



A G E N D A
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
VIRTUAL ONLY
Thursday, August 6, 2020
7:00 PM

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

- Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment). Written comments must be received by 5:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration, compiled as part of the record, and may be read into the record.
- During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 2 minutes to provide your comments, with time set by the discretion of the Mayor. Please note, if you chose to make comments orally, your written comments will not be read but will be included in the final record.

In an effort to ensure the virtual process closely follows our normal process, public comment will be accepted in writing during the meeting, but may not be read into the record during the meeting, but will be included as part of the final administrative record. Please do not plan to use the chat or Q&A features to put a comment on record. These resources are for tech support only

1. CALL TO ORDER

VIRTUAL MEETING INFORMATION:

Link to join Webinar

<https://us02web.zoom.us/j/81936832059> <https://us02web.zoom.us/j/81936832059>

Or Call 1+669-900-9128

Webinar ID: 819 3683 2059

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

3. INVOCATION & PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to two minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. PUBLIC AGENCY COMMUNICATIONS

This is a time specifically set aside for representatives of public agencies to make brief comments of general interest to the City Council and the community.

7. PRESENTATIONS

8. CONSENT AGENDA

A. APPROVE MINUTES FROM JULY 16, 2020 REGULAR MEETING AND JULY 13, 2020 SPECIAL MEETING

RECOMMENDATION: Approve minutes as presented.

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of July 4, 2020 through July 18, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending July 16, 2020. Total Accounts Payable and Payroll for the above referenced period is \$2,784,494.40.

C. ACCEPT AND FILE THE CASH AND INVESTMENT REPORT FOR THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE QUARTER ENDING JUNE 30, 2020.

RECOMMENDATION: Accept and file the City of Seaside and the Successor Agency to the Redevelopment Agency of the City of Seaside Cash and Investment Report for the quarter ending June 30, 2020.

D. APPROVE A RESOLUTION MODIFYING THE POSITION ALLOCATION LIST TO ADD THE FULL-TIME POSITION OF FAMILY AND COMMUNITY SUPPORT PRACTITIONER AND CREATING THE PART-TIME CLASSIFICATION OF FAMILY AND COMMUNITY SUPPORT TECHNICIAN

RECOMMENDATION: Approve the resolution modifying the Position Allocation List to add the position of Family and Community Support Practitioner and Creating the part-time classification of Family and Community Support Technician.

E. ADOPT A RESOLUTION UPDATING THE 2020-2021 FEE SCHEDULE

RECOMMENDATION: Adopt a resolution updating the fee schedule to incorporate fees for Planning Commission applications and appeals, fire department electronic permits and Public Records Act request productions.

F. APPROVE A RESOLUTION ENDORSING U.S. BICYCLE ROUTE 95 THROUGH THE CITY OF SEASIDE

RECOMMENDATION: This item is for the City Council to consider and adopt a resolution endorsing the U.S. Bicycle Route 95 through the City of Seaside.

9. PUBLIC HEARING

A. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTION 8.32 FIREWORKS PROHIBITING THE POSSESSION, USE, AND SALE OF ALL FIREWORKS IN THE CITY OF SEASIDE (FIRST READING - ROLL CALL VOTE)

RECOMMENDATION: Introduce and pass to print the draft ordinance prohibiting the use and sale of all fireworks.

B. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 2.14 BOARDS AND COMMISSIONS ESTABLISHING A COMMUNITY POLICING ADVISORY COMMITTEE (FIRST READING - ROLL CALL VOTE)

RECOMMENDATION: Introduce and pass to print the draft ordinance establishing a Community Policing Advisory Committee.

10. BUSINESS ITEMS

A. CONSIDER A BUSINESS LOAN PROGRAM TO ASSIST SEASIDE BUSINESSES IN RECOVERING FROM THE COVID-19 EMERGENCY

RECOMMENDATION: Create a revolving business micro loan program leveraging assistance from the Monterey Peninsula Chamber of Commerce, the Community Foundation and the CSUMB Institute for Innovation and Economic Development to assist in recovery from the COVID-19 Pandemic Emergency.

B. CONSIDER APPROVAL OF APPLICATION FOR PROJECT HOME KEY

RECOMMENDATION: Authorize submittal of application.

11. COUNCIL MEMBER REQUESTS

12. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
August 20, 2020
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Governor Newsom's Executive Orders N-29-20 and N-33-20.



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
Thursday, July 16, 2020
7:00 PM

1. CALL TO ORDER - VIRTUAL MEETING PARTICIPATION

Mayor Oglesby called the meeting to order at 7:00 pm.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Led by Council Member Wizard.

4. REVIEW OF AGENDA

No changes.

5. PUBLIC COMMENT

Public Comments: Gabriella Chavez, River Navaille, Anton Hunter, Wes White, Regina Mason

6. PUBLIC AGENCY COMMUNICATIONS

Fire Chief Dempsey, Recreation Director Meewis

7. PRESENTATIONS

A. 2020 JULY 4TH HOLIDAY PERIOD FIREWORKS AFTER ACTION REPORT

Police Chief Pridgen reported the statistics from the July 4th holiday enforcement for illegal fireworks. He noted that even though public education and enforcement was increased, the deterrent effortsof the illegal fireworks was not successful.

B. ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT (ESCA) QUARTERLY REPORT

ESCA Program Manager Stan Cook presented the first quarterly report, as required by the US Army on all ESCA related operations. He provided an introduction of the program that was recently assigned to the City of Seaside, explained which properties were under monitoring and answered questions from the Council. The Council welcomed both Mr. Cook and Ms. Vidaurri to the Seaside team.

8. CONSENT AGENDA

The Council questioned the Mayor's youth fund contribution requests for youth programming during COVID-19 restrictions.

PUBLIC COMMENTS: Uli Siebeneick, Molly Fittro

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the consent agenda with the exception of item G.

RESULT: *Approved*

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

A. APPROVAL OF MINUTES FROM JUNE 11, 2020, JUNE 28, 2020 SPECIAL MEETINGS & JULY 2, 2020 REGULAR MEETING

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved and Filed

C. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM OPERATION SECOND CHOICE, INC

Action: Approved

D. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM THE WAHINE PROJECT

Action: Approved

E. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM MONTEREY CONDORS CLUB

Action: Approved

F. APPROVE A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE AQUATIC CLUB - THE DOLPHINS

Action: Approved

G. ADOPT CIVIL GRAND JURY RESPONSE PROCEDURE

Council Member Kispersky requested clarification on this item. Mr. Malin spoke to the requirement of response to Grand Jury requests within a specif period of time, and the mechanisms the City has put into place to ensure timely future responses.

On motion by Council Member Alissa Kispersky and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved the item as presented.

RESULT: *Approved*

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES:

None

9. **PUBLIC HEARING**

A. ADOPTION OF AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 17 OF THE SEASIDE MUNICIPAL TO ADD VEHICLE SERVICES MINOR AS A USE PERMIT IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT (SECOND READING-ROLL CALL VOTE)

Mr. Malin stated it was a second reading and no changes were made from the previous meeting presentation.

No public comments.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved Ordinance 1091 as presented.

RESULT:

Approved

AYES:

Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky

NOES:

None

B. ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTION 13.10.020 "WATER RATES AND CHARGES" FOR ADDITION OF CAPACITY FEE TO BE ADDED TO THE ADOPTED FEE SCHEDULE (SECOND READING - ROLL CALL VOTE)

Mr. Malin stated it was a second reading and no changes from the previous meeting were made.

No public comments.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved Ordinance 1092 as presented to establish a capacity fee for the Seaside water system.

RESULT:

Approved

AYES:

Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky

NOES:

None

C. ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 10.32 ESTABLISHING FOUR HOUR TIME LIMIT AT CITY PARK PARKING LOTS AND APPROVE A RESOLUTION ALLOWING OVERNIGHT PARKING ON MONDAY NIGHTS AT THE LAGUNA GRANDE LAKESIDE PARKING LOT. (SECOND READING - ROLL CALL VOTE)

Mr. Malin reported this is second reading of the ordinance presented at the previous meeting. Per Council direction, the time of allowed sleeping was modified to 8 hours from the previous meeting. He noted that this is separate and distinct from the item approved by the Council to direct the establishment of a parking lot for RVs on Colonial

Durham Road. This item establishes a 4 hour limit for parking at the Robert's lake park and allows over night parking for one night per week at Laguna Grande Lake park.

Public comments: Miriam Smith, Gabriella Chavez, Alyssa Osorio, Marilyn Cruikshank, Anton Hunter, Harold Lusk, Rosalyn Green, Alyssa Osorio, Sherry Banks, Pastor Lusk, Gertrude Smith, Regina Mason, Kate Spencer, Wes White

Council Members declined to support the item citing overnight parking of one night a week is not sufficient.

On Motion by Council Member Wizard and seconded by Council Member Kispersky, and passed by the following vote the City Council denied approval of the ordinance.

RESULT: **Approved**
AYES: Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky
NOES: Ian Oglesby,

D. ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTION 15.34 DIGGING AND EXCAVATION ON THE FORMER FORT ORD, PROHIBITING THE USE OF METAL DETECTION ON FORT ORD LANDS THAT PREVIOUSLY HAD MUNITIONS AND EXPLOSIVES OF CONCERN (SECOND READ-ROLL CALL VOTE)

Mr. Malin stated it was a second reading and no changes from the previous meeting were made.

No public comments.

On motion by Council Member Jason Campbell and seconded by Council Member Jon Wizard and passed by the following vote the City Council approved Ordinance 1093 prohibiting metal detecting on the Former Fort Ord Lands that previously had MEC.

RESULT: **Approved**
AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky
NOES: None

E. ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTION 2.14 BOARDS AND COMMISSIONS (SECOND READING - ROLL CALL VOTE)

Mr. Malin stated it was a second reading and no changes from the previous meeting were made.

PUBLIC COMMENT: Alex Miller

On motion by Council Member Jason Campbell and seconded by Council Member Jon Wizard and passed by the following vote the City Council approved Ordinance 1094 Modifying Chapter 2.14 Boards and Commissions.

RESULT: **Approved**

AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky
NOES: None

10. **BUSINESS ITEMS**

A. **REQUEST BY COUNCIL MEMBER PACHECO TO PASS AN ORDINANCE PROHIBITING ALL FIREWORKS**

The Council discussed the issue concerning illegal fireworks in Seaside. They spoke to the series of public comments received, how they impact the quality of life of residents and that enforcement efforts have not been sufficient enough of a deterrent. They discussed the merits and pathways of adoption of an ordinance versus a potential ballot measure, the costs, procedure and success of each option.

Public Comment: Jennifer Gunter, Jimmy Cook, Peter Keiser, Ken Fittro, Dave Lesikar, Harold Lusk, Kristen Wisner, Regina Mason, Miriam Smith, Dennis Revell, Sherry Banks, Diana

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council directed the City Attorney to draft an ordinance banning all firework use and sales in the City of Seaside.

RESULT: ***Passed***
AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard
NOES: Alissa Kispersky

B. **REQUEST BY COUNCIL MEMBER WIZARD TO ADD TO THE NOVEMBER 3, 2020 BALLOT A PROHIBITION AGAINST ALL FIREWORKS**

Council Member Wizard requested to suspend this item indefinitely.

C. **REQUEST BY COUNCIL MEMBER WIZARD TO ADOPT A RESOLUTION SUPPORTING PROPOSITION 15, THE CALIFORNIA SCHOOLS AND LOCAL COMMUNITIES FUNDING ACT OF 2020**

Council member Wizard justified his request to adopt the resolution and clarified that this does not affect property taxes and exempt residential properties.

PUBLIC COMMENTS: Dave Lesikar

On motion by Council Member Jon Wizard and seconded by Council Member Alissa Kispersky and passed by the following vote the City Council adopted Resolution 19-62.

RESULT: ***Approved***
AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky
NOES: None

TO extend the meeting - Campbell/Oglesby 3-2 kispersky, wizard no

D. **RECEIVE REPORT ON ENFORCEMENT ACTIVITIES AT 595 BROADWAY AVENUE**

This item was agendaized after receiving complaints during the last Council Meeting. Chief Pridgen reported statistics of police calls to the location of 595 Broadway Avenue. Citing an incongruent amount dispatch reports to the claims of illicit activity complaints. He encouraged people to call to report incidents they see, so that issues can be tracked. He also noted that the location is currently closed due to Governor's orders. The Council expressed importance of making business owners feel supported for the success of the downtown area.

Public Comments: Eloise Shim, Miriam Smith, Anton Hunter

Report received.

E. APPROVE RECOMMENDATIONS FOR COMMUNITY INPUT ON ALLOCATION OF \$500K FOR COMMUNITY/SOCIAL SERVICES INCLUDING WITHIN FISCAL YEAR 2020-2021 BUDGET

City manager presented his process for social input for the Community and Social Services funding that was allocated in the Fiscal Year 2020-21 budget. He noted that there would be public input outreach opportunities, establishment of a committee to assist with the solicitation and review of community support services providers, and it would return to the City Council within 90 days for funding approval and allocations. The Council discussed timing and approved the City Manager's plan.

No public comments made.

F. ADOPT RESOLUTION RATIFYING FIFTH SUPPLEMENT TO PROCLAMATION OF LOCAL EMERGENCY

City Manager Malin spoke to the proposed modifications to the proclamation of local emergency, including the establishment of temporary curbside pick up on public streets to assist restaurants during the pandemic 2) temporary use of public parking spaces for businesses purposes 3) Robert's lake enforcement parking enforcement reinstatement.

The Council directed the proclamation be modified, based on Council decision at the previous City Council Special meeting, to add termination of the parking enforcement suspension at Robert's Lake and authorize the suspension of parking enforcement at Colonel Durham Road on the same date.

Public Comments: Miriam Smith, Anton Hunter

On motion by Council Member Jason Campbell and seconded by Council Member Alissa Kispersky and passed by the following vote the City Council adopted Resolution 19-63 adopting the 5th supplement with the above modification for parking enforcement, and additionally directed staff to assist with providing a resource to assist people to register their vehicles.

RESULT: ***Approved***

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

11. COUNCIL MEMBER REQUESTS

Mayor Oglesby requested to agendize the concept to supplement non-profit organizations that were permitted to sell fireworks with CDBG monies.

12. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

Having no further business, the meeting was adjourned at 12:10 am.

13. ADJOURNMENT

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Jessica Riley, Accounting Assistant
Kimberly Drabner, Finance Director

DATE: August 6, 2020

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of July 4, 2020 through July 18, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending July 16, 2020. Total Accounts Payable and Payroll for the above referenced period is \$2,784,494.40.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

- \$1,024,266.36 for Payroll and benefits.

- \$25,013.22 to California-American Water for Water consumption for multiple City of Seaside service addresses. Billing period of 5/22/2020 - 6/23/2020. Service addresses include city buildings, parks, fire hydrants, irrigation stations, and city affordable housing.
- \$19,548.48 to John C. Gemma for (110) 1 year Microsoft open value windows VDA license for \$15,545.20, (1) Sophos firewall application with 1 year network protection license and extended support for \$3,03.28, and IT consulting support for May-June 2020 for \$1,000.
- \$39,608.28 to PG&E for Collective accts for street lights, highway lighting, park lights and city office buildings. Service period: 4/8/20 - 5/26/20.
- \$11,174.00 to Transportation Agency for Monterey County for Local agency contribution for fiscal year 2020-2021 for congestion management & traffic monitoring planning.
- \$17,006.06 to U.S. Bank - Cal Card for City of Seaside purchase card transactions for the billing period of 4/22/20 - 5/22/20.
- \$46,748.21 to Tyler Technologies, Inc. for annual maintenance fee for In-Code financial software from 7/1/2020 - 6/30/2021. Includes: General Ledger, Budget, Accounts Payable, Payroll, Utility Billing, Purchasing, Accounts Receivable, Cash Collection, and Fixed Asset management modules.
- \$15,903.05 to Richards, Watson & Gershon for Successor Agency general legal services rendered through 9/30/2019.
- \$67,941.00 to California JPIA for SCSD annual contribution for fiscal year 2020-2021 for Liability and Workers' Compensation Program.
- \$1,154,701.00 to California JPIA for First installment payment for the annual contribution of the Liability and Workers' Compensation Program for the City of Seaside.
- \$15,441.14 to Sage Renewables for Progress payment for architectural consulting support to assist with the design of custom parking shade canopies with photovoltaics at the parking lot of the City of Seaside.
- \$13,144.00 to Googie Grill for Preparing and delivering meals, 3x/day, 4x/week for the Great Plates Initiative from 7/6/2020 - 7/12/2020.
- \$11,000.00 to Michael A. Houlemard, Jr. for Services performed for the City Attorney's Office concerning Seaside's assumption of FORA, LRA, & ESCA obligations/responsibilities. Service period 5/8/2020 - 5/29/2020. Invoice #3.

The remaining checks, totaling \$322,999.60 include payments to vendors for operating expenditures.

The Checks report is available on the City's website here:

<https://www.ci.seaside.ca.us/354/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Jessica Riley, Accounting Assistant
Kimberly Drabner, Finance Director

DATE: August 6, 2020

**SUBJECT: ACCEPT AND FILE THE CASH AND INVESTMENT REPORT FOR
THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE
QUARTER ENDING JUNE 30, 2020.**

PURPOSE & RECOMMENDATION

Accept and file the City of Seaside and the Successor Agency to the Redevelopment Agency of the City of Seaside Cash and Investment Report for the quarter ending June 30, 2020.

BACKGROUND

Section 53646 of the California State Government code requires the fiscal officer to prepare a quarterly report detailing the City's and the Agency's cash and investments. The City of Seaside's and the Successor Agency's Investment Policy requires a quarterly report. This report covers the Fiscal Year 2020 second quarter beginning April 1, 2020 and ending June 30, 2020.

The June 30, 2020 report shows that approximately 94% of the portfolio is City of Seaside funds and 6% is Successor Agency Funds. 37% of the funds are invested the Local Agency Investment Fund with the State of California.

FISCAL IMPACT

No fiscal impact

ATTACHMENTS

1. Quarterly Investment Exhibits - 4Q quarter ended 06-30-20
 2. PMIA - LAIF Performance Report 20200723
 3. LAIF Historical Interest Rates
 4. 20200630 LAIF Remittance
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

**CITY OF SEASIDE and THE SUCCESSOR AGENCY
SUMMARY OF POOLED CASH AND INVESTMENTS
AS OF JUNE 30, 2020**

DESCRIPTION	INSTITUTION	VALUATION	AMOUNT
LAIF - City Funds	State Treasurer	Market	\$ 18,398,666.81
General Checking	Rabobank	Market	\$ 12,721,203.73
Money Market	Rabobank	Market	\$ 6,433,998.78
PARS Retirement Account	US Bank	Market	\$ 15,103.26
York Tail Claims	Bank of America	Market	\$ 36,004.25
Bond 2018 Cutino Reserve account	US Bank	Market	\$ 1,028,604.68
Bond 2018 Measure X Reserve account	US Bank	Market	\$ 10,918,779.97
Bond 2014 Reserve account	US Bank	Market	\$ 65.27
Bond 2006 Reserve & Installment accounts	US Bank	Market	\$ 560,833.46
US Bank - PNC Equipment Lease Escrow Account	US Bank	Market	\$ -
Pension Obligation Bond Program Reserve account	Wells Fargo Bank	Market	\$ 17,125.48
	Total		\$ 50,130,385.69

I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's and the Agency's anticipated expenditure requirements for the next six months.
(California Code Section 53646)

Investments in this report meet the requirements of the City of Seaside's and the Successor Agency's Investment Policy.

Respectfully submitted,

Craig Malin
City Manager

**CITY OF SEASIDE and THE SUCCESSOR AGENCY
SUMMARY OF POOLED CASH AND INVESTMENTS
AS OF JUNE 30, 2020**

	Yield	Book Value	% of Total	Market Value
<u>Investments</u>				
State Treasurer LAIF - City Account	0.85%	18,398,666.81	36.70%	18,398,666.81
<u>Checking Account</u>				
Rabobank - General Checking	0.00%	12,721,203.73	25.38%	12,721,203.73
Rabobank - Money Market	0.07%	6,433,998.78	12.83%	6,433,998.78
PARS Retirement Account	0.05%	15,103.26	0.03%	15,103.26
Bank of America-York Checking	0.00%	36,004.25	0.07%	36,004.25
<u>US Bank - Cutino Revenue 2018 Bonds</u>				
Installment Payment, Reserve	0.05%	1,028,604.68	2.05%	1,028,604.68
<u>US Bank - Measure X Revenue 2018 Bonds</u>				
Installment Payment, Reserve	0.01%	10,918,779.97	21.78%	10,918,779.97
<u>US Bank - Redevelopment Agency Merged Area Refunding 2014 Bonds</u>				
Installment Payment, Reserve	0.06%	65.27	0.00%	65.27
<u>US Bank - Golf Course 2006 Bonds</u>				
Installment Payment, Reserve	0.01%	560,833.46	1.12%	560,833.46
<u>US Bank - PNC Equipment Lease Escrow Account</u>				
	0.00%	-	0.00%	-
<u>Wells Fargo Bank</u>				
Pension Obligation Bond Program Reserve Account	0.16%	17,125.48	0.03%	17,125.48
Total Cash and Investments		50,130,385.69	100.00%	50,130,385.69

**CITY OF SEASIDE and THE SUCCESSOR AGENCY
CASH AND INVESTMENT ACTIVITY REPORT FOR THE PERIOD
MARCH 31, 2020 THROUGH JUNE 30, 2020**

<u>INSTITUTION</u>	<u>ACCOUNT STATUS</u>	<u>BEGINNING BALANCE</u>	<u>DEPOSITED</u>	<u>EXPENDED or TRANSFERRED</u>	<u>INTEREST EARNED</u>	<u>ENDING BALANCE</u>
INVESTMENTS						
LAIF - City	OPEN	\$ 13,331,571.11	5,000,000.00		67,095.70	\$ 18,398,666.81
CHECKING ACCOUNT						
Rabobank - General Checking	OPEN	\$ 10,955,434.50	22,292,868.31	20,527,099.08		\$ 12,721,203.73
Rabobank - Payroll Checking	OPEN	\$ -	5,278,174.36	5,278,174.36		\$ -
Rabobank, Money Market	OPEN	\$ 1,432,548.93	5,000,000.00	-	1,449.85	\$ 6,433,998.78
PARS Retirement Account	OPEN	\$ 14,927.84	12,060.00	11,888.26	3.68	\$ 15,103.26
York Tail Claims	OPEN	\$ 35,492.94	8,016.80	7,505.49	-	\$ 36,004.25
BOND RESERVE ACCOUNT - HELD BY TRUSTEES						
Bond 2018 Cutino Accounts - Reserve, Interest	OPEN	\$ 1,043,654.60	266,416.24	281,709.39	243.23	\$ 1,028,604.68
Bond 2018 Meas X Accounts - Reserve, Interest	OPEN	\$ 10,918,114.71	433,838.60	433,875.01	701.67	\$ 10,918,779.97
Bond 2014 Accounts - Reserve, Interest	OPEN	\$ 65.25	-	-	0.02	\$ 65.27
Bond 2006 Accounts - Reserve, Installment	OPEN	\$ 340,394.63	220,415.51	-	23.32	\$ 560,833.46
PNC Equipment Lease Escrow Account	CLOSED	\$ -	-	-	-	\$ -
Wells F Pension Obligation Bond Prog-Reserve Acct.	OPEN	\$ 636,695.17	120,157.98	739,994.78	267.11	\$ 17,125.48
		\$ 38,708,899.68	38,631,947.80	27,280,246.37	69,784.58	\$ 50,130,385.69



PMIA/LAIF Performance Report as of 07/23/20



PMIA Average Monthly Effective Yields⁽¹⁾

Jun	1.217
May	1.363
Apr	1.648

Quarterly Performance Quarter Ended 06/30/20

LAIF Apportionment Rate ⁽²⁾ :	1.36
LAIF Earnings Ratio ⁽²⁾ :	0.000037106682614
LAIF Fair Value Factor ⁽¹⁾ :	1.004912795
PMIA Daily ⁽¹⁾ :	1.08%
PMIA Quarter to Date ⁽¹⁾ :	1.41%
PMIA Average Life ⁽¹⁾ :	191

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 06/30/20 \$101.0 billion

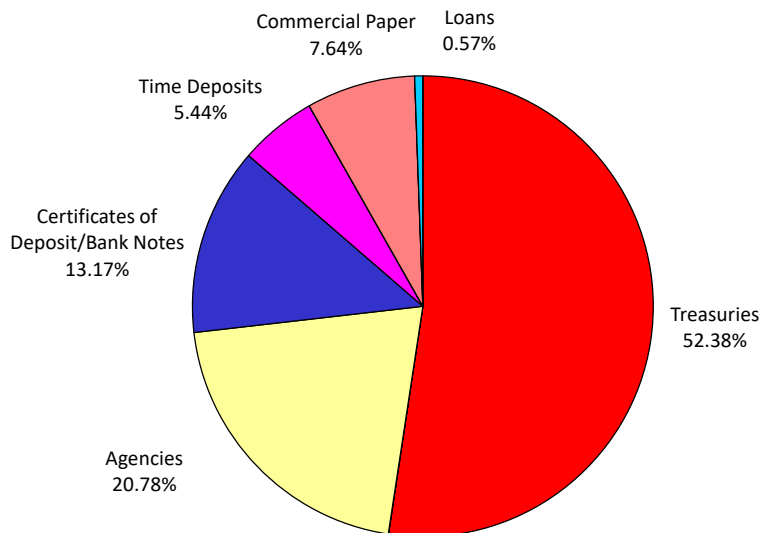


Chart does not include 0.02% of mortgages. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller



California State Treasurer
Fiona Ma, CPA



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LOCAL AGENCY INVESTMENT FUND

Quarterly Apportionment Rates

	March	June	September	December
1977	5.68	5.78	5.84	6.45
1978	6.97	7.35	7.86	8.32
1979	8.81	9.10	9.26	10.06
1980	11.11	11.54	10.01	10.47
1981	11.23	11.68	12.40	11.91
1982	11.82	11.99	11.74	10.71
1983	9.87	9.64	10.04	10.18
1984	10.32	10.88	11.53	11.41
1985	10.32	9.98	9.54	9.43
1986	9.09	8.39	7.81	7.48
1987	7.24	7.21	7.54	7.97
1988	8.01	7.87	8.20	8.45
1989	8.76	9.13	8.87	8.68
1990	8.52	8.50	8.39	8.27
1991	7.97	7.38	7.00	6.52
1992	5.87	5.45	4.97	4.67
1993	4.64	4.51	4.44	4.36
1994	4.25	4.45	4.96	5.37
1995	5.76	5.98	5.89	5.76
1996	5.62	5.52	5.57	5.58
1997	5.56	5.63	5.68	5.71
1998	5.70	5.66	5.64	5.46
1999	5.19	5.08	5.21	5.49
2000	5.80	6.18	6.47	6.52
2001	6.16	5.32	4.47	3.52
2002	2.96	2.75	2.63	2.31
2003	1.98	1.77	1.63	1.56
2004	1.47	1.44	1.67	2.00
2005	2.38	2.85	3.18	3.63
2006	4.03	4.53	4.93	5.11
2007	5.17	5.23	5.24	4.96
2008	4.18	3.11	2.77	2.54
2009	1.91	1.51	0.90	0.60
2010	0.56	0.56	0.51	0.46
2011	0.51	0.48	0.38	0.38
2012	0.38	0.36	0.35	0.32
2013	0.28	0.24	0.26	0.26
2014	0.23	0.22	0.24	0.25
2015	0.26	0.28	0.32	0.37
2016	0.46	0.55	0.60	0.68
2017	0.78	0.92	1.07	1.20

LAIF Quarterly Apportionment Rates

	March	June	September	December
2018	1.51	1.90	2.16	2.40
2019	2.55	2.57	2.45	2.29
2020	2.03	1.36		

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BETTY T. YEE

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name	SEASIDE
Account Number	98-27-860

As of 07/15/2020, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 06/30/2020.

Earnings Ratio		.00003710668261400
Interest Rate		1.36%
Dollar Day Total	\$	1,463,339,319.89
Quarter End Principal Balance	\$	18,398,666.59
Quarterly Interest Earned	\$	54,299.67



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.D.

TO: City Council

FROM: Craig Malin, City Manager

BY: Roberta Greathouse, Human Resources Director/Risk Manager

DATE: August 6, 2020

**SUBJECT: APPROVE A RESOLUTION MODIFYING THE POSITION
ALLOCATION LIST TO ADD THE FULL-TIME POSITION OF
FAMILY AND COMMUNITY SUPPORT PRACTITIONER AND
CREATING THE PART-TIME CLASSIFICATION OF FAMILY AND
COMMUNITY SUPPORT TECHNICIAN**

PURPOSE & RECOMMENDATION

Approve the resolution modifying the Position Allocation List to add the position of Family and Community Support Practitioner and Creating the part-time classification of Family and Community Support Technician.

BACKGROUND

The Fiscal Year 2020/2021 Adopted Budget includes funding for a full-time and two part-time positions to provide social services and counseling programs to community members; serve as a liaison between law enforcement, schools, social services organizations and the community at large; and interview, assess, and refer clients to social service and support organizations.

These positions will be assigned to the Recreation and Community Services Department.

The Family and Community Support Practitioner will be an FLSA exempt position assigned to the Seaside Managers and Supervisory Employees' Association. The salary will be equivalent to the Administrative Analyst position which is \$79,137 annually at

top step.

The Family and Community Support Practitioner positions will be part-time and the hourly pay rate will be \$34.62 per hour at top step.

FISCAL IMPACT

The Adopted 2020/2021 Budget includes \$180,000 for Community Support Services which will be adequate to fund the proposed positions.

ATTACHMENTS

1. Draft Resolution
 2. Family and Community Support Technician
 3. Family and Community Support Practitioner
 4. Position Control sheet 20-21 8-6-20
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**APPROVE A RESOLUTION MODIFYING THE POSITION ALLOCATION LIST TO
ADD THE FULL-TIME POSITION OF FAMILY AND COMMUNITY SUPPORT
PRACTITIONER AND CREATING THE PART-TIME CLASSIFICATION OF
FAMILY AND COMMUNITY SUPPORT TECHNICIAN**

WHEREAS, the City's list of part-time positions and full-time Classification Plan may be amended upon recommendation of the City Manager and approval by the City Council; and

WHEREAS, in order to provide greater efficiency in the operation of the City and enhance service levels, certain job classifications have been prepared; and

WHEREAS, there is a need to add the position of Family and Community Support Technician to the part-time salary schedule at \$34.62 per hour (step 5) and create an appropriate position description; and

WHEREAS, there is a need to modify the Position Allocation List to add the position of Family and Community Support Practitioner to the Classification Plan, create an appropriate position description, and establish the salary for the new classification; and

WHEREAS, the Family and Community Support Practitioner will be a full-time FLSA Exempt position that is represented by the Seaside Managers and Supervisory Employees' Association and the top step annual salary will be set at \$79,137; and

WHEREAS, the addition of these positions will enhance the City's services and will provide valuable support to the community.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby approves the recommended positions effective August 7, 2020.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th day of August 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Ian N.Oglesby, Mayor

ATTEST:

Lesley Milton, Assistant City Manager

DRAFT
FAMILY AND COMMUNITY SUPPORT TECHNICIAN

DEFINITION

Under direction, to provide a variety of duties related to social services and counseling programs to community members; serves as a liaison between the law enforcement, schools, social services organizations; and the community at large; interviews, assesses, and refers clients to social service and support organizations; performs other duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Family and Community Support Practitioner. Supervises assigned staff.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

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

- Meet and interview clients regularly in their homes, in the field, in the office and by telephone to determine the need for social services.
- Assess client needs based on indicators in the client's home such as family relationships, housing conditions, nutrition and health conditions, and finances; provide guidance and/or referrals to public, private, health, and legal agencies for specialized assistance appropriate to their needs, including but not limited to, emergency food, housing, medical services, clothing, legal assistance, employment, and vocational training, education, budgeting, goal setting, and recreation.
- Work in conjunction with multi-disciplinary team in identifying and presenting options to clients.
- Refer cases of neglect, abuse, or suspected fraud to the appropriate agency; assist police personnel by providing intervention techniques during service calls; testify in court as required.
- Perform field work to proactively serve the homeless, mentally ill adults, youth and elderly; and families.
- Serve as a liaison with law enforcement, school officials, social service agencies, and the general public regarding difficult and/or complex situations related to mental health and social services.
- Maintain confidential records; prepare periodic reports.
- Attend meetings and participates in school activities, community based projects, and events as needed.
- Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of clinical social work, especially as related to family system counseling and victim advocacy.
- Support group facilitation practices, availability of community social services resources, and community oriented policing and intervention programs.
- Methods of sound case management and tracking.

- Pertinent local, State and Federal laws, ordinances and rules.
- Modern office procedures, methods and personal computer use. Computer applications related to the work, including data entry, data tracking, word processing, and basic spreadsheet applications.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

Ability to:

- On a continuous basis, know and understand all aspects of the job.
- Interpret and explain pertinent youth and family service program activities and department policies and procedures.
- Organize own work, set priorities, and meet critical deadlines.
- Operate modern office equipment including computer equipment and software programs.
- Use English and Spanish effectively to communicate in person, over the telephone, and in writing.
- Work independently using initiative.
- Use tact, initiative, prudence, and independent judgment within general policy and legal guidelines in politically sensitive situations.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

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

Four years of experience performing work related to social services, community services, counseling, job training and employment programs, youth programs, child development, and/or gang prevention or graduation from an accredited college or university with major course work in social work, psychology, counseling or a related field.

Must be bilingual in English/Spanish.

Must pass a comprehensive background and be free of Tuberculosis.

Licenses and Certifications:

- Possession of a valid professional mental health therapy license issued by the State of California, preferably as a Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (LMFT), Associate Social Worker License (ASW), Intern Marriage Family Therapist (IMFT) or Clinical Psychologist is highly desirable.
- Must possess a valid California Drivers' License by time of appointment.
- Must obtain CPR and First Aid certificates within first 12 months of employment.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to visit various City sites, including traversing uneven terrain and climbing stairs; to attend meetings and to operate a motor vehicle; vision to read printed materials and a computer screen, and write citations; and hearing and speech to communicate in person, before groups, and over the telephone. This is partially a sedentary office and partially a field operations classification; frequent standing and walking between work areas is required. Finger dexterity is needed to access, enter, and

retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 40 pounds.

ENVIRONMENTAL ELEMENTS

Employees work partially in an office environment with moderate noise levels and controlled temperature conditions, and partially in the field and are occasionally exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibrations, and hazardous materials. Employees may interact with upset staff and/or members of the public in interpreting and enforcing departmental policies and procedures.

The principal duties of this class are performed in office and field environments with exposure to homeless encampments and potentially dangerous areas, mentally ill individuals, and emotionally charged situations.

WORKING CONDITIONS

Must be willing to work nights, evenings, weekends, and holidays as needed and be available to be called back for emergencies. Will work in the field and be exposed to difficult circumstances.

DRAFT
FAMILY AND COMMUNITY SUPPORT PRACTITIONER

DEFINITION

Under general direction, to provide a variety of duties related to social services and counseling programs to community members; serves as a liaison between law enforcement, schools, social services organizations and the community at large; interviews, assesses, and refers clients to social service and support organizations; performs other duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from management staff. Supervises assigned staff.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

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

- Meet and interview clients regularly in their homes, in the field, in the office and by telephone to determine the need for social services.
- Assess client needs based on indicators in the client's home such as family relationships, housing conditions, nutrition and health conditions, and finances; provide guidance and/or referrals to public, private, health, and legal agencies for specialized assistance appropriate to their needs, including but not limited to, emergency food, housing, medical services, clothing, legal assistance, employment, and vocational training, education, budgeting, goal setting, and recreation.
- Develop, use, and coordinate agency and community resources to meet client needs; work in conjunction with multi-disciplinary team in identifying and presenting options to clients.
- Refer cases of neglect, abuse, or suspected fraud to the appropriate agency; assist police personnel by providing intervention techniques during service calls; testify in court as required.
- Perform field work to proactively serve the homeless, mentally ill adults, youth and elderly; and families.
- Serve as a liaison with law enforcement, school officials, social service agencies, and the general public regarding difficult and/or complex situations related to mental health and social services.
- Compile and prepare confidential reports and documentation on clinical activities; maintain records; prepare periodic reports.
- Attend meetings and participates in school activities, community based projects, and events as needed.
- Identify emerging trends related to crimes and issues; develop and implement prevention and intervention program approaches; provide community education on current procedures and practices related to mental health, crimes, prevention and intervention strategies.
- Provide clinical assessment and counseling/treatment efforts and make referrals of individuals and/or family members to available services; provide short term counseling to staff, citizens or others.
- Provide support and guidance to law enforcement staff concerning victim advocacy, juvenile and adult crime, domestic violence, chemical dependency, and other services as needed.

- Represent function on committees, outside organizations and at staff subcommittees; coordinate community service activities with other City departments and outside agencies, as appropriate.
- Make presentations to the City Council, community groups and outside agencies. Answer questions and provide information to the public.
- Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles and practices of clinical social work, especially as related to family system counseling and victim advocacy.
- Support group facilitation practices, availability of community social services resources, and community oriented policing and intervention programs.
- Methods of sound case management and tracking.
- Pertinent local, State and Federal laws, ordinances and rules.
- Modern office procedures, methods and personal computer use. Computer applications related to the work, including data entry, data tracking, word processing, and basic spreadsheet applications.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

Ability to:

- Independently perform professional social services and counseling to the community.
- On a continuous basis, know and understand all aspects of the job; intermittently analyze work papers, reports and special projects; identify and interpret technical and numerical information; observe and problem solve legal and clinical policy and procedures in accordance with state laws.
- Interpret and explain pertinent youth and family service program activities and department policies and procedures.
- Organize own work, set priorities, and meet critical deadlines.
- Operate modern office equipment including computer equipment and software programs.
- Use English and Spanish effectively to communicate in person, over the telephone, and in writing.
- Work independently using initiative.
- Use tact, initiative, prudence, and independent judgment within general policy and legal guidelines in politically sensitive situations.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

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

Experience:

Two years' experience working in the social work or counseling field with strong emphasis on social services, resources and referrals using a collaborative and community framework.

Education / Training:

A graduation from an accredited college or university with major course work in social work, psychology, counseling or a related field. A Masters' degree is highly desirable.

Must be bilingual in English/Spanish.

Must pass a comprehensive background and be free of Tuberculosis.

Licenses and Certifications:

- Possession of a valid professional mental health therapy license issued by the State of California, preferably as a Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (LMFT), Associate Social Worker License (ASW), Intern Marriage Family Therapist (IMFT) or Clinical Psychologist is highly desirable.
- Must possess a valid California Drivers' License by time of appointment.
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The principal duties of this class are performed in office and field environments with exposure to homeless encampments and potentially dangerous areas, mentally ill individuals, and emotionally charged situations.

WORKING CONDITIONS

Must be willing to work nights, evenings, weekends, and holidays as needed and be available to be called back for emergencies. Will work in the field and be exposed to difficult circumstances.

CITY OF SEASIDE
FULL-TIME POSITION LIST (All Positions)
Fiscal Year 2020-2021 Rev. 8-6-2020

		<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>
<u>JOB TITLE</u>		NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS AFTER COVID-19 LAYOFFS /HIRING FREEZE
OFFICE OF THE CITY MANAGER							
	CITY MANAGER	1	1	1	1	1	1 -
	ASSISTANT CITY MANAGER	-	-	-	-	1	1 -
	HOUSING PROGRAMS MANAGER	-	-	-	1	1	1 -
	EXECUTIVE ASSISTANT (17-18 Title chg from Sr. Admin Asst to CM CC)	1	1	1	1	1	- (1)
	SUB TOTAL	2	2	2	3	4	3 (1)
CITY CLERK							
	PUBLIC AFFAIRS OFFICER / CITY CLERK	-	-	1	1	-	- -
	CITY CLERK	1	1	-	-	-	- -
	ADMINISTRATIVE ASSISTANT	-	-	-	-	1	- (1)
	SUB TOTAL	-	-	1	1	1	- (1)
TOTAL CITY MANAGER		2	2	3	4	5	3 (2)
CITY ATTORNEY							
	CITY ATTORNEY	1	1	1	1	1	1 -
	ASSISTANT CITY ATTORNEY	-	-	-	1	-	- -
TOTAL CITY ATTORNEY		-	-	-	2	1	1 -
FINANCE DEPARTMENT							
	DEPUTY CITY MANAGER - ADMINISTRATIVE SERVICES	1	1	1	-	-	-
	FINANCE DIRECTOR	-	-	-	1	1	1 -
FINANCE DIVISION							
	ASST FINANCE DIRECTOR (16-17 Title chg from Financial Svcs Mgr)	1	1	1	1	1	- (1)
	ACCOUNTANT II	1	1	1	2	2	1 (1)
	PAYROLL TECHNICIAN (16-17 Title chg from Sr. Acctg Tech)	1	1	1	1	1	1 -
	ACCOUNTING TECHNICIAN	1	1	2	2	2	2 -
	SUB TOTAL	4	4	5	6	6	4 (2)
MANAGEMENT INFORMATION SYSTEMS							
	INFORMATION SVCS MGR (16-17 Title chg from IS Coordinator)	1	1	1	1	1	1 -
	INFORMATION SVCS SPECIALIST	-	-	-	1	1	- (1)
	INFORMATION SVCS TECHNICIAN	-	-	1	-	-	1 1
	GEOGRAPHICAL INFORMATION SYSTEMS COORD.	-	-	-	1	1	- (1)
	GEOGRAPHICAL INFORMATION SYSTEMS TECH.	-	-	-	-	-	-
	SUB TOTAL	1	1	2	3	3	2 (1)

		<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>	
		NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS AFTER COVID-19 LAYOFFS /HIRING FREEZE
<u>JOB TITLE</u>								
TOTAL FINANCE DEPARTMENT		6	6	8		10		7 (3)
HUMAN RESOURCES DEPARTMENT								
	HUMAN RESOURCES DIRECTOR / RISK MANAGER	-	1	1	1	1	1	-
	ADMINISTRATIVE ANALYST	-	-	-	-	-	-	1
	HUMAN RESOURCES MANAGER	1	-	-	-	-	-	-
	HUMAN RESOURCES SPECIALIST (Title chg from HR Tech)	1	1	2	2	2	1	(1)
TOTAL HUMAN RESOURCES		2	2	3	3	3	3	-
POLICE DEPARTMENT								
	CHIEF OF POLICE	1	1	1	1	1	1	-
	ADMINISTRATIVE ANALYST	1	1	-	-	-	-	-
	SENIOR ADMINISTRATIVE ASSISTANT - POLICE	1	1	1	1	1	1	-
	DEPUTY CHIEF	1	1	1	2	2	2	-
	CRIME ANALYST	-	-	-	-	-	-	-
	COMMANDER	3	2	2	-	-	-	-
	POLICE SERGEANT	6	6	7	7	7	4	(3)
	POLICE CORPORAL	5	5	4	4	4	2	(2)
	POLICE OFFICER	24	25	27	28	28	23	(5)
	VEHICLE ABATEMENT OFFICER	1	1	1	1	1	1	-
	ANIMAL CONTROL OFFICER	1	1	1	1	1	1	-
	POLICE RECORDS SUPERVISOR	-	-	1	1	1	1	-
	POLICE RECORDS SPECIALIST	-	1	1	1	1	1	-
	COMMUNITY SERVICES OFFICER	-	-	-	1	1	1	-
	POLICE RECORDS TECHNICIAN	5	4	4	4	4	4	-
	POLICE SERVICES SPECIALIST (Title chg from Police Svcs Asst)	1	1	2	2	2	2	-
TOTAL POLICE		50	50	53	54	54	44	(10)
FIRE DEPARTMENT								
	FIRE CHIEF	1	1	1	1	1	1	-
	SENIOR ADMINISTRATIVE ASSISTANT (Shared with CMO)	-	-	1	1	1	-	(1)
	DIVISION CHIEF (16-17 Title chg from Battalion Chief)	3	3	3	3	3	3	-
	FIRE CAPTAIN	6	6	6	6	6	6	-
	FIRE ENGINEER	6	6	6	6	6	6	-
	FIREFIGHTER (+3 SAFER Grant 15/16)	9	9	9	11	11	10	(1)
TOTAL FIRE		25	25	26	28	28	26	(2)

		<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>	
		NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS AFTER COVID-19 LAYOFFS /HIRING FREEZE
<u>JOB TITLE</u>								
COMMUNITY DEVELOPMENT DEPARTMENT								
	COMMUNITY DEVELOPMENT DIRECTOR	-	-	-	1	1	1	-
	DEPUTY CITY MANAGER - RESOURCE MANAGEMENT	1	-	-	-	-	-	-
	ADMINISTRATIVE ANALYST II	-	-	1	1	1	1	-
	ADMINISTRATIVE ANALYST	1	1	-	-	-	-	-
	SENIOR PLANNER	1	1	1	1	1	-	(1)
	ASSOCIATE PLANNER	1	1	2	2	2	2	-
TOTAL COMMUNITY DEVELOPMENT		4	3	4	5	5	4	(1)
ECONOMIC DEVELOPMENT DEPARTMENT								
	ECONOMIC DEVELOPMENT DIRECTOR	-	-	-	1	1	1	-
	ECONOMIC DEVELOPMENT MGR	-	2	2	-	-	-	-
	COMMUNITY & ECONOMIC DEVELOPMENT SVCS MGR	1	-	-	-	-	-	-
TOTAL ECONOMIC DEVELOPMENT		1	2	2	1	1	1	-
BUILDING DEPARTMENT								
	CHIEF BUILDING OFFICIAL	-	-	-	1	1	1	-
	BUILDING OFFICIAL	1	1	1	-	-	-	-
	SENIOR ADMINISTRATIVE ASSISTANT (1 to be shared 40% with CMO/HR)	1	1	1	1	1	3	2
	BUILDING INSPECTOR	-	-	1	1	1	1	-
	CODE ENFORCEMENT OFFICER	1	1	1	1	1	1	-
TOTAL BUILDING		3	3	4	4	4	6	2
PUBLIC WORKS								
ENGINEERING / ADMIN								
	PUBLIC WORKS DIRECTOR / CITY ENGINEER	-	-	-	1	1	1	-
	PUBLIC WORKS SERVICES MANAGER / CITY ENGINEER	1	1	1	-	-	-	-
	SENIOR ADMINISTRATIVE ASSISTANT	-	-	1	1	1	1	-
	SENIOR CIVIL ENGINEER	1	-	1	1	1	1	-
	ASSOCIATE CIVIL ENGINEER	-	-	1	1	1	1	-
	ASSISTANT ENGINEER	2	2	1	1	1	1	-
	JUNIOR ENGINEER	-	-	1	1	1	1	-
	SUB TOTAL	4	3	6	6	6	6	-
MAINTENANCE								
	MAINTENANCE AND UTILITIES SUPERINTENDENT	1	1	1	1	1	1	-

		<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>	<u>2019-2020</u>	<u>2020-2021</u>
		NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS AFTER COVID-19 LAYOFFS /HIRING FREEZE
<u>JOB TITLE</u>							
	ADMINISTRATIVE ANALYST II	-	-	-	-	1	1 -
	ACCOUNTING TECHNICIAN	-	-	1	1	-	- -
	MAINTENANCE FIELD SUPERVISOR	1	1	1	1	1	- (1)
	UTILITIES FIELD SUPERVISOR	-	-	1	1	1	1 -
	SENIOR MAINTENANCE & UTILITIES WORKER	-	-	4	4	4	4 -
	MAINTENANCE & UTILITIES WORKER III (1*)	-	-	3	3	3	2 (1)
	MAINTENANCE & UTILITIES WORKER II	-	-	1	1	1	3 2
	MAINTENANCE & UTILITIES WORKER I	-	-	-	-	-	- -
	MAINTENANCE & UTILITIES WORKER TRAINEE	-	-	-	-	-	- -
	PUBLIC WORKS MAINTENANCE SPECIALIST	3	3	-	-	-	- -
	PUBLIC WORKS MAINTENANCE WORKER I	1	1	-	-	-	- -
	PUBLIC WORKS MAINTENANCE WORKER II	2	2	-	-	-	- -
	BUILDING MAINTENANCE SPECIALIST	2	3	4	4	4	3 (1)
	CUSTODIAN	2	1	-	-	-	- -
	ELECTRICIAN	1	1	1	1	1	1 -
	STREET SWEEPER OPERATOR	1	1	1	1	1	1 -
	SUB TOTAL	14	14	18	18	18	17 (1)
WATER							
	SENIOR MAINTENANCE & UTILITIES WORKER*	1	1	1	1	1	1 -
	MAINTENANCE & UTILITIES WORKER III*	-	-	1	1	1	1 -
	MAINTENANCE & UTILITIES WORKER II	-	-	1	1	1	- (1)
	WATER SYSTEMS WORKER I	1	1	-	-	-	- -
	SUB TOTAL	2	2	3	3	3	2 (1)
PARKS							
	SENIOR MAINTENANCE & UTILITIES WORKER	-	-	1	1	1	1 -
	MAINTENANCE & UTILITIES WORKER III	-	-	2	2	2	- (2)
	MAINTENANCE & UTILITIES WORKER II	-	-	5	5	5	3 (2)
	PARKS MAINTENANCE CREW CHIEF	1	1	-	-	-	- -
	PARKS IRRIGATION SPECIALIST	1	1	1	1	1	1 -
	PARKS MAINTENANCE WORKER I	5	5	-	-	-	- -
	PARKS MAINTENANCE WORKER II	1	1	-	-	-	- -
	SUB TOTAL	8	8	9	9	9	5 (4)
VEHICLE MAINTENANCE							
	MECHANIC	2	2	2	2	2	2 -
	ASSISTANT MECHANIC	-	-	-	-	-	- -
	SUB TOTAL	2	2	2	2	2	2 -
	*currently being underfilled by a lower job class						
TOTAL PUBLIC WORKS		30	29	38	38	38	32 (6)

		<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>		<u>2018-2019</u>		<u>2019-2020</u>	<u>2020-2021</u>	
		NUMBER OF POSITIONS	NUMBER OF POSITIONS	NUMBER OF POSITIONS		NUMBER OF POSITIONS		NUMBER OF POSITIONS	NUMBER OF POSITIONS AFTER COVID-19 LAYOFFS /HIRING FREEZE	
<u>JOB TITLE</u>										
RECREATION & COMMUNITY SERVICES										
	RECREATION DIRECTOR	-	1	1		1		1	1	-
	RECREATION SERVICES MANAGER	1	-	-		-		-	-	-
	RECREATION SUPERINTENDENT	-	1	1		1		-	-	-
	RECREATION PROGRAM COORDINATOR	-	1	1		1		-	-	-
	RECREATION PROGRAMS SUPERVISOR	1	-	-		-		2	1	(1)
	SENIOR FACILITY ATTENDANT	-	-	1		1		1	1	-
	YOUTH CENTER SUPERVISOR	-	1	1		1		-	-	-
	SUB TOTAL	2	4	5		5		4	3	(1)
YOUTH RESOURCE CENTER (moved from CMO to Recreation 16/17)										
	FAMILY AND COMMUNITY SUPPORT PRACTITIONER	-	-	-		-		-	1	1
	VIOLENCE PREVENTION MANAGER	1	-	-		-		-	-	-
	YOUTH RESOURCE CENTER COORDINATOR	-	-	-		-		-	-	-
	YOUTH RESOURCE CENTER ACTIVITY COORDINATOR	-	1	1		1		1	1	-
	SUB TOTAL	1	1	1		1		1	2	1
TOTAL RECREATION		3	5	6		6		5	5	-
TOTAL ALLOCATED POSITIONS		126	127	147		155		154	132	(22)



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.F.

TO: City Council

FROM: Craig Malin, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Leslie Llantero, Assistant Engineer

DATE: August 6, 2020

**SUBJECT: APPROVE A RESOLUTION ENDORSING U.S. BICYCLE ROUTE 95
THROUGH THE CITY OF SEASIDE**

PURPOSE & RECOMMENDATION

This item is for the City Council to consider and adopt a resolution endorsing the U.S. Bicycle Route 95 through the City of Seaside.

BACKGROUND

On May 6, 2020, the Transportation Agency for Monterey's (TAMC) Bicycle and Pedestrian Facilities Advisory Committee received a presentation from Kerry Irons, a representative for the Adventure Cycling Association. The Adventure Cycling Association is a non-profit organization seeking to coordinate with State Transportation Agencies to establish statewide and regional bicycle routes such as the proposed designation of Route 95 through the City of Seaside.

Bicycle Route 95 is currently a national route for the west coast of the United States, traveling through the states of Washington and Oregon with the proposed extension down through California to San Diego. Of the 70 agencies along the proposed route, 43 of these agencies have already expressed support for the designation.

The proposed Route through Monterey County will follow the Monterey Bay Coastal Recreation Trail, the 18 miles multi-use pathway that stretches from Castroville to Pacific Grove. The City Council support for the portion of the route within Seaside

(Exhibit A) would join other Cities such as Sand City, Monterey, and Marina in endorsing the proposed designation of National Route within California.

The California Department of Transportation (Caltrans) determines the suitability of a Bicycle Route for U.S. Bicycle Route designation. An application by Caltrans is then submitted to the American Association of State Highway and Transportation Officials (AASHTO) for acceptance and official designation as a U.S. Bicycle Route. Staff is recommending the City's support and endorsement for the designation of the Monterey Bay Coastal Recreation Trail within the City of Seaside to be part of the National U.S. Bicycle Route 95.

ENVIRONMENTAL REVIEW

Pursuant to preliminary review of the activities associated with this Council action in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, the activities are not subject to CEQA because they do not fit the definition of a Project per Section 15378. Any subsequent discretionary projects resulting from the action will be assessed for CEQA applicability.

FISCAL IMPACT

There is no fiscal impact in supporting the Route designation. The designation also does not impose any restrictions on the use of the trail or impose any requirements for the City to post signage along the Route. Once the Route has received official designation, optional Route signage may be installed by each City who wished to identify the Route in their area.

Bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourist. As a supporting City, the City of Seaside and other Monterey County cities would benefit both economically and environmentally for encouraging bicycle travel of the Monterey Bay coastline.

ATTACHMENTS

1. Resolution
2. Exhibit A

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ENDORISING U.S. BICYCLE ROUTE 95 THROUGH THE CITY OF SEASIDE

WHEREAS; at the regular meeting of May 6, 2020, the Transportation Agency for Monterey's Bicycle and Pedestrian Facilities Advisory Committee received a presentation from Kerry Irons, a representative of the Adventure Cycling Association. This non-profit organization seeking to coordinate with State Transportation Agencies to establish regional and statewide bicycle routes such as the proposed Bicycle Route 95 through the City of Seaside; and

WHEREAS, Bicycle Route 95 is currently a national route for the West Coast of the United States traveling through the states of Washington and Oregon with a proposed extension down through California to San Diego. Of the 70 agencies along the route, 43 of these agencies have already expressed support for the designation; and

WHEREAS, the proposed Route through Monterey County will follow the Monterey Bay Coastal Recreation Trail, the 18-mile multi-use pathway that stretches from Castroville to Pacific Grove. The City Council support for the portion of the Trail within Seaside ("**Exhibit A**") would join other Cities such as Sand City and Monterey in endorsing the National Route within California. Already a tourist destination for the City, the designation of the Coastal Recreation Trail as part of U.S. Bicycle Route 95 would support the City General Plan and Bicycle & Pedestrian Master Plan in providing a walkable, bikeable, and healthy community; and

WHEREAS, the California Department of Transportation (Caltrans) determines the suitability of a Bicycle Route for U.S. Bicycle Route designation. An application by Caltrans is then submitted to the American Association of State Highway and Transportation Officials (AASHTO) for acceptance and official designation as a U.S. Bicycle Route. Staff is recommending the City's support and endorsement for the Monterey Bay Coastal Recreation Trail within the City of Seaside to be part of the National U.S. Bicycle Route 95; and

WHEREAS, pursuant to CEQA Section 15378, the activities associated with this action do not fit the definition of a Project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability; and

WHEREAS, there is no fiscal impact in supporting the Route designation. The designation also does not impose any restrictions on the use of the trail or impose any requirements for the City to post signage along the Route. Once the Route has received official designation, optional Route signage may be installed by each City who wishes to identify the Route in their area; and

WHEREAS, bicycle tourism is a growing industry in North America, contributing \$47 Billion a year to the economies of communities that provide facilities for such tourist. As a supporting City, Seaside would stand to benefit both economically and environmentally for encouraging bicycle travel of the Monterey Bay coastline.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby endorses U.S. Bicycle Route 95 through the City of Seaside, as described herein and attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th day of August, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ian N. Oglesby, Mayor

ATTEST:

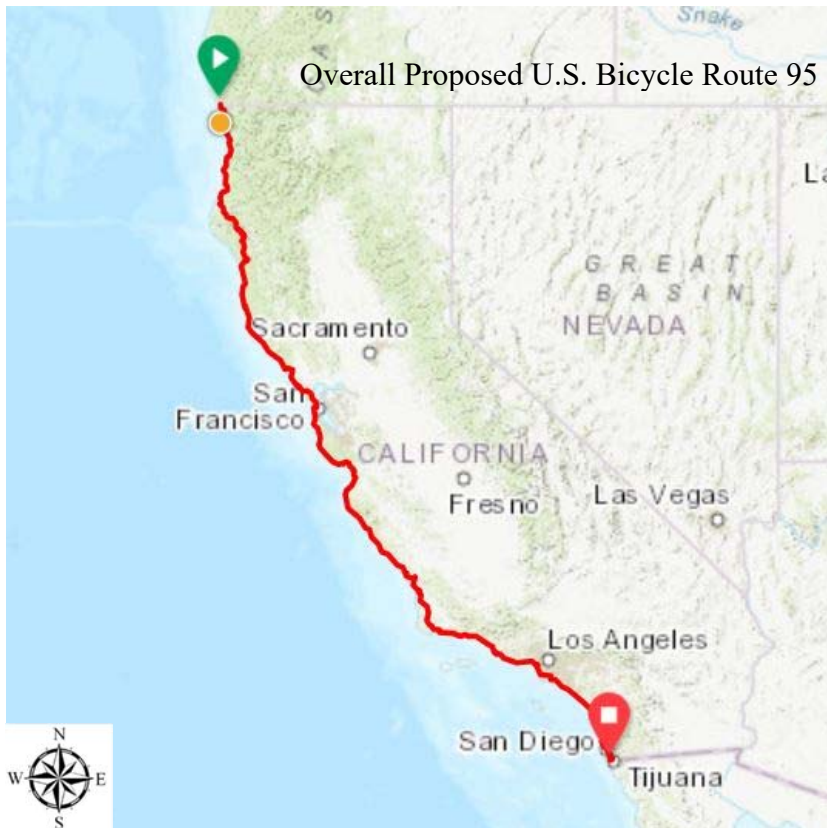
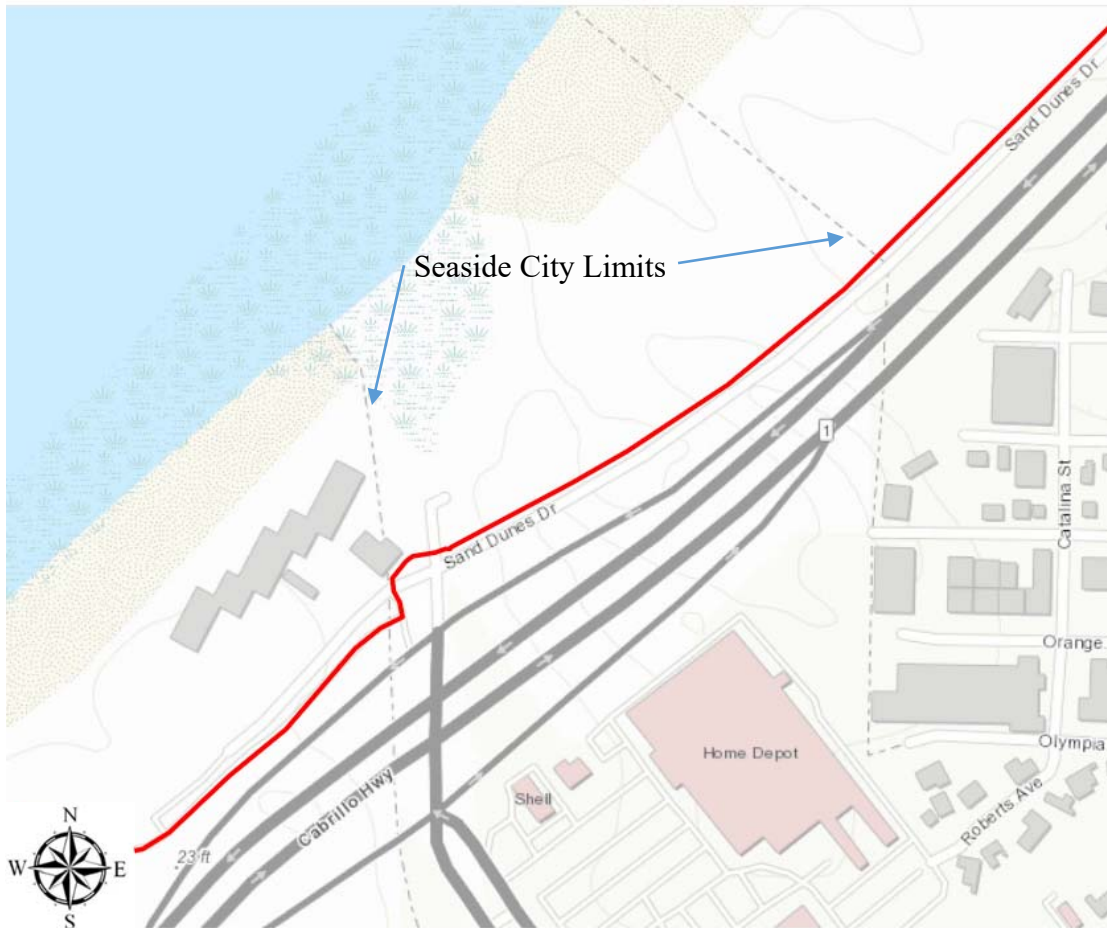
Lesley Milton, City Clerk

Exhibit A

Proposed U.S. Bicycle Route 95 - <https://ridewithgps.com/routes/17679043>

PROPOSED U.S. BICYCLE ROUTE 95 (RED LINE)

0.18 MILES





**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.A.

TO: City Council

BY: Craig Malin, City Manager

DATE: August 6, 2020

**SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE
MUNICIPAL CODE SECTION 8.32 FIREWORKS PROHIBITING
THE POSSESSION, USE, AND SALE OF ALL FIREWORKS IN THE
CITY OF SEASIDE (FIRST READING - ROLL CALL VOTE)**

PURPOSE & RECOMMENDATION

Introduce and pass to print the draft ordinance prohibiting the use and sale of all fireworks.

BACKGROUND

The City of Seaside has regulated fireworks since 1970. In 2014, Chapter 8.32 of the Seaside Municipal Code was amended to prohibit fireworks, but provided some narrow exceptions to allow the sale, use and possession of safe and sane fireworks during the period June 28 through noon on July 5. In the intervening years, there have been multiple complaints of noise and abuses related to the use of fireworks and on July 19, 2020, the City Council voted to amend the Seaside Municipal Code to exclude all private sale, use, or possession of all fireworks, including safe and sane, within the City at any time. The only exception is the existing Section 8.32.040 Public Displays and special events which require a permit to be issued and provides that the general public must be admitted. The proposed ordinance eliminates all other exceptions and subjects violators to a potential misdemeanor or a fine not to exceed \$1000.

ATTACHMENTS

1. Draft Ordinance
-

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**AMENDING SEASIDE MUNICIPAL CODE CHAPTER 2.14 BOARDS AND
COMMISSIONS ESTABLISHING A COMMUNITY POLICING ADVISORY
COMMITTEE**

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PURPOSE AND FINDINGS.

The purpose of this Ordinance is to consider text amendments to the Seaside Municipal Code chapter 8.32 regarding fireworks for the following reasons:

Whereas, the City of Seaside has regulated fireworks since 1970.

Whereas, in 2014, Chapter 8.32 of the Seaside Municipal Code was amended to prohibit fireworks, but provided some narrow exceptions to allow the sale, use and possession of safe and sane fireworks during the period June 28 through noon on July 5.

Whereas, in the intervening years, there have been multiple complaints of noise and abuses related to the use of fireworks

Whereas, inspite of enforcement and deterrent efforts, the use of illegal firewoks and the complaints of nioise and abuses has not improved

Whereas, July 19, 2020, the City Council voted to amend the Seaside Municipal Code to exclude all private sale, use, or possession of all fireworks, including safe and sane, within the City at any time.

Whereas, the Council desired to have only one exception, Section 8.32.040 Public Displays and special events which require a permit to be issued and provides that the general public must be admitted to allow for a City sponsored fireworks display.

SECTION 2. ENVIRONMENTAL COMPLIANCE

The proposed changes to the Ordinance will not result in direct or indirect changes to the environment and do not meet the definition of project under CEQA. (14 CCR

15378(b)) Additionally, any cross-connection activities are categorically exempt from CEQA. (14 CCR 15301(b))

SECTION 3. PROPOSED TEXT AMENDMENTS

This ordinance repeals and restates the following amendments into the Seaside Municipal Code:

Chapter 8.32

FIREWORKS

Sections:

- 8.32.010 Purpose.
- 8.32.020 Definitions.
- 8.32.030 General prohibition against possession, use, or sale of fireworks.
- 8.32.040 Exception – Public displays and special events – Agricultural and wildlife fireworks – Model rockets.
- ~~8.32.050 Exception – Safe and sane fireworks.~~
- ~~8.32.060 Permit to sell safe and sane fireworks – Application – Qualified applicants.~~
- ~~8.32.070 Limitation on permits to sell safe and sane fireworks – Selection of eligible nonprofit organizations.~~
- ~~8.32.080 Operator safety seminar.~~
- ~~8.32.090 Operation of fireworks stand.~~
- ~~8.32.100 Fireworks stands.~~
- ~~8.32.110 General requirements for permittees.~~
- 8.32.120 Revocation of permit.
- 8.32.130 Seizure of fireworks.
- 8.32.140 Police and fire department illegal fireworks operation plan and after action report.
- ~~8.32.150 Fireworks surcharge.~~
- ~~8.32.160 Wholesale storage of safe and sane fireworks.~~
- ~~8.32.170 Fireworks wholesaler public education plan.~~
- 8.32.180 Manufacture of fireworks prohibited.
- 8.32.190 Administrative fines and penalties.
- 8.32.200 Concurrent authority.
- 8.32.210 Fees deemed debt to the city.

* Prior legislation: Ords. 368, 369, 589, 760 and 884, and prior code §§ 8-100 – 8-109.

8.32.010 Purpose.

The purpose of this chapter is to regulate the possession, use, storage, sale and display of fireworks within the city of Seaside. (Ord. 1014 § 2, 2014)

8.32.020 Definitions.

When used in this chapter, the following words shall have the meanings ascribed to them in this section:

"Affiliated organizations," for purposes of this chapter, shall be presumed to be the following:

1. Organizations incorporated under the same charter or organization and their auxiliaries if the auxiliary is incorporated under the same charter;
2. Organizations sharing the same officers and/or place of meetings and/or national parent organization;
3. Subdivisions and/or fractional divisions however named or delineated of organizations.

"Citation" means an administrative citation issued pursuant to this section to remedy a violation.

"Citee" means any person served with an administrative citation charging him or her as a responsible person for violation.

"City" means the city of Seaside.

"Code" means the city of Seaside Municipal Code.

"Code enforcement officer" or "CEO" means any employee or agent of the city of Seaside designated by the city council to enforce any provision of this code.

"Dangerous fireworks" means fireworks as listed and defined in California Health and Safety Code Sections 12505 and 12561 and the relevant sections of Title 19 of the California Code of Regulations, as the same may be amended from time to time.

"Eligible nonprofit organization" means a duly organized nonprofit, tax exempt charitable, religious, civic, patriotic, or community service association, organization, or corporation (collectively "the organization") which has met all the following criteria continuously for a minimum period of one year immediately preceding the filing of an application for a permit to display for sale or to sell safe and sane fireworks.

1. The organization must be a duly organized nonprofit entity which has tax exempt status from the Internal Revenue Service or the Franchise Tax Board, or which is an organization affiliated with and operating solely in support of an elementary school, junior high school, high school, university or community college that is located

within the city of Seaside and that serves, in whole or in part, residents of the city of Seaside.

2. The organization must have its principal place of business and principal meeting place within the city of Seaside and must hold its regularly scheduled meetings within the city of Seaside.

3. The organization must be one which provides direct and regular community services and benefits to the residents of the city of Seaside.

4. The organization must not have had a permit to sell revoked within twenty-four months prior to the organization's submittal of an application for a permit to sell.

"Exempt fireworks" means any special item containing pyrotechnic compositions which the state Fire Marshal, with the advice of the state fire advisory board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

"Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits. These terms include both "dangerous fireworks" and "safe and sane fireworks."

"Fireworks sales permit" or "permit" means a permit issued pursuant to this chapter authorizing the display for sale and the sale of state-approved fireworks.

"Fireworks stand" means any building, counter, or other structure of a temporary nature used in the sale, the offering for sale, or display for sale of "safe and sane fireworks."

"Fireworks wholesaler" and "fireworks distributor" means a person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale. It also includes any person who sells dangerous fireworks to public display permittees.

"Hearing officer" means the person appointed by the city manager to serve as the hearing officer for administrative hearings hereunder.

"Issuance" or "issued" means:

1. The preparation and service of an administrative fine citation to a citee in the same manner as a summons in a civil action in accordance with Article III (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedures; or

2. Mailing of administrative fine citation to the citee by certified mail with return receipt, to the address shown on the official records of the county assessor; or
3. By personally serving the responsible party by personal delivery of the administrative fine citation or by substituted service. Substituted service may be accomplished as follows:
 - a. By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and thereafter mailing by first class mail, postage prepaid, a copy to the recipient at the address where the copy was left; or
 - b. In the event the responsible party cannot be served by first class mail, postage prepaid, or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be made upon the property manager or rental agency or may be effected by posting the property with the administrative fine citation and mailing a copy by first class mail, postage prepaid, to the responsible party in violation at the address of the property where the violation exists.

"Permittee" means an eligible nonprofit organization to which a permit has been issued pursuant to this chapter.

"Person" means any person, partnership, organization, firm, corporation, association or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

"Principal place of business" and "principal meeting place" includes, but is not limited to, a permanent structure, playing field, geographic area, or service population which resides in or is located within the city of Seaside.

"Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks, including but not limited to those defined in this chapter.

"Responsible person" means a person who causes a violation of this chapter to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and a lessee of a residential parcel has a notice of any violation existing on said property. For purposes of this chapter, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of any provision of this chapter may be issued a citation in accordance with the provisions of this chapter. Every parent, guardian or other person, having the legal care, custody or control of any person under the age of eighteen years, who knows or responsibly should know that a minor is in violation of this chapter, may be issued a citation in

accordance with the provisions of this chapter, in addition to any citation that may be issued to the offending minor.

“Violation” or “violates” means any violation of any provision of this chapter. (Ord. 1014 § 2, 2014)

8.32.030 General prohibition against possession, use, or sale of fireworks.

Except as otherwise provided in this chapter, no person shall possess, sell, use, display, explode, or discharge any fireworks within the city of Seaside. (Ord. 1014 § 2, 2014)

8.32.040 Exception – Public displays and special events – Agricultural and wildlife fireworks – Model rockets.

A. The display of fireworks shall be permitted as a part of an entertainment feature for which is either City sponsored or co-sponsored event or for which a special event permit has been issued pursuant to SMC 17.52.040(E)(2) and to which the general public ~~or a private group~~ is admitted ~~or invited to attend and is admitted or permitted to enter~~.

B. It shall be unlawful for any person to possess, sell, furnish, or give away, or offer or expose for sale, or fire, discharge, or explode, any agricultural and wildlife fireworks within the city of Seaside without first obtaining a permit to do so from the fire chief. The permit shall not be transferable and shall particularly describe the place where agricultural and wildlife fireworks are to be stored, sold, or discharged. Such permit shall be for such length of time as the fire chief shall determine, but in any event, not to exceed twelve months.

C. The sale, purchase, storage, firing or discharge of model rockets may be allowed by written permit from the fire chief or his/her designee which shall include, but not be limited to, the conditions contained in Title 19 of the California State Administrative Code and any other conditions the fire chief may deem reasonably necessary for the safety and welfare of the public and the community. (Ord. 1014 § 2, 2014)

~~8.32.050 Exception – Safe and sane fireworks.~~

~~The sale, display for sale, and use of safe and sane fireworks shall be permitted only during that period beginning at twelve noon on June 28th and ending at ten p.m. July 5th of that same year. It shall be unlawful for any person to sell safe and sane fireworks within the city of Seaside without having first applied for and received a permit from the city as required under this chapter. (Ord. 1014 § 2, 2014)~~

~~8.32.060 Permit to sell safe and sane fireworks – Application – Qualified applicants.~~

~~A. All eligible nonprofit organizations interested in displaying for sale and in selling safe and sane fireworks must meet all requirements of this chapter and must submit an application to the city in a manner determined by the city manager or his/her designee. All applications for permits to display for sale and to sell safe and sane fireworks shall be in writing and shall be submitted to the city's fire chief or his/her designee on forms~~

~~supplied by the city. Any eligible nonprofit organization which demonstrates compliance with all applicable requirements and conditions of this chapter shall be deemed a qualified applicant.~~

~~B. An interested eligible nonprofit organization may submit to the city an application for a permit to sell beginning March 1st of each year, or the first business day thereafter, and ending the last business day in April of that same year.~~

~~C. No organization shall submit more than one application. Submittal of more than one application by any organization or an affiliated organization thereof shall be grounds for denial of all applications. The city manager shall have final authority to determine the affiliation of organizations.~~

~~D. Any attempt to transfer an application shall void any and all applications filed by or on behalf of both the transferor and the transferee.~~

~~E. Each application shall be accompanied by a nonrefundable application fee at an amount established by resolution of the city council. The application fee shall be in addition to any fee or tax imposed by any other chapter of the Seaside Municipal Code. (Ord. 1014 § 2, 2014)~~

~~8.32.070 Limitation on permits to sell safe and sane fireworks – Selection of eligible nonprofit organizations.~~

~~A. Each calendar year, the city shall issue, at the sole discretion of the city council, up to a maximum number of permits not to exceed thirteen. One permit shall be issued to each eligible nonprofit organization selected pursuant to this section.~~

~~B. Of the maximum number of stands/permits allowable in any given year, there shall be two classes of stands/permits: grandfathered and lottery.~~

~~1. Grandfathered stands/permits are provided in recognition of the fact that some local service organizations have relied upon safe and sane fireworks sales as a primary source of income for many years.~~

~~2. Lottery stands/permits are provided in recognition of the fact that there are other local service organizations that could benefit from the sale of safe and sane fireworks, but are not as dependent upon this source of income.~~

~~Grandfathered permits may be established by city council resolution. Grandfathered organizations must reapply each year for a permit to sell safe and sane fireworks to retain their grandfathered status. Failure by a grandfathered organization to file complete permit application packets with the city by the required deadlines shall result in loss of their grandfathered status. Failure to abide by city policies and/or fireworks sales requirements, or by any other valid order or requirement issued by the fire department, may result in the disqualification for grandfathered status and will be grounds for the organization that previously held grandfathered status subject to the loss of such status.~~

~~The number of lottery stands/permits consists of the difference between the maximum number of stands/permits allowed under this ordinance and the number of valid grandfathered stand/permits issued in that year. The number of lottery stand/permits may increase if one or more grandfathered stand/permits are not applied for in accordance with the city requirements. Lottery stand/permits shall be granted by lottery drawing held by the city clerk no later than May 15th of each year. Organizations selected by a lottery shall be notified by the city clerk following the results of the drawing. Notice of lottery drawing date and location shall be provided by the city clerk by notice posted on the city's website or placed in a daily newspaper having widespread circulation of the city of Seaside and by mail to those nonprofit organizations who have applied for a lottery stand/permit that year. Lottery stand/permits do not become grandfathered stand/permits that year. Lottery stand/permits do not become grandfathered stand/permits the following year. A holder of a lottery stand/permit in a particular year is not guaranteed the lottery stand/permit the following year.~~

~~C. Two or more eligible nonprofit organizations from the same priority category may jointly submit an application to the city pursuant to SMC 8.32.060 and may jointly receive a permit to sell fireworks pursuant to this chapter.~~

~~D. The city's fire marshal or his/her designee shall issue permits to those eligible nonprofit organizations that have submitted a conforming and timely application. Selection shall be made at random from among all those eligible nonprofit organizations which have submitted conforming and timely applications. The fire chief or his/her designee shall notify selected organizations in writing no later than May 15th of each year.~~

~~E. Permits issued pursuant to this section are valid only during the calendar year issued.~~

~~F. Permits are not transferable to any other person or organization.~~

~~G. Prior to the issuance of a permit pursuant to this chapter, and in addition to those other requirements set forth in this chapter or on the permit application; in order for a permit to be issued, a qualified nonprofit organization shall demonstrate compliance with all of the following:~~

- ~~1. On a form provided by the city, set forth the proposed location of the fireworks stand; the name, address and telephone number of one or more responsible adults who will be in charge of and responsible for the fireworks stand during the period fireworks are sold, displayed or stored at such location; and written permission from the owner of record and/or lessor and/or management company of the property upon which said fireworks stand is proposed to be located;~~
- ~~2. A copy of the requisite retail sales permit issued by the office of the California State Fire Marshal;~~
- ~~3. Evidence of a temporary sales tax permit from the California State Board of Equalization;~~

~~4. Payment of the permit/license fee at the amount established by resolution of the city council;~~

~~5. Throughout the term of a permit issued pursuant to this chapter, each permittee shall pay for and maintain in full force and effect policies of insurance in a form and amount and with coverage types required by the city. The policies of insurance shall name the city, its officers, officials, agents, and employees as additional insureds. (Ord. 1014 § 2, 2014)~~

~~8.32.080 Operator safety seminar.~~

~~Each year, one or more representatives from each organization that is issued a permit to display for sale or to sell safe and sane fireworks shall attend a stand operator safety seminar conducted by the city of Seaside fire department and each of the fireworks wholesalers operating in Seaside that year. The failure of an organization to have a representative of the organization attend the seminar shall result in the revocation of the permit and the disallowance to display for sale or to sell safe and sane fireworks. (Ord. 1014 § 2, 2014)~~

~~8.32.090 Operation of fireworks stand.~~

~~A. No person shall sell any fireworks to any person under the age of eighteen years.~~

~~B. The sale of safe and sane fireworks pursuant to a permit issued under this chapter shall begin no earlier than twelve noon on June 28th and shall not continue after ten p.m. on July 5th of the same year. The sale of safe and sane fireworks shall be permitted only from nine a.m. to ten p.m. daily, except June 28th when the hours shall be from twelve noon to ten p.m.~~

~~C. No person other than the permittee organization or corporation shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.~~

~~D. No person other than the individuals who are members or volunteers of the permittee organization or the spouses, significant others, parents or adult children of such members shall sell or otherwise participate in the sale or display of safe and sane fireworks at such fireworks stand.~~

~~E. No person under the age of eighteen shall sell or participate in the sale of safe and sane fireworks or be in the fireworks stand and there shall be at least one supervisor, twenty-one years of age or older on duty at all times.~~

~~F. No person shall be paid any consideration by the permittee organization or any wholesale distributor of safe and sane fireworks for selling or otherwise participating in the sale of fireworks at such stand; provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on its property. The fire marshal or fire chief may revoke the fireworks storage permit of any wholesale distributor violating the terms of this section. (Ord. 1014 § 2, 2014)~~

8.32.100 Fireworks stands.

All retail sales of safe and sane fireworks shall be permitted only from within a fireworks stand. The sale from any other building, structure or location is prohibited. Fireworks stands shall be subject to the following provisions:

A. No fireworks stand shall be located within thirty feet of any adjacent building or within one hundred feet of any gasoline pump or distribution point.

B. Fireworks stands may be located on paved or unpaved surfaces, subject to the approval of the Seaside fire department and the community planning and development department.

C. Fireworks stands need not comply with the provisions of the building code of the city; provided, however, that all stands shall be erected under the supervision of the city's inspectors, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons; and provided further, that any electrical installations shall comply with all applicable codes. The permittee shall be responsible for the full costs associated with any inspections conducted by the city's inspectors and the permittee shall fully reimburse the city for all of its costs incurred in association with such inspections. The permittee shall make payment in full to the city within ten days of receipt of the invoice. Nonpayment shall prohibit the permittee from obtaining permits for subsequent years until the invoice is paid in full.

D. A twenty-five-foot area surrounding the fireworks stand must be cleared of dried vegetation and must be maintained.

E. No fireworks stand shall be located closer than ten feet from any public roadway unless the rear of the fireworks stand is positioned against a curb that faces the primary use on that parcel and the fireworks stand is positioned to allow for the safe use of the parking lot and to allow for the free flow of vehicular and pedestrian traffic throughout the parcel. Fireworks stands may only be placed on a commercial, mixed use, or industrial-zoned parcel and in a location which otherwise meets the approval of the Seaside fire department and community planning and development department.

F. If a fireworks stand is going to use electric lights the wiring must be properly installed and will be subject to inspection by the city of Seaside fire department and/or building department. Open splices are prohibited and all wiring must be protected from physical damage and weather. Exposed light bulbs shall be protected with covers, cages or screens. Nothing in this chapter shall preclude or prohibit the use of battery-operated lights in and around a fireworks stand.

G. No fireworks stand shall have a floor area in excess of seven hundred fifty square feet.

H. Each fireworks stand shall have at least two exits. Each stand in excess of forty feet in length shall have at least three exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty-four

~~feet apart. Exit doors shall not be less than twenty-four inches wide and six feet in height and shall swing in the direction of exit travel.~~

~~I. Each fireworks stand shall be provided with at least one approved pressurized "water-type" (minimum rating 2A) fire extinguisher with an up-to-date inspection tag that shows the fire extinguisher has been serviced within the past year.~~

~~J. All fireworks stands shall be disassembled and removed no later than July 8th at five p.m.~~

~~K. All fireworks stands are subject to daily inspection by the fire chief or his/her designee and the permittee shall be responsible for the costs incurred by the city in such inspections at the rates and amounts established by resolution of the city council. Other than the initial inspections, the permittee shall not be responsible for the cost of additional inspections unless probable cause existed necessitating the inspection(s) in the first place. The city will invoice the permittee for the full costs of inspection incurred by the city during the term the fireworks stand is in operation. The permittee shall make payment in full to the city within ten days of receipt of the invoice. Nonpayment shall prohibit the permittee from obtaining permits for subsequent years until the invoice is paid in full. (Ord. 1014 § 2, 2014)~~

8.32.110 General requirements for permittees.

~~A. Fireworks stands shall not be located closer than six hundred feet apart, unless separated by a street, roadway or building.~~

~~B. All weeds and combustible material shall be cleared from the location of the fireworks stand to a distance of at least twenty-five feet surrounding the fireworks stand.~~

~~C. All trash and debris resulting from the operation of the fireworks stand must be removed on a daily basis.~~

~~D. "NO SMOKING" signs shall be prominently displayed on all sides of the fireworks stand, in both English and Spanish. Each sign shall have the words "NO SMOKING" in red letters not less than two inches in height with a minimum one-half-inch stroke.~~

~~E. No fuel-powered generator or similar equipment shall be allowed within fifty feet of a fireworks stand.~~

~~F. When the stand is not being used for sale and/or display of fireworks, a reinforced, heavy metal, fully enclosed container, similar to a SAWDOC, walk-in type drop box or its equivalent, as approved by the fire chief or his/her designee, may be used to store fireworks.~~

~~G. Each fireworks stand must post its city of Seaside permit, its temporary sales tax permit, and its state fire marshal retail sales permit and proof of their required insurance in a prominent place inside the fireworks stand.~~

~~H. All unsold stock of fireworks held by the permittee after ten p.m. on July 5th shall be immediately stored in the container referenced in subsection F of this section and picked up by the fireworks wholesaler within seventy-two hours thereafter. (Ord. 1014 § 2, 2014)~~

8.32.120 Revocation of permit.

A. The city fire chief or his/her designee or the city fire marshal or his/her designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any provision of this chapter. In the event of any such revocation the permittee must immediately cease operations and shall no longer display for sale or sell any fireworks. Any permittee whose permit has been revoked shall be prohibited from applying for or from receiving a permit under this chapter for a period of two years from the date of revocation.

B. Any revocation made pursuant to this section may be appealed by the permittee to the city manager on the next business day following such revocation. The city's fire chief and/or fire marshal or his/her designee shall provide the city manager with written notice of the revocation, including the name of the permittee and a brief statement on the grounds for revocation. The city manager shall consider the appeal at his/her earliest convenience and may, in his/her sole discretion, meet with the permittee to review the revocation and may, in his/her discretion, support or overturn the revocation. The city manager's decision shall be final and dispositive of the matter. In the event the city manager overturns the revocation the permittee may immediately resume operations pursuant to the originally issued permit and shall remain eligible for participation in the next year's application selection process. (Ord. 1014 § 2, 2014)

8.32.130 Seizure of fireworks.

The fire chief or the fire marshal may seize, take, remove, or cause to be removed, at the expense of the permittee or owner thereof, all stocks of fireworks displayed or available for sale, stored, or held in violation of this chapter. (Ord. 1014 § 2, 2014)

8.32.140 Police and fire department illegal fireworks operation plan and after action report.

A. On or before the first regular city council meeting in May of every year, both the city's police and fire departments must present to the city council an operation plan for the thirty-day period surrounding the 4th of July (June 17th through July 16th) for that year. Said operation plan should include, but not be limited to, the following information:

1. Identification of areas within the city where illegal fireworks were a problem in the previous year;
2. A general explanation of the supplemental fire and law enforcement personnel deployed within the city;

3. A report on the additional apparatus and personnel who'll be on duty for the period of June 17th through July 16th of that year;
 4. Recommendations on and discussion of what, if any, dedicated illegal fireworks enforcement patrols there should be for that year and all other relevant information and statistics deemed necessary by the city council;
 5. A detailed discussion of the costs that will be incurred by the city that year to be delivered in the operation plan; what, if any, of these costs will be covered by existing fees levied on the permittees, and unexpended surcharge revenue from prior years;
 6. A proposed recommendation for a surcharge resolution establishing the surcharge amount to be levied that year on each retail sale of safe and sane fireworks in an amount not to exceed seven percent.
- B. On or about September 1st of that same year, both police and fire departments must report back to the city council with an after action report. That report should include, but is not limited to:
1. An evaluation of the effectiveness of that department's operation plan for that year including a listing of any significant fireworks-related incidents, both "dangerous fireworks" and "safe and sane fireworks";
 2. Relevant incident statistics for the period of June 17th through July 16th, and identification of fireworks related incidents;
 3. A report on how many calls there were regarding suspected "dangerous fireworks," how many of those calls either of the departments responded to, how many of those calls resulted in seizures and/or administrative fine citations. (Ord. 1014 § 2, 2014)

8.32.150 Fireworks surcharge.

~~A. All nonprofit retail booth locations shall assess a surcharge, on all retail sales of safe and sane fireworks that occur in the city. The assessment shall be paid by the permittee upon presentment of an invoice by the city. The surcharge will be assessed to the public for each retail sale and is up and above the retail price of the fireworks and will not be deducted from the permittee's net profit.~~

~~B. The assessment is intended to raise sufficient funds for the city to help pay for the cost of enforcement; inspection of stands; public education and awareness campaigns; enforcing the provisions of this chapter, including extra personnel time, and cleanup of the fireworks trash and debris left behind each year. "Extra personnel time" shall be defined as employee or contracted employee time that the city would not otherwise incur but for the sale and use of safe and sane fireworks. By the first regular city council meeting in May of each year, the city manager must submit to the city council for its approval, a proposed budget for police, fire, administrative services and public~~

~~works departments. The exact amount of the assessment shall be determined each year by no later than the second regular city council meeting in May of that year and notice sent to each of the permittees. In no event shall the assessment be more than seven percent of the gross sales of the fireworks sold in the city that year. The fireworks wholesaler with whom each permittee has contracted shall be responsible for collecting the estimated assessment from their nonprofit organizations, advising the city of the amount of each estimated assessment collected, and holding the funds in trust pending notification by the city of the exact amount owed. After the city determines each permittee's share of the total annual sales volume, each permittee shall be billed for its share of the total assessment. A duplicate copy of each permittee's invoice will be sent to its fireworks wholesaler. Payment of the assessment by each permittee shall be due to the city thirty days after the issuance of the invoice. The expenses submitted are subject to review, audit and dispute by any permittee who has to pay the assessment that year. Any dispute of the assessment must be filed within fifteen days of its receipt or any right to contest it will be deemed waived. The city council is the final arbiter of any disputed assessment. Any excess (i.e., difference between amount of surcharge collected by each group and the amount of their individual assessment) shall remain the property of that permittee.~~

~~C. Failure by any permittee to pay the amount assessed to it by the city shall be cause to bar the permittee from selling safe and sane fireworks in the future, until the assessment is paid in full. Furthermore, if the assessment is not paid by the due date, it shall be subject to a ten percent penalty for each month or portion of a month that it is late. (Ord. 1014 § 2, 2014)~~

~~8.32.160 Wholesale storage of safe and sane fireworks.~~

~~A. Wholesale storage of California State Fire Marshal listed safe and sane fireworks may be allowed under the provisions of this section and chapter. All wholesale storage facilities or buildings shall conform to the applicable building and fire codes of the city of Seaside.~~

~~B. An annual storage permit shall be required from the Seaside fire department for the wholesale storage of fireworks. The annual storage permit shall be annually renewable, subject to inspection clearance by the Seaside fire department. The fee for such permit shall be established by resolution of the city council.~~

~~C. All wholesale storage facilities or buildings are subject to daily inspection by the Seaside fire department. The city will invoice the wholesale storage permittee for the full costs of inspection incurred by the city during the term the location is in use. The permittee shall make payment in full to the city within ten days of receipt of the invoice. Nonpayment shall prohibit the permittee from obtaining permits for subsequent years until the invoice is paid in full. (Ord. 1014 § 2, 2014)~~

~~8.32.170 Fireworks wholesaler public education plan.~~

~~Each fireworks distributor and fireworks wholesaler which is supplying one or more of the permittees under this chapter shall annually submit a public education plan to the~~

~~city of Seaside by no later than five p.m. on June 1st. Each public education plan shall outline the public safety and education efforts that the fireworks distributor or fireworks wholesaler has or intends to initiate, support, and/or deliver within the city of Seaside prior to and during the dates during which fireworks may be sold, displayed for sale, and used within the city of Seaside. At a minimum each public education plan shall consist of the distribution with each sale of safe and sane fireworks of two fireworks educational brochures prepared by the state fire marshal's office, and not less than one thousand dollars worth of public service announcements broadcast on local television, and bearing the fireworks wholesaler's name, on the safe and responsible use of safe and sane fireworks. Each public education plan should at least include samples of all the materials and the extent of distribution of all of the safety and education materials identified in that fireworks distributor or fireworks wholesaler's public education plan. (Ord. 1014 § 2, 2014)~~

8.32.180 Manufacture of fireworks prohibited.

No person, firm, or corporation shall manufacture fireworks of any type within the city of Seaside. (Ord. 1014 § 2, 2014)

8.32.190 Administrative fines and penalties.

A. Any violation of this chapter shall be a misdemeanor.

B. Any person or entity who possesses, uses, stores, sells, and/or displays safe and sane fireworks on or at dates, times, and/or locations other than those permitted under this chapter are subject to an administrative fine, together with all costs of enforcement, of an amount not to exceed ~~not less than~~ one thousand dollars for each such offense. Administrative fines shall be subject to the procedures established in Chapter 2.56 SMC.

C. The remedies set forth in this chapter are in addition to all other legal and equitable remedies, administrative, criminal or civil, that may be pursued by the city to address violations of this chapter including, as an alternative to the issuance of an administrative fine pursuant to this section, and in his or her sole discretion, the city attorney may criminally prosecute a violation of this chapter.

D. The imposition of administrative fines under this section related to the use, possession, sale, or display for sale of dangerous fireworks shall be limited to persons who possess, sell, use, and/or display, or the seizure of, less than twenty-five pounds of dangerous fireworks measured by gross weight. Any person or entity who possesses, uses, stores, sells, and/or displays less than twenty-five pounds of dangerous fireworks are subject to an administrative fine, together with all costs of enforcement, of not less than one thousand dollars for each such offense.

E. Administrative fines collected pursuant to this section and related to dangerous fireworks shall not be subject to the restrictions of California Health and Safety Code Sections 12500 through 12759; however, the city shall provide cost reimbursement to the state fire marshal pursuant to regulations adopted by the state fire marshal

addressing the state fire marshal's cost for the transportation and disposal of dangerous fireworks seized by the city, which costs will be part of any administrative fine imposed. Unless and until said regulations have been adopted, the city shall hold in trust two hundred fifty dollars, or twenty-five percent of administrative fines collected, to cover the cost reimbursement to the state fire marshal for the cost of transportation and disposal of the dangerous fireworks.

F. Because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provisions of this code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this chapter imposes strict civil liability upon the owners of residential real property for all violations of this code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine. (Ord. 1014 § 2, 2014)

8.32.200 Concurrent authority.

This chapter is not the exclusive regulation of fireworks within the city. It shall supplement and be in addition to other state, local, or federal laws, regulations, or ordinances and any other legal entity or agency having jurisdiction. (Ord. 1014 § 2, 2014)

8.32.210 Fees deemed debt to the city.

The amount of any fine, fee, cost or charge imposed by this chapter shall be deemed a debt to the city that is recoverable in any court of competent jurisdiction. (Ord. 1014 § 2, 2014)

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

INTRODUCED AND PASSED TO PRINT at a regular meeting of the City Council of the City of Seaside, State of California, on the ____ day of _____, 2020.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the ____ day of _____, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 9.B.

TO: City Council

BY: Craig Malin, City Manager

DATE: August 6, 2020

**SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE
MUNICIPAL CODE CHAPTER 2.14 BOARDS AND COMMISSIONS
ESTABLISHING A COMMUNITY POLICING ADVISORY
COMMITTEE (FIRST READING - ROLL CALL VOTE)**

PURPOSE & RECOMMENDATION

Introduce and pass to print the draft ordinance establishing a Community Policing Advisory Committee.

BACKGROUND

The Seaside Police Department has an enduring commitment to community policing, rooted in citizen engagement. As we continue to embrace and operationalize the tenets of the Final Report of the President's Task Force on 21st Century Policing, the Council seeks to formalize input from our community to help shape our interactions and processes through establishing a Community Policing Advisory Commission, comprised of eleven (11) community members.

At the meeting on July 16, 2020 the Council directed to come back with an ordinance incorporating the comments of the Council.

The draft ordinance is attached.

ATTACHMENTS

1. Draft Ordinance
-

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AMENDING SEASIDE MUNICIPAL CODE CHAPTER 2.14 BOARDS AND COMMISSIONS ESTABLISHING A COMMUNITY POLICING ADVISORY COMMITTEE

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PURPOSE AND FINDINGS.

The purpose of this Ordinance is to consider the following text amendments to the Seaside Municipal Code chapter 2.14 adding to the code a Community Policing Advisory Commission for the following reasons:

Whereas, the Seaside Police Department has an enduring commitment to community policing, rooted in citizen engagement; and

Whereas, as the City continues to embrace and operationalize the tenets of the Final Report of the President's Task Force on 21st Century Policing, the Council seeks to formalize input from our community to help shape our interactions and processes; and

Whereas; through establishing a Community Policing Advisory Commission, comprised of eleven (11) community members, with the below composition and responsibilities, the City of Seaside can accomplish these goals that benefit all community members.

SECTION 2. ENVIRONMENTAL COMPLIANCE

The proposed changes to the Ordinance will not result in direct or indirect changes to the environment and do not meet the definition of project under CEQA. (14 CCR 15378(b)) Additionally, any cross-connection activities are categorically exempt from CEQA. (14 CCR 15301(b))

SECTION 3. PROPOSED TEXT AMENDMENTS

This ordinance hereby adopts and incorporates the following text amendments into the Seaside Municipal Code:

Chapter 2.19

COMMUNITY POLICING ADVISORY COMMISSION

Sections:

- 2.19.010 Created.
- 2.19.020 Composition and terms of office.
- 2.19.030 Term of office.
- 2.19.040 Duties.
- 2.19.050 Staff support.
- 2.19.060 Meetings.

2.19.010 Creation and Purpose.

There is created a Community Police Community Advisory Commission (CPAC) which reviews and makes recommendations to the City Council on Police Department policies, procedures, problem-solving, and community relation strategies. The Commission also discusses opportunities and strategies for appropriate problem-solving in specific neighborhoods.

2.19.020 Composition and terms of office.

CPAC shall be comprised of up to eleven (11) community members. Each council member and the mayor shall select one member and the remaining members are nominated by the Mayor and approved by the City Council. At least two (2) members must be between sixteen and eighteen years old and all members must be residents of Seaside. Any vacancy on the commission is filled in the same manner as the original appointment.

2.19.030 Term of office.

All appointments shall serve for two (2) year terms. Terms are renewable at the discretion of the Mayor with the approval of the City Council. Chairperson and Vice Chair are appointed on an annual basis by the Mayor with approval from the City Council.

2.19.040 Duties.

CPAC shall act in an advisory capacity to the Police Department and City Council. CPAC provides review and makes recommendations on Police Department policies, procedures, problem-solving, and community relation strategies. The committee also discusses problems and strategies for appropriate problem-solving in specific neighborhoods.

Each CPAC member is encouraged to attend the Citizen Public Safety Academy or similar training.

2.19.050 Staff support.

The Chief of Police shall serve as staff liaison to the commission.

2.19.060 Meetings.

The CPAC shall meet on an as-needed basis on days and times as established by subsequent resolution.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

INTRODUCED AND PASSED TO PRINT at a regular meeting of the City Council of the City of Seaside, State of California, on the _____ day of _____, 2020.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the _____ day of _____, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 10.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Kurt Overmeyer, Economic Development Manager

DATE: August 6, 2020

**SUBJECT: CONSIDER A BUSINESS LOAN PROGRAM TO ASSIST SEASIDE
BUSINESSES IN RECOVERING FROM THE COVID-19
EMERGENCY**

PURPOSE & RECOMMENDATION

Create a revolving business micro loan program leveraging assistance from the Monterey Peninsula Chamber of Commerce, the Community Foundation and the CSUMB Institute for Innovation and Economic Development to assist in recovery from the COVID-19 Pandemic Emergency.

BACKGROUND

City Council directed staff to develop a loan or grant program using the \$200,000 designated in the FY20-21 Budget for such purpose. Staff has reviewed various options for implementing a program and have developed recommendations based on that review.

Principals:

Staff considered six principals in the development of a potential loan program. Loans should be easy to obtain. The administration of the program should consume as few staff resources as possible. The program should assist the greatest number of businesses as possible. The program should leverage resources from partners, specifically the Monterey Community Foundation Grant Program, programs of the Monterey Peninsula Chamber of Commerce and the technical assistance programs created by the CSUMB Institute for Innovation and Economic Development.

The Program:

Staff has designed a potential program that will provide loans in amounts from \$2,500 to \$5,000. No interest would be accrued nor would payments be required until 90 days after the end of the COVID-19 Statewide Emergency Order. All loans would have a 36 month (3 year) repayment period with no penalty for prepayment or early payment. Interest would be set at a fixed rate of 3%. Additionally, the program would be a "revolving" loan program meaning that any payment received would be loaned out to businesses that need additional assistance. The program would continue making loans until at least one year after the emergency order is lifted.

Eligibility:

Any business that is primarily located and doing business in Seaside prior to January 31, 2020 would be eligible to apply. Requirements for funding would include a positive cash flow in the 2019 Calendar year, or for any period prior to January 31 that the business was open and operating. Businesses would also be required to have a Seaside Business License that is active and in good standing. Businesses should also be in good standing with the California State Board of Equalization (BOE). Businesses would be required to obtain technical assistance from the CSUMB program and to apply for grant funds through the Community Foundation/Monterey Peninsula Chamber of Commerce program (staff will assist businesses in applying for technical assistance and the grant program). If eligible, businesses will also be encouraged to apply for Small Business Administration financing through the City's Grow America Fund program.

Underwriting:

Staff will review applications for eligibility and those applications that are eligible will be sent to the C-JOBS Commission for review and recommendation which will occur every other week via Zoom.

Additional Considerations:

Due to the nature of the emergency and the unknown timeline for recovery, staff estimates that between 30-50% of the loans provided will never be repaid, and that some number of current Seaside Businesses will be unable to weather the storm in spite of this and other assistance programs. Staff has limited resources which will necessarily mean that the underwriting process will be similarly limited in scope and detail. It is also unlikely that any loans that default will ever be repaid.

As the emergency ends and the economy begins to recover, staff also recommends that the loan program be revamped with a focus on helping new businesses form in Seaside. All program income and any funds not expended could be used to help new businesses form and reduce the long term impact of the pandemic.

FISCAL IMPACT

Staff's recommendation would result in the City expending up to \$200,000 in funds already budgeted to a business assistance program. An unknown amount would be returned as program income as some of the loans will be repaid.

ATTACHMENTS

1. Draft Resolution

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-____

A RESOLUTION OF THE CITY OF SEASIDE

AUTHORIZING THE CREATION OF A REVOLVING MICRO LOAN PROGRAM TO ASSIST SEASIDE BUSINESSES IN RECOVERING FROM THE COVID-19 EMERGENCY

WHEREAS, The City of Seaside has budgeted two-hundred thousand dollars (\$200,000) for the purposes of assisting businesses in recovering from the COVID-19 emergency; and

WHEREAS, The COVID-19 emergency remains ongoing; and

WHEREAS, The Seaside business community continues to suffer extraordinary economic impacts; and

WHEREAS, The City wishes to partner with various regional efforts to improve the local economy, including the Monterey Peninsula Chamber of Commerce, the Community Foundation for Monterey County, The County of Monterey and California State University at Monterey Bay; and

WHEREAS, The City wishes to assist businesses via a revolving loan program augmented by other regional programs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside authorizes the City Manager to implement a revolving loan program for Seaside Businesses with the terms outlined in Exhibit A to this resolution.

PASSED AND ADOPTED at a meeting of the City Council this 6th day of August 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ian Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

EXHIBIT A
COVID-19 Emergency Micro Loan Program Terms

Eligibility:

1. All Seaside businesses that were opened on January 31, 2020.
2. Businesses opened prior to January 1, 2019 must show positive cash flow prior to January 1, 2020
3. Businesses opened after January 1, 2019 must show positive cash flow for at least 2 months prior to January 31, 2020.
4. All applicants must agree to access technical assistance from the CSUMB technical assistance program.
5. All business must additionally seek a grant from the Community Foundation and Chamber of Commerce grant program.

Loan Terms:

1. Loans will be for a minimum \$2,500 and a maximum of \$5,000
2. No interest or payments will be required until 90 days after the State and County COVID-19 emergency proclamations are lifted.
3. All loans will have a 3% annual interest rate starting the first full month after the emergency proclamation has ended.
4. All loans will be amortized over a 3 year repayment period with no penalty for early repayment.
5. All program income will be loaned to additional businesses.
6. Loans will be available until one year after the emergency proclamation has been lifted beginning on the first day of the month following the end of the proclamation.



CITY OF SEASIDE STAFF REPORT

Item No.: 10.B.

TO: City Council

BY: Craig Malin, City Manager

DATE: August 6, 2020

**SUBJECT: CONSIDER APPROVAL OF APPLICATION FOR PROJECT HOME
KEY**

PURPOSE & RECOMMENDATION

Authorize submittal of application.

BACKGROUND

The California Department of Housing and Community Development has released a Notice of Funding Availability (attached) for the Homekey Program. Homekey is a \$600 million grant program to acquire and provide housing for homeless individuals. An estimated \$21.8 million will be available on a highly competitive basis in the Central Coast region. The program has a typically complex scoring matrix, combined with exceptionally brief application and expenditure timelines.

The program is designed to build upon the State's Roomkey program, which funds temporary homeless housing in hotels / motels, by purchasing the buildings for transitional / permanent housing. Such a re-use of income generating buildings makes greater sense in other cities less dependent on tourism revenue. Monterey County and/or the City of Salinas may submit an application to transition a motel to homeless housing.

Rather than remove a building from production of long-term jobs and revenue, the City could acquire and site one or two small clusters of cottages to provide transitional or long-term homeless housing, in partnership with appropriate County and/or non-profit programmatic assistance. Given the need to expend funds by the end of the year, the cottages would either have to be pre-fabricated modular dwellings or production-built standard designs. Siting and providing necessary utilities for such a cluster have their own embedded challenges, exacerbated by the short program timelines and substantial program regulations.

Initial coordination with State, County, Coalition of Homeless Service Providers and MPUSD staff suggests there are opportunities for application for either a cottage cluster serving the general homeless population or, on MPUSD property, homeless MPUSD student families. The complexity of assembling an application that meets program requirements / timelines and would achieve a competitive score is sleep-deprivingly challenging.

At the August 6 Council Meeting, staff will present an update on a potential application, and look for direction from the Council on whether to proceed.

ATTACHMENTS

1. Homekey Notice of Funding Availability
-

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670, 95833
P.O. Box 952054
Sacramento, CA 94252-2054
(916) 263-2771
www.hcd.ca.gov



July 16, 2020

MEMORANDUM FOR: All Potential Applicants

FROM: Jennifer Seeger, Acting Deputy Director
Division of Financial Assistance 

SUBJECT: **NOTICE OF FUNDING AVAILABILITY
HOMEKEY PROGRAM**

The California Department of Housing and Community Development (Department) is pleased to announce the availability of approximately \$600 million of Homekey Program (Homekey) grant funding through this Notice of Funding Availability (NOFA). Building on the success of [Project Roomkey](#), Homekey is a statewide effort to rapidly sustain and expand housing for persons experiencing homelessness and impacted by COVID-19.

Of the \$600 million in Homekey funding, \$550 million is derived from the state's direct allocation of the federal Coronavirus Relief Fund (CRF) and \$50 million is state General Fund. The \$50 million in state General Fund money is intended to supplement the acquisition of, and provide initial operating subsidies for, Homekey sites to promote Project feasibility. Accordingly, the Department will use these moneys to fund 24-month operating subsidies. **Projects receiving an award from the state's direct allocation of the federal CRF must expend the funds by December 30, 2020.** The portion of a Project's award associated with state General Fund must be expended by June 30, 2022. Depending on the funding award, the successful applicant must close escrow by the expenditure deadline.

Due to the Homekey expenditure deadline, and the potential for program oversubscription, eligible applicants are encouraged to submit their completed application as soon as possible. The Department will begin accepting applications on an over-the-counter basis on or about July 22, 2020. Review will be prioritized based on tiered criteria and date of submission. Applicants must submit a complete online application available at <https://www.hcd.ca.gov/grants-funding/active-funding/homekey.shtml>.

On July 24, 2020, the Department will hold a webinar to review the Homekey NOFA and application process. To register, please go to the Department's [Homekey webpage](#). To receive information on the workshop and other updates, please subscribe to the Department's Homelessness Prevention Programs listserv at http://www.hcd.ca.gov/HCD_SSI/subscribe-form.html.

If you have any questions, please submit them to Homekey@hcd.ca.gov.

Homekey Program

2020 Notice of Funding Availability



State of California

Governor Gavin Newsom

**Lourdes M. Castro Ramirez, Secretary
Business, Consumer Services and Housing Agency**

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

2020 West El Camino Avenue, Sacramento, CA 95833 Telephone: (916) 263-2771
Website: <https://www.hcd.ca.gov/grants-funding/active-funding/homekey.shtml>

Homekey Program Email: Homekey@hcd.ca.gov

July 16, 2020

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HOMEKEY PROGRAM NOTICE OF FUNDING AVAILABILITY

Article I – Program Overview

Section 100. Notice of Funding Availability (NOFA)

The California Department of Housing and Community Development (Department) is announcing the availability of approximately \$600 million in Homekey funding to rapidly sustain and expand the inventory of housing for people experiencing homelessness or at risk of homelessness and impacted by COVID-19. The COVID-19 pandemic has exacerbated existing community needs and inequalities. In many communities, homelessness was already experienced disproportionately by race and other protected classes and persons experiencing homelessness are at increased risk of infection and death due to COVID-19. The Centers for Disease Control and Prevention is also reporting that evidence points to disproportionate impacts by race and ethnicity for COVID-19 hospitalization and death. As of June 12, age-adjusted hospitalization rates are highest among non-Hispanic American Indian or Alaska Native (5 times white persons) and non-Hispanic Black persons (5 times white persons), followed by Hispanic or Latino persons (4 times white persons).

Homekey is an opportunity for local public agencies to purchase motels and a broad range of other housing types in order to increase their community's capacity to respond to homelessness and the current COVID-19 pandemic. While Homekey builds off the success of Project Roomkey, applications are not limited to Project Roomkey sites.

Of the \$600 million in Homekey grant funds, \$550 million is derived from the state's direct allocation of the federal Coronavirus Aid Relief Funds (CRF) and \$50 million is derived from the state's General Fund to supplement the acquisition of and to provide initial operating subsidies for, Homekey sites.

Each Homekey allocation has the following expenditure deadlines:

- **The \$550 million in CRF must be expended by December 30, 2020.** The Department recognizes this expenditure deadline is challenging; however, the deadline is a requirement of federal CRF funding. The Department will provide ongoing support to assist Grantees in meeting the expenditure deadline and has already developed an accelerated application and award process.

NOTE: For Projects that involve an acquisition and are receiving CRF awards, Grantees must expend the funds by the expenditure deadline and the Project escrow must be closed by December 30, 2020.

- **The \$50 million in state General Funds must be expended by June 30, 2022.**

Section 101. Purpose and Program Objectives

The purpose of the Homekey program is to provide grant funding to Eligible Applicants and facilitate a partnership with the state to quickly acquire or rehabilitate or master lease a

variety of housing types. Once developed, these projects will provide interim or permanent housing options for persons experiencing homelessness and who are also at risk of COVID-19. For this NOFA, people experiencing homelessness or who are at risk of experiencing homelessness are considered inherently “impacted by COVID-19,” as they are most likely to have a lower life expectancy, be at a higher risk of infectious and chronic illness, and suffer from substance abuse and poor health. The Target Population may also have the same underlying medical conditions that result in increased risk for severe illness from COVID-19. Additionally, Homekey recognizes the disproportionate racial impacts of homelessness and COVID-19 and encourages Eligible Applicants to examine disproportionate impact in their own communities and to develop strategies to address these impacts.

Section 102. Authorizing Legislation and Applicable Law

Assembly Bill No. 83 (2019-2020 Reg. Sess.) created the statutory basis for Homekey by adding section 50675.1.1 to the Health and Safety Code and exempted certain Homekey Projects from the California Environmental Quality Act (CEQA) by adding section 50675.1.2 to the Health and Safety Code.

Health and Safety Code section 50675.1.1, subdivision (d) states, “The Department of Housing and Community Development may adopt guidelines for the expenditure of the funds appropriated to the Department [for Homekey]. The guidelines shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.”

The Multifamily Housing Program (MHP) (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code), and as subsequently amended, is hereby incorporated by reference. In accordance with Health and Safety Code section 50675.1.1, subdivision (c), in the event of a conflict between this NOFA and the Multifamily Housing Program, the provisions of this NOFA are controlling.

The MHP Final Guidelines (MHP Guidelines), effective June 19, 2019, and as subsequently amended, are hereby incorporated by reference. In the event of a conflict between any of the MHP Guidelines and this NOFA, the provisions of this NOFA are controlling.

This NOFA establishes the terms, conditions, forms, procedures, and other mechanisms that the Department deems necessary to exercise its powers and to perform its duties pursuant to MHP in relation to Homekey.

The Department reserves the limited right to amend this NOFA after the close of the application period. Such right does not extend to material provisions of the application submission, review, and award process (e.g., scoring and tiering criteria). Post-NOFA amendments will take immediate effect and will govern the Standard Agreement process. After Standard Agreements have been executed, the Department will only amend this NOFA as necessary to provide clarification or to avoid a conflict of law.

The matters set forth herein are regulatory mandates and are adopted as regulations that have the dignity of statutes (*Ramirez v. Yosemite Water Company, Inc.* (1999) 20 Cal.4th 785, 799 [85 Cal.Rptr.2d 844]).

Section 103. Program Timeline

Homekey funds will be initially available to Eligible Applicants on an over-the-counter basis. Applications will be accepted from the release of this NOFA until September 29, 2020. The Department is also reserving a priority application period to allow for geographic equity in the disbursement of funds. The following table summarizes the Homekey program anticipated timeline.

Table 1: Anticipated timeline for Homekey applications

NOFA release	July 16, 2020
Stakeholder Call	July 16, 2020
Stakeholder Webinar	July 24, 2020
Pre-application consultations and the priority application period	July 16 – August 13, 2020
Final application due date	September 29, 2020
Award announcements	Rolling (Starting August 2020)
Final awards issued	October 2020
Standard agreements mailed	Upon submittal of required information and documentation
The Department redeploys unutilized funds	November 2020
CRF expenditure deadline	December 30, 2020
Grantee Expenditure and Program Report	Feb 1, 2021
State General Funds expenditure deadline	June 30, 2022
State General Funds expenditure report due dates	▪ January 31, 2021 ▪ July 31, 2021 ▪ January 31, 2022, ▪ July 31, 2022

The Department reserves the right to make adjustments to the projected timeline at any time.

Article II. Application Submission, Review, and Award Process

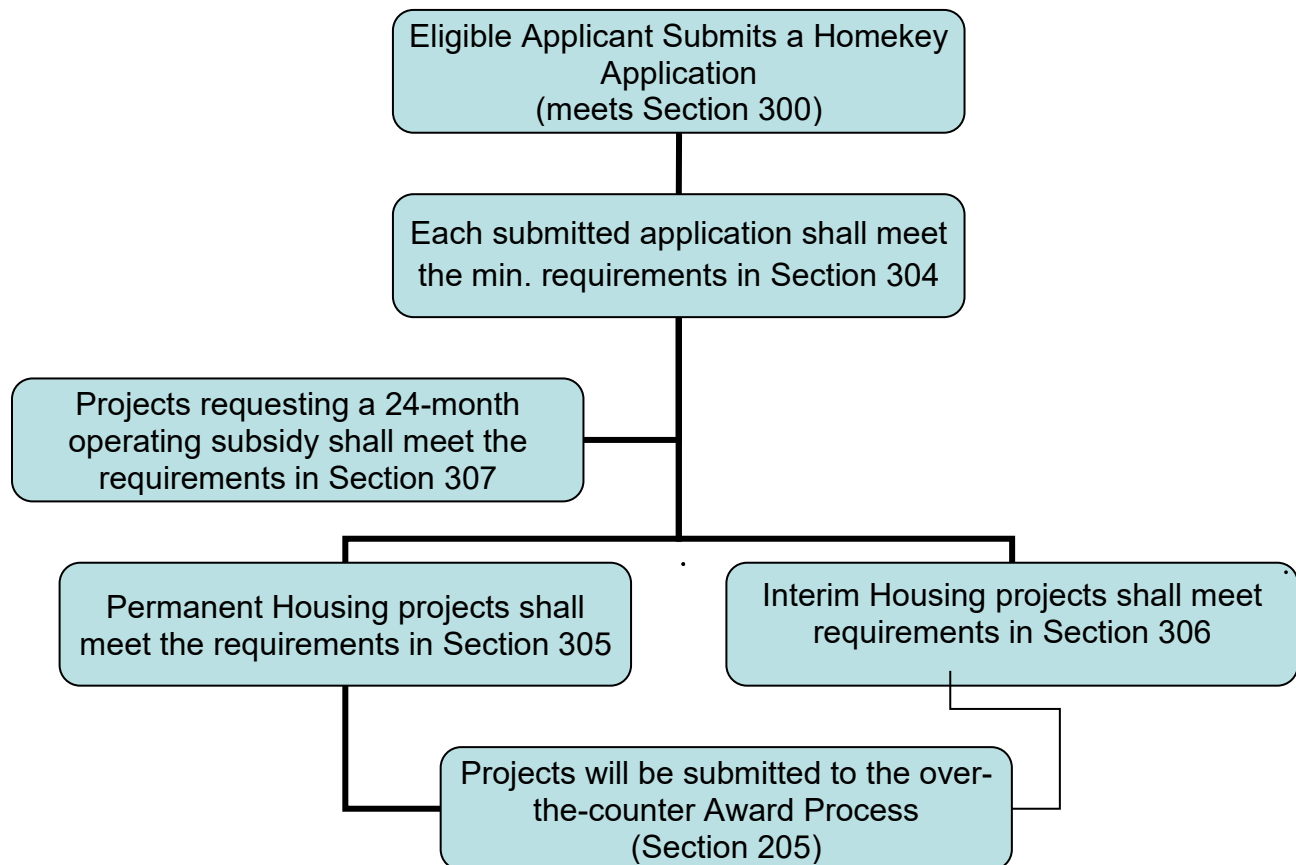
Section 200. Application Process Overview

The Homekey application is available electronically on the [Homekey webpage](#). **The Department anticipates releasing the Homekey application on or about July 22, 2020.**

- i. Applications for this NOFA will be received and reviewed on a rolling, over-the-counter basis until the CRF and the state General Fund moneys are committed.
- ii. Applications will be prioritized as described in Section 202.
- iii. The Department will evaluate applications for compliance with the minimum program requirements set forth in Section 304 and depending on the proposed Project Applicants should review requirements in Sections 304, 305, and 306. See the Homekey Application Process Flowchart at the end of this Section.

- iv. After each Applicant has been certified to meet the minimum program requirements, to be considered for a funding award, each Project must receive a minimum overall score of 110 points, as outlined in Section 204.
- v. The Department reserves the right to do the following:
 - a. Score an application as submitted even if information is missing from the application; and/or
 - b. Request clarification of unclear or ambiguous statements made in an application or request additional clarifying documentation or information.

Chart 1: Homekey Application Process Flowchart



Section 201. Pre-Application Consultation and Technical Assistance

The Department requires all Applicants to engage in a pre-application consultation with the Department and/or the Department of General Services (DGS) prior to submitting an application. The consultation will allow the prospective Applicant to discuss the proposed Project, along with other applicable programmatic considerations, including those related to site acquisition, CEQA, land use and land entitlements, and long-term financing approaches. Application consultations will be available upon the release of this NOFA and may be requested by emailing Homekey@hcd.ca.gov.

Section 202. Geographic Distribution and Project Prioritization

COVID-19 impacts people who are experiencing or who are at risk of homelessness throughout California. As such, the Department would like to ensure jurisdictions throughout the state have an equitable opportunity to apply for Homekey funds to protect the health and safety of their most vulnerable residents.

To this end, the Department has divided the state into eight regions, as outlined in Table 2, below. The regions are largely aligned with the various Councils of Government (COGs). As detailed in Table 2, 3, and 4 below, each region has funding reserved on a time-limited basis during the priority application period. Each region's share of the Homekey allocation is calculated based on its proportionate share of the persons experiencing homelessness of both the sheltered and unsheltered 2019 Homeless Point-in-Time counts and extremely low-income (ELI) renter households that are paying more than 50 percent of their income for rent.

Table 2: Homekey Counties by Region

Counties by Geographic Distribution			
Los Angeles County	San Joaquin Valley	Central Coast	Balance of State (Cont.)
Bay Area Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara Solano Sonoma	Fresno	Monterey	Mendocino
	Kern	San Benito	Modoc
	Kings	San Luis Obispo	Mono
	Madera	Santa Barbara	Nevada
	Merced	Santa Cruz	Plumas
	San Joaquin	Balance of State Alpine Butte Calaveras Colusa Del Norte Glenn Humboldt Inyo Lake Lassen Mariposa	Shasta
	Stanislaus		Sierra
	Tulare		Siskiyou
	San Diego County		Tehama
	Sacramento Area		Trinity
Southern California Imperial Orange Riverside San Bernardino Ventura	Amador	Tuolumne	
	El Dorado		
	Placer		
	Sacramento		
	Sutter		
	Yolo		
	Yuba		

Table 3: Estimated Homekey Allocations by Region

Geographic Regions	PIT Count	Severely Rent-burdened ELI	CRF Allocation	GF Allocation
Los Angeles County	58,936	415,970	\$161,572,217	\$14,688,383
SF Bay Area	35,028	213,910	\$91,134,470	\$8,284,952
Southern California (w/o LA)	15,360	200,095	\$55,577,540	\$5,052,504
San Joaquin Valley	10,271	105,370	\$32,987,450	\$2,998,859
Central Coast	8,439	38,395	\$20,025,927	\$1,820,539
Sacramento Area	8,381	73,780	\$25,125,077	\$2,284,098
San Diego County	8,102	94,480	\$27,690,283	\$2,517,298
Balance of State	7,254	32,140	\$17,087,036	\$1,553,367

Two percent (2%) of the \$550 million in Homekey funds is for Department administrative costs. Twenty percent (20%) of the remaining \$550 million in Homekey funds is being held back by the Department to ensure there is adequate flexibility to issue awards expediently.

Table 4: Estimated Homekey Allocations

Funding Categories	CRF	General Fund
Total Homekey Allocation	\$550,000,000	\$50,000,000
Administrative at 2%	\$11,000,000	\$1,000,000
Discretionary Set Aside at 20%	\$107,800,000	\$9,800,000
Total Geographic Regional Allocation	\$431,200,000	\$39,200,000

Eligible Applicants who apply within the 30-day priority application period will be grouped into one of the eight geographic regions. The Department will further sort the applications into one of two tiers.

Tier One:

1. Tier One applications will be those Projects that: (1) can be occupied within 90 days from the date of acquisition; and (2) are permanent housing or will result in permanent housing as indicated on the application; or
2. Tier One projects include Projects that can be occupied within 90 days and used for Interim Housing, provided the project is expected to be developed into permanent housing at a later date **OR** Interim Housing with a coordinated exit strategy adopted by the Continuum of Care to support transitions into other permanent housing. Interim Housing projects shall submit a letter of support from the local Continuum of Care that demonstrates the coordinated exit strategy of the Target Population.

Tier Two:

Tier Two projects are all other Projects and uses, including housing that will be used for interim only and with no expectation of development into permanent housing.

For Projects received within the priority application period, the Department will award Tier One projects meeting the program requirements on a rolling basis, up to the regional cap, on a first-come, first-served basis. Tier Two projects meeting the program requirements will be waitlisted and awarded funding if funds are available, after the priority application period, according to the date stamp. Applications that were received after the priority application period, and that met the specified program requirements, will be awarded according to date stamp, as funds are available.

The Department can reimburse eligible Homekey expenditures that occurred prior to the release of this NOFA. Applicants are encouraged to discuss their options at the required pre-application consultation described in Section 201.

The following table summarizes the Homekey application prioritization process and timeline.

Table 5: Anticipated Homekey Application Prioritization Timeline

	Priority Application Review Period July 16 - August 13	Review Period 2 August 14 - September 29	September 30 – December 30, 2020
Applications	Sorted by: a. Regions b. Within Regions, by Tier One or Two c. Within Tiers, by a date stamp	Sorted by date stamp only (not by region or tier) Note: These applications will be put on a waitlist, and not sorted by Region or Tier.	No applications submitted during this period will be accepted.
Awards	Pre-application consultations and application review period. The Department will begin awarding Tier One projects meeting threshold within each region on a rolling basis, up to cap for the region.	For applications received through August 13, the Department will continue awarding Tier One projects meeting the Homekey program requirements on a rolling basis, up to the cap for the region. If these Tier One projects are undersubscribed, the Department will award qualified Tier Two projects. If the Tier Two projects are oversubscribed, the Department will award according to date stamp. If Tier Two projects are undersubscribed, The Department will proceed with awards in the following order: a. Any waitlisted applications from other regions received up to August 13, by tier and date stamp. b. Any waitlisted applications received on August 14 or later, by date stamp. For any tiebreaker needed (e.g., applications received on the same date), the Department will use ability to spend quickly, followed by PIT count, then leverage.	

Section 203. Maximum Grant Amounts

For acquisition projects, Homekey will generally fund up to \$100,000 per door, as supported by an appraisal. "Door" refers to the number of units at the time of the acquisition, which may differ from the number of units after a future conversion. For those projects that undergo a future conversion, the number of units may need to be reduced to accommodate kitchenettes and other amenities.

The Department recognizes that some acquisitions may have a higher per-door appraised value in certain high-cost areas. Some properties may also have a higher per-door value because they need less upfront work and already have the necessary amenities to support permanent housing solutions—for example, units with kitchenettes.

To support these efforts, the Department will accept requests from Tier One projects up to \$200,000 per door. However, for this \$200,000 per door maximum, the following applies:

- i. The Department will contribute the first \$100,000 per door of the Homekey proposed Project. This contribution does not require a local match.

- ii. The Eligible Applicant will be required to contribute an identical match of \$50,000 or a 1:1 local match to receive an additional \$50,000 contribution from the Homekey program.
- iii. The Eligible Applicants will be required to contribute \$100,000 or a 2:1 local match to receive an additional \$50,000 contribution from the Homekey program.

Table 6: State contributions to projects

Homekey	Eligible Applicant Contribution	Total Per Door
FIRST \$ 100,000	No Match Required	\$100,000
NEXT \$ 50,000 (TIER ONE PROJECTS)	1:1, Up to \$50,000	\$200,000
NEXT \$ 50,000 (TIER ONE PROJECTS)	2:1, Up to \$100,000	\$350,000

Eligible Applicants can request the highest state contribution of Homekey funds if they meet the following criteria:

- i. The proposed Project meets the Tier One category specified in Section 202.
- ii. The proposed Project is close to permanent occupancy, or there is a clear demonstration of occupying the units with tenants from the Target Population within 90 days of acquisition, e.g., higher purchase price with minimal rehabilitation needed.
- iii. The Department may consider additional criteria unique to the proposed Project that reduce the overall cost of a project when future rehabilitation needs are considered, support catalytic investments in disadvantaged communities without causing displacement, and affirmatively further fair housing.

Section 204. Application Scoring Criteria

Applications meeting the minimum program requirements outlined in Article III will require a **minimum score of 110 points to be eligible for funding**. Scores will be based on the following:

Table 7: Homekey Application Scoring Criteria

Homekey Application Scoring Categories and Max Point Scores	Evaluation Criteria
1. Ability to expend funds by December 30, 2020. (Up to 50 points)	a. Identification of the site suitable for development and evidence of site control, or a plan and timeline for obtaining site control along with other supporting evidence (e.g., letter of intent, an exclusive negotiating agreement, ground lease, etc.). (Up to 20 points) b. A proposed development vision that identifies the financial and regulatory mechanisms to be used to maintain the ongoing affordability of the Project. (Up to 20 points) c. An overview of the planned and timeline for any required entitlements, permits, environmental clearances. (Up to 10 points)
2. Demonstration of the development team's experience and capacity to acquire and operate the Project. (Up to 40 points)	a. Demonstration of the development's team experience to acquire and/or rehabilitate and operate the project. (Up to 10 points) b. A map of how the development team is connected and a description of how the team will work together, e.g., MOU, etc. (Up to 10 points) c. Development, ownership, or operation of a project similar in scope and size to the proposed Project. (Up to 10 points) d. The extent to which the Project can demonstrate the range of on-site and off-site supportive services that will be provided to the target population, e.g., mental health services, substance use disorder services, primary health, employment, and other tenancy support services. (Up to 10 points)
3. A demonstration of how the Project will address racial equity, other systemic inequities, state and federal accessibility requirements, and serve members of the Target Population. (Up to 25 points)	a. Eligible Applicant shall provide non-discrimination statement per Section 311, which references the Fair Employment and Housing Act. The Fair Employment and Housing Act is supported by accompanying regulations, 2 CCR Section 12005 et seq, covering tenant screening and affirmative marketing requirements. Eligible Applicant will also include a description of how the Project will address racial equity and inequities for the target population, including any local disproportionate impact of COVID-19 and homelessness by race and other protected classes. The description should include supporting evidence of the strategies' effectiveness if available. (Up to 15 points) b. The extent to which the Project exceeds the state and federal accessibility requirements set forth Section 311, specifically providing a minimum of 10 percent of units with features accessible to persons with mobility disabilities, as defined in 24 C.F.R. Section 8.22 and the parallel ADAAG 2010 and CBC provisions, and a minimum of 4 percent of units with features accessible to persons with hearing or vision disabilities, as defined in 24 C.F.R. Section 8.22 and the parallel ADAAG 2010 and CBC Chapter 11B provisions. (Up to 5 points)

Homekey Application Scoring Categories and Max Point Scores	Evaluation Criteria
	c. The Applicant or development team has three or more years of experience serving persons of the target population. (Up to 5 points)
4. The extent to which the Eligible Applicant can demonstrate the Project's community impact and site selection. (This category is worth 45 points)	a. The extent to which the Eligible Applicant can demonstrate the Project's impact on the community as demonstrated by a reduction of at least 5 percent of the local 2019 Point-in-Time Count. (Up to 10 points) b. The proposed Project is a Tier One project and requires no rehabilitation, or the rehabilitation and the occupancy can be completed within 30 days after acquisition. (Up to 10 points) c. The Project is expected to acquire and maintain 100 or more units for the target population. (Up to 5 points) d. For any Project below \$350,000 per door, if the Eligible Applicant contributes more than a minimum match outlined in Table 5, above, the application will receive one (1) extra point for every additional 5% per door contributed to the Project. For example, for an acquisition that costs \$100,000 per door, the Applicant will receive 1 extra point for every \$5,000 per door in match contributed. (Up to 10 points) e. Site Selection (Up to 10 points) The project site is located within 1/3 mile of a bus rapid transit station, light rail station, commuter rail station, ferry terminal, bus station, or public bus stop. Commuter rail station, ferry terminal, bus station, or public bus stop OR the project includes an alternative transportation service for residents (e.g., van or dial-a-ride service), if costs of obtaining and maintaining the van and its service are included in the budget and the operating schedule is either on demand by tenants or a regular schedule is provided (4 points) The project site is in proximity to essential services: i. Grocery store – within 1/2 mile of a full-scale grocery store/supermarket of at least 25,000 gross interior square feet where staples, fresh meat, and fresh produce are sold (1 mile for projects in rural areas); (2 points) ii. Health facility – within 1/2 mile (1 mile for projects in rural areas) of a qualifying medical clinic with a physician, physician's assistant, or nurse practitioner on-site for a minimum of 40 hours each week, or hospital (not merely a private doctor's office). A qualifying medical clinic must accept Medi-Cal payments, or Medicare payments, or Health Care for the Homeless, or have an equally comprehensive subsidy program for low-income patients; (1 point) iii. Library – within 1/2 mile of a book-lending public library (1 mile for projects in rural areas); (1 point) iv. Pharmacy: within 1/2 mile of a pharmacy (1 mile for projects in rural areas). (2 points)

In the event of program oversubscription, where Applicants have the same score and the same date stamp, the following tiebreaker system will be applied to determine the Project funding:

- i. The Department will take into consideration the highest score for each project received in the expenditure category (e.g. immediate ability to expend funds by December 30, 2020).
- ii. If a funding determination cannot be made from (i) above, the Department will provide the grant funding to the project with the highest 2019 Homeless Point-in-Time count.
- iii. If the funding determination cannot be made from (i) or (ii) above, the Department will provide funding to project that leverages the most non-Homekey funds (government, private, or philanthropic).
- iv. The Department may consider additional criteria, including but not limited to the cost-effectiveness; community impact; affirmative furtherance of fair housing; innovative housing type; tenant stability; and proximity to transit, services and amenities.

Section 205. Application Submission

The Department will be accepting over-the-counter applications beginning on or about **July 22, 2020**. Instructions for submittal of an application can be found on the website. The Department will set aside a priority application period to immediately begin reviewing and awarding qualified Projects from **July 16, 2020 to August 13, 2020**. All other applications received after the priority application period must be received by the Department no later than 5:00 p.m. PDT on **September 29, 2020**.

Applicants must submit the Homekey application and required attachments provided by the Department. The Department will not accept modified application forms. It is the Applicant's responsibility to ensure that the submitted application is accurate. Department staff may request additional clarifying information.

The application is a public record, which is available for public review pursuant to the California Public Records Act (CPRA) (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). After final Homekey awards have been issued, the Department may disclose any materials provided by the Applicant to any person making a request under the CPRA. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

Section 206. Application Award Process

The Department will send both an award letter and a Standard Agreement to the successful Applicant. When the Standard Agreement is signed and returned by the Applicant, the Applicant will simultaneously submit a request for funds. Funds will be disbursed after the Department has received a request for funds and a fully executed Standard Agreement.

The Department is committed to disbursing Homekey funds in a timely manner. To avoid any expenditure delays, funds may be issued directly to the Applicant that is listed on the application, to the designated payee identified by successful co-Applicants, or to an escrow company that has been approved by the Department. For the latter option, the Applicant shall identify the name and address of the escrow company, the name of the escrow officer, the escrow number, and any other information requested by the Department.

Section 207. Appeals

Federal CRF money is the primary source of funding for the Homekey program, and it is subject to a short expenditure deadline. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, provides that the U.S. Department of the Treasury will recoup CRF money that have not been used to cover expenses incurred by December 30, 2020. In view of this abbreviated timeframe for award and expenditure, as well as the specific needs and objectives of the Homekey program, the Department, in accordance with its authority under Health and Safety Code section 50675.7, subdivision (d), will not accept appeals of its award determinations. The Department encourages aggrieved Applicants to resubmit their applications within the specified timeframe.

Article III Program Requirements

Section 300. Eligible Applicants

- i. Cities, counties, or any other Local Public Entity as that term is defined by Health and Safety Code section 50079; or
- ii. Cities, counties, or any other Local Public Entity as that term is defined by Health and Safety Code section 50079, in partnership with nonprofit or for-profit corporations.

Cities, counties, or other Local Public Entities, including housing authorities or federally recognized tribal governments within California, may apply independently as a Development Sponsor. Alternatively, a Local Public Entity may apply jointly with a for-profit or nonprofit corporation.

Section 301. Eligible Uses

Awarded funds must be used to provide housing for individuals and families experiencing homelessness or at risk of experiencing homelessness and who are impacted by the COVID-19 pandemic. With respect to the list of eligible uses below, an Eligible Applicant may choose to target Project Roomkey properties, or other, non-Project Roomkey properties. The list of eligible uses for the CRF \$550 million allocation and the \$50 million state General Fund allocation is as follows:

- i. Acquisition or rehabilitation of motels, hotels, or hostels.
- ii. Master leasing of properties.

- iii. Acquisition of other sites and assets, including purchase of apartments or homes, adult residential facilities, residential care facilities for the elderly, manufactured housing, and other buildings with existing residential uses that could be converted to permanent or interim housing.
- iv. Conversion of units from nonresidential to residential in a structure with a certificate of occupancy as a motel, hotel, or hostel.
- v. The purchase of affordability covenants and restrictions for units.
- vi. Relocation costs for individuals who are being displaced as a result of rehabilitation of existing units.
- vii. Capitalized operating subsidies for units purchased, converted, or altered with funds provided pursuant to Health and Safety Code section 50675.1.1.*

**Projects seeking capitalized operating subsidies for units purchased, converted, or altered will be awarded with funds from the \$50 million state General Fund allocation. The \$550 million in Homekey derived from the CRF is not permitted to be used for this purpose.*

Section 302. Eligible Projects

- i. Nonresidential structures with a certificate of occupancy as a motel, hotel, or hostel.
- ii. Adult residential facilities, residential care facilities for the elderly, manufactured housing, and other buildings with existing residential uses.
- iii. Multifamily rental housing projects with five or more housing units.
- iv. Shared housing or scattered site housing is permitted as long as the housing has common ownership, financing, and property management, and each household signs a lease. For example, A single-family home is one unit, a duplex is two units, a triplex is three units, et cetera.

The above list of eligible projects is not exhaustive. The Department welcomes and will consider a variety of other forms of housing as eligible projects. Interested Applicants should discuss other projects types with the Department during the pre-application consultation.

Section 303. Match

Eligible Applicants are required to demonstrate a five-year commitment to provide operating funds for the proposed project. The first two years of operating funds may include an award from the \$50 million in state General Fund. Matching contributions may be obtained from any source, including any federal source as well as state, local, and private sources. Eligible Applicants will have an opportunity to discuss the match requirements and potential match sources during the pre-application consultation described in Section 201.

Additionally, the following requirements apply to match contributions:

- i. The Eligible Applicant must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Homekey funds; and
- ii. If the state General Funds are used to satisfy the matching requirements of another program, then funding from that program may not be used to fulfill the matching requirements of the Homekey program.

Section 304. General Program Requirements

To be eligible to receive funding, projects must meet the following requirements as they relate to the Eligible Applicant and the project types:

- i. Applications must be submitted independently by a single County, City, Public Housing Authority, or federally recognized tribal government as the Development Sponsor. Alternatively, applications must be submitted by a single County, City, Public Housing Authority, federally recognized tribal government and jointly with another entity as the Development Sponsor.
- ii. Projects must serve persons qualifying as members of the Target Population.
- iii. Developer experience
 - a. If the Eligible Applicant is acquiring, rehabilitating, and operating an eligible project type as outlined in Section 305 below, the Eligible Applicant shall demonstrate the following minimum experience requirements:
 - 1) Development, ownership, or operation of a project similar in scope and size to the proposed Project, or at least two affordable rental housing projects in the last ten years, with at least one of those projects containing at least one unit housing a tenant who qualifies as a member of the Target Population.
 - 2) The property manager shall have three or more years of experience serving persons of the Target Population. If a property manager is not yet selected for the proposed Project, the selected property manager shall have three or more years of experience serving persons of the Target Population, **OR** the Grantee shall certify that this requirement will be reflected in any future solicitation or Memorandum of Understanding.
 - b. If the Eligible Applicant is acquiring, rehabilitating, and operating an Interim Housing project, the Eligible Applicant shall demonstrate the following minimum experience requirements:
 - 1) Development or ownership of an Interim Housing project in the last ten years for members who qualify as the Target Population.
 - 2) The Eligible Applicant has successfully operated an emergency shelter or Transitional Housing or other Interim Housing for at least three years or more for members of the Target Population.

- 3) Demonstrated experience in linking Interim Housing program participants to permanent housing to ensure long-term housing stability.
- 4) Experience administering a Housing First program including principles of harm reduction and low barriers to entry.
- c. The Eligible Applicant applying for the Homekey funding is the entity that the Department relies upon for experience and capacity, and will control the Project during acquisition, development, and occupancy. In a project with multiple layers of ownership, the Development Sponsor cannot have more than two corporate entities between itself and the borrowing entity.
- iv. Evidence of strong organizational and financial capacity to develop the project, including but not limited to:
 - a. The urgency to acquire a site to provide affordable housing to the Target Population;
 - b. A development plan to meet the expenditure period;
 - c. If the project will leverage other funding sources.
- v. Assisted units and other units of the Project must meet all applicable state and local requirements pertaining to rental housing, manufactured housing, including but not limited to requirements for minimum square footage, and requirements related to maintaining the project in a safe and sanitary condition.
- vi. The Department encourages Eligible Applicants to consider the CEQA exemption set forth at Health and Safety Code section 50675.1.2, the provision for land use consistency and conformity at Health and Safety Code section 50675.1.1, subdivision (g), as well as the additional streamlining pathways described in the appended CEQA guidance.
- vii. The Department will require Eligible Applicants to submit the following documents:
 - a. Overview of project vision;
 - b. Description of project team, including partnerships with any other entities;
 - c. Demonstration of the development's team experience to acquire and/or rehabilitate and operate the project;
 - d. Identification of the site suitable for development and evidence of site control or a plan and timeline for obtaining site control along with other supporting evidence (e.g., letter of intent, exclusive negotiating agreement, ground lease, etc.);
 - e. A proposed development vision that identifies the financial and regulatory mechanisms to be used to maintain the ongoing affordability of the project;

- f. A summary of the committed and intended sources, and uses, of the project awarded with Homekey funds;
- g. A proposed timeline for the entire project, including major milestones, any required entitlements, permits, environmental clearances, board or governing body approvals, etc., and completion of the project;
- h. A proposed financing plan for any eventual development of the project;
- i. Preliminary commitment for title insurance. If no title report is available, the Applicant shall identify any known encumbrances on the property;
- j. Environmental site assessment (i.e., Phase 1 Environmental Assessment), or evidence that the assessment is in process and timeline to complete;
- k. Appraisal or evidence that the appraisal is in process and timeline to complete;
- l. Physical Needs Assessment or evidence that the physical needs assessment is in process and timeline to complete. This assessment must include consideration of accessibility requirements (Section 311);
- m. Non-Discrimination Statement and descriptions of tenant selection and/or coordinated entry system practices that meet non-discrimination requirements (Section 311);
- n. Documented ability to obtain the insurance coverages outlined in Article VI of this NOFA; and
- o. Authorizing Resolution (AR) approved by the Applicant's governing body.

The Department reserves the right to request clarification of unclear or ambiguous statements made in an application and other supporting documents.

Section 305. Permanent Housing Requirements

Permanent housing projects will be evaluated on the following requirements:

- i. The Sponsor shall have control of the property, and such control shall not be contingent on the approval of any other party. The status and nature of the Sponsor's title and interest in the property shall be subject to the Department's approval. Site control may be evidenced by one of the following:
 - a. Fee title;
 - b. A leasehold interest on the property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit compliance with all program requirements;
 - c. An executed disposition and development agreement, or irrevocable offer of dedication to a public agency;

- d. A sales contract, or other enforceable agreement for the acquisition of the property;
 - e. A letter of intent, executed by a sufficiently authorized signatory of the Eligible Applicant, that expressly represents to the Department, without condition or reservation, that, upon successful application, the Eligible Applicant shall purchase or otherwise acquire a sufficient legal interest in the property to accomplish the purpose of the award. The letter of intent must also be acknowledged by the party selling or otherwise conveying an interest in the subject property to the Eligible Applicant. If this form of evidence is relied upon at the time of application, the Department may impose additional milestones, in the Standard Agreement, regarding increased evidence of eventual site control closer to the likely close of escrow; or
 - f. Other forms of site control that give the Department assurance (equivalent to items a. through e. above) that the Applicant will be able to complete the project in a timely manner and in accordance with all the program's objectives and requirements.
- ii. The Eligible Applicant's plan to extend a local covenant restricting the use and Target Population for 55 years.
 - iii. A plan to cover operations and service costs with specific funding sources (government/philanthropic/private) for the proposed Project for five years and must demonstrate a path to ultimate use of the site for ten years.
 - iv. To the extent possible, the project shall provide a description of the services that will be available at the housing site including but not limited to case management, behavioral health services, physical health services, assistance obtaining benefits and essential documentation, and education and employment services. Please describe the on-site staffing plan proposed to deliver these services. Also describe the approach to securing off-site services including primary care and other needed physical health and behavioral health services as well as other tenancy supports.
 - v. One-for-one replacement of assisted housing
 - a. If the acquired housing or site is to be redeveloped/repositioned as part of the locality's overall goal to address the needs of the Target Population and the community, the Applicant shall provide as part of the application a commitment to ensure one-for-one replacement of units.
 - b. If the target site is going to be demolished before it is occupied as part of the Project being proposed by the Applicant, no one-for-one replacement commitment needs to be provided. The unit mix will be evaluated based on the project proposal.
 - c. The application shall include a site map indicating the original target housing location and all proposed housing location(s). If all proposed housing will be located within the neighborhood, no additional documentation is necessary. If replacement housing is proposed outside the target neighborhood, the application must also include a justification explaining why it is necessary to locate this

replacement housing outside the target neighborhood (i.e., offsite) and how doing so supports and enables the Target Population to maintain housing.

- vi. If the development of any Project results in the displacement of tenants, regardless of whether the tenant meets the definition of the Target Population, the Applicant must describe the assistance and benefits to be provided in compliance with local, state, and federal law.

Section 306. Interim Housing Requirements

Interim Housing projects with no plan for conversion to permanent housing will be evaluated on the following requirements:

- i. The Sponsor shall have control of the property, and such control shall not be contingent on the approval of any other party. The status and nature of the Sponsor's title and interest in the property shall be subject to the Department's approval. Site control may be evidenced by one of the following:
 - a. Fee title;
 - b. A leasehold interest on the property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit compliance with all program requirements;
 - c. An executed disposition and development agreement, or irrevocable offer of dedication to a public agency;
 - d. A sales contract, or other enforceable agreement for the acquisition of the property;
 - e. A letter of intent, executed by a sufficiently authorized signatory of the Applicant, that expressly represents to the Department, without condition or reservation, that, upon successful application, the Applicant shall purchase or otherwise acquire a sufficient legal interest in the property to accomplish the purpose of the award. The letter of intent must also be acknowledged by the party selling or otherwise conveying an interest in the subject property to the Applicant. If this form of evidence is relied upon at the time of application, the Department may impose additional milestones, in the Standard Agreement, regarding increased evidence of eventual site control closer to the likely close of escrow; or
 - f. Other forms of site control that give the Department assurance (equivalent to a-e above) that the Applicant will be able to complete the project in a timely manner and in accordance with all the program's objectives and requirements.
- ii. A plan to cover operations and service costs with specific funding sources (government/philanthropic/private) for the proposed Project for five years and must demonstrate a path to the ultimate use of the site for ten years.
- iii. To the extent possible, the project shall provide a description of the services that will be available at the housing site including but not limited to case management, behavioral health services, physical health services, assistance obtaining benefits

and essential documentation, and education and employment services. Please describe the on-site staffing plan proposed to deliver these services. Also describe the approach to securing off-site services including primary care and other needed physical health and behavioral health services as well as other tenancy supports.

Section 307. Other Requirements

- i. The purchase of existing residential units, or affordability covenants and restrictions require the units to be restricted to individuals and families who are experiencing homelessness or who are at risk of homelessness defined in Section 578.3 of Title 24 of the Code of Federal Regulation, for no fewer than 20 years. Additionally, the Sponsor shall provide a plan to cover operations and service costs with specific funding sources (government/philanthropic) for the proposed Project for five years and must demonstrate a path to the ultimate use of the site for ten years.
- ii. Master leasing projects will be evaluated on the following requirements:
 - a. The Sponsor shall have adequate site control of the property, and such control shall not be contingent on the approval of any other party. Site control may be evidenced by one of the following:
 - 1) Fee title;
 - 2) A leasehold interest on the property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit compliance with all program requirements;
 - 3) An executed disposition and development agreement, or irrevocable offer of dedication to a public agency;
 - 4) A sales contract, or other enforceable agreement for the acquisition of the property;
 - 5) A letter of intent, executed by a sufficiently authorized signatory of the Eligible Applicant, that expressly represents to the Department, without condition or reservation, that, upon successful application, the Eligible Applicant shall purchase or otherwise acquire a sufficient legal interest in the property to accomplish the purpose of the award. The letter of intent must also be acknowledged by the party selling or otherwise conveying an interest in the subject property to the Eligible Applicant. If this form of evidence is relied upon at the time of application, the Department may impose additional milestones, in the Standard Agreement, regarding increased evidence of eventual site control closer to the likely close of escrow.
 - 6) Other forms of site control that give the Department assurance (equivalent to 1-5 above) that the Applicant will be able to complete the project in a timely manner and in accordance with all the program's objectives and requirements.
 - b. The Sponsor shall provide a plan to cover operations and service costs with specific funding sources (government/philanthropic) for the proposed Project for five years.

- c. To the extent possible, the Eligible Applicant shall demonstrate the range of on-site and off-site supportive services to participants, e.g., mental health services; substance use disorder services; and primary health, employment, and other tenancy support services.

Section 308. 24-Month Operating Subsidy

- i. The total amount for each project requesting the 24-month operating subsidy shall not exceed \$1,000 per month per unit to address project operating deficits attributable to the Assisted Units.
- ii. The 24-month operating subsidy must be expended by June 30, 2022.

Section 309. Article XXXIV

Per Health and Safety Code section 37001, subdivision (h), Article XXXIV, section 1 of the California Constitution ("Article XXXIV") is not applicable to development involving the acquisition, rehabilitation, reconstruction, alterations work, or any combination thereof, of lodging facilities or dwelling units using moneys received from the CRF established by the federal CARES Act (Public Law 116-136).

Section 310. Housing First

Upon occupancy, the Eligible Applicant shall certify to employ the core components of Housing First (set forth in the Welfare and Institutions Code Section 8255) in the property management and tenant selection practices.

Section 311. Accessibility and Non-Discrimination

All developments shall adhere to the accessibility requirements set forth in California Building Code Chapter 11A and 11B and the Americans with Disabilities Act, Title II. In addition, developments shall adhere to either the Uniform Federal Accessibility Standards (UFAS) standards, 24 C.F.R. Part 8, or HUD's modified version of the 2010 ADA Standards for Accessible Design (Alternative 2010 ADAS), HUD-2014-0042-0001, 79 F.R. 29671 (5/27/14) (commonly referred to as "the Alternative Standards" or "HUD Deeming Memo"). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the project and be available in a sufficient range of sizes and amenities consistent with 24 CFR Section 8.26.

All Sponsors shall adopt a written non-discrimination policy requiring that no person shall, on the grounds of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, age, medical condition, genetic information, citizenship, primary language, immigration status (except where explicitly prohibited by federal law), arbitrary characteristics, and all other classes of individuals protected from discrimination under federal or state fair housing laws, individuals perceived to be a member of any of the preceding classes, or any individual or person associated with any of the preceding classes be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with program funds made available pursuant to this NOFA.

All recipients shall comply with the requirements contained in the Americans with Disabilities Act, the Fair Housing Amendments Act, the California Fair Employment and Housing Act, the Unruh Act, Government Code Section 11135, Section 504 of the Rehabilitation Act, and regulations promulgated pursuant to those statutes, including 24 C.F.R. Part 100, 24 C.F.R. Part 8, and 28 C.F.R. Part 35, in all of the Sponsor's activities.

Section 312 State Prevailing Wage

Applicant's contemplated use of Homekey funds may be subject to California's prevailing wage law (Lab. Code, § 1720 et seq.). Applicants are urged to seek professional legal advice about the law's requirements. Prior to disbursing the Homekey funds, the Department will require a certification of compliance with California's prevailing wage law. The certification must verify that prevailing wages have been or will be paid (if such payment is required by law), and that labor records will be maintained and made available to any enforcement agency upon request. The certification must be signed by the general contractor(s) and the Sponsor.

Article IV Program Operations

Section 401. Program Oversight

As requested by the Department, Grantees will be required to provide progress reports of the development plan and any updates to the timeline of the completion of the project. The development plan should include the project's completion milestones and any updates or substantial changes.

Section 402. Reporting

Grantees shall submit the following data:

- i. The amount of funds expended for the project.
- ii. The location of any properties for which the funds are used.
- iii. The number of useable housing units produced, or planned to be produced, using the funds.
- iv. The number of individuals housed, or likely to be housed, using the funds.
- v. The number of units, and the location of those units, for which operating subsidies have been, or are planned to be, capitalized using the funds.
- vi. Any lessons learned from the use of the funds.
- vii. The proposed development vision that identifies the financial and regulatory mechanisms to be used to maintain the long-term affordability of the project.
- viii. The progress and status in securing any required entitlements, permits, environmental clearances.
- ix. The proposed timeline for the completion of the project.

If a project received an award for a 24-month operating subsidy, Grantees shall submit the use of the expenditures bi-annually 30 days after the reporting periods of January 1 to June 30 and July 1 to December 31. The first report will be due to the Department on January 31, 2021, and the final bi-annual report is due on July 31, 2022.

The Grantee that receives funds under the Homekey Program is responsible for ensuring that the expenditure of those funds is consistent with the requirements of the Program and for eligible activities described in Section 302. The Department shall monitor the expenditures to ensure that those expenditures comply with this NOFA.

The Department may request the repayment of funds or pursue any other remedies available to it by law for failure to comply with program requirements. After the contract has expired, any funds not expended for eligible uses shall revert and must be remitted to the Department. The deadline for expenditures under the contract is June 31, 2022.

The requested data shall be submitted in electronic format on a form provided by the Department.

Section 403. Disbursement of Grant Funds

The Department will disburse funds to cover Homekey-critical expenditures that were incurred during the period of March 1, 2020 through December 30, 2020. Homekey program funds shall be disbursed to the Sponsor after the Department has received a request for funds from the Sponsor and a Standard Agreement between the Sponsor and the Department is fully executed. The Standard Agreement will set forth the general conditions of disbursement, any conditions precedent to disbursements (e.g., documentation requirements for pre-Standard Agreement expenditures), and the Department's remedies upon an event of default. The Standard Agreement will also identify the payee. Where Co-Sponsors wish to receive the grant award outside of escrow, they must identify, and memorialize in the Standard Agreement, which Sponsor will serve as the designated payee for all award amounts.

Section 404. Legal documents

Upon the award of Homekey funds to a Project, the Department shall enter into one or more agreements with the Sponsor(s), including a Standard Agreement, which shall commit funds from the Homekey program, subject to specified conditions. The agreement or agreements shall include, but not be limited to, the following provisions:

- i. A description of the approved project and the permitted uses of funds;
- ii. The amount and terms of the program grant;
- iii. The use, occupancy, and rent restrictions, if any, to be imposed on the project through a use restriction (e.g., covenant, regulatory agreement) recorded against the property of the project;
- iv. Performance milestones, and other progress metrics, governing the completion of the project, along with the remedies available to the Department in the event of a failure to meet such milestones or metrics;

- v. Provisions governing the manner, timing, and conditions of the disbursement of the program grant;
- vi. Special conditions imposed as part of the Department's approval of the project;
- vii. Terms and conditions required by federal and state law;
- viii. Requirements for reporting to the Department;
- ix. Remedies available to the Department in the event of a violation, breach, or default of the agreement; and
- x. Provisions regarding Sponsor liability. Specifically, the Sponsor will remain liable to the Department for the performance of all program requirements regardless of any Department-approved transfer or assignment of interest. Likewise, each co-Sponsor will remain jointly and severally liable to the Department for the performance of all program requirements regardless of any Department-approved transfer or assignment of interest, and notwithstanding the co-Sponsors' identification of a designated payee.

The agreement will also include such other provisions as are necessary to ensure adherence to the objectives and requirements of the program.

Section 405. Sales, Transfers, and Encumbrances

An Applicant(s) shall not sell, assign, transfer, or convey the awarded project, or any interest therein or portion thereof, without the express prior written approval of the Department.

Section 406. Defaults and Grant Cancellations

Funding commitments may be canceled by the Department under any of the following conditions:

- i. The objectives and requirements of the Homekey program cannot be met and the implementation of the project cannot proceed in a timely fashion in accordance with the timeframes established in the regulatory agreement/contract.
- ii. In the event of a breach or violation by the Grantee, the Department may give written notice to the Development Sponsor to cure the breach or violation. If the breach or violation is not cured to the satisfaction of the Department within a reasonable time period, the Department, at its option, may declare a default under

the relevant document and may seek legal remedies for the default including the following:

- a. The Department may seek, in a court of competent jurisdiction, an order for specific performance of the defaulted obligation or the appointment of a receiver to complete the project in accordance with Homekey program requirements; and
- b. The Department may seek such other remedies as may be available under the relevant agreement or any law.

Article V. Definitions

Below are the definitions for purposes of the Homekey program:

- i. "Applicant" or "Eligible Applicant" means a city, county, or other "local public entity," as that term is defined at the Health and Safety Code section 50079, applying to be a Development Sponsor either on its own or with another entity (such as a for-profit or nonprofit corporation, or another local public entity).
- ii. "Area Median Income" or "AMI" means the most recent applicable county median family income published by the California Tax Credit Allocation Committee (TCAC) or the Department.
- iii. "Assisted Unit" means a residential housing unit that is subject to rent, occupancy or other restrictions associated with a Homekey site.
- iv. "At Risk of Homelessness" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations.
- v. "City" means a city or city and county that is legally incorporated to provide local government services to its population. A city can be organized either under the general laws of this state or under a charter adopted by the local voters.
- vi. "Chronic Homelessness" means a person who is chronically homeless, as defined in 578.3 of Title 24 of the Code of Federal Regulations.
- vii. "Continuum of Care" means the same as defined by the United States Department of Housing and Urban Development at Section 578.3 of Title 24 of the Code of Federal Regulations.
- viii. "Department" means the Department of Housing and Community Development.
- ix. "Development Sponsor" or "Sponsor", as defined in Section 50675.2 of the Health and Safety Code and subdivision (c) of Section 50669 of the Health and Safety Code, means any individual, joint venture, partnership, limited partnership, trust, corporation, cooperative, local public entity, duly constituted governing body of an Indian reservation or rancheria, or other legal entity, or any combination thereof, certified by the Department as qualified to own, manage, and rehabilitate a rental housing development. A Development Sponsor may be organized for profit, limited profit or be nonprofit, and includes a limited partnership in which the Development Sponsor or an affiliate of the Development Sponsor is a general partner.
- x. "Environment Assessment – Phase 1" is a report that demonstrates whether the property is free from severe adverse environmental conditions.
- xi. "Grantee" means an Eligible Applicant that has been awarded funds under the program.
- xii. "Homeless" has the same meaning as defined in Section 578.3 of Title 24 of the Code of Federal Regulations.

- xiii. "Housing First" has the same meaning as in Welfare and Institutions Code Section 8255, including all of the core components listed therein.
- xiv. "HUD" means the U.S. Department of Housing and Urban Development.
- xv. "Interim Housing" Transitional Housing" or "Congregate Shelter" means any facility whose primary purpose is to provide a temporary shelter for the Homeless in general or for specific populations of the Homeless, and which does not require occupants to sign leases or occupancy agreements.
- xvi. "Local Public Entity" means any county, city, city and county, the duly constituted governing body of an Indian reservation or rancheria, tribally designated housing entity as defined in Section 4103 of Title 25 of the United States Code and Section 50104.6.5, redevelopment agency organized pursuant to Part 1 (commencing with Section 33000) of Division 24, or housing authority organized pursuant to Part 2 (commencing with Section 34200) of Division 24, and also includes any state agency, public district, or other political subdivision of the state, and any instrumentality thereof, that is authorized to engage in or assist in the development or operation of housing for persons and families of low or moderate income. "Local public entity" also includes two or more local public entities acting jointly.
- xvii. "NOFA" means a Notice of Funding Availability.
- xviii. "Permanent Supportive Housing" has the same meaning as "supportive housing," as defined in Section 50675.14 of the Health and Safety Code, except that "Permanent Supportive Housing" shall include associated facilities if used to provide services to housing residents.
- xix. "Permanent Housing" means a housing unit where the landlord does not limit length of stay in the housing unit, the landlord does not restrict the movements of the tenant, and the tenant has a lease and is subject to the rights and responsibilities of tenancy.
- xx. "Project" means a multifamily structure or set of structures providing housing with common financing, ownership, and management.
- xxi. "Program Award" means the portion of program funds available for a Grantee to expend toward eligible program uses.
- xxii. "Point-in-Time Count" means a count of sheltered and unsheltered Homeless persons on a single night conducted by Continuums of Care as prescribed by HUD.
- xxiii. "Rural Area" means an area defined in Health and Safety Code section 50199.21.
- xxiv. "Target Population" means members of the target population identified in Health and Safety Code section 50675.1.1(a) are individuals and families who are experiencing homelessness or who are at risk of homelessness defined in Section 578.3 of Title 24 of the Code of Federal Regulation and who are impacted by the COVID-19 pandemic.
- xxv. "Unit" means a residential unit that is used as a primary residence by its occupants, including individual units within the Project.

Article VI Insurance Requirements

Section 600. Insurance Requirements

i. Commercial general liability

Local public entities shall maintain general liability on an occurrence form with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury and property damage liability. The policy shall include coverage for liabilities arising out of premises, operations, independent contractors, products, completed operations, personal and advertising injury, and liability assumed under an insured agreement. This insurance shall apply separately to each insured against which claim is made, or suit is brought subject to the local public entity's limit of liability.

The policy must name the State of California and the Department of Housing and Community Development, as well as the respective appointees, officers, agents, and employees of each, as additional insureds, but only with respect to work performed under the contract.

If available in the open market at a reasonable cost, the policy shall also include an endorsement for physical abuse and child/sexual molestation coverage. Coverage shall include actual or threatened physical abuse, mental injury, sexual molestation, negligent hiring, employment, supervision, investigation, reporting to proper authorities, and retention of any person for whom the local public entity is responsible. This insurance shall apply separately to each insured against which claim is made, or suit is brought subject to the local public entity's limit of liability. Coverage shall include the cost of defense and the cost of defense shall be provided outside the coverage limit.

If available in the open market at a reasonable cost, the policy shall also include an endorsement for assault and battery.

ii. Automobile liability

Local public entity shall maintain motor vehicle liability with limits not less than \$1,000,000 combined single limit per accident. Such insurance shall cover liability arising out of a motor vehicle including owned, hired, and non-owned motor vehicles. **The policy must name the State of California and the Department of Housing and Community Development, as well as the respective appointees, officers, agents, and employees of each, as additional insureds, but only with respect to work performed under the contract.**

If local public entity will not have any commercially owned vehicles used during the life of the Standard Agreement, by signing the Standard Agreement, the local public entity certifies that the local public entity and any employees, subcontractors or servants possess valid automobile coverage in accordance with California Vehicle Code sections 16450 to 16457, inclusive. The Department reserves the right to request proof at any time.

iii. Workers' Compensation and Employer's Liability

Local public entity shall maintain statutory worker's compensation and employer's liability coverage for all its employees who will be engaged in the performance of the contract. In addition, employer's liability limits of \$1,000,000 are required. By signing the Standard Agreement, local public entity acknowledges compliance with these regulations. **A Waiver of Subrogation or Right to Recover endorsement in favor of the State of California and the Department of Housing and Community Development must be attached to the certificate.**

iv. Builder's risk/installation floater

If there is installation or construction of property/materials on or within the facility at any time during the life of the Standard Agreement, the local public entity shall maintain in force, at its own expense, Builders Risk/Installation Floater covering the local government entity's labor, materials, and equipment to be used for completion of the Work performed under this contract against all risks of direct physical loss, excluding earthquake and flood, for an amount not less than the full amount of the property and/or materials being installed and/or constructed on or within the facility. The Eligible Applicant agrees as a provision of the contract to waive all rights of recovery against the state.

v. Property insurance

The local public entity shall maintain fire, lightning and extended coverage insurance on the facility which shall be in a form of a commercial property policy, in an amount equal to one hundred percent (100%) of the then current replacement cost of the facility, excluding the replacement cost of the unimproved real property constituting the site. The extended coverage endorsement shall, as nearly as practicable, include but not be limited to loss or damage by an explosion, windstorm, riot, aircraft, vehicle damage, smoke, vandalism, and malicious mischief and such other hazards as are normally covered by such endorsement.

vi. Self-insured

If the local public entity is self-insured in whole or in part as to any of the above-described types and levels of coverage, the local government entity shall provide the Department with a written acknowledgment of this fact at the time of the execution of this Permit. If, at any time after the execution of the Standard Agreement, local public entity abandons its self-insured status, the local public entity shall immediately notify the Department of this fact and shall comply with all of the terms and conditions of this Section pertaining to insurance requirements.