A G E N D A

CITY OF SEASIDE	REGULAR MEETING
CITY COUNCIL/SUCCESSOR	440 HARCOURT AVE (COUNCIL CHAMBER)
AGENCY TO THE	Thursday, October 6, 2022
REDEVELOPMENT AGENCY	5:00 PM

***NOTICE:** The City Council will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Seaside utilizes Zoom tele-conferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of public through this means is at their own risk.*

VIRTUAL PUBLIC PARTICIPATION INSTRUCTIONS

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: https://www.youtube.com/c/CityofSeasideCalifornia

2. To participate in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: https://ci-seaside-ca-us.zoom.us/j/81936832059
WEBINAR ID: 819 3683 2059

3. To participate by phone: Please call (669) 900-9128
Enter the meeting ID 819 3683 2059 when prompted. There is no participate code – press the pound sign # after the recording prompts you.

4. To make 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 2:00 p.m. on the day of the meeting.

During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9.

IN PERSON PARTICIPATION INSTRUCTIONS

Members of the public participating in person and wishing to address the City Council may approach the podium when the Chair calls for public comment.

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 for "Presentations" on this agenda are also taken at this time; comments on specific agenda items are heard under that item. For the public record, please state your name.

6. **PUBLIC AGENCY COMMUNICATIONS**

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

7. **PRESENTATIONS**

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

   B. **HUMAN RESOURCES UPDATE (SAMANTHA SAKHRANI, HUMAN RESOURCES ANALYST)**

   C. **VACCINATION UPDATE (MARY GUTIERREZ, FIRE CHIEF)**

   D. **CAR WEEK AFTER ACTION REPORT (DAN MEEWIS, RECREATION DIRECTOR)**

8. **CONSENT AGENDA**

A. **ADOPT A RESOLUTION MAKING FINDINGS IN ACCORDANCE WITH AB361: HYBRID MEETINGS AND GOVERNMENT CODE SECTION 54953 (BROWN ACT) AUTHORIZING REMOTE/TELECONFERENCE PARTICIPATION IN CITY MEETINGS**

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

B. **APPROVE MINUTES FROM SEPTEMBER 15, 2022**

RECOMMENDATION: Approve minutes as presented in the agenda packet.

C. **APPROVE PROCLAMATION RECOGNIZING DOMESTIC VIOLENCE AWARENESS MONTH**

RECOMMENDATION: Approve a proclamation recognizing Domestic Violence Awareness Month in the City of Seaside.

D. **APPROVE PROCLAMATION RECOGNIZING NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH**

RECOMMENDATION: Approve a proclamation recognizing National Disability Employment Awareness Month in the City of Seaside.

E. **APPROVE PROCLAMATION DECLARING FREEDOM FROM WORKPLACE BULLYING WEEK FROM OCTOBER 16-22, 2022**

RECOMMENDATION: Approve a proclamation declaring freedom from workplace bullying week from October 16-22, 2022 in the City of Seaside.

F. **APPROVE A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL BOYS AND GIRLS SWIM TEAM**

RECOMMENDATION: Approve a request from the Seaside High School Swim Team for a donation of $3,000.00 from the Mayor's Youth Fund to help cover the cost associated with purchasing replacement swim equipment, parkas, fins, kick boards and other safety equipment for the team.

G. **APPROVE A FEE WAIVER REQUEST FROM DARRYL CHOATES FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR A COMMUNITY CELEBRATION OF LIFE FOR BILLY F. DEBERRY ON OCTOBER 23, 2022**

RECOMMENDATION: Approve the fee waiver request from Darryl Choates for the use of Laguna Grande Hall and kitchen to hold a celebration of life for Billy F.

Deberry.

H. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SEASIDE POLICE OFFICERS' ASSOCIATION

RECOMMENDATION: Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding with the Seaside Police Officers' Association.

I. ADOPT RESOLUTIONS APPROVING THE INITIATION OF THE CALPERS COST-SHARING FOR THE EXECUTIVE MANAGERS, UNCLASSIFIED EXEMPT, AND CONFIDENTIAL EXEMPT EMPLOYEES

RECOMMENDATION: Adopt the resolutions approving the initiation of the CalPERs Process for Retirement Cost Sharing under Government Code Section 20516(a) for the Executive Managers, Confidential Exempt, and Unclassified Exempt Employees.

J. GRANTING AN EASEMENT FOR LANDSCAPING, MAINTENANCE ON THE BICYCLE/PEDESTRIAN PATHWAY, AND PUBLIC ACCESS PURPOSES AT LAGUNA GRANDE PARK BETWEEN THE SUCCESSOR AGENCY TO THE SEASIDE REDEVELOPMENT AGENCY AND THE CITY OF SEASIDE

RECOMMENDATION: 1. Authorize the Successor Agency to the Seaside Redevelopment Agency to grant an easement to the City of Seaside for landscaping, pedestrian/bicycle pathway, and public access improvements, and 2. Authorize the City Manager to accept the grant of easement for landscaping, pedestrian/bicycle pathway, and public access improvements.

9. PUBLIC HEARING

A. ADOPT RESOLUTIONS RELATED TO FORMING A COMMUNITY FACILITIES DISTRICT TO PROVIDE FINANCING FOR VARIOUS PUBLIC FACILITIES AND MUNICIPAL SERVICES

RECOMMENDATION: Adopt the resolutions related to the formation of a Community Facilities District (CFD) to provide financing for various public facilities and municipal services:
1. A Resolution adopting Local Goals and Policies for CFD; and 2. A Resolution declaring the intention to establish a CFD and to authorize the levy of special taxes therein – Facilities and Maintenance Services; and 3. A Resolution declaring the intention to incur bonded indebtedness of the proposed City of Seaside CFD No. 2022-1 (Facilities and Maintenance Services).

10. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

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

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

12. CLOSED SESSION

Pursuant to Government Code Section 54956 et seq., the City Council and Successor Agency to Redevelopment Agency may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City Attorney. Public comments on these items are taken after being read by the City Attorney. For the public record, please state your name.

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

Property: Phase 1A Campus Town generally located West of General Jim Moore Blvd. and East of First Avenue and south of Lightfighter Drive (APN 031-151-054)
Approximately 22.52 Acres
Agency Negotiators: City Manager, et. al.
Negotiating Parties: City of Seaside and KB-Bakewell Seaside Venture LLC
Under Negotiation: Price, Terms of Payment or Both

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

Property: Easements - Pure Water Project and ASR Injection well sites (Multiple sites generally located east of General Jim Moore Blvd and south of Eucalyptus Road)
Agency Negotiators: City Manager, et. al.
Negotiating Parties: City of Seaside and MPWMD and Monterey 1 Water
Under Negotiation: Price, Terms of Payment or Both

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

Monterey County Superior Court
Petrovich Development Company, LLC v. City of Seaside, et al.
Case No. 21CV003630

D. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9: POTENTIAL LITIGATION

Potential Litigation (2 Matters)

13. ADJOURNMENT

This meeting will adjourn in the honor and memory of Mr. Billy F. DeBerry, Mrs. Leandra Acedo Acilo, Reverend Dr. Herbert H. Lusk, II and Mrs. Alice Jordan.

Next Regularly Scheduled Meeting:
October 20, 2022
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.

SCAN ME

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Sheri Damon, City Attorney

DATE: October 6, 2022

SUBJECT: **ADOPT A RESOLUTION MAKING FINDINGS IN ACCORDANCE WITH AB361: HYBRID MEETINGS AND GOVERNMENT CODE SECTION 54953 (BROWN ACT) AUTHORIZING REMOTE/TELECONFERENCE PARTICIPATION IN CITY MEETINGS**

RECOMMENDATION

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

BACKGROUND

On or about March 4, 2020, Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code Section 8625 as a result of the COVID-19 pandemic and that declaration is ongoing. In the month of April 2022, Monterey County Health Officer reiterated the need for ongoing social distancing and masking due to a substantial increase in COVID infections. In the months of April through August 2022, the City of Seaside has observed an uptick in COVID cases by Seaside residents and City staff. Government Code Section 54953(e), authorizes remote teleconference meetings without complying with the notice requirements of 54953(b) and physical location of Council member participation, so long as the local agency has made appropriate findings and the state continues to be in a state of emergency.

FISCAL IMPACT

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

ATTACHMENTS

1. AB361 Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

MAKING FINDINGS FOR AND AUTHORIZING REMOTE TELECONFERENCE/ZOOM MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e)

WHEREAS, on or about March 4, 2020, Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code section 8625 as a result of the COVID-19 pandemic and that declaration is ongoing; and

WHEREAS, in the month of April 2022, Monterey County Health Officer reiterated the need for ongoing social distancing and masking due to a substantial increase in COVID infections; and

WHEREAS, in the months of April, May, and June 2022, the City of Seaside has observed an uptick in COVID cases by Seaside residents and City staff; and

WHEREAS, on or about June 2, 2022, the Center for Disease Control designated Monterey County to be a county of high community transmissibility for COVID given the increase in the number of COVID cases and the increase in the use of hospital beds (as compared to the previous weeks); and

WHEREAS, Government Code Section 54953(e), authorizes the remote teleconference meetings without complying with the noticing requirements of 54953(b) and physical location of Council member participation, so long as the local agency has made appropriate findings and the state continues to be in a state of emergency; 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, the notable increase in COVID cases amongst City residents and City staff are grounds to authorize the use of remote teleconference participation pursuant to Government Code section 54953(e) when determined by the City to be necessary, 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 in person and/or fully remote Zoom/teleconference meetings and are directed to take all steps to implement this Resolution including, but not limited to, conducting open and public remote meetings in accordance with the requirements of Government Code section 54953(e) and/or 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 6th day of October, 2022, 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

DRAFT MINUTES

CITY OF SEASIDE	REGULAR MEETING
CITY COUNCIL/ SUCCESSOR	440 HARCOURT AVE
AGENCY TO THE	Thursday, September 15, 2022
REDEVELOPMENT AGENCY	5:00 PM

1. **CALL TO ORDER**
   Mayor/Chair Oglesby called the meeting to order at 5:00 pm

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**
   PRESENT: Campbell, Garcia-Arrazola, Oglesby, Pacheco, Wizard
   ABSENT: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**
   The Pledge of Allegiance was led by Council Member Garica-Arrazola; and invocation was given by Pastor Nicole Harvey Williams (Seaside Community Seventh Day Adventist Church).

4. **REVIEW OF AGENDA**
   City Attorney Sheri Damon advised the Council that item 8J would be removed from the agenda. (8J - Approve a fee waiver request from Vibes and Smiles Inc. to use Laguna Grande Park to hold their harvest festival and farmworkers essentials donation drive on October 15, 2022).

5. **PUBLIC COMMENT**
   Public comment: Michelle Overmeyer, Mike Lane, Genie Reese, Lisa Lewis, Moises Olis, Analisa Mitchell, Peter Kaiser, Katherin Crockett, Susan Schiavone

6. **PUBLIC AGENCY COMMUNICATIONS**
   None

7. **PRESENTATIONS**

   A. **PRESENTATION OF THE KEY TO THE CITY (MAYOR OGLESBY)**
   Mayor/Chair Oglesby presented Key to the City to Mrs. Ella Ruthie Watts and comments were received from friends, family and members of the community.

   B. **MONTEREY COUNTY BOARD OF SUPERVISORS CEREMONIAL RESOLUTION HONORING THE CITY OF SEASIDE'S VACCINE ACTION TEAMS WORK TO COMBAT THE SPREAD OF COVID 19. (MONTEREY COUNTY DISTRICT 4 SUPERVISOR, WENDY ROOT-ASKEW)**

Wendy Root-Askew presented a Resolution on behalf of the Monterey County Board of Supervisors to the City’s Vaccine Action Team.

Recess break at 6:20 p.m., meeting resumed at 6:33 p.m.

C. REVIEW OF UPCOMING CITYWIDE EVENTS (ERNESTO ALTAMIRANO, COMMUNICATIONS & COMMUNITY ENGAGEMENT SPECIALIST)

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

D. COMMUNITY ENGAGEMENT PLAN FOR THE BROADWAY AVENUE COMPLETE STREETS CORRIDOR PROJECT (NISHA PATEL, PUBLIC WORKS DIRECTOR/ CITY ENGINEER)

Public Works Director/City Engineer, Nisha Patel introduced consultants from Kimley Horn & Associates, Molly Tremblay and Frederick Venter to provide a presentation and answer questions from the Council.

8. CONSENT AGENDA

8J removed from the agenda during Review of Agenda.

No Public Comment.

On motion by Council Member Campbell and second by Mayor Pro Tem/Vice Chair Pacheco and carried by the following vote, the City Council/Successor Agency moved to approve the consent agenda as presented, except for item 8J.

AYES: Campbell, Garica-Arrazola, Oglesby, Pacheco, Wizard
NOES: None
ABSTAIN: None
ABSENT: None

A. ADOPT A RESOLUTION MAKING FINDINGS IN ACCORDANCE WITH AB361: HYBRID MEETINGS AND GOVERNMENT CODE SECTION 54953 (BROWN ACT) AUTHORIZING REMOTE/TELECONFERENCE PARTICIPATION IN CITY MEETINGS

ACTION: ADOPTED RESO #22-119

B. APPROVE MINUTES FROM AUGUST 25 AND SEPTEMBER 1, 2022

ACTION: APPROVED

C. APPROVE AND FILE CITY CHECKS

ACTION: APPROVED & FILED

D. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

ACTION: APPROVED & FILED

E. <u>PROCLAMATION COMMEMORATING THE 75TH ANNIVERSARY OF MONTEREY PENINSULA COLLEGE DISTRICT</u>

Mayor/Chair Oglesby presented Proclamation to Monterey Peninsula Board of Trustees Chair Rosalyn Green in honor of their 75th Anniversary.

ACTION: PROCLAIMED

F. <u>PROCLAMATION DESIGNATING SEPTEMBER 26 TO SEPTEMBER 30, 2022, AS STORMWATER AWARENESS WEEK FOR STORMWATER CONTROL</u>

ACTION: PROCLAIMED

G. <u>PROCLAMATION DESIGNATING OCTOBER 9-15, 2022, AS FIRE PREVENTION WEEK</u>

ACTION: PROCLAIMED

H. <u>APPROVE A FEE WAIVER REQUEST FROM SEASIDE HIGH SCHOOL FOR COSTS ASSOCIATED WITH THE ANNUAL HOMECOMING PARADE ON SEPTEMBER 30, 2022</u>

ACTION: APPROVED

I. <u>APPROVE A FEE WAIVER REQUEST FROM PALENKE ARTS ORGANIZATION FOR THE "DIA DE LOS MUERTOS" (DAY OF THE DEAD) CELEBRATION ON NOVEMBER 1, 2022</u>

ACTION: APPROVED

J. <u>APPROVE A FEE WAIVER REQUEST FROM VIBES AND SMILES INC. TO USE LAGUNA GRANDE PARK TO HOLD THEIR HARVEST FESTIVAL AND FARMWORKERS ESSENTIALS DONATION DRIVE ON OCTOBER 15, 2022</u>

This item was removed from the agenda.

K. <u>APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM CENTRAL COAST HIGH SCHOOL FOR THE WORK TO LEARN PROGRAM</u>

ACTION: APPROVED

L. **<u>ADOPT A RESOLUTION AMENDING THE ADOPTED 2022-23 MASTER FEE SCHEDULE, TO ADD THE PREVIOUSLY ADOPTED WATER CAPACITY FEES AND TO REDUCE THE FIREWORKS VIOLATION FINE TO $1,000</u>**

ACTION: ADOPTED RESO #22-120

M. **<u>ADOPT A RESOLUTION AUTHORIZING THE CLOSURE OF YOSEMITE STREET, BETWEEN BROADWAY AND MENDOCINO AVENUE, ON OCTOBER 8, 2022, FOR SEASIDE FIRE DEPARTMENT'S ANNUAL COMMUNITY PUBLIC EDUCATION OPEN HOUSE</u>**

ACTION: ADOPTED RESO #22-121

N. **<u>ADOPT A RESOLUTION AUTHORIZING AN ADDENDUM TO THE SISTER CITY AGREEMENT BETWEEN THE MUNICIPALITY OF OAXACA DE JUÁREZ AND THE CITY OF SEASIDE</u>**

ACTION: ADOPTED RESO #22-122

O. **<u>ADOPT A RESOLUTION APPROVING AN APPROPRIATION OF $152,000.00 TO THE FORT ORD MILITARY RESERVATION PROPERTY DECONSTRUCTION AND DEMOLITION PHASE 1A PROJECT FOR ADDITIONAL SOIL EXCAVATION AND HAULING, AND APPROVING $152,000.00 IN ADDITIONAL CONTINGENCY TO THE CONSTRUCTION AGREEMENT WITH RANDAZZO ENTERPRISES INC. FOR A TOTAL CONSTRUCTION AMOUNT THAT DOES NOT EXCEED $734,385.20</u>**

ACTION: ADOPTED RESO #22-123

9. <u>PUBLIC HEARING</u>

A. **<u>ADOPT A RESOLUTION APPROVING THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2021-2022</u>**

Administrative Analyst Haroon Noori presented the item and responded to questions and comments from the Council.

Public Comment: Diana Bergman

On motion by Council Member Campbell and second by Council Member Garcia-Arrazola and carried by the following vote, the City Council/Successor Agency moved to adopt a resolution approving the consolidated annual performance and evaluation report for the Community Development Block Grant for fiscal year 2021-2022.

AYES: Campbell, Garica-Arrazola, Oglesby, Pacheco, Wizard
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: ADOPTED RESO #22-124

10. BUSINESS ITEMS

A. ADOPT A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE "FY 2021/2022 PAVEMENT REHABILITATION PROJECT" (PROJECT BUDGET ROLLED FORWARD TO FY 2022/2023), AWARDING A CONSTRUCTION CONTRACT TO GRANITE ROCK COMPANY FOR AN AMOUNT NOT TO EXCEED $1,993,299.50, AND REVISING THE MEASURE X BOND STREET LIST TO INCLUDE KIMBALL AVENUE AND WHEELER STREET

Public Works Director/City Engineer, Nisha Patel presented the item and responded to questions and comments from the Council. Finance Director, Victor Damiani also provided comments.

No Public Comment.

On motion by Mayor Pro Tem/Vice Chair Pacheco and second by Council Member Garcia-Arrazola and carried by the following vote, the City Council/Successor Agency moved to adopt a resolution approving awarding a construction contract to Granite Rock Company for an amount not to exceed $1,993,299.50 and revising the measure X Bond street list to include Kimball Avenue and Wheeler Street.

AYES: Campbell, Garica-Arrazola, Oglesby, Pacheco, Wizard
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: ADOPTED RESO #22-125

B. ADOPT A RESOLUTION AUTHORIZING CONTRACT AMENDMENT NO. 9 TO THE PROFESSIONAL SERVICE AGREEMENT WITH HARRIS & ASSOCIATES TO PERFORM DESIGN SERVICES DURING CONSTRUCTION, CONSTRUCTION MANAGEMENT, AND INSPECTION SERVICES FOR THE "FY 2021/2022 PAVEMENT REHABILITATION PROJECT" (PROJECT BUDGET ROLLED FORWARD TO FY 2022/2023) FOR AN AMOUNT NOT TO EXCEED $86,210.00

Public Works Director/City Engineer, Nisha Patel presented the item and responded to questions and comments from the Council.

Public Comment: Dayana Bergman

On motion by Council Member Campbell and second by Mayor Pro Tem/Vice Chair Pacheco and carried by the following vote, the City Council/Successor Agency moved to approve to adopt a resolution authorizing contract amendment No. 9 to professional service agreement with Harris & Associates to preform design services during construction, construction management, and inspection services for fiscal year 2021-2022 Pavement Rehabilitation Project for an amount not to exceed $86,210.00.

AYES: Campbell, Garica-Arrazola, Oglesby, Pacheco, Wizard
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: ADOPTED RESO #22-126

11. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

None, per Assistant City Manager, Ashley Collick.

B. FOLLOW UP ON PREVIOUS REQUESTS

None, per Assistant City Manager, Ashley Collick.

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

Reports provided.

13. CLOSED SESSION

City Attorney Sheri Damon read the closed session items and did not expect a report out.

There were no public comments.

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Acting City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE 54957.6

Agency Negotiators: Roberta Greathouse, Human

Resources Director / Risk Manager; Donna Williamson, Labor Negotiator; Samantha
Sakhrani, Human Resources Analyst.
Employee Organizations: All full-time employees and employee associations.

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

Property: Phase 1A Campus Town generally located West of General Jim Moore Blvd. and East of First Avenue and south of Lightfighter Drive (APN 031-151-054) Approximately 22.52 Acres
Agency Negotiators: City Manager, et. al.
Negotiating Parties: City of Seaside and KB-Bakewell Seaside Venture LLC
Under Negotiation: Price, Terms of Payment or Both

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

Property: A portion of APN 031-151-013 Approximately 5 acres of land generally bounded by Divarty to the North and Second Avenue to the East
Agency Negotiators: City Manager, et. al
Negotiating Parties: State of California and City of Seaside
Under Negotiation: Price, Terms of Payment, or Both

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

Property: A portion of APN 031-151-057 located generally east of General Jim Moore Blvd., West of Chapel Drive and North of Chapel Road
Agency Negotiators: City Manager, et. Al
Negotiating Parties: United States Army and City of Seaside
Under Negotiation: Price, Terms of Payment, or Both

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

Monterey County Superior Court
Petrovich Development Company, LLC v. City of Seaside, et al.
Case No. 21CV003630

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

Potential Litigation (2 Matters)

Upon return from closed session City Attorney, Sheri Damon, announced they will be moving forward with one new litigation.

14. ADJOURNMENT

With no further business, the meeting adjourned at 11:07 p.m.

Respectfully submitted,

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

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.C.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Derrick Elder, Family & Community Support Practitioner
Dan Meewis, Recreation Director

DATE: October 6, 2022

SUBJECT: **APPROVE PROCLAMATION RECOGNIZING DOMESTIC VIOLENCE AWARENESS MONTH**

RECOMMENDATION

Approve a proclamation recognizing Domestic Violence Awareness Month in the City of Seaside.

BACKGROUND

Domestic Violence Awareness Month was first introduced back in 1981 by the National Coalition Against Domestic Violence and officially declared in 1989.

Domestic Violence Awareness Month was created not only to bring more awareness to others but to connect and unify the millions of affected victims/survivors that have been battered due to domestic violence. It's hope is to break the chains of violence that currently have such a strong grip on our nation.

The Seaside Family and Community Support Program is devoted to supporting the safety of all members of the Seaside Community through its engagement in survivor-centered practices and wants to shed light onto this severe, growing epidemic.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENTS

1. Proclamation

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

City of Seaside
PROCLAMATION

Domestic Violence Awareness Month
October 2022

WHEREAS, *intimate partner violence affects people of all ages as well as all racial, ethnic, gender, economic, and religious backgrounds; and*

WHEREAS, *women are disproportionately victims of domestic violence, as 1 in 4 women and 1 in 7 men ages 18 and older will experience domestic violence at some point in their life; and*

WHEREAS, *COVID–19 restrictions had some hospitals see a near-doubling of the proportion of domestic abuse cases that resulted in physical injury in comparison with previous years; and*

WHEREAS, *99 percent of abusive relationships include financial abuse, causing the survivors to stay or return to the abusive relationship; and*

WHEREAS, *there is a need for primary schools, secondary schools, and postsecondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking; and*

WHEREAS, *a recently released multistate study shows that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children; and*

WHEREAS, *domestic violence advocates provide lifesaving, essential services; and*

WHEREAS, *The City of Seaside recognizes the vital role that all citizens can play in preventing and, one day, ending domestic violence.*

WHEREAS, *it is fitting to designate the month of October as* ***National Domestic Violence Awareness Month*** *to acknowledge victims of domestic violence in the City of Seaside and the service providers who support these residents in need.*

NOW THEREFORE, BE IT PROCLAIMED, *that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, hereby declare* ***October 2022 as National Domestic Violence Awareness Month*** *and urges all our citizens in Seaside to support and promote this observance.*

____

Ian N. Oglesby, Mayor

October 6, 2022

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: October 6, 2022

SUBJECT: **APPROVE PROCLAMATION RECOGNIZING NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH**

RECOMMENDATION

Approve a proclamation recognizing National Disability Employment Awareness Month in the City of Seaside.

BACKGROUND

The purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities. This year's theme is "Disability: Part of the Equity Equation."

The history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week." In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month.

FISCAL IMPACT

None.

ATTACHMENTS

1. Proclamation

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

City of Seaside
PROCLAMATION

National Disability Awareness Month
October 2022

WHEREAS, *October 2022 marks the 77th anniversary of National Disability Employment Awareness Month; and*

WHEREAS, *the purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and*

WHEREAS, *the history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week;" and*

WHEREAS, *in 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities; and*

WHEREAS, *in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and*

WHEREAS, *workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and*

WHEREAS, *activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm the City of Seaside's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities; and*

WHEREAS, *that City of Seaside recognize and commemorate the 77th anniversary of National Disability Employment Awareness Month; and*

WHEREAS, *that the City of Seaside call upon employers, schools, and other community organizations in Seaside to observe October with appropriate programs and activities, and to advance its important message that people with disabilities add value and talent to our workplaces and communities; and*

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 proclaim the City of Seaside, Ca. pledge to continue to take steps throughout the year to recruit, hire, retain, and advance individuals with disabilities and work to pursue the goals of opportunity, full participation, economic self-sufficiency, and independent living for people with disabilities.*

Ian N. Oglesby, Mayor
October 6, 2022

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: October 6, 2022

SUBJECT: **APPROVE PROCLAMATION DECLARING FREEDOM FROM WORKPLACE BULLYING WEEK FROM OCTOBER 16-22, 2022**

RECOMMENDATION

Approve a proclamation declaring freedom from workplace bullying week from October 16-22, 2022 in the City of Seaside.

BACKGROUND

Bullying is a systematic campaign of interpersonal destruction that jeopardizes your health, your career, the job you once loved. Bullying is a non-physical, non-homicidal form of violence. Because it is abusive, it causes both emotional and stress-related physical harm. The Workplace Bullying Institute (WBI) defines workplace bullying as repeated, health-harming mistreatment of one or more people in the workplace.

Workplace bullying behavior is abusive conduct that falls into one of the following three categories:

1. Threatening, humiliating, or intimidating workplace behavior;
2. Work interference / sabotage of the person's work performance; or
3. Verbal abuse.

Freedom from Workplace Bullying Week is a chance to break through the shame and silence surrounding bullying.

FISCAL IMPACT

None.

ATTACHMENTS

1. Proclamation

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

City of Seaside
PROCLAMATION

Freedom from Workplace Bullying Week

Commemorative Observance

WHEREAS, *the City of Seaside has an interest in promoting the social and economic well-being of its employees and citizens; and*

WHEREAS, *that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and*

WHEREAS, *Bullying is a systematic campaign of interpersonal destruction that jeopardizes employee health, shatters careers and strains families; and*

WHEREAS, *Bullying is a non-physical, non-lethal workplace violence and it is abusive, causing psychological injuries and stress-related diseases; and*

WHEREAS, *Freedom from Workplace Bullies Week is a chance to break through the silence and secrecy and to do the right thing; and*

WHEREAS, *Everyone deserves a safe, healthy, and dignified workplace;*

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 proclaim October 16-22, 2022, as* ***Freedom from Workplace Bullying Week*** *and commend the California Healthy Workplace Advocates and the Workplace Bullying Institute, which raise awareness of the impacts of, and solutions for, workplace bullying in California and the U.S. and encourage citizens to mark this week with special activities and programs to break through the shame and silence enshrouding adult bullying at work.*

Ian N. Oglesby, Mayor
October 6, 2022

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: October 6, 2022

SUBJECT: **APPROVE A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL BOYS AND GIRLS SWIM TEAM**

RECOMMENDATION

Approve a request from the Seaside High School Swim Team for a donation of $3,000.00 from the Mayor's Youth Fund to help cover the cost associated with purchasing replacement swim equipment, parkas, fins, kick boards and other safety equipment for the team.

BACKGROUND

The Seaside High School Swim Team is requesting a donation of $3,000.00 from the Mayor's Youth Fund to help cover the cost of purchasing replacement swim equipment, parkas, fins, kick boards and other safety equipment for the team. The swim team is available to any Seaside High School student, regardless of their ability to swim. They provide free swim instruction before the swim season starts for any student who may not have the confidence in their ability to swim and compete. All members of the swim team help in fundraising activities to enable swimmers to travel to local swim meets to compete with local high schools. The swim team has recycling bins located at the pool for recycling water bottles and cans and all swimmers help with the maintenance and cleanup of the pool area after practice and each swim meet. They also participate in the Statewide Beach Cleanup each year.

Based on the information provided in the application, the request meets the criteria for the Mayor's Youth Fund Policy. They received their last donation at the April 15, 2021 City Council Meeting. They submitted their 2021 Mayor's Youth Fund Closing report within the 60 day time frame.

FISCAL IMPACT

This request would be funded by a donation from the Green Waste Recovery's donation to the Mayor's Youth Fund. The current balance is the Mayor's Youth Fund account (601-2106) is $71,349.43. If the City Council approves this request, the balance will decrease to $68,349.43. This is for fiscal year 2022/23.

In the event that all of the funds in the Mayor's Youth Fund become exhausted, staff will keep a file of all applications. Once Green Waste issues the next round of funding, all applications on file will be processed at the next available City Council meeting.

ATTACHMENTS

1. MYF SHS Swim Team 2022
2. W-9 Seaside High School Swim Team 2022
3. Mayor's Youth Fund Closing Report - SHS Swim Team 2021

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

Terry Navarro - Online Form Submittal: Mayor Youth's Contribution Request

From: <noreply@civicplus.com>
To: <cityclerk@ci.seaside.ca.us>, <dmeewis@ci.seaside.ca.us>, <tnavarro@ci.s...
Date: 9/21/2022 3:19 PM
Subject: Online Form Submittal: Mayor Youth's Contribution Request

Mayor Youth's Contribution Request

Purpose
The Mayor's Youth Fund was created to provide supplemental financial assistance to students and non-profit groups that provide services to improve the lives of young people living in the City of Seaside. A policy has been developed to standardize the evaluation of contribution requests and ensure that the funds are used appropriately to serve the City's youth.

Eligible Applications
Contributions will only be made to, or on behalf of, students or organized groups, such as schools and non-profit organizations based in Seaside and/or serving a majority of Seaside residents (50%) that are 18 years old or younger or enrolled in high school. Faith based organizations may apply for contributions from the Mayor's Youth Fund if the funding is not used to support religious activities such as: Religious instruction, Sunday School, and Worship. In addition, activities funded by the Mayor's Youth Fund must be open to all persons without regard to their religious affiliation.

Submittal of Contribution Requests
In order to request a contribution, the following information must be provided in writing:

- Name of the organization, person(s) benefiting, proposed use of the funds, total amount needed or fundraising goal.

- Description of other methods being used to raise funds and/or other contributors.

- An explanation of how the group, activity, or event will benefit Seaside youth.

- Written description of how the use of the funds will be specifically used for youth group activities/events and has a nexus to the goals related to recycle, cleanup, and "green" sustainability to ensure a healthy environment.

- How this request will provide a municipal benefit (ie., benefit the community).

- Proof of non-profit organization status (not a taxpayer's I.D number) and a current W-9 form.

Evaluation Process & Criteria

Contributions can only be made if approved by the City Council. Funding requests will be evaluated based on their consistency with this policy, including the following criteria.

- Scholastic, athletic, music, environmental and art activities will be considered for funding based on the quality of the proposed activity.

- Evidence of activities/events related to "reduce, reuse and recycle" to ensure a healthy environment.

- Contributions requests will be accepted from individuals and can be made to an organization on behalf of an individual member or student.

- Contributions are only paid to organizations, such as non-profit groups and schools.

- Contributions are intended to fund actual costs related to an event or activity. (Please see "Payment Process" information provided in the following area.)

- Contributions from the Mayor's Youth Fund are not intended to be the sole source of funds for an organization or program and will only be made to supplement other fundraising activities.

- How this request will provide a municipal benefit (ie., benefit the community).

Contribution Limits

In order to equitably distribute funds available in the Mayor's Youth Fund, the following contribution guidelines have been developed, although all contributions are subject to the discretion of the City Council. In addition, funding will be limited to one contribution per year (every 12 months).

- Individuals - 25% of the total cost of the activity (not to exceed $1,000)

- Groups up to 20 people - up to $1,500

- Groups 21 ~~+ people~~ - up to $3,000

Payment Process

If a contribution is approved by the City Council, payment will be made to the authorized organization or directly to the vendor selected by the authorized organization after submittal of a receipt or the presentation of actual invoices. No funding can go directly to an individual. This process is required in order to provide documentation required to meet municipal auditing standards.

Funding Requirements

Funding is limited to one contribution per year (every 12 months). The Mayor's Youth Fund Closing Report Form must be submitted to staff at least 60 days upon completion of the event, activity or program. Applicants that do not furnish the form may not apply for funds for the following year. A representative from the organization is required to be at the Council meeting for their application to be heard. If no representative is present then the agenda item will be postponed to another City Council meeting upon notification by the applicant. Incomplete applications will not be forwarded for Council consideration; applications not answering the question related to reduce, reuse or recycle are considered incomplete.

Individual Requests

Please attach an itemized list of all expenses. Amount of donation may not exceed 25% of the total cost of the activity and not exceed $1,000. Applications that are incomplete will be returned.

Name of Organization	Seaside High School Swim Team
Name	Michael Eriksen
Email Address	meriksen@mpusd.k12.ca.us
Address	2200 Noche Buena
City	Seaside
State	CA
Zip Code	93955
Phone Number	9257087921
Additional Phone Number	*Field not completed.*
Percentage of Residents or Students of Seaside	100%
Number of Participants	60

Ages of Participants	14-17
Criteria	
Applicants must meet at least one of the following criteria to be eligible for funding. Please select one or more from the following list:	Athletic
Are you funding a reward for one of these activities?	No
Description of event, activity or program funding pertains to:	Our program is the Seaside High School (SHS) Swim Team. Our swimmers show up to practice every day where they prepare to compete in swim meets with other fellow high schools in our area. These swim meets allow them the opportunity to learn how to work in teams, strive for excellence, set goals for themselves, and even compete at a level that may open doors for them at a collegiate level.
Attach Additional Information as Necessary	*Field not completed.*
Description of how the funds will be specifically used for youth groups activities/events and has a nexus to the goals of recycling, cleanup and "green" sustainability to insure a healthy environment:	The funds will be used to purchase new equipment for the swimmers (fins, team uniforms/ swimsuits and caps, kick boards, buoys, parkas), transportation to and from swim meets, and repairing and up keeping the facilities (long term maintenance vs short term fixes). We will be able to use these items for many years which results in less waste and manufacturing. With access to busses for transportation we will be reducing our carbon footprint by reducing the amount of vehicles that are on the road.
What other fundraising activities are you participating in to fund your event, program or activity and what other funding sources will supplement your request?	The fundraising activities the swim team has been doing are the following: Selling parking tickets for football games, Food fair, Jamba Juice fundraiser, Swimathon -- where students earn donations for every lap swam during the event -- chocolate bar sales, and beach clean-ups.
Total Amount Requested:	$3000.00
Electronic Signature Agreement	*Field not completed.*
Electronic Signature	Michael B Eriksen

Date	9/21/2022

Email not displaying correctly? View it in your browser.

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Monterey Peninsula Unified School District

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
700 Pacific St.

Requester's name and address (optional)

6 City, state, and ZIP code
Monterey, CA 93940

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number
___ – __ – ____

or

Employer identification number
77 - 0320712

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here **Signature of U.S. person ▶** **Date ▶**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

MAYOR'S YOUTH FUND CLOSING REPORT *

Date Mayor's Youth Fund was approved by council: 4·15·2021

Name of Organization: Seaside High Boys & girls Swim

Contact: Molly Fittro

Address: 300 Waring St. Seaside, Ca 93955

Email/Phone: mollyfittro@ aol.com

Amount of Donation Received: $3000

What Items were purchased with Mayor's Youth Fund Donation:
Equipment, Uniforms, and used for team bonding outings.

Please describe the activities and the date the group/individual participated in related to reduce, reuse and recycle? Please provide written description, brief City Council presentation, and/or photos.
Seaside High Swim team is looking into purchasing team water bottles to cut down the use of plastic bottles. Although plastic bottles are not completely out, we do recycle and have multiple recycle trash bins at our pool deck.

Signature: [signature]

Date: 4·20·2021

***This form is due 60 days upon receipt of funding by the applicant. Organizations that do not comply within the 60 day time period may not apply for funding for the following year.**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.G.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: October 6, 2022

SUBJECT: **APPROVE A FEE WAIVER REQUEST FROM DARRYL CHOATES FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR A COMMUNITY CELEBRATION OF LIFE FOR BILLY F. DEBERRY ON OCTOBER 23, 2022**

RECOMMENDATION

Approve the fee waiver request from Darryl Choates for the use of Laguna Grande Hall and kitchen to hold a celebration of life for Billy F. Deberry.

BACKGROUND

Darryl Choates is requesting a fee waiver on behalf of the Seaside Community for all the costs associated with hosting a celebration of life for Billy F. Deberry on Sunday, October 23, 2022, from 8am-6pm in the Laguna Grande Hall at the Oldmeyer Center.

Billy F. Deberry was a long-time Seaside resident who spent 38 years working in education. He started his career with Monterey Peninsula Unified School District (MPUSD), as a counselor at Martin Luther King Junior High in 1968. He worked diligently over the years with multiple promotions and, in 1994, he became the first and only African American Superintendent of the Monterey Peninsula Unified School District.

Along with his career at MPUSD, he served in several educational professional positions: Monterey Bay School Administrators Association President, President and Treasurer of the Association for California School Administrators, Region X, and he was chosen as Outstanding Administrator of the year, from ACSA Region X. He also received the Blanche Montague Award from ACSA Region X.

Mr. Deberry also worked within the City as a member of the City of Seaside's Mayor's Advisory Committee on Government Efficiency, he was the Chairman of the Citizens

Advisory Committee for the Community Development Program, and served on the City's Planning Commission.

Billy was born on February 7, 1939, and his passing has left an empty spot in so many hearts within the community.

Staff recommends that all fees be waived for this community-focused celebration of life.

FISCAL IMPACT

The approximate fees which are applicable to this request are as follows:

Laguna Grande Hall & Kitchen Fee (10 hours)	$562.50
Insurance	$207.00
Non-refundable Deposit	$92.25
TOTAL	$861.75

Should the City Council approve this request, the fiscal impact would be $861.75.

ATTACHMENTS

1. Fee Waiver and Rental Form

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

SEASIDE CALIFORNIA

Facility Use Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION: **ROOM:** Laguna Grand Hall Kitchen

Organization: ____________________

Name of Applicant: DARRYL CHOATES SR.

Address: 4835 Peninsula PT. City: SEASIDE Zip: 93955

Phone: 831-920-8914 Email: DCHOATES @ MBAY.NET

Day of Event Contact Name and Phone: ____________________

❑ Resident ❑ Non-Resident

EVENT INFORMATION:

Event Title: BILLY F DEBERRY MEMORIAL
Please attach invitation or flyer if available.

Event Date: 10/23/22 Approximate Number of Guests: 250

Reservation Time: 10 - AM Event Time: 7 - PM
**Laguna Grande Hall & Soper: Security guard(s) must be present for entire event time. See next page.*

Special Instructions: TABLE SET UP.

Request to use the City's: ❑ Podium ❑ Microphone ❑ Projector Screen
**Subject to availability* ***Projectors and other electronic equipment will not be provided*

	Yes	No
Is the event open to the public?	☑	❑
Will admission be charged?	❑	☑
Are you a non-profit organization?	❑	❑
Will there be music?	❑	❑
Will there be live music and/or DJ?	❑	❑
Name of band or DJ: ____________		

	Yes	No
Will refreshments be served?	❑	❑
Will refreshments be sold?	❑	❑
Will you be using the kitchen?	❑	❑
Will alcohol be served?	❑	❑
Will alcohol be sold?	❑	❑

**Alcohol is prohibited at youth oriented events*

APPLICANT WILL PROVIDE THE FOLLOWING ITEMS 30 DAYS PRIOR TO THE EVENT:

1. Full payment of all applicable fees
2. Copy of event security contract by licensed company (if applicable)
3. Proof of liability insurance
4. Copy of ABC license (if applicable)

I have read and agree to all pages in the rental agreement forms

Applicant Signature: ____________________ Date: 9/30/22

- -

(For Office Use Only)

Permit Fee: ____________ Authorized Agent: ____________ Date: ____________

Note: Original to Resource Management/Recreation Department

SEASIDE CALIFORNIA

Fee Waiver Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Community Members

Name of Applicant: DARRYL Choates SR

Address: 4835 Peninsula PT City: Seaside State: 93955

Phone: 831-920-8414 Email: DCHOATES @MBAY.NET

EVENT INFORMATION:

Event Title: Billy F Deberry Memorial

Event Description: Celebration of Life

Event Date: 10/23/22 Room(s) Requested: Laguna Grande Hall

Time (including set-up): 8am - 7pm Approximate Number of Guests: 250

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: This is a community celebration of Life for A Long time Resident & Educator in MPUSD

Have you received a Fee Waiver in the past? ☐ Yes, the event was on ______ ☒ No

What is your organization's tax identification number? ______

What percentage of your members or participants resides in Seaside? 90% community members

Is your organization based in Seaside? ☒ Yes ☐ No

Is your organization able to provide liability insurance? ☐ Yes ☒ No

Will alcohol be served or sold at your event? ☐ Yes ☒ No

Applicant Signature: [signature] Date: 9/30/22

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: ______ Date: ______

Notes: ______

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.H.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Samantha Alcaraz, Human Resources Analyst
Roberta Greathouse, Human Resources Director/Risk Manager

DATE: October 6, 2022

SUBJECT: **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SEASIDE POLICE OFFICERS' ASSOCIATION**

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding with the Seaside Police Officers' Association.

BACKGROUND

The Memoranda of Understanding (MOU) for the Seaside Police Officers' Association expired on June 30, 2022. The City's representatives had very collaborative meetings regarding the terms and conditions of the successor MOU. The City Council approved these terms in Closed Session on September 1, 2022.

These terms include:

a. The three-year-term expires on June 30, 2025;
b. 4% salary increase in the first full pay period of July 2022;
c. 3% salary increase effective first pay period of July 2023;
d. 4% salary increase effective in the first pay period of July 2024;
e. Increase the City's contribution to medical insurance in accordance with Attachment A;
f. Increase the City's deferred compensation matching contribution to $200 per month from $50 per month;
g. Police Officers Standard Training (POST) Incentive Pay to include Non-Sworn Records Supervisor Certificate pay of 2%;
h. Non-sworn education incentive pay shall be increased by 1%. Pay is not stackable and the maximum amount attainable is 8%. Pay for degree is AA/AS 2%;

BS/BA 6%; and MA/MS 8%;

i. Sworn education incentive pay maximum amount attainable is 4%; Pay for degree is AA/AS degree 2%; BS/BA degree 3%; and MA/MS degree 4%;

j. Probationary employees will be permitted to utilize their accrued vacation bank on City holidays that occur during the probationary period.

FISCAL IMPACT

The City Council budgeted for a 3% across the board salary increase in the 2022/2023 Adopted Budget. The estimated cost of the package in the current Fiscal Year is anticipated to be $1,194,402 with $87,326 being unbudgeted. The Finance Director will evaluate the effect of the changes at mid-year to determine if budget adjustments are necessary.

ATTACHMENTS

1. POA MOU 2022-2025
2. Attachment A Health Insurance Contributions
3. Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

Memorandum of Understanding

Between the City of Seaside

And

The Seaside Police Officers' Association

July 1, 2022 – June 30, 2025

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY MANAGER OF THE CITY OF SEASIDE AND THE POLICE OFFICERS ASSOCIATION

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY MANAGER OF THE CITY OF SEASIDE AND THE POLICE OFFICERS ASSOCIATION

We, the undersigned, duly appointed representatives of the City of Seaside and of the Police Officers Association, a recognized employee organization, hereinafter referred to as "City" and "Association", having met and conferred in good faith in accordance with the Meyers-Milias-Brown Act, (government Code Section 3500 et. seq.) do hereby prepare and execute the following written Memorandum of Understanding. It is understood that the provisions herein set forth supersede previous Memoranda of Understanding between the City and Association, and apply to the City of Seaside sworn police and civilian employees designated to be represented by the Association.

SECTION 1: TERM

The provisions of the Memorandum of Understanding shall become effective July 1, 2022, and shall remain in effect for a period, terminating on June 30, 2025.

SECTION 2: SALARY AND ADMINISTRATION OF PAY PLAN

A. Direct Pay for Services:

1. ***Salary Adjustment:***

   a. Effective the first pay period of July 2022 or in the first full pay period following ratification and approval, all members will receive a 4% base salary increase. Bargaining unit employees must be employed on the date the salary increase is paid in order to be eligible for the increase.
   b. Effective the first day of the pay period of July of 2023, all members will receive a 3% base salary increase.
   c. Effective the first day of the pay period of July 2024, all members will receive a 4% base salary increase.

2. ***Longevity Pay:***

   a. Bargaining unit members with five or more years of continuous City service shall receive longevity pay in the amount of 2.5% of the member's Base Salary Rate.
   b. Bargaining unit members with ten or more years of continuous City service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 5%).
   c. Bargaining unit members with fifteen or more years of continuous City service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 7.5%).

B. Overtime

1. Sworn Personnel:

a. Pre-Approval: Requests for overtime that can be scheduled should be pre-approved by the Department Head or designee. Overtime not possible to schedule in advance and necessary for public safety and welfare shall be worked at Department Head discretion, subject to City Manager review.

b. Minimum Overtime Guarantee: An employee represented by POA who is called back to work after he/she has completed his/her regular shift and has left his/her place of employment, or who is required to make a job related court appearance on off-duty hours shall be compensated for a minimum of four (4) hours overtime. It is expressly understood that an employee who works overtime (including court appearances) immediately prior to or subsequent to his/her regular work shift shall be compensated at the actual hours worked with no minimum number of hours guaranteed.

c. Maximum Compensatory Leave Balance: Sworn employees will be allowed to have no more than one-hundred forty (140) hours of compensatory time at any given time.

d. Court Time: Sworn members of the police department will be paid court time at time and a half for all hours required beyond regular duty hours, beginning with arrival at court and ending with departure from court.

2. Civilian Personnel (non-sworn):

a. FLSA Calculation: Civilian employees will be paid overtime in accordance with the FLSA (over 40 hours in a work week).

b. Maximum Compensatory Leave Balance: Civilian employees will be allowed to have no more than one hundred (100) hours of compensatory time at any given time.

3. Sell Back Option:

Sworn and civilian employees may sell back compensatory time or vacation time not used up to a maximum of 80 hours per year with management approval. On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to eighty (80) hours of accrued vacation or compensatory time (in whole hour increments) which will be earned in the following calendar year at the employee's base rate of pay. On the pay day of the first pay period in

November of the calendar year following election of the cash out, the employee will receive cash for the amount of vacation the employee irrevocably elected to cash out in the prior year. However, if the employee's vacation and / or compensatory time balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has accrued at the time of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

C. **Special Pay Assignments**

1. ***Motors:***

   a. Effective with the administrative assignment, a City appointed number of qualified Police Officers shall be assigned motor duties and be compensated at a 5% premium above his or her current rate of pay during the assignment. The removal of the premium assignment shall not be considered disciplinary.

2. ***Canine Handler:***

   a. The canine handler shall receive special assignment pay of 5%. In addition, the canine handler will receive fifteen (15) hours per month to care and maintain their K9. Additional hours spent in extraordinary care (e.g., time spent in trips for veterinary care) should also be reported. When a canine handler is required to perform extraordinary off-duty canine care that causes a substantial increase in the normal off-duty hours worked for that month, the handler shall submit a written request to the Police of Chief or the Chief's assigned designee for additional compensation for the hours spent performing such work.

3. ***Field Training Officer Pay:***

   Police Officers assigned by the Police Chief to perform Field Training Officer duties will receive a 5% premium above his or her base rate of pay effective the first day of the pay period upon assignment and while assigned. The premium and assignment are subject to the discretion of the Police Chief and shall be made for a minimum of one pay period. The removal of this assignment shall not be considered discipline.

4. ***Rotational Assignments:***

   a. The Investigator, School Resource Officer, and Crime Prevention Specialist (Community Liaison Officer) are three-year rotational classifications.

b. Effective with administrative assignment, officers assigned to these rotational classifications receive an additional 5% over his/her regular pay rate.

c. The removal of the rotational assignment shall be at the discretion of the Police Chief.

5. ***Bilingual Pay (Sworn):***

a. 2 ½% premium above base pay will be granted to use Spanish or Vietnamese as tested for speaking and listening;

b. 5% premium above base pay will be granted to use Spanish and/or Vietnamese as tested for writing, speaking, and listening.

c. This program is subject to administrative direction and to City established procedures and annual testing. The City intends to use Language Testing International (LTI) or another suitable and appropriately certified testing organization.

d. Removal of this premium shall not be considered disciplinary action.

e. Bilingual pay is limited to 5% and is non-stackable.

6. ***Bilingual Pay (Civilian Employees):***

a. 2 ½% premium above base pay will be granted to use Spanish as tested for speaking and listening;

b. 5% premium above base pay will be granted to use Spanish as tested for writing, speaking, and listening.

c. This program is subject to administrative direction and to City established procedures and annual testing. The City intends to use Language Testing International (LTI) or another suitable and appropriately certified testing organization.

d. Removal of this premium shall not be considered disciplinary action.

e. Bilingual pay is limited to 5% and is non-stackable.

7. ***Additional Pay for Temporarily Assuming Supervisor's Position (Sworn Personnel):***

a. A pay increase not to exceed 5% may be paid to an employee temporarily filling a supervisor's position while the supervisor's position is vacant. The determination of vacancy will be based upon recommendation by the Department Head to the City Manager.

b. The increased pay will not be paid in any case unless a supervisor vacancy is the result of sickness, resignation, or termination.

c. The increased pay will not be paid when the supervisor is on vacation.

d. The increased pay will not be paid for the first thirty calendar days of the vacancy as determined above.

e. "Supervisor" is defined narrowly and means only the person to whom the employee is responsible on a continuing basis.

8. Acting Positions – Police Corporal:

a. A Police Corporal assigned to assume the role of a supervisor by the Chief or designee in the absence of the Sergeant for a period in excess of fourteen (14) calendar days shall receive a 5% differential. The 5% differential shall begin on the 15^{th} calendar day.

9. Acting Positions – Civilian Personnel (Non-sworn):

a. Employees who are assigned to perform a majority of the duties of a position within a higher classification from that in which they are regularly employed shall, receive the compensation specified for that position to which assigned, if performing the duties thereof for a period of thirty (30) consecutive work days.

b. Said increased compensation should be at the lowest step of the higher classification which will accord such employee an increase of at least five (5) percent over his/her current regular compensation.

The assignment shall be confirmed in writing by the City Manager based upon recommendation by the Department Head

c. Acceptance of an interim assignment to a higher position, thirty (30) or more days, shall require mutual assent of employer and employee.

10. Shift Differential – Civilian Personnel (Non-sworn):

a. Civilian personnel who are assigned to the midnight shift shall receive 5% differential pay.

11. Shift Differential – Sworn Personnel:

All sworn members of the association regularly scheduled to work between 9:00 p.m and 7:00 a.m. will receive night shift differential in the amount of $73.85 per pay period. The qualifying shifts currently include 3:00 p.m. to 3:00 a.m.; 6:00 p.m. to 6:00 a.m.; and 7:00 p.m. to 7:00 a.m.

D. Administration of Pay Plan:

1. Anniversary Date

a. The anniversary date for each employee is the date he/she is hired, reclassified, or promoted.

b. The anniversary date of any employee shall be adjusted, or changed, in the case of a leave of absence, by moving said anniversary date forward a time equal to the length of such leave of absence, except family care or medical leave, according to the California Family Rights Act and military leaves of absence in accordance with the California Military and Veterans Code and Title 38, chapter 43, U.S. Code. Whenever any employee is absent from work without pay for any period exceeding thirty (30) continuous days, the anniversary date of said employee shall be adjusted by moving said anniversary date forward a time equal to the length of absence from work.

c. Any employee who has served for one (1) year or more and takes leave of absence for purposes of military service in excess of the time defined as "temporary military leave", as defined by the Military and Veterans Code, shall upon return to employment with the City, have their anniversary date adjusted by moving said date forward a length of time equal to the number of days absent from employment due to military service, provided, however, said employee returns to work for the City within ninety (90) days of his/her discharge or release from military service.

d. The anniversary date of any employee shall be adjusted by moving said date forward a time equal to any delay in movement through the steps of the salary range put forth below.

E. Salary Ranges

The five (5) steps of each salary range shall be interpreted and applied as follows:

a. The first step is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, the City Manager may hire at a higher step.

b. The second step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance following the completion of six (6) months satisfactory service in the first step and upon written recommendation of the Department Head and approval by the City Manager.

c. The third step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance following the completion of twelve (12) months satisfactory service in the second step and upon written recommendation of the Department Head and approval by the City Manager.

d. The fourth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance following the completion of twelve (12) months satisfactory service in the third step and upon written recommendation of the Department Head and approval by the City Manager.

e. The fifth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance following the completion of twelve (12) months satisfactory service in the fourth step and upon the written recommendation of the Department Head and approval of the City Manager.

f. **Accelerated Step Advancement for new Police Officers:** During the first three years of employment, the Police Chief has the authority to advance new Police Officer's step placement every 6 months based on the employee's performance as determined by the Police Chief. The Chief has the sole discretion to approve or deny such advance placement.

g. Notwithstanding the foregoing provisions of this Section, an employee who is promoted or reclassified from one classification to a higher classification, or from a flat salary to classification having a higher overlapping salary range, shall be adjusted:

   i. To the step in their new range, which shall provide an increase in his/her salary, except that they shall not retain credit for the time served in his/her former step. If the step in the new range is the first step, the employee shall remain in that step for six (6) months before becoming eligible for advancement to the second step.

   ii. If from a flat salary to a range, to the lowest step in his/her new range or classification that exceeds his flat salary.

h. General adjustments in salary ranges made by general increases or decreases shall be made by adjusting all classes upward or downward to the appropriate salary range herein provided. Where the salary range for a given class or for several classes is revised upward or downward, the employees shall have their existing salary adjusted to the same step in the new range.

i. In any case where, by reason of unusual circumstances, rigid adherence to the forgoing principles related to salary adjustments would cause a manifest injustice, the City Manager may make such order relating thereto as in his/her discretion is proper.

j. Rates of compensation provided for by resolution are fixed on the basis of full-time service in full-time positions for the schedule of hours indicated. If any position provided for in the budget is by appropriate language specified or indicated as being for less than full-time services, the rate of compensation provided for such positions shall be adjusted accordingly, except those employees indicated in this resolution as working part-time or on a retainer, in which case they shall draw the full salary indicated. If the present adjustments shall be made in the rates, the step plan shall apply to part-time salaried as well as full-time salaried employees.

k. Changes in pay rates shall be made on the first day on the pay period next following the date of eligibility and authorization.

SECTION 3: BENEFITS

A. PERS Retirement System Safety - Sworn:

1. Safety Retirement Plans:

a. Tier 1 - CalPERS 3% @ 50 provided to all sworn safety employees hired prior to January 1, 2011.

b. Tier 2 - CalPERS 3% @ 55 will be provided to all sworn safety employees hired on or after January 1, 2011 who are not defined as "new members" under the Public Employees' Pension Reform Act of 2013 ("PEPRA") ("classic members").

c. Tier 3 - CalPERS 2.7% @ 57 plan will be provided to all sworn safety members hired on or after January 1, 2013 who are "new members" as defined under the PEPRA.

2. Implementation of 2% @ 50:

In the event that a majority of agencies in an agreed upon survey market, or in the ten (10) closest jurisdictions, moves to 2% @ 50, Seaside POA agrees that the 2% @ 50 plan can be implemented by the City for new hires at that point in time. The City will provide notice to the POA and an opportunity to review the market data prior to implementation of the new retirement formula.

3. Contribution:

a. Effective July 6, 2013, Tier 1 and Tier 2 safety bargaining unit members will pay the full member contribution rate required by CalPERS.

b. Effective January 1, 2013, Tier 3 safety bargaining unit members shall pay 50% of the normal cost of the retirement plan as identified annually by CalPERS. This contribution may change annually as required by the PEPRA.

c. All POA safety members shall pay an additional 3% to CalPERS in accordance with Government Code Section 20516 (Employees Sharing Additional Cost).

4. Survivor Benefits:

Association members are enrolled in the 1959 Survivors Benefit Level Four. The employee cost is $2 per month.

B. Civilian Personnel Miscellaneous (Non-sworn)

1. Miscellaneous Retirement Plans:

a. Tier 1: CalPERS 2% @ 55 will be provided to all miscellaneous bargaining unit members who are not defined as "new members" under the PEPRA ("classic members").

b. Tier 2: CalPERS 2% @ 62 plan will be provided to all miscellaneous bargaining unit members hired on or after January 1, 2013 that are defined as "new members" under the PEPRA.

2. Contribution:

a. Tier 1: Effective July 6, 2013, all Tier 1 miscellaneous bargaining unit members will pay the full member contribution required by CalPERS.

b. Tier 2: Effective January 1, 2013, all Tier 2 miscellaneous bargaining unit members shall pay 50% of the normal cost of the retirement plan as identified annually by CalPERS. This contribution may change annually as required by the PEPRA.

c. All POA miscellaneous members shall pay an additional 3% to CalPERS in accordance with Government Code Section 20516 (Employees Sharing Additional Cost).

3. Survivor Benefits:

Association members are enrolled in the 1959 Survivor Benefits Level Four in accordance with the PERS contract. Employee contribution is $2.00 per month per employee.

C. PARS Supplemental Retirement Plan (Civilian Miscellaneous Personnel):

1. Plan:

The City will provide the PARS .5% at 55 supplemental retirement plan with credit for prior CalPERS and City service for all non-sworn miscellaneous members hired prior to January 1, 2011.

2. Eligibility:

Employees must have three years of City service and have been hired prior to January 1, 2011 to be eligible. The plan became effective on July 1, 2002.

3. Contribution:

The City will make the employee's contribution.

D. Deferred Compensation:

The City will pay up to two hundred dollars ($200) per month to the Mission Square deferred compensation program for each employee who makes a matching contribution.

E. Medical, Dental, and Vision Insurance:

Eligible bargaining unit employees will be provided with medical, dental, and vision insurance as specified in this section. Benefits to eligible family members will be made available under the health insurance plan.

1. Contributions:

The City's contributions for medical, dental, and vision coverage shall be as follows:

a. Medical Plan contributions:

i. MCSIG PPO $40 (70/30 Plan).
The City will pay 100% of the employee only premium and 95% of the dependent premium.

ii. MCISG PPO $25 (80/20 Plan).

The City will pay 100% of the employee coverage and 85% of dependent coverage for bargaining units electing to participate in the MCSIG PPO $25 (80/20 Plan). This will be the base contribution amount for all plans except the Grandfathered PACE Plan.

iii. PACE Plan (90/10 Plan) – Employees hired after October 15, 2015.

New employees enrolling in the PACE 90/10 Plan will pay the difference between the City's contribution for the PPO $25 plan and the PACE Plan premium.

iv. PACE Plan (90/10 Plan) – Grandfathered Tier – open to employees hired before October 15, 2015.

The City will pay 90% of the employee only premium; 75% of the dependent contributions.

b. The City will split the cost of any increase or decrease in dental and vision premiums with the employee on a 50/50 basis.

3. ***Retiree Medical:***

a. The City shall pay the employees (not dependents) cost of medical insurance for retirees represented by POA who were hired prior to January 1, 2011. The City shall pay until retiree reaches age 65 or becomes eligible for Medicare, whichever comes first.

b. POA disabled employees retiring must have ten (10) years of continuous service, but do not need to be 50 years of age to receive this benefit.

c. Personnel must have ten years of continuous service, have been hired prior to January 1, 2011, and be 50 years of age to receive this benefit. The City complies with all Federal and State guidelines regarding medical and dental insurance. This compliance includes continuation of benefits under COBRA.

d. Employee may cover spouse by paying the monthly premium.

e. In the event that coverage is not available under the City's plan, and where an eligible employee elects to continue health coverage under COBRA, the City shall contribute to that COBRA payment an amount not to exceed the monthly premium for the City's health insurance plan for the period of time of COBRA eligibility or up to age 65, whichever is less.

F. **Life Insurance:**

1. ***Sworn Employees:***

The City will provide term life insurance for sworn bargaining unit employees in the amount of $50,000.

2. ***Civilian Employees:***

The City will provide term life insurance for civilian bargaining unit employees in the amount of $50,000.

G. **Long-Term Disability:**

The City and the employee shall share the cost of a long-term disability program.

H. **IRS Section 125 Plan:**

The City will provide an Internal Revenue Code Section 125 Plan for medical care and dependent care expense reimbursement for all employees in the bargaining unit, up to the IRS maximum.

I. **Uniform Allowance:**

1. ***Sworn Personnel:***

   a. Newly hired sworn members of the police department will be provided with uniforms and shall receive $6.92 per pay period uniform maintenance allowance for the first year of employment. Newly hired sworn personnel will not be required to purchase a Class A jacket until successful completion of probation.

   b. All sworn police personnel except for those in their first year of employment will receive a uniform allowance of $37.38 per pay period.

2. ***Civilian Personnel (Non-sworn):***

   a. Newly hired civilian members of the police department will be provided with uniforms and shall receive $6.92 per pay period uniform maintenance allowance for the first year of employment.

   b. Civilian personnel required to wear uniforms will receive a uniform allowance of $36 per pay period after the first year of service.

J. **Mileage Reimbursement:**

With the approval of the Department Head, the City shall reimburse employees required to use their personal vehicles for the purpose of conducting City business for mileage based on the Standard Internal Revenue Service mileage rate.

K. Wellness Program:

1. Health Club Membership:

The City will pay up to $45 per month towards an employee membership at a health club upon submission of receipt of contract to the Finance Division. To be eligible for reimbursement, requests for reimbursement must be received by Finance no later than 90 days from the date of service.

L. Annual Medical Physical:

Physical examinations for sworn personnel will be every two years.

SECTION 4: LEAVE PROVISIONS

A. Vacations

1. Accrual:

All regular employees shall earn vacation as follows:

a. During the first, second, third, and fourth years of employment, vacation will be earned at the rate of six and two thirds (6 2/3) hours per month or ten (10) days per year for POA.

b. During the fifth, sixth, seventh, eighth, and ninth years of employment, vacation will be earned at the rate of ten (10) hours per month or fifteen (15) days per year for POA.

c. During the tenth, eleventh, twelfth, thirteenth, and fourteenth years of employment, vacation will be earned at the rate of eleven and one third (11 1/3) hours per month or seventeen (17) days per year for POA.

d. During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years, vacation will be earned at the rate of thirteen and one third (13 1/3) hours per month or twenty (20) days per year for POA.

e. During the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth year, vacation will be earned at the rate of fourteen (14) hours per month or twenty-one (21) days per year.

2. Vacation During Initial Probation:

Use of vacation time by an employee shall be conditional upon the completion of six (6) months continuous services with the City, but if for any reason prior to the completion of six months service with the City, such employee's employment is terminated, he/she shall be credited with and paid for vacation time. Probationary employees may utilize their accrued vacation bank to keep their salary whole on City holidays that occur during the probationary period.

3. ***Vacation and Holidays:***

For regular employees, if a holiday falls within a scheduled vacation period, on a day that the employee would normally work, that day shall not be counted a vacation day.

4. ***Vacation Upon Termination:***

Any employee, upon termination of City employment for any reason, who is entitled to vacation time and who has not had the same, shall be paid at his/her current salary rate for such vacation time on the effective date of such termination. If such person works over one-half (1/2) of the month, they shall be entitled to accumulate vacation for that month.

a. Calculation of Hourly Pay for Payout: For employees working five (5) day or modified schedule, the method for computing hourly pay for accumulated vacation time shall be as follows:
   i. Hourly rate equals monthly salary multiplied by twelve (12) months and divided by 52 weeks times 40 hours.

5. ***Maximum Accumulation:***

Employees represented by the POA, will be allowed to have no more than two years' earned vacation accumulated as of the end of the second pay period in January of any year. Payout for leave in excess of maximum will occur on the 1st pay period of March. It shall be management's right and responsibility to see that the employee does not exceed the maximum.

6. ***Sell Back Option:***

Sworn and civilian employees may sell back compensatory time or vacation time not used up to a maximum of 80 hours per year with management approval. On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to eighty (80) hours of accrued vacation or compensatory time (in whole hour increments) which will be earned in the following calendar year at the employee's base rate of pay. On the pay day of the first pay period in November of the calendar year following election of the cash out, the employee will receive cash for the amount of vacation the employee irrevocably elected to cash out in the prior year. However, if the employee's vacation and / or compensatory time balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has accrued at the time of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

7. ***Compensation in Lieu of Time Off:***

   The City Manager may, in instances where the needs of the City require, authorize compensation in lieu of time off for accrued vacation.

8. ***Accumulation during OJI Leave:***

   An employee being paid because of an injury on-the-job will accumulate vacation time and sick leave.

9. ***No Interruption of Accumulation:***

   No interruption in the accumulation of vacation time shall result when an employee takes sick leave, vacation, temporary military leave, or paid leave because of an on-the-job incurred illness or injury.

B. Sick Leave with Pay for Non-Job Related Illness, Injury or Disability

1. ***Accrual:***

   Each full-time employee in POA, shall earn eight (8) hours of sick leave with pay for each calendar month or major fraction thereof served.

2. ***Use of Leave:***

   Sick leave with pay will be granted only upon the approval of the Department Head in case of bonafide illness of an employee, including the diagnosis, care, or treatment of an existing health condition of, or preventive care. If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. Evidence may be required in the form of a physician's certificate or otherwise to verify an employee's absence during the time for which sick leave is requested.

   Sick leave may also be used by an employee who is a victim of domestic violence, sexual assault, or stalking, to obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking with appropriate certification of the need for such services.

3. ***Sick Leave Upon Rehire***

   If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law.

4. *Illness/Injury During Vacation:*

When an illness or injury requiring doctors treatment, and/or hospitalization occurs during an employee's vacation or approved leave of absence with pay, and the injury or illness is of a nature that would prohibit the employee from performing his/her duties, the employee shall submit a memorandum giving full and complete information as well as a doctor's verification to their respective department head for a determination that such time off will be charged to sick time rather than to vacation time.

5. *Family Sick Leave:*

Sick leave may be used for the illness or injury of an employee's family member. A family member shall be defined as parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), spouse or domestic partner, grandparent, grandchild, and sibling.

6. *Bereavement Leave:*

Bereavement leave, to a maximum of three (3) working days, will be permitted, without charging such leave against sick leave, upon the death of a member of the employee's immediate family. Immediate family is defined as a parent, child, spouse or domestic partner, brother, sister, grandparents, father-in-law, and mother-in-law of the employee (and includes step and foster parents and children). Employee may use sick leave to extend bereavement leave to a total of one week. For those working a traditional 5/8 schedule, this would be 16 hours of sick leave. For those working a 4/10 plan, this would be 10 hours of sick leave.

C. On-The-Job Injury Leave:

1. *Sworn Personnel:*

Employees covered under the Section 4850 of the California Labor Code shall become entitled to on-the-job injury leave in accordance with its provisions.

2. *Civilian Personnel (Non-Sworn):*

Whenever a Civilian employee is disabled by injury or illness arising out of and in the course of his/her duties, he/she shall become entitled to a leave of absence without loss of salary for a period not to exceed three (3) months in any five (5) year period. The employee will draw full salary under OJI leave, and the City will take credit for any temporary disability payments.

3. ***Leave Accrual:***

An employee on leave of absence under this Section will continue to accumulate sick leave and vacation leave.

4. ***Temporary Disability:***

An employee on leave without pay would be entitled to temporary disability in accordance with State Worker's Compensation law.

5. ***Use of Accumulated Leaves:***

Once OJI leave has been exhausted, accumulated leaves may be used to supplement temporary disability payments.

6. ***Therapy for On-The-Job Injury:***

Employees assigned to a day shift will continue to undergo therapy for on-the-job injuries on city time. Employees assigned to other shifts who undergo therapy for on-the-job injury on their own time will receive compensatory time or time off on an hour-for-hour basis.

D. Holidays

1. ***Regular Holidays:***

All employees shall be entitled to the following holidays:

- First day of January (New Year's Day)
- Third Monday in January (Martin Luther King Observance)
- Third Monday in February (President's Day)
- Thirty-first day of March (Cesar Chavez Day)
- Last Monday in May (Memorial Day)
- Nineteenth day of June (Juneteenth)
- Fourth day of July (Independence Day)
- First Monday in September (Labor Day)
- Eleventh day of November (Veteran's Day)
- Fourth Thursday of November (Thanksgiving Day)
- Day following Thanksgiving Day
- Working day immediately preceding Christmas Day (Christmas Eve)
- Twenty-fifth day of December (Christmas Day)

2. ***Holiday Calculation:***

Holidays shall be calculated on an eight (8) hour workday regardless of the employee's work schedule.

3. ***Memorials:***

Upon Council approval, every day appointed by the Governor of the State, the President of the United States, or the City Council as a memorial, public fast, thanksgiving, or holiday.

4. ***Holidays on Sunday***

When a holiday falls on a Sunday, the following Monday shall be recognized as that holiday.

5. ***Holidays on Saturday:***

When a holiday falls on a Saturday, the preceding Friday shall be recognized as that holiday.

6. ***Holidays and Scheduled Days Off:***

It is further agreed that when a scheduled day off falls on a Friday that is a City recognized holiday, the employee will be given the preceding Thursday off; and, when the employee's scheduled day off falls on a Monday that is a City recognized holiday, the employee will be given the following Tuesday off. No other compensation will be granted.

E. Jury Duty and Subpoenas:

1. ***Jury Duty:***

The City will grant an employee leave with pay for jury duty. Any checks received form the courts must be submitted to Finance. Travel pay which is included in the check, will be returned to the employee. This rule is also applicable to those employees serving on the Grand Jury.

2. ***Subpoenas:***

When an employee represented by the Police Officers Association is summoned for jury duty or subpoenaed (for non-city, non-personal) witness duty, and must perform such duty during a regularly assigned city work shift, that employee will be granted court leave of absence with pay for all periods of time absent from a regularly assigned city work shift for the performance of such duty.

SECTION 5: WORKING CONDITIONS

A. Educational Incentive Program:

All association members shall be eligible for the City's Educational Incentive Programs.

1. ***Tuition Reimbursement:***

   a. Employees wishing to receive reimbursement for tuition and book expenses must request prior approval from their Department Head. Classes will be approved for reimbursement so long as they are determined to be job related, or required as a part of a degree program. Disputes regarding course approval will be submitted to the Human Resources Director.

   b. Any employee who wishes to enroll in a school, college, or university for the purpose of fulfilling the educational requirement shall do so on his/her own time. The City will encourage enrollment through a tuition and reimbursement plan with a maximum of $500 per fiscal year for classes taken at a community college and $3,000 for classes taken at a four-year college or university towards a bachelors, masters, or graduate degree.

   c. After completing the course with a grade of "C" or better ("Pass" or certificate of achievement for classes that are not graded), proof of completion of course work requirements shall be submitted to the employee's department head indicating the specific courses and credits completed, together with transcripts or other documentation as may be required by the Human Resources Director. This information shall be submitted on forms provided by the Human Resources Department.

   d. Employees may take courses from public or private schools, colleges, or universities which are accredited under the auspices of the Council on Post Secondary Education, when such courses are undertaken for the purpose of improving their efficiency, knowledge, or competency in the performance of their duties.

2. ***Post Certificate Pay:***

   a. POST Sworn Intermediate Certificate - 3%

   b. POST Sworn Advanced Certificate - 5%

   c. POST Sworn Supervisory Certificate - 7%

   d. POST Non-Sworn Records Supervisor Certificate – 2%

   e. Incentive pay is not cumulative with degree (stackable). The maximum salary increment attainable under this program is 7%.

f. An employee must pass probation before receiving this benefit with the exception of lateral transfers who may apply upon employment.

3. Educational Incentive Pay

a. Non-sworn educational incentive pay is not stackable with certificate pay and the maximum amount attainable under this program is 8%. Employee must pass probation before receiving this benefit:

i) AS/AA Degree - 4%

ii) BS/BA Degree - 6%

iii) MA/MS Degree - 8%

b. Sworn educational incentive pay is not stackable with certificate pay and the maximum amount attainable under this program is 4%. Employee must pass probation before receiving this benefit with the exception of lateral sworn:

i. AS/AA Degree - 2%

i. BS/BA Degree - 3%

ii. MA/MS Degree from - 4%

4. Re-certification Training

With regard to sworn Police personnel, the Chief of Police will designate an official to be responsible for scheduling classes adequate for re-certification training. The official designated will insure that there are sufficient classes scheduled each year to afford all police including shift work and court appearances.

B. Service Awards:

The service award program shall include service awards presented to employees after every five (5) years of full-time service with the City. If desired by the employee, recipients of service awards will be recognized by the City Council. Upon service retirement, a plaque will be awarded.

C. Employee Incentive Pay:

a. All employees shall be eligible for Employee Incentive Pay for cost saving suggestions. Employees wishing to apply for incentive pay will submit their suggestion to the Employee Task Force for review. The

Task Force will coordinate with the appropriate City departments/divisions to determine the acceptability of the cost-saving suggestion and establish remuneration.

b. A cost saving suggestion resulting in a one time saving would be evaluated for a one-time bonus. This bonus may range from $5.00, up to and not to exceed $25.00. A cost saving suggestion resulting in an annual saving of a substantial amount of money would be evaluated for an annual bonus of $100.00.

D. Work Schedule:

1. Patrol:

All police patrol positions will work a 4/10-3/12 hybrid schedule.

a. The assignment of shifts is subject to management direction and shall be based upon seniority except the City may change the selection based upon City demonstrated need.

b. The assignment of shift start and ending times are subject to management direction and once established may be changed to meet City needs.

c. Patrol employees working the 3/12 schedule shall work three 12-hour shifts. Each week employees will bank 4 hours that must be used in a department approved manner. Department approved alternatives include but are not limited to: training; use of accumulated time off or furlough time; report writing or other station duties; or pre-designated or other duties as assigned. It is the employee's responsibility to ensure this bank is utilized in a department approved manner. Unless an approved leave request form for use of vacation or comp time has been submitted prior to the end of the pay period, any time owed the City at the end of the pay period shall be unpaid furlough time.

2. Community Services and Investigations:

Sworn non-management or supervisory employees assigned to the Community Services and Investigations Divisions will work a 4/10 schedule.

3. Administration:

The Administrative Corporal will work a 4/10 schedule.

4. Shift Assignments:

Seniority system will be used for shift assignments. Notwithstanding the seniority system for shift assignments, the Chief has the right to change the shift of any employee to meet departmental needs. Such decisions shall be within the sole discretion of the Chief.

SECTION 6: MISCELLANEOUS

A. City's Right To Discovery:

All discoveries, inventions, improvements, formulas, ideas, devices, writings or other intellectual property, whether or not subject to patent or copyright laws, which employees shall conceive solely or jointly with others, in the course or scope of his/her employment, or with the City's materials or facilities, shall be the sole and exclusive property of the City without further compensation.

B. Savings Clause:

It is mutually agreed by the parties to this agreement that the above represents the full and complete understanding which has been reached after numerous discussions held in conformance with the Meyers-Milias-Brown Act. All other proposals, counteroffers, or other matters discussed during the meet and confer process are deemed to be rejected by both parties. Should circumstances call for a change the City shall give notice of such proposed change to the Association and the items shall be subject to meet and confer process if so required by law.

If any section or subsection of the Memorandum of Understanding should be found invalid, unlawful or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all other sections and subsections of this memorandum shall remain in full force and effect for the duration of this memorandum.

Jaime M. Fontes, City Manager City of Seaside	Date
Roberta Greathouse, HR Dir. / Risk Mgr City of Seaside	Date
Matthew Hoffman, President Seaside Police Officers' Assoc.	9/27/2022 Date
Michael Pugh, Labor Consultant, Mastagni Holstedt, A.P.C.	Date

Health Insurance Rate Adjustments
Effective July 1, 2022 SCEA, Confidential and
Unclassified Non-Exempt, POA and SMSEA

Base Plan = "MCSIG PPO $40" (70/30 plan)
City pays 100% EE Coverage & 95% dependents coverage

	2022 Reduced Employee Contribution	2022 Increased City Contribution	Employee Monthly decrease	City Increase
Single	$ -	$ 936.49	$ -	$ -
Emp +1	$ 88.50	$ 1,681.50	$ (98.38)	$ 98.38
Emp + Family	$ 114.90	$ 2,183.10	$ (127.72)	$ 127.72

Level 1 Buy-Up = "MCSIG PPO $25" (80/20 plan)
City Pays 100% of employee and 85% dependents

	2022 Reduced Employee Contribution	2022 Increased City Contribution	Employee Monthly decrease	City Increase
Single	$ -	$ 1,088.53	$ (152.04)	$ 152.04
Emp +1	$ 325.77	$ 1,846.01	$ (164.12)	$ 164.12
Emp + Family	$ 423.17	$ 2,397.94	$ (214.33)	$ 214.33

Level 2 Buy-Up = "MCSIG PACE Plan" (90/10 plan)
Employee Pays 100% of the Difference Between PPO $25 and PACE Plan

	2022 Reduced Employee Contribution	2022 Increased City Contribution	Employee Monthly decrease	City Increase
Single	$ 557.46	$ 1,088.53	$ (151.54)	$ 152.04
Emp +1	$ 1,441.75	$ 1,846.01	$ (164.12)	$ 164.12
Emp + Family	$ 1,877.00	$ 2,397.94	$ (214.33)	$ 214.33

The following contribution schedule applies to employees hired by the City before Oct. 15, 2015

Level 3 Buy-Up "MCSIG PACE" PLAN CONTRIBUTIONS (90/10 plan)
City pays 90% EE only; 75% dependents

	2022 Reduced Employee	2022 Increased City Contribution	Employee Monthly decrease	City Increase
Single	$ 155.90	$ 1,403.10	$ (140.31)	$ 393.03
Emp +1	$ 778.50	$ 2,335.50	$ (155.70)	$ 591.80
Emp + Family	$ 1,012.25	$ 3,036.75	$ (80.98)	$ 672.28

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

AUTHORIZING THE CITY MANAGER TO EXECUTE MEMORANDA OF UNDERSTANDING WITH THE SEASIDE POLICE OFFICERS' ASSOCIATION

WHEREAS, pursuant to the provisions of the Meyers-Milias-Brown Act (Section 3500 et. seq., Government Code), representatives of the City Manager of the City of Seaside and the Seaside Police Officers' Association, have met and conferred in good faith regarding wages, and other terms and conditions of employment; in an attempt to reach a Memorandum of Understanding; and

WHEREAS, the Seaside Police Officers' Association, and the representatives of the City Manager of the City of Seaside have reached agreement with respect to matters herewith jointly set forth, and have developed a written understanding of such matters for the purpose of presenting it to the City Council of the City of Seaside for its determination.

NOW, THEREFORE, BE IT RESOLVED, that the attached Memoranda of Understanding shall be effective as stated therein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th of October 2022.

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique Davis, City Clerk

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.I.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Samantha Alcaraz, Human Resources Analyst

DATE: October 6, 2022

SUBJECT: **ADOPT RESOLUTIONS APPROVING THE INITIATION OF THE CALPERS COST-SHARING FOR THE EXECUTIVE MANAGERS, UNCLASSIFIED EXEMPT, AND CONFIDENTIAL EXEMPT EMPLOYEES**

RECOMMENDATION

Adopt the resolutions approving the initiation of the CalPERs Process for Retirement Cost Sharing under Government Code Section 20516(a) for the Executive Managers, Confidential Exempt, and Unclassified Exempt Employees.

BACKGROUND

On August 18, 2022, City Council passed and adopted Resolution No. 22-103, granting the City Manager authorization to execute Memoranda of Understandings and Compensation Plans. Included in the adopted and passed Resolution, the unrepresented groups; Executive Managers, Confidential Exempt, and Unclassified Exempt Employees, agreed to a cost share of 3% in the employer contribution rate to California Public Employees' Retirement System (CalPERS) in addition to the Employees' rate.

However, since unrepresented groups do not have a Memoranda of Understanding, cost sharing can not be implemented under GC section 20516. To initiate the cost sharing process with CalPERS for unrepresented employees via a formal contract amendment, a resolution for each unrepresented group needs to be approved by the governing body. It will also allow for the employer's rate to be reduced by the agreed upon percentage of cost sharing. Those resolutions are attached for your consideration.

FISCAL IMPACT

No fiscal impact.

ATTACHMENTS

1. Resolution_Executive Managers
2. Resolution_Unclassified Exempt
3. Resolution_Confidential Exempt
4. Executive Managers Compensation Plan 2022
5. Compensation Plan for Unclassified Positions
6. Listing of Benefits for Confidential Exempt Employees

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

APPROVING THE CALPERS COST-SHARING AMOUNT WITH EXECUTIVE MANAGERS

WHEREAS, Municipal Code Section 2.44.030 dictates the types of positions that are designated as unclassified and those employees are unrepresented which includes the Executive Managers; and

WHEREAS, the City Manager authorized at a regular meeting of the City Council of the City of Seaside held on the 1st day of September 2022 that the Executive Managers receive similar pay and benefits as other employees; and

WHEREAS, effective January 7, 2023, applicable to Classic and PEPRA retirement tiers, the Executive Managers shall pay 3% of the employer contribution to CalPERS in accordance with Government Code Section 20516.

NOW, THEREFORE, BE IT RESOLVED, that the attached Listing of Benefits, which includes the Employees Sharing Additional Cost, shall be effective as stated therein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th day of October 2022.

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

Ian N. Oglesby, Mayor

ATTEST:

Dominique Davis, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

APPROVING THE CALPERS COST-SHARING AMOUNT WITH EXECUTIVE MANAGERS

Signatures for CalPERS cost sharing approval for Resolution No. _________

____
Roberta Greathouse, Human Resources Director/Risk Management

____
Ashley Collick, Assistant City Manager

____
Victor Damiani, Finance Director

Mary E Gutierrez
____
Mary Gutierrez, Fire Chief

____
Nicholas Borges, Police Chief

____
Daniel Meewis, Recreation Director

____
David Little, Chief Building Official

____
Nisha Patel, Public Works Director/City Engineer

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

APPROVING THE CALPERS COST-SHARING AMOUNT WITH UNCLASSIFIED EXEMPT EMPLOYEES

WHEREAS, Municipal Code Section 2.44.030 dictates the types of positions that are designated as unclassified and those employees are unrepresented which includes the Unclassified Exempt; and

WHEREAS, the City Manager authorized at a regular meeting of the City Council of the City of Seaside held on the 1st day of September 2022 that the Unclassified Exempt Employees receive similar pay and benefits as other employees; and

WHEREAS, effective January 7, 2023, applicable to Classic and PEPRA retirement tiers, the Unclassified Exempt Employees shall pay 3% of the employer contribution to CalPERS in accordance with Government Code Section 20516.

NOW, THEREFORE, BE IT RESOLVED, that the attached Listing of Benefits, which includes the Employees Sharing Additional Cost, shall be effective as stated therein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th day of October 2022.

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

Ian N. Oglesby, Mayor

ATTEST:

Dominique Davis, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

APPROVING THE CALPERS COST-SHARING AMOUNT WITH UNCLASSIFIED EXEMPT EMPLOYEES

Signature for CalPERS cost sharing approval for Resolution No. _________

Melissa Broadston

____
Melissa Broadston, ESCA Program Director

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

APPROVING THE CALPERS COST-SHARING AMOUNT WITH CONFIDENTIAL EXEMPT EMPLOYEES

WHEREAS, Municipal Code Section 2.44.030 dictates the types of positions that are designated as unclassified and those employees are unrepresented which includes the Confidential Exempt; and

WHEREAS, the City Manager authorized at a regular meeting of the City Council of the City of Seaside held on the 1st day of September 2022 that the Confidential Exempt Employees receive similar pay and benefits as other employees; and

WHEREAS, effective January 7, 2023, applicable to Classic and PEPRA retirement tiers, the Confidential Exempt Employees shall pay 3% of the employer contribution to CalPERS in accordance with Government Code Section 20516.

NOW, THEREFORE, BE IT RESOLVED, that the attached Listing of Benefits, which includes the Employees Sharing Additional Cost, shall be effective as stated therein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th day of October 2022.

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique Davis, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEASIDE

APPROVING THE CALPERS COST-SHARING AMOUNT WITH CONFIDENTIAL EXEMPT EMPLOYEES

Signatures for CalPERS cost sharing approval for Resolution No. __________

Gary Bartlett

Gary Bartlett, Information Services Manager

Jessica Riley, Assistant Finance Director

Samantha A. Sakhrani, Human Resources Analyst

City of Seaside
Executive Managers Compensation Plan
Effective July 1, 2022

A. APPLICATION: This Compensation Plan applies to the City's at-will Executive Management classifications.

a. Assistant City Attorney
b. Assistant City Manager
c. Assistant to the City Manager
d. Chief Building Official
e. Community Development Director
f. Deputy City Manager – Admin Services
g. Economic Development Director
h. Finance Director
i. Fire Chief
j. Human Resources Director
k. Human Resources Director / Risk Manager
l. Police Chief
m. Public Works Director / City Engineer
n. Recreation Director

B. SALARY:

1. General Salary Adjustments:

a. Effective the pay period beginning July 9, 2022, all members will receive a 4% salary increase.
b. Effective the first day of the first pay period in January 2023, all members will receive a 3% salary increase. This salary increase is contingent on bargaining unit members agreeing to pick up 3% of the City's CalPERS contribution.
c. Effective the first day of the pay period in July of 2023, all members will receive a 4% salary increase.
d. Effective the first day of the pay period in July of 2024, all members will receive a 4% salary increase.

2. Equity Adjustments:

Effective the first pay period in January of 2023, 2024, and 2025, positions that were 5% behind the market or more, will receive 1/3 of the increase needed to bring the position in alignment with the market. (Attachment 1).

3. LONGEVITY PAY:

a. Employees with five or more years of continuous City service shall receive 2.5% longevity pay.
b. Employees with ten or more years of continuous City service shall receive an additional 2.5% longevity pay (5% total).
c. Employees with fifteen or more years of continuous City service shall receive an additional 2.5% longevity pay (7.5% total).

4. ***Performance Pay:***

   The City Manager is authorized to grant up to a 7.5% increase to Directors who exceed expectations in the achievement of established performance goals and objectives. This gives the City Manager flexibility in setting salaries consistent with performance. (Special Compensation CCR 571(a) Incentive Pay.)

C. **UNIFORM ALLOWANCE:** The Police and Fire Chiefs will receive a uniform allowance of $37.38 per pay period.

D. **RETIREMENT:**

a. Miscellaneous Classifications:

   i. Tier 1 - CalPERS 2% @ 55
      1. Eligibility: Employees determined by CalPERS to be "classic members."
      2. Employee Contribution: Directors will pay the 7.0% employee contribution to PERS.
      3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

   ii. Tier 2 - CalPERS 2% @ 62 Plan
      1. Eligibility: Employees determined by CalPERS to be "new members."
      2. Employee Contribution: Directors will pay 50% of the normal cost as determined annually by CalPERS.
      3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

   iii. PARS Supplemental Retirement Plan:
      1. Eligibility: Miscellaneous directors hired by the City on or before June 30, 2010.
      2. Plan: The City will provide the PARS .5% at 55 supplemental retirement plan with credit for prior CalPERS and City service.
      3. Contribution: The City pays the entire contribution.

b. Fire Chief:
   i. Tier 1 - CalPERS 2% @ 50
      1. Eligibility: Fire employees determined by CalPERS to be "classic members."
      2. Employee Contribution: The Chief will pay the 9.0% employee contribution to PERS.
      3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

   ii. Tier 2 - CalPERS 2.7% @ 57 Plan
      1. Eligibility: Employees determined by CalPERS to be "new members."
      2. Employee Contribution: The employee will pay 50% of the normal cost as determined annually by CalPERS.
      3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

c. Police Chief:
   i. Tier 1 – CalPERS 3% @ 50
      1. Eligiblity: Employees hired by the City prior to July 1, 2010,
      2. Employee Contribution: The Chief will pay the 9.0% employee contribution to PERS.
      3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

   ii. Tier 2 - CalPERS 3% @ 55
      1. Eligibility: Police employees determined by CalPERS to be "classic members."
      2. Employee Contribution: The Chief will pay the 9.0% employee contribution to PERS.

3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

iii. Tier 2 - CalPERS 2.7% @ 57 Plan
1. Eligibility: Employees determined by CalPERS to be "new members."
2. Employee Contribution: The employee will pay 50% of the normal cost as determined annually by CalPERS.
3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

d. The City provides the PERS 1959 Survivors Benefit Level Four. The employee cost is $2 per month.

e. Deferred Compensation: The City will pay up to $200 per month to the ICMA deferred compensation program for each Director who makes a matching contribution.

E. MEDICAL, DENTAL, VISION INSURANCE

a. Medical Contributions:

i. MCSIG PPO $40 (70/30 Plan).
The City will pay 100% of the employee only premium and 90% of the dependent premium. This will be the base contribution amount for all plans except the Grandfathered PACE Plan.

ii. MCISG PPO $25 (80/20 Plan).
Directors electing to participate in the MCSIG PPO $25 (80/20 Plan) will pay the difference between the City's contribution for the PPO $40 Plan and the PPO $25 Plan premium.

iii. PACE Plan (90/10 Plan) – Employees hired after October 15, 2015.
New employees enrolling in the PACE 90/10 Plan will pay the difference between the City's contribution for the PPO $40 plan and the PACE

Plan premium.

iv. PACE Plan (90/10 Plan) – Grandfathered Tier – open to employees hired before October 15, 2015.
The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.

b. Dental and Vision Contributions: The City will contribute towards the cost of Director's dental and vision insurance as follows:

<u>Dental</u>

Employee Only:	$44.80
Employee + Spouse:	$92.90
Employee + Children:	$102.74
Employee + Family:	$150.85

<u>Vision</u>

Employee Only:	$5.35
Employee + 1:	$5.78
Employee + Family:	$13.12

i. Annual Premium Adjustments: The City and the Director will split the cost of any increase or decrease to the premium on a 50/50 basis.

c. Retiree Medical:

i. Eligibility: Only employees hired by the City on or before June 30, 2010, are eligible for City-paid retiree medical insurance.

ii. Notwithstanding the requirements of the City's Health and Welfare Plan to be eligible for retiree medical coverage, and subject to available coverage under the City's plan, the City shall pay the employee's (not dependents) cost of medical insurance in an amount not to exceed the monthly premium for the City's insurance plan for retirees who retire on regular service or disability retirement until age 65 or until the retiree becomes eligible for Medicare, whichever comes first.

iii. Employee may cover dependents by paying the additional monthly premium.

iv. In the event that coverage is not available under the City's plan, and where an eligible employee elects to continue health coverage under COBRA, the City shall contribute to that COBRA payment an amount not to exceed the monthly premium for the City's health insurance plan for the period of time of COBRA eligibility or up to age 65, whichever is less.

v. Employees must have ten years of continuous service with the City, have been hired by the City on or before June 30, 2010, and be at least 50 years of age to receive this benefit.

vi. The City complies with all Federal and State guidelines regarding medical and dental insurance. This compliance includes continuation of benefits under COBRA.

d. Life Insurance: The City will provide term life insurance for all Directors in the amount of two times the Director's annual salary.

e. Long-Term Disability: The City shall pay the cost of a long-term disability program.

f. IRS Section 125 Plan: The City shall make available an Internal Revenue Service Code Section 125 Plan for unreimbursed medical and dependent care expenses. The annual maximum is set by the IRS.

g. Wellness Program:

i. Health Club / Workout Subscription service Membership: The City will pay up to $45 per month towards an employee membership at a health club or workout subscription service upon submission of receipt of contract to the Finance Division. The City will process dues by payroll deduction if administratively feasible.

The preapproved workout subscription services are Peloton, Obe Fitness, Apple Fitness Plus, Mirror, and Daily Burn. The Human Resources Director / Risk Manager is authorized to approve reimbursement for other subscription services with the emphasis placed on robust platforms that offer a variety of classes, fitness tracking, and live programming. Denial of a member's request for reimbursement for a service not listed above is not subject to the grievance procedure.

ii. City Recreation Facilities: Directors and their families will have use of City Recreation facilities at no cost.

F. LEAVE BENEFITS:

a. Vacation

i. Accrual Rates: The regular accrual rate shall be:

Years of Service	**Accrual Rate per year**
Up to 4	10 days
5 – 9	15 days
10 – 14	17 days
15 – 19	20 days
20 – 24	21 days
25 +	25 days

ii. Vacation Upon Termination: Any employee, upon termination of City employment for any reason, who is entitled to vacation time and who has not had the same, shall be paid at his/her current salary rate for such vacation time on the effective date of such termination. If such person works over one-half (1/2) of the month, they shall be entitled to accumulate vacation for that month.

iii. Maximum Accumulation: Employees will be allowed to have no more than two years earned vacation accumulated as of the end of the 2nd pay period of January of any year. Payout for leave in excess of maximum will occur on the 1st pay period of March.

iv. The City will allow Directors to cash out 40 hours of accumulated accumulated vacation time as set forth in this section. On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to forty (40) hours of accrued vacation (in whole hour increments) which will be earned in the following calendar year at the employee's base salary rate. On the pay day of the first pay period in November of the calendar year following election of the cash out, the employee will receive cash for the amount of vacation the employee irrevocably elected to cash out in the prior year. However, if the employee's vacation leave balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has accrued at the time of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

v. Accumulation during OJI Leave: An employee being paid because of an injury on-the-job will accumulate vacation time and sick leave.

vi. No Interruption of Accumulation: No interruption in the accumulation of vacation time shall result when an employee takes sick leave, vacation, temporary military leave, or paid leave because of an on-the-job incurred illness or injury.

b. Sick Leave with Pay for Non-Job Related Illness, Injury or Disability

i. Accrual: Each Director shall earn eight (8) hours sick leave with pay for each calendar month or major fraction thereof served.

ii. Sick Leave Use: Sick leave may be used for the illness/injury of family members and all other permissible uses under state law.

iii. Bereavement Leave: Bereavement leave, to a maximum of three (3) working days, will be permitted, without charging such leave against sick leave, upon the death of a member of the employee's immediate family. Immediate family is defined as a parent, child, spouse or domestic partner, brother, sister, grandparents, father-in-law, and mother-in-law of the employee. Employee may use an additional 16 hours of sick leave to extend said leave.

c. On-The-Job Injury (OJI) Leave:

i. Police and Fire Chiefs: The Chiefs shall be entitled to on-the-job injury leave in accordance with Section 4850 of the California Labor Code.

ii. Miscellaneous Directors: Whenever a non-safety Director is disabled by injury or illness arising out of and in the course of his/her duties, he/she shall become entitled to a leave of absence without loss of salary for a period not to exceed three (3) months in any five (5) year period.

iii. Temporary Disability Benefits: The Director shall draw full salary under OJI leave, and the City will take credit for any temporary disability payments. Once OJI leave is exhausted, an employee on leave without pay would be entitled to temporary disability in accordance with State Worker's Compensation law.

iv. Use of Accumulated Leaves: Once OJI and/or LC 4850 leave have been exhausted, accumulated leaves may be used to supplement temporary disability payments.

v. Leave Accrual: A Director on leave of absence under this section will continue to accumulate sick leave and vacation leave.

d. Management Leave

i. Annual Accrual: Directors shall earn 40 hours of management leave per calendar year. All management leave on the books as of December 31st shall be cashed out in the 1st pay period of March.

ii. Additional Leave: The City Manager shall have the authority to grant sixteen (16) hours of management time leave to Directors at his/her discretion.

iii. Management Leave Payoff: On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to forty (40) hours of management leave (in whole hour increments) which will be earned in the following calendar year at the employee's base salary rate. On the pay day of the first pay period in November of the calendar year following election of the cash out, the employee will receive cash for the amount of management leave the employee irrevocably elected to cash out in the prior year. However, if the employee's management leave balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has on the books at the time of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of cashing out all management leave hours that are on the books at the end of the any calendar year.

e. Administrative Leave

i. Directors shall earn forty (40) hours, non-cumulative, non-reimbursable administrative leave per calendar year.

f. Holidays: All employees shall be entitled to the following holidays:

- First day of January (New Year's Day)
- Third Monday in January (Martin Luther King Observance)
- Third Monday in February (President's Day)
- Thirty-first day of March (Cesar Chavez Day)
- Nineteenth day of June (Juneteenth)
- Last Monday in May (Memorial Day)
- Fourth day of July (Independence Day)
- First Monday in September (Labor Day)

- Eleventh day of November (Veteran's Day)
- Fourth Thursday of November (Thanksgiving Day)
- Day following Thanksgiving Day
- Working day immediately preceding Christmas Day (Christmas Eve)
- Twenty-fifth day of December (Christmas Day)

g. Jury Duty:

  i. Jury Duty: The City will grant an employee leave with pay for jury duty. Any checks received from the courts must be submitted to Finance. Travel pay which is included in the check, will be returned to the employee. This rule also applicable to those employees serving on the Grand Jury.

G. TUITION REIMBURSEMENT:

a. Executive Managers wishing to obtain a Masters' or Doctorate Degree are eligible to receive reimbursement for tuition and book expenses up to $3,000 per fiscal year.

b. After completing the course with a grade of "C" or better ("Pass" or certificate of achievement for classes that are not graded), proof of completion of course work requirements shall be submitted to the Human Resources Department indicating the specific courses and credits completed, together with receipts and transcripts or other documentation as may be required by the Human Resources Director. This information shall be submitted on forms provided by the Human Resources Department.

H. Termination of Employment; General Release; Severance:

a. This is an at-will position, as defined by City of Seaside Municipal Code Section 2.44.030. Nothing herein shall be interpreted to prevent, limit or otherwise interfere with ability of the City to terminate the services of a Department Director with or without cause. There is no express or implied promise to any Department Director for any form of continued employment.

b. If the City terminates a Department Director without cause while she / he is still willing and able to perform the duties of their position, City shall pay that Director a lump sum equal to six (6) months of the Director's then current salary and will continue to pay the Director's medical, dental, and vision premiums at the employee only level during this six-month period.

c. At the City Manager's discretion, a Police Chief or Fire Chief terminated without cause, may be eligible for up to an additional six (6) months of "Leadership Transition Pay." The Chief must be willing and able to provide transitional assistance to the incoming leadership and will be expected to sign a general release of claims and enter into an agreement regarding hours, work assignment, expectations, etc. The Leadership Transition Pay will be paid to ensure the seamless transition of leadership to guarantee the public's safety is not at risk. This pay will be paid monthly, be considered "final settlement pay," and will terminate sooner than six months if the Chief retires or is hired by another employer.

d. As used herein, "cause" shall mean any of the following:

Conviction of, or plea of guilty or nolo contendre to, any crime or offense (other than minor traffic violations or similar offenses) which, in the determination of the City Council, is likely to have a materially adverse impact on the City or the Director's reputation;

Conviction of any crime involving an "abuse of office or position," as that term is defined in Government Code Section 53243.4, or of moral turpitude;

Repeated failure to carry out a directive or directives of the City Manager; or

Any grossly negligent action or inaction by the Director that materially and adversely: (a) impedes or disrupts the operations of City or its organizational units; (b) is detrimental to employees or public safety; or (c) violates City's properly-established rules or procedures.

e. The Department Director may resign from her / his employment at any time, upon giving thirty (30) days written notice to the City Manager, or earlier, upon mutual agreement of the parties. In the event of resignation, the Director shall not be entitled to any additional compensation or payment, including severance, but shall be entitled to any outstanding salary, accrued vacation, and any other accrued and unused benefits according to any applicable Personnel Rules or other policies and procedures.

City of Seaside
Compensation Plan for Unclassified Positions
Effective July 1, 2022

A. **APPLICATION:** This Compensation Plan applies to the position of ESCA Program Director. Due to the unique nature of these positions, when established by the City Council, they were determined to be exempt from the classified service.

B. **EMPLOYMENT STATUS:** In accordance with Municipal Code Section 2.44.030, employees not included in the classified service shall serve at the pleasure of the City Manager and they may be terminated or disciplined at will by the City Manager at any time, without any right of appeal.

C. **ANNUAL SALARY:** The following position is exempt from the overtime provisions of the FLSA.

a. ESCA Program Director

D. **SALARY ADJUSTMENTS:**

a. General Salary Adjustments:
   i. Effective the pay period beginning July 9, 2022, all members will receive a 4% salary increase.
   ii. Effective the first day of the first pay period in January 2023, all members will receive a 3% salary increase. This salary increase is contingent on bargaining unit members agreeing to pick up 3% of the City's CalPERS contribution.
   iii. Effective the first day of the pay period in July of 2023, all members will receive a 4% salary increase.
   iv. Effective the first day of the pay period in July of 2024, all members will receive a 4% salary increase.

b. Longevity Pay:
   i. Unclassified employees with five or more years of service shall receive longevity pay in the amount of 2.5% of the member's Base Salary Rate.
   ii. Unclassified employees with ten or more years of service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 5%).
   iii. Unclassified employees with fifteen or more years of service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 7.5%).

c. Performance Pay: The City Manager is authorized to grant up to a 7.5% increase to Unclassified employees who exceed expectations in the achievement of established performance goals and objectives. This gives the City Manager flexibility in setting salaries consistent with performance.

E. **RETIREMENT:**

a. Miscellaneous Classifications:

i. Tier 1 - CalPERS 2% @ 55
   1. Eligibility: Employees determined by CalPERS to be "classic members."
   2. Employee Contribution: Employees will pay the 7.0% employee contribution to PERS.
   3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

ii. Tier 2 - CalPERS 2% @ 62 Plan
   1. Eligibility: Employees determined by CalPERS to be "new members."
   2. Employee Contribution: Employees will pay 50% of the normal cost as determined annually by CalPERS.
   3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

b. The City provides the PERS 1959 Survivors Benefit Level Four. The employee cost is $2 per month.

c. Deferred Compensation: The City will pay up to $200 per month to the ICMA deferred compensation program for each employee who makes a matching contribution.

F. MEDICAL, DENTAL, VISION INSURANCE

a. Medical Contributions:

   i. MCSIG PPO $40 (70/30 Plan).
   The City will pay 100% of the employee only premium and 90% of the dependent premium. This will be the base contribution amount for all plans except the Grandfathered PACE Plan.

   ii. MCISG PPO $25 (80/20 Plan).
   Employees electing to participate in the MCSIG PPO $25 (80/20 Plan)

employee. This rule also applicable to those employees serving on the Grand Jury.

Comprehensive Listing of Personnel Benefits

Confidential Exempt Employees

July 1, 2022 – June 30, 2025

COMPREHENSIVE LISTING OF PERSONNEL BENEFITS –
CONFIDENTIAL EXEMPT EMPLOYEES

COMPREHENSIVE LISTING OF PERSONNEL BENEFITS –
CONFIDENTIAL EXEMPT EMPLOYEES

SECTION 1: TERM

The provisions of the listing of personnel benefits for confidential exempt employees shall become effective July 1, 2022, and shall remain in effect for a period terminating on July 30, 2025.

SECTION 2: SALARY AND ADMINISTRATION OF PAY PLAN

A. Direct Pay for Services:

1. ***General Salary Adjustments:***

a. Effective the pay period beginning July 9, 2022, all members will receive a 4% salary increase.
b. Effective the first day of the first pay period in January 2023, all members will receive a 3% salary increase. This salary increase is contingent on bargaining unit members agreeing to pick up 3% of the City's CalPERS contribution.
c. Effective the first day of the pay period in July of 2023, all members will receive a 4% salary increase.
d. Effective the first day of the pay period in July of 2024, all members will receive a 4% salary increase.

2. ***Longevity Pay:***

a. Bargaining unit members with five or more years of service shall receive longevity pay in the amount of 2.5% of the member's Base Salary Rate.
b. Bargaining unit members with ten or more years of service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 5%).
c. Bargaining unit members with fifteen or more years of service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 7.5%).

B. Special Pay

1. ***Spanish Bilingual Pay:***

a. 2 ½% pay adjustment will be made to employee's base pay for a bilingual skill as tested by the City in conjunction with the Defense Language Institute standards;

b. Employee must pass either the listening and reading comprehension tests or the speaking test to be eligible for bilingual pay.

c. This program is subject to administrative direction and to City established procedures and annual testing. The City intends to use the Defense Language Institute.

2. Additional Pay for Additional Duties

When a non-represented exempt confidential employee assumes duties and responsibilities beyond existing job classification, City Manager may institute performance pay equivalent to 2.5% or 5%.

3. Additional Pay for Temporarily Assuming Supervisor's Position

a. A pay increase not to exceed one step may be paid to an employee temporarily filling a supervisor's position while the supervisor's position is vacant. The determination of vacancy will be based upon recommendation by the Department Head to the City Manager.

b. The increased pay will not be paid in any case unless a supervisor vacancy is the result of sickness, resignation, or termination.

c. The increased pay will not be paid when the supervisor is on vacation.

d. The increased pay will not be paid for the first thirty calendar days of the vacancy as determined above.

e. "Supervisor" is defined narrowly and means only the person to whom the employee is responsible on a continuing basis.

4. Annual Performance Pay

The City Manager is authorized to grant annual step increases to confidential exempt employees who exceed expectations in the achievement of established performance goals and objectives. The authorized increase ranges from zero to a 7.5% increase, depending upon the performance of the employee under consideration for salary increase. This gives the City Manager flexibility in setting salaries consistent with performance. (Special Compensation CCR 571(a) Incentive Pay.)

C. Administration of Pay Plan:

1. Anniversary Date

a. The anniversary date for each employee is the date he/she is hired, reclassified, or promoted.

b. The anniversary date of any employee shall be adjusted, or changed, in the case of a leave of absence, by moving said anniversary date forward a time equal to the length of such leave of absence, except family care or medical leave, according to the California Family Rights Act and military leaves of absence in accordance with the California Military and Veterans Code and Title 38, chapter 43, U.S. Code. Whenever any employee is absent from work without pay for any period of exceeding thirty (30) continuous days, the anniversary date of said employee shall be adjusted by moving said anniversary date forward a time equal to the length of absence from work.

c. The anniversary date of any employee shall be adjusted by moving said date forward a time equal to any delay in movement through the steps of the salary range put forth below.

2. *Salary Ranges*

The five (5) steps of each salary range shall be interpreted and applied as follows:

a. The first step is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, the City Manager may hire at a higher step.

b. The second step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of six (6) months satisfactory service in the first step and upon written recommendation of the Department Head and approval by the City Manager.

c. The third step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the second step and upon written recommendation of the Department Head and approval by the City Manager.

d. The fourth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the third step and upon written recommendation of the Department Head and approval by the City Manager.

e. The fifth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the fourth step and upon the written recommendation of the Department Head and approval of the City Manager.

f. Notwithstanding the foregoing provisions of this Section, an employee who is promoted or reclassified from one classification to a higher classification, or from a flat salary to classification having a higher overlapping salary range, shall be adjusted:

    i. To the step in their new range, which shall provide an increase in his/her salary, except that they shall not retain credit for the time served in his/her former step. If the step in the new range is the first step, the employee shall remain in that step for six (6) months before becoming eligible for advancement to the second step.

    ii. If from a flat salary to a range, to the lowest step in his/her new range or classification that exceeds his flat salary.

g. General adjustments in salary ranges made by general increases or decreases shall be made by adjusting all classes upward or downward to the appropriate salary range herein provided. Where the salary range for a given class or for several classes is revised upward or downward the employees shall have their existing salary adjusted to the same step in the new range.

h. In any case where, by reason of unusual circumstances, rigid adherence to the forgoing principles related to salary adjustments would cause a manifest injustice, the City Manager may make such order relating thereto as in his/her discretion is proper.

i. Rates of compensation provided for by resolution are fixed on the basis of full-time service in full-time positions for the schedule of hours indicated. If any position provided for in the budget is by appropriate language specified or indicated as being for less than full-time services, the rate of compensation provided for such positions shall be adjusted accordingly, except those employees indicated in this resolution as working part-time or on a retainer, in which case they shall draw the full salary indicated. If the present adjustments shall be made in the rates, the step plan shall apply to part-time salaried as well as full-time salaried employees.

j. Changes in pay rates shall be made on the first day on the pay period next following the date of eligibility and authorization.

SECTION 3: BENEFITS

A. Retirement:

1. CalPERS Classic Plan for Classic Members

a. "Classic" members will receive the CalPERS 2% @ 55 Miscellaneous Members retirement plan (Gov't Code 21354.4). The 2% @ 55 plan will also be provided to new City employees who are considered to be Classic members under the California Public Employees' Pension Reform Act (PEPRA). A classic member is a member who does not fit the definition of "New" member as defined in Gov't Code 7522.04(f).

b. Employee Contribution: Employees enrolled in the 2% @ 55 plan shall pay the 7% employee contribution.

c. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

2. CalPERS PEPRA Plan for New Members

a. "New" members, as defined in Gov't Code 7522.04(f), will be enrolled in the 2% @ 62 Miscellaneous Members retirement plan (Gov't Code 7522.20(a)).

b. Employee Contribution: As required by PEPRA, New members enrolled in the PEPRA plan shall pay 50% of the "normal cost" of projected benefits attributable to the current year of service as determined annually by CalPERS. This employee contribution may change annually as required by PEPRA. CalPERS Survivor Benefits

c. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

3. PARS Supplemental Retirement Plan:

a. Plan: The City will provide the PARS .5% at 55 supplemental retirement plan with credit for prior CalPERS and City service for all bargaining unit members hired on or before June 30, 2010.

b. Eligibility: Employees must have three years of City service and have been hired on or before June 30, 2010 to be eligible. The plan will be effective July 1, 2002.

c. Contribution: The City will make the employee's contribution.

4. Deferred Compensation:

City will pay up to two hundred dollars ($200) per month to the ICMA deferred compensation program for each employee who makes a matching contribution.

B. Medical, Dental, and Vision Insurance:

Eligible employees will be provided with medical, dental, and vision insurance as specified in this section. Benefits to eligible family members will be made available under the health insurance plan.

1. Contributions

a. MCSIG PPO $40 (70/30 Plan).
The City will pay 100% of the employee only premium and 90% of the dependent premium. This will be the base contribution amount for all plans except the Grandfathered PACE Plan.

b. MCISG PPO $25 (80/20 Plan).
SCEA Members electing to participate in the MCSIG PPO $25 (80/20 Plan) will pay the difference between the City's contribution for the PPO $40 Plan and the PPO $25 Plan premium.

c. PACE Plan (90/10 Plan) – Employees hired after October 15, 2015.
New employees enrolling in the PACE 90/10 Plan will pay the difference between the City's contribution for the PPO $40 plan and the PACE Plan premium.

d. PACE Plan (90/10 Plan) – Grandfathered Tier – open to employees hired before October 15, 2015.

The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.

e. The City will split the cost of any increase or decrease in dental and vision premiums with the employee on a 50/50 basis.

2. Retiree Medical:

a. Eligibility: Only bargaining unit members hired on or before June 30, 2010 are eligible for City-paid retiree medical insurance.

b. Notwithstanding the requirements of the City's Health and Welfare Plan to be eligible for retiree medical coverage, and subject to available coverage under the City's plan, the City shall pay the employees (not dependents) cost of medical insurance in an amount not to exceed the monthly premium for the City's insurance plan for retirees who retire on regular service or disability retirement until age 65 or until the retiree becomes eligible for Medicare, which ever comes first.

c. Employee may cover dependents by paying the additional monthly premium.

d. In the event that coverage is not available under the City's plan, and where an eligible employee elects to continue health coverage under COBRA, the City shall contribute to that COBRA payment an amount not to exceed the monthly premium for the City's health insurance plan for the period of time of COBRA eligibility or up to age 65, whichever is less.

e. Employees must have ten years of continuous service with the City, have been hired on or before June 30, 2010, and be at least 50 years of age to receive this benefit.

f. The City complies with all Federal and State guidelines regarding medical and dental insurance. This compliance includes continuation of benefits under COBRA.

C. Life Insurance:

The City will provide term life insurance for all confidential exempt employees in the amount of two times the employee's annual salary (minimum of $150,000.)

D. Long-Term Disability:

The City shall pay the cost of a long-term disability program.

E. IRS Section 125 Plan:

The City shall provide an Internal Revenue Code Section 125 Plan for unreimbursed medical expenses and dependent care expenses. The annual maximum is set by the IRS.

F. Mileage Reimbursement:

With the approval of the Department Head, the City shall reimburse employees required to use their personal vehicles for the purpose of conducting City business at a rate based upon actual cost.

G. Wellness Program:

1. Health Club Membership:

The City will pay up to $45 per month towards an employee membership at a health club upon submission of receipt of contract to the Finance Division. The City will process dues by payroll deduction if administratively feasible. To be eligible for reimbursement, requests for reimbursement must be received by Finance no later than 90 days from the date of service.

2. City Recreation Facilities:

Association employees and their families will have use of City recreation facilities at no cost to the employee. Employees may have resident's fee and early-bird sign up for swim classes.

SECTION 4: LEAVE PROVISIONS

A. Vacations

1. Accrual:

All regular employees, shall earn vacation as follows:

a. During the first, second, third, and fourth years of employment, vacation will be earned at the rate of six and two thirds (6 2/3) hours per month of ten (10) days per year.

b. During the fifth, sixth, seventh, eighth, and ninth years of employment, vacation will be earned at the rate of ten (10) hours per month or fifteen (15) days per year.

c. During the tenth, eleventh, twelfth, thirteenth, and fourteenth years of employment, vacation will be earned at the rate of eleven and one third (11 1/3) hours per month or seventeen (17) days per year.

d. During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years of employment, vacation will be earned at the rate of thirteen and one third (13 1/3) hours per month or twenty (20) days per year.

e. During the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth years of employment, vacation will be earned at the rate of fourteen (14) hours per month or twenty-one (21) days per year.

f. During the twenty-fifth year and thereafter vacation will be earned at the rate of 16 2/3 hours per month or twenty-five (25) days per year.

2. *Vacation and Holidays:*

For regular employees, if a holiday falls within a scheduled vacation period, on a day that the employee would normally work, that day shall not be counted a vacation day.

3. *Vacation Upon Termination:*

Any employee, upon termination of City employment for any reason, who is entitled to vacation time and who has not had the same, shall be paid at his/her current salary rate for such vacation time on the effective date of such termination. If such person works over one-half (1/2) of the month, they shall be entitled to accumulate vacation for that month.

a. Calculation of Hourly Pay for Payout: For employees working a five (5) day or modified schedule, the method for computing hourly pay for accumulated vacation time shall be as follows:
   i. Hourly rate equals monthly salary multiplied by twelve (12) months divided by 52 weeks multiplied by 40 hours

4. *Maximum Accumulation:*

Employees will be allowed to have no more than two years earned vacation accumulated as of the end of the 2nd pay period of January of any year. Payout for leave in excess of maximum will occur on the 1st pay period of March. It shall be management's right and responsibility to see that the employee does not exceed the maximum.

5. *Vacation Cash-Out:*

The City will allow Confidential Managers to cash out 40 hours of accumulated vacation time as set forth in this section. On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to forty (40) hours of accrued vacation (in whole hour increments) which will be earned in the following calendar year at the employee's base salary rate. On the pay day of the first pay period in November of the calendar year following election of the cash out, the employee will receive cash for the amount of vacation the employee irrevocably elected to cash out in the prior year. However, if the employee's vacation leave balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has accrued at the time of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

6. *Compensation in Lieu of Time Off:*

The City Manager may, in instances where the needs of the City require, authorize compensation in lieu of time off for accrued vacation.

7. *Accumulation during OJI Leave:*

An employee being paid because of an injury on-the-job will accumulate vacation time and sick leave.

8. *No Interruption of Accumulation:*

No interruption in the accumulation of vacation time shall result when an employee takes sick leave, vacation, temporary military leave, or paid leave because of an on-the-job incurred illness or injury.

9. *Vacation during Probation:*

Newly hired management employees may use vacation leave.

B. Sick Leave with Pay for Non-Job Related Illness, Injury or Disability

1. *Accrual:*

Each confidential exempt employee shall earn eight (8) hours sick leave with pay for each calendar month or major fraction thereof served.

2. *Use of Leave:*

Sick leave with pay will be granted only upon the approval of the Department Head in case of bonafide illness of an employee, including the diagnosis, care, or treatment of an existing health condition of, or preventive care. If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. Evidence may be required in the form of a physician's certificate or otherwise to verify an employee's absence during the time for which sick leave is requested.

Sick leave may also be used by an employee who is a victim of domestic violence, sexual assault, or stalking, to obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking with appropriate certification of the need for such services.

Any employee taking leave that qualifies under the City's Family Care and Medical Leave/California Family Rights Act Policy will complete and submit all required forms.

3. *Sick Leave Upon Rehire*

If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law.

4. *Illness/Injury During Vacation:*

When an illness or injury requiring doctors treatment, and/or hospitalization occurs during an employee's vacation or approved leave of absence with pay, and the injury or illness is a nature that would prohibit the employee from performing his/her duties, the employee shall submit a memorandum giving full and complete information as well as a doctor's verification to their respective department head for a determination that such time off will be charged to sick time rather than to vacation time.

5. *Family Sick Leave:*

Sick leave may be used for the illness or injury of an employee's family member. A family member shall be defined as parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), spouse or domestic partner, grandparent, grandchild, and sibling.

6. ***Bereavement Leave:***

Bereavement leave, to a maximum of three (3) working days, will be permitted, without charging such leave against sick leave, upon the death of a member of the employee's immediate family. Immediate family is defined as a parent, child, spouse or domestic partner, brother, sister, grandparents, father-in-law, and mother-in-law of the employee. Employee may use an additional 16 hours of sick leave to extend said leave.

C. **On-The-Job Injury Leave:**

1. ***Leave of Absence:***

Whenever an employee is disabled by injury or illness arising out of and in the course of his/her duties, he/she shall become entitled to a leave of absence without loss of salary for a period not to exceed three (3) months in any five (5) year period.

2. ***Leave Accrual:***

An employee on leave of absence under this section will continue to accumulate sick leave and vacation leave.

3. ***Temporary Disability Benefits:***

The employee shall draw full salary under OJI leave, and the City will take credit for any temporary disability payments. Once OJI leave is exhausted, an employee on leave without pay would be entitled to temporary disability in accordance with State Worker's Compensation law.

4. ***Use of Accumulated Leaves:***

Once OJI leave has been exhausted, accumulated leaves may be used to supplement temporary disability payments.

D. **Management Leave**

1. ***Annual Accrual:***

Management employees shall earn 40 hours of management leave per calendar year.

2. ***Initial Accrual:***

For newly hired employees (or employees promoted into the Association), the initial management leave bank shall be prorated according to the following schedule:

Hired January 1 – March 31:	40 Hours
Hired April 1 – June 30:	30 Hours
Hired July 1 – September 30	20 Hours

Hired October 1 – November 30	10 Hours
Hired December 1 – December 31	0 Hours

3. Additional Leave:

The City Manager shall have the authority to grant sixteen (16) hours of management time leave to non-represented exempt confidential employees who work an excessive amount of hours based upon the recommendation of their department head. It must be used within one year from the date it is granted and no management employees shall receive more than two days per fiscal year. Time worked may be considered excessive if it is beyond regularly assigned duties and exceeds 20 hours in one month.

4. Management Leave Payoff

On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to forty (40) hours of management leave (in whole hour increments) which will be earned in the following calendar year at the employee's base salary rate. On the pay day of the first pay period in November of the calendar year following election of the cash out, the employee will receive cash for the amount of management leave the employee irrevocably elected to cash out in the prior year. However, if the employee's management leave balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has on the books at the time of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of cashing out all management leave hours that are on the books at the end of the any calendar year.

E. Administrative Leave

Exempt employees shall earn forty (40) hours, non-cumulative, non-reimbursable administrative leave per calendar year.

1. Initial Accrual

For newly hired employees (or employees promoted into the Association), the initial administrative leave bank shall be prorated according to the following schedule:

Hired January 1 – March 31:	40 Hours
Hired April 1 – June 30:	30 Hours
Hired July 1 – September 30	20 Hours
Hired October 1 – November 30	10 Hours
Hired December 1 – December 31	0 Hours

F. Holidays

1. Regular Holidays:

All employees shall be entitled to the following holidays:

- First day of January (New Year's Day)
- Third Monday in January (Martin Luther King Observance)
- Third Monday in February (President's Day)
- Thirty-first day of March (Cesar Chavez Day)
- Last Monday in May (Memorial Day)
- Fourth day of July (Independence Day)

- First Monday in September (Labor Day)
- Nineteenth day in September (Juneteenth)
- Eleventh day of November (Veteran's Day)
- Fourth Thursday of November (Thanksgiving Day)
- Day following Thanksgiving Day
- Working day immediately preceding Christmas Day (Christmas Eve)
- Twenty-fifth day of December (Christmas Day)

It is the intent of this resolution that all regular City employees shall observe the holidays set forth above.

2. ***Memorials:***

   Upon Council approval, every day appointed by the Governor of the State, the President of the United States, or the City Council as a memorial, public fast, thanksgiving, or holiday.

3. ***Holidays on Sunday***

   When a holiday falls on a Sunday, the following Monday shall be recognized as that holiday.

4. ***Holidays on Saturday:***

   When a holiday falls on a Saturday, the preceding Friday shall be recognized as that holiday.

5. ***Holiday Hours:***

   Regardless of the employee's work schedule, 8 hours of holiday time will be paid for each holiday.

G. Jury Duty:

1. ***Jury Duty:***

   The City will grant an employee leave with pay for jury duty. Any checks received from the courts must be submitted to Finance. Travel pay which is included in the check, will be returned to the employee. This rule also applicable to those employees serving on the Grand Jury.

SECTION 5: WORKING CONDITIONS

A. Continuing Education and Professional Growth:

All association members shall be eligible for the City's Educational Incentive Programs.

1. ***Tuition Reimbursement:***

   a. Employees wishing to receive reimbursement for tuition and book expenses must request prior approval from their Department Head. Classes will be approved for reimbursement so long as they are determined to be job related or professional development.

   b. The City will encourage enrollment through a tuition and book reimbursement with a maximum of $2,000 per fiscal year for a BA/BS and $3,000 per fiscal year for an MA/MS or higher.

c. After completing the course with a grade of "C" or better ("Pass" or certificate of achievement for classes that are not graded), proof of completion of course work requirements shall be submitted to the employee's department head indicating the specific courses and credits completed, together with transcripts or other documentation as may be required by the Human Resources Director. This information shall be submitted on forms provided by the Human Resources Office.

d. An employee who wishes to enroll in a school, college, or university for the purpose of fulfilling the educational requirement shall do so on his/her own time.

B. Service Awards:

A committee, made up of members of the various employee groups, shall be formed to select a new service award program. At a minimum, the program shall include service awards presented to employees after every 5 years of full-time service with the City. Recipients of service awards will be recognized by the City Council.

C. Probationary Period:

Probation shall be 1 year for all new employees.

D. Flexible Work Schedule

The work schedule shall be defined by the Department Head. Consistent with City past practice Department Heads shall consider alternative work schedule requests, including a four day work week, and approve where such alternative schedules meet the best interest of the City. The Department Head has the sole discretion to decide whether to approve or deny such alternative schedules.

SECTION 5: MISCELLANEOUS

All discoveries, inventions, improvements, formulas, ideas, devices, writings or other intellectual property, whether or not subject to patent or copyright laws, which employees shall conceive solely or jointly with others, in the course or scope of his/her employment, or with the City's materials or facilities, shall be the sole and exclusive property of the City without further compensation.

Jaime Fontes, City Manager

8/25/202

Date

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.J.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Sheri Damon, City Attorney

DATE: October 6, 2022

SUBJECT: **GRANTING AN EASEMENT FOR LANDSCAPING, MAINTENANCE ON THE BICYCLE/PEDESTRIAN PATHWAY, AND PUBLIC ACCESS PURPOSES AT LAGUNA GRANDE PARK BETWEEN THE SUCCESSOR AGENCY TO THE SEASIDE REDEVELOPMENT AGENCY AND THE CITY OF SEASIDE**

RECOMMENDATION

1. Authorize the Successor Agency to the Seaside Redevelopment Agency to grant an easement to the City of Seaside for landscaping, pedestrian/bicycle pathway, and public access improvements, and
2. Authorize the City Manager to accept the grant of easement for landscaping, pedestrian/bicycle pathway, and public access improvements.

BACKGROUND

The Successor Agency ("Successor Agency") to the former Seaside Redevelopment Agency ("Former Redevelopment Agency") was responsible for preparing a Long Range Property Management Plan (Plan) to address the disposition and use of the Former Redevelopment Agency's real property, pursuant to Section 34191.5(b) of the Health and Safety Code.

The Successor Agency initially prepared and obtained Oversight Board approval of its Plan on August 25, 2014. The Plan was subsequently amended and approved by the Oversight Board on March 23, 2015, and on May 11, 2015. The California Department of Finance issued a Final Determination Letter and approved the Plan, as amended, on May 29, 2015—authorizing the Successor Agency to begin implementation of the approved Plan. The release of the Former Redevelopment Agency's assets to the community will allow for continued public use and development, resulting in a stimulated job market, an increase in property values, and a higher standard of living for all residents.

The Plan disposes of assets in three ways:
1.) Transfer certain assets to the City for continued public use;
2.) Transfer certain assets to the City for future development; and
3.) Retain by Successor Agency for liquidation and refunding of obligations.

Pursuant to Section 34177(c) of the Health and Safety code, the approved LRPMP provides for the Successor Agency's right to grant an easement to the City for landscaping, pedestrian/bicycle pathway, and public access improvements within Laguna Grande Park.

FISCAL IMPACT

None.

ATTACHMENTS

1. Joint Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 22-XX

RESOLUTION NO. 22-XXSA

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE AND SUCCESSOR AGENCY OF THE CITY OF SEASIDE REDEVELOPMENT AGENCY

GRANTING AN EASEMENT FOR LANDSCAPING, MAINTENANCE ON THE BICYCLE/PEDESTRIAN PATHWAY, AND PUBLIC ACCESS PURPOSES AT LAGUNA GRANDE PARK BETWEEN THE SUCCESSOR AGENCY TO THE SEASIDE REDEVELOPMENT AGENCY AND THE CITY OF SEASIDE

WHEREAS, as authorized by the redevelopment dissolution statues, ABxl 26 enacted in June of 2011 and AB 1484 enacted in June of 2012 (the "Dissolution Statutes"), the City of Seaside (the "City") elected to serve as the Successor Agency ("Successor Agency") to the Seaside Redevelopment Agency ("Former Redevelopment Agency"); and

WHEREAS, pursuant to the Dissolution Statutes, real property owned by the Former Redevelopment Agency transferred by operation of law to the Successor Agency for disposition in accordance with the Dissolution Statues; and

WHEREAS, as codified at Section 34191.5(b) of the Health and Safety Code, the Dissolution Statutes required the Successor Agency to prepare a long-range property management plan ("LRPMP") to address the disposition and use of the real property of the Former Redevelopment Agency; and

WHEREAS, the Successor Agency initially prepared and obtained Oversight Board approval of its LRPMP on August 25, 2014; and

WHEREAS, the LRPMP was subsequently amended and approved by the Oversight Board on March 23, 2015 and on May 11, 2015; and

WHEREAS, the California Department of Finance issued a Final Determination Letter and approved the LRPMP, as amended, on May 29, 2015; and

WHEREAS, pursuant to Section 34177(c) of the Health and Safety code, the approved LRPMP provides for the Successor Agency's right to grant an easement on to the City for landscaping, pedestrian/bicycle pathway, and public access improvements within Laguna Grande Park; and

WHEREAS, the City desires to accept the easement from the Successor Agency in accordance with the approved LRPMP, and all other applicable law.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE SEASIDE SUCCESSOR AGENCY, AS FOLLOWS:

Section 1. The Successor Agency to the Seaside Redevelopment Agency grants an easement to the City of Seaside for landscaping, pedestrian/bicycle pathway, and public access improvements adjacent to the Laguna Grande Park.

Section 2. The Executive Director/City Manager is hereby authorized to execute the grant of easement for landscaping, pedestrian/bicycle pathway, and public access improvements.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY OF SEASIDE, AS FOLLOWS:

Section 1. The Executive Director/City Manager is hereby authorized to accept the grant of easement for landscaping, pedestrian/bicycle pathway, and public access improvements.

PASSED, APPROVED, and ADOPTED this 6th day of October, 2022, by the following vote:

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

APPROVED:

____

Ian N. Oglesby, Mayor/Chair

ATTEST:

____

Dominique L. Davis, City/Agency Clerk

APPROVED AS TO FORM:

____

Sheri L. Damon, City Attorney/Agency Counsel

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Sheri Damon, City Attorney

DATE: October 6, 2022

SUBJECT: **ADOPT RESOLUTIONS RELATED TO FORMING A COMMUNITY FACILITIES DISTRICT TO PROVIDE FINANCING FOR VARIOUS PUBLIC FACILITIES AND MUNICIPAL SERVICES**

RECOMMENDATION

Adopt the resolutions related to the formation of a Community Facilities District (CFD) to provide financing for various public facilities and municipal services:
1. A Resolution adopting Local Goals and Policies for CFD; and 2. A Resolution declaring the intention to establish a CFD and to authorize the levy of special taxes therein – Facilities and Maintenance Services; and 3. A Resolution declaring the intention to incur bonded indebtedness of the proposed City of Seaside CFD No. 2022-1 (Facilities and Maintenance Services).

BACKGROUND

As development begins to occur in the former Fort Ord property and other currently undeveloped areas of the City, it is expected that there will be increased demand for public facilities and municipal services in the territories being developed. In order to provide funding for needed public facilities and municipal services, City Staff and consultants have been working on the formation of a proposed community facilities district under the Mello-Roos Community Facilities District Act of 1982, as amended. A community facilities district ("CFD"), once formed, has the ability to levy special taxes on property in a designated area to provide funds for identified public facilities and maintenance services resulting from development in the area of the community facilities district.

GOALS AND POLICIES RESOLUTION

In order to form a community facilities district, the Government Code requires that the

City Council adopt goals and policies for community facilities districts. The goals and policies include, as required by the Government Code, a statement regarding financing priorities, statements regarding the credit quality of bonds that may be issued for a community facilities district, a statement regarding the disclosure of community facilities districts to prospective purchasers of property in community facilities districts, statements concerning criteria for evaluating special tax formulas (commonly called a rate and method of apportionment of special taxes), and a statement regarding appraisals that may be used in connection with the sale of bonds for a community facilities district.

The proposed local goals and policies for the City's future community facilities districts have been drafted to satisfy the requirements of the Government Code, and to allow as much flexibility as possible for the City in forming community facilities districts. The goals and policies can be waived or otherwise changed at any time in the future by resolution of the City Council should a situation arise where such a waiver or change is determined to be appropriate by the City Council.

INTENTION TO FORM RESOLUTION

The Resolution of Intention to form the proposed community facilities district, preliminarily approves a boundary map for the community facilities district. This includes the boundary of the proposed community facilities district, primarily City-owned or former Redevelopment Agency parcels in the former Fort Ord area. An initial area to be included in the community facilities district in which less than twelve registered voters reside (so that only the owners of that property are eligible to vote for the CFD), and an "annexation area" that allows (but does not require) property owners in that area to annex into the community facilities district at a later date. "Annexation areas" are shown on the proposed boundary map and should property owners in that area choose to annex into the community facilities district the City will have some flexibility to adjust the rate and method of apportionment applicable to the annexed area. Only property included in the boundaries of the community facilities district will be subject to the levy of special taxes for the community facilities district.

The Resolution of Intention specifies, in Exhibit A to the Resolution, the public facilities and maintenance services the community facilities district will be authorized to finance, including public buildings, roadway and parking facilities, parks, trails and recreation facilities, water and flood and storm protection services, as well as all of the various maintenance services allowed by the Government Code.

The City Council will determine the specific facilities and maintenance services to be funded as special tax revenues are received from future tax levies on property in the community facilities district. Examples of specific facilities might include, but are not limited to, a new fire station, a multi-cultural museum, new public works facilities, road improvements and other necessary facilities that are projected to last more than five

(5) years. Examples of specific municipal services might include, but are not limited to,

- police protection services
- fire protection and suppression services
- ambulance and paramedic services
- maintenance and lighting of parks, parkways, streets, roads, storm drains, and open space.

Additionally, the repair, removal or replacement of all or part of any of the improvements, the furnishing of water for the irrigation and the furnishing of electric current or energy, for any lights or irrigation facilities, obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, obtaining supplies or appurtenant facilities necessary for such maintenance, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services are also allowed.

The Resolution of Intention includes a rate and method of apportionment of special taxes for the community facilities district that includes the methodology by which the special taxes authorized to be levied are allocated among the properties in the community facilities district. The rate and method of apportionment of special taxes is set forth in Exhibit B to the Resolution of Intention and specifies the annual maximum special taxes for various types of property in a Table on page B-7, and provides that the special tax may be levied for facilities costs for up to 100 years, and may be levied for services costs in perpetuity. Special taxes will only be levied on Developed Property and Final Map Property, as such terms are defined in the rate and method of apportionment of special taxes. The Resolution of Intention allows for up to $500,000,000 in bonded indebtedness that may be incurred for the community facilities district to finance authorized facilities with up to 40 year terms for each bond issue. Any such bond issue will be subject to approval by the City Council prior to any bond offering. The following table outlines the proposed special tax rates for Fiscal Year 2023/24:

TABLE 1 – TAX ZONE 1
ASSIGNED SPECIAL TAX FOR DEVELOPED PROPERTY AND FINAL MAP PROPERTY
FISCAL YEAR 2023/24

Land Use Class	Land Use Type	Assigned Special Tax
1	Single Family Residential Property	$9,025.00 per Dwelling Unit
2	Townhome Property	6,769.00 per Dwelling Unit
3	Apartment Property	2,945.00 per Dwelling Unit
4	Hotel Property	18.88 per Square Foot of Non-Residential Floor Area
5	Non-Residential Property	127.00 per Square Foot of Non-Residential Floor Area
6	Commercial Property	167.08 per Square Foot of Non-Residential Floor Area
7	Industrial Property	86.73 per Square Foot of Non-Residential Floor Area
8	Industrial Parking Facility Property	5,000 Per Acre
9	MIBMR Units	80% of the applicable Assigned Special Tax rate for the applicable Land Use Class as show in this Table 1 Per Dwelling Unit
10	ADUs	25% of the applicable Assigned Special Tax rate for the applicable Land Use Class as show in this Table 1 Per Dwelling Unit

The Resolution of Intention directs the City's Director of Public Works to prepare a report regarding the community facilities district and calls for a public hearing during the November 17th City Council meeting regarding the community facilities district. The Resolution specifically acknowledges the future annexation area as depicted on the proposed boundary map of the community facilities district as setting forth property that may become annexed to the community facilities district at a later date upon an approval of the owners of the property to be annexed.

INTENTION TO INCUR BONDED INDEBTEDNESS RESOLUTION

The Resolution of Intention to Incur Bonded Indebtedness, expresses the intent of the City Council to authorize the issuance of up to $500,000,000 in bonded indebtedness for the community facilities district. As the financing program is intended to include property as it develops in the future, the proposed bonded indebtedness limit will allow for as many public facilities as possible to be financed as special taxes levied on property in the community facilities district and property annexed thereto are realized and the City is able to issue bonds for the community facilities district to be repaid using those special taxes.

The Resolution of Intention to Incur Bonded Indebtedness calls for a public hearing during the November 17th City Council meeting regarding the expected issuance of bonds for the community facilities district.

CONCLUSION

If the City Council adopts the three Resolutions as proposed, there will be a public hearing during the November 17th City Council meeting regarding the formation of the community facilities district, the annexation area and the possible issuance of bonds for the community facilities district. Following the public hearing, the City Council will be requested to hold a mail ballot election of the owners of the property to initially be included in the community facilities district. The property owners will have one vote for each acre or portion of an acre of property to be initially included in the community facilities district, with a two-thirds affirmative vote required for the community facilities district to be formed. If a successful election occurs, the City Council will then be requested to have a first reading of an Ordinance levying the special taxes on the property included in the community facilities district.

FISCAL IMPACT

There is no impact to the General Fund. The rate and method of apportionment of special taxes allows for the annual special tax to be levied on property in the community facilities district to include an amount for administrative expenses related to the community facilities district. Any bonded indebtedness incurred for the community facilities district will be repaid with the special taxes levied on property in the community facilities district.

ATTACHMENTS

1. Goals and Policy Resolution
2. Seaside CFD 2022-1 Boundary Map v5 All Sheets
3. Intent to Form CFD Resolution
4. Intent to Incur Bonded Indebtedness Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ADOPTING LOCAL GOALS AND POLICIES FOR COMMUNITY FACILITIES DISTRICTS

WHEREAS, Section 53312.7(a) of the California Government Code (the "Code") requires that this City Council adopt local goals and policies for community facilities districts ("CFDs") before establishing a new community facilities district under the provisions of the Code; and

WHEREAS, this Council intends to consider the establishment of a CFD to provide financing for certain public facilities and municipal services incident to development occurring in the City, and desires at this time to adopt local goals and policies for CFDs so that it may commence proceedings for establishing a community facilities district to finance such public facilities and municipal services; and

WHEREAS, City staff has caused to be prepared a draft of goals and policies for CFDs of the City (the "Goals and Policies"), a copy of which is attached as Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEASIDE, CALIFORNIA, that the Goals and Policies, in the form attached as Exhibit A to this Resolution, are hereby adopted as the local goals and policies of the City for CFDs.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California on the 6th day of October, 2022.

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

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

Exhibit

A. Local Goals and Policies for Community Facilities Districts

03101.01:J18494

EXHIBIT A

CITY OF SEASIDE

LOCAL GOALS AND POLICIES FOR COMMUNITY FACILITIES DISTRICTS

I. GENERAL

Section 53312.7(a) of the California Government Code requires that the City of Seaside (the "City") consider and adopt local goals and policies concerning the use of the Mello-Roos Community Facilities Act of 1982 (the "Act"), California Government Code Sections 53311 et seq. (the "Act"), prior to the initiation of proceedings establish a new community facilities district ("CFD") under the Act.

These Local Goals and Policies for Community Facilities Districts (the "Policies") provide guidance and conditions for the conduct by the City of proceedings for, and the issuance of bonds secured by special taxes levied in, a community facilities district ("CFD") established under the Act. The Policies are intended to be general in nature; specific details will depend on the nature of each particular financing. The Policies are applicable to financings under the Act and are intended to comply with Section 53312.7 (a) of the Government Code. These Policies are subject to amendment by the City Council at any time.

II. FINANCING PRIORITIES

Eligible Facilities. The improvements eligible to be financed by a CFD must be owned by a public agency or public utility and must have a useful life of at least five (5) years, except that up to five percent of the proceeds of an issue may be used for facilities owned and operated by a privately-owned public utility. A CFD shall not vest any rights to future land use on any properties, including those which are responsible for paying special taxes.

The list of eligible public facilities includes, but is not limited to, the following:

- Streets
- Street lighting
- Traffic signals and safety lighting
- Landscaping on public property or in public easements
- Sanitary sewer facilities
- Storm drain facilities
- Flood control facilities
- Potable and reclaimed water facilities
- Utility relocations
- Parks and recreational facilities
- Public utilities
- Cultural facilities
- Police and Fire protection facilities
- Governmental facilities

The funding of public facilities to be owned and operated by public agencies other than the City shall be considered on a case-by-case basis. If the proposed financing is consistent with a public facilities financing plan approved by the City, or the proposed facilities are otherwise consistent with approved land use plan for the property to be included in a CFD, the City shall consider entering into a joint financing agreement or joint powers authority in order to finance these facilities. A joint agreement with the public agency that will own and operate any such facility must be entered into at the time specified in the Act.

A CFD may also be formed for the purpose of refinancing any fixed special assessment or other governmental lien on property, to the extent permitted under the Act, as applicable.

Priority Facilities. Priority for CFD financing of public facilities shall be given to public facilities which: (a) are determined to be a priority by the City Council, (b) are necessary for development to proceed in an orderly fashion, or (c) are otherwise coordinated to correspond to the phasing of the related private development project. The City will attempt to schedule construction of CFD-financed facilities in a manner such that private development will not occur ahead of the installation of public infrastructure necessary to support that development.

Eligible Services; Priority Services. The services eligible to be financed by a CFD (the "Services") are those identified in the Act, including but not limited to Section 53313 of the Act. To the extent required by the Act, the CFD may only finance the Services to the extent they are in addition to those provided in the territory of the CFD before the CFD was created, and the additional Services may not supplant services already available within the territory of the CFD when the CFD was created.

The following public services will be prioritized for financing under the Act: (i) services that are necessary for the public health, safety and welfare and (ii) services that would otherwise be paid from the City's general fund. The City may finance services to be provided by another local agency if it determines the public convenience and necessity require it to do so, although the City prioritizes financing services to be provided by the City.

Eligible Private Facilities. Financed improvements may be privately-owned in the specific circumstances, and subject to the conditions, set forth in the Act.

III. CREDIT QUALITY OF BOND ISSUES

All CFD bond issues should have at least a three to one property value to public lien ratio after calculating the value of the financed public improvements to be installed, unless otherwise specifically approved by the City Council as provided in Section 53345.8(b) or (c) of the Act. Property value may be based on either an appraisal (as described in VI below) or on assessed values as indicated on the county assessor's tax roll. The public lien amount shall include the bond issue currently being sold plus any public indebtedness secured by a lien on the properties to be taxed.

The City will require that all major land use approvals and governmental permits necessary for development of land in a CFD be substantially in place before bonds may be issued for a CFD that is formed at the request of a developer of land to be included in the CFD.

In most cases, a reserve fund equal to the lesser of (i) ten percent of the original proceeds of the bond issue, (ii) the maximum annual debt service on the bonds, or one hundred twenty-five percent of the average annual debt service on the bonds will be required for all bond issues where less than fifty percent of the buildable acreage has been developed. A smaller reserve fund may be required by the City for bond issues where a development threshold identified by the City has been met.

Less than a three to one property value to public lien ratio, excessive tax delinquencies, or projects of poor economic viability may cause the City to disallow the sale of bonds or require credit enhancement prior to bond sale. The City may consider exceptions to the above policies for bond issues that do not represent an unusual credit risk, either due to credit enhancement or other reasons specified by the City, and/or which otherwise provide extraordinary public benefits, to the extent permitted by and subject to any applicable requirements of the Act.

If the City requires letters of credit or other security, the credit enhancement shall be issued by an institution, in a form and upon terms and conditions satisfactory to the City. Any security required to be provided by the applicant may be discharged by the City upon the satisfaction of the applicable credit criteria specified by the City.

As an alternative to providing other security, and subject to federal tax law, the applicant may request that a portion of the bond proceeds be placed in escrow with a trustee or fiscal agent in an amount sufficient to assure the financing will meet the applicable credit criteria, including, but not limited to, meeting a value-to-lien ratio of at least three to one on the outstanding proceeds. The escrowed proceeds shall be released at such times and in such amounts as may be necessary to assure the applicable credit criteria have been met.

IV. DISCLOSURES

A. Purchasers of Property. As a minimum, any disclosures mandated by applicable California law to inform prospective purchasers of their obligations under the CFD shall apply to each CFD. In addition, there may be additional requirements mandated by the City for particular kinds of financings on a case-by-case Basis. The City may prescribe specific forms to be used to disclose the existence and extent of obligations imposed by CFD.

B. Disclosure Requirements for the Resale of Lots. The City shall provide a notice of special taxes to sellers of property (other than developers) which will enable them to comply with their notice requirements under Section 1102.6 of the California Civil Code. This notice shall be provided by the City within five working days of receiving a written request for the notice or as otherwise may be required by applicable law. A reasonable fee may be charged for providing the notice, not to exceed any maximum fee specified in the Act.

V. SPECIAL TAX FORMULAS AND MAXIMUM SPECIAL TAXES

Special tax formulas shall provide for minimum special tax levels which satisfy the following payment obligations of a CFD: (a) 110 percent gross debt service coverage for all CFD bonded indebtedness, (b) the administrative expenses of the CFD, and (c) amounts equal to the differences between expected earnings on any escrow fund and the interest payments due on related bonds of the CFD. In addition, the special tax formula may provide for the following to be included in the Special Tax levels: (a) any amounts required to establish or replenish any reserve fund established in association with the indebtedness of the CFD, (b) the accumulation of funds reasonably required for future debt service, (c) amounts equal to projected delinquencies of special tax payments, (d) the costs of remarketing, credit enhancement and liquidity facility fees, (e) the cost of acquisition, construction, furnishing or equipping of authorized Facilities, (f) lease payments for existing or future facilities, (g) costs associated with the release of funds from an escrow account, (h) the costs of Services and the accumulation of funds to pay expected future costs of Services, and (i) any other costs or payments permitted by law.

The special tax formula shall be reasonable in allocating the CFD's payment obligations to parcels within the CFD. Exemptions from the special tax may be given to parcels which are publicly owned, are held by a property owners' association, are used for a public purpose such as open space or wetlands, are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easements, or have insufficient value to support bonded indebtedness.

The total projected non-residential levels for any CFD (including ad valorem taxes, any maintenance, landscaping or other impositions on the land in the CFD and other similar annual government charges levied on parcels in the CFD, but excluding property owners' association annual levies and as to any special tax levies, based on the expected special tax rates and not any "back-up" special taxes) must be reasonable, and will be considered by the City Council on a case-by-case basis.

The total projected residential property tax levels (including ad valorem taxes, any maintenance, landscaping or other impositions on the land in the CFD and other similar annual government charges levied on parcels in the CFD, but excluding homeowners' association annual levies and as to any special tax levies, based on the expected special tax rates and not any "back-up" special taxes) for any CFD (or, if a CFD has multiple improvement areas, for each improvement area and not the entire CFD) shall not exceed any maximum specified in the Act. The annual increase, if any, in the maximum special tax for any parcel shall not exceed any maximum specified in the Act. The increase in the special tax levied on any parcel as a consequence of delinquency or default by the owner of any other parcel shall not exceed any maximum specified in the Act.

Special taxes will only be levied on an entire county assessor's parcel, and any allocation of special tax liability of a county assessor's parcel to leasehold or possessory interest in the fee ownership of such county assessor's parcel shall be the responsibility of the fee owner of such parcel and the City shall have no responsibility therefore and has no interest therein. Failure of the owner of any county assessor's parcel to pay or cause to be paid any special taxes in full when due, shall subject the entire parcel to foreclosure in accordance with the Act.

The City may retain a special tax consultant to prepare a report which: (a) recommends a special tax for the proposed CFD, and (b) evaluates the special tax proposed to determine its ability to adequately fund identified public facilities, City administrative costs, services (if applicable) and other related expenditures. Such analysis shall also address the resulting aggregate tax burden of all proposed special taxes plus existing special taxes, ad valorem taxes and assessments on the properties within the CFD.

VI. APPRAISALS

The definitions, standards and assumptions to be used for appraisals shall be determined by City staff on a case-by-case basis, with input from City consultants and CFD applicants, and by reference to relevant materials and information promulgated by the State of California. The appraiser shall be selected by or otherwise acceptable to the City, and the appraisal shall be coordinated by and under the direction of, or otherwise as acceptable to, the City.

The appraisal should be dated within three months of the date the bonds are sold, unless the City Council determines a longer time is appropriate or the appraiser provided a suitable "bring down" letter for the valuation in the appraisal report.

All costs associated with the preparation of the appraisal report shall be paid by the entity requesting the establishment of the CFD, if applicable, through the advance deposit mechanism described below.

VII. FINANCING TERMS

All terms and conditions of any CFD bonds shall be established by the City. The City will control, manage and invest all CFD issued bond proceeds. Each bond issue shall be structured to adequately protect bond owners and to not negatively impact the bonding capacity or credit rating of the City through the special taxes, credit enhancements, foreclosure covenant, and reserve funds.

All statements and material related to the sale of bonds shall emphasize and state that neither the faith, credit nor the taxing power of the City is pledged to security or repayment of the Bonds. The sole source of pledged revenues to repay CFD bonds are special taxes, bond proceeds and reserve funds held under the bond document, and the proceeds of foreclosure proceedings and additional security instruments provided at the time of bond issuance.

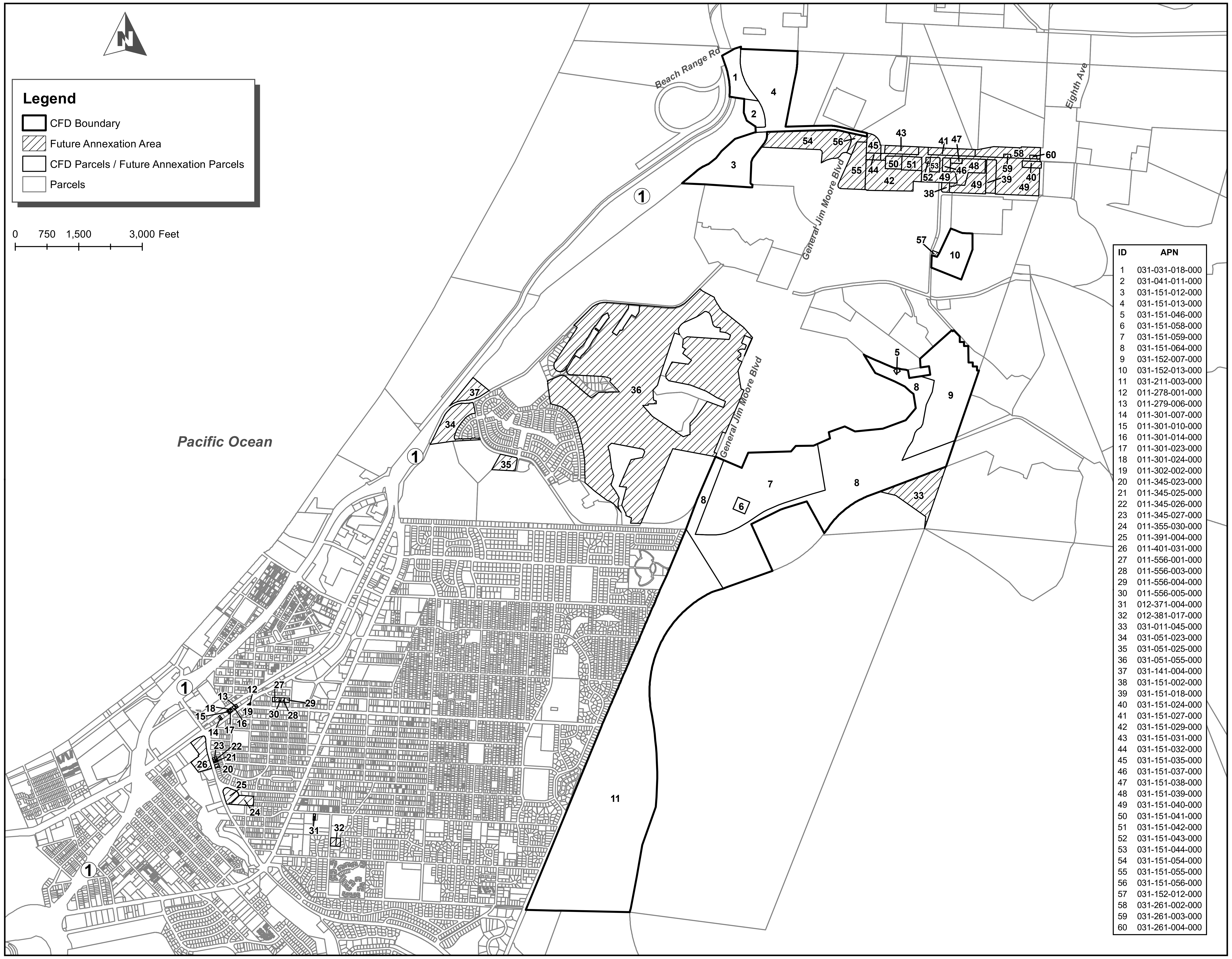
The City shall select all consultants necessary for the Formation of the CFD and the issuance of bonds, including the underwriter(s), bond counsel, disclosure counsel, financial advisors, appraiser, market absorption/pricing consultant and the special tax consultant. Prior consent of the applicant shall not be required in the determination by the City of the consulting and financing team.

VIII. EXCEPTIONS TO THESE POLICIES

The City may find in limited and exceptional instances that a waiver to any of the above stated policies is reasonable given identified special benefits to be derived from such waiver. Such waivers only will be granted by action of the City Council.

MAP OF PROPOSED BOUNDARIES OF THE CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES)

CITY OF SEASIDE
COUNTY OF MONTEREY
STATE OF CALIFORNIA



ID	APN
1	031-031-018-000
2	031-041-011-000
3	031-151-012-000
4	031-151-013-000
5	031-151-046-000
6	031-151-058-000
7	031-151-059-000
8	031-151-064-000
9	031-152-007-000
10	031-152-013-000
11	031-211-003-000
12	011-278-001-000
13	011-279-006-000
14	011-301-007-000
15	011-301-010-000
16	011-301-014-000
17	011-301-023-000
18	011-301-024-000
19	011-302-002-000
20	011-345-023-000
21	011-345-025-000
22	011-345-026-000
23	011-345-027-000
24	011-355-030-000
25	011-391-004-000
26	011-401-031-000
27	011-556-001-000
28	011-556-003-000
29	011-556-004-000
30	011-556-005-000
31	012-371-004-000
32	012-381-017-000
33	031-011-045-000
34	031-051-023-000
35	031-051-025-000
36	031-051-055-000
37	031-141-004-000
38	031-151-002-000
39	031-151-018-000
40	031-151-024-000
41	031-151-027-000
42	031-151-029-000
43	031-151-031-000
44	031-151-032-000
45	031-151-035-000
46	031-151-037-000
47	031-151-038-000
48	031-151-039-000
49	031-151-040-000
50	031-151-041-000
51	031-151-042-000
52	031-151-043-000
53	031-151-044-000
54	031-151-054-000
55	031-151-055-000
56	031-151-056-000
57	031-152-012-000
58	031-261-002-000
59	031-261-003-000
60	031-261-004-000

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SEASIDE THIS _____ DAY OF __________, 20__.

____
CITY CLERK

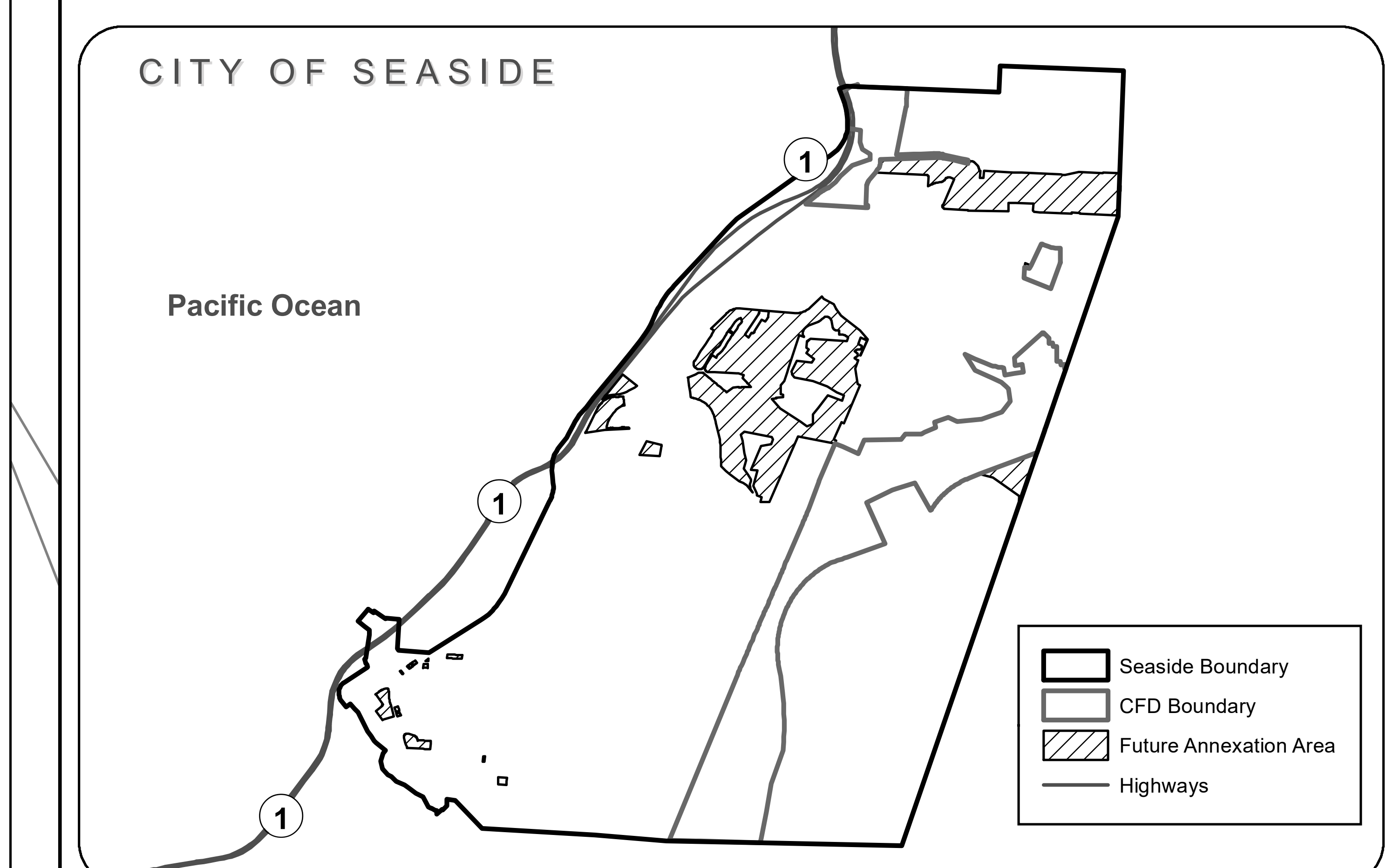
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF THE CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES), COUNTY OF MONTEREY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF SEASIDE, AT A MEETING THEREOF, HELD ON THE _____ DAY OF __________, 20__, BY ITS RESOLUTION NO._____.

____
CITY CLERK

FILED THIS _____ DAY OF __________, 20__, AT THE HOUR OF _____ O'CLOCK __.M., IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

____
COUNTY RECORDER,
COUNTY OF MONTEREY

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF MONTEREY, STATE OF CALIFORNIA.



Source: Monterey County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California IV FIPS 0404 Feet

NBS

MAP OF PROPOSED BOUNDARIES OF THE CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES)

CITY OF SEASIDE
COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

DECLARING ITS INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN –FACILITIES AND MAINTENANCE SERVICES

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the "Law"), the City Council of the City of Seaside may commence proceedings for the establishment of a community facilities district; and

WHEREAS, the City Council intends to form a community facilities district under the Law to be known as the City of Seaside Community Facilities District No. 2022-1 (Public Facilities and Services) (the "District"); and

WHEREAS, under the Law, the City Council is the legislative body for the proposed District and is empowered with the authority to establish the District and levy special taxes within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEASIDE, CALIFORNIA, AS FOLLOWS:

1) The City Council proposes to begin the proceedings necessary to establish the District pursuant to the Law.

2) The name proposed for the District is City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services).

3) The proposed boundaries of the District are as shown on the map of the District on file with the City Clerk, which boundaries are hereby preliminarily approved. The City Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the District in the office of the Monterey County Recorder within 15 days after the adoption of this Resolution.

4) The types of public facilities (the "Facilities") and of municipal services (the "Services") proposed to be eligible for funding by the District, in each case pursuant to the Law, shall consist of those facilities and services generally described in Exhibit A hereto under the headings "Facilities" and "Services," respectively, which Exhibit is by this reference incorporated herein.

   The City Council hereby determines that the Facilities and the Services to be financed by the District are necessary to meet increased demands placed upon local agencies as a result of development occurring and expected to occur in the territory included in the District.

   The City Council hereby expresses its opinion that the public interest will not be served by allowing property owners to enter into contracts as contemplated by Section 53329.5(a) of the Law, and does not intend to let property owners avail themselves of the actions otherwise permitted by said Section 53329.5(a).

5) Except to the extent that funds are otherwise available to the District to pay for the Facilities and the Services, and/or pay the principal and interest as it becomes due on bonds of the District issued to finance the Facilities, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the District, will be levied within the District and collected in the same manner as ordinary ad valorem property taxes or in such other manner as the City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within the District, in sufficient detail to allow each landowner within the proposed District to estimate the maximum amount such owner will have to pay, and which specifies the tax year after which no further special tax will be levied on land used for private residential purposes and which otherwise complies with applicable provisions of the Act is described in Exhibit B attached hereto which Exhibit is by this reference incorporated herein.

   The City Council finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Law (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the District.

6) It is the intention of the City Council, acting as the legislative body for the District, to cause bonds of the City of Seaside to be issued for the District pursuant to the Law to finance the costs of the Facilities. If so issued, the bonds shall be in the aggregate principal amount of not to exceed $500,000,000, shall bear interest payable semi-annually or in such other manner as the City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and shall mature not to exceed 40 years from the date of the issuance thereof.

7) The City Council reserves to itself the right and authority to allow any interested owner of property in the District, subject to the provisions of Section 53344.1 of the Law and such requirements as it may otherwise impose, and any applicable prepayment penalties as prescribed in the indenture or fiscal agent agreement for any bonds of the City for the District, to tender to the Finance Director of the City in full payment or part payment of any installment of special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, in the manner described in Section 53344.1 of the Law.

8) The levy of said proposed special tax shall be subject to the approval of the qualified electors of the District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the proposed District, with each owner having one vote for each acre or portion of an acre of land such owner owns in the District.

9) Except as may otherwise be provided by the Law or the rate and method of apportionment of the special tax for the District, all lands owned by any public entity, including the United States, the State of California and/or the City, or any departments or political subdivisions of any thereof, shall be omitted from the levy of the special tax to be made to cover the costs and expenses of the Services, of the Facilities, of the issuance of bonds by the City for the District and of any expenses of the District.

10) The Director of Public Works of the City is hereby directed to study the Facilities and the Services and to make, or cause to be made, and file with the City Clerk a report in writing, presenting the following:

a) A brief description of the Facilities and the Services by type.

b) An estimate of the fair and reasonable cost of providing the Facilities and the Services, including the incidental expenses in connection therewith, including the costs of the proposed bond financing, any City administrative costs and all other related costs.

The report shall be made a part of the record of the public hearing provided for below.

11) Thursday, November 17, 2022, at 5:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of the City Council, City Council Chambers, City Hall, 440 Harcourt Avenue, Seaside, California, be, and the same are hereby appointed and fixed as the time and place when and where the City Council, as legislative body for the District, will conduct a public hearing on the establishment of the District and consider and finally determine whether the public interest, convenience and necessity require the formation of the District and the levy of said special tax.

12) The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. The notice shall be substantially in the form of Exhibit C hereto.

13) The City Council may in the future, by resolution, approve an agreement pursuant to Section 53314.9 of the Law, to accept an advance or advances of funds or work-in-kind from one or more landowners in the District or related entities, which advances may be repaid and work-in-kind may be reimbursed to the person or entity which advanced the funds or work-in-kind subject to compliance with the applicable provisions of Section 53314.9 of the Law.

14) The City Council hereby determines that public convenience and necessity require that territory be added to the District in the future, and that this Resolution shall constitute a resolution of intention to annex territory to the District pursuant to Sections 53339.2 and 53339.3 of the Law. The territory proposed for annexation to the District in the future is as indicated as such on the map of the District described in Section 3 above (the "Annexation Area"); provided that any specific parcel or parcels within such territory may be annexed to the District only with the unanimous approval of the owner or owners of each parcel or parcels to be annexed at the time that parcel or those parcels are so annexed. The types of facilities and services to be eligible to be funded by the District and in the Annexation Area are the "Facilities" and the "Services" referenced in Section 4 above. The special taxes which will be levied in any particular portion of the Annexation Area will be determined at the time of annexation which may involve the addition of new Tax Zones (as contemplated by the rate and method of apportionment of special tax for the District), and there shall be no alteration in the special tax rate levied in the District prior to any annexation as a result of any proposed annexation except as may occur by operation of the rate and method of apportionment of special tax in Exhibit B solely as a result of additional territory being included within the District. The hearing regarding the proposed annexation described in this Section 14 and required by Section 53339.3(f) of the Code shall be combined with the hearing described in Section 11 above, and the notice described in Section 12 above shall constitute the notice required by Section 53339.4 of the Code.

15) This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California on the 6th day of October, 2022.

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

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

Exhibits

A. Description of Facilities and Services Authorized to be Funded by the District
B. Rate and Method of Apportionment of Special Taxes
C. Notice of Public Hearing

EXHIBIT A

CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)

DESCRIPTION OF FACILITIES AND SERVICES AUTHORIZED
TO BE FUNDED BY THE DISTRICT

FACILITIES

It is intended that the District be authorized to finance all or a portion of the costs of the purchase, construction, expansion, improvement or rehabilitation of any of the following:

- Public buildings, including but not limited to a fire station, a museum, recreational facilities, cultural facilities and a City hall or civic center, along with related equipment, furniture and fixtures with a useful life of five years or more.

- Roadway and transportation improvements, and public parking facilities.

- Local trails, park, recreation, parkway and open-space facilities.

- Water basin facilities, water wells, water transmission and distribution facilities, water resource facilities, water quality improvements and facilities for the Seaside Municipal Water System.

- Flood and storm protection services, including, but not limited to, storm drainage and treatment systems.

- A public works corporation yard.

- The Removal or Remedial Action with respect to any real or other tangible property, whether privately or publicly owned, for the cleanup of any Hazardous Substance released or threatened to be released into the environment (capitalized terms are as defined in the Health and Safety Code).

The facilities include the costs of design, engineering and planning, the costs of any environmental studies, surveys or other reports, soils testing, permits, plan check and inspection fees, the acquisition of right-of-way, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing.

The facilities need not be physically located in the District.

SERVICES

The services to be funded, in whole or in part, by the District include any of the types of services authorized to be financed by a community facilities district under Section 53313 of the Law, including, but not limited to, police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, storm drains, and open space and the maintenance and operation of any real property or other tangible property with an estimated useful life of five years or more as permitted under Section 53313(g) of the Law. The authorized services include all direct and incidental costs related to providing for the maintenance of public infrastructure within the area of the District (including any property annexed to the District) and areas adjacent to or in the vicinity of such area.

The District may fund any of the following related to the services described above: the furnishing of services and materials for the authorized services, the repair, removal or replacement of all or part of any of the improvements, the furnishing of water for the irrigation and the furnishing of electric current or energy, for any lights or irrigation facilities, obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, obtaining supplies or appurtenant facilities necessary for such maintenance, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services. It is expected that the services will be provided by the City, either with its own employees or by contract with third parties, or any combination thereof.

The services to be financed by the District shall be in addition to those provided in the territory of the District before the date of creation of the District, and will not supplant services already available within that territory when the District is created.

OTHER

1. Costs related to the formation of the District.

2. Administrative expenses related to the District, including the direct and indirect expenses incurred by the City in carrying out its duties with respect to the District (including, but not limited to, the levy and collection of the special taxes), the fees and expenses of attorneys, any fees of the County of Monterey related to the District or the collection of special taxes, an allocable share of the salaries of the City staff directly related to the administration of the District and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund with respect to the services authorized to be funded by the District, and expenses incurred by the City in undertaking action related to properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the District.

3. Bond related expenses, including underwriters discount, municipal advisor fees and expenses, appraisal and absorption study costs, reserve fund, capitalized interest, bond and disclosure counsel fees and expenses, trustee or fiscal agent fees and expenses, City costs and expenses related to any bonds and disclosure materials, and all other incidental expenses.

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES FOR CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES)

A Special Tax, as hereinafter defined, shall be levied on all Taxable Property in the City of Seaside (the "City") Community Facilities District No. 2022-1 (Facilities and Maintenance Services) ("CFD No. 2022-1") and collected each Fiscal Year commencing in Fiscal Year 2023/24, in an amount determined by the CFD Administrator, through the application of the Rate and Method of Apportionment of Special Taxes as set forth below. All the real property in CFD No. 2022-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. <u>DEFINITIONS</u>

The terms hereinafter set forth have the following meanings:

"Accessory Dwelling Unit" or "ADU" means a secondary residential unit of limited size, as defined in California Government Code Section 65852.2 (j) (1), as may be amended from time to time, that is accessory to a single-unit dwelling. The ADU may be on the same Assessor's Parcel as the single-unit dwelling or on a separate Assessor's Parcel. For purposes of clarification, where an ADU and primary Dwelling Unit are on the same Assessor's Parcel, the ADU located on such Assessor's Parcel is considered a separate Dwelling Unit from the primary Dwelling Unit on such Assessor's Parcel for purposes of the Special Tax. Should an Assessor's Parcel contain only an ADU, such Assessor's Parcel will be subject to the levy of the Special Tax.

"Acre" or "Acreage" means that acreage shown on the Assessor's Parcel Map or in the Assessor's Data for each Assessor's Parcel. In the event that the Assessor's Parcel Map or Assessor's Data shows no acreage, the Acreage for any Assessor's Parcel may be determined by the CFD Administrator based upon the applicable Final Subdivision Map or parcel map, or by using available spatial data and GIS.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Act of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2022-1: the costs of any paying agents/fiscal agents/trustees related to CFD No. 2022-1 Bond payments (including the fees and expenses of related counsel); the costs of computing the Special Tax Requirement, the Special Taxes and of preparing the collection schedules for the Special Taxes; the costs of collecting the Special Taxes, including any charges levied by the County Auditor's Office, County Tax Collector's Office or County Treasurer's Office; the costs of the City or designee in complying with the disclosure requirements of the California Government Code and federal securities laws, or otherwise related to CFD No. 2022-1 or CFD No. 2022-1 Bonds; costs of responding to public inquiries regarding the Special Taxes; the costs of the City or designee related to an appeal of the Special Taxes or interpretation of this Rate and Method of Apportionment of Special Taxes; amounts needed to pay rebate to the federal government related to CFD No. 2022-1 Bonds; and the costs of commencing and pursuing to completion any foreclosure action arising from delinquent Special Taxes in CFD No. 2022-1. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2022-1 for any other administrative purposes of CFD No. 2022-1.

"Apartment Property" means Taxable Property that is Developed Property on which all or any portion of a structure or structures with multiple for-rent Dwelling Units are located.

"Assessor's Data" means the property characteristic data compiled and maintained by the County Assessor for each Assessor's Parcel or Leasehold Interest, including, but not limited to, Assessor's Parcel Number, Acreage, and Dwelling Units.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or "APN" means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

"Assigned Special Tax" means the Assigned Special Tax determined in accordance with Section C below, that can be levied in any Fiscal Year on Taxable Property.

"Authorized Facilities" means the public facilities authorized to be financed, in whole or in part, by CFD No. 2022-1.

"Authorized Services" means the services authorized to be funded, in whole or in part, by CFD No. 2022-1.

"Backup Special Tax" means the Backup Special Tax determined in accordance with the applicable subsection of Section C below.

"Below Market Rate Units" or "BMR Units" means Dwelling Units located on one or more Assessor's Parcels of Single Family Residential Property, Apartment Property or Townhome Property that are subject to affordable housing deed restrictions and sole or rented to person(s) or families meeting the qualifying income standards for low income and very low income households as defined by California Health and Safety Code Sections 50079.5 and 50105, or any successor statute thereto. Units constructed within CFD No. 2022-1 shall be designated as BMR Units by the CFD Administrator in the chronological order in which the Building Permits for such BMR Units are issued.

"Building Permit" means a permit issued by the City for new construction of a residential or non-residential building on Taxable Property.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement, and otherwise providing for the levy and collection of the Special Taxes.

"CFD No. 2022-1" means City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services), established by the City Council pursuant to the Act.

“CFD No. 2022-1 Bonds” means bonds or other Debt (as defined in the Act), whether in one or more series, issued or assumed by or on behalf of the City for CFD No. 2022-1 under the Act, and secured by pledge of the Special Taxes.

“City” means the City of Seaside, California.

“City Council” means the City Council of the City, acting as the legislative body of CFD No. 2022-1.

“Commercial Property” means Assessor’s Parcels of Developed Property for which a building permit has been issued for a structure to be used for a commercial purpose.

"County" means the County of Monterey, California.

“Debt Service” means for each Debt Year, the total amount of principal and interest due on any outstanding CFD No. 2022-1 Bonds.

“Debt Year” means the twelve (12) month period ending on the second debt service payment date of each calendar year.

"Developed Property" means, for each Fiscal Year, all Taxable Property for which a Building Permit was issued on or before May 1st of the prior Fiscal Year.

“Dwelling Unit” means one residential unit of any configuration, including, but not limited to, a single family attached or detached dwelling, townhome, condominium, or otherwise. The number of Dwelling Units assigned to each Taxable Property may be determined by the CFD Administrator (i) referencing Assessor’s Data, (ii) site surveys and physical unit counts, and/or (iii) reviewing City building permit data. An Accessory Dwelling Unit shall not be considered a Dwelling Unit for the purposes of the Special Tax.

“Exempt Property” means all property located within the boundaries of CFD No. 2022-1 which is exempt from the Special Tax pursuant to Section E below.

“Expected Dwelling Units” means the number of Dwelling Units anticipated to be developed in each Land Use class as shown in Table 2.

“Expected Revenue” means the Special Tax revenue expected to be generated by each Land Use Class as shown in Table 2.

“Final Map Property” means, in any Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a Final Subdivision Map has recorded prior to May 1st of the preceding Fiscal Year, but no earlier than January 1, 2022.

"Final Subdivision Map" means a final subdivision map, parcel map or lot line adjustment, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.)* or recordation of a condominium plan pursuant to California Civil Code 4285, that creates individual lots for which Building Permits may be issued without further subdivision of such property.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

“GIS”, or geographic information system, means a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data.

“Hotel Property” means Taxable Property within the boundaries of CFD 2022-1 that have an establishment providing short-term lodging accommodations and other services for travelers and tourists.

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which CFD No. 2022-1 Bonds are issued, as modified, amended, and/or supplemented from time to time, and any instrument replacing or supplementing the same.

“Industrial Parking Facility Property” means all Assessor’s Parcels of Developed Property used for the temporary parking or storage of vehicles for a fee.

“Industrial Property” means all Assessor’s Parcels of Developed Property for which a building permit has been issued for a structure to be used for an industrial purpose., including a business park.

“Land Use Class” means any of the classes listed in Table 1 and Table 2.

“Land Use Type” means any of the land uses listed in Table 1 and Table 2.

“Lease Event” means the execution of a written lease or other written contract that provides a Leasehold Interest in Public Property, which written lease or other written contract includes a statement that the property interest may be subject to special taxation pursuant to Section 53340.1 of the Act.

“Leasehold Interest” means an interest pursuant to which a personor entity, other than the federal government, the State, the County, the City or any local government or other public agency leases or otherwise obtains real property rights for a set period of time, which may include possible extension.

"Maximum Special Tax” means the Maximum Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year on Taxable Property.

“Mixed Use Property” means all Assessor’s Parcels that have been classified by the City to allow multiple property land uses on each such Assessor’s Parcel. For example, an Assessor’s Parcel that includes both Multi-Family Residential Property and Commercial Property land uses would be classified as Mixed Use Property.

“Moderate Income Below Market Rate Units” or “MIBMR Units” means Dwelling Units located on one or more Assessor’s Parcels of Single Family Residential Property, Apartment Property or Townhome Property that are subject to affordable housing deed restrictions and sole or rented to person(s) or families meeting the qualifying income standards for moderate income households as defined by California Health and Safety Code Sections 50079.5 and 50105, or any successor statute thereto. Units constructed within CFD No. 2022-1 shall be designated as MIBMR Units by the CFD Administrator in the chronological order in which the Building Permits for such MIBMR Units are issued.

“Non-Residential Floor Area” means the total building square footage of the non-residential building(s) or the non-residential portion of a building with both residential and non-residential areas located on Taxable Property that is Developed Property, measured from outside wall to outside wall, not including space devoted to stairwells, public restrooms, lighted courts, vehicle parking and areas incident thereto, and mechanical equipment incidental to the operation of such building. The determination of Non-Residential Floor Area shall be made by the CFD Administrator by reference to the Building Permit(s) issued for such Taxable Property and/or the records of the City’s building division.

“Non-Residential Property” means all Taxable Property that is Developed Property for which a Building Permit permitting the construction of one or more non-residential buildings or facilities has been issued that is not Hotel Property.

“Outstanding CFD No. 2022-1 Bonds” means all CFD No. 2022-1 Bonds which are outstanding under and in accordance with the provisions of the Indenture.

“Pay-As-You-Go Expenditure” means Pay-As-You-Go Revenue which is used or set aside for Authorized Facilities, including for Authorized Facilities to be constructed or acquired by CFD No. 2022-1. Pay-As-You-Go Expenditures may be included in the Special Tax Requirement until all Authorized Facilities have been constructed or acquired.

“Pay-As-You-Go Revenue” means Special Tax revenues that are available after being used or set aside for Debt Service, Administrative Expenses, or Authorized Services.

“Price Point Consultant” means any consultant or firm of such consultants selected by the City that (a) has substantial experience in performing price point studies for residential units within community facilities districts or otherwise estimating or confirming pricing for residential units in community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in community facilities districts, (c) is in fact independent and not under the control of CFD No. 2022-1 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 2022-1, (ii) the City, (iii) any owner of real property in CFD No. 2022-1, or (iv) any real property in CFD No. 2022-1, and is not connected with CFD No. 2022-1 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 2022-1 or the City.

“Price Point Study” means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

"Property Owner Association Property" means, for each Fiscal Year, any property within the boundaries of CFD No. 2022-1 that is owned by a property owner association, including any master or sub-association, but not including any such property that is located directly under a residential structure.

"Proportionately" means, for Developed Property and Final Map Property, that the ratio of the Special Tax levy to the Assigned Special Tax or the Backup Special Tax is equal within each respective Tax Zone. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is equal within each respective Tax Zone.

"Public Property" means Assessor’s Parcels within the boundaries of CFD No. 2022-1 owned by, irrevocably offered or dedicated to, or for which an easement for purposes of public right-of-way has been granted to the federal government, the State, the County, the City, or any local government or other public agency. Notwithstanding the foregoing, any otherwise Public Property subject to a Leasehold Interest shall be subject to the levy of the Special Taxes and classified for purposes of Section B below according to its use in the Fiscal Year following the Fiscal Year in which the Lease Event and the right to possession of the subject property with respect thereto first occurs.

“Single Family Residential Property” means all Taxable Property that is Developed Property for which a Building Permit permitting the construction of a residential structure intended for a single Dwelling Unit.

"Special Tax(es)" means the special tax or special taxes to be levied in each Fiscal Year on Taxable Property within CFD No. 2022-1 to fund the Special Tax Requirement.

"Special Tax Requirement" means that amount required in any Fiscal Year for CFD No. 2022-1 to (1) pay Debt Service on all Outstanding CFD No. 2022-1 Bonds which is due in the Debt Year that commences in such Fiscal Year; (2) pay for Authorized Services; (3) pay Administrative Expenses; (4) provide any amount required to establish or replenish a reserve fund in connection with any CFD No. 2022-1 Bonds; (5) provide any amount required to establish or replenish any operating reserve held by the City for Administrative Expenses; (6) and amounts needed for Pay-As-You-Go Expenditures eligible to be funded by CFD No. 2022-1 under the Act; (7) provide an amount equal to reasonably anticipated Special Tax delinquencies based on the delinquency rate for Special Taxes levied in the previous Fiscal Year as determined by the CFD Administrator, as limited by the Act, and without duplicating any amounts described in clauses (4) or (5). The amounts referred to in clauses (1) through (7) of the preceding sentence may be reduced in any Fiscal Year (in the City's sole discretion) by (i) interest earnings on or surplus balances in funds and accounts for CFD No. 2022-1 Bonds to the extent that such earnings or balances are available to apply against Debt Service pursuant to the Indenture, (ii) proceeds from the collection of penalties associated with delinquent Special Tax, and (iii) any other revenues available to pay Debt Service on the Outstanding CFD No. 2022-1 Bonds or other indebtedness as determined by the CFD Administrator.

"State" means the State of California.

"Tax Zone" means the assignment of Taxable Property to a zone as shown on Attachment A within which the Special Tax may be levied pursuant to this Rate and Method of Apportionment. All the Taxable Property within CFD No. 2022-1 at the time of its formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2022-1, and a separate Maximum Special Tax shall be identified for property within each new Tax Zone at the time of such annexation. The Taxable Property included within a new Tax Zone when such Parcels are annexed to CFD No. 2022-1 shall be identified by Assessor's Parcel number in the annexation documents at the time of annexation.

"Taxable Property" means all the Assessor's Parcels or Leasehold Interests within the boundaries of CFD No. 2022-1 which are not exempt from the Special Tax pursuant to law or Section E below. For each Fiscal Year for which the Special Tax is levied, the CFD Administrator shall determine the Assessor's Parcels or Leasehold Interests which are subject to the Special Tax pursuant to this Rate and Method of Apportionment of Special Taxes, and such determination shall be conclusive.

"Taxable Property Owner Association Property" means all Taxable Property of Property Owner Association Property that are not exempt pursuant to Section E herein.

"Taxable Public Property" means all Taxable Property that is Public Property that are not exempt pursuant to Section E herein.

"Taxable Welfare Exempt Property" means all Assessor's Parcels of Welfare Exempt Property that are not exempt pursuant to Section E herein.

“Townhome Property” means Residential Property generally characterized as having a direct ground floor private entry where living space occurs on multiple levels of roughly the same proportion and having at least one vertical wall extending from ground to roof dividing it from the adjoining Dwelling Unit.

"Trustee" means the trustee or fiscal agent acting as such under the Indenture.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Map Property, Taxable Property Owner Association Property, Welfare Exempt Property, or Taxable Public Property.

“Welfare Exempt Property” means all Taxable Property within the boundaries of CFD No. 2022-1 that have been granted a welfare exemption by the County under subdivision (g) of Section 214 of the Revenue and Taxation Code.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, the CFD Administrator shall determine the valid Assessor’s Parcel Numbers and Leasehold Interests for all Taxable Property within CFD No. 2022-1. If any Assessor’s Parcel Numbers are no longer valid from the previous Fiscal Year, the CFD Administrator shall determine the new Assessor’s Parcel Number or Numbers that are in effect for the current Fiscal Year. To the extent an Assessor’s Parcel(s) of Taxable Property are subdivided, consolidated or otherwise reconfigured, the Special Tax rates shall be assigned to the new Assessor’s Parcel(s) pursuant to Section C.

Each Fiscal Year, all Assessor’s Parcels and Leasehold Interests within CFD No. 2022-1 shall be classified as follows:

1. Each Assessor’s Parcel and Leasehold Interest shall be determined to be Taxable Property or Exempt Property.
2. Each Taxable Property shall be assigned to a Tax Zone.
3. Each Taxable Property shall further be classified as Developed Property, Final Map Property, Taxable Public Property, Taxable Property Owner Association Property, Taxable Welfare Exempt Property, or Undeveloped Property. Taxable Property shall be subject to Special Taxes in accordance with this Rate and Method of Apportionment of Special Taxes determined pursuant to Sections C and D below.
4. Each Taxable Property of Developed Property, Taxable Public Property and Taxable Welfare Exempt Property shall further be classified as Single Family Residential Property, Apartment Property, Townhome Property, Hotel Property, or Non-Residential Property. Single Family Residential Property, Townhome Property and Apartment Property shall further have Dwelling Units that are BMR Units and MIBMR Units identified.

C. MAXIMUM SPECIAL TAX RATES

1. Developed Property and Final Map Property

The Maximum Special Tax for each Taxable Property of Developed Property and Final Map Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax or (ii) the amount derived by application of the Backup Special Tax.

a. <u>Assigned Special Tax</u>

The Assigned Special Tax for each Taxable Property that is Developed Property and Final Map Property is shown in Table 1 for Tax Zone 1.

TABLE 1 – TAX ZONE 1
ASSIGNED SPECIAL TAX FOR DEVELOPED PROPERTY AND FINAL MAP PROPERTY
FISCAL YEAR 2023/24

Land Use Class	Land Use Type	Assigned Special Tax
1	Single Family Residential Property	$9,025.00 per Dwelling Unit
2	Townhome Property	6,769.00 per Dwelling Unit
3	Apartment Property	2,945.00 per Dwelling Unit
4	Hotel Property	18.88 per Square Foot of Non-Residential Floor Area
5	Non-Residential Property	127.00 per Square Foot of Non-Residential Floor Area
6	Commercial Property	167.08 per Square Foot of Non-Residential Floor Area
7	Industrial Property	86.73 per Square Foot of Non-Residential Floor Area
8	Industrial Parking Facility Property	5,000 Per Acre
9	MIBMR Units	80% of the applicable Assigned Special Tax rate for the applicable Land Use Class as show in this Table 1 Per Dwelling Unit
10	ADUs	25% of the applicable Assigned Special Tax rate for the applicable Land Use Class as show in this Table 1 Per Dwelling Unit

Should a Land Use Class be changed to a different Land Use Type, the Assigned Special Tax for the revised Land Use Type shall apply.

Taxable Public Property and Taxable Welfare Exempt Property shall continue to be assigned to the same land use class as the property was assigned to before becoming Taxable Public Property or Taxable Welfare Exempt Property. Taxable Property Owner Association Property shall be assigned to land use class 5.

Prior to the issuance of the first series of CFD No. 2022-1 Bonds, the Assigned Special Tax rates, as set forth in Table 1, and the Backup Special Tax rates, as set forth in Section C.1.b., shall be reduced in accordance with, and subject to, the conditions set forth in this Section C.1.a., without the need for any proceedings to make changes that may otherwise be required by the Act.

Per Land Use Class, upon the earlier of (i) 120 days prior to the expected date of issuance of the first series of CFD No. 2022-1 Bonds as determined by the CFD Administrator, or (ii) the written request of an owner of property to be developed with multiple Dwelling Units or as described in Land Use Classes 4-8 in Table 1 above submitted to the CFD Administrator within 120 calendar days before the projected date of issuance of the first Building Permit permitting construction within CFD No. 2022-1, the Assigned Special Tax set forth in Table 1 shall be analyzed in accordance with and subject to the conditions set forth in this Section C.1.a.

At such time, the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sales Price. From those Minimum Sales Prices, the CFD Administrator shall determine the lowest Minimum Sales Price (hereafter referred to as the "Lowest Price Point"). The Assigned Special Tax rates as reflected in Table 1 shall be reduced to an amount that will cause the Total Tax Burden not to exceed 2.0% of the Lowest Price Point of such Land Use Type. Each Assigned Special Tax reduction for a Land Use Type shall be calculated separately, and it shall not be required that such reduction be proportionate among Land Use Types. In connection with any reduction in the Assigned Special Tax for any Land Use Type, the CFD Administrator shall also reduce the Backup Special Tax for all of CFD No. 2022-1. The CFD Administrator shall also reduce the Maximum Special Tax for each Assessor's Parcel of Final Mapped Property, Undeveloped Property, Taxable Property Owner Association Property, and Taxable Public property for all of CFD No. 2022-1. The Assigned Special Tax reductions permitted pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which the City shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A.

Notwithstanding the above, if, and to the extent, the recalculation of the Maximum Special Tax rates are triggered by the projected issuance of a Building Permit, the recalculation(s) shall only be completed for those Land Use Types for which a Building Permit is expected to be issued within 120 days and the recalculation of the Maximum Special Tax rates for those Land Use Types for which a Building Permit is not expected to be issued within 120 days will occur upon the written request of an owner of property of those Land Use Types.

b. Backup Special Tax

The Backup Special Tax per Land Use Class 1-3 for each Taxable Property that is Developed Property and Final Map Property shall be $36,000 per Acre in Fiscal Year 2023/24 for Tax Zone 1. The Backup Special Tax per Land Use Class 4-8 for each Taxable Property that is Developed Property and Final Map Property shall be $7,500 per Acre in Fiscal Year 2023/24 for Tax Zone 1.

c. <u>Increase in the Assigned Special Tax and Backup Special Tax for Tax Zone 1</u>

On each July 1, commencing on July 1, 2023, the Assigned Special Tax and the Backup Special Tax for Developed Property and Final Map Property shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year.

d. <u>Multiple Land Use Classes</u>

In some instances, Taxable Property that is Developed Property and Final Map Property may contain more than one Land Use Class. The Special Tax levied on Taxable Property shall be the sum of the Special Tax for all Land Use Classes located on that Taxable Property.

2. Undeveloped Property

a. <u>Maximum Special Tax</u>

The Maximum Special Tax for each Taxable Property that is Undeveloped Property shall be $20,000 per Acre in Fiscal Year 2023/24 for Tax Zone 1.

b. <u>Increase in the Maximum Special Tax</u>

On each July 1, commencing on July 1, 2023, the Maximum Special Tax for Undeveloped Property shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year for Tax Zone 1.

D. <u>METHOD OF APPORTIONMENT OF THE SPECIAL TAXES</u>

1. Tax Zone 1

Commencing with Fiscal Year 2023/24 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement, and shall levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year as follows for Tax Zone 1:

<u>First</u>: The Special Tax shall be levied Proportionately on each Taxable Property that is Developed Property and Taxable Welfare Exempt Property at a rate up to 100% of the applicable Maximum Special Tax to satisfy the Special Tax Requirement.

<u>Second</u>: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, the Special Tax shall be levied Proportionately on each Taxable Property that is Final Map Property at a rate up to 100% of the Maximum Special Tax for Final Map Property to satisfy the Special Tax Requirement.

<u>Third</u>: If additional monies are needed to satisfy the Special Tax Requirement after the second step has been completed, the Special Tax shall be levied Proportionately on each Taxable Property that is Undeveloped Property at a rate up to 100% of the Maximum Special Tax for Undeveloped Property to satisfy the Special Tax Requirement.

<u>Fourth</u>: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, the Special Tax shall be levied on each Taxable Property that is Taxable Property Owner Association Property at a rate up to 100% of the Maximum Special Tax for Taxable

Property Owner Association Property to satisfy the Special Tax Requirement.

Fifth: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Taxable Property that is Taxable Public Property at a rate up to 100% of the Maximum Special Tax for Taxable Public Property to satisfy the Special Tax Requirement.

E. EXEMPTIONS

1. Tax-exempt status will be assigned by the CFD Administrator as property becomes Property Owner Association Property or Public Property. Any property that is classified as Property Owner Association Property or Public Property prior to the issuance of the first series of CFD No. 2022-1 Bonds shall thereafter be exempt from the levy of the Special Tax; except with respect to Public Property as provided in the second sentence of the definition of Public Property in Section A. Any property that is classified as Property Owner Association Property or Public Property after the first series of CFD No. 2022-1 Bonds have been issued shall be classified as Taxable Property Owner Association Property or Taxable Public Property and shall not be exempt from the levy of the Special Tax.

2. Any property that is granted a welfare exemption pursuant to Section 53340(c) under the Act under subdivision (g) of Section 214 of the Revenue and Taxation Code prior to the issuance of the first series of CFD No. 2022-1 Bonds shall thereafter be exempt from the levy of the Special Tax. Any property that is granted a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code after the first series of CFD No. 2022-1 Bonds have been issued shall not be considered Welfare Exempt Property and shall not be exempt from the levy of the Special Tax.

3. Property Owner Association Property, that is not exempt from the Special Tax under this section, or pursuant to the Act, shall be classified as Taxable Property Owner Association Property. Taxable Property Owner Association Property shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth step in Section D above, at up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property.

4. Public Property, that is not exempt from the Special Tax under this section, or pursuant to the Act, shall be classified as Taxable Public Property. Taxable Public Property shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the sixth step in Section D above, at up to 100% of the applicable Maximum Special Tax for Taxable Public Property.

F. APPEALS

Any property owner may file a written appeal of the Special Taxes with the CFD Administrator claiming that the amount or application of the Special Taxes is not correct. The appeal must be filed not later than one calendar year after having paid the Special Taxes that are disputed, and the appellant must be current in all payments of Special Taxes, including the disputed Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Taxes are in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Taxes to be modified or changed in favor of the property owner, the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Taxes.

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

G. INTERPRETATIONS

The City may, by resolution or ordinance, interpret, clarify and/or revise this Rate and Method of Apportionment of Special Taxes to correct any inconsistency, vagueness, or ambiguity as it relates to the Special Taxes, method of apportionment, classification of Taxable Property, or any definition used herein, as long as once CFD No. 2022-1 Bonds have been issued such correction does not materially adversely affect the levy and collection of Special Taxes needed to repay the CFD No. 2022-1 Bonds. In addition, the interpretation and application of any section of this document shall be at the City's discretion.

H. MANNER OF COLLECTION

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD Administrator may, directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner as necessary to meet the financial obligations of CFD No. 2022-1, and may covenant to foreclose and may actually foreclose or cause an action for foreclosure to be prosecuted in respect of Taxable Property that is delinquent in the payment of the Special Tax.

I. TERM AND PREPAYMENT

The Special Tax shall be levied and collected as needed to fund the Special Tax Requirement in perpetuity, subject to the remainder of this section I. The Special Tax may not be prepaid. No portion of the Special Tax shall be levied for Authorized Facilities beyond 100 years from the initial levy of the Special Tax.

ATTACHMENT A

CERTIFICATE TO AMEND THE SPECIAL TAX

Pursuant to Sections C of the Rate and Method of Apportionment of Special Taxes attached to the Notice of Special Tax Lien recorded in the Official Records of the County of Monterey as Document No _________ on the ____ day of ____, 202_, the CFD Administrator hereby reduces amends the Rate and Apportionment of Special Taxes for CFD No. 2022-1.

1. Assigned Special Taxes for Developed Property and Final Map Property within CFD No. 2022-1 set forth in Table 1 relating to the Assigned Special Tax for Developed Property and Final Map Property within CFD No. 2022-1 shall be amended and restated in full as follows:

Table A-1: Reduced Assigned Special Taxes for Developed Property and Final Map Property

Fiscal Year _______

Land Use Class	Land Use Type	Assigned Special Tax
1	Single Family Residential Property	$ per Dwelling Unit
2	Townhome Property	per Dwelling Unit
3	Apartment Property	per Dwelling Unit
4	Hotel Property	per Square Foot of Non-Residential Floor Area
5	Non-Residential Property	per Square Foot of Non-Residential Floor Area
6	Commercial Property	per Square Foot of Non-Residential Floor Area
7	Industrial Property	per Square Foot of Non-Residential Floor Area
8	Industrial Parking Facility Property	Per Acre
9	MIBMR Units	Per Dwelling Unit
10	ADUs	Per Dwelling Unit

2. The Backup Special Tax for each Assessor's Parcel of Developed Property and Final Map Property in CFD No. 2022-3 shall be based upon amended and restated Expected Revenue as follows:

   The Backup Special Tax per Land Use Class for each Taxable Property that is Developed Property and Final Map Property shall be $_____per Acre in Fiscal Year _____ for Tax Zone 1. The Backup Special Tax per Land Use Class for each Taxable Property that is Developed Property and Final Map Property shall be $_____per Acre in Fiscal Year _____ for Tax Zone 1.

3. The Maximum Special Tax for each Assessor's Parcel of Undeveloped Property in CFD No. 2022-1 shall be $____ per Acre.

4. Upon execution of the certificate by the City, the CFD Administrator shall cause an amended notice of special tax lien for CFD No. 2022-1 to be recorded reflecting the modifications set forth herein.
5. By execution hereof, the undersigned acknowledges, on behalf of the City and CFD No. 2022-1, receipt of this certificate and modification of the Rate and Method of Apportionment of Special Taxes as set forth in this certificate.

By: ____ Date: ____________________________

EXHIBIT C

CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Seaside will conduct a public hearing on Thursday, November 17, 2022 at 5:00 p.m. or as soon thereafter as practicable, in the Seaside City Council Chambers located at 440 Harcourt Avenue, Seaside, California, to consider the following:

INTENT TO FORM
CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)

On October 6, 2022, the City Council of the City of Seaside adopted a Resolution entitled “A Resolution of the City Council of the City of Seaside Declaring Its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein – Facilities and Maintenance Services” (the “Resolution of Intention”). Reference is hereby made to the Resolution of Intention on file in the office of the City Clerk of the City of Seaside for further particulars.

In the Resolution of Intention, the City Council declared its intention to form the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) to fund costs of certain public improvements and municipal services identified in an exhibit to the Resolution of Intention. The proposed boundaries of the community facilities district were identified, and the Resolution of Intention identified a proposed special tax to be levied on real property to be included in the community facilities district to pay for costs of the public improvements and the municipal services, and/or to pay debt service on bonds to be issued, in a principal amount not to exceed $500,000,000, for the community facilities district to finance costs of the public improvements.

In the Resolution of Intention, the City Council provided that the levy of the special tax will be subject to a mailed ballot election among the landowners in the community facilities district. The City Council directed the Director of Public Works of the City to prepare a report on the community facilities district, and called for a public hearing on the community facilities district.

At the hearing, the testimony of all interested persons or taxpayers for or against the establishment of the community facilities district, the extent of the community facilities district or the prepayment of the special taxes and the furnishing of specified types of public improvements and services will be heard. Any person interested may file a protest in writing with the City Clerk. If fifty percent or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be included in the community facilities district, or the owners of one-half or more of the area of land in the territory proposed to be included in the community facilities district and not exempt from the special tax file written protests against the establishment of the community facilities district and the protests are not withdrawn to reduce the value of the protests to less than a majority, the City Council of the City shall take no further action to establish the community facilities district or authorize the special taxes for a period of one year from the date of the decision of the City Council, and if the majority protests of the registered voters or the landowners are only against the furnishing of a type or types of public improvements or services within the community facilities district, or against levying a specified special tax, those types of public improvements or services, or the specified special tax, will be eliminated from the proceedings to form the community facilities district.

In the Resolution of Intention, the City Council also determined that certain territory identified on a map of the community facilities district as a future annexation area may be annexed in part from time to time to the community facilities district in the future, with the unanimous approval of the owner or owners of any particular portion of the annexation area to be annexed. The public hearing required under the Code relative to such annexation area will be combined with the public hearing described above. At the public hearing, the testimony of all interested persons for or against the future annexation of territory to the community facilities district or the levying of special taxes within the territory proposed to be annexed in the future will be heard.

Any person interested in these matters is invited to present testimony either for or against the above item. If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Council of the City at or prior to the public hearing.

The City Council will hold the public meeting and hearing in person, with a phone and virtual option for public participation based on availability. See the agenda for the November 17, 2022 City Council meeting on the City's website at ci.seaside.ca.us for virtual participation instructions. The City makes no representation or warranty of any kind regarding the adequacy, reliability or availability of virtual participation options. Participation by members of the public through virtual means is at prospective participants own risk.

/s/ Dominique L. Davis
City Clerk, Seaside

RESOLUTION NO. 22-_______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (PUBLIC FACILITIES AND SERVICES)

WHEREAS, the City Council has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Seaside Declaring Its Intention to Establish a Community Facilities District and To Authorize the Levy of Special Taxes Therein – Public Facilities and Services," stating its intention to form a community facilities district pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Law"), for the purpose of financing the costs of certain public improvements (the "Facilities"), and the costs of providing certain municipal services; and

WHEREAS, the City Council estimates the amount required for the financing of the costs of the Facilities to be approximately $500,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEASIDE, CALIFORNIA, AS FOLLOWS:

1) In order to finance the Facilities it is necessary to incur bonded indebtedness of the proposed City of Seaside Community Facilities District No. 2022-1 (Public Facilities and Services) (the "District") in the amount of not to exceed $500,000,000.

2) The bonded indebtedness is proposed to be incurred for the purpose of financing all or a portion of the costs of the Facilities, including costs incidental to or connected with the accomplishment of said purposes and of the financing thereof.

3) The City Council, acting as legislative body for the District, intends to authorize the issuance and sale of bonds in the maximum aggregate principal amount of $500,000,000, bearing interest payable semi-annually or in such other manner as the City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds.

4) Tuesday, November 17, 2022, at 5:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of the City Council, City Council Chambers, City Hall, 440 Harcourt Avenue, Seaside, California, be, and the same are hereby appointed and fixed as the time and place when and where the City Council, as legislative body for the District, will conduct a public hearing on the proposed debt issue and consider and finally determine whether the public interest, convenience and necessity require the issuance of bonds of the City for the District.

5) The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation circulated within the District. The publication of said notice shall be completed at least seven (7) days before the date herein set for said public hearing. The notice shall be substantially in the form of Exhibit A hereto.

6) This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California on the 6th day of October, 2022.

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

APPROVED:

____
Ian Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

Exhibit
A. Notice of Public Hearing

EXHIBIT A

CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(PUBLIC FACILITIES AND SERVICES)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Seaside will conduct a public hearing on Tuesday, November 17, 2022 at 5:00 p.m. or as soon thereafter as practicable, in the Seaside City Council chambers located at 440 Harcourt Avenue, Seaside, California, to consider the following:

INTENT TO INCUR INDEBTEDNESS
CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(PUBLIC FACILITIES AND SERVICES)

On October 6, 2022, the City Council of the City of Seaside adopted a Resolution entitled "A Resolution of the City Council of the City of Seaside Declaring Its Intention To Incur Bonded Indebtedness of the Proposed City of Seaside Community Facilities District No. 2022-1 (Public Facilities and Services)" (the "Resolution of Intention to Incur Indebtedness"). Reference is hereby made to the Resolution of Intention to Incur Indebtedness on file in the office of the City Clerk of the City of Seaside for further particulars.

In the Resolution of Intention to Incur Indebtedness, the City Council declared its intention to authorize the issuance and sale of bonds in the maximum principal amount of $500,000,000 for the City of Seaside Community Facilities District No. 2022-1 (Public Facilities and Services) to finance costs of certain public improvements. The testimony of all interested persons, including all registered voters and persons owning property in the area included in the proposed community facilities district, for or against the proposed debt issuance will be heard at the public hearing.

Any person interested in these matters is invited to attend and present testimony either for or against the above item. If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Council at or prior to the public hearing.

The City Council will hold the public meeting and hearing in person, with a phone and virtual option for public participation based on availability. See the agenda for the November 17, 2022 City Council meeting on the City's website of ci.seaside.ca.us for virtual participation instructions. The City makes no representation or warranty of any kind regarding the adequacy, reliability or availability of virtual participation options. Participation by members of the public through virtual means is at prospective participants own risk.

/s/ Dominique L. Davis
City Clerk,
City of Seaside