



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, April 28, 2020 – 5:30 P.M. Held Via Teleconference

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

- Month of the Child and Child Abuse Prevention Proclamation

PUBLIC COMMENT

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this Meeting will be conducted telephonically through Zoom and broadcast live on Cable Channel 20 and streamed on the City website (click [here](#) to view). Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Veterans' Hall will not be open for the meeting.

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the City Clerk's office at cityclerk@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the "raise hand" feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>
Password: 135692
- Or Telephone Attendee: (408) 638-0968; Webinar ID: 827 2274 7698;
Password: 135692

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 APRIL 14, 2020, CITY COUNCIL SPECIAL CLOSED SESSION MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-2 ADOPTION OF ORDINANCE NO. 632 TO REGULATE TOBACCO, VAPING AND SECONDHAND SMOKE, INCLUDING THROUGH A TOBACCO RETAILER LICENSING PROGRAM, A PROHIBITION ON THE SALE OF E-CIGARETTES (VAPING PRODUCTS), AND ENHANCING THE CITY'S CURRENT SECONDHAND SMOKING REGULATIONS BY A SMOKEFREE POLICY FOR MULTI-UNIT HOUSING; (CITY ATTORNEY)

RECOMMENDATION: Staff recommends Council consider adopting, by second reading and by title only with further reading waived, Ordinance No. 632, entitled "An Ordinance of the City Council of the City of Morro Bay, California, Adding Chapter 5.54 (Tobacco, Electronic Cigarettes and Vaping) to Title 5 (Business Tax Certificates and Regulations), and amending Chapter 9.24 (Secondhand Smoking Regulations) of Title 9 (Public Peace, Morals and Welfare), of the Morro Bay Municipal Code, to regulate the sale of tobacco and vaping products and update and expand the City's Secondhand Smoking Regulations."

- A-3 RESOLUTION AUTHORIZING STAFF TO SIGN A GRANT AGREEMENT WITH THE STATE COASTAL CONSERVANCY TO RECEIVE ONE HUNDRED AND FIFTY THOUSAND DOLLARS FOR USE IN PURCHASE OF DOG BEACH (APN: 073-075-016 AND PORTION OF APN 065-022-008); (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 34-20 authorizing the Community Development Director to accept grant funds from the State Coastal Conservancy (SCC), for acquisition of Dog Beach and authorizing the Community Development Director to negotiate and sign all documents related to the grant agreement on behalf of the City of Morro Bay.

- A-4 ADOPT RESOLUTION NO. 35-20 TO ESTABLISH ANNUAL CITY MANAGER EVALUATION PROCESS AND RESCIND RESOLUTION NO. 93-18; (CITY ATTORNEY)

RECOMMENDATION: Based on comments from the City Council during a City Manager's confidential evaluation on April 14, 2020, the City Attorney recommends the City Council consider adopting Resolution No. 35-20, establishing an annual Council evaluation process for the City Manager.

- A-5 PROCLAMATION DECLARING APRIL 2020 AS FAIR HOUSING MONTH; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

- A-6 PROCLAMATION DECLARING APRIL 2020 AS MONTH OF THE CHILD AND CHILD ABUSE PREVENTION MONTH; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

B. PUBLIC HEARINGS

- B-1 PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 36-20, WHICH RESCINDS RESOLUTION NO. 88-19 AND AMENDS AND ADOPTS THE COMPLETE FY 2020/21 MASTER FEE SCHEDULE; (FINANCE DIRECTOR)

RECOMMENDATION: Staff recommends that the City Council conduct the formally noticed public hearing, review the proposed Master Fee Schedule, and adopt Resolution No. 36-20, which updates the City's Master Fee Schedule for Fiscal Year (FY) 2020/21. This Resolution will also rescind Resolution No. 88-19 that adopted the current FY 2019/20 Master Fee Schedule and replaces it in its entirety for the new fiscal year.

C. BUSINESS ITEMS

- C-1 APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MORRO BAY OPEN SPACE ALLIANCE (MBOSA) RELATED TO CERRITO PEAK/EAGLE ROCK (EAGLE ROCK); (CITY MANAGER)

RECOMMENDATION: The City Council approve the MOU with the MBOSA through which MBOSA will reimburse the City the \$265,000 the City paid to purchase Eagle Rock to preserve it as open space.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, May 12, 2020 at 5:30 p.m.** via teleconference.

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 805-772-6205 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 UPON REQUEST BY CALLING THE CITY CLERK'S OFFICE AT 805-772-6205.

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.

This Page Intentionally Left Blank

This Page Intentionally Left Blank



AGENDA NO: A-2

MEETING DATE: April 28, 2020

Staff Report

TO: Honorable Mayor and City Council

DATE: April 22, 2020

FROM: Chris F. Neumeyer, City Attorney

SUBJECT: Adoption of Ordinance No. 632 to regulate Tobacco, Vaping and Secondhand Smoke, including through a Tobacco Retailer Licensing Program, a Prohibition on the Sale of E-Cigarettes (Vaping Products), and Enhancing the City’s Current Secondhand Smoking Regulations by a Smokefree Policy for Multi-unit Housing

RECOMMENDATION

Staff recommends Council consider adopting, by second reading and by title only with further reading waived, Ordinance No. 632, entitled “An Ordinance of the City Council of the City of Morro Bay, California, Adding Chapter 5.54 (Tobacco, Electronic Cigarettes and Vaping) to Title 5 (Business Tax Certificates and Regulations), and amending Chapter 9.24 (Secondhand Smoking Regulations) of Title 9 (Public Peace, Morals and Welfare), of the Morro Bay Municipal Code, to regulate the sale of tobacco and vaping products and update and expand the City’s Secondhand Smoking Regulations.”

ALTERNATIVES

No alternatives are being recommended.

FISCAL IMPACT

The tobacco retailer’s license program (added in Chapter 5.54) will create additional administrative costs, and the new regulations may create additional enforcement costs. Chapter 5.54 provides for the recovery of administrative and enforcement costs related to the tobacco retailer’s license program through the assessment of a license fee. The tobacco regulations may have an impact on the local economy in a way that would affect City finances, but the nature and extent of such effects are currently unknown.

BACKGROUND/DISCUSSION

Ordinance No. 632 was introduced for a first reading at the April 14, 2020 regular City Council meeting. Council has also considered regulation of tobacco, vaping and secondhand smoke at five prior Council meetings, held on: October 8, 2019; November 12, 2019; December 10, 2019; January 14, 2020; and, February 11, 2020. Ordinance No. 632 is now proposed for adoption through a second reading, and if adopted will:

Consistent with American Lung Association general recommendations:

1. **Multi-Unit Residences.** Preventing secondhand smoke in multi-unit residences (e.g.,

Prepared By: <u>DS/HG</u>	Dept Review: _____
City Manager Review: <u>SC</u>	City Attorney Review: <u>CFN</u>

apartments and condominium) (does not include single-family homes and mobile home parks) by:

- a. Prohibiting smoking in both the units and common areas of apartment and condo complexes, senior and assisted living facilities, and long-term health care facilities, except in designated smoking areas.
 - b. Requiring that all new and renewed leases for occupancy of a unit in a multi-unit residence shall prohibit smoking.
 - c. Requiring landlords of multiunit housing to provide written notice of new restrictions to tenants and to also post “no smoking” signs.
2. **Tobacco Retailer License Program.** Creating a tobacco retailer’s license program aimed at providing the City with a mechanism for punishing violations of local, state, and federal tobacco laws by tobacco retailers.

Consistent with American Lung Association “emerging issues” recommendations:

3. **Pharmacies.** Prohibiting the sale of tobacco products by retail establishments that contain a pharmacy.
4. **Cigars.** Prohibiting the sale of (a) single cigars that cost less than five dollars, (b) any number of cigars fewer than the number contained in the manufacturer’s original consumer packaging designed for retail sale to a consumer, and (c) any package of cigars containing fewer than five cigars.
5. **Flavors.** Prohibiting the sale of flavored tobacco products (with exception of menthol flavored tobacco products and smokeless tobacco products).

Consistent with further Council direction:

6. **Prohibition on Sale of All Vaping Products.**
7. **100% ID Check.** Tobacco retailers to verify the age of **every** person purchasing a tobacco product by means of a government issued (or equivalent) photographic identification containing the bearer’s date of birth, regardless of what age the purchaser appears. The ordinance provides for this regulation.

There are three effective dates for the various new regulations and prohibitions as follows:

- August 1, 2020 - Prohibitions on secondhand smoke in multiunit housing starts. Provides two months (after ordinance becomes law) for landlords and renters to implement new regulations.
- December 1, 2020 - Prohibition on sales of vaping products, certain cigars, and flavored tobacco products (excepting smokeless and menthol). Provides six months (after ordinance becomes law) for local retailers to address present inventory.
- June 1, 2021 - Tobacco retailer licensing program is effective. Allows approximately a year (after ordinance becomes law) for City staff to develop applications, forms, procedures and

appropriate fee recovery.

CONCLUSION

Staff recommends that the City Council consider adopting Ordinance No. 632 by second reading and by title only, with further reading waived.

ATTACHMENT

1. Ordinance No. 632

ORDINANCE NO. 632

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, ADDING CHAPTER 5.54 (TOBACCO, ELECTRONIC CIGARETTES AND VAPING) TO TITLE 5 (BUSINESS TAX CERTIFICATES AND REGULATIONS), AND AMENDING CHAPTER 9.24 (SECONDHAND SMOKING REGULATIONS) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), OF THE MORRO BAY MUNICIPAL CODE, TO REGULATE THE SALE OF TOBACCO AND VAPING PRODUCTS AND UPDATE AND EXPAND THE CITY'S SECONDHAND SMOKING REGULATIONS

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

WHEREAS, the City of Morro Bay ("City") is empowered to enact legislation to protect the health, safety, and welfare of the public; and

WHEREAS, there are currently serious public health concerns about the immediate and long-term harm caused by vaping/e-cigarette use ("vaping"); and

WHEREAS, approximately 1,300 cases of vaping-related lung illnesses have been reported in hospitals, health clinics, and emergency rooms nationwide, with at least 26 confirmed vaping-related deaths; and

WHEREAS, the U.S. Surgeon General and the California Department of Public Health (CDPH) have issued health advisories to educate the public about the imminent health risk posed by vaping any product; and

WHEREAS, teen use of vaping products has grown rapidly in recent years, with a February 2019 National Institutes of Health report finding that over 17.6% of 8th graders, 32.3% of 10th graders, and 37.3% of 12th graders reported trying vaping last year nationwide; and

WHEREAS, according to a 2017-2018 California Healthy Kids Survey (CHKS) of Morro Bay High School 9th and 11th graders conducted in 2018, 18% of 9th graders and 22% of 11th graders had used vaping products at least once in the past month, and over 60% of students surveyed thought it was fairly easy or very easy for high school students to obtain vaping products; and

WHEREAS, vaping products, particularly the flavored variety, are popular among younger users, and the packaging and advertising of vaping products by vaping companies are often attractive to younger users; and

WHEREAS, there are over 15,000 vaping flavors available on the market, including youth-orientated flavors such as bubble gum, cotton candy, and fruit punch, among others; and

WHEREAS, in addition to vaping products, several other tobacco products are flavored in ways that make them attractive to minors, thus increasing the risk that minors will use, and potentially become addicted to, these products; and

WHEREAS, the Federal Family Smoking Prevention and Tobacco Control Act prohibits the sale of cigarettes with a characterizing flavor – other than tobacco and menthol – but does not apply to cigars, e-cigarettes, or other non-cigarette tobacco products; and

WHEREAS, through the sale of tobacco products, pharmacies, and business establishments containing pharmacies, convey tacit approval of the purchase and use of tobacco products. This approval sends a mixed message to consumers who generally patronize pharmacies for health care services; and

WHEREAS, tobacco products are often sold individually to make them less expensive, and more enticing to youth. Establishing policies to ensure minimum packaging, or a minimum unit in which cigars can be sold in, will increase the purchase price and help protect youth from the health dangers of smoking little cigars and cigarillos; and

WHEREAS, secondhand smoke has been shown to be extremely hazardous to the health and safety of those who are exposed to it; and

WHEREAS, the City's existing secondhand smoke regulations focus on limiting or eliminating secondhand smoke in public areas; and

WHEREAS, these regulations have not completely eliminated the risks posed by secondhand smoke to the community; and

WHEREAS, the City desires to amend its regulations to make them more comprehensive and effective at protecting the community from the harmful effects of secondhand smoking.

THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA DOES HEREBY FIND AND ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 5.54 (TOBACCO, ELECTRONIC CIGARETTES AND VAPING) IS HEREBY ADDED TO TITLE 5 OF THE MORRO BAY MUNICIPAL CODE, TO READ AS FOLLOWS:

“Chapter 5.54 – TOBACCO, ELECTRONIC CIGARETTES AND VAPING

5.54.010 – Definitions.

The following words and phrases, as used in this chapter, shall have the following meanings:

“Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco or menthol, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas

relating to mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

“Cigar” means (1) any roll of tobacco wrapped entirely or in part in tobacco or in any substance containing tobacco; or (2) any paper or wrapper that contains tobacco and is designed for smoking or ingestion of tobacco products. “Cigar” includes, but is not limited to, tobacco products known or labeled as “cigar,” “cigarillo,” “tiparillo,” “little cigar,” “blunt wrap,” or “cigar wrap.”

“Electronic cigarette,” (i.e., e-cigarettes) for purposes of solely this Chapter 5.54, means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances (excluding cannabis that contains no Vitamin E acetate), including any component, part or accessory of such a device, whether or not sold separately. Includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

“Electronic cigarette paraphernalia” means an item that is marketed as or can be used as a component part of an electronic cigarette.

“Flavored tobacco product” means any tobacco product that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacture of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

“Hearing officer” means the person or persons designated by the city manager to serve in this capacity. Compensation of a hearing officer shall not depend on any particular outcome of any hearings the hearing officer is involved with concerning this Chapter 5.54.

“Licensing agent” means a person or persons designated by the city manager to serve in this capacity.

“Menthol” means any form or taste of menthol commonly used to add flavor or aroma to tobacco products, and any substance derived from menthol.

“Person” means any natural person, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

“Pharmacy” means a retail establishment in which the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the Business and Professions Code is practiced and where prescriptions are offered for sale. A pharmacy may also offer other retail goods in addition to prescription pharmaceuticals. “Pharmacy” includes any retail establishment that contains a pharmacy, even if the pharmacy is not the sole or primary business of the retail establishment.

“Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest

01181.0001/640877.1 CFN

Ordinance No. 632

Page 3 of 18

in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

“Smokeless tobacco product” means any tobacco product that is not smoked or burned, including but not limited to chewing tobacco and snuff; this definition does not include electronic cigarettes, electronic cigarette paraphernalia, nor vaping products.

“Tobacco product paraphernalia” includes cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or products prepared from tobacco.

“Tobacco product” means any product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, electronic cigarettes or any other preparation of tobacco including Indian cigarettes called “bidis.” “Tobacco product” includes electronic cigarette paraphernalia and tobacco product paraphernalia. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes and is marketed and sold solely for such an approved purpose.

“Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration tobacco, or any tobacco product; “tobacco retailing” shall mean the doing of any of these things.

“Vaping” is a term that commonly refers to the use of an electronic cigarette.

“Vitamin E acetate,” also known as α -Tocopheryl acetate, means a synthetic form of vitamin E and/or an oil derived from vitamin E, and known to be used as an additive for vaping products.

5.54.020 – Prohibition on sale of certain tobacco products.

It is unlawful to sell, offer to sell, or exchange or offer to exchange for consideration any of the following products in the City of Morro Bay (commencing December 1, 2020):

- A. Electronic cigarettes.
- B. Electronic cigarette paraphernalia.
- C. Cigars meeting any of the following criteria:
 - 1. Any single cigar, whether or not packaged for individual sale, unless the retail price exceeds \$5.00; or
 - 2. Any number of cigars fewer than the number contained in the manufacturer’s original consumer packaging designed for retail sale to a consumer; or

3. Any package of cigars containing fewer than five cigars.
- D. Flavored tobacco products (excepting smokeless tobacco products).

5.54.030 – Requirement for tobacco retailer license.

- A. Beginning on June 1, 2021, it shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer's license pursuant to this chapter for each location at which that activity is to occur.
- B. Licenses are valid for one year and each tobacco retailer shall apply for the renewal of his or her tobacco retailer's license prior to its expiration.
- C. The conference of a tobacco retailer license does not confer any new rights under any other law and does not exempt any business that otherwise would be subject to the smoking related provisions within the Morro Bay Municipal Code and Labor Code Section 6404.5.

5.54.040 – Retailer limitations.

- A. No license will be issued to authorize tobacco retailing at other than a fixed location. Itinerant tobacco retailing and tobacco retailing from vehicles are prohibited.
- B. No license will be issued to authorize tobacco retailing at any location that is licensed under state law to serve alcoholic beverages for consumption on the premises (e.g., an "on-sale" license issued by the California Department of Alcoholic Beverage Control); tobacco retailing in bars and restaurants serving alcoholic beverages is prohibited.
- C. No license will be issued to authorize tobacco retailing in a pharmacy and no pharmacy shall engage in tobacco retailing at any time.

5.54.050 – License application procedure.

- A. Application for a tobacco retailer's license shall be submitted to the licensing agent in the name of each proprietor/person proposing to conduct retail tobacco sales and shall be signed by such person or an authorized agent thereof. All applications shall be submitted on a form supplied by the licensing agent and shall contain the following information:
 1. The name, address, and telephone number of the applicant.
 2. The business name, address, and telephone number of each location for which a tobacco retailer's license is sought.
 3. Such other information as the licensing agent deems necessary for enforcement of this chapter.

4. Whether or not any proprietor has previously been issued a license pursuant to this chapter that is, or was at any time, suspended or revoked and, if so, the dates of the suspension period or the date of revocation.

- B A licensed tobacco retailer shall inform the city in writing of any change in the information submitted on an application for a tobacco retailer's license within ten business days of a change.

5.54.060 – Issuance of license.

Upon the receipt of an application for a tobacco retailer's license, the licensing agent shall issue a license unless substantial evidence in the record demonstrates one of the following bases for denial:

- A. The application is incomplete or inaccurate; or
- B. The application seeks authorization for tobacco retailing at a location prohibited by section 5.54.040; or
- C. The application seeks authorization for tobacco retailing by a person or at a location for which a suspension is in effect pursuant to Section 5.54.120 of this chapter.

5.54.070 – Display of license.

Each licensee shall prominently display the license in a public place at each location where tobacco retailing occurs.

5.54.080 – Fees for license.

The fee for a tobacco retailer's license shall be established by resolution of the city council. The fee shall be calculated so as to recover the total cost, but no more than the total cost, of license administration and enforcement, including, but not limited to, issuing the license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violation, and prosecution of violators. The fee for tobacco retailer's license shall be paid to the licensing agent.

5.54.090 – Licenses nontransferable.

A tobacco retailer's license is not transferable to a new location or to another person. For example, if a proprietor to whom a license has been issued changes business location, that proprietor must apply for a new license prior to acting as a tobacco retailer at the new location; or, if the business is sold, the new owner must apply for a license for that location before acting as a tobacco retailer.

5.54.100 – Noncompliance with tobacco-related laws - License violation.

It shall be a violation of a tobacco retailer's license for a licensee or his or her agents or employees to violate any local, state or federal tobacco-related law.

5.54.110 – 100% ID check requirement.

Tobacco retailers shall verify the age of every person purchasing a tobacco product by means of a government issued (or equivalent) photographic identification containing the bearer’s date of birth regardless of what age the purchaser appears to be.

5.54.120 – License compliance monitoring.

Compliance with this chapter shall be monitored by City law enforcement agents. At least four compliance checks of each tobacco retailer shall be conducted during each twelve-month period. The cost of compliance monitoring shall be incorporated into the license fee.

5.54.130 – Suspension or revocation of license.

- A. In addition to any other penalty authorized by law, a tobacco retailer’s license may be suspended or revoked if the city finds, after notice to the licensee consistent with Section 1.03.120 of this Code, and reasonable opportunity to be heard, that the licensee or his or her agents or employees has violated the conditions of the license imposed pursuant to this chapter, or that the information contained in the application, including supplemental information, if any, is false in any material respect, as follows:
 - 1. Upon a finding by the city of a first license violation within any five-year period, the license shall be suspended for thirty days.
 - 2. Upon a finding by the city of a second license violation within any five-year period, the license shall be suspended for ninety days.
 - 3. Upon a finding by the city of a third license violation within any five-year period, the license shall be suspended for one year.
 - 4. Upon a finding by the city of a fourth license violation within any five-year period, the license shall be revoked.
- B. During a period of license suspension, the tobacco retailer shall remove all tobacco products from public view at the retail location.
- C. The suspension or revocation of a tobacco retailer’s license shall become effective on the date specified in the notice of suspension or revocation issued by the city, which shall not be sooner than the 11th business day following the date of the city’s decision to suspend or revoke the license.

5.54.140 – Appeal of suspension or revocation.

A decision of the city to suspend or revoke a license is appealable to a hearing officer and must be filed with the city clerk no later than ten business days following the date of the city’s decision to suspend or revoke the license. Appeal procedures shall follow those contained in Sections 1.03.080-090 of this Code except when in conflict with this Chapter 5.54. An appeal shall stay all proceedings in furtherance of the appealed action. Following appeal, the decision of the hearing officer may be appealed to the city manager or his or her designee by filing a

notice of appeal with the city clerk no later than ten business days following the date of the decision of the hearing officer. A decision of the city manager or his or her designee shall be the final decision of the city.

5.54.150 – Administrative fine – Penalties - Enforcement.

- A. Any violation of the provisions of this chapter by any person is a misdemeanor and is punishable as provided in Chapter 1.16 of this code. Any violation of the provisions of this chapter by any person is also subject to administrative fines as provided in Chapter 1.03 of this code.
- B. Each day that a person acts as a tobacco retailer without a valid tobacco retailer's license shall constitute a separate violation of this chapter.
- C. Violations of this chapter are hereby declared to be public nuisances.
- D. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.
- E. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity."

SECTION 2. CHAPTER 9.24 (SECONDHAND SMOKING REGULATIONS) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MORRO BAY MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS (NEW TEXT IN *BOLD ITALICS* AND DELETED TEXT IN ~~STRIKETHROUGH~~):

"9.24.010 – Purpose.

This chapter is enacted with the specific intent to:

- A. Prohibit smoking in certain ~~public~~ *public* places not preempted by California Labor Code Section 6404.5, which provides further smoking regulations;
- B. Protect the public health, safety and general welfare by prohibiting smoking in certain public places under circumstances where other persons will be exposed to secondhand smoke;
- C. Ensure a cleaner and more hygienic environment for the city, its residents, and its natural resources, including its creeks and streams and beaches;
- D. Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including residents and visitors, particularly children, to breathe smoke-free air, recognizing the threat to public health and the environment which smoking causes;

E. Designate the enforcing agency for this chapter and for Labor Code Section 6404.5.

9.24.020 – Definitions.

The following words and phrases, as used in this chapter or in any other applicable law regulating smoking, shall have the following meanings:

“Business” means any sole proprietorship, partnership, joint venture, corporation, association or other entity formed for profit-making purposes or that has an employee.

“Cannabis” means all parts of the plant *cannabis sativa linnaeus*, *cannabis indica*, or *cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“City beach” means the sandy area on either side of the mean high tide line from Atascadero Road all the way up to, but not including the parking lot at the Rock. City beach shall also include the area of the Sand Spit that is owned by the city.

“City T-piers” means the municipal piers located North of Beach Street and at Tidelands Park.

“Code compliance officer” means the city code compliance officer or duly authorized designee of the city code compliance officer.

“Common area” means every enclosed area and every unenclosed area of a multi-unit residence that residents of more than one unit are entitled to enter or use, including, without limitation, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

~~“Dining area” means any area available to or customarily used by the general public that is designed, established or regularly used for consuming food or drink.~~

“Electronic cigarette” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances (including but not limited to cannabis), including any component, part or accessory of such a device, whether or not sold separately. Includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

“Employee” means any person who is employed or retained as an independent contractor by any employer as defined in this section; or any person who volunteers his or her services for an employer, association, nonprofit or volunteer entity.

“Employer” means any person, partnership, corporation, association, nonprofit or other entity that employs or retains the service of one or more persons, or supervises volunteers.

“Enclosed” means any covered or partially covered space having more than fifty percent of its perimeter area walled in or otherwise closed to the outside such as, for example, a covered porch with more than two walls; or any space open to the sky (hereinafter “uncovered”) having more than seventy-five percent of its perimeter area walled in or otherwise closed to the outside such as, for example, a courtyard.

“Landlord” means any person or agent of a person who owns, manages, or is otherwise legally responsible for a unit in a multi-unit residence, except that “landlord” does not include a tenant who sublets a unit.

“Multi-unit residence” means a new or existing property containing two or more units, including, but not limited to, apartment buildings, condominium complexes, senior and assisted living facilities, and long-term health care facilities. Multi-unit residences do not include the following:

- 1. A hotel or motel;**
- 2. A mobile home park;**
- 3. A single-family home; and**
- 4. A single-family home with a detached or attached accessory dwelling unit or second unit.**

“Nonprofit entity” means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

“Place of employment” means any area under the legal or de facto control of an employer, business or nonprofit entity that an employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, vehicles used in employment or for business purposes, taxis, employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses and private residences that are used as childcare or healthcare facilities subject to licensing requirements.

“Playground” means any park or recreational area designed in part to be used by children, that has play or sports equipment installed or has been designated or landscaped for

01181.0001/640877.1 CFN

play or sports activities, or any similar facility located on public or private school grounds, or on city property.

“Premises” means a lot or contiguous lots and any improvements thereon such as is usually described in a deed, deed of trust or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same person or are under common control.

“Present” means within a reasonable distance.

“Public place” means any public or private place open to the general public regardless of any fee or age requirement, including, for example, streets, sidewalks, parking lots, parking garages, plazas, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, city beaches, T-Piers, taxis and buses. For the purposes of the provisions of this chapter, a “public place” does not mean a private residence except for residences used as an adult or child care, health care, board and care, or community foster care facility as such terms are defined by the state Health and Safety Code.

“Reasonable distance” means the greatest distance practicable that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty feet.

“Recreational area” means any public or private area open to the public for recreational purposes whether or not any fee for admission is charged, including without limitation, parks, trails, gardens, sporting facilities, stadiums, beaches, T-piers and playgrounds.

“Restaurant” means any coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria, eating establishment, **vending cart**, boardinghouse or guest house or similar establishment which gives or offers for sale food to the public.

“Secondhand smoke” means smoke that is generated either from the burning end of a lighted tobacco, weed, cannabis or plant product, or from an electronic cigarette; or, smoke that is exhaled by a smoker, after inhaling or ingesting a lit tobacco, weed, cannabis or plant product, or after use of an electronic cigarette.

“Service area” means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place or make a transaction whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, taxi stands and takeout counters.

“Smoke or smoking” means the carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, weed, plant, cannabis, or any other combustible substance. Smoking includes emitting or exhaling the fumes of any pipe, cigar, cigarette, or any other lighted smoking equipment, including an electronic cigarette, used for burning any tobacco product, weed, plant, cannabis, or any other combustible substance.

“Sports arena” means an outdoor or nonenclosed sports pavilion, stadium, swimming pool, roller rink, or other similar place where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events, including the concession stand areas thereof.

“Unenclosed area” means any area which is not enclosed.

“Unit” means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio.

9.24.030 – Secondhand smoke generally.

- A. For all purposes within the jurisdiction of the city, the nonconsensual exposure to secondhand smoke and the uninvited presence of secondhand smoke on property in violation of this chapter shall constitute a nuisance, as is further described by Title 8 of the Morro Bay Municipal Code.
- B. For all purposes within the jurisdiction of the city, no person shall cause secondhand smoke to ~~unreasonably~~ interfere with the reasonable use and enjoyment of another person’s private residence.

9.24.040 – Public and other places where smoking shall be prohibited.

Except as otherwise provided by this chapter or by state or federal law, smoking shall be prohibited everywhere in the city, including but not limited to:

- A. All public places;
- B. Residences used as child care, health care, board and care, or community foster care facility as such terms are defined by state Health and Safety Code;
- C. Places of employment, except outdoor construction sites;
- D. Enclosed and unenclosed places of hotels, businesses, restaurants, bars and other public accommodations; ~~and~~
- E. Any means of public transit including associated waiting areas, and service areas, enclosed or not-;
- F. Units in multi-unit residences; and**
- G. Common areas of multi-unit residences.**

The prohibitions stated in subsections (F) and (G) of this Section shall become effective on August 1, 2020.

9.24.050 – Reasonable distance.

01181.0001/640877.1 CFN

Ordinance No. 632

Page 12 of 18

Smoking in unenclosed areas shall be prohibited within a reasonable distance of **(at least twenty feet)** from any entrance, opening, crack or vent into an enclosed area where smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any enclosed area in which smoking is prohibited.

9.24.060 – Places where smoking may be permitted.

Except where prohibited by local, state or federal law, smoking may be permitted in the following locations within the city notwithstanding Section 9.24.040:

- A. Private **residences other than multi-unit residences**. ~~Residential and Multifamily Properties~~. This chapter does not preclude private regulation of smoking on private residential and multifamily properties.
- B. Designated **smoking areas** ~~unenclosed areas (“smokers’ outposts”)~~ provided that all of the following conditions are met:
 - 1. The area is located a reasonable distance away from any doorway or opening into an enclosed area and any access way to a public place;
 - 2. The area has a clearly marked perimeter;
 - 3. The area is posted with one or more conspicuously displayed sign(s) identifying the area as a designated ~~outdoor~~ smoking area pursuant to Section 9.24.060**090** of this code;
 - 4. Smoke is not permitted to enter adjacent areas in which smoking is prohibited by this chapter, other law or by the owner, lessee or licensee of the adjacent property;
 - 5. Appropriate ash can(s) are placed in the smoking area and are maintained regularly by the owner, operator or manager of the smoking area; and
 - 6. No consistent complaints of secondhand smoke are filed with the city.
- C. Smoking areas at public events which have been approved as part of the special event permit or temporary use permit issued by the city.
- D. Inside a private automobile when no minor child is present, except for as prohibited by state law.

9.24.070 – Modifications of designated **smoking areas** ~~smokers’ outposts~~.

The city reserves the right to prohibit or require modifications to a **designated smoking area** ~~smoker’s outpost~~ at a certain location if it undermines the purposes of this chapter, **or violates the requirements of Section 9.24.060(B) of this code**.

9.24.080 – Allowing, aiding or abetting smoking.

01181.0001/640877.1 CFN

Ordinance No. 632

Page 13 of 18

- A. No person, employer, business, **landlord** or nonprofit entity shall knowingly permit smoking in an area under his, her or its legal or de facto control in which smoking is prohibited by this chapter or other law.
- B. ~~Except as provided in Section 9.24.050 of this code, no~~ **No** person, employer, business, **landlord** or nonprofit entity shall allow the placement or maintenance of a receptacle for smoking waste in an area under his, her or its legal or de facto control in which smoking is prohibited by this chapter or other law, provided however, that a receptacle may be placed at the entry to a nonsmoking area, along with a “No Smoking” sign, in order to encourage any smokers in violation of this chapter to immediately extinguish and properly dispose of smoking materials.
- C. No person shall intimidate, threaten, effect a reprisal or retaliate against another person who seeks to attain compliance with one or more of this chapter’s provisions.

9.24.085 – Required lease terms for all new and existing units in multi-unit residences.

- A. **Every lease or other agreement (collectively, “lease”) for the occupancy of a unit in a multi-unit residence, entered into, renewed, or continued month-to-month, effective on or after August 1, 2020, shall include the following:**
 - 1. **A clause stating that smoking is prohibited in the unit, including exclusive-use areas such as balconies, porches, or patios.**
 - 2. **A clause providing that it is a material breach of the lease for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant, including sublessees, to (i) smoke in any common area of the property other than a designated smoking area, (ii) smoke in the unit, or (iii) violate any law regulating smoking anywhere on the property.**
 - 3. **A clear description of all areas on the property and in the immediate vicinity of the property where smoking is allowed or prohibited.**
 - 4. **A clause expressly conveying third-party beneficiary status to all occupants of the multi-unit residence as to the smoking provisions of the lease. Such a clause shall provide that any tenant of the multi-unit residence may sue another tenant/owner to enforce the smoking provisions of the lease but that no tenant shall have the right to evict another tenant for a breach of the smoking provisions of the lease.**
- B. **Whether or not a landlord complies with subsection (A), above, the clauses required by that subsection shall be implied and incorporated by law into every lease to which subsection (A) applies that is entered into, renewed, or continued month-to-month on or after August 1, 2020.**
- C. **This chapter shall not create additional liability for a landlord to any person for a tenant’s breach of any smoking provision in a lease for the occupancy of a**

unit in a multi-unit residence if the landlord has fully complied with this section.

- D. Failure to enforce any smoking provision required by this chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.*

9.24.086 – Notice requirements for landlords and unit owners.

- A. On or before August 1, 2020, every landlord shall provide to the occupants of each unit of a multi-unit residence a written notice of the requirements prohibiting smoking in units and common areas as stated in Section 9.24.040 of this code.**
- B. Beginning on August 1, 2020, every seller of a unit in a multi-unit residence shall provide prospective buyers with a written notice clearly stating that:**
- 1. Smoking is prohibited in units, including any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio; and**
 - 2. Smoking is prohibited in all common areas, except for specifically designated smoking areas.**

9.24.090 – Signs.

Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter.

- A. “No Smoking” or “Smoke Free” signs, with letters of not less than one inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or any alternative signage approved by the ~~public services~~ **community development** director must be conspicuously posted **at each entrance to any place in which smoking is prohibited by this chapter** by the person, employer, business or nonprofit entity who or which has legal or de facto control of such place ~~at each entrance to a public place in which smoking is prohibited by this chapter or any other place where the public services director reasonably determines that smoking in violation of this chapter has occurred, or is likely to occur.~~**
- B. Within designated smoking areas, one or more conspicuously displayed sign(s) shall be posted identifying the area as a **designated smoking area** ~~smokers’ outpost~~ pursuant to Section 9.24.060 of this code as follows: signs with arrows directing the public to the smoking area may be allowed; signs shall be no smaller than three inches high and eight inches long with a pictorial representation of a burning cigarette; signs shall contain “Designated Smoking Area” and shall be posted prominently between five feet and seven feet above the floor or ground; and all signs are subject to approval by the ~~public services~~ **community development** director.**

- C. Every hotel and motel shall have signs posted conspicuously in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available; rooms designated as being nonsmoking shall have signs announcing such restriction conspicuously placed inside the room.
- D. No person shall alter, deface, obscure, remove or destroy a sign or placard that this chapter authorizes.

9.24.100 - Disposal of smoking waste.

No person shall dispose of any cigarette, cigar or tobacco, or any part of a cigarette or cigar, in any place where smoking is prohibited under this chapter, except in a designated waste disposal container.

9.24.110 - Fires on city beaches.

No person shall build, light or maintain any fire on any city beach except in designated containers or areas approved by the city.

9.24.120 - Enforcement and penalties.

- A. Any violation of the provisions of this chapter is punishable as a misdemeanor or an infraction, at the discretion of the city prosecutor, pursuant to Chapter 1.16 of the Morro Bay City Code; and, any violation of the provisions of this chapter is subject to administrative citation, at the discretion of the city, pursuant to Chapter 1.03 of the Morro Bay City Code.
- B. Punishment under this section shall not preclude punishment pursuant to Health and Safety Code Section 13002, Penal Code Section 374.4, or any other law proscribing the act of littering. Nothing in this section shall preclude any person from seeking any other remedies, penalties or procedures provided by law.
- C. Any violation of this chapter shall be deemed a public nuisance which may be abated in accordance with the procedures set forth in Chapter 8.14 of the Morro Bay City Code. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the property owner where the nuisance is occurring.
- D. The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude city from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity.
- E. Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

9.24.130 - Public education—Purposes of chapter.

The code compliance officer, in conjunction and coordination with the county health officer of the county of San Luis Obispo and, where feasible, appropriate health or safety oriented

01181.0001/640877.1 CFN

community-based organizations and coalitions, shall engage in a continuing program to explain and clarify the purposes of the provisions of the chapter to citizens affected by it, and to guide business owners, operators and managers in their compliance with it.

9.24.140 - Governmental cooperation.

The city manager shall request all governmental and educational agencies which maintain an office within the city to establish local operating procedures to cooperate and comply with this chapter.

9.24.150 - Other laws.

The provisions of this chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. Further, it is not the intent of the provisions of this chapter to regulate smoking where such regulation has been preempted by the state.”

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. CEQA. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

INTRODUCED at a regular meeting of the City Council held on the ____ day of _____ 2020, by motion of _____ and seconded by _____.

PASSED AND ADOPTED on the ____ day of _____ 2020, by the following vote:

AYES:
NOES:
ABSENT:

JOHN HEADDING, Mayor

ATTEST:

DANA SWANSON, City Clerk

01181.0001/640877.1 CFN

Ordinance No. 632

Page 17 of 18

APPROVED AS TO FORM:

CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)
CITY OF MORRO BAY)

I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance Number 632 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the ____ day of _____, 2020, and that it was so adopted by the following vote:

AYES:
NOES:
ABSENT:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this ____day of _____, _____.

DANA SWANSON, City Clerk

This Page Intentionally Left Blank



AGENDA NO: A-3

MEETING DATE: April 28, 2020

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 20, 2020

FROM: Scot Graham, Community Development Director

SUBJECT: Resolution Authorizing Staff to Sign a Grant Agreement with the State Coastal Conservancy to Receive One Hundred and Fifty Thousand Dollars for Use in Purchase of Dog Beach (APN: 073-075-016 and portion of APN 065-022-008)

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 34-20 authorizing the Community Development Director to accept grant funds from the State Coastal Conservancy (SCC), for acquisition of Dog Beach and authorizing the Community Development Director to negotiate and sign all documents related to the grant agreement on behalf of the City of Morro Bay.

ALTERNATIVES

Direct staff to discontinue execution of the SCC Grant Agreement.

FISCAL IMPACT

Costs associated with the grant agreement relate only to the staff time spent reviewing, executing and administering to the grant.

BACKGROUND/DISCUSSION

The City has been involved in discussions for many years with Chevron, Trust for Public Lands (TPL), the Cayucos Sanitary District (CSD), the Cayucos Land Conservancy, the Land Conservancy of San Luis Obispo and San Luis Obispo County looking into various conservation options for several of the Chevron Estero Marine Terminal lots. On January 28, 2020 the City Council authorized the City Manager execution of a nonbinding Memorandum of Understanding (MOU) to address the preservation process for the first phase of conservation for some of the Chevron lots (See MOU provided as Attachment 3), including map of all referenced lots). The MOU addresses the following four items:

1. Acquisition of lot 6SW (Southern portion of Dog Beach) by the City of Morro Bay. Lot 6SW is currently owned by the CSD. TPL is proposing to purchase the property from the CSD and convey it to the City of Morro Bay through a purchase agreement.
2. Amendment of the City's Sphere of Influence (SOI) to include 5 lots above Panorama.

Prepared By: SG Dept Review: Com. Dev.
 City Manager Review: SC City Attorney Review: CFN

Those lots are owned by Chevron, and it is Chevron's desire for the lots to be annexed by the City. Each of the lots would accommodate one single-family residence, for a total of no more than 5 single-family homes in that area. The homes would be restricted to the lower portions of each lot leaving the remainder of the hillside above Panorama undeveloped.

3. Detachment of lot 6NE from within the City's boundary, resulting in lot 6NE being under County jurisdiction. That process requires authorization by Council of a submittal of an application for Detachment to the Local Agency Formation Commission ("LAFCO") and subsequent approval by LAFCO. Lot 6NE is owned by the CSD and contains a sewer lift station operated by the CSD.
4. Annexation into the City of Lot 6NW (Continuation of Dog Beach). Lot 6NW is currently located in the County but is within the City's SOI. The intent behind Lot 6NW's location within the City's SOI was to facilitate its future annexation into the City for preservation of Dog Beach. Lot 6NW is currently owned by the CSD and is proposed to be purchased by TPL and conveyed to the City. The annexation requires Council authorization and subsequent approval by LAFCO.

The SCC is making \$150,000 available to the City, through their grant process, to assist in the purchase of the Dog Beach lots (Lots 6SW and 6NW). As noted in items 1 & 4 above, the Dog Beach lots are currently owned by the CSD and are intended to be purchased by TPL and conveyed to the City via a purchase agreement. Total cost for the two lots is approximately \$338,050. The remainder of the purchase price (\$188,050) will come from already secured philanthropic funds. A Map showing lot 6SW and 6NW can be found in Attachment 2. The Grant Agreement includes a requirement to record both an offer to dedicate to the State and restrictive covenant limiting use to open space. The acceptance of the offer to dedicate by the State would be triggered only in the situation where the property were somehow under threat of condemnation. The deed restriction requirement describes the nature of the open space use that would be allowed on the property, including protection of the following: open space, wildlife habitat, water quality, water supply, and public access.

Items 2 and 3 noted above and in the MOU will come to Council at a future meeting as will the actual purchase agreement for lots 6SW and 6NW.

CONCLUSION

Staff recommends the Council adopt Resolution No. 34-20 authorizing Staff to execute a grant agreement with the State Coastal Conservancy in the amount of \$150,000 to assist in the purchase of Dog Beach.

ATTACHMENT

1. Resolution No. 34-20
2. Map 6NW & 6SW
3. MOU

RESOLUTION NO. 34-20

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
APPROVING THE GRANT OF FUNDS FROM THE
STATE COASTAL CONSERVANCY
FOR THE DOG BEACH ACQUISITION**

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

WHEREAS, the Legislature of the State of California has established the State Coastal Conservancy (“**Conservancy**”) under Division 21 of the California Public Resources Code, and has authorized the Conservancy to award grants to public agencies and nonprofit organizations to implement the provisions of Division 21; and

WHEREAS, the Conservancy awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the Conservancy’s Strategic Plan and that best achieve the Conservancy’s statutory objectives, in light of limited funding; and

WHEREAS, at its December 6, 2018 meeting, the Conservancy adopted a resolution authorizing a grant to the Trust for Public Land for certain real property in the County of San Luis Obispo including dog beach (“**Project**”). The resolution was adopted by the Conservancy pursuant to and is included in the Conservancy December 6, 2018 staff recommendation, a copy of which is on file with the City as grantee and with the Conservancy. Subsequently, the Executive Officer of the Conservancy under his/her delegated authorities approved changing the grantee to include the County of San Luis Obispo and the City of Morro Bay for their respective acquisition of portions of the Toro Creek property; and

WHEREAS, the Conservancy requires that governing body of the City as grantee certify through a resolution that it approves the award of Conservancy grant funding and authorizes the execution by a representative of the City as grantee of the Grant Agreement on terms and conditions required by the Conservancy Grant Agreement No. 19-131.

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

SECTION 1. Approves the award of grant funding from the Conservancy for the Project.

SECTION 2. Acknowledges that City has or will have sufficient funds to complete the Project.

SECTION 3. Agrees to be bound by all terms and conditions of the Grant Agreement and any other agreement or instrument as may be required by the Conservancy and as may be necessary to fulfill the terms of the Grant Agreement and to complete the Project.

SECTION 4. Authorizes any of the following named officers or employees of the City as grantee or any person holding any of the following official positions (as designated from time to

time by the City Clerk) with the City to act as a representative of the City, to negotiate and execute on behalf of the City all agreements and instruments necessary to complete the Project and to comply with the Conservancy's grant requirements, including, without limitation, the Grant Agreement:

OFFICIAL POSITION:	CURRENT OCCUPANT:
Community Development Director	Scot Graham

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 28th April 28, 2020 on the following vote:

AYES:
 NOES:
 ABSENT:

 JOHN HEADDING, Mayor

ATTEST:

 DANA SWANSON, City Clerk

EXHIBIT "B-1"

LEGAL DESCRIPTION

(LOT 6NW)

That portion of the land described in Certificate of Compliances recorded November 2, 2012 in Document No. 2012063818 and Document No. 2012063819 in the County Recorder's Office, County of San Luis Obispo, State of California, described as follows:

Beginning at a point on the westerly line of the land described in the grant deeds to the State of California recorded in Book 1090 at Page 258 of Official Records and Book 1090 at Page 263 of Official Records in the County Recorder's Office of said County (State Highway One) being an arc distance of 696.64 feet from the northerly terminus of the curve described as Course No. 9 (curve to the left with a radius of 4879 feet through an angle of 11°45'32" for a distance of 1001.32 feet) in said grant deeds to the State of California; thence,

Leaving said westerly line, South 80°34'29" West, a distance of 26.67 feet; thence,

North 73°38'47" West, a distance of 36.70 feet; thence,

North 38°30'11" West, a distance of 75.80 feet; thence,

North 80°39'34" West, a distance of 95.21 feet; thence,

South 72°39'00" West, a distance of 106.64 feet more or less to the mean high water line of Estero Bay; thence,

Northerly along said mean high water line to the intersection with the westerly prolongation of the centerline of Toro Creek Road (County Road)

Easterly along said centerline prolongation to the westerly line of the land described in said grant deeds to the State of California; thence,

Southerly along said westerly line to the Point of Beginning.

The land described contains 6.27 acres more or less and is shown graphically on Exhibit B herein attached.



2/22/19



EXHIBIT "B-1" - 1

EXHIBIT "B-2"

LEGAL DESCRIPTION

(LOT 6SW)

That portion of the land described in Certificate of Compliances recorded November 2, 2012 in Document No. 2012063818 and Document No. 2012063819 in the County Recorder's Office, County of San Luis Obispo, State of California, described as follows:

Beginning at the intersection of the westerly line of the land described in the grant deed to the State of California recorded in Book 1090 at Page 258 of Official Records in the County Recorder's Office of said County (State Highway One) with the southerly line of Lot 31 according to the map of the subdivision of said Rancho filed in Book A of Maps at Page 160 of Maps in the County Recorder's Office of said County; thence,

Northerly along said westerly line to a point being North $11^{\circ}23'26''$ West, a distance of 612.98 feet from the southerly terminus of the line described as Course No. 4 (North $11^{\circ}23'26''$ West, 817.99 feet) in said grant deed to the State of California; thence,

Leaving said westerly line, South $78^{\circ}36'34''$ West, a distance of 187.20 feet more or less to the mean high water line of Estero Bay; thence,

Southerly along said mean high water line to the southwest corner of said Lot 31; thence,

Northeasterly along the southerly line of said Lot 31 to the Point of Beginning.

The land described contains 8.96 acres more or less and is shown graphically on Exhibit B herein attached.

Steven B. Webster

2/22/19



EXHIBIT "B-2" - 1

072452.000143 4812-0188-8921.13

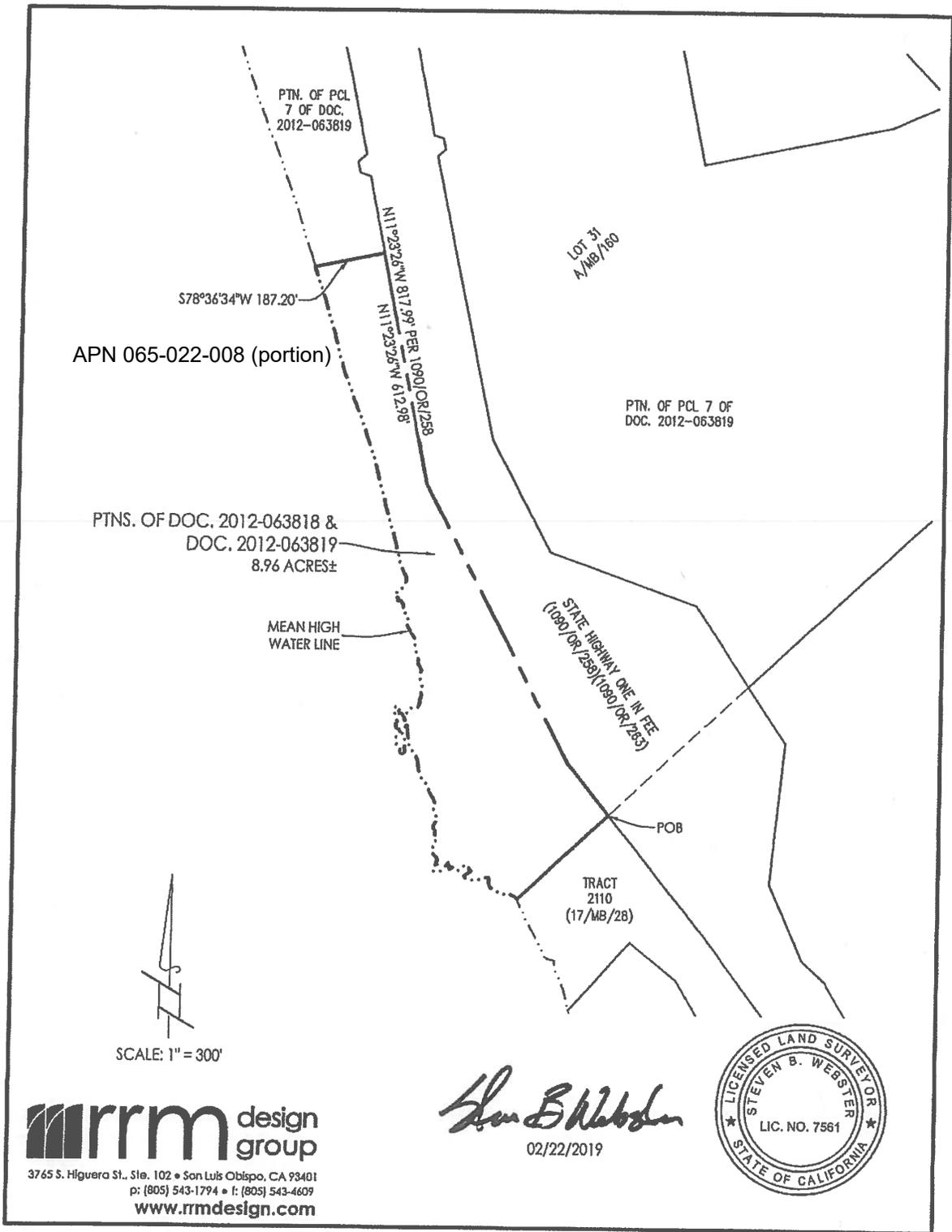


EXHIBIT "B-2" - 2

072452.000143 4812-0188-8921.13

Exhibit D

MEMORANDUM OF UNDERSTANDING

Chevron Estero Marine Terminal, Lot 6SW

This Memorandum of Understanding (“MOU”), dated January 31, 2020, constitutes a **non-binding** agreement among The Trust for Public Land, a California nonprofit public benefit corporation (“TPL”), the City of Morro Bay (“**Morro Bay**”), the Cayucos Sanitary District (“CSD”), and Chevron Land and Development Company, a Delaware Corporation (“**Chevron**”), each of which may individually be referred to herein as a “**Party**” and collectively as the “**Parties.**”

RECITALS

- A. The Parties are interested in achieving a common conservation goal and appropriate public ownership (“**Project**”) for Lot 6SW, as shown in Exhibit A (“**Property**”), which has been historically used by the general public and is commonly known as “**Dog Beach.**”
- B. Chevron sold the Property to CSD on September 17, 2019 pursuant to that certain Grant Deed but also subject to that certain Memorandum of Repurchase Rights/Option recorded concurrently with the Grant Deed, which Memorandum contains certain rights in favor of Chevron (“**Residual Rights**”).
- C. CSD is willing to sell the Property to TPL, which will concurrently sell it to Morro Bay, with the ultimate intention that the Property will continue to be used for the benefit of the public.
- D. TPL’s purchase of the Property and concurrent sale to Morro Bay will be contingent on TPL’s receipt of certain public and private funding, which funding and acquisition, in turn, is contingent on Chevron’s termination of the Residual Rights.
- E. Chevron ultimately desires to have its lots shown in Exhibit A in the Estero Marine Terminal (“**Panorama Lots**”) annexed into the City of Morro Bay. Chevron is willing to terminate its Residual Rights upon certain conditions specified below.

The Parties agree as follows:

1. **OPTION AGREEMENT:** TPL and CSD will negotiate in good faith to enter into an option agreement whereby TPL will have the right to purchase the Property from CSD subject to the termination of the Residual Rights and securing funding for the acquisition (“**Option Agreement**”). TPL shall remain the principal Party involved with negotiating the terms and provisions of the Option Agreement and the concurrent sale with Morro Bay.
2. **PUBLIC FUNDING:** TPL will use its best efforts to secure public and philanthropic funding sources to support the acquisition of the Property from CSD and concurrent sale to Morro Bay. TPL shall be solely responsible for all aspects of requesting, securing and reporting associated with the funding sources.
3. **OBLIGATIONS OF CHEVRON:** Chevron agrees to execute and acknowledge and deliver to

TPL and Morro Bay a document in a form satisfactory to Chevron, TPL and Morro Bay to terminate or transfer the Residual Rights following Morro Bay's submission of an application to the Local Agency Formation Commission ("**LAFCO**") to place the Panorama Lots within the City's Sphere of Influence and the LAFCO staff indicates support for same ("**LAFCO Application**").

4. **OBLIGATIONS OF MORRO BAY:** Morro Bay shall seek City Council approval to proceed with filing the LAFCO Application. The LAFCO Application shall also seek to annex Lot 6NW into the City of Morro Bay and to de-annex Lot 6NE, both of which respective lots are shown on Exhibit A. Morro Bay will make best efforts to (i) complete the LAFCO Application such that LAFCO can make a decision at its May 2020 meeting, and (ii) file the LAFCO Application as soon as feasible but no later than April 25th, 2020. The Parties understand that nothing in this MOU commits the City Council to approve the LAFCO Application and that such decision must be made by the City Council pursuant to applicable law, including, but not limited to, the Brown Act.
5. **OBLIGATIONS OF ALL PARTIES:** The Parties acknowledge that (i) funding for acquisition of the Property and other Estero properties planned for acquisition and public ownership are interdependent; and (ii) time is of the essence to obtain the LAFCO decision regarding the LAFCO Application. All Parties agree to make best efforts to support the LAFCO Application for review at the LAFCO May meeting or as soon thereafter as feasible.
6. **OBLIGATIONS OF CSD:** CSD agrees to negotiate the terms of the Option Agreement with TPL, which will include standard provisions for the purchase of real property including the issuance of title insurance. CSD and TPL intend that the Option Agreement will be executed by the end of January 2020.
7. **OBLIGATIONS OF MORRO BAY AND TPL:** Concurrently with the negotiations between TPL and CSD as to the Option Agreement, Morro Bay and TPL will negotiate a purchase and sale agreement ("**PSA**") to be consummated concurrently with TPL's acquisition of title to the Property under the Option Agreement.
8. **OPTION TERMINATION:** If the Property is not acquired by TPL pursuant to the terms of the Option Agreement (as may be extended), all Parties shall be relieved of further obligations under this MOU. In such event, TPL shall be solely responsible for returning funds that it raised for the acquisition of the Property where such funds need to be returned in the event the Property is not acquired.
9. **INTENT:** This MOU is intended to memorialize the Parties' intent and desire to work together to perform the tasks required (including the Option Agreement and PSA) in connection with the acquisition of the Property by Morro Bay for continued public use free of the Residual Rights, while Morro Bay concurrently seeks City Council approval to file the LAFCO Application. Chevron intends, after LAFCO approval of the LAFCO Application, to request that Morro Bay annex the Panorama Lots into the City of Morro Bay ("**Annexation**"). The Parties understand that Morro Bay is not committing to approve

the Annexation, as such action must be made by the City Council and in compliance with applicable law, including the City of Morro Bay Municipal Code.

10. NON-BINDING; TERMINATION: This MOU is non-binding and is intended only to provide a framework for continued discussions between the Parties in connection with the Project. It is an expression of the current intent of the Parties but is not intended to constitute an agreement that will be legally binding on any Party. No Party has any obligation, responsibility, or liability to any other Party for failure to complete the items set forth above. This MOU is not binding and may be terminated in accordance with the terms set out in Section 8 above, or by any Party delivering written notice to the other Parties. Upon the termination of this MOU, no Party will have any liability under this MOU to any other Party, and the Parties will be released from all of their obligations under this MOU.

11. COUNTERPART EXECUTION: The Parties may execute this MOU in counterparts which together will constitute the entire MOU.

TPL

The Trust for Public Land, a California nonprofit public benefit corporation

By: _____
Its: _____

CSD

Cayucos Sanitary District, a political subdivision of the State of California

By: _____
Its: _____

CHEVRON

Chevron Land and Development Company, a Delaware Corporation

By: _____
Its: _____

MORRO BAY

City of Morro Bay, a municipal corporation

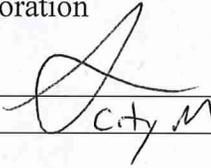
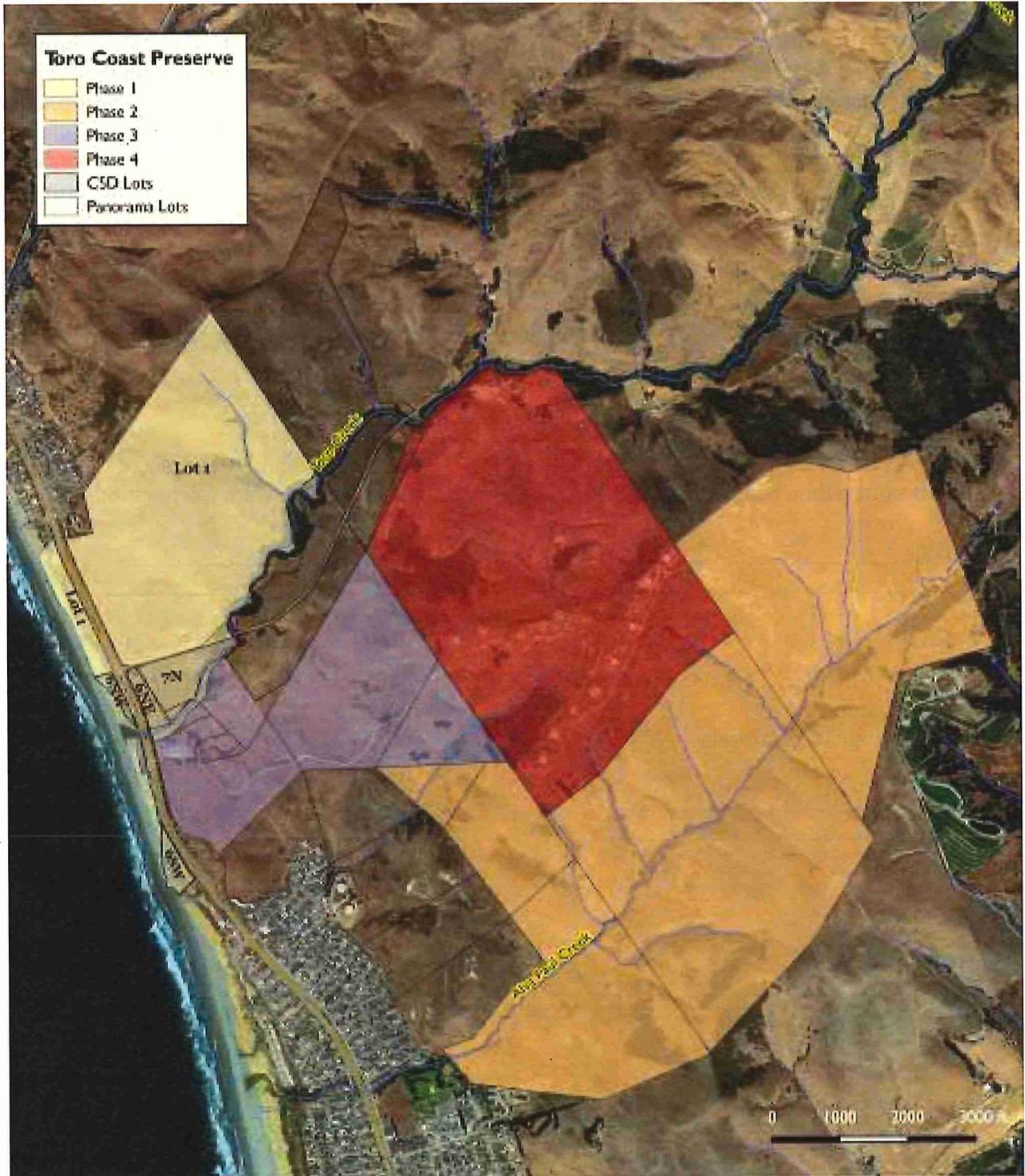
By:  1/31/2020
Its: City Manager

Exhibit A



Toro Coast Preserve

SAN LUIS OBISPO COUNTY, CALIFORNIA





AGENDA NO: A-4

MEETING DATE: April 28, 2020

Staff Report

TO: Honorable Mayor and City Council

DATE: April 21, 2020

FROM: Chris F. Neumeyer, City Attorney

SUBJECT: Adopt Resolution No. 35-20 to Establish Annual City Manager Evaluation Process and Rescind Resolution No. 93-18

RECOMMENDATION

Based on comments from the City Council during a City Manager’s confidential evaluation on April 14, 2020, the City Attorney recommends the City Council consider adopting Resolution No. 35-20, establishing an annual Council evaluation process for the City Manager.

ALTERNATIVES

Do not pass the proposed resolution and keep in place the semi-annual evaluation, or propose an alternative evaluation process as deemed appropriate by the City Council.

FISCAL IMPACT

None.

BACKGROUND

In November of 2017, the City Council hired Mr. Scott Collins as the new City Manager. In January of 2018, the City Council decide to modify the evaluation process and form for the City Manager. Thereafter, the City Council adopted Resolution No. 04-18 to provide for a quarterly review of the City Manager with an accompanying evaluation process and form.

In November of 2018, after a full year’s experience with Mr. Collins, the City Council determined there was no need to conduct quarterly evaluations of the City Manager. Thereafter, the City Council adopted Resolution No. 93-18 to change the frequency of City Manager evaluations to semi-annual performance evaluations.

DISCUSSION

Pursuant to a confidential performance evaluation (Government Code § 54957) held by the City Council on April 14, 2020, and after two and a half years’ experience with Mr. Collins, the City Council has expressed a desire to change the City Manager evaluation from a semi-annual to an annual process, with City Directors to evaluate the City Manager every other year.

Attached Resolution No. 35-20 provides for an annual November evaluation of the City Manager by the City Council, and a biennial November evaluation (commencing 2021) of the City Manager by City Directors, with continued use of the existing evaluation form (Exhibit A).

01181.0001/642966.3

Prepared By: CFN

Dept Review: _____

City Manager Review: _____

City Attorney Review: CFN

CONCLUSION

City Council is asked to consider adoption of Resolution No. 35-20 which establishes an annual Council review process for the City Manager and rescinds Resolution 93-18 (which provided for a semi-annual review).

ATTACHMENT:

1. Resolution No. 35-20 (with Exhibit A, Evaluation Form)

RESOLUTION NO. 35-20

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
MODIFYING THE ESTABLISHED CITY MANAGER EVALUATION POLICY;
AND RESCINDING RESOLUTION NO. 93-18.**

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

WHEREAS, the Morro Bay City Council is responsible for hiring a City Manager and adopting goals and objectives to direct the affairs of City government; and

WHEREAS, the City Manager is empowered to perform a number of broadly defined duties in order to implement City policies, goals and objectives established and adopted by the City Council; and

WHEREAS, it is appropriate the City Manager's performance in accomplishing his/her assigned duties be evaluated by the City Council at minimum on regular basis.

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

Section 1. Resolution No. 93-18 is hereby rescinded.

Section 2. The attached City Manager Performance Evaluation form (Exhibit A, hereinafter referred to as "the form") shall be completed by each Council Member and the City Manager and used for an evaluation of the City Manager by the Council to be scheduled for November of even numbered years. The form shall be completed by each Council Member, the City Manager and each City Department Director for an evaluation of the City Manager by the Council to be scheduled for November of odd numbered years.

Section 3. The form will be distributed, by the City Attorney or City Council designee, to the appropriate individuals noted above by at least the 15th day of the month preceding the month each evaluation has been scheduled. Each individually completed form is to be returned to the City Attorney or Council designee within 15 days after receipt. The City Attorney or Council designee will prepare a summary of the applicable Council evaluations (hereinafter referred to as "Evaluation Summary") submitted.

Section 4. At least 5 days before each scheduled evaluation date, the City Attorney or Council designee shall give a copy of the Evaluation Summary, the evaluations completed by the Department Directors, when applicable, and the

City Manager self-evaluation to each Council Member and the City Manager. As soon thereafter as possible, the Council shall meet with the City Manager in closed session and review in detail the Evaluation Summary, including stated goals, the evaluations completed by the Department Director, when applicable, and the City Manager self-evaluation. At its discretion, the City Council may meet in one or more closed sessions to consider the Evaluation Summary and City Manager's self-evaluation. A final copy of the Evaluation Summary, reflecting the vote and signed by each Council Member, the evaluations completed by the Department Directors, when applicable, and the City Manager's self-evaluation shall be given to the City Manager and a copy shall be placed in the City Manager's personnel file. All Council Members' individual evaluation forms will be placed in a sealed envelope and retained by the Personnel Department accessible only to seated (not newly-elected) Council Members for the tenure of the City Manager's employment.

Section 5. The Mayor shall sign and the City Clerk shall attest to the passage and adoption of this resolution, and the same shall thereupon take effect

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of April, 2020 on the following vote:

AYES:

NOES:

ABSENT:

JOHN HEADDING, Mayor

ATTEST:

DANA SWANSON, City Clerk

CITY OF MORRO BAY
CITY MANAGER PERFORMANCE EVALUATION

EVALUATION PERIOD: _____ TO _____

City Council Member's Name

Each Member of the City Council should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

City Council Member's Signature

Date Submitted

CITY OF MORRO BAY

CITY MANAGER PERFORMANCE EVALUATION SUMMARY

EVALUATION PERIOD: _____ TO _____

Based on the City Manager Performance Evaluations submitted by each City Council Member, this City Manager Performance Evaluation Summary (“Evaluation Summary”) was prepared by:

Name and Title

Date

The Morro Bay City Council approved the Summary Evaluation and presented it to the City Manager at a Closed Session Meeting held on the _____ day of _____ on the following vote:

AYES:
NOES:
ABSENT:

Mayor signature

Mayor Pro Tem Signature

Council Member _____
signature

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the City Manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a summary report to be presented by the governing body to the City Manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

___ Diligent and thorough in the discharge of duties, "self-starter"

___ Exercises good judgment

___ Displays enthusiasm, cooperation, and will to adapt

___ Mental and physical stamina appropriate for the position

___ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal of ___ ÷ 5 = ___ score for this category

2. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
- Demonstrates a capacity for innovation and creativity
- Anticipates and analyzes problems to develop effective approaches for solving them
- Willing to try new ideas proposed by the Council and/or staff
- Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal of _____ ÷5 = _____ score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE CITY COUNCIL

- Carries out Council directives as a whole as opposed to those of any one Member or minority group
- Sets meeting agendas that reflect the guidance of the Council and avoids unnecessary involvement in administrative actions
- Disseminates complete and accurate information equally to all Members in a timely manner
- Assists by facilitating decision making without usurping authority
- Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal of _____ ÷5 = _____ score for this category

4. POLICY EXECUTION

- Implements Council actions in accordance with the intent of Council
- Supports the actions of the Council after a decision has been reached, both inside and outside the organization
- Understands, supports, and enforces local government's laws, policies, and ordinances

___ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness

___ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal of ___ ÷ 5 = ___ score for this category

5. REPORTING

___ Provides regular information and reports to the Council concerning matters of importance to the local government, using the Morro Bay Municipal Code and adopted policies as a guide

___ Responds in a timely manner to requests from the Council for special reports

___ Takes the initiative to provide information, advice, and recommendations to the Council on matters that are non-routine and not administrative in nature

___ Reports produced by the City Manager are accurate, comprehensive, concise and written to their intended audience

___ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal of ___ ÷ 5 = ___ score for this category

6. CITIZEN RELATIONS

___ Responsive to requests from residents

___ Demonstrates a dedication to service to the community and its residents

___ Maintains a nonpartisan approach in dealing with the news media

___ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests

___ Gives an appropriate effort to maintain resident satisfaction with City services

Add the values from above and enter the subtotal of ___ ÷ 5 = ___ score for this category

7. STAFFING

- ___ Recruits and retains competent personnel for staff positions
- ___ Applies an appropriate level of supervision to improve any areas of substandard performance
- ___ Stays accurately informed and appropriately concerned about employee relations
- ___ Professionally manages the compensation and benefits
- ___ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal of _____ ÷5 = _____ score for this category

8. SUPERVISION

- ___ Encourages head of departments to make decisions within their jurisdictions with minimal City Manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- ___ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- ___ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the City Manager's office.
- ___ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- ___ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal of _____ ÷5 = _____ score for this category

9. FISCAL MANAGEMENT

- ___ Prepares a balanced budget to provide services at a level directed by Council
- ___ Makes the best possible use of available funds, conscious of the need to operate the City efficiently and effectively
- ___ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- ___ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- ___ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal of ___ ÷ 5 = ___ score for this category

10. COMMUNITY

- ___ Shares responsibility for addressing the difficult issues facing the City of Morro Bay
- ___ Avoids unnecessary controversy
- ___ Cooperates with neighboring communities and the County
- ___ Helps the Council address future needs and develop adequate plans to address long term trends
- ___ Cooperates with other regional, State and Federal government agencies

Add the values from above and enter the subtotal of ___ ÷ 5 = ___ score for this category

TOTAL PERFORMANCE CATEGORY SCORE:

Add the score for categories 1 – 10 and enter the subtotal of _____ ÷ 10 = _____

NARRATIVE EVALUATION

1. Strengths

2. Weaknesses

3. Opportunities

4. Threats

PERFORMANCE OBJECTIVES FOR COMING YEAR

What does the Manager do that you would like him/her to continue, or is there anything you would like him/her to do differently? In what areas should the Manager focus his/her attention in the coming year?

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING THE MONTH OF APRIL
“FAIR HOUSING MONTH”**

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

WHEREAS, the City of Morro Bay is joining with the United States Department of Housing and Urban Development (HUD) and other housing agencies in celebrating the anniversary of the National Fair Housing Law, Title VII of the Civil Rights Act of 1968; and

WHEREAS, the City of Morro Bay encourages fair housing through its support for affordable housing both through housing rehabilitation programs and its affordable housing in-lieu program; and

WHEREAS, discrimination in housing is against the law, no person shall be discriminated against because of race, color, religion, sex, handicaps, familial status, or national origin in the sale, rental, or advertising of dwelling, in the provisions of brokerages services, or in the availability of residential real estate related transactions; and

WHEREAS, if any City resident believes he or she has been discriminated against, the resident should contact the Department of Fair Employment and Housing District Office at 1732 Palma Dr., #200, Ventura, CA 93003, (805) 654-4514 or online at www.dfeh.ca.gov. The Fair Housing Information Office helps to ensure that all residents of the City of Morro Bay and surrounding communities are treated fairly and that all the property owners and landlords abide by the letter and spirit of the Fair Housing Law; and

WHEREAS, the City of Morro Bay, the State of California, HUD and various local agencies are working together to ensure equal treatment of all citizens, we urge everyone to practice the Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, the Morro Bay City Council is proclaiming the month of April as Fair Housing Month in the City of Morro Bay.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 28th day of April, 2020

JOHN HEADDING, MAYOR
City of Morro Bay, California

This Page Intentionally Left Blank

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING APRIL 2020 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” - marks 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, 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 30, 2020, will commemorate “Child Care Awareness Day,” as an in honor of the We Are the Care Initiative to bring awareness and advocate for the local childcare crisis. Through this initiative, we as a community of partners, envision a San Luis Obispo County where all families can find and afford quality care for their children, and where child care professionals are valued for their critical role in building a solid foundation for and children and families to thrive in the world.

WHEREAS, Friday, April 24, 2020 our County will participate in the statewide raising of the Children’s Memorial Flag to honor and raise awareness about the many children in our midst who suffer daily from abuse and neglect, and pledge our 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.

NOW, THEREFORE, BE IT RESOLVED the Morro Bay City Council is proclaiming April 2020 as the "Month of the Child," and “Child Abuse Prevention Month” and April 30, 2020 as “Child Care Awareness Day.”

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 28th day of April 2020.

JOHN HEADING, MAYOR
City of Morro Bay, California

This Page Intentionally Left Blank



AGENDA NO: B-1

MEETING DATE: April 28, 2020

Staff Report

TO: Mayor and City Council

DATE: April 20, 2020

FROM: Jennifer Callaway, Finance Director

SUBJECT: Public Hearing and Adoption of Resolution No. 36-20, which Rescinds Resolution No. 88-19 and Amends and Adopts the Complete FY 2020/21 Master Fee Schedule

RECOMMENDATION

Staff recommends that the City Council conduct the formally noticed public hearing, review the proposed master fee schedule, and adopt Resolution No. 36-20, which updates the City’s Master Fee Schedule for Fiscal Year (FY) 2020/21. This Resolution will also rescind Resolution No. 88-19 that adopted the current FY 2019/20 Master Fee Schedule and replaces it in its entirety for the new fiscal year.

BACKGROUND

Annually, the City reviews and revises the adopted Master Fee Schedule, which specifies what charges are approved for various City provided services. “Fee” activities are services and functions provided by the City to individuals who receive some direct material benefit above and beyond services offered to residents at general taxpayer expense. Council has directed this annual process be revised to have one consolidated fee schedule brought forward in late Spring. This format allows staff to implement any revised fees into budget preparations for the upcoming fiscal years.

The Morro Bay Municipal Code Chapter 3.34, Master Fee Schedule, stipulates how the City shall move forward with amending the Master Fee Schedule. Relevant sections of that chapter are included below for reference.

3.34.010 – Established

The City Master Fee Schedule is established, which shall set forth a consolidated listing of fees as fixed and adopted by the City Council, in accordance with all applicable provisions of state and city laws.

3.34.020 – Fee Revisions and Reviews

Any fees included in the Master Fee Schedule may be reviewed and revised annually by the City Council. The City’s cost of providing the services shall be computed and reflected in these fees. The fees shall then be enumerated, and the revised Master Fee Schedule adopted by resolution of the City Council.

Prepared By: JC

Dept Review: JC

City Manager Review: _____

City Attorney Review: CFN

During the September 24, 2019 Council meeting, staff sought direction from the Council on fee implementation. While not agreed to unanimously, general consensus surrounded a phased-in approach to implementation, with January 1, 2020 being the first phase-in, July 2020 being the second phase-in and July 2021 for the final phase-in. Fees that increase significantly (when reviewing both percentage increase and dollar increase), would be phased-in over two or three years with allocation of staff time and processes being revisited prior to the annual increase. In addition, fees would increase by the normal Consumer Price Index or Construction Cost Index in July 1, 2020 and each July thereafter.

Adoption of increased fees for building permits (large commercial), Harbor Liveaboard Service fees and commercial slip and pier fees were all deferred until additional community and user input could be sought. In addition, staff continues to work to revise Development Impact Fees.

DISCUSSION

As previously recommended and discussed, July 1, 2020 would have been the second phase-in of fee increases, however in light of the COVID-19 pandemic and impact on the local economy, residents and businesses, staff is recommending deferral of this phase-in and is proposing that fees increase by the Consumer Price Index (2.5%) or the Engineering News-Record (5.36%). The original fee schedule, effective January 2020 per Resolution No. 88-19, included the originally planned second phase-in of fees (provided for reference as Attachment 2), per the updated Fee study, moving towards aligning City fees under a primarily cost recovery model. However, as stated, staff is now recommending, deferral of these phase-in's to help support and provide some relief to City customers. In addition, staff is recommending previously discussed and deferred increases to the Liveaboard and commercial slip and pier fees, that had not previously been phased in, however staff recommends that those fees go into effect on October 1, 2020. Staff believes that this provides extensive notice to those impacted while balancing the need to keep the City and Harbor Fund substantially whole for the services provided, especially in light of the financial impacts to the City as a result of the COVID-19 pandemic. As such, staff prepared Resolution No. 36-20 to adopt the proposed FY 2020/21 Master Fee Schedule and rescind and replace in its entirety Resolution No. 88-19 that established the FY 2019/20 Master Fee Schedule. Attached for Council reference is an updated FY 2020/21 Comprehensive Fee Schedule (Exhibit A to Resolution 36-20; Attachment No. 1) reflecting all City Fees, effective July 1, 2020 and October 1, 2020. The attached schedule also includes a final fee phase in for FY 2021/22 that had been previously discussed. The final phase in is for reference only and will be reassessed in six months to one-year, as we continue to learn more about the duration and extent of the economic impacts of the COVID-19 pandemic.

Staff recommends that the City Council adopt Resolution No. 36-20 extending the FY 2020/21 Master Fee Schedule and rescinding Resolution No. 88-19.

ATTACHMENTS

1. Resolution No. 36-20
 - a. Proposed FY 2020/21 Master Fee Schedule
2. FY 2019/20 Adopted Master Fee Schedule – Resolution No. 88-19

RESOLUTION NO. 36-20

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
ADOPTING FISCAL YEAR 2020/21 MASTER FEE SCHEDULE**

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

WHEREAS, the City Council finds fees and charges for City services are annually in need of review for possible updating to reflect changes in the cost of providing those services; and

WHEREAS, pursuant to the California Constitution, with certain expectations, if a City Fee exceeds the City's cost for providing the service covered by that fee, that fee is considered a tax; and

WHEREAS, the City has reviewed the attached fees, and finds they do not exceed the actual costs of providing related services when that limitation is applicable; and

WHEREAS, California Government Code sections 66000, et seq, mandate numerous detailed and stringent requirements for all development fees levied by local government on new construction projects; and

WHEREAS, Section 66017 of the California Government Code requires a 60-day "waiting period" before any development fee increase can become effective; and

WHEREAS, pursuant to government Code section 66016, et seq., specific fees to be charged for services must be adopted by City Council resolution or ordinance, after providing notice and holding a public hearing; and

WHEREAS, the City's Municipal Code Section 3.34.020 Fee revisions and reviews, states: *Any fees, included in the Master Fee Schedule, may be reviewed and revised annually by the city council. The City's cost of providing the services shall be completed and reflected in these fees. The fees shall then be enumerated, and the revised Master Fee Schedule adopted by resolution of the City Council. (Ord 325 (part), 1988);* and

WHEREAS, on July 14, 2015, City Council adopted Resolution No. 55-15, specifying the month of December as the determinate for retrieving Consumer Price Index (CPI) and Engineering News Record (ENR) Construction Cost Index adjustment factors; and

WHEREAS, with the adoption of Resolution No. 55-15, the City Council set the San Francisco-Oakland-San Jose area as the comparable area to the City of Morro Bay for consumer price index changes; and

WHEREAS, on August 11, 2008, the City Council adopted Resolution No. 49-08, which stated that the Master Fee Schedule will be brought back in its entirety for review annually; and

WHEREAS, the City Council is adopting the FY 2020/21 Master Fee Schedule, with CPI and ENR increases only and in lieu of planned phased in increases as previously discussed in October 2019.

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

SECTION 1. Effective 60 days after adoption of this Resolution, Resolution No. 88-19 shall be rescinded.

SECTION 2. Effective 60 days after adoption of this Resolution, the Fiscal Year 2020/21 Master Fee Schedule, attached hereto and incorporated herein by reference, is hereby amended and readopted.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 28th day of April 2020, by the following vote:

AYES:
NOES:
ABSENT:

JOHN HEADDING, Mayor

ATTEST:

DANA SWANSON, City Clerk

CITY OF MORRO BAY FEE SCHEDULE FOR THE FISCAL YEAR 2020/21

All fees adjust annually by either the December Consumer Price Index (CPI = 2.5 %) or Construction Cost Index (ENR = 5.36%). The CPI used is for the San Francisco-Oakland-San Jose area.

Table of Contents

Category	Page Number
General	2
Finance	3
Community Development	5
Public Works	17
Police	24
Fire	27
Harbor	32
Recreation	38
Transit	44

GENERAL FEES			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Photocopies (unless otherwise defined)	\$0.40 per page \$0.70 per 11 x 17" page		
Copies -Digital	\$5 per device		
Records Request	\$5.00 – Retrieval of FPPC filings 5 or more years old. Where applicable, fully allocated hourly rates for all personnel involved plus any outside costs – Per ruling on National Lawyers Guild vs. City of Hayward, Court of Appeal, First District, Division 3, 2018		
Print material mailed	Cost of copying/printing and postage		
Refundable appeal fee for non-land use administrative decisions	\$250 per appeal*	\$275	\$300
Elections filing fee - Notice of intention to circulate petition; this amount is refundable under Elections Code Section 9202(b), with conditions	\$200		
Candidate Filing Fee	\$25 per candidate This fee is limited by state law.		

*Estimated Cost of Appeal is \$3,495. The \$275 appeal fee denotes 8% cost recovery.

FINANCE			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Budget document, per copy	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
City audit document, per copy	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
Master Fee Schedule	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
Business Tax Schedule	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
Returned check charge, per CA Civil Code Section 1719	\$75 per check		
Business License – New	\$30 per license	\$31 per license	
Business License – Renewal	\$15 per license	\$15 per license	

UTILITY BILLING			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Water service application fee	\$ 50 per account	\$51 per account	
Physical posting of shut-off notice at customer location	\$ 35	\$36	
Refundable/transferrable deposit - residential tenants only on signup (MC 13.04.220)	\$100	\$100	
Deposit required for service termination for delinquent non-payment (residential tenants only, if a deposit has not previously been collected)	\$100	\$100	
Reconnection	\$ 85	\$87	

DRAFT

COMMUNITY DEVELOPMENT

BUILDING DIVISION

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Valuation of from 0 - \$3,000 (including electrical service less than 600 amp, and minor plumbing alternatives)	\$ 170	\$174	
\$3,001 to \$300,000	.025 x total valuation as determined by the Building Official (50% submittal/50% at issuance)	.026 x total valuation as determined by the Building Official (50% submittal/50% at issuance)	
\$300,001 and up	.025 x total valuation as determined by the Building Official (50% submittal/50% at issuance)	.026 x total valuation as determined by the Building Official (50% submittal/50% at issuance)	
Construction Operation After Hours	\$ 75	\$77	
Building Re-Address Processing	\$ 60	\$61	
Demo Commercial	\$ 225	\$231	
Demo Residential	\$ 150	\$154	
In-lieu Housing Fee (if unit not affordable housing) - per square foot	\$0.37	\$0.38	
General Plan Maintenance	8% surcharge on all Building Permits	8% surcharge on all Building Permits	
I.T. Service Fee	6% surcharge on all Building Plan Check/Permit	.0075 x valuation (valuation capped at \$1,000,000)	
SMIP Category I (Residential)	.00013 x valuation	.00013 x valuation	
SMIP Category II (Commercial)	.00028 x valuation	.00028 x valuation	

COMMUNITY DEVELOPMENT

BUILDING DIVISION Cont.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Unsafe Building repair, demolition or moving structure	Charged at cost	Charged at cost	
Inspection Fees - outside of normal work hours - per hour, 2 hour minimum	\$ Fully Allocated Hourly Rate x 1.2	\$ Fully Allocated Hourly Rate x 1.2	
Re-Inspection Fees - per hour	\$ 145	\$149	
Property condition report for Condominium Conversions (Review/Inspection)	Remove. Service now provided with Unspecified Building Inspection Fee		
Inspection for which no fee is otherwise indicated - per hour, 1 hour minimum – Use for Certificate of Occupancy	\$ 145	\$149	
Additional Plan Review required by changes, additions, revisions to the approved plans - per hour, 1hour minimum	\$ 145 per hour. One hour minimum	\$149 per hour. One hour minimum	
Use of outside consultants for special plan checking and inspection	Charged at cost + 25% Administration Fee	Charged at cost + 25% Administration Fee	
Permits – Change Ownership/Add Contractor	\$ 120 per request	\$123 per request	
Permit Extension of Time	\$ 60 per request	\$61 per request	
Residential Solar Permit 1kW to 15 kW	\$ 435	\$446	

COMMUNITY DEVELOPMENT

BUILDING DIVISION Cont.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Residential Solar over 15kW	\$ 435 + \$ 10 per kW above 15kW	\$ 445 + \$ 10 per kW above 15kW	
Commercial Solar Permit below 50kW	\$ 870	\$ 892	
Commercial Solar Permit 50kW – 250kW	\$ 870 + \$10 per kW above 50kW	\$ 892 + \$10 per kW above 50kW	

SPECIAL INSPECTION & PLAN REVIEW FEES

Penalty for commencing construction without permit(s). This is in addition to the standard building permit fees.	2 times the permit fee	2 times the permit fee	
--	------------------------	------------------------	--

DEVELOPMENT IMPACT FEES (Increase by CPI Until Further Impact fee Discussion in September 2020)

Building fees per square foot, including garages (enclosed spaces). Single family residential additions of 500 square feet or less are exempt. Water and Wastewater fees are additional. An increase in meter size resulting from the need to comply with the hydraulic demand associated with Fire Sprinklers is exempt.

Residential, Single Family	\$4.43	\$4.54	
Residential, Multi-family	\$7.10	\$7.28	
Accessory Dwelling Unit	\$1.08	\$1.10	
Non-residential, commercial	\$4.50	\$4.61	
Non-residential, office	\$3.17	\$3.25	
Non-residential, industrial	\$1.63	\$1.67	

DEVELOPMENT IMPACT FEES (Deferred until Impact Fee Discussion)

Park fees for residential in-fill lots, per square foot

Single-family	\$1.38	\$1.41	
Single-Family, Detached Accessory Structure	\$0.34	\$0.35	
Accessory Dwelling Unit	\$0.34	\$0.35	
Multi-family	\$2.29	\$2.35	

Public Facilities Fees, per square foot.

Single-family residential:

General Government	\$1.32	\$1.35	
Police	\$0.44	\$0.45	
Parks	\$1.38	\$1.41	
Fire	\$0.48	\$0.49	
Storm Drain	\$0.06	\$0.06	
Traffic	\$2.13	\$2.18	

Multi-family residential:

General Government	\$2.18	\$2.23	
Police	\$0.72	\$0.74	
Parks	\$2.29	\$2.35	
Fire	\$0.81	\$0.83	
Storm Drain	\$0.07	\$0.07	
Traffic	\$3.31	\$3.39	

Public Facilities Fees, per square foot

Non-residential, commercial:

General Government	\$0.28	\$0.29	
Police	\$0.07	\$0.07	
Parks	\$0.02	\$0.02	
Fire	\$0.25	\$0.26	
Storm Drain	\$0.04	\$0.04	

DEVELOPMENT IMPACT FEES			
Public Facilities Fees, per square foot			
Traffic	\$3.78	\$3.87	
Non-residential, office:			
General Government	\$0.36	\$0.37	
Police	\$.09	\$0.09	
Parks	\$0.02	\$0.02	
Fire	\$0.35	\$0.36	
Storm Drain	\$0.04	\$0.04	
Traffic	\$2.30	\$2.36	
Non-residential, industrial:			
General Government	\$0.10	\$0.10	
Police	\$0.04	\$0.04	
Parks	\$0.02	\$0.02	
Fire	\$0.09	\$0.09	
Public Facilities Fees, per square foot (continued)			
Storm Drain	\$0.04	\$0.04	
Traffic	\$1.33	\$1.36	
PLANNING DIVISION			
Affordable Housing In-Lieu:			
Funding assistance application fee	\$620	\$635	
Reasonable Accommodation (ADA) fee (no fee required if in conjunction with other discretionary permit)	\$120	\$123	

Coastal Permits (may be billed at direct cost):			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Coastal Permit in combination with Conditional Use Permit	No fee	No Fee	No Fee
Coastal Permit (Administrative)	\$ 1,007	\$1,032	\$1,410
Regular CDP Without CUP - New single family and single family additions over 25%, Multiple Dwelling, Office, Commercial, Convention, Industrial & Institutional	\$8,284	\$8,491	\$13,545
Additions between 10% and 25% to a Single Family Dwelling in Coastal Appeals area (Planning Commission)	\$ 3,216	\$3,296	\$5,865
Emergency Permit (excluding required regular CDP)	\$ 1010	\$1,035	
Other administrative – Tree Removal, private	\$ 415	\$425	\$570

Environmental (may be billed at direct cost):			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Categorical Exemption	\$ 65	\$67	
Negative Declaration	\$ 2,363	\$2,422	\$4,035
Mitigated Negative Declaration If contracted = contract amount + 25% administrative fee	In House - \$ 4,782, per application Outside - \$4,782 as a deposit for outside consultant plus 25% Administrative Fee	In House - \$ 4,902 per application Outside - \$4,902 as a deposit for outside consultant plus 25% Administrative Fee	In House - \$ 6,660 per application, Outside - \$6,660 as a deposit for outside consultant plus 25% Administrative Fee
Filing Fee - for environmental document	\$ 190	\$195	
Environmental Impact Report - Contract Amount + 25% administrative fee	Initial \$5,000 deposit for cost of staff and outside consultant	Initial \$5,000 deposit for cost of staff and outside consultant	
Archaeology Research Fee – Santa Barbara Central Coast Information Services	\$ 140	\$144	
Miscellaneous:			
Letter regarding land use confirmation or other research – per hour cost	\$ 155	\$159	
Development Agreement – charged at fully allocated hourly rates for all personnel involved, plus any outside costs	\$10,000 deposit	\$10,000 deposit	
Extra Planning Commission Meeting	\$727	\$745	\$2,180
Applicant Requested Continuance	\$125	\$128	
Fine, in addition to permit fee	two times the permit fee + plus \$50 per day – after notice.	two times the permit fee + plus \$50 per day – after notice.	

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Appeal of City decision, excluding Coastal Permits in the appeal jurisdiction – refundable if appellant prevails	\$250	\$275*	\$300
Copy of Planning Commission DVD	Remove. Videos of meetings are now available on City website.		
Telecomm Facility – Administrative (new fee)	\$150	\$154	
Street name/Rename Processing	\$ 345	\$353	
Commercial Medical Cannabis	\$18,000 deposit for cost of staff time and outside consultant	\$18,000 deposit for cost of staff time and outside consultant	
Vacation Rental Monitoring Fee	\$105 per permit	\$108 per permit	
Conceptual Review Fee – Fee is credited toward any future discretionary permit application within 24 months.	\$ 2,700 per application.	\$2,768 per application	\$4,355 per application.
Notification fees:			
Planning Commission Hearing	\$ 443	\$454	
Administrative Permit Noticing	\$ 285	\$292	\$530
Special Events	Remove. Service no longer provided		
Sign Permits:			
Sign Permit	\$ 325	\$331	\$595
Sign Exception (CUP)	\$ \$1,713	\$1,756	\$3,450
Pole Sign (CUP)	\$ \$1,713	\$1,756	\$3,450

*Estimated Cost of Appeal is \$3,495. The \$275 appeal fee denotes 8% cost recovery.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Sign Program (New Fee)	\$427	\$438	\$1,280
Fines – Temporary, beyond time allowed by Ordinance – per day after notice given	\$50 per day after notice given	\$50 per day after notice given	
Fines – Permanently attached sign w/o permit – per day after notice	\$50 per day after notice given	\$50 per day after notice given	
Subdivisions: all Subdivisions may be billed at direct cost			
Tentative Parcel Map Application	\$ 6,665 per map	\$ 6,682 per map	
Tentative Tract Map 0 to 10 lots, add \$100.00 per lot over 10 lots	\$ 8,832 per map	\$9,053 per map	\$12,915 per map
Amendments to Existing Tract or Parcel Maps	Remove. Service included within other Planning services		
Lot Line Adjustment	\$ 1,904 per application	\$1,952 per application	\$5,915 per application
Certificate of compliance (legal determination) – initial fee covers up to 4 lots. Add \$250 per lot over 4 lots	\$1,190 + \$250 per lot for every lot over 4	\$1,220 + \$256 per lot for every lot over 4	
Lot Mergers	\$ 2,000	\$2,050	\$5,915
Text Amendments & Annexations (May be billed at direct cost)			
Zone Ord. Changes/LCP - Minor (single section revisions/additions) - Major (multiple sections revised/added) If contracted – contract amount + 25% administrative fee. Fee amount becomes an initial deposit.	Minor = \$ 5,000 deposit for cost of staff and outside consultant Major = \$ 10,000 deposit for cost of staff and outside consultant	Minor = \$ 5,000 deposit for cost of staff and outside consultant Major = \$ 10,000 deposit for cost of staff and outside consultant	

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 (Proposed Fee Effective 7/1/21 (Plus CPI)
Specific Plan (Billed as deposit with charges at the fully allocated hourly rates for all personnel involved + any outside costs). If contracted = cost + 25% administration fee. Fee amount becomes an initial deposit.	\$5,000 deposit for cost of staff and outside consultant	\$5,000 deposit for cost of staff and outside consultant	
General Plan/Local Coastal Plan Amendment: - Minor (single section revisions/additions) - Major (multiple sections revised/added) If contracted – cost + 25% administrative fee. Fee amount becomes an initial deposit.	\$ 5,000 deposit for cost of staff and outside consultant \$10,000 deposit for cost of staff and outside consultant	\$ 5,000 deposit for cost of staff and outside consultant \$10,000 deposit for cost of staff and outside consultant	
Annexations – Deposit to be determined by staff. Billed at fully allocated staff cost. If contracted – contract amount + 25% administrative fee.	\$ 10,000 deposit for cost of staff and outside consultant	\$ 10,000 deposit for cost of staff and outside consultant	
Time Extensions			
Time extension for CUP, regular Coastal Permits and variance (Planning Commission)	\$ 1,469	\$1,506	\$2,540
Time Extensions for Tract Maps and Parcel Maps	\$ 1,468	\$1,505	\$3,515
Time Extension - Administrative	\$ 285	\$292	
Use Permits - All use permits may be billed at direct cost at the discretion of the Community Development Director and the scheduled fee would then be deemed as a deposit. - All Projects in the Planned Development Overlay require a Use Permit			
Conditional Use Permit (CUP)	\$ 8,284	\$8,491	\$13,545
CUP Concept Plan	\$ 10,941	\$11,215	\$14,890

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
CUP Precise Plan	\$ 4,761	\$4,880	\$10,235
CUP Combined Concept/Precise Plan	\$ 10,941	\$11,215	\$14,890
Conditional Use Permit for an SFR addition of 25% or less of the existing floor area. (appeals area only)	Remove. Same as CUP Addition to Non-Conforming Structure		
One SFR in a Planned Development Zone or Bluff Area	\$ 6,760	\$6,929	
Occupancy Change in Commercial/Industrial Zones	\$ 1,524	\$1,562	\$5,745
Additions to non-conforming structures, not adding units or new uses	\$ 3,195	\$3,275	\$5,990
Minor Use Permit (Residential & Industrial Uses)	\$ 928.50	\$952	\$2,305
Temporary Use Permit – Longer than 10 days	\$ 1,300	\$1,332	\$1,725
Outdoor display and sales and outdoor dining	\$ 1,233	\$1,264	\$1,725
Administrative Temporary Use Permit – 7 consecutive days or 10 non-consecutive days	\$ 285	\$292	\$620
Amendments to Existing Permits (Planning Commission)	\$ 4,240	\$4,346	\$8,960
Major modification while processing	\$ 2,508	\$2,571	\$5,035
Minor amendments to existing permits (Administrative)	\$ 369	\$378	\$705
Special Use Permit (Minor – PC Review)	\$ 2,718	\$2,786	\$5,665
Special Use Permit (Major – PC Review)	\$ 8,165	\$8,369	\$13,190

Variations			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Variance	\$ 3,261	\$4,1178	\$5,665
Variance processed with other permits	\$ 1,000	\$1,025	
Minor Variance	\$ 680	\$697	
Parking Exception (will always be accompanied by a Conditional Use Permit, Minor Use Permit or Coastal Development Permit)	\$ 373	\$382	\$1,000
Laserfiche Applies to all Planning and Building Permits			
Laserfiche of planning and building documents, including scanning and storage. Fee based on plan set pages only.	\$15 for first page of plan set, and \$7 for each additional page.	\$15 for first page of plan set, and \$7 for each additional page.	

PUBLIC WORKS			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
IMPACT FEES			
Water Impact fee (Capacity Credit is given for existing meter) Based on Water & Wastewater Impact Fee Update, Bartle Wells Associates, 3/17/15			
Less than 1-inch meter	\$5,581	\$5,721	
1 inch meter	\$7,487	\$7,674	
1-1/2 inch meter	\$14,972	\$15,346	
2 inch meter	\$23,956	\$24,555	
3 inch meter	\$44,918	\$46,041	
Wastewater fee (Capacity Credit is given based on existing water meter size) Based on Water & Wastewater Impact Fee Update, Bartle Wells Associates, 3/17/15			
Less than 1-inch meter	\$5,636	\$5,777	
1 inch meter	\$7,514	\$7,702	
1-1/2 inch meter	\$15,062	\$15,439	
2 inch meter	\$24,047	\$24,648	
3 inch meter	\$45,087	\$46,214	

ENGINEERING DEVELOPMENT REVIEW FEES			
Flood Hazard Development Permit (MC 14.72.040) - time and materials costs may be added to minimum, when actual cost exceeds the minimum fee (PW):			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus ENR)
Permit, minimum fee	\$ 350	\$369	
Flood plain letter	\$ 155	\$163	
City Engineer Map Review Fees Subdivisions - (PW):			
Final Map - Tract, minimum fee (MC 16.24.040J)	\$ 6,080	\$6,406	
Final Map – Tract, Per lot for every lot over 4 lots	\$ 235	\$248	
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus ENR)
Final Parcel Maps	\$ 4,550	\$4,794	
Map Amendment Review, minimum fee	\$ 1,450	\$1,528	

**Public Improvement Plans
Inspections/Plan Review - time and materials costs may be added to minimum,
when actual cost exceeds the minimum fee:**

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus ENR)
Public/Subdivision Improvement Plan Check, and Inspection as a Percentage of the approved Engineer's estimate for Subdivision Improvements	6.3- Percent	6.3- Percent	
Lease Line Adjustment	\$1,000 per application	\$1,054 per application	\$2,140 per application

Abandonment Process:

Street/R-O-W Abandonment Process	\$ 6,749	\$7,111	
Summary Abandonment	\$1,500	\$1,580	\$3,570
Right of Way Dedication	\$490 per permit	\$516 per permit	

Encroachment Permits (MC 13.16.140) - time and materials costs may be added to minimum, when actual cost exceeds the minimum fee (PW):

Regular – Surface Improvements	\$ 300	\$316	
Regular – Underground Improvements	\$ 500	\$527	
Special - Private Encroachments into the Public R/W, Landscaping plant materials and exempt.	\$ 1,140	\$1,200	
Traffic Control Plan Review, in Addition to Encroachment Permit.	Remove. Review of traffic control included within various encroachment permits.		
Annual Utility Encroachment Permit	\$ 2,883	\$3,038	\$3,750
Wide Load Permit with Traffic Control Plans - Per Year (Set by State of California)	\$90	\$95	
Wide Load Permit with Traffic Control Plans - One Time (Set by State of California)	\$16	\$17	

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus ENR)
Temporary Encroachment Agreement. Plus current San Luis Obispo Recording Fees	\$150	\$158	
Street & Sidewalks:			
Exception Application Exception Application (Sidewalk Deferral) Plus current San Luis Obispo Recording Fees	\$ 322	\$339	\$805
PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEES			
Storm Water Fees (PW):			
Single Family; Other than Single Family (per 6,000 square foot lot area, or fraction thereof):			
Planning review of preliminary stormwater plan	\$ 155 per application	\$ 163 per application	
Building permit review of stormwater plan	\$ 315 per permit	\$ 332 per permit	
Inspection of stormwater facility/erosion control	\$ 190 per application	\$ 200 per application	
Trees (PW):			
Removal Permit (to trim, brace or remove, MC 12.08.110)	\$297	\$313	
WATER			
Water Service:			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Application (MC 13.04.07)	\$ 50 per account	\$51 per account	
Connection - Outside City), only by Council Resolution (MC 13.04.100)	Remove. Service no longer provided.	Remove. Service no longer provided.	

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Meter Installations/Connections:			
3/4 inch Meter/Service (Only installed where Fire sprinklers are not required)	\$1,565 Contractor Provides Service Line Install - 450 plus actual cost of parts. Partial credit may apply if staff is able to use existing parts.	City Installation: \$1,604 Contractor Provides Service Line Install: \$461 plus actual cost of parts. Partial credit may apply if staff is able to use existing parts.	
1 inch meter Meter/Service	\$2,099 Contractor Provides Service Line Install - 450 plus actual cost of parts. Partial credit may apply if staff is able to use existing parts.	City Installation: \$2,151 Contractor Provides Service Line Install: \$461 plus actual cost of parts. Partial credit may apply if staff is able to use existing parts.	
1-1/2"meters and above	\$2,656 Contractor Provides Service Line Install - Actual cost of outside contractor & parts.	City Installation: \$2,722 Contractor Provides Service Line Install: Actual cost of outside contractor & parts.	
Meter Box Installation/Replacement	\$520 per meter box, paved/concrete location \$330 per meter box, unpaved location	\$533 per meter box, paved/concrete location \$338 per meter box, unpaved location	
Water Meter Re-Read	\$ 65	\$67	
Reconnection (MC 13.04.310)	\$ 85	\$87	
After - Hours Water Meter Turn Off/On	\$ 300	\$307	\$580
"Drop in" meter fee, up to 2 inches	Remove. Service combined with other fees/services		
Relocation of water meter for customer convenience	Remove. Service combined with other fees/services		
Water meter lock and any other damage. Subject to Police investigation and potential prosecution for theft of water and tampering with City Property	T&M		

Meter Installations/Connections (continued):			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 (Proposed Fee Effective 7/1/21 (Plus CPI)
Water Meter Testing (Remove, test and replace meter); fee refunded if meter test indicates an overage of greater than 2%	\$ 255 per test plus outside cost of testing. Fee refunded if meter test indicates an overage of greater than 2%.	\$ 261 per test plus outside cost of testing. Fee refunded if meter test indicates an overage of greater than 2%.	
Water Equivalency Unit (WEU) "In-Lieu" Fee - per WEU required. In-lieu fee is an alternative for an applicant that does not provide the WEU offset, as required and set by Council Resolution	2 x \$3,139/WEU required = \$6,278	2 x \$3,217/WEU required = \$6,435	
Fire Hydrants Meter Installation and Removal for Contractor Use (MC 13.04.360): Rental, per day plus cost of water at current rate structure.	\$245 per rental plus \$5 per day and \$1,500 refundable deposit. Water Meter will be read and billed on a monthly basis.	\$251 per rental plus \$5 per day and \$1,500 refundable deposit. Water Meter will be read and billed on a monthly basis.	
Hydrant Meter Rental, per day plus cost of water at current rate structure.			
Certificate of Compliance – Water Retrofit	\$ 75	\$77	
Water Service Refundable Deposit - residential tenants only	\$100	\$100	

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
WASTEWATER			
Connection Permit - This is in addition to an Encroachment Permit.	\$ 155	\$159	
Discharge Fee - Recreational Vehicles and Campers	Remove. Service is no longer provided by the City.	Remove. Service is no longer provided by the City.	
Discharge Fee - Tank Trucks and Commercial per truck, for gallon. No septage allowed	\$ 260+ \$0.25/gal or fraction there of	\$ 266+ \$0.25/gal or fraction there of	
Raising Manhole to Grade	\$155 per manhole	\$159 per manhole	
Sewage Spill Cleanup - cost of providing service Sewage spill clean up	Fully allocated hourly rate for all staff involved.	Fully allocated hourly rate for all staff involved.	
Fats, Oils & Grease Inspection	\$155 – inspection \$155 - reinspection	\$159 – inspection \$159 - reinspection	
OTHER FEES			
Dedication 15 Gallon Tree and Plaque	Actual Cost of Labor and Parts	Actual Cost of Labor and Parts	
Dedication Bench and 1 Plaque Space	Actual Cost of Labor and Parts	Actual Cost of Labor and Parts	
Dedication Whole Bench with 3 Plaque Spaces	Actual cost of labor and parts	Actual cost of labor and parts	
Other Park Amenity Dedication	To Be Determined on an individual basis	To Be Determined on an individual basis	

POLICE SERVICES			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Permits and Licenses:			
Tow/Taxi Service Provider Application Fee	\$ 800	\$820	\$1,805
Taxi Operator Permit Application Fee	\$ 600	\$615	\$905
Taxi Operator Permit Application Renewal Fee	\$ 145	\$149	
Second Hand Dealer Permit - City Application Fee (does not include Department of Justice fee) (MBMC 5.40.330)	\$ 500	\$512	\$1,040
Second Hand Dealer Permit renewal - City Application Fee (does not include Department of Justice fee) (MBMC 5.40.330)	\$ 275	\$282	
Massage Therapist/Parlor Permit Application Fee (MBMC 5.40.330)	\$ 145	\$149	
Special Events	Fully Allocated Hourly Rate for all staff involved	Fully Allocated Hourly Rate for all staff involved	
ABC Permit	\$75 per permit	\$77 per permit	
Support Services Activity:			
Digital Photo Reproduction to CD - per hour, 1 hour minimum	Service no longer offered. Refer to Copy – Digital fee, \$5 per device	Service no longer offered. Refer to Copy – Digital fee, \$5 per device	
Audio/Video Tape Reproduction - per hour, 1 hour minimum	Service no longer offered. Refer to Copy – Digital fee, \$5 per device	Service no longer offered. Refer to Copy – Digital fee, \$5 per device	
Record Searches/Reviews/Clearance/Responses - per hour, 1 hour minimum	\$ 65 per letter	\$ 67 per letter	

Officer Activity:			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 (Proposed Fee Effective 7/1/21 (Plus CPI)
Equipment Citation Sign Off	\$ 15	\$15	
Vehicle Impound Fee Administrative Costs (CVD 22850.5)	\$ 185	\$190	
Abandoned Vehicle Removal (junk vehicles/parts)	\$ 185	\$190	
Other Police Services:			
Firearms-seizure/storage (PC 33880)	\$ 125	\$128	
State Mandated Costs			
Concealed Weapons Permit (does not include DOJ or other fees (PC25455) Fees set by California Penal Code Sections 12050-12054 and 26190a	\$ 100 per permit (\$20 paid at time of application with remaining amount paid upon issuing of permit) Psychological testing costs are added to the above fees up to \$150. Permit requires fingerprinting.		
Renewal of Concealed Weapons Permit (does not include cost of ID card) Fees set by California Penal Code Sections 12050-12054 and 26190a	Renewal Permit: \$ 25 Amended Permit - \$10		
Subpoena Duces Tecum (does not include costs of report, etc) (EC 1563(b)(1))	Subpoenaed Non-Sworn \$ 35 per day plus \$0.20 per mile (California Government Code Section 68093) Subpoenaed Peace Officer – Full cost to the public entity incurred in paying the peace officer, firefighter his or her salary or other compensation and traveling expense for each day that such officer is required to remain in attendance (California Government Code 68097.2) Subpoena Duces Tecum - \$15 (California Government Code Section 1563(b)(6)		
Delinquent Parking Citation Copy (VC 40206.5)	Remove. Refer to the City's Copies – Printed Fee		
Repossessed Vehicle (GC 41612)	\$ 15 Fee set by California Government Code 41612		

State Mandated Costs Cont.			
Booking Fees (current cost-cost is dependent on charges by County) (GC 53150) & (GC 29550.1)	Remove. Service no longer provided.		
Live scan Fingerprint Fees (PC 13300(e))	\$ 35 per request		
Criminal History Review (PC13322)	Remove. Service not provided by the City and requests are referred to DOJ		
Cost Recovery:			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
DUI Emergency Response (MBMC 3.40.030)	Per Government Code Section 53155, charge the actual costs incurred up to \$12,000 per response for all responding personnel.	Per Government Code Section 53155, charge the actual costs incurred up to \$12,000 per response for all responding personnel.	
False Alarm Response (after 3 rd false alarm in a year) (MBMC 9.22.020)	No Charge – 1 st and 2 nd response within a year \$380 – 3 rd and subsequent response within a year.	No Charge – 1 st and 2 nd response within a year \$380 – 3 rd and subsequent response within a year.	

FIRE			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Permits:			
Permit Inspection Fees:			
Any single permit identified in Title 24 CFC and not specifically addressed in the Master Fee Schedule	\$ 275 per permit	\$282 per permit	
Any combination of permits shall not exceed	\$ 1,150	\$1,179	
Special Occurrence or Use Permit (equipment & personnel charges additional)	\$146	\$150	
Special Permits:			
Marine Welding Permit: Vessel, Pier, Wharf, Waterfront	Remove. Now included within Fire Code Permit		
Aircraft Landing Permit, per occurrence (required Fire standby equipment & personnel charges additional)	Remove. Now included within Fire Code permit.		
Equipment & Personnel Charges:			
Engine or Truck: per hour, per vehicle (personnel charges additional)	\$129	\$132	
Squad/Rescue: per hour, per vehicle (personnel charges additional)	\$94	\$96	
Utility/Command Vehicle: per hour, per vehicle (personnel charges additional)	\$45	\$46	
Personnel charges	Per hour, per person - 2 hour minimum, unless otherwise specified, at current productive hourly rate		

Plan Review Fees:			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Fire Plan Concept Review	Fully allocated hourly rate with no charge for first 15 minutes.		
Plan Review	1.1% of total valuation plus use of outside consultant for Plan Review & Inspection based on actual cost		
Additional Plan Review required by changes, additions or revisions to approved plans	Personnel charges, as specified in Equipment & Personnel Charges, on an hourly basis, plus actual cost of outside consultant for Plan Review		
Fire Protection:			
System & Equipment Fees:			
Fire Sprinkler System Installation Inspection - (above ground):			
Residential	\$ 190		
Commercial	\$285+ \$ 15 per head		
Commercial projects or tenant improvements under 1,000 sq. ft.	\$ 190 + \$ 15 per head		
Use of Outside Consultants for Plan Review & and/or Inspection	\$ 190 + actual cost	\$195 + actual cost	
Request for Building Fire Flow Calculations	\$ 200	\$205	\$385
Request for Hydrant Flow Information	\$ 190	\$195	
Fire & Safety Inspection Program	\$40 – B2 Business Inspection (4 yr Self Inspection Program) \$140 – NonB2 Business Inspection (Annual Inspection) Fees collected through Business Licensing.		
Request for Hydrant Flow Test	\$73 fee plus personnel & equipment as specified in Personnel and Equipment Charges, 1 hr min	\$75 fee plus personnel & equipment as specified in Personnel and Equipment Charges, 1 hr min	
Engine company business inspection:			
1st and 2nd inspections	No charge	No charge	
3rd and subsequent inspections	\$ 340	\$348	

Fire Prevention Cont:			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
New and annual business/facility inspection fees:			
1st and 2nd inspections	Remove. Service combined with Fire Safety Program Inspection		
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	1 st Citation \$ 100	1 st Citation \$ 102	
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 200	\$ 205	
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 500	\$ 513	
Annual weed and hazard abatement inspection fees:			
1st inspection for compliance	No charge	No charge	
2nd and subsequent inspections	\$ 190	\$ 195	
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	\$146	\$150	
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$292	\$299	
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$584	\$599	

Incident Response Fees:			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Negligent Incidents	<p>Response due to negligent/malicious act (e.g., DUI traffic accident, climber on Morro Rock, incendiary fire, negligent hazardous material incident, negligent confined space incident, etc.)</p> <p>Two hour minimum to be charged as specified by Personnel & Equipment Charges plus any material costs and contract services used.</p>		
Excessive or Malicious False Alarms	<p>Emergency response due to "Failure to Notify" when working on or testing fire/alarm system</p> <p>0.5 hours minimum to be charged as specified by Personnel & Equipment Charges.</p>		
	Remove. Duplicate of Excessive or Malicious False Alarms Fee		
Alarm system malfunction resulting in 2 in 30 days or 3 in 12 months	Charged as specified by Personnel & Equipment Charges plus any material costs		
Other Fire Services:			
Fire response report, per report	\$ 125	\$128	
Additional copies, per page	See General Fees for copy charges		
Cause & Origin investigation reports, per report	\$ 360	\$369	

FEE NAME	Proposed Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Non-renewal of required annual permit	Charge double permit fee rate		
Failure to obtain permit	Charge double permit fee rate		
Missed site inspection appointment	\$ 190	\$195	
Failure to meet permit requirements/requiring re-inspection	\$ 190	\$195	
Permits - California Fire Code:			
See operational and construction permits identified in the California Fire Code, Section 105			
Plan Review Fees:			
Plan Review Fees	Total valuation to recover the cost of providing service		
Use of outside consultant for Plan Review and/or Inspection	\$73 plus actual cost of consultant	\$75 plus actual cost of consultant	
All Plan Review Fees shown are minimum amounts, based on average processing. Large or complex projects may be subject to increased fees based upon time, costs, or equipment costs as shown per Equipment & Personnel Charges.			

HARBOR DEPARTMENT

1. All fees are due in advance. At the Harbor Department's discretion, billing in arrears for qualified and registered vessels with current account status may be allowed.

2. Any account past due over 10 days will be charged a \$35 late fee on a monthly basis. Accounts are due and payable by the 10th of every month.

VESSEL FEES

1. All vessel fees based on the length of the vessel or the length of the slip, whichever is greater, with a 36-foot minimum.

2. The Harbor Director may waive dockage fees for "tall ships" visiting Morro Bay Harbor for any period less than 30 days with written notice.

3. Transient Slip fees will be charged by the day or by the month, whichever is less.

4. Transient Slip monthly subleases shall be limited to 3 months in any slip as long as there are vessels appropriate to the slip size on the sublease waiting list.

5. Floating Dock and Anchorage stay limited to 30 days in any 6-month period.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 *Effective 10/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Commercial Fishing Slips – monthly rate per foot	\$ 5.10	\$7.10*	
Commercial Fishing Slip Waiting List Deposit	\$ 435	\$435	
Head Float Berth – monthly rate	\$ 256.25		
Transient Slips – monthly sublease rate per foot	\$ 11 Commercial; \$14 Recreational		
Transient Slips – daily rate per foot	\$ 1 Commercial; \$1.50 Recreational		
T-Piers – daily rate per foot	\$ 0.30	\$0.35*	
Floating Dock	\$ 0.45		
A1-5 Anchorage Area – first 5 days	\$ 0.00	\$0.00	
A1-5 Anchorage Area – daily rate/foot over 5 days	\$ 0.40		

Vessel Fees (continued)			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 (Proposed Fee Effective 7/1/21 (Plus CPI)
Temporary Moorage – large vessels or equipment requiring special accommodation or assistance – daily rate	\$ 182	\$187	
Impound Fee	\$ 213	\$218	
Impounded Vessels – daily storage rate per foot	\$ 2.25	\$2.31	
MOORING FEES			
1. Guest Mooring stay limited to 30 days in any 6-month period without prior approval of the Harbor Department.			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
City Moorings – monthly rate	\$ 275	\$282	
Private Moorings – monthly rate	\$ 94	\$96	
Guest Moorings – daily rate per foot	\$ 0.45	\$0.46	
Mooring Ownership Transfer – private moorings	\$ 1,259	\$1,290	

SERVICE FEES

1. South T-Pier Hoist may only be used for fish unloading only in certain cases; see Harbor Department Rules and Regulations.

2. Dry Storage fee is for use of each approximate 10-foot by 30-foot space; may be pro-rated.

3. Triangle Lot Boat Storage fee is for use of each approximate 12-foot by 30-foot space; minimum monthly increments.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
T-Pier Electrical Convenience Fee – daily rate	\$ 3.0	\$3.08	
South T-Pier Hoist – rate per use	\$ 16.10	\$16.50	
South T-Pier Hoist Fish Unloading – per hour	\$ 84.10	\$86.20	
Wharfage – rate per ton	\$ 1.10	\$1.13	
Loaned Electric Cord or Adaptor Replacement	\$ 183	\$188	
Dry Storage – monthly rate	\$ 100	\$102	
Triangle Lot Trailer/Boat Storage – monthly rate	\$ 100	\$102	

LIVEBOARD FEES

1. Liveboard permits are valid for 2 fiscal years. Any Liveboard application, submitted during the period January 1 through June 30, is valid only for that fiscal year and the following fiscal year. Any Liveboard application, submitted July 1 through December 31, will only be valid for the remainder of that fiscal year and the following fiscal year.

2. Liveboard Permit Inspections may be conducted by the Harbor Patrol or by a qualified Marine Surveyor acceptable to the City.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20 *Effective 10/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Liveboard Permit Administration—biennial	\$165		
Liveboard Permit Administration - Monthly		\$44.80*	
Liveboard Permit Inspection – biennial (if done by Harbor Patrol)	\$ 150	\$150	
Service Fee, Moorings—monthly	\$17.40 (Defer any increase at this time)	\$17.80	
Service Fee, City Slips—monthly	\$35.80 (Defer any increase at this time)	\$36.70	

EQUIPMENT & PERSONNEL CHARGES

1. Vessels requiring non-emergency assistance more than once in any 12-month period may be charged at the rates established herein.

2. Personnel and vessels/vehicles charged on an hourly basis with a 1-hour minimum.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Patrol Officer – per hour	\$ 150	\$154	
Patrol Supervisor – per hour	\$ 175	\$179	
Lifeguard	\$ 27	\$28	

LAUNCH RAMP PARKING FEES

1. Launch Ramp Parking fees apply to the extended yellow-striped tow vehicle and trailer parking spaces at the Launch Ramp parking lot and Tidelands Park.

2. Annual Parking Permits are valid for one calendar year and may be prorated to the nearest month.

FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
Daily (or any part thereof)	\$ 6	\$6	
Annual Permit	\$ 155	\$155	
Failure to Pay Established Fee	\$ 48.50	\$50	
Failure to Visibly Display Receipt	\$ 48.50	\$50	

DRAFT

LEASE ADMINISTRATION FEES			
FEE NAME	Effective 1/1/20	Proposed Fee Effective 7/1/20	Proposed Fee Effective 7/1/21 (Plus CPI)
New Master Lease Negotiation & City Council Approval	\$ 2,800	\$ 2,870	
Other Actions Requiring City Council Approval (lease amendment, lease assignment & assumption, deed of trust approval, lease line adjustment, license agreement approval, building lease approval)	\$ 1,400	\$1,435	
Sublease Approval	\$ 400	\$ 410	

DRAFT

RECREATION

FACILITY RENTALS:

COMMUNITY CENTER

FEE NAME	Proposed Fee Effective 7/1/20	
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Auditorium – Per Hour	\$92	\$ 138
Auditorium, one-half – Per Hour	\$56	\$82
Multi-Purpose Room – Per Hour	\$51	\$77
Lounge – Per Hour	\$41	\$61
Studio – Per Hour	\$31	\$46
Conference Room – Per Hour	\$15	\$26
Kitchen – Per Hour Note: Kitchen only rentals permitted Monday – Friday; weekend rentals must be combined with room rental.	\$26	\$31
Kitchen – 8 Hours	\$128	\$154

VETERAN'S MEMORIAL BUILDING

FEE NAME	Proposed Fee Effective 7/1/20	
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Assembly, w/o kitchen – Per Hour	\$41	\$54
Complete, w/o kitchen – Per Hour	\$46	\$61
Meeting, w/o kitchen – Per Hour	\$34	\$45
Kitchen & barbeque – Per Hour Note: Kitchen only rentals permitted Monday – Friday; weekend rentals must be combined with room rental.	\$25	\$31
Kitchen – 8 hours	\$128	\$154

DRAFT

RECREATION FACILITY RENTALS (CONTINUED)

TEEN CENTER

	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups	
Per hour – up to 50 participants, includes one staff	\$77	\$102	
Per hour - over 50 participants, includes two staff	\$102	\$128	
Processing Fee: \$10, non-refundable		\$10 – Park Reservations \$26 – Facility/ Field/Court Rental \$36 Bounce House \$36 – Alcohol/Security	
Public Special Event/Festival Processing Fee (all public space rentals):		\$354 per event, non-refundable	
Security Deposit: \$150, no alcohol or live music \$500, alcohol and/or live music \$750, alcohol and/or live music over 200 people The City reserves the right to require additional security deposit limits at its discretion.		Facility Impact fee, non-refundable, per event based on group size: 100-200 participants: \$169 201 or more participants: \$348	
Event set-up: \$50 <u>1</u> per hour Event breakdown: \$50 <u>1</u> per hour Veteran's Memorial Building stage use, set-up and breakdown: \$100 <u>02</u> flat rate		Facility Attendant(s): \$20 per hour each Security Guard(s): \$32 per hour each (Required for events with alcohol and/or dancing) Unscheduled overtime: \$77 per hour	
Insurance: cost based on event size/type		Cancellations: 20% charge of invoiced costs	

	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Anchor Memorial Park Open Area Bayshore Bluffs Open Area Centennial Parkway Open Area City Park Open Area Cloisters Park Open Area General Open Area Monte Young Open Area Tidelands Park Open Area	\$82/4 Hours \$246/day per area	\$102/4 Hours \$307/day per area
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Coleman Park Coleman Basketball Courts Del Mar Park Hillside or Meadow Del Mar Park Basketball Courts Del Mar Pickleball Courts Del Mar Tennis Courts Lila Keiser Park BBQ (Excluding Tournament Use) Monte Young Tennis Courts North Point Overlook		
Lila Keiser Park Tournament Use (does not include field prep, or hourly use rates)	\$546	\$1,093
Public Special Event/Festival	\$546	\$1,093
Morro Beach Private Reception/Event – up to 100 people	\$205	\$307
Morro Beach Private Reception/Event – beyond 100 people	\$307	\$461
Morro Rock Parking Lot – Available only for public special events (non-exclusive use)	\$307	\$461

	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Giant Chessboard – Wooden Pieces	\$44	\$88
Giant Chessboard – Plastic Pieces	\$12	\$18
Basketball Courts, Pickleball Court & Tennis Court Hourly	\$8	\$10

HOURLY and PARK USE FEES (continued)

Lila Keiser hourly field rental w/o lights	\$8	\$10				
Lila Keiser hourly field rental w/ lights	\$20	\$31				
Lila Keiser field preparation	\$31	\$41				
City Park Banner Placement	\$ 128/wk	\$ 179/wk				

ADDITIONAL FEES

Security Deposit: \$50, Bounce House \$150, no alcohol or live music \$500, alcohol and/or live music \$500 Organized Sporting Event (tournaments) \$500 Public Special Event/Festival The City reserves the right to require additional security deposit limits at its discretion	Lila Keiser Support Services: \$278 per hour Insurance: cost based on event size/type Cancellations: 20% of invoiced costs				
--	--	--	--	--	--

MISCELLANEOUS PROPERTY USE						
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups				
Recreation equipment rental, per bag Includes one: Horseshoes, Badminton, Volleyball, Bocce Ball	\$12	\$18				
Skate Park - Per Hour (2 hour minimum)	\$ 76	\$ 102				
Photography/Filming – Per Day	\$546	\$1,092				
ADDITIONAL FEES						
Equipment Rental Deposit: \$50 Photography/Filming Deposit: \$1,025						

DRAFT

MORRO BAY TRANSIT AND TROLLEY

Morro Bay Transit - Fixed Route

Regular fare, per ride	\$1.50	\$1.50	
Discount fare, per ride	\$0.75	\$0.75	
Regular punch pass (11 rides for the price of 10)	\$15	\$15	
Discount punch pass (11 rides for the price of 10)	\$7.50	\$7.50	
Regular day pass	\$4	\$4	
Discount day pass	\$2	\$2	

Morro Bay Transit - Call-a-Ride:

Fare, per ride	\$2.50	\$2.50	
Call-A-Ride punch pass (11 rides for the price of 10)	\$25	\$25	

Morro Bay Trolley Fares (Ages 12 and up):

Per ride (Children, under 12 years old ride free, but must be accompanied by a fare-paying adult)	\$1	\$1	
All day pass	\$3	\$3	

Morro Bay Trolley Advertising:

Exterior Side of Trolley (approx. 36"x20") - with supplied sign	\$401	\$411	
Exterior Side of Trolley (approx. 36"x20") - MB Community Foundation supplied sign	\$468	\$480	
Exterior Rear of Trolley (approx. 24"x20") - with supplied sign	\$365	\$374	
Exterior Rear of Trolley (approx. 24"x20") - MB Community Foundation supplied sign	\$401	\$411	
Interior (approx. 26"x12") - with supplied sign	\$172	\$176	
Interior (approx. 26"x12") - MB Community Foundation supplied sign	\$208	\$213	

Morro Bay Trolley Rental Rates:

Hourly rate includes driver, fuel, cleaning, standby mechanic and administration, unless otherwise noted.

One day, within City Limits, per hour (2 hour minimum):			
Transportation of passengers to and from one location to another or continuous loop with multiple stops; plus cost of fuel	\$114	\$117	
One day, outside City limits, per hour (3 hour minimum)			
Transportation of passengers to and from one location to another or continuous loop with multiple stops; plus cost of fuel	\$114	\$117	

DRAFT

RESOLUTION NO. 88-19

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
ADOPTING FISCAL YEAR 2019/20 MASTER FEE SCHEDULE**

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

WHEREAS, the City Council finds fees and charges for City services are annually in need of review for possible updating to reflect changes in the cost of providing those services; and

WHEREAS, pursuant to the California Constitution, with certain expectations, if a City fee exceeds the City's cost for providing the service covered by that fee, that fee is considered a tax; and

WHEREAS, the City has reviewed the attached fees, and finds they do not exceed the actual costs of providing related services when that limitation is applicable; and

WHEREAS, California Government Code sections 66000, *et seq.*, mandate numerous detailed and stringent requirements for all development fees levied by local government on new construction projects; and

WHEREAS, Section 66017 of the California Government Code requires a 60-day "waiting period" before any development fee increase can become effective; and

WHEREAS, pursuant to Government Code section 66016, *et seq.*, specific fees to be charged for services must be adopted by City Council resolution or ordinance, after providing notice and holding a public hearing; and

WHEREAS, a public hearing on the proposed revised master fee schedule for FY 2019-20 was properly noticed to be held on October 22, 2019 in compliance with all applicable legal requirements; and

WHEREAS, the City's Municipal Code Section 3.34.020 ("Fee revisions and reviews"), states: *Any fees, included in the Master Fee Schedule, may be reviewed and revised annually by the city council. The City's cost of providing the services shall be completed and reflected in these fees. The fees shall then be enumerated, and the revised Master Fee Schedule adopted by resolution of the City Council.*; and

WHEREAS, on July 14, 2015, City Council adopted Resolution No. 55-15, specifying the month of December as the determinate for retrieving Consumer Price Index (CPI) and Engineering News Record (ENR) Construction Cost Index adjustment factors; and

WHEREAS, with the adoption of Resolution No. 55-15, the City Council set the San Francisco-Oakland-San Jose area as the comparable area to the City of Morro Bay for consumer price index changes; and

WHEREAS, on August 11, 2008, the City Council adopted Resolution No. 49-08, which stated that the "Master Fee Schedule will be brought back in its entirety for review annually"; and

WHEREAS, the City Council is adopting the FY 2019/20 Master Fee Schedule, with amendments per the recent Fee Study Update completed by the City, with some fees being phased in over a period of two to three years to reach cost recovery; and

WHEREAS, the Morro Bay City Council now wishes to rescind Resolution No. 31-19; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, the Fiscal Year 2019/20 Master Fee Schedule, attached hereto and incorporated herein, is hereby amended and readopted, and furthermore that Resolution No. 31-19 is rescinded in its entirety.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 22nd day of October 2019, by the following vote:

AYES: Headding, Addis, Davis, Heller, McPherson

NOES: None

ABSENT: None



JOHN HEADDING, Mayor

ATTEST:



DANA SWANSON, City Clerk

CITY OF MORRO BAY FEE SCHEDULE FOR THE FISCAL YEAR 2019/20

All fees adjust annually by either the December Consumer Price Index (CPI = xx %) or Construction Cost Index (ENR = xx%). The CPI used is for the San Francisco-Oakland-San Jose area.

Table of Contents

Category	Page Number
General	2
Finance	3
Community Development	5
Public Works	17
Police	24
Fire	27
Harbor	32
Recreation	38
Transit	44

GENERAL FEES			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Photocopies (unless otherwise defined)	\$0.40 per page \$0.70 per 11 x 17" page		
Copies -Digital	\$5 per device		
Records Request	\$5.00 – Retrieval of FPPC filings 5 or more years old. Where applicable, fully allocated hourly rates for all personnel involved plus any outside costs – Per ruling on National Lawyers Guild vs. City of Hayward, Court of Appeal, First District, Division 3, 2018		
Print material mailed	Cost of copying/printing and postage		
Refundable appeal fee for non-land use administrative decisions	\$250 per appeal*	\$275	\$300
Elections filing fee - Notice of intention to circulate petition; this amount is refundable under Elections Code Section 9202(b), with conditions	\$200		
Candidate Filing Fee	\$25 per candidate This fee is limited by state law.		

*Estimated Cost of Appeal is \$3,495. The \$250 appeal fee denotes 7% cost recovery.

FINANCE			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Budget document, per copy	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
City audit document, per copy	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
Master Fee Schedule	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
Business Tax Schedule	Actual cost of outside company to print and bind, or Copies – Printed fee at: \$0.40 per page – Letter and Legal sized paper \$0.70 per page – Tabloid sized paper		
Returned check charge, per CA Civil Code Section 1719	\$75 per check		
Business License – New	\$30 per license		
Business License – Renewal	\$15 per license		

UTILITY BILLING			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Water service application fee	\$ 50 per account		
Physical posting of shut-off notice at customer location	\$ 35		
Refundable/transferrable deposit - residential tenants only on signup (MC 13.04.220)	\$100		
Deposit required for service termination for delinquent non-payment (residential tenants only, if a deposit has not previously been collected)	\$100		
Reconnection	\$ 85		

COMMUNITY DEVELOPMENT

BUILDING DIVISION

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Valuation of from 0 - \$3,000 (including electrical service less than 600 amp, and minor plumbing alternatives)	\$ 170		
\$3,001 to \$300,000	.025 x total valuation as determined by the Building Official (50% submittal/50% at issuance)		
\$300,001 and up	.025 x total valuation as determined by the Building Official (50% submittal/50% at issuance)		
Construction Operation After Hours	\$ 75		
Building Re-Address Processing	\$ 60		
Demo Commercial	\$ 225		
Demo Residential	\$ 150		
In-lieu Housing Fee (if unit not affordable housing) - per square foot	\$0.37		
General Plan Maintenance	8% surcharge on all Building Permits		
I.T. Service Fee	6% surcharge on all Building Plan Check/Permit		
SMIP Category I (Residential)	.00013 x valuation		
SMIP Category II (Commercial)	.00028 x valuation		

COMMUNITY DEVELOPMENT

BUILDING DIVISION Cont.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Unsafe Building repair, demolition or moving structure	Charged at cost		
Inspection Fees - outside of normal work hours - per hour, 2 hour minimum	\$ Fully Allocated Hourly Rate x 1.2		
Re-Inspection Fees - per hour	\$ 145		
Property condition report for Condominium Conversions (Review/Inspection)	Remove. Service now provided with Unspecified Building Inspection Fee		
Inspection for which no fee is otherwise indicated - per hour, 1 hour minimum – Use for Certificate of Occupancy	\$ 145		
Additional Plan Review required by changes, additions, revisions to the approved plans - per hour, 1hour minimum	\$ 145 per hour. One hour minimum		
Use of outside consultants for special plan checking and inspection	Charged at cost + 25% Administration Fee		
Permits – Change Ownership/Add Contractor	\$ 120 per request		
Permit Extension of Time	\$ 60 per request		
Residential Solar Permit 1kW to 15 kW	\$ 435		

COMMUNITY DEVELOPMENT

BUILDING DIVISION Cont.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Residential Solar over 15kW	\$ 435 + \$ 10 per kW above 15kW		
Commercial Solar Permit below 50kW	\$ 870		
Commercial Solar Permit 50kW – 250kW	\$ 870 + \$10 per kW above 50kW		
SPECIAL INSPECTION & PLAN REVIEW FEES			
Penalty for commencing construction without permit(s). This is in addition to the standard building permit fees.	2 times the permit fee		
DEVELOPMENT IMPACT FEES (Deferred until Impact Fee Discussion)			
Building fees per square foot, including garages (enclosed spaces). Single family residential additions of 500 square feet or less are exempt. Water and Wastewater fees are additional. An increase in meter size resulting from the need to comply with the hydraulic demand associated with Fire Sprinklers is exempt.			
Residential, Single Family	\$4.43		
Residential, Multi- family	\$7.10		
Accessory Dwelling Unit	\$1.08		
Non-residential, commercial	\$4.50		
Non-residential, office	\$3.17		
Non-residential, industrial	\$1.63		

DEVELOPMENT IMPACT FEES (Deferred until Impact Fee Discussion)			
Park fees for residential in-fill lots, per square foot			
Single-family	\$1.38		
Single-Family, Detached Accessory Structure	\$0.34		
Accessory Dwelling Unit	\$0.34		
Multi-family	\$2.29		
Public Facilities Fees, per square foot.			
Single-family residential:			
General Government	\$1.32		
Police	\$0.44		
Parks	\$1.38		
Fire	\$0.48		
Storm Drain	\$0.06		
Traffic	\$2.13		
Multi-family residential:			
General Government	\$2.18		
Police	\$0.72		
Parks	\$2.29		
Fire	\$0.81		
Storm Drain	\$0.07		
Traffic	\$3.31		
Public Facilities Fees, per square foot			
Non-residential, commercial:			
General Government	\$0.28		
Police	\$0.07		
Parks	\$0.02		
Fire	\$0.25		
Storm Drain	\$0.04		

DEVELOPMENT IMPACT FEES (Deferred until Impact Fee Discussion)			
Public Facilities Fees, per square foot			
Traffic	\$3.78		
Non-residential, office:			
General Government	\$0.36		
Police	\$.09		
Parks	\$0.02		
Fire	\$0.35		
Storm Drain	\$0.04		
Traffic	\$2.30		
Non-residential, industrial:			
General Government	\$0.10		
Police	\$0.04		
Parks	\$0.02		
Fire	\$0.09		
Public Facilities Fees, per square foot (continued)			
Storm Drain	\$0.04		
Traffic	\$1.33		
PLANNING DIVISION			
Affordable Housing In-Lieu:			
Funding assistance application fee	\$620		
Reasonable Accommodation (ADA) fee (no fee required if in conjunction with other discretionary permit)	\$120		

Coastal Permits (may be billed at direct cost):			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Coastal Permit in combination with Conditional Use Permit	No fee	No Fee	No Fee
Coastal Permit (Administrative)	\$ 1,007	\$1,208	\$1,410
Regular CDP Without CUP - New single family and single family additions over 25%, Multiple Dwelling, Office, Commercial, Convention, Industrial & Institutional	\$8,284	\$10,914	\$13,545
Additions between 10% and 25% to a Single Family Dwelling in Coastal Appeals area (Planning Commission)	\$ 3,216	\$4,076	\$5,865
Emergency Permit (excluding required regular CDP)	\$ 1010		
Other administrative – Tree Removal, private	\$ 415	\$518	\$570

Environmental (may be billed at direct cost):			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Categorical Exemption	\$ 65		
Negative Declaration	\$ 2,363	\$2,952	\$4,035
Mitigated Negative Declaration If contracted = contract amount + 25% administrative fee	In House - \$ 4,782, per application Outside - \$4,782 as a deposit for outside consultant plus 25% Administrative Fee	In House - \$ 5,770 per application Outside - \$5,770 as a deposit for outside consultant plus 25% Administrative Fee	In House - \$ 6,660 per application, Outside - \$6,660 as a deposit for outside consultant plus 25% Administrative Fee
Filing Fee - for environmental document	\$ 190		
Environmental Impact Report - Contract Amount + 25% administrative fee	Initial \$5,000 deposit for cost of staff and outside consultant		
Archaeology Research Fee – Santa Barbara Central Coast Information Services	\$ 140		
Miscellaneous:			
Letter regarding land use confirmation or other research – per hour cost	\$ 155		
Development Agreement – charged at fully allocated hourly rates for all personnel involved, plus any outside costs	\$10,000 deposit		
Extra Planning Commission Meeting	\$727	\$1,454	\$2,180
Applicant Requested Continuance	\$125		
Fine, in addition to permit fee	two times the permit fee + plus \$50 per day – after notice.		

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Appeal of City decision, excluding Coastal Permits in the appeal jurisdiction – refundable if appellant prevails	\$250*	\$275	\$300
Copy of Planning Commission DVD	Remove. Videos of meetings are now available on City website.		
Telecomm Facility – Administrative (new fee)	\$150		
Street name/Rename Processing	\$ 345		
Commercial Medical Cannabis	\$18,000 deposit for cost of staff time and outside consultant		
Vacation Rental Monitoring Fee	\$105 per permit		
Conceptual Review Fee – Fee is credited toward any future discretionary permit application within 24 months.	\$ 2,700 per application.	\$3,240 per application	\$4,355 per application.
Notification fees:			
Planning Commission Hearing	\$ 443	\$560	
Administrative Permit Noticing	\$ 285	\$407	\$530
Special Events	Remove. Service no longer provided		
Sign Permits:			
Sign Permit	\$ 325	\$406	\$595
Sign Exception (CUP)	\$ \$1,713	\$2,570	\$3,450
Pole Sign (CUP)	\$ \$1,713	\$2,570	\$3,450

*Estimated Cost of Appeal is \$3,495. The \$250 appeal fee denotes 7% cost recovery.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Sign Program (New Fee)	\$427	\$854	\$1,280
Fines – Temporary, beyond time allowed by Ordinance – per day after notice given	\$50 per day after notice give		
Fines – Permanently attached sign w/o permit – per day after notice	\$50 per day after notice given		
Subdivisions: all Subdivisions may be billed at direct cost			
Tentative Parcel Map Application	\$ 6,665 per map		
Tentative Tract Map 0 to 10 lots, add \$100.00 per lot over 10 lots	\$ 8,832 per map	\$11,040 per map	\$12,915 per map
Amendments to Existing Tract or Parcel Maps	Remove. Service included within other Planning services		
Lot Line Adjustment	\$ 1,904 per application	\$3,046 per application	\$5,915 per application
Certificate of compliance (legal determination) – initial fee covers up to 4 lots. Add \$250 per lot over 4 lots	\$1,190 + \$250 per lot for every lot over 4		
Lot Mergers	\$ 2,000	\$3,000	\$5,915
Text Amendments & Annexations (May be billed at direct cost)			
Zone Ord. Changes/LCP <ul style="list-style-type: none"> - Minor (single section revisions/additions) - Major (multiple sections revised/added) If contracted – contract amount + 25% administrative fee. Fee amount becomes an initial deposit.	Minor = \$ 5,000 deposit for cost of staff and outside consultant Major = \$ 10,000 deposit for cost of staff and outside consultant		

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Specific Plan (Billed as deposit with charges at the fully allocated hourly rates for all personnel involved + any outside costs). If contracted = cost + 25% administration fee. Fee amount becomes an initial deposit.	\$5,000 deposit for cost of staff and outside consultant		
General Plan/Local Coastal Plan Amendment: - Minor (single section revisions/additions) - Major (multiple sections revised/added) If contracted – cost + 25% administrative fee. Fee amount becomes an initial deposit.	\$ 5,000 deposit for cost of staff and outside consultant \$ \$10,000 deposit for cost of staff and outside consultant		
Annexations – Deposit to be determined by staff. Billed at fully allocated staff cost. If contracted – contract amount + 25% administrative fee.	\$ 10,000 deposit for cost of staff and outside consultant		
Time Extensions			
Time extension for CUP, regular Coastal Permits and variance (Planning Commission)	\$ 1,469	\$1,836	\$2,540
Time Extensions for Tract Maps and Parcel Maps	\$ 1,468	\$2,202	\$3,515
Time Extension - Administrative	\$ 285		
Use Permits			
<ul style="list-style-type: none"> - All use permits may be billed at direct cost at the discretion of the Community Development Manager and the scheduled fee would then be deemed as a deposit. - All Projects in the Planned Development Overlay require a Use Permit 			
Conditional Use Permit (CUP)	\$ 8,284	\$10,915	\$13,545
CUP Concept Plan	\$ 10,941	\$12,915	\$14,890

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
CUP Precise Plan	\$ 4,761	\$7,142	\$10,235
CUP Combined Concept/Precise Plan	\$ 10,941	\$12,915	\$14,890
Conditional Use Permit for an SFR addition of 25% or less of the existing floor area. (appeals area only)	Remove. Same as CUP Addition to Non-Conforming Structure		
One SFR in a Planned Development Zone or Bluff Area	\$ 6,760		
Occupancy Change in Commercial/Industrial Zones	\$ 1,524	\$2,667	\$5,745
Additions to non-conforming structures, not adding units or new uses	\$ 3,195	\$4,793	\$5,990
Minor Use Permit (Residential & Industrial Uses)	\$ 928.50	\$1,625	\$2,305
Temporary Use Permit – Longer than 10 days	\$ 1,300	\$1,512	\$1,725
Outdoor display and sales and outdoor dining	\$ 1,233	\$1,478	\$1,725
Administrative Temporary Use Permit – 7 consecutive days or 10 non-consecutive days	\$ 285	\$356	\$620
Amendments to Existing Permits (Planning Commission)	\$ 4,240	\$6,360	\$8,960
Major modification while processing	\$ 2,508	\$3,758	\$5,035
Minor amendments to existing permits (Administrative)	\$ 369	\$461	\$705
Special Use Permit (Minor – PC Review)	\$ 2,718	\$4,077	\$5,665
Special Use Permit (Major – PC Review)	\$ 8,165	\$10,677	\$13,190

Variations			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Variance	\$ 3,261	\$4,076	\$5,665
Variance processed with other permits	\$ 1,000		
Minor Variance	\$ 680		
Parking Exception (will always be accompanied by a Conditional Use Permit, Minor Use Permit or Coastal Development Permit)	\$ 373	\$560	\$1,000
Laserfiche Applies to all Planning and Building Permits			
Laserfiche of planning and building documents, including scanning and storage. Fee based on plan set pages only.	\$15 for first page of plan set, and \$7 for each additional page.		

PUBLIC WORKS			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
IMPACT FEES (Deferred until Impact Fee Discussion)			
Water Impact fee (Capacity Credit is given for existing meter) Based on Water & Wastewater Impact Fee Update, Bartle Wells Associates, 3/17/15			
Less than 1-inch meter	\$5,581		
1 inch meter	\$7,487		
1-1/2 inch meter	\$14,972		
2 inch meter	\$23,956		
3 inch meter	\$44,918		
Wastewater fee (Capacity Credit is given based on existing water meter size) Based on Water & Wastewater Impact Fee Update, Bartle Wells Associates, 3/17/15			
Less than 1-inch meter	\$5,636		
1 inch meter	\$7,514		
1-1/2 inch meter	\$15,062		
2 inch meter	\$24,047		
3 inch meter	\$45,087		

ENGINEERING DEVELOPMENT REVIEW FEES			
Flood Hazard Development Permit (MC 14.72.040) - time and materials costs may be added to minimum, when actual cost exceeds the minimum fee (PW):			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Permit, minimum fee	\$ 350	\$470	
Flood plain letter	\$ 155		
City Engineer Map Review Fees Subdivisions - (PW):			
Final Map - Tract, minimum fee (MC 16.24.040J)	\$ 6,080		
Final Map – Tract, Per lot for every lot over 4 lots	\$ 235		
FEE NAME	Proposed Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Final Parcel Maps	\$ 4,550		
Final Maps Amendment Review, minimum fee	\$ 1,450		

Public Improvement Plans			
Inspections/Plan Review - time and materials costs may be added to minimum, when actual cost exceeds the minimum fee:			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Public/Subdivision Improvement Plan Check, and Inspection as a Percentage of the Engineer's estimate for Subdivision Improvements	6.3- Percent		
Lease Line Adjustment	\$1,000 per application	\$1,500 per application	\$2,140 per application
Abandonment Process:			
Street/R-O-W Abandonment Process	\$ 6,749	\$7,140	
Summary Abandonment	\$1,500	\$2,000	\$3,570
Right of Way Dedication	\$490 per permit		
Encroachment Permits (MC 13.16.140) - time and materials costs may be added to minimum, when actual cost exceeds the minimum fee (PW):			
Regular – Surface Improvements	\$ 300	\$390	
Regular – Underground Improvements	\$ 500	\$545	
Special - Private Encroachments into the Public R/W, Landscaping plant materials and exempt.	\$ 1,140		
Traffic Control Plan Review, in Addition to Encroachment Permit.	Remove. Service now included within various encroachment permits.		
Annual Utility Encroachment Permit	\$ 2,883	\$3,315	\$3,750
Wide Load Permit with Traffic Control Plans - Per Year (Set by State of California)	\$90		
Wide Load Permit with Traffic Control Plans - One Time (Set by State of California)	\$16		

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Temporary Encroachment Permit	\$150	\$315	
Street & Sidewalks:			
Exception Application Exception Application (Sidewalk Deferral)	\$ 322	\$563	\$805
PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEES			
Storm Water Fees (PW):			
Single Family; Other than Single Family (per 6,000 square foot lot area, or fraction thereof):			
Planning review of preliminary stormwater plan	\$ 155 per application		
Building permit review of stormwater plan	\$ 315 per permit		
Inspection of stormwater facility/erosion control	\$ 190 per application		
Trees (PW):			
Removal Permit (to trim, brace or remove, MC 12.08.110)	\$297		
WATER			
Water Service:			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Application (MC 13.04.07)	\$ 50 per account		
Connection - Outside City), only by Council Resolution (MC 13.04.100)	Remove. Service no longer provided.		

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Meter Installations/Connections:			
3/4 inch Meter/Service (Only installed where Fire sprinklers are not required)	\$1,565 Contractor Provides Service Line Install - 450 plus actual cost of parts. Partial credit may apply if staff is able to use existing parts.		
1 inch meter Meter/Service	\$2,099 Contractor Provides Service Line Install - 450 plus actual cost of parts. Partial credit may apply if staff is able to use existing parts.		
1-1/2"meters and above	\$2,656 Contractor Provides Service Line Install - Actual cost of outside contractor & parts.		
Meter Box Installation	\$520 per meter box, paved/concrete location \$330 per meter box, unpaved location		
Water Meter Re-Read	\$ 65		
Reconnection (MC 13.04.310)	\$ 85		
After - Hours Water Meter Turn Off/On	\$ 300	\$400	\$580
"Drop in" meter fee, up to 2 inches	Remove. Service combined with other fees/services		
Relocation of water meter for customer convenience	Remove. Service combined with other fees/services		
Water meter lock and any other damage. Subject to Police investigation and potential prosecution for theft of water and tampering with City Property	T&M		

Meter Installations/Connections (continued):			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Water Meter Testing (Remove, test and replace meter); fee refunded if meter test indicates an overage of greater than 2%	\$ 255 per test plus outside cost of testing. Fee refunded if meter test indicates an overage of greater than 2%.		
Water Equivalency Unit (WEU) "In-Lieu" Fee - per WEU required . In-lieu fee is an alternative for an applicant that does not provide the WEU offset, as required and set by Council Resolution	2 x \$3,139/WEU required = \$6,278		
Fire Hydrants Meter Installation and Removal for Contractor Use (MC 13.04.360): Rental, per day plus cost of water at current rate structure.	\$245 per rental plus \$5 per day and \$1,500 refundable deposit. Water Meter will be read and billed on a monthly basis.		
Hydrant Meter Rental, per day plus cost of water at current rate structure.			
Certificate of Compliance – Water Retrofit	\$ 75		
Water Service Refundable Deposit - residential tenants only	\$100		

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
WASTEWATER			
Connection Permit - This is in addition to an Encroachment Permit.	\$ 155		
Discharge Fee - Recreational Vehicles and Campers	Remove. Service is no longer provided by the City.		
Discharge Fee - Tank Trucks and Commercial per truck, for gallon. No septage allowed	\$ 260+ \$0.25/gal or fraction there of		
Raising Manhole to Grade	\$155 per manhole		
Sewage Spill Cleanup - cost of providing service Sewage spill clean up	Fully allocated hourly rate for all staff involved.		
Fats, Oils & Grease Inspection	\$155 – inspection \$155 - reinspection		
OTHER FEES			
Dedication 15 Gallon Tree and Plaque	Actual Cost of Labor and Parts		
Dedication Bench and 1 Plaque Space	Actual Cost of Labor and Parts		
Dedication Whole Bench with 3 Plaque Spaces	Actual cost of labor and parts		
Other Park Amenity Dedication	To Be Determined on an individual basis		

POLICE SERVICES			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Permits and Licenses:			
Tow/Taxi Service Provider Application Fee	\$ 800	\$1,000	\$1,805
Taxi Operator Permit Application Fee	\$ 600	\$725	\$905
Taxi Operator Permit Application Renewal Fee	\$ 145		
Second Hand Dealer Permit - City Application Fee (does not include Department of Justice fee) (MBMC 5.40.330)	\$ 500	\$800	\$1,040
Second Hand Dealer Permit renewal - City Application Fee (does not include Department of Justice fee) (MBMC 5.40.330)	\$ 275		
Massage Therapist/Parlor Permit Application Fee (MBMC 5.40.330)	\$ 145		
Special Events	Fully Allocated Hourly Rate for all staff involved		
ABC Permit	\$75 per permit		
Support Services Activity:			
Digital Photo Reproduction to CD - per hour, 1 hour minimum	Service no longer offered. Refer to Copy – Digital fee, \$5 per device		
Audio/Video Tape Reproduction - per hour, 1 hour minimum	Service no longer offered. Refer to Copy – Digital fee, \$5 per device		
Record Searches/Reviews/Clearance/Responses - per hour, 1 hour minimum	\$ 65 per letter		

Officer Activity:			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Equipment Citation Sign Off	\$ 15		
Vehicle Impound Fee Administrative Costs (CVD 22850.5)	\$ 185		
Abandoned Vehicle Removal (junk vehicles/parts)	\$ 185		
Other Police Services:			
Firearms-seizure/storage (PC 33880)	\$ 125		
State Mandated Costs			
Concealed Weapons Permit (does not include DOJ or other fees (PC25455) Fees set by California Penal Code Sections 12050-12054 and 26190a	\$ 100 per permit (\$20 paid at time of application with remaining amount paid upon issuing of permit) Psychological testing costs are added to the above fees up to \$150. Permit requires fingerprinting.		
Renewal of Concealed Weapons Permit (does not include cost of ID card) Fees set by California Penal Code Sections 12050-12054 and 26190a	Renewal Permit: \$ 25 Amended Permit - \$10		
Subpoena Duces Tecum (does not include costs of report, etc) (EC 1563(b)(1))	Subpoenaed Non-Sworn \$ 35 per day plus \$0.20 per mile (California Government Code Section 68093) Subpoenaed Peace Officer – Full cost to the public entity incurred in paying the peace officer, firefighter his or her salary or other compensation and traveling expense for each day that such officer is required to remain in attendance (California Government Code 68097.2) Subpoena Duces Tecum - \$15 (California Government Code Section 1563(b)(6))		
Delinquent Parking Citation Copy (VC 40206.5)	Remove. Refer to the City's Copies – Printed Fee		
Repossessed Vehicle (GC 41612)	\$ 15 Fee set by California Government Code 41612		

State Mandated Costs Cont.			
Booking Fees (current cost-cost is dependent on charges by County) (GC 53150) & (GC 29550.1)	Remove. Service no longer provided.		
Live scan Fingerprint Fees (PC 13300(e))	\$ 35 per request		
Criminal History Review (PC13322)	Remove. Service not provided by the City and requests are referred to DOJ		
Cost Recovery:			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
DUI Emergency Response (MBMC 3.40.030)	Per Government Code Section 53155, charge the actual costs incurred up to \$12,000 per response for all responding personnel.		
False Alarm Response (after 3 rd false alarm in a year) (MBMC 9.22.020)	No Charge – 1 st and 2 nd response within a year \$380 – 3 rd and subsequent response within a year.		

FIRE			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Permits:			
Permit Inspection Fees:			
Any single permit identified in Title 24 CFC and not specifically addressed in the Master Fee Schedule	\$ 275 per permit	\$385 per permit	
Any combination of permits shall not exceed	\$ 1,150		
Special Occurrence or Use Permit (equipment & personnel charges additional)	\$146		
Special Permits:			
Marine Welding Permit: Vessel, Pier, Wharf, Waterfront	Remove. Now included within Fire Code Permit		
Aircraft Landing Permit, per occurrence (required Fire standby equipment & personnel charges additional)	Remove. Now included within Fire Code permit.		
Equipment & Personnel Charges:			
Engine or Truck: per hour, per vehicle (personnel charges additional)	\$129		
Squad/Rescue: per hour, per vehicle (personnel charges additional)	\$94		
Utility/Command Vehicle: per hour, per vehicle (personnel charges additional)	\$45		
Personnel charges	Per hour, per person - 2 hour minimum, unless otherwise specified, at current productive hourly rate		

Plan Review Fees:			
FEE NAME	Adoted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Fire Plan Concept Review	Fully allocated hourly rate with no charge for first 15 minutes.		
Plan Review	1.1% of total valuation plus use of outside consultant for Plan Review & Inspection based on actual cost		
Additional Plan Review required by changes, additions or revisions to approved plans	Personnel charges, as specified in Equipment & Personnel Charges, on an hourly basis, plus actual cost of outside consultant for Plan Review		
Fire Protection:			
System & Equipment Fees:			
Fire Sprinkler System Installation Inspection - (above ground):			
Residential	\$ 190		
Commercial	\$285+ \$ 15 per head		
Commercial projects or tenant improvements under 1,000 sq. ft.	\$ 190 + \$ 15 per head		
Use of Outside Consultants for Plan Review & and/or Inspection	\$ 190 + actual cost		
Request for Building Fire Flow Calculations	\$ 200	\$300	\$385
Request for Hydrant Flow Information	\$ 190		
Fire & Safety Inspection Program	\$40 – B2 Business Inspection (4 yr Self Inspection Program) \$140 – NonB2 Business Inspection (Annual Inspection) Fees collected through Business Licensing.		
Request for Hydrant Flow Test	\$73 fee plus personnel & equipment as specified in Personnel and Equipment Charges, 1 hr min		
Engine company business inspection:			
1st and 2nd inspections	No charge		
3rd and subsequent inspections	\$ 340		

Fire Prevention Cont:			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
New and annual business/facility inspection fees:			
1st and 2nd inspections	Remove. Service combined with Fire Safety Program Inspection		
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	1 st Citation \$ 100		
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 200		
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 500		
Annual weed and hazard abatement inspection fees:			
1st inspection for compliance	No charge		
2nd and subsequent inspections	\$ 190		
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	\$146		
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$292		
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$584		

Incident Response Fees:			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Negligent Incidents	<p>Response due to negligent/malicious act (e.g., DUI traffic accident, climber on Morro Rock, incendiary fire, negligent hazardous material incident, negligent confined space incident, etc.)</p> <p>Two hour minimum to be charged as specified by Personnel & Equipment Charges plus any material costs and contract services used.</p>		
Excessive or Malicious False Alarms	<p>Emergency response due to "Failure to Notify" when working on or testing fire/alarm system</p> <p>0.5 hours minimum to be charged as specified by Personnel & Equipment Charges.</p>		
	Remove. Duplicate of Excessive or Malicious False Alarms Fee		
Alarm system malfunction resulting in 2 in 30 days or 3 in 12 months	Charged as specified by Personnel & Equipment Charges plus any material costs		
Other Fire Services:			
Fire response report, per report	\$ 125		
Additional copies, per page	See General Fees for copy charges		
Cause & Origin investigation reports, per report	\$ 360		

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Non-renewal of required annual permit	Charge double permit fee rate		
Failure to obtain permit	Charge double permit fee rate		
Missed site inspection appointment	\$ 190		
Failure to meet permit requirements/requiring re-inspection	\$ 190		
Permits - California Fire Code:			
See operational and construction permits identified in the California Fire Code, Section 105			
Plan Review Fees:			
Plan Review Fees	Total valuation to recover the cost of providing service		
Use of outside consultant for Plan Review and/or Inspection	\$73 plus actual cost of consultant		
All Plan Review Fees shown are minimum amounts, based on average processing. Large or complex projects may be subject to increased fees based upon time, costs, or equipment costs as shown per Equipment & Personnel Charges.			

HARBOR DEPARTMENT

1. All fees are due in advance. At the Harbor Department’s discretion, billing in arrears for qualified and registered vessels with current account status may be allowed.

2. Any account past due over 10 days will be charged a \$35 late fee on a monthly basis. Accounts are due and payable by the 10th of every month.

VESSEL FEES

1. All vessel fees based on the length of the vessel or the length of the slip, whichever is greater, with a 36-foot minimum.

2. The Harbor Director may waive dockage fees for “tall ships” visiting Morro Bay Harbor for any period less than 30 days with written notice.

3. Transient Slip fees will be charged by the day or by the month, whichever is less.

4. Transient Slip monthly subleases shall be limited to 3 months in any slip as long as there are vessels appropriate to the slip size on the sublease waiting list.

5. Floating Dock and Anchorage stay limited to 30 days in any 6-month period.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Commercial Fishing Slips – monthly rate per foot	\$ 5.10 (Defer any increase at this time)		
Commercial Fishing Slip Waiting List Deposit	\$ 435		
Head Float Berth – monthly rate	\$ 256.25		
Transient Slips – monthly sublease rate per foot	\$ 11 Commercial; \$14 Recreational		
Transient Slips – daily rate per foot	\$ 1 Commercial; \$1.50 Recreational		
T-Piers – daily rate per foot	\$ 0.30 (Defer any increase at this time)		
Floating Dock	\$ 0.45		
A1-5 Anchorage Area – first 5 days	\$ 0.00		
A1-5 Anchorage Area – daily rate/foot over 5 days	\$ 0.40		

Vessel Fees (continued)			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Temporary Moorage – large vessels or equipment requiring special accommodation or assistance – daily rate	\$ 182		
Impound Fee	\$ 213		
Impounded Vessels – daily storage rate per foot	\$ 2.25		
MOORING FEES			
1. Guest Mooring stay limited to 30 days in any 6-month period without prior approval of the Harbor Department.			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
City Moorings – monthly rate	\$ 275		
Private Moorings – monthly rate	\$ 94		
Guest Moorings – daily rate per foot	\$ 0.45		
Mooring Ownership Transfer – private moorings	\$ 1,259		

SERVICE FEES

1. South T-Pier Hoist may only be used for fish unloading only in certain cases; see Harbor Department Rules and Regulations.

2. Dry Storage fee is for use of each approximate 10-foot by 30-foot space; may be pro-rated.

3. Triangle Lot Boat Storage fee is for use of each approximate 12-foot by 30-foot space; minimum monthly increments.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
T-Pier Electrical Convenience Fee – daily rate	\$ 3.0		
South T-Pier Hoist – rate per use	\$ 16.10		
South T-Pier Hoist Fish Unloading – per hour	\$ 84.10		
Wharfage – rate per ton	\$ 1.10		
Loaned Electric Cord or Adaptor Replacement	\$ 183		
Dry Storage – monthly rate	\$ 100		
Triangle Lot Trailer/Boat Storage – monthly rate	\$ 100		

LIVEABOARD FEES

1. Liveaboard permits are valid for 2 fiscal years. Any Liveaboard application, submitted during the period January 1 through June 30, is valid only for that fiscal year and the following fiscal year, but will be prorated by reducing the Liveaboard application fee, stated herein, by 25%. Any Liveaboard application, submitted July 1 through December 31, will not be prorated.

2. Liveaboard Permit Inspections may be conducted by the Harbor Patrol or by a qualified Marine Surveyor acceptable to the City.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Liveaboard Permit Administration - biennial	\$ 165		
Liveaboard Permit Inspection – biennial (if done by Harbor Patrol)	\$ 150		
Service Fee, Moorings - monthly	\$ 17.40 (Defer any increase at this time)		
Service Fee, City Slips - monthly	\$ 35.80 (Defer any increase at this time)		

EQUIPMENT & PERSONNEL CHARGES

1. Vessels requiring non-emergency assistance more than once in any 12-month period may be charged at the rates established herein.

2. Personnel and vessels/vehicles charged on an hourly basis with a 1-hour minimum.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Patrol Officer – per hour	\$ 150		
Patrol Supervisor – per hour	\$ 175		
Lifeguard	\$ 27		

LAUNCH RAMP PARKING FEES

1. Launch Ramp Parking fees apply to the extended yellow-striped tow vehicle and trailer parking spaces at the Launch Ramp parking lot and Tidelands Park.

2. Annual Parking Permits are valid for one calendar year and may be prorated to the nearest month.

FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
Daily (or any part thereof)	\$ 6		
Annual Permit	\$ 155		
Failure to Pay Established Fee	\$ 48.50		
Failure to Visibly Display Receipt	\$ 48.50		

LEASE ADMINISTRATION FEES			
FEE NAME	Adopted Fee Effective 1/1/20	Proposed Fee Effective 7/1/20 (Plus CPI)	Proposed Fee Effective 7/1/21 (Plus CPI)
New Master Lease Negotiation & City Council Approval	\$ 2,800	\$ 3,105	
Other Actions Requiring City Council Approval (lease amendment, lease assignment & assumption, deed of trust approval, lease line adjustment, license agreement approval, building lease approval)	\$ 1,400	\$2,010	
Sublease Approval	\$ 400	\$ 665	

RECREATION		
FACILITY RENTALS:		
COMMUNITY CENTER		
FEE NAME	Adopted Fee Effective 1/1/20	
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Auditorium – Per Hour	\$90	\$ 135
Auditorium, one-half – Per Hour	\$55	\$80
Multi-Purpose Room – Per Hour	\$50	\$75
Lounge – Per Hour	\$40	\$60
Studio – Per Hour	\$30	\$45
Conference Room – Per Hour	\$15	\$25
Kitchen – Per Hour Note: Kitchen only rentals permitted Monday – Friday; weekend rentals must be combined with room rental.	\$25	\$30
Kitchen – 8 Hours	\$125	\$150

VETERAN'S MEMORIAL BUILDING		
FEE NAME	Adopted Fee Effective 1/1/20	
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Assembly, w/o kitchen – Per Hour	\$40	\$53
Complete, w/o kitchen – Per Hour	\$45	\$60
Meeting, w/o kitchen – Per Hour	\$33	\$44
Kitchen & barbeque – Per Hour Note: Kitchen only rentals permitted Monday – Friday; weekend rentals must be combined with room rental.	\$24	\$30
Kitchen – 8 hours	\$125	\$150

RECREATION FACILITY RENTALS (CONTINUED)

TEEN CENTER

	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups	
Per hour – up to 50 participants, includes one staff	\$75	\$100	
Per hour - over 50 participants, includes two staff	\$100	\$125	
Processing Fee: \$10, non-refundable		\$10 – Park Reservations \$25 – Facility/ Field/Court Rental \$35 Bounce House \$35 – Alcohol/Security	
Public Special Event/Festival Processing Fee (all public space rentals):		\$345 per event, non-refundable	
Security Deposit: \$150, no alcohol or live music \$500, alcohol and/or live music \$750, alcohol and/or live music over 200 people The City reserves the right to require additional security deposit limits at its discretion.	Facility Impact fee, non-refundable, per event based on group size: 100-200 participants: \$165 201 or more participants: \$340		
Event set-up: \$50 per hour Event breakdown: \$50 per hour Veteran’s Memorial Building stage use, set-up and breakdown: \$100 flat rate	Facility Attendant(s): \$20 per hour each Security Guard(s): \$31 per hour each (Required for events with alcohol and/or dancing) Unscheduled overtime: \$75 per hour		
Insurance: cost based on event size/type	Cancellations: 20% charge of invoiced costs		

	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Anchor Memorial Park Open Area Bayshore Bluffs Open Area Centennial Parkway Open Area City Park Open Area Cloisters Park Open Area General Open Area Monte Young Open Area Tidelands Park Open Area	\$80/4 Hours \$240/day per area	\$100/4 Hours \$300/day per area
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Coleman Park Coleman Basketball Courts Del Mar Park Hillside or Meadow Del Mar Park Basketball Courts Del Mar Pickleball Courts Del Mar Tennis Courts Lila Keiser Park BBQ (Excluding Tournament Use) Monte Young Tennis Courts North Point Overlook		
Lila Keiser Park Tournament Use (does not include field prep, or hourly use rates)	\$533	\$1,066
Public Special Event/Festival	\$533	\$1,066
Morro Beach Private Reception/Event – up to 100 people	\$200	\$300
Morro Beach Private Reception/Event – beyond 100 people	\$300	\$450
Morro Rock Parking Lot – Available only for public special events (non-exclusive use)	\$300	\$450

	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups
Giant Chessboard – Wooden Pieces	\$43	\$86
Giant Chessboard – Plastic Pieces	\$12	\$18
Basketball Courts, Pickleball Court & Tennis Court Hourly	\$8	\$10

HOURLY and PARK USE FEES (continued)

Lila Keiser hourly field rental w/o lights	\$8	\$10				
Lila Keiser hourly field rental w/ lights	\$20	\$30				
Lila Keiser field preparation	\$30	\$40				
City Park Banner Placement	\$ 125/wk	\$ 175/wk				

ADDITIONAL FEES

Security Deposit: \$50, Bounce House \$150, no alcohol or live music \$500, alcohol and/or live music \$500 Organized Sporting Event (tournaments) \$500 Public Special Event/Festival The City reserves the right to require additional security deposit limits at its discretion	Lila Keiser Support Services: \$27 per hour Insurance: cost based on event size/type Cancellations: 20% of invoiced costs				
--	---	--	--	--	--

MISCELLANEOUS PROPERTY USE						
	Resident/Non-Profit Groups	Non-Resident/For-Profit Groups				
Recreation equipment rental, per bag Includes one: Horseshoes, Badminton, Volleyball, Bocce Ball	\$12	\$18				
Skate Park - Per Hour (2 hour minimum)	\$ 75	\$ 100				
Photography/Filming – Per Day	\$533	\$1,065				
ADDITIONAL FEES						
Equipment Rental Deposit: \$50 Photography/Filming Deposit: \$1,000						

MORRO BAY TRANSIT AND TROLLEY

Morro Bay Transit - Fixed Route

Regular fare, per ride	\$1.50		
Discount fare, per ride	\$0.75		
Regular punch pass (11 rides for the price of 10)	\$15		
Discount punch pass (11 rides for the price of 10)	\$7.50		
Regular day pass	\$4		
Discount day pass	\$2		

Morro Bay Transit - Call-a-Ride:

Fare, per ride	\$2.50		
Call-A-Ride punch pass (11 rides for the price of 10)	\$25		

Morro Bay Trolley Fares (Ages 12 and up):

Per ride (Children, under 12 years old ride free, but must be accompanied by a fare-paying adult)	\$1		
All day pass	\$3		

Morro Bay Trolley Advertising:

Exterior Side of Trolley (approx. 36"x20") - with supplied sign	\$401		
Exterior Side of Trolley (approx. 36"x20") - MB Community Foundation supplied sign	\$468		
Exterior Rear of Trolley (approx. 24"x20") - with supplied sign	\$365		
Exterior Rear of Trolley (approx. 24"x20") - MB Community Foundation supplied sign	\$401		
Interior (approx. 26"x12") - with supplied sign	\$172		
Interior (approx. 26"x12") - MB Community Foundation supplied sign	\$208		

Morro Bay Trolley Rental Rates:

Hourly rate includes driver, fuel, cleaning, standby mechanic and administration, unless otherwise noted.

One day, within City Limits, per hour (2 hour minimum):			
Transportation of passengers to and from one location to another or continuous loop with multiple stops; plus cost of fuel	\$114		
One day, outside City limits, per hour (3 hour minimum)			
Transportation of passengers to and from one location to another or continuous loop with multiple stops; plus cost of fuel	\$114		



AGENDA NO: C-1

MEETING DATE: April 28, 2020

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 22, 2020

FROM: Scott Collins, City Manager

SUBJECT: Approve the Memorandum of Understanding (MOU) with the Morro Bay Open Space Alliance (MBOSA) Related to Cerrito Peak/Eagle Rock (Eagle Rock)¹

RECOMMENDATION

The City Council approve the MOU with the MBOSA through which MBOSA will reimburse the City the \$265,000 the City paid to purchase Eagle Rock to preserve it as open space.

ALTERNATIVES

Do not approve the MOU or make revisions as deemed necessary.

FISCAL IMPACT

The General Fund will be increased by \$265,000.

BACKGROUND/DISCUSSION

In December of 2011, the City Council approved, on appeal, a new single-family residence on Eagle Rock. A lawsuit was subsequently filed challenging the City's approval as not meeting environmental and other requirements (*Save the Park, et al v. City of Morro Bay*). As a result of that lawsuit, the land use entitlements were provisionally set aside. The court decision, which was finalized on August 4, 2015, also required several actions from the property owner before the Council could consider whether the suspended land use entitlements should be reinstated, if at all. The existing entitlements were to expire, by their own terms, on September 18, 2017.

In the meantime, the then property owner, Janne Reddell, as Successor Trustee of The 2014 Daniel and Janne Reddell Revocable Trust Dated January 8, 2014, contacted the City to find out if there was any interest from the City to purchase the property. Eagle Rock is unique and many in the community have continually expressed the desire to preserve it. Due to that desire, at its meeting of May 23, 2017, the City Council approved the purchase of the Eagle Rock at Ms. Reddell's requested price of \$350,000, which was less than its then market value, as disclosed by a broker's opinion. As part of that transaction and at the close of escrow, \$85,000 of that purchase amount was paid back to the City as reimbursement for the legal fees the City paid to defend the above referenced lawsuit.

¹ The subject property is also known as Cerrito Peak. At MBOSA's suggestion, the MOU refers to the designation given by the Salinan tribe, Eagle Rock, as does this report.

01181.0020/643214.1	
Prepared By: <u>JWP</u>	Dept Review: _____
City Manager Review: _____	City Attorney Review: <u>JWP</u>

At the time of the purchase, the then City Council expressed its intent to find a non-profit organization that promotes open space to purchase Eagle Rock from the City for the net amount the City paid (\$265,000). To assist the City with meeting that intent, on April 4, 2016, another group of involved community members established a non-profit called Morro Bay Open Space Alliance. After much effort, MBOSA has raised that amount and offered to give it to the City in exchange for the subject MOU. The pertinent terms of the MOU are:

1. MBOSA will pay the City \$265,000 on or before July 31, 2020.
2. The City will allow MBOSA to erect and maintain one moderately-sized sign or monument at the entrance to the Eagle Rock detailing its history, as well as an additional plaque or bench honoring significant preservation donors.
3. MBOSA will indemnify the City for any damages that sign/monument or its maintenance may cause.
4. The City will continue to own and maintain Eagle Rock, exclusive of the sign/monument, and, on or before January 31, 2021, take all necessary legal steps to preserve Eagle Rock as undeveloped, including designation as an environmentally sensitive habitat area.
5. After the fifth annual anniversary of the MOU and with 15-days written notice, the City may terminate the MOU, if, after a public meeting to discuss the issue, the City Council determines that would be in the best interests of the community.
6. MBOSA has the right to terminate the MOU upon 15-days' written notice. That would not require the City to return any or all of the \$265,000, once paid.

CONCLUSION

The City Council is asked to approve the MOU to further ensure Eagle Rock remains open space and to receive reimbursement for the net \$265,000 the City paid to purchase Eagle Rock. In addition, City staff wishes to express its sincere gratitude to MBOSA and its members for all their efforts and for the much needed financial assistance being provided at this critical time, due to the COVID-19 crisis.

ATTACHMENT

1. Proposed MOU
2. Map

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (this MOU) is entered into by and between the City of Morro Bay, a municipal corporation (City) and the Morro Bay Open Space Alliance, a California non-profit corporation (MBOSA).

RECITALS

A. City owns that certain property APN 066,221,01 commonly referred to as Eagle Rock and shown in Exhibit A (Property).

B. City purchased the Property for the net amount of \$265,000 with the intention for it to remain as undeveloped open space.

C. MBOSA is committed to that same goal; and it and the Morro Bay community have worked tirelessly to assist City with meeting that goal by raising funding for and understanding of and interest in the importance of keeping the Property as public open space for future generations.

D. MBOSA and City agreed to enter into this MOU to memorialize their understanding regarding the rights and obligations of each regarding the Property.

E. At its meeting of April 28, 2020, City's City Council approved this MOU.

Now, therefore, in consideration of the foregoing and the terms set forth below, the parties agree as follows:

1. The foregoing Recitals are incorporated into this MOU.
2. In an effort to assist City with its finances, on or before July 31, 2020, MBOSA will pay City \$265,000 (Payment).
3. In exchange for the Payment, City agrees:
 - A. to maintain, as determined necessary by City's City Manager, the Property, including clearing of trees and other potential fire hazards, as determined necessary by City's Fire Chief, for use solely as an undeveloped public open space; provided, that MBOSA shall be responsible for properly maintaining the Sign/Monument (as defined in Subdivision 3.C., below), if installed pursuant to that subdivision;
 - B. to take actions deemed necessary by City's Community Development Director and City Attorney to designate the Property as undeveloped public open space, subject to City's City Council and Planning Commission taking all legal actions necessary for such

designation, including as an environmentally sensitive habitat area, after complying with all applicable laws, including, but not limited to, Government Code section 38440, *et seq.* and to the best of its ability complete those processes on or before January 31, 2021;

C. to allow, subject to the written approval of City's Community Development Director and after obtaining all building and other required permits, MBOSA to erect one moderately-sized sign or monument at the entrance to the Property detailing the history of the Property, as well as an additional plaque or bench honoring significant preservation donors (Sign/Monument).

4. City and MBOSA acknowledge California Government Code sections 831.2, 831.25 and 831.4 provide certain immunities to City and City's employees for any injuries that may be caused by a natural condition on any unimproved public land, including roads and trails.

5. If MBOSA installs the Sign/Monument, then MBOSA shall indemnify, defend and hold harmless City and each of its officers, employees and agents from any and all liability that may arise from MBOSA's or any of its officers', employees', agents', invitees' or volunteers' negligent, grossly negligent or willful acts or omissions relating to the Sign/Monument.

6. Unless otherwise specifically stated, whenever this MOU requires an approval of City, such approval may be given by City's City Manager or designee, if so designated in writing; provided, that the City Manager, or designee, in their sole discretion, may decide to bring any matter to the City Council; and provided, further, that the City Council reserves the right to determine whether to terminate this MOU as described in Paragraph 7.

7. After the fifth annual anniversary of this MOU, City shall have the right to terminate this MOU in the event, after a public meeting to discuss the issue, City's City Council determines termination is in the best interests of the community. City's right of termination shall be subject to a fifteen-day (15-day) written notice to MBOSA.

8. MBOSA shall have the right to terminate this MOU upon fifteen-day's (15-day's) written notice to City.

9. Notices.

A. Any formal notice, request, approval or other communication to be provided by either party shall be in writing and dispatched by first class mail, registered or certified mail, postage prepaid, return-receipt requested, or by electronic facsimile transmission followed by delivery of a "hard" copy, or by personal delivery (including by means of professional messenger service, courier service such as United Parcel Service or

Federal Express, or by U.S. Postal Service), to the addresses of City and MBOSA set forth below. Such written notices, requests, approvals or other communication may be sent in the same manner to such other addresses as either party may from time to time designate.

B. Any notice that is transmitted by electronic facsimile transmission followed by delivery of a “hard” copy, shall be deemed delivered upon its transmission; any notice personally delivered (including by means of professional messenger service, courier service such as United Parcel Service or Federal Express, or by U.S. Postal Service), shall be deemed received on the documented date of receipt and any notice that is sent by registered or certified mail, postage prepaid, return-receipt requested shall be deemed received on the date of receipt thereof.

C. If to City:

City of Morro Bay
Attn: City Manager
595 Harbor Street
Morro Bay CA 93442

With a copy to

Aleshire & Wynder, LLP
Attn: Chris Neumeyer
2361 Von Karmen Avenue, Suite 1700
Irvine, CA 90245-4916

D. If to MBOSA:

Glenn Silloway, Co-Chair
Morro Bay Open Space Alliance
P.O. Box 1029
Morro Bay, CA 93422

10. This MOU is not intended to create any interest in real property. If it is determined, by a governmental agency duly authorized to make such decision, this MOU creates any taxable interest, including, but not limited to, a possessory interest, then MBOSA shall be solely responsible to pay such taxes to the extent such taxes are required by law to be paid.

11. The terms and conditions, covenants, and agreements set forth herein shall apply to and bind the heirs, executors, administrators, assigns and successors of the parties hereto. This MOU cannot be assigned without the written agreement of each party.

12. This MOU shall be governed, construed, interpreted and enforced in accordance with and under the laws of the State of California. Venue for any action legal taken by any party related to this MOU shall be the Superior Court of the County of San Luis Obispo.

13. This MOU represents the entire agreement of the parties and supersedes all negotiations or previous agreements between the parties with respect to use and operation of the Property. This MOU may not be amended unless agreed as such in writing and certified by the signatures of the parties hereunder.

14. It is understood and agreed this MOU shall not be effective until it has been signed by all parties and shall be effective as of the date it is signed on behalf of City.

THE CITY OF MORRO BAY, a municipal corporation

Dated: _____, 2020 By: _____
John Heading, Mayor

ATTEST APPROVED AS TO FORM:
Aleshire & Wynder, LLP

Dana Swanson,
City Clerk By: _____
Chris Neumeyer, City Attorney

[Signatures continued on page 5]

[Signatures continued from page 4]

MORRO BAY OPEN SPACE ALLIANCE. a California
non-profit corporation

Dated: _____, 2020 By: _____
Glenn Silloway, Co-Chair

Dated: _____, 2020 By: _____
Noah Smukler, Co-Chair

Dated: _____, 2020 By: _____
Ken Green, Treasurer

EXHIBIT A
DESIGNATION OF THE PROPERTY



City of Morro Bay Cerrito Peak/Eagle Rock

