Court Order	PC 851.8	General provision: Upon petition, records of agency must be sealed and destroyed in accordance with the provisions set by court record; exceptions.
Juvenile	Manda-tory Destruc-tion upon and pursu- ant to court order	WIC 826 (a) & (b) WIC 781 (a)	Upon petition, local laws enforcement records within WIC 826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving arrests, detention and/or petitioning juvenile before juvenile court
Subpoenas (Duplicate)	CU + 2	GC34090	
Tapes Audio, Telephone and Radio Communications	CU + 180 days	GC34090.6	Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action
Surveillance/Se curity Video (Jail)	CU + 13 mos.	GC34090.6	
Use of Force Supervisory Review Files	CU + 2	GC34090	Includes review forms, arrest report copies, logs
Warrants Felony	Recall after 10 years. Excep-tion: Murder/		Recommended by the California Law Enforcement Warrant Officer's Association
Misdemeanor Criminal	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Served	CU		Includes Warrant Service Information Card, alpha index card
Unserved (Local)	Until served, recalled or purged		
<b>PATROL</b>			
Cards Dispatch	CU + 2	GC34090	
Field Interview	CL + 2	GC34090	
Citations 11357(e), Juvenile	CL + 2	11361.5 H&S	
11357b H&S, 11357c H&S, 11360b H&S Violations	CL + 2	11361.5 H&S*	*CA Admin Code, Chapter 1, Title II, Sec. 708

Cite and Release	CL + 2	GC34090	
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## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
California Vehicle Code Infractions (Duplicates)	CU + 90 days	GC34090	Original is forwarded to court.
Parking/Traffic, Duplicates	CU + 2	GC34090.7	Originals are forwarded to court after agency processing; includes citations electronically created
Transmittals	CU + 2	GC34090	Listing of citations forwarded to court, filed for reference
Equipment Radio Logs (Communication)	CU + 2	GC34090	Documents problems, malfunctions, resolution to provide equipment performance history
General Orders	P		
Patrol Requests (Correspondence)	CU + 2	GC34090	From citizens for patrol presence
Radar Calibration Records	T + 2	GC34090	Documentation of Radar instruments retained during use/ownership
Reports Accident	CL + 2	GC34090	Non-Jury
Traffic Collision Fatalities	P		
Vehicle Assignment Reports	S		Record of assignments
Down Reports	CU + 1		Printouts reporting which vehicles are down for repair, maintenance, etc.
Repossession/ Private Impounds	CU + 2	GC34090	
Service Schedules	S	GC34090	
Vests, Bulletproof Letters	CU + 2	GC34090	Authorization to purchase
Warrants Parking	Recall after 1 year		Recommended by the California Law Enforcement Warrant Officer's Association
Traffic	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Weapons, Database	P		Departmentally-owned weapons, personal weapons, alternate weapons, secondary handguns; produces inventory reports
<b>SERVICES</b>			
Chemicals/Film Inventories	S		

Equipment Inventory/Sign- out Cards- Photo Lab	T		
Operations Files - Photo Lab	T		Retain until equipment no longer owned/used by department; Manuals, instructions, procedures for use/operations of photographic equipment

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Grievance Files	CL + 2	GC34090	Grievance filed by employees, supporting documentation
Investigations, Background	CL + 2	GC34090	Non hired
Background Hired	P		Include original reports re: PC 832.5 investigations
Parades & Special Events File	CL + 2	GC34090	Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation
Permits Alcoholic Beverage Control License	L + 2	GC34090	Approval process
Concealed Weapons	CL + 2	GC34090	
Photographs Personnel	S + 2	GC34090	
Negative Log	CU + 2	GC34090	
Negatives, Misc.	CU + 2	GC34090	Not case-related (Public relations, promotions, events, ceremonies, staff photos)
Press Releases	CU + 2	GC34090	
Press, Video Programs (Community Relations)	CU + 2	GC34090	Collection of videos of programs and events; outside press coverage of department
Property Files	CU + 2	GC34090	Original reports and supplemental documentation (Lost, Found, Safekeeping)
Property, Pawn Broker/Secondhand	CU + 2	GC34090	Sales, slips. Dealer required to file duplicate with agency
Reports Dealer of Gun Sales, Duplicate	CU + 6 mos.	GC34090.7	Original maintained by DOJ. Dealer required to file duplicate with agency
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	CU (See descriptor)		Destroy after law enforcement actions described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and FamilyCode Sections 6380-6383 are fulfilled and effective date of restraining order has expired.
Rosters (Divisional)	S + 2	GC34090	Personnel assigned to division.
Schedules Daily	CU + 2	GC34090	Schedules of Officers on duty
Watch Assignment/ Timekeeping Records	CU + 2	GC34090	
Speaker Requests	CU + 2	GC34090	Community and business requests for public appearances, speakers



Tests, Densitometer Results (Photo Lab)	T + 2	GC34090	Daily tests of development chemicals/processes for quality control.
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## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Training Bulletins	P		
Event Files	CU + 2	GC34090	Correspondence, brochures, promotional materials, info on speakers, guests, supporting documents
Lesson Plans, Range	CL + 15		Scope, content, time period of courses
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers' internal and external training
Schedules, Range	CU + 2	GC34090	Daily, weekly, monthly schedules of training events at range
Volunteer Card Files	T + 2	GC34090	Volunteers' identification, contact information

Note 1: The destruction of felony, misdemeanor and infraction Crime/Supplemental Reports is permitted providing:

1. They do not relate to an unadjudicated arrest except for H&S 11357 or H&S 11360 violations;
2. They do not relate to unserved warrants;
3. They do not involve identifiable items which have not been recovered;
4. They do not relate to PC 290, PC 457.1, or H&S 11590 registrants;
5. They do not relate to violations listed in PC Sections 799 and 800;
6. The cases are not presently involved in either a civil or criminal litigation.

## PUBLIC WORKS

C16-02

Record Series	Retention	Citation	Descriptor
<b>PARKS</b>			
Agendas, Board	CU + 2	GC34090	
Grants ( <i>refer to Admin.</i> )			
Inventory, Equipment	AU + 2	GC34090	Warranties, purchase orders
Landscape	CU + 2	GC34090	Drawings, contracts, complaints, specifications, photos, reports
Maintenance / Operations	C + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps	P	GC34090	Irrigation, plot plans
Minutes, Board	P	GC34090	
Photographs	S + 2	GC34090	
Plans, Proposed	CU + 2	GC34090	Future plans, new sites, expansions
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Railroad Right-of-way	CL + 3	36 CFR 64.11	Land acquisitions, correspondence, improvements, statutory records
<b>Reports</b>			
Accident	CL + 2	GC34090	Patrons, employees
Others	CL + 2	GC34090	
Studies	CL + 2	GC34090	Future sites, expansions
Resolutions, Board	P	GC34090	
Schedules, Class & Events	CU + 2	GC34090	Enrollment, liability releases, evaluations, attendance, flyers
<b>SANITATION/ SOLID WASTE/ WASTEWATER</b>			
Collections/Landfill	CU + 2	GC34090	Daily records, usage
Facilities	CU + 2	GC34090	Correspondence, maps, patron list
History, Sanitation	P	GC34090	Where City-owned
Incineration Plants, Sludge	CU + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content
Incinerator Operations, Treatment Plant	CU + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps, Septic Tank	P	GC34090	Location maps
Rates	CU + 2	GC34090	
Recycling Programs	S + 2	GC34090	
Regulations	S + 2	GC34090	Includes legislation
<b>Reports</b>			
Studies	CL + 2	GC34090	
Tonnage	CU + 2	GC34090	

## PUBLIC WORKS (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>STREETS/ALLEYS</b>			
Abandonment / Vacations	P	GC34090	
Closures	P	GC34090	
Easements, Dedications, Rights-of-Way	P	GC34090	
Field Books	P	GC34090	
Grants ( <i>see Admin.</i> )			
Intersection Records	CU + 2	GC34090	Includes correspondence, volume counts, accident history
Inventory, Traffic Control Device	S + 2	GC34090	Signs, lights
Landscaping	CU + 2	GC34090	Plants, tree maintenance, work orders
Lighting	CU + 2	GC34090	Maintenance, work orders
Maintenance / Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints, signals, striping
Maps	P	GC34090	Fire hydrants, lighting districts, wheel chair ramps, storm drains, streets, sidewalks, sewers
Master Plans	CU + 2	GC34090	Copies
<b>Parking</b>			
Lots	CU + 2	GC34090	
Regulations	S + 2	GC34090	
Reports/Studies	CL + 2	GC34090	
<b>Permits</b>			
Encroachment	P	GC34090	
Improvement	CL + 2	GC34090	May include curbs, sidewalks; Applications for excavation, fill, alterations
Oversize Load	CL + 2	GC34090	
Parking	CL + 2	GC34090	Residential
Paving	CL + 2	GC34090	
Use (Temporary)	CU + 2	GC34090	Includes Special Events
Photographs	S + 2	GC34090	Includes aerials
Plans, Capital Improvement, Projects	P	GC34090	Streets, curbs, gutters, sidewalks, storm drains
Policies and Procedures	S + 2	GC34090	Includes rules, regulations, standards
Naming and numbering	P	GC34090	

## PUBLIC WORKS (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Speed Limits	S + 2	GC34090	
Programs			
Federal Aid Urban	CL +	23 CFR 633 (a) & (c)	
Traffic Safety	S + 2	GC34090	Drivers Education, Pedestrian Safety, Bicycle Lanes
Reports			
Bridges & Overpasses	L	GC34090	Life of structure
Inspection	CU + 2	GC34090	Includes intersection, sidewalks. Bridges and Overpasses, keep life of structure
Studies	CL + 2	GC34090	Traffic volume, accident history, requests, statistics, drawings supporting traffic devices
Traffic Count	CL + 2	GC34090	Evaluation of traffic volume
Vehicle Accident	CL + 2	GC34090	
Routes, School Bus & Truck	S + 2	GC34090	Truck routes, access ramps, rest areas
Signage	L + 2	GC34090	Log books, index register cards, inventory lists, records of traffic signs
Traffic Signals	L		Logs, drawings, wiring diagrams, codes, circuit numbers, installation records, testing and maintenance.
Weigh Scales	S + 2	GC34090	
WATER			
Connection Records	P	GC34090	Maps, water line connections
Flood Control			
Drainage Facilities	P	GC34090	Includes dams, lakes, basins, creeks
Flood Zones	P	GC34090	Includes flood maps
Insurance Programs	S + 2	GC34090	Includes copies of policies, rules, programs

## PUBLIC WORKS (CONTINUED)

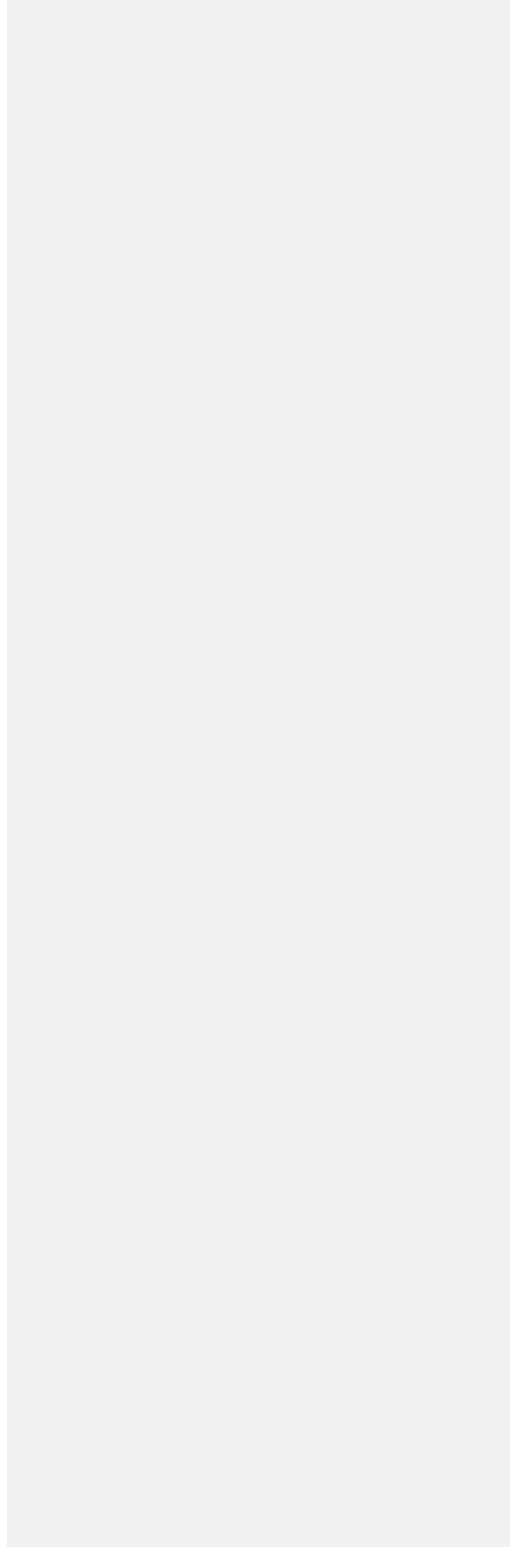
C16-02

Record Series	Retention	Citation	Descriptor
Policies/ Procedures	S + 2	GC34090	Rules and Regulations
Reports/ Studies	CL + 2	GC34090	
Grants ( <i>see Admin.</i> )			
Inventory, Equipment	CU + 2	GC34090	
Locations	P	GC34090	Mains, valves, hydrants, wells
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Service	CU + 2	GC34090	Includes work orders, entry cards, manholes, service to property owners
Well & Pumping	CU + 2	GC34090	Times operational, power used and quantity
Maps	P	GC34090	Line location; easements
Master Plans	CU + 2	GC34090	Copies
Meter Operations	CU + 2	GC34090	Reader reports, orders, tests Maintenance Reports
Permits			
National Pollutant Discharge Elimination System	P	40 CFR 122.28	Municipalities of 100,000/more, compliance with Clean Water Act re: pollutants
Others	CU + 2	GC34090	May depend on terms of state or federal agency
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Rates	S + 2	GC34090	
Reclamation	CU + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.
Reports			
Conservation	CU + 2	GC34090	
Consumption	CU + 2	GC34090	
Corrosion Control	CU + 12	40 CFR 141.91	Compliance documentation
Discharge Monitoring	CU + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.
Drinking Water Corrections	CU + 10	40 CFR 141.33	
Hydrograph	P	GC34090	Daily flow of streams
Lead Service Line	CU + 12	40 CFR 141.91	Compliance documentation

## PUBLIC WORKS (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Public Education	CU + 12	40 CFR 141.91	Compliance documentation
Quality Parameters	CU + 12	40 CFR 141.91	Compliance documentation
Sanitary Surveys	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Source Water	CU + 12	40 CFR 141.91	Compliance documentation, e.g. lead & copper
State Certification	CU + 12	40 CFR 141.91	Compliance documentation
Variations, Water System	CU + 5	40 CFR 141.33	
Well Level	CU + 2	GC34090	
Sources	CU + 2	GC34090	May include wells, rivers, lakes, districts
Surveyor Field Notes	P	GC34090	Notes preparatory to maps of water installations
Surveys, Water System Sanitary	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Tests			
Bacteriological Analysis	CU + 5	40 CFR 141.33	Compliance records include location, date, method and results; corrections, analysis of bacterial content
Chemical Analysis	CU + 10	40 CFR 141.33	Compliance records include location, date, method used and results; corrections, analysis of chemical content
Quality	CU + 12	40 CFR 141.91	Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedules, valves, etc.
Valve Main Records	P	GC34090	
Violations, Drinking Water	CU + 3	40 CFR 141.33	Retention applies to each violation





**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-080**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AMENDING POLICY C16-02 RECORDS MANAGEMENT PROGRAM**

WHEREAS, the City Council adopted Resolution 2016-032 establishing Policy C16-02, Records Management Program; and

WHEREAS, policies should be reviewed and updated on a regular basis to reflect current practices and to be in compliance with current applicable laws; and

WHEREAS, Exhibit A reflects an update to Policy C16-02, which updates current practices, updates definitions, removes those definitions that do not apply, and simplifies the procedures associated with routine maintenance, storage and destruction of records.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Amend Policy C16-02, Records Management Program as provided in Exhibit A.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-  
THE-SEA this 7<sup>th</sup> day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

**CITY OF CARMEL-BY-THE-SEA  
POLICY AND PROCEDURE**

<b>Subject:</b> Records Management Program	<b>Policy/Procedure No:</b> C16-02
<b>Effective Date:</b> 6 June 2016	<b>Authority:</b> Resolution No. 2016-032

**Purpose:**  
The purpose of this policy is to establish a citywide records management program for the proper and efficient management of records and to establish a records retention schedule for all City departments in compliance with applicable federal, state and local laws.

**Policy/Procedure:**  
As set forth fully in the policy document attached.

**Responsible Parties:**  
All City departments/divisions to include employees, elected and appointed officials, temporary workers, volunteers and contractors of the City who are acting on behalf of the City and who have access to, use of, or are involved in the maintenance or storage of the City's records.

**Department of Origin:**  
Administration

**Revision Dates:**  
Resolution 2020-080, December 7, 2020

**Rescinded Date:**

**CITY OF CARMEL-BY-THE-SEA**

**POLICY NO. C2016-02**

**RECORDS MANAGEMENT PROGRAM**

**DEFINITIONS**

- **Active Records** – Records that are referred to at least once a month. Also – as a retention period for a Perpetual Record that remains “active” until some event occurs to change its status, at which time it has fulfilled its function. (See also **Perpetual Record**)
- **Administrative Records** – Records commonly found in all offices and used in the conduct of daily business. These are typically retained for short time periods. Examples include subject, chronological, work plans, and policy files.
- **Email** - Short for electronic mail, the transmission of messages over communications networks. The messages may include attachments of electronic files.
- **Inactive records** – Records that are accessed an average of less than once per month, but have not completed their full retention period. These records may be stored in a separate location from active files.
- **Local Government** – Government Code, Section 6252 states: “‘Local Agency’ includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Government Code, Section 54952.”
- **Non-Records** – Non-records are not retained in the ordinary course of business and may include, without limitation, the following materials to the extent that they have no significant or lasting value; electronic messages created for routine communication or in lieu of a telephone call; transmittal letters; acknowledgements, miscellaneous notices of community affairs, employee meetings or holidays, working files and materials that are considered personal, and papers, drafts, rough notes or calculations created and used in the preparation or analysis of records.
- **Permanent Records** – Records that are required to be kept in perpetuity, usually identified by statute or other written guidance. Examples include original minutes, ordinances, resolutions, land grant deeds, etc.
- **Perpetual Records** – Records retained as active files for an indefinite period of time and then stored or destroyed after some event takes place. Examples include personnel files which are active until a person terminates his or her employment; policy files kept until the policy is changed; contract files that are active until the contract terminates, then destroyed a fixed number of years later; current database information that is superseded; etc.

- **Program Records** – Records that relate to the primary function of the agency in response to its daily mission. Examples include lien files, recorder's files, election files, probate records, medical records, etc.
- **Public Records** – For purposes of the California Records Act, any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- **Record** – A "thing which constitutes an objective, lasting indication of a writing, event, or other information which is in the custody of a public officer and is kept either (1) because a law requires it to be kept or (2) because it is necessary or convenient to the discharge of the public officer's duties and was made or retained for the purpose of preserving its informational content for future reference." (64 Ops. Cal. Atty. Gen. 317, 326 (1981).)
- **Record Formats** – Records received or generated by the City in the course of its business, including paper documents, computer received and generated records in other formats such as microfilm, videos, audio recordings, photographs, maps, etc.
- **Records Management** – the systematic control of the acquisition, processing, use, protection, storage and final disposition of all records, including the establishment and maintenance of a system for filing and indexing records.  
  
**Records Retention Schedule** – The document describing records maintained by City departments and specifying, in accordance with statutory requirements or evaluations, the period of time established for their retention which must elapse before the records may be destroyed.
- **Retention Period** – The length of time a record must be retained to fulfill its administrative, fiscal, historical and/or legal function. Then a record should be disposed of as soon as possible in accordance with an approved Records Retention Schedule.
- **Software** – Any system, program, application, instruction, or protocol designed to store, control or process data.
- **Vital Records** – Records required for daily operations and to resume those operations after a disaster. A Vital Records program protects records from the effects of the disaster and assists in recovery from the event.

## **PROGRAM SCOPE AND OBJECTIVES:**

### **Introduction**

The City of Carmel-by-the-Sea Records Management Program is designed to protect the City's information assets and manage them effectively by employing systematic methods for creation, maintenance, retention, disposition, and retrieval of official City records. Through application of sound record management practices, the program ensures the availability of records and information when needed by City staff and members of the public. These practices also ensure the elimination of unnecessary, redundant records, the preservation of records of continuing value for historical and legal value, and the destruction of records that are obsolete in accordance with established procedures once they reach their approved retention.

By controlling the life cycle of records from creation to final disposition, the City will better manage its information assets, facilitate efficient access to information when needed, provide documentation of compliance to state and federal agencies, and preserve the valuable history of the organization. Records that are not appropriately maintained or improperly destroyed expose the City to potential liability. The City Clerk's Office coordinates the Records Management Program in cooperation with all City departments. The City Clerk is also responsible for preserving the City's legislative history through permanent records such as minutes, ordinances, and resolutions.

### **Records Retention Schedule**

The Records Retention Schedule provides the foundation for the Records Management Program and plays a pivotal role in its implementation. The City Clerk maintains the retention schedule that covers each department of the City and updates the schedule on a periodic basis to accommodate Changes in federal, state and local laws.

The schedule, based on the Local Government Records Retention Guidelines (LGRRG), establishes mandatory minimum retention periods for all City records.

Transitory correspondence files, consisting of routine transactions, memoranda or emails holding no administrative, fiscal, historical, or legal value should not be retained. Documents that are not transitory in nature, not addressed in this schedule, and for which there are legal requirements or the records is essential either for legal, historical, fiscal or administrative value shall have a record series title assigned to them and shall be added to the retention schedule.

California Government Code, Section 34090.5 sets forth that if a record can be produced electronically and proper archival methods are set in place, the original may be destroyed, with the exception of those documents that are required to be kept permanently in their original format as outlined in the retention schedule. It is the goal of the City to move toward an electronic imaging program. Until an electronic system is in place, a concerted effort will be made to adhere to the retention schedule and to destroy all appropriate records that are being stored in various facilities throughout the City, and prepare archival material for electronic filing. This process will eliminate a large number of storage boxes and release space for other uses, as well as bring the Records Management Program into full compliance.

### **Email Retention Policy**

The City's email system is not intended to be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

Routine email messages comparable to telephonic communications are non-records. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be preserved for future City use or reference. Email messages and attachments comparable to hard copy documents that would be retained under the Records Retention Schedule should be categorized in the appropriate record series. It is each user's responsibility to remove non-substantive records from the email system. This includes items in "received" and "sent" folders.

**Disposition**

City records are authorized to be destroyed on an on-going basis in accordance with the retention periods and best practices prescribed by the Records Retention Schedules set forth as part of this policy. This policy establishes procedures in accordance with Government Code Section 34090, which states that *“unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the City Attorney, the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.”* However, Section 34090 specifically prohibits the destruction of the following records:

- a. Records affecting the title to real property or liens thereon;
- b. Court records or records relating to legal proceedings and subject to a legal hold;
- c. Records required to be kept by statute;
- d. Records less than two years old;
- e. The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

No department may dispose of any official City record prior to the expiration of its approved retention period or without following the procedure established in this policy.

**PROGRAM AUTHORITY**

The City of Carmel-by-the-Sea Records Management Program is based on state and federal laws and agency guidelines governing public records. Numerous State and Federal codes and sections apply to different types of records. The principal California law applicable to City records is Government Code Section 34090 *et. seq.*, which requires original records to be retained a minimum of two years and sets forth other requirements. Each record series listed in the City-wide Records Retention Schedule has applicable laws cited in the “Legal Authority” column.

California has adopted guidelines for retention periods of government records. Any deviation from these guidelines is noted in the “Legal Authority” or “Record Description” sections of the Records Retention Schedule.

1. Government Code Section 34090 – City records may be destroyed with approval of the legislative body by resolution and written consent of the City Attorney, except those records affecting title to real property or liens thereon; court records; records required to be kept by statute; records less than two years old; the minutes, ordinances, or resolutions of the legislative body or of a city commission or committee.
2. Government Code Section 34090.5 – Certain City records may be destroyed without the approval of the legislative body or written consent of the City Attorney if they have been scanned in archival quality in a trusted system that does not permit additions, deletions or changes to the original document. These records shall also be kept in a safe and secure place, and on a device used to reproduce such records as accurately and legibly as the originals and as accessible to the public as the originals.
3. Government Code Section 6200 – Every officer having custody of any record, map, book or paper filed in a public office who is guilty of willfully destroying, altering or removing the whole or any part of such item is punishable by imprisonment in accordance with State law.
4. In addition, California Government Code § 60201 subdivision (d)(4) requires the City to maintain any document that “relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years.” Depending upon how long litigation remains pending or when settlement is reached, these “legal holds” can potentially extend the life of a document well beyond the otherwise applicable retention period set forth in the accompanying schedules. Departments will be notified of legal holds on specific documents by the City Attorney, City Administrator and/or City Clerk. Since legal holds commonly target a specific subject or set of information, documents unrelated to the legal hold may be disposed according to the approved retention periods.

**PROCEDURES:**

- All records should be retained and destroyed in accordance with the City's Records Retention Schedule
- By following the adopted Records Retention Schedule, the City may authorize the destruction of records.
- Unless otherwise provided by federal, state and local law, the City Administrator/or designee may authorize the destruction of any original document which is more than two years old, with written consent from the City Attorney, without retaining a copy of the documents as long as the retention and destruction of the document complies with the Records Retention Schedule as set forth in this policy.
- At least annually, the City Clerk will coordinate with City departments in reviewing records against the Records Retention Schedule to apply retention in a routine and consistent manner. Retention of records will be applied to shared drives, personal drives and external storage devices such as thumb drives.
- Records that have met retention according to the adopted Records Retention Schedule may be destroyed upon written approval of the Department Head, City Attorney, City Administrator and City Clerk.
- Department Heads will sign and provide to the City Clerk a list requesting destruction of records according to the Records Retention Schedule.
- The City Clerk will ensure records that have met retention are destroyed in a secure, efficient, and economical manner including using a shredding company and working with Information Technology staff.
- Records that have met retention pursuant to the adopted Records Retention Schedule and must be retained pursuant to a Litigation Hold will not be destroyed until the records have been released by the appropriate entities.

**Responsibilities:**

- The City Clerk is responsible for coordinating the Records Management Program for the City including:
  - Developing and implementing an archival program for the storage of records regardless of the manner in which they are stored
  - Providing the training and tools necessary for officials and employees to comply with this policy
  - Working with a vendor that houses those physical records no longer required in office areas and have not met their legal retention.
- The City Clerk is responsible for maintaining an electronic copy of the City's Records Retention Schedule.
- The City Attorney, City Administrator and City Clerk are responsible for reviewing updating and approving the City's Records Retention Schedule in accordance with federal, state and local laws.
- Officials and employees are responsible for protecting, storing, transferring, using and managing the City's records in accordance with the City's Records Retention Schedule and applicable federal, state and local law. Additionally, officials and employees are responsible for ensuring the economical and efficient maintenance and storage of records and promoting security of records in the most effective media format appropriate for preservation.

**CITY OF CARMEL-BY-THE-SEA  
RECORDS RETENTION SCHEDULE**

<b>LEGEND</b>	
<b>Records Retention</b>	
AC = Active	AD = Adoption
AU = Audit	CL = Closed/Completions
CU = Current Year	DOB = Date of Birth
E = Election	L = Life
P = Permanent	S = Supersede
T = Termination	

<b>CITATIONS</b>	
B &P – Business and Professions	H&S – Health & Safety
CAC – California Administrative Code	HUD – Housing and Urban Development
CCP – Code of Civil Procedure	OSHA – Occupational Safety & Health Act
CCR – Code of California Regulations	PC – Penal Code
CEQA – California Environmental Quality Act	POST – Police Officers Standards Training
CFR – Code of Federal Regulations	UFC – Uniform Fire Code
EC – Election Code	USC – United States Code
FMLA – Family & Medical Leave Act, 1993	WIC – Welfare & Institutions Code
GC – Government Code	



## ADMINISTRATION

C16-02

Record Series	Retention	Citation	Descriptor
<b>AUDIT</b>			
Annual Financial Report	CL + 2	GC34090	Independent auditor analysis
Bonds	CL + 10	GC34090; CCP 337.5	Final bond documentation
Budget	P	GC34090	Annual operating budget approved by Legislative Body
Budget Operating (copies)	S	GC34090	Departmental Reference
Hearing or Review	AU + 2	GC34090; OMB A-128	Documentation created and or received in connection with an audit hearing or review
Reports	AU + 4	GC34090; OMB A-128	Internal and/or external
Reviews, Internal/External Periodic	CU	GC34090; GC6250	Daily, weekly, monthly, quarterly or other summary, review, evaluation, log, list, statistics, except a report
<b>COMMUNITY SERVICES</b>			
Libraries	CU + 2	GC 34090	Books, art, gifts, donations, exhibits, theatre, music, special events, etc.
Plaques	P		Historic value
<b>ELECTIONS</b>			
Affidavit Index	CL + 5	EC 17001	
Applications, Absentee Ballots and Envelopes	E + .5	EC 17505; EC 17302	From date of election
Assisted, Challenged Voters List	E + .5	EC 17304	From date of election
Ballots	E + .5	EC 17302	From date of election; ballots submitted to precincts/City Clerk that were not used - unless contested (EC 17302(c)) retention by court order
Ballots Prop. 218 (Assessment Districts)	P	California Constitution Art. XIII	Property related fees (Assessment Ballot proceeding)
Calendar	E + 2	GC 34090	
Canvass	P	GC 22932; EC 17130; EC 2653	Notifications and Publication of Election; Records used to compile final election results, including tallysheets, voting machine tabulation, detailed breakdown of results; special election results
Certificates of Election	T + 4	GC 81009(a) (d)	Certificates of election; Original reports and statements
Charter Amendments/ Measures	P	GC34458-60; GC34090	Chapter designations by Secretary of State following adoption of voters

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Fair Political Practices			
Administration/ Campaign Statements and Conflict of Interest	CU + 5		FPPC Opinions
Campaign disclosure, Elected	P	GC81009(b) (g)	FPPC Filings
Campaign disclosure, Not Elected	E + 5	GC81009(b)	FPPC Filings
Campaign disclosure - Unsuccessful (all other committees)	E + 7	GC81009	FPPC Filings
Candidate Statements	E + 4		Sample ballot retained permanently.
History	P	GC 34090	History of elections, sample ballots, certificates of destruction, other resolutions re: elections
Statement of economic interest - Elected Officials	T + 7	GC 81009(e )	FPPC Filings
Statement of economic interest - Not Elected	E + 5	GC 81009(b )	FPPC Filings
Lobbyist Registration	P	EC 81009(b)	Statements
Maps, Precincts/Voter Information	E + 2	GC 34090; EC 17501; EC 17301	
Nomination Papers Successful Unsuccessful	E + 4 E + 2	EC 17100 GC 81009(b)	
Notifications and Publications	E + 2	GC 34090	Proof of publication or posting, certification and listing of notice of posting; copy of newspaper notice and certification of offices to be voted for at forthcoming election
Oaths of Office	T + 6	GC34090; 29 USC 1113	Elected Officials
Petitions	.75	EC 17200, 17400; GC 7253.5; EC 14700 + GC 3756:8	From date of filing or election; Initiative, referendum, recall, Charter Amendments

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Precinct Records	E + .5	EC 17503	From date of election: Precinct official material; declaration of intention, precinct board member applications, orders appointing members of precinct boards and designating polling places Includes notice of appointment of office and record of service
Roster (Of Voters)	E + 5	EC 17300	From date of election; Initiative, referendum recall, general municipal election, Charter Amendments
Voter Affidavits	CL + 5	EC 17000	
Voter Registration Signature Copy	CU + 5	EC 17000	Fire, special or school district
<b>GENERAL SUBJECT</b>			
Administration	P	GC 34090	
Biographies	CU + 2	GC34090	
Classifications and Appointments	P	GC 34090; GC 12946; 29 CFR 516.6(2); 29 CFR 1602.4	Includes supplemental Personnel records. Wage rate tables 2 years.
Correspondence/ Originating Department	CU + 2	GC34090(d)	If not attached to agreement or project file
Goals & Objectives	CU + 2	GC34090	Departmental goals & objectives
Policies & Procedures, Departmental	S + 5	GC34090(d)	Retain while current
Promotional Marketing			
External	CU + 7		
Internal	2		
Reports			
Departmental	CU + 2	GC34090	Special/or final summary, review or evaluation
Staff	CU + 2	GC34090	Non-agenda related, includes supporting documentation
Special Projects	CU + 2	GC34090	
Support Services	CU + 2	GC34090	Reproduction; printing; postal/mailing services, other internal resources
Travel Records	CU + 2	GC34090	
<b>GRANTS</b>			
Community Development Block Grant and Urban Development	T + 4	GC34090; 24 CFR 570.502 24 CFR85.42*	Applications, reports, contracts, supporting documents; *OMB Cir. A-102, A-110, A-128
Federal and State	CL + 5	GC34090	Refer to grant application close-out procedure
Financial Records	CL + 5	GC34090	Refer to grant application close-out procedure
Unsuccessful	CL + 2	GC34090	Applications not entitled

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>HUMAN RESOURCES</b>			
Benefit Plan Claims	P	GC6250 et seq; OMB A-129 29 CFR 1602.30; 32; Lab Rel Sec 1174*	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance *29 CFR 1637.3; 29 USC 1027; 29 CFR 1627.3; 29 USC 1113
Benefit Plan Enrollment, Denied	CL + 4	GC34090; OMB A-128	
Bond, Personnel Fidelity	T + 2	GC34090	Employee Fidelity Bonds
Employee Handbook	S + 2	GC 34090	General employee information including benefit plans
Employee Programs	CL + 2	GC 34090; GC 12946	Includes EAP and Recognition
Employee Rights General Employees Safety (Police)	T + 2 T + 5	GC12946; 29 CFR 1602; 29 USC 211 (e); 203(m);	May include Arbitration, grievances, union requests, sexual harassment and Civil Rights, complaints, disciplinary actions
Hourly Employees	T + 6	GC12946; GC34090*	*29 CFR 1627.3, Labor Relations Section 1174
Immigrant		Immigration Reform/ Co ntrol Act 1986 Pub. L 99-603	I-9's
Medical Leave	CL + 30	FMLA 1993 US OSHA; 29 CFR; 1910.20*	May include Family leave; certifications; tests; W-4's; *29 CFR 1602.30.32; 49 CFR 193-9;
Motor Vehicle Pulls (DMV)	CL + 7	GC12946, *	*CA 91009; 8 USC 1324 (a)
Negotiation	P	29 USC Sections 211(c), 203(m), 207(g)	Notes, notebooks, correspondence, contracts, and Memorandums of Agreements

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Non-Safety Employees	T + 3	Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC	Non-safety employees may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID=s) *1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Personnel Records (copies)	CU + 2	GC34090; GC6250	Attendance; evaluations; drafts; worksheets; postings
PERS, Social Security, SSI	P	29 CFR 1627.3(2); GC 12946, 34090	EEOC/ADEA
Recruitment	CL + 3	Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
Reports	CU + 2	GC34090	Employee statistics, benefit activity; liability loss
Safety Employees	T + 5	Reference: 29 CFR 16273; CCR Sec 1174; 29 CFR 1607.4; *	Police, fire, emergency employees may include; Release Authorizations; Certifications Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre employee medicals *29 CFR 1602.30.32; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Surveys and Studies	CU + 2	GC 12946, 34090; 29 CFR 516.6(2); 29 CFR	Includes classification, wage rates
Training Records Non-Safety	CU + 7	GC6250 et seq	Employee applications, volunteer program training, class training materials, internships;
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers internal and external training
Safety	CU + 2	GC34090	Certifications/designations
Vehicle Mileage Reimbursement Rates	S + 2	GC 34090	Annual mileage reimbursement rates

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>INFORMATION SERVICES</b>			
Internet, World Wide Web	S + 2	GC34090	Management/Policies and supporting documentation
Inventory, Information Systems	S + 2	GC34090	Hardware/Software Inventory logs; systems manuals
Network Information Systems (LAN/WAN)	CU + 4	GC34090; CCP 337.2; 343	Configuration maps and plans
Program Files and Directories	CU + 2 CU + (2 mos.)  CU + 1 CU + .5	GC34090; GC34090.7	Annual backup Daily backup  Monthly backup Weekly backup
Tapes Information Systems	CU + 2	GC34090	System Generation
<b>LEGAL/ LEGISLATIVE</b>			
Agendas	CU + 2	GC34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions
Agenda Reports(Master, Subject Files)	CU + 2	GC34090 (d)	Documentation received, created and/or submitted to Council
Appeals, Civil	CU + 3	CCP 583.320(a)( 3); GC 34090	
Applications, Boards, Commissions, Committees	CL + 2	GC34090	Not selected
Applications, Boards, Commissions, Committees	T + 5	GC34090; GC40801	Selected
Articles of Incorporation	P	GC34090; CCP 337.2	
Case Log	CL + 7	CCP 337.2; 343	From Close of cases listed; Chronological listing of cases
Case Records - (High Profile)	P	GC6254	Significant cases which have importance/or set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs
Case Records	CO + 7	42 USC s1983	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
Contracts and Agreements Excl. Capital Improvement	T + 5	CCP 337.2, 343; B&P7042.5; *	Includes leases, equipment, services or supplies *PU7685; 48 CFR:2; GC53066
Incl. Capital Improvement	P	2.08.110;*	Construction *GC37090a; 4004; H&S 19850
Index, Attorney Case	L	GC6254	Including notations on activities related to case

## ADMINISTRATION (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Legal Advertising	CU + 4	CCP 343, 349 et seq.; GC 911.2; GC 34090	Includes public notices, legal publications
Logs, Attorney Service Request	CU + 2	GC34090	Service request, summaries of monthly requests
Minutes	P	GC34090(d) ; GC36814; GC40801	Official minutes and hearing proceedings of governing body or board, commission or committee
Notices, Meeting	CU + 2	GC 34090.7, 54960.1(c)(1)	Special meetings
Opinions	S + 2	GC34090; GC6254	Confidential
Ordinances	P	GC34090(d) 40806	Charter amendments; municipal code
Petitions	CU + 1	GC50115; GC6253	Submitted to legislative bodies
Resolutions	P	GC34090(d) 40801	Legislative actions
Tapes, Audio/Video	CU + 3 mos.	GC 34090.7	When used for minute preparation and may have historical value.
<b>MUNICIPAL CLERK</b>			
Assessment Districts	P	GC 34090	Original documentation
Inventory, Records	CU + 2	GC34090; 80 OPS Atty. Gen. 106	Inventory of non-current or inactive records holdings and location, indices. Tapes may be recycled.
Municipal Code	P	GC 34090	Supplements included
Public Records Request	CL + 2	GC 34090	
Records Management	CL + 2	GC34090	Document includes retrieval, transfers - inactive
Records Management Disposition Certification	P	GC34090	Documentation of final disposition or records
Records Retention Schedules	S + 4	CCP 343	
<b>POLICIES/ PROCEDURES</b>			
General Administrative	S + 2	GC34090; 40801	All city policies and procedures
Policy, Council/ Proclamations	S + 2	GC34090	Policies, directives rendered by Council not assigned a resolution or ordinance number
<b>PUBLIC FINANCING AUTHORITY</b>			
Administration	P	GC 34090	

**ADMINISTRATION (CONTINUED)**

<b>Record Series</b>	<b>Retention</b>	<b>Citation</b>	<b>Descriptor</b>
Financial Records	P	GC 34090, 40802, 53901	
Management Reports	2	GC 34090	
<b>PUBLIC INFORMATION</b>			
Brochures, publications, newsletter, bulletins	S + 2	GC 34090	
Calendar, City	CU + 2	GC 34090	
Media Relations	CU + 2	GC 34090	Includes cable, newspaper, radio, message boards, presentations.
<b>RISK MANAGEMENT</b>			
Accident Reports - City Assets	CL + 7	29 CFR 1904.2; 29;* * CFR 1904.6	Reports and related records * CFR 1904.6
Bonds, Insurance	P	CCP 337.2; 343	Bonds and insurance policies insuring city property and other assets
Claims, Damage	CL + 5	GC34090; GC25105.5	Paid/Denied
Incident Reports	CL + 7	29 CFR 1904.2; 29 CFR 1904.6	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement)
Insurance, ACCEL JT Powers Agreement	P	GC34090	(Authority California Cities Excess Liability Insurance) B Accreditation/ MOU=s/agreement/agendas
Insurance, Certificates	P	GC34090	Insurance certificates filed separately from contracts, includes insurance filed by licensees
Insurance, Liability/Property	P	GC34090	May include liability, property, Certificates of Participation, deferred, use of facilities
Insurance, Workers Compensation	P	GC6410; 29 CFR 1910.20	Indemnity; PERS - working files - originalswith Administrator
Photographs, Negatives, Film	CL + 2	GC34090	
Risk Management Reports	CL + 5	OMB 1220-0029; 29 CFR1904.4; GC 34090	Federal OSHA Forms; Loss Analysis Report; Safety Reports ; Actuarial Studies
Workers Compensation	P	CCR 14311; 15400.2; CA Labor Code 110-139.6	Claim Files, Reports, Incidents (working files) originals filed with Administrator



## DEVELOPMENT

**C16-02**

Record Series	Retention	Citation	Descriptor
<b>ADMINISTRATION</b>			
Benchmark Data	CU + 2	GC34090d	Horizontal, vertical & control
Bids & Proposals (Unsuccessful)	CL + 2	GC34090d	
Bonds Development	CL + 10	CCP 337.5	Housing; Industrial Development
Security	CL + 2	GC34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work
Code Books	P	GC34090e	National Electrical Code, Uniform Building, Fire, Mechanical, Plumbing & Supplements
Contractor	CU + 2	GC34090d	Current listing
Correspondence	CU + 2	GC34090d	Working documentation
Development Conditions	L	GC34090	Mitigation measures; filed with case files
Development Agreements	P	CCP337, 337.1(a), 337.15; GC34090;4 8 CFR	Infrastructure contracts, franchises. Original maintained for 7 years.
Development Standards	P	GC34090a	Landscape mediums, parkway landscape development, public works construction
Drawings, Project Plan	CU + 2	GC34090d	Does not include those usually filed with case or project
Franchises	P	GC65864, 65869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable, grant of easements and/pr involving construction of improvements *CCP 337.2, 343; AC16023
General Subject Files	CU + 2	GC34090d	Internal working files including correspondence
Grants, Community/Urban Development (includes CDBG)	CL + 4	24CFR 570.502(b ) (3); 241CFR 85.42 & OMB Cir. A- 110, Attach.	Project files, contracts, proposals, statements, reports, sub-recipient dockets, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 loan guarantee *OMB Cir. A-102 & 128, HUD regulations
Historic Preservation Inventory	2	GC34090d	Historic structures & landmarks
Incident Files	2	GC34090d	Emergency Call Outs
Land Uses, nonconforming	P	GC34090a	Building or site usage which does not conform to current standards
Logs	CU + 5		Logs, registers or similar records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility

## DEVELOPMENT (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Maps & Plats	P	GC34090a	Engineering & field notes and profiles; cross-section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire
Master Plans, Annual	S + 2	GC34090	Special or long range program plan for municipalities – coordination of services; strategic planning
Permits, Construction	P	GC34090a; H&S19850; <del>4003-4004</del>	Plans, building, signs, grading, encroachment, including blueprints and specifications
Permits, Other	CL + 2	GC34090d	Alterations, encroachment, excavations, road, street sidewalks & curb alterations, transportation, swimming pool drainage, temporary uses, etc.
Photographs	S + 2	GC34090d	Aerial photographs
Projects, Not Completed or Denied Reports	CL + 2	GC34090d	Building, engineering, planning
Seismic Retrofit Program	CU + 2	GC34090	Activity, periodic
Street Names and House Numbers	P	GC34090a	Includes Certificates of Compliance
Studies, Special Projects & Areas	CL + 2	GC34090d	Street dedications, closings, address assignment/changes
Surveys	P	GC34090a	Engineering, joint powers, noise, transportation
BUILDING			Recording data and maps
Blueprints, Specifications	CL + 2	GC34090d	Submitted by contractors with application for permit and builds for Certificate of Occupancy
Certificates	L	GC34090a	Compliance, elevation, occupancy which affect real property
Construction (Approved)	P	GC34090a; 4003; 4004; H&S 19850, <del>4003</del>	New commercial and residential construction, tenant improvements room additions, spa, signs, block wall, remodel including security bonds
Inspection	CL + 2	GC34090d	Correspondence, fees, appeal requests, reports
Permits	P	GC34090a; H&S 19850; <del>4003-4004</del>	Plans, building, signs, grading, encroachment permits
Signs (Temporary)	S + 2	GC34090d	Home occupations, off-premise signs
CODE ENFORCEMENT			
Abandoned Vehicles	CL + 2	GC34090d	
Case Files	CL + 2	GC34090d	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
Liens & Releases, Supporting Recorded	CL + 2 P	GC34090	Utilities, abatement, licenses

Record Series	Retention	Citation	Descriptor
Logs	CU + 2	GC34090d	Lien Recovery, citations, complaints
Regulations	S + 2	GC34090d	Includes rules
Reports, Federal and State	P	GC34090a	Code enforcement statistics; may contain records affecting title to real property or liensthereon
Violations, Building, Property & Zoning	CL + 2	GC34090d	Supporting code enforcement activity
<b>ENGINEERING</b>			
Capital Improvement Projects	CL + 10	CC337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
Construction Tracking, Daily	P	CC337.15	Assesses value of real property
Drawings, Traffic Control Plan	P	GC34090a	Signs, signing & striping, road construction
Flood Control	CL + 2	GC34090d	Storm Drains
Special Districts	P	GC34090a	Supporting documents re: improvement, lighting, underground utility; bonds, taxes & construction
Street/Alley (Abandonment / Vacation)	CL + 2	GC34090d	Relinquishment of rights and fee title
Traffic Signals	CL + 2	GC34090d	Counts, collisions, accidents
<b>ENVIRONMENTAL QUALITY</b>			
Air Quality (AQMD)	CU + 7	CCP 338(k); GC34090	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities; Commute Alternative
Asbestos	P	GC34090a	Documents abatement projects, public buildings
California Environmental Quality Act (CEQA)	P	GC34090a + CEQA Guidelines	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations
Congestion Management	CU + 2	GC34090d	Ride sharing, trip reduction
Environmental Review	CL + 2	GC34090d	Correspondence, consultants, issues, conservation
Pest Control	CU + 2	GC34090d	Pesticide applications, inspections & sampling, documents
Soil	CL + 2	GC34090d	Analysis, construction recommendations
Soil Reports	P	GC34090d	Final Reports
<b>HOUSING</b>			
Bonds	CL + 4	CCP 337	Revenue Bond Documentation
Programs	CL + 3	24 CFR 570.502(b)(3); 24 CFR 85.42 & OMB Cir. A-110. #C	Includes comprehensive Housing Authority Strategy, Meeting Credit Certificate, Housing bond advisory, HOME, In-Lieu Housing Mitigation, Low/Moderate Housing, Rental Housing Assistance

## DEVELOPMENT (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Redevelopment Budgets	P	GC 34090.40802, 53901	Includes annual audit
Bond Issues	P	GC43900 et seq.	
<b>MUNICIPAL FACILITY</b>			
Capital Improvements, Construction	P	2.083110; GC34090a; 4004; H&S 19850; GC34090a	Contains records re: Planning, design, construction, conversion or modification of local government-owned facilities, structures & systems
Facility Rentals/Use	CU + 2	GC34090	Permits, contracts, diagrams, schedules, insurance binders
Maintenance & Operations	CU + 2	GC34090d	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
<b>PLANNING</b>			
Case files, Planning and Zoning	P	GC34909a; H&S 19850; 4003;4004	Pertains to real property. May include blueprints, drawings, maps, plans, reports, evaluations, correspondence, uses, permits, variances, studies, appeals, compliance certificates, lot line adjustments or other planning-related matters brought before legislative body
Certificates	L	GC34090	Retain during life of structure
Flood Records	CU + 2	GC34090	
General Plan and Elements	P	GC34090	Includes sphere of influence
General Plan Amendments Approved Denied	CU + 2 CU + 3	GC34090 GC65103; *	* GC50110
Interpretations	CU + 2	GC34090	
Maps, Plans, Drawings, Exhibits, Photos	P	GC34090; H&S 19850; GC34090.7	Zoning, tentative subdivision, parcel, land use map, aerial photos, specific plans
<b>PROPERTY</b>			
Abandonment	P	GC34090a	Buildings, Condemnation, Demolition
Acquisition/Disposition	CL + 10	GC34090a; GC6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City
Annexation Case Files	P	GC34090a	Reports, agreements, public notices
Appraisals	CL + 2	GC34090; GC6254(h)	Exempt until final acquisition or contract agreement obtained
Deeds & Promissory Notes	P	GC34090a *	* 24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110
Maps, City Boundary	P	GC34090d	Recorded maps, surveys, monuments
Lot Split Cases	P	GC34090	
Relocation Files	CL + 2	GC34090	e.g., Redevelopment

Record Series	Retention	Citation	Descriptor
<b>ACCOUNTING</b>			
Accounts Payable	AU + 4	GC34090	Invoices, check copies, supporting documents
Accounts Receivable	AU + 4	GC 34090	
Applications	CL + 2	GC34090	Utility connections, disconnects, registers, service
Assessment Districts	P	GC 34090	Collection information; Original documentation files with municipal clerk
Bank Reconciliation	AU + 5	GC34090; 26 CFR 16001-1	Statements, summaries for receipts, disbursements & reconciliation
Billing Records	AU + 2	GC34090	Customer name, service address, meter reading, usage, payments, applications/cancellations
Budget	AU + 2	GC 34090	
Budget adjustments, journal entries	AU + 2	GC34090	Account transfers
Checks	AU + 5	GC34090; CCP 337	Includes payroll, canceled & voided checks
Deposits, Receipts	AU + 4	GC 34090; CCP 337	Checks, coins, currency
Invoices	AU + 2	GC34090	Copies sent for fees owed, billing, related documents
Journals			
Utility Billing	CU + 2	GC34090	Billing including monthly activity
Ledger, General	P	GC34090; *	* CCP 337
Voucher	AU + 4	GC34090; CCP 337	Account postings with supporting documents
Taxes, Receivable	AU + 3	CCP338	
Warrant Register	AU + 2	GC 34090.7	
<b>ADMINISTRATIVE SERVICES</b>			
Budget Operating (copies)	S	GC34090	Departmental Reference
Budget, Proposed	CU + 2	GC34090	Presented to Council
Adopted	P	GC 34090	
<b>FIXED ASSETS</b>			
Inventory	AU + 4	GC34090; 26 CFR 301 65-1(F)	Reflects purchase date, cost, account number
Surplus Property			
Auction	AU + 2	GC34090	Listing of property
Disposal	AU + 4	GC34090; CCP 337	Sealed bid sales of equipment
Vehicle Ownership & Title	L	VC 9900 et seq.	Title transfers when vehicle sold
<b>LICENSE</b>			
Business	T + 4	GC34090; CCP 337	Paid & reports

## FINANCE (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>PAYROLL</b>			
Adjustments	AU + 4	GC 34090 29 CFR 516.5 – 516.6	Audit purposes
Employee Time Sheets	AU + 6	GC34090; 29 CFR 516.2*	Signed by employee for audit & FEMA Reports *20 CFR 516.6(1); IRS Reg. 31.6001-1(e)(z); R&T 19530; LC 1174(d)
PERS Employee Deduction Reports	T + 4	GC34090; CAC 22- 1085-2	Record of deductions ( <i>PERS Public Employee Retirement System</i> ) *26CFR 31.6001-1;29 CFR 516.5, 516.6, LC 1174(d)
Register	P	GC34090; GC37207	Labor costs by employee & program
Salary Records	T + 3	GC34090; 29 CFR 516.2	Deduction authorization, beneficiary designations, unemployment claims, garnishments
<b>PURCHASING</b>			
Bids, RFQ's, RFP's Successful Unsuccessful	AU + 4 AU + 5 CU + 2	GC34090; CCP 337; *	Requests for Qualifications; Requests for Proposals regarding goods and services * GC 25105-1; GC 34090
<b>Requisitions</b>			
Purchase Orders	AU + 4	GC34090; CCP 337	Original documents
Stores	CU + 2	GC34090	Completed forms for ordering
Vendor Register	P	GC34090	Alpha vendor listing of purchase orders, invoices, account numbers and check date
<b>REPORTS</b>			
Audits	P	GC 34090	
Deferred Compensation	T + 5	GC34090; 26 CFR 16001- 1*	Records of employee contributions and city payments *29 CFR 1627.3(2)
Federal and State Tax	AU + 4	GC34090; 29USC 436 *	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2);R&T 19530;29 CFR 516.5-516.6
Financial, Annual	AU + 7	GC 34090.7	
Investment Transactions	P	GC34090; CCP 337; GC 53607	Summary of transactions, inventory & earnings report
Labor Distribution	AU + 2	GC34090	Costs by employee & program
Meter Reading	CU + 2	GC34090	
State Controller	P	GC34090	Controller may destroy after 5 years
Utility Rebates	CU + 2	GC34090	
<b>TREASURER</b>			
Bank Statements	AU + 2	FC 3368, 30210; GC 43900 et seq.	Financing authority

**FINANCE (CONTINUED)**

**C16-02**

<b>Record Series</b>	<b>Retention</b>	<b>Citation</b>	<b>Descriptor</b>
<b>Bonds</b>			
<b>Account Statements</b>	<b>CL + 10</b>	<b>GC34090; CCP 337.5</b>	<b>Monthly statement of transactions.</b>
<b>Administration</b>	<b>CL + 10</b>	<b>GC34090; CCP 337.5</b>	<b>Supporting documents</b>
<b>Bonds and Coupons</b>	<b>CL + 2</b>	<b>GC34090; 53921</b>	<b>Paid/canceled</b>

## PUBLIC SAFETY

C16-02

Record Series	Retention	Citation	Descriptor
<b>EMERGENCY MANAGEMENT</b>			
Mutual Aid, Strategic Plans	S + 2	GC34090	
<b>FIRE SAFETY ADMINISTRATION</b>			
Books, Fire Code	S + 3	GC34090.7 CCP 340.5	Include OPS manuals
General Orders, Policies/Procedures	S + 2		
Inspections, Fire Prevention	CL + 3	UFC 103.34	Alarm/sprinkler systems, prevention efforts
Investigations, Evidence Arson	P	PC 799	Support prosecution resulting in homicide
Investigations, Evidence Arson	CL + 6	PC 800	Great bodily harm, inhabited structure or property
Journals, Fire Station	CU + 2	GC34090	Activities, personnel, engine company
Permits, Uniform Fire Code	CL + 2	GC34090	
<b>PERSONNEL</b>			
Exposure	T + 30	29 CFR 1910.1020	Sampling results, collection methodology, background
Exposure	T + 1	29 CFR 1910.1020	Laboratory reports and worksheets
Medical	T + 30	29 CFR 1910.1020	
Medical	T + 2	29 CFR 1910.1020; *	Employees less than one year *GC34090
Training	T + 2	GC34090	Certifications/designations
<b>PROPERTY</b>			
Apparatus/Vehicle	CU + 2	GC34090 CCP 340.5 *	Repair and Maintenance *8 CAL Code Reg. 3203 (b) (1)
Inventory, Equipment & Supplies	CU + 2	GC34090	
Logs, Fire Equipment/Gear	CU + 2	GC34090	
<b>REPORTS</b>			
Incident	CL + 3	GC34090 CCP338 *	Dispatch and daily logs *CCP 340.5
Field, Non-fire and Logs	CU + 2	GC34090	
Fire, Non-arson and Logs	CU + 2	GC34090	



Record Series	Retention	Citation	Descriptor
Investigations, Evidence Arson	CL + 3	PC 801; UFC 104.32	Structure
Weed Abatement	CL + 2	GC34090	Reports, assessments, resolutions, documentation
<b>HAZARDOUS MATERIALS</b>			
Hazardous Waste Disposal	CU + 10	CAL OSHA; 40 CFR 133.24	Documentation re handling and disposal of hazardous waste
Permits, Hazardous Materials Storage	CU + 2	GC34090	Departments consistently recommend permanent retention of environmentally sensitive materials.
Programs, Household Hazardous Waste	S + 2	GC34090	
Training Materials	S + 2	Cal Code *	Standards and Administration *Reg. 3204(d) et seq.
Underground Storage Tank Compliance Maintenance &	P CU + 2	GC34090a GC34090	Documents re: storage Location, installation, removal, remediation
<b>LAW ENFORCEMENT ADMINISTRATION</b>			
Accounting/Cash Reconciliation	CU + 2	GC34090	
Alarm Records	CU + 2	GC34090	
Claim Files	CL + 6	PC 832.5	Claim copy, correspondence, photographs, supporting documents relative to incidents involving the Police Department filed by citizens
Department Manual	S		Changes to manual are recorded in the General Orders (permanent)
Equipment Communication Inventory	T + 2 S + 2	GC34090 GC34090	Retained until termination of equipment use; Manuals, instructions, procedures Listing of equipment assigned to division, to whom it is assigned
Reports Activity	CU + 2	GC34090	Weekly/monthly/quarterly/ annual activity/statistical reports by division. Retain only one form for retention period
Chemical Emissions Survey	CU + 2 CU + 2	GC34090 GC34090	Surveys, responses, correspondence with other agencies requesting statistical data
Response Files			
<b>INVESTIGATIONS</b>			
Administrative/Internal	CL + 5	PC 832.5 EVC 1045 GC 12946 PC 801.5; 803(c) VC 2547	Initiated by citizens complaints or internally initiated; includes complaint, reports, findings

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Asset Forfeiture Investigations/ Proceedings Case File	CL + 2	GC34090	
Notifications	CU + 2	GC34090	To legal property owner prior to case filing that property is subject to asset forfeiture proceedings. If case is filed, notification becomes part of forfeiture case file.
Case Books, Investigative	CL + 2	GC34090	Retained by division until a case is suspended/closed; transfer to Records Division to be filed with associated Daily Report (DR) file
Case Files Homicide Investigator's File	P	PC 799	
Narcotics (No arrest, Narcotics Cases)	CL + 2	GC34090	Retained by division until no longer useful for investigative purposes
Officer Involved Shootings	CL + 25	GC34090	
Court Daily Schedule	CU + 1	GC34090.7	Printouts of daily court scheduling
Sign-In Logs	CU + 2	GC34090	Logs officers' names, time in/out for court appearances
Tracking System Records	CU + 2	GC34090	Database records subpoena number, officer name, case number, defendant name, district attorney name, court information disposition
Evidence, Disposition Forms			Attach to duplicate Property Report, file w/DR in Records Division
Fingerprint Applicants Files	T + 2	GC34090	Paperwork authorizing fingerprinting and background checks for city employment applicants and business license applicants
Inked/Palm Cards	AC + 20		Persons booked into detention facility; (Copies distributed to county, state, federal agencies)
Records Latents		Approp. PC Section	1) Retain for applicable case statute of limitation; 2) or until evidence in case is destroyed; Hard copy and digitized
Suspect, Adult/Juvenile	CL	Law Enforcement Management Guide by	Adults/juveniles suspected of a crime, taken for comparison. Destroy after original purpose achieved
Guns, Dealers Record of Sale	CU + 6	PC 12070	Applicants, Monthly Gun Audits, Applications Denied, Stolen (DOJ File)
Informant Files	T + 10		Legal notifications, identification information, payment information, activities information

Record Series	Retention	Citation	Descriptor
Jail Daily Logs	CU + 6	GC34090	Daily report of staffing, bookings/releases, transfers, transportation
Inmate Record			Dependent on facility's classification; see Laws and Guidelines for Local Detention Facilities by Board of Corrections (State of California)
Inspection Files	CL + 6		Inspections by various agencies
Surveys	CL + 2	GC34090	Prepared quarterly, forwarded to State Board of Corrections
Licenses Bicycle	CU + 2	GC34090	
Bingo, Mace	CU + 2	GC34090	
Business License Review Board Administrative Files	T + 1	GC34090	
Duplicate (Pink), Secondhand Dealer, Pawn Brokers	CU + 2	GC34090	Original to licensee, Blue duplicate to DOJ; Pink duplicate retained by agency; renewals issued annually by local agency
Logs Auto Theft	S		
Case Assignment	CU + 1		
Daily Activity Officer	CU + 2	GC34090	
Report Summary	CU + 2	GC34090	Daily activity of incidents not reported by use of official report
Investigative (Pre-Arrest)	CU + 2	GC34090	Report numbers, type, names, dates retained for research value
Juvenile Detention	CL + 10	GC34090	Retained by division until cases are suspended and closed
Property Control	CU + 2	GC34090	Logs document juvenile processing per CYA
Rap Sheet	CU + 2	GC34090	Logs items coming into and going out of property room
Subpoena	CL + 2	GC34090	Requests for criminal history
Pawn Slips/Tickets	CU + 2	GC34090	Subpoenas received/served daily
Photographs	CU + 3	B & P 21628	
Daily Report (Negatives)			Crime Scene, Registrant/Applicant, Photo file, Accident. Retain according to practical and functional association.
Inmates (Negatives)	T	GC34090	Assigned DR number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed
	CU + 20		By Prisoner number

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Registration Files, Arson, Sex and Narcotics	Life of registrant within jurisdiction		Fingerprint Card, photo, information also forwarded to DOJ
Arrest/Conviction H&S Section 11357 (b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring after January 1, 1996)	2 (Mandatory destruction from date of conviction or date of arrest with no conviction)	H&S 11361.5	Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: H&S 11357(e), the record shall be retained until a juvenile offender attains the age of 18 years, then destroyed pursuant to 11361.5
Arrest/Conviction H&S Section 11357(b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring before January 1, 1996)	Mandatory Destruction (Upon notice from Department of Justice)	H&S 11361.5 (c)	Applicable to convictions occurring prior to January 1, 1996 or arrests not followed by a conviction occurring prior to January 1, 1996 for violations of H&S Code 11357, 11364, 11365 and 11550
Crime Felony Crimes With Or Without Arrests	See descriptor	PC 800 PC 801	Prosecution for an offense punishable by imprisonment in state prison for eight years or more must commence within 6 years after offense commission. Commencement of prosecution defined in PC 804. Exception: See PC 803 - Tolling/Extension of time periods; Appeals process and "Three Strikes" also considerations in assigning retention.
Misdemeanor / Infractions	CL + 2	GC34090	No arrests, identifiable property or missing persons (See: Note 1)
Supplemental Felony Capital Crimes, Crimes Punishable by Death, Life Imprisonment	P	PC 799	No statutory limitation for prosecution. Includes Murder, kidnapping for ransom, treason, procuring execution by perjury, train wrecking, assault with a deadly weapon by a life-term prisoner, bombing resulting in death or bodily injury, making defective war materials that cause death
Destruction Guns	P		
Narcotics	P		
Disposition of Arrest/Court Action			Retention determined by action taken; i.e., recordable arrest or detention (released no arrest)
False Alarm (Duplicate)	CU + 2	GC34090	
Non-Criminal Occurrences	CU + 2	GC34090	Injured or sick persons; missing persons where person has been returned; traffic collision reports not used as the basis for criminal charges

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Property Original	Until case is adjudicated/disposition determined		Copy retained in records case file; Refer to Managing Property in Law Enforcement Agencies (By POST)
Range Inventory	S + 2	GC34090	Quarterly reports of inventories of weapons and ammunition held by Department Range
Reports	CU + 2	GC34090	Arrest & Citation Register; Arson Offenses; Crimes Against Senior Citizens; Death in Custody; Domestic Violence; FBI Include Return A/Supp; Hate Crime Incidents; Homicide Reports, Supp.; Officers Killed or Assaulted; Original to FBI -DOJ; Uniform Crime Reports
Statistical (Crime Analysis)	CU + 2	GC34090	Internally generated information using activity logs, citizen calls, current and past crime statistic reports, finance dept expenditure and budget records; citations, crime reports, accident reports, permits, receipts. Reports created for variety of purposes including increases/decreases in criminal activity; officer workload, deployment, time usage
Statistical (UCR), Uniform Crime Reports Mandatory to DOJ (LEIC); FBI Include Return A/Supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Known to Law Enforcement; Number of Violent Crimes Committed Against Senior Citizens; Monthly Report of Domestic violence Related Calls for Assistance; Monthly Arrest and Citation Register; Monthly Hate Crimes Incidents; Death In Custody Reporting.	CU + 2	GC34090	Originals sent to FBI, DOJ
Research Project Files	CL + 2	GC34090	May include request forms, background materials, staff reports, final project reports and supporting data

**PUBLIC SAFETY (CONTINUED)**

**C16-02**

<b>Record Series</b>	<b>Retention</b>	<b>Citation</b>	<b>Descriptor</b>
Sealed Adult Found Factually Innocent	Manda-tory Destruc-tion Upon and Pursu- ant to Court Order	PC 851.8	General provision: Upon petition, records of agency must be sealed and destroyed in accordance with the provisions set by court record; exceptions.
Juvenile	Manda-tory Destruc-tion upon and pursu- ant to court	WIC 826 (a) & (b) WIC 781 (a)	Upon petition, local laws enforcement records within WIC 826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving arrests, detention and/or petitioning juvenile before juvenile court
Subpoenas (Duplicate)	CU + 2	GC34090	
Tapes Audio, Telephone and Radio Communications	CU + 180 days	GC34090.6	Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action
Surveillance/Se curity Video (Jail)	CU + 13 mos.	GC34090.6	
Use of Force Supervisory Review Files	CU + 2	GC34090	Includes review forms, arrest report copies, logs
<u>Warrants</u> Felony	Recall after 10 years. Excep-tion: Murder/		Recommended by the California Law Enforcement Warrant Officer's Association
Misdemeano r Criminal	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Served	CU		Includes Warrant Service Information Card, alpha index card
Unserved (Local)	Until served, recalled or purged		
<b>PATROL</b>			
Cards Dispatch	CU + 2	GC34090	
Field Interview	CL + 2	GC34090	
Citations 11357(e), Juvenile	CL + 2	11361.5 H&S	
11357b H&S, 11357c H&S, 11360b H&S Violations	CL + 2	11361.5 H&S*	*CA Admin Code, Chapter 1, Title II, Sec. 708
Cite and Release	CL + 2	GC34090	

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
California Vehicle Code Infractions (Duplicates)	CU + 90 days	GC34090	Original is forwarded to court.
Parking/Traffic , Duplicates	CU + 2	GC34090.7	Originals are forwarded to court after agency processing; includes citations electronically created
Transmittals	CU + 2	GC34090	Listing of citations forwarded to court, filed for reference
Equipment Radio Logs (Communication)	CU + 2	GC34090	Documents problems, malfunctions, resolution to provide equipment performance history
General Orders	P		
Patrol Requests (Correspondence)	CU + 2	GC34090	From citizens for patrol presence
Radar Calibration Records	T + 2	GC34090	Documentation of Radar instruments retained during use/ownership
Reports Accident	CL + 2	GC34090	Non-Jury
Traffic Collision Fatalities	P		
Vehicle Assignment Reports	S		Record of assignments
Down Reports	CU + 1		Printouts reporting which vehicles are down for repair, maintenance, etc.
Repossession/Private Impounds	CU + 2	GC34090	
Service Schedules	S	GC34090	
Vests, Bulletproof Letters	CU + 2	GC34090	Authorization to purchase
Warrants Parking	Recall after 1 year		Recommended by the California Law Enforcement Warrant Officer's Association
Traffic	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Weapons, Database	P		Departmentally-owned weapons, personal weapons, alternate weapons, secondary handguns; produces inventory reports
<b>SERVICES</b>			
Chemicals/Film Inventories	S		
Equipment Inventory/Sign-out Lab	T		
Operations Files - Photo Lab	T		Retain until equipment no longer owned/used by department; Manuals, instructions, procedures for use/operations of photographic equipment

## PUBLIC SAFETY (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Grievance Files	CL + 2	GC34090	Grievance filed by employees, supporting documentation
Investigations, Background	CL + 2	GC34090	Non hired
Hired Background	P		Include original reports re: PC 832.5 investigations
Parades & Special Events File	CL + 2	GC34090	Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation
Permits Alcoholic Beverage Control License	L + 2	GC34090	Approval process
Concealed Weapons	CL + 2	GC34090	
Photographs Personnel	S + 2	GC34090	
Negative Log	CU + 2	GC34090	
Negatives, Misc.	CU + 2	GC34090	Not case-related (Public relations, promotions, events, ceremonies, staff photos)
Press Releases	CU + 2	GC34090	
Press, Video Programs (Community Relations)	CU + 2	GC34090	Collection of videos of programs and events; outside press coverage of department
Property Files	CU + 2	GC34090	Original reports and supplemental documentation (Lost, Found, Safekeeping)
Property, Pawn Broker/Secondhand	CU + 2	GC34090	Sales, slips. Dealer required to file duplicate with agency
Reports Dealer of Gun Sales, Duplicate	CU + 6 mos.	GC34090.7	Original maintained by DOJ. Dealer required to file duplicate with agency
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	CU (See descriptor)		Destroy after law enforcement actions described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and FamilyCode Sections 6380-6383 are fulfilled and effective date of restraining order has expired.
Rosters (Divisional)	S + 2	GC34090	Personnel assigned to division.
Schedules Daily	CU + 2	GC34090	Schedules of Officers on duty
Watc h Assignment/ Timekeepin	CU + 2	GC34090	
Speaker Requests	CU + 2	GC34090	Community and business requests for public appearances, speakers
Tests, Densitometer Results (Photo Lab)	T + 2	GC34090	Daily tests of development chemicals/processes for quality control.



Record Series	Retention	Citation	Descriptor
Training Bulletins	P		
Event Files	CU + 2	GC34090	Correspondence, brochures, promotional materials, info on speakers, guests, supporting documents
Lesson Plans, Range	CL + 15		Scope, content, time period of courses
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers' internal and external training
Schedules, Range	CU + 2	GC34090	Daily, weekly, monthly schedules of training events at range
Volunteer Card Files	T + 2	GC34090	Volunteers' identification, contact information

**Note 1: The destruction of felony, misdemeanor and infraction Crime/Supplemental Reports is permitted providing:**

1. They do not relate to an unadjudicated arrest except for H&S 11357 or H&S 11360 violations;
2. They do not relate to unserved warrants;
3. They do not involve identifiable items which have not been recovered;
4. They do not relate to PC 290, PC 457.1, or H&S 11590 registrants;
5. They do not relate to violations listed in PC Sections 799 and 800;
6. The cases are not presently involved in either a civil or criminal litigation.

**PUBLIC WORKS**

Record Series	Retention	Citation	Descriptor
<b>PARKS</b>			
Agendas, Board	CU + 2	GC34090	
Grants ( <i>refer to Admin.</i> )			
Inventory, Equipment	AU + 2	GC34090	Warranties, purchase orders
Landscape	CU + 2	GC34090	Drawings, contracts, complaints, specifications, photos, reports
Maintenance / Operations	C + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps	P	GC34090	Irrigation, plot plans
Minutes, Board	P	GC34090	
Photographs	S + 2	GC34090	
Plans, Proposed	CU + 2	GC34090	Future plans, new sites, expansions
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Railroad Right-of-way	CL + 3	36 CFR 64.11	Land acquisitions, correspondence, improvements, statutory records
Reports			
Accident	CL + 2	GC34090	Patrons, employees
Others	CL + 2	GC34090	
Studies	CL + 2	GC34090	Future sites, expansions
Resolutions, Board	P	GC34090	
Schedules, Class & Events	CU + 2	GC34090	Enrollment, liability releases, evaluations, attendance, flyers
<b>SANITATION/ SOLID WASTE/ WASTEWATER</b>			
Collections/Landfill	CU + 2	GC34090	Daily records, usage
Facilities	CU + 2	GC34090	Correspondence, maps, patron list
History, Sanitation	P	GC34090	Where City-owned
Incineration Plants, Sludge	CU + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content
Incinerator Operations, Treatment Plant	CU + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps, Septic Tank	P	GC34090	Location maps
Rates	CU + 2	GC34090	
Recycling Programs	S + 2	GC34090	
Regulations	S + 2	GC34090	Includes legislation
Reports			
Studies	CL + 2	GC34090	
Tonnage	CU + 2	GC34090	

## PUBLIC WORKS (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
<b>STREETS/ALLEYS</b>			
Abandonment / Vacations	P	GC34090	
Closures	P	GC34090	
Easements, Dedications, Rights-of-Way	P	GC34090	
Field Books	P	GC34090	
Grants ( <i>see Admin.</i> )			
Intersection Records	CU + 2	GC34090	Includes correspondence, volume counts, accident history
Inventory, Traffic Control Device	S + 2	GC34090	Signs, lights
Landscaping	CU + 2	GC34090	Plants, tree maintenance, work orders
Lighting	CU + 2	GC34090	Maintenance, work orders
Maintenance / Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints, signals, striping
Maps	P	GC34090	Fire hydrants, lighting districts, wheel chair ramps, storm drains, streets, sidewalks, sewers
Master Plans	CU + 2	GC34090	Copies
Parking			
Lots	CU + 2	GC34090	
Regulations	S + 2	GC34090	
Reports/Studies	CL + 2	GC34090	
Permits			
Encroachment	P	GC34090	
Improvement	CL + 2	GC34090	May include curbs, sidewalks; Applications for excavation, fill, alterations
Oversize Load	CL + 2	GC34090	
Parking	CL + 2	GC34090	Residential
Paving	CL + 2	GC34090	
Use (Temporary)	CU + 2	GC34090	Includes Special Events
Photographs	S + 2	GC34090	Includes aerials
Plans, Capital Improvement, Projects	P	GC34090	Streets, curbs, gutters, sidewalks, storm drains
Policies and Procedures	S + 2	GC34090	Includes rules, regulations, standards
Naming and numbering	P	GC34090	

## PUBLIC WORKS (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Speed Limits	S + 2	GC34090	
<b>Programs</b>			
Federal Aid Urban	CL +	23 CFR 633 (a) & (c)	
Traffic Safety	S + 2	GC34090	Drivers Education, Pedestrian Safety, Bicycle Lanes
<b>Reports</b>			
Bridges & Overpasses	L	GC34090	Life of structure
Inspection	CU + 2	GC34090	Includes intersection, sidewalks. Bridges and Overpasses, keep life of structure
Studies	CL + 2	GC34090	Traffic volume, accident history, requests, statistics, drawings supporting traffic devices
Traffic Count	CL + 2	GC34090	Evaluation of traffic volume
Vehicle Accident	CL + 2	GC34090	
Routes, School Bus & Truck	S + 2	GC34090	Truck routes, access ramps, rest areas
Signage	L + 2	GC34090	Log books, index register cards, inventory lists, records of traffic signs
Traffic Signals	L		Logs, drawings, wiring diagrams, codes, circuit numbers, installation records, testing and maintenance.
Weigh Scales	S + 2	GC34090	
<b>WATER</b>			
Connection Records	P	GC34090	Maps, water line connections
<b>Flood Control</b>			
Drainage Facilities	P	GC34090	Includes dams, lakes, basins, creeks
Flood Zones	P	GC34090	Includes flood maps
Insurance Programs	S + 2	GC34090	Includes copies of policies, rules, programs

## PUBLIC WORKS (CONTINUED)

C16-02

Record Series	Retention	Citation	Descriptor
Policies/ Procedures	S + 2	GC34090	Rules and Regulations
Reports/ Studies	CL + 2	GC34090	
Grants ( <i>see Admin.</i> )			
Inventory, Equipment	CU + 2	GC34090	
Locations	P	GC34090	Mains, valves, hydrants, wells
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Service	CU + 2	GC34090	Includes work orders, entry cards, manholes, service to property owners
Well & Pumping	CU + 2	GC34090	Times operational, power used and quantity
Maps	P	GC34090	Line location; easements
Master Plans	CU + 2	GC34090	Copies
Meter Operations	CU + 2	GC34090	Reader reports, orders, tests Maintenance Reports
Permits			
National Pollutant Discharge Elimination System	P	40 CFR 122.28	Municipalities of 100,000/more, compliance with Clean Water Act re: pollutants
Others	CU + 2	GC34090	May depend on terms of state or federal agency
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Rates	S + 2	GC34090	
Reclamation	CU + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.
Reports			
Conservation	CU + 2	GC34090	
Consumption	CU + 2	GC34090	
Corrosion Control	CU + 12	40 CFR 141.91	Compliance documentation
Discharge Monitoring	CU + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.
Drinking Water Corrections	CU + 10	40 CFR 141.33	
Hydrograph	P	GC34090	Daily flow of streams
Lead Service Line	CU + 12	40 CFR 141.91	Compliance documentation

**PUBLIC WORKS (CONTINUED)**

<b>Record Series</b>	<b>Retention</b>	<b>Citation</b>	<b>Descriptor</b>
<b>Public Education</b>	<b>CU + 12</b>	<b>40 CFR 141.91</b>	<b>Compliance documentation</b>
<b>Quality Parameters</b>	<b>CU + 12</b>	<b>40 CFR 141.91</b>	<b>Compliance documentation</b>
<b>Sanitary Surveys</b>	<b>CU + 10</b>	<b>40 CFR 141.33</b>	<b>Statistics, reports, correspondence</b>
<b>Source Water</b>	<b>CU + 12</b>	<b>40 CFR 141.91</b>	<b>Compliance documentation, e.g. lead &amp; copper</b>
<b>State Certification</b>	<b>CU + 12</b>	<b>40 CFR 141.91</b>	<b>Compliance documentation</b>
<b>Variances, Water System</b>	<b>CU + 5</b>	<b>40 CFR 141.33</b>	
<b>Well Level</b>	<b>CU + 2</b>	<b>GC34090</b>	
<b>Sources</b>	<b>CU + 2</b>	<b>GC34090</b>	<b>May include wells, rivers, lakes, districts</b>
<b>Surveyor Field Notes</b>	<b>P</b>	<b>GC34090</b>	<b>Notes preparatory to maps of water installations</b>
<b>Surveys, Water System Sanitary</b>	<b>CU + 10</b>	<b>40 CFR 141.33</b>	<b>Statistics, reports, correspondence</b>
<b>Tests</b>			
<b>Bacteriological Analysis</b>	<b>CU + 5</b>	<b>40 CFR 141.33</b>	<b>Compliance records include location, date, method and results; corrections, analysis of bacterial content</b>
<b>Chemical Analysis</b>	<b>CU + 10</b>	<b>40 CFR 141.33</b>	<b>Compliance records include location, date, method used and results; corrections, analysis of chemical content</b>
<b>Quality</b>	<b>CU + 12</b>	<b>40 CFR 141.91</b>	<b>Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedules, valves, etc.</b>
<b>Valve Main Records</b>	<b>P</b>	<b>GC34090</b>	
<b>Violations, Drinking Water</b>	<b>CU + 3</b>	<b>40 CFR 141.33</b>	<b>Retention applies to each violation</b>



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-081 ratifying appointments to the Community Activities Commission, Harrison Memorial Library Board of Trustees, Historic Resources Board, Planning Commission and extending the term of a Member of the Forest & Beach Commission

## RECOMMENDATION:

Adopt Resolution 2020-081 ratifying appointments to the Community Activities Commission, Harrison Memorial Library Board of Trustees, Historic Resources Board, Planning Commission and extending the term of a Member of the Forest & Beach Commission.

## BACKGROUND/SUMMARY:

City Boards and Commissions perform a valuable service to the City by providing means by which the City Council can obtain advice, opinions, and recommendations of City residents and other members of the community. The City Council will be filling seven (7) vacancies on City Boards & Commission for one (1) unfilled position and six (6) terms that would have ended September 30, 2020.

Mayor Potter and Mayor Pro Tem Richards comprised the Ad Hoc Committee and interviewed the applicants for the Board and Commission vacancies. The applicants demonstrated a strong commitment to service and a desire to serve the Carmel-by-the-Sea community. The Ad Hoc Committee is appreciative of all community members of diverse backgrounds and exceptional skill sets, who filled out an application and participated in the interview process.

The Ad Hoc Committee wanted to meet with applicants a second time to ensure the appointments made to the City's Boards and Commissions were done in a manner that provides the most benefit to each of the Boards and Commissions and the community as a whole. In order to ensure the Boards and Commission did not have issues obtaining a quorum, On October 6, 2020, the City Council adopted Resolution 2020-061 which extended the terms of five of the currently serving Board Members and Commissioners until December 8, 2020.

Due to the number of candidates who applied, meeting with applicants a second time was not completed in time to determine appointees for all the City's Boards and Commissions. The Ad Hoc Committee will be meeting with applicants to the Forest & Beach Commission prior to making the final appointment in January

2021.

The Ad Hoc Committee would like to extend Forest & Beach Commissioner Al Saroyan's term to January 5, 2021.

After much deliberation, the following individuals have been identified as qualified and ideal candidates to fill the vacancies and are being recommended for appointment to the City's Boards and Commissions:

- Donna Jett - Community Activities Commission for a term ending September 30, 2024
- Ellen Martin - Community Activities Commission for a term ending September 30, 2024
- Tara Twomey - Harrison Memorial Library Board of Trustees for a term ending September 30, 2023
- John Krisher - Harrison Memorial Library Board of Trustees to serve the unexpired term vacated by Timothy Blomgren with a term ending September 30, 2021
- Karyl Hall - Historic Resources Board for a term ending September 30, 2024
- Thomas Hood - Historic Resources Board for a term ending September 30, 2024
- Robert Delves - Planning Commission for a term ending September 30, 2024

#### **FISCAL IMPACT:**

None for this action.

#### **PRIOR CITY COUNCIL ACTION:**

The City Council annually ratifies appointments to vacancies occurring on the City's Commissions and Boards each year.

October 6, 2020 the City Council adopted Resolution 2020-061 extending the terms of the Board & Commission members.

#### **ATTACHMENTS:**

Attachment #1 - Resolution 2020-081 Board and Commission Appointments

Attachment #2 - Commission and Board Applications



**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-081**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA RATIFYING APPOINTMENTS TO THE COMMUNITY ACTIVITIES COMMISSION, HARRISON MEMORIAL LIBRARY BOARD OF TRUSTEES, HISTORIC RESOURCES BOARD, PLANNING COMMISSION AND EXTENDING THE TERM OF A MEMBER OF THE FOREST AND BEACH COMMISSION**

WHEREAS, City Boards and Commissions perform a valuable service to the City by providing means by which the City Council can obtain advice, opinions, and recommendations of City residents and other members of the community; and

WHEREAS, Timothy Blomgren resigned his position as a Board Member of the Library Board of Trustees on January 14, 2020 and his term expires September 30, 2021; and

WHEREAS, Bonnie Folster resigned her position as a Commission Member of the Community Activities Commission and her term expired September 30, 2020; and

WHEREAS, eight (8) vacancies exist on City Boards & Commissions for one (1) unfilled position and seven (7) terms that would have ended September 30, 2020; and

WHEREAS, Sections 2.28.030, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 (D) (2), of the Carmel-by-the-Sea Municipal Code provide that the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days; and

WHEREAS, on October 6, 2020 the City Council adopted Resolution 2020-061 extending the terms that would have ended September 30, 2020 to December 8, 2020 for five (5) Commission and Board Members; and

WHEREAS, the Mayor and Mayor Pro Tempore comprised the Ad Hoc Committee and interviewed the applicants for the Board and Commission vacancies; and

WHEREAS, the applicants demonstrated a strong commitment to service and a desire to serve the Carmel-by-the-Sea community; and

WHEREAS, the Ad Hoc Committee wishes to meet with applicants for the Forest & Beach Commission again to ensure the appointments made to this Commission are done in a manner that provides the most benefit to the Forest & Beach Commission and the community as a whole; and

WHEREAS, the Ad Hoc Committee is appreciative of all community members of diverse backgrounds and exceptional skill sets, who filled out an application and participated in the interview process.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:**

Appoint the following individuals to fill the vacancies on City Boards & Commissions:

Donna Jett - Community Activities Commission for a term ending September 30, 2024;  
and

Ellen Martin - Community Activities Commission for a term ending September 30, 2024; and

Tara Twomey - Harrison Memorial Library Board of Trustees for a term ending September 30, 2023; and

John Krisher - Harrison Memorial Library Board of Trustees to serve the unexpired term vacated by Timothy Blomgren with a term ending September 30, 2021; and

Karyl Hall – Historic Resources Board for a term ending September 30, 2024; and

Thomas Hood – Historic Resources Board for a term ending September 30, 2024; and

Robert Delves – Planning Commission for a term ending September 30, 2024; and

Extend the term of Al Saroyan on the Forest & Beach Commission to January 5, 2021.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7<sup>th</sup> day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME Laura Bowling DATE September 9, 2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93923

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93923

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 3 years

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? \_\_\_\_\_

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

Attachment 2

Reason for Interest in the Position:

I believe that The City of Carmel-by-the-Sea's most important asset (financially and aesthetically) is our natural treasure. Well before the fires started burning around us in 2020, I was deeply concerned about the state of our forest areas, the vulnerability of our beaches, and the systemic impacts of climate change on our city's natural beauty. I would love to play a leadership role to protect the ecosystem integrity, ensure their long-term sustainability, and to help educate more of our citizens about these important issues. Our city's natural beauty is also key to recovering from the devastating economic impacts of COVID.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

I am a branding and communications executive with nearly 30 years of experience working for some of the world's most prestigious companies and nonprofits. I have 15 years of C-Suite level work experience with several of the most respected conservation organizations in the world, including Conservation International, where I was the Chief Marketing Officer, The Nature Conservancy, Oceana, and the U.N. I am knowledgeable and passionate about tree/forest conservation, ocean conservation (beach habitat & wildlife preservation) and have extensive knowledge about the impacts of climate change. I was honored to lead the strategic communications and design of the Ocean Health Index, the world's first scientific score-card for comprehensive marine wildlife and coastal health. Additionally, I have been an active volunteer for the past 2.5 years with Friends of the Mission Trail Nature Preserve where I have learned about our local forest history and key challenges, while working hard to pull weeds and help restore this fragile ecosystem.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

Volunteer for Friends of Mission Trail Nature Preserve (Part of monthly Clean-Up Crew at MTNP and Lester Rowntree Native Plant Garden) and Board Member of the Food Bank for Monterey County where I serve as Vice President (since Sept 2018)

Education: Institution	Course of Study	Degree Year (s)
The Ohio State University	Marketing and Advertising	BSBA

**Employment Experience (Start with Most Recent):**

Organization:	Pure Dakota Design, LLC – Branding, Design and Sustainability Consultancy	
Position:	Principal and Founder	Year: 2014 - Current
Organization:	Conservation International	
Position:	Chief Marketing Officer	Year: 2006 -2013
Organization:	The Walt Disney Company	
Position:	VP Strategic Marketing & Branding	Year: 1996 - 2004

Attachment 2

**Prior public service, civic or volunteer activities:**

Organization:	Georgetown Garden Club Helped Lead Public Education for Tree Preservation and Sustainable Techniques	
Position:	Volunteer and Fundraising Chairperson	Year: 2006 - 2017
Organization:	Benchley Ocean Conservation Project	
Position:	Board Member	Year: 2014 -2018
Organization:	Heal the Bay – Ocean and Watershed Clean Up , Santa Monica, CA	
Position:	Volunteer	Year: 1998 -2005

09/09/20

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.**

**Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.**

JUL 16 2020

Received by City Clerk



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME Hans Buder DATE 6/23/2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 4 years

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	✓
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? Yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

My wife Meghan and I have 10 week old twin girls, so my primary interest in the position is to ensure that the library remains a high quality resource for the community in general, and more specifically, that it is catering appropriately to the needs of young families like my own. As a former teacher, I would have a particular interest in ensuring that the library is in close coordination with local schools, so that it has the appropriate resources and programming to support local teachers, and that the content is relevant to the curriculum.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

Father of 10-week old twin girls. First and foremost, as the father of two infant twin girls, I think that I would bring a valuable perspective to the board. Certainly, as a long-standing user of the library I have an interest in ensuring that it appropriately serves the entire population of Carmel, but I have a special interest in ensuring it is catering appropriately to the needs of young families.

Former middle school science teacher. After college I joined Teach for America and spent 2 years as a public school teacher in an inner-city public school in New Orleans. That experience has given me a keen appreciation for the need for close alignment between librarians and schools/teachers.

MBA/MPA. I have an MBA and a Master in Public Administration, and run my own business, so I believe I can be valuable in evaluating the library's financial situation as well.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

Commissioner - District 5 - Housing Authority of the County of Monterey  
 Director - Monterey County Housing Authority Development Corporation (HDC)

Education:

Institution	Course of Study	Degree Year (s)
Harvard University	Master in Public Administration	2014
Stanford University	MBA	2013
Duke University	BA	2008

**Employment Experience (Start with Most Recent):**

Organization: The Moving To Opportunity Fund	
Position: Founder and CEO	Year: 2016 - Present
Organization: McCormack Baran Salazar	
Position: Project Manager	Year: 2016
Organization: Long Wharf Capital	
Position: Associate Director of Acquisitions	Year: 2013 - 2016

**Prior public service, civic or volunteer activities:**

Organization: Partners in Opportunity 501(c)3	
Position: Board Member	Year: 2019 - Present
Organization: Teach for America - Langston Hughes Academy (Inner city charter school)	
Position: Science Teacher	Year: 2009 - 2011
Organization: Duke Community Service Center	
Position: Director	Year: 2004 - 2008

\_\_\_\_\_  
Signature

6/23/2020  
\_\_\_\_\_  
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.





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## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME RONALD CHAPLAN MD DATE 9/10/20  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEL BY THE SEA ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY CARMEL BY THE SEA ZIP 93921  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 2 years Carmel by The Sea  
Board or Commission Selection: 40 years Carmel

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	X
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	X
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for interest in the Position:

WAS APPLYING FOR THE PLANNING COMMISSION RECENTLY INTERVIEWED WITH POTTER/BOBBY. HAD TO WITHDRAW APPLICATION HAD MAJOR SURGERY HAVE OWNED PROPERTY IN CARMEL - RAN BUSINESS NGTE PLANNING COMMISSION MULTIPLE TIMES TO REVIEW CONSTRUCTION OF 12 CONDOS ON MY PROPERTY HAVE BUILT OFFICE COMPLEX MONTEREY & CARMEL

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

- 1) PLANNING COMMISSION - MULTIPLE MEETINGS OVER MANY YEARS FOR CARMEL BUSINESS. ALSO BUILT 3 STORY MEDICAL COMPLEX MONTEREY. UNDERSTAND REVIEW PROCESSES
- 2) HISTORIC BOARD - HAVE DEALT WITH ISSUES ON PROJECTS IN CARMEL AREA, IN MONTEREY. MAJOR INTEREST IN PLANNING COMMISSION

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

- 1) CARMEL YOUTH CENTER BOARD
- 2) HOSPITAL REVIEW BOARD (NEW PHYSICIANS)
- 3) PAST BOARD MONTEREY MEDICAL SOCIETY MEDIATION COMMITTEE

Education:

Institution	Course of Study	Degree Year (s)
UCLA	PRE-MED	1967-71
UC SAN FRANCISCO	MEDICAL DEGREE	1971-75
UNIV OF COLORADO	SURGICAL TRAINING	1975-79
HARVARD	ORTHOPEDIC PROGRAM	1977-81

**Employment Experience (Start with Most Recent):**

Organization:	ORTHOPEDIC SURGEON (SELF EMPLOYED)	
Position:	SURGEON	Year:
Organization:	ALPHA OMEGA WINERY	1981 → 2020
Position:	OWNER POSITION	Year: 2007 →
Organization:		2020
Position:		Year:

**Prior public service, civic or volunteer activities:**

Organization:	CARMEL YOUTH CENTER	
Position:	BOARD MEMBER	Year: 2017 - 2020
Organization:	MEDICAL BOARD OF MONTEREY	
Position:	BOARD (MEDICAL) PHYSICIAN COMPLAINTS	Year: 1990's
Organization:	CHROME CREDENTIAL COMMITTEE - PHYSICIAN REVIEW	
Position:	MEMBER	Year:

Signature \_\_\_\_\_

9/10/20  
Date \_\_\_\_\_

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME  Rick Ciardella  DATE  08 Sept 20

RESIDENCE ADDRESS \_\_\_\_\_ CITY  Carmel  ZIP  93923

MAILING ADDRESS \_\_\_\_\_ CITY  Carmel  ZIP  93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA?  1 year

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly?  Yes

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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

**Reason for Interest in the Position:**

Given my background as a Landscape Architect, business owner and resident, the Forest and Beach Commission is where I feel I can provide the most to our community. Dedicated to giving back to the community, I have served on the Environmental Quality Commission in Menlo Park, California and the Design Review Committee in Wellesley, Massachusetts that align with the charges of the Forest and Beach Commission. As a Commissioner, decisions would be based on professional and past commission experience coupled with the Urban Forest, Parks and Beach Management Plan and the General Plan.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

- Previous Commission experience that is relevant to the Forest and Beach Commission.
- Over 40 years as a Landscape Architect working on both private and public projects.
- Professional and Commission experience in finding creative mitigation measures that serve both the community and resident.
- Board and Commission experience with a proven track record.
- Small Business Owner
- Lifetime of experience volunteering to make a better quality of life.
- Experience developing and implementing a city management plans that affect the quality of our environment.
- As a new member of the community I would provide a fresh look at the City's assets: parks, beaches, and the urban forest.
- Commission experience with private versus community decisions that maybe in conflict

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director: None

**Education:**

Institution	Course of Study	Degree Year (s)
Harvard Grad Sch of Design	Urban Design/Landscape Arch.	MLA UD 1979
Cal Poly - Pomona	Landscape Architecture	BSLA 1976

**Employment Experience (Start with Most Recent):**

Organization: Ciardella Associates	
Position: Owner/Principal	Year: 1991-current
Organization: Sasaki Associates	
Position: Landscape Architect - Senior Associate	Year: 1986-1991
Organization: The SWA Group	
Position: Principal	Year: 1979-1986

**Prior public service, civic or volunteer activities:**

Organization: Sequoia Union HS District - Atherton, CA	
Position: Volunteer - Building, Grounds and Construction Committee	Year: 2004-2007
Organization: City of Menlo Park, CA - Environmental Quality Commission	
	1976-1978
Position: Member, Chairman	Year: 1991-1999
Organization: Town of Wellesley, MA - Design Review Committee	
Position: Member	Year: 1986-1990
Organization: Menlo Park Chamber of Commerce Board Member and Chairman	
	1999-2010

\_\_\_\_\_  
Signature

08 Sept 20  
Date

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## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Robert Delves DATE 9/9/20

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 2+ years

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	✓
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	✓
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? \_\_\_\_\_



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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

See Attached

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

See Attached

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

**Education:**

Institution	Course of Study	Degree Year (s)
Miami University	Accounting	BS / 1980



**Employment Experience (Start with Most Recent):**

Organization:	Mountain Town Solutions	
Position:	President	Year: 2010 - Present
Organization:	Town of Mountain Village, CO	
Position:	Mayor / Town Council	Year: 2005 - 2013
Organization:	Accenture	
Position:	Partner	Year: 1980 - 2004

**Prior public service, civic or volunteer activities:**

Organization:	Town of Mountain Village, CO	
Position:	Mayor, Chairman of Completion Task Force	Year: 2005 - 13
Organization:	Mountain Studies Institute	
Position:	Board President	Year: 2010 - 2017
Organization:	Telluride Venture Accelerator	
Position:	Mentor	Year: 2009 - 2017

\_\_\_\_\_  
Signature

9/9/20  
\_\_\_\_\_  
Date

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Robert Delves

Reason for Interest in the Position:

Forest and Beach: Simply put, Carmel is remarkable in its success at protecting the natural landscape despite a dense population of residents and visitors. People are drawn to Carmel for its extraordinary and accessible beauty, but that can easily lead to overuse, over exposure and degradation. I am interested in understanding and protecting Carmel's "secret sauce" for doing such a great job of managing the ongoing interface between humans and nature.

Planning Commission: Similar answer to above: Carmel is special from an architecture and infrastructure standpoint and has done a remarkable job of allowing progress to happen while preserving the overall charm of the built environment. I'd like to participate in that process

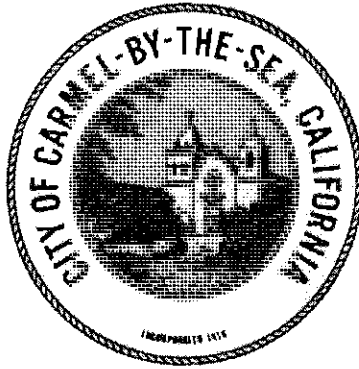
Qualifications:

Forest and Beach: While fairly new to Carmel, I am not new to public service, nor to a regulatory/oversight role. I served 8 years (6 as mayor) on the Mountain Village, Colorado Town Council. Like Carmel, MV is a resort community in a stunning natural setting, and stewardship of that setting is a high priority for the town government and elected officials. As mayor, I was deeply involved in issues like forest health, wildfire mitigation, defensible space, watershed protection and water conservation. I led the task force to develop the Town's first Comprehensive Plan which placed significant emphasis on finding balance between human habitation and the natural landscape. I also served on several non-profit boards focused on environmental health, including Mountain Studies Institute and the San Miguel Watershed Coalition. In all these roles, I interacted regularly with other municipalities, county government, and key regulatory and land management partners like the US Forest Service, BLM, Army Corps, EPA and various State agencies.

I am a veteran of board work, a patient listener, and pride myself on helping find win/win solutions.

Planning Commission: To expand on the answer above, in Mountain Village, the Town Council is the Planning Commission, so I am very familiar with the land use process and applying and amending the land use code. I also served on the Design

Review Board and Metro District Board for a large residential development project; Twin Buttes of Durango.



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME I lana Bofford Entin DATE 9/10/20  
 RESIDENCE ADDRESS 21 CITY Carmel ZIP 93923  
 MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 10 months  
in Carmel ~ 4 years  
Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input checked="" type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input checked="" type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? Yes

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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I've spent my public and private sector career specializing in community relations, communications and development. While working in both the government and nonprofit arenas, giving back has always inspired me. Whether it be as a volunteer employee or Board Member, it is fulfilling to see the importance of such hard work and dedication.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

- Community Activities and Cultural Commission Board - I truly believe through collaborative efforts and successful community support, our neighborhoods and residents grow. Civic engagement is the key to future change and healthier communities. I am currently consulting for a nonprofit that focuses on voter outreach and registration. It is more important than ever to continue to find hope and strength in community support.
- Harrison Memorial Library Board - We teach our children that words have such strong meanings. When words are spoken or written, the power to change is imminent. These words have everlasting personal messages to each and every one of us. That is why several years ago, I chose to write a children's book titled "Our Earth Our Friend". Through this process, I\*

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

N/A

Currently just on the two committees listed at CBI

**Education:**

Institution	Course of Study	Degree Year (s)
Florida International University	Masters Degree in Public Admin.	April 2000
University of Miami	Bachelor of Science in Communications with Honors	May 1996

\* found a new everlasting love of libraries and became aware of the unparalleled freedom free books provides to all of our communities.

**Employment Experience (Start with Most Recent):**

Organization:	Blueprint Communications L L C	
Position:	President / Sole Member / Communications consulting	Year: 1/20 - Present
Organization:	Pacific Grove Museum of Natural History	
Position:	Advancement Coordinator / Development Manager	Year: 6/18 - 9/19
Organization:	Grassroots Communications Inc.	
Position:	President / Campaign Management & Political consulting	Year: 8/7 - 6/18

**Prior public service, civic or volunteer activities:**

public service	Organization:	Broward Sheriff's Office	
	Position:	Community & Gov't Relations Manager	Year: 2/98 - 5/7
Volunteer work in CA	Organization:	Florida State Senate	
	Position:	Legislative Aide	Year: 6/07 - 2/98
Volunteer work in FL	Organization:	Congregation Beth Israel	
	Position:	- Board of Directors	Year: 2018 - 2019
		- Social Action Committee	Present
		- Education Director Committee	Present
		Leadership Broward	
		Women in Distress Board Member	
		Broward Beautiful County Board	
		Union Democrats Board	

Date 9/11/20

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.





## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Karen Gray DATE 9/3/20

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel, CA ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Carmel, CA ZIP 93921-7264

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 2 months. Rented over 5 years for total of 1 year.

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	X
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	X
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? Yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

In regards to the library position, I was a volunteer at the SF Public Library in the Mission District for 5 years. I tutored children in reading both in English and Spanish. I also participated in a focus group to create a renovation plan for the library that incorporated community values. In 2006, I volunteered with Fundacion Leer in Buenos Aires which provided small libraries to schools. My work included surveying community access to books.

I have also participated in Open Studios in SF where artists open their studios to the public one weekend a year. I have practiced printmaking, sculpture, and figure drawing. I have attended the Plein Air Festival in Carmel. I occasionally play in an amateur rock/blues band that performs in public. I am an avid motorcyclist and attend the Quail Motorcycle Show. I have been to the downtown Carmel Christmas tree lighting several years now and the Tour of Inns in December.

Since retiring, I have been involved in several civic endeavors including volunteering with the SF fire department, SF SPCA, Kiva (microfinancing in developing countries), and Friends of the Urban Forest. I was a tree-planting volunteer and many year supporter of FUF in San Francisco. These experiences have brought me together with members of the community, to work together in the spirit of collaboration. This motivation, to want to improve our way of life, has prepared me for contributing to the mission and goals of Carmel.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

**Education:**

Institution	Course of Study	Degree Year (s)
Ohio University	MA	1996
U of Oregon	BA	1989



**Employment Experience (Start with Most Recent):**

Organization: United Nations Development Program, Kabul, Afghanistan		
Position: Contractor		Year: 2003
Organization: Microsoft Corp. Redmond, WA		
Position: Mgr. MSN, Broadband Internet Access		Year: 2000-2003
Organization: NorthPoint/Versatel, S.F. and Amsterdam, Netherlands		
Position: Mgr, Broadband		Year: 1998-2000

**Prior public service, civic or volunteer activities:**

Organization: SF SPCA		
Position: Volunteer - Puppy Dog Tales		Year: 2014-2019
Organization: SFFD		
Position: Volunteer, NERT and California Disaster Corp.		Year: 2010 - 2019
Organization: Kiva		
Position: Volunteer, Nicaragua		Year: 2004

\_\_\_\_\_  
Signature

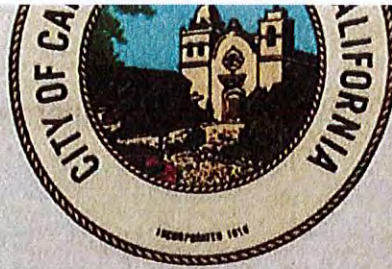
9/5/20  
\_\_\_\_\_

Date

**Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.**

**Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.**





# APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME KARYL HALL DATE 9/11/20

RESIDENCE ADDRESS [REDACTED] CITY CARMEL ZIP 9395

MAILING ADDRESS [REDACTED] CITY Carmel ZIP 9392

RESIDENCE PHONE [REDACTED] BUSINESS PHONE \_\_\_\_\_

EMAIL [REDACTED]

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 31 + years

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	X
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? \_\_\_\_\_



All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

*I have already served on the HRB for over a year and have a passion for preserving the historic architecture of Carmel.*

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

*see attached*

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

*Pacific Repertory Theatre Board of Directors, Treasurer, past president*

**Education:**

Institution	Course of Study	Degree Year (s)
NOVA Southeastern Univ	Education	Ed. D.
San Jose State Univ	PSYCHOLOGY	M.A.
Santa Clara Univ	PSYCHOLOGY	B.A.



**Employment Experience (Start with Most Recent):**

Organization:	Stanford Univ	
Position:	Clinical Assn't Professor	Year: '95-99
Organization:	Santa Clara Valley Med. Center	
Position:	Director of Research	Year: '90-99
Organization:	UCSF	
Position:	Assoc specialist, Project Director	Year: '73-'86

**Prior public service, civic or volunteer activities:**

Organization:	Carmel Residents Assoc.	
Position:	Secretary	Year: 2018, 19
Organization:	Big Brothers, Big Sisters	
Position:		Year: 2002-4
Organization:	Carmel Preservation Foundation	
Position:		Year: 1996-98


  
Signature

 9/11/20  
 Date

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Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



## Application for Historic Resources Board

I served on the Land Use Advisory Committee for unincorporated Carmel and the Highlands for several years. My professional career was as a Medical Research Psychologist, but I have always been interested in real estate and design and have bought, repaired/improved, and sold several houses through the years. My late husband and I "adopted" the historic Door House in 1997, for those of you who remember the considerable press about saving the little cottage.

I just remodeled a 1927 "Carmel Charmer" that otherwise would have almost surely been torn down with two houses replacing it, because the lot is over 11,000 square feet. I have become aware of many of the dilemmas faced by the staff in trying to follow present codes while considering specific needs of homes/home owners.

I have been serving on the HRB for over one year as a replacement member, and would like to serve an additional four year term. Please consider my request for participation on the Board. I believe I could offer a balanced, informed, and fair contribution to committee deliberations. Thank you for the opportunity to weigh in on this important work.

Sincerely,  
Karyl Hall Ed.D., M.F.T.

[REDACTED]  
Carmel, CA 93921  
[REDACTED]





## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME THOMAS B. HOOD DATE 9.11.20

RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 10 1/2 YEARS

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input checked="" type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? YES

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I WISH TO CONTINUE MY POSITION AS BOARD MEMBER OF HRB TO EXTEND MY PROFESSIONAL EXPERIENCE AS AN ARCHITECT, FORMER CONTRACTOR AND DESIGN REVIEW BOARD CHAIR (MARIN COUNTY). PROTECTING AND ASSISTING PROPERTY OWNERS AS "CUSTODIANS" OF OUR CITY'S HISTORIC STRUCTURES TO PRESERVE AND ENHANCE CARMEL'S UNIQUE CHARACTER IS A RESPONSIBILITY I TAKE VERY SERIOUSLY. I CAN BE OF SERVICE TO BOTH THE CITY AND ITS RESIDENTS AND COMMERCIAL PROPERTY OWNERS BY CONTINUING TO SERVE ON HRB.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

- CURRENT BOARD MEMBER - HAVING REVIEWED/RULED ON MANY PROJECTS IN 4 YEARS.
- LICENSED ARCHITECT SINCE 1983 SERVING CLIENTS ON OVER 15 HISTORIC PROPERTIES IN CARMEL, MARIN COUNTY AND CHICAGO AREA (ILLINOIS)
- EXPERIENCE AS A GEN'L CONTRACTOR FOR HISTORIC PROPERTY. HANDS ON EXPERIENCE DEALING WITH STRUCTURE, STYLE FOR RESTORATIONS, REHABILITATION AND REMODEL/ADDITIONS TO HISTORIC RESIDENTIAL STRUCTURES.
- EXPERIENCE W/ HISTORIANS & THEIR REPORTS TO DISCERN AND RULE ON HISTORIC STATUS AND TO ADVISE ON TEN-YEAR RESTORATION SCHEDULES PER CITY'S STATE GUIDELINES.
- PAST CHAIR OF LAKEVIEW DESIGN REVIEW BOARD - RESPONSIBLE FOR CITY ENTITLEMENTS FOR REMODEL, RESTORATION AND NEW PROJECTS, ALSO INCLUDING FIRE DAMAGED STRUCTURES.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

- PRESIDENT, CARMEL HERITAGE SOCIETY WHOSE MISSION IS TO EDUCATE, INFORM AND PROTECT OUR CITY'S ARCHITECTURE.
- PRESIDENT, CARMEL HERITAGE SOCIETY, 2020 ON.
- CURRENT MEMBER, HISTORIC RESOURCES BOARD SINCE 2016
- BOARD MEMBER, AMERICAN INSTITUTE OF ARCHITECTS, MONTEREY BAY CHAPTER
- CARMEL CHAMBER OF COMMERCE SINCE 2016. AMBASSADOR CHAIR, 2019. GOV'T AFFAIRS COMMITTEE SINCE 2018.
- BOARD MEMBER - MAARS (MAY. ARCHITECTURAL ARCHIVES)
- TBH ARCHITECTURE - OWNER

**Education:**

Institution	Course of Study	Degree Year (s)
UNIV. OF ILLINOIS - CHICAGO	MASTER OF ARCHITECTURE	1982
IOWA STATE UNIVERSITY	B.A.E.S - ARCHITECTURE, HAWKEY TOWNOR	1977
OTANIEMI UNIVERSITY (FINLAND)	TOWN PLANALING	STUDY ABROAD, 1976

**Employment Experience (Start with Most Recent):**

Organization:	THOMAS BATEMAN HOOD ARCHITECTURE	
Position:	PRINCIPAL ARCHITECT & OWNER	Year: 1989-PRESENT
Organization:	HOOD MILLER ASSOCIATES, ARCHITECTS	
Position:	ASSOC. PARTNER, PROJECT ARCH. FOR HISTORIC PROPERTIES	Year: 1986-'87
Organization:	COOPER CARMY & ASSOCIATES, ATLANTA, GA	
Position:	PROJECT ARCHITECT FOR COMMERCIAL PROJECTS	Year: 1984-'86
	HOOD DESIGN, WINNETKA, IL. PRINCIPAL OWNER, ARCHITECT AND GEN'L CONTRACTOR - HISTORIC PROPERTIES	1982-'84

**Prior public service, civic or volunteer activities:**

1.	Organization:	CARMEL HRB	
	Position:	BOARD MEMBER & VICE CHAIR	Year: 2016-PRESENT
2.	Organization:	MONTEREY HISTORY & ART ASSOCIATION	
	Position:	PRESIDENT, BOARD MEMBER	Year: 2005-2011
3.	Organization:	LARKSPUR DESIGN REVIEW BOARD (MARIN COUNTY)	
	Position:	CHAIR & MEMBER	Year: 2007-2003
4.	CARMEL CHAMBER OF COMMERCE EMBASSADOR CHAIR, GOV'T AFFAIRS COMM. AS A BOARD MEMBER		2015-2020 (PRESENT)
5.	OMBA (MONTEREY), MEMBER		2009-2010

Signature \_\_\_\_\_

9-11-20  
Date

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## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Donna Jett DATE 9-3-2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel by the Sea  
 MAILING ADDRESS \_\_\_\_\_ CITY " ZIP 93921  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 23 years

**Board or Commission Selection:**

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input checked="" type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? \_\_\_\_\_

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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I believe I can continue to contribute to this important commission during the difficult times and look forward to working with my fellow commissioners in the future. Would encourage community activities in the city to benefit the residents and visitors as deemed appropriate for our village. I am available to volunteer at events, it is a pleasure to work with the professional city staff members who provide assistance and direction on all projects.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

*Please see attached,*

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

*Please see attached,*

**Education:**

Institution	Course of Study	Degree Year (s)
<i>Please see attached</i>		

**Employment Experience (Start with Most Recent):**

Organization:	PREMIER Health Care	
Position:	Caretaker - Part-Time	Year: 2015 - Present
Organization:	Church of the Way farer	
Position:	Wedding Coordinator	Year: 2008 - 2011
Organization:		
Position:		

**Prior public service, civic or volunteer activities:**

Organization:		
Position:		Year:
Organization:		
Position:		Year:
Organization:		
Position:		Year:

Signature \_\_\_\_\_ Date 9- -2020

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*Donna Jett**Carmel, CA 93921***E-mail: ;****Employment: Part time: Adult Care Taker****Education**

<b>MPC</b>	<b>Art/Artist Monterey</b>	<b>ART10</b>
	<b>Architecture Monterey</b>	<b>ART11</b>
	<b>Architecture Carmel</b>	<b>ART11.1</b>
	<b>Architecture Tour Monterey</b>	<b>ART13</b>
	<b>Art Monterey and Oakland</b>	<b>ART15</b>
	<b>Play Prod/Comedy</b>	<b>DRAM 4</b>
	<b>Touring Theater</b>	<b>DRAM 57</b>
	<b>ACT/WKSP – ADV Comedy</b>	<b>DRAM75</b>
	<b>Inside the Gates</b>	<b>ART12</b>
	<b>Inside the Gates</b>	<b>ART13.1</b>

**El Camino Jr. College. AA Degree in Speech Communication and Business.****Art, history, and computer classes.****UCLA, Art****Community Services****City of Carmel-by-the-Sea**

<b>2012 – 2020</b>	<b>Community Activities Commission</b>
<b>2011 – 2012</b>	<b>Historical Review Commission</b>
<b>2010</b>	<b>Committee for 100 Year Celebration of the Outdoor Forest Theater</b>
<b>2005 - 2011</b>	<b>Community Activities and Cultural Commission</b>

**2011 Monterey Peninsula College Representative from Carmel, Redistricting Commission****2006 Monterey County Grand Jury Juror, Chairman Special Districts and County Jail**

<b>Monterey Bridge Center</b>	<b>2010 - 2017 Board Memher</b>
<b>Carmel Foundation</b>	<b>1997 – 2020 Member</b>
<b>Carmel Heritage Society</b>	<b>1998 – 2020 Member</b>
<b>Carmel Woman’s Cluh</b>	<b>1999 – 2020 Board Memher</b>
<b>Concourse Elegance</b>	<b>2000 - 2016 Corporate Hospitality</b>
<b>Friends of the Seaside Library</b>	<b>1999 - 2019 Member</b>
<b>Forest Theater Foundation</b>	<b>2005 – 2020 Board Member</b>
<b>MPC Gentrain Society</b>	<b>1997 - 2019 Member</b>
<b>Monterey Peninsula Foundation (AT&amp;T)</b>	<b>1998 - 2017 Corporate &amp; Contestant Hospitality</b>
<b>Pacific Repertory Theatre</b>	<b>1996- 2020 Friend, Team Coordinator</b>

**2010 US Open Pebble Beach Golf Tournament Corporate Village Supervisor****2000 US Open Pebble Beach Golf Tournament Corporate Village Supervisor**



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Michael Jones DATE Sept 6, 2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Pebble Beach ZIP 93953

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 3 Years

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? Yes

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**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

Reason for Interest in the Position:

The uniqueness of Carmel-by-the-Sea is known globally and attracts visitors from around the world as a result. It is important that the special character of Carmel be maintained for generations to come. This must be accomplished by balancing the needs of residents, businesses and visitors with the necessary ecological framework.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

As a lifelong lover of nature, I have traveled to all parts of the world to appreciate the natural wonder that exists. Consequently, I am even more appreciative of the beauty of Carmel-by-the-Sea. As an executive in global companies, I am extremely experienced in dealing with people with differing points of view and finding an equitable outcome for all

There are many competing interests within our community and all must be considered without prejudice. I can and will do exactly that.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

N/A

**Education:**

Institution	Course of Study	Degree Year (s)
Texas A&M - Commerce	Economics	1976
University of Dallas	MBA	1982
Penn State University	International Strategy	1995

**Employment Experience (Start with Most Recent):**

Organization:	Ciena Corp	
Position:	Exec VP & Gen Mgr	Year: 2010 - 2015
Organization:	Nokia	
Position:	Exec VP	Year: 2008 - 2010
Organization:	Siemens	
Position:	Exec VP	Year: 2003 - 2008

**Prior public service, civic or volunteer activities:**

Organization:	Cattle Baron's Ball	
Position:	Advisory Board	Year: 2005 - 2015
Organization:	Crystal Charity Ball	
Position:	Advisory Board	Year: 2008 - 2015
Organization:	Swiss Ave Historic District	
Position:	Board & Volunteer	Year: 2008 - 2014

Signature

Date

9/6/20

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME Stephanie Decius Keire DATE 8/28/2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 1 year

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input checked="" type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? yes



All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

**Reason for Interest in the Position:**

My great grandmother purchased a cottage in Carmel in 1927 and my great aunt lived here for 41 years until her death. Our family has come here regularly since before I was born. I felt blessed to be able to move here after my husband and I retired. We had honeymooned here and our daughter was married in Carmel Valley three years ago. I love Carmel and have a surprisingly long memory of its essential character over decades for someone who hasn't been a life-long resident.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

I have substantial executive experience in establishing objectives, collaborating across groups, identifying risks and opportunities, and managing large budgets. My undergraduate degree in Biology supports my interest in the Forest and Beach Commission specifically. I have scuba dived and snorkeled at Monastery Beach and in Carmel Bay and want to protect these special places so that future generations can enjoy them.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

Nothing local. I do serve on a Board of Advisors for a start-up in the finance industry that is based in upstate New York.

**Education:**

Institution	Course of Study	Degree Year (s)
Stanford University	B.S., Biological Sciences	1975
Indiana University	M.B.A., Banking, Investments and Managerial Finance	1978

**Employment Experience (Start with Most Recent):**

Organization: Wells Fargo Bank	
Position: last position as Executive Vice President, Consumer Risk Management (retired)	Year: 1979-2013
Organization:	
Position:	Year:
Organization:	
Position:	Year:

**Prior public service, civic or volunteer activities:**

Organization: Moraga Valley Presbyterian Church	
Position: choir	Year: 1997-2007
Organization:	
Position:	Year:
Organization:	
Position:	Year:

Signature

8/28/2020  
\_\_\_\_\_

Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.

City of Carmel-by-the-Sea

FEB 07 2020

Received by City Clerk



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME Ramesh KOLTA DATE 2/6/20

RESIDENCE ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? \_\_\_\_\_

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	✓
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I am interested to help in Library Acquisitions, reach out, and allied services.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

As a faculty at the Naval Postgraduate School, I used the library @ NPS, its modern services, and volunteer in requesting (representing the department) books and journals and other electronic services.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

I was serving as a director ~~with~~ in local non-profit organization, Rice plus Project.

**Education:**

Institution	Course of Study	Degree Year (s)
University of Arizona	Engineering	Ph.D.
Naval Postgraduate School	MBA/Financial Management	MBA

**Employment Experience (Start with Most Recent):**

Organization:	Office of Naval Research - Global / Arlington VA / Singapore party	
Position:	Science Director	Year: 2013 - 2019
Organization:	Naval Postgraduate School	
Position:	Faculty	Year: 1990 - 2013
Organization:		
Position:		Year:

**Prior public service, civic or volunteer activities:**

Organization:	Rice plus Project, Carmel, CA.	
Position:	Volunteer / Grants writer	Year: 1996 -
Organization:	Monterey County Science Fair	
Position:	Judge and Reviewer	Year: 2008 - 2013
Organization:		
Position:		Year:

\_\_\_\_\_  
Signature

Feb 5, '20.  
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.

MAR - 3 2020

Received by City Clerk



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME John Krisher DATE March 1, 2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel-by-the-Sea ZIP 93923

MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 26 years

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input checked="" type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? Yes

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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

**Since retiring, I now have time to devote to community service. Our library has always been very important to me, actually supplementing my education and most definitely enriching my life. During countless hours driving, I listened to many inspiring books-on-tape with diverse topics including history, biographies and travel. Our library opened the world to me.**

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

**Throughout my trucking career, I was accountable for purchasing equipment, supervising maintenance costs and assuring compliance with environmental and state regulations. I applied for, negotiated and received grants from the Air Resources Board for new equipment that would exceed clean air directives. From 1973 to 1986, I managed and operated my own successful trucking business being responsible for all decisions and financial considerations. Through these business experiences, I have learned good judgment, problem solving and fiscal competence.**

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

**None. However, I have been a contributor to the Carmel Library Foundation for many years.**

**Education:**

Institution	Course of Study	Degree Year (s)
<b>Warrior Run High (PA)</b>	<b>Technical</b>	<b>1968</b>

**Employment Experience (Start with Most Recent):**

Organization:	<b>Beverly's Fabrics</b>	
Position:	<b>Transportation Driver/Manager</b>	Year: <b>2015</b>
Organization:	<b>Frito-Lay</b>	
Position:	<b>Tractor Trailer Driver</b>	Year: <b>2005</b>
Organization:	<b>Trucking Business Owner</b>	
Position:	<b>Owner/Driver</b>	Year: <b>1986</b>

**Prior public service, civic or volunteer activities:**

Organization:	<b>Church of the Wayfarer</b>	
Position:	<b>Trustee and Volunteer</b>	Year: <b>2015-2018</b>
Organization:	<b>AT&amp;T Golf Tournament at Pebble Beach</b>	
Position:	<b>Marshal</b>	Year: <b>2000-2020</b>
Organization:	<b>Carmel Heritage Society</b>	
Position:	<b>Docent and Volunteer</b>	Year: <b>2016-2020</b>

Signature \_\_\_\_\_

Date 03/02/20

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Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.





## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME RONALD A. KROLL DDS DATE 9/10/2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEI ZIP 93923  
 MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 4 YEARS IN CARMEL  
30 IN CORRAL DE TIERRA

**Board or Commission Selection:**

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input checked="" type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I AM ONE WEEK RETIRED FROM BEING A GENERAL DENTIST FOR 36 YEARS ON THE MONTEREY PENINSULA AND NOW HAVE MORE TIME TO GIVE BACK TO MY COMMUNITY. ANYTHING I CAN DO TO HELP THE ARTS + BRING CULTURE TO OUR AREA INTERESTS ME GREATLY

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

I WAS ON THE BOARD OF THE FOREST THEATER GUILD FOR MANY YEARS WHEN HAMISH TYLOR WAS IN CHARGE. I ALSO WAS ON STAGE AS AN ACTOR AT THE FOREST THEATER. I AM A LONG TIME PATRON OF PAC REPASWELL. I WAS AN AMBASSADOR FOR MANY YEARS WITH THE MONTEREY PENINSULA CHAMBER OF COMMERCE + AM VERY ACTIVE IN MY ROTARY CLUB MONTEREY PACIFIC ROTARY. I WAS ALSO A BOARD MEMBER FOR MANY YEARS WITH PAULETTE LYNCH AND FIRST NIGHT MONTEREY

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

ACTIVE ROTARIAN

**Education:**

Institution	Course of Study	Degree Year (s)
UC IRVINE	BIOLOGY	1978 B.S.
GEORGETOWN UNIVERSITY	SCHOOL OF DENTISTRY	1983 DDS

**Employment Experience (Start with Most Recent):**

Organization:	ALTA MESA FAMILY DENTISTRY	OCT, 1984 → SEPT 2020
Position:	OWNER/DENTIST	Year:
Organization:	U.S. NATIONAL PARK SERVICE	<del>1978-1980</del> 1978 - 1980
Position:	PARK RANGER	Year:
Organization:		
Position:		Year:

**Prior public service, civic or volunteer activities:**

Organization:	FOREST THEATER GUILD	~ 1995 - 2000
Position:	BOARD MEMBER	Year:
Organization:	FIRST NIGHT MONTEREY	~ 1998 - 2002
Position:	BOARD MEMBER	Year:
Organization:	MONTEREY PENINSULA CHAMBER	~ 2012 - 2018
Position:	AMBASSADOR	Year:

ROTARY MONTEREY PACIFIC - VARIOUS BOARD POSITIONS  
2013 - PRESENT

Signature \_\_\_\_\_

Date

9/10/2020

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Ellen Martin DATE 7/5/2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 20+ years

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input checked="" type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? Yes

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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

*See Attached*

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

*See Attached*

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

*SLD Monterey Foundation - Board of Directors*

**Education:**

Institution	Course of Study	Degree Year (s)
<i>University of Del. Spfld.</i>	<i>Art + Communications</i>	<i>BA 1982</i>

**Employment Experience (Start with Most Recent):**

Organization:	First Night Monterey	
Position:	Exec. Director	Year: 2005-present
Organization:	Event Marketing Consultant	
Position:	Consultant	Year: 2000-2005
Organization:		
Position:	Year:	

**Prior public service, civic or volunteer activities:**

Organization:	Pebble Beach Concours de Elegance	
Position:	Exec. Committee Volunteer Chair: Retro Auto	Year: 2007-present
Organization:	Arts Council for Monterey County	
Position:	Champions of the Arts Committee	Year: 2007-2018
Organization:	Old Monterey Foundation	
Position:	Director, Board of Directors	Year: 2017-present

Signature \_\_\_\_\_

Date

7/5/2020

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.

REC'D 120SEP4 AM 9:19:16



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Lindsay Peelman DATE 9/3/2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93923

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93923

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 4 years in Carmel

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? Yes

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**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

**Reason for Interest in the Position:**

Carmel is a special place that requires a balance between conservation, safety, and coexistence.  
Living in Carmel I have followed tree and beach decisions closely. I always read up on why certain decisions are made and keep an objective outlook on impact and how that aligns with the town.  
My family adheres to the rules of the county regarding trimming and consults with arborists.  
I pride myself in keeping objectivity at the forefront and weighing important issues like fire safety, structure safety, and protection of the forest by the sea. I do my part by working with local master gardeners  
I keep my yard Monterey Bay Wise Certified and believe leading by example is the purest way to influence.  
 Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

As a professor at the local Community College I have worked closely with the horticulture department.  
In doing so I have met other Carmel residents who work together to certify baywise yards, learned about the fragile balance here on the peninsula, and work to create a native and supportive ecosystem while creating a defensible space. While working at the college I have been lucky enough to do work with interns and place them at MEarth and other local gardens like Rancho Cielo.  
My own mother is a master gardener and instilled an appreciation for nature from a young age.  
I carry that on with our youth here in Carmel. As a local Girl Scout Leader I teach our young ladies fire safety, leave no trace, pack in pack out, the art of compost, and the importance of caring for our town. While I have this experiance I do not have any conflicts that would impede my ability to serve.  
I work well with others and love to achieve common goals.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

I serve on the board at the Carmel Youth Center. I volunteer with Girl Scouts Central Coast.

**Education:**

Institution	Course of Study	Degree Year (s)
NYU New York University	Leadership and Innovation Ed.D	In progress Fall 2021
BSU Ball State University	Business Education M.A.	2019
WU Wilmington University	Organizational Management B.S.	2009



**Employment Experience (Start with Most Recent):**

Organization:	Monterey Peninsula College	
Position:	Professor	Year: 2018-Current
Organization:	United Way Monterey County	
Position:	Community Engagement Coordinator	Year: 2017-2018
Organization:	The Sanibel School	
Position:	Paraprofessional	Year: 2015-2016

**Prior public service, civic or volunteer activities:**

Organization:	Carmel Youth Center	
Position:	Board Member	Year: 2019-Current
Organization:	Girl Scouts	
Position:	Leader	Year: 2010-Current
Organization:	VITA	
Position:	Tax Preparer	Year: 2018-2020

\_\_\_\_\_  
Signature ✓

9/4/2020  
\_\_\_\_\_  
Date

**Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.**

**Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.**

JUN - 3 2020

Received by City Clerk



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME Kathy Pomeroy DATE 6/3/2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 31 years

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

*first choice*

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	X
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	X
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	X
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	X
Board of Appeals (once annually and on an as-needed basis)	X

Will you be available to attend board/commission meetings regularly? yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:  
 I would like to be more involved with my city

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

\* Planning Commission: Law classes in Land Use Appraisal license & Real Estate Broker License California. Owner Builder and real estate investor.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

None currently

**Education:**

Institution	Course of Study	Degree	Year (s)
Monterey College of Law	Law	JD	1994
Cal Poly Pomona	Agriculture / Biology	BS	1977

**Employment Experience (Start with Most Recent):**

Organization:	Keller Williams Coastal Estates, Carmel	
Position:	Realtor	Year: 2018 → Present
Organization:	Appraisals by the sea/owner	
Position:	Appraiser	Year: 2003 → Present
Organization:		
Position:	Year:	

**Prior public service, civic or volunteer activities:**

Organization:	Red Cross - Carmel	
Position:		Year:
Organization:	Junior League Monterey Co.	
Position:		Year:
Organization:	Professional Womens Network	
Position:		Year:

Women's Council of Realtors  
 Monterey County Board of Realtors

June 3, 2030  
 Date

Signature

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



# APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME Beth Anastasia Rocha DATE 8.28.2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 2.5yrs

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? Yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

**Reason for Interest in the Position:**

I am interested in participating in a commission where my knowledge and passion about urban forestry will be a valued contribution to the city where I live. I studied Landscape Architecture at UC Berkeley, graduated with honors, then after a few years of working experience as a city planner and landscape planner, I passed the arborist exam. My graduate studies are also focused on urban forestry. I have been a certified arborist since 2009 and continue to learn and stay at the forefront of the field through educational opportunities. As a minority female in a male dominated field, I've worked hard to earn my achievements. Also, my knowledge of trees in this region is good, but my experience working in the local industry is limited. I see this as an asset as I do not have conflict of interest with local tree care companies and definitely to do not have bias towards anyone.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

1. As a professional city planner for more than 7 years, I have experience working on general plan updates and urban forestry issues. Also, I have experience working with board and commissions and am familiar with the rules of the Brown Act.
2. I have knowledge of appropriate and responsible tree care methods: from juvenile pruning to crown reduction. Additionally, I possess species selection skills.
3. I possess more than 14 years of experience of plan reviewing, both from my experience as a city planner and as a green building program manager (in Seattle), a position I held for 7 years and reviewed many high rise residential/mixed use developments.
4. I am a dedicated civil servant who is interested in volunteering for a commission, hoping to establish a collaborative and productive environment with my fellow commissioners as well as working to do the best for the short and long term interests of the community and its urban forest.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

None

**Education:**

Institution	Course of Study	Degree Year (s)
University of Washington	Master of Environmental Horticulture- Urban Forestry	2021
UC Berkeley	Bachelor of Arts, Landscape Architecture	2003

**Employment Experience (Start with Most Recent):**

Organization: City of Seaside		
Position: Associate Planner	Year: 2018 -present and 07-08	
Organization: City of Seattle		
Position: Planner II, Green Building Program Manager, Public Space Management Reviewer	Year: 2008-2018	
Organization: City of San Diego		
Position: Plan Review Specialist I-III	Year: 2004-07	

**Prior public service, civic or volunteer activities:**

Organization:		
Position:	Year:	
Organization:		
Position:	Year:	
Organization:		
Position:	Year:	

8.28.2020

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.**

**Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.**



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME GUYMONT ROMANO DATE 9/10/20  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY " ZIP "  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? PB '88 Carmel area '96  
above 2014-present

**Board or Commission Selection:**

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	X
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? yes



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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I have tended All Saints' garden 9th & Dolores for 7 years.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

I was a developer in N. BOSTON, MASS with 21 projects. Yr company of two months originated in N.Z where I was born & raised!!

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

Westy, All Saints; Board Peninsula Outreach/ Shelter Outreach Plus; Friends of the Symphony; Visitors' Centre, Chamber of Commerce

Education:

Institution	Course of Study	Degree Year (s)
Auckland University	Arts/History	1960

**Employment Experience (Start with Most Recent):**

Organization:	<i>Self - retired</i>	
Position:	<i>Self Private Chef</i>	Year: <i>1998-2008</i>
Organization:		
Position:		Year:
Organization:		
Position:		Year:

**Prior public service, civic or volunteer activities:**

Organization:	<i>Founding member "I Help"</i>	
Position:		Year:
Organization:	<i>Ed - All Saints Day school</i>	
Position:		Year:
Organization:	<i>Junior Dade, AS Jentry</i>	
Position:	<i>Cooked @ Jentry's charities as a volunteer</i>	

Signature /

9/10/20  
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME AL SAROYAN DATE 9/10/2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY SAND CITY ZIP 93955  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? \_\_\_\_\_

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input checked="" type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? \_\_\_\_\_



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In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I HAVE LIVED IN CARMEL FOR OVER 32 YEARS AND LOVE THE CITY WITHIN THE FOREST. I AM A STRONG ADVOCATE FOR FOREST MANAGEMENT AND MY PAST SERVICE ON THE FOREST & BEACH COMMISSION HAS OPENED MY EYES TO THE DIFFICULTIES AT HAND. I WANT TO BE ACTIVE IN WORKING ON SOLUTIONS TO THE CHALLENGES WE FACE IN CARMEL.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

I AM A LICENSED ARCHITECT FOR THE PAST 46 YEARS AND HAVE BUILT MORE THAN 200 PROJECTS WITHIN THE FOREST OF CARMEL. I UNDERSTAND THE CHALLENGES OF BUILDING AMONG TREES AND PRESERVING THEM! I HAVE SERVED ON OTHER BOARDS IN THE COMMUNITY; FRIENDS OF SUNSET, PAC REP, C.V. ROTARY SHERIFF'S ADVISORY COUNCIL AND CASA GIVING ME GREAT INSIGHT ON HOW TO CONTRIBUTE TO THE COMMUNITY THROUGH BOARD WORK

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

I CURRENTLY DO NOT SERVE AS A BOARD MEMBER OF THE ABOVE LISTED ENTITIES AND WANT TO FOCUS ON THE FOREST AND BEACH COMMISSION

**Education:**

Institution	Course of Study	Degree Year (s)
CAL POLY SCHOOL OF ARCHITECTURE	ARCHITECTURE	GRADUATED IN 1970

**Employment Experience (Start with Most Recent):**

Organization:	SAROYAN ARCHITECTURE & INTERIORS	
Position:	PRESIDENT AND C.E.O. AND ARCHITECT	Year: 2018-PRESENT
Organization:	SAROYAN MASTERBUILDER	
Position:	PRESIDENT AND CER	Year: 1994-PRESENT
Organization:	LENOX HILL INTERIOR, INC	
Position:	PRESIDENT AND CEO	Year: 2012-PRESENT

**Prior public service, civic or volunteer activities:**

Organization:	FRIENDS OF SUNSET CENTER	
Position:	BOARD MEMBER	Year: 1990's
Organization:	C.V ROTARY	
Position:		Year: 1992-2000
Organization:	FOREST & BEACH COMMISSION	
Position:		Year: 2017-2020

Signature

Date

9/16/2020

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME ROGER SMITHSON DATE 9-9-2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 1 YEAR

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input checked="" type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input checked="" type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input checked="" type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? YES

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I AM FACINATED WITH THE HUMAN EXPERIENCE  
 ESPECIALLY LISTENING TO IDEAS AND HELPING  
 TO FULFILL THE COLLECTIVE DIRECTION THE  
 COMMUNITY WANTS TO TAKE

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

OWNER GREENLINE CONSTRUCTION LIC # 916865  
 GREW UP IN CARMEL 6 YRS. TO 18 YRS OLD  
 FAMILIAR WITH BUILDING CODES, EASMENT, SETBACKS  
 TITLE SEARCH  
 STUDIED DENDROLOGY, EARTH SCIENCES COLUMBIA  
 COLLEGE, COLUMBIA CA.  
 ASSISTANT TROOP LEADER (BSA) SONORA TROOP

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

N / A

**Education:**

Institution	Course of Study	Degree Year (s)
CARMEL HIGH SCHOOL	GENERAL	GED
COLUMBIA JUNIOR COLLEGE	ARTS, FORESTRY	2 YR

**Employment Experience (Start with Most Recent):**

Organization:	NETFLIX "THE PROM"	
Position:	PROPMAKER	Year: 2019
Organization:	SILVERCUP	
Position:	PROPMAKER	Year: 2019
Organization:	PARAMOUNT STUDIOS "UNICORN"	
Position:	PROPMAKER	Year: 2019

**Prior public service, civic or volunteer activities:**

Organization:	BOY SCOUTS OF AMERICA	
Position:	ASSISTANT TROOP LEADER	Year: 2010
Organization:		
Position:		Year:
Organization:		
Position:		Year:

Sigr

9-9-20  
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.





## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME BRYAN F. SOUERS DATE 9/10/2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY Carmel ZIP 93921  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE Same  
 EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 2 Years - Family Home - 45 yrs.

**Board or Commission Selection:**

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<b>X</b>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? Yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

I have always been interested in participating in local government. I am currently retired and would like to contribute to the city and its residents with an effort toward providing transparency and participation in commissions.

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

I have in my business life as a financial manager had to participate and lead many board and senior leadership committee and boards to meet and exceed established goals and missions. I believe I could provide similar leadership to the Forest & Beach Commission team. I understand and have followed many decisions and issues in past Forest & Beach Commission meetings.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

I am currently not actively engaged in any of the above!

Education:

Institution	Course of Study	Degree Year (s)
San Diego State University	Financial Accounting	BS / 1980

**Employment Experience (Start with Most Recent):**

Organization:	Wx Plus Company	
Position:	CEO	Year: 2017-19
Organization:	WegiveU.	
Position:	CEO	Year: 2013-2017
Organization:	Aircraft Technical Publishers	
Position:	CEO	Year: 2008-2013

**Prior public service, civic or volunteer activities:**

Organization:	Food Bank of San Mateo County	
Position:	Volunteer	Year: 2012
Organization:	St. James Catholic Church Charities	
Position:	Volunteer	Year: 2012-2017
Organization:		
Position:		Year:

Signature \_\_\_\_\_

9/10/20  
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.

**Tara Twomey**

Carmel • CA 93921 •

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September 5, 2020

City Clerk's Office  
PO Box CC  
Carmel-by-the-Sea, CA 93921

To Whom It May Concern:

Please find attached my application for the Harrison Memorial Library Board of Trustees. As noted in my application, my family has deep roots in Carmel, and we have a great love of libraries and history. For many years, our family has been the beneficiary of Carmel's amazing libraries.

I currently serve on the Board of Trustees and would like to continue to do so.

In addition to the application, please find attached a Statement of Interest, a Statement of Qualification, and my C.V.

If I can provide any additional information or answer any questions, please feel free to contact me at the number above.

Thank you,

Tara Twomey



## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

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NAME TARA TWOMEY DATE 9.5.2020  
 RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921  
 MAILING ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921  
 RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE NA  
 EMAIL \_\_\_\_\_  
 HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 15 yrs

### Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input checked="" type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? Yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES  NO

Reason for Interest in the Position:

SEE STATEMENT OF INTEREST ATTACHED

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

SEE STATEMENT OF QUALIFICATIONS ATTACHED

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

NONE

**Education:**

Institution	Course of Study	Degree Year (s)
BOSTON COLLEGE LAW SCHOOL	LAW, J.D.	1998
UC SAN DIEGO	B.A., POLITICAL SCIENCE	1990

**Employment Experience (Start with Most Recent):**

Organization: <b>SEE C.V. ATTACHED</b>	
Position:	Year:
Organization:	
Position:	Year:
Organization:	
Position:	Year:

**Prior public service, civic or volunteer activities:**

Organization: <b>HARRISON MEMORIAL LIBRARY BOARD OF TRUSTEES</b>	
Position: <b>TRUSTEE, CURRENT VICE PRESIDENT</b>	Year: <b>2014 to present</b>
Organization:	
Position:	Year:
Organization:	
Position:	Year:

\_\_\_\_\_  
Signature

9.5.20  
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.

## Statement of Interest

Our family has deep roots in this community dating back more than fifty years, and we have all long had a passion for libraries and history. Since moving here with my husband and two small children more than fifteen years ago, we have been the beneficiaries of Carmel's amazing libraries. My kids, now ages 16 and 17, grew up at the Park Branch progressing from picture books such as The Very Hungry Caterpillar, through early stage reading in the Magic Tree House series, and then on to young adult fiction. In the midst of the current pandemic our family has turned to digital resources available through our amazing library from e-books to audio books. We are blessed to have this library—a treasured resource in our community—and I would welcome the opportunity to continue to help guide the library into the future.

## Statement of Qualifications

- Strong interest in the Carmel libraries and their future as indicated above.
- Community parent with children that utilize the library.
- Excellent written and verbal communication skills. My day job involves writing articles, books, and legal briefs. I also have strong public speaking skills and have given presentations around the country to groups that range from 10 to more than 1000 people.
- Good organizational skills.
- Ability and willingness to fundraise, and an understanding of budgets and business operations. Through my work I have had to do all these things to support a small, non-profit organization. I have done a little of everything from fundraising and administering grants to balancing budgets and marketing.
- Experience working with volunteer organizations. I have previously and continue to be a part of other volunteer boards.
- Ability to work with others on the Board, in city government, and in the community. I am able to work through problems with people, and also recognize that sometimes people just disagree. In my work on consumer credit issues, I have developed many friendships with those that represent creditors on the other side. While we may disagree as to substance on a particular issue, we all want to maintain the integrity of the system. As a result, we remain courteous and professional towards each other, and even enjoy a meal together occasionally.
- Trustee of the Harrison Memorial Library Board of Trustees since 2014.



# Tara Twomey

Carmel, CA 93921

## Professional Experience

### **Ditech Holding Corporation Consumer Creditor Recovery Trust Claims Trustee (2019 to present)**

Appointed as part of the Ditech Holding Corporation (and related entities), chapter 11 bankruptcy case, to review and reconcile consumer creditor claims filed in the case, including working with the companies to correct accounts. Upon completion of reconciliation process, disburse settlement funds in accordance with the trust and confirmed chapter 11 plan.

### **National Consumer Law Center**

Of Counsel (2005 to present)

Engage in ongoing analysis of issues related to consumer credit, bankruptcy and sustainable homeownership. Responsibilities include writing practice guides, drafting and reviewing legislation, teaching consumer law, bankruptcy and foreclosure defense to legal services, private and government attorneys and other advocates around the country.

### **National Consumer Bankruptcy Rights Center**

Project Director (2011 to present)

Manage all aspects of this 501(c)(3) organization that focuses on preserving the rights of consumer bankruptcy debtors. Responsibilities include writing briefs submitted to Circuit Courts of Appeals, District Courts, and Bankruptcy Courts; managing additional brief writers; fundraising, coordinating pro bono assistance; following judicial trends in bankruptcy law; developing an appellate strategy to respond to such trends; and, responding to individual requests for assistance.

### **National Association of Consumer Bankruptcy Attorneys**

Amicus Project Director (2005 to 2011)

Direct amicus project for national non-profit organization. Duties include writing amicus briefs submitted to various appellate courts, following judicial trends, and responding to requests for assistance from organization members.

### **Mortgage Study**

Co-principal Investigator (2004 to 2011)

Co-principal investigator with Professor Katherine Porter (University of California, Irvine) in study examining the intersection between homeownership and bankruptcy. The project was fully funded by the Endowment for Education of the National Conference of Bankruptcy Judges.

### **HR Anew (U.S. Dept. of Treasury)**

Grant Application Reviewer (2011)

Review and assess applications from community development organizations for financial

assistance awards from the Community Development Financial Institutions Fund, a program of the U.S. Department of the Treasury.

### **Harvard Law School, Legal Services Center**

Clinical Instructor/Senior Fellow, Skadden Fellow (1999-2004)

Responsibilities included supervising law students, teaching workshops, leading case rounds, and engaging in community outreach. Lead attorney for the Foreclosure Prevention Project. Legal practice also included providing legal services to nonprofit organizations, small businesses, and community development corporations and assisting low and moderate-income individuals with real property matters such as home purchases, foreclosure prevention, and title issues.

### **The Honorable Chief Justice Wilkins**

Law Clerk (Sept. 1998 - Sept. 1999)

Law clerk to Chief Justice Herbert Wilkins, Supreme Judicial Court of Massachusetts. Read and analyzed briefs, performed research, and drafted memoranda of law.

### **Education**

Boston College Law School, J.D., summa cum laude, 1998

University of California, San Diego, B.A., Political Science, 1990

### **Publications**

“American Bar Association v. U.S. Department of Education: Federal Judge Rules that DOE Acted Capriciously in Denying Public Service Loan Forgiveness to Three Public Service Lawyers,” co-author with Prof. Richard Fossey, 366 Ed. Law Rep. 596 (2019).

“Protecting Nest Eggs and Other Retirement Assets in Bankruptcy,” co-author with Todd Maynes, Kirkland & Ellis, 90 Am. Bankr. L.J. 235 (2016).

“Crossing Paths: The Intersection Between Reverse Mortgages and Bankruptcy,” 89 Am. Bankr. L.J. 363 (2015).

“Reverse Mortgages in Bankruptcy,” 33 Am. Bankr. Institute J. 18 (Aug. 2014).

“Risk Allocation in Homeownership: Revisiting the Role of Mortgage Contract Terms” in *Shared Risk, Shared Responsibility: Government, Markets and Social Policy in the Twenty-First Century* (Oxford University Press, Dec. 2011). Co-author with Prof. Katherine Porter, University of California, Irvine School of Law.

“Mortgage Servicing,” 28 Yale J. on Reg. 1 (2011). Co-author with Prof. Adam Levitin, Georgetown University Law Center

*Foreclosures: Workouts, Defenses and Mortgage Servicing*, Co-author, National Consumer Law Center (5th ed. 2014)

*Mortgage Lending*, Contributing Author, National Consumer Law Center (2d ed. 2014).

*Collier Bankruptcy Practice Guide*, Contributing Author (Henry Sommer & Alan Resnik, eds., 2016).

*Repossessions*, Contributing Author (Ch. 8), National Consumer Law Center (8th ed. 2013).

*The Cost of Credit: Regulation, Preemption and Industry Abuses*, Contributing Author (§§ 11.6, 12.1-12.3, 12.5, 12.7-12.12), National Consumer Law Center (4th ed. 2009 and 2011 Supplement)

*Subprime Revisited: How Reverse Mortgage Lenders Put Older Homeowners' Equity at Risk*, National Consumer Law Center (Oct. 2009)

*Foreclosure Prevention Counseling: Preserving the American Dream*, Contributing author, National Consumer Law Center (2d ed. 2009).

“Three Years Later: The Impact of the Bankruptcy Abuse and Consumer Protection Act of 2005 on Low-income Debtors,” 42 Clearinghouse Rev. 448 (Jan-Feb. 2009).

“Saving Homes in Bankruptcy: Housing Affordability and Loan Modification,” 2008 Utah L. Rev. 1123 (2008). Co-author with Prof. Katherine Porter and John Eggum.

“Deciphering Mortgage Proofs of Claim,” 27 Am. Bankr. Institute J. 1 (Nov. 2008).

“Forks in the Road: Driving an Upside-Down 910 Vehicle Through the Hanging Paragraph,” Norton Annual Survey of Bankruptcy Law (2008).

*Bankruptcy Basics: A step-by-Step Guide for Pro Bono Attorneys, General Practitioners, and Legal Services Offices*, co-author with John Rao, National Consumer Law Center (2007).

*Combating Foreclosure Rescue Scams: A Practice Guide*, Co-author, National Consumer Law Center (2006).

*Consumer Rights for Domestic Violence Survivors*, Contributing author, National Consumer Law Center (2006).

### **Teaching**

Lecturer – Democratization of Credit  
Stanford Law School, Spring 2010

Lecturer- Community Economic Development  
Stanford Law School, Fall 2006 and Fall 2007

Lecturer in Law – Community Economic Development  
Harvard Law School, Fall 2003 and Fall 2004

Lecturer in Law - Community Economic Development and the Law

Boston College Law School, Spring, 2004, Fall 2002, and Spring 2002

Lecturer in Law - Community Economic Development Practicum  
Boston College Law School, Spring 2003 and Fall 2002

Lecturer - Environmental Law and Policy  
Boston College Political Science Department, Spring 1998

Teaching Assistant - Legal Reasoning, Research & Writing  
Boston College Law School, Fall 1997 and Spring 1998

### **Select Presentations**

Current State of Foreclosures, Mortgage Servicing, and Origination (June 2018)  
NCLC Summer Mortgage Conference, Student Loans, Indianapolis, IN

Why Care?, Plenary Speaker,  
Idaho State Bar, Boise, ID (February 2018)  
Minnesota Bankruptcy Institute, Minneapolis, MN (October 2017)

Drilling Down: A Deeper Look at the Language of the Uniform Instruments and Contract  
Claims, Consumer Rights Litigation Conference, National Consumer Law Center,  
Washington, D.C. (October 2017)

Non-negotiable Instruments, Consumer Rights Litigation Conference, National Consumer  
Law Center, Washington, D.C. (October 2017)

Property Valuation Matters, Consumer Rights Litigation Conference, National Consumer  
Law Center, Washington, D.C. (October 2017)

The Cutting Edge: Hot Topics in Consumer Bankruptcy Law, Plenary Speaker, White  
Williams Bankruptcy Institute, Canton, OH (April 2017).

Beyond *Porrett*: Contingent Property Interests and the Bankruptcy Estate and Reverse  
Mortgages: Things You Should Know When Advising Your Clients About Their Reverse  
Mortgages and Its Impact on Bankruptcy, Presenter, Coeur D' (January 2017).

The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates  
Panelist, American Conference Institute's 22nd Forum on Residential Mortgage Litigation &  
Regulatory Enforcement, San Diego, CA (January 2017).

The Modern Mortgage, National Conference of Bankruptcy Judges, (Oct. 2016) Moderator  
with Peter Carroll, Chief Information Officer, Quicken Loans and Dana Dillard, Chief  
Customer Service Officer, Nationstar Mortgage

The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates

Panelist, American Conference Institute's 19th National Forum on Residential Mortgage Litigation & Regulatory Enforcement, San Francisco, CA (January 15, 2016).

Panelist, BAPCPA at Ten, American Bankruptcy Law Journal Symposium, National Conference of Bankruptcy Judges, Miami, FL (Sept. 29, 2015).

Keynote Speaker and Presenter, 28th Annual Northwest Bankruptcy Institute, Portland, OR (May 1, 2015)

Panelist, Chapter 13 Lien Stripping, American Bankruptcy Institute, 33rd Annual Spring Meeting, Washington, D.C. (Apr. 16, 2015).

The Borrower's Perspective: Insights From the Plaintiffs' Bar and Consumer Advocates  
Panelist, American Conference Institute's 16th National Forum on Residential Mortgage Litigation & Regulatory Enforcement, Los Angeles, CA (January 15, 2015)

Presenter, Foreclosure Defense Training, AG Grant Foreclosure Training, Chicago, IL (Dec. 4-5, 2012, Feb. 6-7, 2013, Feb. 5-6, 2014, Feb. 5-6, 2015).

Crossing Paths: The Intersection Between Reverse Mortgages and Bankruptcy  
Webinar, National Consumer Law Center (Feb. 12, 2014)

What About My Retirement Savings? Retirement Savings in Bankruptcy  
Minnesota Bar Association, 2014 Bankruptcy Institute (October, 23, 2014).  
Webinar-National Association of Consumer Bankruptcy Attorneys (Feb. 27, 2014)  
Debtor's Bar of West Michigan Winter Seminar, Grand Rapids, MI (Jan. 20, 2014)  
Dallas Bar Association, Debtor-Creditor Section, Dallas, TX (Jan. 8, 2014).

New CFPB Mortgage Rules

Co-presenter, Consumer Rights Litigation Conference, Tampa, FL (Nov. 7, 2014)  
Co-presenter, Webinar for IL AG Grant Foreclosure Training (Sept. 29, 2014)  
Co-presenter, Webinar for the Homeowners' Bill of Rights Collaborative (Jan. 16, 2014)  
National Consumer Rights Conference, Washington, D.C. (Nov. 7, 2013)  
Fall Workshop, National Association of Consumer Bankruptcy Attorneys, New Orleans, LA (Oct. 25, 2013)

American College of Bankruptcy Fourth Circuit Symposium, Consumer Bankruptcy Practice, Exploration and Debate, Washington, D.C. (Dec. 6, 2013).

The Intersection of Bankruptcy and the FDCPA, Webinar for the National Association of Consumer Bankruptcy Attorneys (Mar. 28, 2013).

Bankruptcy Basics for Legal Services Attorneys, Equal Justice Conference, Jacksonville, FL (May 17, 2012)

Collection and Bankruptcy Issues, Presenter, PLI's 17th Annual Consumer Financial Services Institute, New York, NY (Apr. 10, 2012)

House of Cards: A Primer on Mortgage Markets and Foreclosures, Presenter, Federal Judicial Center, Webinar (Apr. 10, 2012)

Understanding Mortgage Markets, Guest Lecturer, University of Arizona School of Law, Tucson, AZ (Sept. 27, 2011).

New Deal for Consumer Bankruptcy Seminar, Presenter, Hyde Park, NY (Sept. 9, 2011)

Moving Mortgage Loans: Asset Transfers from Originator to RMBS Trust, Federal Judicial Center, Workshop for Bankruptcy Judges, Portland, OR (Aug. 3, 2011)

Foreclosure Prevention Tools and Strategies, Mississippi Center for Justice, Gulfport, MS (Oct. 24, 2011), Jackson, MS (June 15, 2011)

Moving Mortgage Loans: Asset Transfers from Originator to RMBS Trust, Federal Judicial Center, Workshop for Bankruptcy Judges, Charlotte, NC (Mar. 23, 2011)

Rescue Me: Combating Fraud In Foreclosure Rescue Schemes, Panelist, National Conference of Bankruptcy Judges. Las Vegas, NV. Oct. 20, 2009.

Keynote Speaker, Foreclosure Prevention and Intervention: The Importance of Loss Mitigation Strategies in Keeping Families in Their Home”, Examining Successful Collaborations & Ongoing Barriers to Foreclosure Prevention, Federal Reserve Bank of Chicago, Nov. 6, 2008.

The Implementation of the HOPE for Homeowners Program and a Review of Foreclosure Mitigation Efforts, Testimony before the United States House of Representatives Committee on Financial Services, September 17, 2008.

Consumer Bankruptcy Practices and Mortgages, National Workshop for Bankruptcy Judges, Federal Judicial Center Program, July 2, 2008 and August 8, 2008.

Capital Market “Advances” and Impact on Consumers, The Current State of Capital Markets, Federal Judicial Center Program, July 10, 2008.

Foreclosure Prevention and Intervention: The Importance of Loss Mitigation Strategies in Keeping Families in Their Homes, Testimony before the United States House of Representatives Subcommittee on Housing and Community Opportunity, November 30, 2007

### **Bar Admissions**

Commonwealth of Massachusetts; Federal District Court for the District of Massachusetts; First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuit Courts of Appeals; United States Supreme Court

### **Professional Organizations**

Director, National Association of Consumer Bankruptcy Attorneys (2011-present)  
Member, National Association of Consumer Bankruptcy Attorneys (2005-present)

Conferee, National Bankruptcy Conference (2013-present)  
Member, American Bankruptcy Institute (2003-present)  
Member, National Association of Consumer Advocates (2005-present)  
Co-Chair, Consumer Committee, Bankruptcy Section, Boston Bar Association (2003-2004)  
Board Member, Shelter Legal Services Foundation (2001-2004)

Julie Wendt

Carmel-by-the-Sea, CA 93921

September 2, 2020

Sent via Britt Avrit, City Clerk: [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us)

Mayor Dave Potter and Members of the City Council  
Carmel-by-the-Sea City Hall  
P.O. Box CC  
Carmel-by-the-Sea, CA 93921

Re: Application for Re-Appointment to the Planning Commission

Dear Mayor Potter and Members of the Council,

I respectfully submit my application for re-appointment to the Planning Commission. It has been an honor and a privilege to serve on the Planning Commission these last four years and to serve on the Historic Resources Board before that. I am grateful for the opportunity to contribute to our community and to participate in the rewarding job of maintaining our unique village character for the benefit of its residents and visitors.

The current pandemic and our new virtual City meetings pose unique challenges for the continued land use regulation function of our town. My knowledge and familiarity with Carmel's General Plan, Ordinance and Design Guidelines are more crucial at this time than ever. Also, I have developed a genuine affection and respect for my fellow commissioners on the Planning Commission. We have an excellent and respectful working relationship which increases the overall effectiveness of the Planning Commission. My experience and knowledge will only increase my effectiveness as a planning commissioner and I would like to serve in this capacity for an additional four-year term.

Thank you for your consideration.

Very truly yours,

Sent via email

Julie Wendt

:jw

Enclosure: Application





## APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME JULIE WENDT DATE September 2, 2020

RESIDENCE ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921

MAILING ADDRESS \_\_\_\_\_ CITY CARMEL ZIP 93921

RESIDENCE PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 21 years

### Board or Commission Selection:

**You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.**

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	<input type="checkbox"/>
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	<input type="checkbox"/>
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	<input checked="" type="checkbox"/>
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	<input type="checkbox"/>
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	<input type="checkbox"/>
Board of Appeals (once annually and on an as-needed basis)	<input type="checkbox"/>

Will you be available to attend board/commission meetings regularly? YES

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

**Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code?** YES  NO

Reason for Interest in the Position:

\_\_\_\_\_  
 \_\_\_\_\_  
To contribute to our community and to participate in the rewarding job of maintaining our unique village character for the benefit of its residents and visitors.  
 \_\_\_\_\_  
 \_\_\_\_\_

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

\_\_\_\_\_  
 Carmel Planning Commission (2016-2020)  
 Carmel Historic Resources Board (2001-2009) and (2013-2016)  
 \_\_\_\_\_  
Thorough and prepared for city meetings. Attention to detail.  
 \_\_\_\_\_  
Knowledgeable and familiar with Carmel's General Plan, Ordinance, Design Guidelines  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

\_\_\_\_\_  
 None  
 \_\_\_\_\_  
 \_\_\_\_\_

**Education:**

Institution	Course of Study	Degree Year (s)
Dominican University	Historic Preservation Fundamentals	2002 condensed course
Monterey Peninsula College	Local History	2002-2004
CA Preservation Foundation	Various conferences and training	2003-2008

**Employment Experience (Start with Most Recent):**

Organization: Miller Starr Regalia (real estate law)	
Position: Legal Secretary/Assistant to Harry Miller	Year: 20+ years
Organization:	now retired
Position:	Year:
Organization:	
Position:	Year:

**Prior public service, civic or volunteer activities:**

Organization:	
Position:	Year:
Organization:	
Position:	Year:
Organization:	
Position:	Year:

Signature \_\_\_\_\_

September 2, 2020  
Date

**Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.**

**Return application to the City Clerk’s Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk’s Office.**



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-082 establishing the meeting dates of the City Council for calendar year 2021

## RECOMMENDATION:

Adopt Resolution 2020-082 establishing the meeting dates of the City Council for calendar year 2021.

## BACKGROUND/SUMMARY:

The City's Municipal Code states the City Council Regular Meetings are held on the first Tuesday of the month beginning at 4:30 pm and the Tour of Inspection on the Monday prior to the regular meeting of the month, unless otherwise established from time to time by resolution.

The Municipal Code further states, in December of each year, the City Council shall place on its agenda a calendar for the following year. The Mayor and Mayor Pro Tem are to meet prior to the December meeting to develop the calendar for presentation to the City Council.

Resolution 2020-079 includes the proposed dates for the 2021 calendar year and those dates have been developed to establish a balanced calendar and to allow sufficient time for agenda packet preparation and review.

Historically, the Regular and Special Meetings of the City Council may have been held on different dates and this Resolution satisfies the Municipal Code.

## FISCAL IMPACT:

None for this action.

## PRIOR CITY COUNCIL ACTION:

None for this action.

## ATTACHMENTS:

Attachment #1 - Resolution 2020-082 Establishing 2021 City Council Meeting dates

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-082**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
ESTABLISHING THE MEETING DATES OF THE CITY COUNCIL FOR CALENDAR YEAR  
2021**

WHEREAS, Section 2.04.010 of the City's Municipal Code stipulates that the Council regular meetings are held on the first Tuesday of the month beginning at 4:30 pm and the Tour of Inspection on the Monday prior to the regular meeting of the month, unless otherwise established from time to time by resolution; and

WHEREAS, the Mayor and Mayor Pro Tem have proposed the 2021 Council Meeting Calendar to establish a balanced calendar to allow sufficient time for agenda packet preparation and review; and

WHEREAS, the proposed 2021 City Council Meeting dates are attached as Exhibit "A".

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Approve the calendar of the City Council Meetings for calendar year 2021 as attached hereto as Exhibit "A".

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-  
THE-SEA this 7<sup>th</sup> day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Britt Avrit, MMC  
City Clerk

EXHIBIT "A"

<b>Monday before Council Meeting 4:30 p.m.</b>	<b>City Council Meeting 4:30 p.m.</b>
January 4	January 5
February 1	February 2
March 1	March 2
April 5	April 6
May 3	May 4
No Monday meeting due to Memorial Day	June 1
July 5	July 6
August 2	August 3
No Monday meeting due to Labor Day	September 7
October 4	October 5
November 1	November 2
December 6	December 7



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Britt Avrit, City Clerk

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Resolution 2020-083 authorizing Free Use Days of the Sunset Center Theater and lobby for Carmel Unified School District

## RECOMMENDATION:

Adopt Resolution 2020-083 authorizing Free Use Days of the Sunset Center Theater and lobby for Carmel Unified School District.

## BACKGROUND/SUMMARY:

The 2017 Agreement between the City and Sunset Cultural Center, Inc. (SCC) provides that the City shall have the right to use the theater and lobby for up to twelve (12) full days each fiscal year without charge, as long as the spaces have not already been committed to rental customers by SCC.

Although it is not known if Covid-19 restrictions will be in place for events taking place in the Spring of 2021, the Carmel Unified School District is being proactive in planning for these potential events in the event the music festivals are permitted to take place.

The City Administrator and Carmel Unified School District are requesting use of the Sunset Center through the City's Free Theater Days for community events taking place in 2021.

Granting the Carmel Unified School District use of the Sunset Center through the City's Free Theater Days will result in significant savings in facility use fees for this organization.

## FISCAL IMPACT:

None for this action

## PRIOR CITY COUNCIL ACTION:

## ATTACHMENTS:

Attachment #1 - Carmel Unified School District request for Sunset Center Choral, Strings & Band Festival





**BOARD OF EDUCATION**

Tess Arthur  
Sara Hinas  
Karl Pallastri  
Todd Weaver  
Annette Yee Steck

**INTERIM SUPERINTENDENT**

Trisha Dellis



Attachment 1

DISTRICT OFFICE:  
P.O. Box 222700  
Carmel CA 93922

4380 Carmel Valley  
Road  
Carmel, CA 93923

TEL: (831) 624-1546  
FAX: (831) 624-1726

[www.carmelunified.org](http://www.carmelunified.org)

October 9, 2020

Chip Rerig  
Carmel-by-the-Sea City Administrator  
PO Box CC  
Carmel-by-the-Sea, CA 93921

Dear Mr. Rerig,

Carmel Unified School District is planning the annual district wide choral, string, and band festivals for Spring 2021. We understand due to COVID-19 restrictions we may not be able to hold the festivals, however we are being proactive. These performances include our elementary, middle and high school musicians together and showcase the developmental progression of our music programming.

In the past the City has provided the District with access to "Free Theater Days". The parents, musicians and administration have greatly appreciated holding these performances in the Sunset Center. Not only does it accommodate the number of attendees, but it truly provides an inspiring performance environment for our community's young musicians. We would like to formally request these three days of usage again this year, just in case the health conditions change to allow for such gatherings to again be possible.

Please feel free to contact me should you have any questions or need additional information.

Sincerely,

Trisha Dellis  
Interim Superintendent

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-083**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING FREE USE DAYS OF THE SUNSET CENTER THEATER AND LOBBY FOR  
CARMEL UNIFIED SCHOOL DISTRICT**

WHEREAS, the City's Amended and Restated Lease Agreement with Sunset Center Cultural Center (SCC), adopted by the City Council on June 6, 2017, stipulates that the City shall have the right to use the Sunset Center theater, lobby and dressing rooms for up to twelve (12) full days (designated in the Lease Agreement as "Free Theater Days") each fiscal year without charge.; and

WHEREAS, Carmel Unified School District is requesting use of the Sunset Cultural Center through the City's Free Theater Days for the three (3) days to conduct the annual districtwide choral, string and band festivals for Spring 2021; and

WHEREAS, granting the Carmel Unified School District with three (3) Sunset Center Free Theater Days will result in significant savings in facility use fees for this organization.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the Carmel Unified School District three (3) of the City's FY 20/21 Sunset Center Free Theater Days.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-  
THE-SEA this 7th day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

---

Dave Potter  
Mayor

---

Britt Avrit, MMC  
City Clerk



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Agnes Martelet, Manager, Environmental Compliance
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-084 authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with Native Solutions, for a not-to-exceed fee of \$10,000, for the North Dunes Habitat Restoration Project

## RECOMMENDATION:

Adopt Resolution 2020-084 authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with Native Solutions, for a not-to-exceed fee of \$10,000, for the North Dunes Habitat Restoration Project.

## BACKGROUND/SUMMARY:

The North Dunes consist of eight acres of an environmentally-sensitive habitat area. The white sands and native vegetation of the North Dunes have been significantly impacted over past decades by uncontrolled public access and invasive, non-native species, including trees, ground cover, and landscape plantings. To protect and restore this irreplaceable dune habitat, the City implemented the North Dunes Habitat Restoration Program starting in October 2016, with the support of dune biologist Joey Canepa of Native Solutions.

The biological objectives of the North Dunes Restoration Plan are to eliminate all aggressive non-native species, restore the native dune scrub, expand the population of endangered Tidestrom's lupine (*Lupinus tidestromii*), and increase the quantity and quality of available habitat for the California legless lizard (*Anniella pulchra*). The recreational objectives are to establish a trail system to provide safe visitor access to the North Dunes, without compromising the dune habitat and its wildlife, and provide interpretive signage to enhance visitor experience and knowledge of the dunes.

Since 2016, Native Solutions has been contracted to provide critical services in support of the North Dunes project, including directing the removal of invasive species, guiding the installation of guideline fencing to minimize trampling of native habitats, monitoring native and endangered species, and reporting.

In 2019, a new 3-year Professional Services Agreement was signed with Native Solutions; however, only the first year of the contract was funded with \$24,500. In June 2020, the project was defunded for Fiscal Year 2020-2021 due to revenue shortfalls resulting from the COVID-19 Pandemic. In August 2020, the

Forest and Beach Commission accepted \$21,250 as mitigation and donation from Laura Overett as part of the mitigation for the removal of 17 eucalyptus trees on her property adjoining the North Dunes. At their November 3, 2020 meeting, Council allocated the \$21,250 to the North Dunes Restoration Project to continue restoration tasks, including monitoring and reporting, weed removal, design and installation of interpretive signage, tree removals, and split rail fencing if sufficient budget remains.

Amendment No. 1 (Attachment 2) was negotiated to minimize the scope of work and fee. The \$10,000 amendment will be used by Native Solutions to oversee weed removal work by volunteers, monitor native and endangered plant populations, propagate native seedlings, and provide technical data for the annual report needed for the project's Coastal Development Permit.

#### **FISCAL IMPACT:**

The proposed amendment fee of \$10,000 would bring the total amount of the Agreement to \$34,500. Although the project was defunded in Fiscal Year 2020-2021 due to the economic hardship caused by the COVID-19 Pandemic, a donation of \$21,250 by Laura Overett will cover the cost of the amendment and earmark the remaining \$11,250 for additional work at the North Dunes. Work performed under this Amendment will be charged to the North Dunes Habitat Restoration Project, Account No. 301-311-00-43008.

#### **PRIOR CITY COUNCIL ACTION:**

At the November 3, 2020 meeting, the City Council accepted \$21,250 from Laura Overett and allocated the funding to the North Dunes Habitat Restoration Project.

#### **ATTACHMENTS:**

Attachment #1 - Resolution 2020-084, Native Solutions PSA

Attachment #2 - Native Solutions Contract Amendment 111720

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-084**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 1 TO THE  
PROFESSIONAL SERVICES AGREEMENT WITH NATIVE SOLUTIONS, FOR A NOT-TO-  
EXCEED FEE OF \$10,000, FOR THE NORTH DUNES HABITAT RESTORATION PROJECT**

WHEREAS, the North Dunes consist of eight acres of an environmentally-sensitive habitat area, and the City started implementing the North Dunes Habitat Restoration Project in 2016 to protect and restore this important habitat; and

WHEREAS, since 2016, Native Solutions has been contracted to provide critical services in support of the North Dunes project, including directing the removal of invasive species, guiding the installation of guideline fencing to minimize trampling of native habitats, monitoring native and endangered species, and reporting; and

WHEREAS, in 2019, a 3-year Professional Services Agreement was signed with Native Solutions, but only the first year of the contract, Fiscal Year 2019-2020, was funded with \$24,500; and

WHEREAS, in June 2020, the project was defunded for Fiscal Year 2020-2021 due to revenue shortfalls resulting from the COVID-19 Pandemic; and

WHEREAS, in November 2020, the City Council allocated \$21,250 from Laura Overett to the North Dunes Restoration Project; and

WHEREAS, the \$10,000 amendment will be used by Native Solutions to oversee weed removal by volunteers, monitor native and endangered plant populations, propagate native seedlings, and provide technical data for the annual report.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the City Administrator to execute Amendment No.1 to the Professional Services Agreement with Native Solutions, for a not-to-exceed fee of \$10,000, for the North Dunes Restoration Project.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-  
THE-SEA this 7th day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

**AMENDMENT NO. 1  
PWD-NATIVE-160-19-20  
Native Solutions  
North Dunes Habitat Restoration Project**

1. This amendment (the "Amendment") is made by **City of Carmel-by-the-Sea ("CITY")** and **Native Solutions ("CONSULTANT")**, parties to agreement PWD-NATIVE-160-19-20 (the "Agreement") executed on July 17, 2019.

2. The Agreement is amended as follows:

a. **Term** of the Agreement is as follows:

The work under this Agreement and Amendment No.1 shall commence on July 1, 2019 and shall terminate on June 30, 2022, unless services are no longer needed prior to June 30, 2022.

b. The **Compensation** of the Agreement is modified as follows:

CITY shall pay CONSULTANT in an amount not to exceed \$34,500 for the term of the entire Agreement and Amendment No.1 stipulated in 2a.

c. The **Scope of Services** and **Fee** for Fiscal Year 2020-2021 is amended as shown in Exhibit A.1

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

**CONSULTANT:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chip Rerig, City Administrator

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Britt Avrit, City Clerk

<b>Carmel North Dunes Restoration Project</b>				<b>\$ 10,000</b>
FY 2020-21			Rate decrease	
<b>Project Management</b>	<b>Number of Events</b>	<b>Hours</b>	<b>Rate</b>	<b>Extension</b>
Logistics/ Communication		10.0	\$40.00	\$400
Administration/ Billing/Overhead		10.0	\$40.00	\$400
Meetings/Public Hearings/Workshops	3	3.0	\$50.00	\$150
<b>Dune Biologist</b>				
Supervise/Train/Orient -Workdays Labor crews/Volunteers/Students	10	30.0	\$40.00	\$1,200
Assessment/reconnaissance/research		5.0	\$40.00	\$200
Monitor/data/pictures		25.0	\$40.00	\$1,000
Write Annual Report (due date July 2021) City of Carmel, Coastal Commission		40.0	\$50.00	\$2,000
Sensitive Species Management Permit Surveys, Report (January 30, CADFW)		10.0	\$50.00	\$500
<b>GPS Mapping - Staff</b>				
<b>Restoration Tasks</b>	Number of plants			
Weed eradication: Spray		10.0	\$75.00	\$750
Weed eradication: Hand-weed		75.0	\$35.00	\$2,625
Seed collection/ propagation	200	cells	\$1.50	\$300
Outplant seedlings	200	cells	\$1.50	\$300
Transplant gallons (\$5) + install cage (\$5)		gallons	\$10.00	
Supplies: Tarps, weed bags, cages				\$175
<b>TOTAL NOT-TO-EXCEED FEE</b>				<b>\$ 10,000</b>

<b>Possible On-Call Work/Expenses</b>				
<b>Interpretive Signage</b>	<b>2020-2021</b>	Donation?		
<b>Weed Crew (Spring)</b>		Donation?	50	\$40
<b>Gallon Plants (4th Ave swale)</b>	<b>plant gals/cage</b>	Donation?	50	\$10
<b>Under-represented species</b>	<b>grow/outplant</b>	Donation?	200	\$3
<b>Grant assistance</b>		2021-2022		
<b>Stabilize Eroding Sand/ Accretion Dune</b>		2021-2022		
<b>Design Entrances/Walkways/Boardwalk</b>		2021-2022		
<b>Perimeter Fencing- San Antonio + Ocean Aves</b>		2021-2022		





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 7, 2020  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert Harary, P.E, Director of Public Works
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-085 authorizing the City Administrator to sign a Letter to Proceed allowing SiteLogiQ to perform an energy analysis of City facilities at no cost to the City

## RECOMMENDATION:

Adopt Resolution 2020-085 authorizing the City Administrator to sign a Letter to Proceed allowing SiteLogiQ to perform an energy analysis of City facilities at no cost to the City.

## BACKGROUND/SUMMARY:

### Phase 1: Strategic Master Facility and Infrastructure Planning

SiteLogiQ provides turnkey solutions for local governments to create healthy, safe, efficient, smart, and sustainable facilities. They achieve this through an integrated program of Strategic Master Facility and Infrastructure Planning during Phase 1, and offer subsequent financial, design, and construction services in Phase 2. This approach streamlines the financial, design, bid, and construction process by having single source responsibility from conception to completion.

The Master Facility and Infrastructure Planning program goals are to:

1. Achieve long-term cost savings through reduced energy, gas and water usage
2. Upgrade antiquated and inefficient equipment
3. Provide a safe and comfortable working environment
4. Utilize current technologies to achieve optimum performance and savings
5. Minimize financial and technical risk to the City
6. Provide training to employees on maintenance/repair of equipment and controls
7. Offer comprehensive funding solutions.

A Strategic Master Facility and Infrastructure Planning Report for Carmel would be based on an audit of all City-owned buildings and facilities. This report would be invaluable as we have many very old buildings and considerable deferred building maintenance which will require many years of capital funding for replacements and repairs. Similar to the recently-completed ADA Transition Study and the City-wide Storm Drain Master Plan, the Facility and Infrastructure Planning Report will guide objective decision-making and prioritize capital investments for our facilities for decades to come.

Project solutions could include constructing solar panels on roofs to reduce energy cost, installing energy management systems in high-use buildings, updating HVAC systems, optimizing irrigation controls, replacing single-pane windows with dual-pane windows, capturing and re-using water where possible, etc. Many of these measures would also make our facilities more adaptable to climate change.

To proceed with Phase 1, Council would need to authorize the City Administrator to execute the Letter to Proceed for SiteLogiQ, included as Attachment 2.

### **Phase 2: Project Implementation**

There is no “catch” for SiteLogiQ completing the energy efficiency audit and preparing the Facility and Infrastructure Planning Report (Phase 1). The firm is assuming that the City will proceed with specific projects identified in the report of greatest cost benefit to the City which then becomes a revenue stream for the company, in a “win-win” environment.

Project implementation, Phase 2, would be geared to having SiteLogiQ design and build whatever facility upgrades the City chooses, if any, and paid for by grants, rebates, loans, or City financing as capital improvement projects. California law allows such firms to provide these streamlined, sole source, “design-build,” energy-reducing facilities without having to design, bid, and construct projects that fall under the realm of public works per state law.

Phase 2 would require a separate letter to proceed, or, more likely, a professional services agreement subject to City Council approval. This future agreement would allow the City to proceed with projects under the agreement with SiteLogiQ or as conventional, competitively bid public works projects per the California Public Contracting Code and City Code, or as a combination of both. All projects would be required to go through the planning, building, and permitting process like any other facility projects. It should be noted that the City is under no obligation at this time to proceed with any project, and again, all work required to generate the Phase I energy audit and report would be at no cost to the City.

### **Sole Source Justification**

The selection of SiteLogiQ is being proposed as a sole source consultant. Per Section 3.12.140, Bidding Procedures, of the Carmel Municipal Code, *“purchase of supplies, materials, or equipment shall be by quotation or bid procedures as set forth in this chapter. Such procedures may be dispensed with as follows:*

*B. When the amount involved is less than \$25,000, and*

*D. When a professional service, such as that available from an attorney, accountant, architect or specialized consultant, involves a specialized knowledge or personal skill.”*

A number of firms provide similar energy efficiency audits of buildings and facilities, and subsequently recommend the implementation of long-term, cost-saving solutions at no charge to the client. SiteLogiQ is the only firm who has approached the City with this program. If we proceed, the City would have to provide the consultant with full access to buildings, attend meetings, and present the findings to Council.

The alternative to selecting SiteLogiQ on a sole source basis would be to direct staff to prepare a Request for Proposals (RFP), evaluate and rank proposals received, and present the best qualified consultant to the City Council. However, this would delay the process by approximately six months, and this program is not identified in staff’s work plan during this time of limited resources and pandemic environment. In other words, if Council chooses to not select SiteLogiQ at this time, this initiative would likely be deferred to a future year Capital Improvement Program when we would have sufficient resources to proceed with a RFP

process. If the recommendation is approved, we can proceed now with current staff and resources because the selection process would already be concluded.

### **About SiteLogiQ**

SiteLogiQ has a total of 600 employees in 10 offices in California plus 15 other offices across the U.S. Their closest office is in Los Gatos. They have constructed \$5 billion worth of infrastructure that saved their clients over \$1 billion at over 11,000 work sites. Clients have included the cities of Santa Cruz, Santa Monica, and Thousand Oaks. Their team will be led by Mr. John Burdette III, a LEED Accredited Professional, Certified Energy Manager, and Certified Demand-Side Manager with over 20 years of experience. Mr. Burdette's team includes a number of project managers, mechanical engineers, and licensed contractors. As a whole, they are very well qualified to perform this work.

### **FISCAL IMPACT:**

None. SiteLogiQ agrees to provide the facility energy audit and report at no cost to the City.

Once the energy analysis is complete, SiteLogiQ will likely recommend a number of measures to make City buildings and facilities more energy efficient, more adaptable to climate change, and save City utility expenses over a long term.

At that time, Council will be given the opportunity to select any projects it deems appropriate with possible funding from grants, on-bill financing, and other financial mechanisms with the goal of minimizing any capital outlay of City funds.

### **PRIOR CITY COUNCIL ACTION:**

None.

### **ATTACHMENTS:**

Attachment #1 - Resolution 2020-085, SiteLogiQ Letter to Proceed

Attachment #2 - Letter to Proceed to SiteLogiQ

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-085**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A LETTER TO PROCEED ALLOWING  
SITELOGIQ TO PERFORM AN ENERGY ANALYSIS OF CITY FACILITIES AT NO COST TO  
THE CITY**

WHEREAS, SiteLogiQ provides turnkey solutions for local governments to create healthy, safe, efficient, smart, and sustainable facilities; and

WHEREAS, SiteLogiQ offered to conduct an energy audit of all City-owned buildings and facilities and generate a Phase 1 Master Facility and Infrastructure Planning Report at no cost to the City; and

WHEREAS, the Master Facility and Infrastructure Planning Report would be invaluable to the City to guide objective decision-making and prioritize capital investments for City facilities for decades to come; and

WHEREAS, a Letter to Proceed must be executed by the City for SiteLogiQ to begin the Phase 1 audit and report; and

WHEREAS, SiteLogiQ offers Phase 2 project implementation and design-build services for the energy efficiency measures identified in the report; however, the City is under no obligation at this time to pursue any such project; and

WHEREAS, Phase 2 would require a separate contract between SiteLogiQ and the City and is subject to future City Council approval; and

WHEREAS, SiteLogiQ was selected as a sole source consultant as provided for in Carmel Municipal Code Section 3.12.140, paragraphs B and D.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the City Administrator to sign a Letter to Proceed allowing SiteLogiQ to perform an energy analysis of City facilities at no cost to the City.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of December 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

12/01/2020

SitelogIQ  
Facility Solutions Division  
1512 Silica Avenue  
Sacramento, CA 95815

Attention: John J. Burdette III, Director

**Subject: Letter to Proceed for Preliminary Facility & Infrastructure Analysis**

We are interested in SitelogIQ’s, pronounced “Site-Logic”, Facility & Infrastructure Solutions Program to make improvements and reduce facility inefficiencies and improve the occupant environment for our city council, staff, and community members. We wish to participate in the Preliminary Assessment of our facilities and infrastructure. By signing this Letter to Proceed, all parties agree that the City of Carmel by the Sea has no financial obligation to SitelogIQ for conducting this Preliminary Analysis.

This Letter to Proceed has been generated to show both parties’ commitment to the preliminary stage of the facility and infrastructure analysis and to recognize responsibilities for completing the analysis.

**SitelogIQ agrees to the following:**

1. Conduct a Preliminary Analysis to identify likely building improvements that will improve facility efficiency and occupant comfort.
2. Agrees to evaluate the following Energy Conservation Measures (ECMs) at minimum and will identify any other feasible ECMs if they become apparent during the Preliminary Analysis.
  - a. Solar Generation
  - b. Battery Storage
  - c. Engineered Infection Protection (EIP) – Kills airborne COVID-19 in HVAC Systems.
  - d. Heating, Ventilation & Air-Conditioning (HVAC)
  - e. Step Down Transformers
  - f. Building Envelope
  - g. Energy Management Solutions
3. Present our findings from the Preliminary Analysis and make recommendations as related to building improvements and improvements in facility efficiency and occupant comfort.

**City of Carmel by the Sea agrees to the following:**

1. Provide SitelogIQ’s Energy Solutions Team access to the buildings, drawings and appropriate operating/capital budget information needed to assist in completion of the Preliminary Analysis.
2. Assist SitelogIQ’s Energy Solutions Team as necessary in providing the SitelogIQ’s Energy Solutions Team with all known information relative to the project development of the ECM’s listed above.
3. Provide SitelogIQ’s Energy Solutions Team with a minimum of 24 consecutive months of all energy bills (gas, electric, fuel oil, waste removal, sewer, etc.).
4. Agree to schedule presentation with required City of Carmel by the Sea’s decision makers for the SitelogIQ’s Energy Team to deliver the results of the Preliminary Analysis such as the City Administrator, Director of Finance, Director of Facilities and/or Public Works Director before presenting to the City Council.

The attached Decision Schedule provides shared milestones for the completion of the Preliminary Analysis process and identifies key members of the project team. We look forward to working with you.

<b>City of Carmel by the Sea</b>	<b>SitelogIQ</b>
By: Chip Rerig	By: <b>John J. Burdette III</b>
Signature:	Signature:
Title: City Administrator	Title: Director, State & Local Government Solutions

## **Program Development Schedule**

### **Team Members**

<b>Process Step</b>	<b>Date</b>	<b>City of Carmel</b>	<b>SitelogIQ</b>
<b>Introduction to SitelogIQ's Energy Solutions Program</b>	<b>07-01-2020</b>	<ul style="list-style-type: none"> <li>• David Potter</li> <li>• Chip Rerig</li> <li>• Bob Harary</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> </ul>
	<b>07-14-2020</b>		
	<b>10-01-2020</b>		
<b>Letter to Proceed</b>	<b>12-08-2020</b>	<ul style="list-style-type: none"> <li>• Chip Rerig</li> <li>• Bob Harary</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> </ul>
<b>Preliminary Facility Survey</b>	<b>12-14-2020</b>	<ul style="list-style-type: none"> <li>• Bob Harary</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> <li>• SitelogIQ Project Development Team</li> </ul>
<b>Present Results</b>	<b>01-12-2021</b>	<ul style="list-style-type: none"> <li>• Chip Rerig</li> <li>• Bob Harary</li> <li>• Director of Finance</li> <li>• City Council</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> </ul>
<b>Letter of Agreement (LOA)</b>	<b>01-15-2021</b>	<ul style="list-style-type: none"> <li>• Chip Rerig</li> <li>• Bob Harary</li> <li>• City Council</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> </ul>
<b>Comprehensive Engineering Study</b>	<b>01-19-2021</b>	<ul style="list-style-type: none"> <li>• Bob Harary</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> <li>• SitelogIQ Design Team</li> </ul>
<b>Present Final SITELOGIQ Energy Solutions Proposal</b>	<b>03-03-2021</b>	<ul style="list-style-type: none"> <li>• Chip Rerig</li> <li>• Bob Harary</li> <li>• Director of Finance</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> </ul>
<b>Project Approval</b>	<b>03-09-2021</b>	<ul style="list-style-type: none"> <li>• Chip Rerig</li> <li>• Bob Harary</li> <li>• Finance Director</li> <li>• Legal Review</li> <li>• City Council</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> <li>• SitelogIQ Legal</li> </ul>
<b>Project Mobilization</b>	<b>03-22-2021</b>	<ul style="list-style-type: none"> <li>• Bob Harary</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> <li>• SitelogIQ Project Manager TBD</li> </ul>
<b>On-Going Support and Service</b>	<b>03-31-2022</b>	<ul style="list-style-type: none"> <li>• Bob Harary</li> </ul>	<ul style="list-style-type: none"> <li>• John Burdette</li> </ul>



## CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,  
Karen Ferlito, Bobby Richards, and Carrie Theis  
Contact: 831.620.2000 [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us)

All meetings are held in the City Council Chambers  
East Side of Monte Verde Street  
Between Ocean and 7th Avenues

### REGULAR MEETING Tuesday, December 8, 2020

**Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.**

**To attend via Teleconference; Dial in number 1 812-329-4705 PIN: 655 661 832#**

**The public can also email comments to [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us). Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.**

### OPEN SESSION 4:30 PM

#### CALL TO ORDER AND ROLL CALL

#### PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

#### ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Ordinance 2020-007 adding chapter 2.04.170 to the Carmel-by-the-Sea Municipal Code relating to electronic and paperless filing of Fair Political Practices Commission



## Campaign Disclosure Statements

2. Resolution 2020-086 confirming Council Member appointments to outside agencies
3. FY 2020-2021 Budget Status Update
4. Update on Outdoor Seating in the Public Way
5. Urgency Ordinance 2020-008 and Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.

## **PUBLIC HEARINGS**

6. Resolution 2020-087 declaring results of majority protest proceedings and renewing the Carmel Hospitality Improvement District for a term of March 1, 2021 through February 28, 2031 and Resolution 2020-088 authorizing the City Administrator to execute a Professional Services Agreement with Visit Carmel to serve as the Carmel Hospitality Improvement District Owners' Association for a term of March 1, 2021 through February 28, 2031

## **FUTURE AGENDA ITEMS**

### **ADJOURNMENT**

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

### **SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

### **SPECIAL NOTICES TO PUBLIC**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 8, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Britt Avrit, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Ordinance 2020-007 adding chapter 2.04.170 to the Carmel-by-the-Sea Municipal Code relating to electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements

## RECOMMENDATION:

1. Request a reading of the title of the Ordinance
2. Motion to waive further reading and introduce Ordinance 2020-007 adding chapter 2.04.170 to the Carmel-by-the-Sea Municipal Code relating to electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements

## BACKGROUND/SUMMARY:

Since the enactment of the Political Reform Act, candidates and committees have complied with filing requirements by filing paper copies of campaign statements and reports. The elimination of manual processing of filings through electronic filing requirements will conserve resources, streamline a manual process and ensure the public has access to the information disclosed on various required forms.

AB 2151 signed by Governor Newsom earlier this year adds Section 84616 to the Government Code and requires local government agencies, within 72 hours of each filing deadline, to post on their websites “a copy of any statement, report or other document required by Chapter 4 (commencing with Section 84100) that is filed with that agency in paper format.” If the final day of the 72-hours falls on a weekend or holiday, an extension is given until the next day that is not a weekend or holiday.

Government Code states certain information must be redacted before the forms can be placed online. Continued filing of paper documents will require staff to manually redact that information prior to placing the forms on the City’s website. When a filer uses the online submission, the system automatically redacts the information. The electronic/online process will eliminate the potential for human error when staff manually redacts the information.

California Government Code section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such

statements, reports or other documents online or electronically with the City Clerk.

Adoption of this ordinance provides that in any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the local government agency, the filer shall file the copy online or electronically.

Adoption of this ordinance does not change filing requirements, it allows the City to move forward with electronic filing.

NetFile, the vendor who will be providing the system will provide training to all users of the system at the filer's convenience.

**FISCAL IMPACT:**

\$2,000 a year beginning in FY 20/21; there is no cost until that time. If approved, the City will enter into an agreement with NetFile in the current fiscal year to begin providing this service. The City Clerk anticipates absorbing this cost into the Clerk's FY 20/21 budget.

**PRIOR CITY COUNCIL ACTION:**

None

**ATTACHMENTS:**

Attachment #1 - Ordinance 2020-007 Electronic and Paperless Filing of FPPC Forms

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**ORDINANCE NO. 2020-007**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
ADDING CHAPTER 2.04.170 TO THE CARMEL-BY-THE-SEA MUNICIPAL CODE  
RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL  
PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS**

WHEREAS, public access to campaign disclosure information is an integral component of a fully informed electorate, and transparency is critical in order to maintain public trust and support of the political process; and

WHEREAS, since the enactment of the Political Reform Act, candidates and committees have complied with filing requirements by filing paper copies of campaign statements and reports; and

WHEREAS, the City Clerk of the City of Carmel-by-the-Sea (“City Clerk”) is the Local Filing Officer for the Fair Political Practices Commission disclosure statements and is responsible for receiving, reviewing, and making available campaign disclosure statements; and

WHEREAS, the elimination of manual processing of filings through electronic filing requirements will conserve resources and ensure the public has access to the information disclosed in campaign statements; and

WHEREAS, AB 2151 signed by Governor Newsom adds Section 84616 to the Government Code and requires local government agencies to post on its website “a copy of any statement, report or other document required by Chapter 4 (commencing with Section 84100) that is filed with that agency in paper format”; and

WHEREAS, the City Clerk has identified a web-based system that will allow electronic filing in compliance with California Government Code section 84615 and has been approved by the Secretary of State for the electronic filing of campaign disclosure statements; and

WHEREAS, the City Council of the City of Carmel-by-the-Sea (“City Council”) finds and determines as follows:

A. That California Government Code section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports or other documents online or electronically with the City Clerk;

B. In any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the local government agency, the filer may file the copy online or electronically, but is not required to do so;

C. The City Council expressly finds and determines that the City Clerk's web-based system has been approved by the Secretary of State for the electronic filing of campaign disclosure statements, and that the software contains multiple safeguards to protect the integrity and security of the data, will operate securely and effectively, and will not unduly burden filers; and

D. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code section 84615, as may be amended from time to time and any other applicable laws.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:**

**Section 1.** Environmental Review. The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

**Section 2.** Amendment to the Municipal Code. Section 2.04.170 of the Carmel-by-the-Sea Municipal Code is hereby added as follows:

**"2.04.170 Campaign Disclosure Statements, Electronic Filing.**

A. General.

1. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents ("Statements") as required by Chapter 4 of the Political Reform Act (California Government Code section 84100, *et seq.*) ("Filers") shall file such Statements using the City Clerk's online system according to procedures established by the City Clerk (the "Procedures").

2. The City Clerk shall have the authority to establish and amend the Procedures, as necessary, to accomplish the following:

a. Ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code, as may be amended from time to time;

- b. Meet the purpose and intent of this ordinance and comply with other applicable law; and
  - c. Ensure the integrity of the data transmitted and include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
3. Online filings made under this Chapter will only be accepted if made in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code, as may be amended from time to time, and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

B. Procedures for Utilizing Online Filing.

1. During the period commencing with the effective date of this Ordinance, an elected officer, candidate, or committee shall use the electronic filing system by electronically filing a Statement that is required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act (California Government Code Section 84100 *et seq.*), unless the officer, candidate or committee is exempt pursuant to California Government Code Section 84615.
2. Any elected officer, candidate, or committee who has electronically filed a statement using the City Clerk's online system is not required to file a copy of that document in paper format with the City Clerk.
3. The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, which notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed online shall be the day that it is received by the City Clerk.
4. If the City Clerk's online system is not capable of accepting a Statement, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.
5. The online or electronic filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury and verify filings pursuant to Section 81004.
6. The online filing system shall enable electronic filers to complete and submit filings free of charge.

C. Availability of Statements for Public Review, Record Retention.

1. The City Clerk's system shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall make a complete, unredacted copy of the statement, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any persons, and available to any person upon request.
2. The City Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits and any other legal purpose."

**Section 3.** Severability. If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Carmel-by-the-Sea hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

**SECTION 4.** Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-  
THE-SEA this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 8, 2020  
ORDERS OF BUSINESS

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Britt Avrit, City Clerk

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Resolution 2020-086 confirming Council Member appointments to outside agencies

## RECOMMENDATION:

Adopt Resolution 2020-086 confirming Council Member appointments to the Association of Monterey Bay Area Governments (AMBAG), Central Coast Community Energy (3CE), Monterey County Convention and Visitors Bureau (MCCVB), Monterey Regional Taxi Authority (MRTA), Monterey Regional Waste Management District (MRWMD), Monterey Salinas Transit (MST), the Transportation Agency of Monterey County (TAMC) and Coastwalk-California Coast Trail Association.

## BACKGROUND/SUMMARY:

In addition to their duties on the City Council, Council Members serve on as the City's representatives to outside agencies.

Following a General Municipal Election it is appropriate to appoint or reappoint Council Members to the following outside agency Boards and Commissions:

Association of Monterey Bay Area Governments (AMBAG)  
Central Coast Community Energy (3CE)  
Monterey County Convention and Visitors Bureau (MCCVB)  
Monterey Regional Taxi Authority (MRTA)  
Monterey Regional Waste Management District (MRWMD)  
Monterey Salinas Transit (MST)  
Transportation Agency of Monterey County (TAMC)  
Coastwalk - California Coast Trail Association

## FISCAL IMPACT:

None for this action.

## PRIOR CITY COUNCIL ACTION:

The City Council routinely appoints members to outside agencies and made appointments to some or all of these agencies in 2018 and 2019.

## ATTACHMENTS:

Attachment #1 - Resolution 2020-086 City Council appointments to outside agencies

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-086**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA CONFIRMING COUNCIL MEMBER APPOINTMENTS TO THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG), CENTRAL COAST COMMUNITY ENERGY (3CE), MONTEREY COUNTY CONVENTION AND VISITORS BUREAU (MCCVB), MONTEREY REGIONAL TAXI AUTHORITY (MRTA), MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT (MRWMD), MONTEREY SALINAS TRANSIT (MST), THE TRANSPORTATION AGENCY OF MONTEREY COUNTY (TAMC), AND COASTWALK – CALIFORNIA COAST TRAIL ASSOCIATION**

WHEREAS, in addition to their duties on the City Council, Council Members serve as the City’s representatives to outside agencies; and

WHEREAS, following a General Municipal Election it is appropriate to appoint or reappoint Council Members to these outside agency Boards and Committees.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:**

Appoint the following individuals as City representatives to the following outside agencies:

Council Member Karen Ferlito – Appointee for Association of Monterey Bay Area Governments (AMBAG); and

Council Member Bobby Richards – Alternate Appointee for Association of Monterey Bay Area Governments (AMBAG); and

Council Member Jeff Baron – Appointee for Central Coast Community Energy (3CE); and

Council Member Karen Ferlito – Alternate Appointee for Central Coast Community Energy (3CE); and

Council Member Bobby Richards – Appointee for Monterey County Convention and Visitors Bureau (MCCVB); and

Mayor Dave Potter – Alternate Appointee for Monterey County Convention and Visitors Bureau (MCCVB); and

Council Member Jeff Baron – Appointee for Monterey Regional Taxi Authority (MRTA); and

Council Member Carrie Theis – Alternate Appointee for Monterey Regional Taxi Authority (MRTA); and

Council Member Carrie Theis – Appointee for Monterey Regional Waste Management District (MRWMD); and

Council Member Karen Ferlito – Alternate Appointee for Monterey Regional Waste Management District (MRWMD); and

Council Member Jeff Baron – Appointee for Monterey Salinas Transit (MST); and

Council Member Bobby Richards – Alternate Appointee for Monterey Salinas Transit (MST); and

Mayor Dave Potter – Appointee for Transportation Agency of Monterey County (TAMC); and

Council Member Jeff Baron – Alternate Appointee for Transportation Agency of Monterey County (TAMC); and

Council Member Karen Ferlito – Appointee for Coastwalk - California Coast Trail Association; and

Council Member Jeff Baron – Alternate Appointee for Coastwalk - California Coast Trail Association

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 8<sup>th</sup> day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 8, 2020  
ORDERS OF BUSINESS

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Robin Scattini, Finance Manager

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** FY 2020-2021 Budget Status Update

## RECOMMENDATION:

Receive a budget status update on Fiscal Year 2020-2021

## BACKGROUND/SUMMARY:

### Revenue

The City's top three revenue sources are property taxes, sales and use taxes, and transient occupancy taxes. These three revenues are budgeted at \$14.3 million, or 76% of total citywide revenues, in fiscal year 2020-2021. While the timing for the receipt of revenues varies by revenue type, this budget status update provides a snapshot of the revenues received to date, with nearly five months, or 42%, of the fiscal year elapsed.

*Property Taxes:* Property taxes are budgeted at \$6.8 million, or 36%, of total citywide revenues in fiscal year 2020-2021. The City receives its first tranche of secured property tax in January as the first installment of property taxes for homeowners are due on December 10. Historically, the City receives approximately 55% of its secured property taxes during this first installment, so the forthcoming receipt of this revenue will be an indication of how well property taxes are performing relative to the budget. (The second installment is due by April 10 and the City receives this payment typically in late May). Therefore, there are not any secured property tax values to present at this time. However, transfer taxes, on the other hand, are received monthly. The City has received \$103,000 in Property Transfer Tax, which represents 50% of the fiscal year 2020-2021 budget target of \$206,000 and is 65% more than at the same point in time last year.

*Sales and Use Taxes:* Together, the City's allocation of the statewide sales tax (Bradley Burns) and the local sales tax (Measure C) are budgeted at \$5.0 million, or 28% of total citywide revenues in fiscal year 2020-2021. The California Department of Tax and Fee Administration (CDTFA) recently changed from making quarterly sales tax distributions to making monthly distributions. \$289,000 has been received in State Sales Tax for the months of July and August. This is 15% of budget and is tracking on target, though it is 44% less than at the same point in time last year. \$385,000 has been received in Local Sales Tax for the months of July and August. This is 13% of budget and is tracking on target. The fiscal year 2020-2021 projections assumed a significant decrease in revenue due to less consumer spending, particularly in dining and other leisure goods, and limited restaurant and retail sales due to shelter in place and social distancing

protocols related to COVID-19.

Finance Department staff conduct regular reviews of sales tax activity with HdL Companies, who is contracted by the City to monitor sales tax. The most recent review occurred in late October and covered the actuals from second quarter of 2020 and the estimates for quarters 3 and 4 of 2020. At that point in time, HdL did not identify any anomalies that would warrant any changes in the budgeted values for either State Sales Tax or Local Sales Tax. Finance Department staff will continue to meet regularly with HdL staff and will update Council should any changes in budgeted values come to staff's attention.

*Transient Occupancy Taxes:* Transient occupancy taxes ("TOT") are budgeted at \$2.5 million, or 13% of total citywide revenues in fiscal year 2020-2021. Transient occupancy tax is received bi-monthly. Transient occupancy taxes for the reporting period of September and October 2020 are due to be postmarked by November 30, 2020. As of November 20, \$1,154,000 has been received for the reporting period of July through October 2020. Typically, hostleries pay utilizing the postmark date. Therefore, the large majority of payments for September and October will be received during the first week of December and an updated value will be presented during the December 8 meeting.

Based upon travel industry forecasts, City staff developed a model that assumed ongoing travel restrictions and decreased consumer demand would result in lower occupancy and room rates. This model projected 30% of fiscal year 2019-2020 ("FY 19-20") revenue would be received for July- August and 25% of FY 19-20 revenue would be generated for September-October, which together totaled approximately \$790,000. The revenue received thus far is \$364,000 more than projected. However, the \$1.2 million in TOT revenue generated to date is significantly less than the \$2.8 million received during the same time period in fiscal year 2019-2020. It is also approximately 44% less than the four year average of \$2.7 million that is typically generated during this timeframe. In addition, the recent surge in COVID19 cases and its unknown effect on the local lodging industry still warrants caution in the estimation of annual TOT revenue receipts, especially as the City approaches the winter months and the historic low season for the hotel industry.

*Charges for Services:* Charges for Services are budgeted at \$2.1 million, or 12%, of total citywide revenues in fiscal year 2020-2021. Revenue for charges for services varies and is based upon the demand by the particular user for the service. For July through the third week of November, revenue for Charges for Services has been received in the amount of \$634,000. This is 30% of budget and is tracking below target. Fees charges for building services are the largest type of charges for services with a budget of \$1.1 million in fiscal year 2020-2021. Building fees generated to date are \$229,000 and 21% of budget, which is 20% below target. The second largest charge for service is related to ambulance transport fees, which are budgeted at \$530,000 in fiscal year 2020-2021. Revenue received to date is \$200,000 and 38% of budget, which is tracking on target. This category also includes approximately \$41,000 in revenue budgeted for payments of Community Activities permits. With the current cancellation of all public events in the City for the foreseeable future, it is anticipated that there will not be any revenue received for Community Activities permits for fiscal year 2020-2021.

*Other Revenue:* Other Revenue reflects receipts in the amount of \$1,216,000 and 50% of budget. This category is tracking slightly above budget. This category includes Business License Renewals that has received \$507,000, or 100% of budgeted revenue of \$506,000, in fiscal year 2020-2021.

<b>Revenue</b>	<b>Adopted Budget</b>	<b>7/1 – 11/20/20 Receipts</b>	<b>% Received</b>
Property Taxes	\$6,822,304	\$102,581	2%
State Sales Tax (including public safety)	\$1,896,796	\$289,116	15%

Local Sales Tax – Measure C	\$3,050,000	\$385,340	13%
Transient Occupancy Tax	\$2,488,198	\$1,154,067	46%
Charges for Services	\$2,080,159	\$634,271	30%
Other	\$2,442,768	\$1,216,232	50%
<b>Total</b>	<b>\$18,780,225</b>	<b>\$3,781,607</b>	<b>20%</b>

At future Council meetings, Finance staff will continue to provide additional budget status updates, as well as provide discussion of any significant anticipated changes to the FY2020-2021 budgeted revenue.

## **Expenditures**

### *Operating Budget (General Fund)*

*Salaries and Benefits:* The City's largest expenditure category is salaries and benefits, which is budgeted at \$9.6 million, or 49% of the fiscal year 2020-2021 operating budget. For July through the third week of November, the salaries and benefits expenditures (inclusive of the annual Worker's Compensation premium) total \$4,038,000. This is 42% of the total budgeted salaries and benefits and is tracking on target.

*Pension Costs:* The City provides a defined pension plan through the California Public Employees' Retirement System (CalPERS) for its full-time employees. As such, the City is responsible for contributing toward current employees' retirement packages based upon a set amount determined by CalPERS derived from a percentage of salary. This is known as the employer contribution and this expense is included within the City's budgeted salary and benefit costs, as noted above.

In addition, the City is obligated to make additional pension payments to CalPERS known as the unfunded actuarial liability ("UAL"). The UAL is intended to address any shortfall between the amount CalPERS needs to pay for retirement benefits when people retire compared to the amount that CalPERS currently has on hand to pay for the estimated costs of these benefits.

As calculated by CalPERS, the City's UAL payment is projected to steadily increase from \$1.4 million in fiscal year 2019-2020 to \$1.6 million in fiscal year 2020-2021 to \$1.9 million in fiscal year 2021-2022 to \$2.1 million in fiscal year 2021-2022. However, these costs are expected to be recalculated and rise well beyond these estimates. First, there are lower than unexpected CalPERS investment earnings, which are estimated at 4.7% and well under the projected 7% return due to the economic environment associated with COVID-19. Second, actuarial assumptions were last updated in December 2017. Revised actuarial assumptions will review retirement rates, termination rates, mortality rates, rates of salary increases and inflation. It is presumed the updated actuarial valuations will result in an additional increase in the City's costs over what the City had initially planned over the next several years.

*Services and Supplies:* Services and supplies are budgeted at \$7.4 million, or 37% of total citywide expenditures in fiscal year 2020-2021. For July through the third week of November, the services and supplies expenditures total \$2,891,000. This is 39% of the total budgeted services and supplies and is tracking on target. Overall, from July 1 – November 20, expenditures total \$7,616,000. This is 38% of the total budgeted expenditures and is tracking on target.

### *Debt Service*

Debt service budgeted at \$1.2 million, or 6% of citywide expenditures, in fiscal year 2020-2021. This category includes payments for the Next Generation Countywide Radio Project, the Sunset Center, and the Pension Obligation bonds. Approximately \$31,000 has been paid to date for debt service payments for the interest and administrative fees of the Pension Obligation bonds.

<b>Expense</b>	<b>Adopted Budget</b>	<b>7/1 – 11/20/20 Expenditures</b>	<b>% Expended</b>
Salaries/Benefits	\$9,545,869	\$4,038,062	42%
PERS UAL	\$1,598,574	\$655,904	41%
Services/Supplies	\$7,416,461	\$2,891,156	39%
Debt Service	\$1,244,515	\$30,800	2%
<b>Total</b>	<b>\$19,805,419</b>	<b>\$7,615,921</b>	<b>38%</b>

Finance Department staff conduct regular reviews of departments' budgets with department heads. The most recent reviews occurred in October. At that point in time, no anomalies were identified that would warrant any changes in budgeted expenses.

At future Council meetings, Finance staff will continue to provide additional budget status updates, as well as provide discussion of any significant anticipated changes to the FY2020-2021 budgeted expenses.

*Next Steps:* At future Council meetings, Finance staff will continue to provide additional budget status updates, as well as provide discussion of any significant anticipated changes to the fiscal year 2020-2021 budgeted expenses. Staff anticipates that the January 2021 Council meeting will include a detailed mid-year budget review. As part of this review, staff will recommend any adjustments to revenue projections as warranted as well as prepare any budget amendments to address increased operating expenditures for Council approval.

In addition, addressing the City's pension obligations will continue to be a high priority in 2021. Staff will bring forth options including, but not limited to, funding the Section 115 pension trust and making additional payments to CalPERS as possible strategies to mitigate rising pension costs. Implementing pension mitigation strategies will be particularly challenging as the City's two leading revenue sources of sales and use tax and transient occupancy taxes are expected to take 2-5 years to recover to pre-COVID-19 levels of performance.

#### **FISCAL IMPACT:**

None for this item.

#### **PRIOR CITY COUNCIL ACTION:**

Council received a FY 2020-2021 budget status update at its October 6 regular meeting.

#### **ATTACHMENTS:**





# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 8, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Marnie Waffle, AiCP – Acting Community Development Planning & Building Director
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Update on Outdoor Seating in the Public Way

## RECOMMENDATION:

Receive report and provide direction.

## BACKGROUND/SUMMARY:

The Outdoor Seating in the Public Way program allows full-line restaurants, specialty restaurants (i.e. coffee shops), wine tasting rooms and bars (operating as restaurants) to establish outdoor seating areas in the public way. Full-line restaurants, some wine tasting shops and bars operating as restaurants, are allowed up to two public parking spaces and 16 seats and specialty restaurants are allowed one parking space and 8 seats. Sidewalk seating may also be permitted depending on the availability of space which varies from location to location.

Outdoor seating areas located in public parking spaces are required to have a barrier that is between 3' and 4' tall surrounding the seating area and must be of a substantial weight (50-100 pounds). The barrier defines the boundaries of the outdoor seating area and provides a visual and physical separation between patrons and vehicles. Outdoor seating areas may also include umbrellas and/or heaters. Umbrellas are required to be removed from the public way at the close of business daily and stored on private property. Heaters may remain within outdoor seating areas but propane tanks are required to be removed and safely stored on private property. Each outdoor seating area is required to provide a private trash receptacle to minimize impacts on City-supplied trash receptacles.

Restaurants that have private patios approved as part of their Use Permits may continue to use these areas. Expansion of outdoor seating beyond what is allowed under the Use Permit requires a no-fee Design Review permit. At no time can an outdoor seating area on private property obstruct the path of travel for persons with disabilities or obstruct required egress from buildings. Property owner approval is required for all outdoor seating areas on private property.

The mayor's ad-hoc committee on outdoor dining meets approximately every two weeks to discuss the current state of the program as well as the future need for, and implications of, outdoor dining. Should the Council decide to extend the program, the committee would continue to meet on a regular basis and solicit

feedback from a variety of stakeholders including retailers, residents, restaurants and wine tasting rooms.

**Should the Outdoor Dining program be extended? If so, for how long?**

The City’s outdoor seating program has been in place since May 2020 and has been modified as conditions in the community have changed. From its inception, staff anticipated the program remaining in effect until indoor dining operations returned to normal capacity or December 31, 2020, whichever occurred first. With the end of the year rapidly approaching and the prohibition on indoor dining remaining in effect for the foreseeable future, staff is seeking direction from the Council on whether the program should be extended and if so, for how long. The restaurant and wine tasting communities have expressed some reservations about investing more money in their outdoor seating areas until they know whether the program will be extended and for how long. At the last ah-hoc committee meeting there was general consensus that an extension to April 30, 2021 would give staff time to explore a long term solution to outdoor dining.

**If the program is extended, should the City collect application and/or parking reservation fees to offset the on-going costs to manage the program?**

The application fee for a typical, temporary encroachment permit is \$210. Temporary encroachments generally include, trenching, driveway replacements, and utility work (i.e. PG&E).

Parking space reservation fees associated with special events include a \$735 permit fee and a \$100 per stall per day fee. During peak demand periods, the parking stall fee is \$200 per stall per day.

Construction parking permits are \$35 for the permit and \$35 per stall per day.

Below is a table that shows the potential costs for continued use of public parking spaces over a one to three-month period.

Table 1. Application Fees for use of Public Parking Spaces

Special Event	30 days	60 days	90 days	Construction Parking	30 days	60 days	90 days
\$735 permit fee	\$735	\$735	\$735	\$35 permit fee	\$35	\$35	\$35
\$100/day for 1 space	\$3,000	\$6,000	\$9,000	\$35/day for 1 space	\$1,050	\$2,100	\$3,150
\$200/day for 2 spaces	\$6,000	\$12,000	\$18,000	\$70/day for 2 spaces	\$2,100	\$4,200	\$6,300
Total Cost	\$3,735- \$6,735	\$6,735- \$12,735	\$9,735- \$18,735	Total Cost	\$1,085- \$2,135	\$2,135- \$4,235	\$3,185- \$6,635

**What types of outdoor seating covers are acceptable in the public way? Should we explore the use of electric heaters in-lieu of propane?**

Since the end of daylight savings time, the weather has become significantly colder and the potential for rain creates challenges for outdoor dining. There has been some interest in replacing umbrellas with waterproof awnings or pop-up tents. However, the restriction on one solid wall has left many businesses skeptical whether adequate protection from the weather can be achieved. There are additional challenges with using heaters in close proximity to combustible materials such as umbrellas, awnings, trees and buildings.

**Should we allow more than 16 seats within outdoor dining areas with the use of plexi-glass barriers? If so, how many seats should be allowed?**

Other potential changes to the program include an increase in seats within the outdoor dining areas in the street. The program currently sets a limit of 16 seats if social distancing can be maintained. This has been

challenging and more restaurants are investing in freestanding plexi-glass barriers between tables. With the addition of this safety feature, restaurants are also asking for additional seats. One of the challenges with plexi-glass barriers is that they create “walls” and could be viewed as violating County guidance for covered outdoor seating areas especially in combination with pop-up tents/canopies which have a lower height. Enclosing the outdoor dining areas to protect patrons from wind and rain will restrict air flow and could contribute to the spread of the Coronavirus.

**Should there be a standard closing time for outdoor dining in the public way? If so, what time should that be?**

Hours of operation has also been a topic of discussion. Restaurants and wine tasting rooms are currently operating in accordance with their Use Permit hours of operation for indoor dining. This varies from permit to permit.

**What approach to enforcement is most appropriate? Revocation of permits or citations?**

Enforcement of the outdoor seating program requires constant monitoring and redirects code compliance resources away from other enforcement activities such as responding to complaints and proactive enforcement in the residential areas. Common violations include, exceeding seating capacity; placing heaters too close to umbrellas and trees and in the sidewalk where it obstructs pedestrian flow; and, not maintaining 6 feet of social distancing between patrons.

**What does the future of the outdoor seating program look like? Should staff engage the Planning Commission in discussions about outdoor dining as a permanent fixture in the village?**

The outdoor seating program was established in response to the shutdown of restaurants due to the rapid spread of the Coronavirus. The terms and conditions of the program continue to change to improve the safety and comfort of outdoor dining. What originally began as a temporary accommodation in the public way has become a longer term solution due to the extended period of restaurant closures for indoor dining. Many businesses have made substantial investments to-date to improve the safety and functionality of their outdoor dining spaces. If the outdoor seating is to continue for the foreseeable future a more comprehensive discussion between stakeholders and the Planning Commission should be considered. The Council should also take into consideration redirecting limited staff resources for the continued management of the program and the effect it will have on delivery of other services in the Community Planning & Building Department.

**FISCAL IMPACT:**

Encroachment Permits and Design Review permits are being issued as “no-fee” permits. Costs associated with staff time to manage and enforce the program are covered by the General Fund.

**PRIOR CITY COUNCIL ACTION:**

At the June 2, 2020 meeting the City Council adopted Resolution 20-038 updating the City’s insurance requirements. Insurance is required for most encroachment permit applications including outdoor seating in the public way.

On June 16, 2020, the City Council provided direction on modifications to the outdoor seating program.

On July 7, 2020, the City Council expanded the outdoor seating program to include wine tasting rooms and made other minor modifications to the program.

On August 4, 2020, the City Council adopted Urgency Ordinance 2020-005 for the enforcement of provisions and conditions of Encroachment Permits for outdoor dining and authorized the Code Compliance Officer to issue citations. The Council also received a report on the outdoor seating program and provided direction on a number of topics.

**ATTACHMENTS:**



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 8, 2020  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Evan Kort, Associate Planner
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Urgency Ordinance 2020-008 and Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.

## RECOMMENDATION:

1. Motion to adopt Urgency Ordinance 2020-008 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.
2. Request a reading of the title of Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.
3. Motion to waive further reading and introduce Ordinance 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) of the Carmel-by-the-Sea Municipal Code.

## BACKGROUND/SUMMARY:

On September 18, 2018, Governor Brown signed into law Senate Bill ("SB") 946, which adopts state law that imposes limits on how local authorities, including cities, may regulate sidewalk vending. SB 946 is codified in Government Code 51036 and following.

Among other things, SB 946 limits city regulation of sidewalk vending to restrictions that are directly related to objective health, safety, or welfare concerns and prohibits punishment for street vending-related violations unless it is through a civil fine.

SB 946 recognizes, however, that "California has an interest in the regulation of traffic ... whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk," and has acknowledged that there are regulations that are directly related to objective health, safety, or welfare concerns that a city may adopt, which include, but are not limited to, regulations concerning hours of operation, sanitation, sidewalk access, health and vendor permits, compliance with other generally applicable laws, registration requirements, and interference with other special events or permitted activities. In addition, state law recognizes that the health, safety, and welfare interest in providing safe school zones and protecting adjacent streets, sidewalks, and public ways from activities that may disrupt school activities

and the health and safety of schoolchildren.

As a result, on January 8, 2019, the City Council adopted Urgency Ordinance 2018-006, and established a sidewalk vending program (Chapter 12.46 of the Municipal Code) that provided regulations that directly related to the objective health, safety, and welfare of the City, and consistent with state law. The Urgency Ordinance was extended and currently expires on December 20, 2020.

There are some minor revisions to the current Urgency Ordinance which are shown in redline on Attachment 1 to this Staff Report which, in final form, will be attached as Exhibit A to the Urgency Ordinance (Attachment 2) and the Regular Ordinance (Attachment 3). These revisions include the followings:

#### Section 12.26.030 Permit Required

D. ~~For the purpose of Urgency Ordinance 2019-006, Sidewalk vendor permits shall be issued in order that they are received and deemed complete.~~

#### Section 12.46.040 Issuance of Permit

C. ~~Sidewalk vendor permits shall expire one year after its issuance, unless renewed on or before the expiration date. All permits shall expire with the expiration of Urgency Ordinance 2019-006 or with the adoption of standard ordinance, whichever comes first.~~

#### Section 12.46.050 Operating Conditions

M. Sidewalk vendors shall comply with all provisions of ~~CMC Chapter 8.9668~~ [Environmentally Acceptable Materials] of this Code;

~~V. The sale of souvenir merchandise, as defined in CMC 17.14.040, is prohibited; and [moved to Section 12.46.070 Prohibited Activities, subsection 12]~~

~~W. The sale of formula food, as defined in CMC 17.70.020, is prohibited. [moved to Section 12.46.070 Prohibited Activities, subsection 13]~~

#### Section 12.46.070 Prohibited Activities

A. 7. ~~Harassment of customers as defined in CMC Section 12.46.020 of this Code;~~ [changed to make verb tense consistent].

There are a few other minor revisions that are shown in Exhibit A.

The Urgency Ordinance, if adopted by a 4/5 vote of the City Council will take effect immediately. The Regular Ordinance, if introduced by this first reading, will be brought back to the Council for a second reading and adoption at the Council Meeting in January 2021 and would take effect 30 days thereafter.

Under the proposed Urgency Ordinance and Regular Ordinance, vending permits issued pursuant to Urgency Ordinance Nos. 2018-006, and any extensions, will remain in effect until March 1, 2021, and thereafter will expire unless renewed in accordance with Chapter 12.46.

These ordinances are intended to ratify, amend and restate, Chapter 12.46 of the Municipal Code, and the Regular Ordinance is intended to make the sidewalk vending program permanent subject to potential amendments to the Ordinance in the future.

## **FISCAL IMPACT:**

Costs associated with issuance and administration of a sidewalk vendor permit are proposed to be recovered through a fee as adopted by Resolution and sales tax revenue would be collected as part of the required business license each street vendor is required to maintain. There may be indirect costs associated with additional enforcement of the program.

## **PRIOR CITY COUNCIL ACTION:**

January 8, 2019, the City Council adopted Urgency Ordinance 2018-006, and established a sidewalk vending program (Chapter 12.46 of the Municipal Code). The Urgency Ordinance was extended and currently expires on December 20, 2020

## **ATTACHMENTS:**

Attachment #1 - Redlined Sidewalk Vendor Ordinance (Chapter 12.26)

Attachment #2 - Urgency Ordinance 2020-008 Sidewalk Vending

Attachment #3 - Ordinance 2020-009 Sidewalk Vending

Attachment #4 - Carmel Chapter 12.46

**Chapter 12.46**  
**SIDEWALK VENDING PROGRAM**

**Sections:**

- 12.46.010 Purpose and Findings**
- 12.46.020 Definitions**
- 12.46.030 Permit Required**
- 12.46.040 Issuance of Permit**
- 12.46.050 Operating Conditions**
- 12.46.060 Prohibited Locations**
- 12.46.070 Prohibited Activities**
- 12.46.080 Penalties**
- 12.46.090 Appeals**

**12.46.010 Purpose and Findings.**

A. Purpose. The purpose of this chapter is to establish a sidewalk vendor permitting and regulatory program that complies with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this chapter bring the City into compliance with Senate Bill 946 by removing total prohibitions on sidewalk vending activities while still permitting regulation and enforcement of such activities. Sections 53036-53039 of the California Government Code confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that vendors on public property provide safe and sanitary conditions for consumers and the general public, are adequately insured, are properly licensed with other agencies, and that the total number of allowed vending permits in the commercial and residential districts is limited. This chapter is adopted pursuant to the City's police powers for the purpose of regulating vending on public property.

B. Findings. The City Council hereby finds that limitations on sidewalk vending are necessary to:

1. Comply with State Legislation;
2. Promote the health, safety and welfare;
3. Ensure that the Goals and Policies of the City's General Plan are upheld;
4. Ensure that the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained;



5. Provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services
6. Protect the quality of life of City residents and minimize disruptions to the quiet enjoyment of residential property by restricting noise- making devices associated with sidewalk vending;
7. Ensure no interference to the performance of police, firefighter, and emergency other medical personnel services;
8. Maximize public access in the commercial districts and along the coast; and
9. Reduce exposure to the City for personal injury or property damage claims and litigation.

C. The City Council hereby finds that the unique characteristics of the City require certain restrictions on sidewalk vending as follows:

1. The majority of the sidewalks and pathways in the City are under ten (10) feet wide and sidewalk vending in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities in compliance with the American with Disabilities Act (ADA);
2. The City's Commercial District and associated sidewalk areas are extremely popular tourist destinations with unusually high pedestrian and vehicular traffic volumes in which most of the segments of sidewalk are under ten (10) feet in width. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the popularity of these tourist destinations and the narrow sidewalks;
3. The majority of the City's Residential District does not contain City-recognized sidewalks and pedestrian access is limited to the roadway. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the lack of recognized sidewalks;
4. Devendorf Park is .60 acres in size and offers passive types of uses such as picnic. A limit on the number of sidewalk vending permits for Devendorf Park is necessary to promote public health, safety and welfare, and to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
5. The Police Department and Fire Department contain critical infrastructure and restrictions around these facilities are necessary to ensuring health, safety and welfare of the public;

6. Carmel Beach is a coastal and scenic resource and restrictions of sidewalk vending on and around the beach are necessary to protect this resource;
7. The Scenic Pathway is a narrow dirt path located adjacent to Carmel Beach and is a popular tourist destination with high pedestrian traffic volumes. Restrictions on sidewalk vending along the path are necessary to protect the public from injury given the popularity of these tourist destinations and the multiple litigation experiences of the City pertaining to this area; and
8. Mission Trail Nature Preserve is natural resource designated as an environmentally sensitive habitat area. Restrictions of sidewalk vending at this location are necessary to preserve this natural resource.

### **12.46.20 Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, California Vehicle Code, or California Government Code.

- A. "Beach" means any public oceanfront, or bay front beach within the City.
- B. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.
- C. "City" means the City of Carmel-by-the-Sea.
- D. "Code" mean the City of Carmel-by-the-Sea Municipal Code.
- E. "Commercial District" means any area zoned exclusively as commercial in Title 17 of the Municipal Code.
- F. "Devendorf Park" means the park space located at the northwest corner of Junipero and Ocean Avenues, excluding the sidewalks around the park grounds.
- G. "Food" means any item provided in Health and Safety Code Section 113781, or any successor section.
- H. "Harassment" mean any form of unauthorized or unpermitted touching, verbal abuse, blockage of pathways or interference with pedestrian traffic.
- I. "Human Powered Device" shall mean any device moved by human power, including, but not limited to, a pushcart, wagon, bicycle, tricycle, pedal-driver cart,

other non-motorized conveyance, or other wheeled container or mechanism, or from one's person.

- J. "Merchandise" means any item(s) that can be sold and immediately obtained from a sidewalk vendor, which is not considered food. Items for rent shall not be considered merchandise.
- K. "Owner" shall mean any person or entity owning, or otherwise controlling the operation of any business or activity involving Vending on Public Property.
- L. "Park" means public parkland located within City limits including Devendorf Park, Piccadilly Park, First Murphy Park, Forest Hill Park and Vista Lobos Park.
- M. "Public Property" shall mean any real property, public easement, public street, street median, alley, parkway, public sidewalk, or other interest therein owned, held, leased, operated or otherwise controlled by the City.
- N. "Residential District" means any area zoned exclusively as residential in Title 17 of the Municipal Code.
- O. "Roaming Sidewalk Vendor" shall mean a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
- P. "Service Business" means a commercial enterprise that provides work performed by an individual or team for the benefit of its customers.
- Q. "Scenic Pathway" means the dirt pathway located westerly and parallel to Scenic Road and adjacent to the beach.
- R. "Sidewalk" means that portion other than the roadway, set apart by curbs, barriers, markings or other delineation specifically.
- S. "Sidewalk Vendor" shall mean a person who vends goods or merchandise upon a public sidewalk, including, but not limited to vending from a structure, stand, display, showcase, rack, human powered device or other means.
- T. "Sidewalk vending receptacle" or "sidewalk vendor receptacle" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending activities.
- U. "Special Event" shall mean a City permitted event including, but not limited to, festivals, art shows, and/or cultural events.
- V. "Stationary Sidewalk Vendor" shall mean a sidewalk vendor who vends from a fixed location.
- W. "Vend" or "Vending" shall mean any act of hawking, operating noisemaking devices to attract attention to the vendor, or the displaying, selling, or offering for sale of

any displayed goods or merchandise to the public from any carrying device, box, bag, stand, human powered device, or from a vehicle.

### 12.46.030 Permit Required

A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Community Planning and Building Director, or the Director's designee, under this chapter. The permit fee ~~is \$425.00~~ shall be established by resolution of the City Council.

B. No more than ten (10) permits shall be issued by the City that allow sidewalk vending in the commercial or residential districts, including all city-owned parks other than Devendorf Park, in order to protect the public health, safety, and welfare. No more than one commercial/residential permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.

C. No more than three (3) permits shall be issued by the City that allow sidewalk vending in Devendorf Park in order to prevent undue concentrations of commercial activity and protect the character of the park. No more than one Devendorf Park permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.

D. ~~For the purpose of Urgency Ordinance 2019-006,~~ Sidewalk vendor permits shall be issued in the order that they are received and deemed complete.

E. A written application for a sidewalk vendor permit shall be filed with the Community Planning and Building Director, or the Director's designee, on a form provided by the City, and at a minimum, shall contain the following information:

1. The name, address, and telephone number of the person applying to become a sidewalk vendor;
2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
4. The location(s) in the City where the sidewalk vendor intends to operate;
5. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
6. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;

7. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
8. Whether the sidewalk vendor will be selling food, merchandise, or both;
9. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending receptacle for food preparation, and the type of heating element, if any;
10. If the vendor is selling merchandise, a description of the merchandise to be sold;
11. Proof of a valid Health permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code, if Vending food;
12. Proof the person possesses a valid California Department of Tax and Fee Administration seller's permit which notes the City as a location or sub-location, which shall be maintained for the duration of the sidewalk vendor's permit;
13. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;
14. A certification that, to their knowledge and belief, the information contained within the application is true;
15. An acknowledgement that the use of public property as authorized by State Legislation shall be at the sidewalk vendor's own risk, and the sidewalk vendor uses public property at their own risk;
16. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this chapter, any insurance required by the City's Risk Manager and shall name the City as an also named insured under that policy;
17. Any other relevant information required by the Community Planning and Building Director, or the Director's designee; and
18. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or

indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

**C.F.** Each application for a sidewalk vendor permit shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application and permit is only applicable to the individual(s) named on the application. If said permit is approved, the permittee shall also obtain a City business license to carry on the activities authorized by said permit.

### **12.46.040 Issuance of Permit**

A. Within thirty (30) calendar days of receiving a complete application, the Community Planning and Building Director, or the Director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if he/~~she~~ ~~or she~~ finds based on all of the relevant information that:

1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare, nor shall it violate the ADA rules, restrictions and regulations;
2. The conduct of the sidewalk vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;
3. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;
4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
5. The sidewalk vendor has not had a permit revoked within the past twelve (12) months;
6. The sidewalk vendor's application contains all required information;
7. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process;

8. The sidewalk vendor has satisfied all the requirements of this chapter;
9. The sidewalk vendor has paid all applicable fees as set by City Council resolution;
10. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this chapter;
11. The sidewalk vendor has adequate insurance to protect the City from liability associated with the sidewalk vendor's activities, as determined by the City's Risk Manager, or the Risk Manager's designee, and, if required by the City, the City has been named as an additional insured; and
12. The sidewalk vendor has satisfactorily provided all information requested by the Community Planning and Building Director, or the Director's designee, to consider the vendor's application.

B. A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.

C. ~~Sidewalk vendor permits shall expire one year after issuance, unless renewed on or before the expiration date. All permits shall expire with the expiration of Urgency Ordinance 2019-006 or with the adoption of standard ordinance, whichever comes first.~~

#### **12.46.050 Operating Conditions**

All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

A. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section and shall be in possession of a current Health and Safety permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code and California Seller's Permit;

B. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person;

C. Only one sidewalk vendor is permitted to operate per permit;

- D. The sidewalk vendor shall submit a monthly report to the Community Planning and Building Department identifying the number of hours operated.
- E. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vendor activities and maintained for the duration of the permit;
- F. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended for any reason except for temporary use of the restroom;
- G. Sidewalk vending receptacles shall not be stored on public property and shall be removed from City property when not in active use by a sidewalk vendor;
- H. All sidewalk vendors shall allow a police officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the street vendor's activities, at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food;
- I. Sidewalk vending receptacles and any attachments thereto shall not exceed a total height of forty-eight (48) inches, a total width of thirty-two (32) inches, and a total length of forty-eight (48) inches. An exception is provided for umbrellas or other means of cover and shall be no larger than the minimum required by the Monterey County Health Department; merchandise shall not be affixed to any cover;
- J. No sidewalk vending receptacle shall contain explosive or hazardous materials, other than propane necessary for heating purposes;
- K. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation;
- L. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that is discharged on public property. Failure to comply will result in the City taking appropriate action to clean the discharge at the vendor's expense. The vendor permit will thereafter be suspended until such time as the expense associated with cleanup has been reimbursed to the City;
- M. Sidewalk vendors shall comply with all provisions of CMC Chapter 8.9668 [Environmentally Acceptable Materials] of this Code;
- N. Sidewalk vendors shall comply with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws;
- O. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area;



P. Sidewalk vendors shall not use any noise making devices in association with the sale, display or offering for sale of items, such as megaphones, bells, whistles, and the like;

Q. Sidewalk vendors shall comply with the noise standards provided in Chapter 8.56 of this Code, or any successor chapters;

R. In parks, sidewalk vendors shall not approach persons to sell food or merchandise;

S. All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person;

T. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign;

U. The sidewalk vendor is permitted a maximum of one sign not exceeding three (3) square feet in area; and no free-standing sign shall be placed on a public street or sidewalk;

~~V. The sale of souvenir merchandise, as defined in CMC 17.14.040, is prohibited; and~~

~~W. The sale of formula food, as defined in CMC 17.70.020, is prohibited.~~

#### **12.46.060 Prohibited Locations**

A. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:

1. Carmel Beach and the adjacent Scenic Pathway;
2. Mission Trail Nature Preserve;
3. Any public property that does not meet the definition of a sidewalk or pathway including, but not limited to, any alley, intra-block walkway, beach, square, street, street end, or parking lot;
4. Within one hundred (100) feet for the Police and Fire Departments
5. Within fifty (50) feet of:
  - a. A permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet;
  - b. An area designated for a special event permit issued by the City, during the limited duration of the special event, if the City provides the sidewalk vendor any notice, business interruption mitigation, or

other rights the City provided to any affected businesses or property owners under the City's special event permit; or

- c. The Del Mar Parking Lot including the adjacent sidewalks and restroom area.

6. Within twenty-five (25) feet of:

- a. The monuments located within Devendorf Park;
- b. Another sidewalk vendor; or
- c. Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public.

7. Within five (5) feet of any:

- a. Business entrance and/or display window;
- b. Fire hydrant;
- c. Intersection of a street and a sidewalk;
- de. Curb which has been designated as white, yellow, blue, or red zone, or a bus zone;
- ef. Driveway, alley, or entrance to a parking lot or parking garage; or
- fg. Trash receptacle, bike rack, bench, bus stop, restroom, or similar public use items.

8. Sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vending activities on any portion of a commercial district sidewalk that has a width of less than ten (10) feet.

9. A sidewalk vendor may pass through narrower portions of commercial district sidewalk in order to reach their destination, but shall not conduct business on any portion of sidewalk that is less than ten (10) feet in width.

10. At any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire; or.

B. Stationary sidewalk vendors shall not operate in the residential zoning districts.

C. Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to lampposts, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers.

## 12.46.070 Prohibited Activities

A. Sidewalk vendors shall not engage in any of the following activities:

1. Renting merchandise to customers;
2. Providing a service that is neither defined a merchandise or food;
3. Displaying or advertising merchandise or food that is not available for immediate sale;
4. Selling of alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or cannabis;
5. Using an open flame or charcoal-fueled device on or within any sidewalk vending receptacle;
6. Using an electrical outlet or power source, or water sources, that is owned by the City or another person other than the sidewalk vendor;
7. Harass~~ingment~~ment of customers as defined in CMC Section 12.46.020 of this Code;
8. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale;
9. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase;
10. Touching the person(s) being offered food or merchandise without that person(s)' consent;
11. Placing their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities;
12. Conducting the retail sales of souvenirs, in accordance with Section 17.14.040.T.13 of this Code; or
13. Operating as a formula food establishment, as defined in Section 17.70.020 of this Code.

B. Sidewalk vending is permitted during the following times:

1. Within the commercial districts, including any parks contained within these districts, between the hours of 8:00 a.m. and 9:00 p.m. daily.
2. Within residential districts, including any parks contained within these districts, between the hours of 9:00 a.m. and 6:00 p.m. daily.

### 12.46.080 Penalties

A. As prescribed by State Legislation, violations of this chapter may not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative citation and revocation structure.

B. Except as otherwise provided in this chapter, any violation of this chapter shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation;
2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation;
3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

C. If a sidewalk vendor violates any portion of this chapter and cannot present the citing officer with a proof of a valid [sidewalk vendor](#) permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation;
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation;
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.;

D. Upon proof of a valid [sidewalk vendor](#) permit issued by the City, the administrative fines set forth in Subsection 12.46.~~070080.(BC)~~ shall be reduced to the administrative fines set forth in Subsection 12.46.~~070080.(A)B;~~ and.

E. The Community Planning and Building Director, or the Director's designee, may revoke a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations within one (1) year of the first violation.

### 12.46.090 Appeals

A. All appeals of administrative citations shall be conducted in accordance with Section 18.04.[150](#) of this Code.

B. Decisions of the Community Planning and Building Director, or the Director's designee, to revoke a permit shall be appealed in the following manner:

1. Request for an appeal hearing shall be processed in accordance with Section 18.04.090 of this Code, or any successor section;
2. Decisions that are appealed shall not become effective until the appeal is resolved;
3. Appeals of decisions shall be made in writing on forms provided by the City;
4. All appeals of decisions shall be heard by a Hearing Officer designated pursuant to Section 18.04.110 of this Code; and
5. The Hearing Officer may uphold or deny the decision and the decision of the Hearing Officer shall be final.

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**URGENCY ORDINANCE NO. 2020-008**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AMENDING AND RESTATING CHAPTER 12.46 (SIDEWALK VENDING PROGRAM) OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE**

WHEREAS, on September 18, 2018, Governor Brown signed into law Senate Bill (“SB”) 946, which adopts state law that imposes limits on how local authorities, including cities, may regulate sidewalk vending. SB 946 is codified in Government Code 51036 and following; and

WHEREAS, Among other things, SB 946 limits city regulation of sidewalk vending to restrictions that are directly related to objective health, safety, or welfare concerns and prohibits punishment for street vending-related violations unless it is through a civil fine ; and

WHEREAS, SB 946 recognizes, however, that “California has an interest in the regulation of traffic ... whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk,” and has acknowledged that there are regulations that are directly related to objective health, safety, or welfare concerns that a city may adopt, which include, but are not limited to, regulations concerning hours of operation, sanitation, sidewalk access, health and vendor permits, compliance with other generally applicable laws, registration requirements, and interference with other special events or permitted activities. In addition, state law recognizes that the health, safety, and welfare interest in providing safe school zones and protecting adjacent streets, sidewalks, and public ways from activities that may disrupt school activities and the health and safety of schoolchildren; and

WHEREAS, As a result, on January 8, 2019, the City Council adopted Urgency Ordinance 2018-006, and established a sidewalk vending program (Chapter 12.46 of the municipal code) that provided regulations that directly related to the objective health, safety, and welfare of the City, and consistent with state law. The Urgency Ordinance was extended and currently expires on December 20, 2020. The City desires to ratify, amend and restate, Chapter 12.46 of the municipal code, and make its sidewalk vending program permanent.

WHEREAS, The City Council has the power under Government Code sections 36934 and 36937 to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, and is passed by a four-fifths vote of the City Council; and

WHEREAS, Because of the impending expiration of the Urgency Ordinance 2018-006, and the disruptions to regular city hall operations caused by COVID-19, it is necessary to adopt this urgency ordinance and have it take effect immediately to avoid a lapse in the existing sidewalk vending regulations. If the City fails to do, then the existing sidewalk vending regulations may lapse, and as a result, the City will be limited in how it may regulate sidewalk vending, and the public peace, health and safety may be impacted; and

WHEREAS, To address the danger to public health, safety, and general welfare presented by the impending expiration of the current sidewalk vending regulations, the City Council desires to adopt this ordinance as an urgency ordinance, effective immediately, pursuant to Government Code sections 36934 and 36937.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Environmental Review.** The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

**SECTION 2. Chapter 12.46 (Sidewalk Vending Program).** Chapter 12.46 of the Carmel-by-the-Sea Municipal Code is amended and restated as set forth in Exhibit A. Sidewalk vending permits issued pursuant to Urgency Ordinance Nos. 2018-006, 2019-005 and 2019-006 will remain in effect until March 1, 2021, and thereafter will expire unless renewed in accordance with Chapter 12.46.

**SECTION 3. Effective Date.** As an urgency ordinance, this ordinance takes effective immediately upon four-fifths vote of the City Council, in accordance with Government Code sections 36934 and 36937.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5. Repeal.** Prior Urgency Ordinances on the subject of street vending including, but not limited to, Urgency Ordinance No. 2018-006, Urgency Ordinance No. 2019-005 and Urgency Ordinance No. 2019-006 are hereby repealed.

**SECTION 6. Publication.** The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 8<sup>th</sup> day of December, 2020.**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk



## **Chapter 12.46**

### **SIDEWALK VENDING PROGRAM**

#### **Sections:**

**12.46.010 Purpose and Findings**

**12.46.020 Definitions**

**12.46.030 Permit Required**

**12.46.040 Issuance of Permit**

**12.46.050 Operating Conditions**

**12.46.060 Prohibited Locations**

**12.46.070 Prohibited Activities**

**12.46.080 Penalties**

**12.46.090 Appeals**

#### **12.46.010 Purpose and Findings.**

A. Purpose. The purpose of this chapter is to establish a sidewalk vendor permitting and regulatory program that complies with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this chapter bring the City into compliance with Senate Bill 946 by removing total prohibitions on sidewalk vending activities while still permitting regulation and enforcement of such activities. Sections 53036-53039 of the California Government Code confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that vendors on public property provide safe and sanitary conditions for consumers and the general public, are adequately insured, are properly licensed with other agencies, and that the total number of allowed vending permits in the commercial and residential districts is limited. This chapter is adopted pursuant to the City's police powers for the purpose of regulating vending on public property.

B. Findings. The City Council hereby finds that limitations on sidewalk vending are necessary to:

1. Comply with State Legislation;
2. Promote the health, safety and welfare;
3. Ensure that the Goals and Policies of the City's General Plan are upheld;
4. Ensure that the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained;

5. Provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services
  6. Protect the quality of life of City residents and minimize disruptions to the quiet enjoyment of residential property by restricting noise- making devices associated with sidewalk vending;
  7. Ensure no interference to the performance of police, firefighter, and emergency other medical personnel services;
  8. Maximize public access in the commercial districts and along the coast; and
  9. Reduce exposure to the City for personal injury or property damage claims and litigation.
- C. The City Council hereby finds that the unique characteristics of the City require certain restrictions on sidewalk vending as follows:
1. The majority of the sidewalks and pathways in the City are under ten (10) feet wide and sidewalk vending in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities in compliance with the American with Disabilities Act (ADA);
  2. The City's Commercial District and associated sidewalk areas are extremely popular tourist destinations with unusually high pedestrian and vehicular traffic volumes in which most of the segments of sidewalk are under ten (10) feet in width. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the popularity of these tourist destinations and the narrow sidewalks;
  3. The majority of the City's Residential District does not contain City- recognized sidewalks and pedestrian access is limited to the roadway. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the lack of recognized sidewalks;
  4. Devendorf Park is .60 acres in size and offers passive types of uses such as picnic. A limit on the number of sidewalk vending permits for Devendorf Park is necessary to promote public health, safety and welfare, and to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
  5. The Police Department and Fire Department contain critical infrastructure and restrictions around these facilities are necessary to ensuring health, safety and welfare of the public;

6. Carmel Beach is a coastal and scenic resource and restrictions of sidewalk vending on and around the beach are necessary to protect this resource;
7. The Scenic Pathway is a narrow dirt path located adjacent to Carmel Beach and is a popular tourist destination with high pedestrian traffic volumes. Restrictions on sidewalk vending along the path are necessary to protect the public from injury given the popularity of these tourist destinations and the multiple litigation experiences of the City pertaining to this area; and
8. Mission Trail Nature Preserve is natural resource designated as an environmentally sensitive habitat area. Restrictions of sidewalk vending at this location are necessary to preserve this natural resource.

### **12.46.20 Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, California Vehicle Code, or California Government Code.

- A. "Beach" means any public oceanfront, or bay front beach within the City.
- B. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.
- C. "City" means the City of Carmel-by-the-Sea.
- D. "Code" mean the City of Carmel-by-the-Sea Municipal Code.
- E. "Commercial District" means any area zoned exclusively as commercial in Title 17 of the Municipal Code.
- F. "Devendorf Park" means the park space located at the northwest corner of Junipero and Ocean Avenues, excluding the sidewalks around the park grounds.
- G. "Food" means any item provided in Health and Safety Code Section 113781, or any successor section.
- H. "Harassment" mean any form of unauthorized or unpermitted touching, verbal abuse, blockage of pathways or interference with pedestrian traffic.

- I. "Human Powered Device" shall mean any device moved by human power, including, but not limited to, a pushcart, wagon, bicycle, tricycle, pedal-driver cart, other non-motorized conveyance, or other wheeled container or mechanism, or from one's person.
- J. "Merchandise" means any item(s) that can be sold and immediately obtained from a sidewalk vendor, which is not considered food. Items for rent shall not be considered merchandise.
- K. "Owner" shall mean any person or entity owning, or otherwise controlling the operation of any business or activity involving Vending on Public Property.
- L. "Park" means public parkland located within City limits including Devendorf Park, Piccadilly Park, First Murphy Park, Forest Hill Park and Vista Lobos Park.
- M. "Public Property" shall mean any real property, public easement, public street, street median, alley, parkway, public sidewalk, or other interest therein owned, held, leased, operated or otherwise controlled by the City.
- N. "Residential District" means any area zoned exclusively as residential in Title 17 of the Municipal Code.
- O. "Roaming Sidewalk Vendor" shall mean a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
- P. "Service Business" means a commercial enterprise that provides work performed by an individual or team for the benefit of its customers.
- Q. "Scenic Pathway" means the dirt pathway located westerly and parallel to Scenic Road and adjacent to the beach.
- R. "Sidewalk" means that portion other than the roadway, set apart by curbs, barriers, markings or other delineation specifically.
- S. "Sidewalk Vendor" shall mean a person who vends goods or merchandise upon a public sidewalk, including, but not limited to vending from a structure, stand, display, showcase, rack, human powered device or other means.
- T. "Sidewalk vending receptacle" or "sidewalk vendor receptacle" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending activities.
- U. "Special Event" shall mean a City permitted event including, but not limited to, festivals, art shows, and/or cultural events.

- V. "Stationary Sidewalk Vendor" shall mean a sidewalk vendor who vends from a fixed location.
- W. "Vend" or "Vending" shall mean any act of hawking, operating noisemaking devices to attract attention to the vendor, or the displaying, selling, or offering for sale of any displayed goods or merchandise to the public from any carrying device, box, bag, stand, human powered device, or from a vehicle.

### **12.46.030 Permit Required**

- A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Community Planning and Building Director, or the Director's designee, under this chapter. The permit fee shall be established by resolution of the City Council.
- B. No more than ten (10) permits shall be issued by the City that allow sidewalk vending in the commercial or residential districts, including all city-owned parks other than Devendorf Park, in order to protect the public health, safety, and welfare. No more than one commercial/residential permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.
- C. No more than three (3) permits shall be issued by the City that allow sidewalk vending in Devendorf Park in order to prevent undue concentrations of commercial activity and protect the character of the park. No more than one Devendorf Park permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.
- D. Sidewalk vendor permits shall be issued in the order that they are received and deemed complete.
- E. A written application for a sidewalk vendor permit shall be filed with the Community Planning and Building Director, or the Director's designee, on a form provided by the City, and at a minimum, shall contain the following information:
1. The name, address, and telephone number of the person applying to become a sidewalk vendor;
  2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
  3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
  4. The location(s) in the City where the sidewalk vendor intends to operate;

5. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
6. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;
7. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
8. Whether the sidewalk vendor will be selling food, merchandise, or both;
9. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending receptacle for food preparation, and the type of heating element, if any;
10. If the vendor is selling merchandise, a description of the merchandise to be sold;
11. Proof of a valid Health permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code, if Vending food;
12. Proof the person possesses a valid California Department of Tax and Fee Administration seller's permit which notes the City as a location or sub- location, which shall be maintained for the duration of the sidewalk vendor's permit;
13. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;
14. A certification that, to their knowledge and belief, the information contained within the application is true;
15. An acknowledgement that the use of public property as authorized by State Legislation shall be at the sidewalk vendor's own risk, and the sidewalk vendor uses public property at their own risk;
16. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this chapter, any insurance required by the City's Risk Manager and shall name the City as an also named insured under that policy;
17. Any other relevant information required by the Community Planning and Building Director, or the Director's designee; and

18. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

F. Each application for a sidewalk vendor permit shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application and permit is only applicable to the individual(s) named on the application. If said permit is approved, the permittee shall also obtain a City business license to carry on the activities authorized by said permit.

#### **12.46.040 Issuance of Permit**

A. Within thirty (30) calendar days of receiving a complete application, the Community Planning and Building Director, or the Director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if he/she finds based on all of the relevant information that:

1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare, nor shall it violate the ADA rules, restrictions and regulations;
2. The conduct of the sidewalk vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;
3. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;
4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
5. The sidewalk vendor has not had a permit revoked within the past twelve (12) months;

6. The sidewalk vendor's application contains all required information;
7. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process;
8. The sidewalk vendor has satisfied all the requirements of this chapter;
9. The sidewalk vendor has paid all applicable fees as set by City Council resolution;
10. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this chapter;
11. The sidewalk vendor has adequate insurance to protect the City from liability associated with the sidewalk vendor's activities, as determined by the City's Risk Manager, or the Risk Manager's designee, and, if required by the City, the City has been named as an additional insured; and
12. The sidewalk vendor has satisfactorily provided all information requested by the Community Planning and Building Director, or the Director's designee, to consider the vendor's application.

B. A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.

C. Sidewalk vendor permits shall expire one year after issuance, unless renewed on or before the expiration date.

#### **12.46.050 Operating Conditions**

All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

A. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section and shall be in possession of a current Health and Safety permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code and California Seller's Permit.

B. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person.

C. Only one sidewalk vendor is permitted to operate per permit.



- D. The sidewalk vendor shall submit a monthly report to the Community Planning and Building Department identifying the number of hours operated.
- E. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vendor activities and maintained for the duration of the permit.
- F. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended for any reason except for temporary use of the restroom.
- G. Sidewalk vending receptacles shall not be stored on public property and shall be removed from City property when not in active use by a sidewalk vendor.
- H. All sidewalk vendors shall allow a police officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the street vendor's activities, at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food.
- I. Sidewalk vending receptacles and any attachments thereto shall not exceed a total height of forty-eight (48) inches, a total width of thirty-two (32) inches, and a total length of forty-eight (48) inches. An exception is provided for umbrellas or other means of cover and shall be no larger than the minimum required by the Monterey County Health Department; merchandise shall not be affixed to any cover.
- J. No sidewalk vending receptacle shall contain explosive or hazardous materials, other than propane necessary for heating purposes.
- K. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.
- L. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that is discharged on public property. Failure to comply will result in the City taking appropriate action to clean the discharge at the vendor's expense. The vendor permit will thereafter be suspended until such time as the expense associated with cleanup has been reimbursed to the City.
- M. Sidewalk vendors shall comply with all provisions of Chapter 8.68 [Environmentally Acceptable Materials] of this Code.
- N. Sidewalk vendors shall comply with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws.

- O. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area.
- P. Sidewalk vendors shall not use any noise making devices in association with the sale, display or offering for sale of items, such as megaphones, bells, whistles, and the like.
- Q. Sidewalk vendors shall comply with the noise standards provided in Chapter 8.56 of this Code, or any successor chapters.
- R. In parks, sidewalk vendors shall not approach persons to sell food or merchandise.
- S. All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person.
- T. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign.
- U. The sidewalk vendor is permitted a maximum of one sign not exceeding three (3) square feet in area; and no free-standing sign shall be placed on a public street or sidewalk.

**12.46.060 Prohibited Locations**

- A. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:
  - 1. Carmel Beach and the adjacent Scenic Pathway.
  - 2. Mission Trail Nature Preserve.
  - 3. Any public property that does not meet the definition of a sidewalk or pathway including, but not limited to, any alley, intra-block walkway, beach, square, street, street end, or parking lot.
  - 4. Within one hundred (100) feet for the Police and Fire Departments.
  - 5. Within fifty (50) feet of:
    - a. A permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.
    - b. An area designated for a special event permit issued by the City, during the limited duration of the special event, if the City provides the sidewalk vendor any notice, business interruption mitigation, or other rights the City provided to any affected businesses or property owners under the City's special event permit.

- c. The Del Mar Parking Lot including the adjacent sidewalks and restroom area.
  6. Within twenty-five (25) feet of:
    - a. The monuments located within Devendorf Park.
    - b. Another sidewalk vendor.
    - c. Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public.
  7. Within five (5) feet of any:
    - a. Business entrance and/or display window.
    - b. Fire hydrant.
    - c. Intersection of a street and a sidewalk.
    - d. Curb which has been designated as white, yellow, blue, or red zone, or a bus zone.
    - e. Driveway, alley, or entrance to a parking lot or parking garage.
    - f. Trash receptacle, bike rack, bench, bus stop, restroom, or similar public use items.
  8. Sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vending activities on any portion of a commercial district sidewalk that has a width of less than ten (10) feet.
  9. A sidewalk vendor may pass through narrower portions of commercial district sidewalk in order to reach their destination, but shall not conduct business on any portion of sidewalk that is less than ten (10) feet in width.
  10. At any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- B. Stationary sidewalk vendors shall not operate in the residential zoning districts.
- C. Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to lampposts, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers.

**12.46.070 Prohibited Activities**

- A. Sidewalk vendors shall not engage in any of the following activities:
1. Renting merchandise to customers.
  2. Providing a service that is neither defined a merchandise or food.
  3. Displaying or advertising merchandise or food that is not available for immediate sale.
  4. Selling of alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or cannabis.
  5. Using an open flame or charcoal-fueled device on or within any sidewalk vending receptacle.
  6. Using an electrical outlet or power source, or water sources, that is owned by the City or another person other than the sidewalk vendor.
  7. Harassing customers as defined in Section 12.46.020 of this Code.
  8. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale.
  9. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase.
  10. Touching the person(s) being offered food or merchandise without that person(s)' consent.
  11. Placing their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities.
  12. Conducting the retail sales of souvenirs, in accordance with Section 17.14.040.T.13 of this Code.
  13. Operating as a formula food establishment, as defined in Section 17.70.020 of this Code.
- B. Sidewalk vending is permitted during the following times:
1. Within the commercial districts, including any parks contained within these districts, between the hours of 8:00 a.m. and 9:00 p.m. daily.

2. Within residential districts, including any parks contained within these districts, between the hours of 9:00 a.m. and 6:00 p.m. daily.

### **12.46.080 Penalties**

A. As prescribed by State Legislation, violations of this chapter may not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative citation and revocation structure.

B. Except as otherwise provided in this chapter, any violation of this chapter shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

C. If a sidewalk vendor violates any portion of this chapter and cannot present the citing officer with a proof of a valid sidewalk vendor permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

D. Upon proof of a valid sidewalk vendor permit issued by the City, the administrative fines set forth in Subsection 12.46.080.C shall be reduced to the administrative fines set forth in Subsection 12.46.080.B.

E. The Community Planning and Building Director, or the Director's designee, may revoke a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations within one (1) year of the first violation.

### **12.46.090 Appeals**

A. All appeals of administrative citations shall be conducted in accordance with Section 18.04.150 of this Code.

B. Decisions of the Community Planning and Building Director, or the Director's designee, to revoke a permit shall be appealed in the following manner:

1. Request for an appeal hearing shall be processed in accordance with Section 18.04.090 of this Code, or any successor section.
2. Decisions that are appealed shall not become effective until the appeal is resolved.
3. Appeals of decisions shall be made in writing on forms provided by the City.
4. All appeals of decisions shall be heard by a Hearing Officer designated pursuant to Section 18.04.110 of this Code.
5. The Hearing Officer may uphold or deny the decision and the decision of the Hearing Officer shall be final.

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**ORDINANCE NO. 2020-009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AMENDING AND RESTATING CHAPTER 12.46 (SIDEWALK VENDING PROGRAM)  
OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE**

WHEREAS, on September 18, 2018, Governor Brown signed into law Senate Bill (“SB”) 946, which adopts state law that imposes limits on how local authorities, including cities, may regulate sidewalk vending. SB 946 is codified in Government Code 51036 and following; and

WHEREAS, among other things, SB 946 limits city regulation of sidewalk vending to restrictions that are directly related to objective health, safety, or welfare concerns and prohibits punishment for street vending-related violations unless it is through a civil fine; and

WHEREAS, SB 946 recognizes, however, that “California has an interest in the regulation of traffic ... whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk,” and has acknowledged that there are regulations that are directly related to objective health, safety, or welfare concerns that a city may adopt, which include, but are not limited to, regulations concerning hours of operation, sanitation, sidewalk access, health and vendor permits, compliance with other generally applicable laws, registration requirements, and interference with other special events or permitted activities. In addition, state law recognizes that the health, safety, and welfare interest in providing safe school zones and protecting adjacent streets, sidewalks, and public ways from activities that may disrupt school activities and the health and safety of schoolchildren; and

WHEREAS, as a result, on January 8, 2019, the City Council adopted Urgency Ordinance 2018-006, and established a sidewalk vending program (Chapter 12.46 of the municipal code) that provided regulations that directly related to the objective health, safety, and welfare of the City, and consistent with state law. The Urgency Ordinance was extended and currently expires on December 20, 2020. The City desires to ratify, amend and restate, Chapter 12.46 of the municipal code, and make its sidewalk vending program permanent.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Environmental Review.** The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

**SECTION 2. Chapter 12.46 (Sidewalk Vending Program).** Chapter 12.46 of the Carmel-by-the-Sea Municipal Code is amended and restated as set forth in Exhibit A. Sidewalk vending permits issued pursuant to Urgency Ordinance Nos. 2018-006, 2019-005 and 2019-006 will remain in effect until March 1, 2021, and thereafter will expire unless renewed in accordance with Chapter 12.46.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4. Repeal.** Except for the Urgency Ordinance adopted regarding street vending on December 8, 2020, prior Urgency Ordinances on the subject of street vending including, but not limited to, Urgency Ordinance No. 2018-006, Urgency Ordinance No. 2019-005 and Urgency Ordinance No. 2019-006 are hereby repealed.

**SECTION 5. Publication.** The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.



**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-  
THE-SEA this 8<sup>th</sup> day of December, 2020.**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

## **Chapter 12.46 SIDEWALK VENDING PROGRAM**

### **Sections:**

**12.46.010 Purpose and Findings**

**12.46.020 Definitions**

**12.46.030 Permit Required**

**12.46.040 Issuance of Permit**

**12.46.050 Operating Conditions**

**12.46.060 Prohibited Locations**

**12.46.070 Prohibited Activities**

**12.46.080 Penalties**

**12.46.090 Appeals**

### **12.46.010 Purpose and Findings.**

A. Purpose. The purpose of this chapter is to establish a sidewalk vendor permitting and regulatory program that complies with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this chapter bring the City into compliance with Senate Bill 946 by removing total prohibitions on sidewalk vending activities while still permitting regulation and enforcement of such activities. Sections 53036-53039 of the California Government Code confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that vendors on public property provide safe and sanitary conditions for consumers and the general public, are adequately insured, are properly licensed with other agencies, and that the total number of allowed vending permits in the commercial and residential districts is limited. This chapter is adopted pursuant to the City's police powers for the purpose of regulating vending on public property.

B. Findings. The City Council hereby finds that limitations on sidewalk vending are necessary to:

1. Comply with State Legislation;
2. Promote the health, safety and welfare;
3. Ensure that the Goals and Policies of the City's General Plan are upheld;
4. Ensure that the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained;

5. Provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services
6. Protect the quality of life of City residents and minimize disruptions to the quiet enjoyment of residential property by restricting noise- making devices associated with sidewalk vending;
7. Ensure no interference to the performance of police, firefighter, and emergency other medical personnel services;
8. Maximize public access in the commercial districts and along the coast; and
9. Reduce exposure to the City for personal injury or property damage claims and litigation.

C. The City Council hereby finds that the unique characteristics of the City require certain restrictions on sidewalk vending as follows:

1. The majority of the sidewalks and pathways in the City are under ten (10) feet wide and sidewalk vending in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities in compliance with the American with Disabilities Act (ADA);
2. The City's Commercial District and associated sidewalk areas are extremely popular tourist destinations with unusually high pedestrian and vehicular traffic volumes in which most of the segments of sidewalk are under ten (10) feet in width. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the popularity of these tourist destinations and the narrow sidewalks;
3. The majority of the City's Residential District does not contain City- recognized sidewalks and pedestrian access is limited to the roadway. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the lack of recognized sidewalks;
4. Devendorf Park is .60 acres in size and offers passive types of uses such as picnic. A limit on the number of sidewalk vending permits for Devendorf Park is necessary to promote public health, safety and welfare, and to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
5. The Police Department and Fire Department contain critical infrastructure and restrictions around these facilities are necessary to ensuring health, safety and welfare of the public;

6. Carmel Beach is a coastal and scenic resource and restrictions of sidewalk vending on and around the beach are necessary to protect this resource;
7. The Scenic Pathway is a narrow dirt path located adjacent to Carmel Beach and is a popular tourist destination with high pedestrian traffic volumes. Restrictions on sidewalk vending along the path are necessary to protect the public from injury given the popularity of these tourist destinations and the multiple litigation experiences of the City pertaining to this area; and
8. Mission Trail Nature Preserve is natural resource designated as an environmentally sensitive habitat area. Restrictions of sidewalk vending at this location are necessary to preserve this natural resource.

### **12.46.20 Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, California Vehicle Code, or California Government Code.

- A. "Beach" means any public oceanfront, or bay front beach within the City.
- B. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.
- C. "City" means the City of Carmel-by-the-Sea.
- D. "Code" mean the City of Carmel-by-the-Sea Municipal Code.
- E. "Commercial District" means any area zoned exclusively as commercial in Title 17 of the Municipal Code.
- F. "Devendorf Park" means the park space located at the northwest corner of Junipero and Ocean Avenues, excluding the sidewalks around the park grounds.
- G. "Food" means any item provided in Health and Safety Code Section 113781, or any successor section.
- H. "Harassment" mean any form of unauthorized or unpermitted touching, verbal abuse, blockage of pathways or interference with pedestrian traffic.

- I. "Human Powered Device" shall mean any device moved by human power, including, but not limited to, a pushcart, wagon, bicycle, tricycle, pedal-driver cart, other non-motorized conveyance, or other wheeled container or mechanism, or from one's person.
- J. "Merchandise" means any item(s) that can be sold and immediately obtained from a sidewalk vendor, which is not considered food. Items for rent shall not be considered merchandise.
- K. "Owner" shall mean any person or entity owning, or otherwise controlling the operation of any business or activity involving Vending on Public Property.
- L. "Park" means public parkland located within City limits including Devendorf Park, Piccadilly Park, First Murphy Park, Forest Hill Park and Vista Lobos Park.
- M. "Public Property" shall mean any real property, public easement, public street, street median, alley, parkway, public sidewalk, or other interest therein owned, held, leased, operated or otherwise controlled by the City.
- N. "Residential District" means any area zoned exclusively as residential in Title 17 of the Municipal Code.
- O. "Roaming Sidewalk Vendor" shall mean a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
- P. "Service Business" means a commercial enterprise that provides work performed by an individual or team for the benefit of its customers.
- Q. "Scenic Pathway" means the dirt pathway located westerly and parallel to Scenic Road and adjacent to the beach.
- R. "Sidewalk" means that portion other than the roadway, set apart by curbs, barriers, markings or other delineation specifically.
- S. "Sidewalk Vendor" shall mean a person who vends goods or merchandise upon a public sidewalk, including, but not limited to vending from a structure, stand, display, showcase, rack, human powered device or other means.
- T. "Sidewalk vending receptacle" or "sidewalk vendor receptacle" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending activities.
- U. "Special Event" shall mean a City permitted event including, but not limited to, festivals, art shows, and/or cultural events.

- V. "Stationary Sidewalk Vendor" shall mean a sidewalk vendor who vends from a fixed location.
- W. "Vend" or "Vending" shall mean any act of hawking, operating noisemaking devices to attract attention to the vendor, or the displaying, selling, or offering for sale of any displayed goods or merchandise to the public from any carrying device, box, bag, stand, human powered device, or from a vehicle.

### **12.46.030 Permit Required**

- A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Community Planning and Building Director, or the Director's designee, under this chapter. The permit fee shall be established by resolution of the City Council.
- B. No more than ten (10) permits shall be issued by the City that allow sidewalk vending in the commercial or residential districts, including all city-owned parks other than Devendorf Park, in order to protect the public health, safety, and welfare. No more than one commercial/residential permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.
- C. No more than three (3) permits shall be issued by the City that allow sidewalk vending in Devendorf Park in order to prevent undue concentrations of commercial activity and protect the character of the park. No more than one Devendorf Park permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.
- D. Sidewalk vendor permits shall be issued in the order that they are received and deemed complete.
- E. A written application for a sidewalk vendor permit shall be filed with the Community Planning and Building Director, or the Director's designee, on a form provided by the City, and at a minimum, shall contain the following information:
1. The name, address, and telephone number of the person applying to become a sidewalk vendor;
  2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
  3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
  4. The location(s) in the City where the sidewalk vendor intends to operate;

5. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
6. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;
7. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
8. Whether the sidewalk vendor will be selling food, merchandise, or both;
9. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending receptacle for food preparation, and the type of heating element, if any;
10. If the vendor is selling merchandise, a description of the merchandise to be sold;
11. Proof of a valid Health permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code, if Vending food;
12. Proof the person possesses a valid California Department of Tax and Fee Administration seller's permit which notes the City as a location or sub- location, which shall be maintained for the duration of the sidewalk vendor's permit;
13. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;
14. A certification that, to their knowledge and belief, the information contained within the application is true;
15. An acknowledgement that the use of public property as authorized by State Legislation shall be at the sidewalk vendor's own risk, and the sidewalk vendor uses public property at their own risk;
16. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this chapter, any insurance required by the City's Risk Manager and shall name the City as an also named insured under that policy;
17. Any other relevant information required by the Community Planning and Building Director, or the Director's designee; and

18. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

F. Each application for a sidewalk vendor permit shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application and permit is only applicable to the individual(s) named on the application. If said permit is approved, the permittee shall also obtain a City business license to carry on the activities authorized by said permit.

#### **12.46.040 Issuance of Permit**

A. Within thirty (30) calendar days of receiving a complete application, the Community Planning and Building Director, or the Director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if he/she finds based on all of the relevant information that:

1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare, nor shall it violate the ADA rules, restrictions and regulations;
2. The conduct of the sidewalk vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;
3. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;
4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
5. The sidewalk vendor has not had a permit revoked within the past twelve (12) months;



6. The sidewalk vendor's application contains all required information;
7. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process;
8. The sidewalk vendor has satisfied all the requirements of this chapter;
9. The sidewalk vendor has paid all applicable fees as set by City Council resolution;
10. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this chapter;
11. The sidewalk vendor has adequate insurance to protect the City from liability associated with the sidewalk vendor's activities, as determined by the City's Risk Manager, or the Risk Manager's designee, and, if required by the City, the City has been named as an additional insured; and
12. The sidewalk vendor has satisfactorily provided all information requested by the Community Planning and Building Director, or the Director's designee, to consider the vendor's application.

B. A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.

C. Sidewalk vendor permits shall expire one year after issuance, unless renewed on or before the expiration date.

#### **12.46.050 Operating Conditions**

All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

A. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section and shall be in possession of a current Health and Safety permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code and California Seller's Permit.

B. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person.

C. Only one sidewalk vendor is permitted to operate per permit.

D. The sidewalk vendor shall submit a monthly report to the Community Planning and Building Department identifying the number of hours operated.

E. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vendor activities and maintained for the duration of the permit.

F. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended for any reason except for temporary use of the restroom.

G. Sidewalk vending receptacles shall not be stored on public property and shall be removed from City property when not in active use by a sidewalk vendor.

H. All sidewalk vendors shall allow a police officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the street vendor's activities, at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food.

I. Sidewalk vending receptacles and any attachments thereto shall not exceed a total height of forty-eight (48) inches, a total width of thirty-two (32) inches, and a total length of forty-eight (48) inches. An exception is provided for umbrellas or other means of cover and shall be no larger than the minimum required by the Monterey County Health Department; merchandise shall not be affixed to any cover.

J. No sidewalk vending receptacle shall contain explosive or hazardous materials, other than propane necessary for heating purposes.

K. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.

L. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that is discharged on public property. Failure to comply will result in the City taking appropriate action to clean the discharge at the vendor's expense. The vendor permit will thereafter be suspended until such time as the expense associated with cleanup has been reimbursed to the City.

M. Sidewalk vendors shall comply with all provisions of Chapter 8.68 [Environmentally Acceptable Materials] of this Code.

N. Sidewalk vendors shall comply with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws.

- O. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area.
- P. Sidewalk vendors shall not use any noise making devices in association with the sale, display or offering for sale of items, such as megaphones, bells, whistles, and the like.
- Q. Sidewalk vendors shall comply with the noise standards provided in Chapter 8.56 of this Code, or any successor chapters.
- R. In parks, sidewalk vendors shall not approach persons to sell food or merchandise.
- S. All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person.
- T. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign.
- U. The sidewalk vendor is permitted a maximum of one sign not exceeding three (3) square feet in area; and no free-standing sign shall be placed on a public street or sidewalk.

#### **12.46.060 Prohibited Locations**

- A. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:
1. Carmel Beach and the adjacent Scenic Pathway.
  2. Mission Trail Nature Preserve.
  3. Any public property that does not meet the definition of a sidewalk or pathway including, but not limited to, any alley, intra-block walkway, beach, square, street, street end, or parking lot.
  4. Within one hundred (100) feet for the Police and Fire Departments.
  5. Within fifty (50) feet of:
    - a. A permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.
    - b. An area designated for a special event permit issued by the City, during the limited duration of the special event, if the City provides the sidewalk vendor any notice, business interruption mitigation, or other rights the City provided to any affected businesses or property owners under the City's special event permit.

- c. The Del Mar Parking Lot including the adjacent sidewalks and restroom area.
  6. Within twenty-five (25) feet of:
    - a. The monuments located within Devendorf Park.
    - b. Another sidewalk vendor.
    - c. Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public.
  7. Within five (5) feet of any:
    - a. Business entrance and/or display window.
    - b. Fire hydrant.
    - c. Intersection of a street and a sidewalk.
    - d. Curb which has been designated as white, yellow, blue, or red zone, or a bus zone.
    - e. Driveway, alley, or entrance to a parking lot or parking garage.
    - f. Trash receptacle, bike rack, bench, bus stop, restroom, or similar public use items.
  8. Sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vending activities on any portion of a commercial district sidewalk that has a width of less than ten (10) feet.
  9. A sidewalk vendor may pass through narrower portions of commercial district sidewalk in order to reach their destination, but shall not conduct business on any portion of sidewalk that is less than ten (10) feet in width.
  10. At any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- B. Stationary sidewalk vendors shall not operate in the residential zoning districts.
- C. Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to lampposts, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers.

**12.46.070 Prohibited Activities**

- A. Sidewalk vendors shall not engage in any of the following activities:
1. Renting merchandise to customers.
  2. Providing a service that is neither defined a merchandise or food.
  3. Displaying or advertising merchandise or food that is not available for immediate sale.
  4. Selling of alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or cannabis.
  5. Using an open flame or charcoal-fueled device on or within any sidewalk vending receptacle.
  6. Using an electrical outlet or power source, or water sources, that is owned by the City or another person other than the sidewalk vendor.
  7. Harassing customers as defined in Section 12.46.020 of this Code.
  8. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale.
  9. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase.
  10. Touching the person(s) being offered food or merchandise without that person(s)' consent.
  11. Placing their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities.
  12. Conducting the retail sales of souvenirs, in accordance with Section 17.14.040.T.13 of this Code.
  13. Operating as a formula food establishment, as defined in Section 17.70.020 of this Code.
- B. Sidewalk vending is permitted during the following times:
1. Within the commercial districts, including any parks contained within these districts, between the hours of 8:00 a.m. and 9:00 p.m. daily.

2. Within residential districts, including any parks contained within these districts, between the hours of 9:00 a.m. and 6:00 p.m. daily.

### **12.46.080 Penalties**

A. As prescribed by State Legislation, violations of this chapter may not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative citation and revocation structure.

B. Except as otherwise provided in this chapter, any violation of this chapter shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

C. If a sidewalk vendor violates any portion of this chapter and cannot present the citing officer with a proof of a valid sidewalk vendor permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

D. Upon proof of a valid sidewalk vendor permit issued by the City, the administrative fines set forth in Subsection 12.46.080.C shall be reduced to the administrative fines set forth in Subsection 12.46.080.B.

E. The Community Planning and Building Director, or the Director's designee, may revoke a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations within one (1) year of the first violation.

### **12.46.090 Appeals**

A. All appeals of administrative citations shall be conducted in accordance with Section 18.04.150 of this Code.

B. Decisions of the Community Planning and Building Director, or the Director's designee, to revoke a permit shall be appealed in the following manner:

1. Request for an appeal hearing shall be processed in accordance with Section 18.04.090 of this Code, or any successor section.
2. Decisions that are appealed shall not become effective until the appeal is resolved.
3. Appeals of decisions shall be made in writing on forms provided by the City.
4. All appeals of decisions shall be heard by a Hearing Officer designated pursuant to Section 18.04.110 of this Code.
5. The Hearing Officer may uphold or deny the decision and the decision of the Hearing Officer shall be final.

**Chapter 12.46**  
**SIDEWALK VENDING PROGRAM**

**Sections:**

- 12.46.010 Purpose and Findings**
- 12.46.020 Definitions**
- 12.46.030 Permit Required**
- 12.46.040 Issuance of Permit**
- 12.46.050 Operating Conditions**
- 12.46.060 Prohibited Locations**
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- 12.46.080 Penalties**
- 12.46.090 Appeals**

**12.46.010 Purpose and Findings.**

A. Purpose. The purpose of this chapter is to establish a sidewalk vendor permitting and regulatory program that complies with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this chapter bring the City into compliance with Senate Bill 946 by removing total prohibitions on sidewalk vending activities while still permitting regulation and enforcement of such activities. Sections 53036-53039 of the California Government Code confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that vendors on public property provide safe and sanitary conditions for consumers and the general public, are adequately insured, are properly licensed with other agencies, and that the total number of allowed vending permits in the commercial and residential districts is limited. This chapter is adopted pursuant to the City's police powers for the purpose of regulating vending on public property.

B. Findings. The City Council hereby finds that limitations on sidewalk vending are necessary to:

1. Comply with State Legislation;
2. Promote the health, safety and welfare;
3. Ensure that the Goals and Policies of the City's General Plan are upheld;
4. Ensure that the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained;



5. Provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services
6. Protect the quality of life of City residents and minimize disruptions to the quiet enjoyment of residential property by restricting noise- making devices associated with sidewalk vending;
7. Ensure no interference to the performance of police, firefighter, and emergency other medical personnel services;
8. Maximize public access in the commercial districts and along the coast; and
9. Reduce exposure to the City for personal injury or property damage claims and litigation.

C. The City Council hereby finds that the unique characteristics of the City require certain restrictions on sidewalk vending as follows:

1. The majority of the sidewalks and pathways in the City are under ten (10) feet wide and sidewalk vending in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities in compliance with the American with Disabilities Act (ADA);
2. The City's Commercial District and associated sidewalk areas are extremely popular tourist destinations with unusually high pedestrian and vehicular traffic volumes in which most of the segments of sidewalk are under ten (10) feet in width. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the popularity of these tourist destinations and the narrow sidewalks;
3. The majority of the City's Residential District does not contain City-recognized sidewalks and pedestrian access is limited to the roadway. A limit on the number of sidewalk vending permits issued by the City is necessary to protect the public from injury given the lack of recognized sidewalks;
4. Devendorf Park is .60 acres in size and offers passive types of uses such as picnic. A limit on the number of sidewalk vending permits for Devendorf Park is necessary to promote public health, safety and welfare, and to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
5. The Police Department and Fire Department contain critical infrastructure and restrictions around these facilities are necessary to ensuring health, safety and welfare of the public;

6. Carmel Beach is a coastal and scenic resource and restrictions of sidewalk vending on and around the beach are necessary to protect this resource;
7. The Scenic Pathway is a narrow dirt path located adjacent to Carmel Beach and is a popular tourist destination with high pedestrian traffic volumes. Restrictions on sidewalk vending along the path are necessary to protect the public from injury given the popularity of these tourist destinations and the multiple litigation experiences of the City pertaining to this area; and
8. Mission Trail Nature Preserve is natural resource designated as an environmentally sensitive habitat area. Restrictions of sidewalk vending at this location are necessary to preserve this natural resource.

### **12.46.020 Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, California Vehicle Code, or California Government Code.

- A. "Beach" means any public oceanfront, or bay front beach within the City.
- B. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.
- C. "City" means the City of Carmel-by-the-Sea.
- D. "Code" mean the City of Carmel-by-the-Sea Municipal Code.
- E. "Commercial District" means any area zoned exclusively as commercial in Title 17 of the Municipal Code.
- F. "Devendorf Park" means the park space located at the northwest corner of Junipero and Ocean Avenues, excluding the sidewalks around the park grounds.
- G. "Food" means any item provided in Health and Safety Code Section 113781, or any successor section.
- H. "Harassment" mean any form of unauthorized or unpermitted touching, verbal abuse, blockage of pathways or interference with pedestrian traffic.
- I. "Human Powered Device" shall mean any device moved by human power, including, but not limited to, a pushcart, wagon, bicycle, tricycle, pedal-driver cart,

other non-motorized conveyance, or other wheeled container or mechanism, or from one's person.

- J. "Merchandise" means any item(s) that can be sold and immediately obtained from a sidewalk vendor, which is not considered food. Items for rent shall not be considered merchandise.
- K. "Owner" shall mean any person or entity owning, or otherwise controlling the operation of any business or activity involving Vending on Public Property.
- L. "Park" means public parkland located within City limits including Devendorf Park, Piccadilly Park, First Murphy Park, Forest Hill Park and Vista Lobos Park.
- M. "Public Property" shall mean any real property, public easement, public street, street median, alley, parkway, public sidewalk, or other interest therein owned, held, leased, operated or otherwise controlled by the City.
- N. "Residential District" means any area zoned exclusively as residential in Title 17 of the Municipal Code.
- O. "Roaming Sidewalk Vendor" shall mean a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
- P. "Service Business" means a commercial enterprise that provides work performed by an individual or team for the benefit of its customers.
- Q. "Scenic Pathway" means the dirt pathway located westerly and parallel to Scenic Road and adjacent to the beach.
- R. "Sidewalk" means that portion other than the roadway, set apart by curbs, barriers, markings or other delineation specifically.
- S. "Sidewalk Vendor" shall mean a person who vends goods or merchandise upon a public sidewalk, including, but not limited to vending from a structure, stand, display, showcase, rack, human powered device or other means.
- T. "Sidewalk vending receptacle" or "sidewalk vendor receptacle" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending activities.
- U. "Special Event" shall mean a City permitted event including, but not limited to, festivals, art shows, and/or cultural events.
- V. "Stationary Sidewalk Vendor" shall mean a sidewalk vendor who vends from a fixed location.
- W. "Vend" or "Vending" shall mean any act of hawking, operating noisemaking devices to attract attention to the vendor, or the displaying, selling, or offering for sale of

any displayed goods or merchandise to the public from any carrying device, box, bag, stand, human powered device, or from a vehicle.

#### **12.46.030 Permit Required**

A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Community Planning and Building Director, or the Director's designee, under this chapter. The permit fee shall be established by resolution of the City Council.

B. No more than ten (10) permits shall be issued by the City that allow sidewalk vending in the commercial or residential districts, including all city-owned parks other than Devendorf Park, in order to protect the public health, safety, and welfare. No more than one commercial/residential permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.

C. No more than three (3) permits shall be issued by the City that allow sidewalk vending in Devendorf Park in order to prevent undue concentrations of commercial activity and protect the character of the park. No more than one Devendorf Park permit shall be issued to an individual sidewalk vendor and only one vending receptacle is permitted per permit.

D. Sidewalk vendor permits shall be issued in the order that they are received and deemed complete.

E. A written application for a sidewalk vendor permit shall be filed with the Community Planning and Building Director, or the Director's designee, on a form provided by the City, and at a minimum, shall contain the following information:

1. The name, address, and telephone number of the person applying to become a sidewalk vendor;
2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
4. The location(s) in the City where the sidewalk vendor intends to operate;
5. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
6. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;

7. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
8. Whether the sidewalk vendor will be selling food, merchandise, or both;
9. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending receptacle for food preparation, and the type of heating element, if any;
10. If the vendor is selling merchandise, a description of the merchandise to be sold;
11. Proof of a valid Health permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code, if Vending food;
12. Proof the person possesses a valid California Department of Tax and Fee Administration seller's permit which notes the City as a location or sub-location, which shall be maintained for the duration of the sidewalk vendor's permit;
13. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;
14. A certification that, to their knowledge and belief, the information contained within the application is true;
15. An acknowledgement that the use of public property as authorized by State Legislation shall be at the sidewalk vendor's own risk, and the sidewalk vendor uses public property at their own risk;
16. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this chapter, any insurance required by the City's Risk Manager and shall name the City as an also named insured under that policy;
17. Any other relevant information required by the Community Planning and Building Director, or the Director's designee; and
18. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or

indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

F. Each application for a sidewalk vendor permit shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application and permit is only applicable to the individual(s) named on the application. If said permit is approved, the permittee shall also obtain a City business license to carry on the activities authorized by said permit.

#### **12.46.040 Issuance of Permit**

A. Within thirty (30) calendar days of receiving a complete application, the Community Planning and Building Director, or the Director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if he/she finds based on all of the relevant information that:

1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare, nor shall it violate the ADA rules, restrictions and regulations;
2. The conduct of the sidewalk vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;
3. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;
4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
5. The sidewalk vendor has not had a permit revoked within the past twelve (12) months;
6. The sidewalk vendor's application contains all required information;
7. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process;

8. The sidewalk vendor has satisfied all the requirements of this chapter;
9. The sidewalk vendor has paid all applicable fees as set by City Council resolution;
10. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this chapter;
11. The sidewalk vendor has adequate insurance to protect the City from liability associated with the sidewalk vendor's activities, as determined by the City's Risk Manager, or the Risk Manager's designee, and, if required by the City, the City has been named as an additional insured; and
12. The sidewalk vendor has satisfactorily provided all information requested by the Community Planning and Building Director, or the Director's designee, to consider the vendor's application.

B. A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.

C. Sidewalk vendor permits shall expire one year after issuance, unless renewed on or before the expiration date.

#### **12.46.050 Operating Conditions**

All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

A. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section and shall be in possession of a current Health and Safety permit issued by the Monterey County Health Department in accordance with Part 7 of the California Health and Safety Code and California Seller's Permit.

B. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person.

C. Only one sidewalk vendor is permitted to operate per permit.

- D. The sidewalk vendor shall submit a monthly report to the Community Planning and Building Department identifying the number of hours operated.
- E. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vendor activities and maintained for the duration of the permit.
- F. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended for any reason except for temporary use of the restroom.
- G. Sidewalk vending receptacles shall not be stored on public property and shall be removed from City property when not in active use by a sidewalk vendor.
- H. All sidewalk vendors shall allow a police officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the street vendor's activities, at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food.
- I. Sidewalk vending receptacles and any attachments thereto shall not exceed a total height of forty-eight (48) inches, a total width of thirty-two (32) inches, and a total length of forty-eight (48) inches. An exception is provided for umbrellas or other means of cover and shall be no larger than the minimum required by the Monterey County Health Department; merchandise shall not be affixed to any cover.
- J. No sidewalk vending receptacle shall contain explosive or hazardous materials, other than propane necessary for heating purposes.
- K. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.
- L. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that is discharged on public property. Failure to comply will result in the City taking appropriate action to clean the discharge at the vendor's expense. The vendor permit will thereafter be suspended until such time as the expense associated with cleanup has been reimbursed to the City.
- M. Sidewalk vendors shall comply with all provisions of Chapter 8.68 [Environmentally Acceptable Materials] of this Code.
- N. Sidewalk vendors shall comply with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws.
- O. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area.



P. Sidewalk vendors shall not use any noise making devices in association with the sale, display or offering for sale of items, such as megaphones, bells, whistles, and the like.

Q. Sidewalk vendors shall comply with the noise standards provided in Chapter 8.56 of this Code, or any successor chapters.

R. In parks, sidewalk vendors shall not approach persons to sell food or merchandise.

S. All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person.

T. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign.

U. The sidewalk vendor is permitted a maximum of one sign not exceeding three (3) square feet in area; and no free-standing sign shall be placed on a public street or sidewalk.

#### **12.46.060 Prohibited Locations**

A. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:

1. Carmel Beach and the adjacent Scenic Pathway.
2. Mission Trail Nature Preserve.
3. Any public property that does not meet the definition of a sidewalk or pathway including, but not limited to, any alley, intra-block walkway, beach, square, street, street end, or parking lot.
4. Within one hundred (100) feet for the Police and Fire Departments.
5. Within fifty (50) feet of:
  - a. A permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.
  - b. An area designated for a special event permit issued by the City, during the limited duration of the special event, if the City provides the sidewalk vendor any notice, business interruption mitigation, or other rights the City provided to any affected businesses or property owners under the City's special event permit.
  - c. The Del Mar Parking Lot including the adjacent sidewalks and restroom area.

6. Within twenty-five (25) feet of:
    - a. The monuments located within Devendorf Park.
    - b. Another sidewalk vendor.
    - c. Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public.
  
  7. Within five (5) feet of any:
    - a. Business entrance and/or display window.
    - b. Fire hydrant.
    - c. Intersection of a street and a sidewalk.
    - d. Curb which has been designated as white, yellow, blue, or red zone, or a bus zone.
    - e. Driveway, alley, or entrance to a parking lot or parking garage.
    - f. Trash receptacle, bike rack, bench, bus stop, restroom, or similar public use items.
  
  8. Sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vending activities on any portion of a commercial district sidewalk that has a width of less than ten (10) feet.
  
  9. A sidewalk vendor may pass through narrower portions of commercial district sidewalk in order to reach their destination, but shall not conduct business on any portion of sidewalk that is less than ten (10) feet in width.
  
  10. At any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- B. Stationary sidewalk vendors shall not operate in the residential zoning districts.
- C. Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to lampposts, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers.

**12.46.070 Prohibited Activities**

A. Sidewalk vendors shall not engage in any of the following activities:

1. Renting merchandise to customers.
2. Providing a service that is neither defined a merchandise or food.
3. Displaying or advertising merchandise or food that is not available for immediate sale.
4. Selling of alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or cannabis.
5. Using an open flame or charcoal-fueled device on or within any sidewalk vending receptacle.
6. Using an electrical outlet or power source, or water sources, that is owned by the City or another person other than the sidewalk vendor.
7. Harassing customers as defined in Section 12.46.020 of this Code.
8. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale.
9. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase.
10. Touching the person(s) being offered food or merchandise without that person(s)' consent.
11. Placing their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities.
12. Conducting the retail sales of souvenirs, in accordance with Section 17.14.040.T.13 of this Code.
13. Operating as a formula food establishment, as defined in Section 17.70.020 of this Code.

B. Sidewalk vending is permitted during the following times:

1. Within the commercial districts, including any parks contained within these districts, between the hours of 8:00 a.m. and 9:00 p.m. daily.
2. Within residential districts, including any parks contained within these districts, between the hours of 9:00 a.m. and 6:00 p.m. daily.

**12.46.080 Penalties**

A. As prescribed by State Legislation, violations of this chapter may not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative citation and revocation structure.

B. Except as otherwise provided in this chapter, any violation of this chapter shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

C. If a sidewalk vendor violates any portion of this chapter and cannot present the citing officer with a proof of a valid sidewalk vendor permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:

1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

D. Upon proof of a valid sidewalk vendor permit issued by the City, the administrative fines set forth in Subsection 12.46.080.C shall be reduced to the administrative fines set forth in Subsection 12.46.080.B.

E. The Community Planning and Building Director, or the Director's designee, may revoke a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations within one (1) year of the first violation.

**12.46.090 Appeals**

A. All appeals of administrative citations shall be conducted in accordance with Section 18.04.150 of this Code.

B. Decisions of the Community Planning and Building Director, or the Director's designee, to revoke a permit shall be appealed in the following manner:

1. Request for an appeal hearing shall be processed in accordance with Section

18.04.090 of this Code, or any successor section.

2. Decisions that are appealed shall not become effective until the appeal is resolved.
3. Appeals of decisions shall be made in writing on forms provided by the City.
4. All appeals of decisions shall be heard by a Hearing Officer designated pursuant to Section 18.04.110 of this Code.
5. The Hearing Officer may uphold or deny the decision and the decision of the Hearing Officer shall be final.



# CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 8, 2020  
PUBLIC HEARINGS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Sharon Friedrichsen - Director, Contracts and Budgets
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2020-087 declaring results of majority protest proceedings and renewing the Carmel Hospitality Improvement District for a term of March 1, 2021 through February 28, 2031 and Resolution 2020-088 authorizing the City Administrator to execute a Professional Services Agreement with Visit Carmel to serve as the Carmel Hospitality Improvement District Owners' Association for a term of March 1, 2021 through February 28, 2031

## RECOMMENDATION:

1. Adopt Resolution 2020-087 declaring results of majority protest proceedings and renewing the Carmel Hospitality Improvement District for a term of March 1, 2021 through February 28, 2031.
2. Adopt Resolution 2020-088 authorizing the City Administrator to execute a Professional Services Agreement with Visit Carmel to serve as the Carmel Hospitality Improvement District Owners' Association for a term of March 1, 2021 through February 28, 2031.

## BACKGROUND/SUMMARY:

California Property and Business Improvement Law of 1994 ("1994 Law"), California Streets and Highways Code §36600 et seq. authorizes cities to establish business improvement districts for the purposes of promoting tourism. The Carmel Hospitality Improvement District (CHID) is an assessment district formed under the 1994 Law that currently assesses a rate of 1% of gross short-term room rental revenue on all lodging businesses located within the City's boundary to fund marketing and other programs to increase overnight room sales. The CHID has a 5-year term that expires on February 28, 2021.

State law allows any district that will expire to be renewed for up to ten (10) years. Accordingly, Visit Carmel has prepared a new Management District Plan ("Plan") that proposes:

1. A renewal term of 10 years effective 3/1/2021 through 2/28/2031.
2. An assessment rate set to 2% of gross short term room rental revenue, with the ability to raise the assessment rate by no more than .05% in any year up to a maximum of 3%.
3. An anticipated annual budget of \$800,000 or \$8 million over the 10 year term.
4. An initial budget of \$560,000 (70%) for marketing, public relations and sales; \$144,000 (18%) for administration, \$88,000 (11%) for contingency/reserve and \$8,000 (1%) for collections for a total budget of \$800,000.

5. A revised definition of lodging businesses to exclude vacation rentals, time-share facilities and recreational vehicle parks from the assessment.

In order for a district to be renewed, a sequence of actions must occur as outlined within California Streets and Highways Code §36600 et seq. Upon receiving a written petition signed by the property or business owners who will pay more than 50% of the total amount of assessments proposed to be levied, the City Council adopted a resolution of intention to renew the CHID on October 6, 2020. As required by Streets and Highways Code section 36623 and Government Code section 54954.6(c), the resolution of intention set a date for the public meeting on November 3, 2020 at 4:30 p.m., and the public hearing on December 8, 2020 at 4:30 p.m., and directed the city clerk to provide written notice. On November 3, 2020, Council conducted a public meeting to receive testimony regarding the renewal of the CHID and the levying of assessments, as required by Government Code section 54954.6 and the adopted resolution of intention.

The purpose of this agenda item is to hold a public hearing to receive the testimony of all interested persons for or against the renewal of the CHID, including the receipt of oral or written protests from interested business owners to be assessed under the Plan, as required under Government Code section 54954.6 and Streets and Highways Code section 36623.

The authority of the City Council to make changes to the proposed assessment or type of improvements is set forth in Streets and Highways Code Section 36624 which provides as follows:

“At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.”

At the conclusion of the public hearing, Council may:

1. Council may “adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments” in accordance with Streets and Highways Code section 36624. However, the proposed assessments may only be revised by reducing any or all of them. In addition, at the public hearing, the Council may make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities.
1. If there is no majority protest, Council may adopt the attached resolution to renew the CHID in accordance with Streets and Highways Code section 36625 with changes, if any, directed by the Council as authorized by section 36624.. However, if there are of record written or oral protests by owners of the lodging businesses within the CHID that will pay more than 50% of the estimated total assessment of the entire CHID, no further proceedings to renew the CHID shall occur for a period of one year.

If Council adopts the resolution to renew the CHID, it is also recommended that Council adopt a resolution authorizing the City Administrator to execute an agreement with Visit Carmel to continue to serve as the owners’ association for the CHID. An owners’ association is defined within Streets and Highways Code §36612 as a private nonprofit entity that is under contract with a city to administer or implement

improvements, maintenance, and activities specified in the management district plan. In accordance with Streets and Highways Code §36615, "the management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services."

#### **FISCAL IMPACT:**

In addition to the 10% transient occupancy tax collected by lodging establishments on behalf of the City, under the terms of the current CHID guests staying overnight within a lodging business within Carmel-by-the-Sea are assessed 1% of the gross room rental rate for the CHID and either \$1 or \$2 per night for the Monterey County Tourism Improvement District. Under the proposed renewal of the CHID, the assessment rate would increase to 2%, with the ability to raise the assessment rate by no more than .05% in any year up to a maximum of 3%.

The CHID assessment is collected by the City and remitted to Visit Carmel for marketing and other programs outlined within the Plan. The City will receive 1% for collections, which based upon the anticipated annual budget of \$800,000, would be \$8,000. However, in order to ensure that the City is able to recoup its costs over the 10 year term, the City will receive a minimum of \$6,500 per year, which may be adjusted annually as needed.

#### **PRIOR CITY COUNCIL ACTION:**

Council adopted Resolution 2020-068 Declaring Its Intention to Renew the Carmel Hospitality District on October 6, 2020 and held a public meeting to receive testimony on renewing the CHID and levying assessments on November 3, 2020.

#### **ATTACHMENTS:**

Attachment #1 - Resolution 2020-087-Declare Protest Results and Renew CHID

Attachment #2-Carmel\_CHID Renewal\_Management District Plan

Attachment #3 - Resolution 2020-088-Authorize Visit Carmel Agreement

Attachment #4 -Visit Carmel Contract with City for CHID OA

Attachment #5- Visit Carmel Agreement-Exhibit A



**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-087**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
DECLARING THE RESULTS OF THE MAJORITY PROTEST PROCEEDINGS AND  
APPROVING THE RENEWAL OF THE CARMEL HOSPITALITY IMPROVEMENT DISTRICT**

WHEREAS, the Property and Business Improvement Law of 1994, California Streets and Highways Code §36600 *et seq.* authorizes the City to establish business improvement districts upon petition by weighted majority of the lodging business owners located within the boundaries of the district;

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner within the boundaries of the Carmel Hospitality Improvement District (CHID) have petitioned the City Council to renew the CHID; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that described the proposed assessment to be levied on lodging businesses within the CHID to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Plan; and

WHEREAS, the assessed lodging businesses within the CHID will receive a specific benefit from the activities and improvements set forth in the Plan; and

WHEREAS, on October 6, 2020, at 4:30 PM at City Hall, eastside of Monte Verde Street between Ocean and Seventh Avenues, the City Council adopted a Resolution of Intention, Resolution 2020-068; and

WHEREAS, on November 3, 2020, at 4:30 PM at City Hall, eastside of Monte Verde Street between Ocean and Seventh Avenues, the City Council held a public meeting regarding the renewal of the CHID and City Council heard and received objections and protests, if any, to the renewal of the CHID and the levy of the proposed assessment; and

WHEREAS, on December 8, 2020, at 4:30 PM at City Hall, eastside of Monte Verde Street between Ocean and Seventh Avenues, the City Council held a public hearing regarding the renewal of the CHID and City Council heard and received objections and protests, if any, to the renewal of the CHID and the levy of the proposed assessment; and

WHEREAS, the City Clerk, at the conclusion of the public hearing, has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the district which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business; and

WHEREAS, the City bears the burden of proving by a preponderance of the evidence that an assessment imposed for a specific benefit or specific government service is not a tax, that the amount is no more than necessary to cover the costs to the City in providing the specific benefit or specific government service, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the specific benefits or specific government services received by the payor.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY DETERMINE AS FOLLOWS:**

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.
2. The assessments levied for the CHID shall be applied towards sales, promotions and marketing programs to market Carmel lodging businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Plan. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.
3. The CHID shall include all lodging business located within the boundaries of the City of Carmel-by-the-Sea. A boundary map is attached hereto and incorporated herein as Exhibit A by reference. The lodging businesses within the boundaries of the CHID, as reflected in Exhibit A, and renewed pursuant to this resolution, shall be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).
4. The activities to be provided to benefit businesses in the district will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the district; to provide activities or improvements outside the CHID; or for any purpose other than the purposes specified in the Resolution of Intention, as may be modified by the Council pursuant to this Resolution and reflected in the Plan.
5. The City Council finds as follows:
  - a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the CHID that is not provided to those not paying the assessment.
  - b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
  - c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

d) Assessments imposed pursuant to the CHID are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the "CHID Assessment."

6. The assessments for the entire District will total approximately \$800,000 in year one.

7. Bonds shall not be issued to fund the CHID.

8. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the CHID assessment is levied as long as they are used consistent with the requirements set forth herein.

9. The assessments to fund the activities and improvements for the CHID will be collected by the City on a bi-monthly basis, and in accordance with Streets and Highways Code §36631.

10. The Carmel Hospitality Improvement District is hereby renewed for a ten (10) year term, beginning March 1, 2021 through February 28, 2031.

11. The Plan dated August 1, 2020, as Updated October 6, 2020, is hereby adopted and approved; and

**BE IT FURTHER RESOLVED**, that the City Council, through adoption of this Resolution and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the CHID as defined in Streets and Highways Code §36614.5. The City Council has determined that Visit Carmel shall be the Owners' Association; and

**BE IT FURTHER RESOLVED**, that Visit Carmel, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the district; and

**BE IT FURTHER RESOLVED**, that the City Clerk, or his or her designee, is directed to take all necessary actions to complete the renewal of the CHID and to levy the assessments; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its adoption by Council.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 8th day of December, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

**EXHIBIT A**  
**District Boundaries**





**CARMEL HOSPITALITY  
IMPROVEMENT DISTRICT  
MANAGEMENT DISTRICT PLAN**

**CONTENTS**

I.	OVERVIEW.....	3
II.	BACKGROUND.....	4
III.	EXISTING CHID AND RENEWAL.....	5
IV.	BOUNDARY.....	7
V.	SERVICES.....	8
	A. Integrated Marketing Program.....	8
	B. Administration.....	8
	C. Contingency/Reserve.....	8
	D. City Collection Fee.....	8
VI.	BUDGET.....	9
	A. Annual Budget.....	9
	B. Budget Allocations.....	9
	C. GAAP Compliance.....	9
VII.	ASSESSMENT.....	10
	A. Assessment.....	10
	B. Penalties and Interest.....	10
	C. Time and Manner for Collecting Assessments.....	11
VIII.	CALIFORNIA CONSTITUTIONAL COMPLIANCE.....	12
	A. Specific Benefit.....	12
	B. Specific Government Service.....	13
	C. Reasonable Cost.....	13
IX.	GOVERNANCE.....	14
	A. Owners' Association.....	14
	B. Brown Act and California Public Records Act Compliance.....	14
	C. Annual Report.....	14
	APPENDIX 1 – LAW.....	15
	APPENDIX 2 – ASSESSED BUSINESSES.....	27

## I. OVERVIEW

Developed by the City of Carmel-by-the-Sea, Visit Carmel, and Carmel lodging businesses, the Carmel Hospitality Improvement District (CHID) is an assessment district formed to provide targeted marketing to specifically benefit assessed businesses. This approach has been used successfully for the past five years in Carmel-by-the-Sea pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). The CHID is proposed to be renewed for ten (10) years as allowed by the PBID Law and this Management District Plan (Plan) sets forth the services to be provided and budget of the CHID, assessments to be levied to fund the CHID, special benefits provided to the assessed businesses, and implementation and governance of the CHID.

*Location:* The CHID includes all lodging businesses within the City boundaries of the City of Carmel-by-the-Sea, as shown on the map in Section IV Boundary.

*Services:* The CHID is designed to provide specific benefits directly to payors through targeted marketing services designed to increase overnight tourism and associated room sales and revenue therefrom for assessed businesses, with particular concentration on increasing overnight sales during lower visitation periods.

*Budget:* The total CHID annual budget for the *initial* year of its ten (10)-year renewed term is anticipated to be approximately \$800,000. This budget is expected to fluctuate as occupancy rates stabilize and room rates vary.

*Cost:* The annual assessment rate shall be two percent (2%) of gross room rental revenue on short term stays (less than 31 days), with the ability to raise the assessment rate by no more than one-half of one percent (0.5%) in any one year up to a maximum of three percent (3%), as specified in Section VII. Assessments will not be collected on gross room rental revenue resulting from stays following the thirtieth (30th) consecutive day of occupancy, nor on stays by any Federal or State of California officer or employee when on official business, nor on stays by any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty.

*Collection:* The City will be responsible for collecting the assessment on a bi-monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the CHID.

*Duration:* The CHID will be renewed for a ten (10) year term, beginning March 1, 2021 through February 28, 2031. Once per year, beginning on March 1, 2022, there is a 30-day period in which owners of assessed businesses paying more than fifty percent (50%) of the assessment may protest and initiate a City Council hearing on CHID termination.

*Management:* Visit Carmel will continue to serve as the CHID's Owners' Association and must provide annual reports to the City Council. The Visit Carmel Board of Directors, comprised of a minimum of six (6) business owners or their representatives paying the CHID assessment, will be responsible for managing funds and implementing programs in accordance with this Plan.



## II. BACKGROUND

Property and Business Improvement Districts (PBIDs) utilize the efficiencies of private sector operation in the market-based promotion of business districts. PBIDs allow business owners to organize their efforts to increase sales and promotional efforts. Business owners within the district fund a PBID, and those funds are used to provide services that the businesses desire and benefit the businesses within the district.

**Property and Business Improvement District services may include, but are not limited to:**

- Marketing of the District
- Business Promotion Activities
- Infrastructure Improvements

In California, PBIDs are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). The PBID Law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. *The key difference between PBIDs and other special benefit assessment districts is that funds raised are managed by the private non-profit corporation governing the district.*

**There are many benefits to Business Improvement Districts:**

- Funds cannot be diverted for other government programs;
- Services are customized to fit the needs of each district;
- They allow for a wide range of services, including those listed above;
- Property and Business Improvement Districts are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable funding source for business promotion.

The PBID Law is provided in Appendix 1 of this document.

### III. EXISTING CHID AND RENEWAL

The existing CHID was implemented on March 1, 2016 with a five (5) year term and expires on February 28, 2021. It provides for a 1% assessment rate on gross room rental revenue per overnight stay. This Plan renewal proposes a 2% assessment rate, with the ability to increase the assessment rate to 3%, for a ten (10)-year term expiring February 28, 2031.

There are several specific reasons why the CHID renewal is crucial at this time:

#### A. The Need to Increase Occupancy

Occupancy rates for Carmel-by-the-Sea hotels during the March/April 2020 bi-monthly period were reported at 15%, as compared to 65% during the same period of 2019. The May-June 2020 reporting period is likely to show similarly dismal numbers as all leisure travel was essentially closed during May and half of June.

The catastrophic impact the Covid-19 pandemic has had on decreased tourism in Carmel-by-the-Sea, the state of California, and throughout the country<sup>1</sup>, as well as the predicted slow recovery rate of both the economy and individual mindsets toward travel<sup>2</sup>, supports the strong need to secure a stable, self-generating marketing fund that will be vital for Carmel-by-the-Sea to compete for visitation.

Even as leisure travel has opened, the regular visitation patterns of year's past will continue to be severely disrupted. While there are indications of pent up desire for travel, the situation continues to be tenuous. The virus continues to spread, outbreaks are likely, shutdowns may occur and reoccur, and the economy is unstable. In addition, the lack of any international visitation for the indefinite future will negatively impact the mid-week and off-season months.

Visit Carmel's marketing programs must be thoughtful and strategic. With the goal of supporting the lodging businesses but not at the expense of the health of the destination and the community.

#### B. An Opportunity to Increase City Tax Revenue

As with many communities around the country, the pandemic has decimated the City's budget, due to the plunge in hotel, restaurant, and retail sales. But with Carmel's interdependence on tourism as its main economic driver, the Village is more severely impacted than a typical small city. Indeed, the City's projected 2020-21 budget indicates projected revenue of about \$18.6 million, a 33% decrease from the previous year.

With the assessment funds generated and the focus on marketing to increase overnight visitation, so too will the City's TOT and sales tax revenue benefit.

<sup>1</sup>Total travel spending in the U.S. is predicted to drop 45% by the end of this year. International inbound spending is expected to fall 75%. FULL FORECAST: [https://www.ustravel.org/system/files/media\\_root/document/Research\\_Travel-Forecast\\_Summary-Table.pdf](https://www.ustravel.org/system/files/media_root/document/Research_Travel-Forecast_Summary-Table.pdf)

<sup>2</sup>Since the beginning of March, the COVID-19 pandemic has resulted in nearly \$237 billion in losses for the U.S. travel economy. Tourism spending in California is expected to drop to \$75.4 billion in 2020, about half of the 2019 total, erasing a decade of growth. RECAP: [https://www.ustravel.org/sites/default/files/media\\_root/document/Coronavirus\\_WeeklyImpacts\\_06.18.20.pdf](https://www.ustravel.org/sites/default/files/media_root/document/Coronavirus_WeeklyImpacts_06.18.20.pdf) and <https://industry.visitcalifornia.com/marketing-communications/coronavirus>

### C. Stable Funding for Hospitality and Tourism Promotion

The renewal of the CHID will continue to provide a stable source of funding for consistent hospitality and tourism promotion efforts, free of the political and economic circumstances that can complicate funding for promotion of the hospitality and tourism industry.

### D. The Need to Educate the Visitor on Responsible Travel

We are only in the initial stages of allowing leisure travel back to Carmel-by-the-Sea, post-Covid. However, it already has become clear that the way to travel safely and responsibly will be different than ever before. Increased demands on both the visitors and the hospitality community will require vigilance, creativity, flexibility, and an ongoing education on protocols. CHID funds will also be used to create and disseminate the messaging we need in order to keep our hospitality and tourism economy thriving and the health of our community safe.

### E. Better Able to Compete

Finally, as Carmel-by-the-Sea begins the long road to recovery, we will be competing with destinations throughout the state—many vying for the attention of a similar demographic and geographic profile. The hospitality and tourism industry is a sophisticated, competitive industry in California with cities and counties vying for visitor business. Visit Carmel compares\* to other California destination marketing organizations, also known as Tourism Improvement Districts (TID), as follows:

District	Annual TID/HID Revenue*	Assessment Rates	Other Guest Levies
Napa Valley	\$6,500,000	2%	12%
Santa Barbara South Coast	\$5,700,000	\$1-\$7/ night	11%
Sonoma County	\$4,700,000	2%	12%
Newport Beach	\$4,500,000	3%	10%
SLO County TMD	\$4,488,000	1.50%	13%
Monterey County	\$4,307,000	\$1 - \$2.50/night	10%
SLO (Unincorp)	\$3,724,000	2%	10%
South Lake Tahoe	\$2,680,000	\$3 - \$4.50/night	12%
SLO (City)	\$1,867,000	2%	12%
Pismo Beach	\$1,750,000	1%	12%
Carmel (post-COVID @2% - forecast 3-4 yrs)	\$1,300,000	2%	10%
Paso Robles	\$1,280,000	2%	12%
Laguna Beach	\$950,000	2%	12%
Morro Bay	\$835,000	3%	12%
Carmel (proposed)	\$800,000	2%	10%
Healdsburg	\$741,000	2%	14%
Sonoma City	\$730,000	2%	10%
Carmel (pre-COVID)	\$660,000	1%	10%
Truckee	\$656,400	2%	10%

Source: Civitas TID grid, with info July 2020 - <https://civitasadvisors.com/wp-content/uploads/2020/08/Global-TID-Matrix-7-22-2020.pdf>

\*Note: These are revenues generated by assessment only and do not reflect full DMO revenues.

## IV. BOUNDARY

The CHID will include all lodging businesses, existing and in the future, available for public occupancy within the city limits and as depicted by the boundaries shown on the map below.

Lodging business means: any building, portion of any building, or group of buildings in which there are guest rooms or suites, including housekeeping units for transient guests, where lodging with or without meals is provided. Lodging business does not include:

- Vacation time-share facilities;
- Vacation rentals, defined as a single family home, townhome, or condominium that is available for rent; and
- Recreational vehicle (RV) parks.

The boundary, as shown in the map below, currently includes 44 lodging businesses. A complete listing of the lodging businesses within the proposed CHID can be found in Appendix 2.



## V. SERVICES

Assessment funds will be spent on specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost of conferring the benefits or granting the privileges. The privileges and services provided with the CHID funds are activities and improvements, available only to assessed businesses, designed to increase overnight stays and revenue therefrom.

### A. Integrated Marketing Program

An integrated strategic marketing program will promote assessed lodging businesses. The marketing program will account for approximately 70% of the budget and have a central theme of promoting Carmel-by-the-Sea as a desirable place for visitors. However, the program will have the over-arching goal of increasing guests and sales at assessed businesses and may include the following activities:

- Internet marketing efforts, including the use of social media, to increase awareness and optimize internet presence to drive customers and sales to assessed businesses;
- Print ads in magazines and newspapers, television ads, and radio ads targeted at potential visitors to drive customers and sales to assessed businesses;
- Public relations campaigns to increase awareness and brand image using earned media coverage, including familiarization tours for media and influencers and expenses incurred therein;
- Attendance at media events and/or trade shows to promote assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps featuring assessed businesses;
- Attendance at professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract customers to assessed businesses;
- Development and maintenance of a website designed to promote assessed businesses; and
- Outside agency or independent contractor fees for providing marketing services.

### B. Administration

The administration portion of the budget will account for approximately 18% of the budget and utilized for administrative staffing costs, office costs, advocacy and other general administrative costs such as insurance, legal, and accounting fees.

### C. Contingency/Reserve

A prudent portion of the budget, approximately 11%, will be allocated to a contingency fund, to account for lower than anticipated collections or a predicted need for cash flow stabilization. Contingency funds may be held in a reserve fund or utilized for other programs or services authorized by the PBID Law, administration or renewal costs at the discretion of the Board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board. The reserve fund may be used for the costs of renewing the CHID.

### D. City Collection Fee

The City shall retain a fee equal to one percent (1%) of the amount of assessment collected, and not to be less than \$6,500 collected during each one-year period, to cover its costs of collection and administration. The minimum fee amount will be evaluated annually and adjusted as needed to ensure city's administrative costs remain covered.

## VI. BUDGET

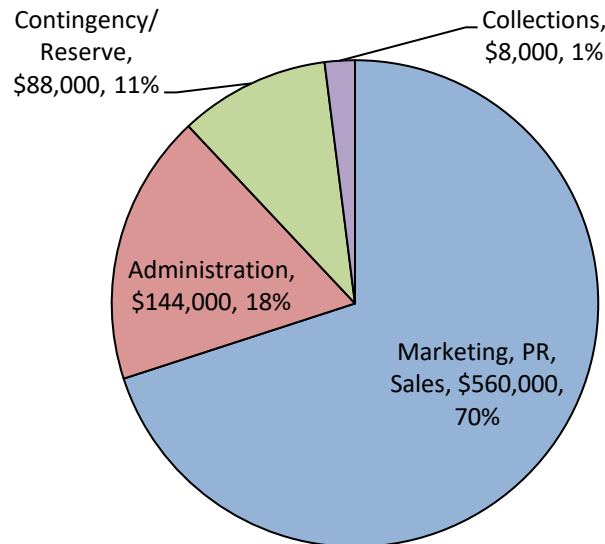
### A. Annual Budget

The total ten (10) year budget, based on the two percent (2%) rate of assessment, is projected at approximately \$800,000 for the initial year, or \$8,000,000 total through February 28, 2031. This budget is expected to fluctuate as businesses open and close and room occupancy and rates change, but is not expected to significantly change over the life of the CHID. Should the assessment rate be increased to three percent (3%) as provided by Section VII below, the annual budget could be increased up to approximately \$1,200,000, subject to the fluctuations noted.

### B. Budget Allocations

The budget allocations for the initial year are shown below. Although actual annual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain consistent. However, the Visit Carmel Board of Directors shall have the authority to adjust categorical allocations by up to fifteen percent (15%) of the total budget each year. In the event of a legal challenge against the CHID, any and all assessment funds may be used for the costs of defending the CHID, the City, and Visit Carmel related to the CHID.

The initial annual budget of \$800,000 will be allocated as follows:



### C. GAAP Compliance

Each budget category includes all costs related to providing that activity or improvement, in accordance with Generally Accepted Accounting Procedures (GAAP). For example, the Marketing, Public Relations, Sales & Promotion budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of employing an individual staff member may be allocated to multiple budget categories, as appropriate in accordance with GAAP. The staffing levels necessary to provide the activities and improvements below will be determined by the CHID Management Committee on an as-needed basis and detailed (number of employees and cost of salaries and benefits) in the annual report to the City.

## VII. ASSESSMENT

### A. Assessment

The annual assessment rate is two percent (2%) of gross room rental revenue on short term stays (less than 31 days). Assessments will not be collected on gross room rental revenue resulting from stays following the thirtieth (30th) consecutive day of occupancy, nor on stays by any Federal or State of California officer or employee when on official business, nor on stays by any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty.

The term “gross room rental revenue” as used herein means: the consideration charged, whether or not received, for the occupancy of space in a lodging business valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

During the ten (10) year term, the assessment rate may be increased by the CHID/Visit Carmel Board to a maximum of three percent (3%) of gross lodging revenue. The maximum assessment increase in any year shall be one-half of one percent (0.50%) of gross room rental revenue. In any case, the annual assessment cannot exceed the actual costs to operate the District in any given year.

The assessment is levied upon and is a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. The assessment shall be disclosed as the “CHID Assessment.” The assessment is imposed solely upon and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

### B. Penalties and Interest

The City shall be responsible for collection of delinquent assessments. The City of Carmel-by-the-Sea shall retain any penalties or interest collected with unpaid assessments as its fee for collecting the delinquent assessments. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency:* Any assessed business which fails to remit payment of assessments within fourteen (14) days of the due date shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. *Continued Delinquency:* If an assessed business fails to remit any delinquent remittance within sixty (60) days following the date on which the remittance first became delinquent, it shall pay a second delinquency penalty of ten (10%) percent of the amount of the assessment in addition to the amount of the assessment and the ten (10%) percent penalty first imposed.
3. If the City determines than an assessed business is delinquent, the assessed business can be sent directly to collections without further review and the assessed business will be responsible for all late fees, interest, and collection fees.

4. *Fraud*: If it is determined that the nonpayment of any remittance due is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated above.
5. *Interest*: In addition to penalties imposed, any assessed business which fails to remit any assessment shall pay simple interest at the rate of six percent (6%) per year or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the assessment first became delinquent until paid.
6. *Penalties Merged With Assessment*: Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment required to be paid.

#### **C. Time and Manner for Collecting Assessments**

Visit Carmel shall be responsible for educating new and existing businesses in the CHID of its existence. The City shall make its best efforts to notify Visit Carmel when a business closes, opens or changes ownership within the CHID. The CHID assessment provided for under this Plan will be implemented beginning March 1, 2021 and will continue for ten (10) years through February 28, 2031. The City will be responsible for collecting the assessment on the gross room rental revenue on a bi-monthly basis (including any delinquencies, penalties and interest) from each lodging business. The City shall take all reasonable efforts to collect the assessments from each business.

The City's cost of pursuing and collecting delinquent assessments shall be paid from the penalties and interest charged on delinquent assessments or the contingency portion of the budget. If the penalties and interest do not cover the City's cost, or if any portion of penalties and interest are waived in the action to collect the delinquent assessment, the City shall be reimbursed for its costs from the contingency portion of the budget. If the City pursues delinquent Transient Occupancy Tax and delinquent CHID assessment in the same action, only the proportionate cost of collecting the assessment may be retained by the City from the assessment penalties and interest collected or charged to the contingency portion of the budget.

The City shall forward the assessments collected to Visit Carmel within 30 days from collection.



## VIII. CALIFORNIA CONSTITUTIONAL COMPLIANCE

The CHID is subject to certain provisions of the California Constitution. Although it levies an assessment, the CHID is not a property-based assessment subject to the requirements of Article XIII D of the Constitution (“Proposition 218”). The Court has found, “Proposition 218 limited the term ‘assessments’ to levies on real property.”<sup>1</sup> Rather, the CHID assessment is a business-based assessment, and is subject to Article XIII C of the Constitution (“Proposition 26”). Pursuant to Proposition 26 all City levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the CHID, a “specific benefit” and a “specific government service.” Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

### A. Specific Benefit

Proposition 26 requires that assessment funds be expended on, “a specific benefit conferred or privilege granted directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.”<sup>2</sup> The services in this Plan are designed to provide targeted benefits directly to assessed lodging businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific lodging businesses within the CHID. The activities described in this Plan are specifically targeted to increase overnight stays for assessed lodging businesses within the boundaries of the CHID, and are and shall be narrowly tailored. CHID funds will be used exclusively to provide the specific benefit of increased overnight stays directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging businesses in CHID programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

The assessment imposed by the CHID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in gross overnight stays and revenue therefrom. The specific benefit of an increase in gross overnight stays for assessed lodging businesses will be directly provided only to lodging businesses paying the CHID assessment, with sales and marketing programs promoting only those businesses paying the assessment. The CHID programs will be designed to increase gross overnight stays at each assessed lodging business. Because they are necessary to provide the CHID programs that specifically benefit the assessed lodging businesses, the administration, and contingency/reserve, and collections expenditures also provide the specific benefit of increased gross room sales to the assessed lodging businesses.

Although the CHID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, “A specific benefit is not excluded from classification as a ‘specific benefit’ merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payer as a consequence of providing the specific benefit to the payer.”<sup>3</sup>

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<sup>1</sup> *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

<sup>2</sup> Cal. Const. art XIII C § 1(e)(1)

<sup>3</sup> Government Code § 53758(a)

### **B. Specific Government Service**

The assessment may also be utilized to provide, “a specific government service or product provided directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.”<sup>4</sup> The legislature has recognized that marketing services like those to be provided by the CHID are government services within the meaning of Proposition 26<sup>5</sup>. Further, the legislature has determined that “a specific government service is not excluded from classification as a ‘specific government service’ merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payer as a consequence of providing the specific government service to the payer.”<sup>6</sup>

### **C. Reasonable Cost**

CHID activities and improvements will be implemented carefully to ensure they do not exceed the reasonable cost to the City of such activities and improvements. The full amount assessed will be used to provide the activities and improvements described herein. Funds will be managed by the Visit Carmel Board of Directors, and reports submitted on an annual basis to the City. Only assessed lodging businesses will directly benefit from other CHID-funded services. Non-assessed lodging businesses will not directly receive these, nor any other, CHID-funded services and benefits.

The CHID-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed lodging businesses receive incremental room sales revenue, that portion of the promotion or program generating that gross revenue shall be paid with non-CHID funds. CHID funds shall only be spent to benefit the assessed businesses and shall not be spent on that portion of any program which directly generates incidental room sales for non-assessed businesses.

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<sup>4</sup> Cal. Const. art XIII C § 1(e)(2)

<sup>5</sup> Government Code § 53758(b)

<sup>6</sup> Government Code § 53758(b)

## IX. GOVERNANCE

### A. Owners' Association

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the CHID as defined in Streets and Highways Code §36612. The City Council has determined that Visit Carmel will serve as the Owners' Association for the CHID. Visit Carmel will maintain its Board of Directors, comprised of a minimum of six (6) business owners, or their representatives, paying the CHID assessment, which will be responsible for implementing this Plan. Visit Carmel shall be responsible for managing funds and implementing programs in accordance with this Plan and by direction of the Board of Directors and must provide annual reports to the City Council.

### B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Visit Carmel Board, the Carmel Restaurant Management Committee, and certain committees wherein the CHID is discussed must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

### C. Annual Report

Visit Carmel shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report may be incorporated into other City-related Annual Reports (such as the Carmel Restaurant Improvement District), may be presented at the end of the 1<sup>st</sup> quarter of the current fiscal year, and shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for the next fiscal year.
- An estimate of the cost of providing the improvements and the activities for that upcoming fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

## APPENDIX 1 – LAW

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 2018 SUPPLEMENT \*\*\*  
(ALL 2017 LEGISLATION)

**STREETS AND HIGHWAYS CODE  
DIVISION 18. PARKING  
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994**

**CHAPTER 1. General Provisions**

**ARTICLE 1. Declarations**

**36600. Citation of part**

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

**36601. Legislative findings and declarations; Legislative guidance**

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
  - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
  - (2) Job creation.
  - (3) Business attraction.
  - (4) Business retention.
  - (5) Economic growth.
  - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
  - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements,

maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

### **36602. Purpose of part**

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

### **36603. Preemption of authority or charter city to adopt ordinances levying assessments**

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

### **36603.5. Part prevails over conflicting provisions**

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

### **36604. Severability**

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

## **ARTICLE 2. Definitions**

### **36606. "Activities"**

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

### **36606.5. "Assessment"**

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

**36607. “Business”**

“Business” means all types of businesses and includes financial institutions and professions.

**36608. “City”**

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

**36609. “City council”**

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

**36609.4. “Clerk”**

“Clerk” means the clerk of the legislative body.

**36609.5. “General benefit”**

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

**36610. “Improvement”**

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

**36611. “Management district plan”; “Plan”**

“Management district plan” or “plan” means a proposal as defined in Section 36622.

**36612. “Owners’ association”**

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall

comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

**36614. “Property”**

“Property” means real property situated within a district.

**36614.5. “Property and business improvement district”; “District”**

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

**36614.6. “Property-based assessment”**

“Property-based assessment” means any assessment made pursuant to this part upon real property.

**36614.7. “Property-based district”**

“Property-based district” means any district in which a city levies a property-based assessment.

**36615. “Property owner”; “Business owner”; “Owner”**

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

**36615.5. “Special benefit”**

“Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

**36616. “Tenant”**

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

**ARTICLE 3. Prior Law**

**36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

**CHAPTER 2. Establishment**

**36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

**36620.5. Requirement of consent of city council**

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

**36621. Initiation of proceedings; Petition of property or business owners in proposed district**

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
- (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

**36622. Contents of management district plan**

The management district plan shall include, but is not limited to, all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts



established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.

(m) In a property-based district, the total amount of general benefits, if any.

(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(o) Any other item or matter required to be incorporated therein by the city council.

### **36623. Procedure to levy assessment**

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

#### **36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

#### **36625. Resolution of formation**

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

### **36626. Resolution establishing district**

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in Section 36625.

### **36627. Notice and assessment diagram**

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

### **36628. Establishment of separate benefit zones within district; Categories of businesses**

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

#### **36628.5. Assessments on businesses or property owners**

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

### **36629. Provisions and procedures applicable to benefit zones and business categories**

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category

of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

**36630. Expiration of district; Creation of new district**

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

**CHAPTER 3. Assessments**

**36631. Time and manner of collection of assessments; Delinquent payments**

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

**36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property**

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

**36633. Time for contesting validity of assessment**

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

**36634. Service contracts authorized to establish levels of city services**

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

**36635. Request to modify management district plan**

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

**36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention**

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public

hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

- (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
- (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

### **36637. Reflection of modification in notices recorded and maps**

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

## **CHAPTER 3.5. Financing**

### **36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

## **CHAPTER 4. Governance**

### **36650. Report by owners' association; Approval or modification by city council**

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

- (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
- (2) The improvements, maintenance, and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

### **36651. Designation of owners' association to provide improvements, maintenance, and activities**

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

## **CHAPTER 5. Renewal**

### **36660. Renewal of district; Transfer or refund of remaining revenues; District term limit**

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

## **CHAPTER 6. Disestablishment**

### **36670. Circumstances permitting disestablishment of district; Procedure**

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners

or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district**

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

**APPENDIX 2 – ASSESSED BUSINESSES**

Adobe Inn	Forest Lodge
Best Western Town House Inn	Hofsas House
Briarwood Inn	Horizon Inn
Candlelight Inn	Hotel Carmel
Carmel Bay View Inn	Lamplighter Inn
Carmel Cottage Inn	La Playa Hotel Carmel
Carmel Country Inn	L'Auberge
Carmel Fireplace Inn	Lobos Lodge
Carmel Garden Inn	Monte Verde Inn
Carmel Green Lantern Inn	Normandy Inn
Carmel Inn & Suites	Ocean View Lodge
Carmel Lodge	Pine Inn
Carmel Oaks	Seaview Inn
Carmel Resort Inn	Svendsgaards Inn
Carmel Stonehouse Inn	Tally Ho
Carriage House	Tradewinds Inn
Casa de Carmel	The Getaway
Coachman's Inn	The Hideaway
Colonial Terrace Inn	The Homestead
Comfort Inn	Vagabonds House
Cypress Inn	Wayfarer
Edgemere Cottages	Wayside Inn



**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**RESOLUTION NO. 2020-088**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES  
AGREEMENT WITH VISIT CARMEL TO SERVE AS THE OWNERS' ASSOCIATION FOR THE  
CARMEL HOSPITALITY IMPROVEMENT DISTRICT FOR THE TERM OF MARCH 1, 2021  
THROUGH FEBRUARY 28, 2031**

WHEREAS, the Carmel-by-the-Sea Council renewed the Carmel Hospitality Improvement District (CHID) under California Streets and Highways Code §36630; and

WHEREAS, the CHID will have a ten year term of March 1, 2021 through February 28, 2031 and be governed by the City Council approved Management District Plan; and

WHEREAS, per Streets and Highways Code §36615, "the management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services"; and

WHEREAS, per Streets and Highways Code §36612, an "owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan"; and

WHEREAS, the Management District Plan identifies Visit Carmel as the Owners Association; the City intends to contract with Visit Carmel as the professional service rendered by Visit Carmel as the Owners association involves a specialized knowledge or personal skill and Council approval is required for contracts of \$25,000 or more; and

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the City Administrator to execute a Professional Services Agreement with Visit Carmel to serve as the Owners' Association for the Carmel Hospitality Improvement District for the term of March 1, 2021 to February 28, 2031.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 8th day of December 2020 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk

**PROFESSIONAL SERVICES AGREEMENT  
Visit Carmel**

**Owners' Association for the Carmel Hospitality Improvement District**

**THIS AGREEMENT** is executed this \_\_\_\_ day of December, 2020, by and between the City of Carmel-by-the-Sea, a municipal corporation, (hereinafter "City"), and Visit Carmel, a nonprofit corporation, (hereinafter "Consultant"). City and Consultant are sometimes referred to herein individually as a "Party" and collectively as the "Parties".

**WHEREAS**, the Carmel-by-the-Sea Council intends to renew the Carmel Hospitality Improvement District (CHID) under California Streets and Highways Code §36630; and

**WHEREAS**, the CHID will be governed by the City Council approved Management District Plan and, per Streets and Highways Code §36615, "the management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services"; and

**WHEREAS**, the City wishes to engage Consultant to continue to serve as the owners' association and perform the services required by State law and this Agreement; and

**WHEREAS**, Consultant is willing to render such professional services ("Services"), as hereinafter defined, on the following terms and conditions.

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties hereby covenant and agree as follows:

**1. SERVICES**

- A. **Scope of Services**. Consultant agrees to provide to the City the following services ("Scope of Services" or "Services") pursuant to the terms and conditions set forth in this Agreement:
- i. Serve as the owners' association for the CHID; manage CHID assessment funds and implement programs in accordance with the adopted Management District Plan, as set forth within Exhibit "A" attached hereto and incorporated herein by this reference.
  - ii. Perform responsibilities as required under the State Property and Business Improvement District Law of 1994 including, but not limited to, the following:
    - a. Deliver the annual report to the City in the month of April, as required by the State Property and Business Improvement District Law of 1994. The annual report may be combined with other annual reports submitted by Visit Carmel to the City as part of an all-inclusive report so long as the requirements contained within Streets and Highways Code Section 36650 are met.
    - b. Comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the CHID are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the CHID.
  - iii. Consultant will furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculations, and all other means whatsoever, except as otherwise expressly

**PROFESSIONAL SERVICES AGREEMENT**  
**Visit Carmel**

**Owners' Association for the Carmel Hospitality Improvement District**

specified in this Agreement, necessary to perform the Services required of Consultant under this Agreement.

- iv. Consultant's designated representative(s) who are authorized to act on its behalf and to make all decisions in connection with the performance of Services under this Agreement is the Visit Carmel Executive Director.
- v. Consultant represents that it has the qualifications, experience and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent and professional manner. Consultant will at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described in this Agreement. In meeting its obligations under this Agreement, Consultant must employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

**B. Familiarity with Services and Site.**

By executing this Agreement, Consultant represents that Consultant:

- a. has thoroughly investigated and considered the Scope of Services to be performed;
- b. has carefully considered how the Services should be performed;
- c. understands the facilities, difficulties, and restrictions attending performance of the Services under this Agreement; and
- d. possesses all licenses required under local, state or federal law to perform the Services contemplated by this Agreement, and will maintain all required licenses during the performance of this Agreement.

If Services involve work upon any site, Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing its Services. Should Consultant discover any latent or unknown conditions that may materially affect the performance of Services, Consultant will immediately inform City of such fact and will not proceed except at Consultant's own risk until written instructions are received from City.

**2. COMPENSATION**

- A. **Total Fee.** Compensation is entirely funded by CHID assessments. City shall collect assessments on a bi-monthly basis, or every two (2) months, and remit assessments, less the City collection fee and any proportional costs of enforcement fees associated with the collection of delinquent assessments, to Consultant within thirty (30) days after the close of the reporting period. The City collection fee shall be calculated at one percent (1%) of the total assessment collected during each bi-monthly reporting period, but shall be no less than Six Thousand Five Hundred dollars (\$6,500.00) per fiscal year. The City collection fee may be reviewed annually and adjusted based upon mutual concurrence by City and Consultant.

**PROFESSIONAL SERVICES AGREEMENT  
Visit Carmel**

**Owners' Association for the Carmel Hospitality Improvement District**

**B. Audit and Examination of Accounts:**

- i. Consultant must keep and will cause any assignee or subconsultant under this Agreement to keep accurate books of records and accounts, in accordance with sound accounting principles, which pertain to Services to be performed under this Agreement.
- ii. Any audit conducted of books of records and accounts must be kept in accordance with generally accepted professional standards and guidelines for auditing.
- iii. Consultant must disclose and make available any and all information, reports, books of records or accounts pertaining to this Agreement to the City and any city of the County of Monterey, or other federal, state, regional or governmental agency which provides funding for these Services.
- iv. Consultant must include the requirements of Section 2B, "Audit and Examination of Accounts", in all contracts with assignees or subconsultants under this Agreement.
- v. All records provided for in this Section are to be maintained and made available throughout the performance of this Agreement and for a period of not less than four (4) years after full completion of the Services. All records, which pertain to actual disputes, litigation, appeals or claims, must be maintained and made available for a period of not less than four (4) years after final resolution of such disputes, litigation, appeals or claims.

**3. AGREEMENT TERM**

- A. **Term.** The work under this Agreement will commence on March 1, 2021 and shall expire on February 28, 2031, unless earlier terminated pursuant to this Agreement, or upon termination of the CHID if sooner.
- B. **Timely Work.** Consultant shall perform all duties incidental or necessary in executing the Management District Plan and providing annual reports to City Council in a timely manner and shall be performed diligently, competently and in accordance with professional standards of performance. Failure to perform is deemed a material breach of this Agreement and the City may terminate this Agreement with no further liability hereunder, except that City shall remit all CHID assessment fees due to Consultant up to the date of termination.

**4. CONSULTANT'S EMPLOYEES AND SUBCONSULTANTS**

- A. **Substitution of Employees or Subconsultants:** If, at any time, the City reasonably objects to the performance, experience, qualifications or suitability of any of Consultant's employees or subconsultants, then Consultant may, upon written request from the City, replace such employee or subconsultant. Consultant must, subject to scheduling and staffing considerations, make reasonable efforts to replace the individual with an individual of similar competency and experience. Whether or not the City consents to, or requests a substitution of any employee or subconsultant of Consultant, the City will not be liable to pay additional compensation to Consultant for any replacement or substitution.
- B. **Sub-agreements with Subconsultants.** Consultant will incorporate the terms and conditions of this Agreement into all sub-agreements with subconsultants in respect of

Owners' Association for the Carmel Hospitality Improvement District

the Services necessary to preserve all rights of the City under this Agreement. Consultant is fully responsible to the City of all acts and omissions of subconsultants and of persons employed by any subconsultant.

- C. **Not an Agent of the City.** Nothing in this Agreement will be interpreted to render the City the agent, employer, or partner of Consultant, or the employer of anyone working for or subcontracted by Consultant, and Consultant must not do anything that would result in anyone working for or subcontracted by Consultant being considered an employee of the City. Consultant is not, and must not claim to be, an agent of the City.
- D. **Independent Contractor:** Consultant is an independent contractor. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. The City may not control or direct the details, means, methods or processes by which Consultant performs the Services. Consultant is responsible for performance of the Services and may not delegate or assign any Services to any other person except as provided for in this Agreement. Consultant is solely liable for the work quality and conditions of any partners, employees and subconsultants.

No offer or obligation of permanent employment with the City or particular City department or agency is intended in any manner, and Consultant may not become entitled by virtue of this Agreement to receive from the City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. Consultant will be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of Consultant's performance of Services under this Agreement. Consultant will defend, indemnify and hold the City harmless from any and all liability, which the City may incur because of Consultant's failure to pay such taxes.

5. REPRESENTATIVES AND COMMUNICATIONS

- A. **City's Project Representative.** The City appoints the individual named below as the City's Project Representative for the purposes of this Agreement ("City's Project Representative"). The City may unilaterally change its Project Representative upon notice to Consultant.

Name: Chip Rerig  
 Title: City Administrator  
 Address: City of Carmel-by-the-Sea  
P.O. Box CC, Carmel-by-the-Sea, CA 93921  
 Telephone: 831.620.2058  
 Email: crerig@ci.carmel.ca.us

- B. **Consultant's Project Manager.** Consultant appoints the person named below as its Project Manager for the purposes of this Agreement ("Consultant's Project Manager"). Consultant may unilaterally change its Project Manager upon notice to City.

Name: Amy Herzog  
 Title: Executive Director  
 Address: Visit Carmel  
P.O. Box 3921, Carmel-by-the-Sea, CA 93921  
 Telephone: 831.238.1849

**PROFESSIONAL SERVICES AGREEMENT**

**Visit Carmel**

**Owners' Association for the Carmel Hospitality Improvement District**

Email: amy.herzog@carmelcalifornia.com

- C. **Meet and Confer.** Consultant agrees to meet and confer with the City's Project Representative, its agents or employees with regard to Services as may be required by the City to insure timely and adequate performance of this Agreement.
- D. **Communications and Notices.** All communications between the City and Consultant regarding this Agreement, including performance of Services, will be between the City's Project Representative and Consultant's Project Manager. Any notice, report, or other document that either Party may be required or may wish to give to the other must be in writing and will be validly given to and received by the addressee, if delivered personally, on the date of such personal delivery, if delivered by email, on the date of transmission, or if by mail, seven (7) calendar days after posting.

**6. INDEMNIFICATION**

Consultant hereby agrees to the following indemnification clause:

To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.6), Consultant will defend (with legal counsel reasonably acceptable to the City), indemnify and hold harmless the City and its officers, designated agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against claims, loss, cost, damage, injury expense and liability (including incidental and consequential damages, Court costs, reasonable attorneys' fees as may be determined by the Court, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) to the extent they arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of Consultant, any subconsultant or subcontractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee will not apply to the extent that such Liabilities are caused in part by the active negligence or willful misconduct of such Indemnitee.

Notwithstanding the provisions of the above paragraph, Consultant agrees to indemnify and hold harmless the City from and against all claims, demands, defense costs, liability, expense, or damages arising out of or in connection with damage to or loss of any property belonging to Consultant or Consultant's employees, subconsultants, representatives, patrons, guests or invitees.

Consultant further agrees to indemnify the City for damage to or loss of City property to the proportionate extent they arise out of Consultant's negligent performance of the work associated with this Agreement or to the proportionate extent they arise out of any negligent act or omission of Consultant or any of Consultant's employees, agents, subconsultants, representatives, patrons, guests or invitees; excepting such damage or loss arising out of the negligence or willful misconduct of the City or any of its Indemnitees.

In no event will the obligation of the Consultant exceed the limitations on the duty to defend and indemnify as set forth in Civil Code Sections 2782, 2782.6, and 2782.8.

**7. INSURANCE**

Consultant must submit and maintain in full force all insurance as described herein. Without altering or limiting Consultant's duty to indemnify, Consultant must maintain in effect

**PROFESSIONAL SERVICES AGREEMENT**

**Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

- A. Commercial General Liability Insurance including but not limited to premises, personal injuries, bodily injuries, property damage, products, and completed operations, with a combined single limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. Directors and Officers Insurance with limits of not less than \$1,000,000 per occurrence or claim and \$2,000,000 in the aggregate. Consultant will either maintain or cause to be maintained professional liability coverage in full force or obtain extended reporting (tail) coverage (with the same liability limits) for at least three (3) years following the City's acceptance of the work.
- C. Automobile Liability Insurance covering all automobiles, including owned, leased, non-owned, and hired automobiles, used in providing Services under this Agreement, with a combined single limit of not less than \$1,000,000 per occurrence.
- D. Workers' Compensation Insurance. If Consultant employs others in the performance of this Agreement, Consultant must maintain Workers' Compensation insurance in accordance with California Labor Code section 3700 and with a minimum of \$1,000,000 per occurrence.
- E. Other Insurance Requirements:
  - i. All insurance required under this Agreement must be written by an insurance company either admitted to do business in California with a current A.M. Best rating of no less than A:VI; **or** an insurance company with a current A.M. Best rating of no less than A:VII. An exception may be made for the State Compensation Insurance Fund when not specifically rated.
  - ii. Each insurance policy required by this Agreement may not be canceled, except with prior written notice to the City.
  - iii. The general liability and auto policies must:
    - a. Provide an endorsement naming the City of Carmel-by-the-Sea, its officers, officials, employees, and volunteers as additional insureds. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).
    - b. Provide that such Consultant's insurance is primary as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Carmel-by-the-Sea is excess to the Consultant's insurance and will not contribute with it.
    - c. Contain a "Separation of Insureds" provision substantially equivalent to that used in the ISO form CG 00 01 10 01 or their equivalent.
    - d. Provide for a waiver of any subrogation rights against the City via an ISO CG 24 01 10 93 or its equivalent.
  - iv. Prior to the start of work under this Agreement, Consultant will file certificates of insurance and endorsements evidencing the coverage required by this Agreement



**PROFESSIONAL SERVICES AGREEMENT**  
**Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

with the City. Consultant will file a new or amended certificate of insurance promptly after any change is made in any insurance policy which would alter the information on the certificate then on file.

- v. Neither the insurance requirements hereunder, nor acceptance or approval of Consultant's insurance, nor whether any claims are covered under any insurance, may in any way modify or change Consultant's obligations under the indemnification clause in this Agreement, which will continue in full force and effect. All coverage available to the Consultant as named insured will also be available and applicable to the additional insured. Notwithstanding these insurance requirements, Consultant is financially liable for its indemnity obligations under this Agreement.
- vi. All policies must be written on a first dollar coverage basis or contain a deductible provision. Any deductibles or self-insured retentions ("SIR") must be declared to and approved by the City. At the option of the City, either: the insured will reduce or eliminate such deductibles or SIR as respects the City, its officers, officials, employees and volunteers; or Consultant will provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. In no event will any SIR or insurance policy contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured, or by any means including other insurance, or which is intended to defeat the intent or protection of an additional insured.
- vii. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances, upon thirty (30) days' notice to Consultant.
- viii. Consultant shall require and verify that all sub consultants and subcontractors maintain insurance meeting all the requirements stated herein, with the exception of 7(B) Directors and Officers Insurance coverage. Instead sub consultants shall be required to carry Professional Liability Insurance with limits of not less than \$1,000,000 per occurrence or claim and \$2,000,000 in the aggregate. Subconsultant will either maintain or cause to be maintained professional liability coverage in full force or obtain extended reporting (tail) coverage (with the same liability limits) for at least three years following the Consultant's acceptance of the work. Sub consultants will name both Visit Carmel and the City of Carmel-by-the-Sea as additional insured on the policy.
- ix. If Consultant, for any reason, fails to have in place at all times during the term of this Agreement all of the required insurance coverage, the City may, but is not obligated to, obtain such coverage at Consultant's expense and deduct the cost from the sums due Consultant. Alternatively, City may terminate the Agreement.
- x. The existence of the required insurance coverage under this Agreement will not be deemed to satisfy or limit Consultant's indemnity obligations under this Agreement. Consultant acknowledges that the insurance coverage and policy limits set forth in this Agreement constitute the minimum coverage and policy limits required. Should any coverage carried by the Consultant or any subcontractor of any tier have limits of liability that exceed the limits or have broader coverage than required in this Agreement, those higher limits and that broader coverage are deemed to apply for the benefit of any person or organization included as an additional insured and those

**Owners' Association for the Carmel Hospitality Improvement District**

limits and broader coverage will become the required minimum limits and insurance coverage in all sections of this Agreement. Any insurance proceeds available to City in excess of the limits and coverages required by this Agreement, and which is applicable to a given loss, must be made available to City to compensate it for such losses.

- xi. Consultant must give City prompt notice of claims made of lawsuits initiated that arise out of or result from Consultant's performance under this Agreement, and that involve or may involve coverage under any of the required liability insurance policies.

**8. ASSURED PERFORMANCE**

- A. Consultant, its agents, employees, and subconsultants must perform all Services in a safe and skillful manner consistent with the usual and customary standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields in accordance with sound professional practices. All work product of Consultant must comply with all applicable laws, rules, regulations, ordinances and codes. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and will advise City of any changes in any laws that may affect Consultant's performance of this Agreement. All Services performed under this Agreement that are required by law to be performed or supervised by licensed personnel must be performed in accordance with such licensing requirements.
- B. Consultant must furnish, at its own expense, all materials, equipment and personnel necessary to carry out the terms of this Agreement. Consultant may not use the City premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.
- C. If at any time the City has a reasonable and objective basis to believe Consultant may not be adequately performing its obligations under this Agreement or that Consultant may fail to complete the Services required under this Agreement, City may request from Consultant prompt written assurance of performance and a written plan acceptable to the City to correct the observed deficiencies in Consultant's performance. Consultant shall provide written assurances and a written plan within thirty (30) days from its receipt of the City's request and shall thereafter diligently commence and fully perform such written plan. Consultant acknowledges and agrees that any failure to provide such written assurances and written plan within the required time is a material breach of this Agreement.

**9. OWNERSHIP AND USE OF MATERIALS**

- A. **Ownership of the Materials.** Consultant hereby agrees to provide to a private, not-for profit, successor, and if there is none, then assigns to the City and its assignees all copyright and other use rights in any and all proposals, plans, specification, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the City, the Consultant, the Consultant's subcontractors or third parties at the request of the Consultant (collectively, "Documents and Materials"). This explicitly includes the electronic copies of all above stated documentation. Consultant shall be permitted to retain copies, including reproducible

**PROFESSIONAL SERVICES AGREEMENT**  
**Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

copies and computerized copies, of said Documents and Materials. Consultant agrees to take such further steps as may be reasonably requested by City to implement the aforesaid assignment. If for any reason said assignment is not effective, Consultant hereby grants City and any assignee of the City an express royalty – free license to retain and use said Documents and Materials. The City's rights under this paragraph shall apply regardless of the degree of completion of the Documents and Materials and whether or not Consultant's Services as set forth in Exhibit "A" of this Agreement have been fully performed or paid for. Consultant shall pay all royalties and license fees which may be due for any patented or copyrighted materials, methods or systems selected by the Consultant and incorporated into the work as set forth in Exhibit "A", and shall defend, indemnify and hold the City harmless from any claims for infringement of patent or copyright arising out of such selection. The City's rights under this Paragraph shall not extend to any computer software used to create such Documents and Materials.

- B. **No Patent or Copyright Infringement.** Consultant guarantees that in its creation of the Materials produced under this Agreement, no federal or state patent or copyright laws were violated. Consultant agrees that all copyrights, which arise from creation of the work or Services pursuant to this Agreement, will be vested in the City and waives and relinquishes all claims to copyright or intellectual property rights in favor of the City. Consultant covenants that it will defend, indemnify and hold City harmless from any claim or legal action brought against the City for alleged infringement of any patent or copyright related to City's use of Materials produced by Consultant and its employees, agents and subconsultants under this Agreement.
- C. **Survival of Ownership and Use Provisions.** The provisions contained in Section 9, Ownership and Use of Materials survives the expiration or earlier termination of this Agreement, and that this Section is severable for such purpose.

**10. CONFIDENTIALITY**

- A. **No Disclosure.** Consultant must keep confidential and may not disclose, publish or release any information, data, or confidential information of the City to any person other than representatives of the City duly designated for that purpose in writing by the City. Consultant may not use for Consultant's own purposes, or for any purpose other than those of the City, any information, data, or confidential information Consultant may acquire as a result of the performance of the Services under this Agreement. Consultant must promptly transmit to the City any and all requests for disclosure of any such confidential information or records. The obligations under this Section will survive the expiration or earlier termination of this Agreement.
- B. **California Public Records Act.** Consultant acknowledges that the City is subject to the California Public Records Act (Government Code Section 6250 et seq.), known as the "PRA", and agrees to any disclosure of information by the City as required by law. Consultant further acknowledges that it may have access to personal information as defined under the PRA, and Consultant will not use any such personal information for any purposes other than for the performance of Services under this Agreement without the advance written approval of the City.

All Scopes of Services and related documents received will be public records, with the exception of those elements, identified by the Consultant as business trade secrets and are plainly marked "Trade Secret", "Confidential" or "Proprietary". If disclosure is required under the PRA or otherwise by law, the City will not be liable or responsible for the

**PROFESSIONAL SERVICES AGREEMENT  
Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

disclosure of any such records and the Consultant will indemnify, defend, and hold the City harmless for any such disclosure.

**11. CONFLICT OF INTEREST**

Consultant covenants that neither Consultant, nor any officer, principal or employee of its firm, has or will acquire any interest, directly or indirectly, that would conflict in any manner with the interests of City relating to this Agreement or that would in any way hinder Consultant's performance of services under this Agreement. Consultant's attention is directed to the conflict of interest rules applicable to governmental decision-making contained in the Political Reform Act (California Government Code Section 87100 and following) and its implementing regulations (California Code of Regulations, Title 2, Section 18700 et seq.), and California Government Code section 1090.

Consultant is required to file a Form 700 in compliance with the City's Conflict of Interest Code unless a written determination by the City Administrator is made modifying or eliminating said requirement, or unless otherwise exempted by law.

In addition, Consultant, Consultant's employees, and subconsultants agree as follows:

- A. That they will conduct their duties related to this Agreement with impartiality, and must, if they exercise discretionary authority over others in the course of those duties, disqualify themselves from dealing with anyone with whom a relationship between them could bring the impartiality of Consultant or its employees into question;
- B. May not influence, seek to influence, or otherwise take part in a decision of the City knowing that the decision may further their private interests;
- C. May not accept any commission, discount, allowance, payment, gift, or other benefit connected, directly or indirectly, with the performance of Services related to this Agreement, that causes, or would appear to cause, a conflict of interest;
- D. May have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of the Services related to this Agreement, and if such financial interest is acquired during the term of this Agreement, Consultant must promptly declare it to the City, and;
- E. May not, during the term of this Agreement, perform a service for, or provide advice to, any person, firm, or corporation, which gives rise to a conflict of interest between the obligations of Consultant under this Agreement and the obligations of Consultant to such other person, firm or corporation.

**12. DISPUTE RESOLUTION**

- A. **Dispute Resolution Procedures.** The parties will make reasonable efforts to promptly resolve any dispute, claim, or controversy arising out of or related to this Agreement ("Dispute") using the Dispute Resolution Procedures set forth in this Section.
- B. **Negotiations.** First, the City's Project Representative and Consultant's Project Manager will make reasonable efforts to resolve any Dispute by amicable negotiations and will provide frank, candid, and timely disclosure of all relevant facts, information, and documents to facilitate negotiations. Should these negotiations be unsuccessful in resolving the Dispute, the matter will be promptly referred to the Mayor or Mayor Pro

**Owners' Association for the Carmel Hospitality Improvement District**

Tempore and the Consultant's Chairperson of the Board of Directors, who will meet and confer, in good faith, to resolve the Dispute to mutual satisfaction of the parties.

- C. **Mediation.** If all or any portion of a Dispute cannot be resolved by good faith negotiations as set forth above within thirty (30) days of the date that the matter was referred to the Mayor or Mayor Pro Tempore pursuant to subsection B above, either Party may, by notice to the other Party, submit the Dispute for formal mediation to a mediator selected mutually by the parties from the Monterey Superior Court's Court-Directed Mediator Panel list. The duration of any such mediation may not exceed 2 hours unless otherwise agreed to by the parties. The cost of the mediation (including fees of mediators) will be borne equally by the parties, and each Party will bear its own costs of participating in mediation. The mediation will take place within or in close proximity to the City of Carmel-by-the-Sea.

In any mediation conducted pursuant to this section, the provisions of California Evidence Code section 1152 will be applicable to limit the admissibility of evidence disclosed by the parties in the course of the mediation. In the event the parties are unsuccessful in resolving the dispute through the mediation process, then the parties agree that the dispute will be submitted to Binding Arbitration to a single Arbitrator in accordance with the existing Rules of Practice and Procedure of the Judicial Arbitration and Mediation Services, Inc. (JAMS) within thirty (30) days of the close of mediation as declared by the mediator.

- D. **Arbitration.** The submission to Mediation and Arbitration in accordance with the requirements of this section of any and all agreements, differences, or controversies that may arise hereunder is made a condition precedent to the institution of any action or appeal at law or in equity with respect to the controversy involved. The award by the arbitrator will have the same force and effect and may be filed and entered, as a judgment of the Superior Court of the State of California and is subject to appellate review upon the same terms and conditions as the law permits for judgments of Superior Courts. A "Prevailing Party" will be determined in the Arbitration, and the Prevailing Party will be entitled to reasonable attorney's fees and costs incurred, and accrued interest on any unpaid balance that may be due. Costs will include the cost of any expert employed in the preparation or presentation of any evidence. All costs incurred and reasonable attorney fees will be considered costs recoverable in that proceeding, and be included in any award.

**13. TERMINATION OF AGREEMENT**

- A. **Termination by City for Cause or Default.** The City reserves the right to terminate this Agreement if Consultant fails to perform the required Services within the term and/or in the manner provided under this Agreement and fails to correct the performance as stipulated within Section 8, Assured Performance, of this Agreement.
- B. **Termination/Disestablishment of District.** The City has and reserves the right to suspend, terminate or abandon the execution of any work by the Consultant without cause at any time after the adoption of resolution of intention to disestablish the CHID pursuant to California Property and Business Improvement District Law of 1994 by City and upon providing Consultant written notice or a copy of the adopted resolution of intention. In the event the City shall disestablish the CHID, the Consultant shall be entitled to retain CHID revenues only for paying the Consultant's current liabilities to the CHID. Pursuant to California Property and Business Improvement District Law of 1994,

**PROFESSIONAL SERVICES AGREEMENT  
Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

Consultant shall refund to the City any remaining CHID revenues or any revenues derived from the sale of assets acquired with the CHID revenues to enable the distribution of the revenues back to businesses who were levied the assessments. Consultant agrees that City has the right and reserves the right to deny the transfer of CHID revenues or suspend, terminate, or abandon the execution of work by the Consultant in the event the CHID is terminated.

- C. **Termination by Consultant for Cause or Default.** Consultant reserves the right to terminate this Agreement if City fails to perform any of its duties or obligations under this Agreement, including but not limited to, failure to timely remit CHID assessment fees due to Consultant, and fails to correct such performance within thirty (30) days of receipt of a Notice of Termination from Consultant.

**14. LEGAL ACTION / VENUE**

- A. Should either Party to this Agreement bring legal action against the other, the validity, interpretation and performance of this Agreement will be controlled by and construed under the laws of the State of California, excluding California's choice of law rules.
- B. Venue for any such action relating to this Agreement will be in Monterey County.
- C. If any legal action or proceeding, including action for declaratory relief, is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement, the Prevailing Party may recover reasonable attorneys' fees as may be determined by the Arbitrator, experts' fees, and other costs, in addition to any other relief to which the Party may be entitled.

**15. MISCELLANEOUS PROVISIONS**

- A. **Non-discrimination.** During the performance of this Agreement, Consultant, and its subconsultants, may not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, or sexual orientation, either in Consultant's employment practices or in the furnishing of services to recipients. Consultant further acknowledges that harassment in the workplace is not permitted in any form, and will take all necessary actions to prevent such conduct.
- B. **Acceptance of Services Not a Release.** Acceptance by the City of the Services to be performed under this Agreement does not operate as a release of Consultant from professional responsibility for the Services performed.
- C. **Force Majeure.** Either Party is absolved from its obligation under this Agreement when and to the extent that performance is delayed or prevented, and in the City's case, when and to the extent that its need for vehicles, materials, or Services to be supplied hereunder are reduced or eliminated by any course, except financial, for reasons beyond its control. Such reasons include, but are not limited to: earthquake, flood, epidemic, fire, explosion, war, civil disorder, act of God or of the public enemy, act of federal, state or local government, or delay in transportation to the extent that they are not caused by the Party's willful or negligent acts or omissions, and to the extent that they are beyond the Party's reasonable control.

**PROFESSIONAL SERVICES AGREEMENT**

**Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

- D. **Headings**. The headings do not govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Agreement. The headings are for convenience only.
- E. **Entire Agreement**. This Agreement, including the Exhibits attached hereto, constitutes the entire agreement between the parties hereto with respect to the terms, conditions, and Services and supersedes any and all prior proposals, understandings, communications, representations and agreements, whether oral or written, relating to the subject matter thereof pursuant to Section 1B, "Change Order of Services". Any Change Order to this Agreement will be effective only if it is in writing signed by both parties hereto and will prevail over any other provision of this Agreement in the event of inconsistency between them.
- F. **Conflict between Agreement and Exhibits**. In the event of a conflict between a provision in this Agreement and a provision in an Exhibit attached to this Agreement, the provisions in this Agreement will take precedence.
- G. **Counterparts**. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and may be signed in counterparts, but all of which together will constitute one and the same Agreement.
- H. **Multiple Copies of Agreement**. Multiple copies of this Agreement may be executed, but the parties agree that the Agreement on file in the office of the City's City Clerk is the version of the Agreement that governs should any difference exist among counterparts of this Agreement.
- I. **Authority**. Any individual executing this Agreement on behalf of the City or Consultant represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such Party and bind the Party to the terms and conditions of this Agreement.
- J. **Severability**. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions will not be impaired thereby. Limitations of liability and indemnities will survive termination of the Agreement for any cause. If a part of the Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- K. **Non-exclusive Agreement**. This Agreement is non-exclusive and both the City and Consultant expressly reserve the right to enter into agreements with other Consultants for the same or similar services, or may have its own employees perform the same or similar services.
- L. **Assignment of Interest**. The duties under this Agreement are not assignable, delegable, or transferable without the prior written consent of the City. Any such purported assignment, delegation, or transfer constitutes a material breach of this Agreement upon which the City may terminate this Agreement and be entitled to damages.
- M. **Laws**. Consultant agrees that in the performance of this Agreement it will reasonably comply with all applicable federal, state and local laws and regulations. This Agreement

**PROFESSIONAL SERVICES AGREEMENT**

**Visit Carmel**

Attachment 4

**Owners' Association for the Carmel Hospitality Improvement District**

will be governed by and construed in accordance with the laws of the State of California and the City of Carmel-by-the-Sea.

IN WITNESS WHEREOF, the parties enter into this Agreement hereto on the day and year first above written in Carmel-by-the-Sea, California.

CITY OF CARMEL-BY-THE-SEA

CONSULTANT

\_\_\_\_\_  
Mayor, City Administrator, or Designee Signature

\_\_\_\_\_  
Consultant Signature

\_\_\_\_\_  
Chip Rerig

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Title

\_\_\_\_\_  
Visit Carmel

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Brian Pierik, City Attorney

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

**ATTEST:**

By: \_\_\_\_\_  
Britt Avrit, MMC, City Clerk

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

Exhibit "A" Management District Plan





**CARMEL HOSPITALITY  
IMPROVEMENT DISTRICT  
MANAGEMENT DISTRICT PLAN**

**CONTENTS**

I. OVERVIEW.....3

II. BACKGROUND.....4

III. EXISTING CHID AND RENEWAL.....5

IV. BOUNDARY .....7

V. SERVICES.....8

    A. Integrated Marketing Program.....8

    B. Administration.....8

    C. Contingency/Reserve.....8

    D. City Collection Fee .....8

VI. BUDGET .....9

    A. Annual Budget.....9

    B. Budget Allocations .....9

    C. GAAP Compliance.....9

VII. ASSESSMENT.....10

    A. Assessment .....10

    B. Penalties and Interest.....10

    C. Time and Manner for Collecting Assessments.....11

VIII. CALIFORNIA CONSTITUTIONAL COMPLIANCE.....12

    A. Specific Benefit.....12

    B. Specific Government Service .....13

    C. Reasonable Cost.....13

IX. GOVERNANCE .....14

    A. Owners’ Association .....14

    B. Brown Act and California Public Records Act Compliance .....14

    C. Annual Report.....14

APPENDIX 1 – LAW.....15

APPENDIX 2 – ASSESSED BUSINESSES .....27

## I. OVERVIEW

Developed by the City of Carmel-by-the-Sea, Visit Carmel, and Carmel lodging businesses, the Carmel Hospitality Improvement District (CHID) is an assessment district formed to provide targeted marketing to specifically benefit assessed businesses. This approach has been used successfully for the past five years in Carmel-by-the-Sea pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). The CHID is proposed to be renewed for ten (10) years as allowed by the PBID Law and this Management District Plan (Plan) sets forth the services to be provided and budget of the CHID, assessments to be levied to fund the CHID, special benefits provided to the assessed businesses, and implementation and governance of the CHID.

*Location:* The CHID includes all lodging businesses within the City boundaries of the City of Carmel-by-the-Sea, as shown on the map in Section IV Boundary.

*Services:* The CHID is designed to provide specific benefits directly to payors through targeted marketing services designed to increase overnight tourism and associated room sales and revenue therefrom for assessed businesses, with particular concentration on increasing overnight sales during lower visitation periods.

*Budget:* The total CHID annual budget for the *initial* year of its ten (10)-year renewed term is anticipated to be approximately \$800,000. This budget is expected to fluctuate as occupancy rates stabilize and room rates vary.

*Cost:* The annual assessment rate shall be two percent (2%) of gross room rental revenue on short term stays (less than 31 days), with the ability to raise the assessment rate by no more than one-half of one percent (0.5%) in any one year up to a maximum of three percent (3%), as specified in Section VII. Assessments will not be collected on gross room rental revenue resulting from stays following the thirtieth (30th) consecutive day of occupancy, nor on stays by any Federal or State of California officer or employee when on official business, nor on stays by any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty.

*Collection:* The City will be responsible for collecting the assessment on a bi-monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the CHID.

*Duration:* The CHID will be renewed for a ten (10) year term, beginning March 1, 2021 through February 28, 2031. Once per year, beginning on March 1, 2022, there is a 30-day period in which owners of assessed businesses paying more than fifty percent (50%) of the assessment may protest and initiate a City Council hearing on CHID termination.

*Management:* Visit Carmel will continue to serve as the CHID's Owners' Association and must provide annual reports to the City Council. The Visit Carmel Board of Directors, comprised of a minimum of six (6) business owners or their representatives paying the CHID assessment, will be responsible for managing funds and implementing programs in accordance with this Plan.

## II. BACKGROUND

Property and Business Improvement Districts (PBIDs) utilize the efficiencies of private sector operation in the market-based promotion of business districts. PBIDs allow business owners to organize their efforts to increase sales and promotional efforts. Business owners within the district fund a PBID, and those funds are used to provide services that the businesses desire and benefit the businesses within the district.

**Property and Business Improvement District services may include, but are not limited to:**

- Marketing of the District
- Business Promotion Activities
- Infrastructure Improvements

In California, PBIDs are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). The PBID Law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. *The key difference between PBIDs and other special benefit assessment districts is that funds raised are managed by the private non-profit corporation governing the district.*

**There are many benefits to Business Improvement Districts:**

- Funds cannot be diverted for other government programs;
- Services are customized to fit the needs of each district;
- They allow for a wide range of services, including those listed above;
- Property and Business Improvement Districts are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable funding source for business promotion.

The PBID Law is provided in Appendix 1 of this document.

### III. EXISTING CHID AND RENEWAL

The existing CHID was implemented on March 1, 2016 with a five (5) year term and expires on February 28, 2021. It provides for a 1% assessment rate on gross room rental revenue per overnight stay. This Plan renewal proposes a 2% assessment rate, with the ability to increase the assessment rate to 3%, for a ten (10)-year term expiring February 28, 2031.

There are several specific reasons why the CHID renewal is crucial at this time:

#### A. The Need to Increase Occupancy

Occupancy rates for Carmel-by-the-Sea hotels during the March/April 2020 bi-monthly period were reported at 15%, as compared to 65% during the same period of 2019. The May-June 2020 reporting period is likely to show similarly dismal numbers as all leisure travel was essentially closed during May and half of June.

The catastrophic impact the Covid-19 pandemic has had on decreased tourism in Carmel-by-the-Sea, the state of California, and throughout the country<sup>1</sup>, as well as the predicted slow recovery rate of both the economy and individual mindsets toward travel<sup>2</sup>, supports the strong need to secure a stable, self-generating marketing fund that will be vital for Carmel-by-the-Sea to compete for visitation.

Even as leisure travel has opened, the regular visitation patterns of year's past will continue to be severely disrupted. While there are indications of pent up desire for travel, the situation continues to be tenuous. The virus continues to spread, outbreaks are likely, shutdowns may occur and reoccur, and the economy is unstable. In addition, the lack of any international visitation for the indefinite future will negatively impact the mid-week and off-season months.

Visit Carmel's marketing programs must be thoughtful and strategic. With the goal of supporting the lodging businesses but not at the expense of the health of the destination and the community.

#### B. An Opportunity to Increase City Tax Revenue

As with many communities around the country, the pandemic has decimated the City's budget, due to the plunge in hotel, restaurant, and retail sales. But with Carmel's interdependence on tourism as its main economic driver, the Village is more severely impacted than a typical small city. Indeed, the City's projected 2020-21 budget indicates projected revenue of about \$18.6 million, a 33% decrease from the previous year.

With the assessment funds generated and the focus on marketing to increase overnight visitation, so too will the City's TOT and sales tax revenue benefit.

<sup>1</sup>Total travel spending in the U.S. is predicted to drop 45% by the end of this year. International inbound spending is expected to fall 75%. FULL FORECAST: [https://www.ustravel.org/system/files/media\\_root/document/Research\\_Travel-Forecast\\_Summary-Table.pdf](https://www.ustravel.org/system/files/media_root/document/Research_Travel-Forecast_Summary-Table.pdf)

<sup>2</sup>Since the beginning of March, the COVID-19 pandemic has resulted in nearly \$237 billion in losses for the U.S. travel economy. Tourism spending in California is expected to drop to \$75.4 billion in 2020, about half of the 2019 total, erasing a decade of growth. RECAP: [https://www.ustravel.org/sites/default/files/media\\_root/document/Coronavirus\\_WeeklyImpacts\\_06.18.20.pdf](https://www.ustravel.org/sites/default/files/media_root/document/Coronavirus_WeeklyImpacts_06.18.20.pdf) and <https://industry.visitcalifornia.com/marketing-communications/coronavirus>

### C. Stable Funding for Hospitality and Tourism Promotion

The renewal of the CHID will continue to provide a stable source of funding for consistent hospitality and tourism promotion efforts, free of the political and economic circumstances that can complicate funding for promotion of the hospitality and tourism industry.

### D. The Need to Educate the Visitor on Responsible Travel

We are only in the initial stages of allowing leisure travel back to Carmel-by-the-Sea, post-Covid. However, it already has become clear that the way to travel safely and responsibly will be different than ever before. Increased demands on both the visitors and the hospitality community will require vigilance, creativity, flexibility, and an ongoing education on protocols. CHID funds will also be used to create and disseminate the messaging we need in order to keep our hospitality and tourism economy thriving and the health of our community safe.

### E. Better Able to Compete

Finally, as Carmel-by-the-Sea begins the long road to recovery, we will be competing with destinations throughout the state—many vying for the attention of a similar demographic and geographic profile. The hospitality and tourism industry is a sophisticated, competitive industry in California with cities and counties vying for visitor business. Visit Carmel compares\* to other California destination marketing organizations, also known as Tourism Improvement Districts (TID), as follows:

District	Annual TID/HID Revenue*	Assessment Rates	Other Guest Levies
Napa Valley	\$6,500,000	2%	12%
Santa Barbara South Coast	\$5,700,000	\$1-\$7/ night	11%
Sonoma County	\$4,700,000	2%	12%
Newport Beach	\$4,500,000	3%	10%
SLO County TMD	\$4,488,000	1.50%	13%
Monterey County	\$4,307,000	\$1 - \$2.50/night	10%
SLO (Unincorp)	\$3,724,000	2%	10%
South Lake Tahoe	\$2,680,000	\$3 - \$4.50/night	12%
SLO (City)	\$1,867,000	2%	12%
Pismo Beach	\$1,750,000	1%	12%
<b>Carmel (post-COVID @2% - forecast 3-4 yrs)</b>	<b>\$1,300,000</b>	<b>2%</b>	<b>10%</b>
Paso Robles	\$1,280,000	2%	12%
Laguna Beach	\$950,000	2%	12%
Morro Bay	\$835,000	3%	12%
<b>Carmel (proposed)</b>	<b>\$800,000</b>	<b>2%</b>	<b>10%</b>
Healdsburg	\$741,000	2%	14%
Sonoma City	\$730,000	2%	10%
<b>Carmel (pre-COVID)</b>	<b>\$660,000</b>	<b>1%</b>	<b>10%</b>
Truckee	\$656,400	2%	10%

Source: Civitas TID grid, with info July 2020 - <https://civitasadvisors.com/wp-content/uploads/2020/08/Global-TID-Matrix-7-22-2020.pdf>

**\*Note: These are revenues generated by assessment only and do not reflect full DMO revenues.**

## IV. BOUNDARY

The CHID will include all lodging businesses, existing and in the future, available for public occupancy within the city limits and as depicted by the boundaries shown on the map below.

Lodging business means: any building, portion of any building, or group of buildings in which there are guest rooms or suites, including housekeeping units for transient guests, where lodging with or without meals is provided. Lodging business does not include:

- Vacation time-share facilities;
- Vacation rentals, defined as a single family home, townhome, or condominium that is available for rent; and
- Recreational vehicle (RV) parks.

The boundary, as shown in the map below, currently includes 44 lodging businesses. A complete listing of the lodging businesses within the proposed CHID can be found in Appendix 2.





## V. SERVICES

Assessment funds will be spent on specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost of conferring the benefits or granting the privileges. The privileges and services provided with the CHID funds are activities and improvements, available only to assessed businesses, designed to increase overnight stays and revenue therefrom.

### A. Integrated Marketing Program

An integrated strategic marketing program will promote assessed lodging businesses. The marketing program will account for approximately 70% of the budget and have a central theme of promoting Carmel-by-the-Sea as a desirable place for visitors. However, the program will have the over-arching goal of increasing guests and sales at assessed businesses and may include the following activities:

- Internet marketing efforts, including the use of social media, to increase awareness and optimize internet presence to drive customers and sales to assessed businesses;
- Print ads in magazines and newspapers, television ads, and radio ads targeted at potential visitors to drive customers and sales to assessed businesses;
- Public relations campaigns to increase awareness and brand image using earned media coverage, including familiarization tours for media and influencers and expenses incurred therein;
- Attendance at media events and/or trade shows to promote assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps featuring assessed businesses;
- Attendance at professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract customers to assessed businesses;
- Development and maintenance of a website designed to promote assessed businesses; and
- Outside agency or independent contractor fees for providing marketing services.

### B. Administration

The administration portion of the budget will account for approximately 18% of the budget and utilized for administrative staffing costs, office costs, advocacy and other general administrative costs such as insurance, legal, and accounting fees.

### C. Contingency/Reserve

A prudent portion of the budget, approximately 11%, will be allocated to a contingency fund, to account for lower than anticipated collections or a predicted need for cash flow stabilization. Contingency funds may be held in a reserve fund or utilized for other programs or services authorized by the PBID Law, administration or renewal costs at the discretion of the Board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board. The reserve fund may be used for the costs of renewing the CHID.

### D. City Collection Fee

The City shall retain a fee equal to one percent (1%) of the amount of assessment collected, and not to be less than \$6,500 collected during each one-year period, to cover its costs of collection and administration. The minimum fee amount will be evaluated annually and adjusted as needed to ensure city's administrative costs remain covered.



## VI. BUDGET

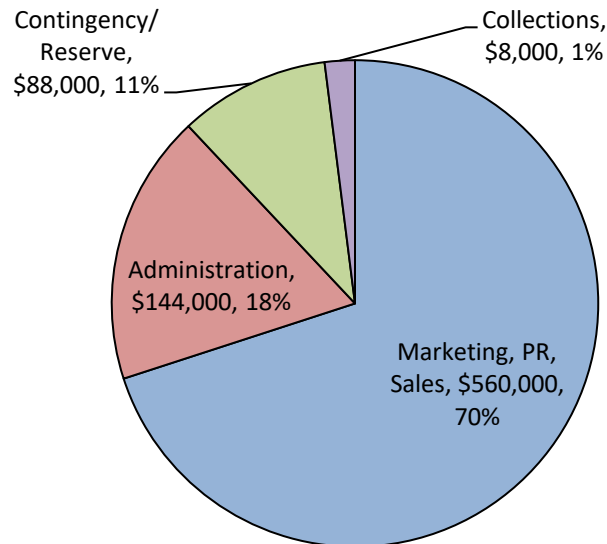
### A. Annual Budget

The total ten (10) year budget, based on the two percent (2%) rate of assessment, is projected at approximately \$800,000 for the initial year, or \$8,000,000 total through February 28, 2031. This budget is expected to fluctuate as businesses open and close and room occupancy and rates change, but is not expected to significantly change over the life of the CHID. Should the assessment rate be increased to three percent (3%) as provided by Section VII below, the annual budget could be increased up to approximately \$1,200,000, subject to the fluctuations noted.

### B. Budget Allocations

The budget allocations for the initial year are shown below. Although actual annual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain consistent. However, the Visit Carmel Board of Directors shall have the authority to adjust categorical allocations by up to fifteen percent (15%) of the total budget each year. In the event of a legal challenge against the CHID, any and all assessment funds may be used for the costs of defending the CHID, the City, and Visit Carmel related to the CHID.

The initial annual budget of \$800,000 will be allocated as follows:



### C. GAAP Compliance

Each budget category includes all costs related to providing that activity or improvement, in accordance with Generally Accepted Accounting Procedures (GAAP). For example, the Marketing, Public Relations, Sales & Promotion budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of employing an individual staff member may be allocated to multiple budget categories, as appropriate in accordance with GAAP. The staffing levels necessary to provide the activities and improvements below will be determined by the CHID Management Committee on an as-needed basis and detailed (number of employees and cost of salaries and benefits) in the annual report to the City.

## VII. ASSESSMENT

### A. Assessment

The annual assessment rate is two percent (2%) of gross room rental revenue on short term stays (less than 31 days). Assessments will not be collected on gross room rental revenue resulting from stays following the thirtieth (30th) consecutive day of occupancy, nor on stays by any Federal or State of California officer or employee when on official business, nor on stays by any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty.

The term “gross room rental revenue” as used herein means: the consideration charged, whether or not received, for the occupancy of space in a lodging business valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

During the ten (10) year term, the assessment rate may be increased by the CHID/Visit Carmel Board to a maximum of three percent (3%) of gross lodging revenue. The maximum assessment increase in any year shall be one-half of one percent (0.50%) of gross room rental revenue. In any case, the annual assessment cannot exceed the actual costs to operate the District in any given year.

The assessment is levied upon and is a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. The assessment shall be disclosed as the “CHID Assessment.” The assessment is imposed solely upon and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

### B. Penalties and Interest

The City shall be responsible for collection of delinquent assessments. The City of Carmel-by-the-Sea shall retain any penalties or interest collected with unpaid assessments as its fee for collecting the delinquent assessments. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency:* Any assessed business which fails to remit payment of assessments within fourteen (14) days of the due date shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. *Continued Delinquency:* If an assessed business fails to remit any delinquent remittance within sixty (60) days following the date on which the remittance first became delinquent, it shall pay a second delinquency penalty of ten (10%) percent of the amount of the assessment in addition to the amount of the assessment and the ten (10%) percent penalty first imposed.
3. If the City determines than an assessed business is delinquent, the assessed business can be sent directly to collections without further review and the assessed business will be responsible for all late fees, interest, and collection fees.

4. *Fraud*: If it is determined that the nonpayment of any remittance due is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated above.
5. *Interest*: In addition to penalties imposed, any assessed business which fails to remit any assessment shall pay simple interest at the rate of six percent (6%) per year or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the assessment first became delinquent until paid.
6. *Penalties Merged With Assessment*: Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment required to be paid.

#### **C. Time and Manner for Collecting Assessments**

Visit Carmel shall be responsible for educating new and existing businesses in the CHID of its existence. The City shall make its best efforts to notify Visit Carmel when a business closes, opens or changes ownership within the CHID. The CHID assessment provided for under this Plan will be implemented beginning March 1, 2021 and will continue for ten (10) years through February 28, 2031. The City will be responsible for collecting the assessment on the gross room rental revenue on a bi-monthly basis (including any delinquencies, penalties and interest) from each lodging business. The City shall take all reasonable efforts to collect the assessments from each business.

The City's cost of pursuing and collecting delinquent assessments shall be paid from the penalties and interest charged on delinquent assessments or the contingency portion of the budget. If the penalties and interest do not cover the City's cost, or if any portion of penalties and interest are waived in the action to collect the delinquent assessment, the City shall be reimbursed for its costs from the contingency portion of the budget. If the City pursues delinquent Transient Occupancy Tax and delinquent CHID assessment in the same action, only the proportionate cost of collecting the assessment may be retained by the City from the assessment penalties and interest collected or charged to the contingency portion of the budget.

The City shall forward the assessments collected to Visit Carmel within 30 days from collection.

## VIII. CALIFORNIA CONSTITUTIONAL COMPLIANCE

The CHID is subject to certain provisions of the California Constitution. Although it levies an assessment, the CHID is not a property-based assessment subject to the requirements of Article XIII D of the Constitution (“Proposition 218”). The Court has found, “Proposition 218 limited the term ‘assessments’ to levies on real property.”<sup>1</sup> Rather, the CHID assessment is a business-based assessment, and is subject to Article XIII C of the Constitution (“Proposition 26”). Pursuant to Proposition 26 all City levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the CHID, a “specific benefit” and a “specific government service.” Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

### A. Specific Benefit

Proposition 26 requires that assessment funds be expended on, “a specific benefit conferred or privilege granted directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.”<sup>2</sup> The services in this Plan are designed to provide targeted benefits directly to assessed lodging businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific lodging businesses within the CHID. The activities described in this Plan are specifically targeted to increase overnight stays for assessed lodging businesses within the boundaries of the CHID, and are and shall be narrowly tailored. CHID funds will be used exclusively to provide the specific benefit of increased overnight stays directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging businesses in CHID programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

The assessment imposed by the CHID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in gross overnight stays and revenue therefrom. The specific benefit of an increase in gross overnight stays for assessed lodging businesses will be directly provided only to lodging businesses paying the CHID assessment, with sales and marketing programs promoting only those businesses paying the assessment. The CHID programs will be designed to increase gross overnight stays at each assessed lodging business. Because they are necessary to provide the CHID programs that specifically benefit the assessed lodging businesses, the administration, and contingency/reserve, and collections expenditures also provide the specific benefit of increased gross room sales to the assessed lodging businesses.

Although the CHID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, “A specific benefit is not excluded from classification as a ‘specific benefit’ merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payer as a consequence of providing the specific benefit to the payer.”<sup>3</sup>

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<sup>1</sup> *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

<sup>2</sup> Cal. Const. art XIII C § 1(e)(1)

<sup>3</sup> Government Code § 53758(a)

**B. Specific Government Service**

The assessment may also be utilized to provide, “a specific government service or product provided directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.”<sup>4</sup> The legislature has recognized that marketing services like those to be provided by the CHID are government services within the meaning of Proposition 26<sup>5</sup>. Further, the legislature has determined that “a specific government service is not excluded from classification as a ‘specific government service’ merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payer as a consequence of providing the specific government service to the payer.”<sup>6</sup>

**C. Reasonable Cost**

CHID activities and improvements will be implemented carefully to ensure they do not exceed the reasonable cost to the City of such activities and improvements. The full amount assessed will be used to provide the activities and improvements described herein. Funds will be managed by the Visit Carmel Board of Directors, and reports submitted on an annual basis to the City. Only assessed lodging businesses will directly benefit from other CHID-funded services. Non-assessed lodging businesses will not directly receive these, nor any other, CHID-funded services and benefits.

The CHID-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed lodging businesses receive incremental room sales revenue, that portion of the promotion or program generating that gross revenue shall be paid with non-CHID funds. CHID funds shall only be spent to benefit the assessed businesses and shall not be spent on that portion of any program which directly generates incidental room sales for non-assessed businesses.

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<sup>4</sup> Cal. Const. art XIII C § 1(e)(2)

<sup>5</sup> Government Code § 53758(b)

<sup>6</sup> Government Code § 53758(b)

## IX. GOVERNANCE

### A. Owners' Association

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the CHID as defined in Streets and Highways Code §36612. The City Council has determined that Visit Carmel will serve as the Owners' Association for the CHID. Visit Carmel will maintain its Board of Directors, comprised of a minimum of six (6) business owners, or their representatives, paying the CHID assessment, which will be responsible for implementing this Plan. Visit Carmel shall be responsible for managing funds and implementing programs in accordance with this Plan and by direction of the Board of Directors and must provide annual reports to the City Council.

### B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Visit Carmel Board, the Carmel Restaurant Management Committee, and certain committees wherein the CHID is discussed must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

### C. Annual Report

Visit Carmel shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report may be incorporated into other City-related Annual Reports (such as the Carmel Restaurant Improvement District), may be presented at the end of the 1<sup>st</sup> quarter of the current fiscal year, and shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for the next fiscal year.
- An estimate of the cost of providing the improvements and the activities for that upcoming fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

## APPENDIX 1 – LAW

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 2018 SUPPLEMENT \*\*\*  
(ALL 2017 LEGISLATION)

**STREETS AND HIGHWAYS CODE  
DIVISION 18. PARKING  
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994**

**CHAPTER 1. General Provisions**

**ARTICLE 1. Declarations**

**36600. Citation of part**

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

**36601. Legislative findings and declarations; Legislative guidance**

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
  - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
  - (2) Job creation.
  - (3) Business attraction.
  - (4) Business retention.
  - (5) Economic growth.
  - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
  - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements,

maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

### **36602. Purpose of part**

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

### **36603. Preemption of authority or charter city to adopt ordinances levying assessments**

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

### **36603.5. Part prevails over conflicting provisions**

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

### **36604. Severability**

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

## **ARTICLE 2. Definitions**

### **36606. "Activities"**

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

### **36606.5. "Assessment"**



“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

**36607. “Business”**

“Business” means all types of businesses and includes financial institutions and professions.

**36608. “City”**

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

**36609. “City council”**

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

**36609.4. “Clerk”**

“Clerk” means the clerk of the legislative body.

**36609.5. “General benefit”**

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

**36610. “Improvement”**

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

**36611. “Management district plan”; “Plan”**

“Management district plan” or “plan” means a proposal as defined in Section 36622.

**36612. “Owners’ association”**

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall

comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

**36614. “Property”**

“Property” means real property situated within a district.

**36614.5. “Property and business improvement district”; “District”**

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

**36614.6. “Property-based assessment”**

“Property-based assessment” means any assessment made pursuant to this part upon real property.

**36614.7. “Property-based district”**

“Property-based district” means any district in which a city levies a property-based assessment.

**36615. “Property owner”; “Business owner”; “Owner”**

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

**36615.5. “Special benefit”**

“Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

**36616. “Tenant”**

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

**ARTICLE 3. Prior Law**

**36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

**CHAPTER 2. Establishment**

**36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

**36620.5. Requirement of consent of city council**

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

**36621. Initiation of proceedings; Petition of property or business owners in proposed district**

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
- (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

**36622. Contents of management district plan**

The management district plan shall include, but is not limited to, all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts

established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.

(m) In a property-based district, the total amount of general benefits, if any.

(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(o) Any other item or matter required to be incorporated therein by the city council.

### **36623. Procedure to levy assessment**

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

#### **36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

#### **36625. Resolution of formation**

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

### **36626. Resolution establishing district**

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in Section 36625.

### **36627. Notice and assessment diagram**

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

### **36628. Establishment of separate benefit zones within district; Categories of businesses**

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

#### **36628.5. Assessments on businesses or property owners**

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

### **36629. Provisions and procedures applicable to benefit zones and business categories**

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category

of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

**36630. Expiration of district; Creation of new district**

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

**CHAPTER 3. Assessments**

**36631. Time and manner of collection of assessments; Delinquent payments**

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

**36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property**

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

**36633. Time for contesting validity of assessment**

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

**36634. Service contracts authorized to establish levels of city services**

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

**36635. Request to modify management district plan**

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

**36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention**

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public

hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

- (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
- (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

### **36637. Reflection of modification in notices recorded and maps**

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

## **CHAPTER 3.5. Financing**

### **36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

## **CHAPTER 4. Governance**

### **36650. Report by owners' association; Approval or modification by city council**

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

- (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
- (2) The improvements, maintenance, and activities to be provided for that fiscal year.



(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

### **36651. Designation of owners' association to provide improvements, maintenance, and activities**

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

## **CHAPTER 5. Renewal**

### **36660. Renewal of district; Transfer or refund of remaining revenues; District term limit**

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

## **CHAPTER 6. Disestablishment**

### **36670. Circumstances permitting disestablishment of district; Procedure**

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners

or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district**

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

**APPENDIX 2 – ASSESSED BUSINESSES**

Adobe Inn	Forest Lodge
Best Western Town House Inn	Hofsas House
Briarwood Inn	Horizon Inn
Candlelight Inn	Hotel Carmel
Carmel Bay View Inn	Lamplighter Inn
Carmel Cottage Inn	La Playa Hotel Carmel
Carmel Country Inn	L'Auberge
Carmel Fireplace Inn	Lobos Lodge
Carmel Garden Inn	Monte Verde Inn
Carmel Green Lantern Inn	Normandy Inn
Carmel Inn & Suites	Ocean View Lodge
Carmel Lodge	Pine Inn
Carmel Oaks	Seaview Inn
Carmel Resort Inn	Svendsgaards Inn
Carmel Stonehouse Inn	Tally Ho
Carriage House	Tradewinds Inn
Casa de Carmel	The Getaway
Coachman's Inn	The Hideaway
Colonial Terrace Inn	The Homestead
Comfort Inn	Vagabonds House
Cypress Inn	Wayfarer
Edgemere Cottages	Wayside Inn