



AGENDA

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL

(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY)

Tuesday, July 19, 2016

City Council Chambers, 225 Park Street, Lakeport, California 95453

Any person may speak for three (3) minutes on any agenda item; however, total public input per item is not to exceed 15 minutes, extended at the discretion of the City Council. This rule does not apply to public hearings. Non-timed items may be taken up at any unspecified time.

CLOSED SESSION:

5:30 P.M.

1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6): Name of City Negotiator to Attend Closed Session: Rick Haeg and Administrative Services Director Kelly Buendia; Employee Organization: Lakeport Employees' Association.

I. CALL TO ORDER & ROLL CALL:

6:00 p.m.

II. PLEDGE OF ALLEGIANCE:

III. ACCEPTANCE OF AGENDA:

Urgency Items:

Move to accept agenda as posted, or move to add or delete items.

To add item, Council is required to make a majority decision that an urgency exists (as defined in the Brown Act) and a 2/3rds determination that the need to take action arose subsequent to the Agenda being posted.

IV. CONSENT AGENDA:

The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.

A. Ordinances:

Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per *Government Code* Section 36934.

B. Minutes:

Approve minutes of the regular City Council meeting of July 05, 2016.

C. Warrants:

Approve the warrant registers of July 11, 2016.

D. Application 2016-019:

Approve Application No. 2016-019 with staff recommendations for the SUP with the People Paddle Board Demo to be held August 15, 2016 in Library Park at the First Street boat launch.

E. Unrepresented Employees
Compensation and Benefits Program:

Adopt a proposed resolution approving the Compensation and Benefits Program the Lakeport Unrepresented Employees for the period July 19, 2016 through July 18, 2017, and authorizing its execution.

V. PUBLIC PRESENTATIONS/REQUESTS:

A. Citizen Input:

Any person may speak for 3 minutes about any subject within the authority of the City Council, provided that the subject is not already on tonight's agenda. Persons wishing to address the City Council are required to complete a Citizen's Input form and submit it to the City Clerk prior to the meeting being called to order. While not required, please state your name and address for the record. NOTE: Per Government Code §54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda.

VI. PUBLIC HEARINGS:

A. Community Development Director

1. 2016 Community Development Block Grant (CDBG) Application:

Hold a Public Hearing to approve and adopt a proposed resolution approving a 2016 application for funding, authorizing submittal signatory, and execution of a grant agreement and any amendments thereto from the general allocation of the state CDBG Program upon approval.

B. City Manager/City Clerk

1. Introduce Ordinance: Sales Tax Measure

Conduct Public Hearing to:

1. Introduce an ordinance of the City Council of the City of Lakeport imposing a transactions and use tax to be administered by the State Board of Equalization, and
2. Approve a resolution of the City Council of the City of Lakeport calling for, providing for, and giving notice of the general municipal election to

be held in the City of Lakeport, County of Lake, State of California, on the 8th day of November, 2016, for the purpose of submitting to the voters, a measure to be voted on at said election, establishing deadlines for direct and rebuttal arguments, providing for the preparation of an impartial analysis, and requesting approval of the Lake County Board of Supervisors for election services to be provided by the County Elections Official.

VII. COUNCIL BUSINESS:

A. City Manager

1. Westside Park Dog Park: Accept the Westside Community Park Committee recommended naming of the dog park the "Ron Raetz Dog Park", and authorize staff to work with the Committee in placing appropriate signage.
2. League of California Cities Annual Meeting: Approve cancellation of the October 2, 2016, City Council Meeting, and nominate Council Members as the voting delegate, first alternate and second alternate voting delegate for the League of California Cities Annual Conference to be held October 5 through October 7, 2016, in Long Beach, California.
3. National Night Out Approve the change of start time for the August 2, 2016, Lakeport City Council Meeting to 5:00 p.m. and approve the participation of the City of Lakeport in the National Night Out event on August 2, 2016, with street closures.

B. Community Development Director

1. Parking Resolution: Bevins Street Adopt a proposed resolution rescinding Resolution No. 2538 (2015) and designating the locations of Prohibited Parking Zones within the City of Lakeport.

VIII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

IX. ADJOURNMENT:

Adjourn

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 225 Park Street, Lakeport, California, during normal business hours. Such documents are also available on the City of Lakeport's website, www.cityoflakeport.com, subject to staff's ability to post the documents before the meeting.

The City of Lakeport, in complying with the *Americans with Disabilities Act (ADA)*, requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk's Office, (707) 263-5615, 72 hours prior to the scheduled meeting to ensure reasonable accommodations are provided.

Hilary Britton, Deputy City Clerk

MINUTES

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL

(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY)

Tuesday, July 5, 2016

CLOSED SESSION:

Mayor Spillman called the meeting to order at 5:32 pm, and adjourned to closed session at 5:32 pm for the following items:

1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6): Name of City Negotiator to Attend Closed Session: Rick Haeg and Administrative Services Director Kelly Buendia; Employee Organization: Lakeport Employees' Association.
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8): Property Address: Utility Easement concerning 818 Lakeport Blvd, Lakeport (APN 025-472-05); Agency Negotiator: Margaret Silveira, City Manager; Negotiating Parties: City of Lakeport and Matt Riveras; Under Negotiation: Price and Terms of Payment

REPORT OUT OF CLOSED SESSION:

Mayor Spillman reported there was no reportable action out of closed session.

I. CALL TO ORDER & ROLL CALL:

Mayor Spillman called the regular meeting of the City Council of the City of Lakeport to order at 6:11 p.m. with Council Member Turner, Council Member Parlet, Council Member Mattina and Council Member Scheel present.

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Wilda Shock.

III. ACCEPTANCE OF AGENDA:

A motion was made by Council Member Scheel, seconded by Council Member Mattina, and unanimously carried by voice vote, to accept agenda as posted.

Urgency Items:

There were no urgency items.

IV. CONSENT AGENDA:

The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.

A. Ordinances:

Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per *Government Code* Section 36934.

B. Minutes:

Approve minutes of the regular City Council meeting of June 21, 2016.

C. Warrants:

Approve the warrant registers of June 22, 2016, and June 23, 2016.

D. Application 2016-018:

Approve Application No. 2016-018 with staff recommendations for the annual Rodeo Parade to be held July 9, 2016.

E. Right of Entry Agreement:

Approve a proposed Right of Entry Agreement between the City of Lakeport and the County of Lake to allow the City to carry out all necessary work required by the Downtown Improvement Project, on County owned property on Main Street.

F. Memorandum of Understanding:

Adopt a proposed resolution approving the Memorandum of Understanding between the City of Lakeport and the Lakeport Police Officers' Association for the period July 1, 2016 through June 30, 2018, and authorizing its execution.

Vote on Consent Agenda:

A motion was made by Council Member Mattina, seconded by Council Member Turner, and unanimously carried by voice vote, to approve the consent agenda, Items A-F.

V. PUBLIC PRESENTATIONS/REQUESTS:

A. Citizen Input:

B. Introduction of New Employees:

Lieutenant Ferguson introduced new Police Officer Joe Medici and Police Intern Natalie Sylar. Administrative Services Director Buendia introduced new Administrative Services Intern Savannah Rasmussen. Margaret Silveira introduced Interim Finance Director Ginny Feth-Michel.

- C. Presentation: Carolyn Ruttan of Water Resources gave a presentation on the latest Quagga and Zebra mussel prevention grants awarded to the Lake County Watershed Protection District and the various prevention programs to be introduced in Lake County.

VI. COUNCIL BUSINESS:

A. Finance Director:

1. Bond Refunding

Finance Director Buffalo presented the staff report. Eric Scriven of NHA Advisors was available for questions. Sitting as the Board of Directors of the Successor Agency to the Lakeport Redevelopment Agency, motion was made by Council/Agency Member Scheel, seconded by Council/Agency Member Turner, and unanimously carried by voice vote, to approve the issuance of refunding bonds in order to refund certain outstanding bonds of the dissolved Lakeport Redevelopment Agency, approve the execution and delivery of a form of indenture of trust relating thereto and request Oversight Board approval of the issuance of the refunding bonds, request certain determinations by the Oversight Board, and provide for other matters properly relating thereto.

2. Professional Services Agreement:

Finance Director Buffalo presented the staff report. A motion was made by Council Member Turner, seconded by Council Member Mattina, and unanimously carried by voice vote, to approve and authorize the City Manager to execute the Professional Services Agreement with JJACPA for independent auditing services with amendments to Section 8 as prepared by the City Attorney.

3. Professional Services Agreement:

Finance Director Buffalo presented the staff report.

A motion was made by Council Member Mattina, seconded by Council Member Turner, and unanimously carried by voice vote, to approve and authorize the City Manager to execute the second amendment to the Professional Services Agreement with NHA Advisors for independent, registered municipal financial advisory services.

B. Community Development Director

1. Bid Award: Carnegie Library

Community Development Director Ingram presented the staff report. Wilda Shock encouraged the Council to approve the agreement and endorsed Garavaglia Architecture, Inc. A motion was made by Council Member Scheel, seconded by Council Member Mattina, and unanimously carried by voice vote, to approve the Professional Services Agreement between the City of Lakeport and Garavaglia Architecture, Inc. for the development of design and construction documents for ADA accessibility upgrades to the Carnegie Library building, and authorize the City Manager to sign the agreement.

VII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

Community Development Director Ingram invited the Council to a community meeting related to lakefront planning to be held on July 6, 2016 at 5:30 p.m. in the City Council Chamber.

Lieutenant Ferguson gave an overview of the Fourth of July events at the parks including some missing children who were quickly recovered and a stabbing in the park. There was a substantial amount of illegal fireworks, including a large gathering in the Safeway parking lot.

Finance Director Buffalo thanked City Manager Silveira and the Council for the opportunity at the City as this was his last meeting.

City Manager Silveira thanked Finance Director Buffalo, stating he has done an amazing job.

City Attorney Ruderman had no report.

Council Member Turner also thanked Finance Director Buffalo.

Council Member Mattina reported that the Fourth of July fireworks show was great. She had spoken to the owners of Angelina's regarding the Main Street Improvement construction and they advised they were still very busy and pleased with how the construction was proceeding.

Council Member Parlet has met with a local resident related to a FEMA flood map. He complimented the signage related to fireworks.

Council Member Scheel thanked the Finance Director Buffalo. Thanked all law enforcement for assistance with the Fourth of July festivities. He noted that the parks were cleaned up very well and thanked the Parks staff.

Mayor Spillman thanked Councilmember Scheel for following up with Lakeport Disposal on behalf of Mr. Minjack regarding a flyer he had received.

He worked at the LMSA booth during the Fourth of July Craft Faire, and thanked the Brittons for volunteering for a shift.

Acting Public Works Director Grider was not present.

Administrative Services Director Buendia had no report.

Mayor Spillman adjourned the meeting at 7:38 p.m.

VIII. ADJOURNMENT:

Marc Spillman, Mayor

ATTEST:

Kelly Buendia, City Clerk

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



July 14, 2016

I hereby certify that the attached list of warrants has been audited, extensions are proper, purchase orders have been issued, and department heads have been given the opportunity to review and sign claim forms.

A handwritten signature in blue ink, appearing to be "Ginny Feth-Michel", is written above a horizontal line.

Ginny Feth-Michel
Interim Finance Director



Lakeport, CA

Check Register

Packet: APPKT00224 - 07-11-16 WARRANTS

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP BANK-AP BANK						
2404	ADAMS ASHBY GROUP, LLC.	07/11/2016	Regular	0.00	1,400.00	49506
00371	ALPHA ANALYTICAL LABORATORIES	07/11/2016	Regular	0.00	998.00	49507
00123	AQUA PRODUCTS	07/11/2016	Regular	0.00	146.88	49508
00109	ARAMARK UNIFORM SERVICES	07/11/2016	Regular	0.00	99.77	49509
2351	AT&T	07/11/2016	Regular	0.00	493.28	49510
1599	CABELA'S INC	07/11/2016	Regular	0.00	164.94	49511
3099	CALPERS	07/11/2016	Regular	0.00	50,457.00	49512
1124	COMMUNITY DEVELOPMENT SERVICE	07/11/2016	Regular	0.00	4,000.00	49513
00130	COUNTY OF LAKE-ANIMAL CONTROL	07/11/2016	Regular	0.00	681.75	49514
2779	CRESCO EQUIPMENT RENTALS	07/11/2016	Regular	0.00	3,252.95	49515
3228	CYBER WELD	07/11/2016	Regular	0.00	3,814.56	49516
1089	DALE STOEBE	07/11/2016	Regular	0.00	5.00	49517
0331	DEEP VALLEY SECURITY	07/11/2016	Regular	0.00	461.88	49518
2305	DEPT OF PESTICIDE REGULATION	07/11/2016	Regular	0.00	50.00	49519
3230	DONALD MACKEN ASSOCIATES	07/11/2016	Regular	0.00	1,500.00	49520
3182	ES WEST COAST, LLC	07/11/2016	Regular	0.00	246.42	49521
2613	FRANK HAAS	07/11/2016	Regular	0.00	560.00	49522
3226	GEO-WEST LAND SURVEYS	07/11/2016	Regular	0.00	810.00	49523
1754	GRANITE CONSTRUCTION COMPANY	07/11/2016	Regular	0.00	764.33	49524
1705	HAGAN HEATING & COOLING	07/11/2016	Regular	0.00	267.00	49525
2393	HARTFORD RETIREE PREMIUM ACCT	07/11/2016	Regular	0.00	18,490.67	49526
2094	HDS WHITE CAP CONST SUPPLY	07/11/2016	Regular	0.00	225.43	49527
00167	INTERSTATE BATTERY SYSTEM	07/11/2016	Regular	0.00	84.95	49528
3224	JOE SANCHEZ CONSTRUCTION	07/11/2016	Regular	0.00	2,869.70	49529
1146	KELSEYVILLE LUMBER	07/11/2016	Regular	0.00	80.63	49530
3225	KMA RESOURCE GROUP LLC	07/11/2016	Regular	0.00	2,500.00	49531
00364	LAKE COUNTY ELECTRIC SUPPLY	07/11/2016	Regular	0.00	58.62	49532
2641	LAKE COUNTY RECORD-BEE	07/11/2016	Regular	0.00	140.46	49533
2073	LCOE	07/11/2016	Regular	0.00	100.00	49534
3229	MARTIN & CHAPMAN CO.	07/11/2016	Regular	0.00	77.95	49535
00354	MEDIACOM	07/11/2016	Regular	0.00	451.80	49536
2356	MYERS STEVENS & TOOHEY & CO.	07/11/2016	Regular	0.00	193.50	49537
2773	NICKOLAUS & HAEG, LLC.	07/11/2016	Regular	0.00	2,800.00	49538
00113	PACE SUPPLY #03391-00	07/11/2016	Regular	0.00	3,640.57	49539
00217	PG&E VO248104	07/11/2016	Regular	0.00	11,811.52	49540
1117	PITNEY BOWES	07/11/2016	Regular	0.00	155.88	49541
1130	POLESTAR COMPUTERS	07/11/2016	Regular	0.00	2,925.00	49542
2377	PYRO SPECTACULARS NORTH, INC.	07/11/2016	Regular	0.00	17,300.00	49543
00226	R.E.M.I.F.	07/11/2016	Regular	0.00	146,559.00	49544
3231	REANA HOAGLEN	07/11/2016	Regular	0.00	30.24	49545
1837	ROGER WHEELER LANDSCAPING	07/11/2016	Regular	0.00	250.00	49546
2599	SHN CONSULTING ENGINEERS & GEO	07/11/2016	Regular	0.00	377.50	49547
00400	SIERRA CHEMICAL COMPANY	07/11/2016	Regular	0.00	1,972.80	49548
2832	STANDARD PRINTING COMPANY	07/11/2016	Regular	0.00	1,417.59	49549
2809	STEVEN GROSSNER	07/11/2016	Regular	0.00	50.00	49550
3138	THE WORKS INC/MLS - LSQ FUNDING	07/11/2016	Regular	0.00	10,969.95	49551
2552	U.S. BANK	07/11/2016	Regular	0.00	3,056.83	49552
2510	US POSTMASTER - ARIZONA	07/11/2016	Regular	0.00	874.02	49553
1310	USA BLUE BOOK	07/11/2016	Regular	0.00	536.26	49554
00164	WESTGATE PETROLEUM CO., INC.	07/11/2016	Regular	0.00	2,161.58	49555
00403	WILLDAN FINANCIAL SERVICES	07/11/2016	Regular	0.00	1,869.78	49556

Check Register

Packet: APPKT00224-07-11-16 WARRANTS

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00351	YOLO COUNTY FLOOD CONTROL	07/11/2016	Regular	0.00	1,169.29	49557

Bank Code AP BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	94	52	0.00	305,375.28
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	94	52	0.00	305,375.28

Fund Summary

Fund	Name	Period	Amount
998	POOLED CASH	7/2016	305,375.28
			<u>305,375.28</u>



Lakeport, CA

Check Report

By Check Number

Date Range: 06/30/2016 - 06/30/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP BANK-AP BANK						
1887	LAKEPORT DISPOSAL, INC.	06/30/2016	Manual	0.00	12,667.99	49492

Bank Code AP BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	1	1	0.00	12,667.99
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	12,667.99

Fund Summary

Fund	Name	Period	Amount
998	POOLED CASH	6/2016	12,667.99
			<hr/>
			12,667.99



CITY OF LAKEPORT

225 Park Street
Lakeport, CA 95453

Phone: (707) 263-5615, Ext. 12
Fax: (707) 263-8584

APPLICATION FOR USE OF PUBLIC AREAS

Please note: City Council meetings are held the **FIRST** and **THIRD TUESDAY** of the month. Application forms require City Council approval and must be completed and submitted to the City Clerk at least ten working days before the Council meeting at which they will be considered.

This section to be completed by City:

Application Received (Date):	Application No.
<input type="checkbox"/> \$15.00 Application Fee Paid	For Council Meeting of (Date):

This section to be completed by Applicant (please answer all questions):

Applicant Name: Peyton Moore		Organization Name: Jobe Watersports	
Address: 36 W COLORADO BLVD, 200 PASADENA, CA 91105		Address:	
Home Phone: 917-684-4423	Work Phone: 626-993-3770	Mobile Phone: 917-684-4423	
Email Address: peyton@echo-factory.com			
Other Contact: SANDRA WISSA		Phone for Other Contact: 626-993-3770	
Organization is: <input type="checkbox"/> Nonprofit Organization <input checked="" type="checkbox"/> For Profit Organization			

Name of Event: Jobe's SUP to the People Tour		
Description of Event: 2 paddleboard instructors will be visiting the lake w/ Holly from AIR KAYAKS, to do short demos on the lake. Details Attached.		
Specific Location of Event (Map Must be Attached): 1st Street, 2nd choice: 3rd Street		
Does this use involve public right of way, streets, or sidewalk? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please indicate specific location:		
If requesting closure of streets, sidewalk, etc., please describe notification procedure for affected businesses and/or residences: N/A		
Date(s) of Event: Monday, August 15, 2016	Total Number of Days: 1	Set Up Time: 1:00pm Time of Event: -2:00pm Tear Down Time: 6:00pm

Specify anticipated number of people (both participants and the public): 20

Will any vendors be present? Yes ☐ No ☒

Will any food booths be present? Yes ☐ No ☒

Requirements: N/A

- ☐ Electricity (cannot be guaranteed by City)
- ☐ Barricades
- ☐ Street/Sidewalk Closures
- ☐ No irrigation in park prior to event
- ☐ Other (please specify):

Coordination of these requirements must be made through the Public Works Department: (707) 263-0751

Specific City Staff Needs: N/A

- ☐ Police
- ☐ Public Works
- ☐ Parks
- ☐ Other (please specify):

The City reserves the right to bill applicant for related City costs.

Insurance Information: N/A

Specify Insurance Company:

Policy Number:

Expiration Date:

Limits of Coverage:

INSURANCE CERTIFICATE REQUIRED

Note: The insurance certificate provided to the City by your organization's insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is \$2,000,000. The certificate and endorsements must also be in a form acceptable to risk management and available for review 15 working days prior to the scheduled event.

USE OF ALCOHOL: Is a permit for alcoholic beverages requested? ☐ Yes ☒ No

If you have checked yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will NOT allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

HOLD HARMLESS AGREEMENT

In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, I/we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signature of Applicant

A. PEYTON MOORE

Responsible Official of Applicant Organization

Dated: 7/7/16

STAFF RESPONSE

This section to be completed by City and Other Affected Agencies:

Staff Name:		Department:	
<input type="checkbox"/> No Fiscal Impact	<input type="checkbox"/> Fiscal Impact (Describe/Include Estimated Costs)	<input type="checkbox"/> Police <input type="checkbox"/> Public Works <input type="checkbox"/> Parks	<input type="checkbox"/> Other (please specify):
The following will be Required:			
<input type="checkbox"/> Business License <input type="checkbox"/> ABC License		<input type="checkbox"/> Health Department Permit <input type="checkbox"/> Other (Specify):	
Staff Comments:			

This section to be completed by City Clerk following Council meeting:

Considered at Council Meeting (Date):	<input type="checkbox"/> Application Approved <input type="checkbox"/> Application Denied <input type="checkbox"/> Application Approved With Conditions (See Below)
Conditions of Approval:	

☐ Attachments (specify):

IDEAL SET UP -

The most we request would be to set up a pop-up tent (10x10), with a few flags and inflatable

chairs. We also have (ideally) a game of cornhole to play by the tent. No food, no drinks, no music. The ambassadors will be arriving in a RV, but can park it wherever needed. It is a small RV. They will have a few rigid paddleboards and inflatable boards for the public to test out.

MINIMAL SET UP -

If the tent setup is not possible, minimally we would just request our 2 ambassadors are allowed to park the RV and access the lake wherever possible.

Our contact Holly with Air Kayaks will let both places (Disney's ML SUP) we are doing this once confirmed.

TOP location choice: 1st Street (map attached)

2nd location choice: 3rd Street



N Main St

2nd St

2nd St

Park St

Christian Science
Reading Room

Lakeport Main
Street Association

Library Park

Meals On Wheels
Thrift Store

Bell Hill Vineyards

Park St

N Main St

1st St

Flowers By Jackie

1st St

Lake County
Career Center

S Main St



Google

From: [Lori Price](#)
To: [Hilary Britton](#)
Subject: RE: Application 2016-019 -Paddle Board Demo in Library Park (1st Street Launch)
Date: Monday, July 11, 2016 4:59:13 PM
Attachments: [image002.png](#)

Hi Hillary,

It does not appear this will impact County Roads in any way. I am forwarding this on to Mark Miller, Water Resources as a permit or other conditions from Water Resources may be necessary...

Lori Price
Secretary III
Lake County Department of Public Works
255 N. Forbes Street, Rm 309
Lakeport, CA 95453
(707) 263-2341
lorip@co.lake.ca.us

From: Hilary Britton [mailto:hbritton@cityoflakeport.com]
Sent: Monday, July 11, 2016 4:51 PM
To: Dean Eichelmann; Cheryl Bennett; Cynthia Ader; Daniel Chance; Doug Grider; Executive Management; Gary Basor; Jason Ferguson; Jim Kennedy; Linda Sobieraj; Lori Price; Mark Wall (mwaconsulting@comcast.net); Mike Sobieraj; Pheakdey Preciado; Rebekah Dolby; Ron Ladd; Tina Rubin
Subject: Application 2016-019 -Paddle Board Demo in Library Park (1st Street Launch)

Hi all,

Please find attached application 2016-019 for the Jobe's SUP to the People Tour (Paddle Board Demo) in Library Park on August 15, 2016, for your review.

We would like to submit this for Council approval at the July 19th meeting, so please have your comments back to me by Wednesday afternoon.

Thank you, as always for your input.

Hilary Britton
Deputy City Clerk
City of Lakeport
225 Park Street
Lakeport, CA 95453
(707) 263-5615 x12
hbritton@cityoflakeport.com



From: [Daniel Chance](#)
To: [Hilary Britton](#)
Subject: RE: Application 2016-019 -Paddle Board Demo in Library Park (1st Street Launch)
Date: Monday, July 11, 2016 5:17:47 PM
Attachments: [image002.png](#)

Hilary,

They may need a Business License, reading the project description I was not sure if it's independent or affiliated with Disney?

Dan Chance

From: Hilary Britton
Sent: Monday, July 11, 2016 4:51 PM
To: Amanda Frazell (Dean.Eichelmann@lakecountyca.gov) <Dean.Eichelmann@lakecountyca.gov>; Cheryl Bennett (cheryl.bennett@lakecountyca.gov) <cheryl.bennett@lakecountyca.gov>; Cynthia Ader <cader@cityoflakeport.com>; Daniel Chance <dchance@cityoflakeport.com>; Doug Grider <dgrider@cityoflakeport.com>; Executive Management <executivemanagement@cityoflakeport.com>; Gary Basor <gbasor@lakeportpolice.org>; Jason Ferguson <jferguson@lakeportpolice.org>; Jim Kennedy <jkennedy@cityoflakeport.com>; Linda Sobieraj <lsobieraj@cityoflakeport.com>; Lori Price (lorip@co.lake.ca.us) <lorip@co.lake.ca.us>; Mark Wall (mwaconsulting@comcast.net) <mwaconsulting@comcast.net>; Mike Sobieraj <msobieraj@lakeportpolice.org>; Pheakdey Preciado (pheakdey.preciado@lakecountyca.gov) <pheakdey.preciado@lakecountyca.gov>; Rebekah Dolby <rdolby@lakeportpolice.org>; Ron Ladd <rladd@cityoflakeport.com>; Tina Rubin (Tina.Rubin@lakecountyca.gov) <Tina.Rubin@lakecountyca.gov>
Subject: Application 2016-019 -Paddle Board Demo in Library Park (1st Street Launch)

Hi all,

Please find attached application 2016-019 for the Jobe's SUP to the People Tour (Paddle Board Demo) in Library Park on August 15, 2016, for your review.

We would like to submit this for Council approval at the July 19th meeting, so please have your comments back to me by Wednesday afternoon.

Thank you, as always for your input.

Hilary Britton
Deputy City Clerk
City of Lakeport
225 Park Street
Lakeport, CA 95453
(707) 263-5615 x12
hbritton@cityoflakeport.com



CITY OF LAKEPORT

225 Park Street
Lakeport, CA 95453

Phone: (707) 263-5615, Ext. 12
Fax: (707) 263-8584

APPLICATION FOR USE OF PUBLIC AREAS

Please note: City Council meetings are held the **FIRST** and **THIRD TUESDAY** of the month. Application forms require City Council approval and must be completed and submitted to the City Clerk at least ten working days before the Council meeting at which they will be considered.

This section to be completed by City:

Application Received (Date):	Application No.
<input type="checkbox"/> \$15.00 Application Fee Paid	For Council Meeting of (Date):

This section to be completed by Applicant (please answer all questions):

Applicant Name: Peyton Moore		Organization Name: Jobe Watersports	
Address: 36 W COLORADO BLVD, 200 PASADENA, CA 91105		Address:	
Home Phone: 917-684-4423	Work Phone: 626-993-3770	Mobile Phone: 917-684-4423	
Email Address: peyton@echo-factory.com			
Other Contact: SANDRA WISSA		Phone for Other Contact: 626-993-3770	
Organization is: <input type="checkbox"/> Nonprofit Organization <input checked="" type="checkbox"/> For Profit Organization			

Name of Event: Jobe's SUP to the People Tour			
Description of Event: 2 paddleboard instructors will be visiting the lake w/ Holly from AIR KAYAKS, to do short demos on the lake. Details Attached.			
Specific Location of Event (Map Must be Attached): 1st street, 2nd choice: 3rd street			
Does this use involve public right of way, streets, or sidewalk? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please indicate specific location:			
If requesting closure of streets, sidewalk, etc., please describe notification procedure for affected businesses and/or residences: N/A			
Date(s) of Event: Monday, August 15, 2016	Total Number of Days: 1	Set Up Time: 1:00pm	Time of Event: -2:00pm
		Tear Down Time: 6:00pm	

Specify anticipated number of people (both participants and the public): 20

Will any vendors be present? Yes ☐ No ☒

Will any food booths be present? Yes ☐ No ☒

Requirements: N/A

- ☐ Electricity (cannot be guaranteed by City)
- ☐ Barricades
- ☐ Street/Sidewalk Closures
- ☐ No Irrigation in park prior to event
- ☐ Other (please specify):

Specific City Staff Needs: N/A

- ☐ Police
- ☐ Public Works
- ☐ Parks
- ☐ Other (please specify):

Coordination of these requirements must be made through the Public Works Department: (707) 263-0751

The City reserves the right to bill applicant for related City costs.

Insurance Information: N/A

Specify Insurance Company:

Policy Number:

Expiration Date:

Limits of Coverage:

INSURANCE CERTIFICATE REQUIRED

Note: The insurance certificate provided to the City by your organization's insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is \$2,000,000. The certificate and endorsements must also be in a form acceptable to risk management and available for review 15 working days prior to the scheduled event.

USE OF ALCOHOL: Is a permit for alcoholic beverages requested? ☐ Yes ☒ No

If you have checked yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will NOT allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

HOLD HARMLESS AGREEMENT

In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, I/we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signature of Applicant

A. PEYTON MOORE

Responsible Official of Applicant Organization

Dated: 7/7/16

STAFF RESPONSE

This section to be completed by City and Other Affected Agencies:

Staff Name:		Department:	
<input type="checkbox"/> No Fiscal Impact	<input type="checkbox"/> Fiscal Impact (Describe/Include Estimated Costs)	<input type="checkbox"/> Police <input type="checkbox"/> Public Works <input type="checkbox"/> Parks	<input type="checkbox"/> Other (please specify):
The following will be Required:			
<input type="checkbox"/> Business License		<input type="checkbox"/> Health Department Permit	
<input type="checkbox"/> ABC License		<input type="checkbox"/> Other (Specify):	
Staff Comments:			
Environmental Health has no concerns regarding this event - no food vendors present. 7/12/16			

This section to be completed by City Clerk following Council meeting:

Considered at Council Meeting (Date):	<input type="checkbox"/> Application Approved <input type="checkbox"/> Application Denied <input type="checkbox"/> Application Approved With Conditions (See Below)
Conditions of Approval:	

☐ Attachments (specify):

RESOLUTION NO. _____ (2016)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
APPROVING THE COMPENSATION AND BENEFITS PROGRAM FOR THE
CITY OF LAKEPORT UNREPRESENTED EMPLOYEES
FOR THE PERIOD JULY 19, 2016 THROUGH July 18, 2017**

WHEREAS, the City of Lakeport has negotiated with the City of Lakeport Unrepresented Employees on matters of employment including wages, hours and working conditions for those employees; and

WHEREAS, the terms and conditions contained herein have been negotiated by the City of Lakeport and the City of Lakeport Unrepresented Employees and such terms and conditions have been agreed upon by both parties; and

WHEREAS, this Compensation and Benefits Program includes all terms and conditions of employment with respect to wages, hours, and working conditions applicable to the City of Lakeport Unrepresented Employees for Fiscal Year 2016-2017;

THEREFORE, BE IT RESOLVED that the City Council of the City of Lakeport hereby approves the attached Compensation and Benefits Program for the City of Lakeport Unrepresented Employees for the period July 19, 2016, through July 18, 2017.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

ATTEST:

KELLY BUENDIA, City Clerk

CITY OF LAKEPORT UNREPRESENTED EMPLOYEES

COMPENSATION AND BENEFITS PROGRAM

July 19, 2016 – July 18, 2017

Adopted July 19, 2016

CITY OF LAKEPORT

UNREPRESENTED EMPLOYEE COMPENSATION PROGRAM

Table of Contents

SECTION 1: INTRODUCTION	1
1.1 Employee Definitions:	1
1.2 Purpose of the Unrepresented Employee Compensation and Benefits Program	1
1.3 Employees Covered	2
1.4 Exempt Status of Employees Covered.....	2
1.5 Term.....	3
SECTION 2: EMPLOYMENT CONTRACTS	3
SECTION 3: EMPLOYEE COMPENSATION, WORK DAY & WORK WEEK	3
3.1. Signing Bonus	3
3.2 Salary Schedule.....	3
3.3 Merit Adjustments	3
3.4 Recruitment/Retention Adjustments.....	4
3.6 Acting Pay Assignments:.....	4
3.7 Work Day / Work Week:	5
3.8 Overtime:	5
SECTION 4: RETIREMENT BENEFITS.....	5
4.1 Retirement.....	5
4.2 Retirement Medical Benefit.....	6
SECTION 5: INSURANCE BENEFITS	9
5.1 Health Insurance	9
5.1 Health Insurance Opt Out Program.....	9
5.2 Dental Insurance	10
5.3 Vision Insurance	10
5.4 Life Insurance	10
5.5 Employee Assistance Program (EAP)	10
SECTION 6: HOLIDAYS	11
SECTION 7: VACATION LEAVE.....	11
7.1 Policy and Intent	11
7.2 Vacation Entitlement	11
7.3 Vacation Accrual	12

SECTION 8: MANAGEMENT LEAVE.....	12
SECTION 9: OTHER LEAVES OF ABSENCE.....	13
9.1 Bereavement Leave.....	13
9.2 Compensation for Unused Sick Leave.....	13
9.3 Integration/Coordination of Leaves with Disability Insurance.....	14
SECTION 10: TRAINING AND PROFESSIONAL GROWTH.....	14
10.1 Professional Seminars and Training	14
10.2 Professional Membership Fees	14
SECTION 11: OTHER BENEFITS.....	14
11.1 Uniform Allowance and Equipment Issuance	14
11.2 Vehicle Reimbursement for At-Will Management.....	15
11.3 Technology Allowance	15
11.4 Cell Phone Stipend.....	15
11.5 Prior Arrangements/Agreements	15
SECTION 12: TERMINATION ALLOWANCE	15
12.1 Severance Pay	15
12.2 Allowance Schedule.....	15
12.3 Voluntary Resignation	16

SECTION 1: INTRODUCTION

1.1 Employee Definitions:

At-Will Management Employee – an employee who serves at the will of the City Manager and who has responsibility for formulating, administering, and/or managing City policies and programs. In the City, this would typically be Department Heads.

Mid-Management Employee – an employee who reports to the Department Head and who assists in administering policies and programs while engaging in day to day operations and supervision.

Confidential Employee – an employee, who in the course of his or her duties, has access to confidential information relating to the City's administration of employer-employee relations. This access may include instances of an occasional but critical nature or due to the employee whose position requires the incumbent to provide direct administrative support to a manager who has such access.

Part-time/Seasonal/Temporary Employee – an employee who is less than full-time or employed for a temporary duration, or to a limited, but specified period of time for training purposes. Assignments may be to specified programs that may continue from year-to-year or as part of a training program for a limited duration. Part-time/Seasonal/Temporary employees are not eligible for City benefits.

1.2 Purpose of the Unrepresented Employee Compensation and Benefits Program

For At-Will Management and Mid-Management employees, this Program is adopted to promote the development of a stronger, more effective Management Team, not merely for purposes of employer-employee relations but also as a means of recognizing outstanding management performance in all public service areas. These general purposes may be achieved through several means, notably: training, more effective communication among departments, clear identification of goals and objectives, and by relating effective job performance to an incentive program. Also inherent in such a program is the means of retaining good Department Heads and strengthening the managers (if any) whose effectiveness and performances fall short of reasonable levels of expectation.

For Confidential and Part-Time/Seasonal /Temporary employees, this resolution recognizes and rewards performance and ensures that employees who are not represented by a union are treated at least equally to represented employees. Because of the nature of their jobs, these employees serve the City without any representation and should not suffer as a consequence.

1.3 Employees Covered

Employees covered under this program shall include the following:

- A. At-Will Management
 - Administrative Services Director/City Clerk
 - City Engineer/Public Works Director
 - Community Development Director
 - Finance Director/Manager
 - Police Chief
- B. Mid-Management
 - Utilities Superintendent I/II
 - Police Lieutenant
 - Planning Services Manager
 - Chief Building Official
 - Public Works Superintendent
 - Compliance Officer I/II
- C. Confidential
Deputy City Clerk
- D. Part-Time/Seasonal/Temporary
 - Lifeguard
 - Pool Manager
 - Office Specialist
 - Special Police Investigator
 - School Resource Officer
 - Evidence Custodian
 - Designated Level 1 Reserve Officer, paid
 - Intern

Additional job classes may be added to the Unrepresented Program from time to time, based upon the creation of additional City departments/divisions, the addition of new positions, or by the reclassification of existing positions to either At-Will Management, Mid-Management, Confidential, or Part-Time/Seasonal/Temporary based upon the nature of the work.

1.4 Exempt Status of Employees Covered

Based upon the nature of the work, it is expressly understood that the At-Will Management and Mid-Management employees covered under this program are exempt from the overtime provisions of the Federal Fair Labor Standards Act. Other positions within Confidential and Part-Time/Seasonal/Temporary employee groups are evaluated for FLSA coverage on a position-by-position basis.

1.5 Term

This document shall be in effect during the period of July 19, 2016 through July 18, 2017

SECTION 2: EMPLOYMENT CONTRACTS

The At-Will Management employees may, at the discretion of the City Manager, enter into an employment contract, confirming the “At Will” status of the employee and setting forth any special pay or benefits such as severance pay. Employment contracts with all At-Will Management employees will be approved by the City Manager. Where there are conflicting terms and conditions between this resolution and an employment contract, the greater benefit shall apply.

SECTION 3: EMPLOYEE COMPENSATION, WORK DAY & WORK WEEK

3.1. Signing Bonus

For each Confidential employee a one-time, cash payment of \$2,000 will be paid on the first full pay-period after July 19, 2016. For each Mid-Management employee a one-time, cash payment of \$3,400 will be paid on the first full pay-period after July 19, 2016. For each At-Will Management employee a one-time, cash payment of \$4,600 will be paid on the first full pay-period after July 19, 2016.

The payments will be afforded to the aforementioned employees covered by this agreement and employed on July 19, 2016 and shall not apply to part-time, seasonal, or temporary employees. The one-time payment is meant to retain employees; is taxable income; and is unrelated to merit or services performed. If the employee leaves before the end of the term of this compensation program, a prorated amount will be repaid the city in the form of a deduction from the employees’ final paycheck.

3.2 Salary Schedule

The salary ranges have been established by the City Council and are attached to this policy. There is no cost of living adjustment (COLA) for the term of this document. There will be a five percent (5%) increase to base salary effective August 1, 2016 for the Police Chief and Police Lieutenant classifications.

3.3 Merit Adjustments

Typically, where there exists an adopted salary schedule, merit adjustments may be made by the City Manager upon recommendation of the direct supervisor and department head policy based on the employee’s performance. Performance reviews with the potential for merit increases will occur no less frequently than annually on an employee’s anniversary date. Additional merit increases may be approved by the City Manager for documented exceptional performance.

Merit increases from step A to step B shall occur at the twelve month anniversary, conditioned upon satisfactory performance review.

3.4 Recruitment/Retention Adjustments

On occasion, situations may occur when adjustments may be necessary to At-Will Management or Mid-Management salary ranges for documented recruitment or retention problems. The City Manager is authorized to adjust the salary range of a management position up to 10% without Council approval if one of the following conditions is met:

Recruitment Problem – If the City makes an extensive effort to recruit qualified candidates including outreach, advertising, and procuring the services of an executive recruiter and that recruitment is not successful based upon the City's compensation package, then the City Manager can authorize an adjustment to the salary to attract qualified candidates.

Retention Problem – In rare cases, it may be necessary for the City to increase a manager's pay for retention purposes. This would require that the manager have a bona fide offer, in writing, from another organization with a significant increase in pay or other similar justification.

3.6 Acting Pay Assignments:

- A. When an Unrepresented Employee is assigned to work in a higher classification for which the compensation is greater than that to which the employee is regularly assigned, and the employee works in such assignment for more than 15 work days, the employee shall receive compensation for such work retroactive to the first day of the assignment at the rate of pay established for the higher classification, under the following conditions:
 - 1. The Unrepresented Employee is assigned to a program, service or activity established by the City Council which is reflected in an authorized position which has been classified and assigned to the Salary Schedule and such authorized position has become vacant due to the temporary or permanent absence of the position's incumbent. A copy of the department head's written approval of this assignment must be submitted to the Administrative Services Director at the start of the assignment.
 - 2. The nature of the departmental assignment is such that the Unrepresented Employee in the lower classification becomes fully responsible for the duties of the position of the higher classification.
- B. Notwithstanding Paragraph A. 1. above, in an exceptional circumstance when a vacancy does not exist but an employee has been assigned to perform duties which exceed the scope of that Unrepresented Employee's classification, and when determined and justified by the City Manager, in his/her sole discretion, an employee will be entitled to pay for a higher classification, which shall not be less than 5% of the employee's base salary.

- C. Unrepresented Employees selected for the assignment will normally be expected to meet the minimum qualifications for the higher classification.
- D. Pay for work in a higher classification shall not be utilized as a substitute for regular promotional procedures provided in this agreement.
- E. Higher pay assignments shall not exceed six (6) months except through reauthorization.
- F. If approval is granted for pay for work in a higher classification and the assignment is terminated and later re-approved for the same employee within thirty (30) days, no additional waiting period will be required.
- G. Allowable work location differentials will be paid on the basis of the rate of pay for the higher class.

3.7 Work Day / Work Week:

City agrees to the continuation of the “9-80” work schedule through June 30, 2016. Work days will be nine (9) hours or eight (8) hours, depending upon the schedule. The “9-80” schedule is to be applied to Management, Mid-Management and Confidential employees. For purposes of overtime calculations, the work week is 40 hours beginning at noon on Friday and running until noon the next Friday. Friday is referred to as the “flex” day. For example:

Week 1: M 9 T 9 W 9 Th 9 F 8

Week 2: M 9 T 9 W 9 Th 9 F off

At the request of the City, the parties agree to meet and confer regarding a change in the workday/workweek and associated overtime.

3.8 Overtime:

Overtime is applied to employees considered non-exempt under the Fair Labor Standards Act. Under the “9-80” schedule, overtime will be paid for hours in excess of what was scheduled that day at a rate of one and one-half times the regular rate of pay. For example when scheduled to work a nine hour day, overtime would be paid after nine hours. The City Council, City Manager or Department Head must approve all overtime.

SECTION 4: RETIREMENT BENEFITS

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

4.1 Retirement

The City shall provide retirement benefits under the Public Employees’ Retirement System plan commonly known as 2.5% @ 55. City shall also provide highest final year compensation factor (Section 20042) and conversion of unused sick leave to service credit. IRS provision 414 (h) (2) shall also be implemented to provide for payment of employees share of PERS premium from non-taxed dollars.

The Police Chief and Lieutenant shall be enrolled in the PERS plan offered to City of Lakeport public safety officers.

The Public Employees' Pension Reform Act of 2013 (PEPRA) and related Public Employees' Retirement law amendments in Assembly Bill 340 became law on September 12, 2012 and the provisions were effective January 1, 2013.

The City and Unrepresented Employees agree to implement all PEPRA provisions, and all applicable amendments thereto. Effective January 1, 2013 all employees defined by PEPRA as "new members" shall pay 50% of the total normal cost for the new Miscellaneous PERS pension formula 2% at 62, which is currently 6.25% of reportable compensation, with a three-year final compensation period. "Classic members" (employees hired prior to January 1, 2013) will retain the 2.5%@55 Miscellaneous PERS formula, which is 8% employee contribution with a one-year final compensation period.

Effective January 1, 2013 all employees defined by PEPRA as "new members" shall pay 50% of the total normal cost for the new Safety PERS pension formula 2.7%@57, which is currently 11.5% of reportable compensation, with a three-year final compensation period. "Classic members" (employees hired prior to January 1, 2013) will retain the 3%@55 Safety PERS formula, which is a 9% employee contribution, with a one-year final compensation period.

The PEPRA defines a "new member" as : a) A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and who has no prior membership in any California public retirement system; b) A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013 and who is not eligible for reciprocity with another California public retirement system; c) A member who first established CalPERS membership prior to January 1, 2013, and who is rehired by a different CalPERS employer after a break in service of greater than six months.

4.2 Retirement Medical Benefit

To be eligible to continue in the City group medical plans, employees must have ten (10) or more years of continuous service with the City.

4.2.1 For regular, full-time employees hired before April 5, 1999, retiring from the City of Lakeport with Service or Industrial Injury Retirement, City agrees to offer and provide/pay the appropriate premium(s) for retiree and eligible dependent(s) medical insurance under the following conditions:

To be eligible the retiree and dependent(s) must have been enrolled in the City's medical plan for a period of one year and/or in accordance with REMIF policy prior to the effective date of retirement and provide annual proof of dependent eligibility

Retirement as used in this document shall mean separation from city service due to, voluntary retirement, retirement due to the employee's sustaining an industrial injury or retirement

through a reduction in force (layoff) where the employee otherwise meets all requirements for receipt of retiree health benefits under these rules. This addition is not changing the rule that an involuntary termination from city service as a result of discipline precludes the entitlement to any retiree benefits under this section but to further define involuntary separations from service where retiree health benefits may be paid.

To be eligible the retiree and dependent(s) must elect to continue with such to coverage within thirty (30) days of the eligible employee's retirement date. Thereafter retiree and dependent(s) are ineligible to participate in the City's offered program.

At the inception of retiree coverage the eligible dependents are only those who prior to the subscriber/employee retirement from city service were covered under the city sponsored health plan. This means that should the retiree remarry, adopt or otherwise acquire new dependents, City shall have no obligation to pay any portion of the health care premiums for such new dependents. The retiree (if they are otherwise eligible to participate in the health plan) may enroll at his or her own cost these new dependents.

To continue eligibility retiree and dependent(s) shall enroll in Medicare and/or MediCal or any other welfare benefit program for which eligible as soon as eligible. The City does not pay for Medicare A or B but will continue contribution to the health insurance program offered through City's primary health insurance plan provided the employee enrolls in relevant public health benefit program described above and for prescription drug coverage enrolls through Blue Cross in Medicare Part D. This requirement shall also apply to eligible dependent(s).

Under the Consolidate Omnibus Budget Reconciliation Act (COBRA) of 1985, certain "qualifying events" allow qualified retiree eligible dependents to continue enrollment in a group health benefit, for a specific limited time. This is separate from the retiree health care program. Nevertheless, the City will fully comply with the COBRA requirements should a retiree's dependents become eligible.

If the City changes the primary health insurance plan after effective retirement date of eligible retiree, retiree and dependent(s) must change to new plan or lose retiree coverage benefit. (Note: employees represented by Lakeport Safety Officers Association unit have been provided permission to enroll in Operating Engineer's medical program and retirees from that unit meeting above criteria would be allowed to remain in that program as long as continuing unit represented employees stay in that program. All other current City employees and eligible retirees are enrolled in REMIF administered Blue Cross program.)

City contribution toward retiree and dependent(s) premiums shall not exceed the maximum premium that the City contributes for the City sponsored plan for active employees.

The benefits provided under this section will continue for such retired employees and their legal dependent(s), if any, while said retired employee is alive. In the event of the retired employee's death, coverage will continue for the spouse until the spouse dies or remarries. In

addition, the benefits provided under this section will continue for said retired or deceased employee's legal dependent children who qualify as an Internal Revenue Service dependent until such children reach the age of disqualifications as stated in the current health plan contract or the spouse remarries, whichever occurs earliest.

Continuous service is defined as consecutive years of regular, full-time employment with the City. Any separation from City employment will void any previous accrual towards length of continuous service for purposes of this section, unless otherwise waived by the City Manager and due to extenuating circumstances. Layoffs with subsequent restoration and approved City paid or unpaid leaves do not constitute separation from City service for the purpose of this section.

Any retired employee who, after retirement from City, becomes employed elsewhere and is covered by medical insurance by his/her new employer, said coverage provided by City to the retired employee will be considered secondary to the coverage provided by his/her new employer, his/her new employer's coverage shall be considered primary.

Any spouse of a deceased employee or deceased retired employee who is receiving benefit coverage as provided under this section, becomes employed and is covered by medical benefits by his/her employer, said coverage provided by City will be considered secondary to the coverage provided by the spouse's employer, and his/her employer's coverage shall be considered primary.

For the term of this program, active employees, early retirees and retirees will receive the following city contribution for a city-selected health plan:

Seventy-six percent (76%) of the monthly premiums will be paid by the city, rounded up or down to the closest dollar.

The city contribution for early retirees and retirees shall not exceed the contribution for an active employee.

4.2.2 For regular, full-time employees hired after April 5, 1999, but before July 1, 2005, retiring from the City of Lakeport with Service or Industrial Injury Retirement, City agrees to offer and provide/pay towards the appropriate premium(s) for retiree and eligible dependent(s) medical insurance as stated in 4.2.1 with the following exception:

At the inception of retiree coverage the eligible dependents are only those who prior to City contribution towards retiree and dependent(s) medical coverage benefit for those retiring with Service Retirement is based on the following formula:

<u>Years of Continuous Service</u>	<u>% of Cost Covered by City</u>
12	40
15	60

18	80
21	100

City contribution towards retiree and dependent(s) medical coverage benefit for those retiring as a result of industrial injury is based on the following formula:

<u>Years of Continuous Service</u>	<u>% of Cost Covered by City</u>
5 plus	50
10 plus	100

4.2.3 For employees hired after July 1, 2005, and retiring from the City of Lakeport under Service or Industrial Injury retirement provisions, City agrees to allow enrollment in City group medical plans at retiree's sole expense. This option shall cease upon death of retiree, though dependent(s) shall be provided COBRA or other legally required notice and benefits if they choose to stay in City group medical plan for the period of such COBRA benefit. All other terms and conditions stated 4.2.1 shall apply.

No Retiree Medical Benefit will be provided to those employees hired after July 1, 2005, other than described above.

SECTION 5: INSURANCE BENEFITS

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

5.1 Health Insurance

For the REMIF administered medical insurance plan, the City will contribute seventy-six percent (76%) of the monthly premiums and employees twenty-four percent (24%) of the monthly premiums.

For the term of this program it is agreed that the City paid portion of the premiums will be calculated as a percentage of the premium for the selected plan rounded up or down to the closest dollar. The 24% of premium cost shall be made by way of payroll deduction from each bi-monthly check as has been the standard past practice.

City agrees to inform the unrepresented employees of plan changes/discontinuances upon the city's receipt of the same from REMIF. City agrees to meet and discuss regarding any plan changes/discontinuances made during the term of this program.

5.1 Health Insurance Opt Out Program

Upon proof of coverage under an alternate medical insurance program an employee choosing to drop medical insurance coverage under the Blue Cross Plan will be paid \$250 for those eligible for single enrollment; \$400 for those eligible for double enrollment; and \$500 for those eligible for family enrollment.

For employees enrolled in the Opt Out Program as of 7/1/2014 and upon proof of coverage under an alternate medical insurance program, an employee choosing to drop medical insurance coverage under the Blue Cross Plan will be paid an amount equal to 75% of the cost of the couple rate.

Under REMIF rules as of 7/1/2016, married couples may not cover each other under each other's plan when they both work for the same agency. The city will be enforcing the following: (1) married couples may each enroll in individual coverage or (2) one spouse may enroll in the plan and list the other as a dependent. Regardless of which option, the City will not offer an opt-out stipend, since alternate insurance is not available.

Should the the IRS (or other state or federal agency) adopt rulings or regulations that place the City at great risk of penalty for offering the stipend for opting out of medical insurance, the City reserves the right to delete the Stipend for Opting Out of City Medical Insurance.

5.2 Dental Insurance

For the REMIF administered Delta Dental Plan, the City will contribute the entire premium for the duration of this MOU.

The City shall supplement the existing Delta Dental orthodontic maximum lifetime benefit of \$1,000 per enrollee to the sum of \$2,000 per enrollee.

5.3 Vision Insurance

For the VSP vision insurance plan, the City will contribute the entire premium for the duration of this MOU.

5.4 Life Insurance

For the REMIF administered Life & AD&D Insurance Plan currently with Jefferson Pilot Financial, and the Long Term Disability Insurance Plan currently with Jefferson Pilot Financial, the City will contribute the entire premium for the duration of this MOU.

The Life and AD&D plan currently provides benefits based on one times Basic Annual Earnings, rounded to the next higher \$1,000, subject to a maximum of \$100,000.

The Long-Term Disability Insurance plan currently provides benefits up to maximum of \$6,000 monthly based on two-thirds of salary with an elimination period of 90 calendar days of disability within a 180 calendar day period.

5.5 Employee Assistance Program (EAP)

For the REMIF administered Employee Assistance Program; the City will contribute the entire premium for the duration of this MOU.

SECTION 6: HOLIDAYS

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

All unrepresented employees shall receive the following paid holidays:

- New Years' Day
- Martin Luther Kings' Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

It is the intent of this resolution that all full-time employees receive paid holidays regardless of their assigned workweek. When a holiday falls on a Saturday, the proceeding Friday shall be deemed a holiday. When a holiday falls on a Sunday, the following Monday shall be deemed a holiday. When an employee is required to work on a holiday, he/she may select another day as holiday leave with pay during the fiscal year with the consent of the City Manager.

SECTION 7: VACATION LEAVE

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

7.1 Policy and Intent

In recognition of the fact that many management personnel are recruited from outside the City, that the average tenure for top management personnel is substantially lower that of nonexempt personnel, and that at least two (2) to seven (7) years' prior experience is required, the following vacation leave policy for At-Will Management, Mid-Management, and Confidential employees shall be implemented. For the purpose of recruitment, the City Manager may start employees in a higher category; however, the employee shall not advance from that category until years of service have been accomplished.

7.2 Vacation Entitlement

At-Will Management employees shall accumulate vacation in accordance with the following vacation entitlement schedule:

Years of Continuous Service

Vacation Days Earned/Year

0 through 5 years	15 days (120 hours)
6 through 10 years	20 days (160 hours)
11 or more years	Employees will accrue 1 additional vacation day above 20 for each year of additional service up to the maximum vacation time equal to 200 hours of vacation for each full calendar year of service

Mid-Management, and Confidential employees shall accumulate vacation in accordance with the following vacation entitlement schedule:

<u>Years of Continuous Service</u>	<u>Vacation Days Earned/Year</u>
0 through 4 years	10 days (80 hours)
5 through 10 years	15 days (120 hours)
11 through 20 years	20 days (160 hours)
21 or more years	Employees will accrue 1 additional vacation day above 20 for each year of additional service up to the maximum vacation time equal to 200 hours of vacation for each full calendar year of service

7.3 Vacation Accrual

At-Will Management, Mid-Management and Confidential employees shall begin earning vacation upon the first day of employment. Vacation leave time shall be accrued as it is earned; Vacation time shall not be taken until earned and shall be subject to other provisions of this resolution. When an employee is on a leave without pay status, s/he shall not be entitled to earn vacation.

SECTION 8: MANAGEMENT LEAVE

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

In recognition of the extra hours required to perform at the level of top At-Will management, including attendance at numerous meetings outside normal working hours and the fact that employees who are exempt from FLSA are not compensated for overtime work, the following management leave policy shall be implemented:

At-Will Management employees shall receive eighty (80) hours Management Leave annually to be used at the discretion of the City Manager. Mid-Management and Confidential Employees classified as exempt and not eligible for overtime shall receive forty (40) hours to be used at the discretion of their Department Head. Hours will be credited on July 1 each fiscal year and may be forfeited if not used by the end of the same fiscal year.

At-Will and Mid-Management shall be entitled to request a cash-out payment of their Management Leave equal to forty (40) hours in lieu of using it as paid time off. At-Will and Mid-Management who have attained ten (10) years of service with the City shall be entitled to

request a cash-out payment of their Management Leave equal to 100% of the leave (40 to 80 hours). Cash-out payments are allowed provided they have not already exhausted their annual allowance, which they may request and receive at any time, in full or in partial amount, during the fiscal year. The City Manager shall be responsible for approving such requests and the Finance Department shall track the use and availability of Management Leave accordingly.

Mid-management may be eligible for up to an additional 40 hours (for a total of no more than 80 hours) at the discretion of the City Manager based upon extenuating circumstances within the Mid-manager's department.

Employees eligible for Management Leave who are on sick leave or unpaid leave of 4 consecutive work weeks or more in a single fiscal year shall have their Management Leave, including annual cash-out, reduced by a pro-rata share of the time off work versus the Management Leave they are entitled to. For example, an employee who is eligible for 80 hours Management Leave and is on sick leave for 3 consecutive months would have their Management leave reduced by 25% to 60 hours., including cash-out.

SECTION 9: OTHER LEAVES OF ABSENCE

All other leaves such as sick, family care, leave without pay, jury duty, subpoena, military or bereavement shall be taken in accordance with the City of Lakeport Rules and Regulations.

9.1 Bereavement Leave

An employee shall receive bereavement leave of 3 days for an in-state incident, or 5 days for an out-of-state incident, due to the death of his or her parent, stepparent, mother-in-law, father-in-law, spouse, child, stepchild, adopted child, son-in-law, daughter-in-law, grandchild, grandparent, sister, brother, sister-in-law, brother-in-law, aunt, uncle, niece, nephew, grandfather-in-law, grandmother-in-law, or the death of any person residing in the immediate household of the employee at the time of death.

Bereavement leave is not subject to accrual and the leave allowed pursuant to this provision must be used for any single incident of bereavement within seven (7) days of the time the employee first takes bereavement leave for said incident.

Said bereavement leave is separate and shall not be credited against other forms of leave. The employee shall use bereavement leave before he/she makes use of accrued sick time.

9.2 Compensation for Unused Sick Leave

Upon termination, retirement, or death of an employee, the City shall pay for unused sick leave as follows:

<u>Completed Service</u>	<u>Sick Leave Paid Off</u>
5 through 10 years continuous service	10.0%
Start of 11th year through completion of year 15	20.0%

Start of 16th year through completion of year 20	35.0%
Start of year 21 and thereafter	50.0%

Buy-out of sick leave hours is at the employee's normal rate of pay at the time of separation. If employment is terminated due to death, the sick leave buy-out benefit will be paid as designated in writing by the employee or as otherwise provided by law. The maximum pay-out of 50% of accumulated unused sick leave at the time of separation of service as defined above remains at a cash value not to exceed 800 hours.

9.3 Integration/Coordination of Leaves with Disability Insurance

For leaves qualifying for State Disability Insurance or Paid Family Leave, the City will allow a coordination of leave benefits with the insurance benefit for management, mid-management and confidential employees. Coordination of benefits only applies to paid leave that is available in an employees' sick, vacation, CTO or management leave bank.

SECTION 10: TRAINING AND PROFESSIONAL GROWTH

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

10.1 Professional Seminars and Training

To promote continued development of skills, knowledge, and abilities among the Management Team and Confidential employees of the City, the City Manager may grant time to employees for educational leave. Such leave may be received in order to attend professional, technical, or managerial workshops, courses, conferences, conventions, seminars, or related activities. The cost of attendance at these activities, including travel, per diem, registration, tuition, materials or other reasonable costs, are legitimate City expenditures as provided for in the annual City Budget.

10.2 Professional Membership Fees

Most Management and Confidential personnel are expected to maintain membership in appropriate professional organizations. These memberships serve to acquaint the City with the current state-of-the-art in these professional areas by means of publications and special activities. The City will include the costs of these membership fees in the respective department budgets, subject to approval by the City Manager.

SECTION 11: OTHER BENEFITS

11.1 Uniform Allowance and Equipment Issuance

The City agrees to pay uniform allowance as follows: Police Chief and Lieutenant, \$817.50 per fiscal year. At the time of hire, the Police Chief and Lieutenant shall receive equipment issuance equivalent to what has been negotiated for police officers. Management and Mid-Management in Public Works, Community Development, Engineering, and Utilities Departments shall receive a boot allowance of \$150 per fiscal year.

11.2 Vehicle Reimbursement for At-Will Management

At-Will Management employees, to a far greater extent than other City employees, are required to travel throughout the City and the County to fulfill their job requirements. This travel is frequently required outside of normal working hours. In recognition of this employment requirement, the City may provide the use of a City vehicle. If it is necessary, the use of a private vehicle shall be reimbursed at the same mileage rate as approved by the City Council, if no auto allowance provisions have been made. The City Manager may negotiate an auto allowance of no more than \$400 per month at his/her discretion.

11.3 Technology Allowance

To capitalize on the efficiencies offered by changes to technology, which allow Management to be more flexible with time management, more efficient with workflow, and more available when needed, a technology allowance of \$750 will be available on a reimbursement basis (not subject to income tax) or in a lump-sum cash payment (subject to income tax) to members of At-Will Management and Mid-Management employees. The technology allowance will expire on 7/18/2017.

11.4 Cell Phone Stipend

The City recognizes that cellular telephones enhance the level of City services by allowing employees to remain in contact with the office or with one another as the need arises. A monthly stipend of \$60 shall be paid to At-Will Management, Mid-Management or other employee designated by the City Manager for the use of the employee's personal cell phone.

11.5 Prior Arrangements/Agreements

All prior arrangement and agreements between individual members of At-Will Management and Mid-Management and the City Manager (former or current) shall remain in effect.

SECTION 12: TERMINATION ALLOWANCE

The following benefits do not apply to the Part-Time/Seasonal/Temporary employee group.

12.1 Severance Pay

In order to foster job security within a professional climate, At-Will Management employees who receive no protection from the City's Personnel System will be entitled to severance pay of no less than three months their normal salary when they are discharged from the City service; provided however, that the employee has been in the employ of the City at least one (1) year and the agree to execute the "Severance Release Agreement" attached hereto as Exhibit A. At-Will Management employees terminated for cause are not eligible for severance benefits.

12.2 Allowance Schedule

At-Will Management employees shall generally be entitled to three (3) months' salary, excluding fringe benefits. However, specific severance pay terms and conditions may be subject to negotiation and included in the employee's Employment Contract, if applicable.

12.3 Voluntary Resignation

The provisions of this section do not apply to any employee who voluntarily resigns from the City service for personal reasons. Whenever practical, At-Will Management employees shall give thirty (30) days' notice prior to voluntary termination in order to leave City service in good standing.

Dated: June _____, 2014

CITY OF LAKEPORT

Margaret Silveira, City Manager

LAKEPORT UNREPRESENTED EMPLOYEES

Kevin Ingram, UE Representative

Jason Ferguson, UE Representative

SEVERANCE RELEASE AGREEMENT

This is a legally binding Release, Waiver, Discharge and Covenant Not to Sue (collectively, "Release"), made voluntarily by me, the undersigned Releasor, on my own behalf, and on behalf of my heirs, executors, administrators, legal representatives and assigns (hereinafter collectively, "Releasor," "I" or "me,") to the City of Lakeport ("City").

As the undersigned Releasor, I fully recognize that City is under no obligation to make any "severance payment" to me save and except for the terms of this written agreement. I acknowledge the risks and benefits to myself as a consequence of my agreeing to this release as a condition of receiving the severance pay as provided herein. As the undersigned Releasor, I understand that City does not require me to sign this agreement nor does it support, condone, authorize or ratify or have any involvement of any kind in my decision to accept the offered severance in exchange for this release of all claims. I have decided to sign this agreement despite the possible dangers and risks and despite this Release. With informed consent, and for valuable consideration received, as the undersigned Releasor, I agree to assume and take on myself all of the risks and responsibilities in any way arising from or associated with my decision to accept a severance payment in exchange for a release of all claims save and except any pending Workers Compensation claims. I release City and all of its affiliates, divisions, departments and other units, committees and groups, and its and their respective governing boards, officers, directors, principals, trustees, legal representatives, members, owners, employees, student volunteers, agents, administrators, assigns, and contractors (collectively "Releasees"), from any and all claims, demands, suits, judgments, damages, actions and liabilities of every name and nature whatsoever, whenever occurring, whether known or unknown, contingent or fixed, at law or in equity, or created by statute that I may suffer at any time arising from or in connection with my employment by the City of Lakeport, including any injury or harm to me, my death, damage to my property, livelihood, earning potential, reputation or claim of any type related to or arising from my status as an employee with the City of Lakeport (collectively "Liabilities").

As the undersigned Releasor, I recognize that this Release means I am giving up, among other things, all rights to sue Releasees for injuries, damages or losses I may incur. I also understand that this Release binds my heirs, executors, administrators, legal representatives and assigns, as well as me.

I agree that this Release shall be governed for all purposes by the laws of the State of California.

I have read this entire Release. I fully understand the entire Release and acknowledge that I have had the opportunity to review this Release with an attorney of my choosing if I so desire, and I agree to be legally bound by the Release.

THIS IS A RELEASE OF YOUR RIGHTS, READ CAREFULLY AND UNDERSTAND BEFORE SIGNING.

(Releasor's Signature) Dated: _____

CITY OF LAKEPORT - Monthly Salary Ranges with Steps
Unrepresented Employees
7/19/2016

			Steps					
		Level	A	B	C	D	E	F
	CONFIDENTIAL CLASSIFICATIONS							
	Deputy City Clerk I	35	2832	2967	3111	3263	3465	3587
	EXEMPT CLASSIFICATIONS							
	Compliance Coordinator I	1	3869	4489	5107	5507	5909	n-a
	Building Official	1	3869	4489	5107	5507	5909	n-a
	Planning Services Manager	1	3869	4489	5107	5507	5909	n-a
	Utilities Superintendent I	2	4292	4985	5650	6078	6515	n-a
	Compliance Coordinator II	2	4292	4985	5650	6078	6515	n-a
	Police Lieutenant	2B	4507	5234	5933	6382	6841	n-a
	Public Works Superintendent	3	4613	5393	6085	6546	7019	n-a
	Utilities Superintendent II	3	4613	5393	6085	6546	7019	n-a
	Administrative Services Director/City Clerk	4	5087	5899	6708	7226	7736	n-a
	Finance Director	4	5087	5899	6708	7226	7736	n-a
	Community Development Director	4	5087	5899	6708	7226	7736	n-a
	Police Chief	4B	5441	6309	7176	7730	8276	n-a
	City Engineer/Public Works Director	5	7542	7919	8315	8731	9167	n-a



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
City of Lakeport Municipal Sewer District ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: 2016 Community Development Block Grant General Allocation for a New 32-Unit Senior Housing Development at 1255 Martin Street

MEETING DATE: 07-19-2016

SUBMITTED BY: Kevin M. Ingram, Community Development Director

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

Review and adopt Resolution approving the application and submittal of a 2016 Community Development Block Grant (CDBG) General Allocation for a new 32-unit Affordable Senior Housing Development to be located at 1255 Martin Street. Further authorize signatory for execution of a grant agreement and any amendments thereto with the State of California for the purposes of the grant.

BACKGROUND:

The State Community Development Block Grant (CDBG) program offers a number of different allocations of grant assistance for programs associated with economic development and services to low income individuals and families. Among these allocations are General Allocation funds intended to assist with general community development programs and projects. Activities eligible for General Allocation funding include public services, public works projects, housing rehabilitation, and homeownership assistance.

The staff conducted outreach for projects to be considered for funding with the local public, met with staff and are presenting a project to the City Council for consideration under the 2016 CDBG NOFA as follows: An application to provide grant funds for Public Infrastructure in Support of New Housing for the 32-unit new senior housing complex to be developed at 1255 Martin Street.

The project scope is driven by requirements placed on the project by the Project Conditions Agreement. The project will cover all public off-site improvements imposed on the project by the City. Only City owned improvements will be constructed with the funds and will be granted to the project. All other project costs are covered by other funding sources including the recently awarded HOME funding.

DISCUSSION:

At this time, the City Council is being asked to consider a Resolution to apply for a 2016 General Allocation grant in the amount of \$1,500,000 distributed as follows:

General Grant Administration	\$104,651
Public Infrastructure in Support of Housing	\$1,291,990
<u>Activity Delivery Funds</u>	<u>\$103,359</u>
Total	\$1,500,000

OPTIONS:

1. Approve and adopt the proposed Resolution approving the grant application.
2. Do not approve or adopt the proposed resolution approving the grant application

Alternatively, the City Council could provide other direction.

FISCAL IMPACT:

☐ None ☒ \$ Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments: The grant does not require matching funds.

The other fiscal impacts realized with the impacts of staff are covered by the grant as Activity Delivery and/or General Administration. Staff will work with in-house staff resources to implement the project and consider outside assistance as the need is identified. Requests for Proposals or Requests for Qualifications will be issued at a future date.

SUGGESTED MOTION:

Approve and adopt a proposed resolution approving a 2016 application for funding, authorizing submittal signatory, and execution of a grant agreement and any amendments thereto from the general allocation of the state CDBG Program upon approval.

☒ **Attachments:**

1. Resolution ____ (2016) Draft
2. Application Summary

RESOLUTION NO. _____ (2016)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
APPROVING A 2016 APPLICATION FOR FUNDING, AUTHORIZING SUBMITTAL, SIGNATORY,
AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE
GENERAL ALLOCATION OF THE STATE CDBG PROGRAM UPON APPROVAL**

WHEREAS, the California department of Housing and Community Development has issued a Notice of Funding Availability for the 2016 Community Development Block Grant; and

BE IT RESOLVED by the City Council of the City of Lakeport as follows:

SECTION 1:

The City Council has reviewed, hereby approves and authorizes submittal of an application for \$1,500,000 for the following activities:

- | | |
|---|-------------|
| • Public Infrastructure in Support of New Housing | \$1,395,349 |
| • General Grant Administration | \$104,651 |

SECTION 2:

The City has determined that federal Citizen Participation requirements were met during the development of this application.

SECTION 3:

The City Manager is hereby authorized and directed to sign this application and act on the City's behalf in all matters pertaining to this application.

SECTION 4:

If the application is approved, City Manager is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

SECTION 5:

If the application is approved, the City Manager or designee is authorized to sign Funds Requests and other required reporting forms.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

ATTEST:

KELLY BUENDIA, City Clerk

2016 CDBG Application Summary

CDFA 14.228

rev. 04.16

1. Table of Contents

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☐ Read Only
☐ Fill Out

Jurisdiction		
Type	Name	
City of	LAKEPORT	
Application Summary Contents	Required or "Select"	Documentation Location (page #)
Tab 2: Jurisdiction Information	Required	
- Joint Powers Agreement/MOU (If applicable)	N/A	
Tab 3: Legislative Representative Information	Required	
Tab 4: CD and ED	Required	
Tab 5: Colonia and Native American	Required	
Tab 6: Supplementals	Required	
Tab 7: ED OTC	Required	
Tab 8: Activity Funding Sources	Required	
Tab 9: Section 504 Self Certification	Required	
Threshold Documentation	Required or "Select"	Documentation Location (page #)
Contents		
Tab 10: Threshold Requirement Certification	Required	
- Non-Debarment Documentation	Required	
- Citizen Participation Documentation	Required	
- Original Resolution(s) of the Governing Body	Required	
Statement of Assurances	Required or "Select"	Documentation Location (page #)
Contents		
Tab 11: Statement of Assurances Form	Required	
Jurisdictional Capacity	Required	Documentation Location (page #)
All Grant Administrative Capacity Application Forms	Required	
Individual Activities (populates from <u>green</u> tabs)	Required or "Select"	Documentation Location (page #)
Activities (CD, ED, PTA)		
Public Facilities & Improvements (General) (03)	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
Other Activities (Colonia and Native American)		
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	
	Required	

2016 CDBG Application Summary

CDFA 14.228

rev. 04.16

1. Table of Contents

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	Read Only
	Fill Out

Jurisdiction		
Type	Name	
City of	LAKEPORT	
Supplementals		
	Required	
	Required	
	Required	
ED-Over the Counter (OTC)		
	Required	

A. Application Information

Jurisdiction: City of LAKEPORT **Duns #:** 86131034

Address: 225 PARK STREET **EIN/TIN#:** 94-6001464

City: LAKEPORT **Zip Code:** 95453

Is this application being submitted on behalf of more than one jurisdiction?

Select
No

Complete the following. (Please note the inclusion of a Joint Powers Agreement or Memorandum of Understanding in the application is required).

Second Jurisdiction's Name: N/A

Address:

City:

Zip Code:

B. Authorized Representative Information (per the Resolution)

Name: MARGARET SILVEIRA **Title:** CITY MANAGER

Phone: 707-563-5615 **Ext:** 32 **Fax:** 707-263-8584

Email: SILVEIRA@CITYOFLAKEPORT.CO

☒ Check here if address information is the same as above; if not, fill in information below.

Address:

City:

Zip Code:

Signature:

(Blue Ink)

Date: 7/20/2016

C. Jurisdictional Contact Information



Check here if address and contact person is the same as the Authorized Representative information above; if not, fill in information below.

Name: KEVIN INGRAM **Title:** COMMUNITY DEVELOPMENT DIRECTOR
(must be [jurisdiction](#) staff)

Agency: CITY OF LAKEPORT

Address: 225 PARK AVENUE

City: LAKEPORT

Zip Code: 95453

Phone: 707-263-5615 **E-mail:** KINGRAM@CITYOFLAKEPORT.COM **Fax:** 707-263-8584

Jurisdiction:	City of LAKEPORT
---------------	------------------

D. Legislative Representative Information

		District #	First Name	Last Name
1	Assembly	4	BILL	DODD
	Senate	2	MIKE	MCGUIRE
	Congress	3	JOHN	GRAMENDI
2	Assembly			
	Senate			
	Congress			
3	Assembly			
	Senate			
	Congress			
4	Assembly			
	Senate			
	Congress			

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rev. 04.16

Jurisdiction:

City of LAKEPORT

1 Activity

Public Facilities & Improvements (General) (03)

Result of a
Previous PTA?

No

PTA Contract #

N/A

Requested Amounts

	a.	b.	c.	d.
Select AD %	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)
8%	\$1,500,000	\$104,651	\$103,359	\$1,291,990

National Objective

LMC

Proposed Beneficiaries

Target ID (see below)

#

9

2 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

	a.	b.	c.	d.
Select AD %	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)

National Objective

Proposed Beneficiaries

Target ID (see below)

#

3 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

	a.	b.	c.	d.
Select AD %	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)
0%				

National Objective

Proposed Beneficiaries

Target ID (see below)

#

4 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

	a.	b.	c.	d.
Select AD %	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)
Select				

National Objective

Proposed Beneficiaries

Target ID (see below)

#

5 Activity

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Jurisdiction:

City of LAKEPORT

					Result of a Previous PTA?	PTA Contract #
Requested Amounts						
Select AD % Select	a.	b.	c.	d.	National Objective	
	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)	Proposed Beneficiaries	
					Target ID (see below)	#

6 Activity

					Result of a Previous PTA?	PTA Contract #
Requested Amounts						
Select AD % Select	a.	b.	c.	d.	National Objective	
	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)	Proposed Beneficiaries	
					Target ID (see below)	#

7 Activity

					Result of a Previous PTA?	PTA Contract #
Requested Amounts						
Select AD % Select	a.	b.	c.	d.	National Objective	
	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)	Proposed Beneficiaries	
					Target ID (see below)	#

8 Activity

					Result of a Previous PTA?	PTA Contract #
Requested Amounts						
Select AD % Select	a.	b.	c.	d.	National Objective	
	Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)	Proposed Beneficiaries	
					Target ID (see below)	#

9 Activity

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Jurisdiction:

City of LAKEPORT

				Result of a Previous PTA?	PTA Contract #
Requested Amounts				National Objective	
Select AD %	a. Total	b. Gen Admin (a - (a / 1.075))	c. Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Proposed Beneficiaries	
Select			d. Net Activity (a - b - c)	Target ID (see below)	#

10

Activity

				Result of a Previous PTA?	PTA Contract #
Requested Amounts				National Objective	
Select AD %	a. Total	b. Gen Admin (a - (a / 1.075))	c. Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Proposed Beneficiaries	
Select			d. Net Activity (a - b - c)	Target ID (see below)	#

Requested for Activity(ies)

General Administration (21A)

CD & ED Total

\$1,500,000

\$104,651

Enter the **primary** number(s) that correspond to the target population(s) each activity will specifically address. For example, a homeless shelter will most likely serve many target populations shown, but the **primary** target population will be the homeless.

Target ID

1. Physically Disabled

2. Persons with AIDS

3. Youths

4. Single Adults

5. Single Men

6. Single Women

7. Families

8. Farmworkers

9. Seniors

10. Mentally Ill

11. Veterans

12. Substance Abusers

13. Victims of Domestic Violence

14. Duly Diagnosed

15. Prevent Homelessness

16. Help the Homeless

17. Help those with HIV/AIDS

18. Other

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rev. 04.16

Jurisdiction:

City of LAKEPORT

1 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select AD %	a. Total	b. Gen Admin (a - (a / 1.075))	c. Activity Delivery ((a - b) - (a - b) / (1 + AD%))	d. Net Activity (a - b - c)

National Objective

Proposed Beneficiaries

Target ID (see below)

#

2 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select AD %	a. Total	b. Gen Admin (a - (a / 1.075))	c. Activity Delivery ((a - b) - (a - b) / (1 + AD%))	d. Net Activity (a - b - c)
Select				

National Objective

Proposed Beneficiaries

Target ID (see below)

#

3 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select AD %	a. Total	b. Gen Admin (a - (a / 1.075))	c. Activity Delivery ((a - b) - (a - b) / (1 + AD%))	d. Net Activity (a - b - c)
Select				

National Objective

Proposed Beneficiaries

Target ID (see below)

#

4 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select AD %	a. Total	b. Gen Admin (a - (a / 1.075))	c. Activity Delivery ((a - b) - (a - b) / (1 + AD%))	d. Net Activity (a - b - c)
Select				

National Objective

Proposed Beneficiaries

Target ID (see below)

#

Use 130% zoom for optimum viewing

rev. 04.16

Jurisdiction:

City of LAKEPORT

5 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select
AD %
Select

a.	b.	c.	d.
Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)

National Objective

Proposed Beneficiaries

Target ID (see below)

#

6 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select
AD %
Select

a.	b.	c.	d.
Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)

National Objective

Proposed Beneficiaries

Target ID (see below)

#

7 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select
AD %
Select

a.	b.	c.	d.
Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)

National Objective

Proposed Beneficiaries

Target ID (see below)

#

8 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

Select
AD %
Select

a.	b.	c.	d.
Total	Gen Admin (a - (a / 1.075))	Activity Delivery ((a - b) - (a - b) / (1 + AD%))	Net Activity (a - b - c)

National Objective

Proposed Beneficiaries

Target ID (see below)

#

2016 CDBG Application Summary

ATTACHMENT 2

5. Colonia and Native American

Use 130% zoom for optimum viewing

rev. 04.16

Jurisdiction: City of LAKEPORT

	Requested for Activity(ies)	General Administration (21A)
Col & NA Total	\$0	\$0

Enter the **primary** number(s) that correspond to the target population(s) each activity will specifically address. For example, a homeless shelter will most likely serve many target populations shown, but the **primary** target population will be the homeless.

Target ID	1. Physically Disabled	7. Families	13. Victims of Domestic Violence
	2. Persons with AIDS	8. Farmworkers	14. Duly Diagnosed
	3. Youths	9. Seniors	15. Prevent Homelessness
	4. Single Adults	10. Mentally ill	16. Help the Homeless
	5. Single Men	11. Veterans	17. Help those with HIV/AIDS
	6. Single Women	12. Substance Abusers	18. Other

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rev. 04.16

Jurisdiction:

City of LAKEPORT

1 Activity

Result of a
Previous PTA?

PTA Contract #

National Objective

Proposed Beneficiaries

Target ID (see below)

#

2 Activity

Result of a
Previous PTA?

PTA Contract #

National Objective

Proposed Beneficiaries

Target ID (see below)

#

3 Activity

Result of a
Previous PTA?

PTA Contract #

National Objective

Proposed Beneficiaries

Target ID (see below)

#

Target ID

Enter the **primary** number(s) that correspond to the target population(s) each activity will specifically address. For example, a homeless shelter will most likely serve many target populations shown, but the **primary** target population will be the homeless.

1. Physically Disabled

2. Persons with AIDS

3. Youths

4. Single Adults

5. Single Men

6. Single Women

7. Families

8. Farmworkers

9. Seniors

10. Mentally Ill

11. Veterans

12. Substance Abusers

13. Victims of Domestic Violence

14. Duly Diagnosed

15. Prevent Homelessness

16. Help the Homeless

17. Help those with HIV/AIDS

18. Other

Use 130% zoom for optimum viewing

rev. 04.16

Jurisdiction:

City of LAKEPORT

1 Activity

Result of a
Previous PTA?

PTA Contract #

Requested Amounts

a. ¹	b. ¹	c. ²	d.
Total	Gen Admin (a - (a / 1.075))	Activity Delivery	Net Activity (a - b - c)
		\$0	

National Objective

Proposed Beneficiaries

Target ID (see below)

#

1. ED OTC project (maximum \$3,000,000) **GA** is calculated at seven and one-half percent (7.5% - see formula above) of requested activity funds, but not to exceed \$100,000 without prior HCD written approval.

Target ID

Enter the **primary** number(s) that correspond to the target population(s) each activity will specifically address. For example, a homeless shelter will most likely serve many target populations shown, but the **primary** target population will be the homeless.

1. Physically Disabled

2. Persons with AIDS

3. Youths

4. Single Adults

5. Single Men

6. Single Women

7. Families

8. Farmworkers

9. Seniors

10. Mentally Ill

11. Veterans

12. Substance Abusers

13. Victims of Domestic Violence

14. Duly Diagnosed

15. Prevent Homelessness

16. Help the Homeless

17. Help those with HIV/AIDS

18. Other

2016 CDBG Application Summary

ATTACHMENT 2

8. Activity Funding Sources

rev. 04.16

Jurisdiction: City of LAKEPORT

Program Income On Hand	Funding Request Summary (CDBG only)	CD & ED	Col & NA	ED-OTC	GA	Total
\$0		\$1,395,349	\$0	\$0	\$104,651	\$1,500,000

Activity	CDBG	Activity Delivery	Federal	State	Local	Private	Total
----------	------	-------------------	---------	-------	-------	---------	-------

Community Development & Economic Development (CD & ED) Funding

	General Administration (GA)	\$104,651	N/A					\$104,651
1	Public Facilities & Improvements (General) (03)	\$1,291,990	\$103,359					\$1,395,349
2								\$0
3								\$0
4								\$0
5								\$0
6								\$0
7								\$0
8								\$0
9								\$0
10								\$0
CD & ED Total (Activity + AD)		\$1,291,990	\$103,359	\$0	\$0	\$0	\$0	\$1,395,349

Colonia & Native American (Col. & NA) Funding

	General Administration		N/A					\$0
1								\$0
2								\$0
3								\$0
4								\$0
5								\$0
6								\$0
7								\$0
8								\$0
Col & NA Total (Activity + AD)		\$0	\$0	\$0	\$0	\$0	\$0	\$0

2016 CDBG Application Summary

ATTACHMENT 2

8. Activity Funding Sources

rev. 04.16

Jurisdiction: City of LAKEPORT

Program Income On Hand	Funding Request Summary (CDBG only)	CD & ED	Col & NA	ED-OTC	GA	Total
\$0		\$1,395,349	\$0	\$0	\$104,651	\$1,500,000

Activity	CDBG	Activity Delivery	Federal	State	Local	Private	Total
----------	------	-------------------	---------	-------	-------	---------	-------

Supplementals	Informational Only
---------------	--------------------

1	
2	
3	

Economic Development/ Over-the-Counter (ED OTC)

General Administration (GA)		N/A					\$0
1							\$0

Jurisdiction: City of LAKEPORT

- 1) HUD requires jurisdictions to have documented their compliance with Section 504.
- 2) Applicants must attach a **Section 504 Self-Certification Form** with their Application Package. It is important to note that the form itself does not constitute the jurisdiction's efforts to meet Section 504 requirements. The jurisdiction should have performed an analysis and evaluation of each factor and prepared a Section 504 Plan.
- 3) The following self-certification form should be used with this application to certify that the jurisdiction has performed this analysis and evaluation and to record areas of compliance or problems. Please complete this form, sign and date it, and include it as part of this application.

>>See the **CDBG Grant Management Manual Chapter 4** for additional information<<

Communications (Program Publicity)	Y/N	Problems
Public Notices & Newspaper Ads	Yes	
Public Service Announcements	No	
Posters/ Flyers	Yes	
Letters to Homeowners in the Area	Yes	
Informational Public Meetings	Yes	
Interpreters/ Readers/ TDD Available on Request	Yes	
Equal Opportunity Statements in Ads, Flyers and/ or Letters	Yes	
Modifications Made		

Employment	Y/N	Problems
City Makes Reasonable Accommodation to Known Physical/ Mental Limitations of Qualified Applicant/ Employees with Handicaps.	Yes	
Pre-Employment Inquiries and Test Do Not Screen Out Handicapped Persons.	Yes	
Modifications Made		

Program Accessibility	Y/N	Problems
Are City County Facilities Accessible to and Useable by Individuals with Handicaps (i.e. Ramps, Space at Meetings.	Yes	
Handicap Modifications Offered in Rehabilitation Program.	Yes	
Handicapped Individuals with Limited Mobility Assisted with Applications in Their Homes.	Yes	
Modifications Made		

Jurisdiction:

City of LAKEPORT

Enforcement (How policies meet 504 requirements)

Y/N

Problems

Statement of Assurances in Grant Applications

Yes

Non-Discrimination Clause in Deed-of-Trust

Yes

Names of Advisors on Handicapped Issues

Yes

1 KEVIN INGRAM

2 TOM CARLTON

City/ County has Procedures for Complaints.

Yes

Is a Log Maintained of any Complaints?

Yes

Modifications Made

Section 504 Coordinator

Name: KEVIN INGRAM

Date: 7/20/2016

Signature:

(Blue Ink)

Jurisdiction: City of LAKEPORT

The department will review each application to determine whether the application meets all of the eligibility threshold criteria.

A Debarment**Select** Is the applicant jurisdiction on the Federal Excluded parties List? (<https://www.sam.gov>)**No** If "Yes" - applicant is **not** eligible to receive Federal Funding.

Copy of the search is on page(s):

B Housing Element Compliance**Select** Does the applicant have a Housing Element in compliance with CDBG requirements as of the application submittal deadline?**Yes**If "No" - applicant is **not** eligible to receive Federal Funding.

The Department will verify CDBG compliance with HPD as of the application due date.

C Growth Control**Select** Has the applicant's jurisdiction enacted limitations on residential construction, which includes limitations other than: establishing agricultural preserves, limitations imposed by another agency or limitations not based on health and safety needs?**No**

If "No" - skip to next section

Select Do these limitations meet any of the exceptions found in State Statute at Health and Safety Code 50830?

If "Yes" - applicant includes a copy of the limitation with the application.

Copy of the limitation is on page(s):

If "No" - applicant is **not** eligible to receive Federal Funding.**D Statement of Assurances****Select** Applicant has printed and included the Excel version of the Statement of Assurances (last tab in this workbook) signed in **blue ink** by the **Authorized Representative** of the applicant jurisdiction as listed in the Authorizing Resolution.**Yes****E OMB Circular A-133****Select** Per OMB Circular A-133 .315(e) - Applicant asserts that the State Controller's Office (SCO) was in receipt of the complete Single Audit Package by the NOFA application due date.**Yes**

The Department will verify compliance with SCO.

F Citizen Participation**Select** Applicant has met all Public Hearing/ Citizen Participation requirements:**Yes****1** A) Public notices published in a local newspaper announcing the Public hearings and containing the required information as stated in the CDBG Grant Management Manual, applicable Management Memos and as applies to all parts of the Statement of Assurances in this Application Summary.

B) Applicant has read, implemented and followed all citizen participation requirements as discussed in Appendix D - including holding all public hearings in ADA accessible locations and meeting all requirements for serving citizens with limited English proficiency.

2 C) At least one public hearing was held during the program design prior to application submittal,

- Hearing prior to application submission was published/ posted on:

07/09/16

; and,

Jurisdiction: City of LAKEPORT

The department will review each application to determine whether the application meets all of the eligibility threshold criteria.

Hearing **prior** to application submission was held on:

07/19/16

; and,

3 D) Sign-in sheets and all documentation are in the public information file available for review and monitoring **and**,**4** E) Written comments received during the public hearing process are included with the application along with any responses.**G Resolution(s) of the Governing Body****Select****Yes**

Applicant has included a Resolution (sample in Appendix E) that:

1 Is an original certified copy; **and**,**2** Authorizes submission of the application; **and**,**3** Approves the application's contents (funding requested, activities, committed funding other than CDBG Program Income, etc...); **and**,**4** Authorizes the execution of a grant agreement and any amendments thereto (if funded); **and**,**5** Designates a person (by title) authorized to enter into an agreement (if funded); **and**,**6** Designates persons (by title) authorized sign all reports, Funds Requests and other program-supporting documentation (if funded).**H 50% Expenditure Rule****Select****Yes**Has the applicant expended at least 50% of **all** funds awarded under the 2012 NOFA and later (excludes funds awarded for ED-OTC, DRI and NSP)?To validate the definition of **expended** has been met, please select **Yes** or **No** for each of the following:**Yes****1** The work is complete.**Yes****2** Associated costs have been paid by the applicant.**Yes****3** The associated reimbursement Funds Request has been submitted to the Department.*If the answer to any of the items above is, "No" the applicant is not eligible under this NOFA.*

After the application due date, the Department will not consider unsolicited information from an applicant. However, the Department may contact an applicant to clarify an item in the application related to the above threshold questions and any other eligible application issue. Applicants should note that the Department will not seek clarification of items or responses that improve the substantive quality of the applicant's response to any eligibility or selection criterion.

Authorized Representative (per the Resolution):

I certify on behalf of City of LAKEPORT that the Threshold information provided is true and accurate.

Date: 07/20/16

Signature:

(Blue Ink)

Name: MARGARET SILVEIRA

Title: CITY MANAGER

Jurisdiction:

City of LAKEPORT

The department will review each application to determine whether the application meets all of the eligibility threshold criteria.

The **City of LAKEPORT** hereby assures and certifies that:

Select
Yes

Legal Authority - It possesses legal authority to apply for the grant and to execute the proposed program.

Select
Yes

Application Authorization - Its governing body has duly adopted or passed as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.

Select
Yes

Citizen Participation - It has or will comply with all citizen participation requirements, which include, at a minimum, the following components:

- A** Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction - **and**
- B** Provides citizens with reasonable ADA compliant and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title - **and**
- C** Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee - **and**
- D** Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal - **and**
- E** Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable - **and**
- F** Identifies how the needs of limited-English speaking residents will be met in the case of public hearings where limited-English speaking residents can reasonably be expected to participate.

Select
Yes

National Objective - It has developed its CDBG Program so as to primarily benefit targeted income persons and households, and each activity in the program meets one of the three national objectives: benefit to low- and moderate-income persons, elimination of slums and blight, or meets an urgent community need certified by the grantee as such.

Select
Yes

NEPA Environmental Review – It consents to assume the responsibilities for environmental review and decision-making in order to ensure compliance with NEPA by following the procedures for recipients of block grant funds as set forth in 24 CFR, Part 58, titled "Environmental Review Procedures for Title I Community Development Block Grant Programs." Also included in this requirement is compliance with Executive Order 11988 relating to the evaluation of flood hazards, and Section 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) regarding purchase of flood insurance, and the National Historic Preservation Act of 1966 (16 USC 470) and implementing regulations (36 CFR 800.8).

Select
Yes

Audit/Performance Findings – It has resolved or is currently working with the Department to resolve any audit findings or CDBG performance problems.

Select
Yes

Growth Control - There is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because it:

- A** Imposes a moratorium on residential construction. to protect the health and safety. for a specified period of time which

The **City of LAKEPORT** hereby assures and certifies that:

- ☐ Impose a moratorium on residential construction, to protect the health and safety, for a specified period of time which will end when the public health and safety is no longer jeopardized; **or**,
- ☐ **B** Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the Government Code; **or**,
- ☐ **C** Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; **or**,
- ☐ **D** The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code; **or**,
- ☐ **D** The use of the funds applied for in this application is restricted for housing for Low/ Mod Income persons.

Select Yes **Uniform Administrative Requirements** – It will comply with the regulations, policies, guidelines, and requirements of OMB Circular Numbers A-87, A-133, A-122, and 24 CFR Part 85, where appropriate, and the State CDBG regulations.

Select Yes **Nondiscrimination** – It shall comply with the following regarding nondiscrimination laws and practices:

- ☐ **A** Title VI of the Civil Rights Act of 1964 (Public Law 88-352).
- ☐ **B** Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing.
- ☐ **C** Section 109 of the Housing and Community Development Act of 1974, as amended.
- ☐ **D** Section 3 of the Housing and Urban Development Act of 1968, as amended.
- ☐ **E** Executive Order 11246, as amended by Executive Orders 11375 and 12086.
- ☐ **F** Executive Order 11063, as amended by Executive Order 12259.
- ☐ **G** Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.
- ☐ **H** The Age Discrimination Act of 1975 (Public Law 94-135).

Select Yes **Anti-Displacement/Relocation** – It will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.) and certifies that it will follow the state's residential anti-displacement and relocation plan located in Appendix E of the State's Annual Plan.

The plan can be found at: [Annual Plan Update 2014-2015](#)

Select Yes **Labor Standards** – It will comply with the following regarding labor standards:

- ☐ **A** Section 110 of the Housing and Community Development Act of 1974, as amended.
- ☐ **B** Section 1720 et seq. of the California Labor Code regarding public works labor standards.
- ☐ **C** Davis-Bacon Act as amended (40 USC. 276a) regarding prevailing wage rates.
- ☐ **D** Contract Work Hours and Safety Standards Act (40 USC 3702) regarding overtime compensation.
- ☐ **E** Anti-Kickback Act of 1934 (41 USC 51-58) prohibiting "kickbacks" of wages in federally assisted construction activities.

Select Yes **Architectural Barriers** – It will comply with the Architectural Barriers Act of 1968 (42 USC 4151-4157) and implementing regulations (24 CFR Part 40-41).

Select Yes **Conflict of Interest** – It will enforce standards for conflicts of interest which govern the performance of their officers, employees, or agents engaged in the award and administration, in whole or in part, of State CDBG grant funds (Section 7126 of the State regulations).

Select Yes **Limitations on Political Activities** – It will comply with the Hatch Act (5 USC 1501 et seq.) regarding political activity of employees.

The **City of LAKEPORT** hereby assures and certifies that:

- Select Yes** **Lead-Based Paint** – It will comply with the Lead-Based Paint Regulations (24 CFR Part 35) which prohibits the use of lead-based paint on projects funded by the program.
- Select Yes** **Debarred Contractors** - The applicant or its staff are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs, in any proposal submitted in connection with the CDBG program, per the Excluded Party List System (<https://www.sam.gov>). In addition, the applicant will not award contracts to or otherwise engage the services of any contractor while that contractor (or its principals) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any proposal submitted in connection with the CDBG program under the provisions of 24 CFR part 24.
- Select Yes** **Inspection of Grant Activities** – It will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.
- Select Yes** **Cost Recovery** – It will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by Low/ Mod income persons unless:
- A** CDBG funds are used to pay the proportion of such assessment that relates to non-CDBG funding; **or**,
- B** For the purposes of assessing properties owned and occupied by Low/ Mod income persons who are not of the lowest targeted income group, it does not have sufficient CDBG funds to comply with the provisions of “A” above.
- Select Yes** **Procurement** – It will follow the federal procurement policies per 24 CFR Sec. 85.36
- Select Yes** **Excessive Force** – It will adopt and enforce policies:
- A** Prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; **and**,
- B** Enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.
- Select Yes** **Compliance with Laws** - The jurisdiction will comply with applicable laws.

I hereby certify under the penalty of perjury that all of the information contained in this request for funds (including all supporting documentation) is true and correct. I understand and acknowledge that making false statements on this certification, including any documents submitted in support of it, is a crime under federal and California state laws, which may result in criminal prosecution.

**Certifying
Officials Name:** MARGARET SILVEIRA

**Certifying
Officials Title:** CITY MANAGER

**Certification
Date:** 07/20/16

Signature: (Blue Ink)



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Consider Placing a Measure on the November 8, 2016 Ballot Asking Lakeport Voters to Approve a One Cent Transactions and Use (Sales) Tax	MEETING DATE: 7/19/2016
SUBMITTED BY: Margaret Silveira, City Manager and Kelly Buendia, City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is asked to place a measure on the November 8, 2016 ballot for voter approval of a one cent, locally-controlled transactions and use tax (i.e., sales tax) which would become effective if adopted by 50 percent plus one vote of the Lakeport electorate. Then move to:

- 1) Introduce and conduct a public hearing for the attached ordinance codifying the proposed transactions and use tax measure at a rate of one cent, contingent upon authorization by the voters of the measure.
- 2) Adopt by four affirmative votes the attached resolution to:
 - a) call the election on the transaction and use tax measure at a rate of one cent on the November 8, 2016 ballot as a measure for voter approval;
 - b) request the Lake County Board of Supervisors consent to the consolidation of this election with the statewide general election to be held on November 8, 2016 and direct the Registrar of Voters to provide all services necessary to conduct the election and print the transactions and use tax measure on the ballot; and
 - c) provide deadlines for the primary and rebuttal arguments in favor of and against the proposed transaction and use tax, as well as a deadline for the impartial analysis.

BACKGROUND

Since 2008, Lakeport's financial challenges have continued to increase largely due to events beyond the City's control. Most notably, the state of California eliminated the City of Lakeport Redevelopment Agency resulting in a loss of approximately \$900,000 annually to the City and greatly decreased the City's ability to promote economic development and retail growth. The effects of the recession, continued State takeaways, falling property values, rising costs in long-term obligations and healthcare, and strained revenues have continued to take a toll on the City's operating budget.

City staff has worked diligently to deal with these challenges, including making cuts and reductions to balance the budget, and has worked to conduct City operations as efficiently as possible. Additionally, over the past few years, authorized positions were eliminated or unfilled, including police officers, maintenance, and administrative staff. City staff made contributions to the City's fiscal sustainability by forgoing raises, accepting furloughs, accepting a lower pension formula and paying higher contributions for insurance, even as their workloads have grown to cover the loss in productivity from the vacant positions throughout the City. Despite these efforts to control costs, the City's revenue projections have not improved, creating concerns that threaten to erode the quality of service to residents and the accomplishments that have taken years to develop.

In 2004, the voters of Lakeport had approved a half cent transactions and use tax (also known as "sales taxes") known as Measure I that generates funding for the repair and maintenance of City streets, parks and community service facilities, and expansion of public services and programs. Since its adoption, Measure I has generated \$7.29 million in revenue and the City in turn has spent \$12.5 million on its streets and related infrastructure. Measure I has been a tremendous resource, however the number of untouched road projects looms. Meanwhile, the City's Police Department downsized to a bare bones operation. With a statewide demand for police officers, Lakeport has been unable to compete. Recruitment and retention of police officers has reached a critical juncture.

In its goal setting session of February 26, 2016, the City Council set public safety as a top priority for the upcoming fiscal year. With ongoing recruitment and retention difficulties and recognizing the ongoing needs for infrastructure improvements, the City Council asked staff to explore revenue enhancements to offset rising costs and new demands for service.

In April of 2016, staff engaged Fairbank, Maslin, Maullin, Metz and Associates (FM3) to conduct a telephone survey of Lakeport residents to determine their service priorities and gauge support for a one cent sales tax ballot measure.

PUBLIC OPINION AND COMMUNITY SURVEY RESULTS:

At the June 7, 2016 City Council meeting, the Council was presented with the results of the completed FM3 survey. Public opinion survey results indicated strong community support for sales tax measure (71%) that would protect and maintain local services such as:

- Paving and repairing streets
- Maintaining police emergency response times
- Retaining existing businesses
- Attracting and retaining quality police officers
- Attracting new businesses to the city
- Providing programs for seniors and youth
- Maintaining public parks and the pool

The survey noted a general satisfaction in public safety but 76% dissatisfaction rating for paving and repairing of roads and streets. The City Council then voted to move forward with vendor selection and work on a public education and outreach project related to a sales tax measure. Staff advised that the Council would be presented with a resolution to place a measure on the ballot in an upcoming meeting.

On April 25, 2016 the City Council sponsored a Town Hall Meeting to dialogue with the community on the current state of public safety and the Lakeport Police Department. Community members responded overwhelmingly that while the Police Department was doing well, they were concerned about retention of police officers and rising crime and wanted to see an increase in police services.

On July 12, 2016 the City Council sponsored a Town Hall Meeting. The goal of this meeting was to further educate and engage the community regarding funding priorities with shrinking resources. Attendees

communicated similarly to survey respondents, with roads and infrastructure and public safety remaining top priority.

ANALYSIS

Lakeport continues to face a variety of fiscal and service delivery challenges, further amplified by the state's seeming indifference to local government concerns and a slow local economic recovery. Lakeport needs locally raised funds for local needs. It must be self-sufficient. Although the City's primary operating fund, the General Fund, is in balance, the continued reliance on cost-cutting measures — including those generated by position vacancies — is taking a toll on the City's ability to achieve its goals and provide basic services.

As an example of the costs the City faces to provide basic services, the most recent estimates by the Local Area Planning Commission in 2015 to simply maintain Lakeport's failing paved road infrastructure was over \$2.5 million annually. For roads to receive a slight improvement, \$3.8 million annually would be required. Meanwhile, Measure I on average has generated only \$700,000 annually.

With nearly 30,000 people living, working, or visiting Lakeport each day, a majority of the sales tax revenue is paid by non-residents, those using our streets, parks, and public safety services. Staff estimates that a one cent (i.e. 1.0%) sales tax measure would generate approximately \$1.5 million annually for the City's General Fund. This revenue would be available for general governmental purposes, including, but not limited to, enhancing public safety services, road maintenance and rehabilitation, park and pool maintenance, economic development activities, and establishing recreation programs for youth and seniors.

Based on the aforementioned retail trade area population, the tax burden on each individual equates to roughly \$59 annually. As an example of the effect of the tax on a transaction, a \$100 dollar purchase of taxable items at a Lakeport retailer (or other retailer that delivers or ships to a City of Lakeport-proper mailing address) would result in an additional tax of \$1.00. As another example, a 20 gallon fill at the gas pump at \$3.00 per gallon would result in an additional tax of 60 cents. The benefit to each resident of the City of Lakeport (population of approximately 4,700) would be an additional \$319 annually. Currently, the City's general fund spends over \$805 annually for every resident on public safety, roads, parks, pool, and other governmental purposes.

Currently, the sales tax rate in the City of Lakeport is 8.0%. The rate is scheduled to be decreased on December 31, 2016 to 7.75%, as a quarter-cent to the state sunsets. If this proposed measure is passed in November, the sales tax rate in the City of Lakeport would be 8.75%, which is comparable to the current sales tax rates in the cities of Healdsburg (8.75%), Rohnert Park (8.75%), and Santa Rosa (8.75%), to name a few.

The current sales tax rate in the City of Clearlake is 8.0% with a measure on the November ballot for an additional full cent. Further, the City of Ukiah has placed on the November ballot a sales tax measure that would raise its local rate to 8.375%.

MEASURE OVERVIEW

The revenue measure to be submitted to the voters, if approved, would establish a one-cent, or 1% local rate on retail transactions and sales. General Fund revenues would increase by approximately \$1.5 million annually. These funds will be locally-controlled, and not subject to State takeaways.

The revenue would be collected at point of sale and subsequently remitted to the City by the State Board of Equalization. The measure is approved if it receives at least a majority of affirmative votes of eligible City voters. The following question will be submitted to the voters whereby each voter may vote "yes" or "no" on the measure:

Ballot Question:

“LAKEPORT PUBLIC SAFETY/ESSENTIAL CITY SERVICES MEASURE. To maintain/enhance general City services such as: recruiting, hiring, retaining qualified police officers to improve neighborhood patrols/maintain response to property, burglary, violent crimes; paving/repairing local streets/potholes; enhancing business attraction/youth recreational programs; keeping Lakeport’s parks/pool safe/clean; shall the City enact a one-cent sales tax until ended by voters, providing about \$1,500,000 annually, requiring independent audits, citizens’ oversight, all revenues controlled locally be adopted?”

NEXT STEPS:

The City Council must introduce and adopt an ordinance containing very specific language required by the California State Board of Equalization that is necessary for the BOE to administer a new sales tax. The ordinance will require a public hearing and two readings (introduction and adoption). To meet elections timelines, staff is requesting that the public hearing and introduction take place at this meeting. The ordinance adoption will be scheduled for the August 16, 2016 meeting.

In addition, to place a sales tax measure on the ballot for approval by the voters, the City Council will need to approve by four affirmative votes a resolution calling the election on the transaction and use tax and requesting that Lake County provide election services related to the measure. The resolution contains the ballot question and provides direction to the Registrar of Voters of Lake County. The request will then be placed on the August 9, 2016 Board of Supervisors meeting agenda to make the August 12 deadline required in the elections code.

Both the ordinance and the resolution require a 2/3 majority vote of the City Council.

OPTIONS:

The City Council could decide not to place the sales tax on the ballot.

The City Council could amend the ballot question or sales tax percentage.

FISCAL IMPACT:

☐ None ☒ \$2,000.00 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☒ Yes ☐ No If yes, amount of appropriation increase: \$2,000

Affected fund(s): ☒ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments: Staff is requesting an additional appropriation of \$2,000. Elections are billed at time and materials. If costs exceed budget estimates, staff may return for an additional budget adjustment.

SUGGESTED MOTIONS:

1. Conduct Public Hearing then: Move to introduce an ordinance of the City Council of the City of Lakeport imposing a transactions and use tax of one cent to be administered by the State Board of Equalization.
2. Move to approve a Resolution of the City Council of the City of Lakeport Calling For, Providing For, and Giving Notice of the General Municipal Election to be held in the City of Lakeport, County of Lake, State of California, on the 8th Day of November, 2016, for the Purpose of Submitting to the Voters, Measure Z to Levy A Transactions and Use Tax of One-Cent to Be Voted on at Said Election, Establishing Deadlines for Direct and Rebuttal Arguments, Providing for the Preparation of an Impartial Analysis, and Requesting Approval of the Lake County Board of Supervisors for Consolidation of this Election with the Statewide General Elections to be held on that date, and Requesting Election Services to be Provided by the County Elections Official

☒ **Attachments:**

1. Results of Survey on Community Issues in Lakeport
2. An Ordinance of the City Council of the City of Lakeport imposing a transaction and use tax to be administered by the State Board of Equalization

3. Resolution with Ordinance as Exhibit

*Fairbank,
Maslin,
Maullin,
Metz &
Associates*

FM3

*Public Opinion Research
& Strategy*

TO: Interested Parties

FROM: Dave Metz and Miranda Everitt
Fairbank, Maslin, Maullin, Metz & Associates

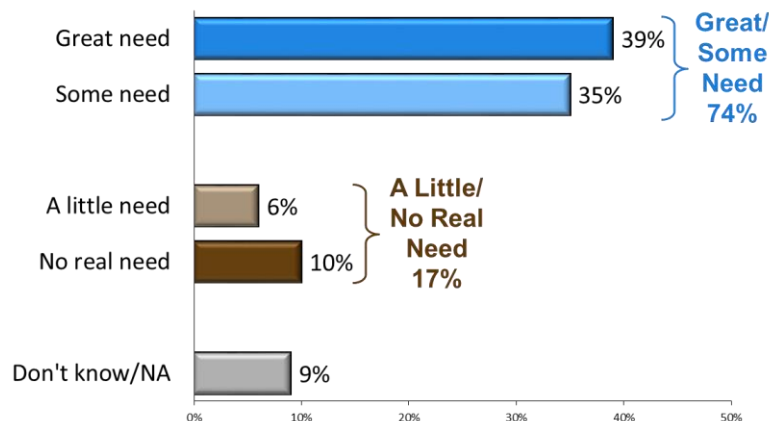
RE: Results of a Survey on Community Issues in Lakeport

DATE: July 19, 2016

Fairbank, Maslin, Maullin, Metz & Associates (FM3) recently completed a community survey to provide the City with feedback regarding quality of life issues and service priorities.¹ The survey found that **Lakeport voters clearly understand the City's need for additional funding, and are overwhelmingly willing to support a simple majority requirement one-cent sales tax to fund City services.** Repairing streets, maintaining public safety services, and economic development are top priorities in the community for City government. Key findings from the survey include:

- **About three-quarters see some need for additional City funding.** As shown in **Figure 1**, about two in five (39 percent) of those surveyed said the City of Lakeport has a “great need” for additional funding to maintain essential services. Together with those who see “some need” for funding, nearly three-quarters (74%) believe the City needs revenue.

Figure 1: Need for Additional Funding



12100 Wilshire Blvd Suite 350
Los Angeles, CA 90025
Phone: (310) 828-1183
Fax: (310) 453-6562

1999 Harrison Street Suite 2020
Oakland, CA 94612
Phone: (510) 451-9521
Fax: (510) 451-0384

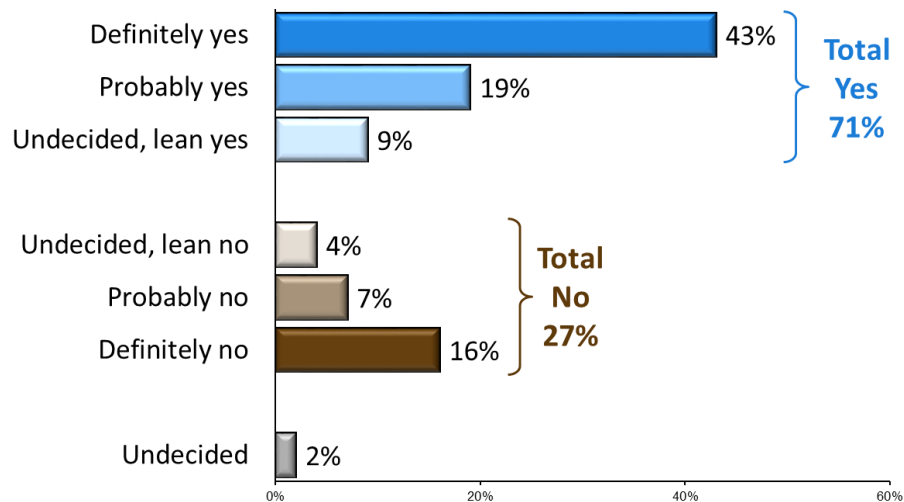
- **Lakeport voters see a variety of urgent priorities in their community.** Respondents were asked to rate the importance of specific services provided by City government. The clear top priority is *paving and repairing streets and roads* (with 89 percent rating it “extremely” or “very important”), followed by public safety and economic development. The priorities rated “extremely” or “very important” to more than three-quarters are listed in **Figure 2** below.

Figure 2: Priorities for Lakeport City Government

City Service	Extremely/Very Important
Paving and repairing streets and roads	89%
Maintaining police response to violent crimes	87%
Maintaining police response to property crimes, such as burglaries	84%
Attracting and retaining quality police officers	79%
Retaining existing companies and businesses in the City	79%
Recruiting companies and businesses to the City	77%

- **A potential finance measure has support from seven in ten (71%).** A general-purpose finance measure earns support from voters by a margin of more than two to one (**Figure 3**). Notably, more than two in five (43%) say they would “definitely” vote yes on the measure, while just 2 percent are undecided.

Figure 3: Voter Support for a Simple Majority Requirement One-Cent Sales Tax



Overall, the survey results indicate that Lakeport voters are clearly aware of the City’s need for additional funding to maintain essential services. They highly value road repairs, police protection, and economic development. **Finally, Lakeport voters are willing to support a one-cent sales tax to fund those services at levels well in excess of the simple majority threshold.**

ⁱ **Methodology:** From May 10-23, 2016, FM3 completed 178 online and telephone interviews (on both landlines and cell phones) with registered voters in Lakeport. The margin of sampling error for the study is +/-7.4% at the 95% confidence

level; margins of error for population subgroups within the sample will be higher. Due to rounding, not all totals will sum to 100%.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**THE PEOPLE OF THE CITY OF LAKEPORT, CALIFORNIA DO ORDAIN AS
FOLLOWS:**

Section 1. Chapter 3.29 of Title 3 of the Lakeport Municipal Code is hereby adopted to read as follows:

3.29.010. TITLE. This ordinance shall be known as the Lakeport Public Safety and Essential City Services Transactions and Use Tax Ordinance. The city of Lakeport hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.29.020. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3.29.030. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.29.050. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.29.060. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.29.070. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.29.080. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.29.090. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.29.100. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of

Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.29.110. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.29.120. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle

Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.29.130. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.29.140. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.29.150. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

3.29.160. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately. However, no tax imposed by this chapter shall be effective unless that tax has been approved by the voters of the City as required by section 2(b) of Article XIII C of the California Constitution and applicable law.

3.29.170. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall not expire until subsequent action, if any, by the voters of the City to repeal or amend this Ordinance.

3.29.180. INDEPENDENT CITIZEN OVERSIGHT. A five-member Independent Citizens' Advisory Committee will be created and shall meet annually to review the expenditure of revenues generated by the tax imposed by this chapter and to make recommendations to the City Council regarding those expenditures. Members of the Committee will be appointed to terms of not more than 4 years by the City Council. The Independent Citizens' Advisory Committee shall meet publicly on at least a quarterly basis to review all revenues and expenditures of the transactions and use tax imposed by this chapter, review annual audit reports related to the tax, and make at least one written annual report to the City Council at a public meeting summarizing the Independent Citizens' Advisory Committee's findings and including any appropriate recommendations. The minutes of the meetings of Independent Citizens' Advisory Committee shall be provided to the City Council and placed on the next available regular City Council meeting agenda for informational purposes.

3.29.190. AUDIT AND REVIEW. The proceeds of the tax imposed by this chapter, as well as the expenditure thereof, shall be audited annually by an independent accounting firm. The City Council shall discuss the results of such audit at a meeting of the City Council that is open to the public. The report of such audit shall be posted on the City's website.

Section 2. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance upon certification by the City Council of the results of the election approving this Ordinance.

I hereby certify that the forgoing Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the City of Lakeport, California voting on the 8th day of November, 2016.

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

INTRODUCED BY THE City Council of the City of Lakeport on July 19, 2016, at a regular meeting of the City Council of the City of Lakeport held on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

FINAL PASSAGE by the City Council occurred at a meeting thereof held on the 16th day of August, 2016, by the following vote:

AYES:
NOES:
ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

RESOLUTION NO. (2016)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT CALLING FOR, PROVIDING FOR, AND GIVING NOTICE OF THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF LAKEPORT, COUNTY OF LAKE, STATE OF CALIFORNIA, ON THE 8TH DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS, MEASURE Z TO LEVY A TRANSACTIONS AND USE TAX OF ONE CENT TO BE VOTED ON AT SAID ELECTION, ESTABLISHING DEADLINES FOR DIRECT AND REBUTTAL ARGUMENTS, PROVIDING FOR THE PREPARATION OF AN IMPARTIAL ANALYSIS, AND REQUESTING APPROVAL OF THE LAKE COUNTY BOARD OF SUPERVISORS FOR CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTIONS TO BE HELD ON THAT DATE, AND REQUESTING ELECTION SERVICES TO BE PROVIDED BY THE COUNTY ELECTIONS OFFICIAL

WHEREAS, Lakeport is the heart of our region, with 30,000 people living working or visiting each day; and

WHEREAS, due to budget cuts, the City of Lakeport is currently unable to fully staff its police force, and additional funding is needed to hire, attract and retain qualified police officers to reduce emergency response times, improve neighborhood patrols, provide sufficient staffing to ensure officer safety and keep our community safe; and

WHEREAS, safe, clean neighborhoods are essential to maintaining local property values, but the City currently does not have the funding it needs to repair potholes, maintain parks and patrol neighborhood streets; and

WHEREAS, the City needs a reliable, stable source of local funding that keeps taxpayer dollars local and cannot be taken by the State; and

WHEREAS, California Revenue and Taxation Code section 7285.9 authorizes the City to levy a one cent transactions and use tax by ordinance following approval by two-thirds of the City Council and a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, any funds generated by a locally-enacted revenue measure will be subject to annual audits by an independent auditor and review by an independent citizens' oversight committee at least annually to review the City's expenditure of revenues generated by the transactions and use tax, if approved by the voters, review annual audit reports related to the tax; make written reports to the City Council summarizing the committee's findings and including appropriate recommendations; and

WHEREAS, the transactions and use tax would be levied in addition to the current sales tax and would be collected at the same time and in the same manner as the existing sales tax; and

WHEREAS, the levying of the transactions and use tax of one percent (1%) would not cause the overall transactions and use tax in the City to exceed two percent in accordance with California Revenue and Taxation Code section 7251.1; and

WHEREAS, California Constitution Article XIII C, section 2(b), requires that any general tax imposed, extended, or increased by the City Council be submitted to the electorate and approved by a majority vote before becoming effective; and

WHEREAS, California Government Code section 53724 requires this Resolution calling an election on the transactions and use tax be adopted by a two-thirds vote of the City Council and consolidated with a statewide primary election, a statewide general election or a regularly scheduled local election; and

WHEREAS, California Elections Code section 9222 authorizes the City Council to submit to the voters a proposition for the enactment of any ordinance at an election held not less than 88 days after the date of the order of election; and

WHEREAS, a transactions and use tax is not a property tax on homeowners, and visitors to the Lakeport community will pay their fair share of the costs to use our parks, roads, and police; and

WHEREAS, a transactions and use tax is not applied to food purchased as groceries or prescription medication.

BE IT RESOLVED by the City Council of the City of Lakeport as follows:

SECTION 1: CALL FOR GENERAL MUNICIPAL ELECTION

- A. The General Municipal Election is hereby called and ordered to be held in the City of Lakeport, County of Lake, State of California, on the 8th day of November, 2016.
- B. The General Municipal Election hereby called and ordered to be held, shall be held and conducted, and the votes received and canvassed, and the returns thereof made, and the result hereof ascertained, determined, and declared as herein provided, and in all particulars not recited herein, according to the laws of the State of California, providing for Municipal Elections; and the polls for such election shall be and remain open during the time required by said laws.
- C. The interests of efficiency call for the consolidation of that election with the state general election to be held that same date, the Lakeport City Council hereby declares its intent to consolidate this general election with the Statewide General Election to be held on November 8, 2016. This resolution shall constitute the request for consolidation required by Elections Code section 10403 and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Lake County Board of Supervisors not later than 99 days prior to November 8, 2016.

- D. All voting places, precincts, and election officials within the boundaries of the City of Lakeport shall be the same as those for the general election. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Elections Code section 10418.
- E. The Lakeport City Council hereby requests approval of the Lake County Board of Supervisors to authorize the County Elections Official to provide election services to conduct said election.
- F. The City Clerk is hereby authorized to utilize the services of the Lake County Clerk for the conduct of the general election. The City of Lakeport hereby agrees to pay the costs of those services as outlined by current policy of the Lake County Elections Division.

SECTION 2: MEASURE TO BE VOTED ON AT GENERAL MUNICIPAL ELECTION

- A. The City Council of the City of Lakeport does order submitted to the voters of the City of Lakeport at the General Municipal Election Measure Z as follows:

<p>LAKEPORT PUBLIC SAFETY/ESSENTIAL CITY SERVICES MEASURE. To maintain/enhance general City services including: recruiting, hiring, retaining qualified police officers to improve neighborhood patrols, maintain response to property, burglary, violent crimes; paving/repairing local streets/potholes; enhancing business attraction/youth recreational programs; keeping Lakeport's parks/pool safe and clean; shall the ordinance to enact a one-cent sales tax until ended by voters, providing about \$1,500,000 annually, requiring independent audits, citizens' oversight, all revenues controlled locally be adopted?</p>	YES
	NO

- B. Vote Required for Passage of Measure Z: Measure Z shall be submitted to the voters with spaces provided on the ballot form whereby each voter may vote “yes” or “no” on the measure. This measure shall be considered approved if a simple majority plus one of the voters in said election cast a “yes” vote.
- C. Measure Z Form: The full text of the ordinance authorizing the transactions and use tax to be approved by the voters, entitled the “Lakeport Public Safety/Essential City Services Measure” is attached as Exhibit “A” to this Resolution. The full text of the ordinance shall be printed in the Voter Information Pamphlet..

SECTION 3. ARGUMENTS FOR AND AGAINST THE MEASURE AND IMPARTIAL ANALYSIS.

- A. Primary Arguments. The City Council hereby establishes Friday, August 5, 2016, at 5:00 p.m. as the deadline for submission to the City Clerk of direct arguments in favor or against Measure Z. All primary arguments may not exceed 300 words in length under Elections Code section 9282, and shall be accompanied by the printed name(s) and

signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. The argument may be changed or withdrawn until and including the above date, after which no arguments for the Measure may be submitted to the City Clerk. All primary arguments submitted shall comply with Elections Code Section 9600 *et seq.* If more than one argument for or against the Measure is received, the City Clerk shall select the argument for printing and distribution to the voters giving preference and priority in accordance with California Elections Code Section 9287.

- B. Rebuttal Arguments. The City Council hereby establishes, Monday, August 15, 2016, at 5:00 p.m. as the deadline for submission to the City Clerk of rebuttal arguments in favor and against Measure Z.
- a. Pursuant to California Elections Code Section 9285, subdivision (b), the City Council hereby adopts the provisions of California Elections Code Section 9285, subdivision (a), relating to rebuttal arguments for the Measure only for the November 8, 2016 election and thereafter repeals this sub-section
 - b. The author or a majority of the authors of an argument relating to the Measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal argument shall not exceed 250 words and shall not be signed by more than five (5) persons that shall appear therewith. All rebuttal arguments submitted shall comply with Elections Code Section 9600 *et seq.*
- C. Impartial Analysis. The City Clerk is directed to transmit copies of Measure Z to the City Attorney who shall prepare an impartial analysis of the measure (not to exceed 500 words) showing the effect of the measures on the existing law and the operation of the measure and file same with the City Clerk no later than Monday, August 15, 2016 at 5:00 pm.

SECTION 4. CEQA

The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.* ("CEQA") and 14 Cal. Code Reg. §§ 15000 *et seq.* ("CEQA Guidelines")). The calling and noticing of a General Municipal Election is not a project within the meaning of CEQA Guidelines Section 15378. The transactions and use tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Lakeport hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

SECTION 7. CERTIFICATION AND NOTICE

The City Clerk shall certify to the passage and adoption of this Resolution, and give notice of this measure to be voted upon in the manner provided by the Elections Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Lakeport, County of Lake, State of California on this 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

MARC SPILLMAN, MAYOR

ATTEST:

APPROVED AS TO FORM:

KELLY BUENDIA, CITY CLERK

DAVID RUDERMAN, CITY ATTORNEY

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**THE PEOPLE OF THE CITY OF LAKEPORT, CALIFORNIA DO ORDAIN AS
FOLLOWS:**

Section 1. Chapter 3.29 of Title 3 of the Lakeport Municipal Code is hereby adopted to read as follows:

3.29.010. TITLE. This ordinance shall be known as the Lakeport Public Safety and Essential City Services Transactions and Use Tax Ordinance. The city of Lakeport hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.29.020. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3.29.030. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes,

and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.29.050. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.29.060. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.29.070. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.29.080. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.29.090. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.29.100. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.29.110. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.29.120. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal

property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.29.130. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.29.140. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.29.150. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

3.29.160. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately. However, no tax imposed by this chapter shall be effective unless that tax has been approved by the voters of the City as required by section 2(b) of Article XIII C of the California Constitution and applicable law.

3.29.170. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall not expire until subsequent action, if any, by the voters of the City to repeal or amend this Ordinance.

3.29.180. INDEPENDENT CITIZEN OVERSIGHT. A five-member Independent Citizens' Advisory Committee will be created and shall meet annually to review the expenditure of revenues generated by the tax imposed by this chapter and to make recommendations to the City Council regarding those expenditures. Members of the Committee will be appointed to terms of not more than 4 years by the City Council. The Independent Citizens' Advisory Committee shall meet publicly on at least a quarterly basis to review all revenues and expenditures of the transactions and use tax imposed by this chapter, review annual audit reports related to the tax, and make at least one written annual report to the City Council at a public meeting summarizing the Independent Citizens' Advisory Committee's findings and including any appropriate recommendations. The minutes of the meetings of Independent Citizens' Advisory Committee shall be provided to the City Council and placed on the next available regular City Council meeting agenda for informational purposes.

3.29.190. AUDIT AND REVIEW. The proceeds of the tax imposed by this chapter, as well as the expenditure thereof, shall be audited annually by an independent accounting firm. The City Council shall discuss the results of such audit at a meeting of the City Council that is open to the public. The report of such audit shall be posted on the City's website.

Section 2. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance upon certification by the City Council of the results of the election approving this Ordinance.

I hereby certify that the forgoing Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the City of Lakeport, California voting on the 8th day of November, 2016.

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

INTRODUCED BY THE City Council of the City of Lakeport on July 19, 2016, at a regular meeting of the City Council of the City of Lakeport held on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

FINAL PASSAGE by the City Council occurred at a meeting thereof held on the 16th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

*Fairbank,
Maslin,
Maullin,
Metz &
Associates*

FM3

*Public Opinion Research
& Strategy*

TO: Interested Parties

FROM: Dave Metz and Miranda Everitt
Fairbank, Maslin, Maullin, Metz & Associates

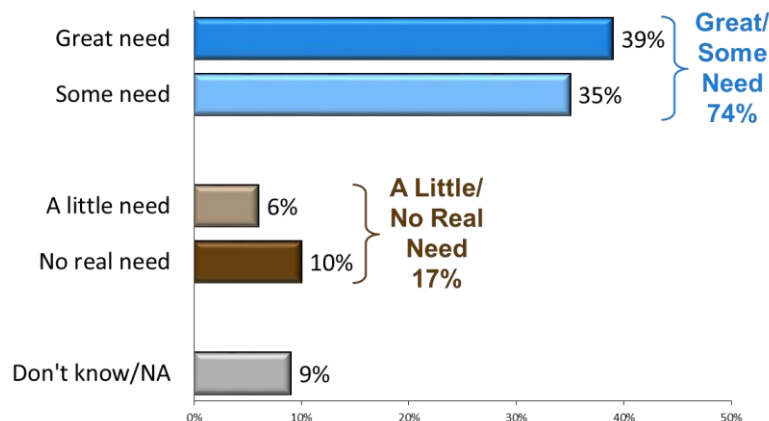
RE: Results of a Survey on Community Issues in Lakeport

DATE: July 19, 2016

Fairbank, Maslin, Maullin, Metz & Associates (FM3) recently completed a community survey to provide the City with feedback regarding quality of life issues and service priorities.¹ The survey found that **Lakeport voters clearly understand the City's need for additional funding, and are overwhelmingly willing to support a simple majority requirement one-cent sales tax to fund City services.** Repairing streets, maintaining public safety services, and economic development are top priorities in the community for City government. Key findings from the survey include:

- **About three-quarters see some need for additional City funding.** As shown in **Figure 1**, about two in five (39 percent) of those surveyed said the City of Lakeport has a “great need” for additional funding to maintain essential services. Together with those who see “some need” for funding, nearly three-quarters (74%) believe the City needs revenue.

Figure 1: Need for Additional Funding



12100 Wilshire Blvd Suite 350
Los Angeles, CA 90025
Phone: (310) 828-1183
Fax: (310) 453-6562

1999 Harrison Street Suite 2020
Oakland, CA 94612
Phone: (510) 451-9521
Fax: (510) 451-0384

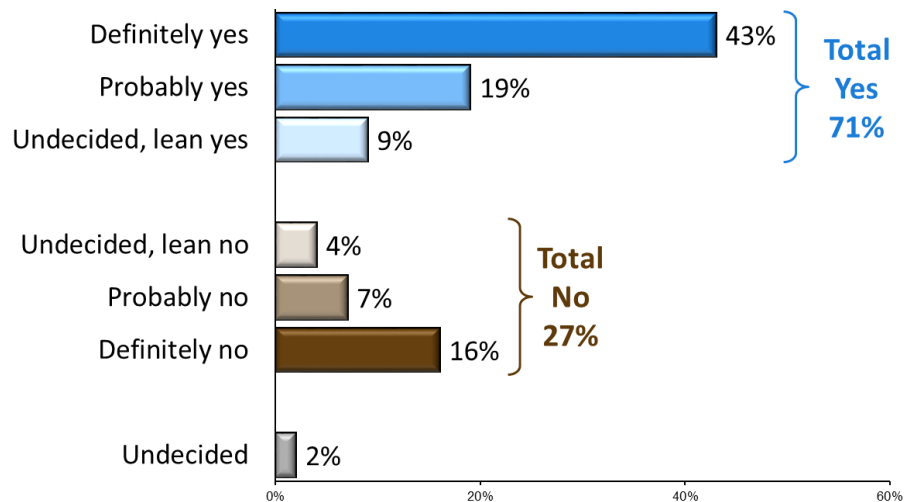
- **Lakeport voters see a variety of urgent priorities in their community.** Respondents were asked to rate the importance of specific services provided by City government. The clear top priority is *paving and repairing streets and roads* (with 89 percent rating it “extremely” or “very important”), followed by public safety and economic development. The priorities rated “extremely” or “very important” to more than three-quarters are listed in **Figure 2** below.

Figure 2: Priorities for Lakeport City Government

City Service	Extremely/Very Important
Paving and repairing streets and roads	89%
Maintaining police response to violent crimes	87%
Maintaining police response to property crimes, such as burglaries	84%
Attracting and retaining quality police officers	79%
Retaining existing companies and businesses in the City	79%
Recruiting companies and businesses to the City	77%

- **A potential finance measure has support from seven in ten (71%).** A general-purpose finance measure earns support from voters by a margin of more than two to one (**Figure 3**). Notably, more than two in five (43%) say they would “definitely” vote yes on the measure, while just 2 percent are undecided.

Figure 3: Voter Support for a Simple Majority Requirement One-Cent Sales Tax



Overall, the survey results indicate that Lakeport voters are clearly aware of the City’s need for additional funding to maintain essential services. They highly value road repairs, police protection, and economic development. **Finally, Lakeport voters are willing to support a one-cent sales tax to fund those services at levels well in excess of the simple majority threshold.**

ⁱ **Methodology:** From May 10-23, 2016, FM3 completed 178 online and telephone interviews (on both landlines and cell phones) with registered voters in Lakeport. The margin of sampling error for the study is +/-7.4% at the 95% confidence

level; margins of error for population subgroups within the sample will be higher. Due to rounding, not all totals will sum to 100%.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**THE PEOPLE OF THE CITY OF LAKEPORT, CALIFORNIA DO ORDAIN AS
FOLLOWS:**

Section 1. Chapter 3.29 of Title 3 of the Lakeport Municipal Code is hereby adopted to read as follows:

3.29.010. TITLE. This ordinance shall be known as the Lakeport Public Safety and Essential City Services Transactions and Use Tax Ordinance. The city of Lakeport hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.29.020. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3.29.030. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.29.050. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.29.060. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.29.070. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.29.080. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.29.090. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.29.100. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of

Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.29.110. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.29.120. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle

Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.29.130. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.29.140. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.29.150. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

3.29.160. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately. However, no tax imposed by this chapter shall be effective unless that tax has been approved by the voters of the City as required by section 2(b) of Article XIII C of the California Constitution and applicable law.

3.29.170. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall not expire until subsequent action, if any, by the voters of the City to repeal or amend this Ordinance.

3.29.180. INDEPENDENT CITIZEN OVERSIGHT. A five-member Independent Citizens' Advisory Committee will be created and shall meet annually to review the expenditure of revenues generated by the tax imposed by this chapter and to make recommendations to the City Council regarding those expenditures. Members of the Committee will be appointed to terms of not more than 4 years by the City Council. The Independent Citizens' Advisory Committee shall meet publicly on at least a quarterly basis to review all revenues and expenditures of the transactions and use tax imposed by this chapter, review annual audit reports related to the tax, and make at least one written annual report to the City Council at a public meeting summarizing the Independent Citizens' Advisory Committee's findings and including any appropriate recommendations. The minutes of the meetings of Independent Citizens' Advisory Committee shall be provided to the City Council and placed on the next available regular City Council meeting agenda for informational purposes.

3.29.190. AUDIT AND REVIEW. The proceeds of the tax imposed by this chapter, as well as the expenditure thereof, shall be audited annually by an independent accounting firm. The City Council shall discuss the results of such audit at a meeting of the City Council that is open to the public. The report of such audit shall be posted on the City's website.

Section 2. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance upon certification by the City Council of the results of the election approving this Ordinance.

I hereby certify that the forgoing Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the City of Lakeport, California voting on the 8th day of November, 2016.

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

INTRODUCED BY THE City Council of the City of Lakeport on July 19, 2016, at a regular meeting of the City Council of the City of Lakeport held on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

FINAL PASSAGE by the City Council occurred at a meeting thereof held on the 16th day of August, 2016, by the following vote:

AYES:
NOES:
ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

RESOLUTION NO. (2016)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT CALLING FOR, PROVIDING FOR, AND GIVING NOTICE OF THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF LAKEPORT, COUNTY OF LAKE, STATE OF CALIFORNIA, ON THE 8TH DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS, MEASURE Z TO LEVY A TRANSACTIONS AND USE TAX OF ONE CENT TO BE VOTED ON AT SAID ELECTION, ESTABLISHING DEADLINES FOR DIRECT AND REBUTTAL ARGUMENTS, PROVIDING FOR THE PREPARATION OF AN IMPARTIAL ANALYSIS, AND REQUESTING APPROVAL OF THE LAKE COUNTY BOARD OF SUPERVISORS FOR CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTIONS TO BE HELD ON THAT DATE, AND REQUESTING ELECTION SERVICES TO BE PROVIDED BY THE COUNTY ELECTIONS OFFICIAL

WHEREAS, Lakeport is the heart of our region, with 30,000 people living working or visiting each day; and

WHEREAS, due to budget cuts, the City of Lakeport is currently unable to fully staff its police force, and additional funding is needed to hire, attract and retain qualified police officers to reduce emergency response times, improve neighborhood patrols, provide sufficient staffing to ensure officer safety and keep our community safe; and

WHEREAS, safe, clean neighborhoods are essential to maintaining local property values, but the City currently does not have the funding it needs to repair potholes, maintain parks and patrol neighborhood streets; and

WHEREAS, the City needs a reliable, stable source of local funding that keeps taxpayer dollars local and cannot be taken by the State; and

WHEREAS, California Revenue and Taxation Code section 7285.9 authorizes the City to levy a one cent transactions and use tax by ordinance following approval by two-thirds of the City Council and a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, any funds generated by a locally-enacted revenue measure will be subject to annual audits by an independent auditor and review by an independent citizens' oversight committee at least annually to review the City's expenditure of revenues generated by the transactions and use tax, if approved by the voters, review annual audit reports related to the tax; make written reports to the City Council summarizing the committee's findings and including appropriate recommendations; and

WHEREAS, the transactions and use tax would be levied in addition to the current sales tax and would be collected at the same time and in the same manner as the existing sales tax; and

WHEREAS, the levying of the transactions and use tax of one percent (1%) would not cause the overall transactions and use tax in the City to exceed two percent in accordance with California Revenue and Taxation Code section 7251.1; and

WHEREAS, California Constitution Article XIII C, section 2(b), requires that any general tax imposed, extended, or increased by the City Council be submitted to the electorate and approved by a majority vote before becoming effective; and

WHEREAS, California Government Code section 53724 requires this Resolution calling an election on the transactions and use tax be adopted by a two-thirds vote of the City Council and consolidated with a statewide primary election, a statewide general election or a regularly scheduled local election; and

WHEREAS, California Elections Code section 9222 authorizes the City Council to submit to the voters a proposition for the enactment of any ordinance at an election held not less than 88 days after the date of the order of election; and

WHEREAS, a transactions and use tax is not a property tax on homeowners, and visitors to the Lakeport community will pay their fair share of the costs to use our parks, roads, and police; and

WHEREAS, a transactions and use tax is not applied to food purchased as groceries or prescription medication.

BE IT RESOLVED by the City Council of the City of Lakeport as follows:

SECTION 1: CALL FOR GENERAL MUNICIPAL ELECTION

- A. The General Municipal Election is hereby called and ordered to be held in the City of Lakeport, County of Lake, State of California, on the 8th day of November, 2016.
- B. The General Municipal Election hereby called and ordered to be held, shall be held and conducted, and the votes received and canvassed, and the returns thereof made, and the result hereof ascertained, determined, and declared as herein provided, and in all particulars not recited herein, according to the laws of the State of California, providing for Municipal Elections; and the polls for such election shall be and remain open during the time required by said laws.
- C. The interests of efficiency call for the consolidation of that election with the state general election to be held that same date, the Lakeport City Council hereby declares its intent to consolidate this general election with the Statewide General Election to be held on November 8, 2016. This resolution shall constitute the request for consolidation required by Elections Code section 10403 and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Lake County Board of Supervisors not later than 99 days prior to November 8, 2016.

- D. All voting places, precincts, and election officials within the boundaries of the City of Lakeport shall be the same as those for the general election. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Elections Code section 10418.
- E. The Lakeport City Council hereby requests approval of the Lake County Board of Supervisors to authorize the County Elections Official to provide election services to conduct said election.
- F. The City Clerk is hereby authorized to utilize the services of the Lake County Clerk for the conduct of the general election. The City of Lakeport hereby agrees to pay the costs of those services as outlined by current policy of the Lake County Elections Division.

SECTION 2: MEASURE TO BE VOTED ON AT GENERAL MUNICIPAL ELECTION

- A. The City Council of the City of Lakeport does order submitted to the voters of the City of Lakeport at the General Municipal Election Measure Z as follows:

<p>LAKEPORT PUBLIC SAFETY/ESSENTIAL CITY SERVICES MEASURE. To maintain/enhance general City services including: recruiting, hiring, retaining qualified police officers to improve neighborhood patrols, maintain response to property, burglary, violent crimes; paving/repairing local streets/potholes; enhancing business attraction/youth recreational programs; keeping Lakeport’s parks/pool safe and clean; shall the ordinance to enact a one-cent sales tax until ended by voters, providing about \$1,500,000 annually, requiring independent audits, citizens’ oversight, all revenues controlled locally be adopted?</p>	<p>YES</p>
	<p>NO</p>

- B. Vote Required for Passage of Measure Z: Measure Z shall be submitted to the voters with spaces provided on the ballot form whereby each voter may vote “yes” or “no” on the measure. This measure shall be considered approved if a simple majority plus one of the voters in said election cast a “yes” vote.
- C. Measure Z Form: The full text of the ordinance authorizing the transactions and use tax to be approved by the voters, entitled the “Lakeport Public Safety/Essential City Services Measure” is attached as Exhibit “A” to this Resolution. The full text of the ordinance shall be printed in the Voter Information Pamphlet..

SECTION 3. ARGUMENTS FOR AND AGAINST THE MEASURE AND IMPARTIAL ANALYSIS.

- A. Primary Arguments. The City Council hereby establishes Friday, August 5, 2016, at 5:00 p.m. as the deadline for submission to the City Clerk of direct arguments in favor or against Measure Z. All primary arguments may not exceed 300 words in length under Elections Code section 9282, and shall be accompanied by the printed name(s) and

signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. The argument may be changed or withdrawn until and including the above date, after which no arguments for the Measure may be submitted to the City Clerk. All primary arguments submitted shall comply with Elections Code Section 9600 *et seq.* If more than one argument for or against the Measure is received, the City Clerk shall select the argument for printing and distribution to the voters giving preference and priority in accordance with California Elections Code Section 9287.

- B. Rebuttal Arguments. The City Council hereby establishes, Monday, August 15, 2016, at 5:00 p.m. as the deadline for submission to the City Clerk of rebuttal arguments in favor and against Measure Z.
- a. Pursuant to California Elections Code Section 9285, subdivision (b), the City Council hereby adopts the provisions of California Elections Code Section 9285, subdivision (a), relating to rebuttal arguments for the Measure only for the November 8, 2016 election and thereafter repeals this sub-section
 - b. The author or a majority of the authors of an argument relating to the Measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal argument shall not exceed 250 words and shall not be signed by more than five (5) persons that shall appear therewith. All rebuttal arguments submitted shall comply with Elections Code Section 9600 *et seq.*
- C. Impartial Analysis. The City Clerk is directed to transmit copies of Measure Z to the City Attorney who shall prepare an impartial analysis of the measure (not to exceed 500 words) showing the effect of the measures on the existing law and the operation of the measure and file same with the City Clerk no later than Monday, August 15, 2016 at 5:00 pm.

SECTION 4. CEQA

The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.* ("CEQA") and 14 Cal. Code Reg. §§ 15000 *et seq.* ("CEQA Guidelines")). The calling and noticing of a General Municipal Election is not a project within the meaning of CEQA Guidelines Section 15378. The transactions and use tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Lakeport hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

SECTION 7. CERTIFICATION AND NOTICE

The City Clerk shall certify to the passage and adoption of this Resolution, and give notice of this measure to be voted upon in the manner provided by the Elections Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Lakeport, County of Lake, State of California on this 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

MARC SPILLMAN, MAYOR

ATTEST:

APPROVED AS TO FORM:

KELLY BUENDIA, CITY CLERK

DAVID RUDERMAN, CITY ATTORNEY

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**THE PEOPLE OF THE CITY OF LAKEPORT, CALIFORNIA DO ORDAIN AS
FOLLOWS:**

Section 1. Chapter 3.29 of Title 3 of the Lakeport Municipal Code is hereby adopted to read as follows:

3.29.010. TITLE. This ordinance shall be known as the Lakeport Public Safety and Essential City Services Transactions and Use Tax Ordinance. The city of Lakeport hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.29.020. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3.29.030. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes,

and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.29.050. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.29.060. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.29.070. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.29.080. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.29.090. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.29.100. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.29.110. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.29.120. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal

property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.29.130. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.29.140. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.29.150. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

3.29.160. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately. However, no tax imposed by this chapter shall be effective unless that tax has been approved by the voters of the City as required by section 2(b) of Article XIII C of the California Constitution and applicable law.

3.29.170. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall not expire until subsequent action, if any, by the voters of the City to repeal or amend this Ordinance.

3.29.180. INDEPENDENT CITIZEN OVERSIGHT. A five-member Independent Citizens' Advisory Committee will be created and shall meet annually to review the expenditure of revenues generated by the tax imposed by this chapter and to make recommendations to the City Council regarding those expenditures. Members of the Committee will be appointed to terms of not more than 4 years by the City Council. The Independent Citizens' Advisory Committee shall meet publicly on at least a quarterly basis to review all revenues and expenditures of the transactions and use tax imposed by this chapter, review annual audit reports related to the tax, and make at least one written annual report to the City Council at a public meeting summarizing the Independent Citizens' Advisory Committee's findings and including any appropriate recommendations. The minutes of the meetings of Independent Citizens' Advisory Committee shall be provided to the City Council and placed on the next available regular City Council meeting agenda for informational purposes.

3.29.190. AUDIT AND REVIEW. The proceeds of the tax imposed by this chapter, as well as the expenditure thereof, shall be audited annually by an independent accounting firm. The City Council shall discuss the results of such audit at a meeting of the City Council that is open to the public. The report of such audit shall be posted on the City's website.

Section 2. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance upon certification by the City Council of the results of the election approving this Ordinance.

I hereby certify that the forgoing Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the City of Lakeport, California voting on the 8th day of November, 2016.

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk

INTRODUCED BY THE City Council of the City of Lakeport on July 19, 2016, at a regular meeting of the City Council of the City of Lakeport held on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

FINAL PASSAGE by the City Council occurred at a meeting thereof held on the 16th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

Attest:

KELLY BUENDIA, City Clerk



CITY OF LAKEPORT

City Council ☒
Lakeport Redevelopment Agency ☐
City of Lakeport Municipal Sewer District ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Naming the Westside Community Park Dog Park the "Ron Raetz Dog Park"

MEETING DATE: 07/19/2016

SUBMITTED BY: Margaret Silveira, City Manager

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/AGENCY/BOARD:

The City Council is being asked to consider the Westside Community Park Committee's recommended naming of the Westside Community Park's dog park the "Ron Raetz Dog Park".

BACKGROUND/ DISCUSSION:

The Westside Community Park Committee at its meeting in April, 2016 voted to recommend to the City Council that the dog park at the Westside Community Park be named the "Ron Raetz Dog Park".

Mr. Raetz was the chairperson of the Westside Community Park Committee for nine years. During that time he was the driving force in the creation of the dog park. Also under his direction, the initial grading and storm drainage structure were completed for the Jane Barnes Field. He oversaw the installation of the park's entry sign and the construction of the picnic area on the Rotary Field.

A letter from the Westside Park Committee to the Council, which includes a brief summary of Mr. Raetz's many contributions to the community, is attached. Also attached is a copy of the Proclamation honoring his years of community service, which was presented to him in 2009 by the Lakeport City Council.

OPTIONS:

Approve the Westside Community Park Committee recommended naming of the dog park the "Ron Raetz Dog Park" or provide direction to staff on how to proceed in the naming the dog park.

FISCAL IMPACT:

☒ None ☐ \$ ☐ Account Number:

Comments:

SUGGESTED MOTIONS:

Move to accept the Westside Community Park Committee recommended naming of the dog park the "Ron Raetz Dog Park", and authorize staff to work with the Committee in placing appropriate signage.

- ☒ **Attachments:**
1. Letter to Mayor and Council
 2. 2009 Proclamation Honoring Ron Raetz



1401 Westside Park Road, Lakeport, California

www.westsidecommunitypark.org

WESTSIDE COMMUNITY PARK COMMITTEE
Mailing Address: 1350 Berry Street, Lakeport, CA 9545

Tax # 68-0415643

June 12, 2016

TO: City of Lakeport City Council & Parks and Recreation Commission
FROM: Westside Community Park Committee; Dennis Rollins, Chairperson
RE: Naming of the Dog Park

The Westside Community Park Committee at its meeting in April, 2016 voted to recommend to the City Council that the dog park at the Westside Community Park be named, "Ron Raetz Dog Park".

Mr. Raetz was the chairperson of the Westside Community Park Committee for nine years. During that time he was the driving force in the creation of the dog park. Also under his direction, the initial grading and storm drainage structure were completed for the Jane Barnes Field. He oversaw the installation of the park's entry sign and the construction of the picnic area on the Rotary Field.

He is the leader of the Lights of Love campaign to raise funds to light the football field at Upper Lake High School. That effort has raise over \$120,000. Much of those funds were raised by him personally through the sale of hand crafted wood items he creates in his home woodshop.

Mr. Raetz served as the president of the Konocti Youth Soccer League for many years.

Following his retirement after 20 years as the auto shop teacher at Upper Lake High School in 2000, he was elected to serve terms on both the Upper Lake Elementary School District and the Upper Lake High School Boards of Trustees.

The Committee recognizes Mr. Raetz service to Lake County and especially the development of the dog park. The dog park would not have been developed if Mr. Raetz hadn't taken it on as a personal objective. The naming of it as the "Ron Raetz Dog Park" would be a fitting recognition of his service.

The Committee would like to make the announcement and recognize Mr. Raetz at this year's Grillin' on the Green on August 6, 2016.

Proclamation

OF THE CITY COUNCIL OF THE CITY OF LAKEPORT

WHEREAS, Ron Raetz has been a resident of Lake County for 34 years; and

WHEREAS, during his residency in Lake County, **Ron Raetz** has supported several youth-oriented activities; and

WHEREAS, Ron Raetz has been President of the Konocti Youth Soccer League for 10 years; and

WHEREAS, Ron Raetz has served as the Vice-Chair of the Boys and Girls Club at Robinson Rancheria; and

WHEREAS, Ron Raetz serves as the President of the School Board for Upper Lake High School; and

WHEREAS, Ron Raetz taught at Upper Lake High School for 20 years and in Las Vegas for 13 years; and

WHEREAS, Ron Raetz has been on the Westside Park Committee for 9 years, serving as chair for 8 of those years; and

WHEREAS, during **Ron Raetz's** tenure as Chair of the Westside Park Committee almost \$80,000 in funds have been raised toward improving Westside Community Park; and

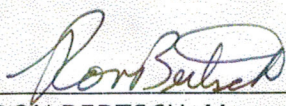
WHEREAS, during his tenure as Chair of the Westside Park Committee **Ron Raetz** was able to develop an excellent working relationship with the City Council and staff; and

WHEREAS, during his tenure as Chair of the Westside Park Committee **Ron Raetz** worked with the City of Lakeport to obtain property and build a new dog park; and

NOW, THEREFORE, BE IT RESOLVED that I, Ron Bertsch, Mayor of the City of Lakeport do hereby proclaim that the City of Lakeport recognizes and thanks **Ron Raetz** for his countless hours of service to the Westside Park Committee, the City of Lakeport, and the youth of Lake County.

I have hereunto set my hand and caused the Seal of the City of Lakeport to be affixed this 6th day of October, 2009.





RON BERTSCH, Mayor



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Nominate Voting Delegate and Alternate(s) for League of California Cities Conference October 5-7, 2016, and Cancel the Regularly Scheduled Council Meeting of October 4, 2016.

MEETING DATE: 07/19/2016

SUBMITTED BY: Kelly Buendia, City Clerk

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to nominate a voting delegate and alternate(s) for the League of California Cities 2016 Annual Conference, and to cancel the regularly scheduled Council meeting of October 4, 2016

BACKGROUND/DISCUSSION:

The League of California Cities 2016 Annual Conference is scheduled for October 5 – October 7, 2016, in Long Beach. An important part of the Annual Conference is the Annual Business meeting, which is scheduled for noon on Friday, October 7. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business meeting, each city council must designate a voting delegate. In the event that the designated voting delegate is unable to serve in that capacity, each city may appoint up to two alternate voting delegates. The Voting Delegate form must be returned to the League's office no later than September 23, 2016, so that voting delegate/alternates records may be established prior to the conference.

The voting delegate and alternate(s) must be registered to attend the conference. At least one must be present at the Business Meeting and in possession of a voting card in order to cast a vote. Each member city has a right to cast one vote on matters pertaining to League Policy. In order for the City of Lakeport to vote, a delegate must be designated. Staff, at this time, understands that Council Members Scheel, Mattina and Turner are planning to attend the conference.

As there will not be a quorum of the Council at the regularly scheduled October 4, 2016 Council meeting since the attendees will need to begin their travel to the conference in Long Beach on October 4, staff recommends the October 4th meeting be cancelled.

OPTIONS:

The Council has the option of choosing not to designate a voting member.

The Council has the option of not cancelling the October 4, 2016 meeting.

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments:

SUGGESTED MOTIONS:

1. Move to approve cancellation of the October 2, 2016, City Council Meeting, and
2. Move to nominate _____ as the voting delegate and _____ as the first alternate and _____ as the second alternate voting delegate for the League of California Cities Annual Conference to be held October 5 through October 7, 2016, in Long Beach, California.



Attachments:

1. Voting Delegate Letter from the League of California Cities



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2016
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June 10, 2016

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 5 – 7, Long Beach**

The League's 2016 Annual Conference is scheduled for October 5 – 7 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for noon on Friday, October 7, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 23, 2016. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 5, 8:00 a.m. – 6:00 p.m.; Thursday, October 6, 7:00 a.m. – 4:00 p.m.; and Friday, October 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 23. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



ATTACHMENT 1

CITY: _____

**2016 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, September 23, 2016. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail: _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 23, 2016

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Change the Meeting Time for the Regular Meeting of August 2, 2016, to Participate in National Night Out

MEETING DATE: 07/19/2016

SUBMITTED BY: Margaret Silveira, City Manager

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve the change of the start time of the regular August 2, 2016, City Council meeting and approve the Lakeport National Night Out event with a street closure on that date.

BACKGROUND/DISCUSSION:

National Association of Town Watch (NATW) is a non-profit organization dedicated to the development and promotion of various crime prevention programs including neighborhood watch groups, law enforcement agencies, state and regional crime prevention associations, businesses, civic groups, and individuals, devoted to safer communities. The introduction of National Night Out, "America's Night Out Against Crime," in 1984 began an effort to promote involvement in crime prevention activities, police-community partnerships, neighborhood camaraderie, and to send a message to criminals letting them know that neighborhoods are organized and fighting back.

NATW's National Night Out program culminates annually, on the first Tuesday of August. The first National Night Out took place on Tuesday, August 7, 1984. That first year, 2.5 million Americans took part across 400 communities in 23 states. National Night Out now involves over 37 million people and 15,000 communities from all fifty states, U.S. Territories, Canadian cities, and military bases worldwide.

The traditional "lights on" campaign and symbolic front porch vigils turned into a celebration across America with various events and activities including, but not limited to, block parties, cookouts, parades, visits from emergency personnel, rallies and marches, exhibits, youth events, safety demonstrations and seminars, in effort to heighten awareness and enhance community relations.

Matt Peskin, NATW's Executive Director, said, "It's a wonderful opportunity for communities nationwide to promote police-community partnerships, crime prevention, and neighborhood camaraderie. While the one night is certainly not an answer to crime, drugs and violence, National Night Out represents the kind of spirit, energy and determination to help make neighborhoods a safer place year round. The night celebrates safety and crime prevention successes and works to expand and strengthen programs for the next 364 days."

Staff is requesting to change the start time of the August 2, 2016, Lakeport City Council meeting to 5:00 p.m., and approve the City of Lakeport National Night Out event. The City of Lakeport National Night Out event would be an opportunity for the community to meet and greet City Council Members and Staff and local emergency personnel. The City would provide hot dogs and drinks. In the past, the Kiwanis have volunteered to do the cooking.

Staff is planning to have this year's event on North Main Street, between 16th street and the North terminus of North Main Street, at the invitation of the North Main Street Neighborhood Watch Group. This would require the Council's approval to close North Main Street in the described area for the event.

OPTIONS:

Approve the change of start time for the August 2, 2016, Lakeport City Council Meeting to 5:00 p.m. and, approve the participation of the City of Lakeport in the National Night Out event, with street closures.

Do not approve the change of start time for the August 2, 2016 Council meeting and/or

Do not approve the participation of the City of Lakeport in the National Night out event

Do not approve street closures.

FISCAL IMPACT:

☐ None ☒ \$500.00 (approximate) Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☒ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments:

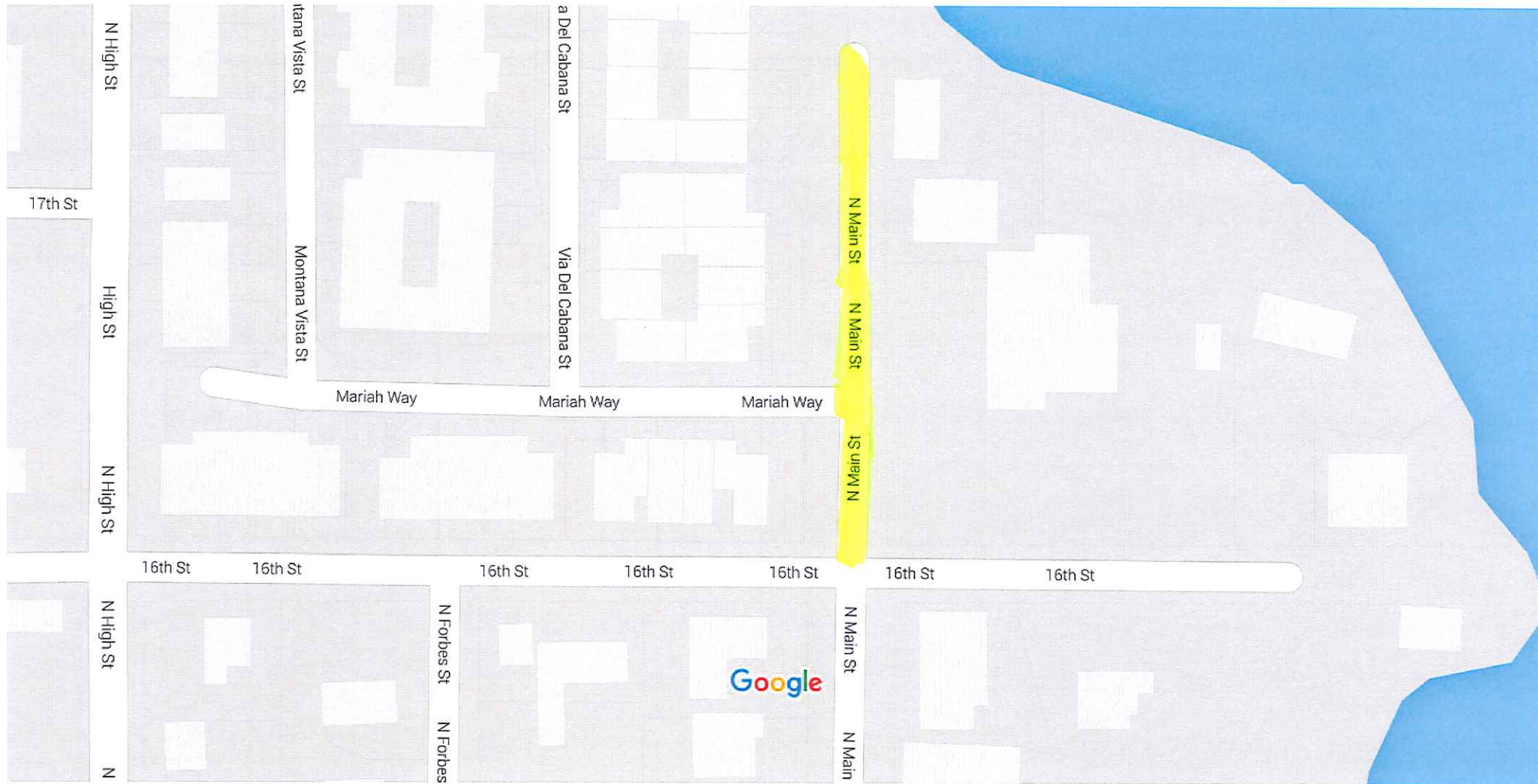
SUGGESTED MOTIONS:

1. Move to approve the change of start time for the August 2, 2016, Lakeport City Council Meeting to 5:00 p.m. and,
2. Move to approve the participation of the City of Lakeport in the National Night Out event, with street closures.

☒ **Attachments:** 1. Map



National Night Out - North Main Street at 16th Street to the Northern Terminus of North Main Street





CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
City of Lakeport Municipal Sewer District ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Revision of Prohibited Parking Zones

MEETING DATE: 07/19/2016

SUBMITTED BY: Kevin M. Ingram, Community Development Director

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt the attached resolution revising the Prohibited Parking Zones within the City to expand the no parking zone area along the west side of Bevins Street between the Gateway Business Park and just north of the intersection of Lakeport Blvd.

BACKGROUND/DISCUSSION:

Due to increased traffic volumes, existing roadway configuration and line of sight issues occurring near the southern driveway entrance to the Gateway Business Park at 975 Bevins Street, the City of Lakeport is recommending the delineation of a no parking area 466 feet between the southern driveway entrance of the Gateway Business park to just south of Lakeport Boulevard along the west side of Bevins Street.

Current no parking designations in this area are limited to 15 feet south of the aforementioned driveway and a 15 feet area in front of an existing fire hydrant at this location. The Gateway Business Park has seen substantial growth in commercial activity over the past couple of years and as a result vehicles frequently park along the west side of Bevins Street in this area resulting in the need for southbound traffic to often enter into the northbound lane to maneuver around parked vehicles in this location.

The timing of this action is pertinent as the 2016 Bevins Street Pavement Rehabilitation Project which proposes to repave Bevins Street between Martin Street and Lakeport Boulevard is scheduled to be completed this summer.

This request was reviewed by the Traffic Safety and Advisory Committee at their regular meeting of June 13, 2016 and a recommendation to City Council to designate this area as a prohibited parking area was approved unanimously.

OPTIONS:

1. Adopt the attached resolution revising the locations of Prohibited Parking Zones within the City of Lakeport.
2. Do not adopt the attached resolution thus keeping the Prohibited Parking Zones within the City the same.

FISCAL IMPACT:

☐ None ☒ \$250.00 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☒ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments:

SUGGESTED MOTIONS:

Move to adopt the proposed resolution rescinding Resolution No. 2538 (2015) and designating the locations of Prohibited Parking Zones within the City of Lakeport.

- ☒ **Attachments:**
- A. Proposed Resolution
 - B. Site Map

RESOLUTION NO. _____ (2016)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
RESCINDING RESOLUTION NO. 2538 (2015) AND DESIGNATING (1) THE LOCATIONS OF
PROHIBITED PARKING ZONES AND (2) THE LOCATIONS OF COUNCIL AUTHORIZED
EXCEPTIONS TO PROHIBITED PARKING ZONES PURSUANT TO THE PROVISIONS OF
ORDINANCE NO. 356 (58) OF THE CITY OF LAKEPORT**

BE IT RESOLVED by the City Council of the City of Lakeport that Resolution No. 2538 (2015) designating (1) the locations of PROHIBITED PARKING ZONES and (2) the locations of COUNCIL AUTHORIZED EXCEPTIONS TO PROHIBITED PARKING ZONES is hereby rescinded in its entirety.

BE IT FURTHER RESOLVED by the City Council of the City of Lakeport that pursuant to the provisions of Ordinance No. 356, ARTICLE II, Section 7 and of ARTICLE III, Section 1 (a), **parking is prohibited** in the following locations:

A. At the following general locations:

1. Within twenty-five feet (25') of the nearest face of curb (edge of pavement where curb does not exist) of an intersecting street.
2. Within twenty feet (20') of a marked crosswalk.
3. Within six feet (6') of an alley or driveway.
4. Within fifteen feet (15') of a fire hydrant.

Distances may be reduced or increased where, at the discretion of the City Engineer, if conditions warrant.

B. At the following specific locations:

1. First Street - Along the north side of First Street extending east from North Main Street to Park Street.
2. First Street - Along the south side of First Street extending east from North Main Street to Clear Lake.
3. Second Street - Along the north side of Second Street extending west from one hundred feet (100') west of the face of the west curb on Crawford Street to one hundred feet (100') east of the face of the east curb on North Russell Street.
4. Third Street - Along the north side of Third Street extending east one hundred feet (100') from the face of the east curb on North Main Street.
5. Third Street - Along the south side of Third Street extending fifty four feet (54') east from one hundred nine feet (109') east of the face of the east curb on Park Street.
6. Fourth Street - Along the north side of Fourth Street extending west from the municipal parking lot to North High Street.
7. Fifth Street - Along the north side of Fifth Street extending from two hundred fifty feet (250') east of the face of the east curb on North Main Street to North Forbes Street.

8. Sixth Street - Along the north side of Sixth Street extending west from North Main Street to Shady Oak Street.
9. Sixth Street - Along the south side of Sixth Street extending west forty feet (40') from the face of the west curb on North Forbes Street.
10. Seventh Street - Along the north side of Seventh Street extending west from North Main Street to North Forbes Street.
11. Eleventh Street - Along the north side of Eleventh Street extending west from North Main Street to the west City limit.
12. Eleventh Street - Along the south side of Eleventh Street extending west from North Main Street to the west City limit.
13. Sixteenth Street - Along the north side of Sixteenth Street extending west from North Main Street to North High Street.
14. Twentieth Street - Along the south side of Twentieth Street extending west one hundred sixty feet (160') from the face of the west curb on North High Street.
15. Armstrong Street - Along the north side of Armstrong Street extending west one hundred fifty feet (150') from the face of the east curb on Smith Street.
16. Armstrong Street - Along the north side of Armstrong Street extending west seventy six feet (76') from one hundred fifteen feet (115') from the face of the west curb on Starr Street.
17. Bevins Court – Along the north side of the street extending east 100 feet from the face of the east curb on Bevins Street.
18. Bevins Street – Along the east side of the street extending north 220 feet from the face of the north curb on Bevins Court.
19. Bevins Street – Along the east side of the street extending north 750 feet from the curb return of the northeast corner of the intersection of Bevins Street and Lakeport Boulevard.
20. Bevins Street—Along the west side of the street extending south 466 feet from the southernmost driveway curb return serving 975 Bevins Street (APN 25-441-16).
21. Boggs Lane - Along the north side of Boggs Lane extending west from Will-O-View Circle to the eastern boundary of 1239 Boggs Lane (APN 26-342-01).
22. Boggs Lane - Along the south side of Boggs Lane extending west from Will-O-View Circle to the eastern boundary of 1239 Boggs Lane (APN 26-342-01).
23. Clear Lake Avenue – Along the north side of Clear Lake Avenue extending east from five hundred feet (500') east of the east curb on North Main Street to Clear Lake.
24. Esplanade - Along the north side of Esplanade extending east two hundred twenty-seven feet (227) from the face of the east curb on South Main Street.
25. Forbes Street - Along the east side of North Forbes Street extending south seventy-seven feet (77') from the face of the south curb on Eleventh Street.
26. Forbes Street - Along the east side of North Forbes Street extending north thirty-two feet (32') from the face of the north curb on Eleventh Street.

27. Forbes Street - Along the west side of North Forbes Street extending south forty-four feet (44') from the face of the south curb on Eleventh Street.
28. Forbes Street - Along the west side of North Forbes Street extending north forty-four feet (44') from the face of the north curb on Eleventh Street.
29. Forbes Street - Along the east side of South Forbes Street extending north one hundred feet (100') from the face of the north curb on Lakeport Boulevard.
30. Forbes Street - Along the west side of South Forbes Street extending north from Lakeport Boulevard to the north end of South Forbes Street.
31. Forest Drive – Along the north side of Forest Drive extending west from the western end of Lange Street to the eastern line of Loch Drive.
32. Forest Drive – Along the south side of Forest Drive extending west 30 feet (30') from the western property line of 275 Lange Street.
33. Forest Drive – Along the south side of Forest Drive extending west 220 feet from the west side of Terrace Drive.
34. Green Street – Along the east side of Green Street extending north from Sayre Street to Hillcrest Drive.
35. Hartley Street - Along the east side of Hartley Street extending north from Sunset Drive to the north City limit.
36. Hartley Street - Along the west side of Hartley Street extending north from Boggs Avenue to Jerry Drive.
37. Hartley Street - Along the west side of Hartley Street extending north from two hundred thirty feet (230') north of Anastasia Drive to the north City limit.
38. High Street - Along the east side of North High Street extending south seventy-six feet (76') from one hundred twenty feet (120') south of the centerline of Second Street.
39. High Street - Along the west side of North High Street extending north from Seventh Street to Eighth Street.
40. High Street - Along the east side of North High Street extending north from Clear Lake Avenue to Lakeshore Boulevard.
41. High Street - Along the west side of North High Street extending north from Clear Lake Avenue to Lakeshore Boulevard.
42. Hillcrest Drive - Along the north side of Hillcrest Drive extending east from Terrace Drive to the eastern boundary of 410 Hillcrest Drive (APN 26-054-24).
43. K Street - Along the north side of K Street extending west from Esplanade to South Main Street.
44. Konocti Avenue - Along the north side of Konocti Avenue extending east fifty-five feet (55') from the face of the east curb on South Main Street.
45. Konocti Avenue - Along the south side of Konocti Avenue extending east one hundred thirty-five feet (135') from the face of the east curb on South Main Street.

46. Konocti Avenue - Along the north side of Konocti Avenue extending west from the eastern boundary of 527 Konocti Avenue (APN 25-622-18) to Larrecou Lane.
47. Konocti Avenue - Along the south side of Konocti Avenue extending west from South Forbes Street to the eastern boundary of 527 Konocti Avenue (APN 25-622-18).
48. Lakeport Boulevard - Along the north side of Lakeport Boulevard extending west from South Main Street to State Route 29.
49. Lakeport Boulevard - Along the south side of Lakeport Boulevard extending west from South Main Street to State Route 29.
50. Lakeshore Boulevard - Along the north and west side of Lakeshore Boulevard extending northeasterly from North High Street to the north City limit.
51. Lakeshore Boulevard - Along the south and east side of Lakeshore Boulevard extending northeasterly from North High Street to the north City limit.
52. Lange Street – Along the south side of Lange Street extending east fourteen feet (14') from one hundred thirty-two feet (132 ') east of the east face of curb on Giselman Street.
53. Larrecou Lane - Along the east side of Larrecou Lane extending north from Lakeport Boulevard to Konocti Avenue.
54. Larrecou Lane - Along the west side of Larrecou Lane extending north from Lakeport Boulevard to Konocti Avenue.
55. Lupoyoma Circle - Along the south and west side of Lupoyoma Circle extending northwesterly six hundred twenty-five feet (625') from Lupoyoma Heights.
56. Main Street - Along the east side of North Main Street between the entrance and exit driveways at 650 North Main Street (APN 25-601-08).
57. Main Street - Along the east side of North Main Street between the entrance and exit driveways at 500 North Main Street (APN 25-381-08).
58. Main Street - Along the west side of North Main Street extending north from seventy-two feet (72') north of the face of the north curb on Fourth Street to Fifth Street.
59. Main Street - Along the west side of South Main Street extending south forty-eight feet (48') from forty-two feet (42') south of the face of the south curb on D Street.
60. Main Street - Along the west side of South Main Street extending north three hundred thirty feet (330') from the face of the north curb on Lakeport Boulevard.
61. Main Street - Along the east side of South Main Street extending north from K Street to Konocti Avenue.
62. Main Street - Along the east side of South Main Street extending south sixty feet (60') from the face of the south curb on K Street.
63. Main Street - Along the east side of South Main Street extending south from one hundred fifty feet (150') south of the face of the south curb on Royale Avenue to the south City limit.
64. Main Street - Along the west side of South Main Street extending south one hundred twenty feet (120') from the face of the south curb on Peckham Court.

65. Martin Street - Along the north side of Martin Street extending west one hundred twenty feet (120') from the face of the west curb on South Main Street.
66. Martin Street - Along the north side of Martin Street extending west from South High Street to Forbes Creek.
67. Martin Street - Along the south side of Martin Street extending west from South Main Street to seventy feet (70') east of the face of the east curb on South Polk Street.
68. Martin Street – Along the south side of Martin Street extending east from Bevins Street to Starr Street.
69. Mellor Drive - Along the east side of Mellor Drive extending north one hundred forty feet (140') from the face of the north curb on Eleventh Street.
70. Mellor Drive - Along the west side of Mellor Drive extending north one hundred forty feet (140') from the face of the north curb on Eleventh Street.
71. Orchard Street – Along the west side of Orchard Street extending south from Armstrong Street to Martin Street.
72. Parallel Drive - Along the east side of Parallel Drive extending north from Lakeport Boulevard to Craig Avenue.
73. Parallel Drive – Along the west side of Parallel Drive extending north five hundred feet (500') from Westside Park Road.
74. Park Street - Along the east side of Park Street extending north from sixty-eight feet (68') south to fifty-two feet (52') north of the center of Second Street.
75. Peckham Court - Along the north side of Peckham Court extending west from South Main Street to State Route 29.
76. Peckham Court - Along the south side of Peckham Court extending west from South Main Street to State Route 29.
77. Pool Street - Along the east side of Pool Street extending north forty feet (40') from the face of the north curb on Eleventh Street.
78. Pool Street - Along the west side of Pool Street extending north from Eleventh Street to Clear Lake Avenue.
79. Pool Street – Along the west side of Pool Street extending south from two hundred and twenty-five feet (225') south to three hundred and ten feet (310') from the extension of the face of the south curb of Eleventh Street at the southwest corner of the Pool Street and Eleventh Street intersection.
80. Rose Avenue - Along the north side of Rose Avenue (alley) extending west from North Forbes Street to North High Street.
81. Rose Avenue - Along the south side of Rose Avenue (alley) extending west from North Forbes Street to North High Street.
82. Russell Street – Along the east side of South Russell Street extending north from Martin Street to Armstrong Street.
83. Russell Street - Along the west side of South Russell Street extending north from Martin Street to Armstrong Street.

84. Smith Street - Along the east side of Smith Street extending north from Martin Street to Armstrong Street.
85. Westside Community Park Driveway at 1145 Parallel Drive – along the south side of the driveway extending west from Parallel Drive to the paved parking lot entrance.
86. Westside Community Park Driveway at 1145 Parallel Drive – along the north side at the driveway extending west from Parallel Drive to the designated unpaved parking area.

BE IT FURTHER RESOLVED by the City Council of the City of Lakeport that pursuant to the provisions of Ordinance No. 356, ARTICLE III, Section 1 (a) the following prohibited parking locations may be used for parking by the use designated:

A. The following is designated for “FIRE DEPT” use:

1. Main Street - Along the west side of North Main Street extending north thirty-four feet (34') from one hundred twelve feet (112') north of the face of the north curb on Fourth Street.

B. The following are designated for “BUS STOP” use:

1. Third Street - Along the north side of Third Street extending east fifty feet (50') from forty feet (40') east of the east face of curb on North Main Street designated “BUS STOP.”
2. High Street - Along the west side of North High Street extending north twenty-five feet (25') from fifty-five feet (55') north of the north face of curb on Fifteenth Street designated “BUS STOP.”
3. High Street - Along the east side of North High Street extending south twenty-five feet (25') from eighty feet (80') south of the south face of curb on Via Del Lago designated “BUS STOP.”
4. High Street - Along the west side of North High Street extending north twenty-five feet (25') from ten feet (10') north of the south face of curb on Via Del Lago designated “BUS STOP.”
5. Lakeshore Boulevard - Along the west side of Lakeshore Boulevard extending north twenty-five feet (25') from forty feet (40') north of the north face of curb on Sayre Street designated “BUS STOP.”
6. Lakeshore Boulevard - Along the east side of Lakeshore Boulevard extending south twenty-five feet (25') from forty feet (40') south of the south face of curb on Lange Street designated “BUS STOP.”
7. Lakeshore Boulevard - Along the west side of Lakeshore Boulevard extending north twenty-five feet (25') from three hundred feet (300') north of the north face of curb on Lange Street designated “BUS STOP.”
8. Main Street - Along the west side of North Main Street extending south ninety three feet (93') from ten feet (10') south of the south face of curb on Third Street designated “BUS STOP.”

9. Main Street - Along the west side of South Main Street extending south forty-eight feet (48') from forty-two feet (42') south of the face of the north curb on D Street designated "BUS STOP."
10. Main Street - Along the east side of South Main Street extending north forty feet (40') from sixty feet (60') north of the face of the north curb on K Street designated "BUS STOP."
11. Main Street - Along the east side of South Main Street extending north sixty-three feet (63') from four hundred sixteen feet (416') north of the south City limit designated "BUS STOP."

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 19th day of July, 2016, by the following vote:

AYES:

NOES:

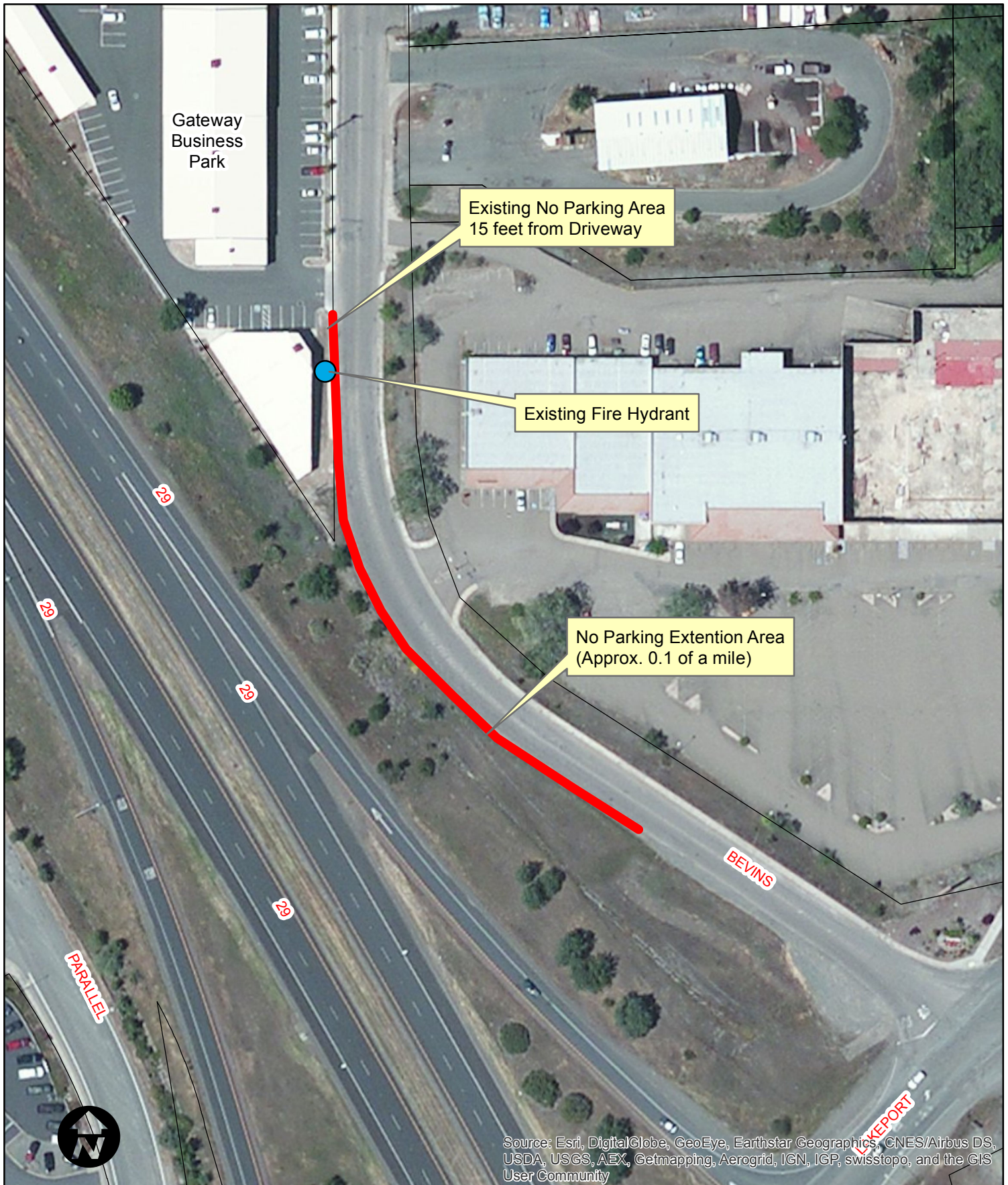
ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

ATTEST:

KELLY BUENDIA, City Clerk



1 inch = 100 feet

Projected coordinate system name: NAD 1983 State Plane California II FIPS 0402 Feet
Geographic coordinate system name: GCS North American 1983

Bevins Street No Parking Zone Extension