



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, August 16, 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.

- I. **CALL TO ORDER & ROLL CALL:** 6:00 p.m.
- II. **PLEDGE OF ALLEGIANCE:**
- III. **ACCEPTANCE OF AGENDA:**
Move to accept agenda as posted, or move to add or delete items.
Urgency 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 special City Council Meeting of July 12, 2016 and the regular City Council meeting of July 19, 2016.
 - C. Warrants: Approve the warrant registers of August 5, 2016.
 - D. Application 2016-020: Approve Application No. 2016-020 with staff recommendations, for the Annual Lake County Fair Opening Day Parade to take place September 1, 2016.
 - E. Application 2016-021: Approve Application No. 2016-021 with staff recommendations, for the annual Splash-In event, to take place September 16-17, 2016.
 - F. Application 2016-022: Approve Application No. 2016-022 with staff recommendations for the 2016 Catfish Derby to be held August 26-27, 2016.
 - G. Memorandum of Understanding: Adopt a proposed resolution approving the Memorandum of Understanding between the Lakeport Employee's Association for the period August 16, 2016 through June 30, 2017, and authorizing its execution.
 - H. Appropriations Limit: Approve the appropriations limit of \$11,109,063 for Fiscal Year 2016-17 for the City of Lakeport and adopt the proposed resolution.
 - I. Bevins Court Parking Lease: Approve the lease for fair parking at 902 Bevins Court with the 49th District Agricultural Association and authorize the City Manager to execute the lease.
 - J. Temporary Handicap Parking: Approve the designated temporary disabled parking in the 200 block of C Street, between South Forbes Street and the C street gate to the Fairgrounds, from 4:00 p.m. on Thursday, September 1st to Midnight on Sunday, September 4th, 2016.
 - K. Conflict of Interest Code Review: Receive and file the 2016 Local Agency Biennial Notice regarding the City of Lakeport's Conflict of Interest Code.
 - L. Ordinance Adoption: Conduct a second reading of 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.
- 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.

Presentation: LMSA

Presentation of donation by the Lakeport Main Street Association for the Annual Fireworks Show in Library Park.

Presentation: Road Criterium Bike Racing

Presentation by Dave Garzoli of the Main Street Elite Bicycle Team on Road Criterium Bicycle Racing.

VI. COUNCIL BUSINESS

A. Police Lieutenant:

1. School Resource Officer:

Approve proposed Memorandum of Understanding between the Lakeport Unified School District and the City of Lakeport for the services of a School Resource Officer and authorize the City Manager to sign.

VII. CITY COUNCIL COMMUNICATIONS

A. Miscellaneous Reports, if any:

VIII. 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
NOTICE AND CALL OF SPECIAL TOWN HALL MEETING
OF THE LAKEPORT CITY COUNCIL
Tuesday, July 12, 2016
6:00 P.M.

ATTENDANCE:

City Manager Silveira welcomed the public to the town hall meeting at 6:00 p.m. Mayor Spillman, Council Member Parlet, Council Member Scheel and Council Member Turner were present. Council Member Mattina was absent.

COMMUNITY PRIORITIES TOWN HALL:

Finance Director Buffalo and City Manager Margaret Silveira gave an interactive presentation on the General Fund with an opportunity for public input. Questions and comments were received from the public.

ADJOURNMENT:

Mayor Spillman adjourned the meeting at 8:35 p.m.

Marc Spillman, Mayor

Attest:

Kelly Buendia, 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 19, 2016

CLOSED SESSION:

Mayor Spillman called the meeting to order at 5:30 pm, and adjourned to closed session at 5:31 pm for the following item:

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.

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 6:01 p.m. with Council Members Turner, Parlet, Mattina and Scheel present.

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Dennis Rollins.

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 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.

Vote on Consent Agenda:

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

V. PUBLIC PRESENTATIONS/REQUESTS:

A. Citizen Input:

Ray Somberg requested lowering fees on 10 Queen Anne Way with the change in zoning. He would like his sewer bond fee adjusted so it is more equitable with other properties in the CLMSD South Assessment District 91-1.

Dennis Rollins gave an update on Westside Park and reminded Council that Grillin' on the Green will be August 6, 2016.

VI. PUBLIC HEARINGS:

A. Community Development Director

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

The Staff report was presented by Community Development Director Ingram.

Mayor Spillman opened the public hearing at 6:30 p.m.

Mayor Spillman closed the public hearing at 6:30 p.m.

A motion was made by Council Member Mattina, seconded by Council Member Scheel, and unanimously carried by voice vote, 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

The Staff report was presented by City Manager Silveira and City Clerk Buendia.

Mayor Spillman opened the public hearing at 6:52 p.m.

Wilda Shock spoke in favor of the proposed sales tax measure.

Paula Capps spoke against the proposed sales tax measure. She would prefer to see cuts made in other areas and used for roads and increase police services.

Dennis Rollins spoke in favor of the sales tax measure.

Mayor Spillman closed the public hearing at 7:05 pm.

A motion was made by Council Member Scheel, seconded by Council Member Turner, and unanimously carried by voice vote, to 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.

A motion was made by Council Member Scheel, seconded by Council Member Parlet, and unanimously carried by voice vote, 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 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 Community Park Dog Park:

The Staff report was presented by City Manager Silveira.

Dennis Rollins spoke in favor of naming the dog park in honor of Ron Raetz, and he gave some history on Mr. Raetz's contributions to the community and the Park.

Wilda Shock spoke in favor of the name.

A motion was made by Council Member Mattina, seconded by Council Member Turner, and unanimously carried by voice vote, 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.

2. League of California Cities Annual Meeting:

The Staff report was presented by City Manager Silveira

Council Member Mattina nominated Council Member Turner as the Voting Delegate, Council Member Scheel as the First Alternate, and Council Member Mattina as the Second Alternate, Council Member Scheel seconded the nominations, and the Council unanimously approved by voice vote, the appointment of 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.

A motion was made by Council Member Mattina, seconded by Council Member Scheel, and unanimously carried by voice vote, to approve cancellation of the October 4, 2016, City Council Meeting.

3. National Night Out

The Staff report was presented by City Manager Silveira.

Chief Rasmussen gave the Council background on the proposed street closures for National Night Out.

George Spurr wanted to verify there would be notification for the earlier start time of the Council meeting.

A motion was made by Council Member Turner, seconded by Council Member Mattina, and unanimously carried by voice vote, to approve the change of start time for the August 2, 2016, Lakeport City Council Meeting to 5:00 p.m.

A motion was made by Council Member Turner, seconded by Council Member Mattina, and unanimously carried by voice vote, to 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

The Staff report was presented by Community Development Director Ingram

Paula Capps spoke in favor of restricting parking in the proposed no parking zone. She would like to see the zone expanded to the north entrance.

A motion was made by Council Member Scheel, seconded by Council Member Mattina, and unanimously carried by voice vote, to adopt a proposed resolution rescinding Resolution No. 2538 (2015) and designating the locations of Prohibited Parking Zones within the City of Lakeport, and further directed staff have TSAC look into additional no parking zones in that area.

VIII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

City Manager Silveira will be back on vacation, Community Development Director Ingram will be acting City Manager on Wednesday, and then Chief Rasmussen will be acting City Manager for the remainder of the week.

City Attorney Ruderman had nothing to report.

Administrative Services Director Buendia reported that the department is busy with elections, and records requests, as well as recruiting for Engineer/Public Works Director and Water Operators.

Public Works Superintendent Grider reported that there is a lot going on with the Downtown Improvement Project, working day and night shifts.

Finance Director Feth-Michel is getting acclimated to the job and City Hall.

Chief Rasmussen has been involved in the National Night Out planning.

Community Development Director Ingram reported that Downtown Improvement Project is moving forward, they are working with PG&E regarding issues as they are uncovered.

Council Member Turner recommended attendance at the Shakespeare in the Park on performances scheduled for July 30 & 31, 2016.

Council Member Mattina advised she will attend the LAFCo meeting tomorrow, and is in contact with a Criterium bike racing group interested in bringing an event to Lakeport.

Council Member Parlet was impressed with the staff's performance at the last Town Hall.

Council Member Scheel echoed Parlet's compliments, and advised of the following weekend events: Kickin' in the Country Street Dance on Thursday,

Friday Night Concert in the Park, and Kiss My Clear Lake Bass fundraiser on Sunday.

Mayor Spillman had no report.

IX. ADJOURNMENT:

Mayor Spillman adjourned the meeting at 7:55 p.m.

Marc Spillman, Mayor

Attest:

Hilary Britton, Deputy City Clerk

CITY OF LAKEPORT

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



8/10/2016

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 positioned above a horizontal line.

Ginny Feth-Michel
Interim Finance Director



Lakeport, CA

Bank Transaction Report

Transaction Detail

Issued Date Range: 07/12/2016 - 08/05/2016

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Bank Account: 15-0352000798 - POOLED CASH BANK							
07/12/2016		49558	HOSPITALITY & NETWORK DEVELOPMENT SVCS, INC.	Accounts Payable	Outstanding	Check	-15,226.00
07/12/2016		49559	HOSPITALITY & NETWORK DEVELOPMENT SVCS, INC.	Accounts Payable	Outstanding	Check	-34,774.00
07/13/2016		49560	SAVANNAH MEYER	Accounts Payable	Outstanding	Check	-401.00
07/14/2016		49561	LAKEPORT DISPOSAL, INC.	Accounts Payable	Outstanding	Check	-59,767.16
07/20/2016		49562	AFLAC	Accounts Payable	Outstanding	Check	-869.37
07/20/2016		49563	AIRMED CARE NETWORK	Accounts Payable	Outstanding	Check	-835.00
07/20/2016		49564	CA STATE DISBURSEMENT UNIT	Accounts Payable	Outstanding	Check	-693.67
07/20/2016		49565	CALPERS	Accounts Payable	Outstanding	Check	-18,377.83
07/20/2016		49566	ELIZABETH LAMBERT	Accounts Payable	Outstanding	Check	-500.00
07/20/2016		49567	FRANCHISE TAX BOARD	Accounts Payable	Outstanding	Check	-200.00
07/20/2016		49568	JACQUELINE M. STOEBE	Accounts Payable	Outstanding	Check	-25.00
07/20/2016		49569	LAKEPORT EMPLOYEE'S ASSOC	Accounts Payable	Outstanding	Check	-330.00
07/20/2016		49570	LEGALSHIELD	Accounts Payable	Outstanding	Check	-208.25
07/20/2016		49571	LPOA	Accounts Payable	Outstanding	Check	-405.00
07/20/2016		49572	NATIONWIDE RETIREMENT SOLUTION	Accounts Payable	Outstanding	Check	-1,200.00
07/20/2016		49573	REDWOOD CREDIT UNION	Accounts Payable	Outstanding	Check	-250.00
07/20/2016		49574	VALIC - C/O JP MORGAN CHASE	Accounts Payable	Outstanding	Check	-1,488.50
07/20/2016		DFT0000286	IRS	Accounts Payable	Outstanding	Bank Draft	-3,821.74
07/20/2016		DFT0000287	CA EMP DEVELOPMENT DEPT	Accounts Payable	Outstanding	Bank Draft	-4,919.34
07/20/2016		DFT0000288	CA EMP DEVELOPMENT DEPT	Accounts Payable	Outstanding	Bank Draft	-1,195.04
07/20/2016		DFT0000289	IRS	Accounts Payable	Outstanding	Bank Draft	-16,333.17
07/20/2016		DFT0000290	IRS	Accounts Payable	Outstanding	Bank Draft	-816.60
07/26/2016		49576	ACTION SANITARY, INC.	Accounts Payable	Outstanding	Check	-1,600.00
07/26/2016		49577	ADAMS ASHBY GROUP, LLC.	Accounts Payable	Outstanding	Check	-4,590.00
07/26/2016		49578	ADVANCED COMMUNICATIONS	Accounts Payable	Outstanding	Check	-120.80
07/26/2016		49579	ALFREDO OLLOQUI	Accounts Payable	Outstanding	Check	-50.00
07/26/2016		49580	ALL IN ONE AUTO REPAIR & TOWING	Accounts Payable	Outstanding	Check	-265.00
07/26/2016		49581	ALPHA ANALYTICAL LABORATORIES	Accounts Payable	Outstanding	Check	-478.00
07/26/2016		49582	AQUA PRODUCTS	Accounts Payable	Outstanding	Check	-1,085.42
07/26/2016		49583	AT&T	Accounts Payable	Outstanding	Check	-1,247.85
07/26/2016		49584	AVENGER FIBERGLASS MFG CO., INC.	Accounts Payable	Outstanding	Check	-175,000.00
07/26/2016		49585	BIT SCULPTOR	Accounts Payable	Outstanding	Check	-150.00
07/26/2016		49586	BORGES & MAHONEY INC.	Accounts Payable	Outstanding	Check	-574.24
07/26/2016		49587	BRIAN DENTON	Accounts Payable	Outstanding	Check	-600.00
07/26/2016		49588	CHRISTA ALANA NUNEZ	Accounts Payable	Outstanding	Check	-1,750.00
07/26/2016		49589	CLEARLAKE REDI-MIX INC.	Accounts Payable	Outstanding	Check	-3,693.60

Bank Transaction Report
Issued Date Range: 07/12/2016 - 08/05/2016 Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/26/2016		49590	COLANTUANO, HIGHSMITH &	Accounts Payable	Outstanding	Check	-7,416.44
07/26/2016		49591	COMMUNITY DEVELOPMENT SERVICES	Accounts Payable	Outstanding	Check	-10,250.00
07/26/2016		49592	CONSER LAND SURVEYING	Accounts Payable	Outstanding	Check	-1,500.00
07/26/2016		49593	COUNTY OF LAKE-ANIMAL CONTROL	Accounts Payable	Outstanding	Check	-581.50
07/26/2016		49594	COUNTY OF LAKE-SPECIAL DIST	Accounts Payable	Outstanding	Check	-21,761.85
07/26/2016		49595	DEBRA ENGLAND	Accounts Payable	Outstanding	Check	-675.00
07/26/2016		49596	DEEP VALLEY SECURITY	Accounts Payable	Outstanding	Check	-202.95
07/26/2016		49597	DEPT OF JUSTICE	Accounts Payable	Outstanding	Check	-201.00
07/26/2016		49598	DESIGN WORKSHOP, INC.	Accounts Payable	Outstanding	Check	-61,900.00
07/26/2016		49599	DESIGN WORKSHOP, INC.	Accounts Payable	Outstanding	Check	-36,520.00
07/26/2016		49600	EWING & ASSOCIATES	Accounts Payable	Outstanding	Check	-5,119.70
07/26/2016		49601	FERRELLGAS	Accounts Payable	Outstanding	Check	-100.07
07/26/2016		49602	GARAVAGLIA ARCHITECTURE, INC.	Accounts Payable	Outstanding	Check	-34,900.00
07/26/2016		49603	GRANITE CONSTRUCTION COMPANY	Accounts Payable	Outstanding	Check	-350,501.74
07/26/2016		49604	HACH CHEMICAL COMPANY	Accounts Payable	Outstanding	Check	-362.34
07/26/2016		49605	INTERSTATE BATTERY SYSTEM	Accounts Payable	Outstanding	Check	-557.45
07/26/2016		49606	IT'S ABOUT TIME, INC	Accounts Payable	Outstanding	Check	-221.72
07/26/2016		49607	JJACPA, INC.	Accounts Payable	Outstanding	Check	-9,925.00
07/26/2016		49608	JONES TOWING	Accounts Payable	Outstanding	Check	-400.00
07/26/2016		49609	KELSEYVILLE LUMBER	Accounts Payable	Outstanding	Check	-70.57
07/26/2016		49610	KELSEYVILLE SEPTIC & SANITARY	Accounts Payable	Outstanding	Check	-124.80
07/26/2016		49611	KELSEYVILLE TNT MINI STORAGE	Accounts Payable	Outstanding	Check	-262.00
07/26/2016		49612	LAKE COUNTY ELECTRIC SUPPLY	Accounts Payable	Outstanding	Check	-867.46
07/26/2016		49613	LAKE COUNTY RECORD BEE	Accounts Payable	Outstanding	Check	-835.11
07/26/2016		49614	LAKEPORT DISPOSAL, INC. Reversal	Accounts Payable	Outstanding	Check Reversal	59,767.16
07/26/2016		49614	LAKEPORT DISPOSAL, INC.	Accounts Payable	Outstanding	Check	-59,767.16
07/26/2016		49615	LEXIS NEXIS RISK SOLUTIONS	Accounts Payable	Outstanding	Check	-30.00
07/26/2016		49616	MC CROMETER, INC.	Accounts Payable	Outstanding	Check	-3,687.22
07/26/2016		49617	MEDIACOM	Accounts Payable	Outstanding	Check	-1,034.00
07/26/2016		49618	MENDO MILL & LUMBER CO.	Accounts Payable	Outstanding	Check	-910.56
07/26/2016		49619	NAPA AUTO - LAKE PARTS	Accounts Payable	Outstanding	Check	-1,096.94
07/26/2016		49620	OCCU-MED, LTD.	Accounts Payable	Outstanding	Check	-558.00
07/26/2016		49621	OCCUPATIONAL HEALTH CENTERS OF CALIF	Accounts Payable	Outstanding	Check	-281.00
07/26/2016		49622	OE PUBLIC & MISC EE'S	Accounts Payable	Outstanding	Check	-12,986.00
07/26/2016		49623	O'REILLY AUTO PARTS	Accounts Payable	Outstanding	Check	-12.72
07/26/2016		49624	PACE ENGINEERING, INC.	Accounts Payable	Outstanding	Check	-27,341.53
07/26/2016		49625	PACE SUPPLY #03391-00	Accounts Payable	Outstanding	Check	-2,356.12
07/26/2016		49626	PAUL R. CURREN	Accounts Payable	Outstanding	Check	-12,178.66
07/26/2016		49627	PEOPLE SERVICES, INC.	Accounts Payable	Outstanding	Check	-165.00
07/26/2016		49628	PERFORMANCE MECHANICAL	Accounts Payable	Outstanding	Check	-119.00
07/26/2016		49629	PG&E VO248104	Accounts Payable	Outstanding	Check	-39,550.87
07/26/2016		49630	PITNEY BOWES - SUPPLIES	Accounts Payable	Outstanding	Check	-194.40
07/26/2016		49631	POLLARD WATER	Accounts Payable	Outstanding	Check	-673.41

Bank Transaction Report
Issued Date Range: 07/12/2016 - 08/05/2016 Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/26/2016		49632	QUALITY DOOR, TRIM & CABINETS	Accounts Payable	Outstanding	Check	-2,556.75
07/26/2016		49633	R.B. PETERS	Accounts Payable	Outstanding	Check	-759.75
07/26/2016		49634	R.E.M.I.F.	Accounts Payable	Outstanding	Check	-138.72
07/26/2016		49635	RADCON	Accounts Payable	Outstanding	Check	-5,587.50
07/26/2016		49636	RAINBOW AGRICULTURAL SERVICES	Accounts Payable	Outstanding	Check	-178.12
07/26/2016		49637	RB PEST CONTROL	Accounts Payable	Outstanding	Check	-125.00
07/26/2016		49638	RICOH USA, INC.	Accounts Payable	Outstanding	Check	-24.40
07/26/2016		49639	RICOH, USA	Accounts Payable	Outstanding	Check	-1,046.02
07/26/2016		49640	ROYAL AUTOMOTIVE CENTER	Accounts Payable	Outstanding	Check	-1,085.38
07/26/2016		49641	S & K AUTOMOTIVE & TOWING	Accounts Payable	Outstanding	Check	-250.00
07/26/2016		49642	SHN CONSULTING ENGINEERS & GEO	Accounts Payable	Outstanding	Check	-2,057.50
07/26/2016		49643	SHRED-IT USA LLC	Accounts Payable	Outstanding	Check	-47.38
07/26/2016		49644	STAPLES CREDIT PLAN	Accounts Payable	Outstanding	Check	-907.92
07/26/2016		49645	SUTTER LAKESIDE HOSPITAL	Accounts Payable	Outstanding	Check	-35.00
07/26/2016		49646	THE WORKS INC/MLS - LSQ FUNDING GROUP	Accounts Payable	Outstanding	Check	-12,078.27
07/26/2016		49647	TOM CARLTON	Accounts Payable	Outstanding	Check	-224.94
07/26/2016		49648	TRI-CITIES ANSWERING SERVICE	Accounts Payable	Outstanding	Check	-233.68
07/26/2016		49649	TYLER TECHNOLOGIES, INC.	Accounts Payable	Outstanding	Check	-36.20
07/26/2016		49650	UKIAH VALLEY MEDICAL CENTER	Accounts Payable	Outstanding	Check	-168.75
07/26/2016		49651	USA BLUE BOOK	Accounts Payable	Outstanding	Check	-6,438.53
07/26/2016		49652	VALLEY TOXICOLOGY SERVICES INC	Accounts Payable	Outstanding	Check	-85.00
07/26/2016		49653	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-374.64
07/26/2016		49654	WESTGATE PETROLEUM CO., INC.	Accounts Payable	Outstanding	Check	-432.76
07/26/2016		49655	YOLO COUNTY FLOOD CONTROL	Accounts Payable	Outstanding	Check	-25.44
07/27/2016		49659	LAKEPORT DISPOSAL, INC.	Accounts Payable	Outstanding	Check	-11,108.78
08/05/2016		49660	AFLAC	Accounts Payable	Outstanding	Check	-819.13
08/05/2016		49661	CA STATE DISBURSEMENT UNIT	Accounts Payable	Outstanding	Check	-693.67
08/05/2016		49662	CALPERS	Accounts Payable	Outstanding	Check	-18,334.75
08/05/2016		49663	ELIZABETH LAMBERT	Accounts Payable	Outstanding	Check	-500.00
08/05/2016		49664	FRANCHISE TAX BOARD	Accounts Payable	Outstanding	Check	-200.00
08/05/2016		49665	JACQUELINE M. STOEBE	Accounts Payable	Outstanding	Check	-25.00
08/05/2016		49666	LAKEPORT EMPLOYEE'S ASSOC	Accounts Payable	Outstanding	Check	-330.00
08/05/2016		49667	LPOA	Accounts Payable	Outstanding	Check	-405.00
08/05/2016		49668	NATIONWIDE RETIREMENT SOLUTION	Accounts Payable	Outstanding	Check	-1,200.00
08/05/2016		49669	REDWOOD CREDIT UNION	Accounts Payable	Outstanding	Check	-250.00
08/05/2016		49670	VALIC - C/O JP MORGAN CHASE	Accounts Payable	Outstanding	Check	-1,438.50
08/05/2016		49671	L. N. CURTIS & SONS	Accounts Payable	Outstanding	Check	-75.33
08/05/2016		49672	ALPHA ANALYTICAL LABORATORIES	Accounts Payable	Outstanding	Check	-1,516.00
08/05/2016		49673	Void Check	Accounts Payable	Voided	Check	0.00
08/05/2016		49674	AT&T	Accounts Payable	Outstanding	Check	-322.39
08/05/2016		49675	AT&T	Accounts Payable	Outstanding	Check	-239.46
08/05/2016		49676	BRIAN DENTON	Accounts Payable	Outstanding	Check	-1,150.00
08/05/2016		49677	BROWER CONSTRUCTION	Accounts Payable	Outstanding	Check	-2,978.29

Bank Transaction Report

Issued Date Range: 07/12/2016 - 08/05/2016 Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
08/05/2016		49678	CABELA'S INC	Accounts Payable	Outstanding	Check	-169.94
08/05/2016		49679	COMMUNITY DEVELOPMENT SERVICES	Accounts Payable	Outstanding	Check	-9,375.00
08/05/2016		49680	COUNTY OF LAKE - INFO TECH	Accounts Payable	Outstanding	Check	-2,475.00
08/05/2016		49681	COUNTY OF LAKE-PUBLIC WORKS	Accounts Payable	Outstanding	Check	-2,136.82
08/05/2016		49682	CRAWFORD & ASSOCIATES, INC.	Accounts Payable	Outstanding	Check	-2,157.50
08/05/2016		49683	DEBBIE ARRINGTON	Accounts Payable	Outstanding	Check	-765.00
08/05/2016		49684	DEBRA ENGLAND	Accounts Payable	Outstanding	Check	-675.00
08/05/2016		49685	DEPT OF CONSERVATION	Accounts Payable	Outstanding	Check	-115.15
08/05/2016		49686	FED EX	Accounts Payable	Outstanding	Check	-35.64
08/05/2016		49687	FORREST STOGNER	Accounts Payable	Outstanding	Check	-148.00
08/05/2016		49688	G & G PRINTING SERVICES	Accounts Payable	Outstanding	Check	-30.24
08/05/2016		49689	GRANITE CONSTRUCTION COMPANY	Accounts Payable	Outstanding	Check	-552,592.23
08/05/2016		49690	GRANITE CONSTRUCTION COMPANY	Accounts Payable	Outstanding	Check	-28,330.86
08/05/2016		49691	HANSEN GROCERY INC.	Accounts Payable	Outstanding	Check	-22.68
08/05/2016		49692	HARTFORD RETIREE PREMIUM ACCT	Accounts Payable	Outstanding	Check	-19,007.72
08/05/2016		49693	HDS WHITE CAP CONST SUPPLY	Accounts Payable	Outstanding	Check	-143.36
08/05/2016		49694	IRVINE & JACHENS, INC.	Accounts Payable	Outstanding	Check	-309.00
08/05/2016		49695	KELSEYVILLE TNT MINI STORAGE	Accounts Payable	Outstanding	Check	-215.29
08/05/2016		49696	KIT LARSEN	Accounts Payable	Outstanding	Check	-300.00
08/05/2016		49697	LAKE CO OFFICE OF EDUCATION	Accounts Payable	Outstanding	Check	-50.00
08/05/2016		49698	LAKE COUNTY CHAMBER OF COMMERCE	Accounts Payable	Outstanding	Check	-30.00
08/05/2016		49699	LAKE COUNTY RECORD BEE	Accounts Payable	Outstanding	Check	-1,391.45
08/05/2016		49700	LAKEPORT DISPOSAL, INC.	Accounts Payable	Outstanding	Check	-25,309.10
08/05/2016		49701	LEAGUE OF CALIF CITIES- REDWOOD EMPIRE DIVISION	Accounts Payable	Outstanding	Check	-225.00
08/05/2016		49702	LEW EDWARDS GROUP	Accounts Payable	Outstanding	Check	-5,625.00
08/05/2016		49703	MARK CLEMENTI, PH.D.	Accounts Payable	Outstanding	Check	-685.00
08/05/2016		49704	MEDIACOM	Accounts Payable	Outstanding	Check	-1,485.80
08/05/2016		49705	MENDOCINO-LAKE AUDIOLOGY, INC.	Accounts Payable	Outstanding	Check	-110.00
08/05/2016		49706	MERCER-FRASER	Accounts Payable	Outstanding	Check	-230,242.06
08/05/2016		49707	MYERS STEVENS & TOOHEY & CO.	Accounts Payable	Outstanding	Check	-236.50
08/05/2016		49708	NFP NATIONAL ACCOUNT SERVICES	Accounts Payable	Outstanding	Check	-865.83
08/05/2016		49709	NTU TECHNOLOGIES INC	Accounts Payable	Outstanding	Check	-2,912.00
08/05/2016		49710	OFFICE DEPOT	Accounts Payable	Outstanding	Check	-92.98
08/05/2016		49711	PACE SUPPLY #03391-00	Accounts Payable	Outstanding	Check	-4,145.93
08/05/2016		49712	PAUL HARRIS	Accounts Payable	Outstanding	Check	-750.00
08/05/2016		49713	PAUL R. CURREN	Accounts Payable	Outstanding	Check	-10,887.92
08/05/2016		49714	PEOPLE SERVICES, INC.	Accounts Payable	Outstanding	Check	-135.00
08/05/2016		49715	PERFORMANCE MECHANICAL	Accounts Payable	Outstanding	Check	-654.00
08/05/2016		49716	PERKINS SEPTIC TANK CLEANING	Accounts Payable	Outstanding	Check	-375.00
08/05/2016		49717	PG&E VO248104	Accounts Payable	Outstanding	Check	-11,213.84
08/05/2016		49718	PITNEY BOWES PURCHASE POWER	Accounts Payable	Outstanding	Check	-561.07
08/05/2016		49719	POLYDYNE, INC.	Accounts Payable	Outstanding	Check	-448.20
08/05/2016		49720	R.E.M.I.F.	Accounts Payable	Outstanding	Check	-56,877.00

Bank Transaction Report

Issued Date Range: 07/12/2016 - 08/05/2016 Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
08/05/2016		49721	RAU AND ASSOCIATES, INC.	Accounts Payable	Outstanding	Check	-225.00
08/05/2016		49722	RB PEST CONTROL	Accounts Payable	Outstanding	Check	-265.00
08/05/2016		49723	REANA HOAGLEN	Accounts Payable	Outstanding	Check	-32.40
08/05/2016		49724	ROGER WHEELER LANDSCAPING	Accounts Payable	Outstanding	Check	-250.00
08/05/2016		49725	SHRED-IT USA LLC	Accounts Payable	Outstanding	Check	-47.38
08/05/2016		49726	SIERRA CHEMICAL COMPANY	Accounts Payable	Outstanding	Check	-1,190.20
08/05/2016		49727	STANDARD PRINTING COMPANY	Accounts Payable	Outstanding	Check	-560.37
08/05/2016		49728	SUTTER LAKESIDE HOSPITAL	Accounts Payable	Outstanding	Check	-35.00
08/05/2016		49729	THE WORKS INC/MLS - LSQ FUNDING GROUP	Accounts Payable	Outstanding	Check	-1,778.29
08/05/2016		49730	UNIVAR USA INC.	Accounts Payable	Outstanding	Check	-4,279.47
08/05/2016		49731	US POSTMASTER - ARIZONA	Accounts Payable	Outstanding	Check	-872.36
08/05/2016		49732	USA BLUE BOOK	Accounts Payable	Outstanding	Check	-161.20
08/05/2016		49733	USDA RURAL DEVELOPMENT	Accounts Payable	Outstanding	Check	-220,125.00
08/05/2016		49734	WECO INDUSTRIES	Accounts Payable	Outstanding	Check	-14,371.56
08/05/2016		49735	WESTGATE PETROLEUM CO., INC.	Accounts Payable	Outstanding	Check	-3,334.27
08/05/2016		49736	XYLEM WATER SOLUTIONS U.S.A., INC.	Accounts Payable	Outstanding	Check	-3,663.32
08/05/2016		49737	YOLO COUNTY FLOOD CONTROL	Accounts Payable	Outstanding	Check	-2,298.41
08/05/2016		DFT0000292	IRS	Accounts Payable	Outstanding	Bank Draft	-3,213.72
08/05/2016		DFT0000293	CA EMP DEVELOPMENT DEPT	Accounts Payable	Outstanding	Bank Draft	-3,164.29
08/05/2016		DFT0000294	CA EMP DEVELOPMENT DEPT	Accounts Payable	Outstanding	Bank Draft	-1,017.17
08/05/2016		DFT0000295	IRS	Accounts Payable	Outstanding	Bank Draft	-11,171.72
08/05/2016		DFT0000296	IRS	Accounts Payable	Outstanding	Bank Draft	-602.10
Bank Account 15-0352000798 Total: (187)							-2,325,729.00
Report Total: (187)							-2,325,729.00

Summary

Bank Account	Count	Amount
15-0352000798 POOLED CASH BANK	187	-2,325,729.00
Report Total:	187	-2,325,729.00

Cash Account	Count	Amount
No Cash Account	1	0.00
998 998-0000-101000 POOLED CASH - WEST AMERICA	186	-2,325,729.00
Report Total:	187	-2,325,729.00

Transaction Type	Count	Amount
Bank Draft	10	-46,254.89
Check	176	-2,339,241.27
Check Reversal	1	59,767.16
Report Total:	187	-2,325,729.00



225 Park Street
Lakeport, CA 95453

CITY OF LAKEPORT

RECEIVED

JUL 20 2016

BY km 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): <u>7-20-16</u>	Application No.
<input checked="" type="checkbox"/> \$15.00 Application Fee Paid <u>7-20-16</u>	For Council Meeting of (Date):

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

Applicant Name: Debbie Strickler		Organization Name: Lake County Fair	
Address: 401 Martin St, Lakeport		Address: 401 Martin St, Lakeport	
Home Phone:	Work Phone: 707 263-6181	Mobile Phone: 707 245-7087	
Email Address: debbie@lakecountyfair.com			
Other Contact: Sherry Daly		Phone for Other Contact: 707 263-6181	
Organization is: <input type="checkbox"/> Nonprofit Organization <input checked="" type="checkbox"/> For Profit Organization			

Name of Event: Lake County Fair parade		
Description of Event: Annual opening day parade for fair		
Specific Location of Event (Map Must be Attached): Natural High, south on Main St to Martin St, left to fairgrounds		
Does this use involve public right of way, streets, or sidewalk? <input checked="" type="checkbox"/> Yes <input 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: social media, radio, newsprint, TV		
Date(s) of Event: 9/1/16	Total Number of Days: 1	Set Up Time: 3:30 AM Time of Event: 5:00 - 6:00 PM Tear Down Time:

Specify anticipated number of people (both participants and the public): 2000	
Will any vendors be present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Will any food booths be present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Requirements: <input type="checkbox"/> Electricity (cannot be guaranteed by City) <input checked="" type="checkbox"/> Barricades <input checked="" type="checkbox"/> Street/Sidewalk Closures <input type="checkbox"/> No irrigation in park prior to event <input type="checkbox"/> Other (please specify):	Specific City Staff Needs: <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Other (please specify): Police escort & assistance The City reserves the right to bill applicant for related City costs.
Coordination of these requirements must be made through the Public Works Department: (707) 263-0751	

Insurance Information: CFSA (self insured)	certificate of insurance requested
Specify Insurance Company:	
Policy Number: NONE	Limits of Coverage: Self insured pool
Expiration Date: 11/1/17	
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).



Dated: 7/19/2016

Signature of Applicant

Responsible Official of Applicant Organization

STAFF RESPONSE

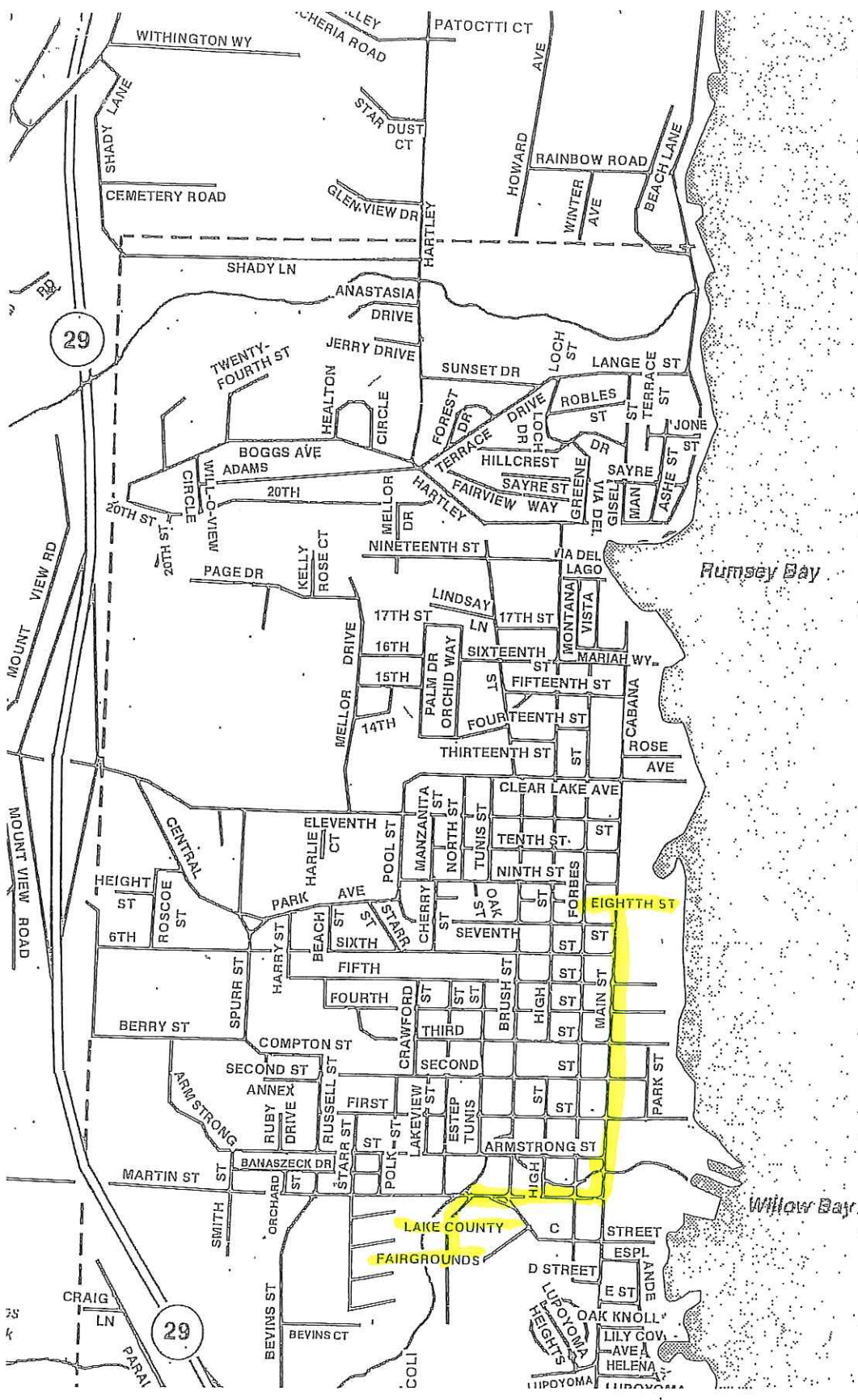
This section to be completed by City and Other Affected Agencies:

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):



C
L



July 20, 2016

To: City of Lakeport
225 Park Street
Lakeport, CA 95453

Re: Lake County Fair/49th DAA
PO Box 70
Lakeport, CA 95453

RE: Parade, September 1, 2016

Please be advised that the Lake County Fair/49th DAA is a member of the California Fair Services Authority (CFSA), and participates in the following self-insurance and loss pooling programs which are administered by CFSA:

I. GENERAL LIABILITY PROGRAM

- A. Coverage Limits \$10,000,000 California Fair Services Authority (includes Liquor Liability)
Coverage continuous until cancelled

II. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY PROGRAM

- A. Primary Coverage \$500,000 self-insured retention California Fair Services Authority
Coverage continuous until cancelled
- B. Excess Coverage (a) Workers' Compensation: Statutory Limit in excess of \$500,000
(b) Employers' Liability: \$4,500,000 in excess of \$500,000
Coverage provided by CSAC Excess Insurance Authority
Term: 07/01/2016 to 07/01/2017

CFSA represents to the City of Lakeport that within the above limits, terms and provisions of the coverage stated, to the extent provided by law, CFSA will provide defense, payment, and indemnification on loss funding in accordance with the terms of the contractual assumption of the Lake County Fair/49th DAA as set forth in the City of Lakeport's "Insurance Requirements".

You will be given at least thirty (30) day notice of any change in the foregoing information. We trust that this commitment will satisfy your insurance requirements.

Please feel free to contact this office on all matters including possible claims.

Sincerely,

Lianne Lewellen

Lianne Lewellen
Risk Analyst

1776 TRIBUTE ROAD, SUITE 100
SACRAMENTO, CA 95815
PHONE: (916) 921-2213 | FAX: (916) 646-1238

WWW.CFSA.ORG

From: [Lori Price](#)
To: [Hilary Britton](#)
Subject: RE: Application 2016-020 - Annual LC Fair Parade
Date: Friday, July 22, 2016 8:06:26 AM
Attachments: [image002.png](#)

Good morning Hilary,

I have reviewed the subject permit application and it does not appear it will impact county roads in any way. Lake County Public Works has no comments or concerns regarding this application.

Thank you for the opportunity to comment on this event.

Sincerely,

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: Thursday, July 21, 2016 4:31 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 2016-020 - Annual LC Fair Parade

Hi all,

Please find attached Application 2016-020 for the annual Lake County Fair Parade for your review.

We would like to submit this application to Council for approval at the 08/16/2016 meeting, so please have your comments back to me by 08/09/2016.

As always, thank you 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: jferguson@lakeportpolice.org
To: [Hilary Britton](#)
Subject: Re: Application 2016-020 - Annual LC Fair Parade
Date: Monday, July 25, 2016 8:32:20 AM
Attachments: [image002.png](#)

Hillary,

2- Volunteers for traffic control at \$68.00 per Volunteer for 1 hour=\$136.00

1- Patrol Officer to lead the parade at \$68.00 per Officer for 1 hours=\$68.00

LT.

A true hero is not defined simply by the uniform he or she is wearing but rather the person who's wearing it!

-----Original Message-----

From: Hilary Britton [mailto:hbritton@cityoflakeport.com]
Sent: Thursday, July 21, 2016 04:31 PM
To: Amanda Frazell (Dean.Eichelmann@lakecountycalifornia.gov), Cheryl Bennett (cheryl.bennett@lakecountycalifornia.gov), 'Cynthia Ader', 'Daniel Chance', 'Doug Grider', 'Executive Management', 'Gary Basor', 'Jason Ferguson', 'Jim Kennedy', 'Linda Sobieraj', Lori Price (lorip@co.lake.ca.us), Mark Wall (mwaconsulting@comcast.net), 'Mike Sobieraj', Pheakdey Preciado (pheakdey.preciado@lakecountycalifornia.gov), 'Rebekah Dolby', 'Ron Ladd', Tina Rubin (Tina.Rubin@lakecountycalifornia.gov)
Subject: Application 2016-020 - Annual LC Fair Parade

Hi all,

Please find attached Application 2016-020 for the annual Lake County Fair Parade for your review.

We would like to submit this application to Council for approval at the 08/16/2016 meeting, so please have your comments back to me by 08/09/2016.

As always, thank you for your input.

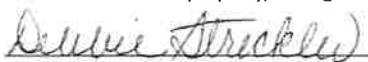
Hilary Britton
Deputy City Clerk
City of Lakeport
225 Park Street
Lakeport, CA 95453
(707) 263-5615 x12
hbritton@cityoflakeport.com

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

Responsible Official of Applicant Organization

Dated: 7/19/2016

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: EH has no concerns regarding this event, no food vendors present.  7/25/16			

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):

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).

Douglas Grider

Dated: 7/19/2016

Signature of Applicant

Responsible Official of Applicant Organization

STAFF RESPONSE

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

Staff Name: <u>Douglas Grider</u>		Department: <u>Public Works</u>	
<input type="checkbox"/> No Fiscal Impact	<input checked="" type="checkbox"/> Fiscal Impact (Describe/Include Estimated Costs) <u>overtime for staff</u> <u>\$600.00</u>	<input type="checkbox"/> Police <input checked="" 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: <u>Staff will be on overtime to provide services requested</u>			

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):



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. 2016-021
<input type="checkbox"/> \$15.00 Application Fee Paid	For Council Meeting of (Date): 8/16/2016

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

Applicant Name: Melissa Fulton		Organization Name: Lake County Chamber of Commerce	
Address: 875 Lakeport Blvd., Lakeport		Address: same	
Home Phone: (707) 245-7431	Work Phone: (707) 263-5092	Mobile Phone: (707) 245-7431	
Email Address: ceo@lakecochamber.com			
Other Contact: Kim Hamner		Phone for Other Contact: (707) 263-5092	
Organization is: <input checked="" type="checkbox"/> Nonprofit Organization <input type="checkbox"/> For Profit Organization			

Name of Event: Clear Lake Seaplane Splash In		
Description of Event: Gathering of seaplanes from outside of Lake County, vendors, car show & shine, etc.		
Specific Location of Event (Map Must be Attached): Natural High grounds and north part of Library Park parking lot by 5th Street Ramp.		
Does this use involve public right of way, streets, or sidewalk? <input checked="" type="checkbox"/> Yes <input 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: Press releases through local media, constant contact messages to businesses.		
Date(s) of Event: September 16 & 17	Total Number of Days: 2	Set Up Time: 4pm Friday 9/16 Time of Event: -8am-5pm Sat. Tear Down Time: Sun-Mon 9/17 & 18

Specify anticipated number of people (both participants and the public): **1500**

Will any vendors be present? Yes ☒ No ☐

Will any food booths be present? Yes ☒ No ☐

Requirements:

- ☐ Electricity (cannot be guaranteed by City)
- ☒ Barricades
- ☐ Street/Sidewalk Closures
- ☐ No irrigation in park prior to event
- ☒ Other (please specify): **Parking lot by 5th St. ramp**

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

Specific City Staff Needs:

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

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

Insurance Information:

Specify Insurance Company: **Ace Property & Casualty Insurance Co.**

Policy Number: **applied for**

Expiration Date:

Limits of Coverage:

INSURANCE CERTIFICATE REQUIRED

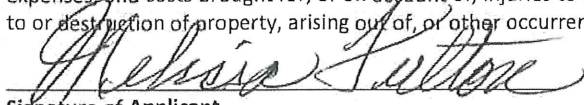
Note: The insurance certificate provided to the City by your organization's insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is \$2,000,000. The certificate 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).



Dated: August 2, 2016

Signature of Applicant

Responsible Official of Applicant Organization

STAFF RESPONSE

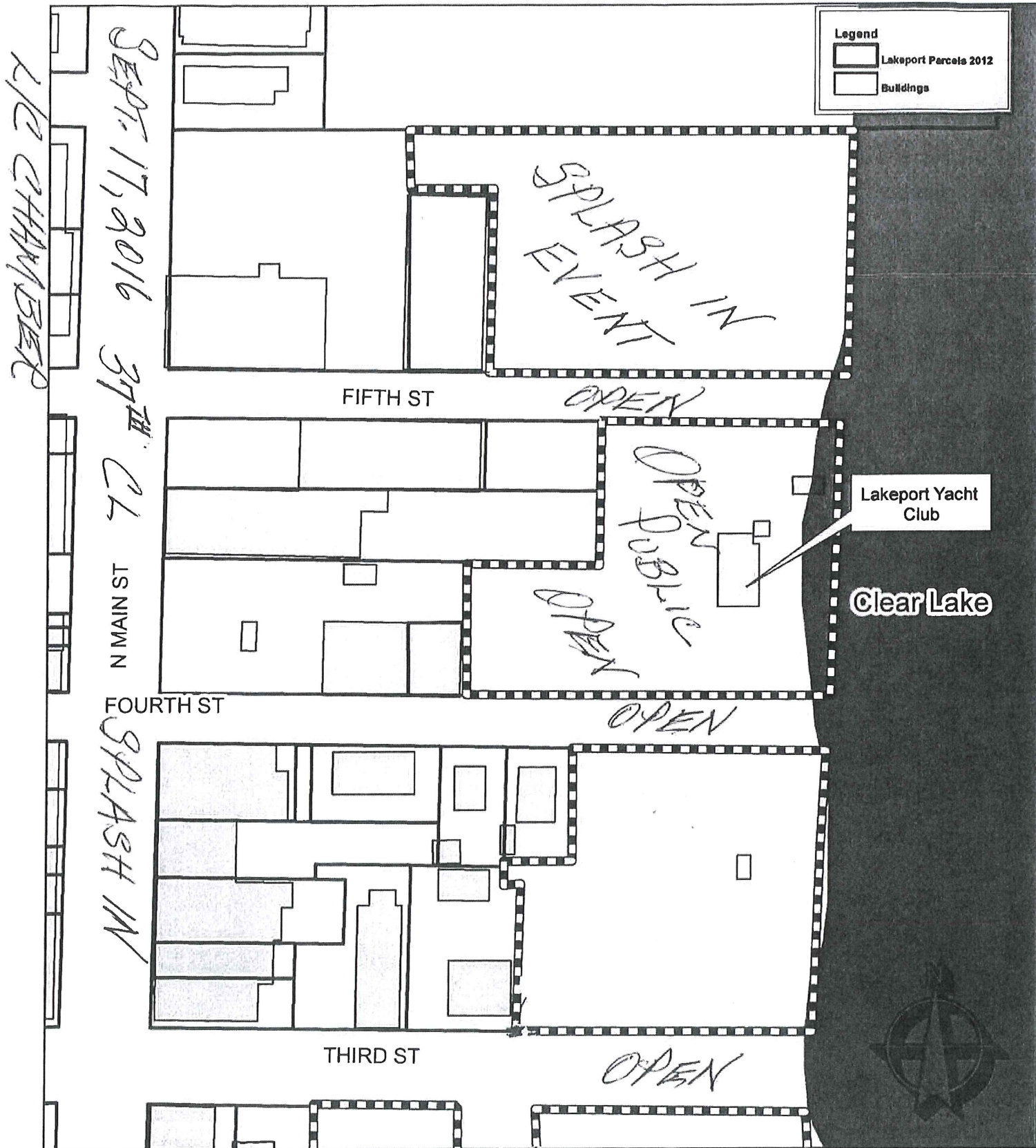
This section to be completed by City and Other Affected Agencies:

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:			

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):



From: [Melissa Fulton](#)
To: [Hilary Britton](#)
Subject: Splash In Permit
Date: Tuesday, August 02, 2016 11:13:06 AM
Attachments: [Lakeport Permit Ap & Map.pdf](#)

Hilary, I will be dropping off checks for the Oktoberfest & Splash In applications later today. I left a voice mail a bit ago for Margaret about the fact that the only city property we are using for this event is a portion of the Library Park parking lot by the 5th Street launch ramp. Also, that there will be no plane activity on city property since we cancelled the REACH helicopter display in favor of having a classic car show & shine in that area.

With no planes on city property, I'm hoping to avoid that 10 million dollar insurance requirement.

Thank you,

u ld ng us ness & Co unt ,

Melissa Fulton, CEO, CTA

Lake Count Cal for n a C a er of Co er e



Lake Count Cal for n a C a er of Co er e & s tors Center
875 Lakeport l d At eorge C. o erg sta Po nt
Lakeport CA 95453
(707) 263-5092 (866) 525-3767
(707) 263-5104
.lake o a er. o

Monda - r da 9:00a to 5:00 p P

From: [Lori Price](#)
To: [Hilary Britton](#)
Subject: RE: Application 2016-021 - Splash-In
Date: Wednesday, August 03, 2016 1:54:40 PM
Attachments: [image002.png](#)

Good afternoon, I have reviewed the above subject application and it does not appear it will impact county roads in any way. I am forwarding the application on to Water Resources in the event that they have conditions or comments to add to this application.

Thank you for the opportunity to comment.

Sincerely,

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: Wednesday, August 03, 2016 1:47 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); Matt Hartzog; Mike Sobieraj; Pheakdey Preciado; Rebekah Dolby; Ron Ladd; Tina Rubin
Subject: Application 2016-021 - Splash-In

Hi All,

Please find attached Application 2016-021 for the Splash-In event to be held September 16 & 17, 2016 for your review and comments.

We would like to submit this for Council approval at the 08/16/2016 meeting, so please have your comments back to me by 08/10/2016.

Thank you 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: jferguson@lakeportpolice.org
To: [Hilary Britton](#)
Subject: Re: Application 2016-021 - Splash-In
Date: Wednesday, August 03, 2016 3:11:17 PM
Attachments: [image002.png](#)

No police concerns

A true hero is not defined simply by the uniform he or she is wearing but rather the person who's wearing it!

-----Original Message-----

From: Hilary Britton [mailto:hbritton@cityoflakeport.com]
Sent: Wednesday, August 3, 2016 01:46 PM
To: Amanda Frazell (Dean.Eichelmann@lakecountyca.gov), Cheryl Bennett (cheryl.bennett@lakecountyca.gov), 'Cynthia Ader', 'Daniel Chance', 'Doug Grider', 'Executive Management', 'Gary Basor', 'Jason Ferguson', 'Jim Kennedy', 'Linda Sobieraj', Lori Price (lorip@co.lake.ca.us), Mark Wall (mwaconsulting@comcast.net), 'Matt Hartzog', 'Mike Sobieraj', Pheakdey Preciado (pheakdey.preciado@lakecountyca.gov), 'Rebekah Dolby', 'Ron Ladd', Tina Rubin (Tina.Rubin@lakecountyca.gov)
Subject: Application 2016-021 - Splash-In

Hi All,

Please find attached Application 2016-021 for the Splash-In event to be held September 16 & 17, 2016 for your review and comments.

We would like to submit this for Council approval at the 08/16/2016 meeting, so please have your comments back to me by 08/10/2016.

Thank you for your input.

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



This email checked with McAfee SaaS.

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

Responsible Official of Applicant Organization

Dated: August 2, 2016

STAFF RESPONSE

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

Staff Name:

Department:

☐ No Fiscal Impact

☐ Fiscal Impact

(Describe/Include Estimated Costs)

☐ Police

☐ Public Works

☐ Parks

☐ Other (please specify):

The following will be Required:

☐ Business License

☐ ABC License

☒ Health Department Permit

☐ Other (Specify):

Staff Comments:

All food vendors must have a temporary health permit to sell or give away food at this event and must submit their application 7 days prior to the event. The event sponsor must submit their sponsor temporary health permit application 14 days prior to the event.

8/9/16

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

Considered at Council Meeting (Date):

☐ Application Approved

☐ Application Denied

☐ Application Approved With Conditions (See Below)

Conditions of Approval:

☐ Attachments (specify):

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.

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Melissa Kuttore

Dated: August 2, 2016

Signature of Applicant

Responsible Official of Applicant Organization

STAFF RESPONSE

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

Staff Name: <i>Douglas Corider</i>		Department: <i>Public Works</i>	
<input type="checkbox"/> No Fiscal Impact	<input checked="" type="checkbox"/> Fiscal Impact (Describe/Include Estimated Costs) <i>\$ 2,000⁰⁰</i>	<input type="checkbox"/> Police <input checked="" 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:			
<i>This event is stress intensive with the use of city equipment and materials.</i>			
<i>This is a great event with heavy city involvement</i>			

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):



225 Park Street
Lakeport, CA 95453

CITY OF LAKEPORT

RECEIVED

AUG 09 2016

Phone: (707) 263-5611 Ext. 12
Office Fax: (707) 263-584

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:

R#33851

Application Received (Date): 8-9-16	Application No. 2016-022
<input checked="" type="checkbox"/> \$15.00 Application Fee Paid	For Council Meeting of (Date): 8/16/2016

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

Applicant Name: Ed Posada		Organization Name: Lakeport Yacht Club	
Address: 1580 McArthur Road Lakeport, CA 95453		Address: P.O. Box 313 Lakeport, CA 95453	
Home Phone: 263-1871	Work Phone:	Mobile Phone:	
Email Address: EPOSADA352@GOL.COM			
Other Contact:		Phone for Other Contact:	
Organization is: <input checked="" type="checkbox"/> Nonprofit Organization <input type="checkbox"/> For Profit Organization			

Name of Event: Fishing Tournament		
Description of Event: 3 Days Fishing		
Specific Location of Event (Map Must be Attached):		
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: Leaves 4 parking spots for R.V. Parking North of 5th St. by Tree Line. Will have Chief of Police		
Date(s) of Event: August 26-28, 2016	Total Number of Days: 2	Set Up Time: 8 A.M. Time of Event: Tear Down Time: 7 P.M.

Specify anticipated number of people (both participants and the public): 50

Will any vendors be present? Yes ☐ No ☒ Will any food booths be present? Yes ☐ No ☒

Requirements: <input type="checkbox"/> Electricity (cannot be guaranteed by City) <input type="checkbox"/> Barricades <input type="checkbox"/> Street/Sidewalk Closures <input type="checkbox"/> No irrigation in park prior to event <input type="checkbox"/> Other (please specify): Coordination of these requirements must be made through the Public Works Department: (707) 263-0751	Specific City Staff Needs: <input type="checkbox"/> Police <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other (please specify): The City reserves the right to bill applicant for related City costs.
---	--

Insurance Information:

Specify Insurance Company:

Policy Number:

Expiration Date:

Limits of Coverage:

INSURANCE CERTIFICATE REQUIRED

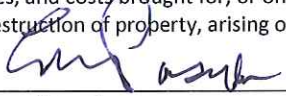
Note: The insurance certificate provided to the City by your organization's insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is \$2,000,000. The certificate 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

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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

Responsible Official of Applicant Organization

Dated:

8/9/16

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):



Projected coordinate system name: NAD 1983 State Plane California II FIPS 0402 Feet
Geographic coordinate system name: GCS North American 1983

This map was prepared for information purposes only. No liability is assumed for the accuracy of the data shown.



0 25 50 100 Feet
1 inch = 50 feet

Map Prepared by City of Lakeport
Community Development Department
abritton@cityoflakeport.com

From: jferguson@lakeportpolice.org
To: [Hilary Britton](#)
Subject: Re: Application 2016-022 - Catfish Derby (Yacht Club)
Date: Tuesday, August 09, 2016 4:54:48 PM
Attachments: [image002.png](#)

o police on erns
A true hero is not defined simply by the uniform he or she is wearing but rather the person who's wearing it!

-----Original Message-----

From: Hilary Britton [mailto:hbritton@cityoflakeport.com]
Sent: Tuesday, August 9, 2016 04:51 PM
To: 'Cynthia Ader', 'Daniel Chance', 'Doug Grider', 'Executive Management', 'Gary Basor', 'Jason Ferguson', 'Jim Kennedy', 'Linda Sobieraj', 'Matt Hartzog', 'Mike Sobieraj', 'Rebekah Dolby', 'Ron Ladd'
Subject: Application 2016-022 - Catfish Derby (Yacht Club)

Hi all,

Please find attached Application 2016-022 for a Catfish Derby to be held at the 5th street boat launch, and utilizing 4 parking spots for overnight RV camping August 26 & 27, 2016, for your review.

We would like to submit this for Council approval at the 08/16/2016 meeting, so please have your comments back to me by this Thursday, August 11, 2016.

Sorry for the rush ? the application just came in today.

Thank you for your input.

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



This email checked with McAfee SaaS.

RESOLUTION NO. _____ (2016)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF LAKEPORT AND THE LAKEPORT EMPLOYEES' ASSOCIATION
FOR THE PERIOD AUGUST 16, 2016 THROUGH JUNE 30, 2017,
AND AUTHORIZING ITS EXECUTION**

WHEREAS, the City of Lakeport has bargained with the Lakeport Employees' Association on matters of employment including wages, hours and the terms and conditions of employment for those employees; and

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

WHEREAS, this Memorandum of Understanding includes all terms and conditions of employment with respect to wages, hours, and working conditions applicable to the City of Lakeport Employees' Association beginning August 16, 2016 through June 30, 2017;

THEREFORE, BE IT RESOLVED that the City Council of the City of Lakeport hereby approves the attached Memorandum of Understanding for the City of Lakeport Employees' Association for the period August 16, 2016 through June 30, 2017, and authorizes the City Manager to execute this Memorandum of Understanding on behalf of the City.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 16th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

ATTEST:

KELLY BUENDIA, City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN
LAKEPORT EMPLOYEES' ASSOCIATION
AND
CITY OF LAKEPORT**

**AUGUST 16, 2016 THROUGH
JUNE 30, 2017**

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**MEMORANDUM OF UNDERSTANDING BETWEEN
LAKEPORT EMPLOYEES' ASSOCIATION
AND
CITY OF LAKEPORT**

AUGUST 16, 2016 THROUGH JUNE 30, 2017

This Memorandum of Understanding is made and entered into in the City of Lakeport, County of Lake, State of California, between the City of Lakeport (hereafter CITY) and representatives of the Lakeport Employees' Association (hereafter LEA) pursuant to *Government Code* Section 3500, *et seq.* In accordance with Employer-Employee Relations Policy of the City of Lakeport, located in the City of Lakeport Personnel Rules, the City Manager, and or designee(s), is the Employee Relations Officer for the City of Lakeport.

The parties acknowledge that they have met and conferred in good faith, have freely exchanged information, opinions, proposals and counter proposals and in all respects fulfilled their obligations under law to meet and confer in good faith.

This Memorandum of Understanding (MOU) is the product of the above-described meeting and conferring process. Representatives of the City agree to present this Memorandum of Understanding to the City Council for determination and representatives of the Lakeport Employees' Association agree to present this Memorandum of Understanding to their membership for acceptance and approval.

ARTICLE 1. DEFINITIONS

- 1.1 Employer** – the term "City" referred to herein shall be the City of Lakeport.
- 1.2 Association** – the term "Association" referred to herein shall be the Lakeport Employees' Association.
- 1.3 Employee** – the term "Employee" referred to herein shall be all employees of the City of Lakeport as listed in Article 2 of this MOU.

ARTICLE 2. RECOGNITION

The City hereby recognizes the Association as the sole and exclusive bargaining agent for the classes listed below, for all matters within the scope of representation:

Administrative Specialist I
Administrative Specialist II
Associate Planner/Housing Specialist
Community Service Officer

EMC Supervisor
Engineering Technician I
Engineering Technician II
Financial Services Specialist I
Financial Services Specialist II
Financial Services Specialist III
Maintenance Worker I
Maintenance Worker II
Office Specialist
Parks Leadworker
Parks Maintenance Foreman
Parks Maintenance Worker I
Parks Maintenance Worker II
Police Records Supervisor
Public Works Foreman
Utility Operator/Maintenance Worker II
Utilities Maintenance Supervisor
Wastewater Systems Operator I
Wastewater Systems Operator II
Wastewater Systems Supervisor
Water Systems Operator I
Water Systems Operator II
Water Operations Supervisor

ARTICLE 3. HIRING PROVISIONS

3.1 Non-Discrimination – No employee covered by this agreement shall be discriminated against by the City, or by the Association, by reason of race, color, religion, age, national origin, ancestry, citizenship, sex, gender, sexual identity, physical or mental disability, medical condition, marital status, sexual orientation or any other basis protected by law.

3.2 Employment – The City shall not discharge or otherwise discriminate against any employee by reason of Association activities not interfering with the proper performance of his/her work.

ARTICLE 4. CITY RIGHTS

It is understood and agreed that the City retains all of its powers and authority to manage municipal services and the work force performing those services. It is agreed that during the term hereof, the City shall not be required to meet and confer on matters which are solely a function of management including the right to:

- a. Determine and modify the organization of City government and its constituent work units.

- b. Determine the nature, standards, levels, and mode of delivery of services to be offered to the public.
- c. Determine the methods, means, and the number and kinds of personnel by which services are to be provided.
- d. Determine whether goods or services shall be made or provided by the City, or shall be purchased, or contracted for.
- e. Direct employees, including scheduling and assigning work, work hours, and overtime.
- f. Establish employee performance standards and to require compliance therewith.
- g. Discharge, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline employees, subject to the requirements of applicable law.
- h. Relieve employees from duty because of lack of work or lack of funds or for other legitimate reasons.
- i. Implement rules, regulations, and directives consistent with law and the specific provisions of this MOU.
- j. Take all necessary actions to protect the public and carry out its mission in emergencies.
- k. Determine the content of job classifications and job descriptions.
- l. Contract out and transfer work out of the bargaining unit.

Decisions under this Article are generally not subject to the grievance procedure located in the City of Lakeport Personnel Rules. To the extent required by law, items "h" and "l" will be the subject of impact bargaining. Item "k" will be subject to meet and confer to the extent management decisions affect wages, hours and working conditions of the unit. The non-grievability of managerial rights does not impair or abrogate the ability to grieve and appeal all other provisions of the MOU and Personnel Rules unless by express prohibition of that article or provision.

ARTICLE 5. EMPLOYEE RIGHTS

Employees of the City shall have the right to form and participate in the activities of the employee organizations of their own choosing for the purpose of representation of all matters of employer-employee relations, including, but not limited to wages, hours, and other terms and conditions of employment. Employees of the City also have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by an employee organization because of his/her exercise of these rights. Remedies granted to individual employees representing themselves will not reduce or eliminate rights, benefits, and compensation for Association members.

ARTICLE 6. WAGES, HOURS AND WORKING CONDITIONS

6.1 Salaries - There is no negotiated cost of living adjustment for the term of this memorandum of understanding. Salary Schedules are attached to this Memorandum of Understanding.

6.2 Sixth Step - After an employee has been at the "E" step of a certain Range for two (2) years, that employee shall be elevated to the "F" step which shall reflect a 5% salary increase.

6.3 Clothing Allowance -

All employees assigned by their department head to wear a uniform shall have such uniform provided by the City. Employees will be distributed in calendar year 2017 (or upon hire) 6 short sleeve t-shirts, 3 long sleeve t-shirts, and 2 sweatshirts to be replaced as needed. A boot allowance of \$200 (per fiscal year) beginning fiscal year 2016/2017 will be paid directly by the city to the vendor or paid to the employee as a reimbursement through Accounts Payable. Safety jackets and weather related items such as rain gear and rubber boots will be provided as needed.

6.4 Retirement - The City shall provide retirement benefits under the Public Employees' Retirement System plan commonly known as 2½% @ 55. City shall also provide highest final year compensation factor (Section 20042) and conversion of unused sick leave to service credit. (MOUs effective 7/1/99 and 7/1/04) IRS provision 414 (h) (2) shall also be implemented to provide for payment of employees share of PERS premium from non-taxed dollars. (MOU effective 7/1/99)

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 LEA 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.

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.

6.4.1 Retirement Medical Benefit (Tier 1) *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 - 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:*

- 6.4.1.1. 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
- 6.4.1.2. 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 LEA members.
- 6.4.1.3. 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.
- 6.4.1.4. 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.
- 6.4.1.5. 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).

- 6.4.1.6. 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.
- 6.4.1.7. 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.)
- 6.4.1.8. 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.
- 6.4.1.9. 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.
- 6.4.1.10. 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.
- 6.4.1.11. 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.

- 6.4.1.12. 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.

6.4.2 Retirement Medical Benefit (Tier 2) *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 - 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 under the following conditions:*

- 6.4.2.1. To be eligible the retiree and dependent(s) must have been enrolled in the City's medical plan for one year and/or in accordance with REMIF policy prior to the effective date of retirement and provide annual proof of dependent eligibility.
- 6.4.2.2. Retirement as used in this document shall mean separation from city service due to, voluntary retirement, retirement due to the employee 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 LEA members.
- 6.4.2.3. To be eligible the retiree and dependent(s) must elect to continue with such coverage within thirty (30) days of the eligible employees retirement date. Thereafter retiree and dependent(s) are ineligible to participate in the City's offered program.
- 6.4.2.4. 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

- 6.4.2.5. 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

- 6.4.2.6. 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

- 6.4.2.7. 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 if 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 in Medicare Part D. This requirement shall also apply to eligible dependent(s).
- 6.4.2.8. 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.
- 6.4.2.9. 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 Engineers 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.)

- 6.4.2.10. 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.
- 6.4.2.11. 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.
- 6.4.2.12. 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.
- 6.4.2.13. Any spouse of a deceased employee or deceased retired employee who is receiving benefit coverage as provide 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.

6.4.3 Retirement Medical Benefit (Tier 3) *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 - 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.*

- 6.4.3.1. To be eligible the retiree and dependent(s) must have been enrolled in the City's medical plan for one year and/or in accordance with REMIF policy prior to the effective date of retirement and provide annual proof of dependent eligibility
- 6.4.3.2. Retirement as used in this document shall mean separation from city service due to, voluntary retirement, retirement due to the employee 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 LEA members.

- 6.4.3.3. To be eligible the retiree and dependent(s) must elect to continue with such 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.
- 6.4.3.4. 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
- 6.4.3.5. 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.
- 6.4.3.6. 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 the ability to participate in City's group insurance program at their own expense. (Note: employees represented by Lakeport Safety Officers Association unit have been provided permission to enroll in Operating Engineers 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.)
- 6.4.3.7. 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.
- 6.4.3.8. Any spouse of a deceased employee or deceased retired employee who is receiving benefit coverage as provide 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.

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

6.5 Work Day/Work Week

At the request of the City, the parties agree to meet and confer regarding a change in the workday/workweek and associated overtime. Such request shall be made no earlier than January 1, 2015 and is not intended to be a request for unit-wide change in the 9-80 work schedule.

6.5.1 Work Day: The City agrees to the continuation of the "9-80" work schedule for the term of this MOU. Work days will be nine (9) or eight (8) hours, depending upon the schedule. The Parks Department shall retain the 5-8 schedule during the summer season.

6.5.2 Work Week: The City agrees that the normal workweek for all represented members of the Association shall be 40 hours. The work-week for employees under the 9-80 schedule shall be defined by management. A typical work-week would be from mid-Friday to mid-Friday.

6.6 Overtime

6.6.1 Daily Overtime - Under the 9-80 schedule, overtime will be paid for hours in excess of what was scheduled that day at the rate of one and one half times the regular rate. 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. (Res. No. 1358 (90))

6.6.2 Standby - One designated person will be on standby duty for water, sewer and Public Works calls. At the discretion of the PW Director for known or anticipated events such as anticipated severe weather, an additional employee may be assigned to standby.

The standby person(s) will carry a paging device during off hours and is expected to be on the scene within 30 minutes of a call. The person(s) on standby duty will receive extra pay in the amount of \$35.00 per weekday and \$55.00 per day on weekends and holidays, effective the first full pay period following MOU adoption. If there is a call, the standby person would receive a 2 hours minimum overtime credit. The standby employee would be allowed to take a City vehicle home equipped with a radio. (Res. No. 1647 (90))

6.6.3 Call Out Time - City agrees to pay all Public Works and Utilities employees a minimum of two hours show-up time for emergency call out situations. (MOU effective 7/1/85)

6.6.4 Furlough – No furloughs are required of Association Members during the term of this MOU.

6.7 Compensation for Unused Sick Leave

6.7.1. Upon termination (except termination for cause), 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 11 th year through completion of year 15	20.0%
Start of 16 th year through completion of year 20	35.0%
Start of year 21 and thereafter	50.0%

6.7.2. 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.

6.7.3. 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. (MOU 99-00)

6.8 Holidays

Every permanent and every probationary employee shall not be required to be on duty on holidays, unless the employee's services are needed and required in the interest of the public health, safety or general welfare, in which latter event, any such employee shall be compensated at the normal overtime rate of pay. If a holiday falls on an employee's regularly scheduled time off, said employee shall be compensated at regular rate of pay or compensatory time off, at the employee's discretion. (Res. 1178, MOU 86, 92-95)

6.9 Bereavement Leave

6.9.1 An employee shall receive bereavement leave of three (3) days for an in-state incident, or five (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.

6.9.2 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.

6.9.3 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.

6.10 Bi-lingual Proficiency

An employee who uses bilingual skills during the regular course of their duties, and on a regular basis, and who passes the required proficiency test(s), is eligible to receive a 2.5 percent bilingual pay premium. The employee's department head must certify that there is a significant need or benefit, on a regular basis, to having the employee certified in a particular language other than English in order for an employee to qualify for the bilingual pay premium.

6.11 Insurances

City agrees to pay the cost of employee health, dental, vision, life, and disability insurance premiums as follows:

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

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 76%-24% premium sharing shall begin in the first month where the City is billed for the new REMIF-sponsored plan health premiums. The 24% of premium cost shall be made by way of payroll deduction from each semi-monthly check as has been the standard past practice.

City agrees to inform LEA of plan changes/discontinuances upon the city's receipt of the same from REMIF. City agrees to meet and consult (not negotiations/meet and confer) regarding any plan changes/discontinuances made during the term of this MOU.

Health Insurance Opt Out Program

Those employees (couple and family) participating in the Opt Out program prior to adoption of this MOU and upon proof of coverage under an alternate medical program and choosing to drop medical insurance coverage under the REMIF-sponsored plan will be paid an amount equal to 75% of the City's cost of the couple rate.

Upon proof of coverage under an alternate medical insurance program an employee choosing to drop medical insurance coverage under the REMIF-sponsored plan will be paid monthly \$250 for those eligible for single enrollment; \$400 for those eligible for double enrollment; and \$500 for those eligible for family enrollment. Single category employees who applied for the Opt Out Program as of 7/1/2014 will be paid an amount equal to 75% of the city's cost of the single rate effective upon adoption of the MOU.

The opt out reimbursement at a flat rate amount is established for all employees not participating as of 7/1/2014 (except those singles who have previously applied for the opt out program mentioned above) and those enrolled participants who subsequently request to stop their participation in the opt out reimbursement plan and then request renewed participation at a later dated during employment with the City of Lakeport.

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. This rule only applies to married couples within the REMIF plan.

Should 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.

6.11.2 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.

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

6.11.4 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.

6.11.5 Employee Assistance Program (EAP) - For the REMIF administered Employee Assistance Program; the City will contribute the entire premium for the duration of this MOU.

6.12 Certificate Pay - The following incentive program and salary ranges for qualified Water and Sewer Treatment Plant Operators is created: (Resolution No. 1647 (90))

<u>Position</u>	<u>Certification Required</u>	<u>Salary Range</u>
Water System Operator I	None at time of hire or transfer	32
Water System Operator II	Grade II Water	37
Water Operator/MW Supervisor	Grade III Water	41
Wastewater System Operator I	None at time of hire or transfer	32
Wastewater System Operator II	Grade II Sewer	37

Wastewater Supervisor	Grade III Sewer	41
Utility Operator/MW I	Grade I Water and Grade I Sewer	32
Utility Operator/MW II	Grade II Water and Grade II Sewer	38

6.12.1 Certification Incentive Program

Employees who obtain any of the following certifications between August 16, 2016 and August 15, 2018 are eligible for a one-time taxable payment of \$500. Should an employee obtain more than 1 of the certifications they can receive an additional \$ 500 for each additional certification. Certifications are as follows: Water- T1, T2, T3. Wastewater- G1, G2. Distribution- D1, D2. Employee participation in the required Courses to obtain certification(s) shall be in accordance with City practice as follows:

- i. Prior approval from employee's Department Head.
- ii. Payment by City for course costs in advance of course where possible. Should employee not obtain the certification and desire to retake the courses required for such certification the employee shall be responsible for course costs for such further attempts at the certification. Should such employee subsequently receive a certification, they will then be reimbursed for course costs for that certification.
- iii. Courses on City work time, if possible.
- iv. At the Department Head's option, City to provide a vehicle for travel to and from course location, provide a rental vehicle or reimbursement to employee at the then in effect mileage reimbursement rate.
- v. Meals and lodging at the then in effect City reimbursement rates.

6.13 Merit Increase – Employees hired after November 14, 2014 are not eligible for a merit increase from step A to step B until the twelve-month anniversary i.e. end of probation.

6.14 Signing Bonus –

For each employee earning less than \$40,000 annually in base salary, a one-time, cash payment of \$2,200 will be paid on the first full pay-period after August 16, 2016. For each employee earning \$40,000 annually or more a one-time, cash payment of \$2,700 will be paid on the first full pay-period after August 16, 2016.

The payments will be afforded to the aforementioned employees covered by this agreement and employed on August 16, 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.

6.15 Integration/Coordination of Leaves with State Disability Insurance – For leaves qualifying for State Disability Insurance or Paid Family Leave, the City will allow a coordination of leave

benefits with SDI for members of the Lakeport Employees' Association. Coordination of benefits only applies to paid leave that is available in an employee's sick, vacation, or CTO bank and is subject to rules of SDI.

6.16 Agency Shop

The City of Lakeport agrees to implement agency shop with certification of support from the Lakeport Employees' Association by the approval of at least a simple majority of the employees who cast ballots in a secret ballot election conducted in accordance with Government Code Section 3502.5 in favor of an agency shop. A secret ballot election was conducted on April 30, 2014 in accordance with Government Code Section 3502.5 in favor of an agency shop.

6.16.1 Notice of Recognized Association - The City shall give a written notice to persons newly employed in representation unit classifications advising of the name and address of the recognized employee organization, the fact that the Association is the exclusive bargaining representative for the employee's unit and classification, a copy of the current Memorandum of Understanding, and a copy of the Association's member application. The Association shall receive from the City the names and addresses of all new employees hired with such units. The Association agrees that it has a duty to provide fair and non-discriminatory representation to all employees in all classifications of the Association for which this Section is applicable provided the employee pays Association dues, a service fee, or a charitable contribution if they qualify under a religious exemption.

6.16.2 Agency Shop - Except as provided otherwise in this Section, employees in the representational unit shall as a condition of continued employment, become and remain members of the Association or shall pay to the Association a service fee in lieu thereof. Such service fee shall be 100 percent (100%) of the Association dues and initiation fees (hereinafter collectively termed, "service fee") of the Association representing the employee's classification and representation unit.

6.16.3 Implementation - Any employee hired by the City in a classification subject to this Memorandum of Understanding shall be provided notice (see 1 above) advising that the City has entered into an agency shop agreement with the Association based on a secret ballot election on April 30, 2014 wherein the bargaining unit employees voted in agency shop. All employees already employed by the City in a classification subject to this Memorandum of Understanding shall be advised via written notice that they must (1) join the Association, (2) remit the service fee or (3) request religious exemption as specified in 4 below. Such notice shall include a form for the employee's signature authorizing payroll deduction of the Association dues or service fees. Employees shall have ten (10) working days following the initial date of employment to fully execute the authorization form of his/her choice and return said form to the City. If the form is not completed properly and returned within ten (10) working days, the City shall terminate the employee for failure to abide by this Section. The City shall terminate any employee who fails to remit their Association dues, service fee, or charitable contribution. The

effective date of Association dues, service fee deductions or charitable contribution for such employee shall be the beginning of the first pay period of employment.

6.16.4 Religious Exemption - Any employee of the City subject to this Memorandum of Understanding who is a member of a bona fide religious, body or sect which has historically held conscientious objections to joining or financially supporting a public employee organization shall submit a request of exemption directly to the Association and complete the Association's process for religious exemption verification. Those employees granted religious exemption must remit to the Association a charitable contribution equal to the service fee in lieu of Association membership or service fee payment. The employee must remit the charitable contribution to any of the following entities: American Cancer Society, Make a Wish Foundation or American Red Cross.

6.16.5 Financial Reports - The Association shall submit a copy of the annual Hudson Letter and report to the Administrative Services Director who shall make copies of such reports available to employees subject to the agency shop requirements of the Section.

6.16.6 Hold Harmless - The Association shall indemnify and hold the City, its officers and employees, harmless from any and all claims, demands, suits, or any other action arising from the agency shop provisions herein. In no event shall the City be required to pay from its own funds, Association dues, service fee or charitable contributions, which the employee was obligated to pay, but failed to pay, regardless of the reason.

ARTICLE 7. ASSOCIATION BUSINESS

7.1 Association Business - City shall allow 1 day (8 hours) of non-accruing leave to a designated member of the Lakeport Employees' Association for the conduct of association business or attendance at an educational function, with 1 week advance notice by the member and approval by the appropriate department head. (MOU effective 12/1/87)

7.2 CPI shall mean the Department of Labor, Bay Area Census, All Urban Consumers, April to April. (discussed in several MOUs and in meet and confer 2005)

ARTICLE 8. PRIOR MOUS, RESOLUTIONS, ORDINANCES AND PRACTICES

All care and diligence was used in the preparation of this comprehensive MOU. With all parties having an opportunity for input and research, it is mutually agreed that this comprehensive MOU will supersede all previous MOUs. It is agreed that all Resolutions and Ordinances in conflict with provisions of this MOU may be repealed by the City Council without further need for meet and confer. If the Association has reason to believe a past practice currently exists that is different or inconsistent with the terms of this MOU they agree to present these practices to management during the fiscal 2014-2015 meet and confer session.

ARTICLE 9. CONTENT, TERMS AND RECOMMENDATIONS

9.1 Severability – If any article or section of this Memorandum of Understanding should be invalid, unlawful, or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all other articles and sections of this Memorandum shall remain in full force and effect for the duration of this Memorandum. In the event of invalidation of any article or section, the City and the Association agree to meet within thirty (30) days for the purpose of renegotiating said article or section.

9.2 Term – The term of this Memorandum of Understanding shall be from August 16, 2016 through June 30, 2017.

Dated: August _____, 2016

CITY OF LAKEPORT

Margaret Silveira, City Manager

LAKEPORT EMPLOYEES ASSOCIATION


Kelley Donaldson LEA Representative


Matt Hartzog, LEA Representative

CITY OF LAKEPORT - Monthly Salary Ranges with Steps
LAKEPORT EMPLOYEES' ASSOCIATION

8/16/2016

Job Classification	Range	Steps					
		A	B	C	D	E	F
Office Specialist I	29	2,240	2,347	2,493	2,573	2,697	2,830
Parks Maintenance Worker I	31	2,414	2,529	2,651	2,779	2,914	3,053
Maintenance Worker I	31	2,414	2,529	2,651	2,779	2,914	3,053
Wastewater Systems Operator I	32	2,517	2,638	2,763	2,898	3,038	3,181
Water Systems Operator I	32	2,517	2,638	2,763	2,898	3,038	3,181
Parks Maintenance Worker II	33	2,613	2,741	2,870	3,011	3,153	3,307
Administrative Specialist I	33	2,613	2,741	2,870	3,011	3,153	3,307
Financial Services Specialist I	33	2,613	2,741	2,870	3,011	3,153	3,307
Community Service Officer	34.7	2,712	2,818	2,951	3,093	3,241	3,401
Deputy City Clerk I	35	2,832	2,967	3,111	3,263	3,465	3,587
Financial Services Specialist II	36	2,943	3,090	3,235	3,394	3,556	3,732
Maintenance Worker II	36	2,943	3,090	3,235	3,394	3,556	3,732
Equipment Mechanic II	36	2,943	3,090	3,235	3,394	3,556	3,732
Administrative Specialist II	37	3,075	3,223	3,378	3,539	3,709	3,896
Engineering Technician I	37	3,075	3,223	3,378	3,539	3,709	3,896
Maintenance Worker III	37	3,075	3,223	3,378	3,539	3,709	3,896
Sign Technician	37	3,075	3,223	3,378	3,539	3,709	3,896
Wastewater Systems Operator II	37	3,075	3,223	3,378	3,539	3,709	3,896
Water Systems Operator II	37	3,075	3,223	3,378	3,539	3,709	3,896
Utility Operator/MWII	38	3,208	3,365	3,526	3,700	3,879	4,065
Parks Leadworker	38	3,208	3,365	3,526	3,700	3,879	4,065
Deputy City Clerk II	38	3,208	3,365	3,526	3,700	3,879	4,065
Building Inspector	39	3,342	3,499	3,674	3,850	4,036	4,257
Engineering Technician II	40	3,487	3,657	3,832	4,019	4,216	4,416
Utilities Maintenance Supervisor	40	3,487	3,657	3,832	4,019	4,216	4,416
EMC Supervisor	40	3,487	3,657	3,832	4,019	4,216	4,416
Parks Maintenance Foreman	40	3,487	3,657	3,832	4,019	4,216	4,416
Wastewater Systems Supervisor	41	3,647	3,811	3,998	4,190	4,393	4,606
Water Operations Supervisor	41	3,647	3,811	3,998	4,190	4,393	4,606
Housing Specialist	41	3,647	3,811	3,998	4,190	4,393	4,606
Financial Services Specialist III	42	3,788	3,959	4,153	4,354	4,565	4,786

Police Records Supervisor	37.7	3,842	4,034	4,241	4,447	4,664	4,892
	43	3,960	4,151	4,351	4,563	4,787	5,023
Associate Planner	44	4,136	4,335	4,549	4,768	4,997	5,247
	44	4,136	4,335	4,549	4,768	4,997	5,247
Public Works Foreman	45	4,298	4,507	4,727	4,958	5,201	5,455
	46	4,465	4,683	4,912	5,152	5,404	5,670
	47	4,640	4,866	5,104	5,355	5,617	5,891
	48	4,821	5,057	5,304	5,564	5,837	6,123



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: Gann (Appropriations) Limit Review and Resolution Establishing the Fiscal Year 2016-17 Appropriations Limit **MEETING DATE:** 8/16/2016

SUBMITTED BY: Ginny Feth-Michel, Interim Finance Director

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

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is asked to review and approve the annual appropriations limit for the City of Lakeport and adopt the associated resolution.

BACKGROUND

The Gann Spending Limitation Initiative (Article XIII B of the California Constitution) adopted as Proposition 4 in June 1979 (and subsequently modified by Proposition 111 in June 1990) requires the City to annually adopt a resolution setting an "appropriation limit" for the upcoming fiscal year. The Gann Spending Limitation was intended to provide citizen control of government spending and taxation. The City's Fiscal Year 2016-17 Budget was approved by the City Council on June 21, 2016 (Resolution No. 2583).

ANALYSIS

California Government Code, Section 7910 (a) "each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit and make other necessary determinations for the following fiscal year pursuant to Article XIII B of the California Constitution at a regularly scheduled meeting or noticed special meeting"

California Constitution, Article XIII B. Sec. 1 "The total annual appropriations subject to limitation of the State and of each local government shall not exceed the appropriations limit of the entity of government for the prior year adjusted for the change in the cost of living and the change in population , except as otherwise provided in this article.

The Gann Spending Limitation calculation is attached. This calculation used population and per capita personal income statistics provided by the California Department of Finance. The establishment of the Fiscal Year 2016-17 Appropriations Limit ("Gann Limit") is necessary to comply with Article XIII B of the State Constitution. The Gann Limit limits the amount of revenue classified as proceeds of taxes that can be appropriated in any fiscal year by a government entity. Certain exclusions are allowed including transfers, capital outlay and payments for debt service. The maximum allowable appropriation of revenues subject to limitations for Fiscal Year 2016-17 is \$11,109,633, and the FY 2016-2017 Budget with the exclusions, referenced above, is within this limit. This maximum amount increases or decreases each year depending on the percentage change in the per capita

personal income (5.37%) and the percentage change in population (.06%). The California Department of Finance has estimated the total population for the City of Lakeport as of January 1, 2016 as 4,765. For Fiscal Year 2016-17 the budgeted revenues subject to limitation total \$3,475,450, which is \$7,634,183 less than the maximum allowed.

OPTIONS:

Approve the appropriations limit of \$11,109,633 in Fiscal Year 2016-17 for the City of Lakeport and authorize the Mayor to sign the associated resolution.

Do not approve the resolution and provide direction to staff.

FISCAL IMPACT:

☒ None ☐ \$ 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:

SUGGESTED MOTIONS:

1. Approve the appropriations limit of \$11,109,063 for Fiscal Year 2016-17 for the City of Lakeport and adopt the proposed resolution.

☒ **Attachments:**

1. Proposed Resolution
2. Gann Limit Calculation

RESOLUTION NO. xxxx (2016)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT ESTABLISHING THE FISCAL YEAR 2016-17 APPROPRIATIONS LIMIT FOR THE CITY OF LAKEPORT

WHEREAS, pursuant to California *Government Code* Section 7910, the City Council must, by resolution, establish its appropriations limit for each fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT the appropriations limit for the City of Lakeport for the 2016-17 Fiscal Year shall be Eleven Million, One Hundred and Nine Thousand, Six Hundred and Thirty-three Dollars (\$11,109,633).

This resolution was adopted by the City Council of the City of Lakeport at a regular meeting thereof on the 16th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MARC SPILLMAN, Mayor

ATTEST:

KELLY BUENDIA, City Clerk

Gann Limit Calculation

FY 2016-17

Per Capita Cost of Living Change =	5.37 percent	
Population Change (City) =	0.06 percent	
Per Capita Cost of Living converted to a ratio:	$\frac{5.37 + 100}{100}$	= 1.0537
Population converted to a ratio:	$\frac{0.06 + 100}{100}$	= 1.0006
Calculation of factor for FY 2016-17:	1.0537×1.0006	= 1.0543
Appropriations Limit, Fiscal Year 2015-16	\$ 10,537,127	
Appropriations Limit, Fiscal Year 2016-17	\$ 11,109,633	
(\$10,537,127 x 1.0319)		

FY 2016-17 appropriations subject to Gann Limit

FISCAL YEAR 2065-17	Adopted Budget
Property Taxes	\$ 845,290
Sales Taxes	2,054,434
Special Taxes	124,726
State Subventions	150,000
Franchise Taxes	206,000
Business License Taxes	95,000
	<u>\$ 3,475,450</u>
Percentage Use of Appropriations Limit	31.28%



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: Lease for County Fair Parking at 902 Bevins Ct.

MEETING DATE: 08/16/2016

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 a lease agreement with 49TH District Agricultural Association, to allow for parking at 902 Bevins Court from September 1-5, 2016 during the Annual Lake County Fair.

BACKGROUND/DISCUSSION:

The City has had an agreement with the 49th District Agricultural Association, (Lake County Fair Board) to utilize the empty lot at 902 Bevins Court, owned by the Lakeport Redevelopment Successor Agency, for overflow parking during the Lake County Fair. The use of the Bevins lot for Fair parking has been going on for many years. The lease agreement has been updated and staff is recommending the approval of the lease.

OPTIONS:

Approve

Disapprove

No action

FISCAL IMPACT:

☒ None at this time. ☐ ☐ Account Number: Comments:

SUGGESTED MOTIONS:

Move to approve the lease for fair parking at 902 Bevins Court with the 49th District Agricultural Association and authorize the City Manager to execute the lease.

☒ **Attachments:** 1. Lease Agreement

LEASE AGREEMENT

DATE: _____, 2016

THIS AGREEMENT by and between the **SUCCESSOR AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY**, hereinafter called the Owner, and **49TH DISTRICT AGRICULTURAL ASSOCIATION**, hereinafter called the Lessee.

WITNESSETH:

WHEREAS The Lessee desires to secure from the Owner certain rights and privileges and to obtain permission from the Owner to use the Owner's premises, located on 902 Bevins Court in Lakeport (APN 025-462-11) (the "Property"), beginning on September 1, 2016 and ending on September 5, 2016.

NOW, THEREFORE, Owner hereby grants to the Lessee the right to occupy the Property for the public parking purposes associated with the Lake County Fair, subject to the terms and conditions of this Agreement. The purpose of occupancy shall be limited to temporary public parking for visitors to the Lake County Fair, and shall be for no other purpose or purposes whatsoever.

1. Lessee agrees to compensate Owner for the rights and privileges hereby granted, in the manner set forth below: Lessee shall:
 - A. Lessee shall pay Owner \$1.00 as consideration for the use of the Property.
 - B. Remove any brush within the parking area of the Property.
 - C. Perform minor leveling of the Property to make the lot safe for parking and walking.
 - D. Maintain a gravel walkway from the Property onto fairgrounds property.
 - E. Keep the Property clean of trash and clean it of any accumulated trash after the Fair.
 - F. Provide a liability insurance certificate naming the Owner as an additional insured, in accordance with Section 11 below.
 - G. Provide for site access to the Property over the Bevins Court curb.
 - H. Provide temporary site lighting on the Property.
 - I. Repair any damage caused to the Property as result of activities occurring under this Lease within 30 days of September 5, 2016.

2. Lessee further agrees that it will not sell, exchange or barter, or permit its employees to sell, exchange or barter, any permits issued to Lessee or its employees hereunder
3. It is mutually agreed that this contract or the privileges granted herein, or any part thereof, cannot be assigned or otherwise disposed of without the written consent of Owner.
4. In the event Lessee fails to comply in any respect with the terms of this agreement, all payments for this rental space shall be deemed earned and non-refundable by Owner and Owner shall have the right to occupy the space in any manner deemed for the best interests of Owner.
5. This agreement is not binding upon either party until it has been duly accepted and signed by their authorized representatives.
6. Lessee shall not do or permit anything to be done in or about the Property nor bring or keep anything therein that will in any way increase the existing rate of or affect any fire or other insurance upon the Property. Lessee shall not commit or allow to be committed any waste in or upon the Property.
7. Lessee shall not without, Owner's prior written approval, install or affix any lighting, shades, awnings, or decorations, signs, lettering, placards, or the like on any portion of the Property; display or sell merchandise on, or otherwise obstruct, any area outside the Property; cause or permit to be used any advertising, loudspeakers, unusually bright or flashing lights, and similar devices which may be seen or heard outside the Property unless approved by a separate Conditional Use Permit or Special Event Permit with prior approval by Lessee,
8. Owner and Owner's officers, employees, and agents shall at all reasonable times have the right to enter the Property for the purpose of inspecting the same, posting notices of non-responsibility or any other notices required by law for the protection of Owner, doing any work that Owner is permitted or required to perform under this Agreement, and making any reasonable repairs which Owner determines may be required.
9. Lessee is, and at all times shall remain, an independent contractor solely responsible for all acts and omissions of its employees, agents and representatives, including any negligent acts or omissions. Lessee is not an agent of Owner and shall have no authority to act on behalf of Owner or to bind Owner to any obligation whatsoever unless Owner provides its prior written authorization to Lessee of such an obligation. Lessee is not an officer or employee of Owner, and Lessee shall not be entitled to any benefit, right, or compensation other than that as provided for in this Agreement.
10. Lessee shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement.

11. Lessee shall, throughout the duration of this Agreement, secure and maintain insurance to cover Lessee (including its agents, representatives, and employees) in connection with Lessee's performance under this Agreement. This Agreement identifies the required minimum levels of insurance coverage that Lessee shall obtain; however, Lessee may carry, at its own expense, any additional insurance it deems to be necessary or prudent. Prior to the commencement of any performance under this Agreement, Lessee shall furnish to Owner written proof of insurance (certificates and endorsements), in a form acceptable to Owner. Lessee shall provide subsequent written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement. Lessee shall maintain insurance that complies with the following requirements:

- A. Workers' Compensation Insurance with statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per accident.
- B. Lessee shall take out and maintain, at Lessee's sole expense, Public Liability Insurance with coverage in the amount of \$ 1,000,000.00 for one person and \$1,000,000.00 for one accident with bodily injury and \$ 1,000,000.00 for property damage.
- C. Lessee's insurance will not be canceled, limited, or allowed to expire without renewal until after 30 days advance written notice of any such cancellation, limitation or expiration has been given to Owner.
- D. All insurance companies providing coverage to Lessee shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California and rated at least B+ under Best's Insurance Guide.
- E. All of the insurance policies required to be obtained by Lessee under this Section shall be with companies and policies whose form is satisfactory and acceptable to Owner. Each policy shall designate Owner as an additional named insured. Lessee shall provide Owner with certificates of insurance (hereinafter "Certificates") issued by each of the insurance companies issuing any of the policies required pursuant to this Section. In the event Lessee fails to take out or maintain any of the insurance required pursuant to this Section, Owner shall have the right to obtain said policies in form and with companies acceptable to Owner, and to pay any premiums due thereon. The total amount of any insurance premiums paid by Owner on Lessee's behalf shall be paid by Lessee to Owner upon demand, and said amounts shall start to bear interest at the rate of ten percent (10%) per annum as of the date of Owner's demand for payment by Lessee.

12. To the fullest extent permitted by law, Lessee shall indemnify, hold harmless, and when Owner requests with respect to a claim provide a deposit for the defense of, and defend Owner, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, and injury to any property arising out of or in connection with Lessee's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Lessee or any of its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Lessee or its subcontractors, in the use of the property, the performance of this Agreement, or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage as is caused by the sole active negligence or willful misconduct of Owner. Such costs and expenses shall include reasonable attorneys' fees due to counsel of Owner's choice, expert fees and all other costs and fees of litigation. Lessee shall not be entitled to any refund of attorneys' fees, defense costs or expenses in the event that it is adjudicated to have been non-negligent.
13. Should interpretation of this Agreement or any portion thereof be necessary, it is deemed that this Agreement was prepared by the parties jointly and equally, and shall not be interpreted against either party on the ground that the party prepared the Agreement or caused it to be prepared.
14. Owner and Lessee agree to mediate any dispute or claim arising between them out of this Agreement, or any resulting transaction, before resorting to arbitration or court action in relation to any such dispute or claim. Mediation fees, if any shall be divided evenly among the parties involved. If, for any dispute or claim to which this paragraph applies, any party commences a court action without first attempting to resolve the matter through mediation, or refuses to mediate after a request has been made, then that party shall not be entitled to recover attorneys' fees in relation to the dispute or claim even if they would be available to that party in any such action.
15. The prevailing party in any action under this Agreement shall be entitled to recover its reasonable attorneys' fees and litigation costs from the other party.
16. This Agreement constitutes the entire Agreement of the parties hereto. This Agreement shall not be amended in any way except by a writing expressly purporting to be such an amendment, signed, and acknowledged by both of the parties thereto.
17. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable the remainder of this Agreement shall be interpreted so as to best affect the reasonable intent of the parties hereto.
18. This Agreement shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue of any action or proceeding arising under this Agreement or the performance thereof shall be heard in Lake County, California.

This agreement has been executed in duplicate, by and on behalf of the parties hereto, the day and year first above written.

SUCCESSOR AGENCY TO THE LAKEPORT
REDEVELOPMENT AGENCY

49TH DISTRICT AGRICULTURAL ASSOCIATION

By: _____
Margaret Silveira, City Manager

By: _____
Name, Level of Officer

Date: _____

Date: _____

Attest:

Attest:

By: _____
Kelly Buendia, City Clerk

By: _____
Name, Title

Date: _____

Date: _____

Approved as to form:

Approved as to form:

By: _____
David J. Ruderman, City Attorney

By: _____
Name, Title

Date: _____

Date: _____



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: Designated Disabled Parking

MEETING DATE: 08/16/2016

SUBMITTED BY: Lt. Ferguson

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

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider approval to designate eight (8) disabled parking spaces in the entire 200 block of C Street, between South Forbes Street and the C Street entrance to the fairgrounds.

This request would cover the time period from 4:00 p.m. Thursday, September 1st, through Sunday, September 4th, at midnight.

BACKGROUND:

The annual Lake County Fair is host to hundreds of visitors and motorists wishing to participate in the event. In years past, traffic congestion and parking, particularly parking for disabled persons, has been an issue on the fairgrounds property, as they have limited designated disabled parking spaces available. Currently, the main entrance to the fairgrounds has approximately eight (8) designated disabled parking spaces, which are not sufficient to accommodate the number of attendees who are qualified for such spaces. As a result, disabled motorists are often forced to double park or park in spaces where parking is prohibited, thus causing unnecessary traffic congestion and safety concerns.

DISCUSSION:

The approval of eight (8) temporary additional designated disabled parking spaces would allow those persons with disabilities to have sufficient available parking, and reduce the potential for traffic congestion and safety concerns at the main entrance. Police staff has discussed this request with Public Works staff who stated they had sufficient signage to set up the temporary zone.

OPTIONS:

Approve/not approve

FISCAL IMPACT:

☒ None ☐ \$ ☐ Account Number: Comments:

SUGGESTED MOTIONS:

Move to approve the designated temporary disabled parking in the 200 block of C Street, between South Forbes Street and the C street gate to the Fairgrounds, from 4:00 p.m. on Thursday, September 1st to Midnight on Sunday, September 4th, 2016.

☐ Attachments:



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: Review of Conflict of Interest Code

MEETING DATE: 08/16/2016

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 receive and file the 2016 Local Agency Biennial Notice.

BACKGROUND/DISCUSSION:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially. The Conflict of Interest Code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700). It is the basis for the transparency that California's Political Reform Act requires of public officials.

Conflict of interest codes should be changed if there are substantial changes to the city's organizational structure or if there have been positions that have been eliminated or added. The City of Lakeport's Conflict of Interest Code was last revised in December of 2015, and changes were made at that time. There have been no changes since that time that would require an amendment to the code.

The Political Reform Act requires that the attached 2016 Local Agency Biennial Notice must be filed with the City Council no later than October 1, 2016. No action is necessary unless Council wishes to make changes to its Conflict of Interest Code.

OPTIONS:

Receive and file 2016 Local Agency Biennial Notice or provide further direction to staff.

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:

Move to receive and file the 2016 Local Agency Biennial Notice regarding the City of Lakeport's Conflict of Interest Code.

- ☒ **Attachments:**
1. 2016 Local Agency Biennial Notice
 2. Conflict of Interest Code

2016 Local Agency Biennial Notice

Name of Agency: City of Lakeport
 Mailing Address: 225 Park Street
 Contact Person: Kelly Buendia Phone No. 707-263-5615 x30
 Email: kbuendia@cityoflakeport.com Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.



 Signature of Chief Executive Officer



 Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

City of Lakeport City Council

225 Park Street, Lakeport, CA 95453

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

Conflict of Interest Code

City of Lakeport, City of Lakeport Municipal Sewer District, City of Lakeport Redevelopment Successor Agency, Lakeport Industrial Development Authority, and Municipal Financing Agency of Lakeport

Purpose

The Political Reform Act (*Government Code* Section 81000, et seq.) requires state and local agencies to adopt and promulgate conflict of interest codes.

Incorporation of Section 18730 of the California Code of Regulations

The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs., Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the *Political Reform Act*. Therefore, the terms of 2 *California Code of Regulations* Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating positions and establishing disclosure requirements shall constitute the conflict of interest code of the City of Lakeport.

Filing

Individuals holding designated positions shall file their statements with the City Clerk, who shall be the filing officer for the City of Lakeport, the City of Lakeport Municipal Sewer District, the City of Lakeport Redevelopment Successor Agency, the Lakeport Industrial Development Authority, and the Municipal Financing Agency of Lakeport and who shall retain the statements and make the statements available for public inspection and reproduction pursuant to *Government Code* Section 81008.

Government Code Section 87200 Filers

The following positions are not covered by this code because they must file under *Government Code* Section 87200 and, therefore, are listed for informational purposes only:

City Council Members
Planning Commissioners
City Manager
City Attorney
City Treasurer
Officials who manage public investments

Individuals holding the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their

ATTACHMENT 2

position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by *Government Code* Section 87200.

Exhibit A

Designated Employees

A “designated employee” is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Making a governmental decision means the person (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency.

Participating in making of a decision means the person (1) negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or (2) advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

Designated Employee	Disclosure Categories
Administrative Services Director/City Clerk	1
Building Official	1
City Engineer	1
Community Development Director	1
Finance Director	1
Associate Planner	1
Police Chief	1
Public Works Director	1
City of Lakeport Municipal Sewer District (CLMSD) Board Members	1
Lakeport Industrial Development Authority Board Members	1
Municipal Financing Agency of Lakeport Board Members	1
Redevelopment Successor Agency Board Members	1
Consultants who making (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof. ¹	1
Consultants who act in a staff capacity with the City and in that capacity perform the same or substantially the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City’s Conflict of Interest Code	Same level as the comparable designated position identified elsewhere in the Code

¹ Consultants are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (*Government Code* Section 81008).

Exhibit B

Disclosure Categories

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Category 1

Designated employees in Category 1 must report all interests in real property located within the jurisdiction of the City of Lakeport or within two miles of the boundaries of the City of Lakeport or within two miles of any land owned or used by the City of Lakeport. For the purposes of disclosure only, an interest in real property does not include the principal residence of the filer. Category A filers must also report all interests in investments, business positions in business entities and sources of income, including gifts, loans, and travel payments from all sources.

Category 2

Designated employees in Category 2 must report all interests in real property located within the jurisdiction of the City of Lakeport or within two miles of the boundaries of the City of Lakeport or within two miles of any land owned or used by the City of Lakeport.

Category 3

Designated employees in Category 3 must report all interests in business positions in business entities and sources of income, including gifts, loans, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the City of Lakeport.

Category 4

Designated employees in Category 4 must report all investments in business entities and all sources of personal and business entity income, including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Category 5

Designated employees in Category 5 must report all investments in business entities and all sources of personal and business entity income, including loans, gifts, and travel payments, from sources that filed a claim against the agency during the previous two years or have a claim pending.

Category 6

Designated employees in Category 6 must report all investments in business entities and all sources of personal and business entity income, including loans, gifts, and travel payments from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to a license, utility permit, or station vendor permit.



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: Conduct a Second Reading of an Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization **MEETING DATE:** 8/16/2016

SUBMITTED BY: Margaret Silveira, City Manager and 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 asked to conduct a second reading of an ordinance imposing a transactions and use tax to be administered by the State Board of Equalization.

BACKGROUND/DISCUSSION

At the July 19, 2016 meeting, the City Council approved placement of 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. At that time the Council introduced and conducted 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. At the public hearing, two members of the public spoke in favor of the measure and one spoke in opposition of the measure. A second reading of the ordinance is requested to be consistent with Council procedure on ordinances.

OPTIONS:

The City Council could provide staff 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:

SUGGESTED MOTIONS:

1. Move to conduct a second reading of 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.

- ☒ **Attachments:**
1. 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
 2. Staff Report and Attachments from July 19, 2016

ORDINANCE NO. _____ (2016)

**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: Mayor Spillman, Council Members Mattina, Parlet, Scheel and Turner

NOES: None

ABSTAINING: None

ABSENT: None

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 ☒
 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
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SUBMITTED BY: Margaret Silveira, City Manager and 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 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

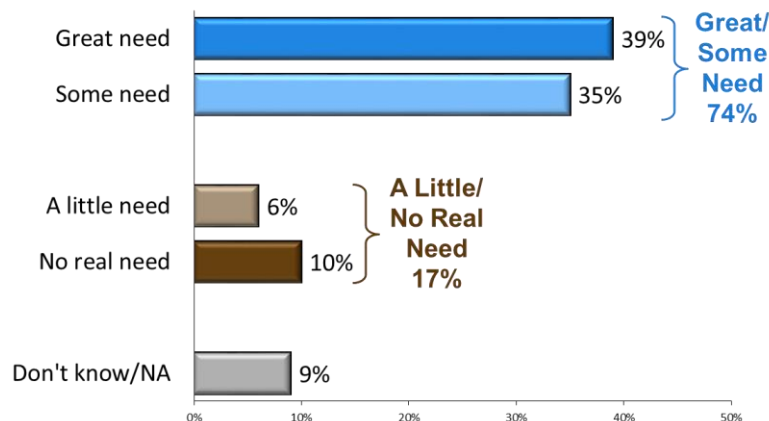
RE: Results of a Survey on Community Issues in Lakeport

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

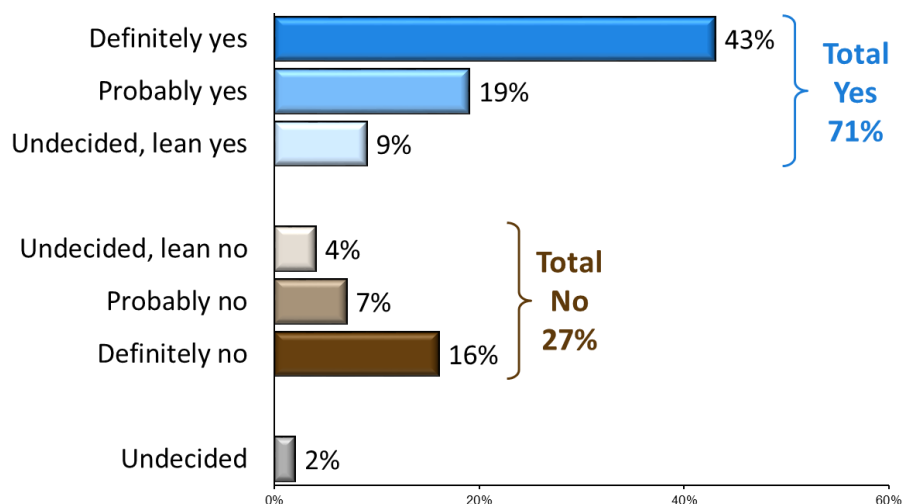
- **Lakeport voters see a variety of urgent priorities in their community.** Respondents were asked to rate the importance of specific services provided by City government. The clear top priority is *paving and repairing streets and roads* (with 89 percent rating it “extremely” or “very important”), 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

EXHIBIT A

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

STAFF REPORT

RE: School Resource Officer contract

MEETING DATE: 08-16-16

SUBMITTED BY: Lt. Ferguson

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 a contract between the Lakeport Unified School District and the City of Lakeport/Police Department. The contract will be managed jointly by the school and police administrations and will serve as the MOU between the school district and the City for the service of a School Resource Officer.

BACKGROUND:

The Lakeport Unified School District has not had a School Resource Officer assigned to its campuses since October of 2012. Prior to October of 2012, the Lakeport Police Department provided a School Resource Officer to the school district dating back to 1995 but has been unable to do so based on staffing issues and budget constraints.

DISCUSSION:

In 2016 the City of Lakeport and Lakeport Unified School District have worked together to budget a position for the 2016/2017 fiscal year. With both the school and city budget's already adopted for the upcoming fiscal year we are seeking approval of the MOU/Contract.

This contract is being presented to the Lakeport Unified School District Board on August 11th and is expected to be approved at that time.

The terms of the MOU may need to be pro-rated to reflect any adjustments to the start date of the School Resource Officer.

OPTIONS:

Accept and approve MOU/Contract

Do not accept/approve MOU/Contract

Return to staff for additional comments/information

FISCAL IMPACT:

☒ None ☐ \$

budgeted in 16/17 fiscal year.

☐ Account Number:

Comments: Already

SUGGESTED MOTIONS:

Move to approve the attached MOU and authorize the City Manager to sign.

☒ **Attachments:**

1. Memorandum of Understanding between the Lakeport Unified School District and the City of Lakeport for the services of a School Resource Officer.

LAKEPORT UNIFIED SCHOOL DISTRICT

2508 Howard Avenue
Lakeport, CA 95453

BOARD MEETING AGENDA ITEM

To: Board of Education

Meeting Date: August 11, 2016

From: Erin Smith-Hagberg

Subject: Memorandum of Understanding between Lakeport Unified School District and
City of Lakeport

Background Information:

The Board will consider approval of the MOU with City of Lakeport for the services of the School Resource Officer (SRO). This MOU will be in effect from August, 2016 through June 30, 2017.

Fiscal Impact: \$70,000.00

Superintendent's Recommendation:

I recommend approval - *ESH*

**MEMORANDUM OF UNDERSTANDING
BETWEEN
LAKEPORT UNIFIED SCHOOL DISTRICT
AND
CITY OF LAKEPORT**

The Lakeport Police Department and the Lakeport Unified School District desire to provide a safe and secure teaching and learning environment for all students and staff within the City of Lakeport by protecting life and property.

Ensuring the safety of students and staff on school campuses in Lakeport is a priority to the school administration and the police department. Campus security will be enhanced by the presence of a police officer that will interact with the students in both a positive and proactive manner. In addition, a police officer on campus will help improve relations between the police department and the youth of the community. Therefore, the Lakeport Unified School District and the City of Lakeport have the following expectations and agree to undertake the listed responsibilities to achieve these mutual objectives:

A. Lakeport Police Department School Resource Officer—Role and Responsibilities.

1. To provide enforcement, prevention and intervention by:
 - a. Providing uniformed police officer presence (the “School Resource Officer”) at Clear Lake High School, Terrace Middle School, , Lakeport Elementary School and the Natural High Continuation School (collectively, the “Campuses”).
 - b. Responding to all law enforcement-related matters as they occur during regular school hours while the officer is on campus and able to do so.
 - c. Documenting and all incidents of crime that occur upon the Campuses as per police department regulations, performing the necessary follow-up investigations as needed to identify perpetrators of crime, and performing any follow-up on cases as deemed necessary.
 - d. Attending various sporting events and school activities at the Campuses as needed for proactive enforcement, interaction and presence.
 - e. Attending parent conferences as requested or needed.

2. To work with school staff in the matters of mutual concern such as alcohol and drug use on campus; staff and student safety on and off campus; gang related violence and crime; criminal trends; campus intruders and damage or loss of property.
3. To provide a liaison in the following areas: point of contact for CPS, home visitations, district-wide critical response plan training, school safety plans and training of faculty and campus supervisors.
4. Conduct educational programs in the classrooms related to gangs and drugs (D.A.R.E).
5. Present more visibility and supervision on the Campuses and surrounding neighborhoods to suppress criminal activity and promote positive relationships between the schools, surrounding neighborhoods and police department.
6. The City of Lakeport reserves the right of control over the School Resource Officer in all regards, including, but not limited to, discipline, employee evaluations, job duties, and the hiring, retention or termination of the School Resource Officer.

B. Lakeport Unified School District's Role and Responsibility:

1. To ensure student welfare on the Campuses; develop procedures to handle campus safety concerns; establish and follow procedures for referring police involvement; and to cooperate with and support in a proactive manner the Lakeport Police Department.
2. Lakeport Unified School District recognizes that the School Resource Officer is a sworn law enforcement officer who will comply with all required training mandates, departmental perishable skills training, federal and state laws, local ordinances and all Lakeport Police Department rules and regulations.
3. The position of the School Resource Officer will be under the supervision of the Lakeport Police Department as an employee of the City of Lakeport, with direct reporting to the Superintendent of Lakeport Unified School District and the Chief of Police of the City of Lakeport.
4. The Lakeport Unified School District shall provide the following in cooperation with the Lakeport Police Department:
 - a. An office space of reasonable size and configuration that is secured against general access of students and staff.

- b. Materials suitable for conducting day to day business related to the function of the police department such as an office desk, chair, guest chair, telephone system, officer equipment, computer and any other materials as identified by each involved entity.
- c. Keys and maps to all facilities within the school district which depict exit routes and safety staging locations.
- d. Radio capable of communicating with Lakeport Unified School District staff.

C. Sick/Injury/Emergency Absences:

Lakeport Police Department will provide general law enforcement services to Lakeport Unified School District via the patrol division whenever the regularly assigned School Resource Officer is temporarily unable to provide services due to illness, injury, vacation, or emergency leave, or when called away to perform other duties that preclude the assigned officer's presence at the Campuses. In the event of such occurrence, calls for service will be handled based on need in relation to other demands for police services.

D. Schedule:

The School Resource Officer's schedule will be flexible, to the extent that is reasonable to accommodate meetings and other after school activities; however, split shifts will not be required of the assigned officer.

The School Resource Officer's work day/week schedule will generally consist of Monday-Friday 7:45 a.m. to 3:45 p.m. with holidays and weekends off in accordance with School schedules.

The School Resource Officer will be allowed access to compensatory time off and vacation in accordance to the provisions of the Lakeport Police Officer's Association Memorandum of Understanding as it currently exists or may be amended in the future.

E. Funding:

The Lakeport Unified School District agrees to pay a portion of the cost of the School Resource Officer including wages and benefits in the amount of \$70,000 for the school year beginning in August 2016 through June 2017.

City of Lakeport agrees to pay remaining portion of School Resource Officers costs for the August 2016 through June 2017 school year.

The parties agree to meet by mid-January 2017 to discuss apportionment of costs for the School Resource Officer in advance of the 2017–2018 school year; and further agree to cooperate in good faith to negotiate such apportionment, if any, in advance of the adoption of each party's fiscal year 2017–2018 budget.

F. Joint Legal/Financial Responsibility:

The City of Lakeport and Lakeport Unified School District agree to assume equal responsibility for any and all loss or damage caused by or related to activities and services rendered by the School Resource Officer. This joint responsibility is intended to cover any circumstance, whether it pertains to an injury to the School Resource Officer or to a third party, or any damage to property whether it be School District or City of Lakeport property, or property of a third party. To the extent feasible, the School District and the City of Lakeport shall cooperate jointly in the investigation, defense and payment, where appropriate, of any and all claims and legal costs.

Except as provided above, the City of Lakeport and Lakeport Unified School District shall otherwise each defend, indemnify and hold harmless each other and their respective officers, employees and agents for and against any claim, action, loss, settlement or judgment arising out of the acts or failure to act of that party or its officers, employees or agents.

G. Term and Termination:

This Memorandum of Understanding will be effective August 15, 2016 and extend through June 30, 2017.

This MOU may be terminated at any time upon thirty days (30) written notice to the party against who the right to terminate is being exercised. The City of Lakeport may terminate this MOU at any time without prior notice in the event the School District has failed to make timely payments of reimbursement. In the event of termination pursuant to the provisions in this paragraph, the School District will be obligated to make payments for services performed and expenses incurred to the date of termination.

H. Sole Agreement of the Parties:

This MOU contains the sole agreement of the parties relating to the execution of the School Resource Officer program and correctly sets forth the rights, duties and obligations of each party to the other party. Any prior agreements, promises, negotiations, or representations not expressly set forth in this agreement are of no force and affect.

I. Amendments Not Valid Without Additional Written Agreement:

No alterations or variations in the terms of this MOU shall be valid unless made in writing and signed by both parties.

J. No Waiver:

The waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

K. Severability:

If any term or provision of this MOU is found to be illegal or unenforceable, then, notwithstanding any such term or provision, this MOU shall remain in full force and effect and such term or provision shall be deemed stricken.

City of Lakeport:

Dated_____

By_____
(Authorized official)

Lakeport Unified School District

Dated_____

By_____
(Authorized official)