A G E N D A

CITY OF SEASIDE	CONCURRENT MEETING
CITY COUNCIL/SUCCESSOR	HYBRID (IN PERSON & VIRTUAL)
AGENCY OF THE	Thursday, November 4, 2021
REDEVELOPMENT AGENCY	5:00 PM

MASKS ARE REQUIRED FOR IN PERSON PARTICIPATION.

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. This meeting will be held in a hybrid format providing a physical location at 440 Harcourt Avenue, Council Chamber, Seaside, CA 93955.

DETAILS FOR PUBLIC PARTICIPATION IN THIS COUNCIL MEETING:

IN PERSON PARTICIPATION: **Protective face coverings required** at all times, including when speaking.

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 4:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration and compiled as part of the record.

- During the Meeting via Oral Comments: When the Mayor 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 Clerk will call speaker names and unmute speaker microphones (on the phone, press *6). You will have up to 3 minutes to provide your comments, with time set by the discretion of the Mayor. ***Please note, written comments will not be read but will be included in the final record.***

VIRTUAL MEETING ACCESS
This meeting can be watched via the City of Seaside You Tube channel
https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg
Or by joining the Zoom webinar link https://us02web.zoom.us/j/81936832059
Or call in phone number: 669-900-9128
Webinar ID: 819 3683 2059

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor/Chair
David R. Pacheco	Mayor Pro Tem/Vice Chair
Jason Campbell	Council/Agency Member
Jon Wizard	Council/Agency Member
Alexis Garcia-Arrazola	Council/Agency Member

3. INVOCATION AND 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 three (3) 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.

A. REVIEW OF UPCOMING CITYWIDE EVENTS (ERNESTO ALTAMIRANO, COMMUNICATIONS AND COMMUNITY ENGAGEMENT SPECIALIST)

7. PRESENTATIONS

A. VACCINATION UPDATE (FIRE CHIEF MARY GUTIERREZ)

B. PRESENTATION ON THE CITY'S ACCESSORY DWELLING UNIT PROGRAM (BEN NURSE, HOUSING PROGRAM MANAGER)

8. CONSENT AGENDA

A. APPROVE MINUTES FROM OCTOBER 21, 2021

RECOMMENDATION: Approve minutes as presented in agenda packet.

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of September 25, 2021, through October 8, 2021, including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending October 7, 2021. Total Accounts Payable and Payroll for the above referenced period is $1,290,940.88.

C. **APPROVE AND FILE SUCCESSOR AGENCY CHECKS**

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of September 25, 2021, through October 8, 2021, including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending October 7, 2021. Total Accounts Payable and Payroll for the above referenced period is $318.87.

D. **ACCEPT APPOINTMENTS TO COMMUNITY SAFETY ADVISORY COMMISSION**

RECOMMENDATION: Accept appointments to Community Safety Advisory Commission as recommended by the Mayor.

E. **APPROVE THE RESOLUTION TO ACCEPT A BID TO PURCHASE A PARKING COMPLIANCE ELECTRIC THREE-WHEELED UTILITY VEHICLE FOR PROACTIVE CITYWIDE PARKING ENFORCEMENT FOR AN AMOUNT NOT TO EXCEED $80,525.67 WHICH INCLUDES A $35,500.00 LICENSE PLATE RECOGNITION SYSTEM**

RECOMMENDATION: Approve the resolution to accept a bid not to exceed $80,525.67 to purchase a parking compliance three-wheeled utility vehicle with license plate recognition for proactive parking enforcement; and authorize the Finance Director to make a budget transfer from fund balance to fund the purchase.

F. **APPROVE PROCLAMATION HONORING MEL AND REGINA MASON FOR THEIR OUTSTANDING WORK IN THE COMMUNITY AND RECEIVING THE "DISTINGUISHED TRUSTEE AWARD" FROM THE COMMUNITY FOUNDATION FOR MONTEREY COUNTY**

RECOMMENDATION: Approve a proclamation honoring Mel and Regina Mason for their work in the community and receiving the "Distinguished Trustee Award" from the Community Foundation for Monterey County.

G. **ADOPT A RESOLUTION MAKING FINDINGS IN ACCORDANCE WITH AB361 AND GOVERNMENT CODE SECTION 54953(E) AUTHORIZING REMOTE TELECONFERENCE MEETINGS**

RECOMMENDATION: Adopt a resolution making findings under AB361 and

Government Code section 54953(e) authorizing continued teleconference (Zoom) hybrid meetings.

H. REVIEW AND ADOPT A RESOLUTION APPROVING THE 2021-2022 INVESTMENT POLICY FOR THE CITY OF SEASIDE AND THE CITY OF SEASIDE SUCCESSOR AGENCY

RECOMMENDATION: Review and adopt a resolution approving the City of Seaside and the Successor Agency 2021-2022 Investment Policy.

9. BUSINESS ITEMS

A. CONSIDER REVISIONS TO SEASIDE HOUSING COLLABORATIVE FORMATION DOCUMENTS

RECOMMENDATION: Approve revisions to the formation documents for the Seaside Housing Collaborative Articles of Incorporation and Bylaws to require City Council approval for changes to the Bylaws and Articles of Incorporation; allowing some Collaborative Board members to live outside the City; and clarifying that the initial Board member appointment is by the City Council.

B. CONSIDER RESOLUTION ESTABLISHING FINDINGS OF DENIAL FOR NEW RESIDENTIAL CREATION AND PRECLUDING URBAN LOT SPLITS PURSUANT TO SB9 AND CREATING A MORATORIUM ON NEW WATER CONNECTIONS AND SERVICE WITHIN THE SEASIDE MUNICIPAL WATER SYSTEM

RECOMMENDATION: Adopt a resolution establishing findings of denial for the creation of new residences and urban lot splits pursuant to the provisions of SB9 and create a moratorium on new water connections within the Seaside Municipal Water System and direct staff to recommend design guidelines for creation of new residences and urban lot splits pursuant to SB9 when the system moratoriums are lifted.

10. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

B. REPORTS ON REQUESTS FROM PRIOR MEETINGS

1. Administrative Support for City Clerk's Office (Garcia-Arrazola)
2. Follow up on requests for electrification, commercial linkage fees and nexus study (Wizard)

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

This is a time specifically set aside for members of the City Manager, City Attorney, and members of the City Council, to make brief comments of general interest to the community and report on committee assignments.

12. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: 962 Hilby Ave (APNs: 012-371-005)
City Negotiators: City Manager and City Attorney
Under Negotiation: price, terms of payment or both

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: 1567 Contra Costa (APNs: 011-302-003)
City Negotiators: City Manager and City Attorney
Under Negotiation: price, terms of payment or both

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: Broadway and Fremont APNs: 011-544-003;004
City Negotiators: City Manager and City Attorney
Under Negotiation: price, terms of payment or both

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: Hillsdale and Olympia APNs: 011-556-001;003:005
City Negotiators: City Manager and City Attorney
Under Negotiation: price, terms of payment or both

E. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

People of the State of California v. Estate of Arzadon, et al.
Monterey County Superior Court Case No. 20CV003118

F. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

Petrovich Development Company, LLC v. City of Seaside, et al.
United States District Court, Northern District, San Jose Division Case No. 21-CV-07797-NC

G. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9 EXISTING LITIGATION:

Committee for Sound Water and Land Development of Fort Ord v. City of Seaside, et al.
6th District Court of Appeal Case No. H049081

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
November 18, 2021
5:00 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/SUCCESSOR
AGENCY OF THE
REDEVELOPMENT AGENCY

CONCURRENT MEETING
VIRTUAL ONLY
Thursday, October 21, 2021
5:00 PM

1. CALL TO ORDER

Mayor/Chair Oglesby called the meeting to order at 5:00 p.m.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Garcia-Arrazola, Oglesby, Pacheco, Wizard
ABSENT: None

3. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held for invocation. The pledge was led by Mayor Pro Tem/Vice Chair Pacheco.

4. REVIEW OF AGENDA

No changes. The Mayor/Chair asked the meeting close in memory and honor of former Secretary of State Colin Powell.

5. PUBLIC COMMENT

Danny Huynh, Peter Kaiser

6. PUBLIC AGENCY COMMUNICATIONS

A. REVIEW OF UPCOMING CITYWIDE EVENTS (ERNESTO ALTAMIRANO, COMMUNICATIONS AND COMMUNITY ENGAGEMENT SPECIALIST)

Mr. Altamirano provided a review of upcoming Citywide events and announced that participants on Zoom can listen to Spanish translation.

7. PRESENTATIONS

A. VACCINATION UPDATE (FIRE CHIEF MARY GUTIERREZ)

Chief Gutierrez provided a presentation and responded to questions from the Council.

B. <u>FIRST QUARTER FINANCIAL REPORT (VICTOR DAMIANI, FINANCE DIRECTOR)</u>

Mr. Damiani provided a presentation and responded to questions from the Council.

C. <u>ENVIRONMENTAL COMMISSION AND FRIENDS OF SEASIDE PARKS ASSOCIATION JOINT PROJECTS UPDATE (LAURA MURPHY, ENVIRONMENTAL COMMISSIONER)</u>

Laura Murphy (Environmental Commission), Patty Kennedy (FOSPA), Emily Howard (FOSPA), Cathy Rivera (Sustainable Seaside) provided a presentation.

8. <u>CONSENT AGENDA</u>

Mayor/Chair Oglesby read the Consent Agenda items and asked if there were any items to be pulled by the Council or public. There were no items pulled.

On motion by Mayor Pro Tem/Vice Chair Pacheco and second by Council/Agency Member Garcia-Arrazola and carried by the following roll call vote, the City Council/Successor Agency moved to approve the Consent Agenda as presented.

RESULT: 5-0-0-0
AYES: Campbell, Garcia-Arrazola, Oglesby, Pacheco, Wizard
NOES: None
ABSTAIN: None
ABSENT: None

A. <u>APPROVE MINUTES FROM SEPTEMBER 29 & OCTOBER 7, 2021</u>

ACTION: APPROVED

B. <u>APPROVE AND FILE CITY CHECKS</u>

ACTION: APPROVED & FILED

C. <u>APPROVE AND FILE SUCCESSOR AGENCY CHECKS</u>

ACTION: APPROVED & FILED

D. <u>ACCEPT APPOINTMENTS TO COMMISSIONS</u>

ACTION: APPROVED

E. <u>ADOPT A RESOLUTION GRANTING AN EASEMENT TO PACIFIC GAS & ELECTRIC COMPANY AT 630 MONTEREY ROAD (PARCELS WITH APNs 031-051-023 AND 031-051-020)</u>

ACTION: ADOPTED RESO #21-103

F. **ADOPT A RESOLUTION AUTHORIZING THE CLOSURE OF HARCOURT AVENUE TO THROUGH TRAFFIC AT CANYON DEL REY, ALLSTON, AND HILLSDALE FOR THE CITY OF SEASIDE'S TREE LIGHTING CEREMONY ON DECEMBER 10, 2021**

ACTION: ADOPTED RESO #21-104

G. **ADOPT A RESOLUTION TO AUTHORIZE A CONTRACT WITH ENVIRONMENTAL INNOVATIONS FOR THE COORDINATED IMPLEMENTATION OF THE PRIORITY IMPACT PLASTIC POLLUTION PREVENTION POLICY OF THE SEASIDE MUNICIPAL CODE FOR AN AMOUNT NOT TO EXCEED $30,000.00**

ACTION: ADOPTED RESO #21-105

H. **APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL CHEERLEADING TEAM**

ACTION: APPROVED

I. **APPROVE ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT (ESCA) QUARTERLY REPORT**

ACTION: APPROVED

J. **APPROVE PROCLAMATION DECLARING FREEDOM FROM WORKPLACE BULLIES WEEK FROM OCTOBER 17 - 23, 2021**

ACTION: APPROVED

K. **APPROVE PROCLAMATION RECOGNIZING AMERICAN INDIAN HERITAGE MONTH FOR NOVEMBER 2021.**

ACTION: APPROVED

L. **APPROVE A FEE WAIVER REQUEST FROM PALENKE ARTS ORGANIZATION TO USE LAGUNA GRANDE HALL AND KITCHEN TO HOLD THEIR EVENT ON NOVEMBER 1, 2021**

ACTION: APPROVED

9. PUBLIC HEARING

A. **PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE SEASIDE CITIZEN PARTICIPATION PLAN (CPP) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

Haroon Noori, Administrative Analyst II provided a presentation and responded to questions from the Council.

PUBLIC COMMENT: Karla Lobo

On motion by Mayor Pro Tem/Vice Chair Pacheco and second by Council/Agency Member Garcia-Arrazola and carried by the following roll call vote, the City Council/Successor Agency moved to approve the amendments to the Citizen Participation Plan for the Community Development Block Grant Program; and directed staff to make the draft amended CPP available for public comment for a period of 30 days and to return the draft CPP for Council consideration and adoption at the first City Council meeting in December.

RESULT: 5-0-0-0
AYES: Campbell, Garcia-Arrazola, Oglesby, Pacheco, Wizard
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: APPROVED

10. COUNCIL MEMBER REQUESTS

A. REPORTS ON REQUESTS FROM PRIOR MEETING

Ashley Collick, Assistant City Manager provided an update on the following items:
1. Status report on General Plan Update (Wizard)
2. Presentation on form-based codes (Wizard)
3. Report on Statewide Integrated Traffic Records System (SWITRS) data (Wizard)
4. Discussion regarding budget appropriation for the Climate Action Plan (Wizard)
5. Follow up on requests for electrification, commercial linkage fees and nexus study (Wizard)

B. NEW COUNCIL MEMBER REQUESTS

1. Administrative Support for City Clerk's office (Garcia-Arrazola)
2. Dinner for City Council on City Council meeting nights (Oglesby)

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

Reports provided.

12. CLOSED SESSION

Sheri Damon, City Attorney read the closed session items and did not anticipate any report.

PUBLIC COMMENT: None

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE:
City Manager Recruitment

No report.

B. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

No report.

C. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

No report.

13. ADJOURNMENT

With no further business, the meeting adjourned in honor and memory of the former Secretary of State Colin Powell at 8:26 p.m.

Respectfully submitted,

Dominique L. Davis, City/Agency Clerk	**Ian N. Oglesby, Mayor/Chair**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.B.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Loreene Bermudez-Onate, Accountant II

DATE: November 4, 2021

SUBJECT: **APPROVE AND FILE CITY CHECKS**

RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of September 25, 2021, through October 8, 2021, including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending October 7, 2021. Total Accounts Payable and Payroll for the above referenced period is $1,290,940.88.

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:

- $31,563.76 to California-American Water for water consumption for multiple City of Seaside service addresses. Billing period of 8/27/2021 - 9/28/2021. Service addresses include City buildings, parks, fire hydrants, irrigation stations, and City affordable housing.
- $19,746.54 to Monterey Co. Convention & Visitor's Bureau for TID (Tourism

Improvement District) remittance for the reporting period of August 2021 from the 13 City of Seaside motels/hotels.
- $11,112.51 to Wallace Group for SCSD professional services for July 2021 for the Campus Town & City of Seaside Ascent Services Projects
- $17,165.00 to Monterey Peninsula Water Mgmt District for Jan-Mar 2021 & Apr-Jun 2021 services for tasks contained within the Watermaster's monitoring and management plan, and water level and water quality data collection.
- $45,775.47 to Pacific Gas & Electric for Collective accts for street lights, highway lighting, park lights and city office buildings. Service period: 7/14/2021 - 8/24/2021.
- $10,246.09 to Harris & Associates, Inc. for CIP Management Services & Lift Station Upgrades Services for the period of 8/1/2021 - 8/28/2021; Lift Station Upgrades Services for the period of 5/30/2021 - 7/3/2021.
- $30,055.41 to Laurel Conte for Repair work on the emergency generator including: service call, annual service at City Hall & progress payment for Oldemeyer Center generator installation.
- $18,001.77 to Monterey Bay Military Housing LLC for United Way rental assistance for Rosario Echeverria, Gilberto Romero, Nazarie Whipple Emmett & Martha Garcia Cruz for fiscal year 2021 & fiscal year 2022 portions.
- $29,707.70 to Monterey Bay Military Housing LLC for United Way rental assistance for Yvonne Quilenderino, Derek Brown & Melissa & Rufino Vinluan for fiscal year 2021 & fiscal year 2022 portions.
- $14,173.77 to Belnick Retail LLC % Belnick, Inc., Sole Mbr for New Banquet Chairs (350) at Oldemeyer Center.

The remaining checks, totaling $446,310.52, include payments to vendors for operating expenditures.
The check report is available on the City's website here:
https://www.ci.seaside.ca.us/194/Check-Draft-Register

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.C.

TO: Successor Agency to the Redevelopment Agency of the City of Seaside

FROM: Roberta Greathouse, Acting City Manager

BY: Loreene Bermudez-Onate, Accountant II

DATE: November 4, 2021

SUBJECT: **APPROVE AND FILE SUCCESSOR AGENCY CHECKS**

RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of September 25, 2021, through October 8, 2021, including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending October 7, 2021. Total Accounts Payable and Payroll for the above referenced period is $318.87.

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:

- No checks exceeded $10,000.

The Checks report is available on the City's website here:
https://www.ci.seaside.ca.us/194/Check-Draft-Register

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.D.

TO:	City Council
FROM:	Roberta Greathouse, Acting City Manager
BY:	Dominique Davis, City Clerk
DATE:	November 4, 2021
SUBJECT:	**ACCEPT APPOINTMENTS TO COMMUNITY SAFETY ADVISORY COMMISSION**

RECOMMENDATION

Accept appointments to Community Safety Advisory Commission as recommended by the Mayor.

BACKGROUND

The Mayor appoints members to the City's Boards, Commissions and Committees, which serve as advisory boards to the City Council. The purpose of the advisory boards is to supplement the City Council's skills and abilities to help guide the organization toward its mission. They also serve as an important link between the City Council and the Community by providing direct involvement in policy-making and communication of vital information.

The Mayor makes appointments to these advisory boards, while the City Manager designates Department Heads or other staff members to serve as staff liaisons that regularly attend meetings and provide technical support.

The Mayor has made the following appointments:

APPLICANT	ADVISORY BODY
Ann Marie Pagan	Community Safety Advisory Commission
Yvonne Thomas	Community Safety Advisory Commission

FISCAL IMPACT

None.

ATTACHMENTS

1. Appointee Application - Ann Marie Pagan
2. Appointee Application - Yvonne Thomas

Reviewed for Submission to the City Council by:

Roberta Greathouse, Acting City Manager

City of Seaside
City Clerk's Office

Application for Appointment to a City Board/Commission/Committee

City Clerk's Office
OCT 11 2021
Received
City Clerk's Date Stamp

FORM IS FILLABLE ONLINE - IF FILLING BY HAND, PLEASE PRINT CLEARLY

To serve on: Community Safety Advisory Commission
Please list the Board/Commission/Committee that you would like to be considered for

Name: ANN MARIE PAGAN

Address: 1071 CARSON ST, SEASIDE CA 93955

Email: Am1030606@aol.com Telephone: 831-521-3661

Background/Education/Experience/Special Skills (attach additional pages if needed):

Briefly describe your desire to be appointed to the above Board, Commission or Committee:

I feel that as a concerned citizen and my time in Seaside I would be an asset to the commission

Other private and non-profit affiliations:

If appointed, you will be subject to the following compliance requirements:

- File a Statement of Economic Interests (Form 700) to comply with the Fair Political Practices Commission.
- Undergo Ethics Training to comply with Assembly Bill 1234.
- Attend meetings when scheduled. NOTE: Most Boards and Commissions meet **after 5:00 p.m.**
- Review and Understand the Boards, Commissions and Committee's Handbook found online here: http://bit.ly/BCCManual
- Accept the position in the event you are appointed:

Signature

10/11/2021
Date

City of Seaside

City Clerk's Office

Application for Appointment to a City Board/Commission/Committee

City Clerk's Office
AUG 25 2021
Received
City Clerk's Date Stamp

FORM IS FILLABLE ONLINE - IF FILLING BY HAND, PLEASE PRINT CLEARLY

To serve on: Community Safety Advisory Committee
Please list the Board/Commission/Committee that you would like to be considered for

Name: Yvonne Thomas

Address: 1520 Mescal Street Seaside, CA 93955

Email: yvonnethomas13@gmail.com Telephone: 831-204-8342

Background/Education/Experience/Special Skills (attach additional pages if needed):

See attached bio/resume.

Briefly describe your desire to be appointed to the above Board, Commission or Committee:

I was born in Fort Ord, raised in Seaside, and I'm a graduate of Seaside High. It would be an honor to serve on a committee that is focused on ensuring the safety of all residents. This is a very important matter, and I would be honored to work with the city to achieve this goal.

Other private and non-profit affiliations:

Monterey County NAACP President, Co-Chair of District Attorney's Multi-Cultural Council

If appointed, you will be subject to the following compliance requirements:

- File a Statement of Economic Interests (Form 700) to comply with the Fair Political Practices Commission.
- Undergo Ethics Training to comply with Assembly Bill 1234.
- Attend meetings when scheduled. NOTE: Most Boards and Commissions meet **after 5:00 p.m.**
- Review and Understand the Boards, Commissions and Committee's Handbook found online here: http://bit.ly/BCCManual
- Accept the position in the event you are appointed:

Yvonne Thomas
Signature

August 25, 2021
Date

YVONNE THOMAS

Yvonne Thomas is a veteran journalist, media professional, and the founder and CEO of both Precision Creative Services and YGolf Magazine. She is also the President of the Monterey County NAACP.

Yvonne was the first African American student at the University of Southern California to graduate with a degree in Sports Information-Broadcast Journalism in 1984. After graduating from USC, she began a 30-year career in senior management in the field of television post-production. For 13 years, she was the head of West Coast operations at the National Captioning Institute (NCI), the largest provider of closed captioning services for television and feature films in the nation. In 1999, Yvonne left NCI to start her own business and is currently celebrating her 21st year as the CEO of Precision Creative Services. The company specializes in the creation of closed captioning, subtitling, and continuity/dialogue script services for network and cable television programs and feature films. Yvonne has been featured in Entertainment Power Players Business Directory and profiled on the Emmy award-winning television program **Making It!** which spotlights entrepreneurs in various fields of business. Her experience in television and international film distribution led her to hold positions as the head of DVD subtitling operations at Technicolor and as a management consultant for the European Captioning Institute in London, England. Additionally, Yvonne was in charge of overseeing closed captioning operations for several years at the Academy Awards in Hollywood. Her career highlights also include working at ABC Sports, CBS Sports, the Los Angeles Express of the United States Football League, and as the Editor of the City of Los Angeles Department of Recreation and Parks newsletter.

Yvonne is also the founder and publisher of YGolf Magazine, an online magazine designed for the 21st century woman golfer. The mission statement for the magazine is to unite women of different races and ages that share the same passion for the game of golf. She organizes clinics and tournaments aimed at introducing more women to the sport, and she is the founder of the annual Urban Golf Summit on the Monterey Peninsula and she was featured in the Monterey County Weekly magazine in 2017.

Yvonne has an extensive background in public speaking dating back to 1984 when she was crowned Miss West Los Angeles and then Miss Southern California. She made over 200 personal appearances throughout Southern California giving motivational speeches to the public at numerous events including parades, conferences, elementary and secondary schools, pageants, and the 1985 Grammy awards. In 2018, she was selected to be a featured speaker at the 10th annual USC Women's conference. In 2016, she was the host of the annual Black History Month celebration program for the city of Seaside where she was born and raised. She attended Ord Terrace elementary school, Martin Luther King Junior High, and is a graduate of Seaside High School.

Yvonne has served as Secretary on the Board of Directors for the Porter Valley Country Club Ladies Auxiliary in Porter Ranch, California, and as a board member of the Rinaldi Village Homeowner's association in Granada Hills, California. She is also a current member of the International High IQ Society (IHIQS), is an avid golfer, and a credentialed member of the PGA Tour (Professional Golf Association) media, and the USGA (United States Golf Association), and is Co-Chairman of the Monterey County District Attorney's Multi-Cultural Council.

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Nick Borges, Deputy Police Chief

DATE: November 4, 2021

SUBJECT: APPROVE THE RESOLUTION TO ACCEPT A BID TO PURCHASE A PARKING COMPLIANCE ELECTRIC THREE-WHEELED UTILITY VEHICLE FOR PROACTIVE CITYWIDE PARKING ENFORCEMENT FOR AN AMOUNT NOT TO EXCEED $80,525.67 WHICH INCLUDES A $35,500.00 LICENSE PLATE RECOGNITION SYSTEM

RECOMMENDATION

Approve the resolution to accept a bid not to exceed $80,525.67 to purchase a parking compliance three-wheeled utility vehicle with license plate recognition for proactive parking enforcement; and authorize the Finance Director to make a budget transfer from fund balance to fund the purchase.

BACKGROUND

As we prepare to staff and deploy our Parking Compliance Specialists (PCS), it is important that they be equipped with the proper vehicle to best address our community's needs. Our community has two types of enforcement areas; residential and commercial business areas.

Our commercial business areas are on highly traveled roadways. Having a smaller vehicle that allows for a PCS staff member to get in and out on the opposite side of traffic would minimize risk, increase employee safety, and minimize traffic obstructions. The residential areas tend to have less traffic, the need to exit the vehicle is lower, and would not require the same level of safety precaution.

A Nissan Leaf electric vehicle, for the PCS to patrol residential areas, has already been approved. The Nissan Leaf electric vehicle, similar to what Code Enforcement utilizes, will be a more practical vehicle to travel in our residential areas.

The most modern way of enforcing time limit violations is by use of license plate readers (LPR). Marking tires with chalk, also known as "chalking," has been deemed unconstitutional in previous years. LPR systems use cameras attached to the PCS vehicle to capture license plates for vehicles and will alert PCS members as they patrol pre-designated zones when a vehicle has exceeded the time limit. The alert will display on a tablet from within the PCS utility vehicle as they patrol, providing a computerized time stamp. While this vehicle's predominate use will be in the commercial areas, it will patrol the residential zones to proactively look for abandoned vehicles.

This method is currently used by parking enforcement divisions throughout the peninsula and the State of California. Municipal Maintenance Equipment (MME) was the only company of three that provided a detailed quote. MME is the primary company that serves the parking enforcement divisions locally with similar equipment.

FISCAL IMPACT

GO- 4 Electric Three Wheeled Utility Vehicle Model SD EV 20: **$35,164.00**
License Plate Reader technology & Installation: **$35,500.00**
Taxes, Freight, Delivery Inspection: **$9,861.67**

Total fiscal impact: $80,525.67

A budget transfer from fund balance will be necessary to fund this purchase.

ATTACHMENTS

1. Quote & photo
2. Budget Amendments FY22 as of 11.04.21
3. Resolution

Reviewed for Submission to the City Council by:

RGreathouse

Roberta Greathouse, Acting City Manager

MUNICIPAL MAINTENANCE EQUIPMENT

CSLB #980409
DIR 1000004282
www.source-mme.com
Toll Free 1-888-484-9968

September 27, 2021

City of Seaside Police Department
440 Harcourt Avenue
Seaside, CA 93955

Tel: 831-917-7564
jpascone@ci.seaside.ca.us

Attention: Justin Pascone, Police Commander

We are pleased to provide the following quotation on the GO-4 Electric Three Wheeled Utility Vehicle Models GO-4 SD EV 20, the most efficient vehicle for parking enforcement. Listed below are available options for your consideration. See attached Specifications.

GO-4 EV Model SD EV 15 (15kw) w/ sliding Doors with up to 65-75 mile range	
Price Each F.O.B. Manitoba, Canada	$ 28,750.00
Battery upgrade 20.2kw, up to 100 mile range (Model SD EV 20)	$ 4,750.00
Inside Cab Fan – for extra cooling	$ 175.00
Back Up Alarm	$ 195.00
J 1772 – 2in1 Portable Charging Cord 120V/220V	$ 599.00
Hella LED Amber Roof Light, installed	$ 695.00
Addition of LPR: Autovu 2 Camera City System, Included Hardware, Software, Hosting, Mapping, Toughpad FZG1 Tablet or Equivalent Spec Tablet with LTE Capability, Keyboard, Mounted and Fully Installed	$ 35,500.00
Sub-Total	$ 70,664.00
9.25% Sales Tax	6,536.42
Documentation Fee	70.00
CA Tire Fee	5.25
Estimated Freight	2,500.00
Pre Delivery Inspection	750.00
Sub-Total	$ 80,525.67 (1)
Quantity Requested	x 2
Total	$161,051.34

Quotation includes delivery and on-site training.
Sales tax applicable at time of delivery will be shown on invoice.
Quotation does not include any applicable DMV license or registration fees.
Normal delivery 90-210 days A.R.O.
Terms: 1% 15 / Net 30, 1.5% per month over 30.
Quotation valid for 15 days.

Thank you for your interest in this fine product. Should you have any questions or need additional information, please let us know. We look forward to being of service.

Sincerely,
Municipal Maintenance Equipment, Inc.

Adam Horch

Adam Horch,
Territory Sales Manager

Attachment – Specifications

MUNICIPAL MAINTENANCE EQUIPMENT

GO-4 SD EV 20

MOTOR
96 Volt
3 Phase AC motor

BATTERY
96 Volt, near 20.2 kw Lithium Ion Battery Pack

TRANSMISSION
Single Speed Transaxle
Forward/Reverse Switch on Dash

DIMENSIONS
72" Overall Height with Cab
120" Overall Length
54" Overall Width
18 Foot Outside Turning Diameter
9 Foot Turning Radius
81" Wheelbase

BRAKING
Hydraulic Disc Brakes on all Three Wheels
With Dual Master Cylinder
Parking – Hydraulic over Mechanical
Regenerative Braking

ELECTRICAL SYSTEM
Standard J1772 Charge Inlet
110v or 220v Charging
Onboard near 3.3KW Charger
DOT approved LED headlights
DOT Approved LED Stop / Tail and Turn Lights
DOT Approved High Visibility Stop and Turn Lights
Gauges – LCD Digital Display
Speed, Odometer, Hour Meter, Warning Message, And Battery Level
Wiring – Pre Wired for Radio and Municipal Lighting

SPEED
Electronically Limited to a Maximum of 40 mph

COLOR
White Body Panels and Black Chassis

RANGE
Up to 100 Miles
Range Quoted without Use of any Accessory Draw (heat/AC) and May Vary in Terrain / Climate / per driver behavior/and with Payload

SUSPENSION
Front – Leading Link Suspension
Polyurethane Isolation System
Rear – Independent McPherson Strut

CLIMATE CONTROL
Electric Ceramic Heater Unit
Air Conditioning (Option)

STEERING
Adjustable Tilt Steering Wheel
with Center Mounted Horn

TIRES
165/60 14" Low-Rolling Resistance All Season Radial with Steel Rim(alloy rim option – inquire)

STRUCTURE
3-Wheel Platform with Ultra Tough Heavy Duty 2.5"Rollbar Chassis
White Aluminum and Plastic Body Panels
Storage Box with Lockable Cover
Sliding metal doors with independently sliding windows(option)
Steel Front and Rear bumpers, Optional Exterior Nerf Bars

FEATURES
Two Outside Rear View Mirror
Inside Rear View Mirror (Full length Option)
Rear View Back Up Camera(Option)
Electric Windshield Wiper with Intermitted Control And Windshield Washer
Inside Cab Ceiling Light
Floor Mat
12 V DC Accessory Port
LTA (Lateral thrust alarm)
Inner door lock (Option)

SEAT
One Passenger Adjustable Forwards/Backwards, Recline, Leatherette material
3 Point Shoulder Harness Seat Belts

WEIGHT CAPACITY
Vehicle Weight – 1700 Pounds – Base w/o Options
Rated Total Payload Capacity, 500lbs w/ Operator

WARRANTY
One Year Full Warranty on Manufacture Defects
Technician Travel Time Excluded

OPTIONS
Please Inquire for Full Listing


MME
MUNICIPAL
MAINTENANCE
EQUIPMENT
4634 MAYHEW ROAD
PARTS

City of Seaside
FY 22 Running Budget totals - budget amendments
As of 11/04/2021

Operating Budget		Aprroval Date
Adopted Surplus	107,278.00	6/17/2021
Less:		
MCWD Application	(40,000.00)	8/19/2021
Forklift	(35,027.00)	9/2/2021
Disaster Kleenup	(50,000.00)	10/7/2021
Parking Enforcemnt Vehicle	(80,525.67)	pending
Running total:	(98,274.67)	

Capital Budget		Aprroval Date
Projected Unassigned Fund Balance	12,966,234.00	6/17/2021
Less:		
Highland Otis Park	(62,669.00)	8/19/2021
Ellis Park	(390,818.00)	10/7/2021
Parking Lot	(1,240,000.00)	10/7/2021
Running total:	11,272,747.00	

Note: Changes to the Capital Budget will also impact the 5 year forecast presented at the time of budget adoption.

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

TO APPROVE AND ACCEPT A BID NOT TO EXCEED $80,525.67 TO PURCHASE AN ELECTRIC PARKING COMPLIANCE THREE-WHEELED UTILITY VEHICLE FOR PROACTIVE PARKING ENFORCEMENT; AND AUTHORIZE THE FINANCE DIRECTOR TO APPROVE A BUDGET TRANSFER FROM THE FUND BALANCE IN THE AMOUNT OF $80,525.67 TO FUND THE PURCHASE.

WHEREAS, the City of Seaside approves the purchase of a parking compliance three-wheeled electric vehicle for Parking Compliance Specialist to patrol the commercial areas of the City not to exceed $80,525.67 and authorize the Finance Director to conduct a budget transfer from the police department's fund balance in the purchase amount.

WHEREAS, the City Council provided conceptual approval and funding for the vehicle purchase with the approval of the 2021/2022 Fiscal Year Budget;

WHEREAS, the vehicle will be used by parking compliance specialists in their day-to-day transportation needs and requirements governed by the City of Seaside Vehicle Use Policy;

WHEREAS, the vehicles will fall under the City of Seaside's vehicle insurance coverage;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the purchase of a parking compliance three-wheeled electric vehicle not to exceed $80,525.67

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 4th day of November by the following vote:

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

____
Ian Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

City of Seaside
PROCLAMATION

Mel Mason

In Recognition

WHEREAS, *Mel Mason is being recognized as the Community Foundation for Monterey County's 2021 Distinguished Trustee Award Recipient; and*

WHEREAS, *Mel grew up in Seaside and is known in many local communities as a long time human and civil rights activist that is nationally and internationally recognized and, who has helped lead many movements for social justice; and*

WHEREAS, *Mel Mason is the Co-Founder, Executive Director, and Clinical Director of The Village Project, Inc.; and*

WHEREAS, *Professionally, Mel is also an acknowledged Psychotherapist who places cultural competence at the center of the work of psychotherapists today; and*

WHEREAS, *Mel cites his experiences as a member of The Black Panther Party in the late 1960's and early 1970's as the primary reason he chose a career as a Counselor and Therapist; and*

WHEREAS, *He believes his work in the Black Panther Party's "Community Survival Programs" in Oakland, which included the "Free Breakfast for Children Program," the "Free Medical Clinic" and the "Free Legal Services Program," helped fully prepare him for his future life in the helping professions; and*

***WHEREAS**, He organized the first African American United Farmworkers Support Committee after meeting Cesar Chavez during the 1970 Great Lettuce Strike throughout most of Monterey County*; *and*

***WHEREAS**, He also became a leader of the Socialist Workers Party and, in addition to serving as an elected Seaside City Councilman (1980-1984), he was a candidate for Governor of California in 1982 and for President of the United States in 1984*; *and*

***WHEREAS**, in later years, Mel became a Life Member of the NAACP and served three terms as President of its Monterey County Branch leading fights against police brutality, attacks on unions, and employment discrimination*; *and*

***WHEREAS**, His life has been chronicled in a number of books and periodicals including REACH: 40 Black Men Speaking on Leading, Living and Succeeding, edited by Ben Jealous and Trabian Shorters; Voices of Change, edited by Gary Karnes and Karen Arajuo; and Myths and Legends of Cannery Row, by late historian Ed Larsh, who had also been Mel's high school basketball coach; and*

***WHEREAS**, in addition to his numerous political affiliations, Mel is a member of the Association of Black Psychologists (ABPsi) and a member of the National Association of Black Social Workers; and*

***WHEREAS**, He is married to the love of his life Regina Mason and has two sons, Melvin Jr. and Hasani, and a niece Candice Carroll*;

***NOW THEREFORE, BE IT PROCLAIMED,** that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby recognize Mel Mason for his exemplary contributions and dedicated service to the community of Seaside and his remarkable global accomplishments.*

Ian N. Oglesby, Mayor
November 04, 2021

City of Seaside
PROCLAMATION

Regina Mason

In Recognition

WHEREAS, *Regina Mason is being recognized as the Community Foundation for Monterey County's 2021 Distinguished Trustee Award Recipient; and*

WHEREAS, *Regina Mason is a lifelong resident of Seaside, born on the former Fort Ord, California; and*

WHEREAS, *She matriculated through local schools and holds a Master's Degree in Social Work with a concentration in Child Welfare from San Jose University and an under graduate degree in Business Management from St. Mary's State College; and*

WHEREAS, *Regina retired from Monterey County Department of Social Services Family and Children Services Division as a Child Welfare Supervisor protecting the lives of children in Monterey County; and*

WHEREAS, *Regina is the Co-Founder of the local non-profit organization in Seaside, CA, The Village Project, Inc.; and*

WHEREAS, *Regina serves as a consultant and is the Project Manager for the Emanyatta Saturday School, a 5-Year research project, part of the California Reducing Disparities Project with the State of California's Office of Health Equity; and*

***WHEREAS**, Regina lives by the philosophy of giving back to one's community as a means of paying debt we all have for occupying space on earth; and*

***WHEREAS**, She has spent much of her adult life working individually with people and collectively with organizations to address and resolve the sometimes monumental issues confronting people in her community and beyond; and*

***WHEREAS**, Regina Mason was awarded the 2013 Jefferson Award and selected to represent the Central Coast in Washington, DC, the 27th Assembly District's 2010 Woman of the Year by the office of Assemblyman Bill Monning, the Leadership Monterey Peninsula Award, the CPY Honoring Youth Award, the Democratic Women of Monterey County Award, the 2018 MPC President's Award, and the Outstanding Woman of the Year Award by the Monterey County Commission on the Status of Women; and*

***WHEREAS**, Regina is a mother, aunt, sister, mentor to young women and girls, and is married to the love of her life, Mel Mason;*

***NOW THEREFORE, BE IT PROCLAIMED,** that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby recognize Regina Mason for her outstanding contributions and exemplary service to the community of Seaside and the entire Monterey Peninsula.*

____

Ian N. Oglesby, Mayor
November 04, 2021

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.G.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Sheri Damon, City Attorney

DATE: November 4, 2021

SUBJECT: **ADOPT A RESOLUTION MAKING FINDINGS IN ACCORDANCE WITH AB361 AND GOVERNMENT CODE SECTION 54953(E) AUTHORIZING REMOTE TELECONFERENCE MEETINGS**

RECOMMENDATION

Adopt a resolution making findings under AB361 and Government Code section 54953(e) authorizing continued teleconference (Zoom) hybrid meetings.

BACKGROUND

At the City Council meeting of October 7, 2021, the Council considered and authorized continuing hybrid meetings providing for a combination of teleconference and in-person meetings to conduct the business of the City in accordance with the provisions of AB361 which adds Government Code section 54953(e) to the Brown Act and provides for remote teleconferencing subject to the existence of certain conditions. Government Code section 54953(e) provides that when there is a proclaimed State of Emergency declared by the Governor, a local body may make a determination to authorize a meeting remotely via teleconference as a result of the emergency, within the first 30 days after the first meeting. To do so, a resolution would need to be adopted in which the legislative body finds that a meeting in person would present imminent risks to the health or safety of attendees, or that state or local officials have imposed or recommended measures to promote social distancing. Importantly, the resolution to continue hybrid meetings must be renewed every 30 days.

Since October 7, 2021, the situation has not changed. The State of California remains in a State of Emergency as a result of the threat posed by the COVID-19 pandemic. Although the FDA and CDC have approved boosters and a vaccination for Children 5-11, the SARS-CoV-2 virus continues to mutate and there continues to be break-through infections. The City Council continues to recommend masking inside chambers and social distancing inside Council Chambers. Finally, renewing this resolution to continue with the option to participate remotely by teleconference (Zoom) to be in the health, safety and welfare of its citizenry during the continuing COVID-19 crisis.

FISCAL IMPACT

Zoom account and on-line services are already included in the budget.

ATTACHMENTS

1. Resolution

Reviewed for Submission to the City Council by:

RGreathouse

Roberta Greathouse, Acting City Manager

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

MAKING FINDINGS FOR THE CONTINUATION OF REMOTE TELECONFERENCE/ZOOM MEETINGS IN ACCORDANCE WITH AB361 AND GOVERNMENT CODE SECTION 54953(e)

WHEREAS, on or about October 7, 2021, the Seaside City Council made findings pursuant to Government Code section 54953(e) and AB361 that allowing hybrid remote teleconferencing meeting was in the best interest of the Citizens of Seaside; and

WHEREAS, there continues to be a State of Emergency declared by the Governor in the State of California as a result of the COVID-19 pandemic; and

WHEREAS, there continues to be a State of Emergency in the City of Seaside, as declared by our former City Manager; and

WHEREAS, on or about July 2021, City Council as a part of the re-opening of California, began to hold in-person City Council meetings, allowing the public to attend in person fully masked and with social distancing in place, and also provided for electronic participation in the meetings via Zoom; and

WHEREAS, there have been continued transmission of the COVID-19 cases and most hospitalizations in Monterey County primarily due to the Delta variant of the SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others; and

WHEREAS, the FDA and CDC have approved both a vaccine for children 5-12 and a booster program for certain of the vaccines available for the SARS-COV02 virus neither program having been fully implemented; and

WHEREAS, the City Council now desires to adopt a Resolution finding that the requisite conditions exist for the legislative bodies of the City of Seaside, to conduct remote electronic/teleconference meetings without compliance with Government Code section 54953 (b)(3).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby makes the following findings:

1. The above recitals are true and correct and are incorporated herein by this reference.

2. The City Council determines that as a result of the proclaimed state of emergency in California due to COVID-19, and in particular the continued

spread of the virus in Monterey County, along with the limited vaccinations for children under the age of 12 and the increased transmissibility of the Delta and other variants of the SARS-CoV-2a virus require the continuation of remote teleconference participation in the conduct of the City's business.

3. The City Manager and City Attorney shall ensure that all City bodies are authorized to conduct their meetings via the hybrid method, including n person and/or fully remote Zoom/teleconference meetings and are directed to take all steps to implement this Resolution including, continuing to conduct open and public remote meetings in accordance with the requirements of Government Code section 54953(e) and other applicable provisions of the Brown Act.

This Resolution shall take effect immediately upon its adoption and shall be effective for thirty (30) days, unless extended by the City Council.

PASSED AND ADOPTED by meeting of City of Seaside duly held on the ____ day of ____, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

____
Sheri L. Damon, City Attorney

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.H.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Victor Damiani, Finance Director

DATE: November 4, 2021

SUBJECT: **REVIEW AND ADOPT A RESOLUTION APPROVING THE 2021-2022 INVESTMENT POLICY FOR THE CITY OF SEASIDE AND THE CITY OF SEASIDE SUCCESSOR AGENCY**

RECOMMENDATION

Review and adopt a resolution approving the City of Seaside and the Successor Agency 2021-2022 Investment Policy.

BACKGROUND

California State Government Code Section 53646 requires the City Council and the Agency Board to review and adopt the City's and the Agency's Investment Policy. No changes have been made to the document from the prior year version. The policy meets the criteria established by State law.

FISCAL IMPACT

There are no costs involved in the adoption of the Investment Policy. The policy may affect the investment earnings of the City and the Agency.

ATTACHMENTS

1. Resolution
2. Investment Policy FY2021-2022

Reviewed for Submission to the City Council by:

RGreathouse

Roberta Greathouse, Acting City Manager

RESOLUTION NO. 20-XX

A RESOLUTION OF THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

ADOPTING THE 2021-2022 INVESTMENT POLICY

WHEREAS, pursuant to the provisions of Section 53646 of the California Government Code the City Council and the Agency Board are required to annually review and approve the Investment Policy; and

WHEREAS, no changes have been made to the City of Seaside and the Successor Agency to the Seaside Redevelopment Agency 2021-2022 Investment Policy from the prior fiscal year policy; and

WHEREAS, the City Council and the Agency Board have reviewed the policy.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside and the Board of the Successor Agency of the Redevelopment Agency of the City of Seaside adopt the City of Seaside and the Seaside Successor Agency of the Redevelopment Agency 2021-2022 Investment Policy.

PASSED AND ADOPTED at a regular meeting of the City of Seaside and the Successor Agency of the Redevelopment Agency of the City of Seaside duly held on the 4th day of November, 2021, by the following vote:

AYES: COUNCIL MEMBERS/BOARD MEMBERS:
NOES: COUNCIL MEMBERS/BOARD MEMBERS:
ABSENT: COUNCIL MEMBERS/BOARD MEMBERS:
ABSTAIN: COUNCIL MEMBERS/BOARD MEMBERS:

____
Ian N. Oglesby, Mayor/Chair

ATTEST:

____
Dominique L. Davis, City/Agency Clerk

CITY OF SEASIDE AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

INVESTMENT POLICY

Adopted ______________

I. Introduction

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment process and to organize and formalize investment-related activities. Related activities which comprise sound cash management include accurate cash flow projections, control of disbursements, expedient collection of revenues, cost effective banking relations and a short term borrowing program which coordinates investment opportunity with working capital requirements. The ultimate goal is to enhance the economic status of the City of Seaside while protecting its pooled cash resources.

The investment policies and practices of the City of Seaside are based on state law and prudent money management. All funds will be invested in accordance with the City's Investment Policy and the authority governing investments for municipal governments as set forth in the California Government Code, Sections 53601 through 53659. The investment of bond proceeds are to be restricted by the provisions of relevant bond documents.

II. Scope

It is intended that this policy cover all short-term operating funds and investment activities of the City. These funds are accounted for in the annual audit report, and include:

- ◊ General Fund
- ◊ Special Revenue Funds
- ◊ Debt Service Funds
- ◊ Capital Projects Funds
- ◊ Enterprise Funds
- ◊ Internal Service Funds
- ◊ Fiduciary Funds

This investment policy applies to all City transactions involving the financial assets and related activity of the above mentioned funds. Any additional funds that may be created from time to time shall also be administered with the provisions of this policy and comply with current State Government Code.

III. Prudence (Standard of Care)

The City of Seaside operates its pooled idle cash investments under the prudent man rule (Civil Code Section 2261, et. seq.). In addition, Government Code Section 53600.3 provides that those persons to whom investment decisions have been delegated are trustees with a fiduciary responsibility to act as a prudent investor.

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. This affords a broad spectrum of investment opportunities as long as the investment is deeded prudent under current law.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. All persons investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds shall act with care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City.

It is the City's intent at the time of purchase to hold all investments until maturity to ensure the return of all invested principal dollars but sales prior to maturity are permitted.

IV. Objectives

A. Investment Criteria:

Government Code Section 53600.5 states: "When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objective of the trustee shall be to safeguard the principal of funds under its control. The secondary objective shall be to meet the liquidity needs of the depositor. The third objective shall be to achieve a return on the funds under its control".

Simply stated, safety of principal is the foremost objective, followed by liquidity and return on investment (known as yield). Each investment transaction shall seek to first ensure the capital losses are avoided, whether they are from market erosion or security defaults.

The primary objectives, in priority order, of the City's investment activities shall be:

1. ***Safety*** - Safety of principal is the foremost objective of the investment program. The City's investments shall be undertaken in a manner that seeks to ensure preservation of capital in the portfolio. The City shall seek to preserve principal by mitigating the two types of risk, credit risk and market risk. Investment decisions should not incur unreasonable credit or market risks in order to obtain current investment income.

    a. Credit Risk: Defined as the risk of loss due to failure by the issuer of a security.
    b. Market Risk: Defined as the risk of market value fluctuations due to overall changes in the general level of interest rates.

2. ***Liquidity*** - The City's investment portfolio will remain sufficiently liquid to enable the City to meet its cash flow requirements. An adequate portion of the portfolio should be maintained in liquid short term securities which can be converted to cash and guarantee the City's ability to meet operating expenditures.

3. ***Return on Investment (Yield)*** - The City's investment portfolio shall be designed with the objective of attaining a market rate of return on its' investments consistent with the constraints imposed by its safety objective and cash flow considerations. Yield is to be a consideration only after the basic requirements of adequate safety and liquidity have been met.

B. Market Rate of Return

The investment portfolio shall be managed to attain a market average rate of return throughout budgetary and economic cycles. This takes into account the City's cash flow requirements and investment risk constraints, state and local laws and ordinances or resolutions that restrict the placement of short term funds.

C. Performance Standards

The investment portfolio shall be managed with the objective of producing a yield meeting or exceeding the average return on the one year U.S. Treasury. This index is considered a benchmark for low to moderate risk investment transactions. Therefore, they comprise a minimum standard for the portfolio's rate of return. The investment program shall seek to augment returns above this threshold, consistent with risk limitations identified herein and prudent investment principles. This benchmark will be reviewed thoroughly and may be adjusted as required by market conditions to prevent incurring unreasonable risks to attain yield.

D. Diversification

The investment portfolio shall be diversified to prevent incurring unreasonable and avoidable risks regarding specific security types, individual financial institutions or maturity segments.

E. Public Trust

Public Trust - All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

V. Delegation of Authority

The management and oversight responsibility for the investment program in hereby delegated to the Treasurer who shall monitor and review all investments for consistency with this investment policy. The City Manager and Treasurer shall jointly establish procedures to implement and monitor this investment policy. Such procedures shall include explicit delegation of persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the limits of this policy.

VI. Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or that could impair their ability to make impartial decisions.

VII. Selection of Financial Institutions and Broker/Dealers

To provide for the optimum yield in the City's portfolio, the City's procedures shall be designed to encourage multiple bids and offers on investment transactions from an approved list of broker/dealers. The Treasurer shall maintain a list of authorized broker/dealers and financial institutions which are approved for investment purposes, in the State of California, and it shall be the policy of the City to purchase securities only from authorized institutions or firms. The investment guidelines and procedures shall identify the criteria under which brokers and dealers may qualify to conduct business with the City.

In order to assist in identifying qualified financial institutions, the Treasurer shall forward copies of the City's investment policy to those financial institutions with which the City is interested in doing business and will require written acknowledgment of the policy. In addition, all dealers approved to do business with the City shall receive a copy of the Investment Policy annually. Confirmation of receipt of this policy shall signify that the dealer understands the Investment Policy and intends to present only appropriate investments.

VIII. Permitted Investment Instruments

Allowable investment instruments are defined in the California Government Code Section 53600 et. seq., as amended. If the Code is further revised to allow additional investments or is changed regarding the limits on certain categories of investments, the City is authorized to conform to these changes, excluding those changes that may be prohibited by this policy. Where Government Code Section specifies a percentage limitation for a particular category of investments, that percentage is only applicable only at the date of purchase.

Investments may be made in the following instruments:

1. Government obligations pledged by the full faith and credit of the United States for the payment of principal and interest.

2. Obligations issued by Agencies or Instrumentalities of the U.S. Government.

3. Repurchase Agreements used solely as short term investments not to exceed one year.

   The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the City's custodian bank versus payment. The market value of securities that underlay a Repurchase Agreement shall be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be reviewed on a regular basis and adjusted no less than quarterly. Since the market value of the underlying securities is subject to daily market fluctuations, the investment in repurchase agreements shall be in compliance if the value of the underlying securities is brought back to 102 percent no later than the next business day.

4. Banker's Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short term paper of which is rated in the highest category by Moody's Investors Services or by Standard & Poor's Corporation.

   Purchases of Banker's Acceptances may not exceed 180 days maturity or 40 percent of the City's surplus money. However, no more than $2,000,000 of the City's surplus funds may be invested in the Banker's Acceptance of any one commercial bank.

5. Commercial paper rated in the highest short term rating category, as provided by Moody's Investors Service, Inc. (P-1) or Standard & Poor's Corporation (A-1) provided that the issuing corporation is organized and operating within the United States, has total assets in excess of $500 million, and has an "A" or higher rating for its long term debt, (if any, as provided by Moody's or Standard & Poor's).

   Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than $1,000,000 from an issuing corporation.

   Purchases of commercial paper may not exceed 15 percent of the City's surplus money that may be invested.

6. Medium term corporate notes of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository

institutions licensed by the United States or any state and operating within the United States. Medium term corporate notes shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating agency.

Investments will be limited to a maximum of 30% of the City's portfolio. The maximum principal amount in any one company will not exceed $1,000,000.

7. FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California, including United States branches of foreign banks licensed to do business in California. The maximum maturity of a time deposit shall not exceed 180 days. All time deposits must be collateralized in accordance with California Government Code section 53651 and 53652, either using:
   a) 150% of promissory notes secured by first mortgages and first trust deeds upon improved residential property in California eligible under Section 53601 (m), or
   b) 110% of eligible marketable securities listed in subsections (a) through (l) and (n).

8. Negotiable certificates of deposit or deposit notes issued by a nationally or state chartered bank or a state or federal savings and loan association or by a state licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated "AA" or better by Moody's or Standard & Poor's.

   Purchase of negotiable certificates of deposit may not exceed 30 percent of the City's surplus money.

9. State of California's Local Agency Investment Fund. (LAIF)

   Investment in LAIF may not exceed limits as set forth by the LAIF Board and adjusted from time to time. The current per account limit is $75 million per account.

10. Shares of beneficial interest issued by diversified management companies (Money Market
    Mutual Funds) investing in the securities and obligations authorized by sections a through l of Government Code section 53601. To be eligible for investment pursuant to this subdivision these companies shall either: (1) attain the highest ranking letter or numerical rating provided by not less than two of the three largest

nationally recognized rating services or (2) have an investment advisor registered with the Securities and Exchange Commission with not less than five years experience investing in securities and obligations authorized by Government Code Section 53601 and with assets under management in excess of $500,000,000.

The purchase price of shares shall not exceed 10 percent of the City's surplus money.

Table A summarizes the maximum percentage and maturity limits, plus other constraints, by instrument, established for the City's total pooled funds portfolio.

IX. Safekeeping of Securities

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department. Designated third parties shall act as agent for the City under the terms of a custody agreement or PSA agreement (repurchase agreement collateral). All trades executed by a dealer will settle **delivery vs. payment (DVP)** through the City's safekeeping agent. Original copies on non-negotiable certificates of deposit and confirming copies (safekeeping receipts) of all other investment transactions must be delivered to the City. Investment officials shall be bonded to protect the public against possible embezzlement or malice.

Securities held in custody for the City shall be independently audited on an annual basis to verify investment holdings.

X. Maximum Maturity

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit the City to meet all projected obligations.

Investments that mature more than five years from the date of purchase can not occur without prior approval of the City Council. As defined in Government Code Section 53601, "no investment shall be made in any security… that at the time of investment has a term remaining to maturity in excess of five years, unless the legislative body has granted express authority to make that investment either specifically or as a part of an investment approved by the legislative body no less than three months prior to the investment."

XI. Ineligible Investments

Certain investments are prohibited under Government Code Sections 53601.6 and 53631.5. Security types which are prohibited include, but are not limited to:

(a) "Complex" derivative structures such as range notes, dual index notes, inverse floaters, leveraged or deleveraged floating rate notes, or any other complex variable rate or structured note.

(b) Interest only strips that are derived from a pool of mortgages or any security that could result in zero interest accrual if held to maturity.

(c) Reverse Repurchase Agreements.

Purchasing these types of instruments does not coincide with this Policy's objectives and would require a thorough review and monitoring of the underlying security. Although some of these transactions are legal under Government Code, they do not meet the objectives contained herein.

By virtue of the allowable investment in the State Pool, the City is investing idle cash with a large number of government agencies. The Pool is managed by outside administrators and are subject of the Government Codes as well as polices put in place by their governing boards. The Pool's investment policy may allow for investment in some of the prohibitions noted above for Seaside. Investment in the State and County Pools is permitted, assuming a diminutive portion of their portfolio's (10% or less) are tied to the high-risk products noted above. The Treasurer is responsible to monitor and review the Pool's portfolio on an ongoing basis. The City shall take any necessary action should the Pool exceed the allowable 10% limit.

XII. Reporting Requirements

Pursuant to Government Code Section 53646, the Treasurer shall render to the City Council a separate quarterly investment report, which shall include, at a minimum, the following information for each individual investment:

- Type of investment instruments (i.e. Treasury Bill, medium term note)
- Issuer names (i.e., General Electric)
- Purchase date (trade and settlement date)
- Maturity date

- Par value
- Current rate of interest
- Purchase price
- Current market value and the source of the valuation
- Overall portfolio yield based on cost
- Weighted average days to maturity

The quarterly report also shall (i) state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance, (ii) include a description of any of the City's funds, investments or programs that are under the management of contracted parties, including lending programs, and (iii) include a statement denoting the ability of the City to meet its expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

Market value adjustments, as required under Government Accounting Standards Board (GASB) Statement No. 31, are treated as year-end accounting adjustments to the financial records of the City. quarterly investment reports will demonstrate market fluctuations and continue to compare purchase price versus market value status. Accounting adjustments under GASB Statement No. 31, which compare changes to beginning and ending par market value in each fiscal year, are not included as part of the quarterly investment reports.

This quarterly report shall be submitted to the City Council within 45 days following the end of the quarter. Reporting to the California Debt and Investment Advisory Commission (CDIAC) commenced January 2001. Seaside will comply with CDIAC or any other oversight agency reporting requirements.

XIII. Policy Adopting Changes and Updates

The Treasurer shall annually render to the Council a statement of investment policy, which the Council shall consider at a public meeting.

The policy shall be reviewed annually by the City Manager and Treasurer to ensure its consistency with the global objective of preservation of investment principal, sufficient liquidity, rate of return and relevance to current laws and financial trends. Any modifications to the policy must be approved by the City Council.

XIV. Internal Controls

The Treasurer shall establish and implement a system of internal controls, which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets or imprudent actions by employees and officers of the City.

XV. Depositories

The Treasurer shall establish selection criteria for pre-approval of institutions that do business with the City of Seaside. To qualify for consideration, an institution must have an office in California and that office must perform the transactions with the City. The Treasurer will maintain a listing of approved institutions.

XVI. Risk Tolerance

The City recognizes that investment risk can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to minimize and control these risks.

CITY OF SEASIDE AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

INVESTMENT POLICY

GLOSSARY OF TERMS

Bankers' Acceptances - negotiable time drafts or bills of exchange drawn on and accepted by a commercial bank. Acceptance of the draft obligates the bank to pay the bearer the face amount of the draft at maturity. In addition to the guarantee by the accepting bank, the transaction is identified with a specific commodity. The sale of the underlying goods will generate the funds necessary to liquidate the indebtedness. Banker's Acceptances are usually created to finance the import and export of goods, the shipment of goods within the United States and the storage of readily marketable staple commodities. Banker's Acceptances are sold at a discount from par and the amount and maturity dates are fixed. Bankers' Acceptances have the backing of both the bank and the pledged commodities with no known principal loss in over 70 years. State law permits cities to invest up to 40% in bankers' acceptances.

Certificate of Deposit - A deposit insured up to $100,000 by the FDIC at a set rate for a specified period of time.

Collateral - Securities, evidences of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Corporate Medium Term Notes - Unsecured promissory notes issued by corporations operating within the United States. The notes mature in one to five year periods. Purchase of these notes may not exceed 30% of the City's portfolio and the notes must have at least an "A" rating by a nationally recognized rating service.

Commercial Paper - An unsecured promissory note of industrial corporations, utilities and bank holding companies having assets in excess of $500 million and an "A" or higher rating for the issuer's debentures. Interest is discounted from par and calculated using the actual number of days on a 360-day year. The notes are in bearer form, mature from one to 270 days and generally start at $100,000. There is a secondary market for commercial paper and an investor may sell them prior to maturity. Unused lines of credit back commercial paper from major banks. State law permits cities to invest up to 30% in commercial paper.

Credit Risk - Defined as the risk of loss due to failure of the issuer of a security. This loss shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm the City's capital base and cash flow.

Current Yield - The interest paid on an investment expressed as a percentage of the current price of the security.

Custody - A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive and deliver securities when ordered to do so by the principal.

Delivery vs. Payment (DVP) - Delivery of securities with a simultaneous exchange of money for the securities.

Fannie Mae - Trade name for the Federal National Mortgage Association (FNMA), a United States sponsored corporation.

Federal Reserve System - The central bank of the United States which consists of a seven member Board of Governors, 12 regional banks and 5,700 commercial banks that are members.

Federal Deposit Insurance Corporation (FDIC) - Insurance provided to customers of a subscribing bank that guarantees deposits to a set limit (currently $250,000) per account.

Freddie Mac - Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a United States sponsored corporation.

Ginnie Mae - Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the United States Government.

Interest Rate - The annual yield earned on an investment, expressed as a percentage.

Liquidity - Refers to the ability to rapidly convert an investment into cash.

Local Agency Investment Fund (LAIF) Demand Deposit - Was established by the state to enable treasurers to place idle funds in a pool for investment. Each agency is currently limited by LAIF to an investment of $75 million plus any bond proceeds.

Market Risk - Defined as market value fluctuations due to overall changes in the general level of interest rates. Adverse fluctuation possibilities shall be mitigated by limiting the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis, and eliminating the need to sell securities prior to maturity. Also, avoiding the purchase of long term securities for the sole purpose of short-term speculation mitigates marker risk.

Market Value - The price at which a security is trading and could presumably be purchased or sold.

Maturity - the date the principal or stated value of an investment becomes due and payable.

Portfolio - Collection of securities held by an investor.

Purchase Date - The date in which a security is purchased for settlement on that or a later date.

Rate of Return - The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (REPO) - Are contractual arrangements between a financial institution or dealer and an investor. The investor puts up their funds for a certain number of days at a stated yield. In return, they take title to a given block of securities as collateral. At maturity, the securities are repurchased and the funds are repaid with interest.

Reverse Repurchase Agreement (Reverse REPO) - A transaction where the seller (City) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

Sallie Mae - Trade name for the Student Loan Marketing Association (SLMA), a United States sponsored corporation.

Treasury Bills - United States Treasury Bills which are short term, direct obligations of the United States Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of $10,000 in multiples of $5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

United States Government Agencies - Instruments issued by various United States Government Agencies most of which are secured only by the credit worthiness of the particular agency.

CITY OF SEASIDE AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

INVESTMENT POLICY

Permitted Investments
Table A

Permitted Investments	Legal Limit (% or $)	City Policy Legal Limit (% or $)	Maximum Maturity Constraints	City Policy Other Constraints
U.S.Government Obligations	Unlimited	Unlimited	5 years *	None
U.S. Government Agencies & Instruments	Unlimited	Unlimited	5 years *	None
Repurchase Agreements	Unlimited	Unlimited	1 year	102% Market value on underlying securities
Bankers Acceptances	40%	40%	*180 days*	No more than $2,000,000 invested in any one commercial bank
Commercial Paper	30%	30%	*270 days*	U.S. Corporations with assets in excess of $500,000,000; "A" debt rating; maximum of $1,000,000 from an issuing corporation

CITY OF SEASIDE AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

INVESTMENT POLICY

Medium Term Corporate Notes	30%	30%	5 years	U.S. Corporations; "A" debt rating maximum of $1,000,000 per issuing company
Certificates of Deposit	Unlimited	Unlimited	5 years *	Must be collateralized to 110% of the CD value by other eligible securities or 150% by promissory notes secured by California Deeds & Mortgages
Negotiable Certificates of Deposit	30%	30%	5 years *	State and Federally chartered banks and savings institutions, "AA" rating by one agency
LAIF State Pool	$75,000,000 **	$75,000,000 **	N/A	Limited to 15 transactions per month, per account, per State Policy - last changed 11/16/09.
Mutual Funds	15%	10%	N/A	Funds invested as defined in Section 53601 (a) to (l); highest debt rating from 2 of top 3 national rating services OR investment advisor registered with SEC for at least 5 years and assets under management in excess of $500,000,000.

* Maximum terms unless the City Council expressly authorizes longer maturities and within the prescribed time frame for said approval.

** Not set by Government Code, but instead by LAIF Governing Board.

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Sheri Damon, City Attorney

DATE: November 4, 2021

SUBJECT: **CONSIDER REVISIONS TO SEASIDE HOUSING COLLABORATIVE FORMATION DOCUMENTS**

RECOMMENDATION

Approve revisions to the formation documents for the Seaside Housing Collaborative Articles of Incorporation and Bylaws to require City Council approval for changes to the Bylaws and Articles of Incorporation; allowing some Collaborative Board members to live outside the City; and clarifying that the initial Board member appointment is by the City Council.

BACKGROUND

At the meeting of October 7, 2021, the City Council approved the formation documents for the Seaside Housing Collaborative. However, during that meeting some issues were raised about the Board composition and the ability to have Board members with technical expertise that live outside the Seaside City limits to sit on the Collaborative Board. Also raised was the concern that in the future, the Collaborative Board would not be precluded from revising the Bylaws to eliminate participation by the City. Although the City Council approved the documents, the City Attorney thought it prudent to present the proposed changes prior to filing the documents that address these issues. Working with outside counsel, the Bylaws now contain provisions that do not allow for revision of the Bylaws that are inconsistent with the Articles of Incorporation without the consent of the City Council and provide that up to two Board members may live outside the City if they have some technical expertise determined necessary for the Collaborative to attain its purpose. That technical expertise might run the gambit of grant writing, housing development, financial market (raising funds), architectural or other expertise that could be helpful to accomplishing the Collaborative's purpose. The Articles of Incorporation also provide that no less than five (5) directors shall be residents of the City and that the Ex Officio members may appoint designees to sit on the Board.

It is also clarified that the initial Board of Directors will be brought forward by the Mayor and the City Manager for approval and appointment by the City Council. It is anticipated that this slate will come forward in December or January, with a goal of starting off 2022 with the new corporation. Staff has also clarified that City staff may assist the Collaborative as it gets off the ground and starts running.

FISCAL IMPACT

ATTACHMENTS

1. Resolution
2. Exhibit A - Articles of Incorporation
3. Exhibit B - Bylaws

Reviewed for Submission to the City Council by:

RGreathouse

Roberta Greathouse, Acting City Manager

RESOLUTION NO. 21-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

TO APPROVE REVISIONS TO THE ARTICLES OF INCORPORATION AND BYLAWS OF THE SEASIDE HOUSING COLLABORATIVE

WHEREAS, the City Council approved the formation documents for the Seaside Housing Collaborative on or about October 7, 2021; and

WHEREAS, during the Council meeting of October 7 issues were raised about the Board composition and ability to have Board members with technical expertise that live outside of Seaside to sit on the Collaborative Board and other issues; and

WHEREAS, the discussed changes have been brought forward prior to incorporation to give the Council the opportunity to address those issues prior to filing the documents; and

WHEREAS, working with outside Counsel, the Bylaws now contain provisions that do not allow for revision of the Bylaws without consent of the City Council and provide that up to two (2) Board members may live outside of the City if they have some technical expertise determined necessary for the Collaborative to attain its purpose; and

WHEREAS, that technical expertise might run the gambit of grant writing, housing development, financial market (raising funds), architectural or other expertise that could be helpful to accomplishing the Collaborative purpose of meeting the affordable housing need for the residents of Seaside; and

WHEREAS, the Bylaws now clarify the residency of the directors, the way the initial slate of directors is presented to Council, and the limits on changes to the Bylaws.

NOW, THEREFORE BE IT RESOLVED, the City of Seaside accepts the revised Articles of Incorporation and Bylaws to create the Seaside Housing Collaborative, in substantially the form as attached hereto as Exhibit A and B, respectively, and authorizes the City Attorney to make the necessary corrections to the documents and take necessary steps to register and organize the nonprofit.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 4th day of November, 2021

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

APPROVED:

____

Ian N. Oglesby, Mayor

ATTEST:

____

Dominique L. Davis, City Clerk

ARTICLES OF INCORPORATION
OF
SEASIDE HOUSING COLLABORATIVE
A California Nonprofit Public Benefit Corporation

I. NAME

The name of the corporation is Seaside Housing Collaborative (the "Corporation").

II. PURPOSE

(a) This Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the California Nonprofit Public Benefit Corporation Law for charitable purposes. The general purpose of this Corporation is to have and exercise all rights and powers conferred on nonprofit corporations under the laws of California, provided that this Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purposes of this Corporation.

(b) The specific charitable and public purposes for which the Corporation is organized are to benefit and support, in accordance with Section 509(a)(3) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), the City of Seaside, California, a municipal corporation (the "City"), and the purposes of the City by: (1) providing, developing, promoting, funding, or assisting in the provision of, affordable housing for low and very low income households, or other households within the City, where no adequate housing exists for such groups and who are in need of decent, safe and sanitary housing; (2) conceptualizing, planning, entitling, constructing, acquiring, selling or leasing affordable housing including workforce housing, affordable housing and other housing within mixed-use developments, within the corporate limits of the City; (3) managing any City-owned housing properties; (4) engaging in activities to increase access to, and increasing development of, affordable housing in the City; (5) combating blight and deterioration within the City, working to eliminate discrimination and prejudice in the City, and assisting in the lessening of neighborhood tensions in the City, caused by the inadequate supply of affordable housing; and (6) lessening the burden of the City by providing and expanding affordable housing in the City.

III. AGENT OF SERVICE AND BUSINESS ADDRESS

(a) The name and address in California of the Corporation's initial agent for service of process is: Sheri L. Damon, City Attorney, 440 Harcourt Avenue, Seaside, CA, 93955.

(b) The Corporation's initial business and mailing address is: 440 Harcourt Avenue, Seaside, CA 93955.

IV. DEDICATION AND DISPOSITION

(a) The property of this Corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this Corporation shall ever inure to the benefit of any director, officer, or member of this Corporation or to the benefit of any private individual.

(b) Upon the winding up and dissolution of this Corporation, and after paying or adequately providing for the debts and obligations of the Corporation, the remaining assets shall be distributed to the City, or a nonprofit fund, foundation or corporation that is organized and operated exclusively for charitable purposes, and which has established and maintained its tax-exempt status under Section 50l(c)(3) of the Internal Revenue Code, or the corresponding provision of any future Internal Revenue Law.

V. LIMITATION OF CORPORATE ACTIVITIES

(a) This Corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any activities not permitted to be carried on by: (i) a corporation exempt from federal income tax under Section 501 (c)(3) of the Internal Revenue Code, or the corresponding provision of any future United States Internal Revenue Law; or (ii) by a corporation, contributions to which are deductible under Section 170 of the Internal Revenue Code, or the corresponding provisions of any other United States Internal Revenue Law.

(b) No substantial part of the activities of this Corporation shall consist of lobbying or propaganda, or otherwise -attempting to influence legislation, except as provided in Section 501(h) of the Internal Revenue Code, and this Corporation shall not participate in or interfere in (including publishing or distributing statements) any political campaign on behalf of any candidate for public office.

VI. DIRECTORS

The number of directors and the manner in which directors shall be chosen and removed from office, their qualifications, powers, duties, term of office, the manner of filling vacancies on the board of directors, and the manner of calling and holding meetings of directors shall be as stated in the bylaws; provided, however, no less than two (2) directors of the Corporation shall, at all times, be the Mayor of the City and the City Manager of the City, or their designees and the majority of the directors, excluding the Mayor and the City Manager, shall be residents of the City of Seaside. ~~r otherwise be appointed by the City.~~

Adopted this __________ day of _____________________, 2021.

____
Karen M. Tiedemann, Incorporator

BYLAWS

OF

SEASIDE HOUSING COLLABORATIVE

TABLE OF CONTENTS

Page

TABLE OF CONTENTS

Page

BYLAWS
of
SEASIDE HOUSING COLLABORATIVE
(a California Nonprofit Public Benefit Corporation)

As adopted on _____________, 2021

ARTICLE 1. NAME

Section 1.1 Name of Corporation.

The name of the corporation is Seaside Housing Collaborative (the "Corporation").

ARTICLE 2. OFFICES

Section 2.1 Offices.

The principal office of the Corporation shall be located in the City of Seaside, California (the "City"). The Board of Directors of the Corporation (the "Board" or the "Board of Directors") may change the principal office from one location to another location within the City. Any change of this location shall be noted in the records of the Corporation, or this Section may be amended to state the new location.

Section 2.2 Other Offices.

The Board may at any time establish branch offices at any place where the Corporation is qualified to do business.

ARTICLE 3. OBJECTIVES AND PURPOSES

Section 3.1 Objectives and Purposes.

The purposes of the Corporation shall be those set forth in the Articles of Incorporation. The Corporation has been formed under the California Nonprofit Public Benefit Corporation Law for the public and charitable purposes described in the articles, and it shall be nonprofit and nonpartisan. No substantial part of the activities of the Corporation shall consist of publication or dissemination of materials or statements with the purpose of attempting to influence legislation, and the Corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office.

The Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the charitable and public purposes described in the Articles of Incorporation.

ARTICLE 4. DEDICATION AND DISPOSITION OF ASSETS

Section 4.1 Property Dedicated to Charitable Purposes.

The property of this Corporation is irrevocably dedicated to charitable purposes, and no part of the net income or assets of this Corporation shall ever inure to the benefit of any Director, officer, or member of this Corporation or to the benefit of any private individual, except that the Corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its exempt purposes.

Section 4.2 Distribution of Assets Upon Dissolution.

Upon the winding up and dissolution of this Corporation, and after paying or adequately providing for the debts and obligations of the Corporation, the remaining assets shall be distributed to the City, or a nonprofit fund, foundation, or corporation that is organized and operated exclusively for charitable purposes, and which has established and maintained its tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States internal revenue law.

ARTICLE 5. MEMBERSHIP

Section 5.1 Membership.

The Corporation shall have no members.

ARTICLE 6. DIRECTORS

Section 6.1 Powers.

Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation law and any other applicable law, the business and affairs of the Corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board.

Without prejudice to the general powers set forth in these Bylaws, but subject to the same limitations, the Directors shall have the power to:

(a) Appoint, elect, and remove, at the pleasure of the Board, all the Corporation's officers, agents, and employees; prescribe powers and duties for them that are consistent with law, with the Articles of Incorporation, and with these Bylaws; and fix their compensation and require from them security for faithful performance of their duties;

(b) Change the principal office or the principal business office in California from one location to another; and designate any place within or outside California for holding any meeting;

(c) Adopt and use a corporate seal, and alter the form of the seal, if any;

(d) Borrow money and incur indebtedness on behalf of the Corporation and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidence of debt and securities;

(e) Seek charitable funding, grants, donations, and other sources available to tax-exempt organizations, on behalf of the Corporation in accordance with the Corporation's charitable purpose; and

(f) Construct, operate, maintain, improve, buy, sell, convey, assign, mortgage, or lease any real estate and personal property necessary and incident to the provision of housing for low and moderate income persons in accordance with the Corporation's charitable purpose.

Section 6.2 Number of Directors.

The authorized number of directors of the Board (each a "Director", and, collectively, the "Directors") shall be seven (7), each of whom shall be a natural person no less than eighteen (18) years of age. No reduction of the authorized number of Directors shall have the effect of removing any Director before that Director's term of office expires.

Section 6.3 Qualifications of Directors.

(a) City Ex Officio Directors. The mayor of the City (the "Mayor"), and the city manager of the City (the "City Manager"), or their designees shall each automatically serve on the Board as an ex officio Director. Each ex officio Director shall have full voting rights, and have all the rights, duties, and liabilities of any other Director. An ex officio Director's qualification to serve as a Board member shall be conditioned on holding the position of Mayor or City Manager. If an ex officio Director resigns or is removed from his or her position as Mayor or City Manager, then that Director's position on the Board shall immediately cease. The subsequent Mayor or City Manager, as applicable, shall automatically fill the ex officio Board vacancy upon his or her election or appointment as Mayor or City Manager, as applicable.

(b) Residents of the City. The remaining five (5) Directors shall each be either a resident of the City or have an expertise in an area determined necessary to the Board to accomplish its purposes, and each such Director's qualification to serve as a Board member shall be conditioned on continuing to reside within the City (as documented by the Director's permanent legal address) or continued expertise. No less than three (3) of the remaining five (5) Directors shall be residents of the City. If a Director no longer resides in the City, then that Director's position on the Board shall immediately cease.

(c) Restriction on Interested Directors. Not more than forty-nine percent (49%) of the persons serving on the Board of Directors at any time may be interested persons. An interested person is either:

(1) any person compensated by the Corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee,

independent contractor, or otherwise, excluding any reasonable compensation paid to a Director as Director; or

(2) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any such person compensated by the Corporation or any Director. However, any violation of the provisions of this subsection (b) of Section 6.3 shall not affect the validity or enforceability of any transaction entered into by the Corporation.

Section 6.4 Appointment and Term of Office of Directors.

(a) Initial Selection. The initial slate of Directors shall be prepared by the Mayor and the City Manager and presented to the ~~selected by the~~ City Council for approval and appointment.. ~~incorporator of the Corporation.~~

(b) Subsequent Selection. Subsequent Directors shall be selected according to the following: (i) Each ex officio Director shall automatically serve on the Board immediately upon election as Mayor or appointment as City Manager, as applicable; and (ii) all other Directors shall be elected to the Board by the other Directors then in office.

(c) Term. All Directors shall serve for a term of three (3) years, or such longer time as permitted by law. A non-ex officio Director may not serve as a Director for more than two (2) consecutive terms. A Director shall be eligible for additional terms after a one-year absence from the Board following the expiration of the second consecutive term. The ex officio Directors are not subject to consecutive term limits.

Section 6.5 Compensation and Reimbursement of Directors.

Directors shall not receive any compensation for services rendered to the Corporation as Directors. Directors may receive reimbursement for reasonable expenses incurred in the performance of their duties, as authorized by resolution of the Board.

Section 6.6 Vacancies.

(a) Events Causing Vacancy. A vacancy on the Board of Directors shall be deemed to exist upon the occurrence of any of the following: (1) the death, resignation, or removal of any Director; (2) the declaration by resolution of the Board of a vacancy in the office of a Director who has been declared of unsound mind by a court order or convicted of a felony or has been found by final order or judgment of any court to have breached a fiduciary duty under the California Nonprofit Corporation Law; (3) the increase in the authorized number of Directors; or (4) resignation or removal of any Director as the Mayor or City Manager (such vacancy shall be deemed effective upon the date of such resignation or removal as Mayor or City Manager).

(b) Resignations. Except as provided in this paragraph, any Director (other than the ex officio Directors) may resign, which resignation shall be effective on giving written notice to the Chairperson of the Board, or the Secretary, as described in Article 9, unless the notice specifies a later time for the resignation to become effective. If no later time for resignation is specified by the resigning Director, and the resignation is effective upon giving notice, the remaining Directors may immediately elect a replacement Director to fill the vacancy. If the Director's resignation is effective at a later time, the remaining Directors (excluding the resigning Director) may elect a successor to take office as of the effective date of the resignation. Except upon notice to the Attorney General, no Director may resign when the Corporation would then be left without a duly elected Director or Directors in charge of its affairs. An ex officio Director may only resign from the Board in conjunction with resignation as Mayor or City Manager.

(c) Removal. If a member of the Board fails to attend three (3) consecutive regular meetings of the Board in a twelve (12) month period, that Director's office may be declared vacant by the Board at the next meeting and that vacancy filled as provided for in subsection (e) of this Section. Directors may also be removed without cause by a vote of the majority of the Board at a regular meeting, or a special meeting held for that purpose. Notwithstanding the foregoing, in no event shall this subsection apply to an ex officio Director and an ex officio Director may not be removed from the Board pursuant to this subsection.

(d) No Removal via Reduction of Number of Directors. No reduction of the authorized number of Directors may have the effect of removing any Director before that Director's term of office expires.

(e) Filling of Vacancies. Vacancies on the Board shall be filled by the Directors then in office; provided, however, the appointment of an individual as the Mayor or City Manager, as applicable, by the City Council of the City shall automatically constitute appointment to the Board.

Section 6.7 Directors' Meetings.

(a) Place of Meetings. Meetings of the Board of Directors may be held at such time and place within the City as is specified in the notice. Notwithstanding the above provisions, a meeting of the Board of Directors may be held at any place consented to in writing by all the Board members, either before or after the meeting. If consents are given, they shall be filed with the minutes of the meeting.

(b) Meetings by Conference Telephone or Other Telecommunications Equipment. Directors may participate in a meeting through use of conference telephone, electronic video screen communication, or other electronic transmission in compliance with Section 12.4 of these Bylaws so long as all of the following apply:

(1) each Director participating in the meeting can communicate with all of the other Directors concurrently, and

(2) each Director is provided with the means of participating in all matters before the Board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Corporation.

(c) Annual Meeting. Each calendar year the Board shall designate one of its meetings as the annual meeting at which it shall elect the Directors and officers of the Corporation.

(d) Regular Meetings. Other regular meetings of the Board shall be held monthly upon notice in accordance with these Bylaws and applicable law.

(e) Special Meetings. Special meetings of the Board may be called at any time by a majority of the Board or by the Chairperson. Special meetings shall be noticed in accordance with the requirements of the Ralph M. Brown Act, being Sections 54950 through 54961 of the Government Code of the State of California (the "Brown Act"), and the California Nonprofit Public Benefit Corporation Law.

(f) Notice. Notice of any meeting of the Board of Directors shall be given to all Directors at their residence or usual place of business either by first class mail deposited at least five (5) days in advance of the meeting or by notice delivered personally or by telephone including a voice messaging system, or by other electronic transmission such as e-mail, in compliance with Section 12.4 of these Bylaws, at least forty-eight (48) hours in advance of the meeting. The notice shall state the time of the meeting and the place, if other than the principal office of the Corporation. Notices of all meetings shall also be posted in accordance with the Brown Act.

(g) Quorum. A majority of the Directors then in office (but not fewer than two Directors or one-fifth of the authorized number of Directors, whichever is greater) shall constitute a quorum for the transaction of business, except to adjourn. Every act or decision done or made by a majority of the Directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the Board of Directors, subject to the provisions of the California Nonprofit Public Benefit Corporation Law, including, without limitation, those provisions relating to: (1) approval of contracts or transactions in which a Director has a direct or indirect material financial interest; (2) approval of certain transactions between corporations having common directorships; (3) creation of and appointments to committees of the Board; and (4) indemnification of Directors. A meeting at which a quorum is initially present, including an adjourned meeting, may continue to transact business notwithstanding the withdrawal of any Director(s), so long as any action taken is approved by at least a majority of the quorum required for that meeting.

(h) Adjournment. A majority of the Directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

(i) Notice of Adjournment. Subject to the Brown Act, notice of the time and place of holding any adjourned meeting need not be given, unless the meeting is adjourned for more than twenty-four (24) hours, in which case notice of the time and place shall be given before the time of the adjourned meeting to the Directors who were not present at the time of the adjournment.

(j) Ralph M. Brown Act. All regular and special meetings of the Board shall, in all respects, conform to provisions of the Brown Act; provided, however, failure to comply with such requirements, in and of itself, shall not modify or invalidate any corporate action. regular and special meetings of the board shall be called, noticed and held in accordance with the provisions of section 54956 of the Brown Act; provided, however, failure to comply with such requirements, in and of itself, shall not modify or invalidate any corporate action.

Section 6.8 Standard of Care.

(a) General. A Director shall perform the duties of a Director, including duties as a member of any Board committee on which the Director may serve, in good faith, in a manner such Director believes to be in the best interest of this Corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like situation would use under similar circumstances.

In performing the duties of a Director, a Director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) one or more officers or employees of this Corporation whom the Director believes to be reliable and competent as to the matters presented;

(2) counsel, independent accountants, or other persons as to matters which the Director believes to be within such person's professional or expert competence; or

(3) a committee upon which the Director does not serve that is composed exclusively of any combination of Directors or persons described in (1) or (2), as to matters within the committee's designated authority, provided that the Director believes such committee merits confidence; so long as in any such case, the Director acts in good faith after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted.

Except as provided in Article 10 below, a person who performs the duties of a Director in accordance with this Section shall have no liability based upon any failure or alleged failure to discharge that person's obligations as a Director, including, without limiting the generality of the foregoing, any actions or omissions which exceed or defeat a public or charitable purpose to which a Corporation, or assets held by it, are dedicated.

(b) Investments. Except with respect to assets held for use or used directly in carrying out this Corporation's charitable activities, in investing, reinvesting, purchasing or acquiring, exchanging, selling, and managing this Corporation's investments, the Board shall adhere to the standards set forth in the preceding paragraph, and shall: (a) consider the charitable purposes of this Corporation; (b) avoid speculation, looking to the permanent disposition of the funds, considering the probable income as well as the probable safety of this Corporation's capital; and (c) consider:

(1) General economic conditions;

(2) The possible effect of inflation or deflation;

(3) The expected tax consequences, if any, of investment decisions or strategies;

(4) The role that each investment or course of action plays within the overall portfolio;

(5) The expected total return from income and appreciation of investments;

(6) This Corporation's other resources;

(7) The needs of this Corporation to make distributions and to preserve capital; and

(8) An asset's special relationship or special value, if any, to the charitable purposes of this Corporation.

Board decisions about an individual investment shall be made not in isolation but rather in the context of this Corporation's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to this Corporation.

Notwithstanding the above, no investment violates this Section where it conforms to: (a) the intent of the donor as expressed in a gift instrument; or (b) provisions authorizing such investment contained in an instrument or agreement pursuant to which the assets were contributed to this Corporation.

ARTICLE 7. COMMITTEES

Section 7.1 Committees of Directors.

The Board of Directors may, by resolution adopted by a majority of the Directors then in office, designate one or more committees, each consisting of two or more Directors; to serve at the pleasure of the Board. Any member of any committee may be removed, with or without cause, at any time by the Board. Any committee, to the extent provided in the resolution of the board, shall have all, or a portion, of the authority of the Board, except that no committee, regardless of Board resolution, may:

(a) Fill vacancies on the Board of Directors or any committee;

(b) Amend or repeal the Articles of Incorporation or these Bylaws or adopt new bylaws;

(c) Amend or repeal any resolution of the Board;

(d) Designate any other committees of the Board or appoint the members of any committee;

(e) Approve any transaction: (1) to which the Corporation is a party and one or more Directors has a material financial interest; or (2) between the Corporation and one or more of its Directors or between the Corporation and any corporation or firm in which one (1) or more of its Directors has a material financial interest.

Section 7.2 Meeting and Action of Committees.

Meetings and action of committees shall be governed by, and held and taken in accordance with, the provisions of Article 6 of these Bylaws, concerning meetings of Directors, with such changes in the context of those bylaws as are necessary to substitute the committee and its members for the Board of Directors and its members, except that the time for regular meetings of committees may be determined either by resolution of the Board of Directors or by resolution of the committee. Special meetings of committees may also be called by resolution of the Board of Directors. Notice of special meetings of committees shall also be given to any and all alternate and ex-officio members, who shall have the right to attend all meetings of the committee. Minutes shall be kept of each meeting of any committee and shall be filed with the corporate records. The Board of Directors may adopt rules for any committee not inconsistent with the provisions of these Bylaws.

Section 7.3 Executive Committee.

Pursuant to Section 7.1, the Board may appoint three or more Directors, one of whom shall be the Chairperson of the Board to serve as the Executive Committee of the Board. The Executive Committee, unless limited in a resolution of the Board, shall have and may exercise all the authority of the Board in the management of the business and affairs of the Corporation between meetings of the Board; provided, however, that the Executive Committee shall not have the authority of the Board in reference to those matters enumerated in Section 7.1. The minutes of the Executive Committee meetings shall be sent to each Director by the Secretary of the Corporation.

ARTICLE 8. OFFICERS

Section 8.1 Officers.

The Corporation shall have the following officers: Chairperson, Vice Chairperson, Secretary, Treasurer, and such other officers as the Board may designate by resolution. Any number of offices may be held by the same person except that neither the Secretary nor the Treasurer may serve concurrently as the Chairperson. The Chairperson and Vice Chairperson must be Directors.

Section 8.2 Election of Officers.

The officers of the Corporation, except those appointed in accordance with the provisions of Section 8.3, shall be appointed by the Board of Directors, and each shall serve at the pleasure of the Board, subject to the rights, if any, of any officer under a contract of employment. The Board shall elect the officers at the annual meetings at which the officers' term expires, or upon the occurrence of a vacancy in any office.

Section 8.3 Subordinate Officers.

The Board of Directors may appoint, and may authorize the Chairperson or another officer to appoint, any other officers that the business or the Corporation may require, each of whom shall have the title, hold office for the period, have the authority, and perform the duties specified in these Bylaws or determined from time to time by the Board of Directors.

Section 8.4 Removal of Officers.

Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, with or without cause, by the Board of Directors, at any regular or special meeting of the Board, or, except in the case of an officer chosen by the Board of Directors, by an officer on whom such power of removal has been conferred by the Board of Directors.

Section 8.5 Resignation of Officers.

Any officer may resign at any time by giving written notice to the Corporation. Any resignation shall take effect at the date of receipt of that notice or at any later time specified in that notice; unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation is without prejudice to the rights, if any, of the Corporation under any contract to which the officer is a party.

Section 8.6 Vacancies in Office.

A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled only in the manner prescribed in these Bylaws for regular appointments to that office, either at the annual meeting or after the occurrence of a vacancy.

Section 8.7 Responsibilities of Officers.

(a) Chairperson of the Board. The Chairperson of the Board shall preside at meetings of the Board and shall exercise and perform such other powers and duties as the Board may assign from time to time.

(b) Vice Chairperson. The Vice Chairperson shall possess the powers and discharge the duties of the Chairperson in the latter's absence or disability.

(c) Secretary. The Secretary shall attend to the following:

(1) Book of Minutes. The Secretary shall keep or cause to be kept, at the principal executive office or such other place as the Board of Directors may direct, a copy of the Corporation's articles and bylaws, a book of minutes of all meetings and actions of Directors or committees of Directors.

(2) Notices, Seal and Other Duties. The Secretary shall give, or cause to be given, notice of any meetings of the Board of Directors required by these Bylaws to be given. The Secretary shall keep the seal of the Corporation, if any, in safe custody, and shall

have such other powers and perform such other duties as may be prescribed by the Board of Directors or these Bylaws.

(d) Treasurer. The Treasurer shall be the chief financial officer of the Corporation and shall attend to the following:

(1) Books of Account. The Treasurer shall keep and maintain, or cause to be maintained, adequate and correct books and records of accounts of the properties and business transactions of the Corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, and other matters customarily included in financial statements. The books of account shall be open to inspection by any Director at any reasonable time. ·The Treasurer shall provide the Directors with such financial statements and reports as required by law, by these Bylaws or by the Board.

(2) Deposit and Disbursement of Money and Valuables. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the Corporation with such depositories as may be designated by the Board of Directors; shall disburse, or cause to be disbursed, the funds of the Corporation as may be ordered by the Board of Directors, shall render to the Chairperson of the Board, the Executive Director (if applicable), and Directors, whenever they request it, an account of all of his or her transactions as chief financial officer and of the financial condition of the Corporation; and shall have other powers and perform such other duties as may be prescribed by the Board of Directors or these Bylaws.

(3) Bond. If required by the Board of Directors, the Treasurer shall give the Corporation a bond in the amount and with the surety specified by the Board for faithful performance of the duties of the office and for restoration to the Corporation of all its books, papers, vouchers, money and other property of every kind in his or her possession or under his or her control on his or her death, resignation, retirement, or removal from office.

ARTICLE 9. RECORDS AND REPORTS

Section 9.1 Maintenance and Inspection of Articles and Bylaws.

The Corporation shall keep at its principal executive office the original or a copy of the articles and these Bylaws as amended to date, which shall be open to inspection by the Director's at all reasonable times during office hours.

Section 9.2 Maintenance and Inspection of Corporate Records.

The accounting books, records, and minutes of proceedings of the Board of Directors and any committee(s) of the Board of Directors shall be kept at such place or places designated by the Board of Directors, or, in the absence of such designation, at the principal executive office of the Corporation. The minutes shall be kept in written or typed form, and the account books and records shall be kept either in written or typed form or in any other form capable of being converted into written, typed, or printed form.

Section 9.3 Inspection by Directors.

Every Director shall have the absolute right at any reasonable time to inspect all books, records, and documents of every kind, and the physical properties of the Corporation, and those of each of its affiliated or subsidiary corporations. The inspection by a Director may be made in person or by an agent or attorney, and the right of inspection includes the right to copy and make extracts of documents.

Section 9.4 Annual Report and Statement.

The Corporation shall send an annual report and statement to its Directors, which set forth the information required by Sections 6321 and 6322 of the California Nonprofit Corporation Law.

ARTICLE 10. CONTRACTS AND LOANS WITH DIRECTORS AND OFFICERS.

Section 10.1 Contracts with Directors and Officers.

(a) No Director or officer of this Corporation, nor any other corporation, firm, association, or other entity in which one or more of this Corporation's Directors or officers are Directors or have a material financial interest, shall be interested, directly or indirectly, in any contract or other transaction with this Corporation, unless:

(1) the material facts regarding such Director or officer's financial interest of such contract or transaction and/or regarding such common directorship, officership or financial interest are fully disclosed in good faith and are noted in the minutes, or are known to any members of the Board prior to consideration by the Board of such contract or transaction;

(2) such contract or transaction is authorized in good faith by a majority of the Board by a vote sufficient for that purpose without counting the vote or votes of such interested Director(s) or officer(s);

(3) prior to authorizing or approving the transaction, the Board considers and in good faith determines after reasonable investigation under the circumstances that the Corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances; and

(4) this Corporation enters into the transaction for its own benefit, and the transaction is fair and reasonable to this Corporation at the time the transaction is entered into.

(b) The provisions of this section do not apply to any of the following:

(1) a transaction which is part of a public or charitable program of the Corporation if it is approved or authorized by the Corporation in good faith and without unjustified favoritism; and either (i) results in a benefit to one or more Directors or officers or their families because they are in the class of persons intended to be benefited by the public or

charitable program of this Corporation; or (ii) the only benefit to the Director or officer from the transactions is a benefit to another corporation of which the Director or officer is also a director or officer (as opposed to a material financial interest benefiting the Director or officer personally); and

(2) a transaction, of which the interested Director or Directors have no actual knowledge, and which does not exceed the lesser of one percent (1%) of the gross receipts of the corporation for the preceding fiscal year or one hundred thousand dollars ($100,000).

Section 10.2 Loans to Directors and Officers.

The Corporation shall not make any loan of money or property to or guarantee the obligation of any Director or officer, unless approved by the Attorney General of the State of California; provided, however, that the Corporation may advance money to a Director or officer of the Corporation for expenses reasonably anticipated to be incurred in the performance of the duties of such Director or officer, provided that in the absence of such advance, such Director or officer would be entitled to be reimbursed for such expenses by the Corporation.

ARTICLE 11. INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 11.1 Right to Indemnification.

This Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any action or proceeding by reason of the fact that such person is or was an officer, Director or agent of this Corporation, or is or was serving at the request of this Corporation as a Director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, or other enterprise, against expenses, including attorneys' fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, to the fullest extent permitted under the Nonprofit Public Benefit Corporation Law of the State of California and to the extent such person is not otherwise indemnified. For this purpose, the Board may, and on request of any such person shall, be required to determine in each case whether or not the applicable standards of conduct under California law have been met, or such determination shall be made by independent legal counsel if the Board so directs or if the Board is not empowered by statute to make such determination. The indemnification provided herein shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any agreement, vote of members or stockholders or disinterested Directors or otherwise, both as to action in a person's official capacity and as to action in another capacity while holding such office and shall continue as to a person who has ceased to be an agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

Section 11.2 Insurance.

This Corporation shall have the right to purchase and maintain insurance on behalf of any Director, officer, employee or agent of the Corporation, against any liability asserted against or incurred by the Director, officer, employee or agent in any such capacity or arising out of the Director, officer, employee or agent's status as such, whether or not the Corporation would have the power to indemnify the agent against such liability under Section 11.1, except that no insurance shall be maintained to indemnify any Director, officer, employee, or agent in connection with any violation of Section 5233 of the California Nonprofit Corporation Law.

ARTICLE 12. MISCELLANEOUS

Section 12.1 Execution of Instruments.

The Board, except as otherwise provided in these Bylaws, may by resolution authorize any Officer or agent of the Corporation to enter into any contract or execute and deliver any instrument in the name of an on behalf of the Corporation, and such authority may be general or confined to specific instances. Unless so authorized, no Officer, agent, or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount; provided, however, where the contract is for less than One Hundred Thousand Dollars ($100,000), the Chairperson, or the Treasurer, each acting alone, may authorize the contract on behalf of the Corporation.

Section 12.2 Fiscal Year.

The fiscal year of the Corporation shall be from July 1 through June 30.

Section 12.3 Construction and Definitions.

Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the above, the masculine gender includes the feminine and neuter, the singular number includes the plural, and the plural number includes the singular. If any competent court of law shall deem any portion of these Bylaws invalid or inoperative, then so far as is reasonable and possible: (1) the remainder of these Bylaws shall be considered valid and operative, and (2) effect shall be given to the intent manifested by the portion deemed invalid or inoperative.

Section 12.4 Electronic Transmissions.

Unless otherwise provided in these Bylaws, and subject to any guidelines and procedures that the Board of Directors may adopt from time to time, the terms "written" and "in writing" as used in these Bylaws include any form of recorded message capable of comprehension by ordinary visual means, and may include electronic transmissions, such as facsimile or email, provided (i) for electronic transmissions from the Corporation, the Corporation has obtained an unrevoked written consent from the recipient to the use of such means of communication; (ii) for electronic transmissions to the Corporation, the Corporation has in effect reasonable measures to verify that the sender is the individual purporting to have sent such transmission; and (iii) the transmission creates a record that can be retained, retrieved, reviewed, and rendered into clearly legible tangible form.

Section 12.5 Amendment by Directors.

New bylaws may be adopted, amended, or repealed by the Board of Directors at any meeting of the Board called for that purpose, provided that any amendment is consistent with the Articles of Incorporation, otherwise, any proposed amendment will not be effective until approved by the City Council.

~~New bylaws may be adopted, amended, or repealed by the Board of Directors at any meeting of the Board called for that purpose, provided that any amendment is not inconsistent with the Articles of Incorporation.~~

~~Section 12.6~~ARTICLE 13. NO Discrimination.

Section

13.1. No Discrimination.

T~~t~~here shall be no discrimination by the C~~c~~orporation in the selection of its governing board, in the employment of personnel, or in the administration of the corporation's programming because of race, color, religion, national origin, sex, age, sexual orientation, or handicapped status in violation of existing state or federal law or regulations.

~~ARTICLE 13.~~ARTICLE 14. EMERGENCY BYLAWS

~~Section 13.1~~Section 14.1 Definition.

For the purposes of this Article, the term "Emergency" will mean any of the following events or circumstances as a result of which a quorum of the Board cannot be readily convened for action:

(a) A natural, manmade, chemical, or biological catastrophe, including, but not limited to, a pandemic, epidemic, local public health emergency, unhealthy air quality, extreme heat, nuclear disaster, hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, or explosion.

(b) An attack of foreign or domestic origin on a locality within the State of California or the United States of America, or a receipt by local, state, or federal government of a warning indicating that a foreign or domestic attack is probable or imminent.

(c) An act of foreign or domestic terrorism or other manmade disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the infrastructure, environment, economy, government functions, or population, including, but not limited to, mass evacuations.

(d) A state of emergency proclaimed by a governor of a state in which one or more Directors reside or by the President of the United States.

~~Section 13.2~~Section 14.2 Purpose.

The provisions under this Article describe the actions the Board may take to manage and conduct the ordinary business affairs of the Corporation during an Emergency.

~~Section 13.3~~Section 14.3 Effectiveness of Emergency Bylaws.

In the event of an Emergency, the provisions of this Article will become and remain effective until the termination of the Emergency. All provisions of these Bylaws consistent with this Article will remain effective during the Emergency.

~~Section 13.4~~Section 14.4 Board Actions.

In furtherance of the purpose described in Section 3.1, the Board may:

(a) In the event of an Emergency, as necessary to conduct the Corporation's ordinary business operations and affairs:

(1) Modify lines of succession to accommodate the incapacity of any Director, Officer, employee, or agent resulting from the Emergency.

(2) Relocate the principal office, designate alternative principal offices or regional offices, or authorize the Officers to do so.

(b) During an Emergency, as necessary to conduct the Corporation's ordinary business operations and affairs:

(1) Give notice in any practicable manner under the circumstances, including, but not limited to, by publication, radio, or social media post to any Director when notice of a meeting cannot be given to that Director in the manner described in Article 6

(2) Deem that one or more Officers of the Corporation present at a Board meeting is a Director, in order of rank and within the same rank in order of seniority, as necessary to achieve a quorum for that meeting. If quorum is not achieved, including all Officers present, those present at the meeting will be a quorum.

~~Section 13.5~~Section 14.5 Prohibited Actions.

In the event of an Emergency, the Board may not take any action that, in accordance with these Bylaws, requires a vote by a majority of all Directors then in office unless the Chairperson deems that action is necessary to manage and conduct the business affairs of the Corporation during the Emergency.

~~Section 13.6~~Section 14.6 Actions Taken During an Emergency.

Any action that does not constitute willful misconduct or gross negligence taken in good faith in accordance with this Article binds the Corporation and may not be used to impose liability on a Director, Officer, employee, or agent of the Corporation.

Remainder of this page intentionally blank

CERTIFICATE OF SECRETARY

I, the undersigned, certify that I am the presently elected and acting Secretary of Seaside Housing Collaborative, a California nonprofit public benefit corporation, and the above Bylaws, consisting of sixteen (16) pages, are these Bylaws of this corporation.

Date: __________________________

Executed at Seaside, California.

By: _______________________________

Name: _______________________________

Its: Secretary

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.B.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Sheri Damon, City Attorney

DATE: November 4, 2021

SUBJECT: **CONSIDER RESOLUTION ESTABLISHING FINDINGS OF DENIAL FOR NEW RESIDENTIAL CREATION AND PRECLUDING URBAN LOT SPLITS PURSUANT TO SB9 AND CREATING A MORATORIUM ON NEW WATER CONNECTIONS AND SERVICE WITHIN THE SEASIDE MUNICIPAL WATER SYSTEM**

RECOMMENDATION

Adopt a resolution establishing findings of denial for the creation of new residences and urban lot splits pursuant to the provisions of SB9 and create a moratorium on new water connections within the Seaside Municipal Water System and direct staff to recommend design guidelines for creation of new residences and urban lot splits pursuant to SB9 when the system moratoriums are lifted.

BACKGROUND

Senate Bill 9 (SB9) was approved by the Governor on September 16, 2021. SB9 provides that proposed housing development containing no more than 2 residential units within single-family residential zones is to be considered ministerially. There are limitations on how a single family lot qualifies to take advantage of the SB9 provisions and some limitations, such as a prohibition on demolition or alteration of housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels of affordable to persons and fmaailies of moderate, low, or very low income; that the proposed housing development does not allow for the demolition of more than 25% of the existing exerterior structural walls, except as provided and that the development is not located within a historic district, or is not included on the State Historic Resolurces Inventory or is not within a stile that is legally designed aby a City or Councty as a landmark or historic property or district. SB9 provides, among other things, that an agency may propose objective zoning standards, objective subdivision standards and objective design standards, provided that those standards do not preclude construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area. The law specifically provides that the Building Official may make findings if there is an immediate health and safety issue.

SB9 also addresses and amends the Subdivision Map Act and would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements including, but not limited to, that the urban lot split would not require the demolition or alternation of housing that is subject to a recorded covenant, ordinance or law that restricts rents tgo levels of affordable to persons and families of moderate, low, or very low income, that the parcel is location within a signgle-family residential zone and not within a historic district, listed on the State Historic Resources Inventory or is not within a site that is legally designated or listed as a city or county landmark or histrooice property or district. The bill does authorize a local agency to impose objective zoning standards, objective subdivision standards and objective design standards, unless those standards would have the effect of physically precluding the construction of 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements, requing the applicant to sign an affidavit stating that they intend to occupy on the housing units as their principal residence and other provisions. Staff has not yet conducted the workshop on SB9 to discuss the creation and application of those objective standards.

The City of Seaside currently has two single-family residential zones- an RS-8 and RS-12 zone. These zones are primarily served water by the Cal-Am Water Company and the Seaside Municipal Water System. The lands on Fort Ord are served by water from the Marina Coast Water District and are not affected by this proposed moratorium. The Cal-Am Water Company is currently subject to a Cease and Desist Order (CDO) promulgated by the Regional Water Quality Control Board and is precluded from setting new meters and increasing the size of meters where there is an intensification of use on site. These moratoriums will preclude the setting of Cal-Am meters for new residences and on properties that are sub-divided pursuant to SB9 as they necessarily intensify the use on the property. Cal-Am is also subject to a water adjudication of extractions from the Seaside Basin. The Seaside Basin has been adjudicated and is following a plan to protect the health of the basin. Cal-Am is currently pumping water out of the Seaside groundwater basin in conformance with its water allocation. The Seaside Municipal Water System is not subject to the CDO, but is subject to orders relating to its pumping out of the Seaside Groundwater Basin. For the last several years, the Seaside Municipal Water System has exceeded its water allocation and it is projected that Water Year 2021 will almost double its over-pumping above its water allocation. The water allocations are designed to protect the health of the basin. This means that the Seaside Municipal Water System is over-pumping its water allocation just to serve its existing customers. Creation of new lots and residences within the Seaside Municipal Water System will only exacerbate its overpumping. SMWS has been working on a project to bring water into the basin, referred to as the In-lieu Water Storage project, and will spread reclaimed water on its golf course. This project has not yet been perfected in that it has not yet brought water into the basin to address its needs. Likewise, Cal-Am and the Monterey Peninsula Water Management District and Monterey 1 are pursuing projects to bring reclaimed water into the basin. Those projects have not yet been perfected. From time to time, there are small projects which develop water resources such as not to exacerbate over-pumping or violate the CDO and in those cases, the proposed resolution does not preclude projects or subdivisions from moving forward in those cases. Likewise, the proposed Resolution does not affect the development of Accessory Dwelling Units, as those are considered a part of the main residence and do not require the setting of new meters.

As drafted, the attached resolution will create a moratorium on the Seaside Municipal Water System, similar to the one which Cal-Am is subject to, prohibiting the setting up of new meters and adding new customers. The advantage of this moratorium in the SMWS creates space for additional water supplies to be perfected before increasing and aggravating the safe yield of the Seaside Basin. The CDO currently precludes Cal-Am from setting up new meters. The Resolution confirms these situations and directs the Building Official to make appropriate findings of denial based upon the lack of resources to serve the increased development, unless certain mitigations can be identified. The Resolution further directs staff to bring back the objective zoning, design and other standards allowed to be regulated by SB9 for both the urban lot splits and the creation of new residential units at the earliest possible time.

FISCAL IMPACT

None

ATTACHMENTS

1. Resolution

Reviewed for Submission to the City Council by:

RGreathouse

Roberta Greathouse, Acting City Manager

RESOLUTION NO. 21-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

PRECLUDING ALL NEW RESIDENTIAL CREATION AND URBAN LOT SPLITS PURSUANT TO SB9 AND DECLARING A MORATORIUM WITHIN THE SEASIDE MUNICIPAL WATER SYSTEM SERVICE AREA PROHIBITING NEW CUSTOMERS OR NEW METERS

WHEREAS, there exists within the City of Seaside water resource constraints within the Seaside Municipal Water System (SMWS) and the California American Water Company (Cal-Am) service areas; and

WHEREAS, on or about July 6, 1995, the State Water Resources Control Board (SWRCB) adopted Order No. WR 95-10 regarding the legal basis of the California-American Water Company's (Cal-Am or CAW) right to divert water from the Carmel River. Over the years, the SWRCB modified its orders related to Cal-Am's diversions from the Carmel River. In Order WR 2016-001, Condition 2 precludes Cal-Am from the setting of new meters and intensification of use until replacement water supplies are obtained and diversions from the Carmel River have been fully addressed. That order has not yet been lifted; and

WHEREAS, in 2006, the Seaside Basin was adjudicated and an Amended Decision was established by the Court in Monterey County Superior Court Case no M66343 which established water allocations for Standard Producers of Water and Alternative Producers of Water in order to protect the safe yields for the Seaside Basin groundwater supply. The Seaside Basin Water Master was established to monitor and protect the Seaside groundwater Basin. Both Cal-Am and the Seaside Municipal Water System received allocations pursuant to the Alternative Producer allocation (APA). The alternative producers were required to reduce their allocations over time in order to protect the health of the basin and meet the safe yields for the Seaside Groundwater Basin. In water year 2006, the Seaside Municipal Water System over pumped its water allocation by 194.07 AFY. The water allocation for the City of Seaside was 146.99 AFY in 2020 and in water year 2021 is 120.28 AFY; and

WHEREAS, in water year 2018, the Seaside Municipal Water System ("SMWS") over-pumped its water allocation by 32.46 AFY. In water year 2019, the SMWS over-pumped its water allocation by 27.82 AFY. In Water year 2020, the SMWS over-pumped its water allocation by 32.06 AFY. It is projected, based upon existing SMWS customers that in the 2021 water year the SMWS over pumping will increase its allocation by approximately 50-70 AFY. Adding new customers and setting new meters will only aggravate the existing over pumpage and cannot be mitigated unless and until a replacement water supply project has been identified and implemented or evidence is provided that there is no net increase in SMWS pumping; and

WHEREAS, the City of Seaside is pursuing a replacement water supply, which has not yet been perfected and the California American Water Company is pursuing some replacement water supplies, which have not yet been perfected; and

WHEREAS, the State legislature and Governor Newsom signed SB9 which among other things permits the division, partial or full, of existing single family homes to create two separate residential units, eligible to be sold separately and permits urban lot splits in residential zones to create two equal parcels of a minimum of 1200 square feet without public review; and

WHEREAS, SB9 provides that a local agency may promulgate objective rules that govern the development of two residences on parcels identified and subdivisions of existing single family lots; and

WHEREAS, SB 9 also provides that a local agency may deny a proposed housing development project or subdivision application if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigation or avoid the specific adverse impact.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside makes the following findings:

1. The City Council finds all of the above recitals are true and correct and incorporated into these findings; and
2. The City Council finds that there is a current and immediate threat to the public health, safety, or welfare of the citizens of Seaside located within the Seaside Municipal Water System and the Cal Am Water Service Area if new residences and subdivisions are created pursuant to the provisions of SB9; and
3. The Seaside Municipal Water System shall not add or set any new water meters or take on any new customers until a replacement water or offsetting water supply has been identified and produced for the Seaside Basin or the Seaside Municipal Water System has not over-pumped its Seaside Basin water allocation for a period of three years; and
4. In the absence of a replacement water supply, augmentation project, or other water mitigation, for the continuing health and safety of its existing residents and the physical environment, there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Each new connection represents a significant, quantifiable, direct and unavoidable impact and is cumulatively significant; and
5. The City Council hereby directs the City of Seaside Building Official to include the above findings and this Resolution as a part of the written denial for any duplex application under Government Code section 65852.21(d) or any parcel map based upon an urban lot split (Government Code section 66411.7) upon the basis that such project would have a specific adverse impact as defined in Paragraph 2 of subdivision d of Section 65589.5.
6. The City Council further directs that staff return to the Council at the soonest possible time with objective standards and guidelines allowed by SB9 to address the creation of two residential units on a single family lots and the urban lot subdivisions.

PASSED AND ADOPTED at a regular City Council meeting of the City of Seaside duly held on the 4th day of November, 2021 by the following vote:

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

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

____
Sheri L. Damon,
City Attorney