



CITY OF MORRO BAY CITY COUNCIL AGENDA

The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.

Regular Meeting - Tuesday, March 27, 2018 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
CLOSED SESSION REPORT
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS
PRESENTATIONS - None

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 FOR THE FEBRUARY 27, 2018 CITY COUNCIL MEETING;
(ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-2 APPROVAL OF MINUTES FOR THE MARCH 14, 2018 CITY COUNCIL SPECIAL MEETING AND CLOSED SESSION; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-3 APPROVAL OF PROCLAMATION DECLARING APRIL 2018 AS "MONTH OF THE CHILD" AND "CHILD ABUSE PREVENTION MONTH"; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-4 ADOPTION OF RESOLUTION NO. 12-18 SUPPORTING PROPOSITION 69 ON THE JUNE 2018 BALLOT AND JOINING THE COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS' EFFORTS TO PREVENT TRANSPORTATION FUNDS FROM BEING DIVERTED FOR NON-TRANSPORTATION PURPOSES; (CITY MANAGER)

RECOMMENDATION: City Council adopt Resolution No. 12-18 supporting Proposition 69 on the June 2018 Ballot and joining the Coalition to Protect Local Transportation Improvements' efforts to prevent transportation funds from being diverted for non-transportation purposes.

- A-5 ADOPTION OF RESOLUTION NO. 13-18 AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO A 2017/2018 SURRENDERED AND ABANDONED VESSEL EXCHANGE GRANT CONTRACT WITH THE STATE OF CALIFORNIA DIVISION OF BOATING AND WATERWAYS IN THE AMOUNT OF \$16,100 FOR REMOVAL OF ABANDONED/SURRENDERED VESSELS AND HAZARDS TO NAVIGATION; (HARBOR)

RECOMMENDATION: City Council adopt Resolution No. 13-18 accepting and authorizing the Harbor Director to execute the attached Surrendered and Abandoned Vessel Exchange (SAVE) Grant Contract Agreement #C17S0602-S with the California Division of Boating and Waterways (DBW) for \$16,100 for the funding of removal of abandoned/surrendered vessels and hazards to navigation.

- A-6 ADOPTION OF RESOLUTION NO. 15-18 APPROVING AMENDMENT #1 TO THE NEW LEASE AGREEMENT BETWEEN THE CITY OF MORRO BAY AND BOATYARD LLC FOR LEASE SITE 90/90W, LOCATED AT 885 EMBARCADERO ROAD, AND COMMONLY KNOWN AS THE OTTER ROCK CAFE; (HARBOR)

RECOMMENDATION: City Council adopt Resolution No. 15-18, approving Amendment #1 to the new lease agreement on Lease Site 90/90W, the Otter Rock Café, as proposed.

B. PUBLIC HEARINGS

- B-1 ADOPTION OF RESOLUTION NO. 14-18 APPROVING CONDITIONAL USE PERMIT NO. UP0-448 FOR 945 EMBARCADERO. PROJECT INCLUDES REMODEL OF EXISTING RESTAURANT, HARBORWALK PUBLIC ACCESS IMPROVEMENTS, PILING & WHARF REPAIRS; (HOUSE OF JUJU); (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Council adopt Resolution No. 14-18, making the necessary findings for approval of Conditional Use Permit (CUP) No. UP0-448 as Concept Plan approval.

C. BUSINESS ITEMS

- C-1 AWARD OF TWO CONTRACTS TO SIMPLEVIEW FOR REBUILDING AND MANAGING THE MORROBAY.ORG WEBSITE; (TOURISM)

RECOMMENDATION: Council award two contracts to Simpleview for rebuilding and managing the morrobay.org website, approved to form by the City Attorney:

- 1.) Rebuild the morrobay.org website starting April 2018 (Fiscal Year 2017-18) and anticipated to be finished in FY 2018-19 October 2018 in the contract amount of \$44,950; and,
- 2.) Three-year contract for monthly Content Management System (CMS) and Customer Relationship Management (CRM) management of the site beginning FY 2018-19, including 5-hours per month of staff support, in the annual amount of \$26,280 and total amount over three years of \$78,840.

In addition, Council authorize the City Manager to enter into a contract with MobiManage in the amount of approximately \$ 4,000 for the period until Simpleview has completed rebuilding the morrobay.org website.

- C-2 REPORT ON WASHINGTON D.C. MEETINGS FOR C-MANC'S ANNUAL "WASHINGTON WEEK" CONFERENCE, AND FOR THE WATER TREATMENT FACILITY; (HARBOR/PUBLIC WORKS)

RECOMMENDATION: Receive and file.

- C-3 REVIEW AND PROVIDE DIRECTION REGARDING COUNCIL SUBCOMMITTEE PROPOSED CHANGES TO THE COUNCIL POLICIES & PROCEDURES AND ADVISORY BODIES HANDBOOK AND BY-LAWS; (CITY CLERK)

RECOMMENDATION: City Council review and discuss the proposed changes to the Council Policies & Procedures and Advisory Bodies Handbook and By-laws, as recommended by the Council Subcommittee and staff, and provide direction as deemed appropriate for adoption at a future meeting.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, April 10, 2018 at 6:00 p.m.** 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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PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF:	Scott Collins	City Manager
	Joseph Pannone	City Attorney
	Dana Swanson	City Clerk
	Jennifer Callaway	Finance Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Greg Allen	Police Chief
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:01 p.m., with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION - None

CLOSED SESSION REPORT – No Closed Session Meeting was held.

MAYOR AND COUNCIL MEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/2xfvl2bjrSM?t=2m15s>

CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/2xfvl2bjrSM?t=15m54s>

PRESENTATIONS - None

PUBLIC COMMENT

<https://youtu.be/2xfvl2bjrSM?t=17m48s>

Tim Cowan, Morro Bay resident and owner of Pizza Port restaurant, provided the business spot. Pizza Port, a family-owned business since 1983, was recently honored as the 2017 Business of the Year.

Ken Green, Morro Bay, thanked the Fire Department, Police Department and Police Chief Allen for their work. He also thanked staff, particularly Finance Director Callaway for posting financial reports on the City website. He requested the City not plan for an aquarium due to the required financial responsibility.

Ken Vesterfelt, Morro Bay, spoke in support of the Morro Bay Police Department asking the Council to look at pay scale, staffing and strategic planning for a new police station. He also announced the Cruisin' Morro Bay Car Show on May 2-6, 2018.

Aaron Ochs, spoke as a Morro Bay resident, not writer or columnist. He thanked Mr. Vesterfelt for his comments about the Morro Bay Police Department. Regarding the wastewater project, he stated the majority of residents want the plant upgraded but are concerned about the cost of the water reclamation component. He was also concerned only two companies were still in the bid process.

Pam Ochs, Save our Seniors in Morro Bay, expressed concern about different cost figures being reported for the WRF project and suggested the Council consider other less costly alternatives.

Mark Hanson, Morro Bay, stated his opposition to the sewer project and concern the increased costs would drive residents out of town.

Jeff Eckles, Morro Bay resident, small business owner and candidate for District 2 Supervisor, spoke to Item C-3. He thanked the Council for the resolution opposing offshore oil drilling, requested the Council address issues regarding desal not covered in the staff report and elaborate on concerns over aspects of sanctuary governance.

Erica Crawford, Morro Bay Chamber of Commerce, shared information from the Western Association of Chamber Executives conference she recently attended and announced upcoming events.

Council Member Makowetski commented on email correspondence received regarding value engineering and asked Public Works Director Livick to explain how that is addressed in the Water Reclamation Facility project. Mr. Livick explained value engineering is inherent in the design build process and scoring criteria has been set so that cost is 60% of the evaluation criteria. Additionally, the contract includes a standard provision for value engineering as well as a cost sharing incentive.

The Council and staff responded to comments raised during public comment.

The public comment period was closed.

A. CONSENT AGENDA
<https://youtu.be/2xfvl2bjrSM?t=58m9s>

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

A-1 APPROVAL OF MINUTES FOR THE JANUARY 10, 2018 CITY COUNCIL SPECIAL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE JANUARY 17, 2018 CITY COUNCIL SPECIAL 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: Council Member McPherson moved the Council approve all items on the Consent Agenda. The motion was seconded by Council Member Headding and carried unanimously, 5-0.

B. PUBLIC HEARINGS - NONE

C. BUSINESS ITEMS

C-1 DISCUSSION AND APPROVAL OF 2018 GOALS AND OBJECTIVES; (CITY MANAGER)
<https://youtu.be/2xfvl2bjrSM?t=58m47s>

City Manager Collins presented the report and responded to Council inquiries.

The public comment period for Item C-1 was opened; seeing none, the public comment period was closed.

Council Member comments and recommended changes included the following:

Council Member Davis was pleased with the way items were tabulated and spoke to the importance of Goal 1: Objective 1.b) Emergency Cost Reduction Plan.

Council Member Makowetski spoke to public comment received regarding the City's low-income utility discount program. He contacted other municipalities and found San Luis Obispo is the only other city in San Luis Obispo County that has such a program. While not perfect, he appreciates the progress that has been made and otherwise approved the goals, as stated.

Council Member Heading requested quarterly updates include metrics to measure progress toward achieving goals. He also suggested the following changes:

- Goal 1: Item 2.b) – Supported an MOU with the Chamber to provide leadership and facilitation to further economic development and suggested a contingent of individuals also be involved to more broadly represent all of the disciplines.
- Goal 1: Item 3.a) Requested a full evaluation of the operation of the TBID since the City took it over in April.
- Goal 5: Item 2.d) Lease site audits need to evaluate not only financial components of leases but quality and adherence to certain guidelines for structures constructed on City land. He suggested this item be prioritized and evaluations be done as quickly as possible to mitigate potential risk issues.
- Simmer page – Goal 1:a) An active Council subcommittee continues to work on issues related to the future of the Dynegy site and activity occurs on a routine basis.

Council Member McPherson offered the following input:

- Goal 1: Item 2.b) Appreciated Council Member Heading's comments and suggested adding "and/or other arrangements to further economic development objectives." She fully supports the Chamber but like to expand to other professionals in the community. There was full Council support for this revision.
- Goal 1: Item 3.a) Agreed it was important to evaluate in-house tourism. Council Member Heading provided details to be considered in the review of the transition of TBID under the City: Measures of success would include reports on marketing program; hotelier involvement; TBID board function; adherence to existing ordinance; financial report to

include ADRs, occupancy rates (compared to other SLO County cities), TOT projections compared to past; and SLO County BID information.

- Council Member McPherson suggested the Council consider whether to drop a possible TOT rebate program from the previous list of objectives. Following discussion, it was agreed this should be placed on Simmer, for discussion of potential feasibility based on hotelier interest.
- The Council discussed renaming Goal #3 and agreed on “Public Infrastructure and Facility Maintenance and Improvement.”

Other items of concurrence:

Goal 3:b) The Council requested staff bring back discussion of a future marine services facility with a recommendation from the Harbor Advisory Board for next steps.

Goal 5:d) Wrap lease site evaluations and lease management policy update with Goal 1:2.d).

Goal 5:2.c) Move Community Choice Energy feasibility to Goal 1.

Mr. Collins reviewed edits agreed upon by the Council:

- Goal 1, Objective 2.b) – revised as follows: “Evaluate Memorandum of Understanding (MOU) with the Morro Bay Chamber of Commerce and/or other arrangements to further economic development objectives.”
- Goal 1: Objective 3.a) Overall evaluation of tourism including, ADR, RV assessment issue, evaluate overall tourism effort / transition, hotelier involvement, board functionality, and financial report. Also include information on partnership with Visit SLO BID.
- Goal 3: Change title to “Public Infrastructure and Facility Maintenance and Improvement”
- Goal 5: Objective 2.c) Move Community Choice Energy feasibility study to Goal 1.
- Goal 5: Objective 2.d) Move lease site evaluation /audits with financial partnership criteria and policy.
- Add TOT rebate program to Simmer.
- Future use of the Dynegy site remains on Simmer

The 2018 Goals and Objectives will be brought back in its final form for approval during budget discussions or earlier, if possible.

The Council took a brief recess at 8:10 p.m. The meeting reconvened at 8:22 p.m. with all members present.

C-2 FISCAL YEAR 2017/18 MID-YEAR BUDGET PERFORMANCE AND STATUS REPORT – SIX MONTHS ENDING DECEMBER 31, 2017; (FINANCE)
<https://youtu.be/2xfvl2bjrSM?t=2h10m34s>

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

The public comment period for Item C-2 was opened; seeing none, the public comment period was closed.

The Council supported staff recommendation to pay off the City’s Safety Tier I Fire CalPERS side fund, and to discuss use of opportunity fund balance of \$48,000 during budget discussions.

MOTION: Council Member McPherson moved the Council receive the FY 2017/18 Mid-Year Budget Performance and Status Report and authorize budget adjustments as recommended by staff. The motion was seconded by Council Member Makowetski and carried unanimously, 5-0.

MOTION: Council Member McPherson moved the Council receive FY 2017/18 Capital Improvement Plan Mid-Year Update. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

MOTION: Council Member McPherson moved the Council authorize the establishment of a Capital Pavement Management Plan Project to capture all Pavement Management work. The motion was seconded by Council Member Heading and carried unanimously, 5-0.

MOTION: Council Member McPherson moved to direct staff to make the pre-payment of the City's Safety Tier I Fire CalPERS side fund utilizing the City's General Fund Emergency Reserve as a funding source. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

C-3 DISCUSSION OF AGENDA FOR THE C-MANC ANNUAL "WASHINGTON WEEK" MEETINGS IN WASHINGTON, D.C., AND ADOPTION OF RESOLUTION NO. 07-18 PROTECTING OUR OCEAN AND COAST FROM OFFSHORE OIL DRILLING, EXPLORATION AND FRACKING; (HARBOR)
<https://youtu.be/2xfvl2bjrSM?t=3h10m39s>

Harbor Director Endersby presented the report and responded to Council inquiries.

Mayor Irons shared the template documents for resolution were submitted during public comment at the last meeting and that, along with historical information he collected, was used to craft the resolution. He announced Congressman Carbajal held a rally at the San Luis Obispo courthouse to tell the story of California's opposition to offshore drilling. Mayor Irons' comments during the rally included components of this draft resolution.

The public comment period for Item C-3 was opened; seeing none, the public comment period was closed.

There was Council consensus to approve Resolution No. 07-18, as presented to the public and Council at the meeting with minor grammatical corrections and prepare a letter to be signed by Mayor Irons and submitted to the Bureau of Energy Management before the deadline.

MOTION: Council Member Heading moved approval, as amended, of Resolution No. 07-18, a Resolution of the City Council of the City of Morro Bay, California, opposing new or expansion of existing offshore oil and gas leases off the coast of San Luis Obispo County and supporting measures to prohibit discharge of pollutants into the ocean. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
<https://youtu.be/2xfvl2bjrSM?t=3h26m55s>

Council Member Makowetski requested discussion of placing additional fire pits at the Morro Rock parking lot. There was full Council support for this item.

Council Member Headding requested discussion of a new Jack LaLanne fitness apparatus near the Rock. Mr. Collins commented this item, as well as interest in a bocce ball court, has been reviewed by the Recreation & Parks Commission, and Council direction is needed. There was full support for this item.

ADJOURNMENT

The meeting adjourned at 9:42 p.m. The next Regular Meeting will be held on Tuesday, March 13, 2018, 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

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – MARCH 14, 2018
VETERANS MEMORIAL HALL
209 SURF STREET – 5:00 P.M.

AGENDA NO: A-2
MEETING DATE: March 27, 2018

PRESENT: Jamie Irons Mayor
 Robert Davis Council Member
 John Headding Council Member
 Matt Makowetski Council Member
 Marlys McPherson Council Member

STAFF: Dana Swanson City Clerk

ESTABLISH QUORUM AND CALL TO ORDER

Mayor Irons established a quorum and called the meeting to order at 5:07 p.m. with all members present.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

<https://youtu.be/yc12UGE68bw?t=4m17s>

Carole Truesdale, Morro Bay spoke in support of appointing Barry Branin to the WRFAC.

James Warner, Morro Bay, urged the Council to support Mr. Branin to the WRFAC.

Eric Foor, Morro Bay, stated he would like to see Mr. Branin seated on the WRFAC.

Vicki Baggett, Morro Bay, recommended Mr. Branin be placed on the Water Reclamation Board.

The public comment period was closed.

SPECIAL MEETING AGENDA ITEM:

I. ADVISORY BOARD INTERVIEWS

<https://youtu.be/yc12UGE68bw?t=7m51s>

Clerk Swanson announced Dr. Swain wanted to be here but was unable to attend today's meeting as he was home recovering from surgery. Additionally, Mr. Singh withdrew from consideration for the Water Reclamation Facility Citizens Advisory Committee. He had planned to live in Morro Bay but purchased a home elsewhere.

Council Member Davis stated as liaison to the Recreation and Parks Commission, he had observed Dr. Swain and, based upon his experience, was satisfied to consider his reappointment. He recommended the Council proceed and consider his application. All members concurred.

Recreation and Parks Commission

<https://youtu.be/yc12UGE68bw?t=10m2s>

- Two (2) current vacancies for a 4-year term ending January 31, 2022

The Council interviewed Mike Espino for consideration of appointment to the Recreation & Parks Commission.

MOTION: Council Member McPherson moved the Council appoint both Dr. Robert Swain and Mike Espino to the Recreation & Parks Commission. The motion was seconded by Council Member Heading. The motion carried 5-0 by roll call vote with Council Members McPherson, Heading, Davis, Makowetski and Mayor Irons voting yes.

Water Reclamation Facility Citizens Advisory Committee (WRFAC)
<https://youtu.be/yc12UGE68bw?t=25m12s>

- Two (2) current vacancies

The Council interviewed Barry Branin and Doug Rogers for consideration of appointment to the WRFAC.

MOTION: Mayor Irons moved to appoint Doug Rogers to the WRFAC. The motion was seconded by Council Member McPherson. The motion carried 5-0 by roll call vote with Mayor Irons, Council Members McPherson, Davis, Heading and Makowetski voting yes.

MOTION: Council Member Makowetski moved the Council appoint Barry Branin to the WRFAC. The motion died for lack of a second.

Mayor Irons read the agenda title for Closed Session then recessed the meeting at 6:07 p.m.

The meeting reconvened in Closed Session at 6:19 p.m. at City Hall Conference Room, 595 Harbor Street to hear the following item:

CS-1 GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property: Lease Sites 90/90W, Otter Rock, 885 Embarcadero

Property Negotiators: Cliff Branch

Agency Negotiators: Eric Endersby, Harbor Director; Joseph Pannone, City Attorney; Scott Collins, City Manager

Negotiation: Price and Terms of Payment.

RECONVENE IN OPEN SESSION – The City Council reconvened in Open Session. The Council did not take any reportable action pursuant to the Brown Act.

ADJOURNMENT

The meeting adjourned at 6:46 p.m.

Recorded by:

Dana Swanson
City Clerk

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING APRIL 2018 AS “MONTH OF THE CHILD”
AND “CHILD ABUSE PREVENTION MONTH”**

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

WHEREAS, the Morro Bay City Council recognizes that every moment in a child's life is an opportunity for that child to learn, that the quality of these experiences may determine whether a child succeeds in school and in life, and that all children need caring and loving adults in their lives; and

WHEREAS, April - “Month of the Child” and “Child Abuse Prevention Month” – mark a time to recognize that our community’s children are precious assets, that the quality of their early years is our collective responsibility, and that we commit ourselves to ensuring that each and every child experiences a high quality early environment – at home, at child care, at school, and in the community – that will promote their optimal development; and

WHEREAS, Saturday, April 7, 2018, will commemorate the “Day of the Child” at the 40th Annual Children’s Day in the Plaza celebration from 10:00am to 3:00pm in the San Luis Obispo Mission Plaza; this year’s celebration where children and families will have the opportunity to discover creativity, individuality, diversity, and the arts while exploring community resources; and

WHEREAS, a variety of other events honoring Month of the Child will provide an opportunity to acknowledge the dedication of individuals and organizations to improve the lives of children and youth in our county, and raise the awareness of the community, employers, and elected officials of the need to improve the quality, availability, and accessibility of programs supporting children; and

WHEREAS, Friday, April 20, 2018, will be the 10th Annual Child Abuse Prevention Academy, hosted by Center for Family Strengthening and Cuesta College to raise awareness about the many children in our midst who suffer daily from abuse and neglect, and to pledge support for strategies that strengthen families and protect our young ones; and

WHEREAS, in this caring and connected county, we will, including and beyond the Month of the Child, continue to dedicate our efforts and our resources to investing in our community’s future by investing in and supporting our community’s children and youth; and may we remember to listen to and watch the children around us, to have patience and to allow them the opportunity to enjoy the journey of childhood, as exemplified in the San Luis Obispo County Children’s Bill of Rights.

NOW, THEREFORE, BE IT RESOLVED the Morro Bay City Council is proclaiming April 2018 as the “Month of the Child”, and “Child Abuse Prevention Month” and April 7, 2018 as “Day of the Child”.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 27th day of March 2018.

JAMIE L. IRONS, MAYOR
City of Morro Bay, California

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AGENDA NO: A-4

MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor and City Council

DATE: March 12, 2018

FROM: Scott Collins, City Manager

SUBJECT: Adoption of Resolution No. 12-18 Supporting Proposition 69 on the June 2018 Ballot and Joining the Coalition to Protect Local Transportation Improvements' Efforts to Prevent Transportation Funds from being Diverted for Non-Transportation Purposes

RECOMMENDATION

Staff recommend the City Council adopt Resolution No. 12-18 supporting Proposition 69 on the June 2018 Ballot and joining the Coalition to Protect Local Transportation Improvements' efforts to prevent transportation funds from being diverted for non-transportation purposes.

ALTERNATIVES

None proposed.

FISCAL IMPACT

No fiscal impact.

BACKGROUND

California's cities, counties and transportation agencies need dedicated funding to support transportation infrastructure road safety improvements, fill potholes, and repair local streets, highways, freeways, bridges and overpasses. According to the most recent estimates conducted by CalTrans and other transportation agencies in the state of California, there is a statewide backlog of over \$130 Billion in needed road repairs, including \$73 billion needed for local streets and roads.

In response to this significant concern, SB 1, "Road Repair and Accountability Act" was passed by the State Assembly and Senate and signed into law by Governor Brown, which will raise \$5 billion annually in long-term, dedicated transportation funding to make road safety improvements, fill potholes and repair local streets, highways, bridges and overpasses, with the revenues split equally between state and local government projects. The City of Morro Bay stands to receive approximately \$200,000 annually from SB 1 to support its street maintenance program. That program is, on average, budgeted for \$600,000 annually. The SB 1 funding serves to increase the overall street maintenance budget by 33%.

There is concern that SB 1 funds could be diverted to other State priorities, which is why these transportation revenues should have additional Constitutional protections to ensure funds are used only for transportation purposes.

Prepared By: SC

Dept Review: SC

City Manager Review: SC

City Attorney Review:

DISCUSSION:

Proposition 69 on the June 2018 ballot would add another layer of accountability by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes. That would ensure that the City of Morro Bay would continue to receive \$200,000 a year from SB 1 to help maintain the condition of the City's streets.

Therefore, it is recommended that City Council support Proposition 69 on the June 2018 ballot to prevent new transportation funds from being diverted for non-transportation purposes. It is further recommended that City Council support Morro Bay being listed as a member of the Coalition to Protect Local Transportation Improvements, a diverse coalition of local government, business, labor, transportation and other organizations throughout the state

CONCLUSION

SB 1 provides a much-needed source of funds to pay for statewide transportation infrastructure and local street repairs and maintenance needs. Passage of Proposition 69 will constitutionally protect this funding source so that these funds can only be used for their intended purpose of maintaining state and local highways, bridges, and streets.

ATTACHMENTS

1. Resolution 12-18

RESOLUTION NO. 12-18

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
SUPPORTING PROPOSITION 69 ON THE JUNE 2018 BALLOT AND JOINING THE
COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS' EFFORTS
TO PREVENT TRANSPORTATION FUNDS FROM BEING DIVERTED FOR
NON-TRANSPORTATION PURPOSES**

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

WHEREAS, California's cities, counties and transportation agencies need dedicated funding to support transportation infrastructure road safety improvements, fill potholes, and repair local streets, highways, freeways, bridges and overpasses; and

WHEREAS, there is a statewide backlog of over \$130 Billion in needed road repairs, including \$73 billion needed for local streets and roads; and

WHEREAS, last year's "Road Repair and Accountability Act" (SB 1 – Beall) will raise \$5 billion annually in long-term, dedicated transportation funding to make road safety improvements, fill potholes and repair local streets, highways, bridges and overpasses, with the revenues split equally between state and local government projects; and

WHEREAS, these transportation revenues should have additional Constitutional protections to ensure funds are used only for transportation purposes; and

WHEREAS, Proposition 69 on the June 2018 ballot would add another layer of accountability by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes.

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

Section 1. The City Council hereby supports Proposition 69 on the June 2018 ballot to prevent new transportation funds from being diverted for non-transportation purposes.

Section 2. The City Council supports and can be listed as a member of the Coalition to Protect Local Transportation Improvements, a diverse coalition of local government, business, labor, transportation and other organizations throughout the state, in support of Proposition 69, and directs staff to email a copy of this adopted resolution to Kyle Griffith of the Coalition to Protect Local Transportation Improvements campaign at kgriffith@bcfpublicaffairs.com.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 27th day of March 2018 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST:

DANA SWANSON, City Clerk

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AGENDA NO: A-5

MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor and City Council

DATE: March 12, 2018

FROM: Eric Endersby, Harbor Director

SUBJECT: Adoption of Resolution No. 13-18 Authorizing the City of Morro Bay to Enter into a 2017/2018 Surrendered and Abandoned Vessel Exchange Grant Contract with the State of California Division of Boating and Waterways in the Amount of \$16,100 for Removal of Abandoned/Surrendered Vessels and Hazards to Navigation

RECOMMENDATION

Staff recommend the City Council adopt Resolution No. 13-18 accepting and authorizing the Harbor Director to execute the attached Surrendered and Abandoned Vessel Exchange (SAVE) Grant Contract Agreement #C17S0602-S with the California Division of Boating and Waterways (DBW) for \$16,100 for the funding of removal of abandoned/surrendered vessels and hazards to navigation.

ALTERNATIVES

There are no alternatives being offered.

FISCAL IMPACT

Approval of this \$16,100 grant agreement will provide funding for demolition and removal of abandoned or surrendered vessels and hazards to navigation. The City is required to provide a 10% funding match, or \$1,610, which will come from existing budgeted funds, primarily in the form of staff time.

BACKGROUND

The Vessel Turn-In Program (VTIP) was established by DBW from enabling State of California Legislation in 2009. It provides a funding mechanism for local agencies to identify vessels in danger of being abandoned (generally older vessels at or beyond their useful life and falling into dereliction) and accepting ownership of those vessels from willing owners for demolition prior to them being abandoned and becoming a hazard to navigation or the environment. The City has accepted three prior grants from DBW under the VTIP program.

The Abandoned Water Abatement Fund (AWAF) was established in 1997 and provides funds to public agencies to remove, store, and dispose of abandoned, wrecked, or derelict vessels or other submerged objects from navigable waterways which pose a hazard to navigation or the environment. To date, the Harbor Department has received and expended over \$92,500 in seven separate AWAF fund grants.

Today, the two grants are combined to create a single grant, entitled "Surrendered and Abandoned

Prepared By: LS

Dept Review: EE

City Manager Review: SC

City Attorney Review: JWP

Vessel Exchange” (SAVE), which will allow the City the ability to utilize the funds as deemed necessary for both AWWF and VTIP grant purposes.

In April of 2017, the Harbor Department applied for and received a \$25,000 SAVE Grant from DBW. Those funds are now exhausted.

In August of 2017, State Parks announced the availability of additional funds for the FY 17/18 SAVE program, where the Harbor Department applied for \$25,000, and was approved for \$16,100.

DISCUSSION:

As stewards of the harbor and ocean environment, this grant would enable the Harbor Department to continue to accept surrendered vessels for demolition prior to them becoming abandoned and posing hazards to navigation or the environment.

In addition, the Harbor Department will identify vessels in danger of abandonment and prioritize removal of them by working with willing owners, as well as, prioritize vessels in need of abatement. Projects will be put out to bid if necessary, as they arise, and the City will remove as many vessels as possible within the scope of the grant agreement.

Currently, we have three vessels slated to be removed and demolished and an abandoned boat trailer that was left on the launch ramp.

CONCLUSION

Staff recommend the City Council adopt Resolution No. 13-18 accepting a \$16,100 SAVE grant from the California Division of Boating and Waterways for demolition and removal of abandoned/surrendered vessels and hazards to navigation.

ATTACHMENTS

1. Resolution 13-18
2. SAVE Grant Contract Agreement

RESOLUTION NO. 13-18

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
AUTHORIZING THE CITY OF MORRO BAY TO ENTER
INTO A 2017/2018 SURRENDERED AND ABANDONED VESSEL EXCHANGE
CONTRACT WITH THE DIVISION OF BOATING AND WATERWAYS**

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

WHEREAS, City of Morro Bay (City) applied for a Surrendered and Abandoned Vessel Exchange (SAVE) Grant from State of California Division of Boating and Waterways in the Amount of \$25,000.00; and

WHEREAS, DBW awarded the City a SAVE grant in the amount of \$16,100.00, which will allow the City the ability to utilize the funds as deemed necessary for removal of abandoned and surrendered vessels and hazards to navigation; and

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

1. The City hereby accepts SAVE Contract Agreement #C17S0602-S, in the amount of \$16,100 for removal of abandoned/surrendered vessels and hazards to navigation.
2. Harbor Director Eric Endersby is hereby authorized to sign and act as the City's agent in regard to all aspects of the grant agreement.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 27th day of March 2018 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST

DANA SWANSON, City Clerk

State of California – Natural Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
 DIVISION OF BOATING AND WATERWAYS
GRANT AGREEMENT - CERTIFICATE OF FUNDING

GRANTEE: City of Morro Bay Harbor Department
GRANT TITLE: SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE)
GRANT AMOUNT: \$16,100.00
GRANT NUMBER: C17S0602-S
GRANT TERM: Effective: Date Fully Executed* through March 1, 2019
FULLY EXECUTED: To be advised

The Grantee agrees to the terms and conditions of this contract, hereinafter referred to as Agreement, and the State of California, acting through its Director of the Department of Parks and Recreation, and pursuant to the State of California agrees to fund the total State grant amount indicated below. The GRANTEE agrees to complete the SCOPE OF WORK as defined in the Agreement.

The General and Special Provisions attached are made a part of and incorporated into the Agreement.

Grantee: City of Morro Bay Harbor Department Address: 1275 Embarcadero, Morro Bay, CA 93422 Authorized Signature: Printed Name: Title of Authorized Representative: Date:	Agency: Department of Parks and Recreation Division of Boating and Waterways ATTN: Ron Kent Address: One Capitol Mall, Suite 500 Sacramento, CA 95814 Authorized Signature: Printed Name: Ramona Fernandez Title: Chief of Operations Date:
---	---

**CERTIFICATE OF FUNDING
(FOR STATE USE ONLY)**

GRANTEE: City of Morro Bay Harbor Department
GRANT TITLE: FY 2017/18 Surrendered and Abandoned Vessel Exchange (SAVE)
GRANT AMOUNT: \$16,100.00
GRANT NUMBER: C17S0602-S
GRANT TERM: Effective: Date Fully Executed* through March 1, 2019
FULLY EXECUTED: To be advised

CONTRACT NO C17S0602-S	AMENDMENT NO	CALSTARS VENDOR NO 4000000048-02		PROJECT NO
AMOUNT ENCUMBERED BY THIS DOCUMENT \$16,100.00	FUND TITLE Abandoned Watercraft Abatement Fund 0577		AGENCY BILLING CODE NO 053706	
PRIOR AMOUNT ENCUMBERED BY THIS DOCUMENT \$0	ITEM 3790-101-0577	CHAPTER 14	STATUTE 2017	FISCAL YEAR 2017/18
TOTAL AMOUNT ENCUMBERED TO DATE \$16,100.00	INDEX 1706	OBJECT CODE	PCA CODE 69008	PROJECT/WORK PHASE N/A
T.B.A. NO	I hereby certify upon my own personal knowledge that the budgeted funds are available for this encumbrance.			
B.R.NO 77-1	ACCOUNTING OFFICER'S SIGNATURE		DATE	

STATE OF CALIFORNIA

Department of Parks and Recreation, Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814

EXHIBIT A
SURRENDERED AND ABANDONED VESSELS EXCHANGE (SAVE)
FISCAL YEAR 2017/18
SCOPE OF WORK

Grantee agrees to provide to the Division of Boating and Waterways (DBW) as described herein:
See Grant Application: Letter of Intent, Scope of Work and Work Plan of Exhibit G.

The services shall be performed in the jurisdiction of: City of Morro Bay Harbor Department

State Agency: Division of Boating and Waterways	Grantee (Agency Name): City of Morro Bay Harbor Department
Name: Ron Kent	Grantee Representative*: Lori Stilts
Title: Program Administrator	Title: Grants Administrator
Address: One Capitol Mall, Suite 500 Sacramento, CA 95814	Address: 1275 Embarcadero, Morro Bay, CA 93422
Phone: (916) 327-1825	Phone: (805) 772-6254 x 256
Fax:	Fax: (805) 772-6258
Email: ron.kent@parks.ca.gov	Email: lstilts@morrobayca.gov

* Grantee representative information may only be changed by giving 30 days written notice to DBW.

EXHIBIT B

Surrendered and Abandoned Vessels Exchange (SAVE) Grant Program

1. NEEDS AND OBJECTIVES OF DBW

- a. Pursuant to its authority under Harbors and Navigation Code section 525, the Division of Boating and Waterways (DBW) wishes to contract with Grantee for the removal and disposal of abandoned, wrecked or dismantled vessels, or parts thereof, or any other partially submerged objects (hereinafter "eligible water hazards") which pose a substantial hazard to navigation within Grantee's jurisdiction as listed on the Questionnaire, found in Exhibit A.
- b. Pursuant to its authority under Harbors and Navigation Code Section 525, the Division of Boating and Waterways (DBW) wishes to contract with Grantee for the removal and disposal of surrendered vessels, or parts thereof, which are in danger of being abandoned and has a likelihood of causing environmental degradation or becoming a hazard to navigation within Grantee's jurisdiction as specified according to the Grantee's Work Plan, found in Exhibit A.

2. WATER HAZARDS ELIGIBLE FOR REMOVAL AND DISPOSAL

The funds provided under this Agreement shall be used for the combined purposes of Surrendered and Abandoned Vessels Exchange (SAVE) as follows:

- a. **Abatement, removal, storage and/or disposal of eligible water hazards.** For purposes of this Agreement, "abandoned" is defined in Harbors and Navigation Code section 522(a):

"Any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within the corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, without its consent expressed by resolution of its legislative body, for a period longer than 30 days without a watchman or other person being maintained upon or near and in charge of the property, is abandoned property".

Harbors and Navigation Code, Section 525 (1)(A):

"...the Abandoned Watercraft Abatement Fund, which is hereby created as a special fund. Moneys in the fund shall be used exclusively, upon appropriation by the Legislature, for grants to be awarded by the department to local agencies for the abatement, removal, storage, and disposal as public nuisances of any abandoned property as described in Section 522 or for the disposal of surrendered vessels as defined in Section 526.1, wrecked or dismantled vessels, or parts thereof, or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property or private property with the landowner's consent.
- b. The funds provided under this Agreement shall not be utilized for abatement, removal, storage, or disposal of commercial vessels. Commercial vessels include those vessels for which the most recent registration or documentation was commercial, even though that registration or documentation may have lapsed.
- c. If Grantee is reimbursed for the costs related to the abatement, removal, storage, and/or disposal of an eligible water hazard by the registered or legal owner or other

person or entity known to have an interest in the water hazard, then the water hazard shall no longer be eligible for funding under this Agreement. Grantee shall notify DBW in writing of such reimbursement and shall return all funds disbursed by DBW to Grantee with respect to such water hazard immediately.

- d. **Abatement, removal, storage and disposal of eligible surrendered vessels.** For purposes of this Agreement, “surrendered” is defined in Harbors and Navigation Code section 526.1(a):
- e. “surrendered vessel” means a recreational vessel that the verified titleholder has willingly surrendered to a willing agency under both of the following conditions:
 - (1) The public agency has determined in its sole discretion that the vessel is in danger of being abandoned, and therefore has a likelihood of causing environmental degradation or becoming a hazard to navigation.
 - (2) The decision to accept a vessel is based solely on the potential of the vessel to likely be abandoned and cause environmental degradation or become a hazard to navigation.”
- f. The funds provided under this Agreement shall not be utilized for surrender, abatement, removal, storage, or disposal of commercial vessels. Commercial vessels include those vessels for which the most recent registration or documentation was commercial, even though that registration or documentation may have lapsed.
- g. If Grantee is reimbursed for the costs related to the removal, storage, and/or disposal of a surrendered vessel by the registered or legal owner or other person or entity known to have an interest in the vessel, then the vessel shall no longer be eligible for funding under this Agreement. Grantee shall notify DBW in writing of such reimbursement and shall return all funds disbursed by DBW to Grantee with respect to such vessel immediately.

3. RIGHT OF INSPECTION

Grantee shall allow DBW and other state agency representatives, at any reasonable time, to inspect any site where Grantee or its subcontractors are performing work under this Agreement.

4. ANNUAL MEETING

Grantee’s representative or alternate shall participate in an annual one-day video or phone conference conducted by DBW during the term of this agreement. Should the Grantee or representative be unable to attend the meeting and cannot provide a substitute from the agency, the Grantee must forward a letter to DBW stating the reason why they cannot attend. DBW must grant approval in writing in order for the Grantee not to be in breach of this Agreement for failure to attend.

5. ACTIVITY/NON ACTIVITY: REPORTING REQUIREMENTS

- a. Grantee shall provide quarterly reports to DBW describing the status of existing issues known, pending, or in progress.
- b. Lack of quarterly reporting and/or removal activity within any twelve month period during the term of this agreement is subject to possible revocation of grant.

6. **OVERLAPPING ANNUAL GRANT AWARDS**

A minimum of fifty percent (50%) of an existing SAVE grant must be utilized and reported for reimbursement to DBW by the new grant application deadline to qualify for a new fiscal year grant. Only one overlapping grant per fiscal year will be allowed.

7. **HAZARDOUS MATERIALS**

Grantee shall be responsible for securing any necessary or prudent studies, permits, or authorizations associated with treatment, removal, storage, or any other handling of hazardous substances including, but not limited to, toxic waste, petroleum waste, asbestos, and similar substances, prior to the removal of any vessel and water hazard pursuant to this Agreement.

Grantee shall be responsible for the proper and lawful handling, abatement, removal, storage, and/or disposal of any hazardous substances encountered in the execution of this Agreement.

8. **TITLES AND LIENS**

a. **Abandoned vessels:** Grantee shall comply with all relevant provisions of the Harbors and Navigation Code regarding notices, hearings and liens in the performance of this Agreement. Grantee (in conjunction with local law enforcement) shall conduct a title search for all vessels presumed to be abandoned, as provided by Harbors and Navigation Code section 526.

b. **Surrendered vessels:** Grantee shall comply with all relevant provisions of Harbors and Navigation Code section 526.1 in the performance of this Agreement, requiring that a surrendered vessel be that of the "verified titleholder."

9. **MEDIA**

Grantee agrees to acknowledge DBW's financial support whenever work funded by this Agreement is publicized in any news media, brochures, or other type of promotional material.

10. **MEDIA MATERIALS RELEASE**

Grantee agrees to irrevocably grant to California State Parks, Division of Boating and Waterways, its employees, officers, agents, and assigns (hereinafter referred to as "DBW"), the non-exclusive, royalty-free, perpetual and worldwide right and permission to use, reproduce, publish, copy, distribute, alter, license, adapt, and display the photographs, motion pictures, caption information, and/or written quotes (hereinafter referred to collectively as "Photographs"), that the Grantee has submitted to DBW for art, editorial, advertising, marketing, trade, broadcast, print, educational programs, or any other lawful purpose whatsoever, in any and all media. In connection with the foregoing license, the Grantee agrees not to use, reproduce, adapt, or display the Photographs, or allow others to do so, in a manner that tends to subject DBW or its AWAFF, VTIP and/or SAVE programs to ridicule, disparagement, mockery, satire, or that could tarnish the image of the DBW's AWAFF, VTIP, and/or SAVE programs. Grantee hereby releases and discharges DBW from any and all claims and demands arising out of or in connection with the use of the Photographs, including without limitations, any and all claims for libel, defamation, invasion of privacy, and/or publicity rights. DBW assumes no responsibility for lost or damaged Photographs or for the use of same. DBW may sell, assign, license, or transfer all rights granted to it hereunder.

Grantee also grants DBW and its licensees the unrestricted right to use and disclose its

name in connection with use of the Photographs. The Grantee understands that it will not be paid for any use or right granted herein.

The Grantee understands and agrees that the Photographs may be used in whole or in part, at any time. The license granted herein to DBW includes the right and permission to conduct or have conducted such alterations to the Photographs as DBW deems necessary. Grantee releases and discharges DBW and agrees to indemnify and hold DBW harmless from any liability by virtue of any blurring, distortion, alteration, optical illusion or use in composite form, loss or damage, whether intentional or otherwise, that may occur in the use of the Photographs. The Grantee waives any right to inspect or approve any finished product, advertising or other copy that may be used in connection therewith or the use to which it may be applied.

The Grantee declares and avows that the Photographs it is submitting to DBW are its own original work in all respects. The Grantee is the sole and exclusive owner of the Photographs; they are free, clear, and unencumbered. No part of them is taken from or based on any other work; no part infringes the copyright or any other right of any person; and the reproduction, publication, exhibition, or any other use by DBW of the Photographs in any form whatever will not in any way, directly or indirectly, infringe on the rights of any person. The Grantee agrees to indemnify and hold DBW harmless from and against any and all loss, damage, costs, charges, legal fees, recoveries, judgments, amounts paid in settlement, penalties, and expenses that may be obtained against, imposed on, or suffered by DBW by reason of (1) any violation or infringement of any proprietary right or copyright; or (2) any libelous or unlawful matter contained in the Photographs. Grantee also agrees to indemnify and hold DBW harmless for any such amounts arising from its breach of any covenant, representation, or warranty of this agreement.

11. PERMITS AND DOCUMENTATION

Prior to the removal of any abandoned vessel, eligible water hazard, or surrendered vessel, the Grantee shall obtain all necessary permits, authorizations, and documentation necessitated by any applicable provision of law.

12. SECURING OF BIDS

Grantee shall comply with any applicable laws and regulations governing the competitive bidding process when awarding subcontracts to marine salvage companies under this Agreement.

13. SUBCONTRACTORS

Grantee agrees that it shall guarantee and shall be responsible for ensuring that any and all of its contractors and subcontractors holds a valid business license and carries general commercial liability insurance coverage sufficient to fully insure against any and all risks of hazardous activities associated with the work to be performed under this Agreement; and Grantee agrees that if any of Grantee's contractors or subcontractors fail to fulfill any of these requirements, that Grantee itself carries general commercial liability insurance coverage sufficient to fully insure against any and all risks of hazardous activities associated with the work to be performed under this Agreement, whether performed by the Grantee, Grantee's contractor(s), or Grantee's subcontractor(s). Grantee shall provide DBW with a certificate of insurance from any contractor(s) and subcontractor(s) prior to the commencement of any work under this Agreement.

14. TRAFFIC CONTROL AND TRAFFIC SAFETY

The Grantee shall provide for adequate traffic control and safety measures at any site where Grantee and its subcontractors will perform any work under this Agreement.

15. AIR OR WATER POLLUTION VIOLATION

Grantee warrants that it is not (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to any cease and desist order not subject to review issued pursuant to Water Code section 13301 for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

16. ENTIRE AGREEMENT

This Agreement consists of the terms of this Agreement and all attachments, which are expressly incorporated herein. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required.

17. APPROVAL OF AGREEMENT AND AMENDMENTS

This Agreement and any variation thereto is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Commencement of performance prior to approval of this Agreement will be at the Grantee's own risk.

18. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENT

There are no Disabled Veteran Business Enterprise participation requirements with this agreement.

19. AUTHORITY TO CONTRACT

Grantee must provide DBW with evidence of its authority to enter into this Agreement. Grantee may provide a delegation of contracting authority from its local governing body that by law has authority to contract. Alternatively, Grantee shall provide DBW with a resolution, order, motion, or ordinance of its local governing body that by law has authority to contract, authorizing execution of this Agreement.

20. COMPLIANCE WITH LAW AND REGULATIONS

Grantee and its subcontractor(s) shall comply with all applicable laws and regulations of the State of California for all work to be performed under this Agreement. By signing this Agreement, Grantee certifies its compliance and the compliance of all subcontractors with: (a) applicable provisions of the California Environmental Quality Act; (b) Nondiscrimination Program requirements of Government Code section 12990 (a-f) and Title 2, California Code of Regulations, section 8103 (and section 8113 in contracts over \$5,000) along with section 7285 et. seq. of the Fair Employment and Housing Act; (c) Drug-Free Workplace requirement of Government Code section 8350 et seq.; (d) National Labor Relations Board Certification of Public Contract Code section 10296; (e) Workers' Compensation requirement of Labor Code section 3700; and (f) Americans with Disabilities Act regulations issued pursuant to 42 U.S.C. section 12101 et seq.

21. INDEPENDENT CONTRACTOR

Grantee and its employees are independent contractors and shall not be considered officers or employees of DBW or agents of the State of California.

22. INSURANCE REQUIREMENTS

The abatement, removal, storage, and /or disposal of vessels under this Agreement is a hazardous activity. Grantee therefore must maintain commercial general liability insurance in an amount and of a type acceptable to DBW and to the Department of General Services/ Office of Risk and Insurance Management (ORIM).

1. **GENERAL PROVISIONS APPLYING TO ALL POLICIES**

a. Coverage Term

Coverage needs to be in force for the complete term of the Agreement. If insurance expires during the term of the grant, a new certificate must be received by the Division at least ten (10) days prior to the expiration of this insurance. Any new insurance must still comply with the original terms of the grant.

b. Policy cancellation or termination & notice of non-renewal

Insurance policies shall contain a provision stating coverage will not be cancelled without 30 days prior written notice to the Division. In the event Grantee fails to keep in effect at all times the specified insurance coverage, the Division may, in addition to any other remedies it may have, terminate this Agreement upon the occurrence of such event, subject to the provisions of this Agreement.

c. Deductible

Grantee is responsible for any deductible or self-insured retention contained within their insurance program.

d. Primary clause

Any required insurance contained in this Agreement shall be primary, and not excess or contributory, to any other insurance carried by the State.

e. Insurance carrier required rating

All insurance companies must carry a rating acceptable to ORIM. If the Grantee is self-insured for a portion or all of its insurance, review of financial information including a letter of credit may be required by DBW or ORIM.

f. Endorsements

Any required endorsements requested by the Division must be physically attached to all requested certificates of insurance and not substituted by referring to such coverage on the certificate of insurance.

g. Inadequate Insurance

Inadequate or lack of insurance does not negate the Grantee's obligations under the Agreement.

h. Use of Subcontractors

In the case of Grantee's utilization of subcontractors to complete the contracted scope of work, Grantee shall include all subcontractors as insured's under Grantee's insurance or supply evidence of subcontractor's insurance to the State when requested equal to policies, coverages, and

limits required of Grantee.

2. **INSURANCE REQUIREMENTS**

a. Commercial General Liability

The Grantee shall maintain general liability on an occurrence form with limits of not less than \$1,000,000 per occurrence for bodily injury and property damage liability combined with a \$2,000,000 annual policy aggregate. The policy shall include coverage for liabilities arising out of premises, operations, independent subcontractors, products, completed operations, personal and advertising injury, and liability assumed under an insured contract. This insurance shall apply separately to each insured against whom claim is made or suit is brought subject to the Grantee's limit of liability. The policy must include:

"The State of California, its officers, agents, employees and servants as additional insureds, but only with respect to work performed under the contract."

This **endorsement** must be supplied under form acceptable to the Office of Risk and Insurance Management.

In the case of Grantee's utilization of subcontractors to complete the contracted scope of work, Grantee shall include all subcontractors as insured's under Grantee's insurance or supply evidence of insurance to the State equal to policies, coverages and limits required of Grantee.

b. Automobile Liability

The Grantee shall maintain motor vehicle liability with limits not less than \$1,000,000 combined single limit per accident. Such insurance shall cover liability arising out of a motor vehicle including owned, hired and non-owned motor vehicles.

c. Watercraft Liability

The Grantee shall maintain watercraft liability insurance with limits not less than \$1,000,000 combined single limit per accident. Such insurance shall cover liability arising out of the maintenance and use of any watercraft (owned, hired or non-owned). The policy must include:

"The State of California, its officers, agents, employees and servants as additional insureds, but only with respect to work performed that is connected with or related to the activities contemplated in this Agreement."

This **endorsement** must be supplied under form acceptable to the Office of Risk and Insurance Management.

d. Workers Compensation and Employers Liability

The Grantee shall maintain statutory worker's compensation and employer's liability coverage for all its employees who will be engaged in the performance of the Agreement. Employer's liability limits of \$1,000,000 are required. The insurer waives any right of recovery the insurer may have against the State because of payments the insurer makes for injury or damage arising out of the work done under contract with the State. A Waiver of Subrogation or Right to Recover endorsement in favor of the

State must be attached to certificate.

If applicable, Grantee shall provide coverage for all its employees for any injuries or claims under the U.S. Longshoremen's and Harbor Workers' Compensation Act, the Jones Act or under laws, regulations, or statutes applicable to maritime employees. By signing this contract, Grantee acknowledges compliance with these regulations.

e. Environmental/Pollution Liability

Grantee shall maintain Pollution Liability for limits not less than \$1,000,000 occurrence covering the Grantee's liability for bodily injury, property damage and environmental damage resulting from pollution and related cleanup costs incurred arising out of the work or services to be performed under this contract. The policy must include:

"The State of California, its officers, agents, employees and servants as additional insureds, but only with respect to work performed under the contract."

This **endorsement** must be supplied under form acceptable to the Office of Risk and Insurance Management.

Coverage shall be provided for both work performed on site and during transportation as well as proper disposal of hazardous materials.

3. **Self-Insurance**

If the Grantee is self-insured for a portion or all of its insurance, the Grantee shall provide evidence of self-insurance when requested by DBW. Review of financial information including a letter of credit may be required. The Division reserves the right to request financial information.

4. **Statement of Insurance Coverage:**

Grantee certifies and agrees that they have all required insurance coverages as stated in the grant agreement, which will be in effect for the entire term of the agreement.

Approver initials :

Date:

Name:

Title:

23. **TERMINATION**

- a. DBW may terminate this Agreement for any reason upon thirty (30) days written notice to Grantee.
- b. If the Grantee fails to keep the required insurance in effect at all times during the term of this agreement, DBW may, in addition to other remedies it may have, terminate this agreement upon two days written notice.
- c. DBW may, by two-day written notice to Grantee and without any prejudice to its other remedies, terminate this agreement because of failure of Grantee to fulfill any of the requirements of this agreement.
- d. Upon receipt of any notice terminating this Agreement, Grantee shall immediately

discontinue all removal and disposal activities affected, unless the notice directs otherwise. In such event, DBW shall pay Grantee only for removal and disposal activities completed prior to the termination date.

- e. Upon termination of this agreement, Grantee shall promptly return all advanced funds. At DBW's sole discretion, DBW may offer an opportunity to cure any breach prior to terminating for default.

24. ASSIGNMENT

This Agreement is not assignable by the Grantee, either in whole or in part, without the consent of the State in the form of a formal written amendment.

25. MATCHING 10% REQUIREMENT

- a. Section 525(C) of the Harbors and Navigation Code states, "A grant awarded by the department pursuant to subparagraph (A) shall be matched by a 10-percent contribution from the local agency receiving the grant."
- b. The 10-percent contribution is in addition to funds awarded in the grant and may be made by cash and/or in-kind contributions which may include personnel hours (net hourly rate only with no benefits included) excessive removal and/or storage fees, and other expenses with advance DBW approval.
- c. If using personnel hours for in-kind match, only net, raw hours will be accepted and verification of in-kind contribution is required with reimbursement request(s). The statement of in-kind hours must include:
 - a. Activity date
 - b. Vessel/issue name or description
 - c. Personnel name
 - d. Description of service provided
 - e. Number of hours provided by each person
 - f. Hourly rate and total value

Use the [form](#) provided on DBW's website at www.dbw.ca.gov under Grants & Loans, or the online grant system, OLGA, available on DBW's website.

- e. The burden of proof in complying with the 10-percent contribution requirement is the responsibility of the grantee. Grant funds will not be disbursed until the grantee has provided DBW with acceptable documentation that it complied with the 10-percent contribution requirement for each disbursement.

26. BUDGET DETAIL AND PAYMENT PROVISIONS

Covered Expenses and Reimbursement Claims Processes

- a. DBW will reimburse the following expenditures provided by Grantee's service providers, contractors and/or subcontractors, within the scope of the SAVE program for AWAFF and/or VTIP issues:
 - 1. Raising of submerged vessels and/or hazardous marine debris
 - 2. Vessel and/or hazardous marine debris removal from accessible locations
 - 3. Hazardous materials (hazmat) removal and disposal
 - 4. Towing
 - 5. Storage:

- i. Without lien sale: 60 days maximum
 - ii. With lien sale: 90 days maximum with justification
 - iii. If stored onsite at Grantee's facility, 50% of the normal rate of charge to the public will be reimbursed, and fee schedule is required for verification.
- 6. Lien sale expenses: fees charged by lien sale service companies, postage, DMV fees, and advertising costs
 - 7. Public notice advertising
 - 8. Vessel appraisal
 - 9. Salvage and demolition

Other expenses may be considered with advance approval from DBW. Please inquire in advance of completing work.

b. Reimbursement claim forms:

Forms are available on DBW's website under the Grants & Loans tab under the appropriate link for SAVE. One (1) hard copy and one (1) electronic (PDF, CD or DVD) copy of all documents are required. Grantee must sign and date each reimbursement claim form in blue ink and submit with the following documents to DBW:

c. Invoices from service providers, contractors and/or subcontractors to Grantee:

Invoices must contain the following:

- 1. Name and address of Grantee
- 2. Contract or invoice number
- 3. Description of service performed
- 4. Date the service was performed
- 5. Location of each service
- 6. Vessel name, CF# or HIN# if available; otherwise, description of vessel

d. Proof of payment for all invoices.

The following acceptable forms of proof are:

- 1. Cancelled check (with bank's cancelled stamp on back of check copy)
- 2. Credit card statement with charge and payment posted, along with copy of charge slip
- 3. Receipt from service provider showing payment received
- 4. Receipt from service provider posted as "Paid" with authorized signature or indicating a zero balance.

e. 10% in-kind match contribution statement:

- 1. If Grantee is matching the 10% requirement with in-kind services, complete the following form located on DBW's website and submit with each claim: <http://www.dbw.ca.gov/PDF/Funding/DPR265.pdf>
- 2. Net, hourly rates only will be accepted. Grantee must include verification of net rates with first claim and each time rates are changed.

f. Photos of vessels (with CF numbers visible if available).

g. (VTIP ONLY) Statement of Vessel Release of Interest and Ownership:

To be completed and signed by owner(s). Grantee may provide their own release form to vessel owners for completion. A sample of this release form is located on our website:

http://www.dbw.ca.gov/PDF/Funding/SAMPLE_Release_of_Interest_and_Liability_Form.pdf

NOTE: (VTIP ONLY) Vessel ownership verification is required; however, it is not required that boat owners bring their registration up to date in order to surrender their vessel through the VTIP.

- h. Reimbursement claims and support documents (as indicated above) are to be submitted to DBW at:

Division of Boating and Waterways

One Capitol Mall, Suite 500

Sacramento, CA 95814

Attention: SAVE Unit

- i. Submission of fraudulent invoices or other claim documentation is a breach of this Agreement, which shall result in forfeiture of all funds advanced and provided under this Agreement.
- j. All requests for payment must be submitted to DBW no later than 30 days after the expiration date of the agreement. DBW is not obligated to make payment on any reimbursement request(s) received or for any services completed after this date.

27. BUDGET CONTINGENCY CLAUSE

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program; this Agreement shall be of no further force and effect. In this event, DBW shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, DBW shall have the option to either cancel this Agreement with no liability occurring to DBW, or offer an agreement amendment to Grantee to reflect the reduced amount.

28. INDEMNIFICATION

Grantee shall be responsible for, and DPR shall not be answerable or accountable in any manner for, any loss or expense by reason of any damage or injury to person or property, or both, arising out of or related in any way to activities carried out by Grantee, its agents, officers, contractors, subcontractors and/or employees, under this Agreement Grantee shall protect, hold harmless, indemnify and defend DPR, its agents, officers, and/or employees against any and all actions, claims, and damages to persons or property, penalties, obligations and liabilities that may be asserted or claimed by any person, firm, association, entity, corporation, political subdivision, or other organization or person arising out of or in connection with Grantee or Grantee's contractor's or subcontractor's activities hereunder, whether or not there is concurrent passive negligence on the part of DPR, its agents, officers, and/or employees.

29. FUNDS ASSIST

The Funds Assist process has been developed by DBW as a method for grantees with excessive, unused funds to assist other participating SAVE agencies in need. Funds Assist is a voluntary action (by both agencies) until within three (3) months of the expiration date of the grant at which time it will become a required action of those agencies with remaining grant balances, at DBW's discretion.

The Funds Assist process works as follows:

- 1) An introduction is made by DBW between the agency with excessive funds (Agency A) and the agency in need (Agency B).
- 2) A deadline shall be imposed by DBW for the work to be completed by Agency B.
- 3) Agency B pays for all contractor invoices, as is required with the SAVE grant.
- 4) The 10% required match is the obligation of Agency B and may be met with cash, in-kind services, or a combination of both.
- 5) To obtain reimbursement, Agency B will required to supply the following to Agency A:
 - a. A Tax Identification Form (W-9)
 - b. All requirements/documents apply as outlined in this agreement under #26
 - c. A statement on Agency B's letterhead invoicing Agency A for the total reimbursement request.
 - d. Copies of completed forms and support documents to DBW for pre-approval.
- 6) Agency A completes the following actions:
 - a. Upon approval by DBW, pay Agency B the invoiced amount within 30 days and record as a pass-through grant (or use your accounting method preference).
 - b. Complete DBW's AWAFF and/or VTIP Reimbursement Claim Form and attach all supporting documents as listed in item b, c & d above, including the verification of payment to Agency B i.e., cancelled check or statement from Agency B of payment received.
 - c. Email the documents to the DBW program administrator for review. Once reviewed and approved, send finalized claim forms to DBW for payment processing.

DBW will act as a courtesy liaison between the agencies to ensure (as much as possible) that documents are correctly processed.

INDEMNIFICATION

Grantee and sub grantee (hereafter known as Agency A and Agency B) shall be responsible for, and DPR shall not be answerable or accountable in any manner for, any loss or expense by reason of any damage or injury to person or property, or both, arising out of or related in any way to activities carried out by Agency A and B, its agents, officers, contractors, subcontractors and/or employees, under this Agreement Agency A and B shall protect, hold harmless, indemnify and defend DPR, its agents, officers, and/or employees against any and all actions, claims, and damages to persons or property, penalties, obligations and liabilities that may be asserted or claimed by any person, firm, association, entity, corporation, political subdivision, or other organization or person arising out of or in connection with Agency A and B's contractor's or subcontractor's activities hereunder, whether or not there is concurrent

passive negligence on the part of DPR, its agents, officers, and/or employees.

If Agency B is a recipient of a current Save grant, as depleted or with insufficient funds for removal project, and receives assistance through the Funds Assist process, all provisions of the SAVE grant applies.

Approver initials: _____ Date: _____

Name: _____

Title: _____

30. 90-DAY RETURN OF GRANT DOCUMENTS TO DBW

Grant agreements issued to the awarded agency must be completed and returned within 90 days of the date of issuance according to the instructions issued by DBW with the grant agreement. If extenuating circumstances prevent the ability of the agency to meet this deadline, approval from DBW must be obtained in writing. DBW retains the right to determine approval or denial of extensions.

31. ANTI-CORRUPTION

SAVE grantees are required to report to DBW any written, suggested, or verbally implied cases whereby a contractor, subcontractor or other service provider increases their fee(s) due to the existence of a Grantee's SAVE grant, or inquires about the amount/balance of a SAVE grant in order to increase their fee(s), for possible investigation of price gouging. A two year history of charges applied to work of all known SAVE grant work by that contractor will be required by DBW for review.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **APPROVAL:**

This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Grantee may not commence performance until such approval has been obtained.

2. **EFFECTIVE DATE:**

Effective date means either the start date or the approval date by the Department of General Services (DGS), whichever is later. In cases where DGS approval is not required, this Agreement is of no force or effect until the date of the last DBW signature. No work shall commence until the effective date.

3. **AMENDMENT:**

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

4. **ASSIGNMENT:**

This Agreement is not assignable by the Grantee, either in whole or in part, without the consent of the State in the form of a formal written amendment.

5. **AUDIT:**

Grantee agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. **Grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated.** Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Grantee agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

6. **INDEMNIFICATION:**

Grantee agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the subcontractor or Grantee in the performance of this Agreement.

7. **DISPUTES:**

Grantee shall continue with the responsibilities under this Agreement during any dispute.

8. **TERMINATION FOR CAUSE:**

The State may terminate this Agreement and be relieved of any payments should the Grantee fail to perform the requirements of this Agreement at the time and in the manner

herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Grantee under this Agreement and the balance, if any, shall be paid to the Grantee upon demand.

9. RECYCLING CERTIFICATION:

The Grantee shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE:

During the performance of this Agreement, Grantee and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Grantee and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Grantee and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Grantee and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

Grantee shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES:

The GRANTEE CERTIFICATION CLAUSES contained in the document CCC 307 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS:

Time is of the essence in this Agreement.

13. COMPENSATION:

The consideration to be paid Grantee, as provided herein, shall be in compensation for all of Grantee's expenses incurred in the performance hereof, as outlined in Exhibit B, item #1.

14. GOVERNING LAW:

This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS:

The Grantee by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Grantee shall comply with the requirements of the Government Codes Sections set out below.

- a. The Government Code Chapter on Antitrust claims contains the following definitions:
 - 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
 - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
- b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.
- c. . If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
- d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT:

For any Agreement in excess of \$100,000, the Grantee acknowledges in accordance with Public Contract Code 7110, that:

- a. The Grantee recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- b. The Grantee, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees

to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION:

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS:

If this Agreement includes services in excess of \$200,000, the Grantee shall give priority consideration in filling vacancies in positions funded by the agreement to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

- a. If for this Agreement Grantee made a commitment to achieve small business participation, then Grantee must within 60 days of receiving final payment under this Agreement (or within such other time period as may be specified elsewhere in this Agreement) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- b. If for this Agreement Grantee made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Grantee must within 60 days of receiving final payment under this Agreement (or within such other time period as may be specified elsewhere in this Agreement) certify in a report to the awarding department: (1) the total amount the prime Grantee received under the Agreement; (2) the name and address of the DVBE(s) that participated in the performance of the Agreement; (3) the amount each DVBE received from the prime Grantee; (4) that all payments under the Agreement have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this agreement involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

EXHIBIT D

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Grantee to the clause(s) listed below. This certification is made under the laws of the State of California.

Grantee Agency Name (Printed)		Federal ID Number
City of Morro Bay Harbor Department		95-2308629
By (Authorized Signature)		
Printed Name and Title of Person Signing		
,		
Date Executed	Executed in the County of	
	San Luis Obispo	

GRANTEE CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE:

Grantee has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS:

Grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
- b. Establish a Drug-Free Awareness Program to inform employees about:
 - 1) the dangers of drug abuse in the workplace;
 - 2) the person's or organization's policy of maintaining a drug-free workplace;
 - 3) any available counseling, rehabilitation and employee assistance programs; and,
 - 4) penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee who works on the proposed Agreement will:
 - 1) receive a copy of the company's drug-free workplace policy statement; and,
 - 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Grantee may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Grantee has made false certification, or violated the certification by failing to

carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION:

Grantee certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Grantee within the immediately preceding two-year period because of Grantee's failure to comply with an order of a Federal court, which orders Grantee to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT:

Grantee hereby certifies that Grantee will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Grantee agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the agreement equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its agreement with the State.

Failure to make a good faith effort may be cause for non-renewal of a state agreement for legal services, and may be taken into account when determining the award of future contracts/agreements with the State for legal services.

5. EXPATRIATE CORPORATIONS:

Grantee hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Grantees contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The Grantee further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The Grantee agrees to cooperate fully in providing reasonable access to the Grantee's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the Grantee's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS:

For contracts over \$100,000 executed or amended after January 1, 2007, the Grantee certifies that Grantee is in compliance with Public Contract Code section 10295.3.

EXHIBIT E

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST:

Grantee needs to be aware of the following provisions regarding current or former state employees. If Grantee has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (PCC 10410):

- 1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (PCC 10411):

- 1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Grantee violates any provisions of above paragraphs, such action by Grantee shall render this Agreement void. (PCC 10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (PCC 10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION:

Grantee needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Grantee affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT:

Grantee assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. GRANTEE NAME CHANGE:

An amendment is required to change the Grantee's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment. Any changes of the Grantee's representative shall be notified to DBW within 30 days written notice on Grantee's letterhead.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

- a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the Grantee is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.
- b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate Grantee performing within the state not be subject to the franchise tax.
- c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION:

A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION:

Under the State laws, the Grantee shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204:

This form must be completed by all Grantees that are not another state agency or other governmental entity.

EXHIBIT F

Bid/Proposal Attachment regarding the Darfur Contracting Act of 2008

Effective January 1, 2009, all Invitations for Bids (IFB) or Requests for Proposals (RFP) for goods or services must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, et seq.; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on the sample Attachment).

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on the sample Attachment).

The following sample Attachment may be included in an IFB or RFP to satisfy the Act’s certification requirements of bidders and proposers.

EXHIBIT F – DARFUR CONTRACTING ACT

Pursuant to Public Contract Code section 10478, if a bidder or proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must certify that it is not a “scrutinized” company as defined in Public Contract Code section 10476.

Therefore, to be eligible to submit a bid or proposal, please complete only one of the following three paragraphs (via initials for Paragraph # 1 or Paragraph # 2, or via initials and certification for Paragraph # 3):

1. _____ We do not currently have, or we have not had within the previous three years, business activities or other operations outside of the United States.

OR

2. _____ We are a scrutinized company as defined in Public Contract Code section 10476, but we have received written permission from the Department of General Services (DGS) to submit a bid or proposal pursuant to Public Contract Code section 10477(b). A copy of the written permission from DGS is included with our bid or proposal.

OR

3. _____ We currently have, or we have had within the previous three years, business activities or other operations outside of the United States, but we certify below that we are not a scrutinized company as defined in Public Contract Code section 10476.

CERTIFICATION For # 3.

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective proposer/bidder to the clause listed above in # 3. This certification is made under the laws of the State of California.

Grantee Agency Name (Printed)		Federal ID Number
City of Morro Bay Harbor Department		95-2308629
By (Authorized Signature)		
Printed Name and Title of Person Signing		
,		
Date Executed	Executed in the County of	
	San Luis Obispo	

YOUR BID OR PROPOSAL WILL BE DISQUALIFIED UNLESS YOUR BID OR PROPOSAL INCLUDES THIS FORM WITH EITHER PARAGRAPH #1 OR #2 INITIALED OR PARAGRAPH #3 INITIALED AND CERTIFIED

General

1. Applicant Information

- a. Applicant Name City of Morro Bay Harbor Department
- b. Organizational Unit
- c. Address 1275 Embarcadero
- d. Address 2
- e. City Morro Bay State CA Zip 93422
- f. Federal ID Number 95-2308629 Reference No.
- g. Agency Type
 - City County
 - Federally or State Recognized Native American Tribe District

2. Project Information

- a. Project Name Surrendered and Abandoned Vessel Exchange (SAVE) FY 2017/18 (Supplemental)
- b. Is implementing agency same as Applicant Yes No
- c. Implementing Agency Name
- d. Project Start Date Apr-01-2018 End Date Mar-01-2019
- e. Amount of Funds Requested \$16,100.00 Project Cost \$17,710.00

3. Contacts

a. Project Administrator

Name	Lori Stilts				
Title	Grants Administrator				
Mailing Address	1275 Embarcadero				
City	Morro Bay	State	CA	Zip	93442
Telephone	(805) 772-6254 - 256			Fax	(805) 772-6258 - 256
E-mail Address	lstilts@morrobayca.gov				

1. Agency Type and Area of Responsibility (AOR)

The City of Morro Bay Harbor Department (CMBHD) is an executive-level department of the City of Morro Bay charged and entrusted with management of the City's approximate 3,300 acres of State-owned and granted waterfront with submerged tidelands. This area was granted first to the County of San Luis Obispo by the State Legislature in 1947 by amendment of Section 1 of Chapter 1076 of the Statutes of 1947, and then conveyed to the City of Morro Bay upon its incorporation in 1964, to be operated as an enterprise zone for the establishment, improvement and conduction of a harbor.

Morro Bay, the only all-weather harbor of safe refuge between Monterey and Santa Barbara, is a recreational and commercial port with roughly 350 recreational vessels, 75-80 commercial fishing vessels, 10 sport fishing charter vessels, four heavy service vessels, 15,000-18,000 annual trailer boat launches and hundreds of transient yachts calling port annually. In addition, Coast Guard Station Morro Bay with two motor lifeboats and the California Department of Fish and Wildlife patrol vessel BLUEFIN call Morro Bay home.

In addition to management of the City's waterfront, bay and beaches, the department operates a harbor patrol whose patrol area included Morro Bay proper, and in mutual aid to other agencies in the ocean areas of Estero Bay from Point Estero to Point Buchon. The Morro Bay Harbor Patrol's duties include general patrol and law enforcement, search and rescue, courtesy and emergency towing, firefighting, animal and environmental/pollution response, and general water and beach safety and education.

2. Statement of Need

The CMBHD is requesting funding for participation in the Surrendered and abandoned Vessel Exchange Supplemental funding program.

Morro Bay is home port to approximately 450 vessels, a percentage of which exceed their useful life each year and fall into dereliction. Since vessels are not like motor vehicles in the sense that it's not a simple matter to dispose of them, many owners have expressed an interest to us in turning in their vessels for demolition due to both the financial inability to continue ownership or to dispose of them on their own. In addition, the vessels that slowly fall into dereliction despite our efforts to enforce seaworthiness standards, often become abandoned and left as a hazard.

Our department currently has five VTIP recreation vessels and two liened AWAFF vessels on our facilities and awaiting demolition. We also have a derelic vessel in the State Park Marina with the potential to sink and threat to pollute and an impending lien of a abandoned vessel on the City's North T-Pier. The current SAVE grant we were awarded and exeucuted on October 13, 2017 will not cover the complete removal of all these vessels.

The CMBHD is requesting \$25,000.00 in the SAVE supplemental FY 17/18 grant funds.

EXHIBIT G - Grant Application: Letter of Intent, Scope of Work and Work Plan

1. California State Senate Districts

Select one or more of the California State Senate Districts where the proposed project activities will occur. Copy and Paste the URL (http://www.legislature.ca.gov/legislators_and_districts/districts/districts.html) in your browser to determine the State Senate district(s).

- State Senate 01
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2. California State Assembly Districts

Select one or more of the California State Assembly Districts where the proposed project activities will occur. Copy and Paste the URL (http://www.legislature.ca.gov/legislators_and_districts/districts/districts.html) in your browser to determine the State Assembly district(s).

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3. California Congressional Districts

Select one or more of the California Congressional Districts where the proposed project activities will occur. Copy and Paste the URL (<https://www.govtrack.us/congress/members/CA>) in your browser to determine the Congressional district(s).

EXHIBIT G - Grant Application: Letter of Intent, Scope of Work and Work Plan

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| <input type="checkbox"/> Congressional District 53 | | | |

4. County

Select one or more of the California Counties where the proposed project activities will occur.

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| <input type="checkbox"/> Contra Costa | <input type="checkbox"/> Del Norte | <input type="checkbox"/> El Dorado | <input type="checkbox"/> Fresno | <input type="checkbox"/> Glenn | <input type="checkbox"/> Humboldt |
| <input type="checkbox"/> Imperial | <input type="checkbox"/> Inyo | <input type="checkbox"/> Kern | <input type="checkbox"/> Kings | <input type="checkbox"/> Lake | <input type="checkbox"/> Lassen |
| <input type="checkbox"/> Los Angeles | <input type="checkbox"/> Madera | <input type="checkbox"/> Marin | <input type="checkbox"/> Mariposa | <input type="checkbox"/> Mendocino | <input type="checkbox"/> Merced |
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| <input type="checkbox"/> Sonoma | <input type="checkbox"/> Stanislaus | <input type="checkbox"/> Sutter | <input type="checkbox"/> Tehama | <input type="checkbox"/> Trinity | <input type="checkbox"/> Tulare |
| <input type="checkbox"/> Tuolumne | <input type="checkbox"/> Ventura | <input type="checkbox"/> Yolo | <input type="checkbox"/> Yuba | | |

1. Legal authority to remove abandoned vessels

As the primary uniformed public safety agency on Morro Bay waters, the Morro Bay Harbor Patrol is authorized to and tasked with enforcement of Morro Bay Municipal Code Chapter 15, Morro Bay Harbor Department Rules and Regulations and State of California Harbor and Navigation Code. The authority is codified in Morro Bay Municipal Code and Penal Section 836.5

Abandoned vessels are removed specifically under California Harbors and Navigation Code Sections 500-526 and 551

2. Agency Experience

CMBHD began participation in the AWAFF program in 2008, and since then have efficiently executed six AWAFF grants three VTIP grants and two SAVE grant to disposed of derelict and abandoned vessels out of its own limited funding. For vessels that are not trailer-able, they are dragged by heavy equipment up our public launch ramp during the off-season and low-use times. All vessels are disposed of legally with heavy equipment contractors under a competitive bid process, using Best Management Practices and with the oversight of Harbor Patrol Officers. Materials, parts and metals are recycled to the fullest extent possible.

3. Adjudication Process

Abandoned and derelict vessels with identified owners and/or registration numbers at some point become delinquent in their City slip or other fees, where by CMBHD impounds them under Morro Bay Municipal Code Chapter 15.56. From there, Harbors and Navigation Code Section 522-509 are followed. This most always results in lien sale of the vessels, through a commercial lien sale service, with no buyers due to the dilapidated condition of them. These vessels are then scheduled for destruction.

4. Agency prevention efforts of abandoned vessels

1. Identification and monitoring of at-risk vessels by Harbor Patrol on a daily basis, and closed collaboration with waterfront leaseholders who manage slips and marinas in Morro Bay.
2. Education and outreach to all and especially at-risk vessels owners.
3. Enforcement of local and State laws, rules and regulations pertaining to such vessels such as registration and operational requirements, pollution discharge issues and applicable permit requirements.
4. Citation of offenders and aggressive delinquent fee collection, impoundment and liens as a deterrent.

5. Application Questionnaire

1. Does your agency have an active local enforcement program tasked with addressing abandoned vessels in your jurisdiction? Yes No

If yes, explain in detail. If no, elaborate on The Morro Bay Harbor Patrol identified and outlined in the your agency's efforts to create a program or if "Letter of Intent" section of this grant application. you utilize enforcement services from another agency and how.

2. Does your agency have a submerged navigational hazard abatement plan (SNHAP)? Yes No
This may include: 1) An established internal process outlining procedures to prevent, mitigate and process abandoned vessels; 2) Bylaws, regulations, or ordinances that help prevent or mitigate abandoned vessels.

If Yes, provide plan documentation on the next page (Submerged Navigational Hazard Abatement Plan (SNHAP) documentation).

If No, explain your agency's efforts to create a SNHAP and anticipated date of effect.

EXHIBIT G - Grant Application: Letter of Intent, Scope of Work and Work Plan

3. At-risk vessels: Explain if/how your agency identifies at-risk vessels (what indicators do you look for). Do you identify and document existing owners/occupants, and do you work with owners to prevent vessels from being abandoned?
- A. What is the vessel's general outward appearance and does it appear properly maintained?
 B. Does the vessel regularly or ever get underway?
 C. Does the vessel require regular assistance such as towing, pumping, or other measures?
 D. Does the vessel get periodically hauled-out?
 E. Is the vessel owner's slip or mooring account current?
 F. Is the vessel's registration current?
 G. What is the history of the vessel and/or vessel's owner? Identified vessels/owners and contact or dealings with them are documented in Harbor Patrol daily logs. Should issues arise and/or be resolved, documentation via letters and/or citations are employed.
 From initial contact, CMBHD works with vessel owners to attempt to resolve the issues first through outreach, education and assistance, including identification of potential resources. Then to documentation of continued issues and eventually enforcement should the issues continue.

4. Does your agency regularly check vessels in your AOR for current registrations? Yes No

If Yes, What is your process?

Visually with displayed vessel registration numbers, through slip and rental agreements, and via our marina operators responsibilities under their leases.

5. List by name and size the bodies of water or waterways in your agency's area of responsibility. If you wish to add maps or photos, please click on the BLUE arrow below to upload.

Name	Size	Attachment
Morro Bay Harbor		18942_0_Morro Bay 3300 acres.pdf

6. Local agencies are required to make a 10 percent match by cash, or in-kind. Is your agency able to comply with the 10 percent match in advance before any grant money is reimbursed? Yes No

7. To provide additional information, please click on the Blue Arrow to add an attachment

6. Submerged Navigational Hazard Abatement Plan (SNHAP) documentation

Attachment Title	Attachment
Submerged Navigational Hazard Abatement Paln	18946_0_SNHAP.pdf

1. Outreach / Advertising plan for implementing a Vessel Turn-In Program

1. Turn-in vessels will be accepted on a first-come, first-serve basis, with additional priority being placed on those vessels that in the opinion of Harbor Department staff, pose the greatest environmental and/or navigational hazards to Morro Bay waters. Vessels will be accepted in the point that VTIP funding allows, and the City is prepared to provide the 10% in-kind funding match.
2. Vessel owners must show proof of ownership confirmable with DMV records. Owners will be required to sign their vessel title over to the City of Morro Bay, complete the Release of Liability form, and sign the City's vessel turn-in agreement.
3. Vessels will be accepted during normal business hours Monday through Friday.
4. The public will be notified of the program via the City of Morro Bay website, Facebook, launch ramp and T-pier kiosk, and flyers placed in pertinent local businesses and the Harbor Department office.
5. The City of Morro Bay has demonstrated ample ability to dispose of various sizes and types of vessels over the years through participation in the Abandoned Watercraft Abatement Fund grant program, and our own lien sale and demolition program. A competitive bid process is used, open to qualified vendors. Vessels will be disposed of in an environmentally sound and legal manner per the bid process as the individual bidders propose.

Attachments:

[Outreach and Advertising](#)

2. Administrative Information

1. Please state if you will accept surrendered vessels only within Area of Responsibility (AOR) or if you will accept outside Area of Responsibility requests
 Within AOR Within and Outside AOR
2. Identify schedule for accepting surrendered vessels
 Daily Weekly Monthly As Needed
3. Location where vessels will be accepted
 Agency Office Local Landfill Pickup by Agency or Salvager As Needed
4. Storage area: Does your agency have a storage area for surrendered vessels pending destruction? Yes No
If Yes, identify the type of storage area
 Water Land

1. Applicant Certification

Per Harbors and Navigation Code 525 (C) "A grant awarded by the department pursuant to subparagraph (A) shall be matched by a 10% contribution from the local agency receiving the grant." This matching fund may be rendered in cash, or through in-kind contributions which must be verified, and are at the discretion of DBW. These contributions may include (but are not limited to) the following: administrative costs, personnel hours, removal, and/or storage.

Grant monies WILL NOT be reimbursed by DBW unless 10% of each reimbursement claim is met.

- a. Under penalty of perjury, I certify that I have examined this application and the document(s), proposal(s), and statement(s) submitted in conjunction herewith, and that to the best of my information and belief, the information contained herein is true, accurate, correct, and complete.
- b. I certify that I am the person authorized to submit this application on behalf of the applicant.

Prepared by:	Name:	Lori Stilts	Date:	12/05/2017
Reviewed by:	Name:	Eric Endersby	Date:	12/07/2017
Approving Officer:	Name:	Eric Endersby	Date:	12/07/2017

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AGENDA NO: A-6

MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 16, 2018

FROM: Eric Endersby, Harbor Director

SUBJECT: Adoption of Resolution No. 15-18 Approving Amendment #1 to the New Lease Agreement Between the City of Morro Bay and Boatyard LLC for Lease Site 90/90W, Located at 885 Embarcadero Road, and Commonly Known as The Otter Rock Cafe

RECOMMENDATION

Staff recommend the City Council adopt Resolution No. 15-18, approving Amendment #1 to the new lease agreement on Lease Site 90/90W, the Otter Rock Café, as proposed.

ALTERNATIVES

Council may elect not to approve Resolution No. 15-18 for the lease agreement as-proposed, and direct staff accordingly.

FISCAL IMPACT

Pursuant to this lease agreement amendment, additional rent relief, as described in the discussion section below, will result in a loss of revenue to the City in the amount of approximately \$5,000 per month of combined minimum and percent gross rent from the restaurant and gift shop closure. That closure period could be for up to six months.

It should be noted the time cost of money, increasing gross revenues with a new, higher-end restaurant operation and higher site appraisals are *not* factored into the above calculations; and, therefore, the actual impacts to the Harbor Fund will likely be less over the long-term. In addition, the current lease being amended anticipated a period of time when rent would not be paid in order to provide financial support for the major rehabilitation of the lease site. However, the Otter Rock Café purchase would be occurring sooner than the date anticipated by the current lease agreement. Based on that earlier purchase, the time period for which no rent will be due is commencing earlier. However, that period will still end 180 days after the permits for the rehabilitation project are obtained, which is the same timing under the current lease.

BACKGROUND

At the Otter Rock site, the Boatyard tenant, Boatyard LLC, is in a purchase escrow of the leasehold interest in the Otter Rock lease site and the Otter Rock Café business for its current operator to settle a legal dispute with that leaseholder. In addition, because significant structural, maintenance and repair deficiencies on the Otter Rock site improvements have been identified, Boatyard LLC is proposing to mitigate those deficiencies, as well as complete a significant remodel of the Otter Rock building to more modern code requirements and waterfront market conditions, as a combined Boatyard/Otter Rock rehabilitation/remodel project. Boatyard LLC was recently granted by the City Council a new Master Lease Agreement (MLA) on the Otter Rock site as part of a global rehabilitation of the two sites and settlement of the Boatyard seawall failure issue on that site.

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

The new lease on the Otter Rock Café lease site between the City and Boatyard LLC requires amendment to take into account recent timing changes with the purchase and other developments in Boatyard LLC's purchase escrow for the leasehold interest in the site and Otter Rock Café business.

Once Boatyard LLC has closed escrow on purchase of the leasehold interest in the Otter Rock site and the Otter Rock Café business and obtained the necessary permits for the rehabilitation project on the site, it intends to sell the leasehold interest in the land portion of the lease site to Sun Coast Farms, a prominent agricultural and restaurant interest in Santa Maria and south San Luis Obispo County. Sun Coast would then complete the rehabilitation project and run the restaurant and gift shop operation on the site.

DISCUSSION

The proposed Amendment #1 to the new MLA for the Otter Rock lease site to enable the purchase of the leasehold interest in the Otter Rock site and Otter Rock Café business by Boatyard LLC to continue, which will in turn enable continuation of the settlement of the dispute over the seawall failure at the Boatyard site adjacent, consists of the following significant highlights:

1. Acknowledgement Josef Steinmann and Boatyard LLC are the only entities in which the City is under lease with on this site.
2. Acknowledgement Boatyard LLC has provided the City copies of the purchase and sales agreements with Sun Coast Farms to ensure the purchase follows the terms of the MLA, and that there are no gift of public funds issues resulting of the sale.
3. Acknowledgement the Planning Commission recently approved the Otter Rock Café rehabilitation project plans without material changes.
4. Requirement Boatyard LLC and Sun Coast Farms have an agreed-upon sales agreement for the purchase of the lease site, and the City approves Sun Coast as a master tenant (which will occur at the appropriate time the application for assignment is submitted).
5. Written approval from current lease site owner Josef Steinmann of the sale to Sun Coast, in addition to a Termination Agreement signed by Steinmann and the current operator of the Otter Rock Café addressing issues with the termination of the current lease with Steinmann.
6. Timing requirements to ensure tenants timely proceed with acquisition of permits and commencement of construction.
7. Acknowledgement Boatyard LLC intends to retain ownership of the majority of the 90W water lease, and City's approval at the appropriate time. This will require a small lease line adjustment. In addition, acknowledgement another lease line adjustment to accommodate the permitted and newly installed door into the Boatyard's southeast building corner will be required.
8. Rent relief from the close of escrow on Boatyard LLC's purchase of the Otter Rock Café business itself, until 6 months after the permits are issued for construction of the rehabilitation project.

A copy of Amendment #1 to the new MLA is included with this staff report as Attachment #1.

CONCLUSION

Approval of Amendment #1 to the new MLA for the Otter Rock site will ensure continuation of the global resolution and settlement of numerous issues and potential litigation resulting from the failure of a significant portion of a seawall and other matters related to the adjoining Boatyard site, including integration of the two individual site rehabilitation projects into one cohesive project. When completed, the adjoining sites will be significantly improved, and in the long-run should generate significantly more revenues than are currently produced.

As such, staff recommend the City Council approve Resolution No. 15-18, included with this staff report as Attachment #2.

ATTACHMENTS

1. Amendment #1 to the new Master Lease Agreement for Otter Rock Café lease site 90/90W
2. Resolution No. 15-18

**AMENDMENT #1 TO THE LEASE AGREEMENT
FOR LEASE SITE 90/90W, LOCATED AT 885
EMBARCADERO**

This Amendment (“Amendment #1”) is made and entered into as of this _____ day of _____, 2018, by and among the City of Morro Bay, a municipal corporation of the State of California, hereinafter called “City,” and Boatyard, LLC, a California limited liability company, hereinafter called “Boatyard.” (Collectively, City and Boatyard are sometimes referred to herein as the “Parties.”)

WHEREAS, the current tenant of Lease Site 90/90W (commonly the “Otter Rock”) (the “Premises”) is Joseph Steinmann (“Steinmann”) and Boatyard is the current tenant of the adjacent leasehold interest commonly known as 845 Embarcadero, Morro Bay, the “Boat Yard” – Lease Site 89/89W;

WHEREAS, Boatyard has entered into escrows with Steinmann and Jaime Parker (“J. Parker”) at First American Escrow Title Company (“Escrow Company”) to both purchase: (i) the Otter Rock Cafe business operations (the “Otter Rock Cafe Escrow”); and (ii) the leasehold interest in the Premises (the “Otter Rock Leasehold Interest Escrow”);

WHEREAS, City has represented it will provide a letter to Boatyard for deposit into the Otter Rock Leasehold Interest Escrow indicating the only leases City has regarding the Premises are those between City and Steinmann and City and Boatyard;

WHEREAS, with Steinmann’s permission and acknowledgment, the Parties executed and entered into that certain Master Lease Agreement effective as of December 13, 2017 (the “Master Lease”) for the Premises with certain contingencies set forth in Section 1.04 of the Master Lease, including, but not limited to, the Otter Rock Cafe Escrow and the Otter Rock Leasehold Interest Escrow closing concurrently, and obtaining all permits for the “Rehabilitation Project(s)” on both the Premises and Lease Site 89/89W by certain dates

WHEREAS, Boatyard has provided to City copies of the purchase and sale agreements related to the Otter Rock Café Escrow and Otter Rock Leasehold Interest Escrow;

WHEREAS, Boatyard has represented it has timely submitted all applications and plans and paid all fees for such applications and plans to all governmental entities for the Rehabilitation Project(s) for the Premises and Lease Site 89/89W;

WHEREAS, Boatyard will likely not have all governmental approvals, including, but not limited to, California Coastal Commission approval for the Rehabilitation Project on the adjacent Boat Yard (Lease Site 89/89W) until after the current agreed to close of escrow dates for the Otter Rock Cafe business operations and the Otter Rock Lease Site 90/90W, as agreed to among Steinmann, J. Parker and Boatyard, which is April 12, 2018;

WHEREAS, Boatyard is in negotiations with Sun Coast Farms, LLC, a California limited liability company, for it, or the principals or an entity owned and controlled by the principals of Sun Coast Farms, LLC (collectively, “Sun Coast Farms”), to sublease and/or purchase the

leasehold rights to the portion of the Premises known as Lease Site 90 and not the portion of the Premises known as Lease Site 90W, if and when Boatyard closes the escrow for the Otter Rock Café business operation or Lease Site 90, but Sun Coast Farms desires certainty all permits will be obtained for the Rehabilitation Project for the Premises;

WHEREAS, rather than exercise Boatyard's right of termination of the Master Lease for the Premises and the new Master Lease for the adjacent Boatyard Master Lease Agreement, Boatyard has proposed changes to the Master Lease, under which that right to terminate will be modified, and Boatyard or its sublessee or successor-in-interest will proceed with the Rehabilitation Project for the Lease Site 90 portion of the Premises and Boatyard will proceed with the Rehabilitation Project for Lease Site 90W portion of the Premises and the adjacent Lease Site 89/89W;

WHEREAS, the Parties desire to amend the Master Lease so the Rehabilitation Project(s) will proceed.

NOW THEREFORE, Boatyard and City agree as follows:

1. Unless expressly stated herein, words used in this Amendment #1 shall have the same meaning as stated in the Master Lease, except to the extent the context requires otherwise.
2. The foregoing recitals are incorporated into this Amendment #1 as true and correct.
3. Boatyard is willing to close the Otter Rock Cafe Escrow on or before April 12, 2018, without concurrently closing the Otter Rock Leasehold Interest Escrow for the Premises, and without all governmental approvals for the Rehabilitation Project on the adjacent Boatyard Lease Site 89/89W or the Premises, only if and upon each of the following conditions:
 - A. On March 6, 2018, City's Planning Commission approved, without material change and with three suggestions, Amendment (#A00-052) of Conditional Use Permit # CUP 16-92 (the "PC Approval"), which is the development plans for the Rehabilitation Project.
 - B. Boatyard shall have: (i) on or before April 11, 2018, in Boatyard's sole discretion, negotiated and entered into a purchase and sale agreement to sell and transfer to Sun Coast Farms all of Boatyard's leasehold rights in and to Lease Site 90 only; and (ii) received from City approval of Sun Coast Farms as a tenant of Lease Site 90 only. The parties further agree:
 - i. In order for City to process the transfer of the leasehold interest for Lease Site 90 from Boatyard to Sun Coast Farms, (i) on or before March 9, 2018, Sun Coast Farms provided to Boatyard and City its financial statements and such other information and documents as City may reasonably request to review the financial stability and past experience of Sun Coast Farms and (ii) on or before March 20, 2018 (x) Boatyard shall have filed a complete application for City to

- approve that transfer, (y) Boatyard shall have submitted to City a letter from Steinmann indicating his approval of that transfer and (z) Boatyard shall have provided to City the Termination Document signed by Steinmann and J. Parker.
- ii. Subject to Boatyard's submission of complete construction plans, City shall, subject to compliance with then existing governmental requirements and the PC Approval, issue a building permit for the entire Rehabilitation Project on the Premises (the "Building Permit"), to Boatyard (and Sun Coast Farms, if Sun Coast Farms purchases the leasehold interest in Lease Site 90 from Boatyard).
 - iii. As part of any purchase of Boatyard's interest in Lease Site 90, Sun Coast Farms shall commence construction of the repairs, maintenance and improvements for the portion of the Rehabilitation Project on Lease Site 90 within 60 days after the issuance of the Building Permit; and (b) Sun Coast Farms shall assume all liability for the portion of the Rehabilitation Project on Lease Site 90, including the construction. Boatyard shall remain responsible for all Rehabilitation Project improvements located on Lease Site 90W.
 - iv. City shall provide Boatyard with an updated and final list of all fees from City to obtain all required permits for the Rehabilitation Project.
- C. Concurrent with the closure of the escrow between Sun Coast Farms and Boatyard for Sun Coast Farms' purchase of the leasehold interest in Lease Site 90, City and Boatyard shall enter into an amendment to the Master Lease Agreement for Lease Site 89/89W to add a portion of the Premises known as Lease Site 90W to the definition of the "Premises" in the Master Lease Agreement for Lease Site 89/89W and further to amend the Master Lease to remove a portion of Lease Site 90W from the legal description of the Premises. All other terms of the Master Lease Agreement for Lease Site 89/89W shall remain the same; provided, that City and Boatyard acknowledge the legal description of Lease Site 89/89W must be revised to accommodate the door opening for the building located on the southeast corner of Lease Site 89/89W.
- D. Boatyard shall obtain from Steinmann an extension of the closing date of the Otter Rock Lease Site Escrow to on or before October 31, 2018, to be consistent with Boatyard's lease contingency dates in the Master Lease and the Master Lease Agreement for Lease Site 89/89W. Notwithstanding the foregoing, Boatyard will attempt to close both escrows as soon as possible, but the parties recognize the importance of Boatyard and Sun Coast Farms obtaining all governmental permits for the Rehabilitation Project(s), as applicable.
- E. As long as Boatyard or Sun Coast Farms, diligently and in good faith, pursues issuance of the Building Permit and the Project Commencement (as defined in the Master Lease) for the Rehabilitation Project occurs on or before 60 days after issuance of a Building Permit for the Rehabilitation Project for Lease Site 90 and if the Rehabilitation Project is completed within 120 days after the Project Commencement (the "Work Closure Period"), then the City consents and agrees, notwithstanding anything contained in the Master Lease Agreement by and between the City and Steinmann for the Premises, and/or anything contained in the Master

Lease, Steinmann and Steinmann's subtenants of Lease Site 90, may at Steinmann's sole option curtail all operations and/or completely close down the operations of Lease Site 90 for the period between the close of escrow for the Otter Rock Cafe Escrow and the termination of Work Closure Period; provided, that if the escrow between Steinmann and Boatyard (or Sun Coast Farms, if it is assigned the portion of the Master Lease regarding Lease Site 90) closes during the Work Closure Period, then Boatyard (or Sun Coast Farms, as applicable) will have the same right to close the operations of Lease Site 90 as Steinmann regarding the Work Closure Period. City agrees to cooperate with Boatyard in Boatyard maintaining the liquor license with ABC during the any period of time Steinmann or Boatyard and any of their subtenants are not open and operating the Otter Rock Cafe on the Premises. City shall not default or fine Steinmann or Steinmann's subtenant of Lease Site 90, nor shall he owe City any Rent under the Master Lease during the Work Closure Period.

4. Section 1.04 of the Master Lease is revised to provide, notwithstanding anything contained in the Master Lease and/or this Amendment #1, the Parties agree Boatyard shall have the following additional contingency to terminate the Master Lease pursuant to the terms and conditions of Master Lease: if each of the conditions set forth in Section 3, above, are not reasonably satisfied or, in Boatyard's sole discretion, waived by Boatyard.
5. City shall provide to Boatyard a letter indicating the only leases City has regarding the Premises are those between City and Steinmann and City and Boatyard.
6. Except as expressly stated herein, all provisions of the Master Lease shall remain in full force and effect.
7. The effective date of this Amendment #1 is the date first written above.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment #1 as of the date written above.

CITY OF MORRO BAY

BOATYARD, LLC

By: _____
Jaime L. Irons, Mayor

By: _____
Cliff Branch, Manager

APPROVED AS TO FORM:

Joseph W. Pannone, City Attorney

ATTEST:

Dana Swanson, City Clerk

DRAFT

RESOLUTION NO. 15-18

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVING AMENDMENT #1
TO THE NEW LEASE AGREEMENT
FOR LEASE SITE 90/90W, LOCATED AT 885 EMBARCADERO ROAD**

**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, Josef Steinmann (“Tenant”) has been the lessee of Lease Site 90/90W (the “Lease Site”) since 2001; and

WHEREAS, Tenant is in escrow for sale of the leasehold interest to the Lease Site and the Otter Rock Café business to the tenant of Lease Site 89/89W, Boatyard LLC; and

WHEREAS, City and Boatyard LLC have previously entered into a New Lease Agreement contingent upon the close of escrow for the above-described sales; and

WHEREAS, Boatyard LLC is proposing substantial repair, maintenance and renovation/remodel improvements (“Rehabilitation Project”) on the Lease Site; and

WHEREAS, City and Boatyard LLC wish to enter into Amendment #1 to the New Lease Agreement for the Lease Site to take into account new timing and other issues with the sale of the leasehold interest in the Lease Site and the Otter Rock Café business to enable continuation of the Rehabilitation Project on the Lease Site.

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

1. The attached new Amendment #1 to the New Lease Agreement for Lease Site 90/90W is hereby approved.
2. The Mayor is hereby authorized to execute Amendment #1 to the New Lease Agreement for Lease Site 90/90W.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 27th day of March, 2018 on the following vote:

AYES:
NOES:
ABSENT:

Jamie L. Irons, Mayor

ATTEST:

Dana Swanson, City Clerk

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AGENDA NO: B-1

MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor and City Council

DATE: March 14, 2018

FROM: Cindy Jacinth, Senior Planner

SUBJECT: Adoption of Resolution No. 14-18 Approving Conditional Use Permit No. UP0-448 for 945 Embarcadero. Project includes remodel of existing restaurant, harborwalk public access improvements, piling & wharf repairs

RECOMMENDATION

Council adopt Resolution No. 14-18, making the necessary findings for approval of Conditional Use Permit (CUP) No. UP0-448 as Concept Plan approval.

ALTERNATIVES

Alternative 1. The City Council could move to modify or delete conditions of approval from the Planning Commission's favorable recommendation.

Alternative 2. The City Council could move to continue the hearing to provide additional direction to the Applicant.

Alternative 2. The City Council could move to deny the project.

FISCAL IMPACT- Minimal fiscal impact. The project location is a City lease site and the expanded commercial use could result in increased business revenue which would benefit the City through its Master Lease Agreement with the Harbor Department.

BACKGROUND

On October 10, 2017, the City Council held a duly noticed public hearing to consider a Concept Conditional Use Permit (UP0-448) for 945 Embarcadero, also known as City Lease site 96/96W (**Online link to staff report and plans at conclusion of this staff report*). At that first meeting, the hearing was continued to allow the Applicant to bring forward revised plans, which would make changes to the proposed Harborwalk and Anchor Park improvements, as well as submit to the Council engineering information regarding the status of the seawall.

On November 14, 2017, the Applicant requested the project be continued to a date uncertain in order to allow adequate time for resubmittal. On February 5, 2018, the Applicant resubmitted revised plans and engineering information as directed by the City Council during its October 2017 public hearing, which are presented in this staff report.

REVISED PROJECT REVIEW

When the City Council reviewed this item during a public hearing at the October 10, 2017, meeting,

Prepared By: <u> CJ </u>	Dept Review: <u> SG </u>
City Manager Review: <u> SC </u>	City Attorney Review: <u> JWP </u>

the action of the Council was to continue the matter to a date certain of November 14, 2017. Council provided direction to the applicant to revise the project, deleting proposed park improvements in favor of Harborwalk improvements, with attention to focus on decking and material upgrades to improve continuity with the Harborwalk to the north and south of the lease site. In addition, information regarding the condition of the seawall was requested. The project description remains largely unchanged from the City Council's review in October 2017 with project revisions as noted below.

Harborwalk improvements:

In the applicant's revised submittal, the project plans now delete the proposed Anchor Park improvements in favor of the Harborwalk improvements as discussed at the October 2017 Council meeting. The restaurant remodel expansion remains the same and the proposed outdoor dining counter/bar area remain the same. The applicant proposes to reconstruct the ten-foot wide Harborwalk, replacing the wood decking with fiberglass grating to match adjacent lease sites and also match the existing decking elevation of the lease site to the south (95/95W). A revised visual simulation depicting this is shown below and existing/proposed simulations are included as Attachment D.

Revetment Inspection:

The Applicant has submitted an inspection assessment report prepared by Associated Pacific Constructors dated November 25, 2017 (Attachment C). The assessment identifies no necessary repairs to the seawall, but concrete repairs were identified for the gunny sack batter wall, which is a non-structural element in front of the seawall. In order to accomplish the piling repairs, batter wall, and connectivity, the existing wood wharf decking will be removed and reconstructed. In addition, the project includes repairs to the existing 5 pilings, which will be sleeved or repaired with an epoxy jacket system as previously proposed.

Revised Project Description:

As shown on revised plans dated February 4, 2018 (Attachment E), the project proposes to convert existing rear interior storage to accommodate a dining expansion of the existing House of Juju restaurant by a total of 435 square feet (296sf dining/bar and 139sf proposed bar/employee area). The project also proposes (i) a commercial addition of 71sf to accommodate a relocated trash enclosure area on the north side of the building, (ii) public access improvements along the northwest and west side of the building, including a triangular extension of the lateral access walkway from Anchor Park, (iii) replacement of existing wood decking with fiberglass grating, (iv) repair of 5 existing pilings and (v) non-structural repairs to gunny sack batter wall.



CONCLUSION

The proposed project represents a remodel of an existing waterfront restaurant with addition of a new outdoor public counter and windscreen, along with expanding bayside lateral access by widening the Harborwalk along the northwest corner of the lease site.

The project proposes to match existing materials both of the building and proposed wharf decking and elevation connectivity with neighboring lease sites. As stated in the previous staff report, the outdoor public seating would be available to the general public and does not diminish or detract from existing public views of the water or of Morro Rock. The outdoor seating counter and windscreen are proposed for public use with no purchase necessary and is conditioned accordingly. The project also includes the repair and maintenance of the pilings which support the wharf and public Harborwalk accessway.

As a Concept Plan CUP approval, the Applicant will be required to obtain Precise Plan CUP approval after receipt of a coastal development permit from the Coastal Commission. With the incorporation of recommended conditions, staff recommends the City Council accept the favorable recommendation from Planning Commission and the project as revised per City Council review on October 10, 2017. Council Resolution No. 14-18 reflects this recommendation.

ATTACHMENTS

Attachment A – Council Resolution No. 14-18

Attachment B – Applicant’s Project Description statement dated February 2018

Attachment C – Preliminary Inspection and Condition Assessment prepared by Associated Pacific Constructors, Inc., dated November 25, 2017

Attachment D – Visual Simulation and Materials Information

Attachment E – Project Plans, dated February 4, 2018

Online documents:

10-10-2017 City Council meeting, Staff report for 945 Embarcadero, Agenda Item B-1

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/4384>

9-5-2017 Planning Commission meeting, Staff Report for 945 Embarcadero, Agenda Item B-1

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/4354>

9-5-2017 Planning Commission meeting, Addendum to Agenda Item B-1

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/4360>

RESOLUTION NO. 14-18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING CONCEPT PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-446) FOR COMMERCIAL RESTAURANT REMODEL, IMPROVEMENTS TO PUBLIC ACCESS, AND REPAIR OF 5 EXISTING PILINGS AND BATTER WALL AT 945 EMBARCADERO, ALSO KNOWN AS HOUSE OF JUJU 945 EMBARCADERO (CITY LEASE SITE 96 AND 96W).

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 September 5, 2017, for the purpose of considering a Concept Plan approval of Conditional Use Permit #UP0-446 ("the Project"); and

WHEREAS, the City's City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on October 10, 2017, pursuant to the Planned Development regulations (Morro Bay Municipal Code (MBMC) section 17.40.030), for the purpose of considering the Project for 945 Embarcadero, also known as the House of Juju, in an area within the original jurisdiction of the California Coastal Commission; and

WHEREAS, the City's City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 27, 2018, pursuant to the Planned Development regulations (Morro Bay Municipal Code (MBMC) section 17.40.030), for the purpose of considering the Project for 945 Embarcadero (City lease site 96 and 96W), also known as the House of Juju, in an area within the original jurisdiction of the California Coastal Commission; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, 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:

Section 1: Findings. Based upon all the evidence, the Council makes the following findings:

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-446 is categorically exempt under Class 1d, Section 15301 where under existing facilities restoration or rehabilitation of deteriorated or damaged structures to meet current standards of public health and safety are allowed which the repair and rehabilitation of the 5 pilings and non-structural repairs to the gunny sack batter wall would qualify for an exemption. In addition, Section 15301, Class 1d which also under existing facilities allows for additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet and the area in which the project is located is not environmentally sensitive based on the eelgrass planning survey submitted by Tenera Environmental dated November 24, 2015 and implementation of best management practices as conditioned by Planning conditions 7-11. Additionally, none of the Categorical Exemption exceptions, noted under section 15300.2, apply to the project.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the commercial remodel, public access improvements, and piling and wharf repairs, and non-structural repairs to gunny sack batter wall at 945 Embarcadero are permitted uses within the zoning district; the waiver of parking in lieu fees for four parking spaces triggered by the restaurant remodel per Council resolution 54-16; and said commercial structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed commercial remodel, public access improvements, and piling repairs and batter wall repairs will provide a visitor-serving opportunity which will provide additional benefit and improvements to an existing visitor-serving commercial use and is consistent with the character of the existing development.

Waterfront Master Plan Findings

The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:

1. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.
2. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the bayside lateral access is improved to allow for easier pedestrian access,

enjoyment and better bay views. It preserves and enhances the views as seen around the building.

3. The project does not worsen or block more views, it does not block view corridors or intrude into pedestrian access areas. It takes advantage of outward views and characteristics of the topography in that the project proposes outdoor public seating on the bayside in addition to providing a minimum of 10 foot bayside lateral access.
4. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the amenities of the existing adjacent Anchor Park, will add an outdoor seating option which will maintain and enhance views of the bay.
5. The proposed project maintains the pedestrian orientation of the Embarcadero by maintaining existing commercial visitor-serving that does not increase height or create view impacts from the 71sf commercial addition and also in that the project will provide improved lateral public access to the water docks while assisting in the Harborwalk plan to continue public access along the waterfront that is consistent with the character of the existing development.
6. The project gives its occupants and the public some variety in materials and/or application in that the project, including the improved angled harborwalk leading from Anchor Park to the project lease site, and also retains building character.
7. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new public lateral access and outdoor seating counter will be accessible to the public and provides articulation that is consistent with the character of the existing development.
8. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the bayside lateral access is existing and will be enhanced by opening up the northwesterly entrance to make the lateral access more inviting to pedestrians. And is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Architectural Consideration

As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures

and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

Section 2. Action. The City Council does hereby approve Concept Conditional Use Permit #UP0-446 subject to the following conditions:

STANDARD CONDITIONS

- A. This permit is granted for the land described in the staff report dated March 14 2018, for the project at 945 Embarcadero depicted on plans dated February 4, 2018, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on Planning Commission approved plans submitted for UP0-446, unless otherwise specified herein.
- B. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director , upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
- C. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
- D. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
- E. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to

comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

- F. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.
- G. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
- H. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

Building Conditions:

Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

Fire Department Conditions:

Fire Sprinkler Coverage. Sprinkler coverage shall be extended to include the following areas, in accordance with Morro Bay Municipal Code, Sections 14.08.090 (L) (2), 14.08.090 (N), 14.52.060, CFC 3604, NFPA 13 and NFPA 303:

1. Applicant shall provide sprinkler coverage beneath the existing public access deck.
2. Applicant shall extend sprinkler coverage for protection of proposed new dining area, new bar area, and new trash enclosure.
3. Applicant shall submit plans for required automatic fire sprinkler system protection to Morro Bay Community Development Department for review.

Public Works Conditions:

The following Public Works conditions shall be satisfied with the Building Plan submittal:

1. Sewer Lateral: If an existing lateral is used, perform a video inspection of the lateral and submit to Public Works via flash drive or DVD, prior to building permit issuance. Lateral shall be repaired if necessary and all repairs shall be noted on approved set of plans. A sewer backwater valve and downstream cleanout, extended to grade, shall be installed on the sewer lateral. If a new lateral is being proposed and old lateral exists, include a note on the plans to cap and abandon existing sewer lateral.
2. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070). Indicate and label on plan
3. Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan per MBMC Chapter 14.48: The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
4. Encroachment Permits: A sewer encroachment permit shall be required for the installation of the sewer lateral. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.
5. Water Backflow Prevention Device: Verify and label all new or existing water backflow preventers. Devices are required for fire water systems, irrigation systems on a dedicated water meter, systems which may change in character of use (commercial rentals, etc.), gray water systems, or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is an approved domestic water backflow prevention device.

Add the following Items/Notes to the Plans:

6. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
7. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

Planning Conditions:

- A. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.
- B. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.
- C. Landscaping: A landscaping plan shall be submitted for review and approval with the Precise Plan submittal.
- D. Public Access Closure: The public access closure shall be limited to no more than 45 days. Any extension of public access closure beyond 45 days shall be subject to review and approval by the Community Development Director.
- E. Prior to issuance of a building permit, the Applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife), or submit documentation that such permits are not required.
- F. Eelgrass – Applicant shall be subject to the California Eelgrass Mitigation Policy (CEMP) which requires that a pre-construction survey shall be completed within 30-60 days prior to issuance of a building permit. Post-construction survey shall be completed within 30 days of construction completion or as otherwise determined by the National Marine Fisheries Service (NMFS) in order to determine amount of impact if any and CEMP-required annual reporting and mitigations. Any change in eelgrass extent shall be documented and reported to the Community Development Director. If the report identifies a reduction in eelgrass coverage then a plan shall be prepared to identify the appropriate mitigations necessary and in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy, dated October 2014
- G. A Marine Wildlife Contingency Plan shall be developed and approved by the City of Morro Bay prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work,

such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

H. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs) and shall be included on building plans submitted for approval:

1. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
2. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
3. Barrel Absorbent Pads
4. Container Absorbent Granules
5. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
6. The work area shall be contained within a boom to prevent debris from falling into the water.
7. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
8. An Absorption Tarp shall be placed underneath any portable equipment while in use.
9. No equipment shall be permitted to enter the water with any petroleum products.
10. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
11. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
12. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

- I. Prior to issuance of a building permit, a pile driving plan and hydroacoustical noise mitigation plan shall be submitted to the Community Development Director to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).
- J. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.
- K. To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.
- L. The proposed restaurant remodel established a requirement of 13 parking spaces with 9 spaces provided as historic credit. Pursuant to the provisions of City Council resolution 54-16 dated June 28, 2016, the amount of the remaining four required parking spaces shall be calculated as free for the first four parking spaces. If Council parking in-lieu resolution has expired as of building permit approval, then parking in-lieu fees shall be calculated according to fees in place as of the time of City Council Concept Conditional Use Permit approval. Said parking in-lieu fee shall be paid prior to issuance of a building permit.

Planning Commission conditions:

- M. The Harborwalk decking shall be raised to match elevation and provide a smooth transition to the lease site to the south without need for a ramp or additional transition material.
- N. Applicant shall obtain an encroachment permit for off-site improvements, including landscaping, installed in the adjacent Anchor Park or as otherwise determined applicable by the Public Works Director.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 27th day of March, 2018, on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST

DANA SWANSON, City Clerk

Project description – 945 Embarcadero Road, Morro Bay

February 2018 - Revised

Setting

The project site, 945 Embarcadero Road (Lease sites #96 & #96W), is approximately 3,407 sq. ft. (land lease is approximately 2,067 sq. ft. and water lease is approximately 1,340 sq. ft.). The property is located on the western side of Embarcadero Road and adjacent to the Harbor Center on the south and Anchor Park (city park) on the north. It is zoned WF/H (PD/S.4). The site currently has a one story building (House of Ju Ju), the Harborwalk and a wharf.

Project Description

Summary: This site has an existing restaurant, outdoor dining and a wharf that is the Harborwalk. The water lease beyond the wharf area was transferred to the adjacent leaseholder a couple of years ago since it was not feasible to construct floating docks at this site. Since the site is very small, there isn't much available to this tenant for proposing major improvements so, the proposed project incorporates new amenities and other public benefits to the city owned park.

The existing restaurant has all the dining area on the Embarcadero and north side of the building. From the onset of obtaining this lease site it had been contemplated to remodel the rear area, adjacent to the bayside, of the building to add additional dining space. The proposed plan includes a remodel of the interior space to accommodate a new bar and additional restaurant seating area.

In addition, the existing trash enclosure is located on the wharf/Harborwalk and is exposed to the general public. The proposed plan will remove this trash enclosure area and add approximately 71 sq. ft. of building along the northern side to completely enclose the trash/recycling containers from view. With this wharf area clear, the project as proposed will add an outdoor patio with counter top seating and a windscreen for protection. The patio will be accessed from both the Harborwalk and the restaurant. This area will be open to the general public and will have the appropriate signage indicating that there is no purchase necessary to utilize the area.

The existing Harborwalk/sidewalk through Anchor Park, along the bayside, is approximately 5 feet wide at the northwest corner of the existing building. The project as proposed will construct a new triangular section adding area to this confined intersection between the existing building and the park. This added area will also allow the applicant to construct the new trash enclosure on the north side of the building. The project as proposed has purposely kept the triangular section to this configuration to avoid impacts to the eelgrass located in close proximity at the end of the wharf and habitat along the northern side of the wharf. The proposed

walkway addition will avoid the eelgrass area by constructing the accessway almost entirely over the existing rock rip rap.

The proposed Harborwalk will be constructed with fiberglass grating to minimize any over the water impacts to eelgrass.

The site has additionally undergone a wharf, piling and revetment inspection in January and November 2017. The reports identify piling repairs are needed so the existing five piles will be sleeved or repaired with an epoxy jacket system. The revetment is not in need of repair however the concrete filled bags on the western side of the seawall need minor cosmetic upgrades to prevent erosion. The steel beam underneath the wharf will have the loose rust removed and an epoxy coating applied for cosmetic and long term structural protection.

Site & Project Characteristics:

Lot coverage: The maximum lot coverage is 70%, 2,385 sq. ft. The proposed lot coverage is 65%, 2,201 sq. ft.

Building Height: The existing building is 14 feet (flat roof) and there will be no increase in height with the new trash enclosure area.

Setbacks: There are no design modifications that will require any changes to the existing setbacks.

Parking: A total of 4 new parking spaces or in-lieu is required. The applicant is requesting an in-lieu waiver per Council resolution 54-16 for the 4 spaces.

Aesthetics: This project will not obstruct a protected view. There is lateral and vertical access to the bay on-site and no changes are proposed.

Landscaping Plan: No landscaping is proposed.

Lighting: Minimum lighting will be provided and it will comply with City regulations relative to direction, intensity and shielding. All new lighting will be cutoff style and directed downward. Further lighting information can be found on Sheet A-1.1.

PROJECT DATA	Existing	Proposed
LAND LEASE	2,067 sq. ft	2,067 sq. ft
WATER LEASE	1,340 sq. ft.	1,340 sq. ft.
TOTAL LAND & WATER LEASE	3,407 sq. ft.	3,407 sq. ft.
OUTDOOR DINING – NEW PUBLIC		140 sq. ft.
OUTDOOR DINING – EXISTING (FRONT)	139 sq. ft.	139 sq. ft.
EXISTING BUILDING	2,130 sq. ft.	

PROPOSED ADDITION – TRASH ENCL.		71 sq. ft.
INDOOR DINING - EXISTING	500 sq. ft.	500 sq. ft.
INDOOR DINING WITH BAR		296 sq. ft.
PROPOSED BAR/EMPLOYEE AREA		139 sq. ft.
EXISTING KITCHEN/STORAGE	1,195 sq. ft.	1,195 sq. ft.
PROPOSED TOTAL BUILDING:		2,201 sq. ft.
PARKING	9	13

Signage: To provide adequate signage indicating the area is open to the public, “Coastal Access Signs”: Signs will be mounted at north end of the building as well as the entrance from the new sidewalk at the Embarcadero. An existing coastal access sign is located at the southern entrance so no additional sign is proposed in that location.

“Interpretative signage”: One new interpretative sign will be installed on the northern side of the Harborwalk.

“General public signage”: Signs indicating that the patio area is open for the general public use with no purchase necessary will be installed at the entrance to the patio from the Harborwalk side.

These signs are consistent with several previously approved projects on the Embarcadero by the City and CA Coastal Commission.

Windscreen: The proposed windscreen on the bay side of the outdoor dining area will have material that will be frosted, partially frosted or another visually permeable barrier design in order to minimize bird strikes.

Permitting Requirements:

The site is located within the WF/H (PD/S.4) zoned area. A bayside lateral access, restaurant and patio area are acceptable uses however, requires a Conditional Use Permit from the City. The project site is within the CA Coastal Commission original jurisdiction and a Coastal Development Permit from the CA Coastal Commission is needed. Furthermore, a Planned Development (PD) Overlay and S.4 zone has been applied to the site. Since the site is on public lands, a precise plan approval is required. Other permits may include Army Corps of Engineers and Regional Water Quality Control Board.

Project construction work and timing:

The construction work for the new trash enclosure area, patio, sidewalk, park and Harborwalk extension may require a temporary closure of the Harborwalk and wharf

area for approximately six to eight weeks while the construction work is going on. If this is the case, an unobtrusive fence or equivalent measure will delineate the construction areas with signage to redirect the public. The alternative route for the public pedestrian access will be to redirect the foot traffic to the Embarcadero and then access will be provided down the middle of the Harbor Center building or down Harbor Street to the waterside.

Eelgrass & Future eelgrass surveys:

As indicated in the eelgrass Survey report by Tenera, November 24, 2015, there was eelgrass located off the west side of the wharf near the project construction area. A follow up survey has not been conducted because the proposed project was modified after the original Harborwalk addition design by eliminating a section in order to avoid the eelgrass area.

Therefore, the proposed work should not have an effect on the identified eelgrass patches to the west because of the distance from the proposed work. The project as proposed will conduct a pre-construction survey to determine if there is any new eelgrass present within the construction area. If no eelgrass is present, then the project would not provide any post-construction surveys. If eelgrass is present within the construction area and cannot be avoided, it is proposed that a post-construction survey will be required to assess any impacts and provide a mitigation plan prepared by a qualified biologist.

Project construction BMP's: The project contractors will employ all Best Management Practices required to mitigate any spill risks. The contractor will minimize the source of risks and thereby reduce overall spill and pollution risks on this project. Any and all land based activities will include BMP's to address rainwater pollution issues from disturbed soil or stockpiles. The project as proposed includes the following safeguards, mitigation measures, actions, and procedures for the protection of the marine environment:

- I. **Material Containment:** Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering harbor or other state waters. Where additional wood preservatives must be applied to cut-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into harbor or other state waters. A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. Also, for any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other materials could fall into the water. The containment boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.

2. Construction Plan: All erosion control/water quality best management practices to be implemented during construction and their location shall be noted on the plan. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction- related runoff and/or sediment from entering into the Pacific Ocean to the maximum extent feasible. The Construction Plan shall, at a minimum, include the following required criteria specified via written notes on the Plan:

- a. All work shall take place during daylight hours. Lighting of the beach and water area is prohibited.
- b. All construction materials and equipment placed on the land during daylight construction hours shall be stored beyond the reach of tidal waters. The only exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the piles) as necessary to contain runoff and/or sediments at the construction site, where such controls are placed as close to work area as possible, and minimized in their extent; and (2) storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult.
- c. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- d. Equipment washing, refueling, and/or servicing shall not take place on the beach or pier.
- e. All materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- f. Equipment washing, refueling, and/or servicing shall not take place over the water.
- g. The construction site shall maintain good construction site 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 beach).
- h. The Coastal Commission's Central Coast District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

3. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.

4. All construction shall be undertaken in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a coastal development permit or waiver unless the

Executive Director determines that no coastal development permit or waiver is necessary.

Project construction documents and coordinator: A copy of the construction documents will be maintained in a conspicuous place on the job site at all times and available for public review on request.

The project construction coordinator will be Stan Van Beurden. Should any questions arise during construction, an address and phone number (available 24 hours a day) will be posted at the job site so that the contact information is readily visible from a public area. 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.



Cathy Novak Consulting
PO Box 296
Morro Bay, Ca. 93443

Nov. 25, 2017

Preliminary Inspection and Condition Assessment at 945 Embarcadero
of cement retaining bags

Cathy,

This letter outlines APC's inspection and assessment of the concrete retaining bags and revetment under the walkway structure on the north side of the above-named property. This assessment was made purely based on a visual inspection with limited access under the walkway.

Two inspections were made at the above property. One attempt to remove walkway boards on early Nov. 2017, which was mostly unsuccessful due to the difficulty in removing deck planks for the inspection. The second attempt was partially successful lifting the deck boards, but we were able to access around the back and inside the area where the concrete bags were installed. This access allowed us to confirm the following structural condition and impact to the existing structures.

General Condition

The inspection determined that the concrete filled bags do not appear to have any structural impact on the existing steel beams and walkway. There does not appear to be in load bearing contact between the concrete bags and steel appear to be installed on a bearing plate and some shore side. These bags some previous structure or walkway or platform. The three-sided wall, on top of partially back filled with concrete slurry in some have been installed with vertically and some north and west side show



Figure 1-Cement Bag Walls

beams. The steel beams concrete abutment, timber type of anchor bolts on the may have been used for support of another type of concrete bags form a existing revetment and quarry run type rock and areas. The bags appear to rebar thru the bags running horizontally. The lower areas of daylight at the

bottom where there has been some undermining. The cracks which appear in the wall of bags are the result of settlement of the revetment in isolated areas. These bags do not to offer any support for the walkway structure and other than the cosmetic appearance and possible eventual crumbling that may take affect over time, in the opinion of the inspector, this element offers no structural impact to the revetment or walkway.

Associated Pacific Constructors, Inc.
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CA License 394886-A
www.associatedpacific.com



Figure 2-Towards Land side abutment



Figure 3-Clearance on top Backfill

Recommendations

- 1) Consider removal of deck boards, removal by hand of any unnecessary back fill and trash from inside the three-sided concrete bag retaining walls. This could further the life of the bags by reducing the load from inside.
- 2) Possible slurry the existing revetment to seal from any possible erosion (from this inspection we could not determine the condition of the revetment under the enclosure but both sides seem good and without any indication of settlement).
- 3) Needle gun, remove loose rust and paint from the two support trusses, coat with surface tolerant epoxy coating for cosmetic and long term structural integrity reasons.

Sincerely,

Paul E. Gillen
 President
 Associated Pacific Constructors, Inc.

Associated Pacific Constructors, Inc.
 495 Embarcadero, Morro Bay, Ca. 93442
 CA License 394886-A
 www.associatedpacific.com

PROPOSED VIEW FROM NORTH



PROPOSED VIEW FROM SOUTH



Painted Cement Siding



White Vinyl Windows/Trim



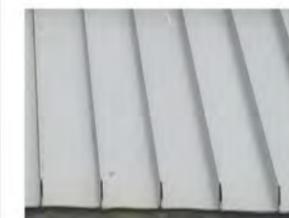
Painted Metal Roll-up Door



Stainless Cable Railing



Wood/Glass Windscreen



Metal Roofing (Existing)

EXISTING VIEW FROM NORTH



EXISTING VIEW FROM SOUTH



PROJECT INFO.

ADDRESS: LEASE SITE: 945 EMBARCADERO 96 / 96W MORRO BAY, CA
LEASE HOLDER: STAN VAN BEURDEN 945 EMBARCADERO MORRO BAY, CA 93442 93403
ZONING: WF/PD/(S.4) H-HARBOR
FRONT SETBACK: 5' AVERAGE
SIDEYARD SETBACKS: 0'
ALLOWED ROOF HEIGHT: 14' ABOVE A.N.G. w/ FLAT ROOF
PROPOSED ROOF HEIGHT: 14'-0". w/ FLAT ROOF

AREAS: LOT AREA: (TOTAL) 3,407 SQ. FT.
LAND LEASE AREA: 2,067 SQ. FT.
WATER LEASE AREA: 1,340 SQ. FT.
MAX. ALLOWABLE COVERAGE: 70% 2,385 SQ. FT.
PROPOSED LOT COVERAGE: 65% 2,201 SQ. FT.
PROPOSED ADDITION TO BLDG' FOOTPRINT: 71 SQ. FT.
PROPOSED TRASH ENCLOSURE: 71 SQ. FT.
EXISTING DINING ROOM AREA: 500 SQ. FT.
PROPOSED ADDITIONAL DINING ROOM/BAR: 296 SQ. FT.
PROPOSED BAR / EMPLOYEE AREA: 139 SQ. FT.
EXISTING KITCHEN / STORAGE: 1,195 SQ. FT.
PROPOSED OUTSIDE WINDSCREEN AREA: 140 SQ. FT.
EXISTING OUTSIDE DINING: 139 SQ. FT.

EXISTING OCCUPANCY AREAS: RESTAURANT: 2,130 SQ. FT.
OPEN TRASH AREA: 50 SQ. FT.
OUTSIDE DINING (FRONT): 139 SQ. FT.
PROPOSED OCCUPANCY AREAS: RESTAURANT: 2,130 SQ. FT.
ENCLOSED TRASH AREA: 71 SQ. FT.
OUTSIDE DINING (REAR): 140 SQ. FT.
OUTSIDE DINING (FRONT): 139 SQ. FT.
OCCUPANCIES: A2 - TYPE V, SPRINKLED
UNCON. TBL.S. & CHAIRS 15/NET 796 SQ. FT. = 53.07 OCC.
BUSINESS AREA: 100/GROSS 115 SQ. FT. = 1.15 OCC.
KITCHEN AREA: 200/GROSS 1,080 SQ. FT. = 5.4 OCC.
= 60 OCCUPANTS
MIN. (2) 36" WIDE EXITS REQ'D

EXISTING PARKING REQUIREMENTS: RESTAURANT DINING: 500 SQ. FT. 1/60 S.F. 8.33 SPACES
OUTDOOR SEATING 139 SQ. FT - 125 = 14 S.F. 14 SQ. FT. 1/120 S.F. 0.12 SPACES
TOTAL: 8.5 SPACES
9 SPACES
PROPOSED PARKING REQUIREMENTS: RESTAURANT DINING: 780 SQ. FT. 1/60 S.F. 13.27 SPACES
(LESS EMPLOYEE AREA AT BAR, ACCESS AREAS AT REAR DOOR AND RAMP)
OUTDOOR SEATING (PUBLIC SEATING) 0 SPACES
TOTAL: 13.27 SPACES
13 SPACES
9 SPACES PROVIDED
WAIVER FOR 4 ADDITIONAL REQ'D SPACES
CITY OF M.B. RESOLUTION 54-16

PROJECT DESC.

THIS PROJECT INVOLVES REMODELING AN EXISTING AREA OF THE RESTAURANT INTO DINING SPACE AT THE WEST SIDE OF THE BUILDING. ADD OUTSIDE PUBLIC SEATING TO THE WEST SIDE OF THE SITE, AND MODIFY THE WHARF AREA TO CREATE AN ACCESSIBLE HARBORWALK AND REPAIR THE PILINGS AND COSMETICALLY REPAIR THE GUNNY SACK BATTER WALL ON THE WEST SIDE OF THE SITE.

PUBLIC WORKS NOTES

NO WORK SHALL OCCUR WITHIN (OR USE OF) THE CITY'S RIGHT OF WAY WITHOUT AN ENCROACHMENT PERMIT. ENCROACHMENT PERMITS ARE AVAILABLE AT THE CITY OF MORRO BAY PUBLIC WORKS DEPARTMENT LOCATED AT 955 SHASTA AVE. THE ENCROACHMENT PERMIT SHALL BE ISSUED CONCURRENTLY WITH THE BUILDING PERMIT.

ANY DAMAGE TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATER LINE, OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF MORRO BAY.

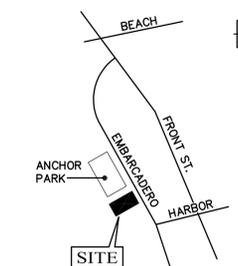
DUE TO MANDATORY WATER CONSERVATION REQUIREMENTS AND STORMWATER REQUIREMENTS NO PRESSURE WASHING IS ALLOWED UNLESS IT IS DIRECTLY DUE TO PROFESSIONAL PREPARATION OF EXTERIOR PAINTING OF PROPERTY. NO DISCHARGE OF NON STORMWATER IS ALLOWED INTO THE MUNICIPAL STORM DRAIN SYSTEM AND CONTRACTOR MUST PROVIDE MEASURES TO PREVENT ANY DISCHARGE FROM ENTERING THE STORMWATER SYSTEM.

FIRE DEPARTMENT NOTES

FIRE SPRINKLER COVERAGE SHALL BE EXTENDED TO INCLUDE THE FOLLOWING AREAS, IN ACCORDANCE WITH MORRO BAY MUNICIPAL CODE, SECTIONS 14.08.090 (L) (2), 14.08.090 (N), 14.52.060, CFC 3604, NFPA 13 AND NFPA 303:

- A. APPLICANT SHALL PROVIDE SPRINKLER COVERAGE BENEATH THE EXISTING PUBLIC ACCESS DECK.
B. APPLICANT SHALL EXTEND SPRINKLER COVERAGE FOR PROTECTION OF PROPOSED NEW DINING AREA, NEW BAR AREA, AND NEW TRASH ENCLOSURE.
APPLICANT SHALL SUBMIT PLANS FOR REQUIRED AUTOMATIC FIRE SPRINKLER SYSTEM PROTECTION TO MORRO BAY COMMUNITY DEVELOPMENT DIVISION FOR REVIEW.

VICINITY MAP



C. P. PARKER ARCHITECT

CHRISTOPHER P. PARKER ARCHITECT
630 QUINTANA RD. #330 MORRO BAY, CA. 93442-1965
(805) 772-5700



STAMPS
CONSULTANTS

PROJECT
RESTAURANT REMODEL
FOR
STAN VAN BEURDEN
945 EMBARCADERO MORRO BAY, CALIF. 93442
DRAWING PHASE
DESIGN DEVELOPMENT

Table with 2 columns: Field (Project No., Drawn By, Dwg. Date, Updated, Scale) and Value (09-105, CPP, 02/04/18, -, AS NOTED)

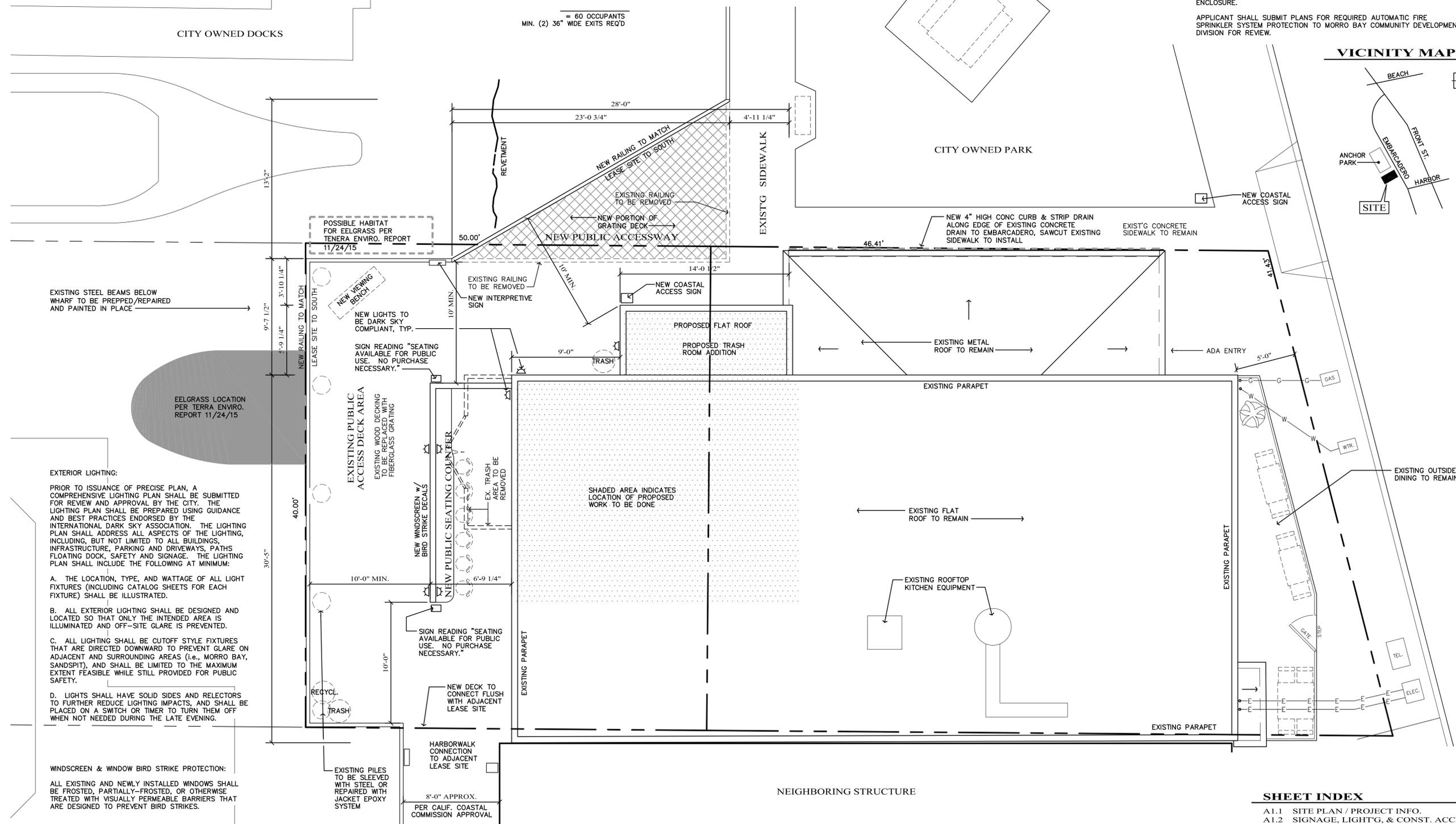
REVISIONS
UPDATE PILES 09/19/17

SHEET TITLE
SITE PLAN
PROJECT INFO
SHEET NO.

A1.1

SHEET INDEX

- A1.1 SITE PLAN / PROJECT INFO.
A1.2 SIGNAGE, LIGHT'G, & CONST. ACCESS
A1.3 TOPOGRAPHY SURVEY
A2.1 FLOOR PLAN
A3.1 EXTERIOR ELEVATIONS / SECTION



EXTERIOR LIGHTING:
PRIOR TO ISSUANCE OF PRECISE PLAN, A COMPREHENSIVE LIGHTING PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY. THE LIGHTING PLAN SHALL BE PREPARED USING GUIDANCE AND BEST PRACTICES ENDORSED BY THE INTERNATIONAL DARK SKY ASSOCIATION. THE LIGHTING PLAN SHALL ADDRESS ALL ASPECTS OF THE LIGHTING, INCLUDING, BUT NOT LIMITED TO ALL BUILDINGS, INFRASTRUCTURE, PARKING AND DRIVEWAYS, PATHS FLOATING DOCK, SAFETY AND SIGNAGE. THE LIGHTING PLAN SHALL INCLUDE THE FOLLOWING AT MINIMUM:
A. THE LOCATION, TYPE, AND WATTAGE OF ALL LIGHT FIXTURES (INCLUDING CATALOG SHEETS FOR EACH FIXTURE) SHALL BE ILLUSTRATED.
B. ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND LOCATED SO THAT ONLY THE INTENDED AREA IS ILLUMINATED AND OFF-SITE GLARE IS PREVENTED.
C. ALL LIGHTING SHALL BE CUTOFF STYLE FIXTURES THAT ARE DIRECTED DOWNWARD TO PREVENT GLARE ON ADJACENT AND SURROUNDING AREAS (I.E., MORRO BAY, SANDSPIT), AND SHALL BE LIMITED TO THE MAXIMUM EXTENT FEASIBLE WHILE STILL PROVIDED FOR PUBLIC SAFETY.
D. LIGHTS SHALL HAVE SOLID SIDES AND RECTORS 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.

WINDSCREEN & WINDOW BIRD STRIKE PROTECTION:
ALL EXISTING AND NEWLY INSTALLED WINDOWS SHALL BE FROSTED, PARTIALLY-FROSTED, OR OTHERWISE TREATED WITH VISUALLY PERMEABLE BARRIERS THAT ARE DESIGNED TO PREVENT BIRD STRIKES.

SITE PLAN

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C. P. PARKER ARCHITECT

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STAMPS



CONSULTANTS

PROJECT

RESTAURANT REMODEL

FOR
STAN VAN BEURDEN

945 EMBARCADERO MORRO BAY, CALIF. 93442

DRAWING PHASE

DESIGN DEVELOPMENT

Project No.	09-105
Drawn By	CPP
Dwg. Date	02/04/18
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE

SIGNAGE, LIGHT'G, & CONST. ACCESS

SHEET NO.

A1.2



PUBLIC SEATING SIGNAGE

TO BE LOCATED ON THE NORTHERN AND SOUTHERN EDGES OF THE NEW PUBLIC SEATING COUNTER LOCATED AT WEST SIDE OF LEASE SITE.

SIGNAGE SHALL BE 24" WIDE x 18" HIGH METAL SIGN WITH IMAGES MOUNTED FLAT TO STRUCTURE (OR 4x4 POST) WITH WHITE BACKGROUND AND BLUE LETTERING.



PUBLIC BOARDWALK SIGNAGE

TO BE LOCATED AT THE NORTHERN AND SOUTHERN ENTRANCES TO THE HARBORWALK LOCATED AT THE WEST SIDE OF THE LEASE SITE.

SIGNAGE SHALL BE 24" WIDE x 18" HIGH METAL SIGN WITH IMAGES MOUNTED FLAT TO 4x4 POST WITH WHITE BACKGROUND AND BLUE LETTERING.

INTERPRETIVE SIGNAGE

AN INTERPRETIVE SIGN WITH CONTENT RELATING TO THE HISTORICAL NATURE OF MORRO BAY SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR.

PUBLIC ACCESS - DURING CONST.



DEPICTS AREAS OF PUBLIC ACCESS OPEN DURING CONSTRUCTION



DEPICTS AREAS OF PUBLIC ACCESS CLOSED DURING CONSTRUCTION



EXTERIOR LIGHTING

PRIOR TO ISSUANCE OF PRECISE PLAN, A COMPREHENSIVE LIGHTING PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY. THE LIGHTING PLAN SHALL BE PREPARED USING GUIDANCE AND BEST PRACTICES ENDORSED BY THE INTERNATIONAL DARK SKY ASSOCIATION. THE LIGHTING PLAN SHALL ADDRESS ALL ASPECTS OF THE LIGHTING, INCLUDING, BUT NOT LIMITED TO ALL BUILDINGS, INFRASTRUCTURE, PARKING AND DRIVEWAYS, PATHS FLOATING DOCK, SAFETY AND SIGNAGE. THE LIGHTING PLAN SHALL INCLUDE THE FOLLOWING AT MINIMUM:

A. THE LOCATION, TYPE, AND WATTAGE OF ALL LIGHT FIXTURES (INCLUDING CATALOG SHEETS FOR EACH FIXTURE) SHALL BE ILLUSTRATED.

B. ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND LOCATED SO THAT ONLY THE INTENDED AREA IS ILLUMINATED AND OFF-SITE GLARE IS PREVENTED.

C. ALL LIGHTING SHALL BE CUTOFF STYLE FIXTURES THAT ARE DIRECTED DOWNWARD TO PREVENT GLARE ON ADJACENT AND SURROUNDING AREAS (i.e., MORRO BAY, SANDSPIT), AND SHALL BE LIMITED TO THE MAXIMUM EXTENT FEASIBLE WHILE STILL PROVIDED FOR PUBLIC SAFETY.

D. 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.

Outdoor Wall 1Lt
 49067OZ (Olde Bronze)



Dimensions	
Height	10.25"
Width	10.50"

Ordering Information	
Product ID	49067OZ
Finish	Olde Bronze
Available Finishes	OZ, OZ

Dimensions	
Extension	11.75"
Height from center of Wall opening	6.25"
Base Backplate	5.50 DIA
Weight	3.90 LBS

Specifications	
Material	Brass
Glass Description	Fresnel Lens

Electrical	
Voltage	120V

Qualifications	
Safety Rated	Wet
Dark Sky	Yes
Warranty	www.kichler.com/warranty

Primary Lamping	
Light Source	USE WITH LED BULB
Lamp Included	Not Included
Number of Lights/LEDs	1
Socket Type	Medium
Lamp Type	A19

Kichler
 7711 East Pleasant Valley Road
 Cleveland, Ohio 44131-9010
 Toll free: 866.558.5706 or kichler.com

Notes:
 1) Information provided is subject to change without notice. All values are design or typical values when measured under laboratory conditions.
 2) Incandescent Equivalent: The incandescent equivalent as presented is an approximate number and is for reference only.

KICHLER

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STAMPS



CONSULTANTS

PROJECT

RESTAURANT REMODEL

FOR
STAN VAN BEURDEN

945 EMBARCADERO
 MORRO BAY, CALIF.
 93442

DRAWING PHASE

DESIGN DEVELOPMENT

Project No.	09-105
Drawn By	CPP
Dwg. Date	02/04/18
Updated	-
Scale	AS NOTED

REVISIONS

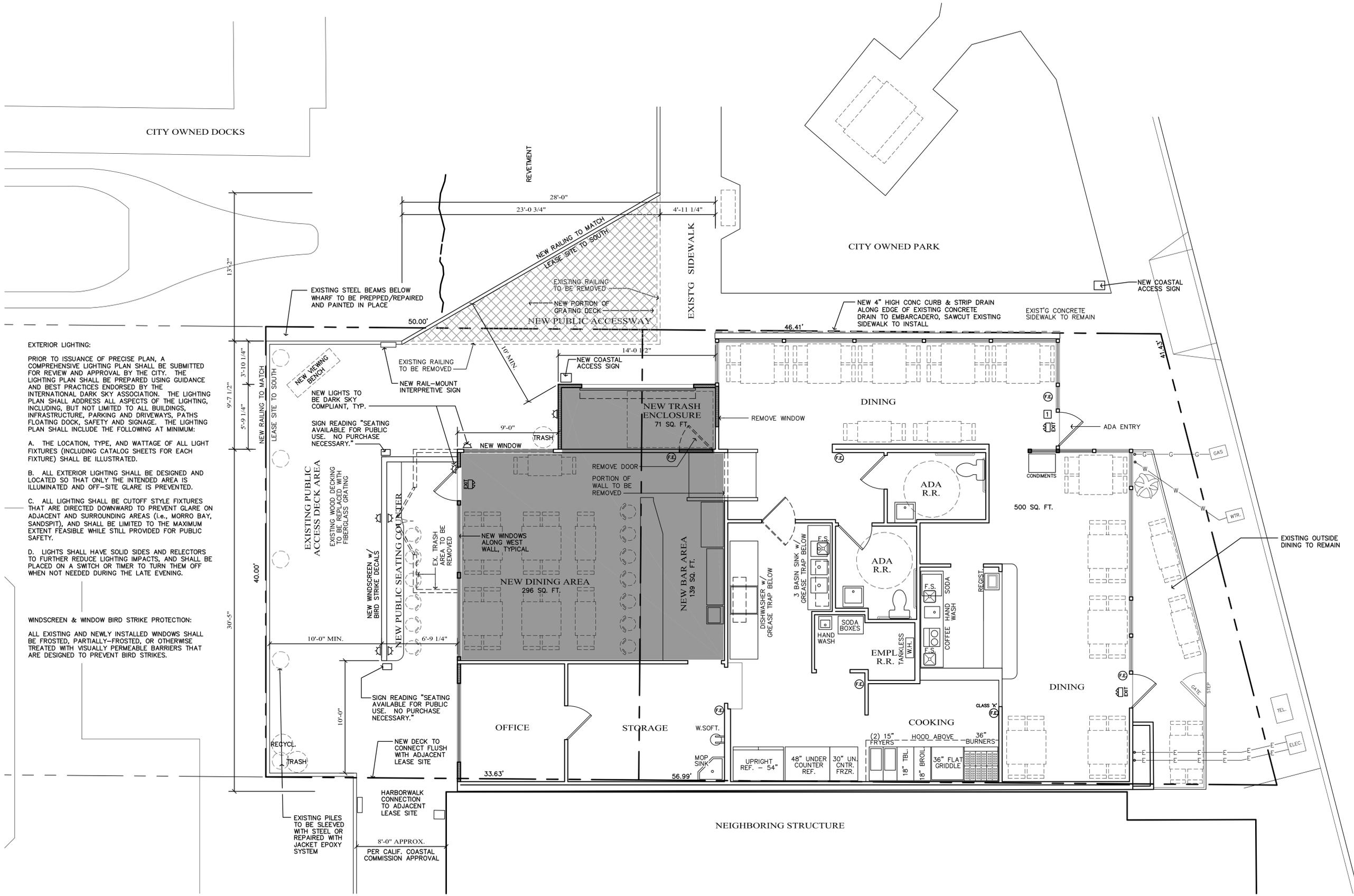
UPDATE PILES	09/19/17
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SHEET TITLE

FLOOR PLAN

SHEET NO.

A2.1



EXTERIOR LIGHTING:
 PRIOR TO ISSUANCE OF PRECISE PLAN, A COMPREHENSIVE LIGHTING PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY. THE LIGHTING PLAN SHALL BE PREPARED USING GUIDANCE AND BEST PRACTICES ENDORSED BY THE INTERNATIONAL DARK SKY ASSOCIATION. THE LIGHTING PLAN SHALL ADDRESS ALL ASPECTS OF THE LIGHTING, INCLUDING, BUT NOT LIMITED TO ALL BUILDINGS, INFRASTRUCTURE, PARKING AND DRIVEWAYS, PATHS FLOATING DOCK, SAFETY AND SIGNAGE. THE LIGHTING PLAN SHALL INCLUDE THE FOLLOWING AT MINIMUM:
 A. THE LOCATION, TYPE, AND WATTAGE OF ALL LIGHT FIXTURES (INCLUDING CATALOG SHEETS FOR EACH FIXTURE) SHALL BE ILLUSTRATED.
 B. ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND LOCATED SO THAT ONLY THE INTENDED AREA IS ILLUMINATED AND OFF-SITE GLARE IS PREVENTED.
 C. ALL LIGHTING SHALL BE CUTOFF STYLE FIXTURES THAT ARE DIRECTED DOWNWARD TO PREVENT GLARE ON ADJACENT AND SURROUNDING AREAS (i.e., MORRO BAY, SANDSPIT), AND SHALL BE LIMITED TO THE MAXIMUM EXTENT FEASIBLE WHILE STILL PROVIDED FOR PUBLIC SAFETY.
 D. 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.

WINDSCREEN & WINDOW BIRD STRIKE PROTECTION:
 ALL EXISTING AND NEWLY INSTALLED WINDOWS SHALL BE FROSTED, PARTIALLY-FROSTED, OR OTHERWISE TREATED WITH VISUALLY PERMEABLE BARRIERS THAT ARE DESIGNED TO PREVENT BIRD STRIKES.

NEW FLOOR PLAN

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C. P. PARKER ARCHITECT

CHRISTOPHER P. PARKER ARCHITECT
 630 QUINTANA RD. #330
 MORRO BAY, CA. 93442-1962
 (805) 772-5700

STAMPS



CONSULTANTS

PROJECT

RESTAURANT REMODEL

FOR
STAN VAN BEURDEN

945 EMBARCADERO
 MORRO BAY, CALIF.
 93442

DRAWING PHASE

DESIGN DEVELOPMENT

Project No.	09-105
Drawn By	CPP
Dwg. Date	02/04/18
Updated	-
Scale	AS NOTED

REVISIONS

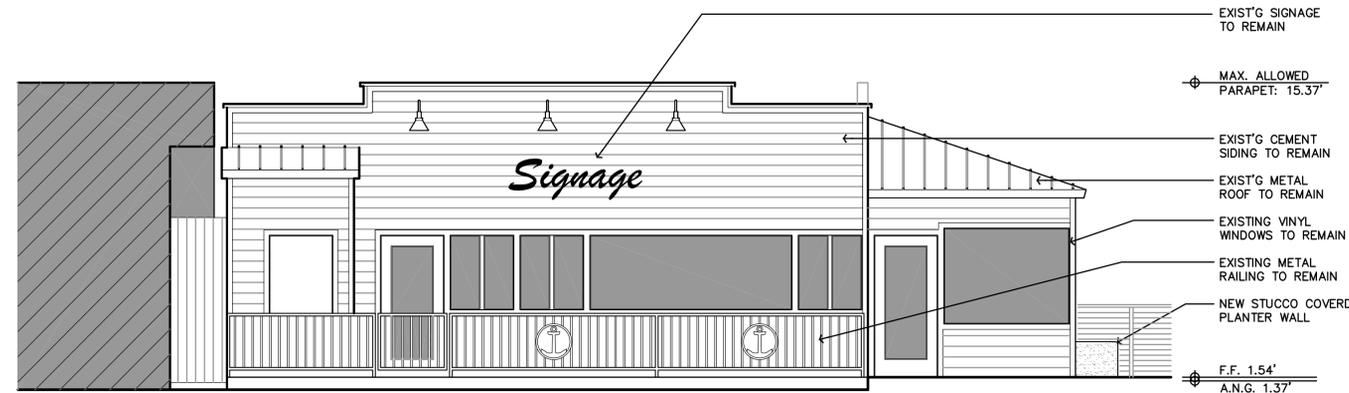
UPDATE PILES	09/19/17
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SHEET TITLE

EXTERIOR ELEVATIONS

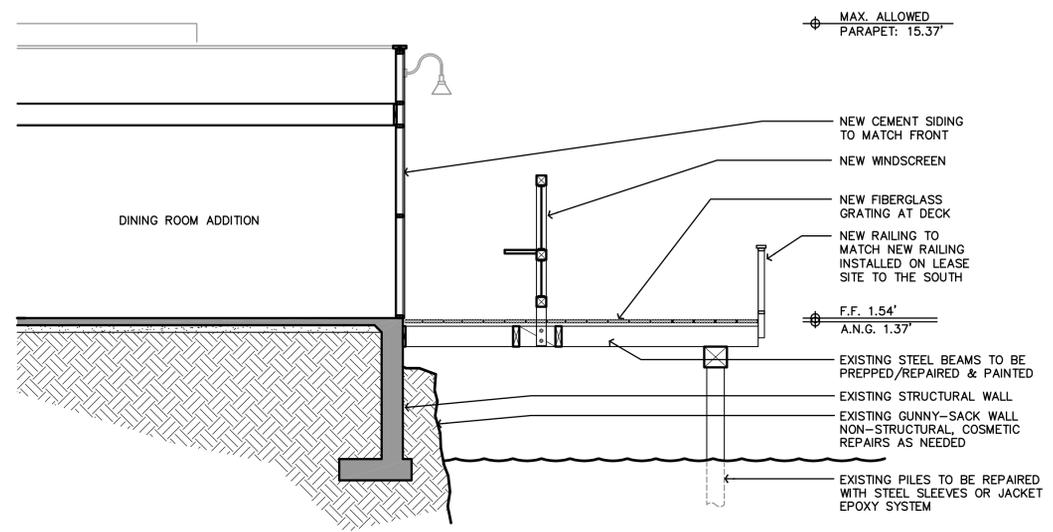
SHEET NO.

A3.1



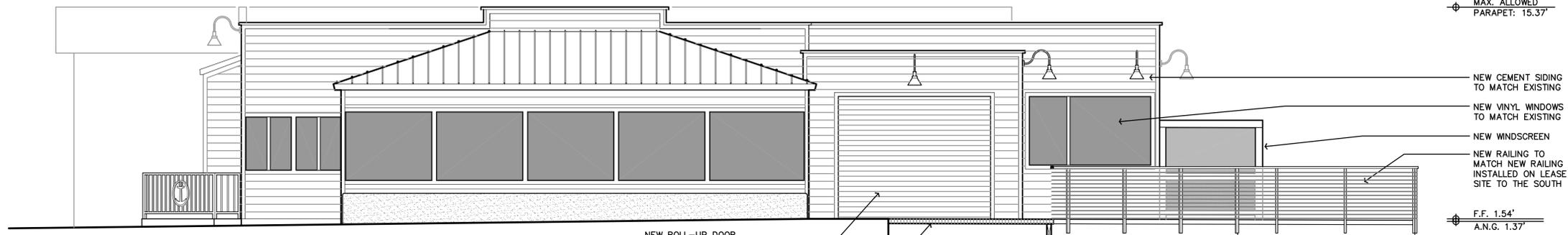
EAST ELEVATION

SCALE: 1/4" = 1'-0"



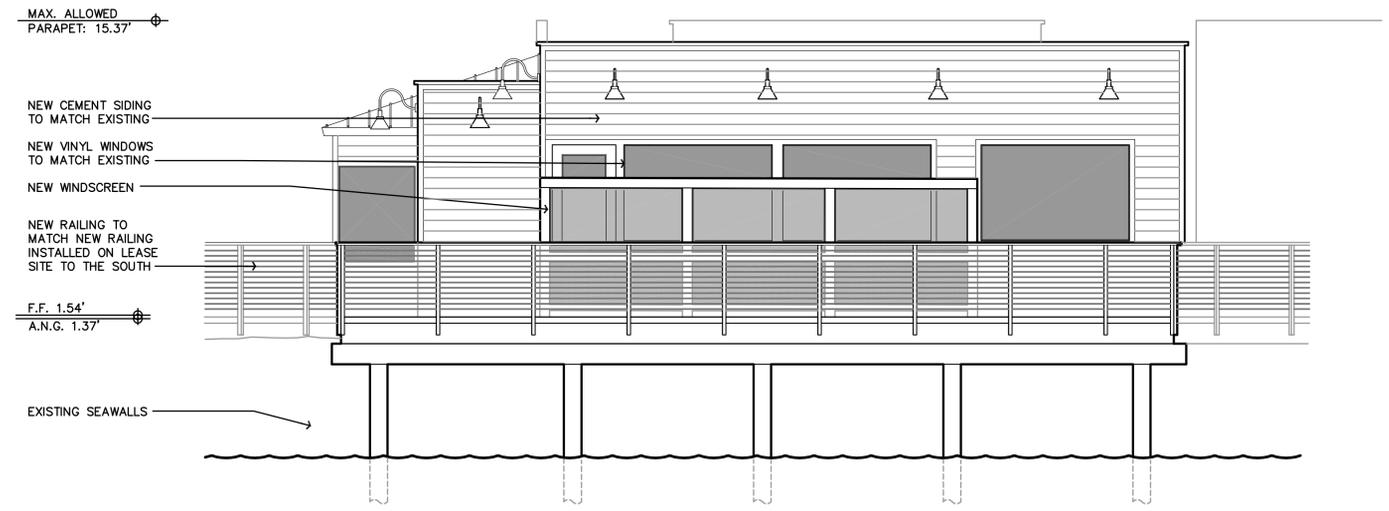
PARTIAL SECTION

SCALE: 1/4" = 1'-0"



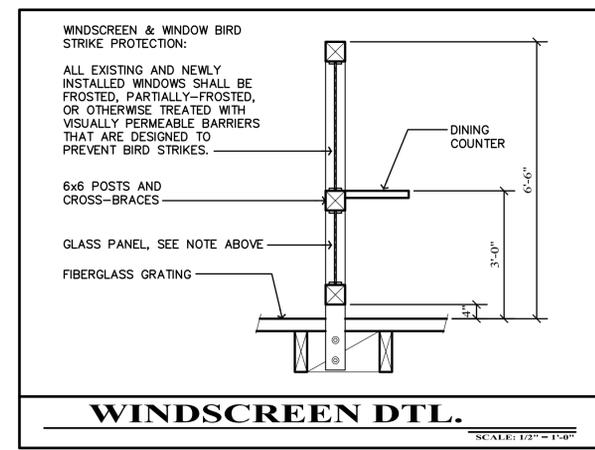
NORTH ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"



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 PRIOR TO ISSUANCE OF PRECISE PLAN, A COMPREHENSIVE LIGHTING PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY. THE LIGHTING PLAN SHALL BE PREPARED USING GUIDANCE AND BEST PRACTICES ENDORSED BY THE INTERNATIONAL DARK SKY ASSOCIATION. THE LIGHTING PLAN SHALL ADDRESS ALL ASPECTS OF THE LIGHTING, INCLUDING, BUT NOT LIMITED TO ALL BUILDINGS, INFRASTRUCTURE, PARKING AND DRIVEWAYS, PATHS FLOATING DOCK, SAFETY AND SIGNAGE. THE LIGHTING PLAN SHALL INCLUDE THE FOLLOWING AT MINIMUM:

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WINDSCREEN & WINDOW BIRD STRIKE PROTECTION:
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EXTERIOR FINISHES:
 MATERIALS OF CEMENT SIDING, VINYL WINDOWS, TRIM BOARDS ALL TO MATCH THOSE MATERIALS AND COLORS THAT ARE CURRENT INSTALLED ON THE EAST SIDE OF THE EXISTING STRUCTURE.
 NEW ROLL-UP DOOR TO BE PAINTED TO MATCH SIDING.



AGENDA NO: C-1

MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor and City Council

DATE: March 14, 2018

FROM: Jennifer Little, Tourism Manager

SUBJECT: Award of Two Contracts to Simpleview for Rebuilding and Managing the Morrobay.org Website

RECOMMENDATION

Council award two contracts to Simpleview for rebuilding and managing the morrobay.org website, approved to form by the City Attorney:

- 1.) Rebuild the morrobay.org website starting April 2018 (Fiscal Year 2017-18) and anticipated to be finished in FY 2018-19 October 2018 in the contract amount of \$44,950; and,
- 2.) Three-year contract for monthly Content Management System (CMS) and Customer Relationship Management (CRM) management of the site beginning FY 2018-19, including 5-hours per month of staff support, in the annual amount of \$26,280 and total amount over three years of \$78,840.

In addition, Council authorize the City Manager to enter into a contract with MobilManage in the amount of approximately \$ 4,000, for the period until Simpleview has completed rebuilding the morrobay.org website.

ALTERNATIVES

City Council may choose not to approve the contracts and seek new bids for the website rebuild and on-going maintenance support and continue to work with the existing website vendor for website maintenance.

FISCAL IMPACT

The total design cost for the website is \$44,950, with a 50% deposit required at the start of the project with the balance due upon satisfactory design completion. If approved by Council, then the project will initiate in April 2018 (Fiscal Year 2017-18) with an initial payment of \$22,475. It is anticipated the site design will be completed in FY 2018-19 in September or October 2018, with the remaining balance due at that time.

Once the site is operational in FY 2018-19, the City will begin a three-year CMS & CRM contract

Prepared By: <u> JL </u>	Dept Review: <u> </u>
City Manager Review: <u> SC </u>	City Attorney Review: <u> JWP </u>

with Simpleview, at a monthly cost of \$2,190. That agreement will be for management of the site and 5-hours per month of phone/online support to staff. The budget breakdown for both contracts, by fiscal year, is included as Attachment 2.

Currently, morrobay.org is housed with MobiManage and that contract has expired. In order to keep MorroBay.org live during the rebuilding process, staff will enter into a contract with MobiManage through October 31, 2018 or the date Simpleview completes the site design, whichever is sooner. The cost for that extension will be approximately \$ 4,000.

BACKGROUND

Morrobay.org was built in 2015 to help with tourism marketing efforts. At that time, the site was a tremendous upgrade from the previous website, but it is now out of date. The platform has limited functionality and is holding us back from growing the destination, as more marketing efforts are conducted online. Staff has consulted with our current website agency, Search Engine Optimization (SEO) provider and social media liaison, and they all feel an upgrade of the site is required. The primary problems, among other issues, with the current site are as follows:

Current website has inability to add text to pages, among other limitations, without extensive additional charges from the website management company.

There is a fundamental change in the way “search” is being conducted today compared to 2015. Most organic search results in Google are now appearing “below the fold,” where online viewers most likely will not look. Google is busy monetizing most everything above the fold. Our current site is mainly built with content below the fold. That is one of the reasons organic search results are declining, even in the face of excellent search result positioning, which is the case for MorroBay.org.

Keyword positioning has not changed for most of our keyword phrases, yet the traffic via search is declining. To counter this, many sites are venturing back into Google AdWords to get results above the fold to balance out all of the traffic sources.

In response to these issues, staff invite five reputable firms to submit proposals for an upgraded and more modern website. The TBID Board received presentations from five potential website vendors at the January 2018 special meeting. Of those five, three are local vendors and two are national vendors. The TBID Board advised staff to move forward with Simpleview and Verdin as finalists in consideration, based upon their presentation quality and fit for Morro Bay. Following the meeting, staff met with TBID Board Member Maggie Juren to review Simpleview and Verdin’s proposed budget timelines and costs, and met with representatives of each company to gather additional information. Staff presented findings and a recommendation at the March 2018 TBID meeting to move forward with two contract both with Simpleview.

DISCUSSION

The TBID recommends moving forward with Simpleview. They were the TBID's and staff's top choice given the firm's work with the Visit SLO and pricing that fits within the TBID annual budget. Overall, staff is impressed with freedom and flexibility of site, allowing staff to make changes without the need to involve the vendor. Simpleview's backend, which shows comparison reports of listing, article and social media readership. The amount of customization available in Simpleview's design surpasses MobiManage's abilities tenfold. Kevin Bate from Simpleview provided an online demonstration using the backend of the site. Simpleview was impressive with their site's capabilities and the "Software as a service" approach they have taken. Staff questioned why there are so many monthly fees in Simpleview's cost proposal. Simpleview explained those fees cover ongoing updates, allowing Simpleview to update plug-ins and other content as needed, rather than on an hourly basis. That ensures a timely up-to-date site with no discussion or commitment needed from a Destination Management Organization (DMO), such as Morro Bay. Staff is interested in advertising local business partners on site to offset the annual costs.

Simpleview was selected over the other finalist, Verdin. Verdin does not have website development capabilities – they are primarily a creative team. An outside firm would be their web developer for our account, which has limited experience in the building of DMO websites. Verdin would need 7 months to complete the website build. In comparison, Simpleview's expected completion run within 5-7 months with room to expedite the process if the City desires.

CONCLUSION

Staff feels Simpleview is the strongest competitor that works exclusively with DMOs and has advanced functionality via both user interface and the backend. With that in mind, staff recommends moving forward with awarding both contracts to Simpleview.

ATTACHMENTS

1. Simpleview proposal for website development
2. Budget proposal

MORRO BAY TOURISM WEBSITE DEVELOPMENT PROPOSAL

Let's make
something
beautiful.



Proposed Scope of Work

What Differentiates Us

.....
Beyond strategy, solutions and services, we offer a level of expertise that only comes with working exclusively with DMOs

THE
SIMPLEVIEW
ADVANTAGE

Simpleview has more expertise in what it takes to create a best-practice tourism website and what it takes to successfully extend a DMO's online reach than any other company.

Working with more than 500 destination marketing organizations – including Huntington Beach, Visit SLO CAL, Monterrey County, Laguna

Beach, Napa Valley, and 25+ other DMOs California – we understand how prospective and repeat visitors search, what inspires them, and how they engage, interact and consume on various devices. We believe website design and usability are of paramount importance, and our award winning Experience Design team will marry our research-based approach with vibrant, authentic, mobile-first responsive design that will reflect the unique attributes, vibe and style of the destination, resulting in a website that immediately inspires and engages the visitor.

Website Design



YOUR GOALS

Let's get started

Your next-generation website will begin with our understanding of your immediate and long-range goals and mapping those objectives to best-practices grounded in our two decades of experience working with DMOs.

RESEARCH

The key to success

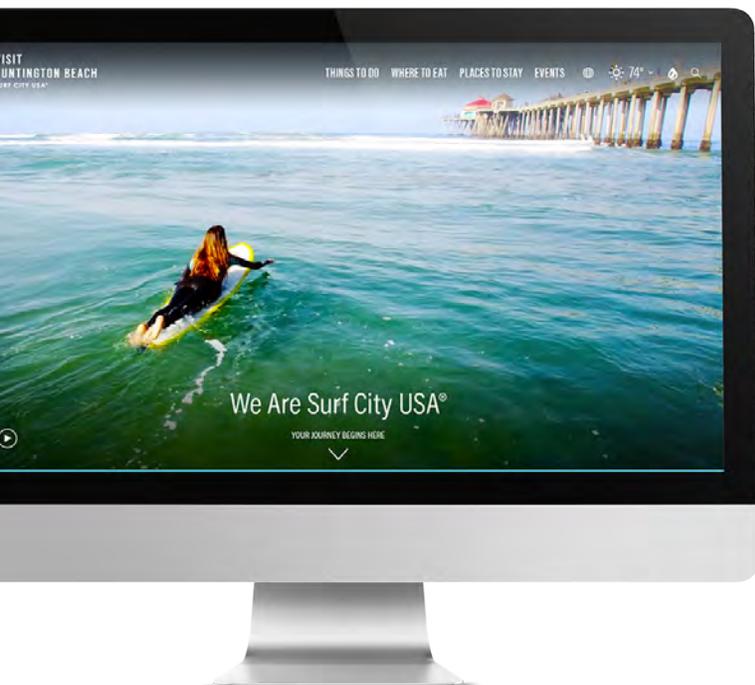
Our proven process includes competitive analysis, defining user profiles and user goals, identifying website objectives, building detailed content inventories, and creating custom architectures. Our team will collaborate with your key staff, stakeholders and agency partners, to ensure a seamless website experience.

CUSTOM DESIGN

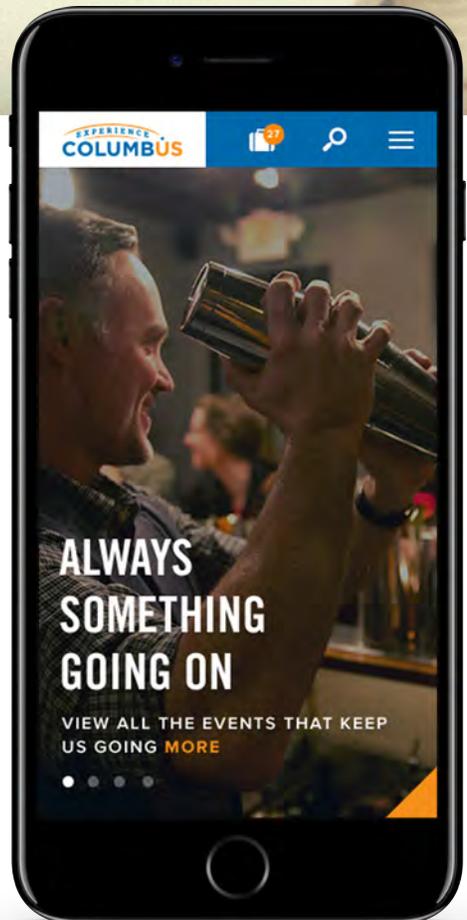
Award-winning

With the SEO-optimized site structure and website plan in place, our award-winning creative team will create a custom, responsive design to elevate your brand. On the back-end, your site will be powered by Simpleview CMS, the industry's most advanced content management system for creating, revising and managing website content.

Design Portfolio



Visit Huntington Beach
surfcityusa.com



Experience Columbus
ExperienceColumbus.com



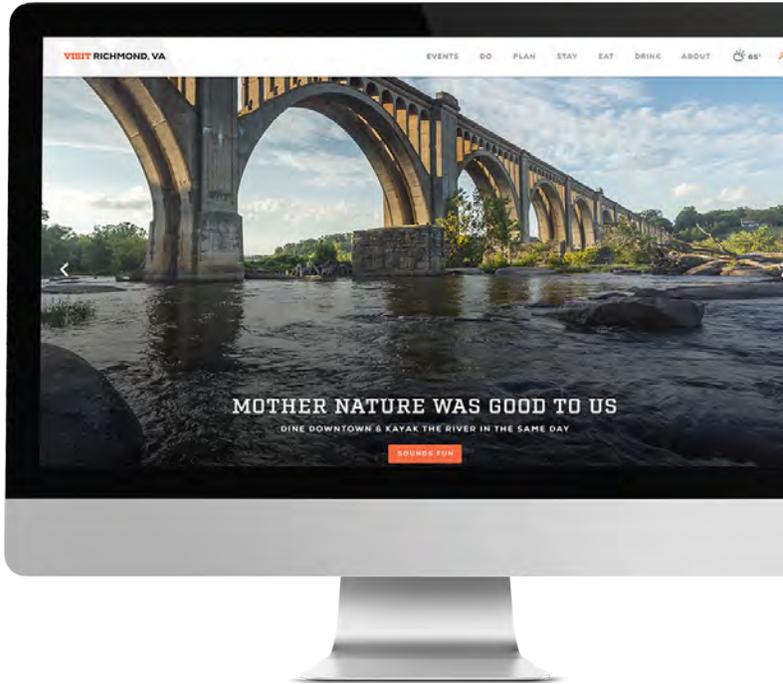
LEGENDARY NAPA VALLEY

Visit Napa Valley

VisitNapaValley.com



Richmond Region Tourism
VisitRichmondVA.com



ADDITIONAL RECENT EXAMPLES

www.visitgreenillesc.com | www.visitnorway.com | www.anchorage.net
www.visitspokane.com | www.seemonterey.com | www.visittemeculavalley.com

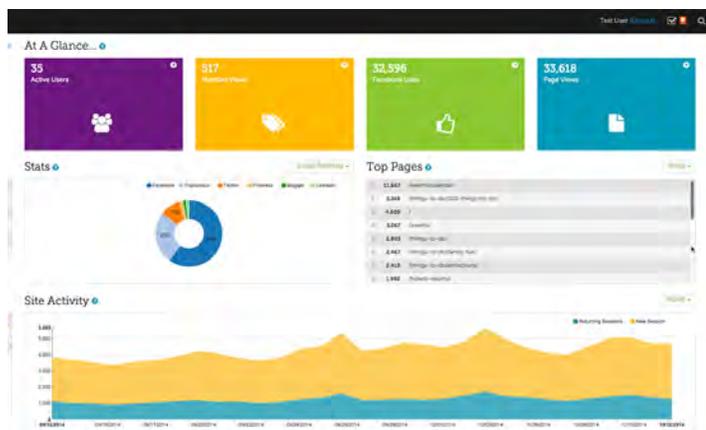


Simpleview CMS



Simpleview CMS

Exactly what your marketers *need*
Everything your advanced users *want*

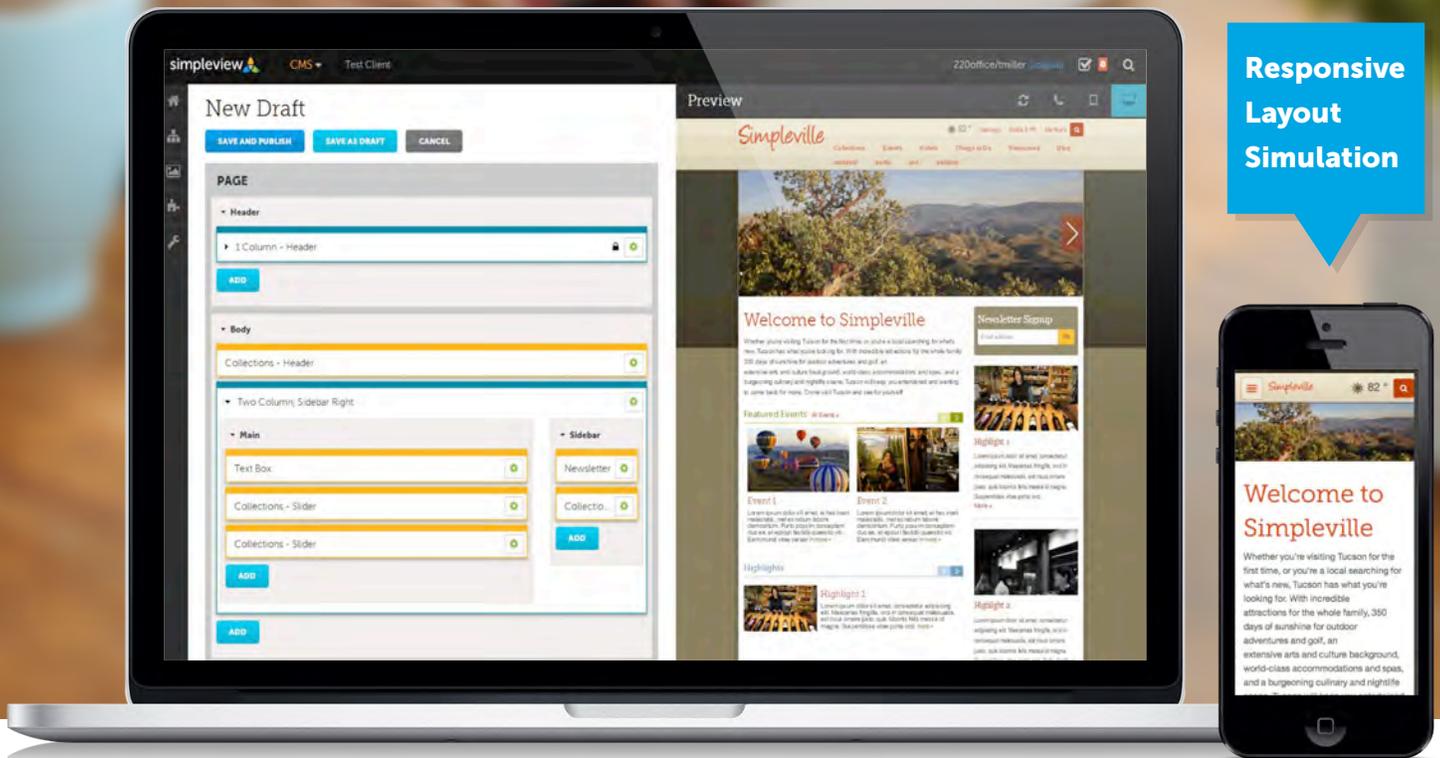


Dashboard Analytics

Intuitive Ease of Use

Drag and Drop Functionality – Drag widgets from one column or row to another, instantly changing the layout of your content.

Reusable Content Collections – Save collections of code to reuse on similar pages, or combine to create entirely new ones.



Unrivalled Features and Tools

Over 45 Web Modules – Battle-tested by DMOs for over a decade, our industry-leading modules include the Event Calendar, Partner Listings, Forms and more!

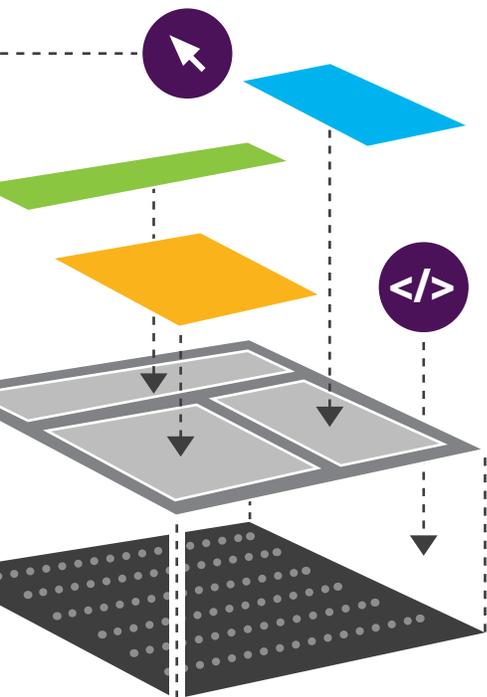
Advanced User Access – Edit stylesheets, upload templates and more! Make cost-effective customizations to your site with CSS, HTML and Javascript.

Reimagined UI and Dashboard – Immediately get a snapshot of key site statistics, tasks, and updates straight from your dashboard.

Real Time Feedback Page Editing – Don't waste time previewing each individual change! See them as they happen, without stepping out of the editor.

Responsive Layout Simulation – Test how your website appears across all devices, including mobile, tablet and everything in between.

**A short CMS overview demonstration can be viewed online at <https://youtu.be/VlxFMs4A0XM>*



Seamlessly Integrated with Simpleview CRM



SIMPLEVIEW CMS

Form submissions & tracking data flows from Website/CMS into CRM

Brochure request forms; RFP submission forms; eNewsletter signup forms; Partner listing views; listing click-throughs

SIMPLEVIEW CRM

Partner content & data flows from CRM to the Website/CMS

Business info; listing descriptions; amenity information; images; special offers; meeting facility info; events; geo data.

Q: WHY USE SOFTWARE AS A SERVICE (SAAS)?

A: SAAS IS THE INDUSTRY STANDARD.

That said, we built the new CMS as a SaaS platform.

This was a major undertaking that will pay off for all users.

In doing so, the new Simpleview CMS delivers:

- The most up-to-date technology, always at your disposal
- Freedom of design, no longer limited by development layers
- A scalable and modular solution for DMOs of every size and budget



Powerful Maintenance and Support

Higher Quality Updates, Faster – With SaaS, developers don't need to update each individual product. Core updates are rolled out to everyone.

Global Content Delivery Network (CDN) – We've partnered with Cloudinary to provide faster turnaround for delivering your content.

Safe, Secure, and Responsible – Spend less time on the tech, and more time marketing. Coupled with hosting, you can minimize IT expenses.

Open Source Community – Not only can a developer utilize open source extensions, but solutions developed by your team are yours to keep.

CMS Modules & Integrations

PARTNER LISTINGS

Display listings by categories and allow users to filter by sub cat, region and/or keyword

The screenshot displays a CMS interface for partner listings. At the top, there are filters for 'AMERICAN' and 'DOWNTOWN', along with a 'KEYWORDS' search bar. Below this is a map of Austin, Texas, showing several location pins. A detailed view of 'MAX'S WINE DIVE' is shown, including its address (207 San Jacinto Blvd, Austin, TX 78701) and phone number (512) 904-0111. Below the map, there are two more restaurant listings: 'TRACE, W AUSTIN' and 'MAX'S WINE DIVE', each with a small image and a brief description.

Display member/partner account amenities

The screenshot shows a partner listing page for 'MAX'S WINE DIVE'. It features a 'Back To Previous Page' link, a 'Restaurants' category, the restaurant name, address (207 San Jacinto Blvd, Austin, TX 78701), and phone number (512) 904-0111. There is also a 'Website' link. Below this information are three tabs: 'DETAILS', 'AMENITIES', and 'YELP'.



The screenshot shows a 'WHAT'S NEARBY' map section. It includes a map of the area around Max's Wine Dive, a list of nearby locations, and a 'MAP | WHAT'S NEARBY' header.

CALENDAR OF EVENTS

View event locations on map

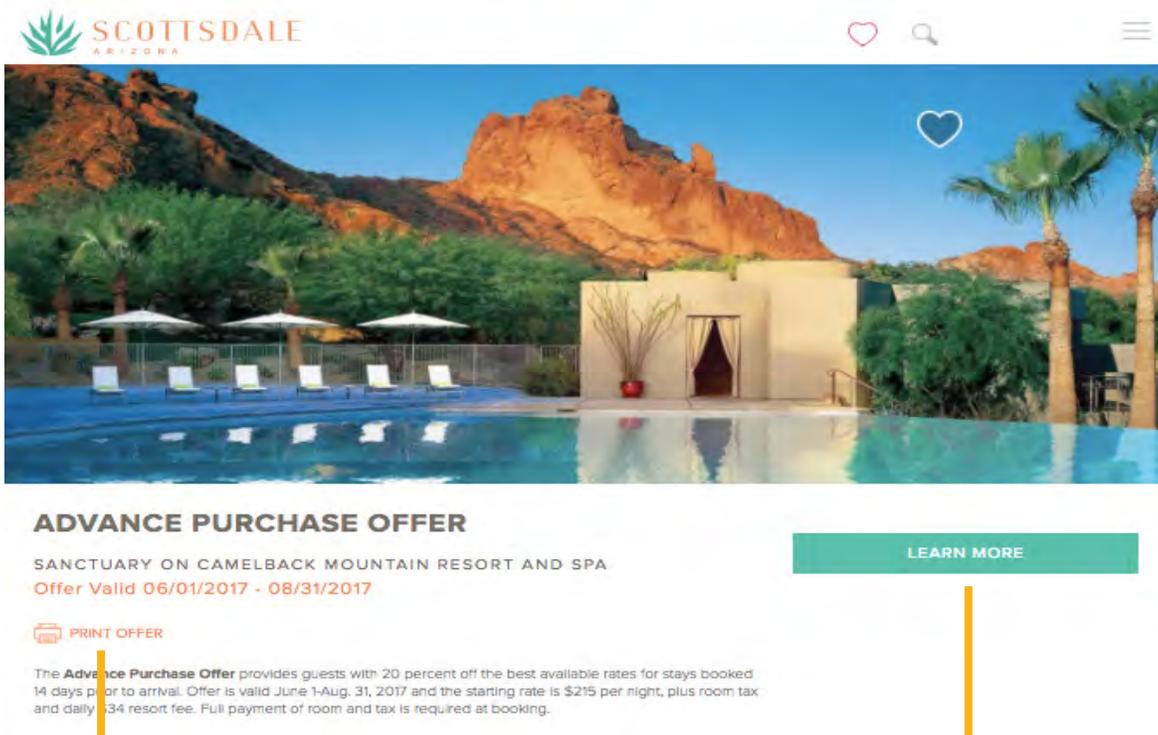
Filter by dates, categories, and keywords

The screenshot displays a CMS interface for a calendar of events. It features a search bar with filters for 'AREA', 'CITY/COUNTY', 'DATE', 'TYPE', and 'KEYWORDS'. Below the search bar, there are several event listings for August 17, 2017, including 'BUTTERFLIES LIVE!', 'DA', 'FLOWERS AFTER 5', and 'HARDYWOOD SPRING FOOD TRUCK COURT!'. Each listing includes a small image, the event name, venue, and date.

Link directly to partner listing page

CMS Modules & Integrations

SPECIAL OFFERS/COUPONS



SCOTTSDALE ARIZONA

ADVANCE PURCHASE OFFER

SANCTUARY ON CAMELBACK MOUNTAIN RESORT AND SPA
Offer Valid 06/01/2017 - 08/31/2017

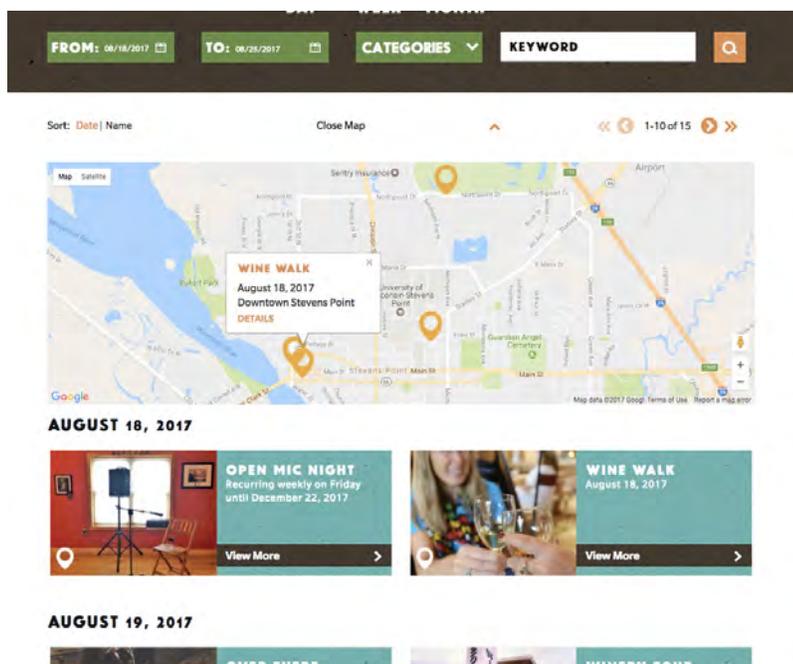
PRINT OFFER

The Advance Purchase Offer provides guests with 20 percent off the best available rates for stays booked 14 days prior to arrival. Offer is valid June 1-Aug. 31, 2017 and the starting rate is \$215 per night, plus room tax and daily \$34 resort fee. Full payment of room and tax is required at booking.

LEARN MORE

Add quick print buttons

Users can learn more by visiting third-party linked pages



FROM: 08/18/2017 TO: 08/25/2017 CATEGORIES KEYWORD

Sort: Date | Name Close Map 1-10 of 15

WINE WALK
August 18, 2017
Downtown Stevens Point
DETAILS

AUGUST 18, 2017

OPEN MIC NIGHT
Recurring weekly on Friday
until December 22, 2017
View More

WINE WALK
August 18, 2017
View More

AUGUST 19, 2017

OVER THERE
WINERY TOUR

GOOGLE MAPS

- All standard Google Map view capabilities are available on all listings and events (including satellite, terrain, street view, etc.)
- Filter listing search results so they can be viewed on a map
- Map Explorer feature allows web users to discover local businesses on an interactive Google Map view and quickly find "what's nearby"
- GeoTriggers allow users to sort results by distance

CMS Modules & Integrations



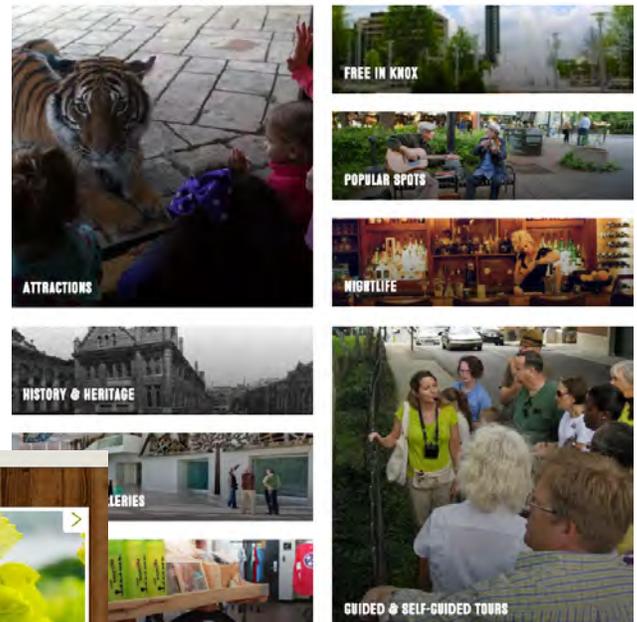
MEDIA GALLERY

- Create and associate tags for visitors to filter content
- Incorporate all images and videos from the Asset Library and apply enhanced slideshow functionality
- Associate a geolocation with each image or video, and display a Google Map of where the content was taken or of the content's subject

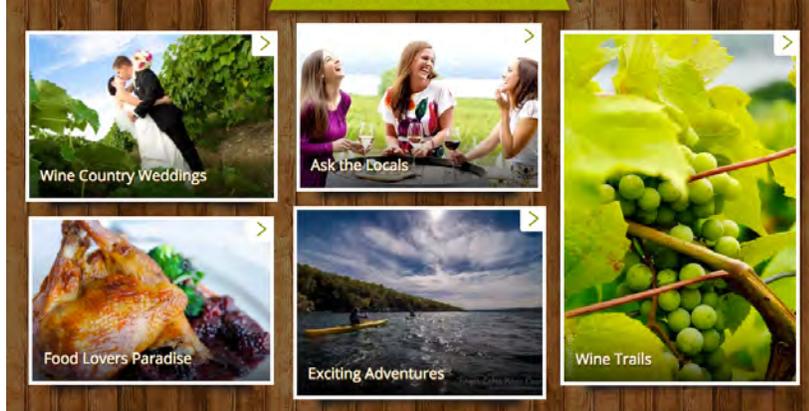
HIGHLIGHTS

- Incorporate all images and videos from the Asset Library and apply enhanced functionality to them for the site
- Associate enhanced images and videos with interactive templates for the site, including Image Boxes and Sliders

EXPLORE ALL KNOXVILLE HAS OFFER



EXPLORE FINGER LAKES





Simpleview CRM

Simpleview CRM– the most popular CRM in the Destination Marketing industry– is paired with Simpleview CMS to create a seamlessly-integrated, cloud-based platform, designed to replace legacy databases and accompanying technologies for managing members/partners, visitor inquiries, events, reporting and more.

In addition to traditional “customer relationship management” capabilities, Simpleview CRM has direct tie-ins to the Simpleview CMS, allowing for all member/partner business listings information and calendar of events information to populate the website– complete with tracking information to report views and referrals to members/partners. Website forms, such as visitor guide requests or newsletter signups, automatically feed into the CRM system for fulfillment and future marketing.

Key Features and Benefits:

- Easy-to-use text box and drop-down forms throughout
- Animated dashboards with real-time metrics and information
- Advanced search and filter functions
- Customizable displays with variable fonts, themes and time zones
- Traces and alerts for workflow management
- Portal for Member/Partner engagement
- Automatic tracking of all updates for detailed account histories
- Complete communication histories
- In-kind and expense tracking and reporting by member, event, etc.
- Parent > child structure for flexible data management
- Unlimited field additions and customizations
- Hierarchical organizational structure for assigning, sharing and monitoring tasks
- Standard and custom reports, plus scheduled and automated report generation and distribution
- Password-protected access and granular permission levels through user roles
- Sophisticated import, export and de-duplicate functions
- Powerful report-builder and form-builder

CRM Modules

The following modules are inherent to Simpleview CRM. Additionally, several optional features and third-party integrations are available on an elective basis.

Member/Partner Management

This module is the “hub” of the system, and is the central repository for all member/partner information. This module is integrated with all other modules in the system; any activity performed anywhere in the system which benefits a member is automatically recorded in the member account, and from throughout the system users may search member information. Module features include:

- Configurable dashboards with member/partner metrics
- Account records (with parent/child relationships)
- Contact records
- Traces
- Communications (emails)
- Listings (website, print)
- Amenities (e.g. hotel rooms, meeting facility details, etc.)
- Special offers/coupons
- Media files (photos, logos, videos)
- Orders (brochure requests, etc.)
- Dues & Invoicing (Elective option)
- Benefits Summary (aka “report card” – Leads, service requests, referrals, Expenses/Inkind, media mentions, event participation, website stats, co-op participation, etc.)
- Reports, queries, list management
- Import/export wizard

Member/Partner Extranet

Designated member/partner contacts can access their accounts via an online portal. Depending on permissions you grant, partners can access a variety of functions:

- Update account/contact/listing/offers information
- Review/respond to leads
- Enter pickup and post occupancy
- View benefits
- View reports
- View bulletins

CRM Modules

EVENT MANAGEMENT MODULE

This module is designed to manage events such as member events, seminars, bureau tradeshow participation, etc. All of the event details – from schedule to attendees – are managed here. This module is integrated with the other modules in the system (e.g. member contacts can be invited to participate in events).

- Configurable dashboards
- Event records
- Invitees/Attendees
- Traces
- Communications (invitations, reminders)
- Costs
- Invoices
- Expenses/Inkind
- Orders
- Reports, queries, list management, labels
- Online registration & payment

VISITOR SERVICES/CONSUMER MODULE

This module tracks inquiries from all sources – website, phone, walk-in, reader-response, etc. Fulfill brochure requests, manage enewsletter subscriber lists, profile your visitors, etc.

- Configurable dashboards
- Contact Records
- Inquiry Records
- Interests/subscriptions/brochures
- Demographic profiling
- Traces
- Communications
- Referrals
- Orders
- Reports, queries, list management, labels
- Import/export wizard

SEO & Digital Marketing

Search Engine Optimization (SEO)

The internet has become the most important channel by which destination marketing organizations can deepen and create new relationships. Overwhelmingly, these relationships begin at major search engines. For a website to realize its full value, it must appear as high as possible in results for relevant search terms, but high rankings alone don't maximize website value.

It's equally important that people be able to find content through a wide array of searches and that when they follow results, they find relevant, engaging information. Because search engine technologies evolve fast and depend, in part, on a continuous feedback loop, there are no magic bullets for taking the #1 spot on Google. Skilled SEO ensures that search engines can correctly process site content and connect it to search terms in ways that deliver value to users. And best practices will, over time, secure higher rankings, more search-driven visitors and higher-quality traffic.

Simpleview incorporates SEO best practices throughout our process and into our technology, including information architecture, search-friendly URL's, meta tagging, on-page content optimization, landing pages and more, including: extensive analysis of key market drivers and keyword/web strategies of your top competitors; baseline reports at the start of every project for clear before-and-after evaluations; unified website content, SEM and SEO strategies built on keywords that cut through travel and tourism clutter; the ability to identify and resolve both technical and content barriers that can limit your online success; strategic link-building with partner sites and relevant directories for lasting traffic gains; information architectures and navigation plans built around the highest-value keywords and keyword phrases; cutting edge bid-management to make sure every PPC dollar yields maximum results; analytics technology with detailed tracking of where your site visitors come from, the paths they take through your site, what they do while there and where and when they leave; savvy media placement experts who negotiate the best pay-per-click buys and display media placements to ensure your website is seen by the right people at the right time.

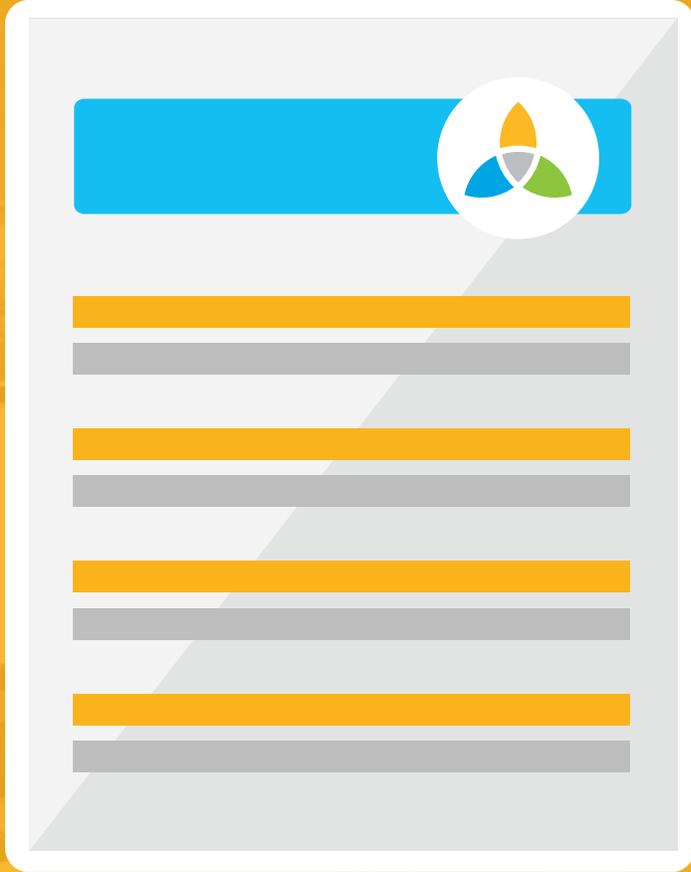
Simpleview has an entire Search Engine Marketing division with 20+ SEO specialists on staff, and we have more experience and success in providing search engine optimization and marketing services to DMOs than any other firm. Simpleview sites are designed and engineered to be as search engine friendly as possible and follow a technical architecture developed through analysis of more than 150 DMO sites. We offer the following services:



20+
SEM experts

with
100+ years
of combined
experience.

- Analytics and Webmaster Tools
- Smart 404 (Page Not Found) Page
- Installation and Configuration
- Domain Redirects
- Barrier Analysis and Resolution
- Search Engine Submissions
- Critical Keyword Analysis
- Before/After Transition Analysis
- On-page Optimization
- Optimized Site Architecture
- Meta Tag Creation and Implementation
- Historical Page Redirects
- Monitoring and Crawl Fixing
- Pay-per-click Campaigns
- Page Shepherding
- Press Release Optimization
- Marketing Optimization and Tracking
- Landing Page Creation
- Focused Link-building
- Conversion Tracking
- Friendly URLs (Inherent in CMS)
- Reporting and Consultation



Investment Summary

Investment

Website Strategy, Creative Services, Design Execution	One-time Cost
Discovery Process	Included
Responsive Design Site Map Consultation & Content Roadmap	Included
Creative Strategy, Digital Style Guide, Visual Design, High Fidelity Prototypes	Included
Responsive Design Implementation & Execution	Included
One-time Subtotal	\$35,950

Website/CMS Implementation and Migration Services	One-time Cost
Google Analytics Configuration	Included
Site Transition SEO Program (301 Redirects, XML Sitemap, Search Engine Submissions, Etc.)	Included
Content Migration and Page Creation	Included
QA Testing	Included
Training (Via GoToMeeting Sessions)	Included
Access to Client Portal (Ticketing System, Documentation, Webinar Library, User Forum, Etc.)	Included
One-time Subtotal	\$9,000

Simpleview CMS (Core Modules Licensing & Hosting)	Monthly Cost
Simpleview CMS Navigation & Content Management System	Included
Member Listings Module (Integrated with Simpleview CRM)	Included
Calendar of Events Module	Included
Google Maps Integration with Listings, Calendar (Includes Map Explorer with "What's Nearby" Search)	Included
Special Offers, Packages, Coupons Module	Included
Webform Builder (Brochure Request Form, Contact Us Form, eNewsletter Signup Form, Etc.; Integrated with Simpleview CRM)	Included
Press Center (Press Releases, Articles, Story Ideas, Etc.)	Included
Advanced Site Search	Included
Microsite Management	Included
Homepage Slideshow and Interior Header Image/Video Management	Included
Landing Pages and Vanity URLs	Included
Highlights Module	Included
Weather Feed Integration	Included
RSS Feeds	Included
Simpleview Blog Module	Included
Google Translate Integration	Included
TripAdvisor Integration with Partner Listings (Ratings and Reviews)	Included
OnceThere Activities & Tours Booking Engine Integration	Included
Booking Engine Integration (JackRabbit, aRes, or Other)	Included
User-Generated Content (Chute Embed Code Integration)	Included
"Add This" Social Sharing Integration (Twitter, Facebook, StumbleUpon, Delicious, Tumblr, Etc.)	Included
Responsive GEO Triggers	Included
Media Asset Management Library (CMS Repository for Images, Videos, Documents; With Aviary Image Editing Integration)	Included
Media Gallery (Front-end Photo/Video Galleries)	Included
Managed Revenue-Generation Program- Banners, Featured Listings, Text Links, Page Sponsorships, Etc. (\$0 with Participation in Destination Travel Network- Simpleview's DTN Division Manages All Aspects of Program on Your Behalf in Exchange for Revenue Share)	Included
Metatag Management	Included
Redirect Module	Included
Schema.org and Open Graph Tagging Capabilities	Included
Code Editor (CSS, Template & Javascript Code Overwrite Capabilities)	Included
Hosting & Sitewide SSL Certificate	Included
Edgecast Caching (CDN / Content Delivery Network)	Included
Monthly Subtotal	\$1,890

Investment

Simpleview CRM (Integrated with Simpleview CMS)	Monthly Cost
Simpleview CRM Base Level Licensing (3 Users)	Included
Member/Partner Management Module	Included
Member/Partner Extranet	Included
Member/Partner Marketplace	Included
Consumer/Visitor Inquiries Module	Included
Inkind/Expense Tracking Components	Included
DMO Hosted Events Management Module (Member Meetings, Etc.)	Included
Dashboards	Included
Standard Reports	Included
Report Builder	Included
Form Builder	Included
Hosting, Point Updates, Version Upgrades	Included
Project Management and Client Portal Access Codes (Ticketing System, Knowledgebase, Webinars, User Forum)	Included
Monthly Subtotal	\$300

Recommended/Optional Website Support Plan	Monthly Cost
SimpleSupport Website Maintenance Plan (Includes 5 Support Hours Per Month; Unused Monthly Hours May Be Carried Forward)	\$500
Monthly Subtotal	\$500

Recommended Options for Year 2 (Not Included in Proposed Budget)	Cost
Related Content Aggregator Module	\$300/Month
Dynamic Content Serving	\$450/Month
A/B Multivariate Testing (Included with Dynamic Content Serving Module)	\$0
Member/Partner Listings Social Integration (Display Member Feeds from Twitter, Facebook, YouTube, Etc.; 2 Channels Included at \$85/Month Level)	\$85/Month
Distribution Email Marketing Platform Integration (Packages Start at \$500 One-Time + \$300/Month for 300,000 Emails/Year)	\$500 + \$300/Month
Interest-Specific Auto-Responder Application	\$250/Month
Conversion Rate Optimization (One-Time Engagement or Ongoing Programs)	Varies

Investment Summary

One-time Cost Summary	Cost
Website Strategy, Creative Services, Design Execution	\$35,950
Website Implementation and Migration Services	\$9,000
Total One-time Cost	\$44,950

Monthly Cost Summary	Cost Per Month
Simpleview CMS Licensing, Hosting	\$1,890
Simpleview CRM Licensing, Hosting	\$300
Total Monthly Cost	\$2,190

Payment Schedule

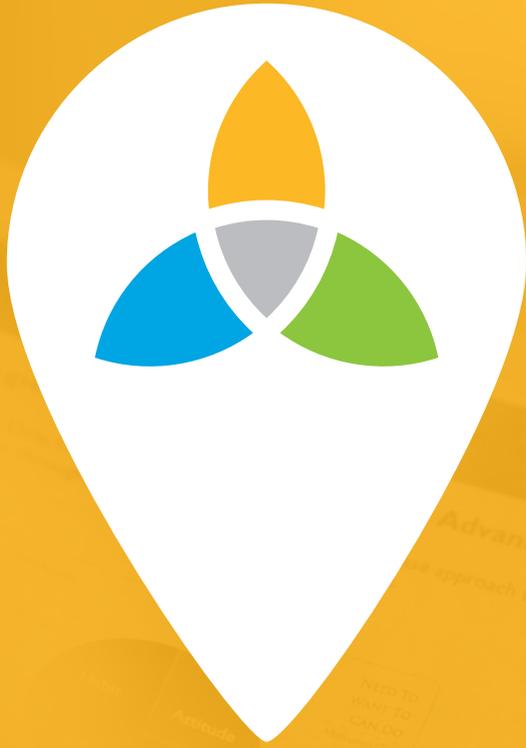
We have proposed our standard payment terms and schedule below. Other arrangements, such as quarterly or annual payments, can be discussed. Also note that DTN revenues can be applied towards licensing fees to offset costs if your DMO chooses to participate.

One-time Cost Payment Schedule	Amount
Project Deposit Equal to 50% of the One-time Cost Due Upon Contract Execution	\$22,475
Balance of One-time Cost Due Upon Approval of Design	\$22,475

Recurring CMS Cost Payment Schedule	Amount
The First Monthly Payment of \$1,890 is Due Upon Design Approval; and Monthly Payments of \$1,890 Thereafter for the Term of the Agreement (Less Net Revenues Generated Via DTN Program if You Choose to Participate)	\$1,890 Per Month

Recurring CRM Cost Payment Schedule	Amount
The First Monthly Payment of \$300 is Due Upon CRM System Launch; and Monthly Payments of \$300 Thereafter for the Term of the Agreement	\$300 Per Month

Recommended SimpleSupport Plan (5 Hours Per Month)	Amount
The First Monthly Payment of \$500 is Due Upon Site Launch; and Monthly Payments of \$500 Thereafter for the Term of the Agreement	\$500 Per Month



Additional Information

References

Experience Columbus

Michelle Ford, Marketing Manager
614.222.6145 | mford@experiencecolumbus.com
277 W. Nationwide Blvd. Ste. 125
Columbus, OH 43215
Services: Strategy, Creative, CMS, CRM, SEO, Reporting



Monterey County CVB

Tammy Blout, President and CEO
831.657.6400 | tammy@seemonterey.com
787 Munras Ave., Suite 110
Monterey, CA 93940
Services: Strategy, Creative, CMS, CRM, SEO, Reporting



Oklahoma City CVB

Seth Spillman, Director of Marketing & Communications
405.297.8905 | sspillman@visitokc.com
123 Park Avenue
Oklahoma City, OK 73102
Services: Strategy, Creative, CMS, CRM, SEO, Reporting



Visit Huntington Beach

Kelly Miller, President and CEO
714.969.3492 x205 | kelly@surfcityusa.com
301 Main Street, Suite 208
Huntington Beach, CA 92648
Services: Strategy, Creative, CMS, CRM, SEO, Reporting



Our Clients

Simpleview currently represents 500+ Destination Marketing Organizations throughout the United States and beyond. Our current client list is available on our website at: www.simpleviewinc.com/our-world/customers.

ALABAMA

- Gulf Shores and Orange Beach Tourism
- Huntsville/Madison County CVB
- Montgomery Area Chamber of Commerce/CVB
- Visit Mobile

ALASKA

- Explore Fairbanks
- Juneau CVB
- Mat-Su CVB
- Sitka CVB
- Visit Anchorage

ARIZONA

- Chandler, Arizona Tourism Office
- Flagstaff CVB
- Scottsdale CVB
- Sedona Chamber of Commerce
- Tempe Tourism Office
- Tucson International Airport
- Visit Mesa
- Visit Phoenix
- Visit Tucson

ARKANSAS

- Visit Bentonville

CALIFORNIA

- Bishop Chamber of Commerce
- Destination Irvine
- Destination Lancaster
- Greater Palm Springs CVB
- Los Angeles Tourism & Convention Board
- Mammoth Lakes Tourism
- Manteca CVB
- Marin CVB
- Mono County
- Monterey County CVB
- Napa River Inn & Historic Napa Mill
- Newport Beach & Company
- Orange County Visitors Association (OCVA)
- Riverside CVB
- Sacramento CVB
- San Diego Tourism Authority
- Santa Clara CVB
- Santa Monica Travel & Tourism

- Sonoma County Tourism
- Sonoma Valley Visitors Bureau
- Ventura County Film Commission, EDC-VC
- Ventura VCB
- Visit Anaheim
- Visit Buena Park
- Visit Huntington Beach
- Visit Laguna Beach
- Visit Napa Valley
- Visit Oakland
- Visit San Luis Obispo County
- Visit Santa Barbara
- Visit Temecula Valley
- Visit West Hollywood

COLORADO

- Boulder CVB
- Southwest Colorado Travel Region
- Steamboat Springs Chamber Resort Association
- Visit Denver
- Visit Estes Park

CONNECTICUT

- Connecticut CSB

DELAWARE

- Delaware Tourism Office
- Greater Wilmington (DE) CVB

FLORIDA

- Charlotte Harbor VCB
- Daytona Beach Area CVB
- Discover the Palm Beaches
- Experience Kissimmee
- Florida Bed & Breakfast Inns
- Floridakeys.com
- Florida's Space Coast Office of Tourism
- Gainesville/Alachua County VCB
- Greater Fort Lauderdale CVB
- Greater Miami CVB
- Jamaica Tourist Board
- Lee County VCB
- Palm Beach County Convention Center
- Palm Beach International Airport
- Panama City Beach CVB

- Port Everglades
- Seminole County CVB
- Tampa Convention Center
- Visit Orlando
- Visit Pensacola, Inc.
- Visit St. Petersburg/Clearwater Area CVB
- Visit Tampa Bay
- Walton County Tourist Development Council

GEORGIA

- Alpharetta CVB
- Athens CVB
- ATL Airport District
- Atlanta CVB
- Augusta CVB
- Clayton County CVB
- Cobb Travel and Tourism
- CVB of Dunwoody
- DeKalb, GA CVB
- Discover Albany
- Lake Lanier CVB
- Macon CVB
- Milledgeville-Baldwin County CVB
- Perry Area CVB
- Sandy Springs Hospitality & Tourism
- Valdosta-Lowndes County Conference Center & Tourism Authority
- Visit Savannah

HAWAII

- Hawaii VCB

ILLINOIS

- Chicago Southland CVB
- Chicago's North Shore CVB
- Choose Chicago
- DuPage County CVB
- Heritage Corridor CVB
- Meet Chicago Northwest
- Quad Cities CVB
- Rockford Area CVB
- Visit Oak Park

INDIANA

- Clark-Floyd Counties CTB
- Columbus Area CVB
- Elkhart County CVB
- Evansville CVB
- Hamilton County Tourism
- Kosciusko County CVB
- LaGrange County CVB
- LaPorte County CVB
- Marshall County Tourism

- Morgan County CVB
- Northern Indiana Tourism Development Commission
- Porter County CVB/Indiana Dunes
- South Shore CVA
- Visit Bloomington
- Visit Fort Wayne
- Visit Hendricks County
- Visit South Bend Mishawaka

IOWA

- Greater Des Moines CVB
- Iowa City/Coralville Area CVB
- Iowa Tourism Office

KANSAS

- Explore Lawrence
- Kansas City CVB
- Kansas Office of Tourism & Travel
- Manhattan CVB
- Olathe CVB
- Overland Park CVB
- Visit Topeka
- Visit Wichita

KENTUCKY

- Bardstown-Nelson County Tourist & Convention Commission
- Bowling Green Area CVB
- Cincinnati USA Regional Tourism Network
- Elizabethtown Tourism & Convention Bureau
- Louisville CVB
- National Tour Association
- Northern Kentucky CVB
- Paducah CVB
- VisitLEX

LOUISIANA

- Ascension Parish Tourism Commission
- Bayou Lafourche Area CVB
- Iberia Parish CVB
- Jefferson CVB
- Lafayette Convention & Visitors Commission
- Lake Charles/Southwest Louisiana CVB
- Monroe-West Monroe CVB
- New Orleans CVB

Our Clients

- Shreveport Bossier County Convention & Tourist Bureau
- St. Tammany Parish Tourist & Convention Commission
- Visit Baton Rouge

MARYLAND

- CVB of Montgomery County Maryland
- Howard County Tourism & Promotion
- Tourism Council of Frederick County
- Visit Annapolis & Anne Arundel County
- Visit Baltimore

MASSACHUSETTS

- Cape Cod Chamber of Commerce
- Greater Boston CVB

MICHIGAN

- Ann Arbor Area CVB
- Battle Creek / Calhoun County VCB
- Discover Kalamazoo
- Experience Grand Rapids
- Frankenmuth CVB
- Great Lakes Bay Regional CVB
- Greater Lansing CVB
- Holland Area CVB
- South Haven VB
- Traverse City CVB

MINNESOTA

- Bloomington, MN CVB
- Eagan CVB
- Rochester CVB

MISSISSIPPI

- Ridgeland Tourism Commission
- Tupelo CVB
- Visit Meridian Tourism
- Visit Mississippi Gulf Coast CVB
- Visit Natchez

MISSOURI

- Cape Girardeau CVB
- Columbia, MO CVB
- Greater St. Charles CVB
- Independence Tourism Department
- Springfield CVB
- Visit KC

MONTANA

- Destination Missoula
- Glacier Country Regional Tourism Commission

NEBRASKA

- Lincoln CVB
- McCook/Red Willow County Tourism
- Omaha CVB

NEVADA

- Carson Valley VA
- Las Vegas CVA
- Reno-Sparks CVA

NEW JERSEY

- Atlantic City Casino Reinvestment Development Authority
- Greater Newark CVB
- Greater Wildwoods Tourism Improvement & Development Authority
- Princeton Regional CVB
- Trenton Downtown Association

NEW MEXICO

- Las Cruces CVB
- New Mexico Department of Tourism
- Tourism Santa Fe
- Visit Albuquerque

NEW YORK

- Albany County CVB
- Buffalo Niagara CVB
- Cooperstown/Otsego County Tourism
- Corning and the Southern Finger Lakes
- Finger Lakes Visitors Connection
- Finger Lakes Wine Country Tourism Marketing Association
- Greater Binghamton CVB
- Ithaca/Tompkins County CVB
- Long Island Convention & Visitors Bureau and Sports Commission
- Madison County Tourism
- Monroe County Sports Commission
- Montgomery County Tourism
- New York State Dept. of Econ. Dev.
- Niagara Tourism & Convention Corporation
- NYC & Company
- Oneida County Tourism
- Saratoga Springs Convention & Tourism Bureau
- Schoharie County Tourism
- Sullivan County Visitors Association
- Visit Rochester
- Visit Syracuse

NORTH CAROLINA

- Asheville CVB
- Boone Watauga County Tourism Development Authority
- Cabarrus County CVB
- Chapel Hill and Orange County Visitors Bureau
- Cleveland County, NC Travel & Tourism
- Convention & Visitors Bureau of Pinehurst, Southern Pines & Aberdeen Area
- Currituck County Department of Travel and Tourism
- Durham, NC Convention & Visitors Bureau
- Fayetteville, NC Area CVB
- Gaston County Department of Tourism
- Greater Raleigh CVB
- Greensboro, NC Area CVB
- High Point CVB
- Johnston CVB
- Mooresville CVB
- Outer Banks of North Carolina
- Salisbury-Rowan County CVB
- Sampson County CVB
- Smoky Mountain Host
- Stanly County CVB
- Visit Lake Norman
- Wilmington and Beaches CVB
- Winston Salem CVB

NORTH DAKOTA

- Fargo-Moorehead CVB

OHIO

- Akron/Summit CVB
- Butler CVB
- Cincinnati USA CVB
- Dayton CVB
- Destination Cleveland
- Destination Toledo
- Experience Columbus
- Fremont/Sandusky County CVB
- Greene County CVB
- Lake Erie Shores & Islands
- Lima/Allen County CVB
- Marietta, Washington County CVB
- Ohio Travel Association
- Visit Clermont Ohio

OKLAHOMA

- Norman CVB
- Oklahoma City CVB
- Visit Stillwater OK
- Visit Tulsa

OREGON

- Travel Lane County
- Travel Portland
- Washington County Visitors Assoc.

PENNSYLVANIA

- Bucks County Conference and Visitors Bureau
- Central Pennsylvania CVB
- Columbia Montour Visitors Bureau
- Cumberland Valley Visitors Bureau
- Discover Lancaster
- Discover Lehigh Valley
- Hershey Harrisburg Regional Visitors Bureau
- Laurel Highlands Visitors Bureau
- Pocono Mountains Visitors Bureau
- Potter County Visitors Association
- Valley Forge CVB
- VisitPITTSBURGH
- York County CVB

RHODE ISLAND

- Discover Newport
- Providence Warwick CVB

SOUTH CAROLINA

- Charleston, SC Area CVB
- Columbia Metropolitan CVB
- Mountain Lakes CVB
- Myrtle Beach Area CVB
- Visit Greenville SC

TENNESSEE

- Chattanooga Area CVB
- Memphis CVB
- Nashville CVB
- Oak Ridge CVB
- Visit Knoxville
- Williamson County CVB

TEXAS

- Amarillo Convention & Visitor Council
- Arlington CVB
- Austin CVB
- Beaumont CVB
- Bryan College Station CVB
- Corpus Christi CVB
- Dallas CVB
- Denton CVB
- Farmers Branch
- Fort Worth CVB
- Frisco CVB
- Grapevine CVB
- Greater Houston CVB
- Irving CVB
- Irving Convention Center
- Lewisville CVB
- Nacogdoches CVB
- Plano CVB
- San Antonio CVB

Our Clients

- South Padre Island Convention Centre & CVB
- The Woodlands CVB
- Visit Lubbock
- Visit Pearland
- Visit Sugar Land Convention & Visitors Services
- Visit Tyler
- VisitMidland

UTAH

- Park City CVB
- Utah Office of Tourism
- Utah Valley CVB
- Visit Salt Lake

VIRGINIA

- Alexandria Convention and Visitors Association
- Appalachian Waters Scenic Byway (Scenic39)
- Charlottesville Albemarle CVB
- Chesapeake Parks, Recreation & Tourism
- Lynchburg Regional CVB
- Martinsville-Henry County Economic Development Corporation
- Richmond Region Tourism
- Virginia Tourism Corporation
- Visit Fairfax
- Visit Loudoun
- Visit Norfolk
- Visit Virginia's Blue Ridge

WASHINGTON

- Olympia - Lacey - Tumwater VCB
- Seattle Southside Regional Tourism Authority
- Tacoma Regional CVB
- Visit Bellevue Washington
- Visit Seattle
- Visit Spokane
- Visit Vancouver USA
- Visit Walla Walla

WEST VIRGINIA

- Greater Morgantown CVB
- Greenbrier County CVB
- Southern West Virginia CVB

WISCONSIN

- Fond du Lac Area CVB
- Greater Madison CVB
- Kenosha Area CVB
- La Crosse Area CVB
- Manitowoc Area VCB

- Minocqua Area Chamber of Commerce
- Racine County CVB
- Stevens Point Area CVB
- Visit Eau Claire
- Visit Milwaukee

WYOMING

- Casper Area CVB
- Cheyenne Area CVB

DC

- Destination DC

US TERRITORIES

- Guam Visitors Bureau
- Meet Puerto Rico

CANADA

- Banff/Lake Louise Tourism Bureau
- BC Lodging & Campgrounds Association
- Conventions Regina
- Destination St. John's
- Discover Saint John
- Edmonton Tourism
- Hotels Red Deer
- Meetings & Conventions Prince Edward Island
- Ottawa Tourism
- Quebec City Tourism
- Southwest Ontario Tourism Corp.
- Thompson Okanagan Tourism Assoc.
- Tourism Abbotsford
- Tourism Kamloops
- Tourism Kelowna
- Tourism Montreal
- Tourism Penticton
- Tourism Richmond
- Tourism Saskatoon
- Tourism Surrey
- Tourism Toronto
- Tourism Vancouver
- Tourism Victoria
- Tourism Winnipeg
- Travel Alberta
- Travel Manitoba
- Visit Calgary

INTERNATIONAL

- Adelaide Convention Bureau
- Barbados Tourism Authority
- Bermuda Tourism Authority
- Best Cities
- Business Events Tasmania
- Dubai Dept. of Tourism and Commerce Marketing
- Edinburgh Convention Bureau
- Gold Coast Tourism Corporation
- Innovation Norway
- Malaysia Convention & Exhibition Bureau
- Melbourne Convention Bureau
- Northern Territory Convention Bureau
- Oficina De Visitantes Y Convenciones De Guadalajara
- Perth Convention Bureau
- Prague Convention Bureau
- Reykjavik Convention Bureau
- Saint Lucia Tourist Board
- Sarawak Convention Bureau
- South African Tourism
- The Hague CVB



Common, Unique – We Can Help

Many DMOs face common problems. We can help you overcome them. More importantly, we'll help you tackle the unique set of challenges specific to your DMO.

Thank you for the opportunity to submit this proposal.

Thank You

We realize that you have many variables to consider when choosing a partner to help with strategy, technologies and creative services.

After nearly two decades working with DMOs, we truly believe we deliver unmatched knowledge, service and results.

While we understand the common challenges in travel and tourism, we also know that every organization is different.

We are eager for the chance to meet with you in person to hear more about your challenges—the nuances of your objectives, the dynamics of your internal and external relationships, where you triumph and where your efforts towards success break down.

With our expertise, we help develop an overarching strategy specific to your DMO, but you are the true experts when it comes to your organization. We look forward to learning more from you soon.

In the meantime, if you have any questions, please don't hesitate to contact us. We're happy to provide more information about any aspect of our company or this proposal.





Simpleview develops big-picture strategies for every aspect of a destination marketing organization (DMO), from convention sales to tourism marketing and day-to-day operations. The company offers integrated products and services, including social media planning, powerful forecasting and reporting tools, dynamic websites, sites for mobile web, search engine optimization, interactive marketing and the industry's most advanced CRM and CMS platforms. Founded in 2001, Simpleview employs 225+ people in Tucson, San Diego, Pittsburgh and Wilmington and represents 500+ DMOs in North America and beyond.

SIMPLEVIEWINC.COM

Morrobay.org rebuild budget

2017-18 Budget		
Apr-18	50% deposit	\$22,475
Total funds in FY 17-18		\$22,475

2018-19 Budget		
Sept	50% balance due	\$22,475
Sept	CMS/CRM	\$2,190
Oct	CMS/CRM	\$2,190
Nov	CMS/CRM	\$2,190
Dec	CMS/CRM	\$2,190
Jan	CMS/CRM	\$2,190
Feb	CMS/CRM	\$2,190
March	CMS/CRM	\$2,190
April	CMS/CRM	\$2,190
May	CMS/CRM	\$2,190
June	CMS/CRM	\$2,190
Total funds in FY 18-19		\$44,375

2019-20 Budget		
July	CMS/CRM	\$2,190
Aug	CMS/CRM	\$2,190
Sept	CMS/CRM	\$2,190
Oct	CMS/CRM	\$2,190
Nov	CMS/CRM	\$2,190
Dec	CMS/CRM	\$2,190
Jan	CMS/CRM	\$2,190
Feb	CMS/CRM	\$2,190
March	CMS/CRM	\$2,190
April	CMS/CRM	\$2,190
May	CMS/CRM	\$2,190
June	CMS/CRM	\$2,190
Total funds in FY 19-20		\$26,280

2020-21 Budget		
July	CMS/CRM	\$2,190
Aug	CMS/CRM	\$2,190
Sept	CMS/CRM	\$2,190
Oct	CMS/CRM	\$2,190
Nov	CMS/CRM	\$2,190
Dec	CMS/CRM	\$2,190
Jan	CMS/CRM	\$2,190
Feb	CMS/CRM	\$2,190
March	CMS/CRM	\$2,190
April	CMS/CRM	\$2,190
May	CMS/CRM	\$2,190
June	CMS/CRM	\$2,190
Total funds in FY 20-21		\$26,280

2021-22 Budget		
July	CMS/CRM	\$2,190
Aug	CMS/CRM	\$2,190
Total funds in FY 21-22		\$4,380

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AGENDA NO: C-2
MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor & City Council **DATE:** March 16, 2018

FROM: Eric Endersby, Harbor Director
Rob Livick, Public Works Director

SUBJECT: Report on Washington D.C. Meetings for C-MANC’s Annual “Washington Week” Conference, and for the Water Treatment Facility

RECOMMENDATION

Staff recommends the Council receive and file this report.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

The City applied for and received an \$8,000 grant from the Central Coast Joint Cable Fisheries Liaison Committee, which will be used for reimbursement of actual travel, attendance and associated costs of attendance borne by the Harbor Fund. If additional funding is needed to cover travel and other costs, then staff will return to Council for a budget adjustment as those funds are not currently budgeted. As of the writing of this report, travel expenses from the City’s delegation are not yet reconciled.

BACKGROUND

On January 9, 2018, the City Council authorized five-persons, including Mayor Irons, Councilman Heading, City Manager Collins, Public Works Director Livick and Harbor Director Endersby, as this year’s Morro Bay delegation. The intent of this trip was to meet with legislators and relevant federal agencies to discuss important harbor and working waterfront initiatives and Water Reclamation Facility (WRF) funding opportunities.

DISCUSSION

Harbor Items

The City’s legislative advocate firm in Washington D.C. for dredging and harbor issues, Julie Minerva of Carpi and Clay, successfully arranged for several meetings, reported in brief as follows, with bulleted discussion items covered:

Monday, March 5

- A. John Armor, Director, NOAA Office of National Marine Sanctuaries
 - Status of the Chumash Heritage National Marine Sanctuary nomination
 - Possibility of the Trident Winds wind farm proposal being located partially or wholly

Prepared By: <u>EE, RL</u>	Dept Review: <u>EE, RL</u>
City Manager Review: <u>_SC</u>	City Attorney Review: <u> </u>

- within the Monterey Bay National Marine Sanctuary
 - City's opposition position on offshore oil and gas development off the Central Coast
- B. Bradd Schwichtenberg, Civil Deputy, South Pacific Division
- Status of Morro Bay dredging funding for FY18 and FY19
 - Request to plus-up Morro Bay funding for both fiscal years
 - Issues with recent Morro Bay dredging process
 - Recent changes in Corps military and civilian leadership
 - WRF
- C. Alexis Segal, Legislative Assistant, Office of Senator Dianne Feinstein
- Status of Morro Bay dredging funding and funding plus-up requests
 - Fishery issues
 - Offshore wind farms
 - Offshore oil development opposition
 - WRF
 - Morro Bay power plant brownfield funding
 - National Estuary Program funding

Tuesday, March 6

- A. C-MANC Group Agenda/Meetings
- Julie Minerva, Washington D.C. Update
 - Helen Brohl, Executive Director, U.S. Committee on the Maritime Transportation System
 - Army Corps of Engineers
 - Joe Bentz, Deputy Assistant Secretary of the Army for Civil Works
 - Representative Grace Napolitano (CA-32)
 - James Herz, Associate Director, Natural Resources, Energy and Science, Office of Management and Budget (OMB)
 - Charles Carroll, Legislative Assistant, Senate Budget Committee Chairman Mike Enzi (WY)
- B. Representative Salud Carbajal
- Status of Morro Bay dredging funding and funding plus-up requests
 - Fishery issues
 - Offshore wind farms
 - Offshore oil development opposition
 - WRF
 - Morro Bay power plant brownfield funding
 - National Estuary Program funding

Wednesday, March 7

- A. C-MANC Group Agenda/Meetings
- Trent Bauserman, Senior Policy Advisor to House Minority Whip Congressman Steny Hoyer (MD-5)
 - Congressman John Garamendi (CA-03)
 - Alexis Segal, Legislative Assistant to Senator Dianne Feinstein
 - Congresswoman Julia Brownley (CA-26)
 - Monica Pham, Legislative Counsel to Senator Kamala Harris
 - Jessica Powell, Legislative Assistant to House Budget Committee Chairman Congressman Steve Womack (AR-03)

- Robert Mariner, Deputy Director, Office of Infrastructure Finance and Innovation, Department of Transportation
 - Robert Edmonson, Chief of Staff to Democratic Leader Congresswoman Nancy Pelosi
 - Dustin Davidson, Legislative Assistant to House Water Resources & Environment Subcommittee Chairman Congressman Garret Graves (LA-06)
- B. Congresswoman Chellie Pingree (ME-01), and Kimber Colton, Legislative Counsel to Congresswoman Pingree
- Support for HR 1176, the Keep America's Waterfronts Working Act
 - National Working Waterfront Network
 - Fishery issues
 - Offshore wind farms

Thursday, March 8

- A. Walter Cruickshank, Acting Director, Bureau of Ocean Energy Management (BOEM)
- Offshore oil development opposition
 - Trident Winds and the City of Morro Bay
 - Status of Central Coast wind farm proposal process
- B. Christine Sur, Legislative Assistant to Congressman Jared Huffman (CA-02)
- Fishery issues
 - Offshore oil development opposition

The final Congressional delegation "leave behind" papers and the Corps of Engineers are included with this staff report as Attachment 1.

WRF Items

The City's legislative advocate firm in D.C. for the Water Treatment Facility (WRF), Mike Miller of The Ferguson Group, also successfully arranged for several meetings on the WRF, reported in brief as follows:

Monday, March 5

- A. Office of Senator Kamala Harris, Monica Pham, Legislative Counsel
- Unfortunately, Monica was ill – Mike Miller will follow up with her on March 20 in person
- B. US Army Corps of Engineers, Bradd Schwichtenberg, P.E., Civil Deputy, SPD RIT
- Met with ASCOE to discuss permitting considerations and possible COE funding opportunities for the WRF
 - Coordinate with David Van Dorpe (LA) regarding regulatory jurisdiction.
 - ACOE Environmental Infrastructure program – provides funding via congressionally directed categories. Look for "bite-size" chunks and write a proposal to LA office
 - Project and funding support – difficult to determine now if the project can be funded without further assessment, recommends that Morro Bay send a letter requesting support to to Van Dorpe.
- C. US Environmental Protection Agency, Arnita Hammond, Rafael Stein, Karen Fligger, Brent Meier, Danusha Chandu, PE
- Discussed WIFIA application, loan term and other factors; the subsidized loan would cover up to 49% of the WRF project's financing at extremely favorable terms

- 30-year WIFIA loan term + 5 year delay in start of payback – some states have found flexibility in term
 - Contacts: George Ames and Doug Eberhardt (SF) for extended term financing.
 - WIFIA Staff will be meeting with USDA Rural Utility Service (RUS) soon regarding coordination of best practices; RUS could be another source of funding for the WRF
 - July 17 deadline for WIFIA application and review fee submittal – loan secure upon receipt
- D. USDA Rural Utility Service Meeting, Christopher McLean, Administrator, Claudette Fernandez, Assistant Administrator – Water & Environmental Programs (WEP)
- RUS could provide loans and grants for the WRF project, should the City qualify for the population limitation of 10,000.
 - Discussed possible means for meeting population limitation – Morro Bay to research
 - Population limitation exemption – could pursue a legislative exemption through the Farm Bill pending in Congress – flexibility would be useful
 - Explore “rural in character” definition
 - RUS & WEP – possible smaller grants and technical assistance, e.g., solid waste technical assistance; rural community development initiative grants; rural energy savings program (energy efficiency program – energy production at waste facility).
 - Claudette will follow up with us regarding eligibility – City staff will need to explore options and maintain communications with Claudette.

Tuesday, March 6

- A. Representative Salud Carbajal, Johanna Montiel (Legislative Assistant)
- Met with Congressman Carbajal to discuss the WRF project and seek his support for funding
 - Mr. Carbajal will provide support letters – water independence – coordinate with Johanna.
 - Mr. Carbajal outlined his water resiliency grants legislation (Reclamation)
 - H.R.5127 — Water Recycling Investment and Improvement Act.
 - MB to provide support for Mr. Carbajal’s legislation – coordinate with Johanna.
- B. John Watts, Legislative Counsel, Office of Senator Dianne Feinstein
- Recommends emphasizing affordability with Reclamation.
 - Mike to coordinate with DF USDA staffer.
- C. Senator Dianne Feinstein
- Briefed on WRF project and level of treatment for the plant.
- D. Bureau of Reclamation, Dep. Asst. Secretary Austin Ewell, III, Office of the Secretary of Interior, Water & Science, Dep. Commissioner Grayford Payne, Bureau of Reclamation, Mathew Maucieri, Assistant Deputy Commissioner Operations, Bureau of Reclamation
- Met with BOR staff to discuss funding opportunities for the WRF.
 - A Title 16 Grant can provide up to 25-percent of total project with a maximum of \$20M for water reclamation projects, but require Congressional authorization.
 - BOR Sacramento (Mid-Pacific Region) planning to contact MB in March regarding feasibility study status.
 - Title 16 – public comment on criteria for participation selection. Economic benefits criteria hampers smaller communities (Denver office recognizes this problem). Good

area for comment. Note the “David v Goliath” situation smaller communities face when developing cost benefit information.

- Funding opportunity announcement likely in June-July timeframe.
- Currently 53 authorized Title 16 projects with 21 active.

Wednesday, March 7

A. WRF team attended C-MANC Group Agenda/Meetings

- Trent Bauserman, Senior Policy Advisor to House Minority Whip Congressman Steny Hoyer (MD-05)
- Congressman John Garamendi (CA-03)
- Alexis Segal, Legislative Assistant to Senator Dianne Feinstein
- Congresswoman Julia Brownley (CA-26)
- Monica Pham, Legislative Counsel to Senator Kamala Harris
 - WRF team was able to present the Morro Bay Project to Ms Pham

CONCLUSION

Over 40 members were a part of this year’s C-MANC delegation, bringing a unified and effective voice to Washington D.C. of the importance of all of California’s ports and harbors as an integrated “system” to the national economy and security. This year’s meetings were extensive and productive, with targeted and consistent messages across the spectrum of meetings. The Morro Bay delegation forged some new relationships, such as with Congresswoman Pingree, that it intends to foster and which could prove to be useful in the future to meet common goals.

In addition, the Morro Bay WRF contingent was well received by the Congressional delegation and legislative and agency staff. They were very supportive and encouraging of the Morro Bay WRF project and its goal of Indirect Potable Reuse for water security. Staff suggested additional funding opportunities, such as the Army Corps of Engineers program. Agencies and legislators showed a genuine interest in the project, understood the financial impacts of the project to the community, and indicated their desire to see a successful WRF project. City staff will pursue all potential funding opportunities discussed by the agencies with urgency and report back progress to Council and the community.

ATTACHMENTS

1. Final “leave behind” papers for Senators Feinstein and Harris, Congressman Carbajal, Congresswoman Pingree and the Army Corps of Engineers
2. Final “leave behind” papers for the WRF project.



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

March 5, 2018

Honorable Congressman Salud Carbajal
2231 Rayburn House Office Building
Washington D.C. 20515

RE: MORRO BAY FEDERAL CONCERNS AND PRIORITIES

Dear Congressman Carbajal,

Thank you for your service in the United States Congress. On behalf of the City of Morro Bay, we respectfully communicate to you our Federal concerns, comments and priorities, outlined below:

Morro Bay Harbor Dredging and Army Corps of Engineers Funding:

- All harbor interior channels recently dredged, in good shape for ~5-7 years.
- Annual harbor entrance dredging critical to maintaining safe navigation in winter months.
- Army Corps dredge ship *Yaquina* funded in FY18 for harbor entrance dredging this Spring.
- President's FY19 budget includes \$2.4M in Corps work program funding for Morro Bay.
- **City of Morro Bay requests this be increased to \$3.0M to enable full dredging of expected average annual infill.**
- Ensure FY19 appropriations sufficient to meet full capability of Army Corps work planning.
- Increase Harbor Maintenance Trust Fund expenditures to hit targets in WRDA 2014.

Fishery Issues:

- NOAA funding needed for groundfish quota system observer/monitoring programs, or
- Audited electronic monitoring.
- Refinance the Pacific Coast Groundfish Buyback Loan program via Magnuson-Stevens.
- Ensure fishery management decision making is based on data-rich and not data-poor.
- Voice of commercial fishing communities and working waterfronts need to be heard.

Marine Sanctuaries:

- Support the Sanctuary program's overall goals and objectives.
- Resolve issues with sanctuary governance first before establishing new sanctuaries.

National Estuary Program Funding:

- Continue to invest in coastal stewardship by funding National Estuary Program.
- NEP programs work collaboratively and effectively with local partners.
- Recommend \$650,000 for each of the nation's 28 NEP programs in FY19.

Offshore Wind Energy:

- Support sustainable and renewable energy.
- City of Morro Bay in Memorandum of Cooperation with Trident Winds wind farm project.
- Wind farm projects should properly mitigate impacts on communities and fisheries.



CITY OF MORRO BAY

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595 Harbor Street
Morro Bay, CA 93442

Morro Bay Power Plant:

- 60+ year-old Dynegy power plant shut down in 2013.
- Developers of offshore wind and wave energy may utilize plant's connection to power grid.
- "Brownfield" concerns with site remediation and redevelopment or reuse.

Water Reclamation Facility:

- New Water Reclamation Facility to replace 65-year old Morro Bay-Cayucos Waste Water Treatment Plant.
- Fully operational by 2021.
- Total Project costs estimated at over \$150M.
- Residential water and sewer rates could be over \$247/month or higher with conventional bond financing.
- Seeking Federal funding assistance.

Offshore Oil and Gas Development:

- Ban on new West Coast drilling, fracking or related techniques.
- No new or expansion of existing oil or gas leases, and phase-out of all oil and gas extraction.
- Develop framework for responsible renewable energy development.
- Morro Bay City Council Resolution No. 07-18 opposing offshore oil exploration and development, submitted as official record to BOEM Federal Register Doc. No. 2018-00083.

Thank you for considering our input. If you have any specific questions or concerns on the issues outlined herein, or others, please let us know. We look forward to working through these issues with you and your staff.

Sincerely,

Jamie L. Irons
Mayor

Scott Collins
City Manager

Eric Endersby
Harbor Director



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

March 5, 2018

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington D.C. 20510

RE: MORRO BAY FEDERAL CONCERNS AND PRIORITIES

Dear Senator Feinstein,

Thank you for your continued leadership in the United States Senate. On behalf of the City of Morro Bay, we respectfully communicate to you our Federal concerns and priorities, detailed below:

Morro Bay Harbor Dredging and Army Corps of Engineers Funding:

- All harbor interior channels recently dredged, in good shape for ~5-7 years.
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Jamie L. Irons
Mayor


Scott Collins
City Manager


Eric Endersby
Harbor Director



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

March 5, 2018

Senator Kamala Harris
112 Hart Senate Office Building
Washington D.C. 20510

RE: MORRO BAY FEDERAL CONCERNS AND PRIORITIES

Dear Senator Harris,

Thank you for your service in the United States Senate. On behalf of the City of Morro Bay, we respectfully communicate to you our Federal concerns and priorities, detailed below:

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Sincerely,

Jamie L. Irons
Mayor

Scott Collins
City Manager

Eric Endersby
Harbor Director



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

March 5, 2018

Honorable Congresswoman Chellie Pingree
2162 Rayburn House Office Building
Washington D.C. 20515

RE: H.R. 1176

Dear Congresswoman Pingree,

Thank you for introducing H.R. 1176, the "Keep America's Waterfronts Working Act", for consideration in Congress. As you well know, America's working waterfronts are under constant threat from many fronts, oftentimes financial, and this Act would provide a funding source to confront many of those threats.

The City of Morro Bay, located on California's Central Coast and with a population of just over 10,000, is one such working waterfront town, struggling with infrastructure needs and financial challenges. Our important commercial fishing fleet of approximately 75 vessels, while under constant pressure from increased regulations and higher operating costs, generates on average \$7.5M at the dock (in ex-vessel value) from approximately 3.5 million tons of landings. The fleet is an important and vital component to the fabric of our town, historically and financially. In 2014, Morro Bay adopted the City of Morro Bay Fishing Community Sustainability Plan, elements of which the City is working to complete. H.R. 1176 could help Morro Bay achieve many of the elements in our plan.

On January 9, 2018, the Morro Bay City Council unanimously approved Resolution No. 01-18, supporting H.R. 1176, and applauding you for your efforts. A copy of that Resolution is attached.

In addition, on January 11, 2018, the Morro Bay Harbor Advisory Board, an appointed advisory body to the City Council on various harbor and waterfront issues, voted unanimously to endorse H.R. 1176, and encouraged modifications to the bill as necessary to ensure local agencies may be direct recipients of Working Waterfront Grant Program funding. By directing Working Waterfront Grant Program funding directly to local agencies as opposed to only States, we feel more effective local use of the funds will be realized. We encourage amendments to your bill to that end.

Thank you for your service in the United States Congress, and thank you for considering our input. If you have any specific questions, please let us know. We look forward seeing H.R. 1176 signed into law.

Sincerely,


Jamie L. Irons
Mayor


Ron Reisner
Harbor Advisory Board Chairman

RESOLUTION NO. 07-18

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
OPPOSING NEW OR EXPANSION OF EXISTING OFFSHORE OIL AND GAS LEASES
OFF THE COAST OF SAN LUIS OBISPO COUNTY AND SUPPORTING MEASURES
TO PROHIBIT DISCHARGE OF POLLUTANTS INTO THE OCEAN**

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

WHEREAS, the City of Morro Bay was designated a state estuary in 1994 and an "estuary of National Significance" in 1995 as a result of community-based efforts to protect this precious resource; and

WHEREAS, the City of Morro Bay values our State's ocean waters and coasts, which provide habitat to a vast array of wildlife that depend on a healthy and clean environment; and

WHEREAS, the City of Morro Bay's residents and visitors enjoy our ocean, beaches, mountains and abundance of diverse resources for recreation, exploration, and relaxation; and

WHEREAS, our City's economy is reliant on a healthy ocean for our residents, visitors, and fishing professionals; and

WHEREAS, the City of Morro Bay has been a port for our Commercial Fishing fleet, Sport Fishing, Recreational Boating, United States Navy, United States Coast Guard, California Fish and Wildlife, and our own Harbor Patrol Safety Officers; and

WHEREAS, the City of Morro Bay has a long history of caring for our coastal waters, bay, and environment by adopting City policies and practicing environmental stewardship; and

WHEREAS, in 1986, the City of Morro Bay passed Measure "C", which was codified as Ordinance 297: "Shall an ordinance be enacted to (1) prohibit offshore oil development support facilities within Morro Bay, and (2) require any zoning change to accommodate onshore support facilities for offshore oil development to be submitted to a vote of the people of the City of Morro Bay"; and

WHEREAS, said Ordinance 297 prohibiting offshore oil support facilities within the City of Morro Bay has been in place since Measure "C" passed by the vote of the people in 1986; and

WHEREAS, the City of Morro Bay adopted Resolution No. 49-12 opposing The Central Coastal California Seismic Imaging Project by Pacific Gas and Electric Co. in September of 2012; and

WHEREAS, there is a growing body of evidence confirming that intense sound produced by human generated noise such as acoustic testing used in oil and gas exploration negatively impacts marine mammals, fish, squid, and crab; and

WHEREAS, the Morro Bay Commercial Fishermen's Organization (MBCFO) stands opposed to any new offshore oil development off our California Coast; and

WHEREAS, in 1969, a well failure off the coast of Santa Barbara fouled coastal waters with an estimated 100,000 barrels of crude oil and caused catastrophic environmental damage, helping launch the modern environmental movement; and

WHEREAS, in 1970, with bipartisan support, President Nixon signed the National Environmental Policy Act on January 2nd, delivered a call to make "the 1970's a historic period when, by conscious choice (we) transform our land into what we want it to become" in his State of the Union Address, and ended the year with the creation of the Environmental Protection Agency an independent agency to regulate the environment; and

WHEREAS, oil drilling presents a clear and ever-present danger to the health and safety of residents, businesses and economies, with the threat of an oil spill potentially wreaking havoc on ecosystems, human health, and economic activities; and

WHEREAS, the 2010 BP Deep Water Horizon disaster spilled an estimated 4.9 million barrels of crude oil into the Gulf of Mexico and shores of the Gulf Coast of the United States; and

WHEREAS, in 2015, a pipeline servicing offshore oil platforms burst and fouled the coast north of Santa Barbara with an estimated 3,400 barrels of crude oil, damaging wildlife and coastal recreation; and

WHEREAS, there have been no new offshore oil and gas leases in California since the 1969 disaster; and

WHEREAS, in December 2016, President Obama signed an executive order that banned any new oil and gas drilling off the coast of California under Section 12(a) of the Outer Continental Shelf Lands Act; and

WHEREAS, On April 28, 2017, President Trump issued an Executive Order called Implementing an America-First Offshore Energy Strategy, which establishes a policy to encourage energy exploration and production on the outer Continental Shelf (OCS) and restarts the 2017-2022 five year lease program potentially opening up Arctic waters and millions of coastal acres off U.S. shores to oil and gas drilling, fracking, and other well stimulation, putting California's coastal resources at risk of more oil spills, increased greenhouse gas emissions, dependence on fossil fuels, and a delay in the movement toward greater reliance on renewable energy; and

WHEREAS, the Governor of California, the State Senate, the State Lands Commission and cities, including Los Angeles and San Francisco, have called for no new Federal offshore leases in the Pacific Ocean.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Morro Bay hereby supports in State and Federal waters in the Pacific Ocean along the United States, 1) a ban on new drilling, fracking, and related techniques, 2) no new or expansion of existing oil and gas leases and a phase-out of all oil and gas extraction, and 3) a framework for responsible renewable energy development.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 27th day of February 2018 on the following vote:

AYES: Irons, Davis, Headding, Makowetski, McPherson
NOES: None
ABSENT: None
ABSTAIN: None



JAMIE L. IRONS, Mayor

ATTEST:



DANA SWANSON, City Clerk



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

March 5, 2018

Bradd Schwichtenberg, Civil Deputy SPD
Department of Civil Works
U.S. Army Corps of Engineers
441 G Street NW, Office 3T61
Washington DC 20314-0002

RE: MORRO BAY DREDGING

Dear Deputy Schwichtenberg,

Thank you for your leadership and continued support of Morro Bay. On behalf of the City of Morro Bay, we respectfully communicate to you our comments regarding Morro Bay Harbor dredging:

- All harbor interior channels recently dredged, in good shape for ~5-7 years. Thank you.
- Annual harbor entrance dredging critical to maintaining safe navigation in winter months.
- Army Corps dredge ship *Yaquina* funded in FY18 for harbor entrance dredging this Spring.
- President's FY19 budget includes \$2.4M in Corps work program funding for Morro Bay.
- **City of Morro Bay requests this be increased to \$3.0M to enable full dredging of expected average annual infill.**
- Concerns with recent "small business set-aside" contract for Morro Bay dredging, resulting in:
 - Small company with lack of experience and capacity.
 - Numerous operational issues to address locally.
 - Project timeline over one full year.
 - Financially inefficient compared to past dredging episodes.

If you have any specific questions or concerns, please let us know. As always, we wish to convey our pleasure and satisfaction with working with you and your Los Angeles District command and staff. We appreciate your support.

Sincerely,


Jamie L. Irons
Mayor


Scott Collins
City Manager


Eric Endersby
Harbor Director



Mayor: Jamie L. Irons
 Council Person: Dr. John Headding
 City Manager: Scott Collins
 Public Works Director: Rob Livick, PE/PLS

Summary - City of Morro Bay Water Reclamation Facility Project

- New Water Reclamation Facility (WRF) to replace 65-year old Morro Bay Cayucos WWTP
- Fully operational by 2021
- Total project costs estimated at over \$150M, including a 25-percent contingency
- Residential water and sewer rates could raise even higher than projected with conventional bond financing

Why this Project?

- Compliance with Coastal Act Policies
 - Managed retreat of critical infrastructure because of climate-change
 - Mitigates environmental risk – coastal flooding and tsunami protection
- Relieves pressure on state water supplies, up to 800 ac-ft/year, through Indirect Potable Reuse
- Employs nitrate flushing to purify a coastal freshwater aquifer
- Prevents seawater intrusion into the aquifer
- Provides an ideal site for solar power generation, with no capital outlay through a purchase power agreement
- Supports long term coastal stream enhancement

Project Components

- Lift station and connection to the existing influent sewer at WWTP
- Primary, Secondary biological treatment and micro-filtration
- Reverse osmosis, advanced oxidation and disinfection
- Recycled water pumping, conveyance and injection wells
- Brine and wet weather discharge pipeline to existing WWTP ocean outfall

Project Schedule

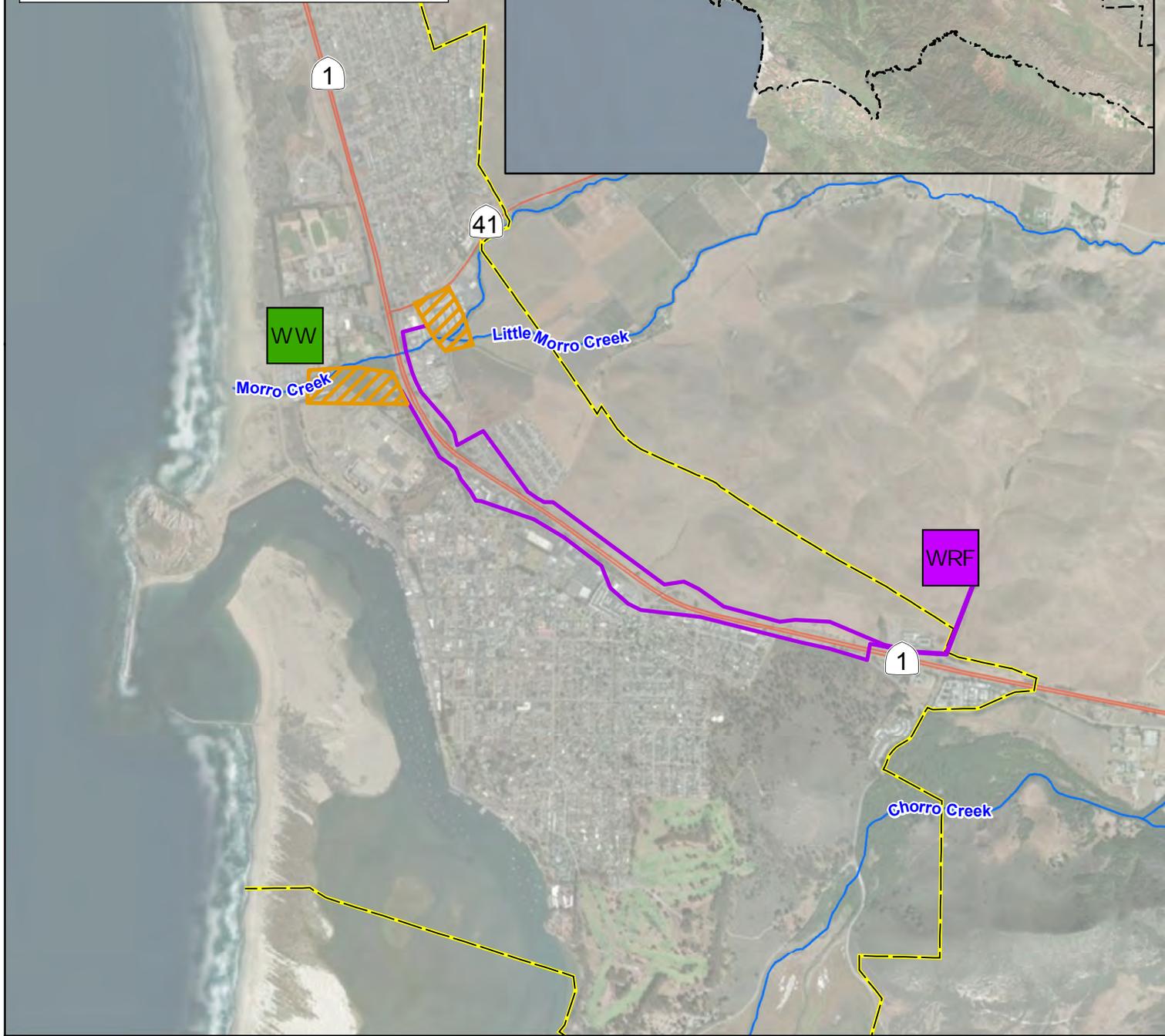
<i>Activities</i>	<i>Timeline</i>
Rate Increase, Permitting and Preliminary Engineering	Fall 2017-July 2018
Environmental Review (CEQA-Plus and NEPA)	Fall 2017-June 2018
Design-Build Procurement for WRF	October 2017-August 2018
Project Financing – State Revolving Fund (SRF) and Water Infrastructure Finance and Innovation Act (WIFIA) Loan Review Process	Jun 2018-April 2019
Design and Construction (Design-Build Delivery)	April 2019-September 2021
Startup/Commissioning	September 2021-March 2022

Project Financing

- Morro Bay was awarded a \$10.3M planning and design SRF Loan
- Project expenses to date have been self-funded by the Morro Bay rate payers
- Morro Bay was one of 12 communities selected to apply for EPA Low interest WIFIA funding for up to 49-percent of project costs
- Morro Bay anticipates the remainder of the project financing from State Revolving Fund Loan
- Potential grant funding will be used to reduce impact to rate payers
- Morro Bay Median Household income \$53,348 (Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates)
- The City needs to increase water and sewer rates to pay the debt service

Legend

-  Recycled Water Pipeline Alternatives
-  City Limits
-  WRF Proposed Water Reclamation Facility
-  WW Existing Wastewater Treatment Plant
-  Alternative Injection Well Locations



Water Reclamation Facility
 Project Components

1 inch = 2,500 feet





AGENDA NO: C-3

MEETING DATE: March 27, 2018

Staff Report

TO: Honorable Mayor and City Council

DATE: March 20, 2018

FROM: Dana Swanson, City Clerk

SUBJECT: Review and Provide Direction Regarding Council Subcommittee Proposed Changes to the Council Policies & Procedures and Advisory Bodies Handbook and By-laws

RECOMMENDATION

Staff recommends the City Council review and discuss the proposed changes to the Council Policies & Procedures and Advisory Bodies Handbook and By-laws, as recommended by the Council Subcommittee and staff, and provide direction as deemed appropriate for adoption at a future meeting.

ALTERNATIVES

None are proposed

FISCAL IMPACT

There is no fiscal impact associated with this action.

BACKGROUND and DISCUSSION

At its August 22, 2017, regular meeting, the Council established a subcommittee consisting of Mayor Irons and Mayor Pro Tem McPherson to work with staff to review the Council Policies & Procedures and Advisory Bodies Handbook and By-laws in their entirety, consider the possible revisions presented in that staff report and any others deemed necessary, then return to Council with proposed revisions for consideration and adoption.

That subcommittee developed a list of proposed changes to each policy document, which were presented to the full Council on December 12, 2017, to reach concurrence on those being the appropriate areas of focus as the subcommittee moved forward with developing new policy language. The proposed changes reviewed at that meeting, along with Council Member Davis' recommendation to include a Table of Contents, have been incorporated into the attached draft policies for Council review and discussion. Based on direction provided at tonight's meeting, staff will bring the final documents back for adoption at a future meeting.

CONCLUSION

Staff recommends the City Council review the draft Council Policies & Procedures and Advisory Bodies Handbook and By-laws and provide direction for final approval and adoption at a future meeting.

ATTACHMENTS

1. Draft Redline Council Policies & Procedures
2. Draft Advisory Bodies Handbook and By-laws
3. 12/12/17 staff report with attachments

Prepared By: DS

Dept Review: _____

City Manager Review: **SC**

City Attorney Review: **JWP**

City of Morro Bay

Council Policies and Procedures

SCOPE

This ~~manual~~ ~~is resolution shall~~ establish the procedures for the conduct of all meetings of the City Council of the City of Morro Bay. The purpose of this ~~manual~~ ~~resolution~~ is to provide ~~that the~~ City Council's meeting ~~procedures~~ will be consistent with the Brown Act (Government Code Sections 54950 *et seq.*), ~~and to~~ establish procedures, which will be convenient for the public, ~~and~~ contribute to the orderly conduct of the City's business. The procedures herein are in addition to, and not in place of, Morro Bay Municipal Code (MBMC) 2.08 and any other applicable ordinances and statutes, ~~and~~ In the event of conflict between this ~~manual~~ ~~resolution~~ and applicable ordinances or statutes, the latter shall govern.

RESOLUTION NO: 46-02
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
AUGUST 12, 2002 APPROVING AND ADOPTING
THE COUNCIL POLICIES AND PROCEDURES MANUAL
AND RESCINDING RESOLUTION NO. 47-01

**RESOLUTION NO: 54-03
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
NOVEMBER 13, 2003 AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
SECTIONS 1.2.2 AND 1.3.7.1.1**

**RESOLUTION NO: 37-04
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
JUNE 24, 2004 AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
SECTION 1.3.9.3.5**

**RESOLUTION NO: 42-05
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
NOVEMBER 14, 2005 AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
SECTION 4.5**

**RESOLUTION NO: 23-06
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
MAY 22, 2006 AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
REGARDING CANCELLATION OF MEETINGS**

**RESOLUTION NO. 24-07
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
MAY 14, 2007 AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
REGARDING EX PARTE COMMUNICATIONS**

**RESOLUTION NO. 50-07
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
OCTOBER 8, 2007 ADDING TO AND AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
REGARDING USE OF CITY LETTERHEAD AND
USE OF SPEAKER SLIPS AT CITY COUNCIL MEETINGS**

**RESOLUTION NO. 76-08
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
NOVEMBER 10, 2008 AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
REGARDING THE ORDER OF BUSINESS ON THE
CITY COUNCIL AGENDA, APPOINTMENT OF VICE MAYOR
AND FILLING COUNCIL VACANCIES**

**RESOLUTION NO. 11-10
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
FEBRUARY 22, 2010 ADDING TO AND AMENDING COUNCIL
POLICIES AND PROCEDURES MANUAL
REGARDING EXPENSE REIMBURSEMENT POLICY FOR
ELECTED AND APPOINTED OFFICIALS, CITY LETTERHEAD
AND THE COUNCIL COMPENSATION COMMITTEE**

**RESOLUTION NO. 28-10
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON
JUNE 14, 2010 AMENDING COUNCIL POLICIES AND PROCEDURES
MANUAL REGARDING SECTION 2.2, RETIREMENT,
MEDICAL, DENTAL, VISION, AND LIFE INSURANCE**

**RESOLUTION NO. 46-10
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON SEPTEMBER 27, 2010
AMENDING THE COUNCIL POLICIES AND PROCEDURES
MANUAL IN REGARD TO CALLING CLOSED SESSION MEETINGS;
IN REGARD TO ALL REAL PROPERTY CONTRACTS GOING TO CLOSED
SESSION PRIOR TO OPEN SESSION; IN REGARD TO COUNCIL LIAISONS
TO ADVISORY BOARDS; AND, IN REGARD TO CITY COUNCIL INPUT ON
HIRING AND EVALUATION OF DEPARTMENT HEADS**

**RESOLUTION NO. 11-11
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON JANUARY 25, 2011
ADDING TO AND AMENDING THE COUNCIL POLICIES
AND PROCEDURES MANUAL REGARDING
REGULAR MEETING TIMES AND PLACING ITEMS ON THE AGENDA**

**RESOLUTION 64-12
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON DECEMBER 11, 2012
AMENDING THE COUNCIL POLICIES AND PROCEDURES MANUAL
REGARDING ELECTRONIC MAIL (EMAIL), THE PUBLIC RECORDS ACT
AND THE BROWN ACT**

**RESOLUTION 19-13
ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MORRO BAY ON MARCH 12, 2013
AMENDING THE COUNCIL POLICIES AND PROCEDURES MANUAL
REGARDING STUDY SESSIONS, PLACING AN ITEM ON THE AGENDA,
RECONSIDERATION, ORDER OF BUSINESS AND PUBLIC COMMENT**

**RESOLUTION NO. 53-13
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING SECTION 2.2 OF THE CITY COUNCIL POLICIES AND
PROCEDURES MANUAL REGARDING RETIREMENT, MEDICAL, DENTAL,
VISION, AND LIFE INSURANCE UNSPENT DOLLARS**

**RESOLUTION NO. 36-14
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING VARIOUS SECTIONS OF THE CITY COUNCIL POLICIES AND
PROCEDURES MANUAL REGARDING MAYOR PRO TEM**

**RESOLUTION NO. 58-15
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING VARIOUS SECTIONS OF THE CITY COUNCIL POLICIES AND
PROCEDURES MANUAL**

**RESOLUTION NO. 74-15
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING COUNCIL POLICIES AND PROCEDURES MANUAL
REGARDING MEETING GUIDELINES & PROCEDURES**

**RESOLUTION NO. 30-16
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING COUNCIL POLICIES AND PROCEDURES MANUAL
REGARDING MEETING GUIDELINES & PROCEDURES**

**RESOLUTION NO. 01-17
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING THE COUNCIL POLICIES AND PROCEDURES MANUAL
REGARDING ADVISORY BOARD MEMBER QUALIFICATIONS**

**RESOLUTION NO. 45-17
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING THE COUNCIL POLICIES AND PROCEDURES
SECTION 1.2.7 REGARDING ORDER OF BUSINESS**

CONSIDER MOVING THIS TO APPROPRIATE PLACE

Commented [SC1]: Just want to make sure this isn't lost.

RESOLUTION NO. 70-15
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
PLEDGING TO FOLLOW BEST PRACTICES OF CIVILITY AND CIVIL DISCOURSE
IN ALL OF ITS MEETINGS

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, we, the Mayor, City Council Members, Commissioners, Appointees, and Staff of the City of Morro Bay, in order to ensure **civility and civil discourse** in all of our meetings, pledge our commitment to the following **best practices of civility and civil discourse**; and,

WHEREAS, we pledge our commitment to **respect** the right of all people to hold different opinions in all our meetings; and

WHEREAS, we pledge our commitment to **avoid rhetoric intended to humiliate, malign, or question the motivation** of those whose opinions are different from ours in all our meetings; and

WHEREAS, we pledge our commitment to **strive to understand** differing perspectives in all our meetings; and,

WHEREAS, we pledge our commitment to **choose words carefully** in all our meetings; and

WHEREAS, we pledge our commitment to **speak truthfully** without accusation, and avoid distortion in all our meetings; and

WHEREAS, we pledge our commitment **against violence and incivility** in all their forms whenever and wherever they occur in all our meetings; and

WHEREAS, we commit ourselves to build a civil political community in which each person is respected and spirited public and political debate is aimed at the betterment of the City of Morro Bay and its people and not the disparagement of those with whom we disagree.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, City of Morro Bay, California, that the Mayor, City Council Members, Commissioners, Appointees, and Staff of the City of Morro Bay shall promote the use of and adherence to the principles of **civility and civil discourse** in conducting business with appointed and elected officials, staff, and citizens.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of November, 2015 on the following vote:

AYES: Irons, Johnson, Smukler
NOES: None
ABSENT: Headding, Makowetski



JAMIE L. IRONS, Mayor

ATTEST:


DANA SWANSON, City Clerk

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**CHAPTER ONE
MEETING GUIDELINES & PROCEDURES**

1.1 MEETING SCHEDULE

1.1.1 MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary considerations when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

1.1.2 REGULAR MEETINGS

- 1.1.2.1 Regular meetings shall be held the second and fourth Tuesday of each month beginning at 6:00 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day. A regular meeting can only be cancelled after polling the majority of the Council in favor of the cancellation.
- 1.1.2.2 Regular meetings shall be held in the Veterans Memorial Building, 209 Surf Street, in the City of Morro Bay.
- 1.1.2.3 Regular meetings shall be between the hours of 6:00 p.m. - 11:00 p.m. It shall be the policy of the City Council to complete meetings by 11:00 p.m., unless a majority of the Council elects to continue past the adjournment hour. If at the hour of 11:00 p.m. the City Council has not extended the time to adjourn the meeting or concluded its business, then the Council will review the balance of the agenda and determine whether to extend the meeting beyond the hour of 11:00 p.m., continue any remaining items, or adjourn the meeting to another date and time.

1.1.3 STUDY SESSIONS (Open to the public)

- 1.1.3.1 The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants, the public, and the City Council regarding specific programs, projects or policies. Council may provide direction, but no formal action will be taken during a Study Session. Study Sessions may be conducted in a variety of formats, including Public Workshops.
- 1.1.3.2 Study Sessions will be held at a time and place within the City limits and convenient to Council and advantageous for public participation.

1.1.4 SPECIAL MEETINGS

- 1.1.4.1 Special meetings may be called by the Mayor or three City Council Members. Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each Member of the City Council not joining the call. Special meetings may be cancelled only by consent of a majority of the members of the Council not less than 24 hours before the date of the special meeting. Notice of such cancellation shall be given to all Council Members and written notice shall be posted for the public not less than 24 hours before the meeting.
- 1.1.4.2 Written notice must be given to the City Council and to the media twenty-four hours prior to each meeting, when requested.
- 1.1.4.3 A supplemental telephone call shall be made if necessary to notify each Council Member.
- 1.1.4.4 No business other than that announced shall be discussed.
- 1.1.4.5 Any special meeting held at a place other than the Veterans Memorial Building shall be open to the public. Such meetings shall be held within the City limits. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

1.1.5 CLOSED SESSION MEETINGS (closed to the public)

1.1.5.1 Closed Session Meetings may be called by the majority of the Council and are regulated pursuant to the Brown Act. The most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the City or compromise the privacy interests of employees. Closed sessions should be conducted keeping those narrow purposes in mind.

1.1.5.2 No Council Member, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion which takes place in a closed session, unless authorized by a four-fifths vote of the Council.

1.1.6 DESIGNATION AND USE OF COUNCIL CHAMBERS

1.1.5.1 The Veterans Memorial Building shall be designated as the City's Council Chambers.

1.1.5.2 When a question arises regarding permission for any group to use the Council Chambers, the City Manager shall have authority to make the final decision. The following rules are established as a guide:

- a. Use of the Council Chamber for regular meetings by City commissions, committees, and other advisory bodies shall take precedence over any other group or agency. To the extent possible, special meetings will be scheduled around other regularly scheduled non-City uses. In the event of a conflict, the City will give priority to rescheduling or relocating any use displaced by a City-related use.
- b. Council chambers is available for other use on a first-come-first-serve basis, after City, City-affiliated and other regular uses are scheduled.
- c. With the approval of the City Manager, and within the provisions of existing video production agreements, other local governmental agencies may use the Council Chamber for the purpose of live or video cablecasting public hearings and/or public meetings during regular or non-business hours.

1.2 AGENDA

1.2.1 ESTABLISHING THE COUNCIL AGENDA

The purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council Goals, Financial Plan and Budget, and also work programs, objectives, and business of the City as established by the present or earlier City Councils. Agenda items also include recommendations to the City Council from advisory bodies, land use and zoning actions or appeals, bid and purchasing procedures, and mandates from other levels of government. Staff shall work within the policy context established by the Council and will not arbitrarily place matters on the agenda that are outside the scope of existing work programs of the City, except as approved by the Mayor or a majority of the Council, and to inform and advise the Council of matters necessary to the proper operation and well-being of the City.

- a. Tentative Council Meeting Agenda - Every effort will be made to provide it to the City Council and staff before the close of business on the second Friday prior to the Council meeting.
- b. The full agenda packet for regular meetings of the City Council and all City Advisory Boards will be published a minimum of 120 hours (or five calendar days) prior to the meeting. Agenda packets for special meetings will be published a minimum of 48 hours (or two calendar days) prior to the meeting.

The process for determining the format and order of the agenda is based primarily on the order of business adopted by the City Council (see Section 1.2.7). The process for establishing the order of specific business and public hearing items is a collaborative one determined largely by anticipated public attendance (those matters involving greater audience attendance are usually scheduled ahead of other items). The City Manager shall meet with department heads on a regular basis, individually and as a group to discuss issues and to review upcoming agenda items.

In addition, the City Manager shall review the agenda materials with the Mayor, or in the Mayor's absence, the Mayor Pro Tempore. The final agenda is set subject to the approval of the Mayor (or Mayor Pro Tempore), after consultation with the City Manager.

1.2.2 PLACING AN ITEM ON THE AGENDA (COUNCIL MEMBER)

Any Council Member may request an item be placed on a future agenda by submitting a request, orally or in writing, to consider the matter and by discussing the request during the "Declaration of Future Agenda Items" section of the regular agenda. If a majority of the Council approves including that matter on an upcoming agenda, then staff will prepare a staff report for the next available

agenda, as determined by the City Manager, unless otherwise directed by the Council.

If only one other Council Member supports hearing the item, then an item will be listed on the next available agenda, as determined by the City Manager, unless otherwise directed by the Council. The Council Member who made the request for the agenda item shall be responsible for providing the Council report and the Council will take no action on the substance of the matter at that review, unless there is adequate public notice and information is provided for the Council to make an informed decision. If no other Council Member supports hearing the item, then the item will not be placed on the agenda.

Pursuant to Section 1.2, the Mayor is responsible for establishing the Agenda and may place an item on the agenda without Council support. In such a situation, the Mayor, or Council Member who the Mayor is accommodating, shall be responsible for providing a Mayor or Council Report.

~~Additionally, the Council may add an item to a posted agenda in accordance with the Brown Act.~~

Commented [DS2]: Staff recommends deleting this sentence.

1.2.3 PLACING AN ITEM ON THE AGENDA (ADVISORY BODIES)

Recommendations made by advisory bodies, as part of their normal scope of duties and responsibilities, shall be timely placed on the City Council agenda by staff, who shall comply with the City's approved Council Agenda Preparation Policy. In the event an advisory body desires to bring a matter of special consideration to the City Council (new ideas or concerns, for example), it may request an item be placed on a future agenda by submitting a written request to the Council approved by a majority of the advisory body members and signed by the Chair. During Declaration of Future Agenda Items, any member of the Council may ask for consideration of the request and upon a majority of Council, a staff report will be prepared and approved by the City Manager or his/her designee.

1.2.4 PLACING AN ITEM ON THE AGENDA (THE PUBLIC)

A member of the public may request an item be placed on a future agenda during the Public Comment period at the beginning of every Council meeting, or via other communication with Council Members. Any Member of the Council may ask for consideration of that request pursuant to those procedures set out in 1.2.2.

1.2.5 EMERGENCY ITEMS

Emergency items may be placed on the agenda only in accordance with the Brown Act. Generally, only those matters affecting public health or safety may be considered emergency in nature. A four-fifth's vote of Council is necessary to add an emergency item.

1.2.6 RECONSIDERATION

Reconsideration of issues previously acted upon is discouraged. However, in extraordinary situations, a request to reconsider an action taken by the City Council may be considered. The request must be presented by a Council Member who voted with the majority at the Council meeting at which the original vote was taken. The vote may be reconsidered during that meeting, but no later than the next Council meeting. Debate is limited to the question of whether there is a majority of the Council interested in reconsidering the matter. If a majority of the Council votes to reconsider an action, then the matter can be heard at that same meeting or placed on the next or future agenda, as directed by the Council. Notwithstanding the foregoing, as a governmental legislative body, the Council reserves the right to consider or reconsider any matter within its jurisdiction that a majority of the Council deems appropriate, **particularly if new information becomes available or circumstances change.**

1.2.7 ORDER OF BUSINESS shall be as follows:

- 1.2.7.1 Establish Quorum and Call to Order
- 1.2.7.2 Moment of Silence
- 1.2.7.3 Pledge of Allegiance
- 1.2.7.4 Recognition (Certificates of Appreciation or other forms of recognition for residents and staff)
- 1.2.7.5 Closed Session Report
- 1.2.7.6 Mayor and Council Members Reports, Announcements and Presentations*
- 1.2.7.7 City Manager Reports, Announcements and Presentations (City Manager, Director and Advisory Board Reports)
- 1.2.7.8 Presentations (Proclamations and Public Presentations)
- 1.2.7.9 Public Comment (**generally for items not on the agenda**)
- 1.2.7.10 Consent Agenda
- 1.2.7.11 Public Hearings
- 1.2.7.12 Business Items
- 1.2.7.13 Council Declaration of Future Agenda Items
- 1.2.7.14 Adjournment

***Intended for reporting back to the full Council and the public on items, issues or meetings associated with other Council duties, e.g., assignments to other official bodies, attendance at League of California Cities meetings, etc.**

1.2.8 PROCEDURAL ORDER

For discussion of items on the agenda, the following order is followed:

- a) Presentation of the Staff Report

- b) Council Member Questions
- c) Public Comments
- d) Council Member Discussion/Decision and Motion(s)

1.2.9 NOTIFICATION AND ADVERTISING

The City will advertise all matters of significant neighborhood or community public interest that appear on a City Council or Planning Commission agenda where advertising is required by law. Said advertisements shall include location maps, project descriptions and posting of property, if required, written in plain English in order to fully inform all interested individuals. **Similar information will appear on the City's website.**

All advertising shall be accomplished in an economical manner. All affidavits of publication will be available to interested members of the public.

1.3 MEETING PROCEDURES

1.3.1 PRESIDING OFFICER

- 1.3.1.1 The Mayor is the Presiding Officer and acts as Chair at Council meetings.
- 1.3.1.2 In the absence or incapacity of the Mayor, the Mayor Pro Tempore will serve as Presiding Officer.
- 1.3.1.3 In the absence of both the Mayor and Mayor Pro Tempore, a majority of the quorum shall select one of the Council Members present to act as Chair for the meeting.
- 1.3.1.4 Seating arrangement of the Council:

The Mayor, with the approval of individual Council Members, shall establish seating arrangements for regular Council meetings.
- 1.3.1.5 Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature, except where the City Manager, or other designee, has been authorized by Council to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

1.3.2 QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business.

1.3.3 DISCUSSION RULES

1.3.3.1 Obtaining the floor:

- 1.3.3.1.1 A City Council Member or staff shall first address the Presiding Officer and gain recognition.
- 1.3.3.1.2 Comments and questions should be limited to the issue before Council.
- 1.3.3.1.3 Cross-exchange between Council Members and public should be avoided.

1.3.3.2 Questions to Staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to the designated staff member. Council Members are encouraged to provide questions to staff prior to meetings.

1.3.3.3 Interruptions:

- 1.3.3.3.1 Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.
- 1.3.3.3.2 If a Council Member is called to order while speaking, then the individual shall cease speaking until the question of order is determined.
- 1.3.3.3.3 Upon being recognized by the Mayor, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

1.3.3.4 Limitation on Discussion:

No Council Member shall speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process.

1.3.3.5 Tabling Procedure:

The purpose of the Motion to Lay on the Table also known as a Motion to Table is to enable the City Council, by majority vote and without debate, to lay a pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed. The Motion shall not be used to cut off debate and shall only be used when it is necessary to suspend consideration of a main motion in order to deal with another matter that has come up unexpectedly and which must be dealt with before the pending motion can be properly addressed.

1.3.3.6 Right of Protest:

A Council Member is never required to state reasons for dissent.

1.3.3.7 Rules of Procedure:

The Council shall determine its own rules of procedure.

1.3.3.8 Council Minutes:

If a Council Member wishes a stated opinion to be entered in the minutes, then he/she should precede the statement with "for the record," or request the City Clerk to enter it into the record following the statement.

1.3.4 PARLIAMENTARY PROCEDURE

Parliamentary procedure consists of those rules in effect according to the City Council policy (State law and Robert's Rules, to the extent applicable to a public legislative body). The following summarizes the most frequently used actions.

1.3.5 ~~PROTOCOL~~

1.3.4.1 Council Members and staff shall:

1.3.4.1.1 Work earnestly to preserve appropriate order and decorum during all meetings.

1.3.4.1.2 Side conversations, disruptions, interruptions or delaying efforts are discouraged.

- 1.3.4.2 Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Presiding Officer. If such conduct continues, then the Presiding Officer may call a recess, request the removal of such person(s) from the Council Chamber, adjourn the meeting, or take such other appropriate action as permitted by the Brown Act.
- 1.3.4.3 Only the City Council, staff, Designated Representatives, and those authorized by the Presiding Officer shall be permitted to sit at the Council or staff tables.
- 1.3.4.4 Enforcement of order:
 - 1.3.4.4.1 The Police Chief or his/her designee shall act as the Sergeant-at-Arms.
 - 1.3.4.4.2 Any Council Member may request the Presiding Officer to enforce the rules of protocol. Upon motion and majority vote, the Presiding Officer shall be required to do so.

1.3.5 BEHAVIOR AND CIVIL DISCOURSE POLICY

The City encourages the willingness to speak up and to listen within a framework of respect and understanding. Toward that end, the Council has adopted Resolution No. 70-15, a Resolution of the City Council of the City of Morro Bay, California, Pledging to Follow Best Practices of Civility and Civil Discourse in All of Its Meetings. Those principles were crafted by the League of Women Voters of San Luis Obispo County, and are memorialized on Page 6 of this document.

Commented [DS3]: Staff recommends leaving Reso 70-15 on page 6 of the document.

1.3.6 VOTING PROCEDURES

- 1.3.6.1 When present, all Council Members shall vote, unless precluded by a conflict of interest. Failure of a seated Council Member to vote will be construed as an ~~affirmative~~ vote on the prevailing side; provided, that such absence will not be counted if there is tie vote.
- 1.3.6.2 No ordinance, resolution or motion shall be passed or become effective without receiving the affirmative vote of at least three non-abstaining Council Members.
- 1.3.6.3 A conflict of interest shall be declared whenever appropriate and in compliance with State law and the Council Member will

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disclose the nature of the conflict of interest, step down and shall not make, participate in making, or influence the decision.

[PUT CIVIL DISCOURSE RESOLUTION ON THIS PAGE]

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- 1.3.6.4 A vote may not be changed by a Council Member after the vote announcement by the Presiding Officer or City Clerk; provided, that with the consent of the City Council a correction of the vote may be made.
- 1.3.6.5 The City Clerk shall restate the motion prior to the vote or request the Presiding Officer to restate the motion, if required for Council or public clarification.
- 1.3.6.6 Voice voting is the preferred method for recording Council votes.
- 1.3.6.7 A roll call vote may be taken at the discretion of the Presiding Officer. The City Clerk will call the roll for the roll call vote in the following manner: 1) Maker of the motion; 2) Member who has seconded the motion; 3) Additional Council Members in alphabetical order by last name; and, 4) Mayor last. The City Clerk shall state for the record the name of any Council Member who is recused or has abstained.
- 1.3.6.8 General consent votes may be taken at the discretion of the Presiding Officer, if there are no negative votes or objections by Council Members.
- 1.3.6.9 Upon the request of any Council Member, the ayes and noes shall be taken and recorded on any vote.
- 1.3.6.10 The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council.
- 1.3.6.11 Following the vote, the Presiding Officer shall announce whether the questions have been carried or defeated.
- 1.3.6.12 Tie votes: If a tie vote occurs, then the Council is required to continue the item by majority vote or make motions until an action receives three affirmative votes.
- 1.3.6.13 The Presiding Officer may publicly explain the effect of the vote for the audience or may direct a member of the staff to do so.

1.3.7 PUBLIC COMMENT

Members of the public may address the City Council in a variety of ways. Written comments on agenda items are encouraged. As a courtesy to the Council, citizens are encouraged to present written comments at least one day prior to the meeting. **Comments may be hand-written or e-mailed.** This provides the Council with a greater opportunity to review and consider issues and/or concerns expressed in written communications prior to a meeting. **Comments received before 12 Noon on the day of the meeting will be distributed to City Council Members at the meeting.** Written material distributed at the meeting will be made a part of the public record. If the material is too voluminous for Council to review during the meeting or is new material not previously considered, then Council may at its discretion continue the item to a future meeting. The following are guidelines for providing public comments:

- 1.3.7.1 During Public Comment period, at the beginning of every meeting, members of the public may address the City Council on items that are not on the printed agenda. For Consent Items, Public Hearing Items, and Business Items, the Presiding Officer will invite comments from the public in support of, or in opposition to each specific Agenda Item following the staff report and any questions from Council to Staff. **Those individuals desiring to speak will be asked to fill out a speaker's slip. They are located on the table at the entrance to the Council Chambers (Veterans Hall) hall.**
- 1.3.7.2 Individuals desiring to speak shall:
 - 1.3.7.2.1 Address the Council from the podium after giving name and City of residence. Speakers shall direct their comments to the Council, not the audience.
 - 1.3.7.2.2 Limit comments to three minutes or to the interval specified by the Presiding Officer. **To provide an opportunity for all to speak during a meeting, the maximum time permitted for each speaker to speak on a particular matter may be reduced by the Presiding Officer when there are an unusually large number of speakers wish to address the Council on that matter.** The Presiding Officer, with the majority of Council Members, may reopen the public comment period to hear additional public comment. Council Members may ask questions of anyone present without reopening the public comment period. A speaker may not yield their time to another speaker.

- 1.3.7.2.3 Each person addressing the City Council shall do so in an orderly manner and the Council respectfully requests that speakers refrain from making repetitious, slanderous or irrelevant remarks, or engaging in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council present, be subject to ejection from that meeting.
- 1.3.7.2.4 Persons addressing the Council shall address the Council as a whole and shall not engage in a dialogue with individual Council Members, City staff or members of the audience. No questions shall be asked of a Council Member or a member of City staff without first obtaining permission of the Presiding Officer. The Presiding Officer shall determine whether, or in what manner, an answer will be provided. Any person violating this rule while addressing the Council shall be called to order by the Presiding Officer.
- 1.3.7.2.5 Speakers may speak only once on a given issue and may not cede their time to another speaker.
- 1.3.7.3 Except as otherwise permitted by the Brown Act, action may not be taken on issues not listed on the agenda. Staff may be asked to follow-up on such items.
- 1.3.7.4 [NOTE doesn't this section belong under Public Hearings?] Applicants or Applicant Representatives or Appellants desiring to speak shall:
 - 1.3.7.4.1 Be permitted to speak first during the public comment portion of the applicable matter for not more than 10 minutes or the time allowed by the Presiding Officer.
 - 1.3.7.4.2 Address the Council from the podium after giving their name and/or the name of the applicant/appellant they are representing.
- 1.3.7.5 Council Members actions

Commented [DS6]: This statement is provided in subsection 1.3.7.2.5, but perhaps it could be deleted there and shown here as a separate item to make it more noticeable.

Commented [JWP7]: I think either place is appropriate.

- 1.3.7.5.1 Council Members may question the person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
- 1.3.7.5.2 Council Members shall not engage the person addressing the Council in a dialogue with the City Council or City ~~staff, but~~ staff but shall confine communication to a question and answer format conducted through the Presiding Officer.
- 1.3.7.5.3 If a member of the audience has addressed the Council on matters which are not on the agenda, then Council Members shall refrain from extended discussion of the matter. If a Council Member so wishes, then the Council Member may seek to have the City Manager place the matter on the next agenda in accordance with this policy.
- 1.3.7.6 [Shouldn't this section also be moved to Public Hearings?]
After the public hearing is closed, no member of the public shall be permitted to address the Council or the staff ~~from the audience~~, except at the discretion of the Presiding Officer or the majority of the Council.
- 1.3.7.7 Upon violation of the rules of order and decorum established in Section 1.3.2 – 1.3.7 of this manual, the procedure to enforce the rule shall be as follows:
 - 1.3.7.7.1 Warning: The Presiding Officer shall request a person who is violating the rules of decorum cease such conduct. If, after receiving a warning from the Presiding Officer, the person persists in disturbing the meeting, the Mayor shall order the person to leave the City Council meeting. If the person does not leave the meeting, then the Presiding Officer may order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms to remove the person from the City Council chambers.
 - 1.3.7.7.2 Removal: Any law enforcement officer who is serving as sergeant-at-arms at the City Council meeting shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction

Commented [JWP8]: I agree this is better moved.

of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person who is disturbing the proceedings of the City Council.

- 1.3.7.7.3 Resisting Removal: Any person who resists removal by the sergeant-at-arms may be charged with a violation of the rules of order and decorum, as well as any other applicable ordinance or law.
- 1.3.7.7.4 Motion to Enforce: If the Presiding Officer fails to enforce the rules of order and decorum set forth in Section 1.3.2 – 1.3.7, then any Member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. An affirmative vote of a majority of the Council may appeal to the entire Council the ruling of the Presiding Officer that a person be removed from the meeting, in which event the decision of the Council majority shall govern and conclusively determine such question. If the Presiding Officer fails to carry out the will of the majority of the City Council, then the majority may designate another Member of the City Council to act as the Presiding Officer for the limited purpose of enforcing the rules of order and decorum established in Section 1.3.2 - 1.3.7.
- 1.3.7.7.5 Clearing the Room: If a meeting of the City Council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, then the Presiding Officer or a majority of the City Council may exercise the authority granted in the California Government Code section 54957.9 by ordering the meeting room cleared and continuing in session in the manner authorized by Section 54957.9 of the Government Code.

1.3.8 CONSENT ITEMS

Consent items are the first items on the agenda. Only items that are routine, relate to implementation of approved budget items or to City operations, or are items to be later set for public hearing are to be placed on the Consent Agenda. Items of significant neighborhood or community public interest should be heard as a Public Hearing or Business item, and not placed on the Consent Agenda.

- 1.3.8.1 Minor Questions. A Council Member may ask questions on any item without it being pulled from the Consent Agenda. When a Council Member has a minor question for clarification concerning a consent item that will not involve extended discussion, the item may be pulled for clarification at the beginning of the meeting and the questions will be addressed along with the rest of the Consent Agenda. There should be no objections at this time. Council Members are encouraged to seek clarifications prior to the meeting (whenever possible).
- 1.3.8.2 No Vote. When a Council Member wishes to pull an item simply to register a dissenting vote, a request should be made the item be pulled for separate vote without discussion. Such items will also be handled at the beginning of the meeting along with the rest of the Consent Agenda.
- 1.3.8.3 Any item may be pulled by a Council Member for discussion. A member of the public may request the Council to pull an item for discussion **during the initial public comment period**, but the discretion to pull that item will remain with the Council.
- 1.3.8.4 Pulled items shall be heard at the close of the Consent Agenda, unless a majority of the Council chooses another time.

[NOTE: Should we include a brief paragraph on the distinction between public hearings and business items? [Is this accurate: Noticed public hearings are held when the City Council is functioning in its quasi-judicial role. The Council may also hold a public hearing when considering an ordinance that is highly controversial. Generally speaking, all other types of action the City Council considers are addressed as Business Items, which are addressed following any noticed public hearings.]

Commented [JWP9]: tc
I think it is better not to add such a paragraph. Also, public hearings are only needed when the law requires them. Not all required public hearings are quasi-judicial, i.e., zone changes and increases in some fees.

1.3.9 NOTICED PUBLIC HEARINGS

During the pendency of any Public Hearing that is a quasi-judicial proceeding, no Council Member or Planning Commissioner shall engage in an *ex parte* communication with any “Interested Party” who intends to influence the decision of the Council or Commission in a proceeding, unless the Council Member or Commissioner discloses the *ex parte* communication ~~o~~n the Council or Commission’s record. “Interested Party” means any individual with an interest in the quasi-judicial proceeding that is greater than the general interest of the public as a whole. The term includes, but is not limited to, parties involved in the proceeding, parties that may be significantly affected by the decision, and

nonprofit or public interest organizations and associations with a special interest in the matter regulated. A member of the public at large who expresses a casual or general opinion about a pending proceeding would not necessarily be an "Interested Party."

Matters which are required to be heard in a noticed Public Hearing shall be conducted in the following manner:

- 1.3.9.1 Time for Consideration: Matters noticed to be heard by the City Council shall commence ~~no earlier than the time specified in the notice of hearing~~ **in the order provided in the agenda. Public hearings are the first order of business following the Consent Calendar.** ~~or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.~~
- 1.3.9.2 Continuance of Hearing: Any hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.
- 1.3.9.3 Conduct of Hearings: When a matter for Public Hearing comes before the City Council, the Presiding Officer may:
 - 1.3.9.3.1 Call for a report on noticing from the City Clerk.
 - 1.3.9.3.2 Call for a report on written communications received by the City pertaining to the item being heard.
 - 1.3.9.3.3 Request that staff present the staff report and any other relevant evidence. Presentation of the staff report prior to the formal opening of the Public Hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the Public Hearing.

The Presiding Officer shall then recognize the proponents or appellants in the cause, who shall be permitted 10 minutes to present evidence related to the matter under consideration.

The Presiding Officer shall then recognize members of the public. No person may speak without first being recognized by the Presiding Officer. City Council Members who wish to ask questions of the speakers or each other during the Public Hearing may do so. Council Members should be mindful the

purpose of the Public Hearing is to obtain testimony, and not to debate the merits of the item under consideration. Council Members should avoid debate and expressions of personal opinion until after the close of the public testimony portion of the Public Hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. For Public Hearings, when 10 or more members of the public desire to speak, the Presiding Officer may request speaker slips to be completed and delivered to the Clerk before the item is considered. Comments shall then be allowed first by those submitting a slip and in the order received by the Presiding Officer. Comments from the public shall be limited to three minutes per speaker for Public Hearings, unless the City Council affirmatively decides otherwise. For Public Hearings that have the potential to be appealed to the California Coastal Commission, members of the public who desire to receive notice of any further proceedings shall write their name and address on the interested parties list at the back of the room.

The Presiding Officer shall then close the public testimony portion of the Public Hearing. Council Members may still, however, ask questions of staff or members of the public. Upon conclusion of Council deliberations and immediately prior to a motion, the Presiding Officer shall formally close the public hearing, which can be accomplished by the Presiding Officer declaring the matter is being brought back to the Council for discussion or other manner to clearly indicate the hearing portion of the matter has concluded. Upon formal closing of the public hearing, no additional public testimony shall be solicited or received without reopening the hearing.

- 1.3.9.4 Evidence. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or appropriate City department, as part of the official record of the proceeding. Prior to declaring the public hearing open, the Presiding Officer may establish a time limit for the entire public hearing, and establish time limits for the presentation of each individual speaker.

[Should we add a brief paragraph on Business Items ... follow the same order but public comment is limited.?

Commented [JWP10]: I think that's a good idea.

~~1.3.10 CLOSED SESSION MEETINGS (closed to the public)~~

~~1.3.10.1 Closed Session Meetings may be called by the majority of the Council and are regulated pursuant to the Brown Act. The most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the City or compromise the privacy interests of employees. Closed sessions should be conducted keeping those narrow purposes in mind.~~

~~1.3.10.2 No Council Member, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion which takes place in a closed session, unless authorized by a four-fifths vote of the Council.~~

1.4 MEETING COVERAGE

The purpose of cablecasting meetings of the Morro Bay City Council is to enhance the awareness and education of the general public regarding the actions and deliberations of the City Council.

- 1.4.1 Coverage of City Council meetings shall be gavel-to-gavel; whether presented to the public live or taped, Council coverage is not to be edited or subjected to editorial comment.
- 1.4.2 All City Council meetings shall be cablecast or taped for broadcast, except for meetings or portions of meetings which are closed to the public, or when the majority of the Council directs otherwise.
- 1.4.3 Cameras used for the gavel-to-gavel coverage shall be operated only by City employees, firms, or persons authorized by the City.
- 1.4.4 Cameras shall be operated so that they are primarily focused on the officially recognized speaker, and on any visually displayed information they may be showing.
- 1.4.5 “Reaction” shots will not be permitted.
- 1.4.6 The City Clerk’s minutes shall remain the official record of Council proceedings.

**CHAPTER TWO
COUNCIL SALARY, BENEFITS AND REIMBURSEMENTS**

Council salary, financial benefits and reimbursements are established by Council action and in conformance with State law, the MBMC, and duly adopted and effective resolutions. Below is a description of the same, but may not include all that are applicable.

2.1 SALARIES FOR MAYOR AND COUNCIL MEMBERS

Compensation for services rendered by the Mayor and Council Member, in an official capacity, shall be provided in accordance with State law and the MBMC.

2.2 RETIREMENT, MEDICAL, DENTAL, VISION, AND LIFE INSURANCE

The Mayor and Council Members are required to participate in P.A.R.S. retirement. The City shall pay a contribution to P.A.R.S. equal to 1% of salary. The City shall pay, in full, the cost of the Mayor's and Council Members' participation in lowest cost medical plan (self-only), dental, vision, and life insurance.

2.3 PROFESSIONAL DEVELOPMENT

The Mayor and each Council Member shall be reimbursed for normal and customary business expenses as follows:

**2.3.1 BUSINESS TRAVEL EXPENSE AND CONFERENCE
REGISTRATION**

The Mayor and each Council Member shall be reimbursed for normal and incidental expenses and for costs of professional development and educational conferences designed to improve understanding of and proficiency in municipal affairs. Such reimbursement shall be for out-of-county expenses only and shall be reimbursed in accordance with accepted City Travel Guidelines.

2.3.1.1 Authorized Expenses. City funds, equipment, supplies (including letter head), titles, and staff time must only be used for authorized City-business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this section are met:

- Communicating with representatives of regional, state and national government on City-adopted positions.

- Attending educational seminars designed to improve official's skill and information levels.
- Participating in regional, state and national organizations whose activities affect the City's interests.
- Recognizing service to the City (i.e. thanking a longtime employee with a retirement gift or celebration of nominal value and cost).
- Meetings such as those listed above for which a meeting stipend is expressly authorized under this section.

All other expenditures require prior approval by the City Council, including international and out-of-state travel.

2.3.1.2 Expenses Not Eligible for Reimbursement.

- The personal portion of any trip.
- Political or charitable contributions or events.
- Family expenses, including partner's expenses, when accompanying official on City-related business.
- Entertainment expenses, including theater, movies, sporting events (including gym, massage and/or golf related expenses) or other cultural events.
- Alcohol/personal bar expenses.
- Except as provided in 2.4.2 and .3, personal automobile expenses.
- Personal losses incurred while on City business

2.4 CITY BUSINESS AND MILEAGE REIMBURSEMENT

The Mayor and each Council Member shall be reimbursed as follows:

2.4.1 CITY BUSINESS

For costs incurred in connection with official City business, the Mayor and Council Members shall be reimbursed for in-county expenses, including meals, tickets, periodicals, dues, subscriptions, and similar miscellaneous expenses, if receipts for those expenses are provided.

2.4.2 MILEAGE

For official travel within the County of San Luis Obispo, reimbursement shall be made upon submittal of an official mileage expense form.

2.4.3 TRANSPORTATION

When attending conferences or meetings that are of such distances it is more economical to take commercial air fare, if an official drives his/her car to such

meetings, then commercial air fare will be paid and not automobile mileage. Government and group rates must be used when available.

- 2.4.3.1 Airfares that are reasonable and economical shall be eligible for purposes of reimbursement.
- 2.4.3.2 Automobile mileage is reimbursed at IRS rates in effect at the time of travel. Those rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls which are also reimbursable.
- 2.4.3.3 Car Rental rates that are reasonable and economical shall be eligible for purposes of reimbursement.
- 2.4.3.4 Taxi and shuttle fares may be reimbursed, including a 15% gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

2.4.4 LODGING

Lodging expenses will be reimbursed or paid for when travel on official City-business reasonably requires an overnight stay. If such lodging is in connection with a conference, then lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. Travelers must request government rates, when available. If the group rate is not available, then reimbursement at the IRS rate in effect at the time of travel shall apply.

2.4.5 MEALS

Actual expenses shall be reimbursed subject to the maximum per diem for the mean as set by the IRS rate in effect at the time of travel. (Cal. Gov't. Code 53232.2) and Publication 1542 at www.irs.gov ~~or www.policyworks.gov/~~ ~~per diem.~~) The City will not pay for alcohol/personal bar expenses.

2.4.6 MISCELLANEOUS EXPENSES

Officials will be reimbursed for actual telephone, fax, and parking expenses incurred for City-business. Telephone bills should identify which calls were made for City-business.

2.4.7 CASH ADVANCE POLICY

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager ten working days prior to the need for the advance with the following information:

1. The purpose of the expenditures.
2. The benefits of such expenditures to the residents of the City.
3. The anticipated amount of the expenditures(s) (for example, hotel rates, meal costs, and transportation expenses).
4. The dates of the expenditure.

Any unused advance must be returned to the City within five working days after the official's return, along with an expense report and receipts documenting how the advance was used. In the event the City Manager is uncertain as to whether a request complies with this policy, the official must seek resolution from the City Council.

2.4.8 CREDIT CARD USE POLICY

The City ~~no longer issues credit cards to individual office holders. Travel expenses will be reimbursed upon return with the proper form completed and receipts attached.~~ ~~issues credit cards to individual office holders for selected City expenses. City office holders may use the City's credit card for City business-related purposes such as airline tickets, hotel reservations and meals by following the procedures for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this section must be submitted within ten working days after use. Credit cards may not be used for personal expenses, even if the official subsequently reimburses the City. The City encourages use of the City credit card for allowable expenses rather than seeking reimbursement for payments made for those expenses.~~

2.4.9 EXPENSE REPORT CONTENT AND SUBMISSION DEADLINES

All cash advance expenditures, ~~credit card expenses~~ and expense reimbursement requests must be submitted on an expense report form provided by the City. That form shall include the following advisory:

“All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability. “

Expense reports must document that the expense in question met the requirements of this Policy. Officials must submit their expense reports within 10 working days after an expense has been incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation within 10 calendar days after travel may result in the expense being borne by the official.

In the event the official does not attend the trip and non-refundable expenses have been incurred for registration, lodging or travel, the non-attending official shall submit a written explanation of the reasons for non-attendance to the City Manager. The City Manager shall determine if the public funds advanced must be reimbursed to the City. Any decision of the City Manager may be appealed to the City Council.

2.4.10 REPORTS TO CITY COUNCIL

At the next regular City Council meeting, the Mayor and City Council shall briefly report on the meetings attended by that person at City-expense. If multiple officials attended, then a joint report may be made.

2.4.11 COMPLIANCE WITH LAWS; VIOLATION

City officials should keep in mind **that** some expenditures may be subject to reporting under the Political Reform Act and other laws. All City expenditures are public records subject to disclosure under the Public Reports Act and other applicable laws. Use of public resources or falsifying expense reports is a violation of this Policy and may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the City's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

2.5 GENERAL PROCEDURES AND LIMITATIONS

Appropriate budgetary practices and accounting controls shall be established to ensure expenditures and reimbursements are in compliance with approved budget allocations. The Mayor and each Council Member is expected to plan business activities so as to stay within budget. When exceptional circumstances require additional amounts be allocated to accounts, formal Council action shall be required.

2.5.1 ACCOUNTING

An account shall be established in the name of the Mayor and each Council Member with all expenditures charged to the individuals. Receipts shall be submitted within the fiscal year.

2.5.2 REIMBURSEMENT LIMITATION

The City's adopted Travel Guidelines shall govern all expenditures for non-local professional development and conferences. Those guidelines include all non-local official meals, tuition or fees, transportation to meeting sites, materials and telephone usage.

2.5.3 SPECIAL EXPENSES

For occasions when the Mayor or a Council Member is designated by the City Council to represent the City at special meetings, reimbursement shall be made from the appropriate Travel Expense Account.

2.5.4 HONORARIUM

If the Mayor or a Council Member receives an honorarium as a result of his/her participation in a meeting or conference, then the amount of the honorarium shall be deducted from the amount normally provided by the City for that meeting or conference if the City paid for the Mayor or Council Member's attendance at such meeting or conference.

2.5.5 OTHER GUIDELINES

Any other travel-related issue not specifically governed in this resolution shall be adjudicated in accordance with the City of Morro Bay Travel Expense Reimbursement Policy.

**CHAPTER THREE
COUNCIL POWERS & APPOINTMENTS**

3.1 MAYOR - POWER AND DUTIES

- 3.1.1 The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor shall be entitled to, and must vote when present, but shall possess no veto power.
- 3.1.2 The Mayor shall be recognized as the official head of the City for all ceremonial purposes.
- 3.1.3 The Mayor may order flags flown on City property to be lowered to half-staff in mourning for any member of the community designated to have made significant contributions to the City of Morro Bay, in accordance with recognized customs or practices not inconsistent with State and Federal law.
- 3.1.4 The Mayor is authorized to sign letters of appreciation to persons and organizations. Copies of those signed letters shall be provided to the Council Members, as soon as feasible.
- 3.1.5 The Mayor will, at times, receive written communications from recognized organizations or entities whose fundamental purpose is to support cities, such as the League of California Cities. Those communications may be seeking City support for a position the League is taking. Because of the often short time limits for submitting responses to those communications, the Mayor is authorized, at no cost to the City to submit the requested communication consistent with the subject entity's recommendation. A copy of that letter will be provided to the Council. Any Member of the Council can request an agenda item be placed on an upcoming agenda to discuss that communication. The Council can also determine whether to admonish the Mayor for not carrying out the intent of this provision.
- 3.1.6 When the Mayor is a member of another legislative body, he/she may take actions on matters before that other body as she/he determines appropriate, as long as she/he makes it clear his/her position is that of the Mayor and not the entire City or Council, unless, at a duly agendized public meeting, a majority of the Council has provided direction on the position the Mayor is to take on a matter
- 3.1.7 The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the Council, except as limited by law.

3.2 APPOINTMENT OF MAYOR PRO TEMPORE

The appointment of the Mayor Pro Tempore shall be for a one-year term and shall be made at the first meeting in January. For appointment as Mayor Pro Tempore, a Council Member must be on the Council at least one year. Of those who have been on the Council for at least one year, the Council Member who has not yet held the position shall be appointed Mayor Pro Tempore. If there are two Council Members who have not yet held the position, then the Council Member receiving the highest number of votes in the most recent election shall be appointed Mayor Pro Tempore. If all have held the position, then the Council Member who has held it the least number of times shall be appointed Mayor Pro Tempore. If all Council Members have held it for the same number of years, then the Council Member for whom it has been the longest period of time since holding the position shall be appointed Mayor Pro Tempore.

3.3 FILLING COUNCIL VACANCIES

3.3.1 SPECIAL ELECTION

Measure “R” codified as Ordinance 527 requires the City Council to immediately call a special election to fill any vacant seat on the Council, including the Mayor’s seat. The special election shall be held on the next established election date, as specified in California Elections Code, which is not less than 114 days from the call of the special election. The City Council may appoint an elector who is a registered voter in the City of Morro Bay to fill such vacancy prior to the special election. The appointee shall hold office only until the date of said special election. (Reso. 76-08)

3.3.2 LIMITATION OF COUNCILMEMBER WHO RUNS FOR MAYOR BEFORE COMPLETING REGULAR TERM

A sitting Council Member is disqualified from nomination for election to the office of Mayor in the next election if the remainder of their Council term after the next election cannot be filled by a vote of the electors on or prior to that election date.

3.4 GENERAL POWERS OF THE COUNCIL

Subject to the provisions of law and the delegation of power to any person, officer, Board, or Commission, the Council shall have the power in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and that are not specifically forbidden by the Constitution and laws of the State of California.

3.5 ADMINISTERING OATHS: SUBPOENAS

Each Member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of the State.

3.6 LIMITATIONS

No Member of the Council shall be appointed to or serve as a voting Member of any City Board, Committee, or Authority, whether composed of citizen volunteers, City employees, or a combination of both. This is not to be construed as prohibiting Members of the Council from serving on Committees or Subcommittees of the Council itself, or of agencies representing other local, state or federal government.

3.7 METHOD OF ACTION BY COUNCIL

All action by the Council shall be taken only by means of ordinance, resolution, or oral motion duly made and passed.

Ordinances shall become a part of the MBMC and so remain until amended or voided. All municipal laws relating to taxation or to possible criminal action against an offender shall be in the form of ordinances.

Resolutions shall be serially numbered and filed sequentially in the office of the City Clerk.

Oral motions shall be recorded only in the minutes of any regular or special meeting of the Council.

3.8 ORDINANCES

The consideration and adoption of ordinances shall be in accordance with relevant state law. Ordinances not legally required to have a public hearing shall be set for a public hearing if the subject matter is controversial or of a special nature. In addition, a majority of the City Council may direct the consideration of an ordinance will be set for public hearing.

No ordinance, resolution or motion shall be passed or become effective without receiving the affirmative vote of at least three Members of the Council.

3.9 ACCEPTANCE OF GRANTS OR DEEDS

The Mayor and Mayor Pro Tempore of the City of Morro Bay are hereby authorized to accept and consent to the recording of any deed or grant conveying any interest in or easement upon real property to the City of Morro Bay.

3.10 LEGISLATIVE ACTION PROGRAM

The City has a legislative program to strengthen local government, promote City goals, and defend the City against legislative actions by state and federal governments that would weaken local government or take away traditional revenue sources. In order to respond promptly and proactively to fast-paced legislative changes, City staff is authorized to take positions on legislation provided the positions are consistent with the Legislative Actions of the City Council, or resolutions or recommendations of the League of California Cities.

3.11 AMICUS CURIAE PARTICIPATION

The City is frequently requested to join as *amicus curiae* (friend of court) in cases of statewide significance to cities. Because of the often short time limits for filing *amicus curiae* briefs, the City Attorney may authorize the City's name being added to such briefs, at no cost to the City, if the Legal Advisory Committee of the League of California Cities has urged participation.

3.12 ACTIONS AS A MEMBER OF ANOTHER LEGISLATIVE BODY

When a Council Member is a member of another legislative body, he/she may take actions on matters before that other body as she/he determines appropriate, as long as she/he makes it clear his/her position is that of the individual Council Member and not the entire City or Council, unless, at a duly agendized public meeting, a majority of the Council has provided direction on the position that Member is to take on a matter.

3.13 COUNCIL SUB-COMMITTEES

From time to time it may be desirable for the ~~Presiding Officer~~ Mayor to appoint a sub-committee of the whole to address a particular issue. ~~That is~~ especially the case if the issue requires additional work or research. Per the Brown Act, sub-committees must consist of less than a quorum of the body and serve for a limited purpose and time. Therefore, the City Council sub-committees may consist of two members. Sub-committees report back to the full Council for discussion before any formal action can be taken on the pertinent issue.

**CHAPTER FOUR
THE BROWN ACT AND EMAIL**

4.1 APPLICABILITY AND PENALTIES

The entire City organization conducts its business in compliance with the Ralph M. Brown Act, California Government Code sections 54950 *et seq.* (the "Act"). The intent of the Act is to ensure deliberations and actions of local public agencies are conducted in open and public meetings. The law provides for misdemeanor penalties for any members of a legislative body who violates the Act. In addition, violations are subject to civil action. A current copy of the Act will be provided to all Council Members and advisory body members assuming office, but the provisions that most directly affect the Council are summarized in this Chapter.

4.2 MAJOR PROVISIONS

4.2.1 APPLICABILITY

The Act applies to Council, City staff and all bodies that advise Council.

4.2.2 MEETINGS

Other than closed sessions, aAll meetings shall be open and public.

4.2.2.1 A meeting takes place whenever a quorum of Members are present (three or more on a five-member body and four or more on a seven-member body) and information about the business of the ~~board~~ body is received; discussions qualify as a meeting. The Act allows some such meetings in very particular circumstances.

4.2.2.2 A serial meetings takes place when anyone, including any Member of Council Member, contacts a majority of more than one other Council Members for the purpose of having the City Council deliberate, reach a consensus or acting upon an item within pending before the City Council's subject matter jurisdiction (does not apply to the public or media).

4.2.2.3 Correspondence from the public that merely takes a position on an issue within the City Council's subject matter jurisdiction is acceptable.

4.2.3 AGENDAS

Commented [JWP11]: I recommend this section be deleted and we rely on the Brown Act or keep the title of the section and refer to the Brown Act: "Other than closed sessions, all meetings shall be open and public and comply with the Brown Act."

Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

4.2.4 ACTIONS

No action shall be taken on any item not appearing on the posted agenda.
Exceptions:

- 4.2.4.1 An emergency situation exists, (determined by a majority of the Council).
- 4.2.4.2 The need to take action arose subsequent to the agenda being posted (determined by 4/5 of the Council or if less than 4/5 are present, then by unanimous vote) and that action must be taken before the next regular Council meeting or special meeting can be scheduled and properly noticed.
- 4.2.4.3 The item was continued to another meeting that was scheduled and posted within five days after the original agenda.

4.2.5 PUBLIC INPUT

The public has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council. The City has the right to establish time limits on speakers and the total time allocated for a particular issue.

4.2.6 PUBLIC DISRUPTIONS

A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible;" the press may remain unless they participate in the disruption.

4.2.7 CORRESPONDENCE [see section 1.3.7; what is current practice for written materials outside of e-mail or mailed comments?]

All writings distributed for discussion or consideration at a public meeting are public records. If a member of the public desires written materials to be fully considered by the Mayor and City Council, then that member is encouraged to submit that written material regarding agenda items to the City Clerk ~~a week prior to the Council meeting so that it may be included in the public packet~~ no later than 12 Noon the day of the meeting so that it may be included with agenda correspondence. Written material distributed at the meeting will be made a part of the public record. If the material is too voluminous for the Mayor and Council to review during the meeting or is new material not previously considered, the Council may, at its discretion, continue the item to a future meeting.

4.2.8 CLOSED SESSIONS MAY BE HELD TO DISCUSS:

- 4.2.8.1 Real Property. The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session. All Real Property transactions shall be held in closed session prior to final decision in open session and Council shall be provided with a copy of the draft real property agreement.
- 4.2.8.2 Litigation pending or a significant exposure to litigation, or the decision to initiate litigation; the litigation or title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiation or effectuate service of process.
- 4.2.8.3 Compensation (salaries and benefits) of employees; to review its position and instruct designated representatives.
- 4.2.8.4 Personnel: The appointment, employment, evaluation of performance, or dismissal, of a public employee, or to hear a complaint against ~~the~~ **a** ~~an~~ employee, unless the employee requests a public hearing.

4.3 SPECIAL MEETINGS

Special Meetings may be called by the Mayor or a majority of the Council, with strict notification requirements delivered to the media and Council 24 hours before the time of the meeting.

4.4 EMERGENCY MEETINGS

Emergency meetings may be called without the normal 24-hour notice and posting requirements if prompt action is required due to the disruption or threatened disruption of public facilities. Only work stoppages, crippling disasters or other activities that severely impair the public health and/or safety qualify for emergency meetings.

4.5 ELECTRONIC MAIL (EMAIL), THE PUBLIC RECORDS ACT AND THE BROWN ACT

City email is no less a part of "official city business" than any other written correspondence, and there is no expectation of privacy for City email messages. Good judgment and common sense should therefore prevail at all times regarding its appropriate use.

City email ~~is subject to disclosure under the Public Records Act and~~ is subject to the requirements of the Brown Act and is subject to disclosure under the Public Records Act.

~~While~~ The Brown Act does not prohibit the use of email to make individual contacts between Members of the Council, or the public or staff. However, great care should be taken to avoid the use of email to contact a majority of the Council, either individually or serially, “in a connected plan to engage in collective deliberation on public business.”

~~City email should not be used in any case where a record of any event, occurrence or statement is required or intended to be retained by the City in the ordinary course of business.~~ City emails are generally intended to fulfill the same general function as ordinary daily verbal communications among City Council and City staff and are generally considered “transitory” documents (work-in-progress), and therefore are generally not subject to records retention requirements. For file management and storage purposes, City email messages should only be retained for as long as needed. In most instances this means deleting messages as you have read them, and shortly after you have sent them.

~~If an~~ Some email messages, including any attachments thereto, is can be considered ~~an~~ official city records, because the content relates in a substantive way to the conduct of the public’s business. Emails that qualify as public records need to be retained by the City. However, they are not retained through the City e-mail system. Those then such emails should be printed as a hard ~~copy~~ copy or saved electronically in a folder outside the e-mail system, and filed in accordance with the City’s records retention policy. Generally, the sender of the email should be the person responsible for printing and filing it accordingly, but persons responsible for a particular program or project file shall be responsible for retaining all e-mail they send or receive related to that program or project.

It is the responsibility of individual City Council Members, employees and their department heads to determine if email is an official City-record that must be retained in accordance with the City’s record retention policy. The City Attorney will assist in making such a determination. Preliminary drafts, notes or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business are generally not considered to be official City records subject to disclosure. City Council Members and employees are encouraged to delete documents that are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the city’s business.

Periodically, the City receives requests for inspection or production of documents pursuant to the Public Records Act, as well as demands by subpoena or court order for such documents. In the event such a request or demand is made for e-mail, the City Council Members or employees having control over such e-mail,

once they become aware of the request or demand, shall use their best efforts, by any reasonable means available, to temporarily preserve any e-mail that is in existence until it is determined whether such e-mail is subject to preservation, public inspection or disclosure. The City Clerk shall be contacted regarding any such emails within the City Council Member or employee's control.

Council Members are assigned a City electronic messaging account, such as an email account. To the extent feasible, City issued accounts shall be used to conduct City business. Limited use of a private device for public business is permissible, but discouraged.

Electronic communications regarding City business may be subject to the City's official records retention policies and the Public Records Act, *even if those electronic communications are or were created, sent, received or stored on a Council member's personal electronic messaging account or device.* To the extent a Council Member uses private, non-City electronic messaging accounts or devices, in compliance with State law they will be asked to locate any such electronic communications on those non-City accounts or devices and provide the communications to the City Clerk in the event a Public Records Act request is made seeking the communication(s).

If a Council Member receives an electronic message regarding City business on his/her personal electronic messaging account or device, or circumstances require such person to conduct City business on a personal account or device, then the Council Member is strongly encouraged to either: (a) copy ("cc") any communication from the Council Member's personal electronic messaging account to his/her City electronic messaging account; or (b) forward the electronic communication to his/her City account as soon as feasible after the original creation or transmission of the electronic communication. That practice facilitates efficient and prompt responses to Public Record Act requests.

4.6 OTHER PROVISIONS

The Act provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Since State law constantly changes, it is important to ensure you have the latest information. Please check with the City Attorney and/or the City Clerk for more information.

**CHAPTER FIVE
COUNCIL/STAFF RELATIONSHIPS AND CONDUCT**

5.1 INTENT

The City Council as a whole retains full power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, departmental priorities, and the conduct of City business.

This chapter addresses the relationship and conduct between the Mayor and Council Members and staff with the intent of the Mayor and Council to: 1) affirm governing shall be by will of the collective Council, and 2) establish guidelines for Mayor, Council and staff to ensure orderly, consistent and open City government.

5.2 GUIDELINES FOR COUNCIL MEMBERS

The Mayor and Council shall recognize the primary functions of staff are to execute Council policy and actions taken by the Council, and to keep the Mayor and Council informed.

5.2.1 REQUESTS FOR INFORMATION

The Mayor, individual Council Members, as well as the Council as a whole, shall be permitted complete freedom of access to any information requested of staff, and shall receive the full cooperation and candor of staff in being provided with any requested information, when the law allows that access.

The Mayor and Council Members shall make routine requests for information through the appropriate department head, who shall then advise the City Manager of such requests. Complex or comprehensive requests for information shall be made through the City Manager.

5.2.2 DIRECTION TO STAFF

The Mayor and Council Members shall make requests for work to be done by City staff through the City Manager. The Mayor and individual Council Members shall make no attempt to pressure or influence staff decisions, recommendations, workloads, schedules and departmental priorities, except as part of budgetary and goal setting priority sessions and with approval of the Council as a whole.

A Council Sub-committee may be given authority by the full Council to work in conjunction with the City Manager, and his/her designated staff on a particular

project or issue. In those instances, any work products will be brought back to the full Council for consideration and action.

5.3 GUIDELINES FOR STAFF

Staff shall recognize its primary function is to execute Council policy and to keep the Mayor and Council informed. Staff shall present the Mayor and Council with all relevant information, as well as alternatives, in an objective, succinct manner. The City Manager and staff are committed to treating the Mayor and each Council Member equally.

5.3.1 TIMELY RESPONSE

City staff will make every effort to respond in a timely and professional manner to all requests made by the Mayor and individual Council Members for information or assistance; provided, that in the judgment of the City Manager the request is legally permitted (after consultation with the City Attorney) and not of a magnitude, either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council. In terms of making that judgment, the following guidelines should be considered: The request should be specific and limited in scope so staff can respond without altering other priorities and with only minimal delay to other assignments; the request should only impose a "one-time" work requirement, as opposed to an on-going work requirement; and the response to the request should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person, or a single staff person working on the issue in excess of 1-2 hours).

5.3.2 DIRECTION FROM COUNCIL

Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management superiors as may be the case. Staff is directed to reject any attempts by the Mayor or individual Council Members to unduly influence or otherwise pressure them into making, changing or otherwise suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff shall report such attempts to influence them in confidence to the City Manager, who may inform the Council as a whole of such attempts.

5.3.3 STAFF SUPPORT TO INDIVIDUAL COUNCIL MEMBERS

An exception to the above guidelines may be staff work required in support of a Council Member designated by the City Council to represent the City in an intergovernmental role (*e.g.*, Membership on Joint Powers Authority), or relative to a special assignment (*e.g.*, a special task force).

As noted, above, when a Council sub-committee has been duly authorized by the full Council, staff members may provide information and assistance to the sub-committee, which will report back to the full Council.

5.3.4 INFORMATION DISTRIBUTION

In the interest of treating all members of the Council equally, in cases where a staff response to the Mayor or an individual Council Member request involves written material, the City Manager will provide copies of the material to all other Council Members.

5.3.5 SIGNIFICANT INFORMATION

Any information, service-related needs, or policy positions perceived as necessary by the Mayor or individual Council Members, which cannot be fulfilled per the above guidelines, should be raised by the Mayor or individual Council Member under the "Declaration of Future Agenda Items" category of a regularly scheduled City Council meeting. If so directed by the collective action of the Council, then staff will proceed to complete the work within Council established deadlines.

5.4 USE OF CITY LETTERHEAD

Staff will not prepare correspondence representing the Mayor or a Councilmember's personal point of view or a dissenting point of view from an official City policy or Council position. If a Councilmember uses her/his title, position, or City letterhead to express a personal opinion, then the letter shall state "I am writing this letter on behalf of myself" and, the official City position must also be stated clearly so the audience understands the difference/relationship between the official City position and the viewpoint of the Mayor or that Councilmember. If a letter is written on behalf of the majority of the City Council, then the letter shall state "I am writing this letter on behalf of the City Council." A copy of any and all correspondence developed by or for the Mayor or a Councilmember on City letterhead shall be provided to the City Manager and the entire City Council.

**CHAPTER SIX
ADVISORY BOARD PROCEDURES**

6.1 COUNTY OR REGIONAL REPRESENTATION

Annually, the Mayor shall make appointments to a variety of County and/or regional committees and boards. One Member of the Council shall serve as a voting representative and one Member shall serve as alternate. (See 6.5 for appointment procedures). To the best of their ability, Voting Delegates shall reflect the majority view of the Council as a whole, rather than their own personal opinions.

6.2 OTHER COUNCIL REPRESENTATION, SUBCOMMITTEES

6.2.1 COUNCIL LIAISON ASSIGNMENTS

The City Council shall assign a Council liaison to each of the following advisory ~~boards~~ ~~bodies~~: Recreation & Parks Commission, Harbor Advisory Board, Public Works Advisory Board, ~~the Citizens Finance Advisory Committee, the Planning Commission~~ and Tourism Business Improvement District Advisory Board. ~~Council liaisons will also be appointed to the special purpose advisory bodies.~~

The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members should either attend advisory body meetings or watch the meeting broadcasts and maintain communication with the advisory body on a regular basis.

Council Members should be sensitive to the fact they are not participating members of the advisory body, but are there rather to create a linkage between the City Council and the advisory body. In interacting with advisory bodies, Council Members are to reflect the views of the Council as a body. Being an advisory body liaison bestows no special right with respect to advisory body business.

~~6.2.2 OTHER COUNCIL SUBCOMMITTEES~~

~~Council may establish subcommittees of no more than two members to address areas of concern and study.~~

[NOTE: if we are considering alternative methods for selecting advisory body members, one possibility would to have the Council liaison and alternate interview candidates and talk with the chair of the advisory body and make a recommendation to the full Council.

6.3 ROLE OF ADVISORY BOARD BODY MEMBERS AT COUNCIL MEETINGS

6.3.1 INTENT

~~A majority of advisory bodies members may attend a public Council meeting. However, none of those members may speak while that majority is present. An advisory body may direct one of its members to appear at a public Council meeting to express that advisory body's perspective on a particular matter reviewed by the advisory body or answer questions from the Council appear before the Council at regular meetings to honor advisory board body deliberations, views and positions on issues before Council; enhance communications between Council and their advisory bodies; and allow participation and input by advisory board body members.~~

Commented [JWP12]: I am not sure what the intent is. A majority of an advisory body can attend a public council meeting, but if that happens then none of those advisory body members can speak at that council meeting, per the Brown Act. Hence my suggested changes

6.3.2 COUNCIL AGENDA REPORTS

6.3.2.1 Recommendation Differences. For those ~~rare~~ occasions when the City Manager recommendation differs from an advisory ~~board~~ ~~body~~ recommendation, the difference should be clearly noted and the recommendations from the advisory body should be included in the staff report.

6.3.2.2 ~~The Council will endeavor to meet at least once each fiscal year with each of its advisory bodies. Following the adoption of City Council annual goals and objectives, the Council shall meet jointly with each advisory body to establish work plans for the coming year.~~

Commented [DS13]: Staff recommended edits.

6.3.3 COUNCIL MEETINGS

6.3.3.1 ~~Members of an advisory board are free to appear and give testimony before Council using the public microphone, after identifying whether they are speaking as a representative of the advisory board body or as a private citizen and if as a representative of the board advisory body, then whether that appearance had been requested by the board body.~~

~~6.3.3.2 Reports to Council must be in written form.~~

~~6.3.3.3 Advisory bodies will provide written or oral reports boards will provide quarterly written or oral reports to the City Council on a rotating member basis as requested by the Council and in accordance with the Brown Act.~~

6.4 ROLE OF CITY STAFF PERSONS

Staff support and assistance may be provided or made available, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager, who is responsible to the Council. The members are responsible for the constructive participation with the advisory-board body and the chairperson is responsible for committee compliance with applicable policies and procedures.

Staff support includes preparation of a summary agenda in conjunction with the Chairperson, and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup material, if necessary. Members of advisory bodies are volunteers and should be treated with respect and courtesy. Advisory-board body members should have sufficient information to reach decisions based upon a clear explanation of the issues within their charge. Sometimes members of advisory bodies may request information not related to their area of service. Staff members should, in that case, provide the same level of information and assistance as would be accorded any citizen. If in the judgment of staff the request goes beyond that standard, then the matter will be turned over to the City Manager. A staff person will be assigned to serve as Secretary, taking minutes as needed.

It is important that advisory bodies wishing to communicate with the City Council do so through adopted or approved Council agenda procedures. Staff members shall assist the advising-board body to insure appropriate review and that City and State legislation is complied with.

6.5 APPOINTMENT PROCEDURES

The following procedures shall be the policy of the City Council in regard to appointment of volunteer citizens to the various advisory bodies of the City.

6.5.1 PURPOSE

The purpose of establishing these procedures shall be to insure well-qualified, responsible and willing citizens are given the opportunity to serve the City and participate in the governing of their community. These procedures will apply to all appointments and reappointments to standing advisory bodies.

6.6 PROCESS

6.6.1 QUALIFICATIONS

- 6.6.1.1 The applicant must be a resident and registered voter of the City at the time and during the entire term of appointment,

unless excepted by State law or Council-approved special requirements in advisory committee by-laws.

6.6.1.2.1 The applicant must be at least 18 years of age at the time of appointment; provided, that the Council may appoint one area high school student to an advisory-~~board~~ **body**, if allowed by the Advisory ~~Board~~ **Body** By-Laws and they meet the other qualification requirements.

6.6.1.2.2 Elected Officials, Officers and Employees of the City of Morro Bay shall not be considered for appointment, unless otherwise approved unanimously by the City Council.

6.6.2 TERMS

6.6.2.1 The term of office for each appointee to an advisory-~~board~~ **body** shall be a maximum of four years unless excepted by State law or Council-approved special requirements in advisory committee by-laws. The terms are staggered so that in no event, will all terms on any committee expire in the same year. Incumbents may apply for subsequent terms of service. Terms of Office will expire on January 31, of the specified year.

6.6.2.2 Persons appointed to fill the remainder of a vacated office term may reapply to serve on the same advisory **body**. ~~board~~.

6.6.2.3 Mid-term appointment to a vacant seat shall not preclude the appointee from serving additional terms.

6.6.2.4 As a general policy, an applicant shall not be appointed to serve on more than one advisory-~~board~~ **body**, except that a member may also serve on one technical or special-purpose committee at the same time. If appointed to another committee, then he/she will be expected to resign from one-~~board~~ **body** upon being appointed to another. **The City Council retains the discretion to make exceptions to this policy.**

6.6.3 PROCESS

6.6.3.1 Applications are obtained and filed with the City Clerk's Office.

6.6.3.2 Prior to November 30, of each year, the City Clerk shall advise the City Council of the terms that are due to expire on each

advisory board. The City Clerk shall also notify each advisory member whose term is due to expire. Each of these members shall be given the opportunity to apply for reappointment.

- 6.6.3.3 The City Clerk shall then place an advertisement in the local newspaper, inviting citizens to apply for consideration as an appointment to an advisory board, with instructions regarding the application process.
- 6.6.3.4 It is recommended that applicants attend at least one meeting of the advisory body applied for prior to the interview with the City Council.
- 6.6.3.5 The City Council shall, in a noticed public meeting, interview qualified applicants. In making appointments, the Council shall strive for a representative cross-section of both lay and professional knowledge. The Council will act by separate motion on each appointment made.
- 6.6.3.6.1 Applicants not appointed will be advised and their applications held for up to one year for consideration in the event of a future vacancy.
- 6.6.3.6.2 Candidates not appearing for interview before the City Council will be considered for appointment only upon a finding of the City Council by motion the absence arose from excusable neglect or personal difficulties.

CITY OF MORRO BAY
ADVISORY ~~BOARDS~~ BODIES
HANDBOOK
AND
BY-LAWS
DRAFT

Date: ~~December 12, 2017~~ March 27, 2018

Approved by Resolution ~~65-17~~

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*~~ *provides essential public services and infrastructure to maintain a clean and healthy place for residents and visitors to live, work and play.*

INTRODUCTION

Welcome and thank you for your interest in serving on one of the City's Advisory ~~Boards~~ **Bodies**. By serving on one of Morro Bay's Advisory ~~Boards~~ **Bodies**, you can help plan and guide the City's future. It is important that members of the Advisory ~~Boards~~ **Bodies** understand the functions and responsibilities of **being** a ~~board~~-member. We hope ~~that~~ you find serving on the City's advisory ~~board~~-**body** 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, **project, or** ~~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~~-**bodies** 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~~ **Bodies**. These advisory bodies assist the City Council in making better-informed decisions by formulating new ideas, **gathering** information-~~gathering~~, receiving public testimony and comments, analyzing complex issues, and making recommendations on specific projects and broad policy.

Advisory ~~Boards~~ **Bodies** 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 [Morro Bay 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~~**Body** within the City has its own By-Laws, **which are included in this Handbook.** ~~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~~**Bodies**
- ~~2. FAQs~~
2. ~~Background Information of~~ **How Our City Government Works**
3. **How Advisory Bodies Work**
4. The Brown Act
5. Political Reform Act of 1974 (Conflict of Interest)
- ~~6. Advisory Body Summary~~
6. Advisory ~~Board~~**Body** By-Laws

We hope this ~~h~~**H**andbook 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

A. Background

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

~~Advisory boards~~ **They** provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. ~~Advisory boards~~ **bodies** 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~~ **bodies** 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~~ **advisory bodies** 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~~ **body** members are encouraged to attend and/or watch Council meetings.

Members of the advisory ~~boards~~ **bodies** 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~~ **body** 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 boardbody shall include boards, commissions and committees.~~ Currently, the City of Morro Bay has ~~seven~~ **six** advisory ~~boards~~ **bodies**:

- Harbor Advisory Board
- Public Works Advisory Board
- Recreation and Parks Commission
- Tourism Business Improvement District Board

- Planning Commission
- Citizens Oversight Committee/Finance Committee

From time to time, special purpose advisory bodies are created by the Council to provide input on a specific issue or project. These bodies have a limited duration and do not necessarily meet on a regular basis. Currently there are two special purpose advisory bodies:

- Water Reclamation Facility Citizens Advisory Committee
- General Plan Advisory Committee

[NOTE: Do we want to include mission statements for these committees? Also attendance rules? Also words to the effect that although a day is specified for meetings, they do not meet on a regular schedule, rather on an “as needed basis”?][SC1]

~~2. Frequently Asked Questions~~

~~B. Application/Selection Process and Membership Qualifications~~

The City of Morro Bay encourages participation of a wide variety of its citizens through service on an advisory body. Applicants will be sought from all segments of the community, representing various interests and groups.

1) The Application/Selection Process

1. ~~A. HOW ARE ADVISORY BOARD MEMBERS CHOSEN?~~

~~◆ APPLICATION AND SELECTION PROCESS~~

- All recruitment for advisory ~~board~~ **body** 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.~~
- Each application is carefully reviewed by the City Council.
- Appointment is made by the City Council **in a special, publicly held meeting.**
- 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 1st, 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~~body 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~~body.
- Emphasize your talents. Clearly indicate how your particular talents, skills, training, or experience will benefit the advisory ~~board~~body for which you wish to be considered.
- Become familiar with the appropriate advisory ~~board~~body. Attend meetings, talk with advisory ~~board~~body 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~~body in which you are interested.

~~QUALIFICATIONS FOR SERVICE~~

2) ~~Qualifications for Service~~

Advisory ~~board~~body 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~~body 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, an ~~board~~advisory body 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, especially on the Planning Commission where 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 body member devotes to his/her duties varies with each advisory board group. 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.

3) Other Requirements

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

Members of any all advisory board bodies are required to file the State of California Statements of Economic Interest (Form 700). Additionally, advisory board body 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)

Advisory body members are also required to attend periodic trainings, including Ethics Training and Sexual Harassment Training as well as others which may be mandated.

2. ~~Background Information on~~ How Our City Government Works

The City of Morro Bay is a general law city and became incorporated in 1964; it 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 Mayor is elected for a two-year term and the Council Members are elected for staggered four-year terms. Mayoral and City Council elections are held in November of even-numbered years. Regular Council meetings are held on the second and fourth Tuesdays of each month in the Council Chamber at the Vet's Hall. In addition, special meetings and study sessions are held from time to time. The Mayor is the official spokesperson for the Council. 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 advisory body, unless otherwise noted in the Board Advisory Body By-Laws. The following City department heads report to the City Manager: City Clerk, Treasurer/Finance Director, Chief of Police, Fire Chief, Community Development Director, Public Works Director, Harbor Director, Recreation and Parks Manager, and Tourism Manager.

C. City Clerk {NOTE: Add Risk Manager to title & sentence explaining?}[SC2][DS3]

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 is the legal counsel for the City and advises the City Council and City officials, officers and employees (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 Morro Bay City's Municipal Codes and Ordinances.

3. How Advisory Bodies Work

A. Understanding Your Role and Scope of Responsibility

After appointment by the Council and being sworn in as a City officer, the City Clerk will provide new advisory body members with useful information about the City, including this handbook. In addition, the City staff member who supports your advisory body will schedule an orientation appointment with you. That is will be your opportunity to learn more about the scope of responsibility of the advisory body to which you have been appointed. Additional trainings may will be held periodically.

1) Council Liaison Member(s)

Each year the Council selects two of its members (one regular and one alternative) to be “Liaison Members” to each advisory body. The Council Liaison can be called upon to facilitate the flow of information between the Council and that advisory body. The Liaison Member may also attend advisory body meetings.

2) Preparing for Your Role

It will be helpful to review the City’s Mission Statement, the City’s website, and your advisory body’s by-laws. Meeting with your advisory body chair and getting to know fellow advisory body members, staff and the Council Liaison will also help you to learn more about your role and to understand expectations. Ask about upcoming issues. Also attend training programs and workshops offered to you by the City.

3) Advisory Body Work Plans

To ensure ~~that a~~ Advisory bodies are assisting the Council on key issues of community concern, the Council and each a Advisory body establish an annual work plan. The work plan is derived from the goals and objectives approved by the Council for the coming year. It spells out the specific topics and issues that the advisory body will likely be addressing. Other issues may arise during the year that the Council may ask an advisory body to consider and on which to make recommendations.

4) Advisory Body Sub-Committees

From time to time it may be desirable for the Chair of an advisory body or a majority of an advisory body to appoint a sub-committee to address a particular issue. That is is especially the case if the issue requires additional work or research. The number of sub-committee members depends on the size of the advisory body. Per the Brown Act, sub-committees must consist of less than a quorum of the body. Therefore, for a five-member body, sub-committees may consist of two members. Seven-member bodies may have sub-committees composed of two or three members. Sub-committees report back to the full body for discussion before any formal action can be taken on the issue,

5) Advisory Body/Staff Relationship

The proper channel to contact City staff on items of consideration is through the designated City staff person providing support to your advisory body. Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council. The advisory body members are responsible for the functions of the advisory body and the ~~Cehairperson~~ is responsible for committee compliance with the policies outlined in this Handbook.

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. Advisory body members should be mindful of staff's time in making requests for information. The request should be specific and limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a "one-time" work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

6) Advisory Body/City Council Relationship

Advisory ~~b~~Bodies are occasionally requested to make special reports or recommendations to the Council on specific subjects. Any recommendations or reports from an advisory body should be in written form.

An advisory body does not have authority to speak for the City. If the body wishes to recommend ~~that~~ a statement be made, then it shall be submitted to and receive approval of the Council. An advisory body shall not sponsor or co-sponsor a public forum, meeting or survey without the prior approval of the Council. Individual advisory body members should avoid making public comments on Council actions or public policies that might appear to represent the official position of their advisory body. Advisory body actions, with the voting of each member, are conveyed to the Council in the form of official minutes or by resolution. The ~~Cehairperson~~ of an advisory body is the spokesperson for the group.

If a member of an advisory body appears before the Council (or another advisory body) in a capacity other than as representative of his/her body, then it should be explained in advance that any statements made are not to be construed as representing the opinions or recommendations of the advisory body. The member should state that s//he is speaking as a member of the public. That member must take care not to make comments at a Council (or other advisory body) meeting about a matter within that member's advisory body's subject mater jurisdiction if a majority of that advisory body are present at that meeting.

7) Resignation

If an advisory body member finds it necessary to resign, then a letter of resignation stating the effective date of the resignation shall be directed to the Council through the City Clerk, with a copy forwarded to the Cchairperson of the advisory body.

8) Removal from Office

As noted, advisory body members serve at the pleasure of the Council and may be removed without cause by Council action in an open public meeting. Violation of City policies or the policies contained in this Advisory Bodies Handbook will result in a warning, reprimand, or removal.

B. Advisory Body Meeting Procedures and Conduct

1) Parliamentary Procedures

All advisory body meetings shall be conducted in accordance with City practices and policies. Robert's Rules of Order, Newly Revised, shall also be used as a guide in conducting meetings. Questions should be directed to the appropriate City staff. A quorum shall be stated in individually adopted advisory body bylaws or procedures.

The order of business of advisory body meetings follows the City Council's procedures:

- a) Establish Quorum and Call to Order
- b) Moment of Silence
- c) Pledge of Allegiance
- d) Committee Members Announcements and Presentations
- e) Public Comment Period – Members of the audience wishing to address the committee on items not on the agenda or items on the agenda if they are unable to stay for the entire meeting
- f) Consent Calendar
- g) Public Hearing (for Planning Commission)
- ~~g~~h) Business Items
- ~~h~~i) Future Agenda Items
- ~~i~~j) Notification of Next Meeting and Adjournment

For discussion of items on the agenda, the following order is followed:

- a) Presentation of the Staff Report
- b) Advisory Member Questions
- c) Public Comments
- d) Advisory Member Discussion
- e) Recommendation(s) as Needed

Consistent with City Council practice for receiving public comments on agenda items, advisory bodies are encouraged to limit public comments to three-~~(3)~~ minutes per speaker to

ensure that everyone who wishes to be heard has the opportunity to do so. The Chair, with the consensus of the advisory body, may allow additional brief testimony from speakers who have already commented on the same agenda item; however, speakers should not be allowed to yield their time to another speaker.

2) Behavior and Civil Discourse Policy

The City of Morro Bay encourages the willingness to speak up and to listen within a framework of respect and understanding. Toward ~~that~~ end, the Council has adopted Resolution No. 70-15, a Resolution of the City Council of the City of Morro Bay, California, Pledging to Follow Best Practices of Civility and Civil Discourse in All of Its Meetings (see following page). ~~That~~ resolution was crafted by the League of Women Voters of San Luis Obispo County.

RESOLUTION NO. 70-15

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
PLEDGING TO FOLLOW BEST PRACTICES OF CIVILITY AND CIVIL DISCOURSE
IN ALL OF ITS MEETINGS**

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

WHEREAS, we, the Mayor, City Council Members, Commissioners, Appointees, and Staff of the City of Morro Bay, in order to ensure **civility and civil discourse** in all of our meetings, pledge our commitment to the following **best practices of civility and civil discourse**; and,

WHEREAS, we pledge our commitment to **respect** the right of all people to hold different opinions in all our meetings; and

WHEREAS, we pledge our commitment to **avoid rhetoric intended to humiliate, malign, or question the motivation** of those whose opinions are different from ours in all our meetings; and

WHEREAS, we pledge our commitment to **strive to understand** differing perspectives in all our meetings; and,

WHEREAS, we pledge our commitment to **choose words carefully** in all our meetings; and

WHEREAS, we pledge our commitment to **speak truthfully** without accusation, and avoid distortion in all our meetings; and

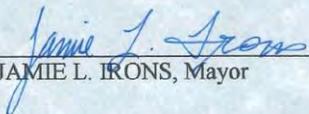
WHEREAS, we pledge our commitment **against violence and incivility** in all their forms whenever and wherever they occur in all our meetings; and

WHEREAS, we commit ourselves to build a civil political community in which each person is respected and spirited public and political debate is aimed at the betterment of the City of Morro Bay and its people and not the disparagement of those with whom we disagree.

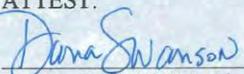
NOW, THEREFORE, BE IT RESOLVED, by the City Council, City of Morro Bay, California, that the Mayor, City Council Members, Commissioners, Appointees, and Staff of the City of Morro Bay shall promote the use of and adherence to the principles of **civility and civil discourse** in conducting business with appointed and elected officials, staff, and citizens.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of November, 2015 on the following vote:

AYES: Irons, Johnson, Smukler
NOES: None
ABSENT: Heading, Makowetski



JAMIE L. IRONS, Mayor

ATTEST:


DANA SWANSON, City Clerk

The Chairperson (or presiding officer in the event the Chairperson is absent) of each advisory body is responsible for ensuring that all of its members as well as members of the general public adhere to these practices. The presiding officer strives to preserve appropriate order and decorum during all meetings. Speakers should be encouraged to address the advisory body and not the audience and discouraged from clapping, shouting or booing.

Persons demonstrating rude, boisterous, or profane behavior will be called to order by the presiding officer (chairperson or vice chairperson). If such conduct continues, then the presiding officer may call a recess, request the removal of such person(s) from the meeting, adjourn the meeting, or take such other appropriate action permitted by the Brown Act.

3) Quorum Requirements

A quorum constitutes the majority or more than half of the total established members of the advisory body. A quorum must be in attendance for any discussion or action to take place. The quorum must be present for the entire meeting and if a member leaves during the meeting that results in the absence of a quorum, the meeting must be adjourned.

If vacancies exist on an advisory body, then those positions still count when determining ~~atowards the~~ quorum. For example, if two positions are vacant on a seven-member body, and two members are absent there is not a quorum and no meeting can be held.

4) Meeting Absences

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chairperson and the staff responsible in advance and the absence shall be counted in that member's attendance record. Attendance requirements are contained in each advisory body's by-laws, but generally speaking missing three consecutive regular meetings or 25% of the regular meetings during any 12-month period, without formal consent of the City Council, shall constitute the resignation of the absent member.

5) Chairperson Responsibilities

The Chairperson's main role is to provide the advisory body with direction and to set the tone for meetings. The job involves balancing the need to keep the meeting moving while also ensuring ~~that~~ all members of the advisory body and the public are involved in the meeting. The Chairperson is responsible for ensuring ~~that~~ the meeting follows parliamentary procedures, as described above.

6) Reconsideration of Issues

City Council Policies & Procedures discourage reconsideration of issues once a decision has been made. Decisions can be revisited if a majority of Council Members choses to do so. ~~new information becomes available, but otherwise to reconsider a decision, a Councilmember must have voted in the majority initially and the reconsidered motion must pass by a majority~~

~~vote. The implication of this policy for advisory bodies, is that once the City Council has made a decision on an issue an advisory board should not attempt to reconsider that issue or make an alternative recommendation to Council.~~

4. The Brown Act

This is a ~~mere glimpse~~ **brief review** of the Brown Act, also known as the “open meeting law.” A more detailed Brown Act and Political Reform Act Booklet is available to the advisory ~~board~~ **body** through the City Attorney’s office.

~~a. The Brown Act~~ **A. Purpose**

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 ~~the~~ **Brown 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.

A “meeting” is defined as a gathering of a majority (quorum) of the advisory body to discuss items ~~within~~ **before** the body’s subject matter jurisdiction or to conduct other business of the body. It should be noted ~~that~~ the Brown Act generally prohibits any action or discussion of items not on the posted agenda. The Brown Act also requires ~~that~~ regular meeting agendas allow for two types of public comment: general public comment where the public can comment on any item that is within the subject matter jurisdiction of the body that is not listed on the agenda; and public comment that is specific to items on the advisory body’s agenda. In Morro Bay, separate public comment is allowed on each item on the posted agenda prior to deliberation.

Keeping in mind ~~that~~ all discussion of issues by an advisory body must be made in a public meeting, one of the most common violations of the Brown Act involves serial meetings. This occurs when any communication among a majority of the members occurs outside of a meeting. A common example of a serial meeting is when one member calls a second member who then calls a third member, and so on to share ideas among a majority of the advisory body. Another common occurrence involves e-mails. For example, a staff member sends out via e-mail a document, and one member recommends a revision and copies fellow advisory body members. It is good practice to send e-mail responses to the sender only.

Brown Act ~~c~~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.

B. Electronic Mail (e-mail), the Public Records Act and the Brown Act

You will be issued a City e-mail once you are appointed to an advisory body. City e-mail is no less a part of "official City business" than any other written correspondence, and there is no expectation of privacy for City email messages. Good judgment and common sense should, therefore, prevail at all times regarding its appropriate use. City e-mail is subject to the requirements of the Brown Act and is subject to disclosure under the Public Records Act.

The Brown Act does not prohibit the use of e-mail to make individual contacts between members of an advisory body, the City Council, or the public or staff. However, great care should be taken to avoid the use of e-mail to contact a majority of the Council or your advisory body, either individually or serially, "in a connected plan to engage in collective deliberation on public business."

City e-mails are generally intended to fulfill the same general function as ordinary daily verbal communications among advisory body members, City Council and City staff and are generally considered "transitory" documents (work-in-progress), and, therefore, are generally not subject to records retention requirements. For file management and storage purposes, City e-mail messages should only be retained for as long as needed. In most instances this means deleting messages as you have read them, and shortly after you have sent them.

Some email messages, including any attachments thereto, can be considered official city records, because the content relates in a substantive way to the conduct of the public's business. Emails that qualify as public records need to be retained by the City. However, they are not retained through the City e-mail system. Those e-mail public records should be printed as a hard copy or saved electronically in a folder outside the e-mail system, in accordance with the City's records retention policy. Generally, the sender of the e-mail should be the person responsible for printing and filing it accordingly, but persons responsible for a particular program or project file shall be responsible for retaining all e-mail they send or receive related to that program or project.

It is the responsibility of individual ~~City Council Members,~~ advisory body members, ~~employees and their department heads~~ to determine if e-mail is an official City-record that must be retained in accordance with the City's record retention policy. The City Attorney will assist in making such a determination. Preliminary drafts, notes or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business are generally not considered to be official City records subject to disclosure. ~~A City Council Members,~~ advisory body members, ~~and employees~~ are encouraged to delete documents that are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the City's business.

Periodically, the City receives requests for inspection or production of documents pursuant to the Public Records Act, as well as demands by subpoena or court order for such documents. In the event such a request or demand is made for e-mail, ~~the City Council Members, advisory body members, or employees~~ having control over such e-mail, once they become aware of the request or demand, shall use their best efforts, by any reasonable means available, to temporarily preserve any e-mail that is in existence until it is determined whether such e-mail is subject to preservation, public inspection or disclosure. The City Clerk shall be contacted regarding any such emails within the ~~City Council Member, advisory body member, or employee's~~ control.

Advisory board members~~City Officials~~ will typically be assigned a City electronic messaging account, such as an email account. To the extent feasible, City issued accounts shall be used to conduct City business. Limited use of a private device for public business is permissible, but not encouraged.

Electronic communications regarding City business may be subject to the City's official records retention policies and the Public Records Act, even if those electronic communications are or were created, sent, received or stored on an advisory board member~~City Official's~~ personal electronic messaging account or device. To the extent an advisory board member~~City Official~~ uses private, non-City electronic messaging accounts or devices, in compliance with State law they will be asked to locate any such electronic communications on those non-City accounts or devices and provide the communications to the City Clerk in the event a Public Records Act request is made seeking the communication(s).

If an advisory board member~~City Official~~ receives an electronic message regarding City business on his/her personal electronic messaging account or device, or circumstances require such person to conduct City business on a personal account or device, then the advisory board member~~City Official~~ is strongly encouraged to either: (a) copy ("cc") any communication from the advisory board member~~City Official's~~ personal electronic messaging account or device to his/her City electronic messaging account; or (b) forward the electronic communication to his/her City account as soon as feasible after the original creation or transmission of the electronic communication. That practice facilitates efficient and prompt responses to Public Record Act.

5. Political Reform Act (Conflicts of Interest)

~~A. Background~~ 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~~ **City Policy Regarding Conflicts of Interest**

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 Fair Political Practices Commission 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 ~~advisory 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~~**body** 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~~**BODY** 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~~ **body** meetings will be conducted in strict compliance with ~~Robert's Rules of Order~~, the City Council Policy and Procedures and State Law and with guidance from Robert's Rule of Order, all as described in this Handbook. ~~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~~ **Bodies**.

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 1st 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 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 extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period must be submitted to the City Council in writing prior to the extended 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 Chair~~person~~ and Vice-Chair~~person~~ who shall hold office for a period of one year. The Chair~~person~~ shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair~~person~~, duties of the office shall be performed by the Vice-Chair~~person~~. 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 **policies and procedures outlined in this Handbook**. ~~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, Wastewater, 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, it 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 1st 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 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 extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period must be submitted to the City Council in writing prior to the extended 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 **policies and procedures outlined in this Handbook**. ~~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~~ **Manager** 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 five 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. 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 1st 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 five 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. Unless otherwise approved in accordance with Council Policies and Procedures, section 6.6.1, each member must (i) be at least 18 years of age at the time of appointment and (ii) not be an Elected Official, Officer, or Employee of the City of Morro Bay. (See Council Policies and Procedures, Section 6.6.1.)

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 extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period must be submitted to the City Council in writing prior to the extended 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-Chair~~person~~ who shall hold office for a period of one year. The Chair~~person~~ shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair~~person~~, duties of the office shall be performed by the Vice-Chair~~person~~. 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 other month on odd numbered months 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 **policies and procedures outlined in this Handbook**. ~~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-ies, then the seat shall be made available to applicants-~~at~~ on 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 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 extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period must be submitted to the City Council in writing prior to the extended 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 Chair~~person~~ and Vice-Chair~~person~~ 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 Chair~~person~~ shall preside over meetings, appoint appropriate sub-committees, and

direct the affairs of the Committee. In the absence of the Chair~~person~~, the Vice-Chair~~person~~ 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 ~~policies and procedures contained in this Handbook. 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 Ceity Ceouncil;
- 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 Ceity for its consistency with the general plan, and forward recommendations to the Ceity Ceouncil;
- 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 Ceity Ccouncil may direct.

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the Pplanning Ceommission shall act in the public interest and serve in an advisory capacity to the Ceity Ceouncil on all matters pertaining to the planning function;
- B. Cooperate with other Ceity boards, committees and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the Ceity;
- C. Formulate policies on planning services for recommendation to the Ceity Ceouncil;
- D. Upon the request of the City Council, hold a joint meeting with the Ceity Ceouncil twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation. The Ceity Celerk shall in January of each year bring forth an agenda item to the Ceity Ceouncil to schedule the two joint meetings;
- E. Recommend to the Ceity Ceouncil 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 Pplanning Ceommission.

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 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 extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period must be submitted to the City Council in writing prior to the extended 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 Chair~~person~~ and Vice-Chair~~person~~ who shall hold office for a period of one year. The Chair~~person~~ shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair~~person~~, duties of the office shall be performed by the Vice-Chair~~person~~. 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 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 Commission meetings will be conducted in strict compliance with the **policies and procedures contained in this Handbook**. ~~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 ~~M~~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
ADVISORY 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 **Advisory** 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 Advisory 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.~~ is contained in its mission statement: “...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.

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 The Citizens Finance Advisory Committee shall perform the following duties: **{Note: Do all these still apply?}**

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 31st 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 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 extended excused absences of three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any 12-month period must be submitted to the City Council in writing prior to the extended 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 Chair~~person~~ and Vice-Chair~~person~~ who shall hold office for a period of two years. The Chair~~person~~ shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair~~person~~, the Vice-Chair~~person~~ 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 ~~policies and procedures contained in this Handbook. 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 ~~M~~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 ~~Finance Director~~/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.



AGENDA NO: C-3

MEETING DATE: December 12, 2017

Staff Report

TO: Honorable Mayor and City Council

DATE: December 4, 2017

FROM: Dana Swanson, City Clerk

SUBJECT: **Review of Council Subcommittee Proposed Changes to the Council Policies & Procedures and Advisory Board Bylaws and Adoption of Resolution No. 65-17 Amending the Advisory Board By-Laws regarding Appointment and Qualifications of Members and Meeting Frequency for the Recreation and Parks Commission**

RECOMMENDATION

Staff recommends the City Council review the Council subcommittee list of proposed changes to the Council Policies & Procedures and Advisory Board Bylaws, and adopt Resolution No. 65-17 amending the Advisory Board By-Laws for the Recreation and Parks Commission ("RPC") to reduce the number of Commissioners from seven to five and reduce the number of regular meetings from eight to six per year.

ALTERNATIVES

None are proposed

FISCAL IMPACT

There is no fiscal impact associated with this action.

BACKGROUND and DISCUSSION

Council Policies & Procedures / Advisory Board Handbook & By-laws

At its August 22, 2017, regular meeting, the Council established a subcommittee consisting of Mayor Irons and Council Member McPherson to work with staff to review the Council Policies & Procedures and Advisory Board Bylaws in their entirety, consider the possible revisions presented in that staff report and any others deemed necessary, then return to Council with proposed revisions for consideration and adoption.

That subcommittee has developed list of proposed changes to each policy document, which is included as Attachment 1 for Council consideration. The subcommittee requests a brief discussion to establish Council concurrence those are appropriate areas of focus as they move forward with developing new policy language. Those proposed changes will be brought back to Council at a future meeting for further discussion and adoption.

Recreation and Parks Commission

One proposed item for Council consideration that is more time sensitive than others, is the number of members and meeting frequency of the RPC. The RPC is comprised of seven voting members,

Prepared By: DS

Dept Review: _____

City Manager Review: **SJC**

City Attorney Review: **JWP**

five of which must be qualified electors of the City of Morro Bay. Each year the City prepares a list of appointments and conducts a recruitment to fill upcoming vacancies for appointive terms that will expire on January 31 of the upcoming year. The list of current appointments and their respective terms is provided as Attachment 2. The RPC currently has two vacancies and two more members whose terms expire January 31, 2018. The notice of vacancies will be published in the Bay News and posted at City Hall and the Morro Bay Library this week with interviews held in early to mid-January. If the Council wishes to reduce the number of members to five, then staff recommends that be done prior to the recruitment to fill current and upcoming vacancies.

In March 2016, the Council adopted Resolution No. 18-16 changing the meeting frequency of the RPC from six to eight meetings per year. Staff has determined the additional regular meetings are not necessary and recommends the policy revert back to meeting every other month in odd-numbered months. Should issues arise that require immediate attention, staff will schedule an occasional special meeting.

CONCLUSION

Staff recommends the City Council review the Council subcommittee list of proposed changes to the Council Policies & Procedures and Advisory Board Bylaws, and adopt Resolution No. 65-17 amending the Advisory Board By-Laws for the Recreation and Parks Commission (“RPC”) to reduce the number of Commissioners from seven to five and reduce the number of regular meetings from eight to six per year.

ATTACHMENTS

1. Council Subcommittee Comments dated 11/28/17
2. 2017 List of Commissions and Boards as of 12/5/17
3. Proposed Resolution No. 65-17
4. Link to [Council Policies & Procedures](#)
5. Link to [Advisory Board Bylaws](#)

Proposed Changes to Advisory Board Handbook & By-Laws

1. Change Title to Advisory Body Handbook & By-Laws
2. Update City's mission statement
3. Fix typos and language edits
4. Include relevant information from Council Policies & Procedures instead of asking advisory members to read it in entirety (some of which is not applicable). Following are topics to be included in the Advisory Body Handbook & By-Laws:
 - a. Council/Advisory Body relationship conduct & expectations; role of advisory bodies
 - b. Meeting procedures (e.g., follow council procedures? Include moment of silence and/or pledge of allegiance?)
 - c. Civil behavior and civil discourse policies
 - d. Work plans
 - e. Advisory body/staff relationship
 - f. Formation of sub-committees
 - g. Reconsideration of issues
 - h. Providing comments to Council
 - i. Violation of advisory body policies
 - j. Resignation notification
5. Include training requirements
6. Include a brief discussion of special committees, e.g., WRFCAC and GPAC
7. Include more information and detail on the vetting/selection process, e.g., Council may not make an appointment when there is only one applicant
8. Expand section on the Brown Act to include information on violations, e.g., communicating with other advisory body members and/or Council, serial meetings
9. Re Recreation & Parks Commission:
 - a. Change meeting schedule to reflect current practices
 - b. Revisit number of members and qualifications for membership
10. Re Tourism Business Improvement District Advisory Board:
 - a. No regular meeting schedule?
 - b. TBID mission statement is included; should be formally adopted by Council
11. Planning Commission: revisit duties to determine if all are still applicable
12. Citizens Financial Oversight Committee:
 - a. Decide on formal title (several different ones in use)
 - b. Revisit duties and eliminate those that are not being done, e.g., reviewing the annual budget before Council makes a decision

Proposed Changes to Council Policies & Procedures

1. Very few substantive changes to propose
2. Most changes involve expanding discussion to clarify an issue (e.g., study sessions, use of facilities other than Vet's Hall, meeting procedures)
3. Reorganize some sections, i.e., move to make reading more straightforward
4. Changes & discussion points recommended in July 21, 2017 staff report
5. Brown Act Chapter, include advisory board language