



REGULAR MEETING

**JOINT SAND CITY COUNCIL AND
SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY**

TUESDAY, NOVEMBER 7, 2023

5:30 PM

AGENDA
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY

Regular Meeting - Tuesday, November 7, 2023
5:30 PM

THIS MEETING WILL BE HELD VIRTUALLY AND IN PERSON, IS COMPLIANT WITH ASSEMBLY BILL (“AB”) 2449, SIGNED INTO LAW ON SEPTEMBER 13, 2022, WHICH AMENDS GOVERNMENT CODE SECTION 54953 TO PROVIDE AUTHORITY FOR PUBLIC AGENCIES TO CONTINUE TO HOLD VIRTUAL MEETINGS AND REMAIN IN COMPLIANCE WITH THE BROWN ACT (GOV. CODE §§ 54950 ET SEQ.). TO PARTICIPATE IN THE ZOOM COUNCIL MEETING LIVE:

<https://us02web.zoom.us/j/4614728829>

Meeting ID: 461 472 8829

**To participate telephonically by calling the number below:
(669) 900-6833**

Meeting ID: 461 472 8829#

If prompted to enter a participant ID, press #

**TO PARTICIPATE IN PERSON:
City Hall Council Chamber
1 Pendergrass Way
Sand City, CA**

How to submit written Public Comments:

If any member of the public would like to provide written comments at the meeting, please do as set forth below.

Written: All comments received before 8:00 am the day of the meeting will be posted on the City’s website as “Correspondence” under the relevant agenda item and provided to the City Council members at the meeting. Please email your comments to: cityclerk@sandcityca.org.

Read Aloud During the Meeting: Email your comments to cityclerk@sandcityca.org. When the Mayor opens the public comment period for the relevant agenda item; please indicate the agenda item and title in your email subject line. If you want your comment read aloud, prominently write “Read Aloud at Meeting” at the top of the email and your comments will be read into the record (not to exceed three minutes at staff’s cadence).

DURING EACH MEETING, members of the public may participate by calling and speaking live during the designated time(s), subject to time limits that may be imposed pursuant to the

Brown Act at the number provided above. Please use the "raise your hand" option on Zoom, and the City Clerk will call on your name.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

5. COMMUNICATIONS

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

6. CONSENT CALENDAR

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- 6A. Approve the City Council Regular Meeting Minutes for October 3, 2023 and
Approve the City Council Closed Session and Regular Meeting Minutes for
October 17, 2023

[10-3-23 Regular Meeting Minutes](#)

[10-17-23 Closed Session Minutes](#)

[10-17-23 Regular Meeting Minutes](#)

- 6B. Approve Resolution Denying Claim of Jane Staples

[Staff Report](#)

[Resolution](#)

[Claim](#)

- 6C. Check Register Reports

[Staff Report](#)

[July 2023 Check Register](#)

[August 2023 Check Register](#)

[September 2023 Check Register](#)

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

8. PUBLIC HEARING

- 8A. First Reading of an Ordinance Adding Chapter 13.07 the Law Enforcement Military Equipment Funding, Acquisition, and Use Ordinance
[Staff Report](#)
[AB 481 Text](#)
[Ordinance](#)
[SCPD Draft Policy](#)
[Military Equipment List](#)

9. NEW BUSINESS

- 9A. Consideration and Approval for the Cancellation of the November 21, 2023 Regular City Council Meeting
- 9B. Discussion and Direction Regarding Amending Sand City Municipal Code Chapter 2.04 to Once a month Regular City Council Meetings
[Staff Report](#)
- 9C. Approve a Resolution Authorizing Application to and Participation in the Prohousing Designation Program
[Staff Report](#)
[Resolution](#)
[Prohousing Designation Program Application](#)
- 9D. Approve a Resolution to Amend the Professional Service Agreement with EMC Planning Group, Inc. for Fiscal Year 2023-2024 to Include the Addition of \$85,000 for a Full Website Re-Design and Economic Development Web Page
[Staff Report](#)
[Resolution](#)
[Contract Amendment](#)
- 9E. Approve a Resolution for the Establishment of a Website Redesign Subcommittee
[Staff Report](#)
[Resolution](#)
- 9F. Approve a Resolution Approving a Service Agreement with SLV Management for the 2024 West End Celebration and Approving August 24-25, 2024 as the Date for the Festival
[Staff Report](#)
[Resolution](#)
[2024 WEC Proposal Letter](#)
[2024 WEC Budget](#)
- 9G. Approve a Resolution Announcing Intention to Grant a Water Franchise to the California-American Water Company
[Staff Report](#)
[Resolution](#)

- 9H. Approve a Resolution Authorizing the City Manager to Execute a Second Amendment to Professional Services Agreement with RGS

[Staff Report](#)

[Resolution](#)

[Agreement](#)

- 9I. Discussion and Direction on a City Council Donations Policy

[Staff Report](#)

10. COMMENTS BY COUNCILMEMBERS ON ITEMS OF INTEREST TO SAND CITY

11. ADJOURNMENT

The current agenda is available in PDF format on our website at:
www.sandcity.org

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 220, or give your written request to the City Clerk at 1 Pendergrass Way, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

**AGENDA ITEM
6A.**

Approve the City Council Regular Meeting Minutes for October 3, 2023 and Approve the City Council Closed Session and Regular Meeting Minutes for October 17, 2023

MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY

Regular Meeting - Tuesday, October 3, 2023 5:30 PM

As allowed by Assembly Bill AB 2449, this meeting was conducted in person and by
teleconference.

Mayor Carbone called the meeting to order at 5:30 PM.

1. ROLL CALL

Present: Mayor Carbone participated in the meeting, via teleconference, pursuant to the California Brown Act rules for "Just Cause" attendance, due to illness.

Vice Mayor Blackwelder
Councilmember Diaz
Councilmember Hawthorne
Councilmember Sofer

Staff: City Manager Vibeke Norgaard, via Zoom
Police Chief David Honda
City Attorney Adam Lindgren
Interim City Planner Zane Mortensen
City Clerk Kerry Lindstrom

2. PLEDGE OF ALLEGIANCE

Councilmember Sofer led the Pledge of Allegiance.

3. INVOCATION

No invocation was made.

4. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

Mayor Carbone announced the Mayor's report will be made available at a later date.

5. COMMUNICATIONS

Public comment was received from Chief David Honda.

6. CONSENT CALENDAR

No public comment received.

Upon motion by Councilmember Hawthorne and seconded by Vice Mayor Blackwelder, Council voted to approve the Consent Calendar.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz,
Hawthorne, and Sofer.

NOES: None.

ABSENT: None.

ABSTAIN: None.

- 6A. Approved the City Council Regular Meeting Minutes for September 5, 2023.
- 6B. Held second reading and adopted Ordinance SC 23-02 amending Municipal Code Section 1.12.010 Posting Places.
- 6C. Approved Resolution SC 23-51 authorizing contract services with Foster & Foster Actuaries and Consultants to perform actuarial valuation services for Fiscal Year ending June 30, 2023, in an amount not to exceed \$22,250.
- 6D. Approved Resolution SC 23-52 approving the City's Fiscal Year 2023-2024 General Employees Salary Schedule to add the position of Risk Manager/Human Resources and eliminate the position of Administrative Services Director.

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

No items were pulled.

8. PUBLIC HEARING

- 8A. Approve a Resolution Approving Conditional Use Permit (CUP 23-004) for the Cyrus Morse Construction Company Project Authorizing Office Space & Light Manufacturing at 442-A Shasta Street

Due to a conflict of interest, those residing within 500 feet of 442-A Shasta Street, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer, a straw draw was conducted to establish a quorum by random selection. Councilmembers Diaz and Hawthorne were selected. Vice Mayor Blackwelder and Councilmember Sofer recused themselves.

No public comment received.

Upon motion by Councilmember Hawthorne and seconded by Councilmember Diaz, Council voted to approve Resolution SC 23-53 approving Conditional Use Permit (CUP 23-004) for the Cyrus Morse Construction Company project authorizing office space & light manufacturing at 442-A Shasta Street.

Motion carried 3-0-2, by the following vote:

AYES: Mayor Carbone, Councilmember Diaz, and Hawthorne.
NOES: None.
ABSENT: None.
ABSTAIN: Vice Mayor Blackwelder and Councilmember Sofer.

9. NEW BUSINESS

- 9A. Receive Presentation from Talking Walls and Approve Final Artists' Renderings

Public comment received from Brian Clark.

Upon motion by Vice Mayor Blackwelder and seconded by Councilmember Hawthorne, Council voted to receive a presentation from Talking Walls and approve the final Artists' renderings.

Motion carried 5-0, by the following vote:

AYES:	Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.
NOES:	None.
ABSENT:	None.
ABSTAIN:	None.

10. COMMENTS BY COUNCILMEMBERS ON ITEMS OF INTEREST TO SAND CITY

No comments made.

ADJOURNMENT

Council adjourned the meeting at approximately 7:18 PM.

Kerry Lindstrom, City Clerk

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY**

Special Meeting - Tuesday, October 17, 2023 4:30 PM

As allowed by Assembly Bill AB 2449, this meeting was conducted in person and by
teleconference.

Mayor Carbone called the meeting to order at 4:30 PM.

1. ROLL CALL

Present: Mayor Carbone
Vice Mayor Blackwelder
Councilmember Diaz
Councilmember Hawthorne
Councilmember Sofer

Staff: City Manager Vibeke Norgaard
Police Chief David Honda
Interim City Attorney Anthony Amara
City Clerk Kerry Lindstrom

2. COMMUNICATIONS

No public comment received.

3. CLOSED SESSION

No public comment received.

3A. City Council/Successor Agency Board to Adjourn to Closed Session, Conference with Real Property Negotiators pursuant to Government Code Section 54956.8
Property: Airspace Easement APN 011-236-027; City Negotiators: City Manager Vibeke Norgaard, City Attorney Anthony Amara, and Attorney Alex Mog. Other Party(ies): DiversityFund Inc.
Under negotiation: Review of Terms of Payment

3B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with California Government Code Section 54957.1

Interim City Attorney Anthony Amara reported Council received updates from City negotiators; Council took no reportable action.

ADJOURNMENT

Council adjourned the meeting at approximately 5:00 PM.

Kerry Lindstrom, City Clerk

MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY

Regular Meeting - Tuesday, October 17, 2023 5:30 PM

As allowed by Assembly Bill AB 2449, this meeting was conducted in person and by
teleconference.

Mayor Carbone called the meeting to order at 5:30 PM.

1. ROLL CALL

Present: Mayor Carbone
Vice Mayor Blackwelder
Councilmember Diaz
Councilmember Hawthorne
Councilmember Sofer

Staff: City Manager Vibeke Norgaard
Police Chief David Honda
Interim City Planner Zane Mortensen
Interim City Attorney Anthony Amara
City Clerk Kerry Lindstrom

2. PLEDGE OF ALLEGIANCE

Police Chief David Honda led the Pledge of Allegiance.

3. INVOCATION

Reverend Hellam led the invocation.

4. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

Mayor Carbone announced copies of the Mayor's Report were placed on the table in the Council Chamber for the public and City Manager Vibeke Norgaard stated she provided the Council with a written City Manager's Report and made it available to the public.

5. COMMUNICATIONS

Public comment received from Chandler Roland and Chief David Honda.

6. PRESENTATION

6A. Received the Economic Development Administration Recompete Grant Application and proposed future plans for The Independent at 600 Ortiz Presentation from the City Planner and Property Owner.

On consensus of the Council, item 6A was heard after item 7A.

No public comment received.

7. PUBLIC HEARING

7A. Adopt the Findings of Fact Required by the California Environmental Quality Act (CEQA), The Final Initial Study Mitigated Negative Declaration and a Mitigation

Monitoring and Reporting Program (MMRP) for the Sand City West End Parking Plan and Adopt the Sand City West End Parking Plan.

On consensus of the Council, item 7A was heard after item 6A.

No public comment received.

Upon motion by Vice Mayor Blackwelder and seconded by Councilmember Sofer, Council approved Resolution SC 23-54 adopting the Findings of Fact required by the California Environmental Quality Act (CEQA), the Final Initial Study Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (MMRP) for the Sand City West End Parking Plan.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Upon motion by Councilmember Hawthorne and seconded by Councilmember Sofer, Council approved a Resolution SC 23-55 adopting the Sand City West Parking Plan.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.
NOES: None.
ABSENT: None.
ABSTAIN: None.

8. NEW BUSINESS

- 8A. Authorize State of California Local Jurisdiction Cannabis Retail Access Grant Program Funding

No public comment received.

Upon motion by Councilmember Hawthorne and seconded by Councilmember Sofer, Council approved Resolution SC 23-56 authorizing State of California local jurisdiction cannabis retail access grant program funding.

Motion carried 4-1, by the following vote:

AYES: Mayor Carbone, Councilmembers Diaz, Hawthorne, and Sofer.
NOES: Vice Mayor Blackwelder.
ABSENT: None.

ABSTAIN: None.

9. COMMENTS BY COUNCILMEMBERS ON ITEMS OF INTEREST TO SAND CITY

Councilmember Hawthorne reminded everyone of the we.Mural Festival and if time permits visit the artists and check out the murals.

10. ADJOURNMENT

Council adjourned the meeting at approximately 6:56 PM.

Kerry Lindstrom, City Clerk

**AGENDA ITEM
6B.**

**Approve Resolution Denying Claim of Jane
Staples**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Jennifer Pope, Finance Manager
SUBJECT: Denial of Claim Submitted by Jane Staples
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

On October 11, 2023, the City received a claim from Jane Staples for an injury that occurred on April 10, 2023 due to a trip and fall on a Tioga Street sidewalk located in Sand City. She sustained injuries to her face, neck, left hand, and right finger that required medical care.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

The standard procedure for processing claims is for denial by the City Council then referral to the City Senior Claims Adjuster, Parmit Randhawa, at George Hills.

ATTACHMENTS:

1. Resolution
2. Claim submitted by Jane Staples

**CITY OF SAND CITY
RESOLUTION SC ___, 2023**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY DENYING CLAIM OF JANE
STAPLES**

WHEREAS, the City received a claim from Jane Staples against the City on October 11, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sand City does hereby:

1. Deny said claim; and
2. Refer the claim to the City's liability carrier.

PASSED AND ADOPTED by the City Council of the City of Sand City this 7th, day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

RECEIVED

OCT 11 2023

CITY OF SAND CITY

October 10, 2023

VIA CERTIFIED MAIL; RETURN RECEIPT REQUESTED

City Clerk
City Hall
1 Pendergrass Way
Sand City, CA 93955

RE: **Claim Against The City of Sand City, California**

Our office represents an individual by the name of Jane Staples. Ms. Staples was injured when she tripped over an uplifted utility box located within a public sidewalk in Sand City. From this incident, Ms. Staples is pursuing a claim against Sand City. Enclosed, please find the prepared and signed Claim.

The incident described above occurred on April 10, 2023. Today, October 10, 2023, is the final day before the six-month statute to file a claim against the City of Sand City expires. An employee of our office attempted to file the Claim in person at the City Hall of Sand City this morning. Unfortunately, the City Hall offices are closed on this date due to a plumbing leak. Thus, we are serving the claim within this correspondence via certified mail with return receipt requested. A photograph of a sign posted outside of the City Hall offices which indicates the closure due to the plumbing leak is also enclosed. We are doing this to avoid an argument that the Claim was presented untimely.

We look forward to hearing from a representative of Sand City regarding this claim.

Very truly yours,


ROBERT D. PONCE

RDP:mb
Enclosure

STAPLES.SAND.CITY.1

NOTICE OF CLAIM AGAINST THE CITY OF SAND CITY, CALIFORNIA

Government Code §910,910.2

CLAIMANT INFORMATION				
Last Name: Staples	First Name: Jane	Phone No.: (831) 649-0515		
Mailing Address: c/o Law Offices of Robert D. Ponce 400 Camino Aguajito, Suite 100	City: Monterey	State: CA	Zip Code: 93940	
FACT SURROUNDING CLAIM				
Date of Loss: April 10, 2023	Time of Loss: Approx. 4:30 PM	Location of Loss: Tioga Street, Sand City, CA		
Description of incident/accident which caused you to make this claim: Claimant, Jane Staples was walking from her place of employment, Storelli Auto Body and Auto Glass, to her car to drive home. Her car was parked on Tioga Street, approximately a block and a half from her workplace. In the incident, claimant's foot became lodged underneath an uplifted utility box cover located upon the sidewalk of Tioga Street. This caused claimant to lose balance and fall.				
What specific injury, damages or other losses did you incur? See Attachment				
NAME OF INVOLVED PUBLIC EMPLOYEES				
Last Name: Ducoeuer	First Name: Unknown	Job Description: Sand City Police Department Reporting Officer		
Last name:	First Name:	Job Description:		
DAMAGES				
What amount of money are you seeking to recover? The amount claimed is more than \$25,000; jurisdiction rests in Superior Court.				

**NOTICE OF CLAIM AGAINST THE CITY OF
SAND CITY, CALIFORNIA**
Government Code §910,910.2

DAMAGES (cont.)

How was this amount calculated? (Itemize and attach bills, repair estimates, receipts, etc.; if claim is for vehicle damage, obtain and attach two (2) repair estimates):

Medical bills obtained from Community Hospital. Bills and records to be obtained from AMR and Dr. Ohlsen.
Wage loss: calculation is set forth above.

What is your basis for claiming that the City employee(s) are the cause of your injury, damages or loss?

The uplifted utility box cover is located within a sidewalk owned, maintained and within the control and jurisdiction of the City of Sand City. Sand City employees, presumably public works employees, bear legal responsibility to inspect, repair, replace and maintain the sidewalk in a reasonably safe condition. Said Sand City employees failed to so inspect, repair, replace and maintain said faulty utility box cover. Said cover became uplifted at the time of the incident, creating a dangerous trip and fall hazard.

WITNESSES

Name, address and phone number of any witness who can substantiate your claim:

Witness Name: Post incident witness: Joe Storelli c/o Storelli Auto Body and Auto Glass Repair	Witness Name:
Address 1845 Del Monte Blvd., Seaside, CA 93955	Address:
Phone No: (831) 394-3400	Phone No:

SIGNATURE

I/We, the undersigned, declare under penalty of perjury that I/We have read the forgoing claim for damages and know the contents thereof, that the same is true of My/Our own knowledge and belief, save and except as to those matters wherein stated on information and belief, and as to them I/We believe to be true.

ROBERT PONCO

Print Name

[Signature]

Signature

10/10/23

Date

WARNING: PRESENTATION FOR ALLOWANCE OR PAYMENT OF A FALSE OR FRADULENT CLAIM, WITH INTENT TO DEFRAUD, IS A CRIME PUNISHABLE AS A FELONY UNDER CALIFORNIA PENAL CODE, SECTION 72, AND INSURANCE CODE SECTION 1871.1.

***Attachment to Claim Against the City of
Sand City, California***

ATTACHMENT TO CLAIM AGAINST CITY OF SAND CITY, CALIFORNIA

What specific injury, damages or other losses did you incur?

Claimant sustained physical injury and economic losses.

Physical injuries:

1. Severe, irregular 2 cm laceration to plaintiff's face requiring emergency room care and treatment, placement of sutures
2. Pain and tenderness to plaintiff's left hand
3. Pain and tenderness in plaintiff's neck area
4. Abrasion to plaintiff's right fifth finger

Economic damages:

A. Medical Care and Treatment Expenses

1. Community Hospital of the Monterey Peninsula
Billed: \$19,104.00
Paid: \$821.22
2. AMR Ambulance and Paramedics
Billed: To be obtained
Paid: To be obtained
3. Cassandra Ohlsen, MD
Billed: To be obtained
Paid: To be obtained

B. Wages lost

\$486.00.

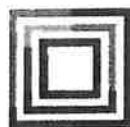
Calculation: \$27 per hour (claimant's wage rate) is multiplied by six hours per day lost, which is multiplied by three days lost. Total: \$486.00

General Damages:

1. Pain and suffering: \$50,000.00
2. Residual scarring: \$75,000.00

***Itemized billing records from
Community Hospital of the Monterey
Peninsula***

**Community Hospital
of the Monterey Peninsula**
40 Ryan Court, Suite 100
Monterey, CA 93940-7866



Community Hospital
of the Monterey Peninsula
Montage Health

Jane L Staples
215 Cedar Street
PACIFIC GROVE CA 93950

May 31, 2023

Enclosed is the itemized bill you requested. Please contact us with any questions at (831) 625-4922 or toll free at (888) 625-4922, Monday through Friday, 7 a.m. to 5 p.m., excluding holidays.

Sincerely,

Patient Business Services

Patient Balance
\$0.00

Emergency Visit to Community Hospital of the Monterey Peninsula (Acct #401628049)

Date of Service: 4/10/2023

Charges

Svc Dt	CPT(R) Code	Description	Qty	Amount
04/10/2023		ACETAMINOPHEN 325 MG TABLET	2	2.00
04/10/2023		DIPHTHERIA, PERTUSSIS (ACELLULAR), TETANUS 2.5-8-5 LF-MCG-LF/0.5ML SYRINGE	1	193.00
04/10/2023		LIDOCAINE 10 MG/ML (1 %) SOLUTION	1	86.00
04/10/2023		LIDOCAINE-RACEPINEP-TETRACAINE 4-0.05-0.5 % GEL	1	177.00
04/10/2023	12011	HC REP SIMP LAC TO 2.5 CM	1	561.00
04/10/2023	70450	HC CT HEAD-NO CONTRAST	1	4,206.00
04/10/2023	70486	HC CT MAXILLOFACIAL W/O CONTRAST	1	4,562.00
04/10/2023	72125	HC CT CERV SPINE NO CONTRAST	1	5,250.00
04/10/2023	90471	HC IMMUNIZATION ADMIN; 1 SINGLE OR COMB	1	103.00
04/10/2023	93005	HC ELECTROCARDIOGRAM TRACING	1	1,172.00
04/10/2023	99284	HC ER FACILITY LEVEL 4	1	2,792.00
		Total Charges		19,104.00

Payments and Adjustments

Date	Description	Amount
04/26/23	Aspire Medicare Payments Copoly: 90.00	-731.22
04/26/23	Aspire Medicare Adjustments	-18,282.78
	Total Insurance Payments and Adjustments	-19,014.00
	Patient Payments	-90.00

***Sign Posted Outside of City Hall on
October 10, 2023***

CITY HALL OFFICES CLOSED

**Due to a plumbing leak and wet carpets, City
Hall will be closed today.**

Tuesday October 10, 2023

CITY OFFICES

CITY HALL OFFICES CLOSED

**Due to a plumbing leak and wet carpets, City
Hall will be closed today.**

Tuesday October 10, 2023

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**AGENDA ITEM
6C.**

Check Register Reports



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Jennifer Pope, Finance Manager
SUBJECT: Check Register Reports
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

The Check Register Report is a detailed list of monthly expenditures that is produced from the City's financial system. The report groups the checks by vendor name and includes the invoice number, check number, the issue date, and the amount of the check.

Attached are the Check Register Reports for the following months:

- July 2023
- August 2023
- September 2023

The monthly total is provided on the last page of each report.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

The report is for informational purposes only.

RECOMMENDATION:

1. Receive the Check Register Report.

ATTACHMENTS:

1. July Check Register Report
2. August Check Register Report
3. September Check Register Report

Date...: Oct 31, 2023
Time...: 1:13 pm
Run by.: Jennifer Pope

City of Sand City
CHECK REGISTER BY VENDOR
Council Report

Page: 1
List: CHE2
ID #: PYDMPH

Vendor Name	Invoice Number	Check Number	Check Date	Check Amount
MATTHEW BLACKMON	C30703	038515	07/03/23	12048.82
CHRISTOPHER BROWNING	C30703	038516	07/03/23	10177.95
DANIEL A CHARLTON	C30703	038517	07/03/23	13251.54
DAVID DUCOEUR	C30703	038518	07/03/23	6387.83
LAWRENCE ESCOBAR	C30703	038519	07/03/23	8437.85
LAWRENCE ESCOBAR	C30703-1	038519	07/03/23	4189.52
PHILIP M INCAVIGLIA	C30703	038520	07/03/23	1393.94
DANNY MARTIN	C30703	038521	07/03/23	10930.27
MICHAEL MOUNT	C30703	038522	07/03/23	12188.59
MONTEREY PENINSULA WATER	C30616	038471	07/03/23	-90.00
JOSE SILONZOCHILT	C30703	038523	07/03/23	6885.13
KATY BAZURTO	131474	038509	07/06/23	-676.20
CAL-AM WATER	C30707	038524	07/12/23	419.34
CAL-AM WATER	C30707-01	038524	07/12/23	98.95
CAL-AM WATER	C30707-02	038524	07/12/23	54.33
CAL-AM WATER	C30707-03	038524	07/12/23	128.15
CANON SOLUTIONS AMERICA,	600458495	038525	07/12/23	307.20
MONTEREY COUNTY WEEKLY	C30707	038526	07/12/23	75.00
CORBIN WILLITS SYSTEMS	C306151	038527	07/12/23	256.05
COUNTY OF SANTA CLARA	180008612	038528	07/12/23	288.55
DELL MARKETING L.P.	106797240	038529	07/12/23	1902.56
DELL MARKETING L.P.	106809587	038529	07/12/23	284.85
DELL MARKETING L.P.	106809587	038529	07/12/23	2196.69
MONTEREY ONE WATER	C30707	038530	07/12/23	73.42
ODP BUSINESS SOLUTIONS	57188001	038531	07/12/23	138.07
PETTY CASH - CASHED BY SH	C30707	038532	07/12/23	51.19
PETTY CASH - CASHED BY SH	C30707-01	038532	07/12/23	10.68
PETTY CASH - CASHED BY SH	C30707-02	038532	07/12/23	54.11
STAR SANITATION, LLC	131474	038533	07/12/23	676.20
TRACNET	10009	038534	07/12/23	601.39
MECHANICS VISA CARD	C30707	038535	07/12/23	20.00
MECHANICS VISA CARD	C30707-01	038535	07/12/23	650.00
MECHANICS VISA CARD	C30707-01	038535	07/12/23	224.92
VALLEY SAW AND GARDEN	341601	038536	07/12/23	2128.97
VALLEY SAW AND GARDEN	341601	038536	07/12/23	700.56
AT&T MOBILITY	C30712	038537	07/13/23	240.88
AT&T MOBILITY	C30712	038537	07/13/23	329.91
BCM ONE, INC.	5284967	038538	07/13/23	103.89
BCM ONE, INC.	5284967	038538	07/13/23	34.63
BCM ONE, INC.	5284967	038538	07/13/23	69.26
BCM ONE, INC.	5284967	038538	07/13/23	103.95
CALIFORNIA CONSULTING, IN	6030	038539	07/13/23	600.00
CARSWELL HEATING AND SHEE	5453	038540	07/13/23	204.37
CARSWELL HEATING AND SHEE	2119-1	038540	07/13/23	9874.00
COMMUNITY HOSPITAL OF THE	C30712	038541	07/13/23	2000.00
MONTEREY COUNTY WEEKLY	C30712	038542	07/13/23	1866.00
CREATIVE SECURITY COMPANY	78612	038543	07/13/23	1520.00

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CYPRESS COAST FORD	C30712	038544	07/13/23	484.00
EMC PLANNING GROUP, INC.	23-248	038545	07/13/23	26028.92
EMC PLANNING GROUP, INC.	23-298	038545	07/13/23	30170.06
EMC PLANNING GROUP, INC.	23-303	038545	07/13/23	21526.03
FEDERAL EXPRESS	217535897	038546	07/13/23	86.90
HOPE SERVICES	S175238	038547	07/13/23	4504.50
GRANITEROCK CO # 29137	1004881	038548	07/13/23	89764.79
THE MONTEREY COUNTY HERALD	1382848	038549	07/13/23	254.37
HOME DEPOT CREDIT SERVICE	C30712	038550	07/13/23	262.13
HOME DEPOT CREDIT SERVICE	C30712	038550	07/13/23	54.37
HOME DEPOT CREDIT SERVICE	C30712	038550	07/13/23	463.87
KELLY-MOORE PAINT	864724	038551	07/13/23	117.20
MCGRATH RENTCORP	R1013311	038552	07/13/23	499.31
PITNEY BOWES	6162359	038553	07/13/23	581.43
PETTY CASH - CASHED BY SH	C30712	038554	07/13/23	69.39
SPCA	6-23	038555	07/13/23	175.00
STURDY OIL COMPANY	CL95693	038556	07/13/23	1262.29
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	1454.38
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	1784.15
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	161.65
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	144.35
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	443.49
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	2.17
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	147.50
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	2928.26
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	173.22
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	400.00
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	801.90
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	625.08
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	627.46
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	441.35
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	2302.60
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	269.78
U.S. BANK CORPORATE PAYME	C30712	038557	07/13/23	372.26
AFLAC	299448	038558	07/25/23	220.67
AFLAC	299448	038558	07/25/23	420.39
ALLIANT INSURANCE SERVICE	2349824	038573	07/25/23	1276.00
ALLIANT INSURANCE SERVICE	9753310	038573	07/25/23	5850.00
AMBAG	C30720	038574	07/25/23	733.47
ARAMARK	C30719	038559	07/25/23	320.99
ARAMARK	C30719	038559	07/25/23	47.50
ARAMARK	C30719	038559	07/25/23	133.00
ARAMARK	C30719	038559	07/25/23	92.75
A.T. & T.	237323	038560	07/25/23	201.83
AVAYA, INC	42676263	038575	07/25/23	227.07
BMI	48788324	038561	07/25/23	19.38
CARSWELL HEATING AND SHEE	5423-01	038562	07/25/23	962.72

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CARRIER SI, INC	324214	038576	07/25/23	75.00
CALIFORNIA HIGHWAY	723145	038577	07/25/23	350.00
CITY OF SAND CITY	54	038578	07/25/23	5000.00
COMCAST	C30720	038579	07/25/23	247.94
COMCAST	C30720-1	038579	07/25/23	151.79
COMCAST	C30720-2	038579	07/25/23	224.56
COPWARE, INC.	86459	038580	07/25/23	705.00
CORODATA SHREDDING, INC.	DN1418363	038563	07/25/23	59.00
CA POLICE CHIEFS' ASSOC.	3002	038581	07/25/23	210.00
CYPRESS COAST FORD	374213	038582	07/25/23	3358.68
EMC PLANNING GROUP, INC.	23-293	038564	07/25/23	5707.72
EMC PLANNING GROUP, INC.	23-306	038564	07/25/23	495.23
FIRST ALARM SECURITY	765220	038583	07/25/23	342.63
FIRST ALARM SECURITY	765220	038583	07/25/23	128.70
FIRST ALARM SECURITY	765220	038583	07/25/23	711.09
FLOCK SAFETY	15338	038584	07/25/23	38000.00
LINGO	33451520	038585	07/25/23	91.93
LINGO	33451520	038585	07/25/23	45.96
MONTEREY BAY PEST CONTROL	C30719	038565	07/25/23	130.00
MONTEREY BAY TECHNOLOGIES	235070	038586	07/25/23	1200.00
MONTEREY BAY TECHNOLOGIES	235070	038586	07/25/23	1500.00
MONTEREY BAY TECHNOLOGIES	235071	038586	07/25/23	325.00
MONTEREY BAY TECHNOLOGIES	235071	038586	07/25/23	325.00
MONTEREY BAY TECHNOLOGIES	235071	038586	07/25/23	715.00
MONTEREY BAY TECHNOLOGIES	235073	038586	07/25/23	485.10
MONTEREY BAY TECHNOLOGIES	235073	038586	07/25/23	485.10
M.C.P.O.A.	2023043R	038587	07/25/23	315.00
CITY OF MONTEREY	C30720	038588	07/25/23	173134.00
COUNTY OF MONTEREY	C30720	038589	07/25/23	10287.51
COUNTY OF MONTEREY	C30720	038589	07/25/23	9929.54
MOTOROLA SOLUTIONS, INC.	31977	038590	07/25/23	34520.35
MRWMD	C30719	038566	07/25/23	453.50
72 HOUR LLC	WJ23185	038567	07/25/23	46691.91
PETTY CASH - CASHED BY SH	C30720	038591	07/25/23	56.67
PACIFIC GAS & ELECTRIC	C30719	038568	07/25/23	44.03
PACIFIC GAS & ELECTRIC	C30719-1	038568	07/25/23	13.18
PACIFIC GAS & ELECTRIC	C30719-2	038568	07/25/23	1060.63
PACIFIC GAS & ELECTRIC	C30719-3	038568	07/25/23	22.24
PACIFIC GAS & ELECTRIC	C30719-4	038568	07/25/23	15.54
PACIFIC GAS & ELECTRIC	C30719-5	038568	07/25/23	183.15
PACIFIC GAS & ELECTRIC	C30719-6	038568	07/25/23	220.96
PACIFIC GAS & ELECTRIC	C30719-7	038568	07/25/23	77.23
PACIFIC GAS & ELECTRIC	C30719-8	038568	07/25/23	45.21
PACIFIC GAS & ELECTRIC	C30719-9	038568	07/25/23	57.07
PARAGON INVESTIGATIVE SER	SG220194	038569	07/25/23	2350.00
PUBLIC STORAGE	C30719	038570	07/25/23	311.00
ID CONCEPTS, LLC	C30720	038592	07/25/23	27.30

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STAR SANITATION, LLC	132463	038571	07/25/23	494.05
STAR SANITATION, LLC	132464	038571	07/25/23	35.13
STAR SANITATION, LLC	132465	038571	07/25/23	172.24
STAR SANITATION, LLC	132466	038571	07/25/23	210.48
VERIZON WIRELESS	773098	038572	07/25/23	302.43
VERIZON WIRELESS	773098	038572	07/25/23	129.27
VERIZON WIRELESS	773098	038572	07/25/23	99.62

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655632.91

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SAND CITY POLICE OFFICERS	C30802	038593	08/02/23	1420.00
SAND CITY POLICE OFFICERS	C30802-01	038593	08/02/23	1195.00
SAND CITY POLICE OFFICERS	C30802-01	038593	08/02/23	1195.00
SAND CITY POLICE OFFICERS	C30802-01	038593	08/02/23	1195.00
SAND CITY POLICE OFFICERS	C30802-01	038593	08/02/23	1195.00
AGILE OCCUPATIONAL MEDICI	446650	038594	08/11/23	629.00
AGILE OCCUPATIONAL MEDICI	465180	038604	08/11/23	311.00
ALLIANT INSURANCE SERVICE	2387838	038595	08/11/23	188.00
AVAYA, INC	42881114	038605	08/11/23	227.07
CAL-AM WATER	C30810	038606	08/11/23	54.51
CAL-AM WATER	C30810-1	038606	08/11/23	512.49
CAL-AM WATER	C30810-2	038606	08/11/23	229.80
CAL-AM WATER	C30810-3	038606	08/11/23	70.02
CAPPO	12512	038596	08/11/23	140.00
CANON SOLUTIONS AMERICA,	902952	038607	08/11/23	171.83
CHIDLAW MARKETING	2631	038608	08/11/23	3486.00
MONTEREY COUNTY WEEKLY	C30810	038609	08/11/23	1244.00
COMCAST	C30810	038610	08/11/23	47.44
CORBIN WILLITS SYSTEMS	C307151	038611	08/11/23	256.05
CYPRESS COAST FORD	374030	038612	08/11/23	1214.05
CYPRESS COAST FORD	374270	038612	08/11/23	726.57
DEL REY OAKS CAR WASH	1206	038597	08/11/23	26.95
DEPARTMENT OF JUSTICE	667819	038598	08/11/23	66.00
ELKS LODGE	C30810	038613	08/11/23	500.00
FORM CENTER	07/3600	038614	08/11/23	73.98
RORY GLASS	C30810	038615	08/11/23	1000.00
HARRIS & ASSOCIATES, INC.	58742	038599	08/11/23	853.75
HARRIS & ASSOCIATES, INC.	58743	038599	08/11/23	256.25
HDL COREN & CONE	SIN030342	038616	08/11/23	1260.00
HDL SOFTWARE, LLC.	SIN029767	038617	08/11/23	7096.10
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	305.80
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	573.78
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	1803.94
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	433.49
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	18.00
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	198.00
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	54.00
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	52.70
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	27.69
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	257.06
HUMANA INSURANCE COMPANY	8774990	038618	08/11/23	64.16
LIEBERT CASSIDY WHITMORE	240438	038600	08/11/23	2158.00
LIEBERT CASSIDY WHITMORE	240654	038600	08/11/23	283.00
LIEBERT CASSIDY WHITMORE	243779	038600	08/11/23	3209.00
LIEBERT CASSIDY WHITMORE	243780	038600	08/11/23	664.00
LIEBERT CASSIDY WHITMORE	245233	038600	08/11/23	290.50
LIEBERT CASSIDY WHITMORE	245454	038600	08/11/23	3289.50

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MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	35894.15
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	4926.00
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	836.06
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	16503.02
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	5014.55
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	66397.66
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	11248.71
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	591.52
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	11675.97
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	3547.82
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	46976.67
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	7958.52
MONTEREY BAY AREA SELF IN	230701-08	038619	08/11/23	1615.20
MCGRATH RENTCORP	2444563	038620	08/11/23	499.31
MONTEREY COUNTY	2519	038601	08/11/23	6489.51
MONTEREY BAY AIR RESOURCE	3158	038621	08/11/23	195.52
ODP BUSINESS SOLUTIONS	522001	038622	08/11/23	341.08
PETTY CASH - CASHED BY SH	C30810	038623	08/11/23	56.50
PETTY CASH - CASHED BY SH	C308101	038623	08/11/23	63.54
PACIFIC GAS & ELECTRIC	C30810	038624	08/11/23	841.00
QUALITY PRINT & COPY	23560	038625	08/11/23	436.09
REGIONAL GOVERNMENT SERVI	15290	038602	08/11/23	34828.00
JOHN BREARTON	WEC447	038626	08/11/23	2517.50
STEPHEN L. VAGNINI	C30810	038627	08/11/23	5000.00
STEPHEN L. VAGNINI	C30810-1	038627	08/11/23	625.07
KATY BAZURTO	2023-056	038628	08/11/23	1827.50
STURDY OIL COMPANY	C30810	038629	08/11/23	2374.52
SUN LIFE FINANCIAL	C30810	038630	08/11/23	164.50
SUN LIFE FINANCIAL	C30810	038630	08/11/23	36.84
SUN LIFE FINANCIAL	C30810	038630	08/11/23	178.25
VIA HEART PROJECTN	4330	038603	08/11/23	190.18
VALLEY SAW AND GARDEN	344974	038631	08/11/23	1726.12
STEPHEN L. VAGNINI	C30810	038627	08/17/23	-5000.00
STEPHEN L. VAGNINI	C30810-1	038627	08/17/23	-625.07
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	92.45
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	16.38
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	522.21
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	200.00
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	250.00
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	879.13
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	123.13
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	111.62
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	828.56
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	99.79
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	789.31
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	240.34
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	254.38

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U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	293.23
U.S. BANK CORPORATE PAYME	C30811	038632	08/17/23	42.23
4LEAF, INC.	J4041L	038639	08/23/23	655.75
4LEAF, INC.	J3756A5	038639	08/23/23	1584.00
4LEAF, INC.	J3756A7	038639	08/23/23	2498.00
4LEAF, INC.	J3787A14	038639	08/23/23	628.60
4LEAF, INC.	J0684-22B	038633	08/23/23	963.72
4LEAF, INC.	J0684-22C	038633	08/23/23	118.98
4LEAF, INC.	J3756A6-R	038639	08/23/23	3180.00
4LEAF, INC.	J4081-01J	038639	08/23/23	350.00
4LEAF, INC.	J4081-03G	038639	08/23/23	5476.50
MONTEREY COUNTY WEEKLY	C30823	038634	08/23/23	200.00
MONTEREY COUNTY WEEKLY	C308231	038634	08/23/23	357.00
HARRIS & ASSOCIATES, INC.	58738	038640	08/23/23	14226.25
HARRIS & ASSOCIATES, INC.	58739	038640	08/23/23	410.00
HARRIS & ASSOCIATES, INC.	58740	038640	08/23/23	1947.50
HARRIS & ASSOCIATES, INC.	58741	038640	08/23/23	1178.75
KION	C30823	038635	08/23/23	500.00
MEYERS NAVE, A PROFESSION	208709	038641	08/23/23	20656.33
JOHN BREARTON	WEC447-1	038636	08/23/23	2517.50
STEPHEN L. VAGNINI	C30823	038637	08/23/23	2186.80
STEPHEN L. VAGNINI	C308231	038637	08/23/23	15600.00
STEPHEN L. VAGNINI	C308232	038637	08/23/23	1000.00
STEPHEN L. VAGNINI	C308234	038637	08/23/23	625.07
KATY BAZURTO	2023-0561	038638	08/23/23	1827.50
ADVANCED TOWING	37432	038719	08/30/23	100.00
AFLAC	9960	038720	08/30/23	314.19
AFLAC	9960	038720	08/30/23	420.39
AFLAC	654873	038720	08/30/23	220.67
AFLAC	654873	038720	08/30/23	420.39
ALHAMBRA	081223	038721	08/30/23	62.95
ARAMARK	C30824	038722	08/30/23	275.97
ARAMARK	C30824	038722	08/30/23	77.62
ARAMARK	C30824	038722	08/30/23	134.80
ARAMARK	C30824	038722	08/30/23	95.84
AMERICAN SUPPLY CO	177952	038723	08/30/23	1594.18
A.T. & T.	20387101	038724	08/30/23	201.83
AT&T MOBILITY	8102023	038725	08/30/23	241.44
AT&T MOBILITY	8102023	038725	08/30/23	329.92
CALIFORNIA CONSULTING, IN	6103	038726	08/30/23	4250.00
CALIFORNIA CONSULTING, IN	6126	038726	08/30/23	4250.00
COMCAST	C30825	038727	08/30/23	241.44
COMCAST	C308251	038727	08/30/23	297.89
COMCAST	C308252	038727	08/30/23	141.79
CALIFORNIA STATE DISBURSE	C30823	038728	08/30/23	385.00
CYPRESS COAST FORD	374690	038729	08/30/23	4571.92
DEPT. OF HOUSING & COMMUN	C30825	038730	08/30/23	37.00

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Vendor Name	Invoice Number	Check Number	Check Date	Check Amount
EMC PLANNING GROUP, INC.	23-345	038731	08/30/23	3009.79
EMC PLANNING GROUP, INC.	23-352	038731	08/30/23	12885.92
EMC PLANNING GROUP, INC.	23-358	038731	08/30/23	22298.02
EMC PLANNING GROUP, INC.	23-359	038731	08/30/23	442.20
EMC PLANNING GROUP, INC.	23-360	038731	08/30/23	3982.15
EMC PLANNING GROUP, INC.	23-361	038731	08/30/23	1541.00
EMC PLANNING GROUP, INC.	23-362	038731	08/30/23	1054.65
EXPRESS PRINTING	71717	038732	08/30/23	119.53
FIRST ALARM SECURITY	767402	038733	08/30/23	35.00
SMART SOURCE LLC	23634	038734	08/30/23	605.50
THE MONTEREY COUNTY HERALD	3547140	038735	08/30/23	471.74
HOME DEPOT CREDIT SERVICE	C30825	038736	08/30/23	111.19
HOME DEPOT CREDIT SERVICE	C30825	038736	08/30/23	104.77
HOME DEPOT CREDIT SERVICE	C30825	038736	08/30/23	100.40
HOME DEPOT CREDIT SERVICE	C30825	038736	08/30/23	81.84
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	407.74
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	382.52
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	1230.16
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	433.49
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	18.00
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	144.00
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	54.00
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	70.26
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	27.69
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	173.99
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	64.16
HUMANA INSURANCE COMPANY	8775012	038737	08/30/23	36.00
LIEBERT CASSIDY WHITMORE	248212	038738	08/30/23	2932.50
LEHR	S190735	038739	08/30/23	800.00
LINGO	33498785	038740	08/30/23	91.93
LINGO	33498785	038740	08/30/23	45.96
MONTEREY BAY TECHNOLOGIES	235080	038741	08/30/23	1200.00
MONTEREY BAY TECHNOLOGIES	235080	038741	08/30/23	1500.00
MONTEREY ONE WATER	C30825	038742	08/30/23	33.40
MONTEREY ONE WATER	C308251	038742	08/30/23	81.02
MONTEREY ONE WATER	C308252	038742	08/30/23	162.04
MRWMD	C30825	038743	08/30/23	232.36
ODP BUSINESS SOLUTIONS	303001	038744	08/30/23	166.76
PETTY CASH - CASHED BY SH	C30823	038745	08/30/23	68.08
PETTY CASH - CASHED BY SH	C30825	038745	08/30/23	77.35
PACIFIC GAS & ELECTRIC	C30825	038746	08/30/23	72.16
PACIFIC GAS & ELECTRIC	C308250	038746	08/30/23	1035.26
PACIFIC GAS & ELECTRIC	C308251	038746	08/30/23	41.45
PACIFIC GAS & ELECTRIC	C308252	038746	08/30/23	12.13
PACIFIC GAS & ELECTRIC	C308254	038746	08/30/23	212.93
PACIFIC GAS & ELECTRIC	C308255	038746	08/30/23	74.96
PACIFIC GAS & ELECTRIC	C308256	038746	08/30/23	163.63

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PACIFIC GAS & ELECTRIC	C308257	038746	08/30/23	40.98
PACIFIC GAS & ELECTRIC	C308258	038746	08/30/23	21.42
PACIFIC GAS & ELECTRIC	C308259	038746	08/30/23	14.48
SHANNON NORTON	C30825	038747	08/30/23	55.41
ELIZABETH A. SOFER	C30825	038748	08/30/23	22.85
SPCA	07-23	038749	08/30/23	552.00
STAR SANITATION, LLC	133557	038750	08/30/23	469.75
STAR SANITATION, LLC	133558	038750	08/30/23	234.11
STAR SANITATION, LLC	133559	038750	08/30/23	272.35
TRACNET	10027	038751	08/30/23	12860.82
UNITED TOWING	45980	038752	08/30/23	600.00
UNITED TOWING	45987	038752	08/30/23	600.00
UNITED TOWING	46070	038752	08/30/23	600.00
V&V MANUFACTURING, INC.	C30824	038753	08/30/23	274.52
VERIZON WIRELESS	C30824	038754	08/30/23	294.42
VERIZON WIRELESS	C30824	038754	08/30/23	128.54
VERIZON WIRELESS	C30824	038754	08/30/23	99.54
MECHANICS VISA CARD	C30824	038755	08/30/23	153.47
MECHANICS VISA CARD	C30824	038755	08/30/23	69.74
MECHANICS VISA CARD	C30824	038755	08/30/23	-20.00
MARY ANN WEEMS	C30823	038756	08/30/23	210.01

Grn-Total:
Ttl-Count: 209

485015.57

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Vendor Name	Invoice Number	Check Number	Check Date	Check Amount
Camer1 Murals	C1331	038757	09/08/23	20000.00
AFLAC	9960	038720	09/14/23	-314.19
AFLAC	9960	038720	09/14/23	-420.39
AFLAC	654873	38758A	09/14/23	220.67
AFLAC	654873	38758A	09/14/23	420.39
AFLAC	654873	038720	09/14/23	-220.67
AFLAC	654873	038720	09/14/23	-420.39
4LEAF, INC.	J4041M	038767	09/15/23	1800.00
4LEAF, INC.	J3756A8	038767	09/15/23	1912.00
4LEAF, INC.	J378A15	038767	09/15/23	963.65
4LEAF, INC.	J0684-23A	038767	09/15/23	430.36
4LEAF, INC.	J4081-03H	038767	09/15/23	4775.75
A&R PLUMBING, INC	I3852	038768	09/15/23	180.00
A&R PLUMBING, INC	I4671	038768	09/15/23	188.70
ALHAMBRA	090923	038769	09/15/23	48.96
AMERICAN LOCK & KEY	88060	038770	09/15/23	38.01
AVAYA, INC	43079602	038771	09/15/23	237.46
BCM ONE, INC.	44901	038772	09/15/23	209.87
BCM ONE, INC.	44901	038772	09/15/23	69.95
BCM ONE, INC.	44901	038772	09/15/23	139.90
BCM ONE, INC.	44901	038772	09/15/23	209.90
JEFF BUSHNELL	2327	038758	09/15/23	620.37
CAL-AM WATER	C30914	038773	09/15/23	51.40
CAL-AM WATER	C309140	038773	09/15/23	459.84
CAL-AM WATER	C309141	038773	09/15/23	67.82
CAL-AM WATER	C309143	038773	09/15/23	129.60
CALIFORNIA CONSULTING, IN	6196	038774	09/15/23	4250.00
ANDREA CARTER	C30914	038775	09/15/23	600.00
CANON SOLUTIONS AMERICA,	5224575	038776	09/15/23	173.88
CALIFORNIA HIGHWAY	823144	038777	09/15/23	350.00
MONTEREY COUNTY WEEKLY	C30914	038778	09/15/23	1244.00
COMCAST	C30913	038759	09/15/23	191.49
COMCAST	C30914	038779	09/15/23	47.44
CORBIN WILLITS SYSTEMS	C308151	038780	09/15/23	256.05
CORODATA SHREDDING, INC.	DN1422716	038781	09/15/23	59.00
THE CALIFORNIA PEACE OFFI	C30914	038782	09/15/23	474.00
CALIFORNIA STATE DISBURSE	C30913	038760	09/15/23	385.00
CYPRESS COAST FORD	375339	038783	09/15/23	109.66
FASHION STREAKS	C30914	038784	09/15/23	97.23
FIRST ALARM SECURITY	8652	038785	09/15/23	35.00
FIRST ALARM SECURITY	770279	038785	09/15/23	35.00
FRANK J CHRISTIE	C30914	038786	09/15/23	400.00
HOPE SERVICES	S175456	038787	09/15/23	5947.40
HOPE SERVICES	S175581	038787	09/15/23	6839.51
GRANITEROCK CO # 29137	1005391	038788	09/15/23	183332.80
THE MONTEREY COUNTY HERAL	C30914	038789	09/15/23	240.50
HOME DEPOT CREDIT SERVICE	C30914	038790	09/15/23	286.96

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HOME DEPOT CREDIT SERVICE	C30914	038790	09/15/23	29.43
HOME DEPOT CREDIT SERVICE	C30914	038790	09/15/23	126.75
LEHR	S191001	038791	09/15/23	800.00
LINGO	33544579	038792	09/15/23	91.93
LINGO	33544579	038792	09/15/23	45.96
MALLORY SAFETY AND SUPPLY	3359555	038793	09/15/23	435.12
MALLORY SAFETY AND SUPPLY	5706135	038793	09/15/23	774.35
PATRICIO R. PADILLA	3769	038794	09/15/23	250.00
PATRICIO R. PADILLA	3792	038794	09/15/23	250.00
PATRICIO R. PADILLA	3819	038794	09/15/23	250.00
M.C.P.O.A.	2023017R	038795	09/15/23	385.00
MEYERS NAVE, A PROFESSION	208711	038796	09/15/23	23250.70
MCGRATH RENTCORP	2456092	038761	09/15/23	499.31
MCGRATH RENTCORP	R10732436	038797	09/15/23	2850.54
MONTEREY TIRE SERVICE, INC	C30914	038798	09/15/23	778.02
COUNTY OF MONTEREY	C30914	038799	09/15/23	10287.51
COUNTY OF MONTEREY	C30914	038799	09/15/23	2739.99
ODP BUSINESS SOLUTIONS	311001	038800	09/15/23	6.54
ODP BUSINESS SOLUTIONS	492001	038800	09/15/23	226.38
ODP BUSINESS SOLUTIONS	7425001	038800	09/15/23	34.54
PUBLIC AGENCY RISK MANAGE	18	038801	09/15/23	300.00
PETTY CASH - CASHED BY SH	C30913	038762	09/15/23	66.73
PETTY CASH - CASHED BY SH	C309130	038762	09/15/23	67.06
PETTY CASH - CASHED BY SH	C309131	038762	09/15/23	66.80
PACIFIC GAS & ELECTRIC	C30914	038802	09/15/23	873.82
PUBLIC STORAGE	C30914	038803	09/15/23	311.00
PUBLIC STORAGE	C309140	038803	09/15/23	430.00
QUALITY PRINT & COPY	23610	038804	09/15/23	92.44
RENTAL DEPOT - MONTEREY	C30913	038763	09/15/23	1875.74
SAND CITY POLICE OFFICERS	C30913	038764	09/15/23	1420.00
SEASIDE GROUNDWATER BASIN	79	038805	09/15/23	1678.00
SOUTH BAY REGIONAL SAFETY	224063	038806	09/15/23	455.00
STAR SANITATION, LLC	129329	038807	09/15/23	23.30
STURDY OIL COMPANY	CL97615	038808	09/15/23	1366.18
STURDY OIL COMPANY	CL98276	038808	09/15/23	1493.31
SUN LIFE FINANCIAL	C30914	038809	09/15/23	164.50
SUN LIFE FINANCIAL	C30914	038809	09/15/23	36.84
SUN LIFE FINANCIAL	C30914	038809	09/15/23	178.25
VERITONE, INC.	513191	038810	09/15/23	2400.00
MECHANICS VISA CARD	C30913	038765	09/15/23	120.14
MECHANICS VISA CARD	C30913	038765	09/15/23	81.26
MECHANICS VISA CARD	C30913	038765	09/15/23	33.80
MECHANICS VISA CARD	C30913	038765	09/15/23	-50.00
MARY ANN WEEMS	C30913	038766	09/15/23	210.01
AT&T MOBILITY	C30922	038811	09/26/23	241.44
AT&T MOBILITY	C30922	038811	09/26/23	386.34
JESUS BENITEZ	1319	038812	09/26/23	2100.00

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MONTEREY COUNTY WEEKLY	8/17/23	038813	09/26/23	614.00
MONTEREY COUNTY WEEKLY	8/24/23	038813	09/26/23	2700.00
COMCAST	C30922	038814	09/26/23	151.79
GOLDEN STATE PORTABLES	54764	038815	09/26/23	4241.00
GRANITEROCK CO # 29137	1005863	038816	09/26/23	129419.93
THE MONTEREY COUNTY HERALD	771464	038817	09/26/23	1000.00
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	356.77
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	382.52
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	1612.68
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	433.49
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	18.00
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	18.00
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	61.48
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	27.69
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	229.37
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	64.16
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	180.00
HUMANA INSURANCE COMPANY	775010	038818	09/26/23	54.00
LIEBERT CASSIDY WHITMORE	249514	038819	09/26/23	85.00
LIEBERT CASSIDY WHITMORE	249730	038819	09/26/23	637.50
TONI MINERVA	C30922	038820	09/26/23	190.65
LAURA MORALES	C30922	038821	09/26/23	111.02
PETTY CASH - CASHED BY SH	C30922	038822	09/26/23	73.54
STEPHEN L. VAGNINI	56466	038823	09/26/23	649.03
SUN LIFE FINANCIAL	C30922	038824	09/26/23	164.50
SUN LIFE FINANCIAL	C30922	038824	09/26/23	36.84
SUN LIFE FINANCIAL	C30922	038824	09/26/23	178.25
SALINAS VALLEY PRO SQUAD	40079	038825	09/26/23	601.42
SALINAS VALLEY PRO SQUAD	40079	038825	09/26/23	601.41
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	254.38
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	233.40
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	16.38
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	130.48
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	123.91
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	1070.64
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	533.19
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	31.45
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	54.76
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	299.28
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	17.85
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	625.00
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	258.89
U.S. BANK CORPORATE PAYME	C30920	038826	09/26/23	302.35
VERIZON WIRELESS	C30922	038827	09/26/23	97.95
VERIZON WIRELESS	C30922	038827	09/26/23	-29.16
VERIZON WIRELESS	C30922	038827	09/26/23	-19.02
NICOLE ABBRUZZETTI	C30926	038828	09/27/23	100.00

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MINA SAMAAAN	C30926	038829	09/27/23	100.00
LUGANO SWISS BISTRO	C30926	038830	09/27/23	100.00
Camer1 Murals	C13312	038846	09/27/23	20000.00
CENTRAL COASTAN PIZZA LLC	C30926	038831	09/27/23	100.00
EHAB ALY AHMED	C30926	038832	09/27/23	100.00
INDIA GOURMET	C30926	038833	09/27/23	100.00
CODY LAKE	C30926	038834	09/27/23	100.00
LA PAPA PD, INC.	C30926	038835	09/27/23	100.00
KOICHI SHURAKU	C30926	038836	09/27/23	100.00
MARIA BERTILIA MOJICA	C30926	038837	09/27/23	100.00
HOSSAMELDIN F. HASSAN	C30926	038838	09/27/23	100.00
ALEJANDRO TUESTA	C30926	038839	09/27/23	100.00
OTHER BROTHER BEER CO, LL	C30926	038840	09/27/23	100.00
SPICE IT UP CATERING	C30926	038841	09/27/23	100.00
TACOS DON BETO	C30926	038842	09/27/23	100.00
ZENY WINDHAM	C30926	038843	09/27/23	100.00
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	254.38
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	54.62
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	2026.25
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	65.53
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	192.00
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	16.38
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	52.00
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	1657.99
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	631.40
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	775.67
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	7.00
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	42.00
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	1159.25
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	765.61
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	240.34
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	738.25
U.S. BANK CORPORATE PAYME	C30926	038844	09/27/23	50.00
LAI HUYNH	C30926	038845	09/27/23	100.00

Grn-Total:
Ttl-Count: 175

477012.35

**AGENDA ITEM
8A.**

**First Reading of an Ordinance Adding
Chapter 13.07 the Law Enforcement
Military Equipment Funding, Acquisition,
and Use Ordinance**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: David Honda, Chief of Police
SUBJECT: AB 481 Military Equipment
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

On September 30, 2021, California Assembly Bill 481 (AB 481) known as the *Law Enforcement and state agencies: military equipment, funding, acquisition, and use Act* was signed into law. Subsequently, the California Government Code (GC) §§ 7070, 7071, and 7072 were adopted to codify the requirements set forth in AB 481. The text of AB 481 is attached to this staff report for reference.

In enacting AB 481, the Legislature stated the public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials to increase transparency, accountability, and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment.

The bill requires a law enforcement agency (LEA) to obtain approval from the applicable governing body, through the adoption of a military equipment use policy as required by ordinance. The process shall be held at a regular public meeting in accordance with the Ralph M. Brown Act prior to the agency funding, acquiring, or using military equipment.

Other requirements are as follows:

- Draft a Military Equipment Use Policy that describes each piece of military equipment and the authorized uses for each piece (Each section listed in the attached policy and equipment list were created in adherence to the specified mandates of the GC)
- The LEA shall post the proposed policy on their website at least 30 days prior to any public hearing related to this policy.
- The LEA will submit an annual Equipment and Use Report within one year of approval, and annually thereafter.
- Seek approval of the Policy from their governing body by Ordinance before acquiring new military equipment or seeking funds for equipment purchases.

- The report shall be available on the LEA's website for as long as the equipment is available for use. The LEA shall hold a well-publicized and conveniently located community engagement meeting within 30 days of the report's submission.

GC § 7070 provides a list of sixteen (16) categories of equipment that are to be considered "Military Equipment" for the purpose of compliance with AB 481 and the associated government codes. The categories are listed below, and the items owned or purchased by the SCPD are in bold text:

- 1) **Unmanned, remotely piloted, powered aerial or ground vehicles.**
- 2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- 3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- 4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- 5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- 6) Weaponized aircraft, vessels, or vehicles of any kind.
- 7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- 8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- 9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- 10) **Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.**

- 11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- 12) **“Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.**
- 13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
- 14) **The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons; and,**
- 15) Any other equipment as determined by a governing body or a state agency to require additional oversight.
- 16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Sand City Police Dept equipment considered “Military Equipment” per AB481

AB 481 (1) The Sand City Police Department (SCPD) operates a small unmanned, remotely piloted aerial drone. This drone was donated to the police department through a community grant at no cost to the city. The drone, a DJI Mavic Pro, is a commercially available civilian model aircraft that is routinely sold to the public. The drone has a small camera and light to enable search operations in areas that are not easily accessed by officers or the public. The landing gear is also configured to drop a small inflatable flotation device for water rescues.

The drone is operated under an FAA license obtained through the SCPD partnership with the Regional Emergency Coordination Center (RECC). The SCPD currently has one officer trained to operate the drone under this licensing agreement; however, two are required. The officers train with other members of the RECC on a quarterly basis. The cost of maintaining the equipment is negligible.

AB 481 (10) The SCPD currently possesses and operates 12 AR15/M4 style semi-automatic rifles. Although, the rifles issued by the SCPD are considered standard issue and not required to be listed per AB 481, we have included them on our list of military equipment for Council review. These rifles are similar to civilian style rifles and are not controlled by the Department of Defense nor were they obtained through any surplus military program.

Specialized tools and firearms including patrol rifles, enable officers (when in compliance with the SCPD’s Use of Force Policy) to address short to long distance threats, or those threats who are heavily armed, armored or both. Furthermore, in both short and long-distance deployments, rifles allow officers a more precise shot placement minimizing the

risk to officers and innocent community members. Unfortunately, with the regularity of active shooters/active aggressor incidents throughout the country, this has become a necessary tool to counter such threats to our community. There are no known alternatives to these weapons that will provide the same level of distance or precision.

The rifles have been standard issue equipment for each officer in the department for almost 18 years and are carried in the patrol vehicle during the officer's routine patrol shifts. Each officer is required to complete a 16-hour POST certified rifle course before they are issued the rifle. Officers conduct semi-annual training on the rifle and qualify at the range at least once a year.

The SCPD purchased the rifles at differing times between 2005-2019. Each rifle with optics and accessories costs approximately \$1,500 to acquire at the time of purchase. These rifles were purchased prior to adoption of AB 481 and the Department does not have a current need to purchase additional rifles. The cost to maintain the rifles and accessories is negligible.

AB 481 (12)

The SCPD possesses three "bean bag" less lethal shotguns. These are old patrol issued shotguns converted to less-lethal devices. The converted shotguns are easily identified by the bright orange stock and foregrip and fire a kinetic energy munition that resembles a small bean bag (aka "bean bag" or "super sock"). Each projectile weighs approximately 40 grams and travels at a significantly lower velocity than a regular firearm projectile minimizing the potential for penetrating a person's clothing or skin. These devices are available to patrol officers as a less lethal option when confronting a non-cooperative or violent subject when other force or de-escalation options are not practical. The original shotguns are over two decades old and therefore no new costs to the city and the conversion kits were approximately \$350.00 per gun at the time of conversion.

Monterey Peninsula Regional Special Response Unit (MPR SRU or SRU for short)

The SCPD participates in the Monterey Peninsula Regional Special Response Unit (SRU). The SRU is a specialized team that operates under an MOU between seven Monterey Peninsula agencies. Each agency provides officers, command staff, and resources to provide a tactical team to address the ongoing needs of the Peninsula as well as assisting other jurisdictions in the region. The SRU provides a resource to respond to critical incidents, planned and unplanned high-risk events, and other specialized incidents as needed. The SRU utilizes various pieces of equipment that qualifies as Military Equipment as defined in AB 481. As part of its responsibility to the SRU, each participating city has acquired or maintains equipment for use by members of the SRU. The listed equipment requires a government agency to purchase and since the SRU is a team of officers from each participating agency not an actual government agency, each participating agency shares in purchasing the various equipment the SRU

utilizes. All SRU equipment is paid for by the SRU and not by the purchasing agency. The SRU equipment the Sand City PD is responsible for is listed below:

AB 481 (12)

Section 12 references "Flashbang grenades" and "Teargas." The following items were purchased by the Sand City Police Department on behalf of the SRU, with SRU funds. These devices are used to distract and/or gain compliance of potentially dangerous individuals during critical incidents such as a violent barricaded subject, hostage situations, high-risk search warrant or arrest warrant situations and are utilized and maintained by members of the SRU exclusively.

- Noise-Flash Diversion Device, aka Flash-Bang Diversion Device
- Chlorobenzylidenemalononitrile (CS) Cannister Grenade
- CS Liquid 40mm munitions
- Inert Barricade 40mm munitions

AB 481 (14)

The SRU utilizes a Pen Arms 6 round 40MM Less Lethal Multi-Launcher with 40MM less lethal projectiles. The Multi-Launcher is registered to Sand City Police Department on behalf of the SRU. It is used and maintained by members of the SRU exclusively. The launcher provides tactical officers with a platform to subdue violent and uncooperative subjects in a critical incident. The launcher can fire rubber or sponge impact rounds as well as CS gas rounds in a variety of configurations.

The SRU maintains one or more officers with specialized POST approved training to monitor and deploy rounds through the multi-launcher. All members of the SRU are also trained to deploy less lethal and gas rounds from the launcher under the supervision of the less lethal/gas specialist. The launcher was obtained prior to the adoption of AB481 and there is no intent to purchase additional launchers in the coming fiscal year. There is negligible fiscal impact to maintain the multi-launcher. All members of the SRU train on the multi-launcher on an annual basis.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

There are no new financial considerations for existing military equipment since most of the items were purchased prior to the enactment of AB 481 or already funded by the MPR SRU.

Ammunition utilized during training and qualifications for the patrol rifles and less lethal patrol shotguns is approximately \$2200 /year, but there are no anticipated purchases for this current fiscal year.

Equipment maintenance and replacement part costs are not anticipated this fiscal year; however, if circumstances arose that would necessitate utilization of said equipment the cost would be negligible.

RECOMMENDATION:

Staff is requesting the following motions:

1. That Council waive reading of the attached ordinance in full and approve reading it by title only.
2. That Council conduct a first reading of the ordinance.

The ordinance will come back to Council for a second reading and approval at the first meeting in December.

ATTACHMENTS:

1. AB 481 Text
2. Draft Ordinance
3. Draft Policy, SCPD Policy 706
4. Draft Policy, SCPD Policy 706, SCPD Equip Owned Oper.pdf

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O

**CITY OF SAND CITY
ORDINANCE NO _____, 20__**

**ORDINANCE OF THE CITY OF SAND CITY ADDING CHAPTER 13.07 THE LAW
ENFORCEMENT MILITARY EQUIPMENT FUNDING, ACQUISITION, AND USE
ORDINANCE**

WHEREAS, pursuant to the City of Sand City's (the "City") Charter the City is authorized to enact ordinances to protect the health, safety, and welfare of its citizens and to meet the City's obligations under applicable law; and

WHEREAS, Sand City Municipal Code ("SCMC") Chapter 13.07, Military Equipment is established; and

WHEREAS, Assembly Bill 481 (AB 481), Law enforcement and state agencies: military equipment: funding, acquisition, and use act of 2021, required law enforcement agencies to obtain approval of the applicable governing body, by adoption of a military equipment use policy; and

THE CITY COUNCIL OF THE CITY OF SAND CITY HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 13.07 is hereby added to Title 13, Public Services, of the Sand City Municipal Code to read as follows:

Chapter 13.07 Law enforcement military equipment funding, acquisition, and use ordinance.

13.07.010 Policy. The Police Department shall establish a policy by ordinance that requires approval from the City Council prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

13.07.020. Military Equipment. For purposes of this Chapter 13.07 “military equipment” shall have the meaning provided in California Government code 7070(c)

The policy shall be established, maintained, and amended as needed in accordance with the California Government Code, Title 1, Division 7 - Miscellaneous, Chapter 12.8, §§7071(a)(1)

SECTION 2: Determinations.

Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in the annual military equipment report has complied with the standards for approval as set forth in Government Code section 7071 subdivision (d).
2. The Sand City Police Department’s Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
3. The Sand City Police Department’s Military Equipment Use Policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
4. The military equipment identified in the Sand City Police Department’s Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.
5. Prior military equipment use by the Sand City Police Department complied with the Military Equipment Use Policy although it was not yet in effect at the time, or if prior uses did not comply with the accompanying military equipment

use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

6. The Sand City Police Department's Military Equipment Use Policy, Policy 706, setting forth the City's military equipment use policy is approved.

SECTION 3: Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause, or phrase be declared unconstitutional or invalid.

SECTION 4: Effective Date

This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 5: Codification

The City Clerk is hereby authorized and directed to codify the provisions of Section 1 of this Ordinance into the SCMC.

PASSED AND ADOPTED, by the City Council of Sand City, this ____ day of _____, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

DATED: _____

Mayor

Kerry Lindstrom, City Clerk

Sand City Police Department
Sand City PD Policy Manual (DRAFT)

706 Military Equipment

706.1 PURPOSE AND SCOPE

This policy governs the use of military equipment, as defined in Government Code § 7070, as may be amended. The Sand City Police Department (SCPD) and its members will comply with provisions of Government Code §§ 7071, 7072, and with otherwise applicable department policies, with respect to military equipment.

706.1.1 DEFINITIONS

This policy adopts the following definitions set forth in Government Code § 7070 (c)(1) through § 7070 (e)(16) as may be amended or superseded:

Governing body – The elected or appointed body that oversees the Department.

Military equipment –

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

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10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in sections § 30510 and § 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service issued handheld pepper spray.
13. TASER® Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the Federal Defense Logistics Agency.

706.2 POLICY

It is the policy of the Sand City Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment. Use of military equipment should safeguard public welfare, safety, civil rights, and civil liberties.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates the Assistant Chief of Police to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.

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(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Sand City Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Coordinating the process for a person to register a complaint, concern, or question about the use of a type of military equipment. The Department will respond in a timely manner.

A complaint, concern or question related to Military Equipment utilization by the Sand City Police Department can be made through any of the below listed methods:

Email: sandcityrecords@sandcitypd.org

By phone: (831) 394 -1451

By mail: Sand City Police Department
Attn: Military Equipment Use Coordinator
1 Pendergrass Way
Sand City, CA 93955

In person: At the address list above

706.4 APPROVAL

This policy, and any subsequent amendments, will be available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue. This policy will be submitted to the City Council for approval and will remain in

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effect only if it is approved within 180 days of submission. Approval of this policy or any subsequent amendments requires adoption by ordinance at an open session of a regular meeting providing for public comment. The department will cease use of any military equipment if its use, or the policy for its use, is not approved. An approved military equipment use policy is required prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions providing aid to SCPD shall comply with their respective military equipment use policies. SCPD is a participating member of the Sand City Peninsula Regional Special Response Unit (MPRSRU) in collaboration with other law enforcement agencies on the Sand City Peninsula. MPRSRU provides capabilities to address specific law enforcement issues, such as active shooter incidents, hostage situations, barricaded subject incidents, etc. SCPD also collaborates and works with the Sand City County Sheriff's Department and other local, state and federal law enforcement agencies that may provide aid to SCPD. Military equipment owned by other jurisdictions that may be used by MPRSRU inside the City of Sand City's jurisdiction is listed in Section Two of the Military Equipment Inventory. SCPD is authorized to use that military equipment in connection with MPRSRU activities/responses.

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706.6 ANNUAL REPORT

Within one year of approval of the military equipment use policy, and annually thereafter, the Chief of Police or the authorized designee will submit a military equipment report for each type of approved military equipment for as long as the military equipment is available for use. The annual military equipment report will be publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment.

706.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the funding, acquisition, or use of military equipment.

706.8 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment owned and/or utilized by the Sand City Police Department.

See attachment: SCPD 706, SCPD Equip Owned Oper.pdf

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Attachments

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SCPD 706
SCPD Equip Owned Oper.pdf

Sand City Police Department
Military Equipment List

Type	Section 14 - Less lethal shotguns and kinetic energy munitions
Description	Remington 870 patrol shotguns converted to less lethal The shotguns have orange colored stock and foregrip to signify a less-lethal device
Quantity	Three (3)
Capabilities	The less shotgun less lethal platform utilizes kinetic energy munitions (aka “bean bag” or <i>Super-Sock</i> ®) which are shot filled ballistic fiber, weighing approximately 40 grams, and resembling a small bean bag or sock. The bag travels at a lower velocity than a regular shotgun projectile to reduce any potential penetration and an advertised maximum effective range of 75 feet.
Expected Lifespan	20 + years
Manufacturer’s Description	The Remington Shotgun is milled from a single block of steel. The stock and fore grip are comprised of fiberglass-reinforced polymer with a rubber over-molding. This shotgun is a U.S.-made pump- action shotgun. The magazine tube holds 6 less-lethal rounds.
Purpose and Authorized Use	This platform and munitions are utilized as a less-lethal force option by officers who have successfully completed the required training.
Fiscal Impact	Initial: Unknown, the shotguns have been in SCPD inventory for more than two decades; however, the cost of conversion was approximately \$350.00 per shotgun. On-going: approximately \$200.00 for ammunition per year for practice and qualification
Legal, Procedural, and Compliance	CA Commission on Peace Officer Standards and Training (POST) Reg: 1005 (Minimum training standards), Reg 1081 (Shotgun) SCPD Policies – 300 (Use of Force), 303 (Control Devices and Techniques), 306 (Firearms)
Training Requirements	The initial training for the shotgun platform: POST Reg 1005 (Minimum training standards), 1081 (16 hours for shotgun), 1082 (Minimum Content – Less Lethal Instructors) Less lethal training: POST certified less lethal device course 2- or 4-hour course

Sand City Police Department
Military Equipment List

Type	Section 10 - Patrol rifle/carbine, semi-automatic
Description	Colt M4/AR15 (11); Ruger SR556 (1); Patrol rifles are fitted with EOTECH holographic sights
Quantity	Twelve (12)
Capabilities	Both platforms fire a .223 cal./5.56 mm rifle ammunition which offer more power, range, and accuracy at longer distance than the issued service handgun.
Expected Lifespan	15+ years
Manufacturer's Description	"The combat proven M4 platform takes a tactical turn with the release of the Colt® Law Enforcement M4 Carbine Semi-Auto Rifle. The 6-position collapsible stock offers custom adjustment from 35.5" down to 32" for increased maneuverability in tight quarters. This fast-aiming, and reliable carbine comes equipped with muzzle compensator and Magpul MBUS folding backup sight ready when you need it. The 16.1" M4 chrome-lined barrel has 1:7 rate-of-twist rifling*." "The RUGER® SR-556® and SR-762™ are gas-operated, piston-driven, box magazine fed, autoloading rifles. It is simple, reliable, and consists of relatively few components. The mechanism employs the Ruger short stroke piston system in conjunction with a rotating bolt. These rifles can be field stripped for cleaning to its basic subassemblies in seconds without the use of tools."
Purpose and Authorized Use	The patrol rifle/carbine enables officers to address short to long distance threats, and/or those threats who are heavily armed, armored, or both. In both short and long-distance deployments, patrol rifles provide officers with a platform that can assist in a more precise shot placement reducing the risk to officers and innocent by-standers.
Fiscal Impact	Initial: Approximately \$1,500/rifle at the time of purchase (between 2005 and 2019) Ongoing: approximately \$2,000.00 in ammunition cost annually for training and qualification
Legal, Procedural, and Compliance	Penal Code 33220(b) - Authorization and requisite POST training requirements POST Reg: 1005 (Minimum training standards), 1070 (Certified instruction), 1081(Rifle) SCPD Policies: 300 (Use of Force), 306 (Firearms)
Training Requirements	16-hour POST certified patrol rifle course taught by POST certified instructors; annual training and qualification

* Description for specific models owned by SCPD are no longer available on the current Colt website. Description taken from Cabelas.com for Colt LE Carbine.

Sand City Police Department
Military Equipment List

Type	Section 1 - Unmanned, remotely piloted, powered aerial vehicle
Description	DJI Mavic Pro, commercially available flying camera
Quantity	One (1)
Capabilities	Max speed – 9 mph; 12-megapixel camera; 4K video, micro-SD card; flight time 27 minutes (no wind at a consistent 15.5 mph); Max hover time 24 minutes (no wind)
Expected Lifespan	10 years
Manufacturer's Description	"The DJI Mavic Pro is DJI's smallest flying camera, featuring a fully stabilized camera, intelligent flight modes and obstacle avoidance inside a revolutionary folding design. It captures 4K videos and 12-megapixel photos and is capable of both <i>ActiveTrak™</i> and <i>Tapfly™</i> making complex shots effortless."
Purpose and Authorized Use	To enhance the safety of potentially dangerous situations by providing first responders with the ability to monitor video feed from vehicle cameras of hazardous areas prior to, or in lieu of, sending in personnel. UAS platforms may be used for search and rescue; suspect apprehension crime scene documentation; tactical operations; scene security; hazard monitoring; identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.
Fiscal Impact	Acquired approximately 5 years ago; approximate 2018 cost of \$800.00 - \$1,000.00 (specific model is no longer available from manufacturer)
Legal, Procedural, and Compliance	SCPD Policy 606 (Unmanned Aerial System [UAS] Operations) Federal Aviation Administration (FAA): 14 CFR part 107 (Small UAS rule) or 49 U.S.C. §40102(a) and § 40125
Training Requirements	Remote Pilot Certification per FAA regulations and related POST certified remote pilot course (32 hours)

Sand City Police Department
Military Equipment List

Type	Section 14 - Less lethal 40 mm projectile launcher and kinetic energy munitions
Description	Penn Arms 40 mm less lethal multi-shot launcher and less lethal munitions; Combined Tactical Systems (CTS) 4557 40 mm Sponge Foam Baton; projectile is made of closed cell neoprene
Quantity	One (1) launcher. Thirty (30) Sponge Foam Baton munitions.
Capabilities	The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions (known as sponge projectiles), irritant munitions, and smoke munitions. The Sponge Foam Baton projectile is 60 grams, velocity is 240-260 fps, effective range approximately 50 yards
Expected Lifespan	15+ years; 5-year warranty on munition
Manufacturer's Description	"Penn Arms 40mm multi-shot launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum, and DuPont super tough glass-filled nylon. These launchers are lightweight, versatile, and used worldwide by police and corrections officers." "The Model 4557 Sponge Baton is a spin-stabilized projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts."
Purpose and Authorized Use	The Monterey Peninsula Special Response Unit (SRU) members utilize the Pen Arms 6 round 40MM Less Lethal Multi-Launcher with 40MM less lethal projectiles. The Multi-Launcher is registered to the Sand City Police Department on behalf of the SRU. It is utilized and maintained by members of the SRU
Fiscal Impact	Initial: No direct cost by the City; approximate cost of \$3,336.00 funded by the SRU (2018) Ongoing: Cost of munitions for qualifications and critical incident response born by SRU not SCPD; Each Sponge Baton round is approximately \$23.00 (\$690.00 for recent purchase of 30) but varies each year depending on usage.
Legal, Procedural, and Compliance	POST Reg: 1070 (Certified Instruction), 1082 (Less Lethal Instructor) SCPD Policies: 300 (Use of Force), 303 (Control Devices and Techniques), 306 (Firearms)
Training Requirements	Less lethal training: POST certified less lethal device course 4-hour course plus annual qualification. SRU training: 80-hour POST certified basic S.W.A.T. course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually.

Sand City Police Department
Military Equipment List

Type	Section 12 - Noise-flash Diversion Device aka Flash-bang Diversionary Device
Description	Combined Systems Inc. (CSI), Combined Tactical Systems (CTS) Flash-bang model 7290 series
Quantity	Twenty-four (24) 7290M Mini-bang, single use, steel body Twelve (12) 7290-3 Bang, single use, aluminum body Twelve (12) 7290-CI Command initiated, steel body
Capabilities	165 - 180 dB, 2M candela minimum per each model's specification sheet
Expected Lifespan	5-year warranty
Manufacturer's Description	"7290 -The CTS 7290 is the standard for diversionary flash-bang devices. The 7290 produces a 165-180db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output. Flash Bangs are used by special tactical units during hostage rescue and high-risk warrants. It is an ATF-controlled Class-C explosive device that emits a bright light and thunderous noise to distract potentially dangerous individuals. Priced Individually, Must Order in Quantities of 12"
Purpose and Authorized Use	The Monterey Peninsula Special Response Unit (SRU) members utilize these devices to distract potentially dangerous individuals during critical incidents such as a violent barricaded subject, hostage situations, high-risk search warrant or arrest warrant situations.
Fiscal Impact	Initial: No direct cost to the City; \$4,125.00 funded by the SRU Ongoing cost: replacement varies depending on utilization \$ 48.00 – 125.00 per individual device
Legal, Procedural, and Compliance	Penal Code 13514.1 (POST required guidelines) POST Reg: 1070 (Certified Instruction), 1082 (Diversionary Device Instructor), 1084 (Standardized Curriculum) SCPD Policies: 404 (MPR SRU)
Training Requirements	SRU training: POST certified 80-hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. Annual 10-hour diversion device training.

Sand City Police Department
Military Equipment List

Type	Section 12 - Irritant munitions (aka "tear gas")
Description	Combined Systems Inc. (CSI), Combined Tactical Systems (CTS) irritant munitions
Quantity	Fifteen (15) CTS 3330, 37mm CS Liquid Barricade Smokeless Twenty-five (25) CTS 3300, 37mm Inert Barricade Smokeless Nine (9) CTS 5230, CS Cannister Grenade
Capabilities	3330 – Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. Velocity 385-425 fps, effective range of 50 yards 3300 – Inert. Velocity 385-425 fps, effective range of 50 yards 5230 - Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard.
Expected Lifespan	5-year warranty
Manufacturer's Description	"CTS produces a full line of chemical irritant and smoke munitions. The comprehensive line includes grenades, 12gauge, 37mm and 40mm projectiles. These less-lethal options address a wide range of scenarios from assisting tactical teams in displacing or detecting barricaded subjects to aiding riot control units charged with maintaining order in public or correctional environments." "CTS Manufactures a wide range of single and multiple projectile munitions with payload capabilities exceeding those of any other less-lethal manufacturer. Single projectile offerings are extremely accurate for selective engagement in a variety of situations."
Purpose and Authorized Use	The Monterey Peninsula Regional Special Response Unit (SRU) members utilize these devices to distract and/or gain compliance of potentially dangerous individuals during critical incidents such as a violent barricaded subject, hostage situations, high-risk search warrant or arrest warrant situations.
Fiscal Impact	No direct cost to the City; Recent purchase was \$2,645.10 funded by the SRU Replacement cost varies depending on utilization \$ 23.00 – 36.00 per individual device, funded by SRU
Legal, Procedural, and Compliance	Penal Code 22820 (required POST training) POST Reg: 1070 (Certified Instruction), 1081 (Chemical Agents), 1082 (Chemical Agent Instructor) SCPD Policies: 300 (Use of Force), 404 (MPR SRU)
Training Requirements	POST chemical agents, three modules, 10-hour course. SRU training: 80-hour POST certified basic S.W.A.T. course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually.

**AGENDA ITEM
9A.**

**Consideration and Approval for the
Cancellation of the November 21, 2023
Regular City Council Meeting**

**AGENDA ITEM
9B.**

**Discussion and Direction Regarding
Amending Sand City Municipal Code
Chapter 2.04 to Once a month Regular City
Council Meetings**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Discussion and Direction Regarding Amending Sand City Municipal Code Chapter 2.04 to Once a Month Regular City Council Meetings
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

The City's municipal code currently requires two monthly regular City Council meetings (City Municipal Code 2.04.010). Staff has analyzed this practice and concluded that the City would save considerable staff time and cost by switching to a model currently employed by some other small cities (e.g., Carmel and Del Rey Oaks) to hold regular Council meetings once a month. This practice will allow staff more time to work on projects between meetings, as well as save the cost of consultants preparing for and attending two meetings. In the event an occasional item requires a second meeting in a month, a special meeting would be held.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

This action would result in a positive fiscal impact in that it would alleviate the additional staff time and cost of City consultants for an additional monthly meeting when such a meeting is not needed.

RECOMMENDATION:

Staff recommends that the City Council direct staff to amend the current ordinance to change the number of regular council meetings from two a month to one a month to be held on the first Tuesday of every month.

**AGENDA ITEM
9C.**

**Approve a Resolution Authorizing
Application to and Participation in the
Prohousing Designation Program**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Anastazia Aziz, AICP, EMC Planning Group
SUBJECT: Prohousing Application and Resolution
DATE: November 7, 2023

ACTION REQUESTED:

Adopt a resolution to authorize application to and participation in the California Department of Housing and Community Development Prohousing Designation Program.

BACKGROUND:

On July 1, 2021, the California Department of Housing and Community Development (HCD) established the Prohousing Designation Program pursuant to California Government Code §65589.9. The Program creates incentives for jurisdictions compliant with Housing Element requirements and that can demonstrate that they have enacted, or plan to enact, Prohousing policies in four category areas: Favorable Zoning and Land Use, Accelerating Production Timeframes, Reducing Construction and Development Costs, and Providing Financial Subsidies.

The Prohousing Designation provides jurisdictions with incentives in the form of additional points and other preferences in several of the State's competitive grant funding programs, including the Affordable Housing & Sustainable Communities (AHSC) and Infill Infrastructure Grant (IIG) programs. The State continues to add incentives for additional funding programs.

The application includes a self-scoring worksheet that provides between 1 and 3 points for each Prohousing policy. Additional points can be awarded for "enhancement factors" for policies that further implement specified Statewide goals. To earn the Prohousing Designation, a City must achieve a minimum score of 30 points.

DISCUSSION:

EMC Planning Group staff has determined that the City likely qualifies for Prohousing designation with a draft total of 40 points, based on the City's existing policies and programs, and several proposed with the draft 6th Cycle Housing Element update. Designation cannot be confirmed until adoption and certification of the Housing Element.

It will be efficient to review, and if needed, edit proposed housing policies and programs for both Prohousing Designation and for HCD certification revision requests. By having HCD review for both at the same time, we may avoid otherwise amending the General Plan (Housing Element), following adoption in order to meet designation requirements.

The City's Prohousing Designation application does not commit the City to any policies or programs not already adopted. Prohousing Designation will not occur until adoption and certification of the 6th Cycle Housing Element. Prohousing Designation status will be

conditioned on implementation of housing element programs that are also listed as evidence of designation eligibility.

The Prohousing program criteria and self-scoring sheet will be submitted to HCD as part of the City's application, if Council agrees to approve the Resolution. The review timelines for Prohousing Designation and Housing Element certification will be intentionally concurrent. Draft Prohousing Designation application materials are provided as Attachment 2 for review.

FISCAL IMPACT:

EMC Planning Group staff have prepared the draft application for the Prohousing Designation using a portion of the Housing and Safety Element Update budget. No additional budget from the general fund is required at this time. Granting of the Prohousing designation would provide the City with a competitive advantage for several State grant funding programs, which could make more funding available to the City in the future.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

RECOMMENDATION:

That the City Council adopt the proposed Resolution and Prohousing Application (Attachments 1 and 2).

ATTACHMENTS:

1. Resolution
2. Prohousing Application

**CITY OF SAND CITY
RESOLUTION SC ___, 2023**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY
AUTHORIZING APPLICATION TO AND PARTICIPATION IN THE PROHOUSING
DESIGNATION PROGRAM**

WHEREAS, Government Code section 65589.9 established the Prohousing Designation Program (“PDP” or “Program”), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

WHEREAS, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive applications for specified housing and infrastructure funding; and

WHEREAS, the Department of Housing and Community Development (“Department”) has adopted emergency regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (“Program Regulations”), as authorized by Government Code section 65589.9, subdivision (d); and

WHEREAS, the CITY OF SAND CITY (“Applicant”) desires to submit an application for a Prohousing Designation (“Application”).

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sand City does hereby approve of the following actions:

1. Applicant is hereby authorized and directed to submit an Application to the Department.
2. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
3. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and action include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or permit procedures. Applicant further acknowledges and confirms that it commits itself to affirmatively furthering fair housing pursuant to Government Code section 8899.50.
4. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the “Program Documents”).

5. Applicant acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the Program Documents; the Program Regulations; and any and all other applicable law.
6. Vibeke Norgaard, City Manager, is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

PASSED AND ADOPTED this 7 day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The undersigned, Mary Ann Carbone, Mayor, of City of Sand City, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Applicant's governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

Prohousing Designation Program Application



**State of California
Governor Gavin Newsom**

**Lourdes Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
Department of Housing and Community Development**

**Megan Kirkeby, Deputy Director
Division of Housing Policy Development**

2020 West El Camino, Suite 500
Sacramento, CA 95833

Website: <https://www.hcd.ca.gov/community-development/prohousing>

Email: ProhousingPolicies@hcd.ca.gov

July 2021

Prohousing Designation Program Application Package Instructions

The applicant is applying for a Prohousing Designation under the Prohousing Designation Program (“**Prohousing**” or “**Program**”), which is administered by the Department of Housing and Community Development (“**Department**”) pursuant to Government Code section 65589.9.

The Program creates incentives for Jurisdictions that are compliant with Housing Element requirements and that have enacted Prohousing Policies. These incentives will take the form of additional points or other preference in the scoring of applications for competitive housing and infrastructure programs. The administrators of each such program will determine the value and form of the preference.

In order to be considered for a Prohousing Designation, the applicant must accurately complete all sections of this application, including any relevant appendices. The Department reserves the right to request additional clarifying information from the applicant.

This application is subject to Government Code section 65589.9, and to the regulations (Cal. Code Regs., tit. 25, - 6600 et seq.) adopted by the Department in promulgation thereof (“**Regulations**”). All capitalized terms in this application shall have the meanings set forth in Section 6601 of the Regulations.

All applicants must submit a complete, signed application package to the Department, in electronic format, in order to be considered for a Prohousing Designation. Please direct electronic copies of the completed application package to the following email address: ProhousingPolicies@hcd.ca.gov.

A complete application will include all items identified in the Application Checklist.

In relation to **Appendix 1**, the Formal Resolution for the Prohousing Designation Program, please use ~~strike through~~ and underline if proposing any modifications to the text of the Resolution.

Appendix 2, the Proposed Policy Completion Schedule, applies only if an application includes proposed policies.

Appendix 3, Project Proposal Scoring Sheet and Sample Project Proposal Scoring Sheet, includes a blank template to be completed by the applicant as part of the application, as well as a Sample Project Proposal Scoring Sheet with an example of how this template may be completed.

Appendix 4 lists examples of Prohousing Policies with enhancement factors to aid applicants in understanding how enhancement factors may be applied.

Appendix 5 is where the applicant will include any additional information and supporting documentation for the application.

If you have questions regarding this application or the Program, or if you require technical assistance in preparing this application, please email ProhousingPolicies@hcd.ca.gov.

Application Checklist

	Yes	No
Application Information	☒	☐
Certification and Acknowledgement	☒	☐
The Legislative Information form is completed.	☒	☐
The Threshold Requirements Checklist is completed.	☒	☐
A duly adopted and certified Formal Resolution for the Prohousing Designation Program is included in the application package. (See Appendix 1 for the Formal Resolution for the Prohousing Designation Program (New 04/21) form.)	☒	☐
If applicable, the Proposed Policy Completion Schedule is completed. (See Appendix 2 .)	☒	☐
The Project Proposal Scoring Sheet is completed. (See Appendix 3 for the Project Proposal Scoring Sheet and the Sample Project Proposal Scoring Sheet)	☒	☐
Additional information and supporting documentation (Applicant to provide as Appendix 5)	☒	☐

Application Information

Applicant (Jurisdiction):	City of Sand City
Applicant Mailing Address:	1 Pendergrass Way
City:	Sand City
ZIP Code:	93955
Website:	https://www.sandcity.org/
Authorized Representative Name	Vibeke
Authorized Representative Title:	Norgaard
Phone:	831-394-3054
Email:	vibeke@sandcityca.org

Contact Person Name:	Vibeke Norgaard
Contact Person Title:	City Manager
Phone:	831-394-3054
Email:	vibeke@sandcityca.org
Proposed Total Score (Based on Appendix 3):	40

CERTIFICATION AND ACKNOWLEDGMENT

As authorized by the Formal Resolution for the Prohousing Designation Program (Resolution No. _____), which is attached hereto and incorporated by reference as if set forth in full, I hereby submit this full and complete application on behalf of the applicant.

I certify that all information and representations set forth in this application are true and correct.

I further certify that any proposed Prohousing Policy identified herein will be enacted within two (2) years of the date of this application submittal.

I acknowledge that this application constitutes a public record under the California Public Records Act (Gov. Code, - 6250 et seq.) and is therefore subject to public disclosure by the Department.

Signature: _____

Name and Title: _____

Date: _____

Legislative Information

District	Number	Legislator's Name
Federal Congressional District	19	Jimmy Panetta
State Assembly District	30	Dawn Addis
State Senate District	17	John Laird

Applicants can find their respective State Senate representatives at <https://www.senate.ca.gov/>, and their respective State Assembly representatives at <https://www.assembly.ca.gov/>

Threshold Requirements Checklist

The applicant meets the following threshold requirements in accordance with Section 6604 of the Regulations:

	Yes	No
The applicant is a Jurisdiction.	☒	☐
The applicant has adopted a Compliant Housing Element.	☒	☐
The applicant has submitted or will submit a legally sufficient Annual Progress Report prior to designation.	☒	☐
The applicant has completed, on or before the relevant statutory deadlines, any rezone program or zoning that is necessary to remain in compliance with Government Code section 65583, subdivision (c)(1).	☒	☐
The applicant is in compliance, at the time of the application, with applicable state housing law, including, but not limited to, Housing Element Law; "No Net Loss" Law (Gov. Code, - 65863); the Housing Accountability Act (Gov. Code, - 65589.5); State Density Bonus Law (Gov. Code, - 65915 et seq.); laws relating to the imposition of school facilities fees or other requirements (Gov. Code, - 65995 et seq.); Least Cost Zoning Law (Gov. Code, - 65913.1); the Housing Crisis Act of 2019 (Stats. 2019, ch. 654); and antidiscrimination law (Gov. Code, - 65008).	☒	☐
The applicant has duly adopted and certified a Formal Resolution for the Prohousing Designation Program, which is hereby incorporated by reference. (A true and correct copy of the resolution is included in this application package.)	☒	☐

Project Proposal
Category 1: Favorable Zoning and Land Use

Category	Prohousing Policy Description	Points
1A	Sufficient sites, including rezoning, to accommodate 150 percent or greater of the current or draft RHNA, whichever is greater, by total or income category.	3
1B	Permitting missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones.	3
1C	Sufficient sites, including rezoning, to accommodate 125 to 149 percent of the current or draft RHNA, whichever is greater, by total or income category. These points shall not be awarded if the applicant earns three points pursuant to Category (1)(A) above.	2
1D	Density bonus programs which exceed statutory requirements by 10 percent or more.	2
1E	Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit law (e.g., permitting more than one ADU or JADU per single-family lot). These policies shall be separate from any qualifying policies under Category (1)(B) above.	2
1F	Reducing or eliminating parking requirements for residential development as authorized by Government Code sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Government Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Government Code section 65915, subdivision (p).	2
1G	Zoning to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.	1

1H	Modification of development standards and other applicable zoning provisions to promote greater development intensity. Potential areas of focus include floor area ratio; height limits; minimum lot or unit sizes; setbacks; and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above.	1
1I	Establishment of a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.	1
1J	Demonstrating other zoning and land use actions that measurably support the Acceleration of Housing Production.	1

Project Proposal
Category 2: Acceleration of Housing Production Timeframes

Category	Prohousing Policy Description	Points
2A	Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.	3
2B	Establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents.	2
2C	Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub. Resources Code, - - 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, - 65457; Cal Code Regs., tit. 14, - - 15303, 15332; Pub. Resources Code, - - 21094.5, 21099, 21155.2, 21159.28).	2
2D	Establishment of permit processes that take less than four months. Policies under this Category (2)(D) must address all approvals necessary to issue building permits.	2
2E	Absence or elimination of public hearings for projects consistent with zoning and the general plan.	2
2F	Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.	1
2G	Absence, elimination or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.	1
2H	Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.	1
2I	Priority permit processing or reduced plan check times for ADUs/JADUs, multifamily housing, or homes affordable to lower- or moderate-income households.	1

2J	Establishment of a standardized application form for all entitlement applications.	1
2K	Practice of publicly posting status updates on project permit approvals on the Internet.	1
2L	Limitation on the total number of hearings for any project to three or fewer. Applicants that accrue points pursuant to Category (2)(E) are not eligible for points under this Category (2)(L).	1
2M	Demonstration of other actions, not listed above, that quantifiably decrease production timeframes or promote the streamlining of approval processes.	1

Project Proposal
Category 3: Reduction of Construction and Development Costs

Category	Prohousing Policy Description	Points
3A	Waiver or significant reduction of development impact fees for residential development.	3
3B	Adoption of ordinances or implementation of other mechanisms that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.	2
3C	Adoption of other fee reduction strategies separate from Category (3)(A) above, including fee deferrals and reduced fees for housing for persons with special needs.	1
3D	Promoting innovative housing types (e.g., manufactured homes, recreational vehicles, park models) that reduce development costs.	1
3E	Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.	1
3F	Adoption of universal design ordinances pursuant to Health and Safety Code section 17959.	1
3G	Establishment of pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.	1
3H	Demonstration of other actions, not listed above, that quantifiably reduce construction or development costs.	1

Project Proposal
Category 4: Providing Financial Subsidies

Category	Prohousing Policy Description	Points
4A	Establishment of local housing trust funds or collaboration on a regional housing trust fund.	2
4B	Provide grants or low-interest loans for ADU/JADU construction affordable to lower- and moderate-income households.	2
4C	A comprehensive program that complies with the Surplus Land Act (Gov. Code, - 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to lower income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.	2
4D	Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to lower income households.	2
4E	Directed residual redevelopment funds to affordable housing.	1
4F	Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source.	1
4G	Prioritization of local general funds for affordable housing.	1
4H	Demonstration of other actions, not listed above, that quantifiably promote, develop, or leverage financial resources for housing.	1

Project Proposal Enhancement Factors

The Department shall utilize enhancement factors to increase the point scores of Prohousing Policies. Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below.

Category	Prohousing Policy Description	Points
1	Policy that represents one element of a unified, multi-faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, affordable housing, climate change solutions, and/or hazard mitigation.	2
2	Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.	1
3	Policies that diversify planning and target community and economic development investments (housing and non-housing) to improve lower opportunity areas. Such areas include, but are not limited to, Low Resource and High Segregation & Poverty areas designated in the most recently updated TCAC/HCD Opportunity Maps, and disadvantaged communities pursuant to California Senate Bill 535 (2012).	1
4	Policies that go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households.	1
5	Rezoning and other policies that support high-density development in Location Efficient Communities.	1
6	Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas.	1
7	Zoning policies that increase housing choices and affordability in High Resource and Highest Resource areas, as designated in the most recently updated TCAC/HCD Opportunity Maps.	1
8	Other policies that involve meaningful actions towards affirmatively furthering fair housing pursuant to Government Code section 8899.50,	1

	including, but not limited to, outreach campaigns, updated zoning codes, and expanded access to financing support.	
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Project Proposal Scoring Sheet Instructions

The Department shall validate applicants' scores based on the extent to which each identified Prohousing Policy contributes to the Acceleration of Housing Production. The Department shall assess applicants' Prohousing Policies in accordance with Government Code section 65589.9, subdivision (f)(2), and Sections 6605 and 6606 of the Regulations.

The Department shall further assess applicants' Prohousing Policies using the following four scoring categories: Favorable Zoning and Land Use; Acceleration of Housing Production Timeframes; Reduction of Construction and Development Costs; and Providing Financial Subsidies. Applicants shall demonstrate that they have enacted or proposed at least one policy that significantly contributes to the Acceleration of Housing Production in each of the four categories. A Prohousing Designation requires a total score of 30 points or more across all four categories.

Instructions

Please utilize one row of the Scoring Sheet for each Prohousing Policy.

- **Category Number:** Select the relevant category number from the relevant Project Proposal list in this application. Where appropriate, applicants may utilize a category number more than once.
- **Concise Written Description of Prohousing Policy:** Set forth a brief description of the enacted or proposed Prohousing Policy.
- **Enacted or Proposed:** Identify the Prohousing Policy as enacted or proposed. For proposed Prohousing Policies, please complete **Appendix 2: Proposed Policy Completion Schedule**.
- **Documentation Type:** For enacted Prohousing Policies, identify the relevant documentary evidence (e.g., resolution, zoning code provisions). For proposed Prohousing Policies, identify the documentation which shows that implementation of the policy is pending.
- **Web Links/Electronic Copies:** Insert the Web link(s) to the relevant documentation or indicate that electronic copies of the documentation have been attached to this application as **Appendix 5**.
- **Points:** Enter the appropriate number of points using the relevant Project Proposal list in this application.
- **Enhancement Category Number (optional):** If utilizing an enhancement factor for a particular Prohousing Policy, enter the appropriate category number using the relevant Project Proposal list in this application.
- **Enhancement Points (optional):** If utilizing an enhancement factor for a particular Prohousing Policy, enter the point(s) for that Prohousing Policy.
- **Total Points:** Add the enhancement point(s) to the Prohousing Policy's general point score.

Appendix 2: Proposed Policy Completion Schedule

Category Number	Concise Written Description of Proposed Policy	Key Milestones and Milestone Dates	Anticipated Completion Date	Notes
1A	Adequate Land Inventory	Identify sites for RHNA	Review annually in March	Proposed
1B	"Missing Middle" Housing	Identify parcels for missing middle housing; construct new units	June 2031	Proposed
1D	Amend the City's Zoning Ordinance to align with new Density bonus State law and increase the City's Density Bonus/Incentive by 10%	Amendment of the Zoning Ordinance	December 2024	Proposed
1F	Reduce Minimum Parking Standards	Adopted West End Parking Plan	June 2025	Proposed
1G	The Sand City Municipal Code allows for residential use (secondary units) in the C-1 zone.	N/A	Enacted	Enacted
1H	West End Housing Diversity Overlay	areas Apply increased density incentive to all	June 2024	Proposed

		parcels, not only to consolidated lots.		
1J	Develop the “South of Tioga” area with a Mixed-use project	Construct at least 355 dwelling units	June 2031	Proposed
2A	West End Housing Diversity Overlay	Allow by-right, ministerial review for a variety of housing types, including single-family and multifamily housing.	June 2024	Proposed
2B	Habitat Management Plan	Facilitate new unit construction through removal of regulatory requirements for individual projects	June 2028	Proposed
2D	Clarify permit processing	Streamline permit processes	June 2026	Proposed
2F	Clarify permit processing	Streamline permit processes	June 2026	Proposed
2G	Objective Design Standards currently being developed	Adopt ODDS	December 2024	Proposed

2H	Contract out permit review and establish one single point of contact	Approve 200 permits	June 2024	Proposed
2I	Contract out permit review and establish priority review service for ADUs/JADUs, multifamily housing, or homes affordable to lower- or moderate-income households	Approve 200 permits	June 2024	Proposed
2J	Clarify permit processing	Streamline permit processes	June 2026	Proposed
2K	Update Permit Database	Add new fields to the database and improve website visibility	June 2024	Proposed
3A	Reduced Fees for Affordable Projects	Increase the number of affordable units	June 2024	Proposed
3B	Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Program	Construct at least 15 ADUs	June 2024	Proposed
3D	Artist Live/Work Housing	Contact Sand City artists to determine housing need	Ongoing; Annual	Proposed

3E	Capital Improvement Program Seek Funding for a Pedestrian and Bike Trail along the Railroad Right-of-Way Expand Sand City's Coastal Trail	Various infrastructure improvements Obtain grants to construct 3 miles of trail Construct 3 miles of trail	Ongoing June 2031 Ongoing	Proposed
3F	Universal Design - Encourage Accessible Housing for Persons with Disabilities	Construct 30 accessible units	June 2031	Proposed
3H	Conservation and Preservation of existing units	Improve existing housing stock	Ongoing	Proposed
4A	State and Federal Housing Programs and Funding	Leverage funding sources to construct affordable housing	Annual assessment; Ongoing	Proposed
4B	Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Program	Construct at least 15 ADUs	June 2024	Proposed
Enhancement Category 1	Update the General Plan	Initiate the General Plan Update	July 2024	Proposed

Enhancement Category 2	Capital Improvement Program Encourage Transportation Demand Management Strategies	Various infrastructure improvements Issue 30 residential building permits	Ongoing Ongoing	Proposed
Enhancement Category 8	Homeless and Extremely Low Income: Support for day center facility and transitional housing Fair Housing Services and Information	Ensure that Sand City has capacity to meet the housing needs of individuals experiencing homelessness	June 2025	Proposed

Appendix 3: Project Proposal Scoring Sheet and Sample Project Proposal Scoring Sheet

Project Proposal Scoring Sheet

Project Proposal
Category 1: Favorable Zoning and Land Use

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
1A	1.F Adequate Land Inventory The purpose of the land inventory is to identify specific sites that are suitable for residential development in order to compare the local government's regional housing needs allocation (RHNA) with its residential development capacity. The City will continue to provide an inventory of land at appropriate zoning designations that will accommodate the Regional Housing Need as identified in this document. The current inventory accommodates a potential 657 units with vacant and underutilized sites, which represents 256% of the RHNA and positions the City as Pro-housing eligible.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	3			3
1B	1.M "Missing Middle" Housing Missing middle types of housing sit in the middle of the housing spectrum between single-family detached homes and mid-rise to high-rise apartment buildings. For parcels in Sand City that are non-contiguous and 0.5 acres or smaller, missing middle housing presents a viable opportunity. The City will review legislation to develop affordable housing on parcels that are non-contiguous and smaller than 0.50 acre. In order to lower development costs and encourage the development of smaller missing middle units, the City will reduce the parking requirements for studio and one-bedroom	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	3			3

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	apartments to 1.0 space per unit and the City will also promote SB-9 and consider SB-10 in specific areas.							
1D	1.B Amend the City's Zoning Ordinance to align with new Density bonus State law and increase the City's Density Bonus/Incentive by 10% State law requires jurisdictions to provide density bonuses and development incentives to all developers who propose to construct affordable housing on a sliding scale, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided. Specifically, state law requires the provision of total units to be affordable to lower- and moderate-income households. The City has consistently amended regulations to stay abreast of Density Bonus laws and will amend the Zoning Ordinance to comply with recent State Law changes, if applicable. The City recognizes that increasing the density above the current State law thresholds will encourage	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	maximizing the use of property for residential units and increase overall unit count. In order to further encourage residential construction, the City will amend the zoning ordinance to increase the allowed density by 10 percent as a Pro-housing measure.							
1F	1.J Reduce Minimum Parking Standards Excessive parking standards that are not reflective of actual parking demand can pose a significant constraint to housing development by increasing development costs and reducing the potential land available for project amenities or additional units. The City's West End Parking Plan is nearing completion and is anticipated to come before City Council in late 2023 for adoption. The draft Plan recommends shared, maximum and reduced parking for residential uses to further encourage the development of residential units. Upon adoption, the City will update parking regulations to reflect the West End Parking Plan recommendations. Additionally, the Monterey Salinas Transit (MST) Sand City station meets the definition of a "major transit stop." The Municipal Code parking regulations shall be amended to comply with Government Code Section 65863.2 that governs minimum parking standards within half a mile of a major transit	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	stop and eliminates parking minimum parking requirements with certain exceptions.							
1G	The Sand City Municipal Code allows for residential use (secondary units) in the C-1 zone.	E	Municipal Code 18.14.040 Conditional Uses in C-1 Zone	18.14.040 Conditional Uses. (qcode.us)	1			1

1H	1.C West End Housing Diversity Overlay The City will continue to encourage diverse and innovative housing design and “smart growth” strategies through its Mixed-Use and Planned Unit MU-P zoning district. Currently development standards are unclear or overly regulatory including but not limited to: discretionary setbacks, a Conditional Use permit requirement for multi-family developments, and to increase height from 60 ft to 85 ft; and a complex local density bonus. In order to further catalyze new development, the City will create an Overlay that will supersede requirements for the underlying zoning district within the West End (see section 18.13.060). Market-rate and affordable housing in multi-family, mixed use and planned unit development construction shall be encouraged with the use of the following Overlay incentives: - Apply the MU-P incremental density bonus dependent on lot size, as a single standard that grants to MU-P lots of any size a 250 percent density bonus (81 dwelling units/acre. By doing so, the potential number of units will be significantly increased and will function to incentivize redevelopment of underutilized properties into multi-family and mixed-use housing; - Continue to assist developers and property owners with lot consolidation; - Replace discretionary setbacks with specific setback dimensions, including reducing front and side setbacks to zero to encourage a variety of multi-family housing types including townhomes and apartments per Government Code Section 65583 and 65583.2; - Allow multi-family residential uses as a	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1
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	permitted use; - Expedite permit processing; and - Reduce or eliminate parking standards for developments that include affordable senior, disabled housing units or for units within half a mile of a major transit stop according to Government Code Sections 65585 and 65863.2; and, - Implement a By Right non-discretionary approval process per Government Code 65583.2(c) for sites previously identified in the 5th Cycle Housing Element to accommodate the low- and very low-income RHNA. This will simplify the permitting process, reduce fees and potential permit appeals. By Right means a jurisdiction shall not require: - A Conditional Use Permit; - A Planned Unit Development Permit; - Design review other than Objective Development Design Standards; or - Other discretionary, local government review or approval that would constitute a “project” as defined in Section 2100 of the Public Resources Code (California Environmental Quality Act “CEQA”).							
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Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
1J	1.A Develop the “South of Tioga” area with a Mixed-use project The City spent considerable time during the 5th Cycle planning period working on, and ultimately approving, the “South of Tioga” (SOT) complicated planning entitlement process which involved working with many outside agencies. The City will continue plans to redevelop the area of town known as SOT as a mixed-use project with a large housing component of 356 units, 15 percent of which are affordable units. The City will expedite design review and building permits for residential uses by contracting with outside firms that specialize in providing municipal planning permit services and processing multi-family residential building permits. Additionally, in an effort to support near-future residential development, the City is willing to consider the option to alter the Development Agreement via an amendment by ordinance to include incentives to increase the viability of financing the residential portions of the project. Incentives could include but are not limited to: - separating the affordable and market rate units; - increasing the number of affordable units and therefore density; - waiving, reducing, decoupling parking	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	requirements, and/or removing the concrete base parking from the podium style building structure.							

Project Proposal
Category 2: Acceleration of Housing Production Timeframes

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
2A	(HEU Program 1.C, 4) Establishment of ministerial approval processes for a variety of housing types The West End Housing Diversity Overlay enables by Right non-discretionary approval process for multi-family, mixed use and planned unit development projects (housing projects) in the following circumstances: A) Housing projects with four (4) or fewer units, or B) Housing projects with five (5) or more where at least 15% of the units are affordable to lower income households.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2
2B	(HEU Program 1.H) Habitat Management Plan The presence of environmentally sensitive habitat area presents a significant government constraint on the production of housing in Sand City. A Habitat Management Plan is a guide for that facilitates appropriate development in sensitive areas by protecting and enhancing existing habitat in addition to creating new habitats in appropriate areas, and directing development to places that do not impact sensitive areas. An adopted Habitat Management Plan provides more certainty to residential developers by completing the necessary biological studies and surveys and identifying areas for development. The City will initiate a Habitat Management Plan to provide programmatic incidental take permits for	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	applicable properties identified in the Sites Inventory and the East Dunes area.							
2D	(HEU Program 1.P) Clarify permit processing Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Unclear permitting procedures add uncertainty in the development of the project, and increase overall financial risk assumed by the developer. The regulations will be updated to simplify and clarify both the required permit type(s) for multi-family residential uses and the recommending and decision-making authorities with the goal to minimize the levels of review and establish a permit process that takes four months or less for those projects those consistent with the General Plan and zoning regulations.	P	Draft Housing Element	Chapter 18.72 PERMITS (qcode.us)	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
2F	(HEU Program 1.P) Clarify permit processing The City will develop an associated easy to read handout that clearly illustrates the process and develop a universal application for planning permits. The City will also add language to the zoning ordinance to clarify that sites which are substandard in size are buildable.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1
2G	(HEU Program 1.G) Objective Design Standards The City is actively developing objective design standards for Council adoption by or before June 2024..	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
2H	(HEU Program 1.Q) Contract out permit review and establish one single point of contact In an effort to further improve service and responsiveness, the City recently contracted with consulting firms to provide planning and building permitting services. There is one point of contact at the City for planning permits and one for building permits.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1
2I	(HEU Program 1.Q) Contract out permit review and establish one single point of contact Given the City's small size and limited in-house contract staffing, permit review for large housing planning entitlement and building permit applications are referred out to the contracted firms additional staff in order to expedite multi-family housing applications.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1
2J	(HEU Program 1.P) Clarify permit processing The Zoning Ordinance Chapter 18.76 references a variety of permit types and advisory and decision-making bodies. The regulations will be updated to simplify and clarify both the required permit type(s) for multi-family residential uses and the recommending and decision-making authorities. Additionally, the City will develop an associated easy to read handout that clearly illustrates the process and develop a universal application for planning permits.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
2K	(HEU Program 1.O) Update Permit Database Processing permits efficiently and increasing public access to permitting information increases certainty in the development of a project. Databases can form a critical component to accurate track and record permit approval on property. The City currently uses the iWorq database to track building permits; however, the information is not easily accessible to the public. Valuable limited staff time is used responding to calls about individual project activity. A database that clearly shows pertinent information to the public increases staff capacity for other critical tasks related to housing development and increases City accountability. The City will update the iWorq database to include permit information on the City's website. Additionally, the database will be augmented to track affordable units.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Project Proposal
Category 3: Reduction of Construction and Development Costs

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentati on Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
3A	(HEU Program 3.H) Reduced Fees for Affordable Projects Sand City fees are extremely low and have been for many years and do not currently pose a constraint to affordable projects; however, given the fee schedule was last updated in 2015 for planning permit fees and in the late 1990's for building permit fees, the City is considering a nexus study and possibly increasing fees in the next budget cycle. Discounted or waived fees for affordable projects will form part of the fee schedule update.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	3			3

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentati on Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
3B	(HEU Program 1.K) Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Program Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) provide affordable housing options for family members, seniors, students, and other small household types. The City will continue to implement the development of ADUs through a ministerial process in conformance with State law. Additionally, the City will promote the development of JADUs through additional outreach at City events and a dedicated webpage to both JADUs and ADUs. JADUs are generally affordable to construct, lend themselves well to lower income property owners as a means of supplemental income, and are an affordable form of rental housing.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentati on Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
3D	(HEU Program 3.G) Artist Live/Work Housing Many artists fall into in the low and extremely low-income categories. Sand City has built up an energetic artist community, in part due to more affordable facilities than other parts of the Peninsula, that has vastly contributed towards the City's positive transformation. To support the artist community, the City sponsors the annual West End Celebration art festival and the relatively new annual mural program. To ensure that artists, many of which are low and/or extremely-low income, continue to thrive and work in Sand City, the City will: - engage with artist/craft-persons residing in the City and organizations that support the Arts to assess the housing needs of the artistic community and how the City can address these needs programmatically; - conduct targeted marketing for artist/craft-persons when affordable units and Live/Work units become available; - explore development of the City-owned Art Park.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

3E	(HEU Program 2.A) Capital Improvement Program Onsite/offsite improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements, and landscaping. The City will continue to implement its Five-Year Capital Improvement Program and continue budgeting revenues into the capital improvement budget to improve streets, sidewalks, storm drainage, wastewater and water lines within the West End area. (HEU Program 4.D) Seek Funding for a Pedestrian and Bike Trail along the Railroad Right-of-Way The TAMC Railroad Right-of-Way runs through Sand City adjacent to Del Monte Boulevard. In order to increase bicycle and pedestrian commuting, the City will seek grant funding to build and pedestrian and bike trail along the TAMC railroad right-of-way. The new trail would pass by the proposed SURF! Busway and Bus Rapid Transit, which, once completed, will serve as a major transit stop providing public transit service along Del Monte Boulevard every 15 minutes throughout the day. (HEU Program 4.E) Expand Sand City's Coastal Trail The Monterey Bay Coastal Recreation Trail is a dedicated pedestrian and bike trail which stretches 18 miles along the Southern Monterey Bay from Castroville in the north to Pacific Grove in the south. The Monterey Bay Recreation Trail runs through Sand City on the west side of State Route 1. There is currently a critical gap in the Monterey Bay Recreation Trail in Sand City between Tioga Avenue and Playa Avenue. In order to increase	P	Sustainable Transportation Plan	https://www.sandcity.org/home/showpublisheddocument/3643/637811419303630000	1			1
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Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentati on Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	walkability and bicycle use within the City, Sand City will continue to apply for grants to construct this segment of trail and to construct dedicated trails within the City to connect residents in the City's core to the coast.							

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentati on Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
3F	(HEU Program 1.L) Universal Design - Encourage Accessible Housing for Persons with Disabilities Universal Design allows for new construction and home modifications that enhance the full life cycle use of housing in order to accommodate a wide range of physical abilities or disabilities of a home's occupants. This is particularly relevant to seniors and allows residents to age in place and remain in a particular unit for a longer period of time. Sand City's demographics show the City's aging trend and suggests a demand for housing geared toward middle aged to senior groups. The City will adopt an ordinance to require a certain percentage of future units to meet Universal Design standards that address limited lifting (e.g. roll-in showers and grab bars), limited mobility (e.g. push/pull lever faucets, wide swing hinges) and limited vision (e.g. additional stairwell and task lighting) pursuant to Health and Safety Code section 17959, at the next International Building Code Update Adoption.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0 to be guided by HCD Model Ordinance: https://www.hcd.ca.gov/building-standards/state-housing-law-program/universal-design-model-ordinance	1			1

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentati on Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
3H	(HEU Program 2.C) Conservation and Preservation of existing units Through enforcement of local codes, the City will ensure that all existing units meet basic health and safety requirements. In residential neighborhoods the City will proactively provide information and assistance to owners of units that are in need of repair or rehabilitation. Examples of program assistance include weatherization grants (PG&E, State LIHEAP, local community action agency, etc.), home paint fix-up programs, and housing rehabilitation assistance including Permanent Local Housing Allocation grant funds. The City will dedicate resources to ensure this information regarding the availability of these resources is affirmatively marketed by doing the following: - post information on the City's website; - provide written marketing information describing the resources available to community groups and organizations that represent lower-income households at City Hall; - Distribute information directly to property owners via direct mail; - Distribute materials directly to community groups and organizations, including the Salvation Army Day Center that serves extremely-low- and low-income families;	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Project Proposal
Category 4: Providing Financial Subsidies

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
4A	(HEU Program 5.C) State and Federal Housing Programs and Funding The cost of financing has a substantial effect on the affordability and availability of housing. Housing financing, including private financing and government assistance programs, is generally available in the community. In order to continue to incentivize the development of affordable units the City will: - Continue to apply for appropriate state and federal housing funds, including CDBG and HOME funds. Use funds to assist with providing affordable housing opportunities in new and existing housing units. - Contract with a planning consulting firm to supplement its planning and economic development capabilities. Availability of grant or other special funding for affordable housing will be posted on the City's website and a new Economic Development website with information related to housing site opportunities and potential State and Federal Housing funding will be developed. - Notify, affordable residential developers, community groups and organizations that serve and represent lower-income households of the availability of affordable housing resources, when available.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
4B	(HEU Program 1.K) Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Program Sand City will promote Habitat for Humanity Monterey Bay's ADU financing program for low-income property owners. The City will develop guidance materials and create a Frequently Asked Questions webpage. The City will also amend the zoning ordinance to allow new ADU square footage construction in commercial zoning districts to further encourage ADU development.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

**Project Proposal
Enhancement Factors**

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
E1	(HCD Program 1.E) Update the General Plan Local ordinances and policies are enacted to protect the health and safety of citizens and further the general welfare. The City's adopted 2002 General Plan has a 2017 planning horizon and the document represents the policy direction of the 2002 City Council on community values, ideals and aspirations to govern a shared environment through 2017. The housing environment has changed dramatically since 2002 with land prices, development costs, and housing costs significantly more costly and constrained. Given the age of the General Plan and the changes in the community and region since the Plan's adoption, the City will update the General Plan which currently has lower densities than the Zoning Ordinance. Densities, as well as height limits, parking and allowed uses will all be updated to stimulate housing production including and not limited to increasing allowable residential densities.	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	2			2

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
E2	2.A Capital Improvement Program Onsite/offsite improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements, and landscaping. While these improvements are necessary to ensure that new housing meets the local jurisdiction's development goals, the cost of these requirements can represent a significant share of the cost of producing new housing. Such requirements can reasonably be considered regulatory barriers to affordable housing if the jurisdiction-determined requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community. The City will continue to implement its Five-Year Capital Improvement Program and continue budgeting revenues into the capital improvement budget to improve streets, sidewalks, storm drainage, wastewater and water lines within the West End area. 4.C Encourage Transportation Demand Management Strategies The City is served by the Monterey Salinas Transit (MST) which operates bus routes on Del Monte Boulevard and Sand City Station, located on Playa Ave, which serves six bus routes with a combined frequency of 15-minute service. In order to facilitate	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	transit use for residents of new multi-family residential developments, the City will encourage the development of a transportation demand management strategies that include but are not limited to the following: - Provide transit passes to residents as part of MST's Group Discount Program; - Facilitate use of MST by providing information on bus frequency and transit stop locations; - Reduction of minimum parking standards; and - Provide secure bicycle and electric Bicycle storage.							

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
E8	(HEU Program 3.B) Homeless and Extremely Low Income: Support for day center facility and transitional housing The 2015-2019 Comprehensive Housing Affordability Strategy (CHAS) data indicates there were approximately 20 ELI households (14 percent of total households) in Sand City. The existing Salvation Army operated day center facility serves 70-100 homeless and/or ELI families per day. The Center provides showers, laundry, caseworker services, food distribution, a small library, meeting space for service providers, and large indoor space to sit and eat and access services. At least once per month Valley Health Associates visits the center with a mobile truck to offer medical and mental health services. The facility caseworkers work with families and place families in transitional housing as it becomes available. The facility not only serves a local Sand City need, but also a wider regional need. The City will continue to support the provision of services at the day center facility for homeless and extremely low-income individuals as currently provided by the Salvation Army. The City will initiate a Zoning Code amendment to allow additional related activities to support skills development and allow transitional housing. 5.A Fair Housing Services and Information A local equal housing opportunity program must provide a means for the resolution of local housing	P	Draft Housing Element	https://www.sandcity.org/government/city-departments/planning-department/2023-2031-housing-element-update-2-0	1			1

Category	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents	Points	Enhancement Category Number	Enhancement Points	Total Points
	discrimination complaints and should include a program to disseminate fair housing information (including fair housing laws) and resource information throughout the community. The City has not had any fair housing complaints and will continue to support and promote the services of organizations that provide fair housing programs to Sand City residents, including: - The Salvation Army day center facility; - Conflict Resolution and Mediation Center; - Legal Services for Seniors; - Central Coast Center for Independent Living; - Housing Resources Center Salinas; and - Center for Community Advocacy. The City will market the availability of the services provided by these organizations through written material available at City Hall and on the City's website. Additionally, in April each year during Fair Housing Month the City will: - Staff a public outreach booth at events such as the Sand City Night Market and/or the West End Celebration; and - Issue a Council proclamation.							

**AGENDA ITEM
9D.**

Approve a Resolution to Amend the Professional Service Agreement with EMC Planning Group, Inc. for Fiscal Year 2023-2024 to Include the Addition of \$85,000 for a Full Website Re-Design and Economic Development Web Page



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Website Redesign and Economic Development Webpage
DATE: November 7th, 2023

BACKGROUND/DISCUSSION:

On behalf of the City, EMC Planning Group successfully applied for the Regional Early Action Planning 2021 (REAP 2.0) Local Suballocation Grant from AMBAG. Sand City was awarded the grant, which is for \$85,000 towards website redevelopment and an economic development page.

Staff is proposing that EMC Planning Group redesign the City's website to produce a more user-friendly experience for City staff, residents, the public, and developers looking for opportunity sites. As set forth in the grant application, the website redesign will primarily focus on improving access to important resources, such as zoning maps, required permits, applicable fees, building restrictions, and available incentives aimed at supporting residential development. The redesign will also improve the aesthetic appearance of the site, making it more closely reflect the City's presence as an artist's hub on the Montrey Peninsula. Furthermore, EMC Planning Group will train City staff in the upkeep and maintenance of the City's website. Once City staff have been trained on the upkeep and maintenance of the City website, EMC Planning Group will continue to support City staff on an as needed basis.

The grant will also fund the creation of a new economic development webpage, which will be led by Keyser Marston and Associates and ELS Architecture and Urban Design as subconsultants to EMC Planning Group on the project.

For EMC Planning Group to provide the work for this grant funded project, it is necessary to increase the City's general planning services contract to cover the costs associated with the additional scope of work for this project. Staff is proposing adding the \$85,000 received from the REAP grant to pay for these services. This project and budget will be added to the existing contract between the City and EMC Planning Group via a contract amendment to the existing agreement for planning and staff support services. EMC Planning Group will be in charge of paying the subconsultants for the project.

FISCAL IMPACT:

EMC Planning Group's current fiscal year 2023-24 contract with the City for Sand City Planning Staff Support is \$197,000. In order for EMC Planning Group to fulfill the scope of

work for the website re-design and economic development page, this action would increase that contract by \$85,000 raising the current contract amount to a total of \$282,000. The City pays \$4,840 for its website annually. The website redesign is expected to save money and staff time for the City in the long-term, as the new website platform will be user-friendly and will allow City staff to update the website in-house.

RECOMMENDATION:

Staff recommends APPROVAL to amend EMC Planning Group's existing contract.

ATTACHMENTS:

1. Resolution
2. Draft Contract Amendment

CITY OF SAND CITY
RESOLUTION SC 23-___,2023

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
TO AMEND THE PROFESSIONAL SERVICE AGREEMENT WITH EMC PLANNING
GROUP, INC. FOR FISCAL YEAR 2023-2024 (Resolution 23-27)
TO INCLUDE THE ADDITION OF \$85,000 FOR A FULL
WEBSITE RE-DESIGN AND ECONOMIC DEVELOPMENT WEB PAGE.**

WHEREAS, the City of Sand City (the “City”) has no in-house staff resources within its Community Development and Planning Departments; and

WHEREAS, since 2015, EMC Planning Group, Inc. (EMC) has provided responsive and quality planning related services with locally accessible staff and office location for the City of Sand City; and

WHEREAS, the City of Sand City was awarded the Regional Early Action Planning (REAP 2.0) Local Suballocation Grant from AMBAG for \$85,000 to redesign the City’s website and include an economic development page; and

WHEREAS, the City finds it economically efficient to have EMC Planning Group fulfill the REAP grant scope of work for the website redesign and economic development page. Once the website is redesigned on a new platform, EMC Planning Group will train City staff in the upkeep and maintenance of the new City website. Once City staff have been trained for the upkeep and maintenance of the City Website, EMC Planning group will continue to Support City Staff on an as needed basis; and

WHEREAS, the term of the service agreement, hereinafter referred to as the “Agreement” (attached hereto and incorporated herein as Attachment 1) shall be amended to include a full re-design and the addition of an Economic Development webpage to the City website; and

WHEREAS, the scope of Planning Services outlined in Exhibit A of the Agreement, attached hereto and incorporated herein by this reference, for fiscal year 2023-2024 providing planning staff on-call support services, is broad and encompasses tasks requested by the City, is expanded to include the following tasks included herein as Attachment 1 and summarized below:

- Review of the current website with City Staff;
- Web host transfer and first draft of website re-design;
- Addition of the Economic Development page to the City website;
- Final draft of City website presented to City staff;
- Training City staff on website maintenance and launch of re-designed Sand City Website;

- Administration of the REAP 2.0 Local Sub-Allocation Grant.

WHEREAS, EMC Planning Group, Inc. will maintain a current business license.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sand City to hereby direct the City Manager to amend Sand City's existing agreement for Planning Related Services (Resolution SC 23-27 (2023) with EMC Planning Group, Inc., to add \$85,000 to EMC Planning Group's existing contract for On-call Planning Services for Fiscal Year 2023-2024.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Sand City, this 7th day of November 2023 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

**AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT FOR NON-CONSTRUCTION
PROJECT
(EMC PLANNING GROUP INC.)**

This Amendment is made and entered into this 7th day of November, 2023 ("Effective Date") by and between the CITY OF SAND CITY, a municipal corporation ("City") and EMC Planning Group, a California Corporation ("Consultant") (together referred to as the "Parties").

WHEREAS, City and Consultant entered into a Professional Services Agreement ("Agreement") on July 1, 2023 for a one-year term, for Consultant to perform services related to contract planning services to staff the City's Planning Department and support the City's Management Team (scope of work); and

WHEREAS, Consultant's proposal for additional services and budget to complete the City's website redesign and economic development page, with the original project proposal, is attached to this Agreement as Exhibit A and incorporated herein;

WHEREAS, City desires Consultant to perform additional work related to the scope of services to complete the City's website redesign, including the addition of an economic development page, per the Consultant's proposal for additional services; and

WHEREAS, the parties desire to amend the compensation set forth in Section 6(A) of the Agreement by increasing the current not-to-exceed amount of \$197,000 by an additional \$85,000, to a total contract amount of \$282,000 in order to compensate Consultant for these additional services; and

WHEREAS, the term of the Agreement will not change.

NOW, THEREFORE, the parties agree as follows:

1. Section 6 (A) (Payment) of the Agreement is deleted in its entirety and replaced by the following:

The CITY agrees to pay CONSULTANT monthly for services performed and reimbursable costs, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit A, attached to the amendment to the Agreement and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed two-hundred thousand and eighty-two dollars (\$282,000) for the total term of the Agreement unless additional payment is approved as provided in this Agreement. Except as specifically authorized by CITY in writing, CONSULTANT shall not bill CITY for duplicative services performed by more than one person. Fees for work performed by CONSULTANT on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit A.

Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

2. Section I (term) of the Agreement is deleted in its entirety and replaced by the following:

Section 1 (Term). The term of the Agreement will begin on November 7, 2023 and shall end on June 30, 2024, unless sooner terminated pursuant to the provisions of this Agreement. The Agreement may be reviewed and renewed annually. No modification to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year written above.

CONSULTANT

By: _____
(Signature)

(Typed Name)

(Title)

CITY OF SAND CITY

Vibeke Norgaard, City Manager

ATTEST:

Kerry Lindstrom, City Clerk

APPROVED AS TO FORM:

By: _____
Adam Lindgren, City Attorney

Attachments:	Exhibit A	Consultant's Revised Proposal
	Exhibit B	Consultant's 2023 fee schedule
	Exhibit C	Insurance Requirements

**AGENDA ITEM
9E.**

**Approve a Resolution for the
Establishment of a Website Redesign
Subcommittee**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Website Redesign Subcommittee
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

The City of Sand City was awarded \$85,000 through the Regional Early Action Planning 2021 (REAP 2.0) Local Suballocation Grant from the Association of Monterey Bay Area Governments AMBAG to be used for the redevelopment of the City's existing website. This includes updates that provide ease of access for City Staff, residents, and local business owners, as well as the creation of an economic development page highlighting opportunities within the City for potential developers and entrepreneurs.

If approved by Council, on behalf of the City, EMC Planning Group will provide a complete redesign of the City's website to produce a more user-friendly experience. The website redesign will primarily focus on improving access to important resources, such as zoning maps, required permits, applicable fees, building restrictions, and available incentives aimed at supporting residential development.

This item is to appoint two City Councilmembers to a Website Redesign Subcommittee to provide insight and review throughout the process. The Website Redesign Subcommittees responsibilities will include their participation in two (2) meetings. These meetings will consist of; (1) Introductory meeting to discuss potential website design, features, and functions and (2) Preliminary website review and comment prior to the official release.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

RECOMMENDATION:

Staff recommends **APPROVAL** of Resolution SC_____ for the election of two (2) City Council Members to act as the City's Website Design Subcommittee.

ATTACHMENTS:

1. Resolution

**CITY OF SAND CITY
RESOLUTION SC 23-____,2023**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
FOR THE ESTABLISHMENT OF A WEBSITE REDESIGN SUBCOMMITTEE**

WHEREAS, the City of Sand City was awarded the Regional Early Action Planning (REAP 2.0) Local Suballocation Grant from AMBAG for \$85,000 to redesign the City's website and include an economic development page; and

WHEREAS, of the City desires to form a Website Redesign Subcommittee consisting of two (2) City Council members to provide insight and advice throughout the website redevelopment process; and

WHEREAS, the Website Redesign Subcommittees responsibilities will include the participation in two (2) meetings consisting of; (1) Introductory meeting to discuss potential website design, features, and functions and (2) Preliminary website review and comment prior to the official release.

NOW, THEREFORE, BE IT RESOLVED that City Council hereby elects the following two (2) members to act as the Website Redesign Subcommittee, which shall provide advice and recommendations to EMC Planning Group regarding the redevelopment of the City's website.

Subcommittee Member (1) _____

Subcommittee Member (2) _____

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Sand City, this 7th day of November, 2023 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

**AGENDA ITEM
9F.**

Approve a Resolution Approving a Service Agreement with SLV Management for the 2024 West End Celebration and Approving August 24-25, 2024 as the Date for the Festival



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Approve contract with SLV Management for the 2024 West End Celebration and approving August 24-25, 2024 as the festival date
DATE: November 7, 2023

DISCUSSION:

Steve Vagnini of SLV Management has been involved in the City's West End Celebration (WEC) for 21 years, and has coordinated the festival for the past 13 years. The 2023 West End festival was another great success -- drawing more than 15,000 people to Sand City during the weekend of August 26-27, 2023. This item is a consideration that Mr. Vagnini continue to serve as the event coordinator for the annual West End celebration in 2024. Mr. Vagnini proposes that the festival be held on the weekend of August 24-25, 2024.

2023 WEC

The City budgeted \$85,000 for the 2023 WEC. The event raised revenues of \$31,740 through donations, sponsorships and other sources such as vendor fees. The revenues resulted in a total net cost to the City for the 2023 West End Celebration of \$53,165.

2024 WEC proposal

The proposed 2024 WEC budget (received from Mr. Vagnini) is attached. Under the terms of the agreement, the City Manager will work with Mr. Vagnini to finalize the budget as has been done in past years. The proposed professional services agreement with SLV Management and resolution is also attached to this staff report.

The proposed contract has a not-to-exceed amount of \$95,000 for the 2024 WEC, an increase of \$10,000 from WEC 2023. Mr. Vagnini's proposal details the reasons for the proposed increase including a proposal to bring in an intern to potentially be a successor to Mr. Vagnini for future WEC events. Mr. Vagnini's budget projects revenue of \$49,500, resulting in the total projected cost to the City for the 2024 of \$45,500.

CEQA: This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT: This resolution would require that Council allocate \$95,000 towards the 2024 WEC, to be spent in fiscal years 23-24 and the first quarter of fiscal year 24-25. The Council has already allocated \$75,000 in its FY 23-24 budget (account number 5004-18).

RECOMMENDATION: Staff recommends that Council approve the resolution authorizing the City Manager to execute a contract with Mr. Vagnini in substantially the same form as that attached hereto and approve August 24-25, 2023 as the dates for the west end festival in 2024.

ATTACHMENTS:

1. Resolution
2. Letter from Vagnini
3. Draft budget

**CITY OF SAND CITY
RESOLUTION SC 23-___, 2023**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING A SERVICE
AGREEMENT WITH SLV MANAGEMENT (STEPHEN VAGNINI) FOR THE 2024
WEST END CELEBRATION (WEC) AND APPROVING AUGUST 24-25, 2024 AS
THE DATE FOR THE FESTIVAL.**

WHEREAS, the City of Sand City has been sponsoring and coordinating the West End Celebration (WEC) since its inception in 2002; and

WHEREAS, Steve Vagnini has provided professional event and music procurement services for the WEC that have resulted in continuous improvement to the WEC; and

WHEREAS, the 2023 West End Celebration raised event revenue of \$31,740 through donations, sponsorships and other sources such as vendor fees and the Council desires that additional revenue be raised from donors and sponsors to offset budget expenses for the 2024 West End Celebration; and

WHEREAS, the total net cost to the City for the 2023 West End Celebration was \$53,165 including a \$27,500 services agreement fee to Mr. Vagnini; and

WHEREAS, Mr. Vagnini has submitted a budget for 2024 WEC that projects an expenditure of \$95,000 with expected revenue of \$49,500, resulting in a projected net cost to the City for the 2024 WEC of \$45,500; and

WHEREAS, the approval of the WEC services contract does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sand City as follows:

1. The City Manager is hereby authorized to execute a West End Celebration Service Agreement in substantially the same form as that attached hereto as Attachment 1 and at a cost not to exceed \$95,000.

PASSED AND ADOPTED by the City Council of Sand City on this 7th, day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

ATTACHMENT 1

WEST END CELEBRATION SERVICE AGREEMENT

This West End Celebration Service Agreement (“**Agreement**”) made and effective this_, day of November, 2023, is by and between the City of Sand City, a municipal corporation (“**City**”) and Steve Vagnini doing business as SLV Management (“**Contractor**”).

RECITALS

- A. City holds its West End Celebration annually during the month of August.
- B. City desires to hire Contractor for the general purposes of organizing the 2024 West End Celebration (“WEC”) including sponsorship development related to the event, and performing other services described herein.
- C. Contractor agrees to provide the services described in this Agreement to City from the time of its execution through the time necessary to complete the West End Celebration, all on the terms and conditions as hereinafter set forth.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

- 1. The term of the Agreement will begin on November 7, 2023 and shall end on December 30, 2024, unless sooner terminated pursuant to the provisions of this Agreement. The Agreement may be reviewed and renewed annually. No modification to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.
- 2. Duties of Contractor. Contractor will perform the following services for City in connection with the West End Celebration:
 - (a) Contact and actively solicit for financial contribution and sponsorships, nationally recognized and local companies, organizations and individuals. In particular, companies that have policies of corporate giving shall be contacted for potential financial assistance regarding the West End Celebration. This sponsorship development activity shall be documented by the Contractor and presented to the City on an annual basis.
 - (b) Create all promotional materials necessary for the 2023 West End Celebration (e.g., posters; flyers, public service announcements, website development, and advertising for all media outlets);
 - (c) Arrange for the production of promotional materials at a cost not to exceed the amounts shown for this purpose in the Approved Budget, as defined below;
 - (d) Schedule entertainment for the event at a cost not to exceed the amounts shown for this purpose in the Approved Budget;
 - (e) Organize volunteers and coordinate with the “West End Committee” to conduct the event;
 - (f) Ensure that the WEC is conducted in the manner required by City, State and Federal

law (e.g., business license, safety and land use requirements; alcoholic and beverage control laws and regulations); and

- (g) Coordinate the planning and conduct the WEC with the “West End Committee” (Council, Art Committee and other representatives as appointed by the Mayor), City staff and the City’s Police Department (e.g., security, traffic and parking, set-up and take down).

Contractor shall at all times faithfully, competently and to the best of his ability, experience, and talent, perform all tasks described herein. Contractor shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Contractor hereunder in meeting its obligations under this Agreement.

3. Budget. Contractor will prepare a draft budget for the 2024 West End Event. The total budget shall not exceed ninety-five thousand dollars (\$95,000), including the twenty-six thousand dollars (\$26,500) base compensation to Contractor described below. Expected income and expense items shall be itemized to a level of detail which is acceptable to the City Manager, including the hourly cost of all services and approximate expected date of the expense. Contractor shall submit the draft budget to the City Manager for his/her review and approval no later than April 1, 2024 (“Approved Budget”). The City Manager may withhold her approval for any reason. Contractor shall not expend or commit to expend any City funds in excess of the amounts shown in the Approved Budget or earlier than required by same. The City Manager may authorize limited expenditure of funds prior to approval of the Approved Budget for early expenses.
4. Compensation to Contractor. The City agrees to pay Contractor an amount not to exceed twenty-six thousand five hundred dollars (\$26,000) for the services required by this Agreement. (“Base Compensation”). The City shall make such payments within thirty (30) days of receiving a monthly itemized invoice, provided the invoice is in accordance with the Approved Budget. The invoice shall be based upon actual time spent on the required tasks and any incidental reimbursable expenses. Except as specifically authorized by City in writing, Contractor shall not bill City for duplicative services performed by more than one person.
5. Modification and Cancellation of 2024 West End Celebration. The City Council reserves the right to cancel the 2024 West End Celebration at any time. If the City cancels the 2024 West End Celebration, Contractor shall be entitled to any fee he has received or invoiced prior to the date the City notifies Contractor of such cancellation. In the event of cancellation, Contractor further agrees to assist City in seeking reimbursement of any additional funds already spent on the event. Contractor agrees that to the greatest extent possible any agreements Contractor enters into for the WEC will allow for full reimbursement in the event that the WEC is canceled on or before June 30, 2024.
6. City’s Right to Approve. Notwithstanding anything in this Agreement to the contrary, the City Council reserves the right to review and approve all matters concerning the 2024 West End Celebration (WEC), including but not limited to any promotional materials and any aspect of the conduct of the event.
7. Ownership of Materials. All promotional materials created by Contractor for the West End Event shall be owned by the City. All materials capable of visual representation shall be marked “Copyright Sand City”.
8. Relationship of Contractor. Contractor is and shall at all times remain as to the City a wholly independent Contractor and not an employee of City. The personnel performing the services

under this Agreement on behalf of Contractor shall at all times be under Contractor's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Contractor or any of Contractor's officers, employees, subcontractors or agents, except as set forth in this Agreement. Contractor shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

No employee benefits shall be available to Contractor in connection with the performance of this Agreement. Except for the fees paid to Contractor as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Contractor for performing services hereunder for City. City shall not be liable for compensation or indemnification to Contractor for injury or sickness arising out of performing services hereunder.

9. Indemnification. To the fullest extent permitted by law, Contractor shall indemnify and hold harmless City and any and all of its officials, employees, contractors and agents ("Indemnified Parties") from and against any and all claims, losses, liabilities, damages, costs and expenses, including legal counsel's fees and costs, caused in whole or in part by the negligent, reckless or wrongful act, error or omission of Contractor, its officers, agents, employees or subcontractors in the performance of services under this Agreement. Contractor's duty to indemnify and hold harmless City shall not extend to the City's sole or active negligence. This indemnification obligation is not limited by any limitation on the amount or type of damages available under any applicable insurance coverage and shall survive the expiration or termination of this Agreement with respect to any liability arising during the term of the Agreement. With respect to third party claims against the Contractor, Contractor waives any and all rights of any type to express or implied indemnity against the Indemnified Parties.

In the event the City, its officers, employees, agents and/or volunteers are made a party to any action, lawsuit, or other adversarial proceeding arising from the performance of the services encompassed by this Agreement, and upon demand by City, Contractor shall defend the City at Contractor's cost or at City's option, to reimburse City for its costs of defense, including reasonable attorney's fees and costs incurred in the defense of such matters to the extent the matters arise from, relate to or are caused by Contractor's negligent acts, errors or omissions. Payment by City is not a condition precedent to enforcement of this indemnity. Notwithstanding the foregoing, to the extent that the Contractor's services are subject to California Civil Code Section 2782.8, the above indemnity, including the cost to defend, shall be limited to the extent required by California Civil Code Section 2782.8.

10. Insurance: Contractor shall pay maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in Exhibit A attached to and part of this Agreement.
11. Business License. Contractor shall pay for and keep active during the term of this agreement, a business license from the City of Sand City.
12. No Assignment. The services to be provided by Contractor hereunder are personal in nature. Contractor may not assign all or any portions of Contractor's obligations under this Agreement without first obtaining the written consent of the City, which the City may withhold in its absolute discretion.
13. Severability/No Implied waiver of breach. If a court of competent jurisdiction finds that any provision of this Agreement is invalid, void or unenforceable, the provisions not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any breach of that term or any other term of this Agreement.

14. Governing law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any action to enforce or interpret this Agreement shall be brought in the Superior Court of the State of California, County of Monterey, or, in the case of any federal claims, in the United States District Court, Central District of California.
15. No conflict of interest. Contractor declares and warrants that no undue influence or pressure was used against or in concert with any officer or employee of the City in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the City has or will receive compensation, directly or indirectly, from Contractor, or from any officer, employee or agent of Contractor, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity. Contractor may not serve other clients whose activities within the corporate limits of City or whose business regardless of location would place Contractor in a "conflict of interest" as that term is defined in the Political Reform Act, California Government Code section 81000 *et seq.* or California Government Code Sections 1090 *et seq.*

Contractor hereby warrants that they did not participate in any manner in the forming of this Agreement. Contractor understands that, if this Agreement is made in violation of Government Code §1090 *et. seq.*, the entire Agreement is void and Contractor will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Contractor will be required to reimburse the City for any sums paid to the Contractor. Contractor understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code §1090 and, if applicable, will be disqualified from holding public office in the State of California.

16. No benefit to arise to local employee. No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any Agreement or sub-Agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.
17. Legal Responsibilities. The Contractor shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Contractor shall at all times observe and comply with all such laws and regulations. The City, and its officers, consultants and employees, shall not be liable at law or in equity occasioned by failure of the Contractor to comply with this Section.
18. Notices. Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To City:

City of Sand City
1 Pendergrass Way

Sand City, CA 93955
Attention: City Clerk

To Contractor:

Steve Vagnini
SLV Management
P.O. BOX 101
Monterey, CA 93942
slvmanagement@yahoo.com

19. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto and incorporates any prior oral or written understanding between the parties. Any amendment to this Agreement must be made in a writing signed by both of the parties of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

City of Sand City:

Vibeke Norgaard, City Manager

ATTEST:

Kerry Lindstrom, City Clerk

Contractor:

Steve Vagnini, SLV Management

Date: _____

Approved as to form:

City Attorney Date:

EXHIBIT A

INSURANCE REQUIREMENTS

Without limiting CONTRACTOR's indemnification of CITY, and prior to commencement of Work, CONTRACTOR shall obtain, provide and maintain at its own expense during the term of this AGREEMENT, policies of insurance of the type and amounts described below and in a form satisfactory to CITY.

General liability insurance. CONTRACTOR shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

Automobile liability insurance. CONTRACTOR shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the CONTRACTOR arising out of or in connection with Work to be performed under this AGREEMENT, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than \$1,000,000 combined single limit for each accident.

Professional liability (errors & omissions) insurance. CONTRACTOR shall maintain professional liability insurance that covers the Services to be performed in connection with this AGREEMENT, in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this AGREEMENT and CONTRACTOR agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this AGREEMENT.

Workers' compensation insurance. CONTRACTOR shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least \$1,000,000).

CONTRACTOR shall submit to CITY, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of CITY, its officers, agents, employees and volunteers.

Other provisions or requirements

Proof of insurance. CONTRACTOR shall provide certificates of insurance to CITY as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with CITY at all times during the term of

this contract. CITY reserves the right to require complete, certified copies of all required insurance policies, at any time.

Duration of coverage. CONTRACTOR shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Work hereunder by CONTRACTOR, his agents, representatives, employees or subCONTRACTORS.

Primary/noncontributing. Coverage provided by CONTRACTOR shall be primary and any insurance or self-insurance procured or maintained by CITY shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of CITY before the CITY's own insurance or self-insurance shall be called upon to protect it as a named insured.

City's rights of enforcement. In the event any policy of insurance required under this AGREEMENT does not comply with these specifications or is canceled and not replaced, CITY has the right but not the duty to obtain the insurance it deems necessary and any premium paid by CITY will be promptly reimbursed by CONTRACTOR or CITY will withhold amounts sufficient to pay premium from CONTRACTOR payments. In the alternative, CITY may cancel this AGREEMENT.

Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City Administrator.

Waiver of subrogation. All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against CITY, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow CONTRACTOR or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. CONTRACTOR hereby waives its own right of recovery against CITY, and shall require similar written express waivers and insurance clauses from each of its sub CONTRACTORS.

Enforcement of contract provisions (non estoppel). CONTRACTOR acknowledges and agrees that any actual or alleged failure on the part of the CITY to inform CONTRACTOR of non-compliance with any requirement imposes no additional obligations on the CITY nor does it waive any rights hereunder.

Requirements not limiting. Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other

requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the CONTRACTOR maintains higher limits than the minimums shown above, the CITY requires and shall be entitled to coverage for the higher limits maintained by the CONTRACTOR. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

Notice of cancellation. CONTRACTOR agrees to oblige its insurance agent or broker and insurers to provide to CITY with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

Additional insured status. General liability policies shall provide or be endorsed to provide that CITY and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to CITY and approved of in writing.

Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that CONTRACTOR's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

Pass through clause. CONTRACTOR agrees to ensure that its subCONTRACTORS, subcontractors, and any other party involved with the project who is brought onto or involved in the project by CONTRACTOR, provide the same minimum insurance coverage and endorsements required of CONTRACTOR. CONTRACTOR agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. CONTRACTOR agrees that upon request, all agreements with CONTRACTORS, subcontractors, and others engaged in the project will be submitted to CITY for review.

City's right to revise specifications. The CITY reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the CONTRACTOR ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the CONTRACTOR, the CITY and CONTRACTOR may renegotiate CONTRACTOR's compensation.

Self-insured retentions. Any self-insured retentions must be declared to and approved by CITY. CITY reserves the right to require that self-insured retentions be eliminated,

lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by CITY.

Timely notice of claims. CONTRACTOR shall give CITY prompt and timely notice of claims made or suits instituted that arise out of or result from CONTRACTOR's performance under this AGREEMENT, and that involve or may involve coverage under any of the required liability policies.

Additional insurance. CONTRACTOR shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.



October 27, 2023

City of Sand City
Mayor Carbone and City Council c/o City Manager Vibeke Norgaard
1 Pendergrass Way
Sand City, Ca 93955

RE: West End Celebration 2024 Proposal

Dear Mayor Carbone and Members of the City Council,

This letter serves as my formal proposal to the Sand City Council to once again serve as the Event Coordinator of the West Annual Celebration. My involvement with the West End Celebration goes back 21 years as the music coordinator - during the last 13 years I have served in the capacity as overall coordinator.

During this time the West End Celebration has evolved into one of the most highly anticipated events in Monterey County drawing over 15,000 people to the West End Celebration over the weekend.

My proposal is that I serve under the same terms as last year with the following changes.

- 1) Last year's West End Celebration Budget was for \$85,000 in Expenses with a Net Budget of \$45,000 after Revenues. This included a new charge of \$5,600 for Event insurance and a \$1,500 decline in my fee to offset the insurance costs. To put this into perspective the total Budget for 2018 was \$85,000.
- 2) I am not asking for a change in my fee however I am asking that the Expense Budget be increased by \$10,000 to \$95,000 to be offset by an increase of \$5,000 in revenues through a slight increase in vendor fees. This will increase the net budget to \$50,000 however It is always my goal to reduce that figure to a break-even point that will be accomplished though securing more and larger sponsors.
- 3) The reason for the increase in expenses is threefold
 - a. Increase in costs due to inflation
 - b. Producer for 3rd stage has been providing entertainment at a nominal fee and now seeks funding
 - c. Funding for an intern position that will begin a succession plan for my ultimate replacement

I look forward to working again on next year's West End Celebration and hope that I can reach a quick reply so that I can begin working on securing new sponsors.

Sincerely yours,

Stephen L. Vagnini

Attachment: Proposed 2024 West End Celebration Budget

2024
WEST END CELEBRATION PROPOSED BUDGET

EXPENSES

Advertising

Mtry County Weekly (Print and web ads :	\$5,300.00	
The Herald (print and web ads)	\$1,000.00	
Radio (Mapleton and KRML)	\$500.00	
TV Ads (KION)	\$500.00	
Design By Glass (Advertising and design	\$3,000.00	
Design Bt Glass (Web site, press release	\$1,500.00	
Chidlaw Bus Tails	\$3,500.00	
Total Advertising		\$15,300.00

Printing \$750.00

Postage \$400.00

\$1,150.00

Event Coordinator \$26,000.00

Intern \$5,000.00

Misc/Supplies/Licenses \$1,400.00

\$32,400.00

Saturday & Sunday

Entertainment (includes sound and st
\$30,000.00 **\$30,000.00**

Infrastructure

Tables/Chairs \$2,000.00

Golden State Portabl \$5,000.00

Volunteer Expenses \$1,050.00

Security Fencing \$0.00

Security \$2,500.00

Insurance \$5,600.00

Generator

Total **\$16,150.00**

TOTALS **\$95,000.00**

REVENUES

Donations \$20,000.00

Artist Fees \$20,000.00

Food Vendor Fees \$9,000.00

T-Shirt Sales \$300.00

ATM \$200.00

TOTAL REVENUE **\$49,500.00**

Total Cost after Revenue **\$45,500.00**

Overtime **- \$7,500.00**

2024
WEST END CELEBRATION PROPOSED BUDGET

Sponsors

Renewal	\$1,500.00
PG&E	\$2,500.00
Cal AM	\$2,500.00
Mechanics	\$2,500.00
EMC	\$750.00
Pebble Beach	\$500.00
Bella Mare	\$250.00
Jacobson EKN	\$1,000.00
	\$11,500.00

**AGENDA ITEM
9G.**

**Approve a Resolution Announcing
Intention to Grant a Water Franchise to
the California-American Water Company**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Resolution of Intent to Grant a Water Franchise to the California-American Water Company
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

The California-American Water Company ("California American Water") is a Class A public utility water and wastewater company regulated by the California Public Utilities Commission ("Commission"). California American Water's service area as approved by the Commission includes customers residing the City's boundaries.

On October 25, 2023, California American Water applied for franchise to provide water utility service to customers residing within the Sand City, consistent with California American Water's service area as approved and may be amended from time to time by the Commission.

California American Water is seeking the grant of a water franchise for a 25 year period with additional 25-year renewal periods. California American Water proposes to pay franchise fees in accordance with the rates set by the Franchise Act of 1937 (Public Utilities Code Sections 6201, *et seq.*). In accordance with Public Utilities Code Section 6231, it proposes to pay franchise fees to the City totaling 2% of the its gross annual receipts arising from the use, operation or possession of the franchise, except that this payment shall be not less than 1% of the gross annual receipts from the sale of water within the limits of the City.

Procedure for Adoption

1. Following receipt of an application for a water franchise, the Council may pass a resolution stating its intent to grant the franchise.
2. A hearing must then be held no earlier than 20 days and no later than 60 days following passage of the resolution.
3. If the Clerk receives any written protests by the time of the hearing, the Council must hear such protests.
4. If no protests are received or Council determines them to be insufficient, or overrules/denies them, then it can grant the franchise by ordinance.
5. The franchise will then become effective once the California American Water files written acceptance thereof with the City Clerk.

CEQA:

This action does not constitute a "project" for purposes of the California Environmental

Quality Act (Pub. Resources Code, § 21000 *et. seq.*) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*).

Even if this action constituted a “project” for purposes of CEQA, the project would be exempt from environmental review under State CEQA Guidelines section 15301 (Existing Facilities), 15320 (Organization of Local Agencies), and 15061(b)(3), which exempts projects for which it can be seen with certainty will not result in significant environmental impacts and none of the exceptions found in State CEQA Guidelines section 15300.2 exist.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends the following motions:

1. Adopt the adopt a resolution of intent to grant a water franchise to the California-American Water Company

ATTACHMENTS:

1. Resolution

**CITY OF SAND CITY
RESOLUTION NO. SC 23__-2023**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
ANNOUNCING ITS INTENTION TO GRANT A WATER FRANCHISE TO THE
CALIFORNIA-AMERICAN WATER COMPANY**

WHEREAS, the California-American Water Company (“California American Water”) desires to enter into a water franchise with the City and as such has applied to the City for a water franchise by and between the City and California American Water; and

WHEREAS, California American Water is a Class A public utility water and wastewater company regulated by the California Public Utilities Commission (“Commission”). California American Water’s service area as approved by the Commission includes customers residing the City’s boundaries; and

WHEREAS, the City Council desires to negotiate and grant a water franchise to California American Water; and

NOW, THEREFORE, IT IS HEREBY RESOLVED the City Council of the City of Sand City hereby resolves that:

1. It is the intention of the City Council to negotiate and grant a water franchise to the California American Water. California American Water has applied for a water franchise contiguous with its current service boundaries in the City as authorized by the California Public Utilities Commission, for a 25 year period, with the possibility of additional 25 year extensions, and paying annual franchise fees in accordance with the Franchise Act of 1937 (Public Utilities Code Sections 6201 *et seq.*).
2. In accordance with Public Utilities Code Section 6232, a hearing, where all persons having an objection to the granting of a water franchise to the California American Water may appear before the City Council and be heard, shall be held on December 5, 2023 during the regularly scheduled City Council meeting to be held on that date, which will begin at 5:30 p.m. and will be held at 1 Pendergrass Way in Sand City.
3. This action does not constitute a “project” for purposes of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et. seq.*) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*). Even if this action constituted a “project” for purposes of CEQA, the project would be exempt from environmental review under State CEQA Guidelines section 15301 (Existing Facilities), 15320 (Organization of Local Agencies), and 15061(b)(3), which exempts projects for which it can be seen with certainty will not result in significant environmental impacts and none of the exceptions found in State CEQA Guidelines section 15300.2 exist.

4. The City Clerk is directed to, within 15 days of the passage of this Resolution, publish notice of the hearing once in at least one newspaper of general circulation within the City in accordance with the provisions of Public Utilities Code Section 6233. Said notice shall be in substantially the same form:

"NOTICE OF INTENTION TO GRANT FRANCHISE

NOTICE IS HEREBY GIVEN that California-American Water Company has requested that the City of Sand City grant it a franchise provide water utility service to customers residing within the City of Sand City, consistent with its service area as approved and may be amended from time to time by the California Public Utilities Commission.

If granted, the franchise shall be for a period of 25 years. During the life of the franchise, California-American Water Company shall annually pay to the City franchise fees totaling two percent (2%) of the its gross annual receipts arising from the use, operation or possession of the franchise, except that this payment shall be not less than one percent (1%) of its gross annual receipts from the sale of water within the limits of the City. In the event the payments specified herein are not made, the franchise shall be forfeited following the applicable cure period.

NOTICE IS HEREBY FURTHER GIVEN that any person objecting to the granting of the franchise may appear before the City Council and be heard thereon at the hour of 5:30 p.m. on the 5th day of December at 1 Pendergrass Way Sand City, CA 93955.

NOTICE IS HEREBY FURTHER GIVEN that at any time not later than the hour set for the hearing of objections, any person interested may make written protest stating objections against the granting of the franchise; which protest must be signed by the protestant and be delivered to the Clerk of the City. The City Council may adjourn the hearing from time to time."

PASSED AND ADOPTED by the City Council of the City of Sand City on this 7th day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

**AGENDA ITEM
9H.**

**Approve a Resolution Authorizing the City
Manager to Execute a Second Amendment
to Professional Services Agreement with
RGS**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: RGS Agreement Amendment #2
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

On February 16, 2023 the City entered into an agreement for Management and Administrative Services with Regional Government Services to assist with the continued financial services operations due to the retirement of the City Clerk and Financial Services Specialist on February 28, 2023. The agreement was for \$68,000. On July 18, 2023, the agreement was increased to \$152,700 due to higher than anticipated costs.

City operations have continued to run smoothly during the transition. A Finance Manager was hired on (Date) who has done an admirable job getting up to speed on all the City's financial operations. An HR/Risk Manager, has also recently been hired. She is expected to be on board by November 15, 2023. In the meantime, the City's financial operations have needed continued support longer than anticipated.

The Proposed Amendment #2 ("Amendment") is attached as Exhibit A for your review. The Amendment requests an increase of \$78,516 through June 30, 2024 bringing the total Not-To-Exceed (NTE) amount to \$299,216. The increase is necessary to cover the cost of assistance to transition the new HR/Risk Manager. This period also includes providing assistance with the audit. The agreement also includes providing consulting support through June 2024 to the Finance Manager and HR/Risk Benefits Manager.

The requested increase in the contract amount is due in part to the following reasons:

- The City's needs for RGS 's HR services have been higher than anticipated due to the need for multiple recruitments and the process of onboarding new, as well as the paperwork required for multiple retirements.
- Various benefits issues were uncovered that have required extensive time to analyze and amend.
- Many of the Finance and HR procedures were not properly documented, or in some cases not documented at all under prior Finance staff. This has resulted in the need for extensive time on RGS's part to piece information together to keep the City finance and HR operations running smoothly. The reconstruction of procedures and information include the complexities of handling of the Successor Agency Budget and ROPS. The City lost over 60 years of institutional history when the former HR/Finance Specialist, City Clerk and City Planner retired. It is

unfortunate that the institutional knowledge was not maintained in writing. While in a large organization this void is filled by the many people that remain who know some of the processes, in the case of Sand City there were no employees left in three entire departments.

- This challenge has been exacerbated by the fact that the former Finance Specialist requested that she not be contacted to assist with the transition, thus requiring a significant amount of investigation to figure processes out.
- In the Finance arena, this issue has been magnified by the archaic nature of Sand City's accounting system, which is difficult for new employees to learn and not easy to teach.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

The increased costs of \$78,516 would be funded from the operating surplus in the FY 2023-24 Budget which will be reflected in a mid-year budget adjustment.

RECOMMENDATION:

It is recommended that the City Council approve the RGS Agreement Amendment #2.

ATTACHMENTS:

1. Resolution
2. Agreement

CITY OF SAND CITY
RESOLUTION SC 23- , 2023

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY AUTHORIZING
THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE
MANAGEMENT AND ADMINISTRATIVE SERVICES AGREEMENT WITH
REGIONAL GOVERNMENT SERVICES (RGS) TO AN AMOUNT NOT TO EXCEED
\$299,216 AND AMEND SCOPE OF SERVICES**

WHEREAS, the City entered into an agreement for Finance and HR Services with Regional Government Services (RGS) on February 16, 2023; and

WHEREAS, the City amended the agreement on July 21, 2023; and

WHEREAS, the estimated original costs are more than anticipated; and

WHEREAS, the City desires to continue the financial services provided by RGS.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Sand City that the City Manager is authorized to enter into a Second Amendment for Management and Administrative Services Agreement with Regional Government Services (RGS) in substantially the same form as that attached as Exhibit A in an amount not to exceed \$299,216.

PASSED AND ADOPTED by the City of Sand City this ____ day of November, 2023
by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Mary Ann Carbone, Mayor

Kerry Lindstrom, City Clerk



REGIONAL
GOVERNMENT
SERVICES

SERVING PUBLIC AGENCIES SINCE 2002

**AMENDMENT NO. 2 TO MANAGEMENT AND ADMINISTRATIVE
SERVICES AGREEMENT**

This second amendment to the Management and Administrative Services Agreement between the **CITY OF SAND CITY** ("Agency") and Regional Government Services Authority, hereinafter called "RGS" is made and entered into this 7th day of November 2023.

RECITALS

The Agency and RGS entered into an Agreement for services dated February 16, 2023. This Amendment is entered into with reference to the following facts and circumstances:

- A. **Section 3, Compensation**, is amended to increase the Not To Exceed (NTE) amount by \$78,516, to a revised total of \$299,216.
- B. **Exhibit B, Scope of Services**, is amended to include the scope of services as contained in the attached, Exhibit B-2.
- C. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Additional Services Amendment to be executed on the date first above written by their respective officers duly authorized in that behalf.

Dated: _____

Dated: _____

Agency

RGS

Vibeke Norgaard, City Manager

Sophia Selivanoff, Executive Director

RGS provides quality, innovative, cost-effective services exclusively to public agencies.

Main 650.587.7300 Fax 650.587.7311 P.O. Box 1350 Carmel Valley, CA 93924

www.rgs.ca.gov

EXHIBIT B-2

Subject to the terms and conditions of this Agreement, RGS shall assign RGS employee(s) to serve as Advisors to Agency. RGS services are not duplicated by Agency employees and are not intended to be performed by Agency employees but are outsourced to RGS. This work may be done onsite or remotely. RGS Advisors will provide:

1. Finance Services

- a. Project manage and facilitate completion of Audit.
 - b. Prepare month-end reconciliations July- December, if requested.
 - c. Submit entries needed for reconciliation (i.e., record payroll and other entries as needed)
 - d. Consult with City ERP Project Lead as requested regarding new finance software selection.
 - e. Participate in recalculating Maintenance Of Effort fir Measure X funds. on request.
 - f. Provide coaching services to Finance Manager
2. Be reasonably available to perform the services during the normal work week. P provide project reporting on a mutually agreed schedule to the appropriate Agency project manager.
 3. RGS Team members will maintain open communication lines with each other and Agency staff through written documentation, video conference calls, phone, and e-mail as needed to accomplish agreed-upon projects.
 4. The Agency will only be invoiced for the actual hours worked. The work will be done remotely or onsite. RGS Advisors may occasionally work at City worksites with the pre-approval of the RGS Lead Advisor.
 5. External costs, such as postage, courier services, or other tracked hard copy delivery confirmation services will be invoiced at cost to the Agency with no markup. All such costs will fall outside the not-to-exceed for services provided.
 6. RGS will continue to make recommendations for additional work, however all additional tasks must be specifically approved/ requested by the City Manager in writing (e-mail will suffice).
 7. The RGS team assigned will be led by a Lead Advisor, who will both perform work and direct projects to other RGS staff as needed. RGS staff, with equal or lower bill rates, will be assigned to projects or tasks at Lead Advisor's discretion.

**AGENDA ITEM
9I.**

**Discussion and Direction on a City Council
Donations Policy**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Council Donations Policy
DATE: November 7, 2023

BACKGROUND/DISCUSSION:

The Mayor and individual members of the City Council will from time to time ask, and the City Manager will spend small sums of City money to support not-for-profit activities and events in the City. Requests for contributions are brought to the City Council for public consideration and approval or denial.

The City Manager and the Mayor have recently discussed the possibility of making this process more streamlined, uniform and efficient by creating a simple "donations policy." The cornerstone of the policy and the existing practice is that any expenditure of funds must be for a public purpose that will benefit large numbers of the citizens of Sand City, not for purposes of private gain, either to the recipient or to the City staff or Council members involved in the donation.

Under a donations policy, rather than having individual donation requests be made by the Mayor or Council members to the City Manager, a total amount in the City's annual budget would be set for donations requested by the Mayor, each City Council member, and the City Manager. Then individual requests for donations to qualifying organizations would be deducted from those funds for each individual official. The donations made from these funds would not be donations by the individual official, they would be donations by the City that were initiated by the requester. Any donations requested in excess of the amounts budgeted for the individual would require consideration and approval by the full City Council.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

The extent of the impact on the City's budget will depend upon the amount the Council would like to allocate.

RECOMMENDATION:

The City Manager seeks direction on:

1. Whether or not the City Council is interested in directing staff to prepare a donations policy? If yes,
2. Is there an initial amount that the City Council would like to budget? As an example, the City Council could budget \$4,000 for the Mayor per year and \$2,000 for each Council member and the City Manager per year.
3. What other questions or data would you like to consider before establishing the policy?

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O