



# CITY OF MORRO BAY CITY COUNCIL AGENDA

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.  
The City shall be committed to this purpose and will provide a level of municipal service and  
safety consistent with and responsive to the needs of the public.*

## **Regular Meeting - Tuesday, November 15, 2016 Veterans Memorial Hall - 6:00 P.M. 209 Surf St., Morro Bay, CA**

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE  
RECOGNITION

- Presentation of Employee Service Pins

CLOSED SESSION REPORT  
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS  
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

PRESENTATIONS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Council on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Council at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and city of residence for the record. Comments are to be limited to three minutes.
- All remarks shall be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.

### A. CONSENT AGENDA

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion. The public will also be provided an opportunity to comment on consent agenda items.

A-1 APPROVAL OF MINUTES FROM THE OCTOBER 25, 2016 CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FROM THE OCTOBER 25, 2016 CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 APPROVAL OF REVISED JOB DESCRIPTIONS AND SALARY SCHEDULE TO INCORPORATE FUTURE UTILITIES DIVISION POSITIONS; (ADMINISTRATION)

**RECOMMENDATION: Council review the update contained in this staff report and approve the attached job descriptions and updated salary schedule.**

A-4 ADOPTION OF RESOLUTION NO. 74-16 AMENDING THE ADVISORY BOARD BY-LAWS REGARDING ABSENCE FROM MEETINGS; (CITY CLERK)

**RECOMMENDATION: Adopt Resolution No. 74-16 amending the Advisory Board By-Laws for each standing City advisory board regarding absence from meetings.**

A-5 ADOPTION OF RESOLUTION NO. 75-16, AFFIRMING INTENDED USE OF CORAL AVENUE PROCEEDS; (FINANCE)

**RECOMMENDATION: Adopt Resolution No. 75-16, affirming the Council's intent to direct principal payments from the sale of real property at 2783 Coral Avenue to pay down the debt related to construction of the Fire Administration Building.**

A-6 ADOPTION OF RESOLUTION NO. 76-16, APPROVING AMENDMENT #1 TO THE LEASE BETWEEN THE CITY OF MORRO BAY AND GAFCO, INC. DOING BUSINESS AS THE GREAT AMERICAN FISH COMPANY, LOCATED AT 1185 EMBARCADERO; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 76-16, approving Amendment #1 to the current lease for Lease site 110-W-112W and a portion of 111.5W.**

A-7 APPOINTMENT OF THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO THE STATE WATER CONTRACTORS ADVISORY COMMITTEE; (PUBLIC WORKS)

**RECOMMENDATION: Council adopt Resolution No. 78-16 appointing the Director of Public Works/City Engineer to serve as the City's representative on the State Water Contractors Advisory Committee.**

**B. PUBLIC HEARINGS**

B-1 PUBLIC HEARING FOR AND CONSIDERATION OF MORRO BAY GARBAGE SERVICES BASE-YEAR RATE ADJUSTMENT APPLICATION AND ADOPTION OF RESOLUTION NO. 73-16 APPROVING THAT APPLICATION; (PUBLIC WORKS)

**RECOMMENDATION: Hold a public hearing, consider all evidence and testimony presented and adopt Resolution No. 73-16, increasing solid waste rates as outlined in the Fiscal Impact section; provided, that there is no majority protest against such increase.**

C. BUSINESS ITEMS

- C-1 INTRODUCTION OF ORDINANCE NO. 609 REPEALING AND REENACTING VARIOUS CHAPTERS OF TITLE 14 OF THE CITY OF MORRO BAY MUNICIPAL CODE RELATING TO BUILDINGS AND CONSTRUCTION; (COMMUNITY DEVELOPMENT)

**RECOMMENDATION:** Council introduce for first reading by title only and with further reading waived, Ordinance No. 609: An Ordinance of the City Council of the City of Morro Bay, California, repealing and reenacting Chapters 14.01 – 14.12 of the Morro Bay Municipal Code (MBMC) adopting by reference and amending the 2016 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building Codes and 1997 Uniform Housing and Abatement of Dangerous Building Codes and Appendix Chapter 33 of the 1997 Uniform Building Code.

- C-2 DISCUSSION OF BACKGROUND AND HISTORY OF COMMUNITY RESOURCE CONNECTIONS AND POSSIBLE DIRECTION FOR THOSE EFFORTS; (DEPUTY CITY MANAGER/RECREATION)

**RECOMMENDATION:** Council review the presentation and discuss the current relationship between the City and Community Resource Connections and direct staff to explore various alternatives to ensure the success of this important community service moving forward.

- C-3 REVIEW OF HISTORIC PARKING CREDITS INTERPRETATION AND PROVIDE DIRECTION AS DEEMED APPROPRIATE; (COMMUNITY DEVELOPMENT)

**RECOMMENDATION:** Council review the information provided in the staff report, testimony provided by the public and provide direction to Staff as appropriate.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

There will be a Special Meeting on **Monday, December 12, 2016 at 7:00 pm** to swear in the newly elected City Council members. The next Regular Meeting will be held on **Tuesday, December 13, 2016 at 6:00 pm** at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

**THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6205 FOR FURTHER INFORMATION.**

**MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL'S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS.**

**IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.**

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**TO: Dave Buckingham and Dana Swanson**

**October 31, 2016**

**RE: 2016 Service Pins**

**10 YEAR**

Devon Francis – Water System Operator II - 10 year

George Helms – Wastewater Treatment Plant Operator - 10 year (RETIRE)

Mike Mobley – Collections System Operator II – 10 year (RETIRE)

Susan Slayton – Administrative Services Director – 10 year (RETIRE)

Dana Stein – Harbor Patrol Officer - 10 year

Gene Stuart – Police Officer - 10 year

**15 YEAR - None**

**20 YEAR**

Richard Catlett – Police Sergeant - 20 year

Scott Mather – Harbor Patrol Officer - 20 year

Robert Trout – Consolidated Maintenance Operator II - 20 year

**25 YEAR - None**

**30 YEAR**

Les Girvin – Wastewater Treatment Plan Supervisor - 30 year (RETIRE)

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MINUTES – MORRO BAY CITY COUNCIL  
SPECIAL CLOSED SESSION MEETING –  
OCTOBER 25, 2016  
CITY HALL CONFERENCE ROOM–2:30 P.M.

AGENDA NO: A-1

MEETING DATE: November 15, 2016

PRESENT:            Jamie Irons                            Mayor  
                         John Headding                        Councilmember  
                         Christine Johnson                    Councilmember  
                         Noah Smukler                         Councilmember

ABSENT:             Matt Makowetski                    Councilmember

STAFF PRESENT:    Dave Buckingham                  City Manager  
                         Joe Pannone                            City Attorney  
                         Eric Endersby                         Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER – A quorum was established and the meeting was called to order with all but Councilmember Makowetski present.

SUMMARY OF CLOSED SESSION ITEMS - The Mayor read a summary of Closed Session items.

CLOSED SESSION PUBLIC COMMENT - Mayor Irons opened the meeting for public comment for items only on the agenda.

George Leage spoke regarding the lease terms for Great American Fish Company, Inc., requesting a 15-year lease extension for restroom and other first phase improvements. Phase 2 improvements and expansion are anticipated to start next summer.

The public comment period was closed.

The City Council moved to Closed Session and heard the following items:

**CS-1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: Enrique Cantu vs. City of Morro Bay – EAMS No. ADJ9725118, ADJ9735483 and ADJ9725119

**CS-2 CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE 54956.9 (d)(1)**

United States Bankruptcy Court Case No. 15-11079-A-7 re: West Coast Growers, Inc., Debtor

**CS-3 CONFERENCE WITH LABOR NEGOTIATORS**

City Designated Representative: Joseph W. Pannone, City Attorney and Colin Tanner, Special Labor Counsel

Unrepresented Employee: City Manager

**CS-4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**CS-5 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – GOVERNMENT CODE SECTION 54956.8**

Property: Lease Site 110W-112W & part of 111.5W, 1185 Embarcadero

Property Negotiators: George Leage, Great American Fish Company, Inc.

Agency Negotiators: Eric Endersby, Harbor Director and David Buckingham, City Manager

Under Negotiation: Price and Terms of Payment

**CS-6 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – GOVERNMENT CODE SECTION 54956.8**

Property: Lease Site 53-56/53W-56W, 501 Embarcadero

Property Negotiators: Ken Scott, Estero Inn

Agency Negotiators: Eric Endersby, Harbor Director and David Buckingham, City Manager

Under Negotiation: Price and Terms of Payment

RECONVENE IN OPEN SESSION - The City Council reconvened in Open Session. City Attorney reported that with regard to Closed Session Items, the Council discussed six items and took the following reportable action pursuant to the Brown Act.

Public Employee Performance Evaluation - The Council has the authorization to modify the City Manager's contract regarding Administrative Leave and has determined Administrative Leave will be limited to 112 hours per year, not to be carried over year to year.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.

Recorded by:

Dana Swanson  
City Clerk

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – OCTOBER 25, 2016  
VETERAN'S MEMORIAL HALL – 6:00 P.M.

AGENDA NO: A-2  
MEETING DATE: November 15, 2016

PRESENT:	Jamie Irons John Headding Christine Johnson Noah Smukler	Mayor Councilmember Councilmember Councilmember
ABSENT:	Matt Makowetski	Councilmember
STAFF:	Dave Buckingham Joe Pannone Dana Swanson Ikani Taumoepeau Craig Schmollinger Susan Slayton Rob Livick Scot Graham Steve Knuckles Larry Todd Eric Endersby	City Manager City Attorney City Clerk Deputy City Manager Finance Director Administrative Services Director Public Works Director Community Development Director Fire Chief Interim Police Chief Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:04 p.m., with all but Councilmember Makowetski present.

MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE

RECOGNITION - None

CLOSED SESSION REPORT – City Attorney Pannone reported that with regard to Closed Session Items, the Council discussed six items and took the following reportable action pursuant to the Brown Act:

Public Employee Performance Evaluation - The Council has the authorization to modify the City Manager's contract regarding Administrative Leave and has determined Administrative Leave will be limited to 112 hours per year, not to be carried over year to year.

MAYOR AND COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PRESENTATIONS

Chamber of Commerce Quarterly Presentation – Erica Crawford, President and CEO, provided the quarterly report for the Third Quarter of 2016.

<https://youtu.be/DmVisJi--oo?t=8m52s>

Morro Bay in Bloom Presentation – Walter Heath presented awards from the 2016 America in Bloom competition, including Champion Award for the 10,000 – 14,000 Population Category and Best Heritage Tree Program.

<https://youtu.be/DmVisJi--oo?t=21m41s>

PUBLIC COMMENT

<https://youtu.be/DmVisJi--oo?t=32m54s>

Nancy Castle, Morro Bay, announced the Thanksgiving Community Dinner to be held Thursday, November 24, 2016, from 1:00 – 3:00 p.m. at the Morro Bay Community Center. To volunteer, please call the Chamber of Commerce at 772-4467.

Robert Davis, Morro Bay, spoke as member and Past-President of the San Luis Obispo Bike Club regarding the annual Lighthouse Bike Ride held last month. Of the 1,400 participants, 41% stayed at least one night in Morro Bay resulting in 1,100 local motel room nights and many more meals in local restaurants. The Bike Club made donations to several local non-profit organizations, including \$10,000 to Morro Bay High School Boosters.

Sandi Tannler, Morro Bay, spoke representing the Central Coast Taxpayers Association (“CCTA”) expressing concern about public funds being used for the Yes on Measure J campaign. The Howard Jarvis Taxpayers Association has joined CCTA to file a complaint with FPPC reporting violations by San Luis Obispo County, SLOCOG, and the Yes on Measure J Committee.

Jon Elliott, Morro Bay, announced the 3<sup>rd</sup> Annual Morro Bay Trick-or-Treat event to be held Monday, October 31, from 3:30 – 5:30 p.m. Maps will be available at Grandma’s Frozen Yogurt at 307 Morro Bay Blvd. Please email [info@morrobaychamber.org](mailto:info@morrobaychamber.org) for more information.

David Nelson, Morro Bay, expressed concern about the level of clean up required for the PG&E power plant property.

Betty Winholtz, Morro Bay, spoke to Item C-1 urging the Council to use excess funds to increase compensable leave banks and clean restrooms, rather than recommendations proposed by staff regarding economic development on the Embarcadero.

The comment period was closed.

The Council responded to issues and questions raised during the public comment period.

A. CONSENT AGENDA

<https://youtu.be/DmVisJi--oo?t=51m5s>

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF MINUTES FROM THE SEPTEMBER 27, 2016 SPECIAL CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 APPROVAL OF MINUTES FROM THE OCTOBER 11, 2016 CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

The public comment period for the Consent Agenda was opened; seeing none, the public comment period was closed.

MOTION: Councilmember Heading moved the Council approve all items on the Consent Agenda. The motion was seconded by Councilmember Johnson and carried 4-0-1 with Councilmember Makowetski absent.

B. PUBLIC HEARINGS – None

C. BUSINESS ITEMS

C-1 ADOPTION OF RESOLUTION NO. 72-16 APPROVING ADJUSTMENTS TO THE FISCAL YEAR (FY) 2016-17 ADOPTED BUDGET BASED ON AN ANALYSIS OF EXCESS AVAILABLE FUNDS FROM YEAR END FY 2015-16 AND SPENDING PRIORITIES; (FINANCE)

<https://youtu.be/DmVisJi--oo?t=51m46s>

Finance Director Schmollinger presented the staff report and responded to Council inquiries.

City Attorney Pannone explained Mayor Irons and Councilmember Heading previously recused themselves from discussion related to the Downtown Waterfront Strategic Plan due to a perceived conflict of interest related to business ownership in the downtown area. Should they choose to recuse themselves from that portion of tonight's discussion, that would leave only two Councilmembers. Since three members are required to hear the item and Council action is needed, the Political Reform Act provides an impartial process to form a quorum and allow the item to be heard. Councilmember Smukler drew a name from a hat, selecting Mayor Irons to participate in discussion, thereby creating a quorum. Mayor Irons will participate in the discussion and Councilmember Heading will recuse himself from questions, public comment, and discussion related to the Downtown Waterfront Strategic Plan (DWSP).

Staff responded to Council questions, except for those related to the DWSP.

The public comment period for Item C-1 was opened.

Homer Alexander, Morro Bay, recommended excess funds be transferred to the Emergency Reserve for future unfunded pension requirements or, as an alternative, continue the item until mid-year budget review.

Erica Crawford, Morro Bay Chamber of Commerce, spoke regarding trash pickup and restroom maintenance concerns and asked the issue be revisited at mid-year budget review.

The public comment period for Item C-1 was closed.

There was Council concern regarding the proposed \$200,000 General Fund recommendations, primarily due to concern about the CalPERS discount rate adjustment, which could lead to a significant unfunded mandate. The Council supported recommendations related to the Risk Management and Compensable Leave Funds. There was support for allocating funds for Police Chief recruitment and budget transparency tool, leaving the remainder to General Fund Emergency Reserve Fund.

Councilmember Heading recused himself due to a conflict of interest related to business ownership in the downtown area.

The City Manager confirmed, based on previous discussion, the Council does not authorize staff to designate \$100,000 for the Downtown Waterfront Strategic Plan, \$50,000 for Economic Development Strategic Plan and \$55,000 for other uses to be determined. Instead those funds, totaling \$205,000, will be transferred to the General Fund Emergency Reserve.

**MOTION:** Mayor Irons moved the Council adopt Resolution No. 72-16 amended to accept staff recommendations, except \$100,000 for Downtown Waterfront Strategic Plan, \$50,000 to Economic Development Strategic Plan implementation, and \$55,000 to be determined, totaling \$205,000 which will be placed into the General Fund Emergency Reserve. The motion was seconded by Councilmember Smukler and carried 3-0-2 with Councilmember Makowetski absent and Councilmember Heading having recused himself due to a conflict of interest.

The Council took a short recess at 8:17 p.m. The meeting reconvened at 8:24 p.m. with Councilmember Heading having rejoined the meeting.

**C-2 AWARD OF CONTRACT TO PAVEMENT COATINGS CO. OF WOODLAND, CA FOR PROJECT NO. MB2017-ST01: PAVEMENT MANAGEMENT PROJECT; (PUBLIC WORKS)**

<https://youtu.be/DmVisJi--oo?t=2h13m6s>

Public Works Director Livick presented the staff report and responded to Council inquiries.

The public comment period for Item C-2 was opened.

David Nelson, Morro Bay, stated local companies should receive priority for these projects.

The public comment period for Item C-2 was closed.

Staff clarified based on the small amount of grant funds used for this project, the City must select the low bidder and that no firms meeting the local vendor preference criteria (based within five miles of Morro Bay) submitted a bid for this project.

**MOTION:** Councilmember Smukler moved the Council award an Indefinite Delivery, Indefinite Quantity (IDIQ) contract with an initial two-year term and two additional option periods of up to two years each, to Pavement Coatings Co., in the amount of \$971,574.60, and authorize the Public Works Director to execute the final contract for the initial period. The motion was seconded by Councilmember Heading and carried 4-0-1 with Councilmember Makowetski absent.

**C-3 WATER RECLAMATION FACILITY (WRF) PROGRAM UPDATE; (PUBLIC WORKS)**

<https://youtu.be/DmVisJi--oo?t=2h50m46s>

John Rickenbach, WRF Deputy Program Manager, and Mike Nunley, WRF Program Manager, presented the staff report and responded to Council inquiries. (Click [here](#) for Presentation).

The Council took a brief recess at 9:41 p.m. The meeting reconvened at 9:45 p.m.

The public comment period for Item C-3 was opened.

David Nelson, Morro Bay, expressed concern about the process and asked what type of technology will be used.

Bob Keller, Morro Bay, spoke in support of the current project and recommended the City Council move forward with the South Bay Blvd. site.

The public comment period for Item C-3 was closed.

The Council shared their observations regarding progress made to date on this project and appreciated the opportunity to address resident questions and concerns.

No formal action was taken by the Council.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/DmVisJi--oo?t=4h32m51s>

None

E. ADJOURNMENT

The meeting adjourned at 10:47 p.m. The next Regular Meeting will be held on Tuesday, November 15, 2016 at 6:00 p.m. at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

Recorded by:

Dana Swanson,  
City Clerk

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AGENDA NO: A-3

MEETING DATE: November 15, 2016

# Staff Report

TO: Honorable Mayor and Council Members

DATE: November 9, 2016

FROM: David Buckingham, City Manager

SUBJECT: Approval of Revised Job Descriptions and Salary Schedule to Incorporate Future Utilities Division Positions

## RECOMMENDATION

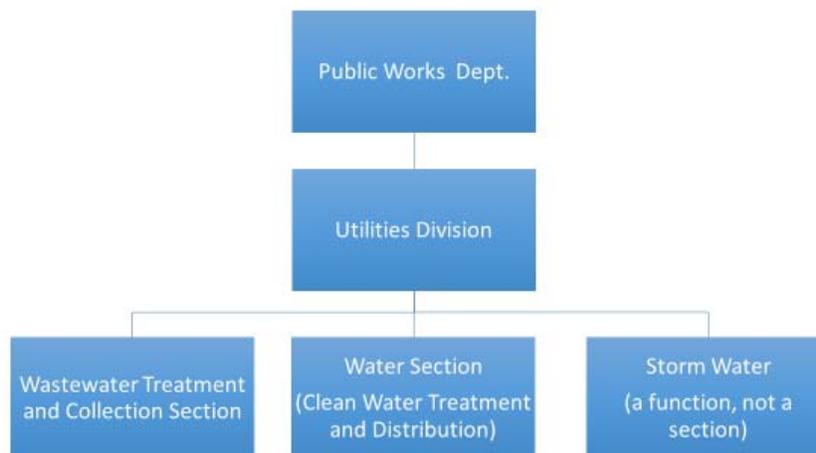
Council review the update contained in this staff report and approve the attached job descriptions and updated salary schedule.

## FISCAL IMPACT

There is a potential minor fiscal impact associated with this action, dependent on what level Wastewater Systems Operators (WWSO) are brought in at to replace incumbents. Those impacts, if any will be addressed at the time of mid-year budget review. For example, if the Wastewater Collections Operator II impending vacancy be replaced with a WWSO II, then the increase in salary would be approximately \$10,000 at top step. That increase will be mitigated by a reduction in the PERS retirement contributions.

## BACKGROUND/DISCUSSION

As discussed during the FY 2016/17 budget process and again August 23<sup>rd</sup> with the approval of the FY 2016/17 salary schedule, step-by-step over the next 5-6 years, the City will begin consolidating the Waste Water Treatment Plant (WWTP) Section and the Collections Section into a single multifunctional Treatment and Collection Section as a part of the Utilities Division as shown below.



The future Water Reclamation Facility (WRF) will require a higher level of certification for operation; once running, should also require less physical staffing for both operation and maintenance. (The new WRF will be far more automated than our existing plant, and will require less maintenance to keep it running.) Related to this, maintenance of the new WRF facility itself, and the maintenance of the collection (sewer) system can be executed by the same section, with employees cross-trained, under the supervision of a single supervisor - instead of by separate sections.

To address future staffing requirements, staff has prepared the attached job descriptions to be used for recruitment to fill current and future vacancies in the Wastewater Systems section so that a natural transition occurs over that 5 to 6-years. It should be noted that current employees will not be required to meet the increased certification requirements immediately, but will certainly be encouraged and given the opportunity to do so.

**CONCLUSION**

Staff Recommends the Council approve the attached job descriptions and revised FY 16/17 salary schedule as presented in this report.

**ATTACHMENTS**

1. Job Descriptions for Wastewater Systems Operator-in-Training, Operator I, Operator II, Operator III, Leadworker and Supervisor
2. FY 2016/17 Salary Schedule amended to include these positions

Prepared By: <u>DS/RL</u>	Dept Review: _____
City Manager Review: <u>DWB</u>	City Attorney Review: <u>JWP</u>

## **WASTEWATER SYSTEMS OPERATOR – IN - TRAINING**

### **DEFINITION**

Under direct supervision and training, operates equipment, facilities, pump/lift stations, and related appurtenances as found in a wastewater treatment plant, as well as, wastewater collection systems; and performs related work as required.

This is only a training position, as such once licensure requirements are satisfied the incumbent will be promoted to a Wastewater Systems Operator I. Those employees who do not meet the licensure requirements within the time allotted may be dismissed from employment with the City.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives direct supervision from the Wastewater Systems Operators I-II, Lead or Lab; Wastewater Systems Supervisor or Utilities Manager.

### **CLASS CHARACTERISTICS**

This is the entry-level class in the wastewater operations series. Under direct supervision, incumbents learn to operate and maintain wastewater treatment plant and collection systems, equipment, and appurtenances per City practices and procedures, as well as State and Federal regulations. Work is supervised while in progress and fits an established structure or pattern. Exceptions or changes in procedures are explained in detail as they arise. Since this class is an entry level position, employees may have only limited or no directly related work experience.

### **EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Monitors plant operations equipment and processes to ensure compliance with environmental and public health standards, including monitoring and adjusting to optimize efficiency, making chemical dosage changes, changing pumping rates, and monitoring all equipment daily.
- Operates valves, pumps, and automated controls to regulate the flow of wastewater through the system; operates valves to dispose of wastewater effluent.
- Reviews and analyzes automated information and control system data and revises equipment settings as appropriate; notifies supervisor of unusual situations and makes inspections or corrects system problems as necessary.
- Reads, records, and calculates readings of meters and gauges; interprets information into operational characteristics; makes process adjustments per information gathered, samples collected, readings, and records.
- Collects wastewater, sludge, and other samples from various phases of the treatment process; performs standard chemical and physical tests on these samples to ensure that the plant is operating effectively and that regulatory requirements are being met.
- Interprets and performs routine laboratory and process tests to optimize plant performance, monitors the results, and recommends potential operational changes to the Supervisor.
- Performs proper usage and handling of chemicals per industry standards.
- Assists in preventive maintenance on a variety of treatment plant equipment, such as electric motors, engines, gas and electric powered pumps, drive units, emergency systems, power generation systems, pressure and flow regulators, and other treatment plant fixtures and appliances.

- Lubricates pumps, motors, chains, conveyors, blowers, chlorinators, sprinklers, rotation distributors, scrapers, filter screens, and other machinery and equipment; removes blockages; replaces worn parts; participates in determining equipment problems and suggesting methods of minimizing such problems in an operational setting.
- Performs inspection, construction, maintenance, and repair activities of wastewater collection systems; checks, cleans, and repairs collection system and treatment plant lines, pits, screens, tanks, and mechanisms; shuts down appropriate parts for repair and returns to service once repair is completed.
- Operates a variety of vehicles and heavy equipment; including but not limited to pick-up trucks, Hydro-Vac; front end loader, and forklift.
- Operates a Hydro-Vac and trailer mounted jetter for hydro-flushing City sewer lines.
- Operates and maintains a variety of hand and power tools and equipment related to work assignments as instructed.
- Locates and marks underground utilities in accordance with Underground Service Alert (USA) regulations.
- Performs pretreatment inspections and tests of industrial and commercial waste disposal systems to ensure compliance with ordinances and permit requirements.
- Performs a variety of general and ground maintenance activities, including mowing, edging, and trimming landscaped areas as scheduled, weed abatement, and painting facilities and equipment when needed; assists in maintenance painting of plant machinery, equipment, piping, and other structures; maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Responds to operations, maintenance, and repair emergency situations as required.
- Maintains records and logs of daily activities; prepares reports as necessary.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Performs related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of wastewater treatment and collection systems, and their associated facilities, and equipment.
- Basic principles and practices of record-keeping methods.
- Safe driving rules and practices.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

### **Ability to:**

- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs, records, and basic written records of work performed.
- Operate a motor vehicle safely.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

- Be on standby duty and respond to after-hours emergencies.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Equivalent to the completion of the twelfth (12<sup>th</sup>) grade.

One (1) year of experience in general municipal, water system, wastewater collection system and/or wastewater treatment plant operations and maintenance is desirable.

**Licenses and Certifications:**

- Possession of, or ability to obtain, a valid California Driver's License by time of appointment.
- Obtain a valid Class B California driver's license with appropriate endorsements within twelve (12) months of employment or date of entry into the position.
- Obtain an Operator-In-Training certificate issued by the State Water Resources Control Board (SWRCB) within thirty (30) days of employment or the date of entry into the position.
- Obtain a Grade I Wastewater Treatment Plant Operator certificate issued by the SWRCB within twenty-four (24) months of employment or the date of entry into the position.
- Obtain a Collection System Maintenance Grade I Certification from the California Water Environment Association within twenty-four (24) months of employment or the date of entry into the position.

**PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 100 pounds, and heavier weights with the use of proper equipment.

**ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

## **WASTEWATER SYSTEMS OPERATOR I**

### **DEFINITION**

Under direct supervision, operates equipment, facilities, pump/lift stations, and related appurtenances as found in a wastewater treatment plant, as well as, wastewater collection systems; takes periodic samples and performs standardized tests to ensure proper operation within established guidelines; assists with preventive maintenance and makes repairs (that may include the fabrication of piping and other systems) to plant facilities and equipment; and performs related work as required.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives direct or general supervision from the Lead Wastewater Systems Operator, Wastewater Systems Supervisor or Utilities Manager. Exercises no supervision.

### **CLASS CHARACTERISTICS**

This is the apprentice level class in the wastewater operations series. Under direct supervision, incumbents learn to operate and maintain wastewater treatment plant and collection systems, equipment, and appurtenances per City practices and procedures, as well as State and Federal regulations. Positions at this level usually perform most of the duties required of the positions at the Wastewater Systems Operator II level, but are not expected to function at the same skill level and usually exercise less independent discretion and judgment in matters related to work procedures and methods. Work is usually supervised while in progress and fits an established structure or pattern. Exceptions or changes in procedures are explained in detail as they arise. Since this class is often an entry level position, employees may have only limited or no directly related work experience.

### **EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Monitors plant operations equipment and processes to ensure compliance with environmental and public health standards, including monitoring and adjusting to optimize efficiency, making chemical dosage changes, changing pumping rates, and monitoring all equipment daily.
- Operates valves, pumps, and automated controls to regulate the flow of wastewater through the system; operates valves to dispose of wastewater effluent.
- Reviews and analyzes automated information and control system data and revises equipment settings as appropriate; notifies supervisor of unusual situations and makes inspections or corrects system problems as necessary.
- Reads, records, and calculates readings of meters and gauges; interprets information into operational characteristics; makes process adjustments per information gathered, samples collected, readings, and records.
- Collects wastewater, sludge, and other samples from various phases of the treatment process; performs standard chemical and physical tests on these samples to ensure that the plant is operating effectively and that regulatory requirements are being met.
- Interprets and performs routine laboratory and process tests to optimize plant performance, monitors the results, and recommends potential operational changes to the Supervisor.
- Performs proper usage and handling of chemicals per industry standards.

- Assists in preventive maintenance on a variety of treatment plant equipment, such as electric motors, engines, gas and electric powered pumps, drive units, emergency systems, power generation systems, pressure and flow regulators, and other treatment plant fixtures and appliances.
- Lubricates pumps, motors, chains, conveyors, blowers, chlorinators, sprinklers, rotation distributors, scrapers, filter screens, and other machinery and equipment; removes blockages; replaces worn parts; participates in determining equipment problems and suggesting methods of minimizing such problems in an operational setting.
- Performs inspection, construction, maintenance, and repair activities of wastewater collection systems; checks, cleans, and repairs collection system and treatment plant lines, pits, screens, tanks, and mechanisms; shuts down appropriate parts for repair and returns to service once repair is completed.
- Operates a variety of vehicles and heavy equipment; including but not limited to pick-up trucks, Hydro-Vac; front end loader, and forklift.
- Operates a Hydro-Vac and trailer mounted jetter for hydro-flushing City sewer lines.
- Operates and maintains a variety of hand and power tools and equipment related to work assignments as instructed.
- Locates and marks underground utilities in accordance with Underground Service Alert (USA) regulations.
- Performs pretreatment inspections and tests of industrial and commercial waste disposal systems to ensure compliance with ordinances and permit requirements.
- Performs a variety of general and ground maintenance activities, including mowing, edging, and trimming landscaped areas as scheduled, weed abatement, and painting facilities and equipment when needed; assists in maintenance painting of plant machinery, equipment, piping, and other structures; maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Responds to operations, maintenance, and repair emergency situations as required.
- Maintains records and logs of daily activities; prepares reports as necessary.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Performs related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of wastewater treatment and collection systems, and their associated facilities, and equipment.
- Basic principles and practices of record-keeping methods.
- Safe driving rules and practices.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

### **Wastewater Systems Operator II, in addition to the above:**

- Principles, practices, equipment, materials, and tools used in the operation, cleaning, and preventive maintenance of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Operation and preventive maintenance of piping systems, including pipes, valves, and related appurtenances.
- Standard chemical and physical tests of wastewater, sludge, and related materials.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures.

- Basic equipment troubleshooting principles and practices.
- Basic mechanical, electrical, and hydraulic principles.
- Basic arithmetic and statistical techniques.
- Use computers and a variety of computer software programs. record and log data.
- Safe work methods and safety practices pertaining to the work, including the handling and storage of hazardous chemicals.

**Ability to:**

- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs, records, and basic written records of work performed.
- Operate a motor vehicle safely.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Be on standby duty and respond to after-hours emergencies.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Equivalent to the completion of the twelfth (12<sup>th</sup>) grade.

One (1) year of experience in wastewater treatment plant operations is desirable.

**Licenses and Certifications:**

- Possession of a valid Class B California driver's license with appropriate endorsements by time of appointment.
- Possession of a Grade I Wastewater Treatment Plant Operator certificate issued by the SWRCB by time of appointment.
- Possession of a Collection System Maintenance Grade I Certification from the California Water Environment Association by time of appointment.

**PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 100 pounds, and heavier weights with the use of proper equipment.

**ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

## **WASTEWATER SYSTEMS OPERATOR II**

### **DEFINITION**

Under direct or general supervision, operates equipment, facilities, pump/lift stations, and related appurtenances as found in a wastewater treatment plant, as well as, wastewater collection systems; takes periodic samples and performs standardized tests to ensure proper operation within established guidelines; assists with preventive maintenance and makes repairs; and performs related work as required.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives direct or general supervision from the Lead Wastewater Systems Operator, Wastewater Systems Supervisor or Utilities Manager. Wastewater Systems Operators II will involve some responsibilities for supervising and training of less experienced personnel. Wastewater Systems Operators II may be expected to perform the function of shift supervisor depending on staffing levels.

### **CLASS CHARACTERISTICS**

This is the full journey-level class in the wastewater operations series that performs the full range of duties required to ensure that the wastewater treatment and collection facilities and systems operate effectively and are maintained in a safe and effective working condition. Persons in this position are required to have a complete working knowledge of the City's wastewater collection and treatment systems. Responsibilities include performing standardized tests on wastewater operations equipment, inspecting and attending to issues in a timely manner, and performing a wide variety of tasks in the preventative maintenance and minor repair of assigned facilities and systems. This class is distinguished from the Wastewater Systems Operator I in that the WWSO II can perform more complex duties, including mechanical maintenance of plant equipment.

Positions at the II level are normally filled by advancement from the I level requiring at least two (2) additional years of experience and after gaining the knowledge, skill, experience, licenses, and certifications which meet the qualifications for and after demonstrating the ability to perform the work of the higher-level class. When filled from the outside, the employee is required to have three (3) years of prior related experience that allows the employee to meet the qualification standards for the II level.

### **EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Monitors plant operations equipment and processes to ensure compliance with environmental and public health standards, including monitoring and adjusting to optimize efficiency, making chemical dosage changes, changing pumping rates, and monitoring all equipment daily.
- Operates valves, pumps, and automated controls to regulate the flow of wastewater through the system; operates valves to dispose of wastewater effluent.
- Reviews and analyzes automated information and control system data and revises equipment settings as appropriate; notifies supervisor of unusual situations and makes inspections or corrects system problems as necessary.
- Reads, records, and calculates readings of meters and gauges; interprets information into operational characteristics; makes process adjustments per information gathered, samples collected, readings, and records.

- Collects wastewater, sludge, and other samples from various phases of the treatment process; performs standard chemical and physical tests on these samples to ensure that the plant is operating effectively and that regulatory requirements are being met.
- Interprets and performs routine laboratory and process tests to optimize plant performance, monitors the results, and recommends potential operational changes to the Supervisor.
- Performs proper usage and handling of chemicals per industry standards.
- Assists in preventive maintenance on a variety of treatment plant equipment, such as electric motors, engines, gas and electric powered pumps, drive units, emergency systems, power generation systems, pressure and flow regulators, and other treatment plant fixtures and appliances.
- Lubricates pumps, motors, chains, conveyors, blowers, chlorinators, sprinklers, rotation distributors, scrapers, filter screens, and other machinery and equipment; removes blockages; replaces worn parts; participates in determining equipment problems and suggesting methods of minimizing such problems in an operational setting.
- Performs fabrication of piping and other systems as necessary to maintain operation of plant facilities and equipment.
- Performs inspection, construction, maintenance, and repair activities of wastewater collection systems; checks, cleans, and repairs collection system and treatment plant lines, pits, screens, tanks, and mechanisms; shuts down appropriate parts for repair and returns to service once repair is completed.
- Operates a variety of vehicles and heavy equipment; including but not limited to pick-up trucks, Hydro-Vac; front end loader, and forklift.
- Operates a Hydro-Vac and trailer mounted jetter for hydro-flushing City sewer lines.
- Operates and maintains a variety of hand and power tools and equipment related to work assignments as instructed.
- Locates and marks underground utilities in accordance with Underground Service Alert (USA) regulations.
- Performs pretreatment inspections and tests of industrial and commercial waste disposal systems to ensure compliance with ordinances and permit requirements.
- Performs a variety of general and ground maintenance activities, including mowing, edging, and trimming landscaped areas as scheduled, weed abatement, and painting facilities and equipment when needed; assists in maintenance painting of plant machinery, equipment, piping, and other structures; maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Responds to operations, maintenance, and repair emergency situations as required.
- Maintains records and logs of daily activities; prepares reports as necessary.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Performs related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of wastewater treatment and collection systems, and their associated facilities, and equipment.
- Basic principles and practices of record-keeping methods.
- Safe driving rules and practices.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar, and punctuation.
- Principles, practices, equipment, materials, and tools used in the operation, cleaning, and preventive maintenance of wastewater treatment, disposal, and collection systems, facilities, and equipment.

- Operation and preventive maintenance of piping systems, including pipes, valves, and related appurtenances.
- Standard chemical and physical tests of wastewater, sludge, and related materials.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures.
- Basic equipment troubleshooting principles and practices.
- Basic mechanical, electrical, and hydraulic principles.
- Basic arithmetic and statistical techniques.
- Use computers and a variety of computer software programs. record and log data.
- Safe work methods and safety practices pertaining to the work, including the handling and storage of hazardous chemicals.

**Ability to:**

- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs, records, and basic written records of work performed.
- Operate a motor vehicle safely.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Be on standby duty and respond to after-hours emergencies.
- Operate, maintain, and repair a variety of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Recognize and correct or report unusual, inefficient, or dangerous operating conditions.
- Read a variety of gauges, charts, and meters, record data accurately and make appropriate process adjustments.
- Perform the daily duties of the lab analyst.
- Conduct standard chemical and physical tests of wastewater, sludge, and related materials.
- Handle hazardous chemicals in a safe manner.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Assist in the development and implementation of all safety programs.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.
- Locate underground utilities by use of blue prints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Make accurate mathematical calculations.
- Diagnose operating problems and take effective courses of action.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Perform duties of shift supervisor<sup>1</sup>.

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<sup>1</sup> At the current Class II Wastewater Treatment Plant. Shift supervisor at the City's Class IV plant will be required to hold a Grade III Wastewater Treatment Plant Operator's certificate issued by the SWRCB.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Equivalent to the completion of the twelfth (12<sup>th</sup>) grade.

Supplemental specialized training in wastewater treatment plant operations and/or maintenance or related field and three (3) years of experience in wastewater collection system treatment plant operations or two (2) years of experience equivalent to Wastewater Systems Operator I at the City of Morro Bay.

**Licenses and Certifications:**

- Possession of a valid Class B California driver's license with appropriate endorsements.
- Possession of a Grade II or above Wastewater Treatment Plant Operator certificate issued by the SWRCB.
- Possession of a Collection System Maintenance Grade II or above Certification from the California Water Environment Association.

**PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 100 pounds, and heavier weights with the use of proper equipment.

**ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

## **WASTEWATER SYSTEMS OPERATOR III**

### **DEFINITION**

Under direct or general supervision, operates equipment, facilities, pump/lift stations, and related appurtenances as found in a wastewater treatment plant, as well as, wastewater collection systems; takes periodic samples and performs standardized tests to ensure proper operation within established guidelines; assists with preventive maintenance and makes repairs; and performs related work as required.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from the Lead Wastewater Systems Operator, Wastewater Systems Supervisor or Utilities Manager. Wastewater Systems Operators (WWSO) III will have responsibilities for supervising and training of less experienced personnel. WWSO III has responsibility to supervise and train wastewater systems operators in laboratory functions and projects as well as serve as the primary analyst for the laboratory. Wastewater Systems Operators III may be expected to perform the function of shift supervisor depending on staffing levels.

### **CLASS CHARACTERISTICS**

This is the full journey-level class in the wastewater operations series that performs the full range of duties required to ensure that the wastewater treatment and collection facilities and systems operate effectively and are maintained in a safe and effective working condition. Persons in this position are required to have a complete working knowledge of the City's wastewater collection and treatment systems. Responsibilities include performing standardized tests on wastewater operations equipment, inspecting and attending to issues in a timely manner, and performing a wide variety of tasks in the preventative maintenance and minor repair of assigned facilities and systems. This class is distinguished from the Wastewater Systems Operator I and II in that the latter can perform the most complex duties assigned to the division, including mechanical maintenance of plant equipment.

Additionally, the WWSO III position is required to have a complete working knowledge of wastewater treatment plant laboratory operations. Incumbents in this class are required to perform qualitative and quantitative chemical, physical, and biological analysis of water and wastewater. This class is distinguished from the Wastewater Systems Operator II in that the latter can perform the most complex duties assigned to the division, including laboratory supervision and training.

Positions at the III level are normally filled by advancement from the II after gaining the knowledge, skill, experience, licenses, and certifications which meet the qualifications for and after demonstrating the ability to perform the work of the higher-level class.

### **EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Monitors plant operations equipment and processes to ensure compliance with environmental and public health standards, including monitoring and adjusting to optimize efficiency, making chemical dosage changes, changing pumping rates, and monitoring all equipment daily.

- Operates valves, pumps, and automated controls to regulate the flow of wastewater through the system; operates valves to dispose of wastewater effluent.
- Reviews and analyzes automated information and control system data and revises equipment settings as appropriate; notifies supervisor of unusual situations and makes inspections or corrects system problems as necessary.
- Reads, records, and calculates readings of meters and gauges; interprets information into operational characteristics; makes process adjustments per information gathered, samples collected, readings, and records.
- Collects wastewater, sludge, and other samples from various phases of the treatment process; performs standard chemical and physical tests on these samples to ensure that the plant is operating effectively and that regulatory requirements are being met.
- Interprets and performs routine laboratory and process tests to optimize plant performance, monitors the results, and recommends potential operational changes to the Supervisor.
- Performs proper usage and handling of chemicals per industry standards.
- Assists in preventive maintenance on a variety of treatment plant equipment, such as electric motors, engines, gas and electric powered pumps, drive units, emergency systems, power generation systems, pressure and flow regulators, and other treatment plant fixtures and appliances.
- Lubricates pumps, motors, chains, conveyors, blowers, chlorinators, sprinklers, rotation distributors, scrapers, filter screens, and other machinery and equipment; removes blockages; replaces worn parts; participates in determining equipment problems and suggesting methods of minimizing such problems in an operational setting.
- Performs inspection, construction, maintenance, and repair activities of wastewater collection systems; checks, cleans, and repairs collection system and treatment plant lines, pits, screens, tanks, and mechanisms; shuts down appropriate parts for repair and returns to service once repair is completed.
- Performs fabrication of piping and other systems as necessary to maintain operation of plant facilities and equipment.
- Operates a variety of vehicles and heavy equipment; including but not limited to pick-up trucks, Hydro-Vac; front end loader, and forklift.
- Operates a Hydro-Vac and trailer mounted jetter for hydro-flushing City sewer lines.
- Operates and maintains a variety of hand and power tools and equipment related to work assignments as instructed.
- Locates and marks underground utilities in accordance with Underground Service Alert (USA) regulations.
- Performs pretreatment inspections and tests of industrial and commercial waste disposal systems to ensure compliance with ordinances and permit requirements.
- Performs a variety of general and ground maintenance activities, including mowing, edging, and trimming landscaped areas as scheduled, weed abatement, and painting facilities and equipment when needed; assists in maintenance painting of plant machinery, equipment, piping, and other structures; maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Responds to operations, maintenance, and repair emergency situations as required.
- Maintains records and logs of daily activities; prepares reports as necessary.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Collects water and sewage samples for laboratory tests.
- Assists in the training of other wastewater systems operators in laboratory practices and procedures.
- Serves as a Principal Lab Analyst for the wastewater treatment laboratory.
- Conducts and assists in conducting a variety of chemical, biochemical, and bacteriological tests on plant influent, effluent, and receiving waters; interprets and records data.
- Assists in keeping laboratory records and preparing laboratory reports.

- Maintains, cleans, and cares for laboratory equipment and material.
- Prepares chemical reagents and bacteriological culture media.
- Performs routine quality control checks for all reagents, media and data generated specific to subject matter.
- Responsible for the purchasing of supplies for the laboratory, and development of the annual budget for the laboratory.
- Under the direction of the Lab Director, assists in the supervision of other personnel in the laboratory.
- Performs related duties as required.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of wastewater treatment and collection systems, and their associated facilities, and equipment.
- Basic principles and practices of record-keeping methods.
- Safe driving rules and practices.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- Principles, practices, equipment, materials, and tools used in the operation, cleaning, and preventive maintenance of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Operation and preventive maintenance of piping systems, including pipes, valves, and related appurtenances.
- Standard chemical and physical tests of wastewater, sludge, and related materials.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures.
- Basic equipment troubleshooting principles and practices.
- Basic mechanical, electrical, and hydraulic principles.
- Basic arithmetic and statistical techniques.
- Use computers and a variety of computer software programs. record and log data.
- Safe work methods and safety practices pertaining to the work, including the handling and storage of hazardous chemicals.
- Basic principles and practices of qualitative and quantitative chemistry, mathematics, biology, and bacteriology; sampling procedures and equipment; safe work practices.

### **Ability to:**

- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs, records, and basic written records of work performed.
- Operate a motor vehicle safely.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Be on standby duty and respond to after-hours emergencies.
- Operate, maintain, and repair a variety of wastewater treatment, disposal, and collection systems, facilities, and equipment.

- Recognize and correct or report unusual, inefficient, or dangerous operating conditions.
- Read a variety of gauges, charts, and meters, record data accurately and make appropriate process adjustments.
- Perform the daily duties of the lab analyst.
- Conduct standard chemical and physical tests of wastewater, sludge, and related materials.
- Handle hazardous chemicals in a safe manner.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Assist in the development and implementation of all safety programs.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.
- Locate underground utilities by use of blue prints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Make accurate mathematical calculations.
- Diagnose operating problems and take effective courses of action.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Perform duties of shift supervisor.
- Conduct routine chemical, biological, and bacteriological examinations and analyses.
- Maintains routine documentation, including worksheet/ log sheet entries, sample documentation, and chain-of custody forms. Records data precisely and accurately.
- Perform complex mathematical calculations associated with the laboratory analysis of water and wastewater.
- Maintain analytical laboratory equipment.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Supplemental specialized training in wastewater treatment plant operations and/or maintenance or related field and three (3) years of experience in wastewater collection system treatment plant.

**Licenses and Certifications:**

- Possession of a valid Class B California driver's license with appropriate endorsements.
- Possession of a Grade III Wastewater Treatment Plant Operator certificate issued by the SWRCB.
- Possession of a valid Laboratory Analyst Grade I Certification from the California Water Environment Association.
- Obtain a Collection System Maintenance Grade 3 Certification from the California Water Environment Association within thirty-six (36) months of employment or the date of entry into the position

**PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards.

Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 100 pounds, and heavier weights with the use of proper equipment.

**ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

## **LEAD WASTEWATER SYSTEMS OPERATOR**

### **DEFINITION**

Under general supervision, operates equipment, facilities, pump/lift stations, and related appurtenances as found in a wastewater treatment plant, as well as, wastewater collection systems; takes periodic samples and performs standardized tests to ensure proper operation within established guidelines; assists with preventive maintenance and makes repairs; and performs related work as required.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives direct or general supervision from the Wastewater Systems Supervisor or Utilities Manager. The Lead Wastewater Systems Operator has responsibility to regularly lead a crew in collection system and/or wastewater plant functions and projects. Assists the Wastewater Systems Supervisor in exercising technical and functional supervision over lower level wastewater staff. When the Wastewater System Supervisor is unavailable this person will have the responsible charge for all wastewater collection system and treatment and operating issues.

### **CLASS CHARACTERISTICS**

This is the lead worker class in the wastewater operations series and serves as a senior member of the wastewater systems crew. This position is required to have a complete working knowledge and understanding of the City's collection and treatment systems. Responsibilities include assisting the Utility Manager and Wastewater Systems Supervisor in planning, organizing, supervising, reviewing, and evaluating the work of wastewater collections and treatment plant operations and maintenance staff. Incumbents are expected to independently perform the full range of wastewater collections and treatment plant operations and maintenance duties, including a complete working knowledge of wastewater treatment plant laboratory operations. Incumbents in this class are required to perform qualitative and quantitative chemical, physical, and biological analysis of water and wastewater. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines.

### **EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Monitors plant operations equipment and processes to ensure compliance with environmental and public health standards, including monitoring and adjusting to optimize efficiency, making chemical dosage changes, changing pumping rates, and monitoring all equipment daily.
- Operates valves, pumps, and automated controls to regulate the flow of wastewater through the system; operates valves to dispose of wastewater effluent.
- Reviews and analyzes automated information and control system data and revises equipment settings as appropriate; notifies supervisor of unusual situations and makes inspections or corrects system problems as necessary.
- Reads, records, and calculates readings of meters and gauges; interprets information into operational characteristics; makes process adjustments per information gathered, samples collected, readings, and records.
- Collects wastewater, sludge, and other samples from various phases of the treatment process; performs standard chemical and physical tests on these samples to ensure that the plant is operating effectively and that regulatory requirements are being met.
- Interprets and performs routine laboratory and process tests to optimize plant performance, monitors the results, and recommends potential operational changes to the Supervisor.

- Performs proper usage and handling of chemicals per industry standards.
- Assists in preventive maintenance on a variety of treatment plant equipment, such as electric motors, engines, gas and electric powered pumps, drive units, emergency systems, power generation systems, pressure and flow regulators, and other treatment plant fixtures and appliances.
- Lubricates pumps, motors, chains, conveyors, blowers, chlorinators, sprinklers, rotation distributors, scrapers, filter screens, and other machinery and equipment; removes blockages; replaces worn parts; participates in determining equipment problems and suggesting methods of minimizing such problems in an operational setting.
- Performs inspection, construction, maintenance, and repair activities of wastewater collection systems; checks, cleans, and repairs collection system and treatment plant lines, pits, screens, tanks, and mechanisms; shuts down appropriate parts for repair and returns to service once repair is completed.
- Performs fabrication of piping and other systems as necessary to maintain operation of plant facilities and equipment.
- Operates a variety of vehicles and heavy equipment; including but not limited to pick-up trucks, Hydro-Vac; front end loader, and forklift.
- Operates a Hydro-Vac and trailer mounted jetter for hydro-flushing City sewer lines.
- Operates and maintains a variety of hand and power tools and equipment related to work assignments as instructed.
- Locates and marks underground utilities in accordance with Underground Service Alert (USA) regulations.
- Performs pretreatment inspections and tests of industrial and commercial waste disposal systems to ensure compliance with ordinances and permit requirements.
- Performs a variety of general and ground maintenance activities, including mowing, edging, and trimming landscaped areas as scheduled, weed abatement, and painting facilities and equipment when needed; assists in maintenance painting of plant machinery, equipment, piping, and other structures; maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Responds to operations, maintenance, and repair emergency situations as required.
- Maintains records and logs of daily activities; prepares reports as necessary.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Collects water and sewage samples for laboratory tests.
- Assists in the training of other wastewater systems operators in laboratory practices and procedures.
- Serves as a Principal Lab Analyst for the wastewater treatment laboratory.
- Conducts and assists in conducting a variety of chemical, biochemical, and bacteriological tests on plant influent, effluent, and receiving waters; interprets and records data.
- Assists in keeping laboratory records and preparing laboratory reports.
- Maintains, cleans, and cares for laboratory equipment and material.
- Prepares chemical reagents and bacteriological culture media.
- Performs routine quality control checks for all reagents, media and data generated specific to subject matter.
- Responsible for the purchasing of supplies for the laboratory, and development of the annual budget for the laboratory.
- Under the direction of the Lab Director, assists in the supervision of other personnel in the laboratory.
  
- Lead, plan, and participate in the work of staff responsible for a variety of maintenance activities within the wastewater division of the Public Works Department.
- Plan, direct, and participate in drafting preventive maintenance programs within the wastewater division of the Public Works Department.

- Supervise the use and operation of public works maintenance equipment and vehicles; operate equipment and vehicles as needed and as assigned.
- Assists in the requisitions of materials, supplies and equipment; reports the need for unusual items; may request plant repairs and improvements.
- Train assigned employees in their areas of work in public works maintenance methods, techniques and in the set up and use of equipment.
- Verify the work of assigned employees for accuracy, proper work methods, techniques, and compliance with applicable standards and specifications.
- Performs the duties of the safety officer; develops and maintains safety programs and standard operating procedures; makes inspections and reports plant and collection system conditions to assure adherence to maintenance and procedures; inspects plant and collection system equipment and facilities to locate needed repairs and maintenance; reports all findings to Supervisory personnel.
- Ensure the adherence to safe work practices and procedures.
- Accurately assess and evaluate work and maintenance service requests.
- Assist the Utilities Manager and Wastewater Systems Supervisor in the trouble shooting of public work projects and work requests.
- Maintain accurate records on installations and replacements; maintain inventory of supplies.
- Respond to public inquiries in a courteous manner; provide information within area of assignment; resolve complaints in an efficient and timely manner.
- Identifies opportunities for improving service delivery methods and procedures; provides recommendations concerning process changes; reviews with appropriate management staff; implements improvements.
- Basic computer skills including the ability to produce and maintain documents in Microsoft Office, look up and order supplies on-line; and enter and complete work orders.
- Performs related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of wastewater treatment and collection systems, and their associated facilities, and equipment.
- Basic principles and practices of record-keeping methods.
- Safe driving rules and practices.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- Principles, practices, equipment, materials, and tools used in the operation, cleaning, and preventive maintenance of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Operation and preventive maintenance of piping systems, including pipes, valves, and related appurtenances.
- Standard chemical and physical tests of wastewater, sludge, and related materials.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures.
- Basic equipment troubleshooting principles and practices.
- Basic mechanical, electrical, and hydraulic principles.
- Basic arithmetic and statistical techniques.
- Use computers and a variety of computer software programs. record and log data.

- Safe work methods and safety practices pertaining to the work, including the handling and storage of hazardous chemicals.
- Basic principles and practices of qualitative and quantitative chemistry, mathematics, biology, and bacteriology; sampling procedures and equipment; safe work practices.
- Knowledge of principles and practices of effective supervision.

**Ability to:**

- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs, records, and basic written records of work performed.
- Operate a motor vehicle safely.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Be on standby duty and respond to after-hours emergencies.
- Operate, maintain, and repair a variety of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Recognize and correct or report unusual, inefficient, or dangerous operating conditions.
- Read a variety of gauges, charts, and meters, record data accurately and make appropriate process adjustments.
- Perform the daily duties of the lab analyst.
- Conduct standard chemical and physical tests of wastewater, sludge, and related materials.
- Handle hazardous chemicals in a safe manner.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Assist in the development and implementation of all safety programs.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.
- Locate underground utilities by use of blue prints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Make accurate mathematical calculations.
- Diagnose operating problems and take effective courses of action.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Conduct routine chemical, biological, and bacteriological examinations and analyses.
- Maintains routine documentation, including worksheet/ log sheet entries, sample documentation, and chain-of custody forms. Records data precisely and accurately.
- Perform complex mathematical calculations associated with the laboratory analysis of water and wastewater.
- Maintain analytical laboratory equipment.
- Communicate effectively, both oral and in written form.
- Effectively supervise subordinate staff.
- Establish and maintain effective working relationships.
- Organize time, staff and materials to meet deadlines.

- Identify problems, research and analyze relevant information, develop and present recommendations, and justification for solution.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Equivalent to the completion of the twelfth (12<sup>th</sup>) grade supplemented by specialized training in wastewater collections and treatment operations and maintenance; and five (5) years of responsible experience in the operation and maintenance of a wastewater treatment plant. One (1) year of lead or supervisory experience preferred.

**Licenses and Certifications:**

- Possession of a valid Class B California driver’s license with appropriate endorsements.
- Possession of a Grade III Wastewater Treatment Plant Operator certificate issued by the State Water Resources Control Board (SWRCB).
- Obtain a Grade IV Wastewater Treatment Plant Operator certificate issued by the SWRCB within twenty-four (24) months of employment or the date of entry into the position.
- Possession of a valid Laboratory Analyst Grade 1 Certification from the California Water Environment Association
- Obtain a Collection System Maintenance Grade 3 Certification from the California Water Environment Association within thirty-six (36) months of employment or the date of entry into the position.

**PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 100 pounds, and heavier weights with the use of proper equipment.

**ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

## **WASTEWATER SYSTEMS SUPERVISOR**

### **DEFINITION**

Under general supervision, operates equipment, facilities, pump/lift stations, and related appurtenances as found in a wastewater treatment plant, as well as, wastewater collection systems; takes periodic samples and performs standardized tests to ensure proper operation within established guidelines; assists with preventive maintenance and makes repairs; and performs related work as required.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives direct or general supervision from the Utilities Manager or Public Works Director. The Wastewater Systems Supervisor has responsibility to regularly direct the crew lead in collection system and/or wastewater plant functions and projects. Assists the Utility Manager in exercising technical and functional supervision over wastewater staff. When the Utility Manager is unavailable, this person may have the responsible charge for all Utility Division operations.

### **CLASS CHARACTERISTICS**

This is the supervisor class in the wastewater operations series and serves as the senior member of the wastewater systems crew. This position is required to have a complete working knowledge and understanding of the City's collection and treatment systems. Responsibilities include assisting the Utility Manager organizing, supervising, reviewing, and evaluating the work of wastewater collections and treatment plant operations and maintenance staff. Incumbents are expected to independently perform the full range of wastewater collections and treatment plant operations and maintenance duties, including a complete working knowledge of wastewater treatment plant laboratory operations. Incumbents in this class may be required to perform qualitative and quantitative chemical, physical, and biological analysis of water and wastewater. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This position also acts as chief plant operator and laboratory director.

### **ESSENTIAL DUTIES & RESPONSIBILITIES**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Supervises and trains assigned personnel in the operation and maintenance of wastewater treatment plant and collection system; performs or assists with performance evaluations.
- Supervises and participates in the daily operation of the wastewater section, including providing for adjustment of plant operations within prescribed limits to meet N.P.D.E.S. permit standards, changing conditions, and emergencies; and supervises and assists a crew of assigned personnel engaged in operating and maintaining collection system facilities and appurtenances.
- Makes inspections and reports plant conditions to assure adherence to maintenance and operations procedures; assures and assists in work necessary to keep plant in a clean and orderly condition.
- Requisitions materials, supplies, and equipment; reports the need for unusual items; may recommend plant repairs and improvements.
- Provides for the instruction of new operators; is responsible for safe working conditions.
- Supervises and/or performs general electrical and SCADA diagnostics and repairs.
- Maintains surveillance of the operating efficiency of mechanical and electrical systems.
- Assists in the development and implementation of goals, objectives, policies, and priorities;

- works closely with contractors and engineers on improvement projects.
- Utilizes computerized asset management and maintenance software (i.e. CityWorks or equal); issues and monitors work orders and closes work orders when complete; maintains employee work time and schedules; keeps records; prepares necessary reports, logs, and activities.
- Supervises and conducts a variety of chemical, biochemical, and bacteriological tests on plant influent, effluent, and receiving waters and records and analyzes data using
- Delegates work orders for collection system and drainage related activities, assigns and supervises personnel engaged in operation and maintenance of municipal wastewater lines, pumps and wastewater system facilities and appurtenances.
- Develops up-to-date specifications for National Pollutant Discharge Elimination System (NPDES) permitting programs, water quality management, source control, environmental monitoring programs, pollution prevention and control programs, new equipment and similar tasks.
- Reviews work projects in process and at completion, including contractor coordination and direction.
- Keeps records and makes reports on materials, equipment used, and employees' time spent on various projects.
- Responds to customer inquiries; evaluates situations; makes determinations.
- Develops, implements and oversees a variety of safety programs. Facilitates safety meetings and enforces safety regulations.
- Operates heavy equipment as needed.
- Keeps apprised of changes in wastewater and storm water regulations and practices.
- Supervises, performs and prepares records-keeping for monitoring the City's water quality programs, including sampling of the collection system, performs flow testing, metering, system inspections and other analyses and records-keeping and prepares and submits reporting requirements for the system to regulatory agencies.
- Preparation and implementation of scheduled system cleaning of trouble areas and preventive maintenance; reports to Division Manager status of wastewater collection system and related activities. Inspects various facilities for needed maintenance and repair.
- Assures all operations are conducted in conformance with established policies, procedures, and standards established by the City and Cal OSHA.
- Coordinates with other divisions and departments concerning common issues.
- Coordinates and/or conducts monitoring and sampling of suspected pollutant discharge violations; and implementation of source control measures.
- Keeps records and prepares reports.
- As Chief Plant Operator, responsible for reporting plant operations to all applicable regulatory agencies in accordance with all permits for the various wastewater facilities.
- Reports activities and conditions to utilities division manager.
- Performs related work as required.

## **QUALIFICATIONS**

### **Knowledge of:**

- Basic principles, practices, tools, and materials as they relate to the operation, cleaning, and preventive maintenance of wastewater treatment and collection systems, and their associated facilities, and equipment.
- Basic principles and practices of record-keeping methods.

- Safe driving rules and practices.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- Principles, practices, equipment, materials, and tools used in the operation, cleaning, and preventive maintenance of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Operation and preventive maintenance of piping systems, including pipes, valves, and related appurtenances.
- Standard chemical and physical tests of wastewater, sludge, and related materials.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures.
- Basic equipment troubleshooting principles and practices.
- Basic mechanical, electrical, and hydraulic principles.
- Basic arithmetic and statistical techniques.
- Use computers and a variety of computer software programs. record and log data.
- Safe work methods and safety practices pertaining to the work, including the handling and storage of hazardous chemicals.
- Basic principles and practices of qualitative and quantitative chemistry, mathematics, biology, and bacteriology; sampling procedures and equipment; safe work practices.
- Knowledge of principles and practices of effective supervision.

**Ability to:**

- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs, records, and basic written records of work performed.
- Operate a motor vehicle safely.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Be on standby duty and respond to after-hours emergencies.
- Operate, maintain, and repair a variety of wastewater treatment, disposal, and collection systems, facilities, and equipment.
- Recognize and correct or report unusual, inefficient, or dangerous operating conditions.
- Read a variety of gauges, charts, and meters, record data accurately and make appropriate process adjustments.
- Perform the daily duties of the lab analyst.
- Conduct standard chemical and physical tests of wastewater, sludge, and related materials.
- Handle hazardous chemicals in a safe manner.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Assist in the development and implementation of all safety programs.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.

- Locate underground utilities by use of blue prints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Make accurate mathematical calculations.
- Diagnose operating problems and take effective courses of action.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Conduct routine chemical, biological, and bacteriological examinations and analyses.
- Maintains routine documentation, including worksheet/ log sheet entries, sample documentation, and chain-of custody forms. Records data precisely and accurately.
- Perform complex mathematical calculations associated with the laboratory analysis of water and wastewater.
- Maintain analytical laboratory equipment.
- Communicate effectively, both oral and in written form.
- Effectively supervise subordinate staff.
- Establish and maintain effective working relationships.
- Organize time, staff and materials to meet deadlines.
- Identify problems, research and analyze relevant information, develop and present recommendations, and justification for solution.
- Be available for standby duty.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Associate degree or completion of sixty (60) semester units at a college or university, either of which includes fifteen (15) units of basic science courses; and a minimum of five (5) years of progressively responsible experience in the operations of a wastewater treatment facility including two (2) years in a supervisory or lead position; and

**Licenses and Certifications:**

- Possession of a valid Class B California driver's license with appropriate endorsements.
- Possession of a Grade IV Wastewater Treatment Plant Operator certificate issued by the State Water Resources Control Board (SWRCB).
- Possession of a valid Laboratory Analyst Grade 1 Certification from the California Water Environment Association.
- Obtain a Collection System Maintenance Grade 3 Certification from the California Water Environment Association within thirty-six (36) months of employment or the date of entry into the position.

*Note: The education requirement may be waived with four (4) or more years of experience performing the functions of a Wastewater Treatment Plant Operator while certified as a Grade III operator or above.*

**PHYSICAL DEMANDS**

Must possess mobility to work in and around standard wastewater collection systems and treatment plant facilities, and in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces, around machines and to climb and descend ladders, and to operate varied hand and power tools and equipment; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above-mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 100 pounds, and heavier weights with the use of proper equipment.

**ENVIRONMENTAL ELEMENTS**

Employees work partially indoors and partially in the field and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and hazardous physical substances, odors, and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

**WORKING CONDITIONS**

May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.

**TOOLS & EQUIPMENT USED**

Motor vehicle, heavy equipment, commercial rated vehicles, generators, pumps, gauges, common hand and power tools, shovels, wrenches, detection devices, mobile radio, telephone, calculator, and a variety of lab equipment.

**SELECTION GUIDELINES**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on \_\_\_\_\_

**CITY OF MORRO BAY  
 COMBINED SALARY SCHEDULE  
 FISCAL YEAR 2016-17**

TITLE	GROUP	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
ACCOUNT CLERK I	S	36,980	38,829	40,770	42,809	44,949	
COLLECTION SYSTEM OPERATOR I	S	36,980	38,829	40,770	42,809	44,949	
OFFICE ASST. III	S	36,980	38,829	40,770	42,809	44,949	
OFFICE ASST. IV	S	39,981	41,980	44,079	46,283	48,597	
ACCOUNT CLERK II	S	41,537	43,614	45,795	48,084	50,489	
COLLECTION SYS OPERATOR II	S	41,537	43,614	45,795	48,084	50,489	
CONSOLIDATED MAINTENANCE WRK II	S	41,537	43,614	45,795	48,084	50,489	
WATER SYSTEM OPERATOR I	S	41,537	43,614	45,795	48,084	50,489	
WASTEWATER SYSTEMS OIT	S	41,537	43,614	45,795	48,084	50,489	
WWTP OIT	S	41,537	43,614	45,795	48,084	50,489	
PERMIT TECHNICIAN	S	42,539	44,666	46,899	49,244	51,707	
ACCOUNT CLK III	S	44,487	46,711	49,047	51,499	54,074	
COLLECTION SYS OPERATOR III	S	44,487	46,711	49,047	51,499	54,074	
CONSOLIDATED MAINTENANCE WRK III	S	44,487	46,711	49,047	51,499	54,074	
WASTEWATER SYSTEM OP I	S	44,487	46,711	49,047	51,499	54,074	
WWTP OPR I	S	44,487	46,711	49,047	51,499	54,074	
ADMINISTRATIVE TECHNICIAN	S	45,273	47,537	49,914	52,409	55,030	
ADMINISTRATIVE UTILITIES TECH	S	45,273	47,537	49,914	52,409	55,030	
PERMIT TECHNICIAN - CERTIFIED	S	45,273	47,537	49,914	52,409	55,030	
SUPPORT SERVICES TECHNICIAN	S	45,273	47,537	49,914	52,409	55,030	
MECHANIC	S	46,721	49,057	51,510	54,086	56,790	
LEGAL ASSISTANT/DEPUTY CITY CLERK	C	49,079	51,533	54,110	56,815	59,656	
WATER SYSTEM OPERATOR II	S	49,488	51,962	54,560	57,289	60,153	
WASTEWATER SYSTEMS OP II	S	49,488	51,962	54,560	57,289	60,153	
WWTP OPERATOR II	S	49,488	51,962	54,560	57,289	60,153	
SUPPORT SERVICES COORDINATOR	C	51,346	53,913	56,609	59,439	62,411	
HARBOR PATROL OFFICER	S	51,618	54,199	56,909	59,754	62,742	
COLLECTIONS SYS LEADWORKER	S	51,767	54,355	57,073	59,927	62,923	

**CITY OF MORRO BAY  
 COMBINED SALARY SCHEDULE  
 FISCAL YEAR 2016-17**

TITLE	GROUP	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
CONSOLIDATED MAINT LW - STS/PARKS/FA	S	51,767	54,355	57,073	59,927	62,923	
ENGINEERING TECHNICIAN III	S	51,767	54,355	57,073	59,927	62,923	
WATER SYSTEM OPERATOR III	S	51,962	54,561	57,289	60,153	63,161	
WASTEWATER SYSTEMS OP III	S	51,962	54,561	57,289	60,153	63,161	
WWTP OPERATOR II/LAB ANALYST	S	51,962	54,561	57,289	60,153	63,161	
RECREATION SUPERVISOR	S	52,919	55,565	58,344	61,261	64,324	
ASSISTANT PLANNER	S	53,249	55,911	58,707	61,642	64,724	
ASSISTANT CIVIL ENGINEER	S	55,376	58,144	61,052	64,104	67,309	
BUILDING INSPECTOR	S	55,376	58,144	61,052	64,104	67,309	
ENGINEERING TECHNICIAN IV	S	55,376	58,144	61,052	64,104	67,309	
WASTEWATER SYSTEMS LEADWORKER	S	55,376	58,144	61,052	64,104	67,309	
WWTP LEADWORKER	S	55,376	58,144	61,052	64,104	67,309	
FIREFIGHTER	F	55,658	58,441	61,363	64,431	67,652	
HUMAN RESOURCES ANALYST	C	57,564	60,442	63,464	66,637	69,969	
SENIOR ACCOUNTING TECHNICIAN	C	57,564	60,442	63,464	66,637	69,969	
HARBOR BUSINESS COORD	S	57,641	60,523	63,550	66,727	70,063	
RECREATION COORDINATOR	S	57,641	60,523	63,550	66,727	70,063	
POLICE OFFICER	P	59,004	61,955	65,052	68,305	71,720	75,306
HARBOR PATROL SUPERVISOR	S	60,801	63,841	67,033	70,385	73,904	
FIRE ENGINEER	F	60,849	63,891	67,086	70,440	73,962	
ASSOCIATE CIVIL ENGINEER	S	61,972	65,070	68,324	71,740	75,327	
ASSOCIATE PLANNER	S	61,972	65,070	68,324	71,740	75,327	
BUILDING INSPECTOR/PLANS	S	61,972	65,070	68,324	71,740	75,327	
COLLECTION SYSTEM SUPERVISOR	S	61,972	65,070	68,324	71,740	75,327	
CONSOLIDATED MAINT FIELD SUPV	S	61,972	65,070	68,324	71,740	75,327	
WATER SYSTEM SUPERVISOR	S	61,972	65,070	68,324	71,740	75,327	
WWTP SUPERVISOR	S	61,972	65,070	68,324	71,740	75,327	
MANAGEMENT ANALYST	M	63,275	66,439	69,761	73,249	76,912	
POLICE DETECTIVE	P	61,955	65,052	68,305	71,720	75,306	79,072

**CITY OF MORRO BAY  
 COMBINED SALARY SCHEDULE  
 FISCAL YEAR 2016-17**

TITLE	GROUP	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
POLICE SCHOOL RESOURCE OFFICER	P	61,955	65,052	68,305	71,720	75,306	79,072
POLICE SENIOR OFFICER	P	61,955	65,052	68,305	71,720	75,306	79,072
POLICE CORPORAL	P	62,530	65,657	68,940	72,387	76,006	79,806
FIRE CAPTAIN	F	69,946	73,443	77,116	80,971	85,020	
WASTEWATER SYSTEMS SUPV	S	71,267	74,831	78,572	82,501	86,626	
BUDGET/ACCOUNTING MANAGER	M	74,002	77,703	81,588	85,667	89,950	
CAPITAL PROJECTS MANAGER	M	74,002	77,703	81,588	85,667	89,950	
CONSOLIDATED MAINTENANCE SUPERINTE	M	74,002	77,703	81,588	85,667	89,950	
ENVIRONMENTAL PROGRAMS MANAGER	M	74,002	77,703	81,588	85,667	89,950	
INFORMATION SERVICES TECHNICIAN	M	74,002	77,703	81,588	85,667	89,950	
TOURISM MANAGER	M	74,002	77,703	81,588	85,667	89,950	
POLICE SERGEANT	P	73,585	77,264	81,127	85,184	89,443	93,915
PLANNING MANAGER	M	81,404	85,475	89,748	94,236	98,947	
CITY CLERK / RISK MANAGER	M	81,800	85,890	90,185	94,694	99,428	
COMMUNITY DEVELOPMENT MANAGER	M	95,936	100,733	105,770	111,058	116,611	
UTILITY DIVISION MANAGER	M	95,936	100,733	105,770	111,058	116,611	
WASTEWATER DIVISION MANAGER	M	95,936	100,733	105,770	111,058	116,611	
POLICE COMMANDER	M	107,707	113,092	118,747	124,684	130,919	
DEPUTY CITY MANAGER	E	117,588	123,467	129,640	136,122	142,928	
COMMUNITY DEVELOPMENT DIRECTOR	E	117,588	123,467	129,640	136,122	142,928	
FINANCE DIRECTOR	E	117,588	123,467	129,640	136,122	142,928	
PUBLIC WORKS DIRECTOR	E	121,973	128,072	134,475	141,199	148,259	
ADMINISTRATIVE SERVICES DIRECTOR	E	121,973	128,072	134,475	141,199	148,259	
HARBOR DIRECTOR	E	124,248	130,460	136,983	143,833	151,024	sworn
FIRE CHIEF	E	124,248	130,460	136,983	143,833	151,024	sworn
POLICE CHIEF	E	124,248	130,460	136,983	143,833	151,024	sworn
ASSISTANT CITY MANAGER	E	126,790	133,130	139,786	146,775	154,114	
CITY MANAGER	E	160,000	160,000	160,000	160,000	160,000	



AGENDA NO: A-4

MEETING DATE: November 15, 2016

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** November 1, 2016  
**FROM:** Dana Swanson, City Clerk  
**SUBJECT:** Adoption of Resolution No. 74-16 amending the Advisory Board By-Laws regarding Absence from Meetings

## **RECOMMENDATION**

Staff recommends the City Council adopt Resolution No. 74-16 amending the Advisory Board By-Laws for each standing City advisory board regarding absence from meetings.

## **ALTERNATIVES**

1. The Council may direct staff to alter the proposed policy language.
2. The Council may choose not to adopt Resolution No. 74-16 and leave the current language regarding absence from meetings intact.

## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

## **BACKGROUND and DISCUSSION**

In 2002, the City Council adopted the Advisory Boards Handbook and By-Laws ("By-Laws") to ensure all advisory board members are familiar with and understand the City's policies regarding serving on an advisory board, and to establish consistency throughout the by-laws for all commissions and advisory boards.

The By-Laws have been amended over time to establish or clarify policies for each advisory board, that likely inadvertently resulted in inconsistencies related to absence from meetings.

Harbor Advisory Board and Planning Commission By-Laws currently state:

*Absence of a Board Member from three consecutive meetings or four meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.*

Public Works Advisory Board (PWAB), Recreation & Parks Commission, Tourism Business Improvement District (TBID) Advisory Board, and Citizens Oversight / Finance Committee By-Laws currently state:

*Absence of a Board Member from two consecutive meetings or three meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.*

In addition to the inconsistencies, staff notes the policy is unclear as to whether it applies to only

Prepared By: DS

Dept Review: \_\_\_\_\_

City Manager Review: DWB

City Attorney Review: JWP

regular meetings, or to both regular and special meetings. Lastly, it would be helpful to establish a process for advisory board members to request an excused absence when the need arises.

To address those issues and taking into consideration the varying meeting frequency of the various advisory boards, staff recommends the section related to Absence from Meetings in each advisory board's By-Laws be amended to read:

*Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant.*

*Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.*

### **CONCLUSION**

In the continued effort to establish clear and consistent City policies, staff recommends the adoption of Resolution No. 74-16 amending the Advisory Board By-Laws regarding absence from meetings.

### **ATTACHMENT**

1. Resolution No. 74-16

**RESOLUTION NO. 74-16**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
AMENDING THE CITY OF MORRO BAY ADVISORY BOARDS  
HANDBOOK AND BY-LAWS REGARDING ABSENCE FROM MEETINGS**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, to ensure all the City of Morro Bay's advisory board members are familiar with and understand the City's philosophies and policies regarding serving on an advisory board, and to establish consistency throughout the by-laws for all commissions and advisory boards, the City Council adopted the Advisory Boards Handbook and By-Laws on August 12, 2002; and

**WHEREAS**, the Advisory Boards Handbook and By-Laws for the City of Morro Bay (the "By-Laws") is a composite of the City Council actions, policies, references, and information regarding the City's advisory boards; and

**WHEREAS**, the current By-Laws for each advisory board do not contain clear and consistent language regarding advisory board member absence from meetings; and

**WHEREAS**, the City Council desires to amend the By- Laws to incorporate language set forth below and in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Morro Bay does hereby amend the By-Laws of each City advisory board to include the following language regarding Absence from Meetings:

*"Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting."*

**PASSED AND ADOPTED** by the City Council, City of Morro Bay at a regular meeting thereof held on the 15th day of November 2016 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

CITY OF MORRO BAY  
ADVISORY BOARDS  
HANDBOOK  
AND  
BY-LAWS

Date: ~~March 22, 2016~~ November 15, 2016

Approved by Resolution ~~18-1674-16~~

### *Mission Statement*

***The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.***

## **INTRODUCTION**

Welcome and thank you for your interest in serving on one of the City's Advisory Boards. By serving on one of Morro Bay's Advisory Boards, you can help plan and guide the City's future. It is important that members of the Advisory Boards understand the functions and responsibilities of a board member. We hope that you find serving on the City's advisory board personally satisfying, and in the process gain invaluable knowledge and experience.

The City of Morro Bay Municipal Code empowers the City Council to form boards and commissions to assist the City Council in legislating and managing the affairs of the City. From time to time citizen advisory committees are appointed to meet a specific topic and need. Their varied roles provide significant opportunities for formulating City policy and for creating public forums for meaningful community participation.

Consistent with the City's Mission Statement, advisory boards can help the City achieve its mission and purpose, which is to preserve and enhance the citizens of Morro Bay's quality of life. This Handbook shall serve as a guide to assist you in the sometimes-complex, but often rewarding, process of serving on one of the City's Advisory Boards. These advisory bodies assist the City Council in making better-informed decisions by formulating new ideas, information gathering, receiving public testimony and comments, analyzing complex issues, and making recommendations on specific projects and broad policy.

Advisory Boards advise the City Council and the City Manager on matters within their area of responsibility and interest; help focus attention on specific issues and problems within their scope of responsibilities, and recommend action and alternatives for Council consideration; act as channels of communication among City government, the general public, and interest groups; and balance community wants with municipal responsibility and resources.

At times, your role may be challenging and complex. Public opinion can be sharply divided, questions may overlap, and sometimes the province of one body may also be the territory of another. Therefore, we have created this handbook to assist you with some of the fundamental aspects of your new responsibility.

Much of the information in this handbook comes from City policy, such as the City's Municipal Code and the City Council Policies and Procedures Manual. In addition, State Law governs certain responsibilities of advisory body members. The material presented is intended to: (1) Give interested persons an understanding of why the City's advisory bodies have been established and how they function within the overall governmental framework and, (2) Summarize the roles, relationships and responsibilities of each advisory body member.

Each Advisory Board within the City has its own By-Laws. The By-Laws are included herein for your ease of reference. The sections of the Handbook are divided as follows:

1. General Information on Advisory Boards
2. FAQs
3. Background Information of City Government
4. The Brown Act
5. Political Reform Act of 1974 (Conflict of Interest)
6. Advisory Body Summary
7. Advisory Board By-Laws

We hope this handbook will answer many of your questions, get you off to a good start, and contribute to your satisfaction in serving the citizens of the City of Morro Bay.

# 1. General Information on Advisory Bodies

Advisory bodies are authorized by both the Morro Bay Municipal Code and the City Council.

Advisory boards provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. Advisory boards can improve the quality of City government by providing the Council with resources to make better-informed decisions. Because of the nature of various advisory boards, they can serve as the “eyes and ears” of the Council for issues and matters that otherwise might not receive attention. Other benefits of advisory boards include improvement in the lines of communication between the public and the Council, greater opportunities for discussion of public issues, and more citizen involvement in City government. There is considerable variety in the purpose or responsibility of these bodies. Advisory boards have been created by the City Council to serve the City of Morro Bay’s unique needs.

The authority of an advisory body will depend upon its specific purpose. Each has a specific focus and will make recommendations to the Council on issues related to that specific field. Decisions made by an advisory body may be appealed to the Council. The Council may not always accept the recommendation of an advisory body because of additional information available or a need to balance the recommendation with policy or community priorities.

Generally, advisory bodies are empowered only to make recommendations to the Council or to the City staff, unless specifically authorized by law or Council to do otherwise. There should be two-way communication so that commissions are aware of the long-term goals Council has adopted, and the advisory body is able to present new ideas to the Council. Advisory board members are encouraged to attend and/or watch Council meetings.

Members of the advisory boards are volunteers who are appointed by the City Council and serve at the pleasure of the City Council. There is no compensation or benefits for board members, except for Planning Commission, whose responsibilities are greater and meetings more frequent. All members are expected to attend scheduled advisory board meetings and all meetings shall be conducted in accordance with Robert’s Rules of Order, City Council Policies and Procedures Manual and State Law.

As used herein references to advisory board shall include commission and committee. Currently, the City of Morro Bay has seven advisory boards:

- Harbor Advisory Board
- Public Works Advisory Board
- Recreation and Parks Commission
- Tourism Business Improvement District Board
- Planning Commission
- Citizens Oversight Committee/Finance Committee

## 2. Frequently Asked Questions

### A. HOW ARE ADVISORY BOARD MEMBERS CHOSEN?

#### ◆ **APPLICATION AND SELECTION PROCESS**

- All recruitment for advisory board members is open and published in a local newspaper. The City accepts applications from interested persons throughout the year.
- Applicants will be sought from all segments of the community, representing various interests and groups.
- Appointment is made by the City Council. Each application is carefully reviewed by the City Council.
- Members serve at the pleasure of the City Council.
- Incumbents are considered for reappointment at the conclusion of their terms.
- Terms are four years, commencing on February 1<sup>st</sup>, and the terms are staggered.

#### ◆ **HOW DO I GET AN APPLICATION?**

- Applications may be obtained from the City Clerk's office at City Hall. Information on vacancies and/or specific recruitment periods may be requested by phoning the City Clerk. An official application form must be completed for each position.

#### ◆ **ARE THERE ANY TIPS TO IMPROVE MY CHANCES OF BEING APPOINTED?**

- Fill out a separate form for each advisory board in which you are interested. It is to your advantage to tailor each application to the specific board or commission for which you are applying. Emphasize different aspects of your background to match those needed for a particular advisory board.
- Emphasize your talents. Clearly indicate how your particular talents, skills, training, or experience will benefit the advisory board for which you wish to be considered.
- Become familiar with the appropriate advisory board. Attend meetings, talk with advisory board members, or read documents they have developed to acquaint yourself with their work. Talk with the department head responsible for staffing the specific advisory board in which you are interested.

## **B. QUALIFICATIONS FOR SERVICE**

Advisory board members may be required to wear "different hats" at different times. The ability to suitably perform the varied roles requires specialized skills and knowledge. Qualification for service can be divided into four general areas:

### **◆ LONG-RANGE INTEREST IN THE COMMUNITY**

The ability to conceive and be concerned with the impact of current decisions on future citizens is paramount. Advisory board members are required to analyze issues, to listen to public comment through formal hearings or informal discussion, to interpret and apply mandates of the General Plan, and to analyze all the pertinent data before arriving at objective decisions which will be in the best interest of the community as a whole.

### **◆ FAIRNESS, COMMON SENSE, HONESTY AND GOOD CHARACTER**

Keeping the public interest in mind, a board member will be called upon to use every day good sense in balancing the need of public and private groups. Controversial issues do arise, and the ability to make decisions based on merit rather than personalities is a must. Other traits include imagination, flexibility and the ability to act in a judicial vs. legislative capacity.

### **◆ KNOWLEDGE OF THE COMMUNITY MARKETPLACE, PROCESS, OBJECTIVES, AND LAWS**

A first-hand knowledge of economic systems, the general operation of government, and a basic understanding of the legal process is important. This knowledge will be of tremendous value when board members are required to conduct public hearings, analyze and receive testimony and make meaningful decisions.

### **◆ TIME TO SERVE IN APPOINTED CAPACITY**

The amount of time an advisory board member devotes to his/her duties varies with each advisory board. Before making a personal commitment, a prospective applicant should honestly evaluate whether he/she has adequate free time to attend the meetings, to review and be familiar with meeting materials, and to communicate with the public as well as with department staff.

**C. STATEMENTS OF ECONOMIC INTERESTS / CONFLICT OF INTEREST**

Members of any advisory board are required to file Statements of Economic Interest. Additionally, advisory board members are required to refrain from participation in matters where they have the potential for conflict of interest. (See Section 5 for the City's policy on Conflict of Interest)

### 3. Background Information on City Government

The City of Morro Bay is a general law city and became incorporated in 1964 and operates under the laws of the State of California.

The City Council, City Manager, City Clerk and City Attorney are integral to the day-to-day operations of the City. As such, we have included a summary of the City government's main function for your information and reference.

a. City Council:

The City Council is elected by a majority vote by the citizens of Morro Bay. The City Council is the governing body of the City and is made up of the Mayor and four council members. The City Council is accountable to the citizens of Morro Bay. The decisions of the City Council are reached by a majority vote.

The City Council formulates policy, approves programs, appropriates funds and establishes local taxes and assessments. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are compiled in the City's Municipal Code.

b. City Manager:

The City Manager is the administrative head of the government of the City. The City Manager is appointed by the City Council, and serves at its pleasure. The City Manager's duties include implementation of policies and procedures initiated by the City Council. The City Manager also is responsible for all City personnel, except as to the City Attorney, and serves as a liaison to each board, unless otherwise noted in the Board By-Laws.

c. City Clerk:

The City Clerk's duties include, but are not limited to: recording, writing and maintaining Council proceedings, conducting municipal elections, publishing ordinances and resolutions and other official City documents, storing and indexing official documents and City records for retrieval, administering Conflict of Interest disclosures, and serving as the custodian of the seal of the City.

d. City Attorney:

The City Attorney is appointed by the City Council. The City Attorney advises the City Council and City Officers (in their official capacity) in legal matters, attends all Council meetings and some board meetings, represents the City in legal actions and proceedings, and retains, supervises and monitors outside legal counsel. The City Attorney also approves all bonds and contracts made by the City, prepares ordinances and resolutions as required by the Council and prosecutes violations of the City's Municipal Codes and Ordinances.

## 4. The Brown Act

This is a mere glimpse of the Brown Act. A more detailed Brown Act and Political Reform Act Booklet is available to the advisory board through the City Attorney's office.

### a. The Brown Act.

The general purpose of the Brown Act is to aid in the conduct of the people's business. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not for the people to know. Therefore, it is the intent of this Act that the actions and deliberations of all local agencies be taken openly, including deliberations and collective discussion involving the examination, weighing and reflection on the reasons for or against a choice. It also includes the exchange of facts preliminary to the ultimate decision.

Generally, all meetings of City boards, commissions, committees and groups are to be open and public and all persons are to be permitted to attend any meeting. Under certain *strict* circumstances, closed session meetings are permitted.

Brown Act Compliance is absolutely required. We encourage you to carefully review the Brown Act Booklet which is available through the City Attorney's Office which describes in detail the Brown Act.

## 5. Political Reform Act (Conflicts of Interest)

### A. Background

The Political Reform Act (Government Code sections 81000, et seq.) was approved by the voters of the State of California and is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests which could foreseeably cause conflicts. In addition, a public official may be required to disqualify himself/herself from making, participating in, or attempting to influence any government decision which will affect any of his/her financial interests, not just those that are required to be disclosed. The City's Brown Act and Political Reform Act Booklet explains in more detail what a conflict of interest is, and when the law requires disqualification. In addition, the Fair Political Practices Commission is available for advice.

Under the Political Reform Act, no public official may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision if he or she knows or has reason to know that he or she has a financial interest. (Government Code Section 87100). A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on one or more of his or her economic interests. (Government Code Section 87103; 2 Cal. Code of Regs. Section 18700 (a)).

The term "financial interest" denotes a conclusion that a public official has a financial interest in a decision if it is concluded that it is reasonably foreseeable that the decision will have a material financial effect on his or her economic stake greater than that of other citizens. The term "economic interest" is a label applied to the particular types of stakes recognized by the Act as potential sources of a conflict of interest. There are specific types of economic interest recognized by the Act, as such, we direct you to carefully review the Brown Act and Political Reform Act Booklet which is available from the City Attorney's Office and/or visit the Fair Political Practices Commission Web page for more detailed information.

### B. City Policy Regarding Conflicts of Interests

Because the City of Morro Bay is a small, closely knit community it is imperative that the citizens have trust and confidence in City government. Therefore, the City has adopted this public policy to prevent any possibility of conflict that may arise.

Generally stated, any elected or appointed official has a conflict of interest if he or she has a financial interest in a project before the City and/or when compensation is received from anyone seeking approvals from the City. There are some exceptions but, generally, elected or appointed officials are prohibited from voting on projects where a conflict exists. A conflict of interest also occurs when officials live within a certain distance from a project (usually 500 feet). Even if a legal conflict does not exist, it may be inappropriate to participate in a decision for personal reasons to avoid even the appearance of a conflict of interest. As an example, there

could be a conflict if your good friend has a matter before your board, and you do not feel that it would be appropriate for you to voice an opinion in your "City" capacity. While the latter case is not defined by the Fair Political Practices Commission as a conflict, it could be perceived as a conflict, and then stepping down is appropriate.

It is the policy of the City, in addition to strictly adhering to the FPPC rules, all elected and appointed officials conduct themselves in a manner that does not raise a reasonable perception or belief that there is a conflict of interest or an abuse of your position. All board and commission members should avoid the appearance of conflict at all costs.

If you step down from the dais and refrain from voting on an issue, then you are not precluded from speaking as an individual. Your presentation, however, must be made from the floor, at the microphone with the rest of the public. You should state for the record that you are speaking as an *individual*. Many times in the past, Council Members and advisory board members have stepped down from their official position at the dais when projects are presented in which there may be the potential for conflict of interest. That provides the opportunity to present your views as an *individual* on any matter before any City body.

## 6. ADVISORY BOARD BY-LAWS

The City Council has approved the rules and regulations (referred to herein as By-Laws) to set forth their purpose, procedures, and specific issues such as their functions, meeting dates, officers, vacancies and budgets.

All advisory board meetings will be conducted in strict compliance with Robert's Rules of Order, the City Council Policy and Procedures and State Law. For more detailed information, we suggest you review the City Council's Policies and Procedures Manual.

Attached hereto are the applicable By-Laws for all of the City of Morro Bay's Advisory Boards.

# **CITY OF MORRO BAY HARBOR ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Harbor Advisory Board is established to review, advise and recommend to the City Council on items pertaining to the City Harbor. These include, but are not limited to:

- A. Use, control, promotion and operation of vessels and watercraft within the harbor, docks, piers, slips, utilities and publicly-owned facilities as a part of the City's Harbor, and water commerce, navigation, or fishery in the Harbor.
- B. Review and recommend rules and regulations pertaining to any of the matters listed in subsection A of this section.
- C. Review and recommend rates, tolls, fees, rents, charges or other payments to be made for use or operation of the Harbor.
- D. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on matters relating to activities within the harbor. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

## **APPOINTMENT**

The Harbor Advisory Board shall be comprised of seven voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Harbor Advisory Board members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Commercial Fishermen's Association
- Waterfront Leaseholders
- Marine Oriented Business
- Recreational Boating
- Representative of South Bay/Los Osos
- Two Members at Large

However, the City Council and Harbor Advisory Board recognize the importance of the Morro Bay Commercial Fisherman's Association (MBCFO) seat, and acknowledge that it is often difficult for commercial fishermen serving on the HAB to meet the attendance requirements due to the nature of their business. As such, up to two (2) Alternate MBCFO members to the Primary member may be appointed by the City Council in the same manner and fashion as regular appointments in order to stand-in for the Primary member in the event of the Primary member's absence.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

~~Absence of a Board Member from three consecutive meetings or four meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.~~

Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the

remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Harbor Advisory Board.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

These advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term “City Council” shall mean the “Harbor Advisory Board”, the term “Mayor” shall mean “Chairperson” and the term “Council Member” shall mean “Harbor Advisory Board Member”. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by “Robert's Rules of Order,” revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Harbor Advisory Board shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Communication between the Harbor Advisory Board Members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Harbor Advisory Board business and shall attend the Harbor Advisory Board meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY PUBLIC WORKS ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Public Works Advisory Board is established to review, advise and recommend to the City Council on items pertaining to Water, Waste-water, Streets, Recycling, and Solid Waste, Cable Television, Telecommunications, Trees, Transportation and other issues related to Public Services Department responsibilities.

The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

## **APPOINTMENT**

The Public Works Advisory Board shall be comprised of seven voting members, all of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. The Public Works Advisory Board members shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

~~Absence of a Board Member from two consecutive meetings or three meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.~~

Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Advisory Board.

## **PROCEDURE**

Regular meetings shall be held every month on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

These advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board", the term "Mayor" shall mean "Chairperson" and the term "Council Member" shall mean "Public Works Advisory Board Member". In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Public Works Advisory Board shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Public Works Advisory Board members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to the Public Works Advisory Board business and shall attend the Public Works Advisory Board meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY RECREATION AND PARKS COMMISSION BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Recreation and Parks Commission is established to provide the following:

- A. Act in an advisory capacity to the City Council in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and civic groups in the advancement of sound recreation and parks planning and programming. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.
- B. Formulate policies on recreation services, parks and open space for approval by the City Council.
- C. Recommend to the City Council the development of recreational areas, parks, facilities, open spaces, programs, and improved recreation services.
- D. Recommend to the City Council the adoption of rules, regulations and standards concerning recreation and parks in respect to organization, personnel, areas and facilities, program and financial support.
- E. Advise the Recreation and Parks Director in the preparation of the annual parks maintenance, park improvement and recreation budgets and long-range recreation and parks facilities improvements.
- F. Hold public hearings and meetings to conduct investigations and surveys for the purpose of securing facts and data concerning parks and public recreation.

## **APPOINTMENT**

The Recreation and Parks Commission shall be comprised of seven voting members, five of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Five of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

~~Absence of a Board Member from two (2) consecutive meetings or three (3) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.~~

Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Commission.

## **PROCEDURE**

Regular meetings shall be held every month, except the months of February, June, October and December, on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code

Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All Commission meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Commission", the term "Mayor" shall mean "Chairperson" and the term "Council Member" shall mean "Commissioner". In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Commission shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Commission members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Commission business and shall attend the Commission meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Morro Bay Tourism Business Improvement District (MTBID) Advisory Board (the “Board”) advises the City Council on the administration and use of the MTBID assessment funds. The Board recommends projects to the City of Morro Bay to promote tourism to directly benefit the City’s lodging industry.

The primary purpose of the MTBID is to increase occupancy and room nights across all lodging types (motel, hotels, bed and breakfast) that pay the business improvement assessment, along with transient occupancy tax (TOT) within the City while placing particular emphasis on marketing that positively impacts the lodging.

## **APPOINTMENT**

The Board shall be comprised of seven voting members. Appointments and the filling of vacancies shall be made by the City Council. The Board members shall serve at the pleasure of the City Council. Because of the diversity among assessment district members represented by the Board including local, regional and national lodging industry interests, it is neither practical nor advisable to limit Board membership to City residents. Accordingly, membership on the Board shall be exempt from residency requirements otherwise applicable to other City advisory boards. In addition, a member of the Board may not sit on any other City advisory board.

## **TERMS OF OFFICE**

Members of the Board shall serve, without compensation, for a period of four years. Appointments shall be made in such a manner such that no more than three members’ terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only. If a vacancy is within the last 6 months of a term, then it will be held over to the normal interview process.

## **QUALIFICATIONS**

The Board shall consist of five members from the Morro Bay lodging industry and two members from the community at large.

The five members from the lodging industry shall consist of three members representing hotels “at large” (no specific number of rooms), and two other positions shall give preference to a

member representing lodging rooms of less than 22 rooms and one member representing 50 or less rooms (single hotel or cumulative representation), respectively. If no preferential applicant from a small or large hotel – as defined above – apply, then the seat shall be made available to applicants at an “at large” hotelier representative basis.

The community “at large” members shall be residents and registered voters of the City during the term of appointment.

Each member must be at least 18 years of age at the time of appointment and may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **FUNCTIONS AND DUTIES**

The functions and duties of the Board shall include, but not be limited to, the following:

1. Plan a comprehensive program to promote tourism to the City of Morro Bay and prepare an annual marketing program consistent with industry goals and objectives.
2. Develop advertising and promotional programs and projects to benefit the lodging industry in Morro Bay
3. Present an annual assessment report to the City Council regarding the implemented promotional programs and projects.
4. Perform any other lawful tasks as directed by the Council.

## **ABSENCE FROM MEETINGS**

~~Absence of a Board Member from three consecutive meetings or three meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.~~

Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chair and Vice-Chair of the Board as well as any presiding officers shall be hoteliers. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, the Vice-Chairperson

shall perform duties of the office. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Board.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

These advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term “City Council” shall mean the “Board”, the term “Mayor” shall mean “Chairperson” and the term “Council Member” shall mean “Board Member”. In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by “Robert’s Rules of Order,” revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the advisory board shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Communication between the Board members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to the Board business and shall attend the Board meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# CITY OF MORRO BAY PLANNING COMMISSION BY-LAWS

## PURPOSE AND AUTHORITY

The Planning Commission is established in accordance with the provisions of Government Code Sections 65100, *et seq.* The functions of the Planning Commission shall be as follows:

- A. To develop and periodically review, a general plan and recommend its adoption or any revisions to the city council;
- B. To maintain and implement the general plan after its adoption by the city council;
- C. To develop specific plans as may be necessary to implement the general plan;
- D. To periodically review the capital improvement program of the city for its consistency with the general plan, and forward recommendations to the city council;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- F. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it;
- G. To perform such other functions as the city council may direct.

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the planning commission shall act in the public interest and serve in an advisory capacity to the city council on all matters pertaining to the planning function;
- B. Cooperate with other city boards and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the city;
- C. Formulate policies on planning services for recommendation to the city council;
- D. Upon the request of the City Council, hold a joint meeting with the city council twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation. The city clerk shall in January of each year bring forth an agenda item to the city council to schedule the two joint meetings;
- E. Recommend to the city council the adoption of standards with respect to organization, personnel, facilities, programs and financial support of the planning commission;
- F. Disseminate to the public information concerning the policies and functions of the planning commission.

## **APPOINTMENT**

The Planning Commission shall consist of five voting members and they shall be qualified electors and residents of the City. Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members of the Planning Commission shall be appointed by and serve at the pleasure of the City Council. Terms shall be for a period of four years; vacancies shall be filled for the unexpired term only. Two-year short terms may be established to stagger terms. Expiration dates of specific terms shall be established by resolution of the City Council.

## **QUALIFICATIONS**

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

~~Absence of a Commissioner from three consecutive meetings or four meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.~~

Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, then the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Commission.

## **PROCEDURE**

Regular meetings shall be held twice a month on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All Commission meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Commission", the term "Mayor" shall mean "Chairperson" and the term "Councilmember" shall mean "Commissioner." In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Commission shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Commission members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Commission business and shall attend the Commission meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY  
CITIZENS OVERSIGHT COMMITTEE  
ACTING IN THE CAPACITY OF A CITIZENS FINANCE  
COMMITTEE**

**PURPOSE AND AUTHORITY**

The Citizens Oversight Committee was established in accordance with the provisions of Morro Bay Municipal Code Section 3.22.120 as a result of Measure Q. The functions of the Citizens Oversight Committee shall be to semi-annually review revenues and expenditures from the collection of tax and present its findings and conclusions to the City Council no later than the last day of the sixth month following the end of each City fiscal year.

The purpose of the functions of the Citizens Oversight Committee acting in the capacity of a Citizens Finance Committee shall be an advisory body to the City Council. (Hereinafter when this policy refers to “the Committee” it shall be a reference to the Citizens Oversight Committee acting in the capacity of the Citizens Finance Committee. The Committee will review financial documents, and make recommendations, in general, regarding the review of financial information provided to them, concerning the annual budget and mid-year budget review.

**MISSION STATEMENT**

The role of the Committee is to provide citizen input to the City Council and staff, regarding financial policy or process issues, including audits, financial budgets, contract expenditures and financial reports. In addition, the Committee’s role is to help promote citizen participation with, and understanding of, governmental financial information and processes, such as the financial documents, audits, and budgets, as well as the financial condition of the City.

**DUTIES**

1. Annual review of independent financial audit, with recommendations, as appropriate.
2. Annual review of contract expenditures, with recommendations, as appropriate.
3. Review existing budget document to determine long-term financial sustainability, and make recommendations, as appropriate.
4. Review and provide comments on the mid-year budget reports prior to presentation to City Manager.
5. Review annual budget prior to presentation to the City Council, and make recommendations, as appropriate.
6. Special financial projects, as directed by the City Council, City Manager or City Treasurer.

7. Propose/recommend additional financial areas of study to the City Council.
8. All recommendations are to be provided to the City Council, in writing, unless otherwise requested, on no less than a semi-annual basis.
9. Submit an annual work program to the City Council review and approval.
10. The Citizens Oversight Committee shall review a semi-annual expense report of the City relative to activities funded with the additional general purpose local sales tax monies and present its findings and conclusions to the City Council for its review no later than December 31<sup>st</sup> each year.

## **APPOINTMENT AND TERMS OF OFFICE**

The Committee shall have seven citizen-members appointed by the City Council for six year terms with initially three members serving three years, and four members serving six years. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

All Committee Members must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

~~Absence of a Committee Member from two (2) consecutive meetings or three (3) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.~~

Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. Requests for excused absences must be submitted to the City Council in writing prior to the absence to allow sufficient time for review and approval at a regular Council meeting.

## **ORGANIZATION**

At the first regular meeting every two years wherein newly appointed members are seated, the members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of two years. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, the Vice-Chairperson shall perform duties of the office. If both the Chair and Vice-Chair are absent, then the

remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All Committee meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Committee", the term "Mayor" shall mean "Chairperson" and the term "Council Member" shall mean "Committee Member". In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Committee members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Treasurer shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

**RESOLUTION NO. 75-16**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA,  
AFFIRMING COUNCIL'S INTENT TO DIRECT PRINCIPAL PAYMENTS FROM THE SALE OF  
REAL PROPERTY AT 2783 CORAL AVENUE TO PAY DOWN DEBT RELATED TO  
CONSTRUCTION OF THE FIRE ADMINISTRATION BUILDING**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City of Morro Bay (City) acquired real property, approximately one acre of vacant land, located at 2783 Coral Avenue, further identified as Assessor's Parcel Number (APN) 065-386-015 (Property); and

**WHEREAS**, the Property was dedicated to the City for fire station purposes in association with the Cloisters residential subdivision; and

**WHEREAS**, the City subsequently determined that site was not well suited for a fire station, and the City Council directed sale of the Property; and

**WHEREAS**, on July 12, 2016, City Council approved a Sale Agreement (Resolution No. 59-16) and subsequently on September 14, 2016, approved the First Amendment to Sale Agreement for the Property; and

**WHEREAS**, on October 11, 2016, Staff presented a recommendation to City Council for use of the principal payment associated with the subject sale of the Property, in concert with the Citizens Oversight/Finance Advisory Committee (CFAC) recommendation for same, to pay down the 2011 United States Department of Agriculture (USDA) Certificate of Participation (Loan) for the construction of the Fire Administration Building.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California:

1. Except as otherwise stated herein, the City Council directs the proceeds of the principal payment from the sale of the Property shall be used to pay down the Fire Administration Building Loan.
2. When those proceeds are available to the City, City staff will have CFAC review that use within the context of the then current economic and fiscal conditions, prior to transmittal of those proceeds to pay down the Loan.
3. If CFAC recommends utilization of those proceeds for purposes other than paying down the Loan, then City staff will bring an agenda item forward for Council consideration.
4. The City Council may, at its pleasure, review the CFAC recommendation and adjust the direction set forth in this Resolution.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 15<sup>th</sup> day of November, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk



AGENDA NO: A-6

MEETING DATE: November 15, 2016

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** November 2, 2016  
**FROM:** Eric Endersby, Harbor Director  
**SUBJECT:** Adoption of Resolution No. 76-16 Approving Amendment #1 to the Lease Between the City of Morro Bay and GAFCO, Inc. doing business as Great American Fish Company, Located at 1185 Embarcadero

## RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 76-16, approving Amendment #1 to the current lease for Lease Site 110W-112W and a portion of 111.5W.

## ALTERNATIVES

Council may elect not to approve Resolution No. 76-16 for the proposed lease amendment, and direct staff accordingly.

## FISCAL IMPACT

Moderate positive fiscal impact is anticipated when the new fish market is built and generating revenue from this site, as this site does generate percent gross rent above the minimum annual rent.

## BACKGROUND

The original 20-year lease with GAFCO for this site was inaugurated in 2005 with a 2025 expiration.

Three previous purported amendments to this lease were approved and executed, but are now null and void. The lease site improvements described in those amendments as – demolition and reconstruction of two restrooms to ADA standards, construction and installation of a new dock fronting the lease site and gangway to access it, new walk-in refrigeration/freezer units, and interior booth, window and permanent furnishing upgrades – have been completed. The final phase of lease site improvements described in those amendments – construction of a fish market and outdoor public view deck on the southern portion of the lease site – have current and effective California Coastal Commission and City land use permits and the lessee is preparing to complete them pursuant to the proposed lease amendment.

## DISCUSSION

With input from the City Council, in consideration of the lease site improvements undertaken and being undertaken by the lessee, staff have, over the past ~12 months, negotiated with GAFCO owner, George Leage, Amendment #1 to the lease agreement. Highlights of this amendment are:

1. Ten years added to the lease term in consideration of a minimum expense of \$143,000 on the completed improvements as previously outlined.
2. Fifteen years added to the lease term in consideration of the proposed and permitted fish market and public view deck improvements upon completion with minimum required expenses of \$783,500.

Prepared By: EE      Dept Review: EE  
City Manager Review: DWP      City Attorney Review: JWP

3. Lease restriction incorporating the Coastal Commission permit conditions into the lease.
4. The section in the existing lease with the original and now defunct improvement construction language is deleted.

All other terms and conditions in the lease remain in full force and effect. While not expressly stated in the lease or the proposed lease amendment, because the Conditional Use Permit that approved the subject improvements, completion of those improvements will trigger the lessee's final payment obligation toward the Harborwalk project.

### **CONCLUSION**

Approval of the proposed resolution and lease amendment will bring this site to its full build-out potential in a Measure D-compliant manner. The lease years granted in consideration of the already and to be provided improvements are consistent with other recent lease activities.

### **ATTACHMENTS**

1. Resolution No. 76-16
2. Amendment #1 to the current Master Lease Agreement
3. Overhead photo of lease site

**RESOLUTION NO. 76-16**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
APPROVING AMENDMENT #1 TO THE LEASE AGREEMENT FOR  
LEASE SITE 110W-112W AND A PORTION OF 111.5W  
BETWEEN THE CITY OF MORRO BAY AND  
GAFCO, INC LOCATED AT 1205 EMBARCADERO**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City of Morro Bay is the lessor of certain properties on the Morro Bay Waterfront described as City Tideland leases and properties; and

**WHEREAS**, GAFCO, Inc., is the lessee of Lease Site 110W-112W and a portion of 111.5W and is a tenant in good standing; and

**WHEREAS**, in accordance with the City's Master Lease Policy, the City and lessee have negotiated and agreed to Amendment #1 to the lease agreement for Lease Site 110W-112W and a portion of 111.5W, located at 1205 Embarcadero.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, as follows:

1. The attached Amendment #1 for Lease Site 110W-112W and a portion of 111.5W is hereby approved.
2. The Mayor is hereby authorized to execute said Lease Amendment.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 15<sup>th</sup> day of November, 2016 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

AMENDMENT #1 TO LEASE AGREEMENT FOR LEASE SITE 110W-112W AND A  
PORTION OF 111.5W

This Amendment #1 (“this Amendment”) is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the City of Morro Bay, a municipal corporation of the State of California (hereinafter “CITY”) and GAFCO, Inc., a California corporation, dba Great American Fish Co. (hereinafter “TENANT”) to amend that certain lease agreement for Lease Site 110W-112W and 111.5W (hereinafter the “Lease”) between CITY and TENANT dated July 1, 2005.

Whereas, the Lease currently terminates on June 30, 2025; and

Whereas, TENANT planned long-term improvements on the Lease Site pursuant to CUP# UPO-058 (the “CUP”) including demolition and reconstruction of two restrooms, construction and installation of a new floating dock and gangway, and installation of a new heating and air conditioning system (“Phase 1”), and construction of a fish market and public view deck (“Phase 2”); and

Whereas, TENANT and CITY acknowledge the three previous amendments to the Lease were purportedly approved and executed but are now null and void; and

Whereas, TENANT completed the Phase 1 improvements, with agreed-upon modifications consisting of electrical, interior, refrigeration and window tinting in lieu of the heating and air conditioning systems, in a total amount of investment above the originally agreed-upon amount of \$143,000, which amount was confirmed in documentation provided by TENANT; and

Whereas, TENANT intends to complete Phase 2 in accordance with the CUP.

NOW THEREFORE, CITY and TENANT do mutually agree to the following:

1. Section 1.01 of the Lease is amended so the term of the Lease is extended for a period of ten years through June 30, 2035, unless terminated sooner as provided in the Lease, for completion of the Phase 1 improvements as set forth in CUP, and (ii) for an additional fifteen years, through June 30, 2050, unless terminated sooner as provided in the Lease, conditioned on the timely and satisfactory completion of the Phase 2 improvements, as outlined in Section 13.01, below.

2. Sections 13.01 of the Lease is hereby amended in its entirety to read as follows:

**Section 13.01 Construction of Fish Market and View Deck Improvements**

CITY and TENANT agree TENANT will construct the Phase 2 fish market and public view deck improvements on the Premises as outlined in the CUP and valued at a minimum of \$783,500, in hard and soft construction costs, as estimated by TENANT (the "Improvements"). Failure of TENANT (i) to comply with the below schedule, (ii) complete the Improvements, (iii) comply with all conditions of the CUP, as evidenced by a Final Inspection/Occupancy approval as required by CITY, acting in its governmental capacity, or (iv) provide proof of expenses as evidenced by copies of invoices by the proscribed timeline, reasonably acceptable to CITY'S Harbor Director shall be a material default of the Lease by TENANT and authorize CITY to utilize any or all of the remedies outlined in Article 11 herein, including termination of the Lease.

TENANT further agrees to:

- A. Submit a complete application to CITY'S Community Development Department for final CUP amendment/approval as necessary for the Improvements no later than December 31, 2016, and obtain a building permit from CITY, in its governmental capacity, for the Improvements as reasonably practical thereafter, but in no event later than October 1, 2017.
- B. Keep the building permit in effect from the date of issuance and begin actual construction no later than 90 days after issuance of the building permit; provided, that construction will be considered to have begun upon satisfactory completion of the foundation and piling work portion of the Improvements, as evidenced by inspection approval of that portion of Improvements from CITY, acting in its governmental capacity.
- C. Complete construction and obtain Final Inspection/Occupancy approval no later than November 1, 2018.

During construction of improvements, TENANT shall take all appropriate measures necessary not to cause:

- A. Any pollution of the atmosphere or littering of land or water by or originating in or about the Premises or resulting from any of TENANT'S construction activities,
- B. The noise emanating from the Premises to exceed levels as proscribed in the Morro Bay Municipal Code,
- C. Any pollutants, including, but not limited to, petroleum products, from entering Morro Bay waters,
- D. Storage of materials or equipment anywhere except on the Premises or as otherwise allowed pursuant to an Encroachment Permit issued by CITY,

- E. Excessive use of public parking spaces for contractor parking of passenger vehicles, as reasonable determined by CITY'S Harbor Director,
- F. Traffic delays or impairment without prior consent of CITY and
- G. The construction site to be maintained in an unsightly, unorderedly and unsafe manner at all times.

TENANT and CITY acknowledge the permit needed from the California Coastal Commission and Precise Plan Permit needed from CITY, in its governmental capacity, as well as other entities, for construction of the Improvements pursuant to the CUP have been obtained and are still effective (and subject to amendment). It is TENANT'S obligation to fully investigate the issues and costs in obtaining the required CITY Building Permit, to be issued in CITY'S governmental capacity. Failure to obtain any and all required permits and approvals for construction of the Improvements shall not be a reason for failure to comply with this Section.

TENANT acknowledges construction of the Improvements pursuant to the CUP will require an evaluation of the adequacy of the existing revetment and seawall by a qualified engineer to insure structural integrity sufficient to support the Improvements. TENANT shall be required to make repairs to the revetment and seawall, if any are required, as determined by the structural adequacy evaluation and the standards of the City Engineer.

TENANT further acknowledges the CUP and construction of the Improvements may require repair or replacement of all or portions of all docks, existing buildings, access ways, sidewalks, drainage systems and other improvements on Premises to meet the standards of the City Engineer. TENANT agrees to provide building plans that meet those standards during the review and revision of Final Building Plans prior to issuance of a Building Permit for the construction of the Improvements. TENANT further agrees to make those required repairs and replacements.

**Lease Restriction:** In consideration of the issuance of the Amended Coastal Development Permits (CDP) 3-08-025-A1 and 3-08-025-A2, TENANT and CITY agree all of the terms and conditions of said Amended CDPs 3-08-025-A1 and 3-08-025-A2 (Attached as Exhibit A) are conditions of the Lease. TENANT and CITY agree not to modify or amend any portion of the Lease consisting of the conditions of Amended CDPs 3-08-025-A1 and 3-08-025-A2 without the prior written approval of the Executive Director of the Coastal Commission. TENANT and CITY also agree to include the conditions of Amended CDPs 3-08-025-A1 and 3-08-025-A2 in any future lease on the Premises.

- 3. Section 13.03 of the Lease is hereby deleted and no further force of effect.
- 4. Except at expressly stated herein, all terms and conditions of the Lease remain in full force and effect.

5. The effective date of this Amendment shall be the date it is signed on behalf of CITY, as long as it has also been signed on behalf of TENANT.

**IN WITNESS WHEREOF**, the parties hereto hereby execute this Amendment.

CITY OF MORRO BAY

TENANT

By: \_\_\_\_\_  
Jamie L. Irons, Mayor

By: \_\_\_\_\_  
George Leage, President

APPROVED AS TO FORM:

\_\_\_\_\_  
Joseph W. Pannone, City Attorney

ATTEST:

\_\_\_\_\_  
Dana Swanson, City Clerk



EXHIBIT A

California Coastal Commission

# COASTAL DEVELOPMENT PERMIT

## CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

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Coastal development permit (CDP) number 3-08-025 was approved by the California Coastal Commission on June 10, 2009 and subsequently amended on November 15, 2012 (CDP amendment number 3-08-025-A1). CDP 3-08-025 provides for the renovation and redevelopment of three existing commercial business and related boating facilities spanning 22 lease sites including demolition of floating docks, the "Thai Boat" restaurant, "Virg's Tackle Shop", shed, and ancillary structures, and construction of a two-story commercial visitor-serving mixed use structure (Virg's), new commercial boating finger slips (Virg's and Harbor Hut), new marine fuel tanks, new restaurant/fish market expansion (GAFCO), side-tie dock and live bait receiver bins (Virg's), ancillary structures (e.g., pilings, framing, stairs, gangways, etc.), and public access improvements, including 8' wide public floating dock, gangways, ADA compatible lift, rooftop deck, and outdoor seating area. CDP amendment 3-08-025-A1 modified the lease restriction requirements of the original permit in order to incorporate the permit conditions into the City's lease agreement for the property. CDP 3-08-025, as amended, is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this CDP.

As of April 24, 2012, all of the amended CDP's prior to issuance requirements have been met, and the amended CDP can now be issued. Thus, by my signature below, the amended CDP is issued on behalf of the California Coastal Commission:

Madeline Cavalieri, Central Coastal District Manager for Charles F. Lester, Executive Director

### Acknowledgement

The undersigned Permittees acknowledge receipt of this amended coastal development permit and agree to abide by all terms and conditions thereof. The undersigned Permittees acknowledge that Government Code Section 818.4 (that states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this amended coastal development permit.

Permittee: George Leage

TFLH

HARBOR HUT

5/6/2013  
Date

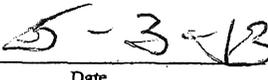
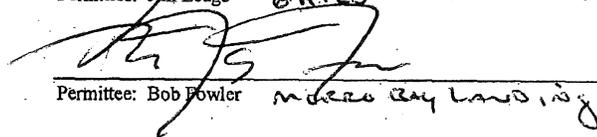
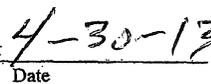
Please note that this amended coastal development permit is not valid unless and until a copy of it with the signed acknowledgement has been returned to the California Coastal Commission's Central Coast District Office (14 Cal. Admin. Code Section 13158(a)). This amended CDP replaces and supersedes any previously issued CDP.

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

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 Permittee: Jim Leage	GAFCO	 Date
 Permittee: Bob Fowler	MARCO Bay Landings	 Date

## Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## Special Conditions

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of Revised Final Plans to the Executive Director for review and approval. The Revised Final Plans shall be in substantial conformance with the plans submitted to the Coastal Commission (dated received in the Commission's Central Coast District Office May 27, 2008, and titled Site Plans, Elevations, and Roof Plans prepared by C.P. Parker Architect, Shoreline Engineering, and Maul Associates) except that they shall be revised and supplemented to comply with the following requirements:
  - a. **Virg's Tackle Shop/Thai Boat Restaurant Design.** The design and appearance of this component of the project shall be modified to reflect a working dock, nautical/maritime theme (i.e., simple and utilitarian lines and materials, including use of board and bats, corrugated metal, brick, etc.). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to all structures and all other project elements within the public view (e.g., walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.). At a minimum, the plans shall clearly identify all structural elements,



California Coastal Commission

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

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materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).

- b. **Virg's Tackle Shop/Thai Boat Restaurant Public View Deck.** The wind screen shall be moved to the perimeter of the deck, and shall be frosted or partially-frosted plexiglass or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or plexiglass shall not be installed. Three benches oriented to Morro Bay and Morro Rock and for general public use shall be installed.
- c. **Great American Fish Company Public View Deck.** The wind screen shall be frosted or partially-frosted plexiglass or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or plexiglass shall not be installed. Tables and chairs shall not interfere with through public pedestrian access from the municipal T-Pier, and shall be appropriately sited and spaced to ensure adequate public access maneuverability and space for viewing, including at the perimeter of the deck.
- d. **Floating Dock and Public Access Ramps/Gangways.** The plans shall clearly identify the location, dimensions, and materials associated with all floating docks and all associated public access ramps, gangways, and ADA lifts, including a new connection from the City's municipal south T-Pier onto the floating dock fronting the Great American Fish Company. Structural pilings for the expanded floating dock shall be placed in approximately the same location/orientation as the existing piles wherever possible and shall be placed as far apart as practicable to minimize the number of necessary pilings and prevent impacts to existing and potential eelgrass habitat.
- e. **Slips.** Final plans shall illustrate the location, dimension, and orientation of all boat slips (including one-sided slip areas along docks as well as two-sided slips), including identifying all support structures (i.e., pilings, bracing, etc.) and all connections to the floating dock and land based development. All reference points such as the lease site boundaries, location of revetment, waterline, etc. shall be shown and highlighted.
- f. **Railings.** All railings shall be designed to be unobtrusive and to maximize through views (e.g., vertical railings spaced sufficiently apart, cable railings, etc.) while maintaining pedestrian safety.
- g. **Lighting.** The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated. All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented. All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay), and shall be limited to the maximum extent feasible while still providing for public safety. Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.
- h. **Non-Native and Invasive Plant Species Prohibited.** Plans shall identify all plant materials to be used for landscape purposes, and all irrigation systems designed to maintain site landscaping.



California Coastal Commission

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

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Landscaped areas shall consist only of native plants of local stock that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property. Plans shall include provisions to ensure that all site landscaping is maintained in its approved state in perpetuity.

- i. **Public Access Park.** The plans shall identify in site plan view the pocket park and related park amenities (e.g., benches, landscaping, interpretive signing, etc.) to be installed in the location of the to-be-demolished Thai Boat restaurant (Lease Site 128). See Special Condition 2(c) below for a list of required elements.
- j. **Eelgrass Mapping.** All existing eelgrass beds shall be avoided as much as possible. The plans shall identify in site plan view all existing eelgrass beds in the project area, all such existing eelgrass beds that will be shaded due to the project (including by docks and boats in slip locations), and all new eelgrass bed areas being created (including by moving docks and boat slips from current locations and by replanting) as part of the project.

The Permittee shall undertake development in accordance with the approved Revised Final Plans.

2. **Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access to the public access areas of the site (including all walkways along the inland side of the development (the Harborwalk), all floating docks and access thereto (i.e., gangways and ADA lift, etc.), the walkway and deck area at the Great American Fish Company next to the T-pier, the walkway adjacent to and the breezeway through Virg's, the stairway and elevator access at Virg's, the view deck area at Virg's, and the park at lease site 128) and all related areas and public access amenities (i.e., restrooms, bench seating, etc.) described in this special condition. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (and referenced in Special Condition 1 above), and shall at a minimum include the following:

- a. **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use).
- b. **Floating Dock.** All parameters for use for the floating dock shall be clearly identified. The floating dock shall be publicly available for general public pedestrian access and transient boat use (and not as a long-term residential or live-aboard docking area) for general public and/or commercial fishing use, and shall be clearly integrated into the overall development (including integrating docking use with overall commercial operations of the site).



California Coastal Commission

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

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- c. **Amenities.** Public access amenities (such as benches, table and chairs, bicycle racks, trash and recycling receptacles, etc.) shall be provided, including at a minimum seating areas within the public view deck at the Great American Fish Company (i.e., tables and chairs); benches within the public view deck at Virg's (3 benches), at the park at lease site 128 (1 bench), and at appropriate locations along the Harborwalk lateral pedestrian accessway; and bike rack parking for at least six bicycles in the vicinity of Virg's and at other locations (i.e., Harbor Hut or GAFCO) where it is appropriate.
- d. **Public Access Signs/Materials.** The Public Access Plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at each gangway or lift entry point from the Harborwalk pedestrian trail, at the intersection of the Harborwalk trail and the park at lease site 128, at enough locations along the floating dock as to ensure public use parameters are known, at the entry to the south T-Pier and at the gangways from the T-Pier to the public view deck (at Great American Fish Company) and floating dock, and at the breezeway and each ground-floor entrance to the public view deck at Virg's. The public view decks shall be conspicuously signed and available for public use, and any tables on the public view decks shall include signs on them indicating that the public may use the tables for free without any purchase. At a minimum, appropriate (to Morro Bay issues, information, and history) public access interpretive signs shall be placed at each of the public view decks, at at least one location along the Harborwalk, and at at least one location on the floating docks. Public access signage shall acknowledge the participants in the design and provision of the public access components, including the City of Morro Bay and the California Coastal Commission.
- e. **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, barriers to public access (furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.)) shall be prohibited. The public use areas shall be maintained consistent with the approved Public Access Plan and in a manner that maximizes public use and enjoyment.
- f. **Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge during at least daylight hours (i.e., one hour before sunrise to one hour after sunset), and during at least all non-daylight hours when the retail components of the approved project are open.
- g. **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Public Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit.



California Coastal Commission

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

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3. **Eelgrass Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of an eelgrass monitoring plan (EMP) to the Executive Director for review and approval. The EMP shall, at a minimum, provide for the following:
- a. **Eelgrass Protection.** All eelgrass beds in the project area (those unaffected by the project and those created by the project – see Special Condition 1(j)) shall be identified in site plan view, and shall be protected as eelgrass habitat in perpetuity.
  - b. **Annual Monitoring.** Annual monitoring by a qualified biologist experienced with eelgrass shall be conducted to monitor the health and extent of eelgrass beds in the project area. A monitoring report shall be submitted to the Executive Director for review and approval on an annual basis with the first report due one-month following completion of the floating dock component of the project, and subsequent reports due at one year increments after that. All annual reports shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area, including quantifying the amount of new eelgrass coverage observed within the eelgrass beds in the project area. If any annual report identifies a reduction in eelgrass coverage as compared to then existing eelgrass coverage at the time of permit approval (see Special Condition 1j), then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area. Annual reporting shall continue for at least three years or until all eelgrass beds to be protected pursuant to the EMP are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

The Permittee shall undertake development in accordance with the approved Eelgrass Monitoring Plan.

4. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
- a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.
  - b. **Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas).
  - c. **Construction BMPs.** The Construction Plan shall also identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw



California Coastal Commission

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

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wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

- d. **Construction Site Documents.** The Construction Plan shall provide that copies of the signed coastal development permit and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- f. **Construction and Pile Driving Noise Level Restrictions.** Underwater noise generated by pile driving activities shall not exceed an accumulated 187 dB SEL as measured 5 meters from the source. At no time shall peak dB SEL rise above 206 at 10 meters from the source. If construction noise exceeds the above thresholds, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to sound shielding and other noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. Hydroacoustical monitoring shall be performed to ensure that underwater noise generated by pile driving activities does not exceed the limits specified above. The Applicants shall consult with the U.S. Fish and Wildlife Service and NOAA fisheries to develop a monitoring program that meets this objective. The Applicants shall submit a hydroacoustical monitoring plan for the review and approval of the Executive Director, prior to the commencement of pile driving activities.



California Coastal Commission

# CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)

As amended up to and including CDP amendment 3-08-025-A1

Issue Date: April 24, 2013

Page 8 of 9

**g. Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 5. Other Agency Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted by the Morro Bay Harbor District, the California State Lands Commission, the U.S. Army Corps of Engineers, and the U.S. Coast Guard. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.
- 6. Boat Slip Parameters.** All boat slips and side-tie docks shall be used for commercial and recreational fishing vessels, commercial passenger vessels, and commercial service vessels only. The use of the docks and slips for long-term private residential, live-aboard, and/or recreational vessels is prohibited.
- 7. Timing of Development.** Construction of the floating dock, bait receivers, and boat slips shall commence no later than 2 years from approval of this coastal development permit (i.e., by June 10, 2011). All public access areas and amenities associated with the floating docks shall be constructed and open for public use at the same time as the floating docks. All public access areas and amenities associated with the Great American Fish Company improvements shall be constructed and open for public use no later than four years from approval of this coastal development permit (i.e., by June 10, 2013), or concurrent with construction and use of associated development, whichever comes first. Construction associated with the Virg's Sportfishing and Thai Boat restaurant relocation, and pocket park improvements shall commence no later than 5 years from approval of this coastal development permit (i.e., by June 10, 2014). For purposes of this condition, "associated development" shall mean development at the same general location, where the locations are broken down by (a) development at and immediately adjacent to the Great American Fish Company, (b) development at and immediately adjacent to Virg's, and (c) all other development (including fuel tank installation and park improvements at and immediately adjacent to lease site 128). All deadlines in this condition may be extended for good cause by the Executive Director provided any extension beyond five years from approval of this coastal development permit (i.e., beyond June 10, 2014) shall require a Coastal Commission-approved amendment to this coastal development permit.
- 8. Incorporation of City Conditions.** All conditions of approval imposed on the project by the City of Morro Bay are incorporated as conditions of this approval. Any of the incorporated City conditions requiring materials to be submitted to the City and/or otherwise requiring City approval (such as Development Director approval), shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria as specified in the City conditions. For future condition compliance tracking purposes, such



California Coastal Commission

# **CDP 3-08-025 (Harbor Hut/Old Virg's/GAFCO)**

**As amended up to and including CDP amendment 3-08-025-A1**

**Issue Date: April 24, 2013**

**Page 9 of 9**

incorporated City conditions shall be considered subsections of this Special Condition 10. To the extent any such incorporated City conditions conflict with these conditions (i.e., standard conditions 1 through 5, and special conditions 1 through 9, and 10), such conflicts shall be resolved in favor of these conditions

9. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.
10. **Lease Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval evidence demonstrating that its lease for the property on which the approved development will take place ("Leased Parcel") has been amended to: (1) include the conditions of this permit as conditions of the lease; and (2) prohibit deletion or amendment of the portion of the lease consisting of the conditions of this permit without the approval of the Executive Director. Further, the Permittee shall submit for Executive Director review and approval evidence that the City of Morro Bay has agreed to include the conditions of this permit in any future leases on the Leased Parcel.



**California Coastal Commission**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## COASTAL DEVELOPMENT PERMIT AMENDMENT

**Coastal Development Permit (CDP) Number: 3-08-025**

**Amendment Number: 3-08-025-A2**

**Permittees: Bob Fowler (Morro Bay Landing); Troy Leage (Harbor Hut); George Leage (Great American Fish Company (GAFCO))**

**Amendment Issue Date: August 14, 2015**

### Original CDP Approval

CDP 3-08-025 was approved by the Coastal Commission on June 10, 2009 and provided for the renovation and redevelopment of three existing commercial businesses and related boating facilities spanning 22 lease sites. Specifically, CDP 3-08-025 allowed for demolition of finger slips and floating docks at eight lease sites; 2) demolition of Virg's tackle shop, the Thai Boat restaurant, a shed and ancillary structures; 3) construction of a new two-story commercial visitor-serving mixed-use structure, new commercial boating finger slips (at Virg's and Harbor Hut); 4) installation of new marine fuel tanks, and expansion of an existing restaurant/fish market (GAFCO); 5) installation of a side-tie dock and live bait receiver bins (Virg's); construction/installation of ancillary structures to provide for the above-listed improvements (e.g., pilings, framing, stairs, gangways, etc.), and; 6) public access improvements, including an eight-foot-wide public floating dock, gangways, an ADA compatible lift, rooftop deck, and outdoor seating area, all located along the Morro Bay Embarcadero at 1185-1215 Embarcadero Road adjacent to and over Morro Bay in the City of Morro Bay, San Luis Obispo County. CDP 3-08-025 was amended on November 15, 2012 to modify the lease and deed restriction requirements in order to incorporate the permit conditions into the City's lease agreement (CDP 3-08-025-A1).

### CDP Amendment

CDP 3-08-025 included Special Condition 3 (Eelgrass Monitoring Plan), which required the Applicants to submit monitoring reports to the Executive Director for review and approval. Condition 3b required a qualified biologist experienced with eelgrass to monitor the health and extent of eelgrass beds in the project area on an annual basis, with the first report due one month following completion of the floating dock component of the project, and with subsequent reports due at one-year increments after that. Thus, if the first report was submitted in April, the subsequent reports would also be due in April of each successive year. Annual reporting is required to continue for at least three years or until all eelgrass beds to be protected pursuant to the Eelgrass Monitoring Plan are supporting eelgrass as documented in two consecutive annual reports, whichever is later. The first monitoring report was submitted to the Executive Director in April 2014.

The proposed amendment would amend Special Condition 3b to allow for the remaining required post-construction annual eelgrass surveys to be performed no later than the end of the annual eelgrass growing season (the eelgrass growing season ends in October), with the required reports to be submitted in a timely manner at the conclusion of each survey; i.e. reports would no longer need to be submitted in April.

CDP 3-08-025 Morro Bay Landing, Harbor Hut, GAFCO)

Amendment Number 3-08-025-A2

Page 2

**Coastal Commission Concurrence**

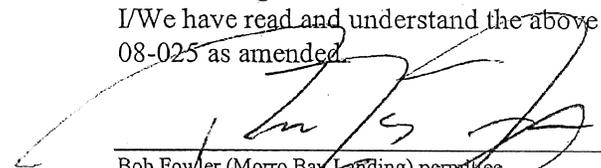
This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received and/or the Commission concurred with the Executive Director's determination of immateriality. This amendment will become effective upon return of a signed copy of this form to the Central Coast District Office. Please note that the CDP terms and conditions, including as modified by this amendment and/or previous amendments if applicable, remain in effect.

Authorized by Susan Craig, Central Coast District Manager



**Acknowledgment**

I/We have read and understand the above and agree to be bound by the terms and conditions of CDP 3-08-025 as amended.

  
\_\_\_\_\_  
Bob Fowler (Morro Bay Landing) permittee

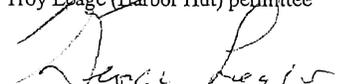
Date:

9-9-15

  
\_\_\_\_\_  
Troy Leage (Harbor Hut) permittee

Date:

9/2/15

  
\_\_\_\_\_  
George Leage (GAFCO) permittee

Date:

9/8/15

Attachment: Revised Special Condition 3b

**Attachment: Revised Special Condition 3b**

3. **Eelgrass Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of an eelgrass monitoring plan (EMP) to the Executive Director for review and approval. The EMP shall, at a minimum, provide for the following:

- a. **Eelgrass Protection.** All eelgrass beds in the project area (those unaffected by the project and those created by the project – see Special Condition 1(j)) shall be identified in site plan view, and shall be protected as eelgrass habitat in perpetuity.
- b. **Annual Monitoring.** Annual monitoring by a qualified biologist experienced with eelgrass shall be conducted to monitor the health and extent of eelgrass beds in the project area. A monitoring report shall be submitted to the Executive Director for review and approval on an annual basis with the first report due one month following completion of the floating dock component of the project, and subsequent reports due in a timely manner after completion of each annual eelgrass survey, which must take place by October 31<sup>st</sup> (i.e. the end of the annual eelgrass growing season) of each year for which annual surveys are required. ~~at one year increments after that.~~ All annual reports shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area, including quantifying the amount of new eelgrass coverage observed within the eelgrass beds in the project area. If any annual report identifies a reduction in eelgrass coverage as compared to then existing eelgrass coverage at the time of permit approval (see Special Condition 1j), then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area. Annual reporting shall continue for at least three years or until all eelgrass beds to be protected pursuant to the EMP are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

The Permittee shall undertake development in accordance with the approved Eelgrass Monitoring Plan.





AGENDA NO: A-7

MEETING DATE: November 15, 2016

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** November 9, 2016

**FROM:** David Buckingham, City Manager  
Rob Livick, PE/PLS – Public Works Director/City Engineer

**SUBJECT:** Appointment of the Public Works Director/City Engineer to the State Water Contractors Advisory Committee

## **RECOMMENDATION**

Council adopt Resolution No. 78-16 appointing the Director of Public Works/City Engineer to serve as the City's representative on the State Water Contractors Advisory Committee.

## **ALTERNATIVES**

1. The Council may appoint another member of City Staff or Council to represent the City on this committee.
2. The Council may choose not to appoint a member to this committee at this time; provide staff with direction on how to proceed.

## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

## **BACKGROUND and DISCUSSION**

The County of San Luis Obispo Flood Control and Water Conservation District (County) is one of twenty-nine State Water contractors, five of which primarily use the water for agricultural purposes while the remaining twenty-four use the water primarily for municipal purposes. The County's contract is for 25,000 acre-feet (AF) per year and it subcontracts with ten agencies, as shown in Table 1. The allocation that each subcontractor contracts with the County for is commonly referred to as "Table A" water, and is the maximum delivery each agency may have delivered in a single year.

The California Department of Water Resources (DWR) sets a percentage of the Table A water that will be delivered each year, and periodically adjusts that delivery based upon several factors which include, but are not limited to: impact to protected species, amount of precipitation, snow pack and reservoir levels. In addition to Table A allocations, some agencies have a contract with the County for Drought Buffer, which is water that can be delivered to help increase the reliability of State Water. Drought Buffer water is also delivered at the same percentage as Table A water. The Table A and Drought Buffer amounts for each of the ten subcontractors is shown below.

Prepared By: RL

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: JWP

**Table 1. State Water Subcontractor Delivery and Drought Buffer Contracted Amounts**

Agency	Table A (AF)	Drought Buffer (AF)
City of Morro Bay	1,313	2,290
California Men's Colony	400	400
County Operations Center	425	425
Cuesta College	200	200
City of Pismo Beach	1,240	1,240
Oceano CSD	750	0
San Miguelito	275	275
Avila Beach CSD	20	60
San Luis Coastal	7	7
Shandon	100	0
Total	4,830	4,897

The County desires to formalize the State Water Contractors Committee, which is made up of technical advisors from each agency. The purpose of this Committee is to share information and help make decisions to help fully utilize the State Water resource we have invested in, both water and infrastructure. Because this is a Brown Act Committee appointed by the County Board of Supervisors (i.e. subject to the open meeting laws set forth in California Government Code §54950 et seq.), the County has requested that the members be formally appointed by each agency's governing body. Because the Committee is technical in nature, it is staff's recommendation the Director of Public Works/City Engineer be appointed as the City's representative.

**CONCLUSION**

Staff recommends the adoption of Resolution No. 78-16, appointing the Director of Public Works/City Engineer to serve as the City's representative on the State Water Contractors Advisory Committee.

**ATTACHMENT**

1. Resolution No. 78-16

**RESOLUTION NO. 78-16**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY APPOINTING THE  
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO SERVE AS THE CITY'S  
REPRESENTATIVE ON THE STATE WATER SUBCONTRACTORS COMMITTEE**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the County of San Luis Obispo Flood Control and Water Conservation District (County) is one of twenty-nine State Water contractors; and

**WHEREAS**, the County's contract is for 25,000 acre-feet (AF) per year and it subcontracts with ten agencies; and

**WHEREAS**, the County formed a State Water Contractors Committee made up of technical advisors from each agency; and

**WHEREAS**, the purpose of this Committee is to share information and help make decisions to help fully utilize the State Water resource we have invested in, both water and infrastructure; and

**WHEREAS**, because the Committee is technical in nature, it is staff's recommendation that the Director of Public Works/City Engineer be appointed as the City's representative.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Morro Bay, California hereby appoints the Director of Public Works/City Engineer to serve as the City's representative on the State Water Subcontractors Committee.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 15<sup>th</sup> day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

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AGENDA NO: B-1

MEETING DATE: November 15, 2016

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** October 28, 2016

**FROM:** Janeen Burlingame – Management Analyst

**SUBJECT:** Public Hearing for and Consideration of Morro Bay Garbage Services Base-Year Rate Adjustment Application and Adoption of Resolution No. 73-16 Approving that Application

## **STAFF AND PUBLIC WORKS ADVISORY BOARD RECOMMENDATION**

Staff and the Public Works Advisory Board recommend the City Council hold a public hearing, consider all evidence and testimony presented and adopt Resolution No. 73-16 increasing solid waste rates, as outlined in the Fiscal Impact section of this report; provided, that there is no majority protest against such increase.

## **ALTERNATIVES**

The Rate Setting Manual provides a process and schedule for rate application review and binds the contractor and the City to a method of determining revenue adequacy for the contractor while ensuring the community is receiving quality service at reasonable rates. The Council could choose not to approve the requested rate increase if it is believed any of the factors identified in the Rate Adjustment Application are inaccurate or inflated. Based on staff's evaluation of the Rate Adjustment Application, the information provided is accurate and reasonable.

## **FISCAL IMPACT**

Adoption of Resolution No. 73-16 (Attachment 1) would result in the following increases to residential and commercial collection rates:

1. Effective January 1, 2017, a 3.96% increase; and
2. Effective January 1, 2018, and January 1, 2019, an increase based on the following:
  - a. Increase, if any, in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics for the month of June 2017, for January 1, 2018, and June 2018, for January 1, 2019;
  - b. Increase of 0.67% effective January 1, 2018, and 0.66% effective January 1, 2019, for increases in landfill disposal cost; and
  - c. Increase, if any, in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics for increases in AB939 fee cost.

The increases in rates will be borne by individual customers, and there will be a negligible increase to franchise fee revenue.

## **DISCUSSION**

The City Council adopted Resolution 48-01 approving the Garbage, Recycling and Greenwaste Franchise Agreement (Agreement) for collection service effective January 1, 2002 and setting the initial rates for collection for residential and commercial customers.

Prepared By: <u>JB</u>	Dept Review: <u>RL</u>
City Manager Review: <u>DWB</u>	City Attorney Review: <u>JWP</u>

Pursuant to Article 8.4 of the Agreement, the City uses the guidelines and approach outlined in the City of San Luis Obispo's "*Rate Setting Process and Methodology Manual for Integrated Solid Waste Management Rates*" regarding adjustments for base year rate reviews and cost of living increases to the collection rates that occur throughout the contract term. The rate setting manual and Agreement are on file at the Management Analyst's office for review as necessary.

On August 29, 2016, the City received from Morro Bay Garbage Service a Base Year Rate Adjustment Application with a request for an increase to the solid waste rates (Attachment 2). The request is for a 3.96% increase to the solid waste rates, effective January 1, 2017.

The 3.96% proposed rate increase is comprised of the following:

1. 2.77% is based on the purchase of a new 2016 automated side-loader CNG truck;
2. 0.85% is based on the increased costs for labor, organics disposal at 3<sup>rd</sup> party disposal site, and ongoing maintenance; and
3. 0.34% is based on the increased costs of landfill disposal.

The Administrative Services Director reviewed the Rate Adjustment Application and supplemental financial reports, and based on staff's evaluation, the information provided is accurate and reasonable.

The Public Works Advisory Board discussed this matter at its October 19, 2016, meeting and concurs with staff's recommendation for Council to adopt Resolution No. 73-16; provided, that there is no majority protest against the proposed rate increase at the close of the public hearing.

One member of the public was in support of the rate increase while another wanted the City to negotiate having more frequent collection of public containers on Sundays and holiday weekends and see about getting quieter trucks before approving new rates. It was noted by staff the rate adjustment is a procedural aspect of the contract, not one open to negotiating of terms within the contract. Additionally, to add Sunday collection service or additional collection to that existing on holiday weekends, would be a budgetary issue for consideration during goals setting. Also, staff stated part of the rate increase was for the purchase of a new CNG (compressed natural gas) truck that would be quieter than the current truck, but noted there would still be aspects of the collection process that could not be quieted further so there would still be some noise. Staff noted, during the negotiation last year for a contract amendment pertaining to the construction of an anaerobic digestion facility to process all organic waste due to changing regulations from the State, the garbage company would provide 10 additional public containers for collection at no charge and would purchase CNG trucks to replace older, more emission polluting vehicles.

### **California Constitution Article XIII (Proposition 218)**

Proposition 218 noticing and hearing requirements are being followed for review and consideration of the proposed solid waste rate increases to ensure the legal validity of those rates.

Per the Proposition 218 notification requirements, notices were mailed at least 45 days in advance of the public hearing to both property owners and customers (Attachment 3). The protest must be submitted in writing and received by the City Clerk before the close of the public hearing on November 15, 2016. The person signing the protest must either be the property owner or the customer of record. In the event a protest is submitted by the owner and also by the tenant responsible for payment of the bill, one valid protest is counted for the parcel.

If valid written protests are filed by a majority of customers/property owners, then the applicable proposed rate may not be imposed. Based on the customer count of 5,166 accounts, 2,583 valid

protest votes would need to be filed for that to occur. As of October 28, 2016, a total of three written protests were received by the Office of the City Clerk. At the conclusion of the public hearing, the City Clerk will be asked by the Mayor to make a statement indicating the number of valid protests received and indicate whether that amount is a majority of the customers/property owners.

To address the Interim Base Year CPI, landfill disposal cost and AB939 cost adjustments outlined above and in #2 of the Fiscal Impact section of this report, staff included them in the current Proposition 218 vote in order to save on staff time and resources rather than conduct separate 218 votes in each of the next two years.

### **CONCLUSION**

Adoption of the solid waste rates as recommended will ensure the garbage company receives the necessary operating revenues, including allowable profit, within the prescribed levels set by the City's solid waste rate setting policies. Therefore, it is staff's and the Public Works Advisory Board's recommendation the City Council adopt Resolution No. 73-16.

### **ATTACHMENTS**

1. Resolution No. 73-16
2. Base Year Rate Adjustment Application
3. Proposition 218 Notice

**RESOLUTION NO. 73-16**

**A RESOLUTION APPROVING MORRO BAY GARBAGE SERVICE  
BASE-YEAR RATE ADJUSTMENT APPLICATION  
AND ADJUSTING SOLID WASTE COLLECTION RATES**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City Council adopted Resolution 48-01 approving the Garbage, Recycling and Greenwaste Franchise Agreement with Morro Bay Garbage Service (MBGS) for collection services effective January 1, 2002, and setting the initial rates for collection for residential and commercial customers; and

**WHEREAS**, pursuant to Article 8.4, the City will use the guidelines and approach outlined in the City of San Luis Obispo's "*Rate Setting Process and Methodology Manual for Integrated Solid Waste Management Rates*," and

**WHEREAS**, on August 29, 2016, MBGS District Manager, Patrick Fenton, submitted a base year rate adjustment application in conformance with the franchise agreement and rate setting manual requesting a 3.96% increase to solid waste collection rates effective January 1, 2017; and

**WHEREAS**, notices regarding the requested rate increase and interim rate increases for January 1, 2018, and 2019, were sent on September 30, 2016, to all property owners and customers and a public hearing regarding that matter was held on November 15, 2016; and

**WHEREAS**, sufficient protests were not received to prevent the rate increase; and

**WHEREAS**, a review of the Base Year Solid Waste Rate Adjustment Application has been completed in accordance with the adopted solid waste rate setting policies.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Morro Bay,

Section 1. The City Council approves the Morro Bay Garbage Service's Base Year Rate Adjustment Application to increase the solid waste collection rates by 3.96% as outlined in Exhibit A, effective January 1, 2017.

Section 2. The City Council approves the increase in solid waste collection rates effective January 1, 2018, and January 1, 2019 as follows:

a. Increase, if any, in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics for the month of June, 2017, for January 1, 2018, and June 2018, for January 1, 2019;

b. Increase of 0.67% effective January 1, 2018, and 0.66% effective January 1, 2019, for increases in landfill disposal cost; and

c. Increase, if any, in the Consumer Price Index (CPI) for Urban Wage Earners and

Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics for increases in AB939 fee cost.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 15<sup>th</sup> day of November 2016 by the following vote:

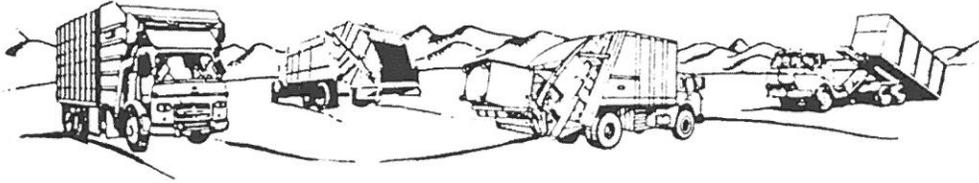
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

# Morro Bay Garbage



**4388 Old Santa Fe Road • San Luis Obispo, CA 93401**

City of Morro Bay  
Janeen Burlingame  
595 Harbor Street  
Morro Bay, CA 93442

August 29, 2016

Enclosed, please find the 2017 Base Year Rate Adjustment Application asking for a 3.96% increase. Management reviewed and accepts responsibility for the rate application. The application is based upon management's judgement of the most likely set of conditions and course of action. All significant relevant information is made available at any time and assumptions are reasonable and are accurate.

The main driver of the base year rate adjustment is a new 2016 Automated Side Loader (CNG) truck. This represents 2.77% of the overall requested rate as the truck is required for the replacement of a 2004 Automated Side Loader. Per approved language in the franchise extension, all trucks must be 12 years or newer to operate in Morro Bay. Further, replacing an old diesel truck with CNG, reduces carbon emissions in the city.

In addition, Cold Canyon Landfill will not pass through a tipping fee increase for 2017. This represents a savings of .68% for Morro Bay rate payers.

A handwritten signature in black ink, appearing to read 'Patrick Fenton', written over a circular stamp or seal.

Patrick Fenton  
District Manager  
Morro Bay Garbage



## Morro Bay Garbage Base Year Rate Adjustment Application

**Financial Information**

Historical		Current	Projected	
			Base Year	
2014	2015	2016	2017	2018

(from Pg. 4)

### Section I - Allowable Costs

6. Direct Labor	\$648,002	\$655,163	\$689,384	\$703,172	\$717,235
7. Corporate Overhead	\$56,943	\$57,935	\$57,880	\$58,516	\$59,687
8. Office Salaries	\$126,999	\$82,788	\$86,655	\$88,388	\$90,155
9. Other General and Admin Costs	\$671,557	\$640,421	\$709,751	\$761,682	\$776,916
<b>10. Total Allowable Costs</b>	<b>\$1,503,502</b>	<b>\$1,436,307</b>	<b>\$1,543,670</b>	<b>\$1,611,758</b>	<b>\$1,643,993</b>

### Section II - Allowable Operating Profit

11. Operating Ratio	103.7%	95.2%	94.2%	92.0%	92.0%
12. Allowable Operating Profit	(\$53,924)	\$71,741	\$94,950	\$140,153	\$142,956

### Section III - Pass Through Costs

13. Tipping Fees	\$326,587	\$358,851	\$363,911	\$352,185	\$359,229
14. Franchise Fees	\$227,474	\$239,711	\$248,815	\$253,791	\$258,867
15. AB939 Fees	\$23,328	\$23,832	\$24,888	\$25,386	\$25,893
16. Lease Pmts to Affiliated Companies	\$13,908	\$14,325	\$14,877	\$15,323	\$15,630
<b>17. Total Pass Through Costs</b>	<b>\$591,298</b>	<b>\$636,719</b>	<b>\$652,491</b>	<b>\$646,685</b>	<b>\$659,619</b>

### Section IV - Revenue Requirement

18. Revenue Requirement				\$2,398,596	\$2,446,568
<b>19. Total Revenue Offsets</b> (from Page 3)	<b>\$2,040,875</b>	<b>\$2,144,767</b>	<b>\$2,291,110</b>	<b>\$2,316,258</b>	<b>\$2,341,737</b>

### Section V - Net Shortfall (Surplus)

20. Net Shortfall (Surplus)				\$82,338	
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### Section VI - Percentage Change in Rates

21. Total Residential and Commercial Revenue without Increase in Base Year (pg.3, lines 19+39)				\$2,311,330	
22. Percent Change in Residential and Commercial Revenue Requirement				3.56%	
23. Franchise Fee Adjustment Factor				90%	
<b>24. Percent Change in Existing Rates</b>				<b>3.96%</b>	

## Morro Bay Garbage Base Year Rate Adjustment Application

### Revenue Offset Summary

#### Section VII - Revenue Offsets

	Historical		Current	Projected	
				Base Year	
	2014	2015	2016	2017	2018
<b>Residential Revenue</b> <i>(without increase in Base Year)</i>					
25. Single Family Residential Multiunit Residential Dumpster	\$1,017,080	\$1,073,067	1,130,627.63	\$1,143,065	\$1,155,638
26. Number of Accounts	0	0	0	0	0
27. Revenues	\$0	\$0	\$0	\$0	\$0
28. Less Allowance for Uncollectible Resid Accounts	\$0	\$0	\$0	\$0	\$0
<b>29. Total Residential Revenue</b>	<b>\$1,017,080</b>	<b>\$1,073,067</b>	<b>\$1,130,628</b>	<b>\$1,143,065</b>	<b>\$1,155,638</b>
<b>Commercial Revenue</b> <i>(without increase in Base Year)</i>					
Account Type: Commercial Can					
30. Number of Accounts	30	30	0	0	0
31. Revenues	\$46,862	\$48,268	\$0	\$0	\$0
Commercial Wastewheeler					
32. Number of Accounts	136	136	141	141	142
33. Revenues	\$85,469	\$88,033	\$91,270	\$91,270	\$92,274
Commercial Container					
34. Number of Accounts	362	364	389	389	388
35. Revenues	\$878,170	\$936,837	\$1,064,284	\$ 1,076,995	\$1,088,842
36. Less: Allowance for Uncollectible Commercial	\$0	\$0	\$0	\$0	\$0
<b>37. Total Commercial Revenue</b>	<b>\$1,010,501</b>	<b>\$1,073,138</b>	<b>\$1,155,554</b>	<b>\$ 1,168,265</b>	<b>\$1,181,116</b>
38. Interest on Investments	\$11,068	(\$4,296)	\$2,372	\$2,372	\$2,398
39. Other Income	\$2,225	\$2,858	\$2,557	\$2,557	\$2,585
<b>40. Total Revenue Offsets</b>	<b>\$2,040,875</b>	<b>\$2,144,767</b>	<b>\$2,291,110</b>	<b>\$2,316,258</b>	<b>\$2,341,737</b>

**Morro Bay Garbage**  
Base Year Rate Adjustment Application

**Cost Summary for Base Year**

Description of Cost	Section VIII - Base Year Cost Allocation			
	2014	2015	2016	Base Year 2017
Labor	\$601,431	\$609,906	\$642,278	\$655,124
Payroll Taxes	\$46,572	\$45,257	\$47,106	\$48,048
<b>41. Total Direct Labor</b>	<b>\$648,002</b>	<b>\$655,163</b>	<b>\$689,384</b>	<b>\$703,172</b>
42. Corporate Overhead	\$98,475	\$104,812	\$100,010	\$101,110
Less limitation (enter as negative)	(\$41,532)	(\$46,877)	(\$42,130)	(\$42,593)
<b>Total Corporate Overhead</b>	<b>\$56,943</b>	<b>\$57,935</b>	<b>\$57,880</b>	<b>\$58,516</b>
Office Salary	\$123,977	\$79,319	\$82,031	\$83,672
Payroll Taxes	\$3,022	\$3,469	\$4,623	\$4,716
<b>43. Total Office Salaries</b>	<b>\$126,999</b>	<b>\$82,788</b>	<b>\$86,655</b>	<b>\$88,388</b>
Amortization/Allocation	\$0	\$0	\$0	\$0
Bad Debt	\$476	\$523	\$221	\$226
Bond	\$150	\$1,140	\$2,140	\$2,183
Depreciation	\$148,882	\$144,065	\$146,025	\$174,176
Drive Cam fees	\$5,273	\$5,162	\$5,476	\$5,585
Dues and Subscriptions	\$1,313	\$900	\$860	\$877
Gas and Oil	\$168,330	\$121,046	\$113,158	\$115,421
Insurance	\$127,543	\$153,444	\$171,915	\$175,353
Insurance - Allocated Exp.	\$72,552	\$55,700	\$41,365	\$42,192
Laundry and Uniforms	\$3,478	\$5,414	\$4,207	\$4,291
Legal and Accounting	\$14,294	\$14,816	\$14,475	\$14,765
Miscellaneous and Other	\$3,678	\$2,678	\$2,694	\$2,748
Office	\$30,345	\$32,338	\$33,926	\$34,605
Operating Supplies	\$4,362	\$3,555	\$3,650	\$3,723
Other Taxes	\$7,021	\$5,691	\$5,876	\$5,994
Outside Services	\$4,871	\$3,548	\$64,052	\$77,763
Permits and Licenses	\$9,665	\$9,742	\$10,803	\$11,020
Postage	\$2,444	\$4,153	\$4,932	\$5,031
Public Relations and Promotions	\$845	\$496	\$178	\$182
Relocation	\$0	\$5,102	\$3,370	\$3,513
Telephone	\$5,333	\$3,914	\$4,764	\$4,859
Tires	\$13,166	\$15,761	\$15,369	\$15,676
Transportation-Related Parties	\$550	\$825	\$1,375	\$1,403
Travel	\$295	\$273	\$3,023	\$3,083
Truck Repairs	\$43,222	\$45,143	\$50,687	\$51,701
Utilities	\$3,469	\$4,992	\$5,210	\$5,314
<b>44. Total Other Gen/Admin Costs</b>	<b>\$671,557</b>	<b>\$640,421</b>	<b>\$709,751</b>	<b>\$761,682</b>
<b>45. Total Tipping Fees</b>	<b>\$326,587</b>	<b>\$358,851</b>	<b>\$363,911</b>	<b>\$352,185</b>
<b>46. Total Franchise Fee</b>	<b>\$227,474</b>	<b>\$239,711</b>	<b>\$248,815</b>	<b>\$253,791</b>
<b>47. Total AB 939/Regulatory Fees</b>	<b>\$23,328</b>	<b>\$23,832</b>	<b>\$24,888</b>	<b>\$25,386</b>
<b>48. Total Lease Pmt to Affil Co.'s</b>	<b>\$13,908</b>	<b>\$14,325</b>	<b>\$14,877</b>	<b>\$15,323</b>
<b>49. Total Cost</b>	<b>\$2,094,799</b>	<b>\$2,073,026</b>	<b>\$2,196,160</b>	<b>\$2,258,443</b>

## Morro Bay Garbage

### Base Year Rate Adjustment Application

#### Base Year Revenue Offset Summary

#### Section IX - Revenue Offsets

Description of Revenue	Overall	Franchise	Refuse Collection		
	Total	Total	City of Morro Bay	CPI Growth	State Parks
<i>Residential Revenue</i> <i>(without increase in Base Year)</i>					
50. Single Family Residential	1,143,065	1,143,065	1,130,628	12,437	-
<i>Multiunit Residential Dumpster</i>					
51. Number of Accounts	-	-	-	-	-
52. Revenues	\$ -	\$ -	\$ -	\$ -	\$ -
53. Less Allowance for Uncollectable	-	-	-	-	-
<b>54. Total Residential Revenue</b>	<b>\$ 1,143,065</b>	<b>\$ 1,143,065</b>	<b>\$ 1,130,628</b>	<b>\$ 12,437</b>	<b>\$ -</b>
<i>Commercial Revenue</i> <i>(without increase in Base Year)</i>					
Account Type: Commercial Can					
55. Number of Accounts	0	0	0	0	0
56. Revenues	\$0	\$0	\$0	\$0	\$0
<i>Commercial Wastewheeler</i>					
57. Number of Accounts	141	141	141	0	0
58. Revenues	\$91,270	\$91,270	\$91,270	\$0	\$0
<i>Commercial Container</i>					
59. Number of Accounts	389	388	388	0	1
60. Revenues	\$ 1,076,995	\$ 1,011,841	\$ 999,130	\$ 12,711	\$ 65,154
61. Less: Allowance for Uncollectible Commercial Accounts	\$0	\$0	\$0	\$0	\$0
<b>62. Total Commercial Revenue</b>	<b>\$1,168,265</b>	<b>\$1,103,111</b>	<b>\$1,090,400</b>	<b>\$12,711</b>	<b>\$65,154</b>
63. Interest on Investments	\$2,372	\$2,372	\$2,372	\$0	\$0
64. Other Income	\$2,557	\$2,557	\$2,557	\$0	\$0
<b>65. Total Revenue Offsets</b>	<b>\$2,316,258</b>	<b>\$2,251,104</b>	<b>\$2,225,956</b>	<b>\$25,148</b>	<b>\$65,154</b>

# Morro Bay Garbage

## Base Year Rate Adjustment Application

### Operating Information

Historical			Current			Projected		
	Percent		Percent		Percent	Base Year	Percent	
2014	Change	2015	Change	2016	Change	2017	Change	2018

### Section X - Operating Data

#### *Municipal Solid Waste - Morro Bay*

66.	Residential Accounts	4,583	0.3%	4,597	0.5%	4,618	0.6%	4,646	0.6%	4,674
	Commercial Accounts	526	0.6%	529	0.2%	530	0.0%	530	0.0%	530
67.	Routes	3	0.0%	3	0.0%	3	0.0%	3	0.0%	3
68.	Tons Collected	7,231	6.9%	7,730	2.6%	7,928	-2.6%	7,722	1.0%	7,799
69.	Direct Labor Hours	6,240	0.0%	6,240	0.0%	6,240	0.0%	6,240	0.0%	6,240

#### *Commingled Recyclables - Morro Bay*

70.	Accounts	5,109	0.3%	5,126	0.4%	5,148	0.5%	5,176	0.5%	5,204
71.	Routes	2	0.0%	2	0.0%	2	0.0%	2	0.0%	2
	Tons Collected	1,522	-3.3%	1,472	3.1%	1,517	1.0%	1,532	1.0%	1,547
72.	Direct Labor Hours	4,160	0.0%	4,160	0.0%	4,160	0.0%	4,160	0.0%	4,160

#### *Green Waste and Organics - Morro Bay*

73.	Accounts	5,109	0.3%	5,126	0.4%	5,148	0.5%	5,176	0.5%	5,204
74.	Routes	1	0.0%	1	0.0%	1	0.0%	1	0.0%	1
	Tons Collected	1,747	-18.2%	1,430	24.1%	1,775	17.1%	2,079	2.0%	2,120
75.	Direct Labor Hours	2,080	0.0%	2,080	0.0%	2,080	0.0%	2,080	0.0%	2,080

**Morro Bay Garbage**  
Base Year Rate Adjustment Application

Monthly Rate Survey

**Proposed Morro Bay**

*Single Family Residential*

	Current Rate	Increased Rate	Adjustment (a)	New Rate
One 32 gallon waste wheeler container	\$16.49	\$0.65		\$17.14
One 64 gallon waste wheeler container	\$32.98	\$1.31		\$34.29
One 96 gallon waste wheeler container	\$49.47	\$1.96		\$51.43

**Atascadero**

*Single Family Residential*

	Current Rate	Increased Rate	Adjustment (a)	New Rate
One 32 gallon waste wheeler container	\$20.63	\$0.00		\$20.63
One 64 gallon waste wheeler container	\$36.15	\$0.00		\$36.15
One 96 gallon waste wheeler container	\$46.70	\$0.00		\$46.70

**Cambria**

*Single Family Residential*

	Current Rate	Increased Rate	Adjustment (a)	New Rate
One 32 gallon waste wheeler container	\$19.83	\$0.00		\$19.83
One 64 gallon waste wheeler container	\$39.66	\$0.00		\$39.66
One 96 gallon waste wheeler container	\$59.49	\$0.00		\$59.49

**Los Osos**

*Single Family Residential*

	Current Rate	Increased Rate	Adjustment (a)	New Rate
One 32 gallon waste wheeler container	\$19.23	\$0.00		\$19.23
One 64 gallon waste wheeler container	\$29.51	\$0.00		\$29.51
One 96 gallon waste wheeler container	\$38.89	\$0.00		\$38.89

**Paso Robles**

*Single Family Residential*

	Current Rate	Increased Rate	Adjustment (a)	New Rate
One 32 gallon waste wheeler container	\$28.79	\$0.00		\$28.79
One 64 gallon waste wheeler container	\$37.71	\$0.00		\$37.71
One 96 gallon waste wheeler container	\$41.60	\$0.00		\$41.60

**San Luis Obispo**

*Single Family Residential*

	Current Rate	Increased Rate	Adjustment (a)	New Rate
One 32 gallon waste wheeler container	\$14.12	\$0.00		\$14.12
One 64 gallon waste wheeler container	\$28.25	\$0.00		\$28.25
One 96 gallon waste wheeler container	\$42.37	\$0.00		\$42.37

**CITY OF MORRO BAY  
NOTICE OF PUBLIC HEARING REGARDING  
PROPOSED SOLID WASTE RATE INCREASE**

Dear Property Owners and Tenants-Customers:

This notice is intended to inform you the City of Morro Bay (“the City”) will hold a public hearing regarding solid waste disposal rate increases (the “Proposed Rate Increase”) proposed by Morro Bay Garbage Service, Inc. (“the Garbage Company”) for properties and customers receiving solid waste services within the City. The Proposed Rate Increase will be considered by the Morro Bay City Council at the date, time and location specified below. Consistent with the requirements of Proposition 218, this notice also provides you with the following information:

- Date, Time and Place of the Public Hearing
- Majority Protest Procedures
- Reason for the Proposed Rate Increase
- Basis Upon Which the Proposed Rate Increase is Calculated
- Proposed Rate Increase Amounts

**NOTICE OF PUBLIC HEARING**

**A Public Hearing for the Proposed Solid Waste Rate Increases within the City limits will be held on:**

**Date: November 15, 2016**

**Time: 6:00 pm**

**Place: Morro Bay City Council Chambers, Veterans Memorial Building  
209 Surf Street, Morro Bay, CA**

**At the Public Hearing, the Morro Bay City Council will consider all public comment in support of and opposition to the Proposed Rate Increase and whether or not a Majority Protest exists pursuant to the California Constitution (see below). If approved, then the Proposed Rate Increase would become effective January 1, 2017.**

**MAJORITY PROTEST PROCEDURES**

Pursuant to Section 6 of Article XIII D of the California Constitution, the following persons may submit a written protest against the Proposed Rate Increase to the City Clerk before the close of the Public Hearing referenced above.

- An owner(s) of property (parcel(s)) receiving solid waste service within the city limits. If the person(s) signing the protest, as an owner, is not shown on the last equalized assessment roll as the owner of the parcel(s) then the protest must contain or be accompanied by written evidence such person signing the protest is the owner of the parcel(s) receiving solid waste services; or
- A Tenant(s) whose name appears on the Garbage Company’s records as the customer of record for the corresponding parcel receiving solid waste service within the city limits (tenant-customer).

A valid written protest must contain a statement you protest the increase in solid waste rates, the address OR Assessor’s Parcel Number (APN) of the parcel or parcels which receive solid waste service and must be signed by either the owner or the tenant-customer of the parcel or parcels. One written protest per parcel shall be counted in calculating a majority protest to the proposed solid waste rate increase subject to the requirements of Section 6 of

Article XIII D of the California Constitution. Written protests will not be accepted by e-mail or by facsimile. Although oral comments at the public hearing will not qualify as formal protests, unless accompanied by a written protest, the Mayor and City Council welcome input from the community during the public hearing. To be counted, a protest must be received in writing by the City Clerk before the close of the Public Hearing referenced above.

Written protests regarding the solid waste rate increase may be mailed to:

**City of Morro Bay  
Attn: City Clerk  
595 Harbor Street  
Morro Bay, CA 93442**

Any mailed protest must be received by the City Clerk before 3 p.m. on November 15, 2016.

Written protests may also be personally delivered to the City Clerk at Morro Bay City Hall located at 595 Harbor Street, Morro Bay, California by 5 p.m. on November 15, 2016, or submitted to the City Clerk at Veterans Memorial Building on November 15, 2016, before the Public Hearing is closed.

If valid written protests are presented by a majority of owners and/or tenants-customers of parcels receiving solid waste service within the City's limits, then the City will not adjust/increase the solid waste disposal rates. Only one protest per parcel will be counted in determining whether or not a majority protest exists.

### **REASON FOR THE PROPOSED RATE INCREASES**

The Proposed Rate Increases (amounting to an increase of approximately 3.96% for each category of service) are necessary for the Garbage Company to continue to provide safe, environmentally sound and reliable solid waste removal, transportation, and disposal service to the citizens of Morro Bay.

Several factors have contributed to these increased costs, including, but not limited to: the rising costs associated with the operation of the garbage company, increased labor costs, increased landfill rates, and the purchase of a new 2016 Automated Side Loader (ASL) truck powered by Compressed Natural Gas (CNG).

A copy of the 2017 Base Year Rate Adjustment Application, which provides additional information on the proposed rate increase, is available at the City Clerk's office, 595 Harbor Street, Morro Bay, California.

### **BASIS UPON WHICH THE PROPOSED RATE INCREASE IS CALCULATED**

The Proposed Rate Increases 3.96% for each category of service are based on the following cost increases incurred by the Garbage Company:

1. 2.77% of the Proposed Rate Increase is based on the purchase of a new 2016 Automated Side Loader Truck (CNG).
2. 0.85% of the Proposed Rate Increase is based on increased costs for labor, organics disposal at 3<sup>rd</sup> party disposal site, and ongoing maintenance.
3. 0.34% of the Proposed Rate Increases are based on the increase cost of landfill disposal.

In addition, commencing on January 1, 2018 and January 1, 2019, all the rates shall be increased based on the following:

1. Increase, if any, in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics for the month of June 30, 2017 for January 1, 2018 and June 30, 2018 for January 1, 2019.

2. Increase of 0.67% for 2018 and 0.66% for 2019 for increase in the cost of landfill disposal.
3. Increase, if any, in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers U.S. City Average published by the U.S. Department of Labor, Bureau of Labor Statistics for increase in AB939 fee cost.

### PROPOSED RATE INCREASE AMOUNTS

The following charts provide a summary of the current solid waste rates and the Proposed Rate Increases:

<b>Morro Bay Garbage</b>				
Solid Waste Service Rates - Effective 1/1/2017				
City of Morro Bay				
Service Description	Service Frequency	Currently Monthly Rate Effective 1/1/2016	Proposed Rate Adjustment %	Proposed Monthly Rate Effective 01/01/2017
<b>MONTHLY SINGLE-FAMILY AND MULTI-UNIT RESIDENTIAL SERVICE (4 UNITS OR LESS)</b>				
Price per month for specified waste wheeler collected each week. One green waste and one recycling service is included at no additional charge once each week.				
<b>MINI-CAN SERVICE</b>				
One 19 gallon waste wheeler container	1	\$10.30	3.96%	\$10.71
<b>ECONOMY RATE</b>				
One 32 gallon waste wheeler container	1	\$16.49	3.96%	\$17.14
<b>STANDARD RATE</b>				
One 64 gallon waste wheeler container	1	\$32.98	3.96%	\$34.29
<b>PREMIUM RATE</b>				
One 96 gallon waste wheeler container	1	\$49.47	3.96%	\$51.43
<b>SERVICE AWAY FROM THE STREET CURB (IN YARD)</b>				
Additional per month per can or container charge		\$8.98	3.96%	\$9.34
<b>MONTHLY COMMERCIAL WASTE WHEELERS SERVICE</b>				
One 32 Gallon Waste Wheeler	1	\$34.04	3.96%	\$35.39
One 32 Gallon Waste Wheeler	2	\$66.46	3.96%	\$69.09
One 32 Gallon Waste Wheeler	3	\$86.93	3.96%	\$90.37
One 32 Gallon Waste Wheeler	4	\$107.41	3.96%	\$111.66
One 32 Gallon Waste Wheeler	5	\$139.83	3.96%	\$145.37
One 32 Gallon Waste Wheeler	6	\$172.25	3.96%	\$179.07
One 32 Gallon Waste Wheeler	7	\$205.30	3.96%	\$213.43
One 64 Gallon Waste Wheeler	1	\$49.41	3.96%	\$51.37

One 64 Gallon Waste Wheeler	2	\$86.93	3.96%	\$90.37
One 64 Gallon Waste Wheeler	3	\$126.18	3.96%	\$131.18
One 64 Gallon Waste Wheeler	4	\$170.51	3.96%	\$177.26
One 64 Gallon Waste Wheeler	5	\$213.19	3.96%	\$221.63
One 64 Gallon Waste Wheeler	6	\$249.01	3.96%	\$258.87
One 64 Gallon Waste Wheeler	7	\$293.27	3.96%	\$304.88
One 96 Gallon Waste Wheeler	1	\$66.46	3.96%	\$69.09
One 96 Gallon Waste Wheeler	2	\$115.91	3.96%	\$120.50
One 96 Gallon Waste Wheeler	3	\$170.51	3.96%	\$177.26
One 96 Gallon Waste Wheeler	4	\$226.83	3.96%	\$235.81
One 96 Gallon Waste Wheeler	5	\$276.31	3.96%	\$287.25
One 96 Gallon Waste Wheeler	6	\$337.70	3.96%	\$351.07
One 96 Gallon Waste Wheeler	7	\$407.48	3.96%	\$423.62
<b>MONTHLY COMMERCIAL CONTAINER SERVICE - (CUBIC YARDS)</b>				
1 Yd Container	1	\$83.85	3.96%	\$87.17
1 Yd Container	2	\$129.90	3.96%	\$135.04
1 Yd Container	3	\$167.43	3.96%	\$174.06
1 Yd Container	4	\$210.07	3.96%	\$218.39
1 Yd Container	5	\$242.52	3.96%	\$252.12
1 Yd Container	6	\$302.20	3.96%	\$314.17
1 Yd Container	7	\$456.56	3.96%	\$474.64
1.5 Yd Container	1	\$102.61	3.96%	\$106.67
1.5 Yd Container	2	\$169.17	3.96%	\$175.87
1.5 Yd Container	3	\$227.18	3.96%	\$236.18
1.5 Yd Container	4	\$288.58	3.96%	\$300.01
1.5 Yd Container	5	\$346.59	3.96%	\$360.31
1.5 Yd Container	6	\$413.12	3.96%	\$429.48
1.5 Yd Container	7	\$606.07	3.96%	\$630.07
2 Yd Container	1	\$123.10	3.96%	\$127.97
2 Yd Container	2	\$215.20	3.96%	\$223.72
2 Yd Container	3	\$288.58	3.96%	\$300.01
2 Yd Container	4	\$367.06	3.96%	\$381.60
2 Yd Container	5	\$448.96	3.96%	\$466.74
2 Yd Container	6	\$530.84	3.96%	\$551.86
2 Yd Container	7	\$762.34	3.96%	\$792.53
3 Yd Container	1	\$158.95	3.96%	\$165.24
3 Yd Container	2	\$288.58	3.96%	\$300.01

3 Yd Container	3	\$406.32	3.96%	\$422.41
3 Yd Container	4	\$515.48	3.96%	\$535.89
3 Yd Container	5	\$667.33	3.96%	\$693.76
3 Yd Container	6	\$769.67	3.96%	\$800.15
3 Yd Container	7	\$1,039.81	3.96%	\$1,080.99
4 Yd Container	1	\$210.07	3.96%	\$218.39
4 Yd Container	2	\$390.94	3.96%	\$406.42
4 Yd Container	3	\$542.76	3.96%	\$564.25
4 Yd Container	4	\$725.34	3.96%	\$754.06
4 Yd Container	5	\$907.87	3.96%	\$943.82
4 Yd Container	6	\$1,027.29	3.96%	\$1,067.97
4 Yd Container	7	\$1,336.00	3.96%	\$1,388.91
6 Yd Container	1	\$314.71	3.96%	\$327.17
6 Yd Container	2	\$571.39	3.96%	\$594.02
6 Yd Container	3	\$804.49	3.96%	\$836.35
6 Yd Container	4	\$1,020.64	3.96%	\$1,061.06
6 Yd Container	5	\$1,321.31	3.96%	\$1,373.63
6 Yd Container	6	\$1,523.95	3.96%	\$1,584.30
6 Yd Container	7	\$2,058.82	3.96%	\$2,140.35
8 Yd Container	1	\$415.96	3.96%	\$432.43
8 Yd Container	2	\$774.05	3.96%	\$804.70
8 Yd Container	3	\$1,074.66	3.96%	\$1,117.22
8 Yd Container	4	\$1,436.18	3.96%	\$1,493.05
8 Yd Container	5	\$1,797.59	3.96%	\$1,868.77
8 Yd Container	6	\$2,034.03	3.96%	\$2,114.58
8 Yd Container	7	\$2,645.28	3.96%	\$2,750.03
Sunday Service	Per Occurrence	\$63.47	3.96%	\$65.98
<b>EXTRA COLLECTION SERVICE OPTIONS</b>				
Overstocked Garbage & extra bags Minimum/unit	Per Occurrence	\$8.23	3.96%	\$8.56
Overstocked Green waste & extra bags Minimum/unit	Per Occurrence	\$5.50	3.96%	\$5.72
Overstocked Blue Bin & extra bags Minimum/unit	Per Occurrence	\$4.12	3.96%	\$4.28
Monthly charge for additional 32, 64 or 96-gallon recycle service	Each	\$2.75	3.96%	\$2.86
Monthly charge for additional 32 or 96-gallon green waste service	Each	\$5.50	3.96%	\$5.72

Switch waste wheeler more than once per 12 months	Per Occurrence	\$29.95	3.96%	\$31.14
Small item pickup (TV, toilet)	Each	\$15.00	3.96%	\$15.59
Per white good article/ appliance. (Once a month only)	Each	\$52.43	3.96%	\$54.51
Per mattress or box spring.	Each	\$15.66	3.96%	\$16.28
Change waste wheeler size (once per year free)	Per Occurrence	\$29.95	3.96%	\$31.14
Re-deliver fee-if pulled for collections	Per Occurrence	\$29.95	3.96%	\$31.14
Install locking device on bin	Each	\$66.46	3.96%	\$69.09
Extra bin cleaning (after two times per year)	Each	\$52.87	3.96%	\$54.96
Garbage extras on your scheduled pickup day	Per Yard	\$13.63	3.96%	\$14.17
Loose Cardboard	Per Yard	\$6.84	3.96%	\$7.11
Garbage extras - NOT ON YOUR SCHEDULED PICKUP DAY	Per Bag	\$11.22	3.96%	\$11.66
Garbage extras - NOT ON YOUR SCHEDULED PICKUP DAY	Per Yard	\$21.61	3.96%	\$22.47
Compactors	Per Ton	\$44.25	3.96%	\$46.00
Bin Rental	Per Month	\$31.03	3.96%	\$32.26
Temp Bin Rental	Per Day	\$1.72	3.96%	\$1.79
Stand by time	Per Hour	\$60.00	3.96%	\$62.38
Trip charge	Per Occurrence	\$7.52	3.96%	\$7.82
Damage/Destruction of bins or waste wheelers	Each	Replacement/repair at market price		
<p>Polystyrene (Styrofoam, Plastic #6) is no longer collected for recycling and should be thrown away as trash.</p> <p>Green waste is recycled in a special green waste wheeler and is picked up once a week at no additional charge.</p> <p>Recycling and green waste containers should be placed near/next to your garbage bin for collection.</p>				
<p>All commercial customers are eligible for one standard waste wheeler recycling and green waste services at no additional charge. Commercial customers can choose from a 32, 64, or 96 gallon blue waste wheeler for commingled recycling.</p>				
<p>Any additional cardboard, commingled and/or organics services are charged at 25% of the garbage rate for the service frequency provided. (Excludes Residential).</p>				
<p><b>Please recycle, it is less expensive in disposal costs and helps the city achieve its AB939 goal to reduce buried waste at the landfill.</b></p>				

### FURTHER INFORMATION

For any questions relating to this requested rate increase, please contact Morro Bay Garbage at 805-543-0875.

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AGENDA NO: C-1

MEETING DATE: November 15, 2016

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** October 31, 2016  
**FROM:** Scot Graham, Community Development Director

**SUBJECT:** Introduction of Ordinance No. 609 repealing and reenacting various Chapters of Title 14 of the City of Morro Bay Municipal Code relating to Buildings and Construction.

## **RECOMMENDATION**

Council introduce for first reading by title only and with further reading waived, Ordinance No. 609: An Ordinance of the City Council of the City of Morro Bay, California, repealing and reenacting Chapters 14.01 – 14.12 of the Morro Bay Municipal Code (MBMC) adopting by reference and amending the 2016 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building Codes and 1997 Uniform Housing and Abatement of Dangerous Building Codes and Appendix Chapter 33 of the 1997 Uniform Building Code.

## **ALTERNATIVES**

Staff does not recommend any alternatives to adopting Ordinance No. 609 for the Building Code Update.

## **FISCAL IMPACT**

None. The ordinance does not modify any of the City of Morro Bay adopted permit or impact fees.

## **BACKGROUND/DISCUSSION**

The 2016 California Building Standards Code will become effective statewide on January 1, 2017. The California Building Standards Code is published by the California Building Standards Commission and is located in Title 24 of the California Code of Regulations (CCR). The building standards in the California Building Standards Code are State regulations, adopted by various State agencies in the Executive Branch of State government. State laws require various State agencies to develop building standards for specific types of buildings, building equipment and other features. The provisions of CCR Title 24 include requirements for the structural, plumbing, electrical and mechanical systems of buildings, and for fire and life safety, energy conservation, and accessibility in buildings.

The California Buildings Standards Commission follows a triennial code adoption cycle, which trails the revision of the model codes. The term “model code” is generally understood to mean a code that has been developed by a private code developing organization and that is available through a license agreement with the publishing entity for adoption by a political jurisdiction. When a new model code edition becomes available, the California Building Standards Commission and the other State adopting agencies review the code to determine if adoption is appropriate. Not all available model codes are found to be appropriate for use in California.

The Building and Construction codes are updated every three years. The State of California

Prepared By: <u>SG</u>	Dept Review: _____
City Manager Review: <u>DWP</u>	City Attorney Review: <u>JWP</u>

Building Standards Commission adopts new State standards, which cities and counties are then mandated to adopt. If codes are not adopted locally, then cities and counties are required to follow State Codes only. The 2016 California Building Codes are codified in the City of Morro Bay Municipal Code (MBMC) and adopted by reference to allow local deviations/amendments from the State Code, as determined necessary by the City. The codification process also enables the City to enforce the Building Code through the local methods and processes contained in the MBMC.

The 2016 California Building Code has undergone minor changes from the 2013 edition. A couple of the more noteworthy changes include:

- **Minimum Habitable Room Area**  
Changes Summary: The requirement for one habitable room with a minimum floor area of 120 square feet has been removed from the code for accommodation of “Tiny Homes”.
- **Electric Vehicle (EV) Charging Infrastructure**  
Change Summary: Requires new single-family and two-family dwellings and townhouses with attached private garages include EV charging infrastructure (Wiring) in accordance with CA Green Buildings Standard Code.

The attached Ordinance No. 609 amends MBMC Title 14 “Building and Construction.”

If Ordinance No. 609 is introduced, then it will be presented for a second reading and adoption after a public hearing at the Council meeting of December 13, 2016. If adopted, then the Ordinance and new Morro Bay Building Codes will be effective 30 days after that.

### **CONCLUSION**

Staff recommends the City Council introduce for first reading by title only, Ordinance No. 609; repealing and reenacting Chapters 14.10-14.12 of the Morro Bay Municipal Code (Buildings and Construction) to incorporate the 2016 California Building Standards Code, as adopted by the State of California, and the local modifications thereto.

### **ATTACHMENTS**

1. “Red-lined” changes to Chapter 14.01-14.12 of the MBMC

**ORDINANCE NO. 609**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY;  
REPEALING AND REENACTING CHAPTERS 14.01-14.12  
OF THE MORRO BAY MUNICIPAL CODE ADOPTING BY REFERENCE AND  
AMENDING THE 2016 CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL,  
MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, FIRE, EXISTING  
BUILDING, GREEN BUILDING CODES AND 1997 UNIFORM HOUSING AND  
ABATEMENT OF DANGEROUS BUILDING CODES AND APPENDIX CHAPTER 33  
OF THE 1997 UNIFORM BUILDING CODE**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, there are certain state and model codes relating to buildings, construction fire and life safety as follows:

- A. 2016 California Building Code (volumes 1 and 2)
- B. 2016 California Residential Code
- C. Appendix Chapter 33 of the 1997 Uniform Building Code
- D. 2016 California Electrical Code
- E. 2016 California Mechanical Code
- F. 2016 California Plumbing Code
- G. 2016 California Energy Code
- H. 2016 California Historical Building Code
- I. 2016 California Fire Code
- J. 2016 California Existing Building Code
- K. 2016 California Green Building Code
- L. 1997 Uniform Housing Code
- M. 1997 Uniform Code for the Abatement of Dangerous Buildings

**WHEREAS**, Government Code § 50022.1, et seq. and Health and Safety Code § 17922 authorize the City to adopt by reference the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings and Appendix Chapter 33 of the 1997 Uniform Building Code; and

**WHEREAS**, pursuant to Health and Safety Code § 17950 and 18938(b), the California Building Standards Code is applicable to all occupancies throughout the State of California, whether or not the City takes affirmative action to adopt the California Building Standards Code; and

**WHEREAS**, Health and Safety Code § 17960, requires a local building department to enforce State Housing Law, the California Building Standards Code, and the implementing regulations of the Department of Housing and Community Development for residential structures; and

**WHEREAS**, Health and Safety Code § 17958.5 allows the City to make those changes or modifications to the requirements contained in the provisions published in the California Building Standards Code as it determines, pursuant to the provisions of Health and Safety Code § 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

**WHEREAS**, pursuant to the immediately foregoing Health and Safety Code sections and Health and Safety Code § 18941.5, certain express findings have been made and are as follows:

### **FINDINGS**

1. The topographic, underlying geologic and surface soil conditions of the hillsides of the City of Morro Bay are of a gradient and composition such that movement has historically been known to occur. Soils testing has revealed the presence of potentially hazardous geologic conditions, including expansive soils, questionable soils, soils prone to liquefaction and seasonally high ground-water. Therefore, it is reasonably necessary to adopt regulations for grading operations that are more detailed and restrictive than those adopted by the State of California and codified in the California Building Standards Code. More particularly, this finding supports the adoption of Appendix Chapter 33 of the 1997 Uniform Building Code and modification of Appendix J of the California Building Code.
2. Due to topographic and geologic conditions, development in Morro Bay has historically been constrained such that building occurred predominantly in the flatter areas, a scarcity of which resulted in the creation of small lots and the construction of structures in relative close proximity to one-another. Those conditions are known to be conducive to the spread of fire and, therefore, it is reasonably necessary to adopt standards more restrictive than those adopted by the State of California and codified in the California Building Standards Code and California Fire Code for the installation of automatic fire sprinklers on new and existing buildings, limiting the use of wood shakes or shingles, and to otherwise establish construction and fire prevention regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code to reduce and minimize the potential for loss of and damage to life and property resulting from fire, hazardous materials, explosions and to protect firefighters and emergency personnel during emergency operations. More particularly, this finding supports the modification of California Building Code, California Fire Code, California Residential Code and California Electrical Code.
3. Due to topographic conditions and in order to protect the estuarine environment of and adjacent to the City of Morro Bay, it is reasonably necessary to adopt regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code, creating more stringent thresholds for when a building permit is required for construction of sidewalks, driveways, decks, paving, or flatwork, prohibiting the construction of private sewage disposal systems and requiring the installation of sewer backwater valves. More particularly, this finding supports the

modification of California Building Code Section 105.2, California Plumbing Code section 713.0, and the addition of Plumbing Code section 709.5.

**NOW, THEREFORE, the City Council of the City of Morro Bay does ordain as follows:**

Section 1. The City Council hereby declares and adopts the foregoing recitals and findings.

Section 2. Chapters 14.01-14.12 of the Morro Bay Municipal Code are hereby repealed and reenacted to read as follows:

### **Chapter 14.01**

#### **GENERAL**

**Sections:**

<b>14.01.010</b>	<b>Title and Purpose.</b>
<b>14.01.020</b>	<b>Adoption of Codes .</b>
<b>14.01.030</b>	<b>Building Official and Fire Chief Designated.</b>

#### **14.01.010 Title and Purpose.**

This title shall be known and may be cited as "The Buildings and Construction Ordinance of the City of Morro Bay," Title 14 of the Morro Bay Municipal Code (MBMC). These regulations are hereby established and adopted to protect and promote public health, safety and welfare. This title establishes minimum regulations for construction, fire prevention, and the use and occupancy of buildings and other structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

#### **14.01.020 Adoption of Codes.**

Thirteen documents, one each of which are on file in office of the Building Official, identified by the seal of the City of Morro Bay, marked and designated as the:

- A. 2016 California Building Code (volumes 1 and 2),
- B. 2016 California Residential Code,
- C. Appendix Chapter 33 of the 1997 Uniform Building Code, published by the International Conference of Building Officials,
- D. 2016 California Electrical Code,
- E. 2016 California Mechanical Code,
- F. 2016 California Plumbing Code,
- G. 2016 California Energy Code,
- H. 2016 California Historical Building Code,
- I. 2016 California Fire Code,

- J. 2016 California Existing Building Code,
- K. 2016 California Green Building Code,
- L. 1997 Uniform Housing Code, published by the International Conference of Building Officials,
- M. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

are hereby adopted, including chapters and sections not otherwise adopted by agencies of the State of California, and the appendices thereto as the buildings, construction, and fire prevention regulations of the City of Morro Bay. The provisions of the above-mentioned are hereby referred to, adopted, and made a part hereof as if fully set out in this title except as modified hereinafter.

**14.01.030 Building Official and Fire Chief Designated.**

The City’s ~~Public Services Director/ City Engineer~~ Community Development Director is hereby designated as the Building Official and Building Code Official for the City of Morro Bay. The Fire Chief is hereby designated as the Fire Code Official for the City of Morro Bay. Where the “authority having jurisdiction” is used in the adopted codes, it shall mean the Building Official or the Fire Chief, as applicable.

**Chapter 14.02**

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

- 14.02.010 Administration and Enforcement.**
- 14.02.020 Modification of Division II of Chapter 1 of the California Building Code.**

**14.02.010 Administration and Enforcement.**

The Administration and Enforcement of this title shall be in accordance with Division II of Chapter 1 of the California Building Code as adopted, ~~and~~ modified, amended, and ~~or~~ supplemented herein.

14.02.020 Modifications of Division II of Chapter 1 of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and~~or~~ supplemented as follows:

A. Amend Section 103.1 to read as follows:

**103.1 Creation of Enforcement Agency.** The Building Division of the ~~Public Services-Community Development~~ Department of the City of Morro Bay is hereby created and the official in charge thereof shall be known as the Building Official. Where reference is made to the Authority Having Jurisdiction or Code Official in the adopted Codes, it shall mean the Building Official.

B. Add Section 104.8.1 to read as follows:

**104.8.1 Liability or Responsibility due to Error or Omission.** This title shall not be construed so as to impose upon the City, or upon any of its officials or employees, any liability or responsibility for injury or damage resulting from any work approved or performed with respect to this title, or by reason of any inspection performed hereunder. No person shall be relieved of the responsibility of compliance with this title because of an error or omission made by a city official or employee.

C. Add Section 104.9.2 to read as follows:

**104.9.2 Cargo Containers, Rail Cars, and Vehicle Bodies.** Any person who intends to bring into the City or otherwise use, alter or relocate within the City any cargo container, streetcar, boxcar, refrigerator car, motorbus body or similar vehicle body for the purpose of use or occupancy, shall first make application to the Building Official and obtain the required permit. The application shall demonstrate ~~that~~ the proposed use, occupancy, structure, construction, and~~or~~ alteration will conform to the provisions of this title.

D. Amend Section 105.2, Building Exception 6 to read as follows :

6. Sidewalks, driveways, decks, paving, or flatwork not more than 30 inches (762 mm) above adjacent grade, not exceeding 200 square feet, not over any basement or story below, and not part of an accessible route.

E. Amend Section 109.2 to read as follows:

**109.2 Schedule of permit fees.** Permit fees shall be as prescribed in the City's Master Fee Schedule.

F. Amend Section 113 to read as follows:

**SECTION 113  
BOARD OF APPEALS**

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical provisions this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and hold office at its pleasure. The Building Official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

The board of appeals shall also serve as the Local Appeals Board, Housing Appeals Board, and Accessibility Appeals Board, as defined in Health and Safety Code § 17920.5, 17920.6 and 19957.5.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim ~~that~~ the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code, nor shall the board have any authority relative to the administration of this code.

**113.3 Qualifications.** The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the appeal and are not employees of the ~~City jurisdiction~~. Two members of the ~~board of Accessibility a Appeals Board~~ shall be physically handicapped, two members shall be persons experienced in construction, and one member shall be a public member.

**113.4 Appointment.** Upon receipt by the Building Official, of a qualified application for appeal, the Building Official shall within 60 days, recommend to the City Council five persons who, based on their qualifications and experience, appear to be suited to hear and decide the appeal. Upon finding ~~that~~ those individuals indeed appear to be qualified to hear and deciding the appeal, the City Council shall appoint those persons and they shall be known as the Board of Appeals and shall have the authority and be tasked with the duties thereof for the purposes of hearing and deciding that specific appeal.

G. Amend Section 114.4 to read as follows:

**114.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, extends, repairs, moves, removes, demolishes or occupies any building, structure, or

equipment in violation of the approved construction documents, a directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to fines and penalties as established in Title 1 of the ~~Morro Bay~~ ~~Municipal Code~~, in addition to other penalties as prescribed by law.

## Chapter 14.03

### BUILDING CODE

#### 14.03.010 Modifications of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and ~~or~~ supplemented as follows:

- A. Adopt appendices H, I and J. Delete appendices A, B, C, D, E, F, G, K, L and M.
- B. Amend Section 1505.1 to read as follows:

**1505.1 General.** Roof assemblies shall be divided into the classes defined below. Class A, B, and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

For the purposes of this section, any building surface flatter than forty-five degrees to the horizontal shall be considered a roof and shall not be covered by wood shakes or shingles, except as otherwise allowed by this Code.

**Exception:** Skylights and sloped glazing that comply with Chapter 24 or Section 2610.

- C. Amend Appendix J by reference to contain the text of Appendix Chapter 33 of the 1997 Uniform Building Code, which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and ~~or~~ supplemented as follows:

- 1. Amend Section 3309.2 to read as follows:

**3309.2 Administration.** The provisions of Division II of Chapter 1 of the California Building Code shall apply to the administration and enforcement of this chapter.

- 2. Amend Section 3309.7 to read as follows:

**3309.7 Liquefaction Study.** A study of the liquefaction potential of the site shall be provided, and the recommendations incorporated into the plans.

**Exception:** The Building Official may waive this requirement where it is determined by the geotechnical engineer or engineering geologist ~~that~~ the potential for liquefaction at the site is low.

3. Delete Section 3309.9.
4. Delete Section 3310.

## Chapter 14.04

### RESIDENTIAL CODE

#### 14.04.010 Modifications of the California Residential Code.

The California Residential Code, adopted in Section 14.01.020, is hereby modified, amended, and ~~or~~ supplemented as follows:

- A. Delete Division II of Chapter 1. Administration and Enforcement of the Residential Code shall be as set forth in the California Building Code, as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.
- B. Adopt Appendices H, ~~and~~ O, S, and U. Delete Appendices A, B, C, D, E, F, G, I, J, K, L, M, N, P and Q, R, T, V, and W.
- C. Amend Section R313.1 and R313.2 to read as follows:

**R313.1 Townhouse and One- and Two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in all new townhouses and one and two family dwellings, and in all existing townhouses and one and two family dwellings where alteration results in an increase in floor area in excess of 50 percent, or 1000 square feet. This section shall be applicable to mobile homes and factory-built housing not located in a mobile home or special occupancy park.

**R313.2 Determination of Floor Area.** For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. 702.1 is not less than that permitted in CBC Table 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 602 without openings or penetrations,

projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

D. Add Section R313.3.3.5 to read as follows:

**R313.3.3.5 Waterflow Alarm.** A local waterflow alarm and remote inspector's test valve, installed in accordance with NFPA 13, shall be installed on all sprinkler systems.

## Chapter 14.05

### ELECTRICAL CODE

14.05.010 Modifications of the California Electrical Code.

The California Electrical Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Delete annexes A, B, C, D, E, F, G, H, ~~and I, and J.~~ Administration and Enforcement of the Electrical Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Amend Article 230-70(A)(1) to read as follows:

**230-70(A)(1) Readily Accessible Location.** A service disconnecting means shall be installed at a readily accessible location either outside the building or structure, or inside nearest the point of entrance of the service conductors.

The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring travel through the building interior.

## Chapter 14.06

### MECHANICAL CODE

14.06.010 Modifications of the California Mechanical Code.

The California Mechanical Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

- A. Delete Division II of Chapter 1 ~~and Table 114.1~~. Administration and Enforcement of the Mechanical Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.
- B. Adopt appendices A, B, C, D, E, F and G.

## Chapter 14.07

### PLUMBING CODE

#### Sections:

- 14.07.010 Modifications of the California Plumbing Code**
- 14.07.020 Retrofitting with water-saving devices required.**
- 14.07.030 Required sewer backwater valve.**

14.07.010 Modifications of the California Plumbing Code.

The California Plumbing Code, adopted in Section 14.01.020, is hereby modified, amended, and ~~or~~ supplemented as follows:

- A. Delete Division II of Chapter 1 ~~and Table 103.4~~. Administration and Enforcement of the Plumbing Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.
- B. Adopt Appendix K . Delete appendices A, B, C, D, E, F, G, H, I, J, ~~K~~ and L.
- C. Add Section 709.5 to read as follows:

**709.5** A Backwater Valve, extended to and accessible from grade for maintenance, shall be installed on every Building Sewer.

**Exception:** Installation of a Backwater Valve shall not be required when, to the satisfaction of the Building Official, it is determined that the intent and purpose of this

section is otherwise met.

D. Amend Section 713.0 to read as follows:

**713.0 Sewer Required.**

**713.1** Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection directly to a public or private sewer.

**713.2** Private Sewage Disposal Systems shall not be permitted.

**14.07.020 Retrofitting with water-saving devices required.**

A. Every property owner, prior to the sale or transfer of any real property upon which is located any structure connected to the city's water supply shall retrofit the structure with the water-saving devices required for new construction as set forth in this title. In cases where the Building Official determines the use of such fixtures in existing structures would fail to meet the requirements of the Plumbing Code, fixtures using the least amount of water which do meet the requirements of the Plumbing Code shall be utilized.

B. In cases where a buyer intends to demolish all structures on such property within ninety days from the date of transfer, the structure need not be retrofitted prior to transfer; provided a covenant and a bond are filed with the city as follows:

1. The property owner shall file with the city clerk a notarized covenant agreeing to either demolish all structures located on the property connected to the city water system, within ninety days from the date of transfer or to perform the retrofit required in subsection A of this section, together with a faithful performance bond, in a form satisfactory to the city in an amount equal to one hundred and fifty percent of the full cost of retrofitting all such structures securing faithful performance of the agreement.

2. The agreement shall also authorize and grant the city permission to enter onto the property and to perform such retrofit in the event the property owner fails to do so. Further, the property owner shall agree to reimburse the city for all cost incurred by the City in the event the bond is insufficient.

C. Determination of compliance with the requirements of subsection A shall be made by the Building Official after an inspection performed by the Building Official or a qualified plumbing contractor under the supervision of the Building Official, who shall issue a certificate indicating same to the seller or title company involved. Seller shall pay the fee set forth in the Master Fee Schedule for such retrofit inspection at the time seller submits the request for the retrofit inspection. No property transfer shall be recorded until such certificate has been received by the seller and transferred with the title to the buyer. If noncompliance is found, the property owner (both seller and buyer) and any title company involved in the transfer shall be in violation of this code and subject to those penalties as prescribed in Title 1 of ~~thise Morro Bay Municipal Code~~.

**14.07.030 Required sewer backwater valve.**

A. Any existing lateral sewer piping upon any premises which services fixtures whose elevation is lower than the elevation of the first upstream sewer manhole rim, lamp hole, or pump station receiving manhole, and for which the city has record of a previous sewage backflow incident

involving a clogged sewer main shall be protected from backflow of sewage by installing backwater valves of a type approved by the Building Official. The property owner shall be required to provide and install such device.

B. If the property owner fails to install and maintain a backwater valve in good working condition when required under this section, then the Building Official may declare said sewer connection to be a nuisance and abate such nuisance pursuant to Section 8.12.010 et seq. of this code by installing an approved-type backwater valve at the owner's expense. Said property owner may, in addition, be subject to fines as outlined in subsection E of this section.

C. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing, or hereafter constructed, shall be maintained by the owner of the property in a safe and sanitary condition and all devices or safeguards which are required by this section for the operation thereof shall also be maintained in a good working order by the owner. It shall be the property owner's responsibility to maintain that portion of the sewer to the public main, including the connection to the public main.

D. The Public WorksServices Director, the health officer, and other duly authorized employees of the city and the health department bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section. The Public WorksServices Director, the health officer, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

E. Violations and Penalties. Any person who is convicted of violation of any provisions of this section is guilty of an infraction punishable as provided in Chapter 1.16 of this code.

## Chapter 14.08

### FIRE CODE

#### Sections:

<b>14.08.010.</b>	<b>Purpose.</b>
<b>14.08.020.</b>	<b>Bureau of fire prevention.</b>
<b>14.08.030.</b>	<b>Fire district established.</b>
<b>14.08.040.</b>	<b>Penalties for turning in false alarms.</b>
<b>14.08.050.</b>	<b>Fire injury report.</b>
<b>14.08.060.</b>	<b>Storage of gasoline driven vehicles.</b>
<b>14.08.070.</b>	<b>Citation powers.</b>
<b>14.08.080.</b>	<b>Fire Hazard Severity Zones</b>
<b>14.08.090.</b>	<b>Modifications of the California Fire Code</b>

#### **14.08.010. Purpose.**

This chapter shall be known and may be cited as "The Fire Prevention Regulations of the City of Morro Bay," Chapter 14.08 of Title 14 of the Morro Bay Municipal Code. This chapter

prescribes minimum regulations to reduce and minimize the potential for loss of and damage to life and property resulting from fire, panic, hazardous materials, and explosions.

**14.08.020. Bureau of fire prevention.**

The California Fire Code shall be enforced by the fire department or building division of the ~~Community Development Department~~ ~~public services~~ department under the supervision of the Fire Chief.

**14.08.030. Fire district established.**

The entire incorporated area of the city is declared to be and is established a fire district.

**14.08.040. Penalties for turning in false alarms or for conviction of intentionally setting a fire.**

Individuals responsible for turning in false alarms shall be responsible for the cost the fire department incurs while responding to the alarm. The cost of the false alarm shall be determined in accordance with the master fee schedule. The intent of this section is not to penalize those persons who make honest mistakes. Persons convicted of intentionally setting a fire in violation of any law or ordinance within the city limits shall pay the cost of fighting that respective fire.

**14.08.050. Fire injury report.**

Any physician, first aid station, ambulance company or persons who treat or aid any person injured by a fire, explosion or chemical burn within the Citymunicipality shall, within twenty-four hours, report such treatment and pertinent information to the fire department.

**14.08.060. Storage of gasoline driven vehicles.**

No one shall store, repair or use any motorcycle, moped or any other gasoline driven vehicle inside of any dwelling. Storage and repair of gasoline driven vehicles are permitted in garage areas adjacent to dwellings.

**14.08.070. Citation powers.**

The Morro Bay Fire Chief (Fire Chief), Fire Marshal and full-time safety members of the Fire Department ~~shall have the powers of a Peace Officer in performing their duties under this Code, and shall have the powers of a Peace Officer as provided in California Penal Code, Sections 830.31 and shall have the~~ authority to issue citations as provided in Title 1 of this ~~Morro Bay Municipal Code.~~ Arson investigators who are full-time members of the Fire Department shall have the powers of a peace officer in performing their duties under this Code, and shall have the powers of a peace officer as provided in California Penal Code, Sections 830.37

**14.08.080. Fire Hazard Severity Zones.**

A. Purpose and Intent. The purpose of this chapter is to provide authority for the identification of local fire hazard severity zones and provide authority for enforcement of state and local codes in these zones. The intent of this chapter is to reduce the potential for fire losses by providing minimum requirements for the protection of properties constructed in very high hazard severity zones and other wildland/urban interface areas designated by the fire chief and supported by substantial evidence.

B. Designation-Recommendation. The ~~F~~ire ~~C~~ehief is hereby authorized to designate very high fire hazard severity zones within one hundred twenty days of receiving recommendations from the California Department of Forestry and Fire Protection.

C. Designation-Not identified. The ~~F~~ire ~~C~~ehief may designate areas not identified as very high fire hazard Severity Zones by the California Department of Forestry and Fire Protection following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are necessary for effective fire protection within the area(s).

D. Designation-Declined. The ~~F~~ire ~~C~~ehief may decline to designate areas identified by the California Department of Forestry and Fire Protection as Very high fire hazard severity zones following a finding, supported by substantial evidence in the record, ~~that~~ the requirements for very high fire hazard severity zones are not necessary for effective fire protection with the area(s).

E. Supported by substantial evidence in the record. "Supported by substantial evidence in the record" shall require the ~~C~~eity ~~C~~eouncil to hold a public hearing and make findings ~~that~~ there is competent substantial evidence in the record to support the ~~F~~ire ~~C~~ehief's designation as fire hazard areas.

F. Enforcement. The Building Official shall enforce the provisions of Chapter 7A of the California Building Code and Chapter 49 of the California Fire Code in all very high fire hazard severity zones and other areas designated by the Fire Chief and supported by substantial evidence in the record.

G. Permits. All submittals for subdivision, entitlement, or building permits shall demonstrate that the proposed project allows for compliance with the provisions of Government Code Section 51182 and Public Resource Code Section 4291, except where otherwise allowed by law, to the satisfaction of the Fire Chief and the Building Official.

#### 14.08.090. Modifications of the California Fire Code.

The California Fire Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Adopt Appendix Chapter 4 and appendices B, BB, C, CC, D, H, I, ~~and K,~~ and N. Delete appendices A, E, F, G and J.

B. Section 101.1 is amended to read as follows:

**Section 101.1 Title.** These regulations shall be known as the Fire Code of the City of Morro Bay.

C. Section 103.1 is amended to read as follows:

**Section 103.1 General.** The Fire Department of the City of Morro Bay is hereby established and the person in charge thereof shall be known as the Fire Chief. Where the Code uses the term Fire Official, it shall mean the Fire Chief.

D. Section 113.2 is amended to read as follows:

**113.2 Schedule of permit fees.** Fees shall be paid in accordance with the City's Master Fee Schedule.

E. Section 302.1, "Definitions," is amended to add the following definition in correct alphabetical order:

**SKY LANTERN.** An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

F. Section 507.5.4 is amended to read as follows:

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

The Fire Chief shall have the authority to remove or cause to be removed, without notice, any vehicle, vessel, or object that is in violation of this section. The owner of said item, so removed, shall be responsible for all towing, storage, or other costs incurred therein.

G. Section 308.1.1.1 is added to read as follows:

**308.1.1.1 Burning Prohibited.** Open burning, bon fires, recreational fires, and all other outdoor fires are prohibited.

Exception:

Barbeques and portable outdoor fireplaces that conform with the following provision are allowed.

1. Fires shall be conducted at a safe distance from and in accordance with the applicable manufacturer's instructions to prevent the spread of fire to adjacent structures or other combustible materials.
2. Fire shall be contained in a non-combustible container, not to exceed 3 feet in diameter and 2 feet in height.
3. Fuel loading shall not exceed 3 feet in diameter or 2 feet in height.
4. Fire shall be fueled by propane, natural gas, charcoal, dried wood, commercial fire logs, or pellets. Fuels shall not include green waste, yard trimmings, pressure treated wood, trash, plastic, or other noxious or hazardous materials.
5. Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.
6. If in the opinion of the Fire Chief or his or her designee, a fire is potentially hazardous or smoke is causing a nuisance, the fire shall be extinguished immediately.

H. Section 308.1.6.3 is ~~amended~~ to read as follows:

308.1.6.3 Sky Lanterns. The ignition and launching of sky lanterns is prohibited.

Exception: The ignition and launching of sky lanterns may be allowed, subject to the approval of a permit by the Chief, where it has been determined that adequate safeguards will be in place.

I. Section 511 is added to read as follows:

SECTION 511  
FIRE SERVICE ELEVATOR

**511.1 Elevator car to accommodate ambulance stretcher.** Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame.

Exception: Elevators located within one- and two-family dwellings and townhouses.

J. Section 901.4.7~~5~~ is added to read as follows:

**901.4.7 Partial Sprinkling of Buildings.** Partial sprinkling of buildings shall not be permitted, except where otherwise allowed by NFPA 13R, 13D, and Section 903.3.1.1.1.

K. Delete Sections 903.2 through 903.2.10.4 and ~~903.2.2 through 903.2.10.14~~.

L. Add Section 903.2 to read as follows:

**903.2 Where Required.** An approved automatic fire sprinkler system shall be installed throughout:

1. All new buildings exceeding 1000 square feet of floor area.

Exceptions:

- a. A structure containing only Group A, Division 5 occupancy.
  - b. Agricultural accessory buildings and greenhouses.
2. All new buildings and structures on the west side of Embarcadero Road.

Exception:

Installation of an automatic fire sprinkler system shall not be required when, to the satisfaction of the Fire Chief and the Building Official, it is demonstrated ~~that~~ the proposed construction, use, and occupancy are minor in scope and nature, ~~that~~ the installation of an automatic fire sprinkler system would be impractical, and ~~that~~ the intent and purpose of this section is otherwise met.

3. All existing buildings exceeding 1000 square feet of floor area, where an automatic fire sprinkler system does not already exist, and a change in the character of use or occupancy is made, which increases the fire hazard level.
4. All existing buildings, where alterations result in:
  - a. An increase in floor area in excess of 50 percent, or
  - b. An increase in floor area in excess of 1000 square feet.

**903.2.1 Determination of Floor Area.** For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. 702.1 is not less than that permitted in CBC Table 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 602 without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

M. Amend Section 903.3.1.1 to read as follows:

**903.3.1.1 NFPA 13 sprinkler systems.** Where other provisions of this code require ~~that~~ a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, or where a building contains two or more occupancies or uses, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 47 except as provided in Section 903.3.1.1.1.

N. Section 3604.1 is amended to read as follows:

**3604.1 General.** Piers, marinas, docks, fuel docks, wharves and similar boat mooring facilities shall be equipped with fire protection equipment in accordance with Section ~~3604.14504.2~~ through ~~3604.64504.6~~ and as otherwise required by the Chief.

O. Section 5609 is added to read as follows:

**SECTION 5609.1**  
**SALE AND USE OF FIREWORKS**

**5609.1 Sale and Use of Fireworks Unlawful.** The sale or use of fireworks, pyrotechnics, and others explosives shall be unlawful.

Exceptions:

1. The sale of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted, subject to the approval of a permit by the Fire Chief.
2. The use of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted on private property only.
3. Public fireworks displays may be allowed, subject to the approval of a permit by the Fire Chief.
4. Pyrotechnics for use in movie industry operations may be allowed, subject to the approval of a permit by the Fire Chief.
5. This section shall not apply to the sale and use of State Fire Marshal approved and listed party poppers and snap caps.
6. Any person violating this provision will be guilty of a misdemeanor and subject to a \$1,000 fine for each offense.
- 5-7. Notwithstanding any other provision of this code, any Morro Bay Police Officer may issue an administrative citation for a first offense without first issuing a warning; and the administrative fine shall be \$1,000 for each offense.

## Chapter 14.09

### EXISTING BUILDING CODE

#### 14.09.010 Modifications of the California Existing Building Code

The California Existing Building Code, adopted in Section 14.01.020, is hereby modified, amended, and ~~or~~ supplemented as follows and shall be the technical strengthening provisions for buildings subject to Chapter 14.18 of this title:

- A. Amend Section A102.1 of Appendix Chapter A1 to read as follows:

**A102.1 General.** The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

**Exception:** This section shall not apply to detached one-family or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

## Chapter 14.10

### RESERVED

## Chapter 14.11

### HOUSING CODE

#### 14.11.010 Modifications of the Uniform Housing Code.

The 1997 Uniform Housing Code, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 103 to read as follows:

#### SECTION 103-SCOPE

The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Chapter 34 of the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house- hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences or lodging houses shall comply with all requirements of this code for dwellings.

B. Amend Section 104.1 to read as follows:

**104.1 Additions, Alterations, or Repairs.** For additions, alterations or repairs, see Chapter 34 of the Building Code.

C. Amend the following definitions, located in Section 401, to read as follows:

**BUILDING CODE** is the California Building Code, as adopted and amended by this jurisdiction.

**HEALTH OFFICER** is the legally designated head of the San Luis Obispo County Department of Public Health.

**MECHANICAL CODE** is the California Mechanical Code, as adopted and amended by this jurisdiction.

**PLUMBING CODE** is the California Plumbing Code, as adopted and amended by this jurisdiction.

## DANGEROUS BUILDINGS CODE

### 14.12.010 Modifications of the Uniform Code for the Abatement of Dangerous Buildings.

The 1997 Uniform Code for the Abatement of Dangerous Buildings, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 103 to read as follows:

#### SECTION 103- ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Chapter 34 of the Building Code.

B. Amend the following definitions, located in Section 301, to read as follows:

**BUILDING CODE** is the California Building Code, as adopted and amended by ~~this title~~ jurisdiction.

**HOUSING CODE** is the 1997 Uniform Housing Code, as adopted and amended by this title~~jurisdiction~~.

Section 3. This Ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be published and posted in the manner required by law.

**INTRODUCED** at a regular meeting the of the City Council of Morro Bay, held on the 15<sup>th</sup> day of November, 2016 by motion of Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_.

**PASSED AND ADOPTED** on the \_\_\_\_\_ day of December, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSEPH W. PANNONE, City Attorney

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AGENDA NO: C-2

MEETING DATE: November 15, 2016

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** November 1, 2016  
**FROM:** Ikani Taumoepeau, Deputy City Manager  
**SUBJECT:** Discussion of Background and History of Community Resource Connections and Possible Direction for Those Efforts

### **RECOMMENDATION**

Staff recommends the City Council receive the presentation and discuss the current relationship between the City and Community Resource Connections (CRC) and direct staff to explore various alternatives to ensure the success of this important community service moving forward.

### **ALTERNATIVES**

1. The Council may direct staff to prepare a resolution to be brought back at a future meeting clarifying the City's responsibility and relationship with Community Resource Connections.

### **FISCAL IMPACT**

The City currently provides the CRC a single, rent-free office in the Tourism / Chamber building (approximate value = \$2400/year). With the FY 16-17 budget, the Council further authorized \$1,000 to offset printing and other miscellaneous office expenses for the Community Resource Connections office.

### **BACKGROUND**

In February 2013, recognizing the need to connect low-income individuals, seniors, persons with disabilities, the homeless, and others in need of assistance, with existing services, a volunteer position was coordinated to disseminate information about the many programs and services available through other organizations, including, but not limited to, non-profit organizations; the faith community; and local, County, State and Federal government programs. Over the past three years, that volunteer position has grown into the Community Resource Connections office and established itself as an important social services hub for Morro Bay (and the Estero Bay region) that has effectively assisted locals to become or remain self-sufficient.

Councilmembers Johnson and Smukler have been City liaisons for Community Resource Connections, as well as the Estero Bay Alliance of Care ("EBAC"). EBAC is an all-volunteer network of organizations and individuals dedicated to enhancing the quality of life for local homeless and in-need citizens through outreach, education and liaison with appropriate agencies and organizations. EBAC initiatives include Monday Dinners, HomeShare SLO, an exploratory committee for pilot "warming centers", and established connections with countywide initiatives and Federally mandated programs, such as the annual "point in time" census on homelessness.

The purpose of this agenda item is to identify a sustainable, legally appropriate and liability conscious framework for the continued effective work the CRC.

Prepared By: DS/IT

Dept Review: \_\_\_\_\_

City Manager Review: DWB

City Attorney Review: JWP

## **DISCUSSION**

In FY 16/17, the City Council established Goal #10.j:

**Community Resource Connections.** Refine and formalize, with Council resolution, the relationship between the City and the Community Resource Connections office.

Councilmembers Johnson and Smukler are prepared to provide further background and context about the CRC when this item is discussed by Council. Further, Sharon O'Leary will be making a presentation during this item at the Council meeting to update the Council on the work and activities of the CRC.

Several possible relationship options between the City and the CRC include:

- Establish an MOU between the CRC and the City. This would require the CRC to become a recognized non-profit, a step that has not yet been taken.
- Identify an existing service organization or other legally recognized service entity such as a faith-based organization to "adopt" the CRC as a service of that organization and then enter an MOU with umbrella service organization.
- Develop the CRC into a City service, with direct oversight by City staff and the CRC Volunteer being a formal City Volunteer such as coaches involved with recreation programs.

## **CONCLUSION**

The CRC provides a valuable community service through a volunteer. The CRC receives a small amount of financial support from the City. No additional City resources are currently committed to the effort except for what should be regular attendance at monthly EBAC meetings in a liaison role.

## **ATTACHMENTS**

None



AGENDA NO: C-3

MEETING DATE: November 15, 2016

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** November 7, 2016

**FROM:** Scot Graham, Community Development Director

**SUBJECT:** Review of Historic Parking Credits Interpretation and Provide Direction as Deemed Appropriate

## RECOMMENDATION

Council review the information provided in the staff report, testimony provided by the public and provide direction to Staff as appropriate.

## ALTERNATIVES

None

## FISCAL IMPACT

None

## BACKGROUND/DISCUSSION

The City Council, on June 28, 2016, reviewed City policy related to Parking In-Lieu Fees and Historic Parking Credits. After completion of the policy review, the City Council adopted Resolution 54-16 providing the following policy direction:

1. *Use of historic parking credits along the Embarcadero is an acceptable practice for evaluation of parking requirements found in Chapter 17.44 of the City of Morro Bay Municipal Code.*
2. *The Parking In-Lieu Fee Program, established by Resolution No. 37-05, shall be suspended, from the date of adoption of this Resolution, for a period of no more than 24 months, as an economic incentive for new or redevelopment/expansion of commercial properties within the City.*
3. *The Parking In-Lieu Fee Program, for the following 24 months, shall include the following parameters:*
  - a. *Parking in-lieu fees are waived for the first four (4) required parking spaces.*
  - b. *In-Lieu fees in the amount of \$500.00 shall be paid for any additional in-lieu parking spaces required beyond the initial 4.*
  - c. *Community Development Department staff shall have the ability to administer the in-lieu fee program for all administrative approvals involving seven (7) or fewer in-lieu spaces.*
  - d. *Projects involving a need for eight (8) to fifteen (15) in-lieu spaces shall require Planning Commission review.*
  - e. *Projects requesting in-lieu parking spaces totaling sixteen (16) or greater shall require approval by the City Council.*

*The City Council may reduce or increase that period by adoption of another resolution.*

Prepared By: <u>SG</u>	Dept Review: <u>SG</u>
City Manager Review: <u>DWP</u>	City Attorney Review: <u>JWP</u>

4. *Staff is directed to develop a comprehensive parking solution for the downtown and waterfront/Embarcadero areas of the City as part of the General Plan/Local Coastal Program update process, including recommending actions needed to rescind or revise this Resolution and Resolution No. 37-05, as needed.*

The Council recently identified further discussion of the Parking Credits concept, along the Embarcadero, as a future agenda item. As part of the Council request to place this item on a future agenda, staff was directed to return with information addressing the following topics:

- Current Staff interpretation on Parking Credits
- Current Parking Policies Discussion
- Approved Parking discussion on the following projects:
  - Anderson Inn
  - Harbor Front Suites
  - Gray's Inn
  - Estero Inn

### **Current Parking Credits Interpretation**

Based on direction from both the Planning Commission and City Council, and relying on past practice and a demonstrated written record, the use of parking credits along the Embarcadero is an acceptable practice that has existed for some time. Current interpretation is if a lease/project site has parking credits identified in appropriate City documents, those credits may be applied to future redevelopment on that site. Parking credits would then be applied against any/all parking requirements generated in association with expansion of existing buildings, new development, remodels, and changes in use. Credits would apply to all uses, including retail, restaurant and lodging. Given lodging uses require parking to accommodate overnight patrons, staff will need to develop approaches, to be approved by PC / Council in the development process to address the parking needs for those types of uses. These approaches will likely vary from site to site based on factors such as size, use, location and design.

That interpretation is meant to be consistent with past city practice that is recorded in public documents and that may have been relied on by master lease holders in their valuation decisions, until a comprehensive policy is developed through the GP/LCP process. Additionally, this interpretation complements the PC's recommendation that we work to reduce and eventually eliminate the use of prime, resident and visitor-serving bayside land for parking where ground-floor pedestrian serving commercial uses should be located.

### **Parking Discussion**

The City Council, has in the recent past, approved two consent of land owner authorizations and release of one Request for Proposal (RFP) for redevelopment of lease sites along the Embarcadero. Each of those lease sites are relying on the historic 'grandfathered' parking credits as memorialized in past permit approvals, City communications, staff reports, and other documents. The referenced lease sites include the Aquarium at 595 Embarcadero, the Libertine site at 801 Embarcadero, and the Off the Hook lease site at 833 Embarcadero.

It should be noted not all recent development on the Embarcadero had historic parking credits that were memorialized in City documents and could be utilized during redevelopment. Several of the hotel/motel properties noted in the following table were required to either provide onsite parking, pay In-Lieu fees or some combination thereof. The table at attachment 2 outlines parking requirements associated with the Anderson Inn, Gray's Inn, Estero Inn and Harbor Front Suites.

## **City Policy/Documents on Reuse and Grandfathering**

The City's adopted 2007 Parking Management Plan defines grandfathering as the practice allowed by the City for certain properties, uses, and activities that legally exist prior to the adoption of the Zoning Ordinance. It does not specify which area of town, nor does it specifically reference the Embarcadero area. The grandfathering clause of the Parking Management Plan reads as follows:

*"Grandfathering' is a commonly used tool that allows a city to retain some flexibility in how it wants to consider re-use proposals for existing land uses and buildings and, as such, can have a bearing on the extent to which the development community may be able to beneficially revitalize under-utilized, vacated, historical, or blighted sites and buildings. As an example, by employing the 'grandfather' practice, the City may elect to not apply current parking requirements for beneficial re-use of a historically important or community iconic building, because doing so may not allow the building to remain in its current configuration; thereby destroying its historical or iconic appearance, or may require the building to be removed altogether. With the 'grandfathering' tool, the City may be able to encourage or better-accommodate economic development of certain sites along with consideration of creative or equivalent alternate solutions to meeting or otherwise satisfying current parking requirements. In employing the 'grandfather' practice, the City is still obligated to address potential resulting environmental effects, or otherwise make findings required by law" (Pg. 64-65, 2007 Parking Management Plan).*

The parking requirements, as set forth in Section 17.44.020 of the Morro Bay Municipal Code, require the provision of parking for the creation or enlargement of a structure or the intensification of a use. That section goes on to read "a change, expansion, or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion."

## **Additional Parking Information**

Additional parking credit information can be found in the form of the previously published staff reports on the subject for the May 3, 2016 Planning Commission meeting and the June 28, 2016 City Council meeting:

- May 3, 2016; PC Item C-1: <http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2797>
- June 28, 2016; CC Item C-1: <http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2859>

## **CONCLUSION**

The above information is provided in support of the requested discussion item on the use/practice of utilizing historic parking credits in association with development/redevelopment and/or reuse of properties along the waterfront.

## **ATTACHMENTS**

1. City Council Resolution 54-16
2. Table of Specific Lease Site parking policy applications over past 20+ years.

**RESOLUTION NO. 54-16**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
TO MEMORIALIZE HISTORIC PARKING CREDITS, SUSPEND PARKING IN-LIEU  
FEES FOR THE EMBARCADERO AND DOWNTOWN AREAS, AND DIRECT THE  
EVALUATION OF THE COMMERCIAL PARKING PROGRAM**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 3, 2016, for the purpose of considering an interpretation of historic parking credits and to forward a recommendation to City Council for approval; and

**WHEREAS**, the City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on June 28, 2016, for the purpose of considering the memorialization of historic parking credits, the suspension of parking in-lieu fees for the Embarcadero and Downtown areas for 18- 24 months, and directing the evaluation of the overall commercial parking program as part of the General Plan / Local Coastal Plan update process; and

**WHEREAS**, the City Council has duly considered all evidence, including the recommendations made by the Planning Commission, the testimony of interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay as follows:

1. Use of historic parking credits along the Embarcadero is an acceptable practice for evaluation of parking requirements found Chapter 17.44 of the City of Morro Bay Municipal Code.
2. The Parking In-Lieu fee program, established by Resolution No. 37-05, shall be suspended, from the date of adoption of this Resolution, for a period of no more than 24 months, as an economic incentive for new or redevelopment/expansion of commercial properties within the City.
3. The parking in-lieu fee program, for the following 24 months, shall include the following parameters:
  - a. Parking in-lieu fees are waived for the first four (4) required parking spaces
  - b. In-Lieu fees in the amount of \$500.00 shall be paid for any additional in-lieu parking spaces required beyond the initial 4.

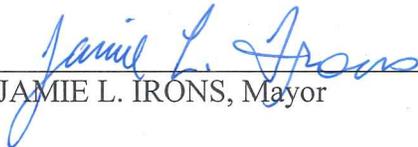
- c. Community Development Department staff shall have the ability to administer the in-lieu fee program for all administrative approvals involving seven (7) or fewer in-lieu spaces.
- d. Projects involving a need for eight (8) to fifteen (15) in-lieu spaces shall require Planning Commission review.
- e. Projects requesting in-lieu parking spaces totaling sixteen (16) or greater shall require approval by the City Council.

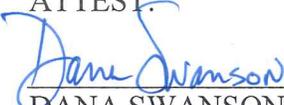
The City Council may reduce or increase that period by adoption of another resolution.

- 4. Staff is directed to develop a comprehensive parking solution for the downtown and waterfront/Embarcadero areas of the City as part of the General Plan/Local Coastal Program update process, including recommending actions needed to rescind or revised this Resolution and Resolution No. 37-05. as needed.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on this 28th day of June, 2016 on the following vote:

AYES: Makowetski, Johnson, Smukler  
NOES: None  
ABSENT: Headding  
ABSTAIN: Irons

  
\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:  
  
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DANA SWANSON, City Clerk

	Approval Date	Required Parking	Provided Parking	In-Lieu Fees	Project Description	Summary
Harbor Front Suites (575-591 Embarcadero) #UPO-140	8-27-2007	13 parking space: 6 hotel and 7 retail	6 hotel spaces provided on-site	Pay in-lieu for 7 parking spaces prior to building occupancy	Demo of existing commercial/vacation rentals & floating dock and new build of 6 hotel units & 2 commercial units & floating dock.	This '07 redevelopment removed an existing use and replaced it with a similar use with identical parking requirements. At that time, the city required the "new" parking to be provided, either through parking or in lieu, even though there was no increase to demand.
Estero Inn (501 Embarcadero) #UPO-020	2-21-2006	11 parking spaces: 7 hotel and 4 retail	4 hotel spaces provided on-site. Parking agreement for 3 spaces off-site at Golden China	Pay in-lieu for 4 spaces (previous Central Coast Cruises CUP 40-91 payment of in-lieu credited to the in-lieu fee required.)	Mixed-use project with 1 <sup>st</sup> floor retail and 2 <sup>nd</sup> floor with 6 hotel units.	This '06 project significantly increased the size and use of the previous building on the site, creating a demand for 11 new parking spaces. 4 were provided on site, 3 were satisfied by a parking agreement with Golden China and four required in-lieu payment which was partially reduced by a previous historic in-lieu payment. The '09 change in use created no increased demand so no parking change required.
Estero Inn (501 Embarcadero) Admin. Amendment to UPO-020	3-27-2009	No parking required	No parking required based on retail parking demand exceeding hotel room parking req.	No in-lieu fees required.	Converted lower floor retail space, on water side of lease site, to two hotel rooms.	
Anderson Inn (899 Embarcadero) #CUP 25-03	1-5-2003	Historic parking credit allowed. New project deemed not to trigger additional demand.	8 parking spaces provided on-site.	None required. New project less intense than previous use.	Replace existing Galley restaurant with 8 hotel units and 3 commercial spaces.	This '03 / '05 project which changed in mid-course of approvals replaced an existing use with new structure that created the same parking demand. Since the original use included four on-site parking spaces and the new design included four onsite parking spaces no in-lieu fees were required. Had the leaseholder wanted to remove all parking from the site, in-lieu for four spaces would have been required.
Anderson Inn PC Minor Amendment to CUP 25-03 (Coastal #3-04-013-A1)	10-18-2005	Revised project's parking demand less intense use than previous	Reduction of 4 on-site parking spaces approved	None required.	Enlarge the restaurant use and realign lateral access.	
Gray's Inn (561 Embarcadero) #CUP 07-92	2-16-1993	6 parking spaces required.	3 parking spaces provided on-site	Pay in-lieu for 3 parking spaces.	Expansion of existing commercial with 2 <sup>nd</sup> floor hotel unit, addition to existing office/commercial on 1 <sup>st</sup> & 2 <sup>nd</sup> .	This '93 project expanded an existing building for a new use which added a requirement for six parking spaces. 3 were provided on site and in-lieu fees were paid for 3.