



AGENDA

CITY OF SEASIDE

CITY COUNCIL/SUCCESSOR

AGENCY TO THE

REDEVELOPMENT AGENCY

REGULAR MEETING

440 HARCOURT AVE (COUNCIL CHAMBER)

Thursday, November 17, 2022

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. QUARTERLY FINANCIAL STATUS UPDATE (JESSICA RILEY, ASSISTANT FINANCE DIRECTOR)

8. CONSENT AGENDA

A. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of July 30, 2022, through October 21, 2022, including the

payroll and benefits checks, direct deposits, and wired payments related to the pay period ending August 11, 2022, August 25, 2022, September 8, 2022, September 22, 2022, October 6, 2022, and October 20, 2022. Total Accounts Payable and Payroll for the above referenced period is \$20,336,448.65.

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of July 30, 2022 through October 21, 2022 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending August 11, 2022, August 25, 2022, September 8, 2022, September 22, 2022, October 6, 2022, and October 20, 2022. Total Accounts Payable and Payroll for the above referenced period is \$27.46.

C. ADOPT A RESOLUTION APPROVING THE CALENDER YEAR 2023 INVESTMENT POLICY FOR THE CITY OF SEASIDE AND THE CITY OF SEASIDE SUCCESSOR AGENCY

RECOMMENDATION: Review and adopt a resolution approving the City of Seaside and the Successor Agency calendar year 2023 Investment Policy.

D. ADOPT A RESOLUTION AMENDING THE CITY ATTORNEYS CONTRACT TO REFLECT AN ANNUAL SALARY OF \$228,096.00 AND ADDING A COST OF LIVING ALLOWANCE PROVISION AND APPROVE FISCAL YEAR 2022-2023 BUDGET AMENDMENT

RECOMMENDATION: Adopt a resolution authorizing an increase in the City Attorney's salary and providing for a cost of living adjustment.

E. ADOPT A RESOLUTION EXTENDING 0.101 ACRE FEET WATER ALLOCATION PER YEAR FOR THE NEW CITY HALL STAFF TRAILER PROJECT TO BE LOCATED AT 440 HARCOURT AVENUE

RECOMMENDATION: Adopt a resolution extending 0.101 AF water allocation per year for the New City Hall Staff Trailer project to be located at 440 Harcourt Avenue.

F. APPROVE A FEE WAIVER FROM HINDU TEMPLE OF MONTEREY PENINSULA FOR THE USE OF THE LAGUNA GRANDE PARK FOR A HOLI CELEBRATION ON MARCH 11, 2023.

RECOMMENDATION: Approve the fee waiver request from the Hindu Temple of Monterey Peninsula for the rental of Laguna Grande Park to hold a Holi Celebration in the amount of \$121.00, the organization will pay the non-refundable portion of the deposit in the amount of \$49.50.

G. APPROVE A FEE WAIVER FROM KINDNESS ROCKS 831 FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR THE 831 TALENT SHOW ON JANUARY 7, 2023

RECOMMENDATION: Approve the fee waiver request from Kindness Rocks 831 for the use of Laguna Grande Hall and kitchen to hold the 831 Talent Show, in the amount of \$393.75, the organization will pay the non-refundable portion of the deposit of \$92.25 and purchase the City's insurance of \$85.00.

H. APPROVE A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM ROAD 2 REALITY

RECOMMENDATION: Approve a request from Road 2 Reality for a donation of \$3,000.00 from the Mayor's Youth Fund to help cover the costs for cleaning equipment such as; gloves, trash bags, garbage grabbers, buckets, and weed tools.

I. CONSIDER A REQUEST FROM THE COALITION OF SCHOLARSHIP ORGANIZATION FOR CO-SPONSORSHIP AND FEES WAIVER FOR USE OF THE LAGUNA GRANDE HALL AND KITCHEN AT THE OLDEMEYER CENTER, FOR A FORUM ON SCHOLARSHIP OPPORTUNITIES FOR LOCAL HIGH SCHOOL SENIORS

RECOMMENDATION: Approve a request from the Coalition of Scholarship Organization's (C.O.S.O.) for co-sponsorship and fee waiver of \$627.25 for the costs associated with the use of Laguna Grande Hall and Kitchen to hold a High School Forum on February 18, 2023.

J. CONSIDER A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM HAMILTON, ELLIS, & MARTIN TENANT ASSOCIATION FOR THEIR YOUTH CHRISTMAS CELEBRATION GALA

RECOMMENDATION: Approve a request from Hamilton, Ellis, & Martin Tenant Association for a donation of \$3,000.00 from the Mayor's Youth Fund to help cover the costs associated with their Annual youth Christmas Celebration Gala.

K. ACCEPT THE MAYOR'S KEY TO THE CITY AWARDED TO REVEREND DR. HERBERT H. LUSK, II

RECOMMENDATION: Accept the posthumous award to Rev. Dr. Herbert H. Lusk, II.

9. BUSINESS ITEMS

A. REVIEW AND TAKE ACTION ON TRAFFIC ADVISORY COMMITTEE RECOMMENDATIONS TO DENY A RED CURB ON JUAREZ STREET AND AN ADDITIONAL DRIVEWAY ON AMADOR AVENUE

RECOMMENDATION: 1) Deny installation of the red curb at 1841 Juarez Street, and 2) Deny installation of an additional driveway approach at 700 Amador Avenue.

10. PUBLIC HEARING

A. ADOPTION OF AN ORDINANCE MODIFYING SEASIDE MUNICIPAL CODE SECTIONS 17.52.251 AND 17.52.252 PERTAINING TO SHORT-TERM RENTAL PROGRAM (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION: Adoption of an ordinance to amend Seaside Municipal Code Sections 17.52.251 and 17.52.252 pertaining to Short-term Rentals.

B. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 15 OF THE SEASIDE MUNICIPAL CODE INCORPORATING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, ENERGY, GREEN BUILDING STANDARDS, FIRE CODES, AND RELATED MODEL CODES WITH AMENDMENTS (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION: Adoption of an ordinance amending Chapter 15 of the Seaside Municipal Code relating to buildings and construction, repealing and adopting by reference the 2022 California Building Code, the California Residential Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Green Building Standards Code, the California Energy Code, the California Fire Code, and amendments thereto.

C. REPEAL AND REPLACE CHAPTER 10.32 SECTION 10.32.031 OF THE SEASIDE MUNICIPAL CODE AND ADDING A NEW SECTION 10.32.035 ESTABLISHING A FOUR HOUR TIME LIMIT AT CERTAIN CITY PARK PARKING LOTS. (FIRST READING - ROLL CALL VOTE)

RECOMMENDATION: Consider the repeal and replacement of Seaside Municipal Code Chapter 10.32 "Stopping, Standing, and Parking" to include the addition of new section 10.32.035 which establishes a four hour time limit for certain parking lots at City parks. It is recommended the City Council hold a public hearing on the amendments to the Seaside Municipal Code Section 10.32.

D. ADOPT RESOLUTIONS FORMING A COMMUNITY FACILITY DISTRICT (CFD) TO PROVIDE FINANCING FOR VARIOUS PUBLIC FACILITIES AND MUNICIPAL SERVICES, AUTHORIZING THE NECESSITY TO INCUR INDEBTEDNESS AND CALLING FOR AN ELECTION; HOLD SPECIAL ELECTION AND ADOPT RESOLUTION OF RESULTS OF SPECIAL ELECTION; AND INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES) (FIRST READING - ROLL CALL VOTE)

RECOMMENDATION: 1) Hold Public Hearing on Resolution of Intent to form a Community Facilities District (CFD) as called for on October 6, 2022 and Adopt the following Resolutions: 1. A Resolution of Formation of the CFD authorizing the levy of a special tax within the CFD, and preliminarily establishing an appropriations limit for the CFD; and 2. A Resolution determining the necessity to incur indebtedness within the CFD; and 3. A Resolution calling a special election within the CFD; and

2) Hold a special CFD election; and

3) Open Public Comment on the results of CFD election and adopt a resolution declaring the results of the special election; and

4) Introduce and Waive First Reading of an Ordinance levying special taxes within the CFD and open the Public Hearing.

11. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

B. FOLLOW UP ON PREVIOUS REQUESTS

12. 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.

13. CLOSED SESSION

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

Property: 1272 Canyon Del Rey Blvd.

Agency Negotiators: City Manager, City Attorney, et. al

Negotiating Parties: The Silva Trust, Jeff Davi, and City of Seaside

Under Negotiation: Price, Terms of Payment, or Both

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

Petrovich Development Company, LLC v. City of Seaside, et al.

Monterey County Superior Court 21CV003630

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

14. ADJOURNMENT

Next Regularly Scheduled Meeting:
December 1, 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.



First Quarter FY 2022-23 Financial Report (Unaudited)



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INTRODUCTION

This is the first quarterly report for Fiscal Year 2022-23, and comprises results for the three month period ending September 30, 2022. While a few other notable funds are reviewed, this report focuses primarily on the City's general fund. General Fund operating revenues and expenditures as compared to previous years are presented, and any notable changes or trends in these numbers are explained. The report is presented on a cash basis, which means that revenues are recognized at the time revenues are received and expenditures are recognized at the time payment is processed. The City does not accrue any revenues or expenditures in the first quarter.

The purpose of this report is twofold. First, it ensures that the City is consistently monitoring its revenues and expenditures so that it may proactively respond to unanticipated changes or emerging trends. Second, and equally important, consistent reporting increases the transparency of the City's finances. Quarterly reporting provides the City Council, City Administration, taxpayers and ratepayers with information that demonstrates the City is meeting this standard.

The information in this report is the most accurate and up-to-date information available at the time of publication. It is not meant to be inclusive of all financial and accounting transactions. It is intended only to provide the Council, Management and the public with an overview of the state of the City's general fiscal condition. It should be noted that this report is not an audited financial statement, and the numbers provided herein are preliminary and subject to change as the year progresses. No data on revenues and expenditures is final until the City has completed its annual audit and finalized its Annual Comprehensive Financial Report (ACFR), which is released in the winter of each year for the prior fiscal year

ECONOMIC OUTLOOK

In March of 2020, the City declared a local emergency in response to the COVID-19 worldwide pandemic. The ensuing statewide shelter in place orders coupled with various levels of "reopening" created financial turmoil in the fourth quarter of FY 2019-20 and throughout FY 2021-22.

Till now, the economy has recovered surprisingly well due to two prime factors; the development and distribution of a vaccine for the virus and federal stimulus dollars. As 2022 has progressed, infection, hospitalization, and death rates have fluctuated. As of October, rates appear to have stabilized at a relatively low level (in relation to previous spikes) which has led California Governor, Gavin Newsom, to announce that he will end the California COVID-19 State of Emergency on February 28, 2023.

NATIONAL & STATE ECONOMIC OUTLOOK

Hdl (The City's revenue enhancement consultant) reports the national economy grew 4.1% in FY21-22, and projects it will remain flat in FY 22-23. The flat growth rate is in comparison to FY19-20 and FY 20-21 which saw very robust growth rates.

- California's unemployment rate is expected to continue declining from 5.7% in FY 21-22 to 4.4% in FY 22-23.
- Sales & Use Tax growth is expected to decrease from 14.8% in FY 21-22 to 3.8% in FY 22-23.
- California's median existing home price is expected to increase from \$669k in FY 21-22 to \$686k in FY 22-23.

Source: Hdl

Since the start of the pandemic the Federal Government has passed and implemented five economic stimulus packages totaling approximately \$6 trillion. The Federal Reserve also lowered the Federal Funds rate to between 0% and .25%. In many ways the federal stimulus may have slowed the economic damage caused by the health and safety response to the pandemic and stabilized the economy. On the other hand, the vigorous amounts of stimulus coupled with supply chain bottle necks appear to have contributed to rising inflation. Late in 2021 and early in 2022, many economists believed inflation would be short lived and come as a result of supply chain bottle necks and staffing shortages which would recede with time. That prediction has not proven correct as inflation has remained unsustainably high as the year has progressed. The 12-month increase in CPI as of September, 2022, as reported by the U.S. Bureau of Labor Statistics stands at 8.2%. Faced with sustained inflation, the Federal Reserve has responded with

increases to the Federal Funds Rate. Beginning March 17, 2022 the Federal Reserve has raised rates five times; from .25% to 3.25%. The hope is that the increased cost of borrowing will lead to reduced demand and more saving. These two outcomes generally lead to reduced inflation. As of this writing, it is not clear if the Federal Reserve will find it necessary to continue raising rates at a high clip, or if they will slow their rate of increases as they wait to realize the effect of the increases implemented to date.

Many economists now believe a recession is likely to hit in 2023. It remains to be seen, if, how long, and how severe a potential recession will be.

LOCAL ECONOMIC OUTLOOK

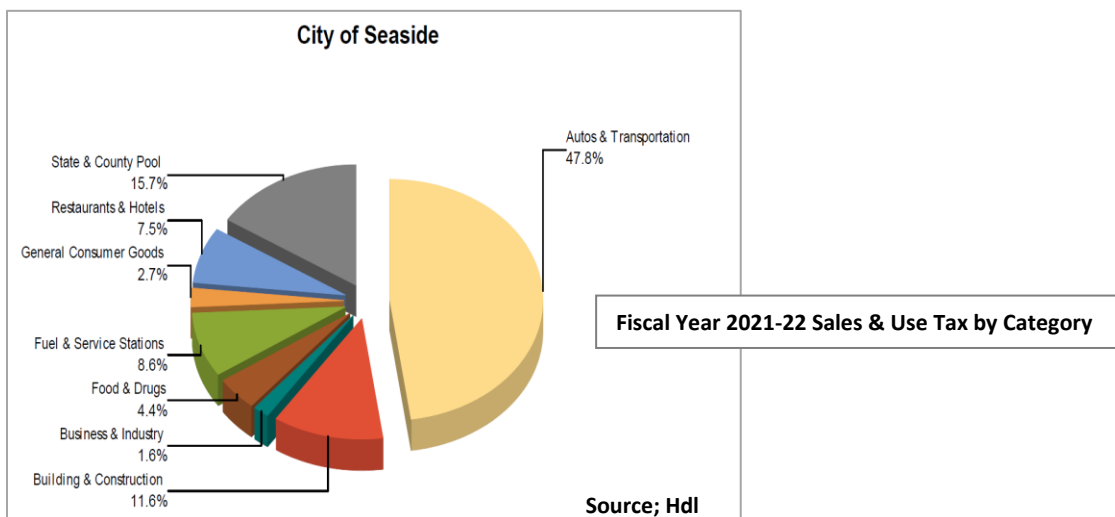
At the local level, the City of Seaside unemployment rate increased from 3.1% in March of 2020 to 19.0% in April of 2020 and currently stands at 2.5%

The City of Seaside unexpectedly experienced strong results in several business sectors throughout the pandemic, including Auto Sales, Online Sales, and Building and Construction Materials. Historically, sales tax from Auto Sales have accounted for approximately 41% of the City's Sales Tax total and 16% of the General Fund revenue total. In a potential recession, revenue losses in this sector could have a substantial impact on the City's finances.

Not all sectors of the local economy, however, fared as well. One major sector of Seaside's local economy is based on tourism. Early in the pandemic the the local Hotel Tax (Transient Occupancy Tax) dropped off severely and served as a clear indicator of just how hard that sector was hit. With the lifting of many travel restrictions beginning in June of 2021, however, this sector experienced some much needed relief. TOT collections showed strong signs of recovery throughout the 2021 Summer months and again in the 2022 Summer months. From a pandemic era low of \$2.1 million in fiscal year 20-21, this sector ended fiscal year at approximately \$3.4 million. By way of comparison, fiscal year 18-19 (the most recent "non-pandemic" fiscal year) generated \$3.4 million in hotel tax.

While entire sectors and larger businesses have performed strongly throughout the pandemic, many smaller businesses have struggled. Staffing shortages have been particularly difficult and rising pay rates are likely to prove challenging as well.

City staff will continue to monitor and report City financial health to the City Administration, City Council and Public, as well as monitoring the Federal Reserve's and the Federal Government's efforts to reduce inflation and avoid or lessen the impacts of a potential recession. Staff recommends that the City remain flexible should conditions require action as the year progresses. A clearer picture of the City's financial outlook is likely to emerge at the mid-year budget review in early March of 2023.



GENERAL FUND

FY 2022-23 BUDGET RECAP:

General Fund Changes in Fund Balance:	Operating FY 23	Capital FY 23	Total Budget FY 23
Revenues	\$ 44,092,396	\$ 9,000,000	\$ 53,092,396
Expenditures	(44,031,865)	(4,306,113)	(48,337,978)
Surplus (Deficit)	<u>\$ 60,531</u>	<u>\$ 4,693,887</u>	<u>\$ 4,754,418</u>

In June of 2022, the City of Seaside City Council adopted the FY 2022-23 annual budget. Due to a projection of significant Revenue recovery and growth, a surplus budget was adopted including an operating surplus of \$61k and a capital budget surplus of \$4.7M.

The operating budget showed a surplus even while continuing to re-staff the City's workforce, and provide for a substantial cost of living adjustment. Personnel costs, the City's largest cost, were budgeted to increase by approximately \$3.8M over the previous fiscal year budget. The staffing plan included the addition of 16 new positions which were approved at the fiscal year 2021-22 mid-year budget review. The majority of the positions approved are funded by the general fund:

Positions Approved At Mid-Year Budget Review	
Building - Administrative Assistant	PW Maintenance - Building Maintenance Specialist
Finance Dept - Financial Analyst (grants management)	PW Maintenance - Maintenance Supervisor
HR Dept - Admin Assistant	PW Maintenance - Maintenance Worker II
HR Dept - Risk Management Technician	PW Maintenance - Maintenance Worker II
HR Dept - Senior Administrative Assistant	PW Maintenance - Maintenance Worker II
Police Dept - part-time Records Technician	Recreation - Custodian
PW Maintenance - Admin Assistant	Recreation - Administrative Assistant
PW Engineering - Administrative Analyst II	Recreation - Youth Center Supervisor

Budget line items such as equipment, supplies and vehicles were increased to coincide with the staffing ramp up. For a third year running, the City appropriated funds (\$500k) for grants to support community non-profits and also funded the Family and Community Support Program with an additional allocation of \$540k.

The capital budget likewise showed a surplus. The City expects to receive a one-time land sale revenue of \$9M and will provide funding for the City's CIP (Capital Improvement Program) in the amount of \$4.3M from the City's general fund. Projects in the CIP include government buildings, parks, water infrastructure, and stormwater.

RESERVES:

The City's reserve accounts are fully funded in the fiscal year 2022-23 budget at the following amounts:

Emergency Reserve - 15%	\$ 6,604,780
Special Reserve - 10%	4,403,186
Capital Reserve - 5%	2,201,593
	<u>\$ 13,209,559</u>

Q1 GENERAL FUND REVENUES:

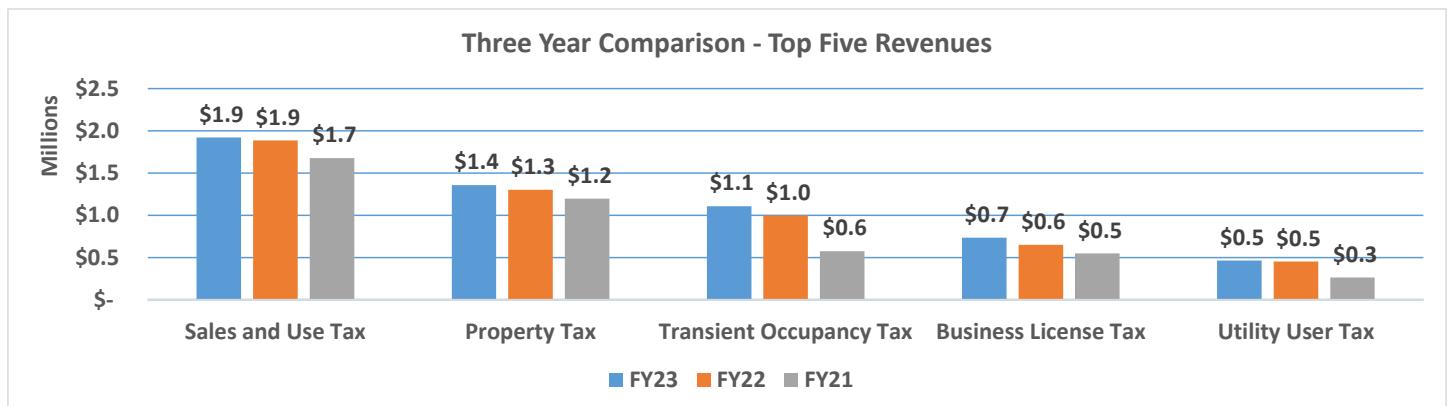
Total budgeted revenue for FY 2022-23 including one-time sales and transfers is \$53.1M. Excluding the one-time sales the budget is \$44.1M. This compares to a FY 2021-22 budget of \$39.6M; a budgeted revenue increase of nearly \$4.5M. When looking at first quarter revenue results, staff believes that a year over year analysis is more effective than an analysis against budget for two reasons:

- Revenues are not received in a uniform manner (often times two months in arrears)
- The City does not accrue revenues in the first quarter

The following table and chart compares first quarter results for FY23 with first quarter results for FY21 and FY22. FY21 and FY22 are considered pandemic years while FY20 may be considered pre-pandemic.

General Fund Revenues:	Budget	Results:			Variances:			
	Q1	Q1			Year over Year Vs. FY22		Year over Year Vs. FY21	
	FY23	FY23	FY22	FY21	\$	%	\$	%
Sales and Use Tax	\$ 4,879,889	\$ 1,921,650	\$ 1,886,686	\$ 1,677,622	\$ 34,963	2%	\$ 244,027	15%
Property Tax	1,511,476	1,358,086	1,303,049	1,198,169	55,037	4%	159,917	13%
Transient Occupancy Tax	1,041,160	1,106,689	997,444	575,737	109,245	11%	530,952	92%
Business License Tax	205,000	736,212	649,961	547,347	86,251	13%	188,865	35%
Utility User Tax	708,204	463,688	452,417	264,617	11,271	2%	199,070	75%
Miscellaneous-Other Revenue	212,989	297,338	252,249	8,679	45,089	18%	288,659	3326%
Licenses & Permits	177,051	286,169	264,272	103,672	21,897	8%	182,498	176%
Marijuana Receipts Tax	361,075	248,395	235,859	178,299	12,536	5%	70,096	39%
Fees & Charges	187,951	164,843	154,523	44,413	10,320	7%	120,430	271%
Income from Investments	38,622	87,264	81,789	3,500	5,475	7%	83,764	2393%
Grant Revenue	53,906	73,800	29,740	63,212	44,060	148%	10,588	17%
Other Agency Revenue	115,331	25,799	9,617	256,964	16,182	168%	(231,165)	-90%
Fines & Forfeitures	32,616	22,604	12,541	33,357	10,062	80%	(10,753)	-32%
Motor Vehicle In-Lieu	1,109,802	-	-	-	-	n/a	-	n/a
Franchise Fees	388,027	-	-	-	-	n/a	-	n/a
Transfer In	-	-	367,232	-	(367,232)	n/a	-	n/a
Revenues by Source	\$ 11,023,099	\$ 6,792,536	\$ 6,697,380	\$ 4,955,588	\$ 95,156	1%	\$ 1,741,791	35%

As can be seen in the table, revenues in the first quarter totaled \$6.8M which is 1% or \$95k higher than the first quarter of the previous year and 35% or \$1.7M higher than FY21. The \$6.8M equals 15% of total budgeted revenue. Similarly in the first quarter of the previous year the City had realized 17% of total budgeted revenue. This indicates that actual revenue collections may be trending slightly lower than budgeted revenue.



DISCUSSION OF SIGNIFICANT REVENUE VARIANCES:

➤ **Sales and Use Tax**

In the first Quarter of the fiscal year \$1.9M of sales and use taxes were collected. This equates to a \$34k or 2% increase over the same quarter in the previous year. Sales and Use Tax projections are provided to the City by Hdl, which is a revenue enhancement consultant used widely by Cities throughout California.

After two years of very strong growth, the City's sales and use taxes appear to have hit a plateau. Throughout the pandemic years, this category performed quite well particularly in the areas of auto sales, cannabis retail and online sales. Demand for and sales of new and used vehicles remained high despite rising prices related to supply shortages. It is notable that in the final quarter of fiscal year 2021-22, sales taxes from auto sales were down approximately 3.7% as compared to the same period a year earlier. As the year progresses it is expected that sales and use tax will remain strong but essentially flat compared to fiscal year 2021-22.

➤ **Property Tax**

The majority of the City's property tax receipts do not arrive until December and April each year. Therefore they are not generally accounted for in the first quarter. One category of property tax, Successor Agency pass through distributions, however is received in the first quarter. FY 2022-23 is showing receipts of \$1.4M, an increase in this revenue source of \$55k or 4% over the previous fiscal year. Similar to auto sales, demand for and sales of homes has been high the last two years. High levels of demand coupled with low interest rates and low inventory pushed home prices significantly higher. With the Federal Reserve raising interest rates, however, mortgage rates have climbed and demand has begun to diminish. While Hdl is forecasting a small increase in median home prices for the year, staff believes it is possible that this metric may in fact decrease in the coming months.

Additionally, as the recognized obligations of the previous Redevelopment Agency are paid down or settled, more property tax becomes available for pass through distribution.

➤ **Transient Occupancy Tax (TOT)**

In the first Quarter of the fiscal year \$1.1M of TOTs were collected. This equates to a \$109k or 11% increase over the same quarter in the previous year. It is important to note that this increase is in comparison to a time of imposed capacity restrictions as well as a high level of caution (related to perceived level of trust) on the part of potential tourists. As of the end of FY 2021-22, the travel and hospitality sector had recovered swifter than expected from the lows of FY21 and are trending similarly to the pre-pandemic fiscal year 2018-19.

➤ **Business License Tax**

In the first quarter of the fiscal year \$736k of Business License Taxes were collected. This represents an increase of \$86k or 13% over the previous fiscal year and 189k or 35% over fiscal year 2020-21. This indicates that local businesses on the whole are recovering to pre-pandemic levels of gross receipts.

➤ **Utility User Tax (UUT)**

In the first quarter of the fiscal year \$463k of Utility User Taxes were collected. This represents an increase of \$11k or 2% over the previous year. This rate of collection is slightly lower than expected as compared to budget.

Recently the City's Finance department has taken steps to improve processes and procedures related to administration of the UUT tax program. This has resulted in timelier receipting of UUTs which is reflected in the first quarter results. A clearer trend for this category is beginning to emerge after the change of process.

➤ **Marijuana Receipts Tax**

In the first quarter of the fiscal year \$248k of Marijuana Receipts Taxes were collected. This represents an increase of \$13k or 5% over the previous year. This rate of collection is slightly lower than expected as compared to budget.

The Marijuana Receipts Tax was a new tax revenue for the City beginning in FY 2019-20. The first quarter of FY 2019-20 showed a relatively modest \$140k in receipts as operations got under way. The following three quarters ballooned significantly so that the fiscal year total was \$1.2M. Fiscal year 2020-21 then increased to \$1.4M. Subsequently, however, this revenue source decreased in fiscal year 2021-22 to \$1.2M, indicating a leveling out. Based on first quarter results, staff believes this revenue source may end the year lower than originally forecast.

➤ **Licenses and Permits**

In the first Quarter of the fiscal year \$286k of Licenses and Permits were collected. This equates to a \$22k or 8% increase over the same quarter in the previous year and \$182k or 176% as compared to the period two years prior. Much of this revenue recovery is due to an increase in building projects generally. More specifically a portion of the increase is attributable to the Enclave housing development, which generated permit revenue in fiscal year 2021-22 and again in the first quarter of fiscal year 2022-23.

➤ **Fines and Forfeitures**

In the first Quarter of the fiscal year \$33k of Fines and Forfeitures were collected. This equates to a \$10k or 80% increase over the same quarter in the previous year. While this category is not generally considered a significant revenue source for the City, it is noted particularly in light of the City's new parking enforcement program.

In fiscal year 2021-22, the City implemented a parking enforcement program, which consisted of two parking enforcement officers, associated vehicles and other equipment. The program only got under way in earnest during the first quarter of the fiscal year and generated \$6k in revenue. This is nearly double the amount generated in the same period one year earlier. While the early results are modest, the program is expected to generate more revenue as it becomes better established. The full year budget was forecast at \$59k.

Q1 GENERAL FUND EXPENDITURES:

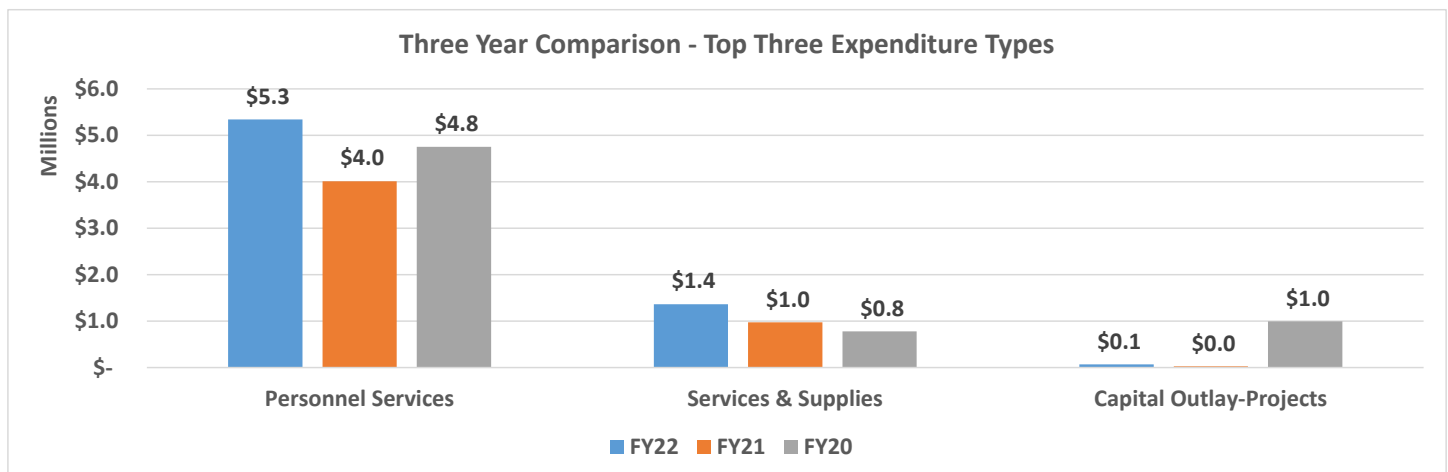
Total budgeted expenditures for FY 2022-23 including transfers are \$48.3M. This compares to a FY 2021-22 budget of \$44.7M; a budgeted expenditure increase of nearly \$3.6M. As mentioned previously personnel cost were increased by approximately \$3.8M on a year over year basis, which accounts for substantially all of the year over year increase.

First quarter expenditures were \$9.6M or 23% of the total fiscal year 2022-23 budget. For comparison, first quarter expenditures in the prior year were only 16% of the fiscal year 2020-21 budget. This year's higher first quarter expenditures indicate that the City made progress increasing staff during the course of fiscal year 2021-22 for two reasons; Staffing costs are the City's highest cost, and with higher staffing levels expenditures are more likely to occur as planned.

EXPENDITURES BY TYPE:

General Fund Expenditures by Type:	Budget	Results:				Variances:			
	Q1	Q1				Year over Year Vs. FY22		Year over Year Vs. FY21	
	FY23	FY23	FY22	FY21		\$	%	\$	%
Personnel Services	\$ 8,276,468	\$ 7,409,154	\$ 5,341,844	\$ 4,010,903		\$ 2,067,310	39%	\$ 3,398,252	185%
Services & Supplies	2,072,517	1,630,006	1,364,327	973,905		265,679	19%	656,102	167%
Capital Outlay-Projects	379,079	178,588	68,257	26,152		110,331	162%	152,435	683%
Transfer Out	-	87,183	-	-		87,183	n/a	87,183	n/a
Debt Service	125,962	38,579	14,348	12,668		24,231	169%	25,911	305%
Internal Service Charge	631,621	631,621	530,873	-		100,748	19%	631,621	n/a
Administrative Allocation	(355,523)	(355,523)	(332,884)	-		(22,639)	0	(355,523)	n/a
Expenditures by Type	\$ 11,130,124	\$ 9,619,609	\$ 6,986,766	\$ 5,023,628		\$ 2,632,843	27%	\$ 4,595,981	48%

In previous years, several categories of expenditures were not accounted for in the first quarter and therefore show no activity; Internal Service Charges, Transfers and Administrative Allocations. Going forward these costs will be accounted for quarterly. It should also be noted that Debt Service is dependent on payment schedules and Capital Outlay is dependent on project schedules.



DISCUSSION OF SIGNIFICANT EXPENDITURE VARIANCES BY TYPE:

➤ **Personnel Services**

As was expected, Personnel Services were up \$2M or 39% on a year over year basis considering the City's efforts to rebuild its workforce. Also contributing to the increase is a cost of living adjustment. Still, personnel costs were below budget by approximately \$870k. It is anticipated that this cost will come more in line with budget as the year progresses and the City continues to recruit and rebuild its workforce.

General Fund Personnel Costs by Department:	Budget	Results:	Variances:		Primary Cause of Variance:
	Q1	Q1	Q1 vs. Budget		
	Budget	FY23	\$	%	
Legislative Body	\$ 22,470	\$ 20,088	\$ (2,382)	-11%	Immaterial
Administration	230,384	242,344	11,961	5%	
City Clerk	43,883	44,665	781	2%	
City Attorney	111,291	107,204	(4,088)	-4%	
Human Resources	190,751	155,184	(35,566)	-19%	Staffing Vacancies
Finance Department	235,268	234,924	(344)	0%	Staffing Vacancies
Police Department	3,149,386	2,583,729	(565,657)	-18%	
Fire Department	2,009,351	1,899,278	(110,073)	-5%	Staffing Vacancies
Building and Code Enforcement	257,377	196,092	(61,285)	-24%	
Community Development Admini	79,829	58,237	(21,592)	-27%	Staffing Vacancies
Planning	181,236	141,346	(39,890)	-22%	Staffing Vacancies
Economic Development	130,225	160,502	30,277	23%	Employee Separation
Public Works/Engineering	792,497	661,670	(130,827)	-17%	Staffing Vacancies
Recreation	842,519	903,891	61,372	7%	Summer Employees
	\$ 8,276,468	\$ 7,409,154	\$ (867,313)	-10%	

➤ **Services & Supplies**

Services and supplies were up 19% on a year over year basis yet under budget by 21%.

EXPENDITURES BY DEPARTMENT:

General Fund Expenditures by Department:	Budget	Results:			Variances:			
	Q1	Q1			Year over Year Vs. FY22		Year over Year Vs. FY21	
	FY23	FY23	FY22	FY21	\$	%	\$	%
Legislative Body	\$ 152,177	\$ 168,739	\$ 38,183	\$ 69,422	\$ 130,556	342%	\$ 99,317	243%
Administration	217,102	173,356	114,207	83,748	59,149	52%	89,608	207%
City Clerk	19,742	25,537	15,205	107,772	10,332	68%	(82,235)	24%
City Attorney	176,945	91,780	245	67,216	91,535	37410%	24,564	137%
Human Resources	238,970	163,331	(24,636)	84,305	187,968	-763%	79,026	194%
Finance Department	93,970	64,779	(58,403)	165,843	123,182	-211%	(101,064)	39%
Police Department	4,061,014	3,546,505	2,780,267	1,946,804	766,237	28%	1,599,701	182%
Fire Department	2,719,597	2,339,415	1,988,868	1,195,518	350,547	18%	1,143,898	196%
Building and Code Enforcement	338,705	245,071	215,511	113,739	29,560	14%	131,333	215%
Community Development Administration	(31,366)	(69,066)	(8,748)	21,044	(60,318)	690%	(90,109)	-328%
Planning	343,255	214,882	95,213	58,440	119,669	126%	156,442	368%
Economic Development	238,212	231,222	401,201	123,716	(169,979)	-42%	107,506	187%
Public Works/Engineering	1,178,503	1,001,327	482,712	450,540	518,615	107%	550,788	222%
Recreation	1,383,297	1,422,730	902,186	224,275	520,544	58%	1,198,455	634%
Expenditures by Department	\$ 11,130,124	\$ 9,619,609	\$ 6,986,766	\$ 5,023,628	\$ 2,632,843	27%	\$ 4,595,981	48%

As can be seen in the table above, nearly all departments were under budget in the first quarter of the year.

DISCUSSION OF SIGNIFICANT EXPENDITURE VARIANCES BY DEPARTMENT:

➤ **Legislative Body**

The Legislative Body is approximately \$17k above the amount that would be expected as of the first quarter of the year. This is largely due to several annual payments made in the first quarter, such as; a donation to Community Partnership for Youth in the amount of \$33k and a donation to Casa De Noche Buena in the amount of \$33k.

➤ **Police Department**

The Police Department is \$514k under budget in the first quarter due largely to personnel costs. A concerted effort remains underway between the Police Department, the City Manager's Office and the Human Resources Department to bring the City's Police Department up to full staff.

➤ **Fire Department**

The Fire Department is \$380k under budget in the first quarter due largely to personnel costs and services and supplies costs. Unbudgeted bonuses (agreed to during labor negotiations) and accrued leave payouts to retirees pushed personnel costs up. On the other hand, all of the City's new firefighters participate in the "PEPRA" pension plan, which costs significantly less than the "Classic" plan, therefore pushing personnel costs down. The net personnel variance for the department is under budget by \$110k. Services and Supplies for the department are under budget by \$270k largely due scheduled equipment purchases that did not occur in the first quarter.

DISCUSSION OF SIGNIFICANT EXPENDITURE VARIANCES BY DEPARTMENT (continued):**➤ Planning Department**

The Planning Department is \$128k under budget in the first quarter due largely to personnel costs and services and supplies costs. Personnel costs are under budget by \$40k due to staffing vacancies. Services and Supplies for the department are under budget by \$88k. The variance is largely due scheduled projects that are not under way, or are spending a low rate compared to budget, such as; consulting for the General Plan, consulting for the Housing Element, and consulting for the Sustainability and Climate Action Plan.

➤ Recreation Department

The Recreation department is approximately \$39k above the amount that would be expected as of the first quarter of the year when compared to the adopted budget. This is largely due to the youth Summer Intern program. This program has higher expenditures in the summer months, which includes the first quarter and fourth quarters of the fiscal year. Additionally, many of the events hosted by the Recreation department occur in the summer months – pushing costs up in the first quarter of the fiscal year.

BUDGET AMENDMENTS:

Below is a summary of budget amendments appropriated by the City Council in the first quarter of the year:

**City of Seaside General Fund
FY 23 Running Budget totals - budget amendments
As of 09/30/2022**

Operating Budget		Approval Date
Move Sr. Maint. Worker from Water fund to General fund	\$ (103,625)	8/18/2022
Reduce Elections Cost	\$ 75,000	8/25/2022
Running total: <u>\$ (28,625)</u>		

Capital Budget/Unassigned Fund Balance		Approval Date
Roll over FLIP program	\$ (70,208)	7/7/2022
Assessment - San Pablo Pedestrian Bridge	\$ (39,960)	8/4/2022
Running total: <u>\$ (110,168)</u>		

Some amendments were needed due to unforeseen costs or costs that were inadvertently omitted from the FY 2022-23 budget, others were needed due to changing circumstances. As always, use of fund balance will have an effect on the City's five year forecast.

It should be noted that significant budget amendments were approved in the second quarter of the year, which will be accounted in the Budget Outlook section of this report.

GENERAL FUND NET RESULTS & BUDGET OUTLOOK:

Overall, the first quarter showed expenditures of \$9.6M (23% of the annual budget) in comparison with revenues of \$6.8M (15% of the annual budget). This is not a cause for concern in light of the fact that certain revenues are not received at all in the first quarter (Franchise Fees and Motor Vehicle in-Lieu Fees) and others run two months in arrears (Sales, Use & Transaction Taxes). Still, first quarter results can provide some insights:

- Fiscal year 2021-22 likely **realized a considerable operating surplus** of approximately \$4.2M.
- As previously discussed, **ARPA funds were** claimed as revenue replacement and **transferred to the General fund** in the amount of \$8.9M.
- TOTs **have recovered** from pandemic era lows.
- Sales and Use Tax is **beginning to flatten** (auto sales in particular).
- Property Taxes are **beginning to flatten**.
- Marijuana Receipts tax **have flattened**.
- Personnel **costs are up** as expected with the City rebuilding its workforce and providing robust cost of living adjustments.
- Multiple **sizeable one-time transactions** have recently been completed.

General Fund Changes in Fund Balance:	Projected Budget
	FY23
Beginning Fund Balance (unaudited)	\$ 34,435,648
ARPA Revenue Replacement to General Fund	<u>8,994,311</u>
Revenue	44,092,396
One Time Land Sales	9,000,000
Expenditures	(42,839,170)
Real Estate Purchase	(1,150,000)
Recycled Water Capacity Charge	(7,522,232)
Net Transfers	(5,637,601)
Net Revenue	<u>(4,056,607)</u>
Ending Fund Balance	<u><u>\$ 39,373,352</u></u>

As can be seen, the results of the first quarter indicate that the ongoing operations of the City are expected to continue producing positive financial results. Multiple one-time transactions are expected to cause fund balance to fluctuate but overall fund balance is expected to decrease.

Fund Balance	Projected Results
	FY2023
Projected Fund Balance	\$ <u>39,373,352</u>
Unspendable	(2,425,725)
Emergency Reserve	(2,201,593)
Special Reserve	(4,403,186)
Capital Reserve	<u>(6,604,780)</u>
Unassigned Fund Balance	<u><u>\$ 23,738,068</u></u>

Headwinds:

- The nation is currently experiencing high inflation rates. Many economists now believe a recession is likely to hit in 2023.
- Expenses are likely to increase (due to inflation as well as increased cost of labor) and revenues are likely to flatten out.
- PERS unfunded liabilities continue to grow.

LONG TERM FORECAST

On the following page may be found the City's five year long-term forecast (LTF). The forecast provides 5 years of historical data as context, the amended budget for FY 2022-23 and five years of forward looking projections. The LTF was developed at a high level (low level of detail). The City's major sources of revenue were grouped into categories and projected. Likewise, the City's major expenditures were grouped into categories and projected. The majority of the assumptions used in the report were based on a five-year historical trend or provided by outside consultants. Some projections however are based on known payment or increase percentages. Pension costs for example are expected to increase 14% each year for the next four years. This is due to the decreased discount rate adopted by CalPERS. Likewise, the City's capital costs were input according to the five-year CIP.

The following updates were made to the LTF for the Q1 report:

- FY2021-22 projections were updated with preliminary (unaudited) results
- FY2022-23 budget amendments were added
- ARPA revenue replacement has been included
- Various development related costs and revenues have been included

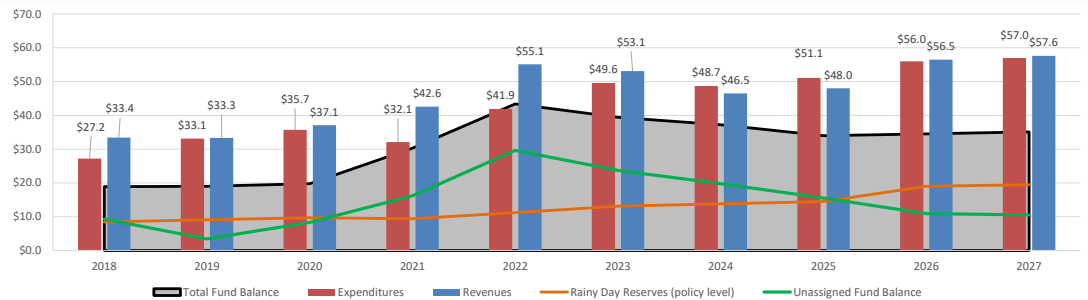
OPERATING OUTLOOK

Late in fiscal year 2021-22, the City agreed to three year labor agreements with all labor groups. This provides more accurate long term forecasting in the area of personnel costs, which is the City's largest cost. Personnel costs are expected to increase steadily over the next several years, particularly pension costs. The City is actively pursuing mitigation efforts to offset rising pension expenditures, namely establishment of a Section 115 Trust. Fire Department personnel costs are expected to push personnel costs up significantly in FY 2026 as Fire Station #2 is anticipated to come online. Overall, operating results are expected to produce small increases or decreases over the next few years. Surpluses may increase in FY 2026 and 2027 as certain development project progress.

DEVELOPMENT OUTLOOK

Three notable development projects are expected to increase City costs for services and infrastructure, as well as generating revenue; Seaside Resort Development, Campus Town and Main Gate. All three of the projects are expected to increase sales tax and property tax. The Seaside Resort Development and Campus Town Project will also generate significant transient occupancy taxes. The long term forecast uses results of Fiscal Impact Analyses (prepared by outside consultants) where possible and nets revenue and expense so as to make the net effect easier to discern. The City is committed to seeing these project through and the fiscal impact for the City's operations is likely to be a net positive.

Long Term Forecast



	Actual	Actual	Actual	Actual	Preliminary Results	Adjusted Budget	Projected	Projected	Projected	Projected	Projected
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
REVENUES											
Sales, Use & Transaction Tax	12,675,448	14,834,786	13,751,243	17,794,977	19,903,626	19,519,557	20,632,172	21,189,240	21,613,025	22,045,286	22,486,191
Property Tax	7,397,805	7,118,845	8,493,623	9,407,980	10,030,828	10,485,110	11,084,911	11,613,510	12,155,625	12,716,979	13,295,368
Transient Occupancy Tax	2,922,110	3,424,302	3,038,525	2,662,172	4,121,251	4,164,639	4,247,932	4,332,890	4,419,548	4,507,939	4,598,098
Utility User Tax	2,512,175	2,415,132	2,405,125	2,803,550	2,744,471	2,832,815	2,946,128	3,063,973	3,125,252	3,187,757	3,251,513
Franchise Fees	1,428,149	1,725,050	1,288,511	1,764,355	1,899,159	1,552,108	1,579,270	1,610,856	1,643,073	1,675,934	1,709,453
Marijuana Receipts Tax	171,800	514,565	1,209,596	1,416,668	1,198,045	1,444,300	1,530,958	1,576,887	1,608,424	1,640,593	1,673,405
Other Revenues	6,271,323	3,219,372	6,878,513	6,737,619	6,191,947	4,093,866	4,481,471	4,584,056	4,654,593	4,726,541	4,799,928
ARPA General Fund Revenue Replacement					8,994,311						
Campus Town Land Sale						9,000,000					
Projected SRD; net revenue									3,134,478	3,169,192.05	3,119,236.25
Projected Maingate/Campus Town; net revenue									4,110,910	3,927,500.49	3,453,169.66
Total Revenues	33,379,010	33,252,052	37,065,136	42,587,321	55,083,637	53,092,396	46,502,842	47,971,412	56,464,930	57,597,723	58,386,362
EXPENDITURES BY TYPE											
Personnel Services											
Salaries & Overtime	13,784,074	15,138,471	15,949,592	13,659,269	16,236,861	19,786,269	20,576,471	21,399,530	23,966,578	24,685,575	25,426,143
Benefits	7,168,467	7,992,470	9,192,128	9,574,493	10,915,766	6,120,286	6,466,873	6,804,567	7,321,980	7,622,975	7,892,830
Retirement	3,925,787	4,486,506	5,098,131	5,113,279	5,903,103	7,255,071	8,190,980	9,172,951	9,872,978	9,702,101	10,284,227
Total Personnel Services	20,952,541	23,130,940	25,141,720	23,233,762	27,152,628	33,161,626	35,234,324	37,377,048	41,161,536	42,010,651	43,603,200
Services & Supplies	4,859,055	4,506,135	4,532,224	5,591,424	7,836,042	7,379,942	7,200,174	7,344,178	7,491,061	7,640,882	7,793,700
Internal Service Charge	1,942,776	2,387,516	2,024,982	2,414,863	2,135,415	2,526,484	2,758,415	2,813,583	2,869,855	2,927,252	2,985,797
Operating Transfer Out	73,333	1,281,860	2,517,092	810,540	1,426,159	1,331,488	1,500,757	1,525,527	1,556,032	1,584,939	2,548,778
Debt Service	246,390	318,773	710,915	189,914	237,888	503,848	673,963	716,461	741,634	731,628	704,247
Debt Service Fire Station #2									825,000	825,000	825,000
Administrative Allocation	(1,458,975)	(1,004,152)	(1,304,327)	(1,344,047)	(1,331,538)	(1,422,090)	(1,538,133)	(1,584,277)	(1,631,805)	(1,680,759)	(1,731,182)
Total Operating Expenditures	26,615,120	30,621,072	33,622,607	30,896,457	37,456,594	43,481,298	45,829,501	48,192,520	53,013,313	54,039,594	56,729,540
Operating Surplus/(Deficit)	6,763,889	2,630,980	3,442,530	11,690,864	17,627,043	9,611,098	673,340	(221,108)	3,451,617	3,558,129	1,656,822
Capital Outlay	625,197	2,524,156	2,108,745	1,223,053	4,480,064	4,995,473	2,875,790	2,916,163	2,943,887	2,972,164	3,001,008
Del Monte Real Property Purchases						1,150,000					
Recycled Water Capacity Fee						7,522,232					
Phase II Campus Town Demolition							9,000,000				
Net Change in Fund Balance	6,138,692	106,824	1,333,784	10,467,811	13,146,980	(4,056,607)	(2,202,449)	(3,137,271)	507,730	585,965	(1,344,186)
End of Year Fund Balance	18,889,035	18,974,801	19,815,169	30,282,980	43,429,959	39,373,353	37,170,903	34,033,632	34,541,362	35,127,326	33,783,140
Less Rainy Day Reserves	6,120,075	12,340,000	9,045,764	11,459,000	11,208,592	13,209,559	17,260,063	18,475,381	23,523,618	24,487,535	20,177,780
Less Restricted Balances	3,490,235	3,221,633	2,425,725	2,655,428	2,655,428	2,425,725	92,392	92,392	92,392	92,392	92,392
Unassigned Fund Balance	9,278,725	3,413,168	8,343,680	16,168,552	29,565,939	23,738,069	19,818,448	15,465,859	10,925,352	10,547,399	13,512,968

OVERALL OUTLOOK

The LTF indicates that the City is in a good financial position for the next five years. Due to the exceptionally strong results for FY2020-21 and again for FY 2021-22 (preliminary), the long term forecast has improved since it was first presented to the City Council. This is true even with the \$1.2M appropriation in FY2021-22 for the downtown parking lot, another \$1.2M for two properties on Del Monte Blvd. and the \$7.5M capacity fees required to acquire recycled water to water the golf course. Overall unassigned fund balance is likely to decrease, but on the current trajectory it is not likely to drop below rainy day reserve levels. With many headwinds on the horizon, this forecast is subject to change and a clearer picture should emerge at the Mid-year budget review in March of 2023. Staff will continue to update the forecast and present it to Council as specific information becomes available.

OTHER FUNDS

In addition to the General Fund, the budget includes funds from a range of restricted sources as well as business-type activities that are used to provide specific services, including:

WATER FUND:

Water Enterprise Q1 Results	Budget		Results:		Variances:	
	Q1		Q1		Year over Year Vs. FY22	
	FY23		FY23	FY22	\$	%
Operating Revenue	\$	328,144	\$ 336,962	\$ 301,529	\$ 35,433	12%
Grant Revenue		375,000	-	-	-	n/a
Expenditures		(703,760)	(250,976)	(120,869)	130,107	108%
Net Revenues	\$	(616)	85,986	\$ 180,660	\$ (94,674)	-52%

The Water Enterprise Fund appears to be functioning as designed. Recent rate increases have greatly increased revenues putting the enterprise in a much better position. Per the City's approved rate structure, rates increased 15% on January 1, 2022. Year over year, expenditures were somewhat higher in FY 23 as compared to FY22. This is due to some project work getting under way in the first quarter. Design work for a new well is programmed for this fiscal year, but not yet under way. First quarter results indicate the fund is on track to collect revenues in line with budget and expenditures are within budget as well.

STORM WATER FUND:

The Storm Water fund expenditures in the first quarter were \$371k. Storm Water costs were \$266k higher than the same quarter of the previous year, mainly due to work on the Del Monte Manor Storm Drain Improvement project. Currently the primary source of funding for the Storm Water fund is the City's General Fund. City staff continues to seek grant funding when available as well.

Requests for additional financial information may be directed to:

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

Attention: Victor Damiani, Finance Director | Email; vdamiani@ci.seaside.ca.us | Phone; (831) 899-6718



CITY OF SEASIDE STAFF REPORT

Item No.: 8.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Jessica Riley, Assistant Finance Director

DATE: November 17, 2022

SUBJECT: APPROVE AND FILE CITY CHECKS

RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of July 30, 2022, through October 21, 2022, including the payroll and benefits checks, direct deposits, and wired payments related to the pay period ending August 11, 2022, August 25, 2022, September 8, 2022, September 22, 2022, October 6, 2022, and October 20, 2022. Total Accounts Payable and Payroll for the above referenced period is \$20,336,448.65.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting, the Council is provided a listing of the payroll and general checks issued since the last report so that the checks can be inspected and confirmed. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoices have been reviewed by the Finance Department prior to payment to ensure that they conform to the approved budget.

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

A description of the checks and wires exceeding \$10,000.00 are as follows:

- \$62,683.68 to 101 Builders, Inc. for Prof. services for upgrades to the Fire Station through August 31, 2022.
- \$78,517.68 to 101 Builders, Inc. for Prof. services for upgrades to the Fire Station through September 30, 2022.

- \$21,704.09 to Access Media Productions for PEG fees (Public, Educational and Government access programming) for AT&T and Comcast for the periods of January - June 2022.
- \$16,740.53 to Action Council of Monterey County for Prof. services for the Community Social Services Grant for the periods of July - September 2022.
- \$20,055.00 to Law Offices of Angel Ho Inc. for Prof. legal services for June & July 2022.
- \$10,500.00 to I.A.M.P. for Sound services for the Blues in the Park Event Series.
- \$11,300.00 to Bear Electrical Solutions for the replacement of a pedestal on General Jim Moore Blvd.
- \$15,045.33 to Conexwest for (2) containers & (2) roll-up doors for the Public Works Department.
- \$11,902.00 to Burke, Williams & Sorensen LLP for special counsel support during May - July 2022.
- \$38,824.88 to California-American Water for Water consumption for multiple City of Seaside service addresses. Billing period of 6/21/2022-7/26/2022. Service addresses include city buildings, parks, fire hydrants, irrigation stations, and city affordable housing.
- \$31,746.59 to California-American Water for Water consumption for multiple City of Seaside service addresses. Billing period of 7/22/2022-8/23/2022. Service addresses include city buildings, parks, fire hydrants, irrigation stations, and city affordable housing.
- \$27,734.88 to CDCE, Incorporated for purchase of equipment for the Police Department: (10) Panasonic toughbooks.
- \$36,800.00 to Central Coast VNA and Hospice, Inc. for CDBG funded reimbursement for the Covid 19 Pop-up Testing Clinics for July & August 2022.
- \$14,379.67 to Community Homeless Solutions for Rental assistance for 1 tenant for 15 months through 2/1/2022.
- \$33,390.00 to Community Human Services for Funding for Casa De Noche Buena Emergency shelter for single women and families with children located in Seaside for FY 22/23.
- \$32,825.00 to Community Human Services for Fiscal year 2022/23 allocated to the City and School District members of the Joint Powers Agency.
- \$25,000.00 to Community Partnership for Youth for Community social services grant reimbursement request for the period 10/1/22-12/31/22.
- \$25,000.00 to Community Partnership for Youth for Providing services in accordance with the community social services grant with the goal of enhancing community and social services. Services are provided by staff at the Family Service Center located at 1178 Broadway Ave in Seaside, CA. Invoice Period: 5/1/2022 - 7/31/2022.
- \$174,506.00 to County of Monterey for Payment for FY2022/23 Quarter 2 9-1-1 Dispatch Services.
- \$21,806.55 to Disaster Kleenup Specialists for On-call encampment cleanup in May 2022.

- \$15,879.50 to Montgomery & Assoc. Water Resource Consultants for General Hydrogeologic Consulting services for the period of July 2022.
- \$21,624.50 to Montgomery & Assoc. Water Resource Consultants for General Hydrogeologic Consulting services for the period of August 2022.
- \$21,418.25 to Gallagher Benefit Services, Inc. for Prof. employee engagement services for the periods of June & July 2022.
- \$13,566.80 to Granicus for Software for Economic Development for the period of 7/28/2022 - 7/27/2023.
- \$40,681.46 to Harris & Associates, Inc. for Prof. services from 5/29/22-7/2/22 for the Campus Town demolition phase I services.
- \$21,552.32 to Harris & Associates, Inc. for Prof. services from 7/3/22-7/30/22 for the Campus Town demolition phase I services.
- \$43,591.25 to Harris & Associates, Inc. for Prof. services from 5/1/22-7/31/22, including: Campus Town phase II abatement & demolition services; Eucalyptus Road infiltration repair services; SCSD services for Fremont, Broadway, & Ortiz sewer upgrade project.
- \$18,603.75 to Harris & Associates, Inc. for Professional services for the Pavement Rehabilitation project from 2/27/22-7/2/22.
- \$82,279.73 to Harris & Associates, Inc. for Prof. services from 7/31/22-8/27/22, including: Campus Town demolition phase I & II services; Noche Buena Emergency Storm Drain project services; SCSD services for Fremont, Broadway, & Ortiz sewer upgrade project.
- \$27,323.55 to Huntington Public Capital Corp. for Quarterly lease contract payment for the period of 7/8/22 - 9/7/22 for 3 pick-up trucks used by the water department, SCSD, and the parks/streets department and Vactor and Patch Trucks for the period of 8/8/22 - 11/7/22.
- \$10,677.08 to Huntington Public Capital Corp. for Lease contract payment for the Energy Project at City Hall, City Library, and Fire Department locations.
- \$22,267.10 to Iconix Waterworks (US) Inc. for the purchase of supplies for the Blackhorse & Bayonet Golf Course Recycled Water Project.
- \$17,599.50 to Gemma System for License fees for (110) Microsoft Windows VDA.
- \$42,690.50 to Gemma System for Pre-payment and remaining payment for servers.
- \$10,500.00 to Kim Hui Moon for Rental assistance for 1 tenant for 6 months through 6/1/2022.
- \$21,145.69 to Kimley-Horn and Associates, Inc. for Prof. services for Intersection Control Evaluation Study during March and July 2022.
- \$88,708.00 to Kimley-Horn and Associates, Inc. for Prof. services for Intersection Control Evaluation Study during April - July 2022.
- \$17,236.33 to Kimley-Horn and Associates, Inc. for Prof. services for Intersection Control Evaluation Study during August 2022.
- \$11,070.00 to Kutak Rock LLP for City as Successor LRA Services for the period of July 2022.
- \$22,651.28 to M3 Environmental, LLC for Asbestos Abatement Oversight for Fire

Station during April - June 2022.

- \$7,522,232.14 to Marina Coast Water District for Recycled Water Capacity Charges for Blackhorse & Bayonet Golf Course Irrigation.
- \$26,390.00 to Maze & Associates for Professional audit services for the fiscal year ending June 2022.
- \$16,034.00 to Monterey Bay Air Resources District for Per Capital Assessment for FY2022-23.
- \$20,907.81 to Monterey Co. Convention & Visitors Bureau for TID (Tourism Improvement District) remittance for the reporting period of June 2022 for the 13 Seaside motels/hotels.
- \$23,830.29 to Monterey Co. Convention & Visitors Bureau for TID (Tourism Improvement District) remittance for the reporting period of July 2022 for the 13 Seaside motels/hotels.
- \$25,165.50 to Monterey Co. Convention & Visitors Bureau for Jurisdiction Improvement Investment for FY2022-23 Quarter 1.
- \$22,623.48 to Monterey Co. Convention & Visitors Bureau for TID (Tourism Improvement District) remittance for the reporting period of August 2022 for the 13 Seaside motels/hotels.
- \$19,500.00 to Monterey Co. Convention & Visitors Bureau for Jurisdiction Improvement Investment for FY2021-22 Quarter 4.
- \$15,288.12 to Monterey One Water for SCSO prof. services for Lift Station Maintenance during January - March 2022.
- \$10,607.85 to Monterey One Water for SCSO prof. services for Lift Station Maintenance during April - June 2022.
- \$63,783.89 to Monterey Peninsula Engineering for Prof. services for the Laguna Grande Park Improvement project through June 2022.
- \$13,038.75 to Monterey Peninsula Engineering for Prof. services for the Laguna Grande Park Improvement project through July 2022.
- \$151,677.00 to Monterey Peninsula Engineering for Prof. services for Del Monte Lid Project through July 2022.
- \$311,529.09 to Monterey Peninsula Engineering for Prof. services for the Ellis Park Improvement project through July 2022.
- \$193,752.50 to Monterey Peninsula Engineering for Prof. services for Fremont, Broadway, and Ortiz Sewer Upgrade Project through June 2022.
- \$363,532.90 to Monterey Peninsula Engineering for Prof. services for Fremont, Broadway, and Ortiz Sewer Upgrade Project through July 2022.
- \$266,194.75 to Monterey Peninsula Engineering for Prof. services for Fremont, Broadway, and Ortiz Sewer Upgrade Project through May 2022.
- \$78,660.00 to Monterey Peninsula Engineering for Prof. services for Del Monte Lid Project through August 2022.
- \$13,866.90 to Most Dependable Fountains, Inc. for The purchase of (2) Bottle Filler Fountains and (2) Pet Fountains for Neighborhood Improvements Project.
- \$44,374.43 to Motorola Solutions, Inc. for the purchase of (48) accessories for APX8000 Portable Radios for the Police Department.

- \$14,625.79 to Municipal Emergency Services, Inc. for the purchase of (4) turnouts for firefighters for the Fire Department.
- \$32,940.93 to Municipal Emergency Services, Inc. for the purchase of (9) turnouts for firefighters for the Fire Department.
- \$80,525.67 to Municipal Maintenance Equipment, Inc. for the purchase of (1) Go-4 Electric 3-Wheeled Utility Vehicle for the Police Department.
- \$70,900.00 to Nick Champi Enterprises, Inc. for the supply and installation of the electronic gate at the tennis courts and solar powered gate on Eucalyptus.
- \$18,841.45 to One Workplace L. Ferrari, LLC for the purchase of furniture and panels for the Engineering Department Trailer Modifications Project through June 2022.
- \$41,693.23 to One Workplace L. Ferrari, LLC for The Engineering Department Trailer Modifications Project through June 2022.
- \$50,570.56 to Pacific Gas & Electric for Collective accts for street lights, highway lighting, park lights and city office buildings for the period ending July 1, 2022.
- \$49,402.74 to Pacific Gas & Electric for Collective accts for street lights, highway lighting, park lights and city office buildings for the period of 6/24/22-7/24/22.
- \$50,129.49 to Pacific Gas & Electric for Collective accts for street lights, highway lighting, park lights and city office buildings for the period of 7/24/22-8/24/22.
- \$12,282.50 to Parisi Transportation Consulting Inc. for the signing and placement markings within school zones throughout the City and on-call services for transportation/traffic for the period of July 2022.
- \$10,492.34 to Parisi Transportation Consulting Inc. for the signing and placement markings within school zones throughout the City for the period of August 2022.
- \$51,326.75 to Raimi & Associates, Inc. for Prof. services to complete the City's 6th Cycle Housing Element for the periods of January - August 2022.
- \$82,225.35 to Randazzo Enterprises, Inc. for Prof. services for Fort Ord Demolition Phase IA through July 15, 2022.
- \$362,807.85 to Randazzo Enterprises, Inc. for Prof. services for Fort Ord Demolition Phase IA through August 18, 2022.
- \$10,293.61 to Ross Recreation Equipment, Inc. for the purchase of (2) benches and (2) picnic tables to be placed at Pachetti Dog Park and Mescal Neil Park.
- \$13,180.81 to Ross Recreation Equipment, Inc. for the purchase of (1) picnic table, (6) benches to be placed throughout the City.
- \$47,649.07 to Salinas Pump Company for the supplies and labor for the Emergency Pump Replacement at Juarez Street.
- \$12,750.00 to Zarcos Tree Service for Trimming and thinning of (90) small trees on Broadway Ave.
- \$26,165.59 to Silver & Wright, LLP for Professional legal services for the period of August 2022.
- \$16,989.27 to Silver & Wright, LLP for Professional legal services for the period of September 2022.
- \$10,528.97 to SPCA Monterey County for Animal services for the month of August 2022.

- \$37,203.37 to Street Decor, Inc. for Holiday Decorations and Banners.
- \$14,984.09 to Sturdy Oil Company for 1,508 gallons of regular ethanol and 1,201 gallons of clear diesel delivered on 7/27/22 and 5W20/5W30 bulk oil delivered on 8/9/22.
- \$11,455.66 to Sturdy Oil Company for 1,700 gallons of regular ethanol and 683 gallons of clear diesel delivered on 8/27/22.
- \$11,789.18 to Sturdy Oil Company for 1,600 gallons of regular ethanol and 703 gallons of clear diesel delivered on 9/13/22.
- \$14,995.40 to Sturdy Oil Company for 2,009 gallons of regular ethanol and 700 gallons of clear diesel delivered on 9/27/22.
- \$25,000.00 to Sun Street Centers for Community Social Services grant reimbursement request for the period 7/1/2022 - 9/30/2022 & 10/1/2022-12/31/2022.
- \$31,295.00 to The Village Project, Inc. for Community Social Services grant reimbursement request for the period of 10/1/2022-12/31/2022.
- \$13,500.00 to TNT Painting & Decorating Inc. for Painting services for the exterior of City Hall.
- \$284,531.02 to U.S. Bank St. Paul for Semi-annual debt service payment for Cutino Park and Measure X Road Improvements.
- \$15,963.92 to Wallace Group for Prof. services during June 2022 for the Fire Station Upgrade project, Highland Otis Park project management, American Legion plan check, and American Tire Development Review.
- \$48,674.71 to Wallace Group for Prof. services during July 2022 for the Fire Station Upgrade project, Del Monte Lid Project, Ellis Park improvement, Groundwater Recharge Feasibility Study, On-call consulting services for Water Strategy, Fremont/Broadway/Ortiz Sewer Upgrade, and Campus Town Water Augmentation Study.
- \$31,529.55 to Wallace Group for Prof. services during August 2022 for the Fire Station Upgrade project, Del Monte Lid Project, Ellis Park improvement, and Campus Town Water Augmentation Study.
- \$10,754.00 to Westcliffe Engineers, Inc. for Professional services for the jurisdiction of the ESCA LTO Implementation and Military Munitions Maintenance for FY2022-23.
- \$25,000.00 to Xio, Inc. for SCADA replacement for Seaside Municipal Water System.

The Net Payroll and Payroll benefits total was \$5,368,940.15.

The remaining checks, totaling \$2,839,992.76, include payments to vendors for operating expenditures.

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

<https://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

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

FROM: Jaime M. Fontes, City Manager

BY: Jessica Riley, Assistant Finance Director

DATE: November 17, 2022

SUBJECT: APPROVE AND FILE SUCCESSOR AGENCY CHECKS

RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of July 30, 2022 through October 21, 2022 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending August 11, 2022, August 25, 2022, September 8, 2022, September 22, 2022, October 6, 2022, and October 20, 2022. Total Accounts Payable and Payroll for the above referenced period is \$27.46.

BACKGROUND

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

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

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

- No checks exceeded \$10,000.

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

<https://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None



CITY OF SEASIDE STAFF REPORT

Item No.: 8.C.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Victor Damiani, Finance Director

DATE: November 17, 2022

**SUBJECT: ADOPT A RESOLUTION APPROVING THE CALENDER YEAR 2023
INVESTMENT POLICY FOR THE CITY OF SEASIDE AND THE
CITY OF SEASIDE SUCCESSOR AGENCY**

RECOMMENDATION

Review and adopt a resolution approving the City of Seaside and the Successor Agency calendar year 2023 Investment Policy.

BACKGROUND

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

FISCAL IMPACT

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

ATTACHMENTS

1. Investment Policy CY2023
 2. Resolution
-

Reviewed for Submission to the City Council by:

A handwritten signature in blue ink that reads "Jaime M. Fontes".

Jaime M. Fontes, City Manager

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

INVESTMENT POLICY

Adopted November 17, 2022

I. Introduction

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

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

II. Scope

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

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

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

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

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III. Prudence (Standard of Care)

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

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

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

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

IV. Objectives

A. Investment Criteria:

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

Simply stated, safety of principal is the foremost objective, followed by liquidity and

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

INVESTMENT POLICY

return on investment (known as yield). Each investment transaction shall seek to first ensure the capital losses are avoided, whether they are from market erosion or security defaults.

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

1. **Safety** - Safety of principal is the foremost objective of the investment program. The City's investments shall be undertaken in a manner that seeks to ensure preservation of capital in the portfolio. The City shall seek to preserve principal by mitigating the two types of risk, credit risk and market risk. Investment decisions should not incur unreasonable credit or market risks in order to obtain current investment income.
 - a. Credit Risk: Defined as the risk of loss due to failure by the issuer of a security.
 - b. Market Risk: Defined as the risk of market value fluctuations due to overall changes in the general level of interest rates.
2. **Liquidity** - The City's investment portfolio will remain sufficiently liquid to enable the City to meet its cash flow requirements. An adequate portion of the portfolio should be maintained in liquid short term securities which can be converted to cash and guarantee the City's ability to meet operating expenditures.
3. **Return on Investment (Yield)** - The City's investment portfolio shall be designed with the objective of attaining a market rate of return on its' investments consistent with the constraints imposed by its safety objective and cash flow considerations. Yield is to be a consideration only after the basic requirements of adequate safety and liquidity have been met.

B. Market Rate of Return

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

C. Performance Standards

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

INVESTMENT POLICY

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

D. Diversification

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

E. Public Trust

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

V. Delegation of Authority

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

VI. Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or

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

INVESTMENT POLICY

that could impair their ability to make impartial decisions.

VII. Selection of Financial Institutions and Broker/Dealers

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

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

VIII. Permitted Investment Instruments

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

Investments may be made in the following instruments:

1. Government obligations pledged by the full faith and credit of the United States for the payment of principal and interest.
2. Obligations issued by Agencies or Instrumentalities of the U.S. Government.

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INVESTMENT POLICY

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

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

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

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

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

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

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

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

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

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

7. FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California, including United States branches of foreign banks licensed to do business in California. The maximum maturity of a time deposit shall not exceed 180 days. All time deposits must be collateralized in accordance with California Government Code section 53651 and 53652, either using:
 - a) 150% of promissory notes secured by first mortgages and first trust deeds upon improved residential property in California eligible under Section 53601 (m), or
 - b) 110% of eligible marketable securities listed in subsections (a) through (l) and (n).
8. Negotiable certificates of deposit or deposit notes issued by a nationally or state chartered bank or a state or federal savings and loan association or by a state licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated "AA" or better by Moody's or Standard & Poor's.

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

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

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

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

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

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

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

IX. Safekeeping of Securities

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

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

X. Maximum Maturity

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

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

XI. Ineligible Investments

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

- (a) "Complex" derivative structures such as range notes, dual index notes, inverse floaters, leveraged or deleveraged floating rate notes, or any other complex variable rate or structured note.
- (b) Interest only strips that are derived from a pool of mortgages or any security that could result in zero interest accrual if held to maturity.
- (c) Reverse Repurchase Agreements.

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

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

XII. Reporting Requirements

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

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

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

INVESTMENT POLICY

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

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

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

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

XIII. Policy Adopting Changes and Updates

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

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

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

INVESTMENT POLICY

XIV. Internal Controls

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

XV. Depositories

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

XVI. Risk Tolerance

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

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

INVESTMENT POLICY

GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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purchase of long term securities for the sole purpose of short-term speculation mitigates marker risk.

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

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

Portfolio - Collection of securities held by an investor.

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

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

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

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

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

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

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

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

INVESTMENT POLICY

**Permitted Investments
Table A**

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

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

INVESTMENT POLICY

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

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

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

RESOLUTION NO. 22-XX

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

ADOPTING THE CALENDAR YEAR 2023 INVESTMENT POLICY

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

WHEREAS, no changes have been made to the City of Seaside and the Successor Agency to the Seaside Redevelopment Agency calendar year 2023 Investment Policy from the prior fiscal year policy ; and

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

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside and the Board of the Successor Agency of the Redevelopment Agency of the City of Seaside adopt the City of Seaside and the Seaside Successor Agency of the Redevelopment Agency calendar year 2023 Investment Policy.

PASSED AND ADOPTED at a regular meeting of the City of Seaside and the Successor Agency of the Redevelopment Agency of the City of Seaside duly held on the 17th day of November, 2022 by the following vote:

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

Ian N. Oglesby, Mayor and Chairperson

ATTEST:

Dominique L. Davis, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Samantha Alcaraz, Human Resources Analyst

DATE: November 17, 2022

**SUBJECT: ADOPT A RESOLUTION AMENDING THE CITY ATTORNEYS
CONTRACT TO REFLECT AN ANNUAL SALARY OF \$228,096.00
AND ADDING A COST OF LIVING ALLOWANCE PROVISION AND
APPROVE FISCAL YEAR 2022-2023 BUDGET AMENDMENT**

RECOMMENDATION

Adopt a resolution authorizing an increase in the City Attorney's salary and providing for a cost of living adjustment.

BACKGROUND

City Attorney Sheri Damon's employment contract was approved on September 19, 2019, and appointed as City Attorney on January 1, 2020. The contract was amended in 2021 by Resolution 21-124 to increase the salary to \$211,200.00 and to provide other benefits as received by the Executive Management team, including longevity pay. The Employment Agreement provides that the City may adjust the City Attorney's salary and benefits at a regularly held meeting.

The City Attorney currently makes \$211,200.00 per year. This amendment will be an eight percent (8%) salary adjustment for the City Attorney to \$228,096.00 per year. In addition, the contract will add a cost of living adjustment (COLA) to the same amount as the Executive Manager group, to be received when the City Manager is entitled to receive the COLA adjustments. The increase in salary and amendment of the contract shall be effective December 1, 2022. Otherwise, the contract previously amended in 2021 will remain the same. The budget amendment request is for \$10,822.36 to cover the seven months left in the fiscal year.

FISCAL IMPACT

This item will require a budget adjustment of \$10,822.36.

ATTACHMENTS

1. Resolution
 2. Resolution 21-124: City Attorney Contract Amendment
 3. Employment Agreement
-

Reviewed for Submission to the City Council by:

A handwritten signature in blue ink, reading "Jaime M. Fontes", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jaime M. Fontes, City Manager

RESOLUTION NO. 22-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE
MODIFYING THE CITY ATTORNEY'S EMPLOYMENT CONTRACT AND
AMENDING THE 2022-2023 BUDGET**

RECITALS

- A. On or about September 19, 2019, the City of Seaside ("CITY") and Sheri L. Damon ("EMPLOYEE") entered in an Employment Agreement.
- B. On or about December 2, 2021, Resolution No. 21-124 amended the Employment Contract to reflect a salary adjustment to \$211,200.00 and to provide other management benefits.
- C. Section 1 C. of the Employment Agreement allows for modification of the agreement by written mutual agreement by CITY and EMPLOYEE.
- D. CITY and EMPLOYEE wish to modify the Employment Agreement, attached as Exhibit A, dated September 19, 2019 as amended by Resolution 21-124 as set forth below.

NOW, THEREFORE, BE IT RESOLVED that effective December 1, 2022 the City Council of the City of Seaside:

- A. Hereby modifies the City Attorney's Employment Agreement as follows:
 - 1. SECTION 3A.1. The provisions referring to monthly wage and annual salary shall be modified to reflect an annual salary of Two Hundred twenty-eight thousand and ninety-six dollars (\$228,096.00) beginning December 1, 2022. The City Attorney's compensation may be increased automatically at the

percentage granted to other management employees at the same time as such adjustment is provided to the City Manager. In accordance with Government Code section 3511.2, in no event shall any automatic adjustment exceed the cost of living.

B. Further directs the Finance Director to amend the 2022-2023 Budget to reflect the updated costs.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of November, 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

RESOLUTION NO. 21-124

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE
MODIFYING CITY ATTORNEY SHERI DAMON'S EMPLOYMENT CONTRACT AND
AMENDING THE 2021-2022 BUDGET**

RECITALS

- A. On or about September 19, 2019, the City of Seaside ("CITY") and Sheri L. Damon ("EMPLOYEE") entered in an Employment Agreement.
- B. Section 1 C. of the Employment Agreement allows for modification of the agreement by written mutual agreement by CITY and EMPLOYEE.
- C. CITY and EMPLOYEE wish to modify the Employment Agreement, attached as Exhibit A, dated September 19, 2019 as set forth below.

NOW, THEREFORE, BE IT RESOLVED that effective December 2, 2021, the City Council of the City of Seaside:

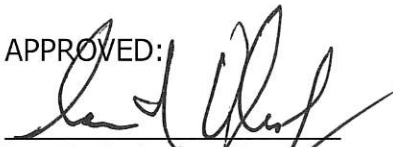
- A. Hereby modifies the City Attorney's Employment Agreement as follows:
 - 1. SECTION 3A.1. The provisions referring to monthly wage and annual salary shall be modified to reflect an annual salary of Two Hundred Eleven thousand and two hundred dollars (\$211,200).
 - 2. SECTION 3C.1. The City shall provide all the same type and extent of pay adjustments and benefits provided to CITY'S other Executive Management employees, including but not limited to health insurance, hospitalization, life and disability insurance, and longevity pay, as such pay adjustments and benefits may be amended from time to time.
- B. Further directs the Finance Director to amend the 2021-2022 Budget to reflect the updated costs.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 2nd day of December, 2021, by the following vote:

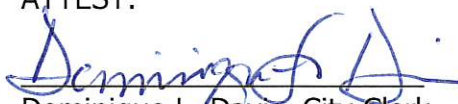
AYES: 5 COUNCIL MEMBERS: Campbell, Garcia-Arrazola, Oglesby, Pacheco, Wizard
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None
ABSTAIN: 0 COUNCIL MEMBERS: None:



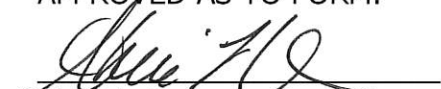
APPROVED:


Ian N. Oglesby, Mayor

ATTEST:


Dominique L. Davis, City Clerk

APPROVED AS TO FORM:


Sheri L. Damon, City Attorney

**CITY OF SEASIDE CITY ATTORNEY
EMPLOYMENT AGREEMENT**

THIS AGREEMENT is made and entered into this 19th day of September, 2019, between SHERI DAMON (hereinafter "DAMON") and the City of Seaside, a municipal corporation of the State of California, and other related entities of the City of Seaside (hereinafter "CITY"), collectively hereinafter referred to as "PARTIES", and is based on the following facts:

- A. CITY requires the services of a City Attorney to assist the CITY on a full-time basis to provide legal advice and consultation on all matters relating to the normal day-to-day business of CITY to the City Council, City Manager, agencies, boards, commissions, committees, and officers of CITY and as requested by the City Council or the City Manager.
- B. DAMON is willing and qualified to provide such services due to her experience, training, and education.

NOW THEREFORE, it is hereby mutually agreed by and between the PARTIES as follows:

SECTION 1. TERM, UNDERSTANDING, AMENDMENT

- A. The term of this Agreement shall commence upon the signature of both PARTIES and continue unless terminated pursuant to SECTION FOUR of this Agreement. DAMON agrees to begin work as City Attorney on December 28, 2019.
- B. The PARTIES recognize and affirm that:
 - 1. DAMON is an "at-will" employee whose employment may be terminated by the City Council without cause; and
 - 2. There is no express or implied promise made to DAMON for any form of continued employment. This Agreement is the sole and exclusive basis for an employment relationship between DAMON and CITY.
- C. The PARTIES may, upon mutual consent and agreement, amend the terms of this Agreement. No amendment shall be in effect unless it has been reduced to writing and approved by DAMON and the City Council.
- D. DAMON will be evaluated by the City Council after her first six (6) months from the effective date of this contract and after that at least annually. The City Council and DAMON will agree upon a set of goals and objectives to be obtained for each review period and as part of each performance evaluation DAMON shall submit a written statement of accomplishments for the preceding period, and planned work objectives for the forthcoming period, to the City Council prior to the performance evaluation meeting.

SECTION 2: DUTIES

- A. CITY agrees to employ DAMON as City Attorney of the CITY to perform the functions and duties specified in the ordinances and resolutions of CITY and to perform other legally permissible and proper duties and functions as the City Council may from time to time assign.
- B. DAMON may, with consent of the City Council, directly contract for administrative assistance for the City Attorney's office in an amount not to exceed \$50,000.
- C. DAMON is authorized to monitor and direct all outside legal counsel and in matters where either the CITY or DAMON feel effective representation requires special legal counsel, DAMON has the authorization to select, engage and monitor special legal counsel in consultation and at the direction of the City Council.
- D. DAMON shall perform all duties in accordance with the highest professional and ethical standards of the profession and shall comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and orders established by CITY.
- E. DAMON shall not engage in any activity which is, or may become, a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law. Prior to performing any services under this agreement and annually thereafter, DAMON must complete disclosure forms required by law.
- F. DAMON shall not, without the City Council's prior written consent, render to others services of any kind for compensation or engage in any other activity that would materially interfere with her performance of her duties under this Agreement. By execution of this contract, the City Council explicitly consents that DAMON may provide legal services to others that do not conflict, or appear to conflict, with her legal or ethical duties to the CITY. DAMON may continue her employment relationships with In Shape Health Clubs and 24 Hour Fitness to teach group fitness classes.
- G. DAMON agrees to diligently carry out the work to be done under this Agreement and understands that in the performance of this Agreement, DAMON'S availability and responsiveness are critical.
- H. DAMON represents that she has the professional skills necessary to perform, and that she will perform, the services in a skillful and professional manner.

SECTION 3: COMPENSATION FOR SERVICES PERFORMED

In return for performing the duties and responsibilities outlined in this Agreement, CITY agrees to compensate DAMON as provided herein:

A. SALARY:

1. CITY shall pay a monthly wage of \$16,000 per month gross pay. The sum shall be \$192,000 annual salary. This position is exempt under the Fair Labor and Standards Act

(FLSA) and therefore DAMON will not be paid overtime compensation for any hours worked in excess of forty (40) hours per week. Payments for performance of services rendered will occur on a bi-weekly basis at the same time as regular employees of the City. Taxes and other legally required deductions will be deducted from DAMON'S compensation under this agreement.

2. It is recognized that DAMON must devote a great deal of time outside normal business hours to the business of CITY, and to that end DAMON will be allowed to take reasonable compensatory time off as she shall deem appropriate during normal business hours. However, it is the intent of the City Council that DAMON customarily maintains normal CITY business hours. DAMON may undertake limited consulting, teaching, writing or other such opportunities outside normal business hours, so long as the opportunities in no way conflict with her employment as City Attorney and are preceded by written notice to the City Council.

B. SALARY ADJUSTMENT:

CITY may adjust DAMON'S salary at a regularly scheduled meeting of the City Council.

C. SUPPLEMENTAL BENEFITS:

1. CITY shall provide the same type and extent of health, hospitalization, surgical, vision, dental and comprehensive medical insurance benefits for DAMON and her dependents as provide to CITY'S other Executive Management employees as such benefits may be amended from time to time.

2. CITY shall make a matching contribution to DAMON's deferred compensation plan in the amount of \$166.67 per month (\$2,000 annually).

3. DAMON will accrue sick leave and vacation time on a bi-weekly basis at the same rate as the CITY'S Executive Management employees.

4. DAMON shall receive forty (40) hours of management leave annually to be paid to DAMON at her option.

5. DAMON will receive forty (40) hours of administrative leave annually. Administrative leave has no cash value and must be used within the calendar year earned or it is lost.

6. Upon resignation or termination of DAMON will be compensated for any accrued vacation time and management leave on the books on the date of termination or resignation.

7. CITY shall provide DAMON long-term disability coverage. DAMON shall pay any employee contribution at the same level as other management employees.

8. CITY shall provide DAMON with term life insurance in the amount of two (2) times DAMON'S annual salary including all increases in DAMON'S base salary. DAMON shall pay any employee contribution at the same level as other management employees.
9. CITY shall enroll DAMON in the "2% at 55" CalPERS retirement system plan and shall make the employer contributions. DAMON shall pay any employee contribution at the same level as other management employees.
10. CITY agrees to pay for reasonable city-related business expenses incurred by DAMON in accordance with CITY policy.
11. CITY agrees to furnish DAMON with a computer, smartphone, and software for her use in performance of her job-related activities.
12. CITY shall pay or reimburse such professional licenses, dues, subscriptions and memberships to such organizations or agencies as DAMON shall determine necessary to maintain professional relationships in appropriate national, regional, state and local associations as deemed desirable for continued professional growth, advancement and benefit to CITY.
13. CITY shall encourage attendance at the League of California Cities City Attorney conferences and participation in other City Attorney organizations and shall pay or reimburse DAMON for continuing legal education.
15. With these exceptions all other actions taken by CITY relating to benefits for executive management employees shall be considered actions granting the same benefits to DAMON. As used herein benefits include, but are not limited to, paid holidays, retirement benefits and payments, health insurance, vision insurance, dental insurance and life insurance.

SECTION 4: RESIGNATION, TERMINATION AND SEVERANCE

- A. DAMON may resign at any time upon providing CITY with at least thirty (30) days advance written notice of the effective date of her resignation. Upon receipt of such notice from DAMON, CITY may determine in its sole discretion that DAMON'S service shall be continued for an additional thirty (30) days to adequately transition any ongoing work to CITY'S new permanent or interim City Attorney. DAMON shall during such continuation period perform sufficient work pursuant to the terms and conditions of this Agreement in order to provide for an orderly transition. In the event DAMON terminates this Agreement prior to one year, DAMON shall only be entitled to compensation for the services performed up to the date of such termination, it being understood that any payments are full compensation for the services rendered under this Agreement.
- B. The City Council may at any time terminate DAMON upon thirty (30) days advance written notice.
- C. In the event DAMON is terminated by the CITY during such time DAMON is willing and able to perform the duties of City Attorney, then in that event, CITY agrees to pay DAMON

at the time of receipt of her last paycheck a lump sum cash payment equal to four (4) months of aggregate salary beginning on January 1, 2020, to increase by one (1) month annually to a maximum of six (6) months. Following termination, the City will continue to provide and pay for the benefits set forth in Section 3, Paragraph 1, for the same number of months as the term of the severance pay. However, in the event Employee is terminated because of his/her malfeasance in office, gross misconduct, conviction for a felony, or conviction for an illegal act involving personal gain to Employee, then Employer shall have no obligation to pay the termination benefits.

- D. In the event DAMON is terminated for cause, or terminated without cause during her first six months from the effective date of this contract, the City shall have no obligation to pay the severance as set forth in paragraph C above.
- E. Any deliberations and decision by CITY regarding the termination of DAMON'S services shall be made in closed session in accordance with the Ralph M. Brown Act. Except where DAMON is charged with or alleged to have committed criminal misconduct or acts involving moral turpitude, if CITY has decided to terminate DAMON'S services CITY shall provide DAMON the opportunity to resign in lieu of being terminated, and the parties shall cooperate regarding public announcements regarding DAMON'S separation from CITY.
- F. If a breach of contract is declared by either CITY or DAMON written notice of the breach shall be delivered to the parties as set forth in SECTION 11 of this Agreement, and there shall be a thirty (30) day "cure period" from the date of delivery of said notice for CITY or DAMON to remedy the breach.

SECTION 5: OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The City Council, by Resolution, shall fix any other terms and conditions of employment as it may determine from time to time relating to the performance of DAMON provided such terms and conditions are not inconsistent with provisions of this Agreement or law.

SECTION 6: INSURANCE

DAMON shall maintain minimum automobile insurance coverage of: (a) ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) per person, THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) per any one occurrence; and (b) property damage coverage in an amount not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) per occurrence.

SECTION 7: CONFLICT OF INTEREST

DAMON, by executing this Agreement, certifies that at the time DAMON signs this Agreement, and for the duration of same, DAMON does not and will not perform services for any other client which would create a conflict, or the appearance of a conflict, whether monetary or otherwise, as between the interests of CITY hereunder, and the interests of such other client.

SECTION 9: ASSIGNMENT

The City Council is entering into this Agreement in consideration of the personal rendition of the services of DAMON, and DAMON shall not assign any of the duties, responsibilities, or obligations of this Agreement except with the express written consent of the City Council.

SECTION 10: MISCELLANEOUS PROVISIONS

- A. WAIVER: The acceptance of any services or the payment of any money by CITY shall not operate as a waiver of any provision hereof, or of any right to damages or indemnity stated herein. The waiver of any breach of this Agreement shall not constitute a waiver of any other or subsequent breach of this Agreement.
- B. MODIFICATION: No waiver or modification of this Agreement is valid unless made in writing and signed by all parties.
- C. SEVERABILITY: In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable the remaining provisions shall not be affected.
- D. ENTIRE AGREEMENT: This Agreement sets forth the entire understanding between the parties.
- E. HEADINGS: Paragraph headings are used for reference purposes only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any of its provisions.
- F. ATTORNEYS FEES AND VENUE: Should any party to this Agreement bring legal action against the other, (formal judicial proceeding, mediation or arbitration), the case shall be handled in Monterey County, California, and the party prevailing in such action shall be entitled to a reasonable attorney's fee which shall be fixed by the judge, mediator or arbitrator hearing the case and such fee shall be included in the judgment, together with all costs.
- G. CHOICE OF LAW: This Agreement is governed by and to be construed in accordance with the laws of the State of California.
- H. CONFIDENTIALITY: DAMON agrees to maintain in confidence and not disclose to any person, firm, governmental entity, or corporation, without CITY'S prior written consent, any trade secret or confidential information. The covenants contained in this section shall survive the termination of this Agreement for whatever cause.
- I. ARMS LENGTH NEGOTIATIONS: This Agreement has been negotiated at arm's length and between persons sophisticated and knowledgeable in the matters dealt with in this Agreement. Accordingly, any rule of law (including California Civil Code § 1654) or legal decision that would require interpretation of the ambiguities in this Agreement against the party that has drafted it is not applicable and is hereby waived. The provisions of this Agreement shall be interpreted in a reasonable manner to affect the purposes of the parties in this Agreement.

- J. INDEMNIFICATION & DUTY TO DEFEND: Except as otherwise permitted, provided, limited or required by law, including without limitation California Government Code Sections 825, 995, and 995.2 through 995.8, the City will defend and pay any costs and judgments assessed against DAMON arising out of an act or omission by DAMON occurring in the course and scope of DAMON'S performance of her duties under this Agreement, except for civil, criminal or administrative actions solely and recklessly initiated by DAMON. However, in the event CITY provides funds for legal criminal defense pursuant to this section and terms of the Government Code, DAMON shall reimburse the CITY for such legal criminal defense funds if DAMON is convicted of a crime involving an abuse of office or position, as provided by Government Code Sections 53243 - 53243.4.

SECTION 11: NOTICES

Any notice given under this Agreement shall be in writing and considered given when personally delivered or deposited in the mail (certified or registered) addressed to the parties as follow:

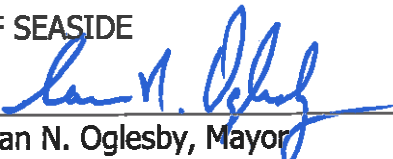
Mayor
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

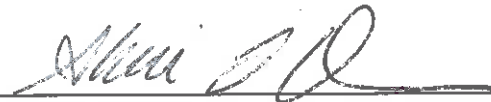
SHERI DAMON
618 Swanton Road
Davenport, California 95017

With an email copy provided to sldamon@icloud.com

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first hereinabove written.

CITY OF SEASIDE

By: 
Ian N. Oglesby, Mayor


SHERI DAMON

ATTEST:


Lesley Milton-Rerig
Assistant City Manager/City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Patrick Grogan, Associate Engineer
Nisha Patel, Public Works Director/City Engineer

DATE: November 17, 2022

**SUBJECT: ADOPT A RESOLUTION EXTENDING 0.101 ACRE FEET WATER
ALLOCATION PER YEAR FOR THE NEW CITY HALL STAFF
TRAILER PROJECT TO BE LOCATED AT 440 HARCOURT
AVENUE**

RECOMMENDATION

Adopt a resolution extending 0.101 AF water allocation per year for the New City Hall Staff Trailer project to be located at 440 Harcourt Avenue.

BACKGROUND

The New City Hall Staff Trailer project (attachment 1) will provide needed office space for the relocation of ten City of Seaside employees, who are currently located in City Hall. A new modular office building with ADA compliant decking will be installed behind the Public Works Engineering and Police Department modular offices in the Stephen E. Ross Memorial Park, adjacent to City Hall, at 440 Harcourt Avenue. The new 24 foot by 60 foot modular will provide approximately 1,440 square feet of office space. The new office space does not have a restroom or plumbing fixtures. Staff would use the existing facilities in City Hall.

On June 16, 2022, the City Council approved a resolution approving the manufacture and installation of one modular office building, to be installed adjacent to City Hall and the existing modular office buildings. The Monterey Peninsula Water Management District (MPWMD) requires water allocation for all commercial buildings based upon commercial use, whether plumbing fixtures are present or not. Office buildings fall under "Group 1" use and require water allocation based upon the square footage of the building. Group 1 requires a use of 0.00007 acre-feet per square foot of building space.

The Public Credit account is the most appropriate account to draw credits from for the New City Hall Staff Trailer project, as it is "reserved for City facility use intensification that should not be accounted for in the allocation distribution categories" (Resolution No. 20-101). The current balance of the Public Credit account is 1.144 acre-feet. Staff recommends allocating 0.101 acre-feet to the project.

WATER IMPACT

Based on the calculation for Group 1 use, a total of 0.101 acre-feet of water is being requested from the City of Seaside's water allocation:

Additional Use: Office (Group 1) $0.00007 \times 1,440 \text{ SF} = 0.101 \text{ AF}$

This balance would be allocated from the Public Credit account to the project.

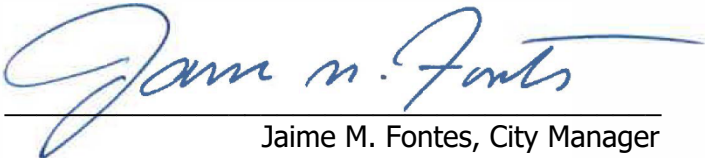
FISCAL IMPACT

Water credits in the Public Credit account are exempt from the capacity fee charged by Monterey Peninsula Water Management District (MPWMD). Only an application fee of \$450.00 is required to be paid to MPWMD. This amount will be paid out of the City Hall Staff Trailer account (344-8910-9562).

ATTACHMENTS

1. 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

EXTENDING 0.101 ACRE FEET ALLOCATION OF WATER PER YEAR FOR THE NEW CITY HALL STAFF TRAILER

WHEREAS, the City of Seaside is in need of additional office space to accommodate employees currently located in City Hall;

WHEREAS, on June 16, 2022, the City adopted Resolution 22-71 approving the plans and specifications for the New City Hall Staff Trailer Project, and awarding a construction agreement to Global Modular, Inc.; and

WHEREAS, per Seaside Municipal Code section 13.24.022, city council has the discretion to allocate and reallocate water as deemed necessary for the public health, safety and welfare of the community and to enhance the fiscal stability of the city; and

WHEREAS, the City of Seaside has an available allocation total of 1.144 acre feet in the Public Credit account as of October 20, 2022; and

WHEREAS, the New City Hall Staff Trailer requires 0.101 acre feet of water based upon the square footage of the trailer; and

WHEREAS, the Public Credit account is not subjected to the Monterey Peninsula Water Management District capacity fee; and

WHEREAS, MPWMD currently has sufficient water supply to meet the projected water demands associated with the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City of Seaside hereby extends an allocation of 0.101 acre feet per year from the Public Credit account to the New City Hall Staff Trailer project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of November, 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



CITY OF SEASIDE STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 17, 2022

SUBJECT: APPROVE A FEE WAIVER FROM HINDU TEMPLE OF MONTEREY PENINSULA FOR THE USE OF THE LAGUNA GRANDE PARK FOR A HOLI CELEBRATION ON MARCH 11, 2023.

RECOMMENDATION

Approve the fee waiver request from the Hindu Temple of Monterey Peninsula for the rental of Laguna Grande Park to hold a Holi Celebration in the amount of \$121.00, the organization will pay the non-refundable portion of the deposit in the amount of \$49.50.

BACKGROUND

The Hindu Temple of Monterey Peninsula is a non-profit organization. The Hindu Temple is requesting a fee waiver to help cover the costs associated with their Holi Celebration on Saturday, March 11, 2023, from 10:00 a.m. to 4:00 p.m. at Laguna Grande Park. Staff recommends that the fees be waived for the cost of the park rental and that the organization pay the non-refundable portion of the deposit of \$49.50 for the park maintenance fund.

FISCAL IMPACT

The approximate fees which are applicable to this request are:

Laguna Grande Park Rental	\$121.00
<u>Deposit Non Refundable Portion</u>	<u>\$ 49.50</u>
TOTAL	\$170.50

Should the City Council approve the request with the staff recommendation to waive all

rental fees and require payment for the non-refundable deposit only, the fiscal impact is \$121.00.

ATTACHMENTS

1. Hindu Temple of Monterey Peninsula Fee Waiver - Holi Celebration 2023
 2. Hindu Temple of Monterey Peninsula - 501(C)(3)
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager



SEASIDE CALIFORNIA

Fee Waiver Request Form

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

CONTACT INFORMATION:

Organization: Hindu Temple of Monterey Peninsula
Name of Applicant: Kushma Maharaj
Address: P.O. Box 620 City: Seaside State: CA
Phone: 831-241-1475 Email: KushmaMaharaj@yahoo.com

EVENT INFORMATION:

Event Title: Holi Celebration
Event Description: Holi is a celebrated-with Colours-festival
Event Date: 3/11/2023 Room(s) Requested: Leguna Park-Friends
Time (including set-up): 10 am - 4 pm Approximate Number of Guests: 100

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: Open to the Public, Adults and Children, Playing together with multi Colored Water

Have you received a Fee Waiver in the past? ☒ Yes, the event was on 3/19/2022 ☐ No

What is your organization's tax identification number? 26-0588590-C 3007083

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

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: Kushma Maharaj

Date: 10/21/2022

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: _____

Date: _____

Notes: _____



**SEASIDE
CALIFORNIA**

Fee Waiver Request Form

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

POLICY REGARDING ROOM RENTAL FEES AND WAIVERS

Fees may be waived for activities that benefit the majority of Seaside residents. Any new organizations requesting fee waivers are required to submit a letter of intent and complete the Fee Waiver Request form to the Recreation Services Department. The application will be submitted to the City Manager or his designee for review and approval. In the event that the fee waiver request is denied by the City Manager, the request can be appealed to the City Council. Applicants must demonstrate that the following criteria are satisfied:

1. At least 60% of the organization's membership must consist of Seaside residents. The organization must provide documentation verifying membership residency.
2. The organization must be a 501(C)3 non-profit or public benefit organization and provide taxpayer identification number.
3. The organization must provide an in-kind service/donation to benefit and augment the City of Seaside. A written statement must be submitted with the application outlining specific donations and/or services provided by the organization to the City of Seaside.

FEE WAIVERS FOR MEETING ROOMS

1. Meetings are limited to four hours.
2. All organizations receiving fee waivers must give seven days notice of cancellation. If no notice is given of cancellation, the City reserves the right to deny further fee waiver requests.
3. Due to limited space, organizations may not request fee waivers for any more than one meeting room use per year; fee waivers are not intended to provide for ongoing weekly or monthly meeting use.
4. No faith based organizations may apply for fee waivers due to the separation of church and state.

AUDITORIUM RENTAL FEE WAIVER

Organizations requesting the use of the Auditorium must:

1. Pay the non-refundable portion of the deposit per event.
2. An organization requesting use of the auditorium for a special event or meeting may receive no more than one fee waiver request within a 90-day period.
3. Provide special event liability insurance. The following is required:
 - a. Provide an "Occurrence Made" liability insurance policy, naming the city as additionally insured, with limits of \$1 million per occurrence and \$2 million aggregate. A copy of that policy must be provided to the Recreation Services Department.

OR

 - b. Purchase Special Event Liability insurance through the Recreation Services Department at the time of fee waiver request. This insurance covers not only the city, but also those renting the facility.
4. Fundraising activities of any nature do not qualify for fee waivers.
5. Special events may be required to provide security at renter's expense. A photocopy of the contract must be on file with the Recreation Services Department. The number of security guards required is determined by the nature of the event and the numbers in attendance.

***A City-sanctioned organization is defined as "any community based group or organization that in cooperation with the Recreation Services Department, provides an entertainment, recreation and/educational service benefiting the citizens of Seaside."**

****All deposits are placed in the maintenance and janitorial fund designated for the upkeep and repair of the Oldemeyer Center.**



SEASIDE CALIFORNIA

Parks and Picnics Facility Use Request Form

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

CONTACT INFORMATION:

Name of Applicant: Hindu Temple of Monterey Peninsula
Address: P.O. Box 620 City: Seaside - CA Zip: 93955
Phone: 831-241-1475 Email: RushmaMaharaj@yahoo.com

☒ Resident ☐ Non-Resident Organization: _____

FACILITY RESERVATION: "Eucalyptus"
Intended Use/Activity: Laguna Grande Park - Holi celebration
Reservation Date(s): 3/11/2023 Times: (Available 8 AM-Dusk) 10 - 4 pm

Location Requested: (All fees per current adopted fee schedule)

~~Seaside~~

- ☐ BBQ Area 1 ☒ ~~BBQ Area 2~~ ☐ BBQ Area 3
☐ Large BBQ Area ☐ Entire BBQ Areas

Laguna Grande Park

- ☐ Lakeside BBQ Area 1 ☐ Lakeside BBQ Area 2 ☒ Entire Lakeside BBQ Areas
☒ Eucalyptus BBQ Area ☐ Hillside BBQ Area 1 ☐ Hillside BBQ Area 2
☐ Hillside BBQ Area 3 ☐ Hillside BBQ Area 4 ☐ Hillside BBQ Area 5
☐ Hillside BBQ Area 6

Other

- ☐ Metz BBQ Area ☐ Ellis Park BBQ Area ☐ Robert's Lake
☐ City Hall Lawn

Do you intend to play music? (No amplified, live music, or bands allowed) ☒ Yes ☐ No
Do you intend to use the BBQ pits? ☐ Yes ☐ No

☐ Bounce House (additional fee)

Estimated Attendance: 100

Permit Fee: \$319.00

(For Office Use Only)

Authorized Agent: _____ Date: _____

Note: - Original to Resource Management/Recreation Department
- Copy to Police Department - Copy to Parks Division



**SEASIDE
CALIFORNIA**

Parks and Picnics Facility Use Request Form

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

I, the undersigned, hereby certify that I will be personally responsible for any damage sustained to the grounds, buildings, furniture, or equipment occurring through the occupancy of said facilities. I will also be responsible for the enforcement of the Department rules and regulations. City Ordinance 9.12020 makes it unlawful for any person to knowingly make, continue or cause to be made or continue any excessive, unnecessary or unusually loud noise. City Ordinance 9.08.060(B)(1) makes it unlawful for any person using a park to consume or have in his/her possession an open container of any alcoholic beverage. **Please be aware that the City does not provide electricity for any park reservation other than a reservation made for a City Function.**

For rentals on Nights/Weekends or Holidays please call 831-394-6811 for police matters. For rental concerns or restroom issues, please call 831-760-2236. If no one responds within 15 minutes, then call 831-860-2336. It is also recommend that you have a copy of your receipt on hand during your rental.

Initials: KW

Food Sales and Prohibited Goods & Materials:

- ❖ All food providers within the city utilizing disposable food service ware shall use certified compostable products, or recyclable non-plastic products. This includes but is not limited to plates, napkins, straws, cups, bottles, lids, utensils, bowls, stirrers, beverage plugs, trays and hinged or lidded containers. Non-plastic single-use products shall be allowed only if they are currently accepted for composting or recycling by the designated waste hauler and the Monterey Regional Waste Management District.
- ❖ Applicant is prohibited: to use any PLASTIC water bottles, use Styrofoam/polystyrene packaging, and provide plastic straws.
- ❖ The use of balloons is prohibited at all City of Seaside parks and facilities.

Initials: KW

IT IS DISTINCTLY UNDERSTOOD AND AGREE, that the applicant assumes all risk for loss, damage, liability, injury, and costs or expenses that may arise during or because of such use or occupancy of the facility of the city of Seaside and its Public Works Department. The applicant further agrees that in consideration of being permitted to use said facilities, he/she will save and hold the City of Seaside and said Public Works Department and/or its employees, free and harmless from any loss claims liability, damage and/or injuries to persons or property that in any way may be caused by applicants use or occupancy of said facilities.

NOTE: All Park Rental Fees Are Non-Refundable

75% of cleaning deposits will be refunded within 14 -21 working days after use of facility.

The remaining 25% of the deposit will be kept in the Janitorial/Maintenance account.

(Rental Area Must Be Clean In Order To Receive a Refund)

Signature of Applicant: [Signature]

Date: 10/21/2022



P.O. Box 2508, Room 4010
Cincinnati OH 45201

029787.722724.317112.12635 1 AB 0.408 536



HINDU TEMPLE OF MONTEREY PENINSULA
% SHALENDRA P HARI
PO BOX 620
SEASIDE CA 93955-0620

029787

CUT OUT AND RETURN THE VOUCHER AT THE BOTTOM OF THIS PAGE IF YOU ARE MAKING A PAYMENT,
EVEN IF YOU ALSO HAVE AN INQUIRY.

The IRS address must appear in the window.
4077956534

BODCD-TE

Use for payments

Letter Number: LTR4168C
Letter Date : 2018-06-26
Tax Period : 000000



260588590

INTERNAL REVENUE SERVICE
P.O. Box 2508, Room 4010
Cincinnati OH 45201

A barcode consisting of vertical bars of varying heights, used for automated mail sorting.

HINDU TEMPLE OF MONTEREY PENINSULA
% SHALENDRA P HARI
PO BOX 620
SEASIDE CA 93955-0620

260588590 XA HARI 00 2 000000 670 000000000000



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077956534
June 26, 2018 LTR 4168C 0
26-0588590 000000 00

00031959

BODC: TE

HINDU TEMPLE OF MONTEREY PENINSULA
% SHALENDRA P HARI
PO BOX 620
SEASIDE CA 93955-0620



029787

Employer ID number: 26-0588590
Form 990 required: Yes

Dear Taxpayer:

We're responding to your request dated May 04, 2018, about your tax-exempt status.

We issued you a determination letter in November 2009, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

We also show you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Sections 509(a)(1) and 170(b)(1)(A)(vi).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If you're required to file a return, you must file one of the following by the 15th day of the 5th month after the end of your annual accounting period:

- Form 990, Return of Organization Exempt From Income Tax
- Form 990EZ, Short Form Return of Organization Exempt From Income Tax
- Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or Form 990-EZ
- Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation

According to IRC Section 6033(j), if you don't file a required annual information return or notice for 3 consecutive years, we'll revoke your tax-exempt status on the due date of the 3rd required return or notice.

You can get IRS forms or publications you need from our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions, call 877-829-5500 between 8 a.m. and 5 p.m.,



Secretary of State
Certificate of Amendment of
Articles of Incorporation
Name Change Only - Nonprofit

AMDT-
NP-NA

A0809819

FILED
SECRETARY OF STATE
STATE OF CALIFORNIA

FEB 22 2018

IMPORTANT — Read Instructions before completing this form.

Filing Fee — \$30.00

Copy Fees — First Page \$1.00 & .50 for each attachment page;
Certification Fee — \$5.00

This Space For Office Use Only

1. Corporation Name (Enter the exact name of the corporation as it is currently recorded with the California Secretary of State)

Haripur Ramayan Bhajan Mandali

2. 7-Digit Secretary of State File Number

C3007083

3. New Corporation Name

Item 3a: Enter the number, letter, or other designation assigned to the provision in the Articles of Incorporation being amended (e.g., "I," "First," or "A"). See Instructions if the provision in the Articles of Incorporation being amended does not include a number, letter, or other designation. Any attachment is made part of this document.

Item 3b: Enter the new corporate name.

3a. Article 1 of the Articles of Incorporation is amended to read as shown in Item 3b below:

3b. The name of the corporation is Hindu Temple of Monterey Peninsula.

4. Approval Statements

4a. The Board of Directors has approved the amendment of the Articles of Incorporation.

4b. Member approval was (check one):

☒ By the required vote of the members in accordance with California Corporations Code section 5812, 7812, or 12502.

☐ Not required because the corporation has no members.

5. Read, sign and date below (See instructions for signature requirements. Note: Both lines must be signed.)

We declare under penalty of perjury under the laws of the State of California that the matters set forth herein are true and correct of our own knowledge and we are authorized by California law to sign.

February 19, 2018

Date

Signature

Shalendra P. Hari

Type or Print Name of President

February 19, 2018

Date

Signature

Kushma Maharaj

Type or Print Name of Secretary



CITY OF SEASIDE STAFF REPORT

Item No.: 8.G.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 17, 2022

SUBJECT: APPROVE A FEE WAIVER FROM KINDNESS ROCKS 831 FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR THE 831 TALENT SHOW ON JANUARY 7, 2023

RECOMMENDATION

Approve the fee waiver request from Kindness Rocks 831 for the use of Laguna Grande Hall and kitchen to hold the 831 Talent Show, in the amount of \$393.75, the organization will pay the non-refundable portion of the deposit of \$92.25 and purchase the City's insurance of \$85.00.

BACKGROUND

Kindness Rock 831 is a non-profit organization. They are requesting a fee waiver to help cover the costs associated with their 831 Talent Show on Saturday, January 7, 2023, from 4:00 p.m. to 11:00 p.m. in the Laguna Grande Hall and Kitchen at the Oldemeyer Center.

Staff recommends that the fees be waived for the rental cost of the facility and that the organization provide liability coverage and pay the non-refundable portion of the deposit in the amount of \$92.25 for the building maintenance fund.

This is the first time Kindness Rocks 831 has requested a fee waiver.

FISCAL IMPACT

The approximate fees which are applicable to this request are:

Laguna Grande Hall Fee 7 Hours @ \$56.25 \$393.75

Insurance	\$ 85.00
<u>Deposit Non Refundable Portion</u>	<u>\$ 92.25</u>
TOTAL	\$571.00

Should the City Council approve the request with the staff recommendation to waive all rental fees and require payment for the insurance and the non-refundable deposit, the fiscal impact is \$393.75.

ATTACHMENTS

1. Kindness Rocks 831 Fee Waiver Request 2022
2. Kindness Rocks 831 501(c)(3) and Non Profit Information 2022

Reviewed for Submission to the City Council by:


 Jaime M. Fontes, City Manager



SEASIDE CALIFORNIA

Fee Waiver Request Form

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

CONTACT INFORMATION:

Organization: Kindness Rocks 831
Name of Applicant: Samantha Chioino
Address: 1848 Juarez St City: Seaside State: CA
Phone: 831 286 8567 Email: Kindness rocks 831@gmail.com

EVENT INFORMATION:

Event Title: 831 Talent Show
Event Description: Talent Show
Event Date: 1-7-23 Room(s) Requested: _____
Time (including set-up): 4:30pm - 11pm Approximate Number of Guests: 100

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: Non-profit Organization

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

What is your organization's tax identification number? 88-2251037

What percentage of your members or participants resides in Seaside? 80%

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: 10/28/22

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: _____

Date: _____

Notes: _____

THE UNIVERSITY OF MICHIGAN LIBRARY
ANN ARBOR, MICHIGAN 48106-1000
TEL: 734 763 1000 FAX: 734 763 1001

DATE: 10/10/94

TO: J. R. ...

FROM: J. R. ...

SUBJECT: ...

RE: ...

10/10/94

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SEASIDE CALIFORNIA

Facility Use Request Form

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

CONTACT INFORMATION:

ROOM: Laguna Grande Combo

Organization: Kindness Rocks 831

Name of Applicant: Samantha Chioino

Address: 1848 Juarez St. City: Seaside Zip: 93955

Phone: 831 236 8567 Email: Samchioino@gmail.com

Day of Event Contact Name and Phone: Samantha 831 236 8567

☐ Resident ☐ Non-Resident

EVENT INFORMATION:

Event Title: Kindness Rocks 831 presents "831 Talent Show"
**Please attach invitation or flyer if available.*

Event Date: Jan 7, 2023 Approximate Number of Guests: 150

Reservation Time: 4pm - 9pm Event Time: 5pm - 8pm

**Laguna Grande Hall & Soper: Security guard(s) must be present for entire event time. See next page.*

Special Instructions:

Request to use the City's:

☒ Podium

☒ Microphone

☒ Projector Screen

**Subject to availability*

***Projectors and other electronic equipment will not be provided*

Is the event open to the public?

Yes ☒ No ☐

Will admission be charged?

Yes ☒ No ☐

Are you a non-profit organization?

Yes ☒ No ☐

Will there be music?

Yes ☒ No ☐

Will there be live music and/or DJ?

Yes ☒ No ☐

Name of band or DJ: TBD

Will refreshments be served?

Yes ☒ No ☐

Will refreshments be sold?

Yes ☒ No ☐

Will you be using the kitchen?

Yes ☐ No ☒

Will alcohol be served?

Yes ☐ No ☒

Will alcohol be sold?

Yes ☐ No ☒

**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 Pd in full by August 22, 2022

2. Copy of event security contract by licensed company (if applicable)

3. Proof of liability insurance

4. Copy of ABC license (if applicable)

Will provide

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

Applicant Signature: [Signature]

Date: 4/6/22

(For Office Use Only)

Permit Fee: \$ 840.00

Authorized Agent: [Signature]

Date: 4/6/2022

Note: Original to Resource Management/Recreation Department



SEASIDE CALIFORNIA

Facility Use Rental Request Form
Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

FACILITY SELECTION

☐ LAGUNA GRANDE HALL

Capacity: Dining: 225 / Theatre: 300
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	\$56.25	\$145.00
Deposit	\$615.00	\$769.00
(Refundable)	(\$522.75)	(\$633.65)
Alcohol Deposit	\$599.00	\$769.00
(Refundable)	(\$389.35)	(\$499.85)

Liability Insurance: \$85-\$217

Security Guards: required 1 per 50 guests

- ☐ I will be using Hall only
☐ I will be using Hall & Kitchen only
☒ I will be using Hall, Kitchen & Dance Studio

☐ BAYONET MEETING ROOM

Capacity: Classroom: 30 / Theatre: 40
Dimensions: 24' X 20'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr.	\$43.75 /hr.	\$57.00 /hr.
After 3 hrs.	\$20 /hr.	\$26.00 /hr.

☐ BLACKHORSE MEETING ROOM

Capacity: Classroom: 40 / Theatre: 50
Dimensions: 28' X 26'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hrs.	\$43.75 /hr.	\$71.00 /hr.
After 3 hrs.	\$20 /hr.	\$31.00 /hr.

☐ DANCE STUDIO

Capacity: Classroom: 35 / Theatre: 70
Dimensions: 26' X 24'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr.	\$43.75 /hr.	\$88.00 /hr.
After 3 hrs.	\$20.00 /hr.	\$41.00 /hr.

☐ SEAHORSE CONFERENCE ROOM

Capacity: 20 / Dimensions: 28' X 16'

	Resident	Non-Res
Rate 0-3 hrs.	\$43.75 /hr.	\$57 / hr.
After 3 hrs.	\$20 /hr.	\$26.00 /hr.

☐ SEASIDE MEETING ROOM

Capacity: Classroom: 40 / Theatre: 60
Dimensions: 32' X 26'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr.	\$43.75 /hr.	\$57 /hr.
After 3 hrs.	\$20 /hr.	\$26.00 /hr.

☐ SEASIDE COMMUNITY CENTER (SOPER)

Capacity: Dining: 85 / Theatre: 100
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	\$59.25	\$78.00
Deposit	\$327.00	\$409.00
(Refundable)	(\$277.95)	(\$347.65)
Alcohol Deposit	\$599.00	\$749.00
(Refundable)	(\$389.35)	(\$486.85)

Liability Insurance: \$85-\$217

Security Guards: required 1 per 50 guests

- ☐ I will be using the Large Room only
☐ I will be using the Kitchen only
☐ I will be using the Large Room & Kitchen

☐ YOUTH EDUCATION CENTER

Two hour rentals: available Fridays and Saturdays
7:30-9:30 PM, and Sundays for any two hours
between 8 AM - 9 PM.

	Resident	Non-Res
Deposit	\$83	\$103.50
(Non Refundable)	(\$21)	(\$26)
0-25 Guests	\$172	\$215
26-50 Guests	\$187.00	\$234
51-75 Guests	\$205.00	\$257.00
Mini Golf	\$25	\$31
Extra 1/2 Hour	\$38	\$47.50

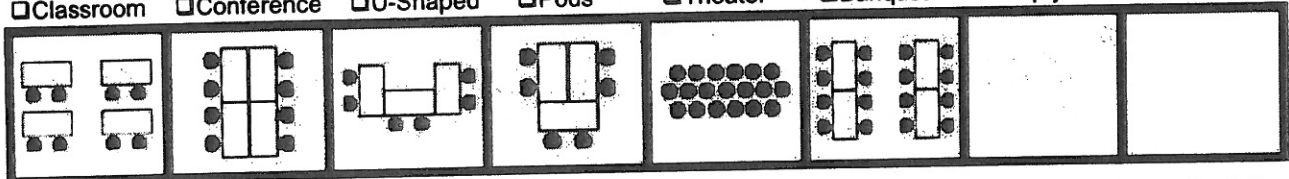
Non-Profit Rate: For Laguna Grande Hall, Seaside Community Center, and the Youth Education & Resource Center, non-profits may use the resident rate. For all other meeting rooms, non-profits may have up to 4 hours for \$35.00/\$44.00. Proof of 501(c)(3) required.

Security Guards: If required, security guards must be present for entire duration of event. Failure to comply or late security guards may result in deposit forfeited or event shut down completely.

SEATING CONFIGURATION

Review and select a seating configuration below. If you would like a different layout, please sketch your preferred layout in the box marked "other" or on the back of this sheet.

☐ Classroom ☐ Conference ☐ U-Shaped ☐ Pods ☐ Theater ☐ Banquet ☐ Empty ☐ Other





SEASIDE CALIFORNIA

Facility Use Rental Request Form

Parks and Recreation Division

986 Hilby Avenue, Seaside CA 93955

831-899-6800

1. **OVERTIME:** Use of the facilities in excess of the time set forth above may result in overtime fee being charged.
2. **CANCELATION BY PERMITTEE:** Permittee must submit written notice of cancellation to the calendaring agent in order to be eligible for a refund. Refund requests made forty-five (45) days in advance will receive a full refund less a seven dollar (\$7) surcharge. Refund requests made thirty (30) - forty-five (45) days in advance will receive a full refund less the non-refundable portion of the security deposit. Refund requests made less than thirty (30) days in advance will receive a full refund less the entire security deposit.
3. **CANCELATION BY CITY:** This permit may be canceled without liability to the City under any of the following conditions: a) It is found to contain false or misleading information, (b) The Department finds that the proposed use will be detrimental to the public's health, (c) Any individual or group (members or guests) willfully or through negligence mistreats the equipment or violates any of the regulations, terms, and conditions established for use of the facilities, (d) Average attendance of scheduled activities falls below the standard established for each use area with the Center, (e) For failure to notify Center of cancellation of any date or dates covered by this permit, (f) Permittee defaults on or has not completed all conditions and requirements for use of facilities, (g) In case the Center or any part thereof shall be destroyed or damaged by fire or any other cause, or if other unforeseen occurrence, including strikes, labor disputes, war, or acts of military authorities shall render fulfillment of the permit difficult or impossible of performance, (h) The facility is needed by public necessity or emergency use, (i) Upon thirty (30) calendar days written notice to Permittee. Refund of rental fees shall be made where City cancels permit at least thirty (30) days prior to the date reserved, except when cancellation occurs under items (g) or (h) above.
4. **TRANSFERRING PERMIT:** Permit cannot be transferred, assigned, or sublet unless approved by the City in writing.
5. **ADVERTISING, SOLICITATION AND SALES:** No advertising or signs shall be exhibited and no sales made at the Center without the written permission of the City.
6. **COMPLETION OF REQUIREMENTS FOR USE OF FACILITIES:** Permittee must complete all requirements relating to use of the facilities within the time requirements specified.
7. **COMPLIANCE TO CONDITIONS OF USE:** The Permittee shall observe, obey, and comply with all applicable City, County, and Federal laws; and the policies, rules, regulations, terms, and conditions governing use of Center facilities. Permittee will forfeit all rents or other fees paid if evicted from premises for violation of it. Eviction shall not release Permittee from any obligations for the payment of the rents or other fees required to be paid under this permit for the term thereof.
8. **CONCESSION SALES:** Permittee will not engage in concession operations unless authorized in writing by Director/authorized staff.
9. **CONDUCT OF PERSONS:** Permittee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either express or implied, during all times covered by the permit. The Department reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.
10. **DAMAGE TO FACILITY OR EQUIPMENT:** All property, equipment, and furnishings must be kept clean and undamaged, fair wear and tear accepted. Permittee causing damage or loss will be required to pay for same at current costs.
11. **EXITS:** At no time shall exits be covered or obstructed.
12. **FACILITIES CAPACITY:** Permittee shall not admit a larger number of persons than can be safely and freely moved about therein as determined by Building and Fire Codes.
13. **FLAMMABLE MATERIALS:** No flammable materials will be permitted to be used for decorations. All materials used for decorative purposes must be treated with flame proofing and be approved by the Fire Department.
14. **INDEMNITY:** Permittee shall indemnify and hold harmless by the City, its officers, employees, and agents, against any and all claims, demands, causes of action, personal injuries or death, damages whatsoever, directly or proximately resulting or caused by the use and occupation of the facilities described in the permit, whether such use is authorized or not or from act or omission of Permittee or any of its officers, agents, employees, guests, patrons, or invitees, and the Permittee shall, at its sole risk and expense, defend any and all suits, actions, or other legal proceedings which may be brought or instituted against City, its officers and employees, on any such claim, demand, or cause of action, and the Permittee shall pay any judgment or decree which may be rendered against the city, its officers, employees, and agents in any suit, action or other legal proceedings, and Permittee shall pay for any and all damages to the property of the City or of others, the loss or theft of such property, done or caused by Permittee, its officers, agents, employees, guests, patrons, and invitees.
15. **PAYMENT OF TAXES:** Payment of all Federal, and City taxes in connection with the event shall be the liability and responsibility of the Permittee.
16. **PERMITTEE RESPONSIBLE FOR CLEANLINESS OF FACILITY:** Facilities used by Permittee must be left in a clean and orderly condition. If additional maintenance is required, other than normal cleaning process, the Permittee will be charged for same.
17. **PERMITTEE RESPONSIBLE FOR PERMITS AND LICENSES:** The Permittee shall procure at his own expense all the required licenses and permits necessary for the intended use or activity covered by this permit.
18. **ALCOHOL:** No alcohol can be served to minors or at any youth-related event at the Oldemeyer Center or Seaside Community Center and can result in immediate closure of the event and loss of deposit. ALL alcohol is prohibited at ALL youth oriented events.
19. **SMOKING:** Smoking is prohibited within twenty (20) feet of entrances, exits and windows.
20. **USE OF RESERVED FACILITIES AND EQUIPMENT:** Permittee may use only those facilities and equipment specifically designated on this permit.
21. **CONSTRUCTION OF PERMIT:** In case of any doubts as to the interpretation of any provisions of this permit, the interpretation by the Recreation and Community Activities Director shall prevail. In addition, the Recreation and Community Activities Director shall have the sole power to decide and resolve matters not covered by this permit.
22. **SEVERABILITY:** If any part of this permit is for any reason held to be illegal, inapplicable, unenforceable, or unconstitutional, such decision shall not affect the validity of the remaining portions of the permit.
23. **SECURITY AND CLEANING DEPOSIT:** A deposit is required from any person or organization renting a room at the Center (according to current fees and charges). A portion of the deposit is non-refundable (according to current fees and charges) and



**SEASIDE
CALIFORNIA**

Facility Use Rental Request Form

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

the remaining deposit is refundable in whole or in part depending upon the condition of the room, walls, floors, carpets; whether any breakage occurred or whether overtime was incurred beyond stated setup, cleanup or activity time. The City reserves the right to close down any party or activity that may in any way endanger the health or safety of any person or property. Any early closure of the facility may result in loss of deposits. Refundable deposits will be returned within thirty (30) days following the event date.

24. **SUPPLIES:** City staff is not authorized to provide supplies for your event. 25. **SECURITY GUARDS:** One guard per fifty participants is required for events that serve alcohol and/or have live/DJ music or dancing. The City reserves the right to require security for events.

IMPORTANT THINGS TO NOTE

- ✓ In order to secure a reservation, this form must be completed and submitted along with full payment to the Oldemeyer Center front desk.
- ✓ Reservations for the conference rooms must be made at least 7 days in advance and 30 days in advance for all other facilities.
- ✓ Please include a sketch of how you would like the room to be set up if it is different than the diagrams provided on this form. Our facility staff will do their best to prepare the room as shown in your diagram. Do not write "same as before."
- ✓ Food and beverage are allowed in certain rooms; please ask staff prior to providing refreshments.
- ✓ Do not move furniture from one room to another. If you have additional needs, please contact the facility staff.
- ✓ Please do not change rooms. If a different room is preferred and empty upon arrival, please check with the facility staff.
- ✓ Come prepared. Our staff is not authorized to provide supplies for your meeting.
- ✓ If you tape signs up regarding your meeting, please remove them upon your departure.
- ✓ Smoking is prohibited within 20 feet of entrances, exits and windows.
- ✓ In case of cancelation, please notify the Oldemeyer Center Front Office as soon as possible. Please see refund policy schedule below:

45 days in advance	Full refund, less a \$7 surcharge
30-45 days in advance	Full refund, less the non-refundable part of security deposit
Less than 30 days in advance	Full refund, less the entire security deposit
Less than 48 hours in advance ...	No refund
- ✓ *If alcohol is found on the premises (including the parking lot, stage, kitchen, etc.) and your contract prohibits the consumption of alcohol, the City of Seaside has the right to cancel your event and deposits and fees will NOT be refunded.
- ✓ *A one million dollar (two million aggregate) liability insurance policy is required. You can either purchase it through the city, or through another insurance company and provide us a copy of the policy naming the City of Seaside as co-insured.
- ✓ Use of our facilities requires you to provide licensed and bonded security guards. You must hire one guard per every fifty guests. A copy of the contract must be provided to the city at least 30 days prior to your event. Renters exceeding their stated attendance risk losing their deposit.

Date of this notice: 05-11-2022

Employer Identification Number:
88-2251037

Form: SS-4

Number of this notice: CP 575 G

KINDNESS ROCKS 831 LIMITED
SAMANTHA M CHIOINO SOLE MBR
1848 JUAREZ ST
SEASIDE, CA 93955

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 88-2251037. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

Articles of Incorporation

A set of formal documents filed with the Secretary of State to legally document the creation of a new business entity.



5038028



STATE OF CALIFORNIA
Office of the Secretary of State
ARTICLES OF INCORPORATION
CA NONPROFIT CORPORATION
PUBLIC BENEFIT

California Secretary of State
1500 11th Street
Sacramento, California 95814
(916) 653-3516

For Office Use Only

-FILED-

File No.: 5038028

Date Filed: 4/21/2022

B0652-4947 04/21/2022 12:41 PM Received by California Secretary of State

Corporation Name	KINDNESS ROCKS 831 LIMITED
Initial Street Address of Principal Office of Corporation Principal Address	1848 JUAREZ ST SEASIDE, CA 93955
Initial Mailing Address of Corporation Mailing Address	1848 JUAREZ ST SEASIDE, CA 93955
Attention	
Agent for Service of Process	
☒ I certify the selected California Registered Corporate Agent (1505) has agreed to serve as the Agent for Service of Process for this entity.	
California Registered Corporate Agent (1505)	LEGALINC REGISTERED AGENTS, INC. Registered Corporate 1505 Agent
Purpose Statement	This corporation is a Nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for: Public purposes
Additional Statements	The specific purpose of this corporation is to Our purpose is to spread kindness throughout the community by painting/hiding words of hope on rocks. This corporation is organized and operated exclusively for the purposes set forth within the meaning of Internal Revenue Code section 501(c)(3). No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office. The property of this corporation is irrevocably dedicated to the purposes set forth herein and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable, educational and/or religious purposes and which has established its tax-exempt status under Internal Revenue Code section 501(c)(3). Notwithstanding any of the above statements of purpose and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this corporation.
Additional information and signatures set forth on attached pages, if any, are incorporated herein by reference and made part of these Articles of Incorporation.	
Electronic Signature	☒ I declare that I am the person who executed this instrument, which execution is my act and deed.

LOVETTE DOBSON

Signature

04/21/2022

Date

Statement of the Incorporator

A document signed by the Incorporator, which identifies the initial directors of the corporation.

STATE of CALIFORNIA
STATEMENT *and* RESIGNATION of the INCORPORATOR
A NONPROFIT CORPORATION

The undersigned, the Incorporator of **KINDNESS ROCKS 831 LIMITED**, who signed and filed its Articles of Incorporation (or similar organizing document) with the California Secretary of State (or other appropriate state office), appoints the following individuals to serve as directors of the corporation, who shall serve as directors until the first meeting of shareholders for the election of directors and until their successors are elected and agree to serve on the board:

Name and address of each initial director:

SAMANTHA CHIOINO
1848 JUAREZ ST
SEASIDE, CA 93955

Additionally, the undersigned does hereby tender his/her resignation as Incorporator for the Corporation, and from any and all involvement with, control of, or authority over the Corporation, real or perceived, effective immediately.

Dated: April 29th, 2022

A handwritten signature in black ink that reads "Lovette Dobson". The signature is written in a cursive, flowing style.

Lovette Dobson, Incorporator



CITY OF SEASIDE STAFF REPORT

Item No.: 8.H.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 17, 2022

**SUBJECT: APPROVE A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST
FROM ROAD 2 REALITY**

RECOMMENDATION

Approve a request from Road 2 Reality for a donation of \$3,000.00 from the Mayor's Youth Fund to help cover the costs for cleaning equipment such as; gloves, trash bags, garbage grabbers, buckets, and weed tools.

BACKGROUND

Road 2 Reality is dedicated to creating a space and ample opportunities for all participants involved with their program. They plan to hold quarterly town and beach clean-ups in Seaside. They want to provide the proper personal protective equipment and cleaning equipment for all their volunteers to keep them safe and healthy during their clean-ups. They also plan to work with other community agencies to gain as many people as they can during their quarterly clean-ups.

Road 2 reality is in partnership with Seaside High School and Marina High School Environmental Science classes to collaborate on efforts to reduce the amount of wasted plastic that is left around the community and their campus. They believe these activities will help to not only keep the community and environment clean, but it will also help to engage youth from the community to come together and to do something positive. They wish to create positive habits with the community members by teaching them how to properly throw away trash and recycle by creating posters and social media posts.

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 September 16, 2021 City Council meeting. They submitted their 2021 Mayor's Youth Fund Closing Report within the 60 day time frame. They have also been awarded funds through the

Community Social Services Grant and submitted the reports associated with that funding.

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 \$56,349.43. If the City Council approves this request, the balance will decrease to \$53,349.43. 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 Road 2 Reality 2022
2. Road 2 Reality 501(c)(3) Information
3. Road 2 Reality W9 - 2022
4. Mayor's Youth Fund Closing Report - Road 2 Reality 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: 11/1/2022 2:28 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 of 21 or more 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	Road 2 Reality
Name	Jessica Powell
Email Address	jpowell@mpusd.net
Address	1043 A Broadway Ave
City	Seaside
State	CA
Zip Code	93955
Phone Number	831-238-5352
Additional Phone Number	Field not completed.
Percentage of Residents or Students of Seaside	90

Number of Participants	50
Ages of Participants	14-18
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:	Environmental
Are you funding a reward for one of these activities?	No
Description of event, activity or program funding pertains to:	In partnership with Environmental science classes at seaside high and marina high schools, we want to do quarterly town and beach clean ups in our cities. We also plan to work with other community agencies to gain as many people as we can during our quarterly clean ups.
Attach Additional Information as Necessary	<i>Field not completed.</i>
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 funding will help us to purchase the proper PPE and cleaning equipment for all volunteers to keep them safe and healthy during our clean-ups. This will be specifically gloves, trash bags, garbage grabbers, buckets, weed tools, and anything else we may come across during our clean ups. We believe these activities will help to not only keep our community and environment clean but it will also help to engage youth from our community to come together and to do something positive. We also wish to create positive habits with our community members by teaching them how to properly throw away trash and recycle by creating posters and social media post.
What other fundraising activities are you participating in to fund your event, program or activity and what other funding sources will supplement your request?	We are currently working with Seaside High and Marina High School ASB clubs to do some on campus fundraising to help us with the cost of our events. We also will take advantage of local sport events to host snack bars to bring in funds too.
Total Amount Requested:	\$3,000
Electronic Signature Agreement	I agree.

Electronic Signature	Jessica Powell
----------------------	----------------

Date	11/1/2022
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Email not displaying correctly? [View it in your browser.](#)



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

ROAD 2 REALITY
C/O ANGELO AMIR HENRY
1043 BROADWAY AVENUE SUITE A
SEASIDE, CA 93955

Date:
03/23/2021
Employer ID number:
85-2525520
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: (877) 829-5500
Accounting period ending:
December 31
Public charity status:
509(a)(2)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
July 28, 2020
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053411001731

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

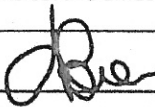
Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

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. Road 2 Reality	
	2 Business name/disregarded entity name, if different from above n/a	
	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) _____ <i>(Applies to accounts maintained outside the U.S.)</i>	
	5 Address (number, street, and apt. or suite no.) 1043 A Broadway Ave	Requester's name and address (optional)
	6 City, state, and ZIP code Seaside CA 93955	
	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 <i>How to get a TIN</i> 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.																																																											
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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: 9/16/2021

Name of Organization: Road 2 REALITY

Contact: Jessica Powell

Address: 1043 A Broadway Ave Seaside, CA 93955

Email/Phone: 831-238-5352/ jcpowell@csumb.edu

Amount of Donation Received: \$3,000

What Items were purchased with Mayor's Youth Fund Donation:

We were able to purchase items for our CPR/AED classes along with other minimal student writing materials that will be needed as well as supplies that would be used for a few of the clean-ups we were able to help in.

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.

Our group was able to participate in a city park clean-up with a local High School club called "save our shores" and also did a local school campus clean-up on Veterans Day around the Seaside High School area. We are continuing to partner up with the AP Environmental Science class here at SHS to come up with future dates of more clean-ups.

Signature: 

Date: 11/26/2021

***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.I.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 17, 2022

SUBJECT: CONSIDER A REQUEST FROM THE COALITION OF SCHOLARSHIP ORGANIZATION FOR CO-SPONSORSHIP AND FEES WAIVER FOR USE OF THE LAGUNA GRANDE HALL AND KITCHEN AT THE OLDEMAYER CENTER, FOR A FORUM ON SCHOLARSHIP OPPORTUNITIES FOR LOCAL HIGH SCHOOL SENIORS

RECOMMENDATION

Approve a request from the Coalition of Scholarship Organization's (C.O.S.O.) for co-sponsorship and fee waiver of \$627.25 for the costs associated with the use of Laguna Grande Hall and Kitchen to hold a High School Forum on February 18, 2023.

BACKGROUND

The Coalition of Scholarship Organizations (C.O.S.O.) is planning their annual High School Senior Forum on February 18, 2023, at the Oldemeyer Center in the Laguna Grande Hall and Kitchen. It is requested that the City co-sponsor and waive all fees associated with this event. The purpose of this forum is to introduce local seniors to a variety of scholarship organizations and opportunities on the Monterey Peninsula.

The coalition consisting of the Peninsula Branch NAACP, Alpha Kappa Alpha Sorority, Kappa Alpha Psi Fraternity, Seaside Kiwanis Club and Seaside Rotary Club are all involved with this event. As a coalition of several organizations, they do not have non-profit status or insurance coverage and are requesting city co-sponsorship for this event. The City Council has approved this fee waiver annually since 2006.

FISCAL IMPACT

The approximate fees which are applicable to this request are:

Laguna Grande Hall & Kitchen 8 Hours @	\$450.00
\$56.25	
Non-Refundable Portion Deposit	\$ 92.25
<u>Insurance</u>	<u>\$ 85.00</u>
TOTAL	\$627.25

ATTACHMENTS

1. COSO Fee Waiver 2022
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager



SEASIDE CALIFORNIA

Fee Waiver Request Form

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

CONTACT INFORMATION:

Organization: Coalition of Scholarship Organizations "CSO"
Name of Applicant: Willie Brown
Address: 1112 Rockport Way City: Salinas State: CA
Phone: 831-320 8824 Email: williebrown@gmail.com

EVENT INFORMATION:

Event Title: High School Forum
Event Description: Students meet the scholarship representative/Applications
Event Date: 2-18-2023 Room(s) Requested: Jaguna Grande Combo
Time (including set-up): 0600 - 1400 Approximate Number of Guests: 150

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: Non-profit

Have you received a Fee Waiver in the past? ☒ Yes, the event was on Receipt #79775 + 79778 ☐ No July 18, 2019

What is your organization's tax identification number? 27-226481301

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

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: 10-11-2022

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: _____

Date: _____

Notes: _____



POLICY REGARDING ROOM RENTAL FEES AND WAIVERS

Fees may be waived for activities that benefit the majority of Seaside residents. Any new organizations requesting fee waivers are required to submit a letter of intent and complete the Fee Waiver Request form to the Recreation Services Department. The application will be submitted to the City Manager or his designee for review and approval. In the event that the fee waiver request is denied by the City Manager, the request can be appealed to the City Council. Applicants must demonstrate that the following criteria are satisfied:

1. At least 60% of the organization's membership must consist of Seaside residents. The organization must provide documentation verifying membership residency.
2. The organization must be a 501(C)3 non-profit or public benefit organization and provide taxpayer identification number.
3. The organization must provide an in-kind service/donation to benefit and augment the City of Seaside. A written statement must be submitted with the application outlining specific donations and/or services provided by the organization to the City of Seaside.

FEE WAIVERS FOR MEETING ROOMS

1. Meetings are limited to four hours.
2. All organizations receiving fee waivers must give seven days notice of cancellation. If no notice is given of cancellation, the City reserves the right to deny further fee waiver requests.
3. Due to limited space, organizations may not request fee waivers for any more than one meeting room use per year; fee waivers are not intended to provide for ongoing weekly or monthly meeting use.
4. No faith based organizations may apply for fee waivers due to the separation of church and state.

AUDITORIUM RENTAL FEE WAIVER

Organizations requesting the use of the Auditorium must:

1. Pay the non-refundable portion of the deposit per event.
2. An organization requesting use of the auditorium for a special event or meeting may receive no more than one fee waiver request within a 90-day period.
3. Provide special event liability insurance. The following is required:
 - a. Provide an "Occurrence Made" liability insurance policy, naming the city as additionally insured, with limits of \$1 million per occurrence and \$2 million aggregate. A copy of that policy must be provided to the Recreation Services Department.
 - OR
 - b. Purchase Special Event Liability insurance through the Recreation Services Department at the time of fee waiver request. This insurance covers not only the city, but also those renting the facility.
4. Fundraising activities of any nature do not qualify for fee waivers.
5. Special events may be required to provide security at renter's expense. A photocopy of the contract must be on file with the Recreation Services Department. The number of security guards required is determined by the nature of the event and the numbers in attendance.

***A City-sanctioned organization is defined as "any community based group or organization that in cooperation with the Recreation Services Department, provides an entertainment, recreation and/educational service benefiting the citizens of Seaside."**

****All deposits are placed in the maintenance and janitorial fund designated for the upkeep and repair of the Oldemeyer Center.**



SEASIDE CALIFORNIA

Facility Use Rental Request Form
Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

ROOM: Laguna Grande Combo

Organization: Coalition of Scholarship Organizations (COSO)

Name of Applicant: Willie Brown

Address: 1112 Rockport Way City: Salinas Zip: 9390

Phone: 831-320-8824 Email: williebrown@gmail.com

Day of Event Contact Name and Phone: Willie Brown 831-320-8824

☐ Resident ☐ Non-Resident

EVENT INFORMATION:

Event Title: High School Forum

**Please attach invitation or flyer if available.*

Event Date: 2/18/2023 Approximate Number of Guests: 150

Reservation Time: 6am - 2:00p Event Time: 7am - 2pm

**Laguna Grande Hall & Soper: Security guard(s) must be present for entire event time. See next page.*

Special Instructions: N/A

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

	Yes	No		Yes	No
Is the event open to the public?	☒	☐	Will refreshments be served?	☒	☐
Will admission be charged?	☒	☐	Will refreshments be sold?	☐	☒
Are you a non-profit organization?	☐	☒	Will you be using the kitchen?	☒	☐
Will there be music?	☐	☒	Will alcohol be served?	☐	☒
Will there be live music and/or DJ?	☐	☒	Will alcohol be sold?	☐	☒
Name of band or DJ: _____			<i>*Alcohol is prohibited at youth oriented events</i>		

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: [Signature]

Date: 10-11-2022

(For Office Use Only)

Permit Fee: _____ Authorized Agent: _____ Date: _____

Note: Original to Resource Management/Recreation Department



SEASIDE CALIFORNIA

Facility Use Rental Request Form

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

FACILITY SELECTION

☐ LAGUNA GRANDE HALL

Capacity: Dining: 225 / Theatre: 300
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate:	\$56.25	\$154.00
Deposit	\$655.00	\$819.00
(Refundable)	(\$556.75)	(\$696.15)
Alcohol Deposit	\$638.00	\$798.00
(Refundable)	(\$414.70)	(\$518.70)

Liability Insurance: \$85-\$217

Security Guards: required 1 per 50 guests

- ☐ I will be using Hall only
☐ I will be using Hall & Kitchen only
☐ I will be using Hall, Kitchen & Dance Studio

☐ BAYONET MEETING ROOM

Capacity: Classroom: 30 / Theatre: 40
Dimensions: 24' X 20'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr.	\$43.75 /hr.	\$61.00 /hr.
After 3 hrs.	\$20 /hr.	\$28.00 /hr.

☐ BLACKHORSE MEETING ROOM

Capacity: Classroom: 40 / Theatre: 50
Dimensions: 28' X 26'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hrs.	\$43.75 /hr.	\$76.00 /hr.
After 3 hrs.	\$20 /hr.	\$33.00 /hr.

☐ DANCE STUDIO

Capacity: Classroom: 35 / Theatre: 70
Dimensions: 26' X 24'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr.	\$43.75 /hr.	\$94.00 /hr.
After 3 hrs.	\$20.00 /hr.	\$44.00 /hr.

☐ SEAHORSE CONFERENCE ROOM

Capacity: 20 / Dimensions: 28' X 16'

	Resident	Non-Res
Rate 0-3 hrs.	\$43.75 /hr.	\$61.00 /hr.
After 3 hrs.	\$20 /hr.	\$28.00 /hr.

☐ SEASIDE MEETING ROOM

Capacity: Classroom: 40 / Theatre: 60
Dimensions: 32' X 26'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr.	\$43.75 /hr.	\$61.00 /hr.
After 3 hrs.	\$20 /hr.	\$28.00 /hr.

☐ SEASIDE COMMUNITY CENTER (SOPER)

Capacity: Dining: 85 / Theatre: 100
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	\$59.25	\$83.00
Deposit	\$348.00	\$436.00
(Refundable)	(\$295.80)	(\$370.60)
Alcohol Deposit	\$638.00	\$798.00
(Refundable)	(\$414.70)	(\$518.70)

Liability Insurance: \$85-\$217

Security Guards: required 1 per 50 guests

- ☐ I will be using the Large Room only
☐ I will be using the Kitchen only
☐ I will be using the Large Room & Kitchen

☐ YOUTH EDUCATION CENTER

Two hour rentals: available Fridays and Saturdays
7:30-9:30 PM; and Sundays for any two hours
between 8 AM - 9 PM.

	Resident	Non-Res
Deposit	\$83	\$103.50
(Non Refundable)	(\$21)	(\$26)
0-25 Guests	\$172	\$215
26-50 Guests	\$187.00	\$234
51-75 Guests	\$205.00	\$257.00
Mini Golf	\$25	\$31
Extra 1/2 Hour	\$38	\$47.50

Non-Profit Rate: For Laguna Grande Hall, Seaside Community Center, and the Youth Education & Resource Center, non-profits may use the resident rate. For all other meeting rooms, non-profits may have up to 4 hours for \$37.00/\$47.00. Proof of 501(c)(3) required.

Security Guards: If required, security guards must be present for entire duration of event. Failure to comply or late security guards may result in deposit forfeited or event shut down completely.

SEATING CONFIGURATION

Review and select a seating configuration below. If you would like a different layout, please sketch your preferred layout in the box marked "other" or on the back of this sheet.

☐ Classroom ☐ Conference ☐ U-Shaped ☐ Pods ☐ Theater ☐ Banquet ☐ Empty ☐ Other

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CITY OF SEASIDE STAFF REPORT

Item No.: 8.J.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 17, 2022

**SUBJECT: CONSIDER A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST
FROM HAMILTON, ELLIS, & MARTIN TENANT ASSOCIATION
FOR THEIR YOUTH CHRISTMAS CELEBRATION GALA**

RECOMMENDATION

Approve a request from Hamilton, Ellis, & Martin Tenant Association for a donation of \$3,000.00 from the Mayor's Youth Fund to help cover the costs associated with their Annual youth Christmas Celebration Gala.

BACKGROUND

Hamilton, Ellis, & Martin Tenant Association is requesting a donation of \$3000.00 from the Mayor's Youth Fund to cover the cost associated with their Annual youth Christmas Celebration Gala.

The Annual Christmas Celebration Gala is for children at Hamilton, Ellis, & Martin Plaza Apartments. They plan on awarding their children for their academic, athletic, and art achievements with \$25.00 gift cards. These apartments are one of the largest affordable housing complexes in the City of Seaside. They collect plastic bottles and cans to recycle throughout the complex, and also buy recyclable material when feasible.

Based on the information provided in the application, the request does not meet the criteria for the Mayor's Youth Fund Policy as the Tennant Association is not a 501 (c)3. However, the association does plan on partnering with a local non-profit for this event. This is the first time that Hamilton, Ellis & Martin Tenant Association has requested a donation.

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 \$59,349.43. If the City Council approves this request, the balance will decrease to \$56,349.43. 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 Hamilton, Ellis, & Martin Tenant Association 2022
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

MAYOR'S YOUTH FUND POLICY

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 Applicants: 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 worship, Sunday School, or religious instruction. 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/or 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 organizations status (not a taxpayer's I.D. number) and a current W-9 form.

Evaluation Process and 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 below.)
- 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.

<u>Individuals*</u>	25% of total cost of activity (not to exceed \$1,000.00)
Groups up to 20	up to \$1,500.00
Groups 21+	up to \$3,000.00

In addition, funding will be limited to one contribution per year (every 12 months).

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.

###

Mayor's Youth Fund Contribution Request

Prior to completing this request please, review the attached contribution policy. All requests will be considered before the City Council and you will be notified of the specific date your item is placed on the agenda. Please return this completed form with necessary attachments to Recreation Services, City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955.

Name of Organization: Hamilton Ellis & Martin Holiday Fund
Resort Association
 Address: 4/ 1514 Yosemite Street #A
 Email: lisa.lewis9082@gmail.com / brunette.1700@gmail.com
(831) 383-1342
 Phone Number: Home _____ Work _____ Cell 383-0232
 Name of Individual: Lisa Lewis and June Davis

Tax I.D. # 94-1704977

% Residents or Students of Seaside: 100 %

of Participants: 200

Ages: 3 years up to 60 years old.

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:

Scholastic	<u>✓</u>
Athletic	<u>✓</u>
Music	<u> </u>
Environmental	<u> </u>
Art	<u>✓</u>

Is funding a reward for one of these activities?

Yes, we plan on awarding our children for their academic, athletic, and art achievements with gift cards for \$25.00

Description of event, activity or program funding pertains to: (Attach Additional Information as Necessary)

The annual Christmas Celebration Gala for the children at Hamilton, Ellis & Martin Plaza Apartments, one of the largest affordable housing complexes here in Monterey.

Description of how the funds will be specifically used for youth groups activities/events and/or has a nexus to the goals of recycling, cleanup and/or "green" sustainability to insure a healthy environment.

These funds will be used for awarding gift cards to item "CRITERIA" on this page. It will also help in the areas of games, food, bottled water and refreshments, as well as buying many other items needed.

What other fundraising activities are you participating in to fund your event, program or activity and what other funding sources will supplement your request?

Donation letters have been mailed out to our local businesses, County organization as well as to the citizens of Seaside and of the County of Monterey. Approximately 100 letters have been mailed out to date!

*Total Amount Requested: (See Contribution limits) \$3,000.00

*They collect plastic bottles & cans to recycle. They also buy recyclable material.

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 \$1,000.00. Applications that are incomplete will be returned.

MAYOR'S YOUTH FUND CLOSING REPORT *

Date Mayor's Youth Fund was approved by
council: _____

Name of
Organization: Hamilton, Ellis & Martin Holiday Fund
and Christmas Celebration Gala

Contact: Lisa Lewis - Chairperson or June Davis
Co-chair & Treasurer

Address: 461514 Yosemite Street #A Seaside, Ca

Email/Phone: (831) 383-1342 (831) 383-0232
l.lisalewis9082@gmail.com / brunette 1700@gmail.com

Amount of Donation
Received: _____

What Items were purchased with Mayor's Youth Fund Donation:

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.

Signature: _____

Date: _____

***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

Mayor's Key to the City

A Posthumous Award to Rev. Dr. Herbert H. Lusk, II

WHEREAS, Reverend Dr. Herbert H. Lusk, II was born in Memphis, Tennessee and was raised on the Monterey Peninsula in California from the age of 15 through his college years; and

WHEREAS, Pastor Lusk was nationally known during his NFL career days as the “Praying Tailback” because of his custom of kneeling in the end zone after scoring touchdowns; and

WHEREAS, Lusk committed himself to three years to the NFL and then left voluntarily, to study for the ministry; and

WHEREAS, Pastor Lusk graduated from Gwynedd Mercy College with a Bachelor of Science degree in Psychology and Sociology, received a Masters of Divinity from the Reformed Episcopal Theological Seminary, an Honorary Doctorate of Divinity from Reformed Episcopal Theological Seminary, an Honorary Doctorate of Ministry degree from Westminster Theological Seminary, and an Honorary Doctorate of Humane Letters from Eastern University; and

WHEREAS, Since Pastor Lusk became the pastor of Greater Exodus in 1982, the church has experienced phenomenal growth. This is due not only to his powerful and dynamic preaching of messages that meet real life spiritual needs, but also to his intense focus on providing a continuum of quality educational and mentoring programs and services within the community; and

WHEREAS, During his tenure as Pastor of Greater Exodus, Reverend Dr. Lusk has hosted governors, mayors, senators, congressmen, a Vice President of the United States and on two occasions, the President of the United States. Pastor Lusk served as an advisor to the President of the United States of America on Faith-Based Initiatives; and

WHEREAS, In addition he served as an advisor to the United Nations. Pastor Lusk has appeared on Nightline, Hardball, NBC, CBS, ABC and Fox News broadcast programs. He has received numerous awards, honors and citations. He currently serves as the Lead Chaplain for the Super Bowl Champion Philadelphia Eagles; and

WHEREAS, His uniqueness to Philadelphia was described by Michael Callahan, Editor of the Philadelphia Magazine's 2012 special edition, Why We Love Philadelphia, when he wrote – “In the storied legacy of the NFL, Herb Lusk will always be “The Praying Tailback,” the first pro football player to drop to one knee and offer celestial thanks after a score...” In 2015, Pastor Lusk spoke during Pope Francis's historical visit to Philadelphia; and

WHEREAS, in 2016, he led a delegation of African-American Pastors and leaders on a tour through Seoul, Korea, hosted by Yoido Full Gospel Church. Pastor Lusk was honored by the Pennsylvania Pro-Life Federation with the 2017 Lifetime Achievement Award; and

WHEREAS, Pastor Lusk is married to his beloved wife, Vickey, with whom he has 3 children: Danuelle (Cedrick), Laiah (David), Herbert III; and three grandsons: David Judah, Israel Andrew, and Zion Paul; and

WHEREAS, From his early days as a running back for the Philadelphia Eagles through his long career as pastor of Greater Exodus Baptist Church on North Broad Street, Rev. Lusk always preached the universal truths of self-reliance and hard work; and

WHEREAS, our city lost a true friend in Reverend Dr. Herbert H. Lusk, II as he transitioned from earth to glory, on Monday, September 19, 2022.

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 bestow Rev. Dr. Herbert H. Lusk, II, a posthumous award of the Mayor's Key to the City of Seaside for his many accomplishments and community leadership, and express the appreciation of the community for his outstanding service to this community.



Ian N. Oglesby, Mayor



CITY OF SEASIDE STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Melissa Savage, Assistant Engineer
Patrick Grogan, Associate Engineer

DATE: November 17, 2022

**SUBJECT: REVIEW AND TAKE ACTION ON TRAFFIC ADVISORY
COMMITTEE RECOMMENDATIONS TO DENY A RED CURB ON
JUAREZ STREET AND AN ADDITIONAL DRIVEWAY ON AMADOR
AVENUE**

RECOMMENDATION

1) Deny installation of the red curb at 1841 Juarez Street, and 2) Deny installation of an additional driveway approach at 700 Amador Avenue.

BACKGROUND

The Traffic Advisory Committee reviewed and provided recommendations regarding several applications at the September 27, 2022 special meeting. A brief summary of two of the items are presented below.

Item 1

The resident at 1836 Juarez Street is requesting the installation of red curb in front of 1841 Juarez Street. The resident noted difficulty backing into and back out of their driveway when a vehicle is parked in front of 1841 Juarez Street (attachment 1). Juarez Street is classified as a one-way residential street, and is approximately 25 ft. wide, measured from face of curb to face of curb with parallel parking on both sides of the street. Single-family residences are located along this block of Juarez Street.

Staff conducted a site visit, during which it was noted that a fire hydrant red curb zone exists approximately 37 feet south of the curb approach of the driveway at 1841 Juarez Street. Due to the fire hydrant zone and multiple residences facing the street, street parking is limited. TAC recommends not installing red curb in front of 1841 Juarez

Street to maintain adequate street parking for residents.

Item 2

The property owner of 700 Amador Avenue is requesting a second driveway approach, to be located on the north side of the property off of Amador Avenue to allow parking on the property. 700 Amador Avenue is a single-family residential parcel with one residence, and a detached one-car garage on the property. The garage is accessed from Alhambra Street. The property has approximately 145 ft of street frontage from Amador Avenue and Alhambra Street, with an existing, nonconforming driveway with roughly 20 square feet of paved surface area. Offstreet parking is provided by the one-car garage off of Alhambra Street.

The City of Seaside's Municipal code Section 17.34.120 Driveways and Site Access, outlines the requirements for driveways of Single Family Dwellings as follows:

A. Number of driveways. The number and placement of driveways shall be limited as follows; provided that second driveways or additional curb cuts may be approved by the Traffic Advisory Committee:

1. Single dwellings and duplexes. A single dwelling or duplex shall be allowed one driveway, except that:

b. A parcel within the RS-8 or RS-12 zones with a frontage of 200 feet or more may have two separate driveways; provided that they are separated by a minimum of 100 feet, or lesser distance as approved by the City Engineer based on considerations of site topography and traffic safety.

B. Distance from street corners. Each driveway shall be separated from the nearest street intersection as follows, except where the City Engineer allows a lesser separation.

2. For parcels with frontages less than 150 feet, the minimum distance shall be 100 feet.

Per the above stated code sections, 700 Amador Avenue is not eligible for a second driveway, as its frontage is only 145 feet of the required 200 feet, and the driveway would be located approximately 53 feet from the intersecting street of Alhambra Street, which is less than the required 100 feet as required in section B.2.

By unanimous vote, the Traffic Advisory Committee recommends denying the resident's application for an additional driveway off of Amador Avenue (attachment 2) as the property does not meet the minimum requirements as stated in Seaside Municipal Code Section Section 17.34.120.

FISCAL IMPACT

The fiscal impact of the following items are as follows:

1. There is no fiscal impact associated with Item 1 - Deny installation of red curb at 1841 Juarez Street.
2. There is no fiscal impact associated with Item 2 - Deny installation of an additional driveway approach at 700 Amador Avenue.

ATTACHMENTS

1. Item 1 - Red Curb at 1841 Juarez
 2. Item 2 - Additional Driveway Approach for 700 Amador
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager



Traffic Advisory Committee Request Application

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: DAPHNE D. DAHMS

Date: September 6, 2022

Address: [REDACTED]

Phone: [REDACTED]

Type of Request (check all that apply):

- ☐ Parking Designations ☐ Crosswalk ☒ Curb Markings (White, Yellow, etc.) RED ZONE
☐ Warning Sign ☐ Traffic Signal/Stop Sign ☐ Signing/Striping 6'-7'
☐ Other _____

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

Request: OVERALL OUR STREET PARKING IS NOT CONGESTED. JUAREZ IS A VERY NARROW STREET. I AM REQUESTING THAT 6'-7' SOUTH OF THE DRIVE AT 1841 BE A DESIGNATED RED ZONE TO ENSURE I CAN SAFELY ENTER AND EXIT MY DRIVEWAY/GARAGE, WHICH IS DIRECTLY OPPOSITE. I BACK INTO MY GARAGE SO I CAN DRIVE OUT FORWARD: EASIER TO BACK UPHILL; IF I COLLIDE, IT'S MY OWN PROPERTY. BACKING OUT I CANNOT SEE (DROPS AWAY) AND HAVE DIFFICULTY NEGOTIATING A TURN WITHOUT HITTING MY RETAINING WALL OR A PARKED VEHICLE. DIFFICULTY WHEN GUESTS OF TEENAGER AT 1848 ARRIVE EN MASSE - 5 OR 6 VEHICLES. IF THEY PARK DIRECTLY ACROSS I RISK HITTING THE FRONT OF THEIR VEHICLE. I CANT ANGLE MY CAR TO BACK IN, AND HAVE TO ASK THEM TO

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

PLEASE MOVE THEIR VEHICLE. A SMALL RED ZONE WOULD INCREASE SAFETY AND CLEARLY DELINEATE AVAILABLE SPACE.

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the next available TAC agenda for a future scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next available scheduled meeting.

Fees

Fees will be collected prior to installation of any approved requests that directly benefits the applicant, such as limited timed parking, white zones, etc. Prior to any required maintenance of the improvement, the same fee will apply and be billed to the applicant. The following fees have been determined based upon the cost of staff time and material for installation:

Description	Fee*
Marking curb – per curb (20' maximum length)	Per current adopted fee schedule
Installation of one sign	

* Fees subject to change per City Council approved fee schedule. Fee determined by date of application.

PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

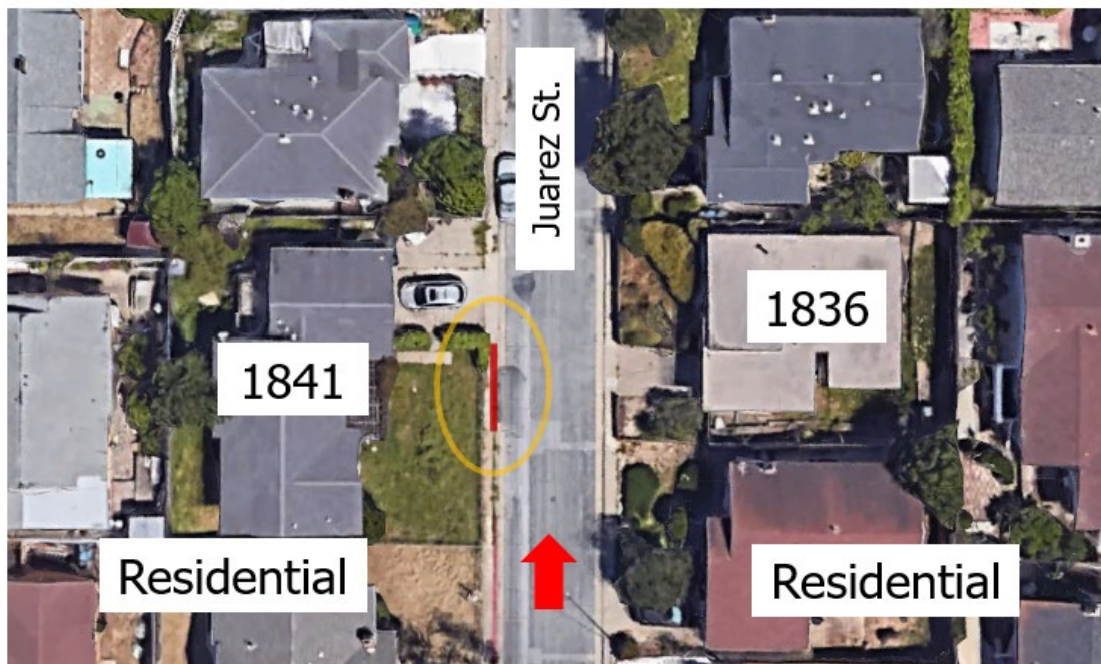
TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Daphne D Dahms understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.

Daphne D Dahms
Applicant Signature

September 6, 2022
Date

I WOULD APPRECIATE MEETING WITH THE ENGINEER IN PERSON, TO EXPLAIN THE LOGISTICS AND DEMONSTRATE THE PROBLEM AND MY DIFFICULTY MANEUVERING. I WILL BE



Consider installation of red curb in front of 1841 Juarez Street.



Driveway at 1836 Juarez Street



Area of requested red curb in front of 1841 Juarez



Traffic Advisory Committee Request Application

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: Jason Hale Date: 8/4/22

Address: 700 Amador Ave Phone: [REDACTED]

Type of Request (check all that apply):

- ☐ Parking Designations ☐ Crosswalk ☐ Curb Markings (White, Yellow, etc.)
☐ Warning Sign ☐ Traffic Signal/Stop Sign ☐ Signing/Striping
☒ Other Driveway

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

Request: We would like to add a driveway to 700 Amador Ave.
The home has a (very narrow) garage so we
understand this driveway will be considered a 2nd one.
We would like the driveway to be located on Amador
(see attached pics in the email) which would be at
least 100 ft from the garage. There are three people
who live at Amador so we would actually be freeing
up a street space with the addition of this driveway, our
plan is to park three cars in the driveway.
Also, in case it matters, the garage does not have a
driveway. Thank you so much for your consideration.

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the next available TAC agenda for a future scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next available scheduled meeting.

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Description	Fee*
Marking curb – per curb (20' maximum length)	Per current adopted fee schedule
Installation of one sign	

* Fees subject to change per City Council approved fee schedule. Fee determined by date of application.

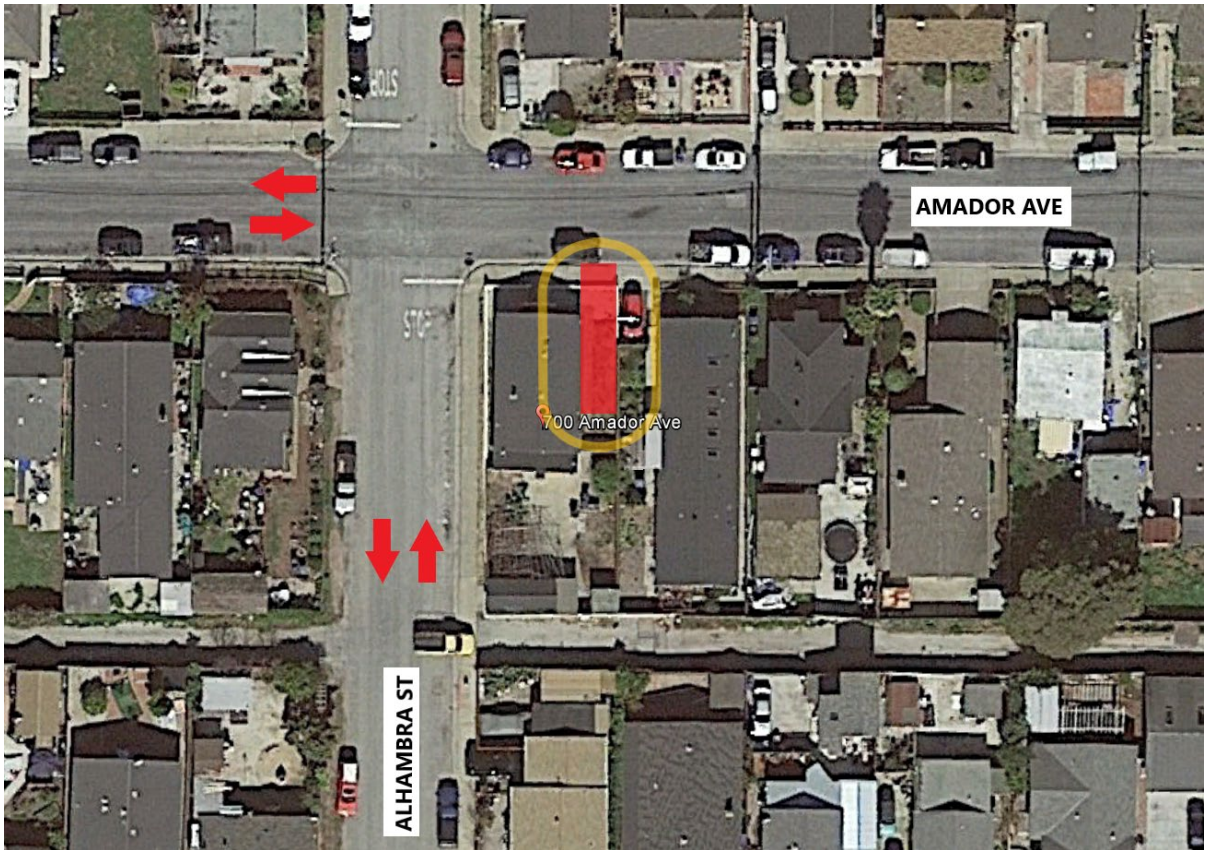
PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Jason Hale understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.


Applicant Signature

8/4/22
Date



Install an additional driveway approach for 700 Amador.



Area of requested driveway approach for 700 Amador.



Front of residence off Amador.



Existing, non-conforming driveway approach on Alhambra.



Side of residence off Alhambra



CITY OF SEASIDE STAFF REPORT

Item No.: 10.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Haroon Noori, Administrative Analyst II

DATE: November 17, 2022

**SUBJECT: ADOPTION OF AN ORDINANCE MODIFYING SEASIDE
MUNICIPAL CODE SECTIONS 17.52.251 AND 17.52.252
PERTAINING TO SHORT-TERM RENTAL PROGRAM (SECOND
READING - ROLL CALL VOTE)**

RECOMMENDATION

Adoption of an ordinance to amend Seaside Municipal Code Sections 17.52.251 and 17.52.252 pertaining to Short-term Rentals.

BACKGROUND

On July 21, 2022, the City Council received an update on the Short-term Rental Program, considered staff recommended changes to the program, and directed staff to return a revised ordinance for Council consideration. The City Council provided direction as follows:

- Adopt a 90-license cap on non-hosted STR licenses (hosted STR licenses would remain unlimited);
- Implement a waitlist program and charge a non-refundable waitlist fee;
- Change license expiration to June 30th with a 2-month renewal window;
- Disallow late license renewals (so that failure to renew by June 30th results in license relinquishment) and incorporate grounds for non-renewal;
- Require neighborhood noticing upon initial application only and reduce the distance for noticing to 60 feet from 100 feet and require that the City send the notice instead of the applicant;
- Require site inspections upon initial application and also upon every other renewal, to be completed by third-party independent licensed general contractor using a building safety checklist provided by the City;
- Change adult guest occupancy limit for non-hosted STR sites to two adults per

- bedroom plus one additional adult;
- Remove business license requirement and roll over associated fees into the STR application and licensing fees;
- Require display of a placard that includes license number, contact information, occupancy, and parking limits.

DISCUSSION

Following the City Council meeting, City staff conducted additional research on the proposed changes to ensure they are effective, practical, fair, and consistent with zoning laws and best practices. In addition to the City Council direction, staff has identified and incorporated additional changes into a draft ordinance.

On October 26, 2022, the draft ordinance was presented to the Planning Commission for review and deliberation. Following discussion and public comment, the Planning Commission adopted a resolution (attachment B) recommending that the City Council adopt the proposed ordinance with two additional changes, including capping guest occupancy and coordinating with Homeowner's Associations (HOA's). Table 1 below provides a summary of the proposed changes:

Issue Type	Current Regulations	Proposed Changes
Transient Use Definition	less than 30 consecutive days	30 consecutive days or fewer
License Cap	None	• Non-hosted STR Licenses will be subject to City-wide cap of 90 licenses. • Hosted STR Licenses to remained unlimited.
Density Limits	None	• New Non-hosted STR Licenses will be subject to a one per parcel limit and a 55-foot Zone of Exclusion limit (i.e. no new Non-hosted STR license to be issued within 55 linear feet from the parcel boundary lines of an existing Non-hosted STR license). • Hosted STR Licenses will not be subject to these Density limits.

Waiting List	None	The City will implement a waiting list program for new Non-hosted STR license applications in the event a license is not available under the cap limit. The property must comply with density requirements at the time of application for the waiting list. The City will charge a non-refundable fee.
Renewal Deadline	Rolling deadline	All STR licenses to expire on June 30 th with a 2-month renewal window. Failure to renew by June 30th results in license relinquishment.
Late Renewals	Allowed with payment of late fee	Late renewals will be disallowed. Failure to renew by June 30th results in license relinquishment. Proposed ordinance incorporates grounds for non-renewal.
Noticing	Applicant shall post a notice on site and mail to neighbors within 100 ft upon initial application and renewal.	Upon initial application of both Hosted and Non-hosted STR license, the City will notify the owners of real property located within 55 feet of the property boundaries of the proposed Short-term Rental.
Property Inspections	Required upon initial application and every four years. City conducts inspections and charges a fee.	Inspections will be required upon initial application and then upon every other renewal (i.e. 2-year intervals). Inspections to be completed by third-party independent licensed general contractor using a building safety checklist provided by the City.
Guest Occupancy	Building Official determines guest occupancy	Two adults (aged 18 or older) per bedroom plus one additional adult per site, up to a maximum of 9 adults for homes with 4+ bedrooms. However, the City's Building Official may increase or decrease the final occupancy limit permitted on the Transient Use Site based upon the characteristics of individual Transient Use Sites.
Vehicle Limits	None	Maximum number of vehicles allowed at a Short-term Rental (both on- and off-street) cannot exceed the total number of bedrooms included in the rental.

Business License	Required	Obtaining a business license will not be required.
Display of Placard	Not required	Posting of a City-issued placard in a location visible at the front entrance will be required.

In addition to the above changes, staff has also made other non-substantive changes for additional clarity. For example, staff has removed section 17.52.252 and merged its content into relevant sections of section 17.52.251. Additional changes include proper capitalization, and usage of standard definitions for consistency purposes.

On October 26, 2022, this Ordinance was considered by the Seaside Planning Commission. The Planning Commission recommended that the City Council approve the Ordinance with two additional recommendations:

1. Consider placing a cap limit on the maximum number of occupants at larger homes; and
2. Coordinate with Seaside Homeowner's Associations (HOA's) as to the City's Short-term Rental regulations.

To respond to the first of these concerns, staff has modified the Ordinance to include a maximum of nine adults for any STR, even if the residence has more than four bedrooms. Staff has not proposed any amendments to the Ordinance to address the second concern – however, staff will modify the application and/or license forms to include an affidavit to be signed by the applicant acknowledging that obtaining an STR license from the City does not absolve them of responsibility to comply with any requirements that may be included in an HOA or private Conditions, Covenants, and Restrictions (CC&Rs).

PRELIMINARY ADMINISTRATIVE PROCEDURES MANUAL

Staff has developed a preliminary working draft of an administrative procedures manual (attachment C) for processing STR applications, renewals and licenses. STR administrative procedures manual which sets forth specific administrative procedures for implementing the revised STR ordinance. The proposed ordinance along with the administrative procedures will streamline license renewal and provide better "tools" for the City's code enforcement effort, while making program requirements straightforward to the public. Staff may update the administrative procedures manual depending on additional City Council feedback. These materials are provided as an informational piece and no action is required for these items.

IMPLEMENTATION TIMELINE

The Ordinance will go into effect 30 days following the final adoption of the Ordinance

by the Council. New license applications will be required to meet the new regulatory standards. All existing licenses will undergo a special one-time renewal by the end of the calendar year. The purpose of this process is to update City records, collect past-due fees, and issue updated licenses, which will collectively expire on June 30, 2023. All license holders will be required to renew their license(s) again in May and June 2023 for the subsequent Fiscal Year 2023/2024. The City will begin accepting applications for the waitlist as soon as administratively possible upon adoption of the revised ordinance. Non-hosted STR licenses will be issued up to the cap limit on a first-come, first-serve basis. Applications received after the license cap limit is maxed out will be placed on the waiting list.

City staff has also begun the process of phasing out all modules of Host Compliance except address identification and compliance monitoring which helps the City identify illegal short-term rentals. City staff has also identified a new licensing software - iWorQ Systems Inc. ("iWorQ") - for license management, fee collection, and tracking complaints and inspections. iWorQ will allow the City to design the database based on the City's unique program requirements. City staff will be able to collaboratively manage 100% of the STR program data. iWorQ also offers a public-facing citizen portal for enhanced program transparency.

CEQA

On June 21, 2018, the City Council of the City of Seaside adopted an Initial Study and Negative Declaration to evaluate the potential environmental impacts associated with Transient Use and Short-Term Rent. The IS/MND concluded the ordinance would not have a significant effect upon the environment. The proposed amendment would make minor revisions to STR regulations and will not result in any significant impacts.

FISCAL IMPACT

The City receives approximately \$500,000.00 in STR TOT revenues per year. Setting a lower cap limit would reduce potential STR TOT revenues; however, since the cap is proposed at a higher number than the existing number of STRs currently licensed, it is not expected to result in a decrease in currently collected revenues. Increasing the number of regulations could increase City Code Enforcement costs – however these costs could be mitigated or exceeded through collection of citation and cost recovery fees. Switching from Host Compliance to an alternative platform will result in improved fee collection, which will increase other program revenues (i.e. application and license renewal fees) to offset the costs of any additional City staff time and resources that may be needed. The net fiscal impact produced by these changes could be positive or negative, but is expected to be minor.

ATTACHMENTS

1. Attachment A- Proposed STR Ordinance
 2. Attachment B - Planning Commission Resolution
 3. Attachment C - Draft STR Administrative Procedures Manual
 4. STR Neighborhood Notice Sample
 5. STR Placard Sample
 6. STR License Template
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

ORDINANCE NO. 22-XXX

AN ORDINANCE OF THE CITY OF SEASIDE AMENDING SEASIDE MUNICIPAL CODE SECTIONS 17.52.251 AND 17.52.252 PERTAINING TO SHORT-TERM RENTALS

WHEREAS, In 2018, the City Council of the City of Seaside adopted Ordinances 1053 and 1054 to regulate short-term rentals (STR); and

WHEREAS, In 2020, the City Council of the City of Seaside received an update on the STR program and adopted Ordinance 1083 repealing and amending Ordinances 1053 and 1054 pertaining to short-term rentals; and

WHEREAS, The establishment of an appropriate City regulatory program coupled with quantitative cap and other limits can best address negative impacts on the quality and character of the City's residential neighborhoods and on the availability and affordability of housing; and

WHEREAS, The City Council finds adoption of a comprehensive code to regulate issuance of and conditions attached to short-term rental licenses is necessary to protect the public health, safety, and welfare; and

WHEREAS, The City Council deems the establishment of an appropriate City regulatory program necessary to regulate this sector; and

WHEREAS, After a duly noticed public hearing on July 21, 2022, the City Council received a an update on the program, considered staff recommended changes and directed staff to return with a first reading of the revised STR ordinance;

WHEREAS, After a duly noticed public hearing on October 26, 2022, the Planning Commission reviewed the proposed amendments and adopted a resolution recommending the City Council adopt an ordinance amending Seaside Municipal Code Sections 17.52.251 and 17.52.252 pertaining to Short-Term Rentals;

WHEREAS, After a duly noticed public hearing on November 3, 2022, the City Council and approved the first reading of Ordinance 22-____; and

WHEREAS, After a duly noticed public hearing on _____, 2022, the City Council approved a second reading of Ordinance 22-____; and

WHEREAS, Ordinance 22-____ shall not authorize any STR owner the right or privilege to violate any private condition, covenant or restriction applicable to the owner's property that may limit or prohibit use of such owner's residential property for short-term rental purposes; and

WHEREAS, Upon its effective date, Ordinance 22-____ shall supersede and repeal Ordinance 1084.

NOW, THEREFORE, The City Council of the City of Seaside does hereby ordain as follows:

SECTION 1. The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. SECTIONS 17.52.251 AND 17.52.252 of the Seaside Municipal Code are hereby amended in their entirety to read as provided in Exhibit A:

SECTION 3. The City Council hereby finds the draft ordinance does not involve the approval of a project because the ordinance and its implementation do not result in a direct or indirect physical change in the environment or in a reasonably foreseeable indirect physical change in the environment. It is therefore exempt from the California Environmental Quality Act (CEQA) review. (Pub. Resources Code §21065; CEQA Guidelines §§15357, 15377, 15378).

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective immediately upon adoption on second reading.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, held on the ___ day of _____ 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney

EXHIBIT A
Text Amendments to Seaside Municipal Code Sections 17.52.251

17.52.251 Short-Term Rentals

A. Statement of purpose. The purpose of this Section is to establish a licensing process, together with appropriate standards that regulate the Short-Term Rental of single-family and multi-family dwellings in residential districts, to minimize negative secondary effects of Short-Term Rentals on surrounding neighborhoods and preserve the character of neighborhoods in which any such use occurs. This Section addresses traffic, noise, and density; ensures the health, safety and welfare of neighborhoods as well as of renters and guests patronizing Short-Term Rentals; and imposes limits on the number of Licenses issued to ensure long-term availability of the affordable housing stock. This Section also sets regulations to ensure enforcement of these standards, and collection and payment of fees and Transient Occupancy Taxes.

This Section shall not provide any property Owner with the right or privilege to violate any private conditions, covenants or restrictions applicable to the Owner's property that may prohibit the use of such Owner's Residential Property for Short-Term Rental purposes as defined in this Section.

The City Council finds adoption of a comprehensive code to regulate issuance of, and conditions attached to, Short-Term Rental Licenses is necessary to protect the public health, safety and welfare. The purposes of this Section are to provide a licensing system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses on residential neighborhoods.

The City Council finds the regulation of Short-Term Rental uses, including its nontransferability provisions, to be a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Section.

B. Definitions. For the purpose of this section certain terms used herein have the meanings set forth in this Section, and such meaning shall prevail in case of conflict with the definitions set forth in the SMC.

- 1. Good Neighbor Brochure.** A brochure, available from the City, to be given to guests, which includes a summary of the City's regulations relating to Short-Term Rentals.
- 2. Guest.** The overnight occupant(s) renting a Short-Term Rental for 30 or fewer consecutive days for remuneration and the visitors of the overnight occupants.
- 3. Hosted Short-term Rental.** A dwelling unit where the Owner with the majority interest in the Residential Property, or an Owner holding an equal shared interest if no other Owner owns a greater interest, occupies a dwelling unit as his or her principal residence and offers a habitable portion thereof for transient occupancy by others, and is present during the occupancy of the hosted Short-Term Rental.
- 4. Local Contact Person.** The person designated by the Owner or the Owner's authorized representative who shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints related to the Short-Term Rental and taking remedial action to resolve such complaints.
- 5. Nonhosted Short-term Rental.** A dwelling unit that is offered for Transient occupancy where the Owner or shared ownership interest does not occupy the dwelling offered for transient occupancy as his or her principal residence. Second units lawfully established pursuant to Chapter 17.12, a permitted Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be permitted for Transient Use.
- 6. Owner Representative.** Any person authorized by the Owner to fully manage the Transient Use Site.
- 7. Owner.** The person who possesses fee title to a Transient Use Site.

- 8. Person.** An individual or a group of individuals, association, firm, partnership, entity, public or corporation or other private.
- 9. Remuneration.** Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.
- 10. Residential Property.** Any lawfully established residential dwelling unit. Second units lawfully established pursuant to Chapter 17.12, a permitted Accessory Dwelling Unit or Junior Accessory Dwelling Unit, or any part of a bed and breakfast inn, motel, hotel, timeshare development or other transient use dwelling shall not be considered as Residential Property for the purposes of Short-Term Rentals and this Section.
- 13. Responsible Tenant.** A person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the Transient Use Site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the Transient Use Site, including, but not limited to, all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental.
- 14. Short-Term Rental (STR).** A term that shall mean a Short-Term Rental unit that is rented for periods 30 or fewer consecutive calendar days for Remuneration. Short Term Rentals may be Hosted or Nonhosted.
- 15. Short-Term Rental License.** Short-Term Rental License shall have the same meaning as Transient Use License.
- 16. Transient Use.** A period of 30 or fewer consecutive calendar days.
- 17. Transient Use License.** A license issued by the City of Seaside in accordance with this Section allowing the temporary operation of a Short Term Rental. All references to a “License” in this Section shall refer to a Transient Use License unless otherwise specified.
- 18. Transient Use of Residential Property.** The commercial use by any person of Residential Property for transient lodging uses where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is 30 or fewer consecutive calendar days.
- 19. Transient Use Site.** Property occupied and used for Transient Use of Residential Property or Short-Term Rental purposes.

C. Transient Use of Residential Property Subject to this Section.

- 1.** Transient Use of Residential Property for Remuneration is prohibited except (1) as otherwise expressly licensed by this Section, or (2) when such use is licensed by a Transient Use License issued in accord with this Section. Transient Use of Residential Property shall be considered accessory to an existing residential use and shall only be considered within a structure which is lawfully allowed to be used for residential purposes.
- 2.** Each transient use must meet all the requirements of this section. Short-Term Rental Licenses are issued for a term expiring on June 30th each year. No guarantee is given or implied that a Short-Term Rental License will be extended or renewed for a term subsequent to its expiration.
- 3.** Any Owner, Owner Representative, Responsible Tenant, person acting as agent, real estate broker, real estate sales agent, property manager or otherwise who uses, advertises, arranges, or negotiates for the use of, or allows the use of, Residential Property in violation of the provisions of this Section shall be subject to administrative remedies as set forth in Chapter 2.58 of the Seaside Municipal Code.

4. Each private contract or tenancy that allows Transient Use shall identify the name, address, phone number and email contact information of at least one Responsible Tenant who has been informed of, and has agreed to abide by, occupancy, parking and other limits that apply to that transient use.
5. Violations of this Section shall be treated as a public nuisance and Short-Term Rental strict liability offense regardless of intent.
6. A violation of any provision of this Section by any of the guests, Owners, or operators shall constitute grounds to suspend or revoke a Short-Term Rental License.

D. Short-Term Rental License Cap and Density Limits.

1. **License Cap:** The maximum number of Nonhosted Short-Term Rentals allowed throughout the City shall be 90. If the number of existing Nonhosted Short Term Rental Licenses exceeds 90, new License applications shall be placed on a waiting list. Hosted Short-Term Rental Licenses are not subject to the License cap.
2. **Density Limit:** Upon the effective date of the ordinance codified in this Section, all new Nonhosted Short-Term Rentals shall be subject to a 55-foot zone of exclusion. The 55-foot zone of exclusion shall be drawn along a horizontal plane from the proposed Nonhosted Short-Term Rental parcel boundary to the boundary of the existing Nonhosted Short-Term Rental. A property shall be ineligible to hold a Short-Term Rental License if any part of its parcel boundary is within the 55-foot zone of exclusion of an existing Short-Term Rental. Subject to the Director or his/her designee's discretion, a property may be eligible for a Short-Term Rental License if its parcel boundary is outside the zone of exclusion but an associated legal easement is within the 55-foot range (i.e., a reverse ingress or egress easement creates a flag lot). No more than one Nonhosted Short Term Rental License may be issued per parcel of record. Hosted Short-term Rentals shall not be subject to the density limit.

Applications for renewals of existing Transient Use Licenses shall not be subject to the 55-foot zone of exclusion.

E. Limits on Transient Use. Transient Use of Residential Property for Remuneration allowed by this Section shall be subject to all of the following:

1. Each private contract or tenancy that enables transient use shall be in writing, and identify thereon the name, address, phone number and email contact information of:
 - a. The Owner;
 - b. The Owner Representative; and
 - c. At least one Responsible Tenant occupying the transient site who shall be responsible for all limits required by this section.
2. Each private contract or tenancy shall identify the name, address, phone number and email contact information of at least one Responsible Tenant who has been informed by the Owner or Owner Representative of the occupancy, parking and other limits that apply to transient use by this section and shall be informed of residential parking and noise limits, including but not limited to Chapter 9.12, the City codes that regulate unlawful noises.
3. Trash and refuse shall not be left stored within public view, except in proper containers for purpose of collection by the City's authorized waste hauler.
4. A Short-Term Rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism, including "vacation rental" signs.

5. Guests of the Short-Term Rental shall comply with Chapter 9.12 regulating noise, including quiet hours between the hours of 10:00 p.m. and 7:00 a.m.
6. The Owner or Owner Representative for all Nonhosted Short-Term Rentals shall post in a prominent location within the Short-Term Rental:
 - a. Owner or Owner Representative name and telephone number;
 - b. Local Contact Person name and telephone number;
 - c. Telephone number for Seaside Code Enforcement and the Seaside Police Department;
 - d. The maximum number of parking spaces available on site;
 - e. Trash pick-up day and applicable rules and regulations;
 - f. A copy of City of Seaside noise regulations;
 - g. A copy of the Good Neighbor Brochure; and
 - h. Notification that a guest, Local Contact Person, responsible person or Owner may be cited and/or fined by the City in accordance with this section.
7. The Transient Use Site:
 - a. Shall be used and maintained in a manner consistent with the character of the neighborhood;
 - b. Shall not impair the desirability of investment or occupation of the surrounding neighborhood; and
 - c. Shall not have displayed thereon any sign that indicates the property is used or available for transient or Short-Term Rental purposes.
8. Owner and Owner Representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure that every occupant of the Transient Use Site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.
9. Local Contact Person shall be on call full-time (24 hours per day, seven days per week) to manage the property and shall be able to be physically present at the Transient Use Site within 60 minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted, the Owner, Owner Representative or Local Contact Person shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond timely to two or more complaints regarding guest violations is grounds for penalties as set forth in this Section. The Owner, Owner Representative or Local Contact Person shall be subject to all administrative, legal and equitable remedies available to the City for failing to respond within 60 minutes of request.
10. The maximum number of occupants aged 18 or older authorized to stay overnight at any Transient Use Site shall be two persons per bedroom, plus one additional person per Short-Term Rental, not to exceed a maximum of nine adults under any circumstance. The City' Building Official may increase or decrease the final occupancy limit permitted on the Transient Use Site based upon the characteristics of individual Transient Use Sites.
11. Each designated on-site parking space at a Transient Use Site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guests of the site. Each private contract or tenancy shall specify that the maximum number of tenant

vehicles to be parked at or in proximity to a Transient Use Site (whether on-street or off-street) shall not exceed the number of bedrooms included in the contract or tenancy.

12. Amplified sound that is audible beyond the property boundaries of the Transient Use Site is prohibited.

13. Commercial functions and other similar events are prohibited at the Transient Use Site.

14. A Short-Term Rental License application for a previously unlicensed Transient Use Site may be approved or placed on a waitlist only if all taxes and penalties are paid in full or if a payment agreement has been signed both by the City and the applicant.

15. The Owner or Owner Representative shall maintain a guest log book that includes the name, phone number, home address, guest license plate number if traveling by car, dates of stay of a responsible tenant, and amount of gross rental proceeds collected. The Owner or Owner Representative shall furnish such information to the City upon request.

F. Short-Term Rental License. It is unlawful for any person to transact and carry on any business relating to or supporting the Transient Use of Residential Property in the City without first having procured a Short-Term Rental License from the City, and paying the License fee and any other fees associated with approval of an application for a License, hereinafter prescribed, and also without complying with any and all applicable provisions of this section. A Short-Term Rental License, however, shall not be required for any lawfully established bed and breakfast inn, motel, hotel, or timeshare development.

G. Display of Short-Term Rental License. The Owner or Owner Representative shall cause a copy of the Transient Use License to be displayed in a prominent location within the interior of the Transient Use Site, and shall provide a copy to each Responsible Tenant. Each internet or online advertisement, sign, circular, card, telephone book, or newspaper advertisement that indicates or represents a Transient Use Site is available for transient or Short-Term Rental purposes shall prominently display thereon the Transient Use License number assigned to that site by the City of Seaside.

H. Separate Properties. A separate Short-Term Rental License shall be obtained for each separate Transient Use Site. In all other circumstances, a separate License shall be required for each Transient Use Site. A Transient Use License shall authorize the licensed Owner to transact and carry on Transient Use of Residential Property only at the location and in the manner and subject to the limits designated in such License.

I. Contents of License. Every person required to have a License under the provisions of this section shall make application to the City and tender payment of the prescribed application and License fee. Thereafter in accord with the provisions of this section the City shall issue to such person a License which shall contain the following information:

1. The name and contact information of the Owner to whom the License is issued, and the name and contact information for the Owner Representative, if any;
2. The Transient Use Site to be Licensed, and whether the License is for a Hosted Short-Term Rental or a Nonhosted Short-Term Rental;
3. The date of expiration of such License;
4. The maximum number of occupants aged 18 or older who are authorized to stay overnight at that Transient Use Site determined by this Section or the City Building Official;
5. The maximum number of motor vehicles allowed for use by overnight guests at that Nonhosted Transient Use Site based upon the available on-site parking as shown on the application site plan; and

6. Such other administrative information as may be necessary for the enforcement of the provisions of this section.

J. Application – First License. Each Short-Term Rental License shall be in the name of the Owner of the real property upon which the Short-Term Rental use is to be Licensed and shall be valid for a term expiring on June 30th each year. When a person first makes an application for a License pursuant to this section, such person shall furnish to the City a sworn affidavit upon a form provided by the City setting forth the following information:

1. The address of the Transient Use Site to which the License shall apply, and all places of residence of the Owner(s) of the Transient Use Site:
 - a. In the event an application is made for issuance of a License to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business; or
 - b. In the event an application is made for the issuance of a License to a corporation or a partnership, the application shall set forth the names and places of residence of the principal officers and all partners thereof; or
 - c. In the event an application is made for the issuance of a License by a property management company, the application shall set forth the names and places of residence of the management company thereof, as well as include the property Owner signature approving the application and use of the property; and
2. Each application shall set forth such information as may be therein required by the City and deemed necessary to estimate the annual Transient Occupancy Tax to be charged for that property; and
3. The Owner and applicant shall agree to collect and remit Transient Occupancy Taxes on all gross receipts pertaining to the Transient Use Site; and
4. Each application shall identify the name, address, phone number and email contact information of the Owner and the Owner Representative; and
5. Each application for a License shall include a site plan and floor plan which labels each room and the structures of the property, including the number of and square footage of bedrooms and the number of off-street parking spaces; and
6. The Owner shall affirm that smoke detectors are installed on all levels in all sleeping quarters and common areas, and that fire extinguishers are accessible to protect the health and safety of the guests of the Transient Use Site, and the applicant shall provide access and information to the Fire Inspector as needed to ensure health and safety for occupants of the Transient Use Site; and
7. A building inspection report shall be submitted to the city upon initial application and upon every other renewal period. The building inspection checklist shall be completed by a certified third-party general contractor (certified by the Contractors State License Board) or home inspector (certified by the International Association of Certified Home Inspectors). The inspection report shall use a form approved by the city. The chief building official or his/her designee may conduct a follow-up inspection to ensure the accuracy of information provided to the city and inspect any deficiencies that may need correction. The applicant or Short-Term Rental Owner shall reimburse the city for all building inspection costs; payments shall be nonrefundable for applications found by the city to not be suitable or to qualify for Short-Term Rental; and
8. The Owner or Owner Representative shall agree to post a city-issued placard in a location visible at the front entrance. The placard shall prominently display the Owner Representative's contact information, Short-Term Rental License number, and guest occupancy limits. It shall be the

responsibility of the Owner and Owner Representative to immediately notify the city and obtain an updated placard whenever there is change in contact information; and

9. Upon initial Short-Term Rental License application, the City shall notify the owners of real property located within 55 feet of the property boundaries of the Transient Use Site. The notice shall include a statement of the maximum number of guests Licensed to stay in the Short-Term Rental, and state the Short-Term Rental Owner's or Owner Representative's contact information; and

10. The Owner and Owner Representative shall submit a signed City-provided acknowledgment and indemnification form agreeing to the terms and conditions of the Short-Term Rental License; and

11. Such further information which the City may require to enable proper administration of the License.

The applicant shall remit all required annual fees in accordance with the master fee schedule set by City Council resolution. The applicant shall agree to renew and/or amend the License in accordance with the requirements of this section, and if there is a change in any material fact stated in the application. Applications are valid until the License is issued, but not to exceed 45 calendar days, unless extended by approval of the program administrator.

K. Renewal of License.

1. It shall be the responsibility of Short-Term Rental Owner or Owner Representative to renew each Short-Term Rental License on or before June 30th of each year. To renew a Short-Term Rental License, the Owner or Owner Representative shall submit the following:

- a. Short-Term Rental License renewal form provided by the City.
- b. List of hyperlinks for each online listing for the Short-Term Rental.
- c. Signed affidavit affirming smoke and carbon monoxide alarms are installed and that fire extinguisher(s) are in accessible locations.
- d. A building inspection report using the form provided by the city, and obtained through a certified third-party general contractor or building inspector. A building inspection report shall be required upon every other Short-Term Rental License renewal application.
- e. Owner acknowledgment and indemnification form
- f. Payment of all applicable fees.

2. Notwithstanding the above, Short Term Rental Licenses which are issued less than 60 days from the expiration date of said License shall be automatically renewed for the following year without need to submit any application. Any fees due for the following year shall be due at the time the initial Short Term Rental License is issued.

3. In addition to other reasons, any of the following factors is grounds for nonrenewal of a Short-Term Rental License:

- a. Incomplete application.
- b. Failure to demonstrate the Short-Term Rental License number is displayed in all the online listings or failure to provide hyperlinks of each online listing to the city.
- c. Failure to remit payment to the city at the time the Short-Term Rental License renewal application is submitted.
- d. The Short-Term Rental does not pass the building inspection, or the building inspection report identifies an unsafe condition.
- e. Nonhosted Short-Term Rental License holder fails to provide evidence of at least one documented Short-Term Rental stay during the preceding 90 days, or 3 documented stays during the preceding 180 days, or 6 documented stays in the year prior to the Short-Term Rental renewal application.
- f. Evidence of two or more verified violations of the City Code during the preceding 12 months.

- g. Failure to demonstrate all Transient Occupancy Tax payments are current as of the date of approval of the renewal application.

L. Change to License information.

1. A request to amend any information provided on the License issued pursuant to this section shall be made within 14 days of any change of Owner, a change of the Owner Representative, a change in any material fact upon which the License was issued, or if any other person acquires an Ownership interest in the Transient Use Site.
2. The Owner or Owner Representative shall immediately (no later than 14 days) inform the city of any change in the contact information or a change in any material fact upon which the STR license was issued.

M. Evidence of Transient Use of Residential Property. When any Owner, Owner Representative, or other person makes use of internet services, signs, circulars, cards, telephone books, or newspapers and/or advertises, holds out, or represents that he or she allows Transient Use of Residential Property in the City, and such person fails to provide a sworn affidavit to the City that he or she does not allow Transient Use of Residential Property in the City after being requested to do so by the City, then such information shall be considered prima facie evidence that he or she is conducting a business in the City by allowing Transient Use of Residential Property. Until proper evidence to the contrary is presented to the City, the City shall be entitled to presume that the property is being used as a Short-Term Rental and is required to obtain a License as required by this Section, and/or that the Transient Use of Residential Property has occurred at the subject property.

N. Statement and records. No statement shall be conclusive as to the matters set forth therein, nor shall the filing of such statement keep the City from collecting by appropriate action taxes and/or fees that are due and payable hereunder. In the event that the City deems it necessary, the City may require that an already Licensed Owner, or applicant for a License, submit verification of financial information necessary to calculate the Transient Occupancy Tax due, or, at the option of the already Licensed Owner or applicant, authorize the City to examine records or business transactions to compute the Transient Occupancy Tax that is owed.

O. Failure to file statement or corrected statement. If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City the Licensed Owner or applicant fails to file a corrected statement, or if any person subject to the tax imposed by this section fails to apply for a License, the City may determine the amount of tax due from such person by means of such information as City may be able to obtain and shall give written notice thereof to such person. Delinquent payment shall be subject to penalties calculated in the same manner as set forth in Chapter 3.24.

P. Transient Occupancy Tax. The Owner or Owner Representative shall comply with all the requirements of Chapter 3.24 (Transient Occupancy Tax). For the purposes of Section 3.24.010, a Short-Term Rental shall qualify as a hotel. The City Manager or designee shall be responsible for the enforcement of the provisions of Chapter 3.24. Transient Occupancy Tax collected for Short-Term Rentals shall be set aside in a separate fund account.

Q. Appeal of tax. Any person aggrieved by any decision of the City with respect to the amount of the Transient Occupancy Tax or fees associated therewith may appeal to the Administrative Enforcement Hearing Office Panel by filing a notice of appeal with the City Clerk within 15 calendar days after receipt of written notice from the City. The Hearing Officer assigned by the Panel shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing in the United States Post Office at Seaside, California, postage prepaid, addressed to such person at his or her last known address. The Hearing Officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this Section.

R. Additional power of City. In addition to all other power conferred upon the City Manager, he or she shall have the power, for good cause shown:

1. To extend the time for filing any required sworn affidavit or application for a period not exceeding 30 days, and in such case to waive any penalty that would otherwise have accrued; and
2. Whenever any fee, tax or penalty pursuant to this section is due and payable but has not been satisfied in full within 90 days and/or has not been successfully deposited by a timely writ of mandate, such amounts shall constitute a lien against the real property, and be subject to the processes set forth in the SMC.

S. License nontransferable. Each Transient Use License shall be nontransferable to any other person, except that transfer of ownership shall be allowed between spouses. Each Transient Use License shall be nontransferable to any other location. No STR license shall be assignable, and shall not be transferred upon sale or other transfer of the property.

T. License denial or revocation. Any application for a License may be denied, and any License issued pursuant to this section may be revoked. Substantial evidence shall be presented as to why the application should be denied or the License should be revoked for any reasons, including but not limited to:

1. A false material statement or misrepresentation has been made in, or in support of, the application;
2. A change occurs in any material fact upon which the License was issued that has not been reported to the City as a change to the required License content within 14 days;
3. The Transient Use Site, or any other location owned by the Owner or applicant, has been the site of a violation of any provision of law, or otherwise fails to meet sanitation or health standards of the neighborhood, within the 12 months immediately preceding;
4. The Owner, Owner Representative, or applicant has been convicted of any crime involving moral turpitude;
5. The Owner, Owner Representative, or applicant has failed to timely respond to two or more complaints within the 12 months immediately preceding; or
6. The Owner, applicant, guest, or any occupant of a Transient Use Site regularly engages in disorderly conduct, violates provisions of this code or any state law pertaining to noise, disorderly conduct, or uses illegal drugs.
7. The Short-Term Rental has outstanding administrative penalties or the Short-Term Rental Owner or Owner Representative owes past-due Transient Occupancy Taxes (TOT) for prior Short-Term Rental use; or
8. The property under present ownership has previously been used as Short-Term Rental without a Short-Term Rental License, unless all taxes and penalties have been either paid in full or will be paid subject to a payment agreement signed both by the City and the applicant.

U. Appeal of revocation or suspension. Any person who has been denied a License or to whom notice of revocation or suspension of a License has been mailed may appeal to the Administrative Enforcement Hearing Panel under Chapter 2.58, pursuant to a request for hearing under Chapter 2.58. Notice of the proceeding shall conform to Section 2.58.080, and the hearing shall conform to the process set in Section 2.58.090. The Hearing Officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this section. Any applicant or License holder whose License shall have been denied or revoked shall be ineligible for a two-year period from applying for a new License. No person whose License has been

revoked shall continue to engage in, or carry on, the activity for which the License was granted unless and until such License has been reinstated or reissued. The decision of the Hearing Officer shall be final. Notice of the decision, and the opportunity for judicial review, shall conform to Section 2.58.180.

V. Penalties. Penalties as set forth in Chapter 2.58 and Section 17.80.050 may be imposed for failure to comply with the provisions of this section, with respect to:

1. Any Owner, Owner Representative, or person who transacts or carries on any activity relating to or supporting the Transient Use of Residential Property in the City without first having procured and complied with a Transient Use License from the City to do so, and paying all applicable License fees, shall be subject to administrative penalties as set forth in Chapter 2.58 and Section 17.80.050, including administrative penalties imposed by a Hearing Officer for violation of any provisions of this code in an amount not to exceed a maximum of \$2,500 per day for each continuing violation, exclusive of administrative costs, interest and restitution for compliance reinspections, for any related series of violations, and/or forfeiture of all rents received during the period transient use was allowed without a Transient Use License , whichever amount is greater;
2. Any Owner, Owner Representative, or person who carries on any activity that advertises to the surrounding neighborhood that the site has been Licensed to allow, or is used for, transient occupancy, and who has failed to timely remedy this violation in response to two or more complaints, shall be subject to administrative penalties;
3. Any Owner, Owner Representative, Responsible Tenant or person who allows a Transient Use Site to be used or maintained in a manner detrimental to the peace, public health, safety or general welfare of persons or property of the neighborhood or the public, and fails to timely remedy this violation in response to two or more complaints;
4. Any Owner, Owner Representative, Responsible Tenant or person who allows impermissible or inappropriate behavior at the Transient Use Site or action that exceeds the limits on transient use following two or more complaints;
5. Limits upon administrative penalties in Chapter 2.58 and Section 17.80.050 shall not apply to any violation of this section.

W. Liens. Whenever the amount of any penalty forfeiture and/or administrative cost imposed by a Hearing Officer pursuant to this section or to Section 2.58.170 has not been satisfied in full within 90 days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred, and be subject to the processes set forth in Chapter 2.58.

X. Administrative policy. The City Manager or his/her designee shall have the authority to develop administrative policies and procedures to implement the intent of this chapter.

RESOLUTION NO. 22-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING THE CITY COUNCIL OF THE CITY OF SEASIDE ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTIONS 17.52.251 AND 17.52.252 PERTAINING TO SHORT-TERM RENTALS

WHEREAS, the proposed Resolution seeks to revise and streamline Sections 17.52.251 and 17.52.252 of the Seaside Municipal Code as shown in Exhibit A; and

WHEREAS, Seaside Municipal Code Sections 17.52.251 and 17.52.252 establish a licensing process, together with standards, to regulate Transient Use of Residential Property to minimize the negative secondary effects of Short-Term Rentals on surrounding neighborhoods, to preserve the character of neighborhoods, to ensure long-term availability of the affordable housing stock, and to ensure enforcement of these standards and collection and payment of fees and Transient Occupancy Tax; and

WHEREAS, the City of Seaside has determined that certain provisions of Seaside Municipal Code Sections 17.52.251 and 17.52.252 are in need of revision and clarification in order to regulate Short-Term Rentals more effectively, streamline licensing process, protect availability and affordability of long-term housing rentals, and lesson potential impacts of overconcentration on neighborhoods; and

WHEREAS, on June 21, 2018, the City Council of the City of Seaside adopted an Initial Study and Negative Declaration to evaluate the potential environmental impacts associated with Transient Use and Short-Term Rentals; and

WHEREAS, Section 17.74.040 of the Seaside Municipal Code provides that it is the responsibility of the Planning Commission to consider and weigh the merits of Amendments to the Zoning Code in relation to the policies, standards, and intent of the Seaside General Plan and Seaside Zoning Code and provide a recommendation to the City Council on the proposed Amendment; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Zoning Code Amendment at a duly noticed public hearing held on October 26, 2022, and made a recommendation to the City Council to adopt the proposed Zoning Code Amendment, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and determines:

1. The proposed Zoning Code Amendment consistent with the goals and policies of the Zoning Code; and

2. The proposed text amendments would not be detrimental to public interest, health, safety, convenience, and welfare of the City; and
3. The proposed text amendments are consistent with other applicable provisions of Seaside Municipal Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission recommends to the City Council approval of the proposed text amendments as contained in Exhibit A with the following additional changes:

1. Consider placing a cap limit on the maximum number of occupants at larger homes; and
2. Coordinate with Seaside Homeowner's Associations (HOA's) as to the City's Short-term Rental regulations.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, held on the 25th day of October 2022 by the following vote:

AYES: Dodson, Evans, Huynh, La Mica, Silva

NOES: None

ABSENT: Madrigal, Owens

ABSTAIN: None

APPROVED:



William Silva, Chairperson

ATTEST:



Dominique L. Davis, City Clerk

EXHIBIT A
Text Amendments to Seaside Municipal Code Sections 17.52.251

17.52.251 Short-Term Rentals

A. Statement of purpose. The purpose of this Section is to establish a licensing process, together with appropriate standards that regulate the Short-Term Rental of single-family and multi-family dwellings in residential districts, to minimize negative secondary effects of Short-Term Rentals on surrounding neighborhoods and preserve the character of neighborhoods in which any such use occurs. This Section addresses traffic, noise, and density; ensures the health, safety and welfare of neighborhoods as well as of renters and guests patronizing Short-Term Rentals; and imposes limits on the number of Licenses issued to ensure long-term availability of the affordable housing stock. This Section also sets regulations to ensure enforcement of these standards, and collection and payment of fees and Transient Occupancy Taxes.

This Section shall not provide any property Owner with the right or privilege to violate any private conditions, covenants or restrictions applicable to the Owner's property that may prohibit the use of such Owner's Residential Property for Short-Term Rental purposes as defined in this Section.

The City Council finds adoption of a comprehensive code to regulate issuance of, and conditions attached to, Short-Term Rental Licenses is necessary to protect the public health, safety and welfare. The purposes of this Section are to provide a licensing system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses on residential neighborhoods.

The City Council finds the regulation of Short-Term Rental uses, including its nontransferability provisions, to be a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Section.

B. Definitions. For the purpose of this section certain terms used herein have the meanings set forth in this Section, and such meaning shall prevail in case of conflict with the definitions set forth in the SMC.

- 1. Good Neighbor Brochure.** A brochure, available from the City, to be given to guests, which includes a summary of the City's regulations relating to Short-Term Rentals.
- 2. Guest.** The overnight occupant(s) renting a Short-Term Rental for 30 or fewer consecutive days for remuneration and the visitors of the overnight occupants.
- 3. Hosted Short-term Rental.** A dwelling unit where the Owner with the majority interest in the Residential Property, or an Owner holding an equal shared interest if no other Owner owns a greater interest, occupies a dwelling unit as his or her principal residence and offers a habitable portion thereof for transient occupancy by others, and is present during the occupancy of the hosted Short-Term Rental.
- 4. Local Contact Person.** The person designated by the Owner or the Owner's authorized representative who shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints related to the Short-Term Rental and taking remedial action to resolve such complaints.
- 5. Nonhosted Short-term Rental.** A dwelling unit that is offered for Transient occupancy where the Owner or shared ownership interest does not occupy the dwelling offered for transient occupancy

as his or her principal residence. Second units lawfully established pursuant to Chapter 17.12, a permitted Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be permitted for Transient Use.

6. Owner Representative. Any person authorized by the Owner to fully manage the Transient Use Site.

7. Owner. The person who possesses fee title to a Transient Use Site.

8. Person. An individual or a group of individuals, association, firm, partnership, entity, public or corporation or other private.

9. Remuneration. Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.

10. Residential Property. Any lawfully established residential dwelling unit. Second units lawfully established pursuant to Chapter 17.12, a permitted Accessory Dwelling Unit or Junior Accessory Dwelling Unit, or any part of a bed and breakfast inn, motel, hotel, timeshare development or other transient use dwelling shall not be considered as Residential Property for the purposes of Short-Term Rentals and this Section.

13. Responsible Tenant. A person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the Transient Use Site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the Transient Use Site, including, but not limited to, all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental.

14. Short-Term Rental (STR). A term that shall mean a Short-Term Rental unit that is rented for periods 30 or fewer consecutive calendar days for Remuneration. Short Term Rentals may be Hosted or Nonhosted.

15. Short-Term Rental License. Short-Term Rental License shall have the same meaning as Transient Use License.

16. Transient Use. A period of 30 or fewer consecutive calendar days.

17. Transient Use License. A license issued by the City of Seaside in accordance with this Section allowing the temporary operation of a Short Term Rental. All references to a "License" in this Section shall refer to a Transient Use License unless otherwise specified.

18. Transient Use of Residential Property. The commercial use by any person of Residential Property for transient lodging uses where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is 30 or fewer consecutive calendar days.

19. Transient Use Site. Property occupied and used for Transient Use of Residential Property or Short-Term Rental purposes.

C. Transient Use of Residential Property Subject to this Section.

1. Transient Use of Residential Property for Remuneration is prohibited except (1) as otherwise expressly licensed by this Section, or (2) when such use is licensed by a Transient Use License issued in accord with this Section. Transient Use of Residential Property shall be considered accessory to an

existing residential use and shall only be considered within a structure which is lawfully allowed to be used for residential purposes.

2. Each transient use must meet all the requirements of this section. Short-Term Rental Licenses are issued for a term expiring on June 30th each year. No guarantee is given or implied that a Short-Term Rental License will be extended or renewed for a term subsequent to its expiration.
3. Any Owner, Owner Representative, Responsible Tenant, person acting as agent, real estate broker, real estate sales agent, property manager or otherwise who uses, advertises, arranges, or negotiates for the use of, or allows the use of, Residential Property in violation of the provisions of this Section shall be subject to administrative remedies as set forth in Chapter 2.58 of the Seaside Municipal Code.
4. Each private contract or tenancy that allows Transient Use shall identify the name, address, phone number and email contact information of at least one Responsible Tenant who has been informed of, and has agreed to abide by, occupancy, parking and other limits that apply to that transient use.
5. Violations of this Section shall be treated as a public nuisance and Short-Term Rental strict liability offense regardless of intent.
6. A violation of any provision of this Section by any of the guests, Owners, or operators shall constitute grounds to suspend or revoke a Short-Term Rental License.

D. Short-Term Rental License Cap and Density Limits.

1. **License Cap:** The maximum number of Nonhosted Short-Term Rentals allowed throughout the City shall be 90. If the number of existing Nonhosted Short Term Rental Licenses exceeds 90, new License applications shall be placed on a waiting list. Hosted Short-Term Rental Licenses are not subject to the License cap.
2. **Density Limit:** Upon the effective date of the ordinance codified in this Section, all new Nonhosted Short-Term Rentals shall be subject to a 55-foot zone of exclusion. The 55-foot zone of exclusion shall be drawn along a horizontal plane from the proposed Nonhosted Short-Term Rental parcel boundary to the boundary of the existing Nonhosted Short-Term Rental. A property shall be ineligible to hold a Short-Term Rental License if any part of its parcel boundary is within the 55-foot zone of exclusion of an existing Short-Term Rental. Subject to the Director or his/her designee's discretion, a property may be eligible for a Short-Term Rental License if its parcel boundary is outside the zone of exclusion but an associated legal easement is within the 55-foot range (i.e., a reverse ingress or egress easement creates a flag lot). No more than one Nonhosted Short Term Rental License may be issued per parcel of record. Hosted Short-term Rentals shall not be subject to the density limit.

Applications for renewals of existing Transient Use Licenses shall not be subject to the 55-foot zone of exclusion.

E. Limits on Transient Use. Transient Use of Residential Property for Remuneration allowed by this Section shall be subject to all of the following:

1. Each private contract or tenancy that enables transient use shall be in writing, and identify thereon the name, address, phone number and email contact information of:
 - a. The Owner;
 - b. The Owner Representative; and

- c. At least one Responsible Tenant occupying the transient site who shall be responsible for all limits required by this section.
2. Each private contract or tenancy shall identify the name, address, phone number and email contact information of at least one Responsible Tenant who has been informed by the Owner or Owner Representative of the occupancy, parking and other limits that apply to transient use by this section and shall be informed of residential parking and noise limits, including but not limited to Chapter 9.12, the City codes that regulate unlawful noises.
3. Trash and refuse shall not be left stored within public view, except in proper containers for purpose of collection by the City's authorized waste hauler.
4. A Short-Term Rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism, including "vacation rental" signs.
5. Guests of the Short-Term Rental shall comply with Chapter 9.12 regulating noise, including quiet hours between the hours of 10:00 p.m. and 7:00 a.m.
6. The Owner or Owner Representative for all Nonhosted Short-Term Rentals shall post in a prominent location within the Short-Term Rental:
 - a. Owner or Owner Representative name and telephone number;
 - b. Local Contact Person name and telephone number;
 - c. Telephone number for Seaside Code Enforcement and the Seaside Police Department;
 - d. The maximum number of parking spaces available on site;
 - e. Trash pick-up day and applicable rules and regulations;
 - f. A copy of City of Seaside noise regulations;
 - g. A copy of the Good Neighbor Brochure; and
 - h. Notification that a guest, Local Contact Person, responsible person or Owner may be cited and/or fined by the City in accordance with this section.
7. The Transient Use Site:
 - a. Shall be used and maintained in a manner consistent with the character of the neighborhood;
 - b. Shall not impair the desirability of investment or occupation of the surrounding neighborhood; and
 - c. Shall not have displayed thereon any sign that indicates the property is used or available for transient or Short-Term Rental purposes.
8. Owner and Owner Representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure that every occupant of the Transient Use Site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.

9. Local Contact Person shall be on call full-time (24 hours per day, seven days per week) to manage the property and shall be able to be physically present at the Transient Use Site within 60 minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted, the Owner, Owner Representative or Local Contact Person shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond timely to two or more complaints regarding guest violations is grounds for penalties as set forth in this Section. The Owner, Owner Representative or Local Contact Person shall be subject to all administrative, legal and equitable remedies available to the City for failing to respond within 60 minutes of request.

10. The maximum number of occupants aged 18 or older authorized to stay overnight at any Transient Use Site shall be two persons per bedroom, plus one additional person per Short-Term Rental. The City' Building Official may increase or decrease the final occupancy limit permitted on the Transient Use Site based upon the characteristics of individual Transient Use Sites.

11. Each designated on-site parking space at a Transient Use Site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guests of the site. Each private contract or tenancy shall specify that the maximum number of tenant vehicles to be parked at or in proximity to a Transient Use Site (whether on-street or off-street) shall not exceed the number of bedrooms included in the contract or tenancy.

12. Amplified sound that is audible beyond the property boundaries of the Transient Use Site is prohibited.

13. Commercial functions and other similar events are prohibited at the Transient Use Site.

14. A Short-Term Rental License application for a previously unlicensed Transient Use Site may be approved or placed on a waitlist only if all taxes and penalties are paid in full or if a payment agreement has been signed both by the City and the applicant.

15. The Owner or Owner Representative shall maintain a guest log book that includes the name, phone number, home address, guest license plate number if traveling by car, dates of stay of a responsible tenant, and amount of gross rental proceeds collected. The Owner or Owner Representative shall furnish such information to the City upon request.

F. Short-Term Rental License. It is unlawful for any person to transact and carry on any business relating to or supporting the Transient Use of Residential Property in the City without first having procured a Short-Term Rental License from the City, and paying the License fee and any other fees associated with approval of an application for a License, hereinafter prescribed, and also without complying with any and all applicable provisions of this section. A Short-Term Rental License, however, shall not be required for any lawfully established bed and breakfast inn, motel, hotel, or timeshare development.

G. Display of Short-Term Rental License. The Owner or Owner Representative shall cause a copy of the Transient Use License to be displayed in a prominent location within the interior of the Transient Use Site, and shall provide a copy to each Responsible Tenant. Each internet or online advertisement, sign, circular, card, telephone book, or newspaper advertisement that indicates or represents a Transient Use Site is available for transient or Short-Term Rental purposes shall prominently display thereon the Transient Use License number assigned to that site by the City of Seaside.

H. Separate Properties. A separate Short-Term Rental License shall be obtained for each separate Transient Use Site. In all other circumstances, a separate License shall be required for each Transient Use Site. A Transient Use License shall authorize the licensed Owner to transact and carry on Transient Use

of Residential Property only at the location and in the manner and subject to the limits designated in such License.

I. Contents of License. Every person required to have a License under the provisions of this section shall make application to the City and tender payment of the prescribed application and License fee. Thereafter in accord with the provisions of this section the City shall issue to such person a License which shall contain the following information:

1. The name and contact information of the Owner to whom the License is issued, and the name and contact information for the Owner Representative, if any;
2. The Transient Use Site to be Licensed, and whether the License is for a Hosted Short-Term Rental or a Nonhosted Short-Term Rental;
3. The date of expiration of such License;
4. The maximum number of occupants aged 18 or older who are authorized to stay overnight at that Transient Use Site determined by this Section or the City Building Official;
5. The maximum number of motor vehicles allowed for use by overnight guests at that Nonhosted Transient Use Site based upon the available on-site parking as shown on the application site plan; and
6. Such other administrative information as may be necessary for the enforcement of the provisions of this section.

J. Application – First License. Each Short-Term Rental License shall be in the name of the Owner of the real property upon which the Short-Term Rental use is to be Licensed and shall be valid for a term expiring on June 30th each year. When a person first makes an application for a License pursuant to this section, such person shall furnish to the City a sworn affidavit upon a form provided by the City setting forth the following information:

1. The address of the Transient Use Site to which the License shall apply, and all places of residence of the Owner(s) of the Transient Use Site:
 - a. In the event an application is made for issuance of a License to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business; or
 - b. In the event an application is made for the issuance of a License to a corporation or a partnership, the application shall set forth the names and places of residence of the principal officers and all partners thereof; or
 - c. In the event an application is made for the issuance of a License by a property management company, the application shall set forth the names and places of residence of the management company thereof, as well as include the property Owner signature approving the application and use of the property; and
2. Each application shall set forth such information as may be therein required by the City and deemed necessary to estimate the annual Transient Occupancy Tax to be charged for that property; and
3. The Owner and applicant shall agree to collect and remit Transient Occupancy Taxes on all gross receipts pertaining to the Transient Use Site; and

4. Each application shall identify the name, address, phone number and email contact information of the Owner and the Owner Representative; and
5. Each application for a License shall include a site plan and floor plan which labels each room and the structures of the property, including the number of and square footage of bedrooms and the number of off-street parking spaces; and
6. The Owner shall affirm that smoke detectors are installed on all levels in all sleeping quarters and common areas, and that fire extinguishers are accessible to protect the health and safety of the guests of the Transient Use Site, and the applicant shall provide access and information to the Fire Inspector as needed to ensure health and safety for occupants of the Transient Use Site; and
7. A building inspection report shall be submitted to the city upon initial application and upon every other renewal period. The building inspection checklist shall be completed by a certified third-party general contractor (certified by the Contractors State License Board) or home inspector (certified by the International Association of Certified Home Inspectors). The inspection report shall use a form approved by the city. The chief building official or his/her designee may conduct a follow-up inspection to ensure the accuracy of information provided to the city and inspect any deficiencies that may need correction. The applicant or Short-Term Rental Owner shall reimburse the city for all building inspection costs; payments shall be nonrefundable for applications found by the city to not be suitable or to qualify for Short-Term Rental; and
8. The Owner or Owner Representative shall agree to post a city-issued placard in a location visible at the front entrance. The placard shall prominently display the Owner Representative's contact information, Short-Term Rental License number, and guest occupancy limits. It shall be the responsibility of the Owner and Owner Representative to immediately notify the city and obtain an updated placard whenever there is change in contact information; and
9. Upon initial Short-Term Rental License application, the City shall notify the owners of real property located within 55 feet of the property boundaries of the Transient Use Site. The notice shall include a statement of the maximum number of guests Licensed to stay in the Short-Term Rental, and state the Short-Term Rental Owner's or Owner Representative's contact information; and
10. The Owner and Owner Representative shall submit a signed City-provided acknowledgment and indemnification form agreeing to the terms and conditions of the Short-Term Rental License; and
11. Such further information which the City may require to enable proper administration of the License.

The applicant shall remit all required annual fees in accordance with the master fee schedule set by City Council resolution. The applicant shall agree to renew and/or amend the License in accordance with the requirements of this section, and if there is a change in any material fact stated in the application. Applications are valid until the License is issued, but not to exceed 45 calendar days, unless extended by approval of the program administrator.

K. Renewal of License.

1. It shall be the responsibility of Short-Term Rental Owner or Owner Representative to renew each Short-Term Rental License on or before June 30th of each year. To renew a Short-Term Rental License, the Owner or Owner Representative shall submit the following:
 - a. Short-Term Rental License renewal form provided by the City.
 - b. List of hyperlinks for each online listing for the Short-Term Rental.

- c. Signed affidavit affirming smoke and carbon monoxide alarms are installed and that fire extinguisher(s) are in accessible locations.
 - d. A building inspection report using the form provided by the city, and obtained through a certified third-party general contractor or building inspector. A building inspection report shall be required upon every other Short-Term Rental License renewal application.
 - e. Owner acknowledgment and indemnification form
 - f. Payment of all applicable fees.
2. Notwithstanding the above, Short Term Rental Licenses which are issued less than 60 days from the expiration date of said License shall be automatically renewed for the following year without need to submit any application. Any fees due for the following year shall be due at the time the initial Short Term Rental License is issued.
3. In addition to other reasons, any of the following factors is grounds for nonrenewal of a Short-Term Rental License:
- a. Incomplete application.
 - b. Failure to demonstrate the Short-Term Rental License number is displayed in all the online listings or failure to provide hyperlinks of each online listing to the city.
 - c. Failure to remit payment to the city at the time the Short-Term Rental License renewal application is submitted.
 - d. The Short-Term Rental does not pass the building inspection, or the building inspection report identifies an unsafe condition.
 - e. Nonhosted Short-Term Rental License holder fails to provide evidence of at least one documented Short-Term Rental stay during the preceding 90 days, or 3 documented stays during the preceding 180 days, or 6 documented stays in the year prior to the Short-Term Rental renewal application.
 - f. Evidence of two or more verified violations of the City Code during the preceding 12 months.
 - g. Failure to demonstrate all Transient Occupancy Tax payments are current as of the date of approval of the renewal application.

L. Change to License information.

- 1. A request to amend any information provided on the License issued pursuant to this section shall be made within 14 days of any change of Owner, a change of the Owner Representative, a change in any material fact upon which the License was issued, or if any other person acquires an Ownership interest in the Transient Use Site.
- 2. The Owner or Owner Representative shall immediately (no later than 14 days) inform the city of any change in the contact information or a change in any material fact upon which the STR license was issued.

M. Evidence of Transient Use of Residential Property. When any Owner, Owner Representative, or other person makes use of internet services, signs, circulars, cards, telephone books, or newspapers and/or advertises, holds out, or represents that he or she allows Transient Use of Residential Property in the City, and such person fails to provide a sworn affidavit to the City that he or she does not allow Transient Use of Residential Property in the City after being requested to do so by the City, then such information shall be considered prima facie evidence that he or she is conducting a business in the City by allowing Transient Use of Residential Property. Until proper evidence to the contrary is presented to the City, the City shall be entitled to presume that the property is being used as a Short-Term Rental and is

required to obtain a License as required by this Section, and/or that the Transient Use of Residential Property has occurred at the subject property.

N. Statement and records. No statement shall be conclusive as to the matters set forth therein, nor shall the filing of such statement keep the City from collecting by appropriate action taxes and/or fees that are due and payable hereunder. In the event that the City deems it necessary, the City may require that an already Licensed Owner, or applicant for a License, submit verification of financial information necessary to calculate the Transient Occupancy Tax due, or, at the option of the already Licensed Owner or applicant, authorize the City to examine records or business transactions to compute the Transient Occupancy Tax that is owed.

O. Failure to file statement or corrected statement. If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City the Licensed Owner or applicant fails to file a corrected statement, or if any person subject to the tax imposed by this section fails to apply for a License, the City may determine the amount of tax due from such person by means of such information as City may be able to obtain and shall give written notice thereof to such person. Delinquent payment shall be subject to penalties calculated in the same manner as set forth in Chapter 3.24.

P. Transient Occupancy Tax. The Owner or Owner Representative shall comply with all the requirements of Chapter 3.24 (Transient Occupancy Tax). For the purposes of Section 3.24.010, a Short-Term Rental shall qualify as a hotel. The City Manager or designee shall be responsible for the enforcement of the provisions of Chapter 3.24. Transient Occupancy Tax collected for Short-Term Rentals shall be set aside in a separate fund account.

Q. Appeal of tax. Any person aggrieved by any decision of the City with respect to the amount of the Transient Occupancy Tax or fees associated therewith may appeal to the Administrative Enforcement Hearing Office Panel by filing a notice of appeal with the City Clerk within 15 calendar days after receipt of written notice from the City. The Hearing Officer assigned by the Panel shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing in the United States Post Office at Seaside, California, postage prepaid, addressed to such person at his or her last known address. The Hearing Officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this Section.

R. Additional power of City. In addition to all other power conferred upon the City Manager, he or she shall have the power, for good cause shown:

1. To extend the time for filing any required sworn affidavit or application for a period not exceeding 30 days, and in such case to waive any penalty that would otherwise have accrued; and
2. Whenever any fee, tax or penalty pursuant to this section is due and payable but has not been satisfied in full within 90 days and/or has not been successfully deposited by a timely writ of mandate, such amounts shall constitute a lien against the real property, and be subject to the processes set forth in the SMC.

S. License nontransferable. Each Transient Use License shall be nontransferable to any other person, except that transfer of ownership shall be allowed between spouses. Each Transient Use License shall be nontransferable to any other location. No STR license shall be assignable, and shall not be transferred upon sale or other transfer of the property.

T. License denial or revocation. Any application for a License may be denied, and any License issued pursuant to this section may be revoked. Substantial evidence shall be presented as to why the

application should be denied or the License should be revoked for any reasons, including but not limited to:

1. A false material statement or misrepresentation has been made in, or in support of, the application;
2. A change occurs in any material fact upon which the License was issued that has not been reported to the City as a change to the required License content within 14 days;
3. The Transient Use Site, or any other location owned by the Owner or applicant, has been the site of a violation of any provision of law, or otherwise fails to meet sanitation or health standards of the neighborhood, within the 12 months immediately preceding;
4. The Owner, Owner Representative, or applicant has been convicted of any crime involving moral turpitude;
5. The Owner, Owner Representative, or applicant has failed to timely respond to two or more complaints within the 12 months immediately preceding; or
6. The Owner, applicant, guest, or any occupant of a Transient Use Site regularly engages in disorderly conduct, violates provisions of this code or any state law pertaining to noise, disorderly conduct, or uses illegal drugs.
7. The Short-Term Rental has outstanding administrative penalties or the Short-Term Rental Owner or Owner Representative owes past-due Transient Occupancy Taxes (TOT) for prior Short-Term Rental use; or
8. The property under present ownership has previously been used as Short-Term Rental without a Short-Term Rental License, unless all taxes and penalties have been either paid in full or will be paid subject to a payment agreement signed both by the City and the applicant.

U. Appeal of revocation or suspension. Any person who has been denied a License or to whom notice of revocation or suspension of a License has been mailed may appeal to the Administrative Enforcement Hearing Panel under Chapter 2.58, pursuant to a request for hearing under Chapter 2.58. Notice of the proceeding shall conform to Section 2.58.080, and the hearing shall conform to the process set in Section 2.58.090. The Hearing Officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this section. Any applicant or License holder whose License shall have been denied or revoked shall be ineligible for a two-year period from applying for a new License. No person whose License has been revoked shall continue to engage in, or carry on, the activity for which the License was granted unless and until such License has been reinstated or reissued. The decision of the Hearing Officer shall be final. Notice of the decision, and the opportunity for judicial review, shall conform to Section 2.58.180.

V. Penalties. Penalties as set forth in Chapter 2.58 and Section 17.80.050 may be imposed for failure to comply with the provisions of this section, with respect to:

1. Any Owner, Owner Representative, or person who transacts or carries on any activity relating to or supporting the Transient Use of Residential Property in the City without first having procured and complied with a Transient Use License from the City to do so, and paying all applicable License fees, shall be subject to administrative penalties as set forth in Chapter 2.58 and Section 17.80.050, including administrative penalties imposed by a Hearing Officer for violation of any provisions of this code in an amount not to exceed a maximum of \$2,500 per day for each continuing violation, exclusive of administrative costs, interest and restitution for compliance reinspections, for any related

series of violations, and/or forfeiture of all rents received during the period transient use was allowed without a Transient Use License , whichever amount is greater;

2. Any Owner, Owner Representative, or person who carries on any activity that advertises to the surrounding neighborhood that the site has been Licensed to allow, or is used for, transient occupancy, and who has failed to timely remedy this violation in response to two or more complaints, shall be subject to administrative penalties;
3. Any Owner, Owner Representative, Responsible Tenant or person who allows a Transient Use Site to be used or maintained in a manner detrimental to the peace, public health, safety or general welfare of persons or property of the neighborhood or the public, and fails to timely remedy this violation in response to two or more complaints;
4. Any Owner, Owner Representative, Responsible Tenant or person who allows impermissible or inappropriate behavior at the Transient Use Site or action that exceeds the limits on transient use following two or more complaints;
5. Limits upon administrative penalties in Chapter 2.58 and Section 17.80.050 shall not apply to any violation of this section.

W. Liens. Whenever the amount of any penalty forfeiture and/or administrative cost imposed by a Hearing Officer pursuant to this section or to Section 2.58.170 has not been satisfied in full within 90 days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred, and be subject to the processes set forth in Chapter 2.58.

X. Administrative policy. The City Manager or his/her designee shall have the authority to develop administrative policies and procedures to implement the intent of this chapter.



CITY OF SEASIDE

SHORT-TERM RENTAL ADMINISTRATIVE PROCEDURES

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City Of Seaside
Short-Term Rental Program
440 Harcourt Avenue
Seaside, CA 93955
(831) 899-6726
www.ci.seaside.ca.us/str

October 2022

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SECTION 1. INTRODUCTION

On **Date TBD**, the Seaside City Council approved significant changes to the Short-Term Rental (STR) regulations codified as sections 17.52.251 in the Seaside Municipal Code (SMC). The new ordinance, which took effect **on Date TBD**, established a new 90 license cap, licensing requirements and limitations, and a streamlined renewal process. This document sets forth the City's administrative procedures for implementation of the revised STR ordinance.

Pursuant to SMC 17.52.251, the Planning Manager or his or her delegate has the authority to amend the STR Administrative Procedures as necessary to implement the intent of the STR Regulations. The City Council of the City of Seaside may, from time to time, also request amendments to the STR Administrative Policies and Procedures.

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SECTION 2. GLOSSARY

This glossary provides definitions for many of the terms used in these STR Administrative Policies and Procedures.

CEDD	Community and Economic Development Department
City	City of Seaside
City Council or Council	City Council of the City of Seaside
City staff	City Manager or his/her designee
STR	Short-Term Rental
SMC	Seaside Municipal Code
TOT	Transient Occupancy Tax

DRAFT

SECTION 3. KEY DATES AND DEADLINES

Upon Adoption of the new STR Ordinance (2022)	
Upon adoption of the ordinance	• Revised ordinance takes effect immediately • New STR License applications for eligible STR units accepted and processed if licenses are available under the cap limit. Otherwise, new applications will be placed on waiting list.
December 2022	All existing STR licenses will be renewed during a special one-time renewal process. The purpose of this process is to update City records, collect past-due fees, issue updated licenses to expire on June 30, 2023.
2023	
May 1, 2023	Application window opens for STR license renewals.
June 30, 2023	Deadline for STR license renewal applications.
July 1, 2023	New STR license year begins. Waitlist applications will be processed should there be any available licenses available.

SECTION 4. SHORT-TERM RENTALS IN SEASIDE

On **date TBD**, the City Council of the City of Seaside approved significant changes Seaside Municipal Code Sections 17.52.251 which regulates short-term rentals throughout the City. This document sets forth the City's administrative procedures for implementation of the STR Regulations ("STR Administrative Procedures"). Following the effective date of the STR Regulations, the City shall follow the process outlined below to implement the STR regulations.

1) Procedure for STR License renewals in December 2022

Starting in December 2022, the City will send out STR License renewal notices to all STR owners. The notice shall include the exact due amount for each STR license renewal and shall list all license renewal requirements. The purpose of this special one-time renewal process is to update City records, collect past-due fees, issue updated licenses to expire on June 30, 2023. Depending on the last renewal date of a license and payment, renewal fees will be adjusted accordingly.

To renew an STR license through June 30, 2023, applications must be received no later than November 30, 2022. The STR license application packet must include the following items:

- a) STR License Renewal Form (form to be provided by the City).
- b) List of hyperlinks for each online listing for the STR unit

- c) Signed affidavit affirming that smoke and carbon monoxide alarms are installed and that fire extinguisher are in an accessible location.
- d) A Building Inspection Report obtained through a certified third-party general contractor or building inspector. STR licensees will have the option to submit a Building Inspection Report in either December 2022 or May/June 2023. A Building Inspection Report shall not be required if one was submitted in the preceding 24 months from the date of the license renewal application.
- e) Owner Acknowledgement and Indemnification Form
- f) Payment of due fees in accordance with the adopted fee schedule:

STR license renewal application packets shall be submitted to the City, in person or by mail to the following address:

**City of Seaside
Short-Term Rental Program
440 Harcourt Ave
Seaside, CA 93955**

The office hours of the Short-Term Rental Program are 8am – 12pm and 1pm – 5pm, Monday through Friday.

Upon successfully meeting all STR license renewal application requirements, a STR license will be renewed through June 30, 2023. The City shall notify the owner (except if the owner requested mail delivery) by email and phone when the license is ready for pick up at the Community and Economic Development Department. If an owner request mail delivery of a STR license, the City shall cause a courtesy notice to the owner when their license has been mailed out. The City will provide placards to STR owners concurrent with mailing of the STR license or when an owner picks up the license. Upon receipt of the renewed STR license, owners must replace their old license with the renewed license and prominently display the new license in plain view within the unit, and the placard at the front entrance of the STR unit.

2) Procedure for STR License renewals in years 2023 and beyond

Starting in May 2023, the City will send out STR License renewal notices to then-active STR licensees. The renewal notice shall include the exact due amount for each STR license renewal and shall list all license renewal requirements.

In years 2023 and beyond, renewal applications must be received no later than June 30th. Failure to renew a STR license on or before June 30th will result in expiration and forfeiture of the STR license. STR renewal applications shall comply with all requirements as outlined below:

- g) STR License Renewal Form (form to be provided by the City).
- h) List of hyperlinks for each online listing for the STR unit via email to be specified on the license renewal forms.

- i) Signed affidavit affirming that smoke and carbon monoxide alarms are installed and that fire extinguisher are in an accessible location.
- j) A Building Inspection Report (if required) obtained through a certified third-party general contractor or building inspector
- k) Owner Acknowledgement and Indemnification Form
- l) Payment of fees as set forth in the adopted Master Fee Schedule.

STR license renewal application packets shall be submitted to the City, in person or by mail to the following address:

**City of Seaside
Short-Term Rental Program
440 Harcourt Ave
Seaside, CA 93955**

The office hours of the Short-Term Rental Program are 8am – 12pm and 1pm –5pm, Monday through Friday.

Upon successfully meeting all STR license renewal application requirements, a STR license will be renewed. The City shall notify the owner (except if the owner requested mail delivery) by email and phone when the license is ready for pick up at the Community and Economic Development Department. If an owner request mail delivery of a STR license, the City shall cause a courtesy notice to the owner when their license has been mailed out. The City will provide laminated placards to STR owners concurrent with mailing of the STR license or when an owner picks up the license. Upon receipt of the renewed STR license, owners must replace their old license with the renewed license and prominently display the new license in plain view within the unit, and the placard at the front entrance of the STR unit.

3) Procedure for processing STR License applications

If a STR license is available and there is no application on the waitlist, a new STR license application may be taken and processed within 45 calendar days and without placing it on the waitlist. The application must satisfy all licensing requirements. All new STR license applications with the following criteria and as defined in SMC 17.52.251.

1. STR License Application Form (form to be provided by the City) to include the following information:
 - a) STR Address and unit number
 - b) Total number of bedrooms and dedicated off-street parking spaces
 - c) Owner information including full name, phone, email and mailing address
 - d) Owner representative information including name, phone, email and mailing address.
 - e) Local Contact information including full name, phone, email and mailing address. Local contact's information will be posted on the City website and on the placard to be placed on the STR property.

An owner or owner representative may elect to be the local contact if they live nearby and can respond to any issues at the STR unit within 60 minutes.

2. Signed affidavit affirming that smoke and carbon monoxide alarms are installed and that fire extinguisher are in an accessible location.
3. A Floor Plan and Site Plan which shows the use of each room, in each building, street, and off-street parking. The City or the Chief Building Official has the sole discretion to determine the final occupancy limit and number of vehicles to be permitted on the STR site.
4. A Building Inspection Report obtained through a certified third-party general contractor or building inspector. The inspector must use the City STR Inspection Checklist. The City shall not recommend an inspector for the applicant.
5. Owner Acknowledgement and Indemnification form
6. Payment of all applicable fees as per the City's Master Fee Schedule.

STR license application packets shall be submitted to the City, in person or by mail, in the manner as described in Procedures 1 and 2.

4) Procedure for processing new STR License applications when STR licenses are not available

If the number of STR licenses exceed the 90 cap limit, new STR license applications may be accepted and placed on the waiting list. In order to be considered for the STR license waitlist, the property for which the request is made shall meet all STR licensing requirements including the 55-foot zone of exclusion criteria. Further, the application packet for the STR waitlist must include the following items:

1. STR License Application Form (form to be provided by the City) to include the following information:
 - a) STR Address and unit number
 - b) Total number of bedrooms and dedicated off-street parking spaces
 - c) Owner information including full name, phone, email and mailing address
 - d) Owner representative information including name, phone, email and mailing address.
 - e) Local Contact information including full name, phone, email and mailing address. Local contact's information will be posted on the City website and on the placard to be placed on the STR property. An owner or owner representative may elect to be the local contact if they live

nearby and can respond to any issues at the STR unit within 60 minutes.

2. A Floor Plan and Site Plan which shows the use of each room, in each building, street, and off-street parking. The City or the Chief Building Official has the sole discretion to determine the final occupancy limit and number of vehicles to be permitted on the STR site.
3. Payment of the STR License application fee as per the City's Master Fee Schedule:

Application and neighborhood noticing fees shall be non-refundable. However, owners shall not be required to pay the application fees again upon processing of their application when a license becomes available.

5) Procedure for processing waitlisted STR License applications

All waitlisted applications shall be processed in order of receipt as licenses become available under the 90 cap limit. Prior to processing a waitlisted STR license application, the City shall notify the owner at the top of the waitlist and inquire if the owner wishes to pursue STR licensing. In the event, an owner wishes to obtain a STR license, the City shall require all of the following items as part of the waitlisted STR license application review process:

1. Updated application form if the owner or owner representative's contact information have changed.
2. Signed affidavit affirming that smoke and carbon monoxide alarms are installed and that fire extinguisher are in an accessible location.
3. A Building Inspection Report obtained through a certified third-party general contractor or building inspector. The inspector must use the City STR Inspection Checklist. The City shall not recommend an inspector for the applicant.
4. Owner Acknowledgment and Indemnification Form
5. Payment of the STR License fee per the City's Master Fee Schedule.

STR license application packets shall be submitted to the City, in person or by mail to the following address:

**City of Seaside
Short-Term Rental Program
440 Harcourt Ave
Seaside, CA 93955**

The office hours of the Short-Term Rental Program are 8am – 12pm and 1pm –5pm, Monday through Friday.

Upon successfully meeting all STR license application requirements, a STR license will be issued. The City shall notify the owner (except if the owner requested mail delivery) by email and phone when the license is ready for pick up at the Community and Economic Development Department. If an owner request mail delivery of a STR license,

the City shall cause a courtesy notice to the owner when their license has been mailed out. The City must also provide placards to STR owners concurrent with mailing of the STR license or when an owner picks up the license.

Within 15 days of receipt of the STR license by owner, the owner must provide the following information to the City:

1. A photo confirmation of the STR license being prominently display in plain view within the STR unit.
2. A photo confirmation of the placard being in a prominent location on the STR property.
3. List of online advertisement links sent to the City via email.

6) Procedure for denial of a STR license application

Pursuant to SMC 17.52.251, an STR license application may be denied by the City Manager or his/her designee. Any STR application that has been denied shall be ineligible to reapply within two years from the date the original application was denied. A STR license application that has been denied shall not be appealable. Upon denial of a STR license application, the City shall notify the owner by mail and email and provide reasoning for denial of the STR application.

7) Procedure for suspension or revocation of a STR license

Pursuant to SMC 17.52.251, a STR license may be suspended or revoked. Any applicant or license holder whose license shall have been denied or revoked shall be ineligible for a two-year period from applying for a new license. No person whose license has been revoked shall continue to engage in or carry on the activity for which the license was granted, unless and until such license has been reinstated or reissued.

8) Procedure for appealing the suspension or revocation of a STR license

Any person whose STR License has been suspended or revoked may appeal to the administrative enforcement hearing panel pursuant to SMC Chapter 2.58 and Sections 17.52.251.

9) Procedure for handling citizen complaints

Citizen complaints shall at least identify the location, description, and date of the alleged violation. Complaints may be filed anonymously; however, it shall be highly advisable for one to provide their contact information so that the code enforcement staff may follow up with the complainant regarding their complaint.

A complaint shall be invalid if 1) it has not been verified by the City of Seaside staff or the Police Department, 2) there is no evidence provided by the complainant, and 3) City staff are unable to find evidence in support of an alleged violation. The City shall not be obligated to investigate any complaint or concern submitted without evidence.

All emergency concerns (such as fire, medical emergency, suspicious activity, etc) shall be reported to 9-1-1. Other concerns including the following may be reported to the STR site manager, or the City's Code Enforcement office or the Police Department:

1. Large group gatherings exceeding allowable occupancy limit;
2. Excessive noise and amplified music between 10 pm and 7 am;
3. Failure to dispose of solid waste;
4. Failure to properly store waste and refuse bins;
5. Failure to assign or use designated on-site parking;
6. Illegal parking;
7. Illegal short-term rental; and
8. Disorderly conduct or other violation of this chapter.

If a citizen complaint/concern is received during business hours by the City, the Code Enforcement officer or his/her designee shall keep a record of the complaint and investigate it (including conducting a site visit if necessary) in a reasonable timeframe. Non-emergency complaints (including amplified music, noise, party, illegal parking, etc) outside business hours and on weekends shall be reported directly to the STR local contact or to the Police Department. All complaints received outside business hours and on weekends will be logged into the database and further investigated by code compliance staff the following business day. Complaints received by STR site managers shall immediately report complaints and concerns to the City.

10) Procedure for handling unlicensed STRs

When it is discovered that an unlicensed property is rented to short term tenants, the City will notify the property owner that the unlicensed short term rental of residential property is a violation of SMC. Owners are required to respond in writing. If the owner admits to the short term rental of the property, the owner is required to submit an accounting of any payment of rent received from this activity. Once the City receives the accounting, then taxes, interest and penalties and potential fines are calculated. A Notice of Amount Due is issued to the owner with a deadline for payment. The City will use every available option to collect unpaid transient occupancy taxes and may issue compliance orders and facilitate an administrative hearing to collect penalties and impose liens. Unlicensed property may obtain a STR license or be placed on the waiting list if all taxes and penalties are paid in full or if a payment agreement has been signed both by the City and the property owner.

11) Procedure for collection of Transient Occupancy Tax (TOT)

All STR owners must comply with the requirements, procedures, and schedule set forth in SMC Chapter 3.24 regarding TOT remittance to the City. TOT payments must be accompanied by a TOT Remittance Form. TOT Return forms are available on the City website as well as at the Community and Economic Development Department. Failure to remit TOT consistent with these requirements may result in expiration and forfeiture of the STR license pursuant to SMC Sections 17.52.251.

12) Procedure for advertising STRs

It shall be the responsibility of the owner and owner representative to include the City-issued STR license number in all advertisements (online or otherwise) in a prominent location. The owner or owner representative shall provide hyperlinks to the City via email within 15 days after a listing has been created. Availability of short-term rentals shall not be advertised on site.

13) Host Best Practices

The owner, owner representative, or their local contact person shall be on-call 24 hours a day, seven days a week to manage the property and shall respond to the Short Term Rental site within 60 minutes of an emergency or complaint during any time the property is occupied by short term renters.

Owners and property managers must maintain a guest log book that includes the names, phone number, home addresses of guests, guest's license plate numbers if traveling by car, and dates of stay.

Owner and owner representative must provide renters the following information:

- The name and contact information of the local contact
- Restrictions on the occupancy limits
- Restrictions on noise, music and amplified sound
- Parking restrictions
- Trash collection schedule
- Information on relevant burn bans
- Information on relevant water restrictions



City of Seaside

Community and Economic Development Department
440 Harcourt Ave, Seaside, CA 93955

Tel: (831) 899-6726 | Fax: (831) 899-6211 | www.ci.seaside.ca.us/str

NEIGHBORHOOD NOTICE

RE: [property address]

Pursuant to SMC 17.52.252 - Short-term Rental License, the Community and Economic Development Department has approved a [license type] Short-term Rental (STR) license# [number] for the above property. The STR license permits the owner to rent the subject property on a short-term basis (i.e., periods of less than 30 consecutive days) to a maximum of [number] adult guests. This notice is provided as a courtesy, so you are aware of the activity happening in your neighborhood.

The local emergency contact for this property [name of local contact] who can be reached at [local contact phone] at any time should you have any concerns about STR activity at this property. Alternatively, you can use the following contact information to report any concerns or file a complaint regarding excessive noise or a loud party, illegal parking, improper and excessive trash disposal, guest over-occupancy, or any other disruptive behavior.

9-1-1	For emergency calls
(831) 394-6811	Police Department- (for non-emergency public safety calls during or after business hours)
(831) 899-6726 (831) 899-6732	City Hall - (for non-emergency business calls during business hours)
codecompliance@ci.seaside.ca.us	For non-emergency matters

Short Term Rental (STR) License Requirements

STR license holders shall comply with all terms, conditions and requirements of the license as set forth in the application, and SMC Sections 17.52.251 and 17.52.252 including but not limited to the following:

1. The STR unit shall be maintained in a manner that is consistent with the character of the neighborhood.
2. The STR license must be renewed annually by June 30th. Failure to renew a license prior to June 30th of each year shall result in the expiration of the license.
3. The STR license is non transferable to any other person or location.
4. The owner shall appoint a local emergency contact who shall be on-call full time to manage the STR unit and will be responsible for promptly (not to exceed 60 minutes) responding to and addressing a nuisance complaint arising out of the STR unit by tenants, their visitors and/or guests.
5. The owner or owner representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure every occupant of the rental site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbances, engage in disorderly or unlawful conduct, or overcrowd the site.
6. Amplified sounds audible beyond the property boundaries are prohibited. Other noises that create a nuisance shall be enforced in accordance with City noise regulations.
7. Auctions, commercial functions, large group gatherings, and other similar activities are prohibited.
8. Display of signs that indicate the property is used or available for transient or short-term rental purposes is prohibited.
9. The owner or owner representative shall include the license number in all advertising (online or otherwise).
10. The owner or owner representative shall post the STR license inside the STR unit and post the City-issued placard in a location that is visible at the front entrance of the STR unit at all times.

ADDRESS

ADDRESS

STR LICENSE #

####

OCCUPANCY

Adults

SITE MANAGER

NAME

(XXX) XXX-XXXX

OTHER CONTACT INFORMATION

9-1-1	For emergency calls
(831) 394-6811	Police Department – (for non-emergency public safety calls during or after business hours)
(831) 899-6726 (831) 899-6732	City Hall - (for non-emergency business calls during business hours)

SMC 17.52.251 and 17.52.252



City of Seaside

[TYPE] Short-Term Rental (STR) License

SMC Section 17.52.252

License Number

Expiration Date

STR Address:

# of Bedrooms	
# of Guests Allowed	
# of Vehicles Allowed	

Emergency Contact	
Phone	
Email	

Property Owner

Name	
Phone	
Email	
Mailing Address	

Owner Representative

Name	
Phone	
Email	
Mailing Address	

The above listed property is licensed as a Short-term Rental unit subject to all requirements and limitations set forth in Seaside Municipal Code Sections 17.52.251 and 17.52.252. For questions and/or more information please contact City Hall at (831) 899-6726 or visit www.ci.seaside.ca.us/str.

Seaside City Clerk

Dominique Davis

This license must be prominently displayed inside the Short Term Rental unit at all times.

Revised: September 2022



CITY OF SEASIDE STAFF REPORT

Item No.: 10.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: David Little, Building Official

DATE: November 17, 2022

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING CHAPTER 15 OF THE SEASIDE MUNICIPAL CODE INCORPORATING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, ENERGY, GREEN BUILDING STANDARDS, FIRE CODES, AND RELATED MODEL CODES WITH AMENDMENTS (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION

Adoption of an ordinance amending Chapter 15 of the Seaside Municipal Code relating to buildings and construction, repealing and adopting by reference the 2022 California Building Code, the California Residential Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Green Building Standards Code, the California Energy Code, the California Fire Code, and amendments thereto.

BACKGROUND

Every 3 years the State of California updates and amends the California Code of Regulations (CCR-Title 24) commonly known as building and related codes. The State of California Building Standards Commission adopts and publishes amendments to national model codes and updates codes specific to the State of California. Cities and counties that do not adopt updated state codes locally by reference are required to follow State Codes only as written. The updated code version codified in the Seaside Municipal Code (SMC) prior to January 1, 2023, will enable the City of Seaside to enforce building and related codes through local methods and processes contained in the SMC.

FISCAL IMPACT

There is no financial impact associated with the adoption of the Ordinance. This Ordinance does not modify any of the City's building or development fees.

ATTACHMENTS

1. 2022 Building Code Adoption Ordinance
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ADOPTING THE ~~2019~~ 2022 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, ENERGY, GREEN BUILDING STANDARDS AND FIRE CODES, AND RELATED MODEL CODES, WITH APPENDICES AND AMENDMENTS THERETO AND AMENDING TITLE 15 OF THE SEASIDE MUNICIPAL CODE

WHEREAS, Pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City may adopt the provisions of the California Building, Residential, Plumbing, Mechanical, Electrical, Energy Green Building Standards, Fire Codes, and the International Property Maintenance Code, with certain amendments to the provisions of the California codes which are reasonably necessary to protect the health, welfare and safety of the citizens of Seaside because of local climatic, geological and topographical conditions; and

WHEREAS, the City Council hereby makes factual findings set forth in respective sections of Chapter 15.04 of the Seaside Municipal Code relating to the amendments made to the California codes; and

WHEREAS, the factual findings made are valid and relate to the amendments made to the California codes in this adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. Chapter 15.04 "Building and International Codes Adopted" of Title 15 "Buildings and Construction" of the Seaside Municipal Code, adopting by reference the "latest editions" of the California Building Code, the California Residential Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Green Building Standards Code, the California Energy Code, the International Property Maintenance Code and the California Fire Code and amendments thereto, is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of any of said codes occurring prior to the effective date of this ordinance.

SECTION 2. A new Chapter 15.04 is hereby added to Title 15 of the Seaside Municipal Code to read as follows:

"Chapter 15.04 BUILDING AND INTERNATIONAL CODES ADOPTED

15.04.010 Adoption of California Building Code and Related Model Codes.

15.04.020 Adoption of the ~~2019~~ 2022 California Building Code.

15.04.030 Portions of the ~~2019~~ 2022 California Building Code Not Approved, Adopted or Incorporated by Reference.

15.04.031 Section 105.3.2 of Chapter 1 of the ~~2019~~ 2022 California Building Code- Amended.

- 15.04.032 Section 105.5 of Chapter 1 of the ~~2019~~ **2022** California Building Code- Amended.
- 15.04.033 Section 1705.3 of Chapter 17 of the ~~2019~~ **2022** California Building Code- Amended.
- 15.04.034 Section 1905.1.8. of Chapter 19 of the ~~2019~~ **2022** California Building Code- Amended.
- 15.04.035 Adoption of the ~~2019~~ **2022** California Residential Code.
- 15.04.036 Portions of the ~~2019~~ **2022** California Residential Code Not Approved, Adopted or Incorporated by Reference.
- 15.04.037 Section R105.5 Expiration of Permit- Amended
- 15.04.038 Table R302.6 of Chapter 3 of the ~~2019~~ **2022** California Residential Code- Amended.
- 15.04.039 Section R313.1 "exception" of Chapter 3 of the ~~2019~~ **2022** California Residential Code- Deleted
- 15.04.040 Section R313.2 "exception" of Chapter 3 of the ~~2019~~ **2022** California Residential Code- Deleted
- 15.04.041 Section 403.1.3 Seismic Reinforcing of the ~~2019~~ **2022** California Residential Code- Amended.
- 15.04.042 Section R602.10.4.3 Limits on Methods GP and PCP- Amended
- 15.04.043 Section R902.1.1 Roof Coverings Within Very-High Fire Hazard Severity Zones- Amended
- 15.04.045 Adoption of the ~~2019~~ **2022** California Plumbing Code.
- 15.04.050 Reserved.
- 15.04.060 Portions of the ~~2019~~ **2022** California Plumbing Code Not Approved, Adopted or Incorporated by Reference.
- 15.04.070 Adoption of the ~~2019~~ **2022** California Mechanical Code.
- 15.04.080 Reserved.
- 15.04.090 Adoption of the ~~2019~~ **2022** California Electrical Code.
- 15.04.100 Adoption of the ~~2019~~ **2022** California Green Building Standards Code.
- 15.04.105 Reserved.
- 15.04.110 Portions of the California Green Building Standards Not Approved, Adopted or Incorporated by Reference.
- 15.04.120 Adoption of the ~~2019~~ **2022** California Energy Code.
- 15.04.130 Adoption of the 2018 International Property Maintenance Code
- 15.04.140 Portions of the 2018 International Property Maintenance Code Not Approved, Adopted or Incorporated by Reference.
- 15.04.150 Reserved.

15.04.160 Reserved.

15.04.170 Adoption of the ~~2019~~ **2022** California Fire Code including all Appendices.

15.04.180 Bureau of Fire Prevention Established.

15.04.190 Reserved

15.04.200 Section 307.3 of Chapter 3 of the California Fire Code – Amended.

15.04.210 Section 307.4.3 of Chapter 3 of the California Fire Code – Added.

15.04.220 Sections 903.2 and 903.3.1.3 and 903.6 of Chapter 9 of the California Fire Code – Amended.

15.04.230 Appendices of the California Fire Code – Adopted and Amended

15.04.010 Adoption of California Building Codes and Related Model Codes.

There is hereby adopted by reference by the City Council, for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following codes: the California Building Code, ~~2019~~ **2022** edition, based on the ~~2018~~ **2021** International Building Code, as published by the International Code Council; the California Residential Code, ~~2019~~ **2022** edition, based on the ~~2018~~ **2021** International Residential Code, as published by the International Code Council; the California Plumbing Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, including the Appendices; the California Mechanical Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, ~~2019~~ **2022** Edition, based on the ~~2017~~ **2020** National Electrical Code as published by the National Fire Protection Association; the California Green Building Standards Code, ~~2019~~ **2022** edition as published by the California Building Standards Commission; the International Property Maintenance Code, 2018 edition, as published by the International Code Council; and the California Fire Code, ~~2019~~ **2022** edition, based on the ~~2018~~ **2021** International Fire Code, as published by the International Code Council including the Appendices, together with omissions, amendments, exceptions and additions thereto as set forth in this Chapter.

The provisions of the foregoing codes, as amended by this Chapter shall constitute the Building Regulations of the City of Seaside. Where the California Code of Regulations and/or California Building Standards Code differ from any provisions of the Building Regulations of the City, said stricter State regulations shall govern.

15.04.020 Adoption of the California Building Code.

A. Except as otherwise provided for in this Chapter, the California Building Code, ~~2019~~ **2022** edition, Volumes I, II, including Appendices thereto, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 Part 2 of the California Code of Regulations are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Building Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.030 Portions of the California Building Code Not Approved, Adopted or Incorporated by Reference.

The following portions of the California Building Code, ~~2019~~ **2022** edition, and/or appendices thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter or a part of the building code of the City of Seaside: All of the appendices with the exception of the following Appendices or portions thereof:

- A. Appendix H, Signs.
- B. Appendix I, Patio Covers.
- C. Appendix J, Grading.

15.04.031 Section 105.2 of Chapter 1 of the California Building Code - Amended

Section 105.2 is hereby amended to read as follows:

105.2 Work exempt from a permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. One-story detached accessory structures and portable structures used as tool and storage sheds, playhouses and other similar uses, accessory to single-family dwellings if less than one hundred twenty square feet in gross floor area. Exempt structures shall comply with the front, side, and rear setback requirements, lot coverage, maximum height and minimum clearances from the main residence and other structures. Unpermitted accessory structures shall not be equipped with electrical, plumbing or mechanical features that would otherwise require a permit. Land/sea cargo containers do not qualify as residential accessory structures.
2. Residential retaining walls not exceeding four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Residential decks, platforms, on-site paths, and driveways that do not exceed (18") eighteen inches above natural grade, are not part of an accessible route, do not serve as a required landing at a door, do not exceed the allowable lot coverage for impermeable surfaces, and comply with front, side and rear setback requirements where applicable.

4. Residential painting, papering, tiling, carpeting, cabinets and countertops, other than kitchen countertops having electrical receptacle spacing requirements.

15.04.032 Section 105.3.2 of Chapter 1 of the California Building Code- Amended

Section 105.3.2 is hereby amended to read as follows:

105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing prior to the expiration date AND pays a fee as established by resolution of the City Council for each requested 90 day extension, provided a new code has not been adopted and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

15.04.032.1 Section 105.5 of the California Building Code Amended

Section 105.5 is hereby amended to read as follows:

105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the ~~2019~~ **2022** California Building Code within 180 days of issuance of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing prior to the expiration date, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee as established by resolution of the City

Council for each one hundred and eighty (180) day extension provided a new code has not been adopted.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and a permit obtained along with all applicable fees as a new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

15.04.032.2 Section 109.4 of Chapter 1 of the California Building Code- Amended

Section 109.4 is hereby amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee, in addition to the permit fee, which shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the adopted permit fee.

Subsequent un-permitted work by the same permittee shall result in a progressive investigation fee being assessed, second violation would result in a three times the permit fee for the investigation fee, a third violation would result in a four times the permit fee for the investigation fee, a fourth violation would result in a five times the permit fee for the investigation fee, and so on to a maximum of a ten times the permit fee for the investigation fee.

The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

15.04.032.3 Section 111.2 of Chapter 1 of the California Building Code- Amended

Section 111.2 is hereby amended to read as follows:

111.2 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.

4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The design occupant load.

15.04.033 Section 1705.3 of Chapter 17 of the California Building Code amended

Section 1705.3 is hereby amended to read as follows:

1705.3 Concrete construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exception: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

15.04.034 Section 1905.1.8 of Chapter 19 of the California Building Code amended

Section 1905.1.8 is hereby amended to read as follows:

1905.1.8 ACI 318, section 22.10. Delete ACI 318, Section 22.10, and replace with the following:

22.10 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception:

1. In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

15.04.035 Adoption of the California Residential Code.

- A. Except as otherwise provided for in this Chapter, the California Residential Code, ~~2019~~ **2022** edition, including the Appendices thereto, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 Part 2.5 of the California Code of Regulations are approved and adopted by reference, and made a part hereof as if fully set forth herein.
- B. One copy of the California Residential Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.036 Portions of the California Residential Code Not Approved, Adopted or Incorporated by Reference.

The following portions of the California Residential Code, ~~2019~~ **2022** edition, and/or appendices thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter or a part of the building code of the City of Seaside: All of the appendices with the exception of the following Appendices or portions thereof: Section R313 is deleted in it's entirety, and all of the appendices with the exception of the following appendices or portions **thereof**:

- A. Appendix G, Swimming Pools and Hot Tubs.

15.04.037 Section R105.5 Expiration of Permit

Section R105.5 is hereby amended to read as follows:

R105.5 Expiration of Permit or Plan Review.

R105.5.1 Expiration of Permit. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the ~~2013~~ **2022** California Building Code within 180 days of issuance of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing prior to the expiration date, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee as established by resolution of the City Council for each one hundred and eighty (180) day extension provided a new code has not been adopted.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees as a new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

R105.5.1 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing prior

to the expiration date AND pays a fee as established by resolution of the City Council for each requested 90 day extension, provided a new code has not been adopted and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

15.04.037.1 Section R105.2 of Chapter 1 of the California Residential Code – Amended

R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 120 square feet (11.15 m²), **and complies with section 15.04.031 (1).**

R311.1 Means of egress. Dwellings shall be provided with a means of egress in accordance with this section. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the required egress door without requiring travel through a garage. **If a dwelling provides a direct passage door between the dwelling and an attached garage, the attached garage shall provide an egress door to prevent entrapment.** The required egress door shall open directly into a public way or to a yard or court that opens to a public way.

15.04.038 Section R302.1 is hereby amended as follows:

Delete Section R302.1 “exceptions” in its entirety. (Seaside Municipal Code is more restrictive.)

15.04.039 Table R302.6 of the California Residential Code amended.

Table R302.6 is hereby amended to read as follows:

~~“Not less than ½”~~ “Not less than 5/8” type X in all columns in the table.

15.04.040 Section R313.1 of the California Residential Code amended.

Delete Section R313.1 "exception" in its entirety. (Seaside's amended Fire Code is more restrictive.)

15.04.041 Section R313.2 of the California Residential Code amended.

Delete Section R313.2 "exception" in its entirety (Seaside's amended Fire Code is more restrictive.)

15.04.042 Section R403.1.3 of the California Residential Code amended.

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

15.04.043 Section R602.10.4 and Table R602.10.3(3) of the California Residential Code amended.

Section R602.10.4 and Table R602.10.3(3) are hereby amended to read as follows:

2013 CRC Section R602.10.4 and Table R602.10.3(3)

Add a new footnote "e" to the end of CRC Table R602.10.3(3), to read:

e. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the "e" footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)e

Add a new subsection R602.10.4.4, to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

15.04.044 Section R902.1.1. of the California Residential Code amended.

Section R902.1.1 is hereby amended to read as follows:

R902.1.1 Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or class A roof

15.04.045 Adoption of the California Plumbing Code.

A. Except as otherwise provided for in this Chapter, the California Plumbing Code, ~~2019~~ **2022** edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 Part 5 of the California Code of Regulations are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Plumbing Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.050 Reserved

15.04.060 Portions of the California Plumbing Code Not Approved, Adopted or Incorporated by Reference.

The following portions of the California Plumbing Code, ~~2019~~ **2022** edition, and/or appendices thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter or a part of the plumbing code of the City of Seaside: All of the appendices with the exception of the following appendices or portion thereof:

- A. Appendix G, Graywater Systems.
- B. Appendix I, Installation Standards.

15.04.070 Adoption of the California Mechanical Code.

A. Except as otherwise provided for in this Chapter, the California Mechanical Code, ~~2019~~ **2022** edition including the appendices, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 part 4 of the California Code of Regulations are approved and adopted by reference, and made a part hereof as if fully set forth herein.

15.04.080 Reserved

15.04.090 Adoption of the California Electrical Code.

A. Except as otherwise provided for in this Chapter, the California Electrical Code, ~~2019~~ **2022** edition, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 Part 3 of the California Code of Regulations are approved and adopted by reference, and are hereby incorporated in this Chapter by reference and made a part hereof as if fully set forth herein.

B. One copy of the California Mechanical Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.100 Adoption of the California Green Building Standards.

A. Except as otherwise provided for in this Chapter, the California Green Building Standards, ~~2019~~ **2022** edition including the appendices, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 part 4 of the California Code of Regulations are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Mechanical Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.110 Portions of the California Green Building Standards Not Approved, Adopted or Incorporated by Reference.

The following portions of the California Green Building Standards, ~~2019~~ **2022** edition, and/or appendices thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter or a part of the Green Building Standards of the City of Seaside:

All of the appendices.

15.04.120 Adoption of the California Energy Code.

A. Except as otherwise provided for in this Chapter, the California Energy Code, ~~2019~~ **2022** edition including the appendices, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24 part 4 of the California Code of Regulations are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Energy Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.130 Adoption of the International Property Maintenance Code.

A. The International Property Maintenance Code, 2018 edition, is hereby adopted by reference and made a part hereof as if fully set forth herein.

B. One copy of the California Energy Code has been filed for use and examination by the public in the Office of the Building Official of the City of Seaside.

15.04.140 Amendments of the 2018 International Property Maintenance Code.

The text of the 2018 International Property Maintenance Code, as adopted and amended by Section 15.04.130, is further amended to conform to the current California Building Standards Code and as recommended by the building official as follows:

Delete the following references	Insert the following references
International Building Code and International Residential Code	Current California Building Code and current California Residential Code
International Mechanical Code	Current California Mechanical Code
International Electrical Code	Current California Electrical Code
International Fire Code	Current California Fire Code

International Plumbing Code	Current California Plumbing Code
International Existing Building Code	Current California Existing Building Code
International Zoning Code	City of Seaside – Zoning Ordinance
International Fuel Gas Code	Current California Plumbing Code
Name of jurisdiction	City of Seaside
Jurisdiction to insert appropriate schedule	Current fees established by resolution of the city council.
Board of appeals	Hearing officer appointed by the city manager
Code Official or Health Official	Building Official or his/her designee

15.04.141 Section [A] 102.7.1 of the 2018 International Property Maintenance Code – Amended as follows:

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where conflicts occur between the provisions of this code and California Statutes, the provisions of the latter shall apply.

15.04.142 Section [A] 103 of the 2018 International Property Maintenance Code – Amended as follows:

[A] 103.1 General. The Building Official in charge of the Seaside Building & Code Department shall be known as the code official in this chapter.

[A] 103.3 Deputies. The code official shall have the authority to appoint one or more deputies. Such employees shall have the powers as delegated by the code official.

[A] 103.4 Liability. The code official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the

provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**15.04.143 Section [A] 104 of the 2018 International Property Maintenance Code
– Amended as follows:**

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

**15.04.144 Section [A] 108 of the ~~2018~~ International Property Maintenance Code
– Amended as follows:**

[A] 108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned and shall be posted and vacated in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal pursuant to the provisions of this code.

[A] 108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, occupied or maintained contrary to Title 15; or one that is partially constructed, reconstructed or demolished upon which work is abandoned. Work is deemed abandoned when there is no valid building or demolition permit.

[A] 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure boarded according to Appendix A or fenced, so as not to be an attractive nuisance and/or to prevent entry. Upon failure of the owner or owner's authorized agent to board the premises within the time specified in the order, the code official shall cause the premises to be boarded and secured through any available public agency or by contract or arrangement by private

persons and the cost for such boarding shall be a debt owed by the owner, shall be charged against the real property upon which the structure is located, and shall be a lien upon such real property and shall be collected by any legal means.

[A] 108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, the code official shall obtain a preliminary or survey title report as to the building, structure, or premises, which shall identify all owners of record, holders of mortgages, deeds of trust or other liens and encumbrances of record. In accordance with section 107.3 of this code, the code official shall serve the persons listed in the preliminary or survey title report with notice described in section 107.2 of this code. In addition, the notice shall be posted in a conspicuous place on in or about the structure or premises affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

[A] 108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action was based has been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code and applicable state law and Title 15.

[A] 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who occupies a placarded premises or operates placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who lets anyone occupy a condemned premises or operate condemned equipment shall be liable for the penalties provided by this code and Title 15.

15.04.145 Section [A] 109 of the 2018 International Property Maintenance Code – Amended as follows:

[A] 109.5 Costs of emergency repairs. Cost incurred in the performance of emergency work may be paid by the city. Such costs shall be a debt owed to the city by the owner. The city attorney may institute appropriate legal action against the owner of the premises or the owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

[A] 109.6 Appeal. Once the emergency work has been completed, the owner may appeal the need for the emergency repairs and/or the costs for such work, in the manner provided in Sections 17.36.120 and 17.36.130 within seven calendar days after service according to Section 107 of this code of the statement of costs.

**15.04.146 Section [A] 110 of the 2018 International Property Maintenance Code
– Amended as follows:**

[A] 110.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed according to the procedure set forth in Seaside Municipal Code section 2.58.040(A.)(3.)(c.)

**15.04.147 Section [A] 111 of the 2018 International Property Maintenance Code
– Amended as follows:**

[A] 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code may appeal that decision, notice or order by filing an appeal with the city clerk within seven calendar days of the date of service of that decision, notice, or order. The appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The appeal shall identify the real property, state the grounds for the appeal, and state all material facts in support of the appeal.

[A] 111.2 Notice of Hearing. Notice of hearing shall be conducted as provided for in Seaside Municipal Code section 17.36.080(C.).

~~**[A] 111.2.1 Alternate members.** The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~**[A] 111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.~~

~~**[A] 111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~**[A] 111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~**[A] 111.2.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~[A] 111.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

~~[A] 111.4 Open hearing.~~ All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two thirds of the board membership.

~~[A] 111.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 111.5 Postponed hearing.~~ When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 111.6 Board decision.~~ The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

~~[A] 111.6.1 Records and copies.~~ The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

~~[A] 111.6.2 Administration.~~ The *code official* shall take immediate action in accordance with the decision of the board.

[A] 111.7 Court review. Judicial review of the hearing officer's decision shall be commenced in accordance with Cal. Code of Civil Procedure § 1094.6 no later than 90 calendar days after the decision is signed. Cal. Code of Civil Procedure § 1094.6 is hereby adopted for purposes of this Title. Review shall be in accordance with Cal. Code of Civil Procedure § 1094.5.

[A] 111.8 Stays of enforcement. Appeals of notices and/or orders issued pursuant to this chapter, other than those issued pursuant to section 109 and 112.3, shall stay the enforcement of the notice and order until the appeal is heard by the hearing officer.

**15.04.148 Section [A] 112 of the 2018 International Property Maintenance Code
– Amended as follows:**

[A] 112.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for penalties pursuant to Seaside Municipal Code section 1.16.030

15.04.149 Definitions Section 201 of the 2018 International Property Maintenance Code – Amended as follows:

GARBAGE. Garbage shall be defined pursuant to Seaside Municipal Code Section 8.28.030 (Solid Waste, defined)

INOPERABLE MOTOR VEHICLE. . A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, incapable of being moved under its own power or is prohibited from being operated on a public street or highway for any reason pursuant to the provisions of the California Vehicle Code.

RUBBISH. Rubbish shall be defined pursuant to Seaside Municipal Code Section 8.45.045 (Municipal Solid Waste, defined)

[A] STRUCTURE. That which is built or constructed or a portion thereof.

TEMPORARY. Temporary shall mean buildings, facilities, or structures intended for use at one location for not more than six months for the purpose of this code only.

15.04.150 Section 302 of the 2018 International Property Maintenance Code – Amended as follows:

302.1 Sanitation. The owner or authorized agent shall maintain the property exterior and premises in a clean, safe and sanitary condition. Such owner or authorized agent shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The occupant may also be held jointly and severally liable for causing or contributing violations of this section.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and prevent the accumulation of stagnant water thereon, or within any structure located thereon. Excess or concentrated drainage shall be contained on site or directed to the nearest practicable drainage facility approved by the code official.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in proper state of repair, and maintained free from hazardous conditions. The owner or owner's authorized agent of any building, lot

or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe sanitary, and in a proper state of repair, free from hazardous conditions. Maintenance shall include the removal and proper disposal of any unsightly or unsanitary conditions such as accumulations of garbage, refuse, rubbish, litter, dirt, gum or other sticky substances or items, which have been dropped or spilled upon the sidewalks.

302.4 Weeds. No owner, authorized agent, lessee or occupant or other person having charge or control of any building, lot or premises within the city shall permit weeds exceeding twelve inches (12") in height to remain or accumulate upon such premises or upon public sidewalks adjoining such premises.

Upon failure of the owner or authorized agent having charge of a property to cut and destroy weeds after service of a warning notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the city. Upon failure to comply with the warning notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or authorized agent responsible for the property.

302.8 Motor vehicles. Refer to Seaside Municipal Code Section 17.34.150 ~~Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.~~ Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: An owner, authorized agent, lessee, or occupant of the property may repair, wash, clean, or service personal property, provided they comply with Seaside Municipal Code and any other applicable requirements.

15.04.151 SWIMMING POOLS, SPAS AND HOT TUBS Section 303 of the 2018 International Property Maintenance Code – Amended as follows:

303.2 Enclosures. Except as provided for in other regulations, private swimming pools, hot tubs, spas and ponds, containing water more than 18 inches (457 mm) in depth shall be completely surrounded by a fence or barrier 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the

gatepost. No existing pool enclosure shall be removed, replaced, changed or maintained in a manner that reduces its effectiveness as a safety barrier.

15.04.152 Section 304 of the 2018 International Property Maintenance Code – Amended as follows:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies, including weather stripping, thresholds and hardware, shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall be tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Under-Floor areas. Under-floor access doors and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding 1/4 inch in any dimension or alternate approved materials pursuant to current CBC 1203.4.1.

304.18.2 Windows. Operable windows located in whole or in part within 12 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. Vacant/abandoned buildings shall provide internal window coverings to prevent easy view of the building interior.

15.04.153 Pest Elimination Section 309 of the 2018 International Property Maintenance Code – Amended as follows:

309.1 Infestation. All structures shall be kept free from insect, rodent and vermin infestation. When an insect, rodent or vermin infestation is brought to the attention of the code official, he or she may require the owner or agent having charge or control of the building, lot or premise to hire a licensed exterminator or other qualified

professional to inspect the building, lot or premise and provide a written report verifying the presence and severity of such infestation including in the report a recommendation for proper extermination of the infestation. All structures in which insect, rodent or vermin infestations are found shall be promptly exterminated by approved processes that will not be injurious to human health. After the extermination of the infestation is complete, the code official may request a written notice from the licensed exterminator or other qualified professional attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. The owner of a structure or premise containing a dwelling unit, multiple occupancy, rooming house or a nonresidential structure shall be responsible for maintaining the structure and premise in a rodent or pest-free condition. If an infestation is caused by an occupant substantially failing to properly maintain their occupied area of the structure or premise as clean and sanitary as the condition of the structure or premise permits. For as long as the occupants failure either substantially causes an unlivable condition to occur, or substantially interferes with the owners ability to remedy the condition, the owner does not have to remedy the condition. Where the infestation is caused by defects in the structure, the owner shall be responsible for extermination.

~~**309.3 Single occupant.** The *occupant* of a one family dwelling or of a *single tenant* nonresidential structure shall be responsible for pest elimination on the *premises*.~~

~~**309.4 Multiple occupancy.** The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.~~

~~**309.5 Occupant.** The *occupant* of any structure shall be responsible for the continued rodent and pest free condition of the structure.~~

~~**Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.~~

15.04.154 Section 505 of the 2018 International Property Maintenance Code – Amended as follows:

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum

temperature of 110° F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless the installation complies with Chapter 5 of the current California Plumbing Code and Section 904.0 of the current California Mechanical Code. An approved combination temperature and pressure-relief valve discharge pipe shall be properly installed and maintained on water heaters.

15.04.155 Section 602 of the 2018 International Property Maintenance Code – Amended as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms as measured per IPMC section 602.5. Cooking appliances or fireplaces shall not be used, nor shall portable space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be 32°F.
2. ~~In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.~~

~~**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.~~

~~**Exceptions:**~~

1. ~~Processing, storage and operation areas that require cooling or special temperature conditions.~~

2. ~~Areas in which persons are primarily engaged in vigorous physical activities.~~

15.04.156 Section 604 of the 2018 International Property Maintenance Code – Amended as follows:

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation including the improper use of extension cords as permanent wiring, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

15.04.157 Means of Egress Section 702 of the 2018 International Property Maintenance Code – Amended as follows:

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the current California Building Code.

15.04.170 Adoption of California Fire Code.

A. The California Fire Code, ~~2019~~ **2022** edition, including all Appendices, is hereby adopted by reference and made part hereof as if fully set forth herein.

reference and made part hereof as if fully set forth herein.

B. One copy of the California Fire Code has been filed in the filed for use and examination by the public in the office of the Building Official of the City of Seaside.

C. The following are definitions as used in this chapter or in any other uniform codes or other nationally recognized fire safety standard, made a part of this chapter, unless otherwise apparent from the context:

1. "City" means the City of Seaside when it refers to a political entity, and means the incorporated area of the City of Seaside when it refers to an area.
2. "City Council" means the city council of Seaside.
3. "Fire Chief" means the chief of the fire department serving the City of Seaside.
4. "Mayor" means the mayor of the City of Seaside.

5. "Municipality" means the City of Seaside.

15.04.180 Bureau of Fire Prevention Established.

The City of Seaside Bureau of Fire Prevention is hereby established to enforce the California Fire Code and shall be presided over by the Fire Chief or his/her designee.

15.04.190 Reserved

15.04.200 Section 307.3 of Chapter 3 of the California Fire Code -- Amended.

Section 307.3. of Chapter 3 of the California Fire Code is amended by adding subsection 307.3.1 to read as follows:

Except as otherwise provided in this Section, all outdoor rubbish fires are prohibited. No waste matter shall be disposed of by burning within the City of Seaside.

15.04.210 Section 307.4.3 of Chapter 3 of the California Fire Code -- Added.

Chapter 3 of the California Fire Code is amended by adding Section 307.4.3 to read as follows:

Permit Required. No person shall kindle or maintain any open pit fire or authorize any such open pit fire to be kindled or maintained for the purpose of preparation of food, such as in the case of a Luau or barbecue or recreational fire without a permit from the Seaside Fire Department.

15.04.220 Section 507.5.1.1 of Chapter 5 of the California Fire Code -- Amended.

Section 507.5.1.1 of Chapter 5 of the California Fire Code is amended to read as follows:

Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within ~~100~~ **50** feet of the fire department connections.

~~**15.04.220**~~ **15.04.230 Sections 903.2 and 903.3.1.3 and 903.6 of Chapter 9 of the California Fire Code – Amended.**

Sections 903.2 and 903.3.1.3 and 903.6 of Chapter 9 of the California Fire Code are amended to read as follows:

Section 903.2 All Non-Residential Occupancies 2500 sq. ft. or more

1. An automatic sprinkler system shall be installed and maintained in all new construction in accordance with this section as amended, the California Building Code, and California Fire Code.

Exceptions:

- a. When sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistive construction or contains electrical equipment.
- b. Temporary Buildings under 1,000 sq. ft.
- c. Airport control towers.
- d. One story detached accessory buildings to a group R-3 dwelling units.
- e. Open parking structures.
- f. Sprinklers shall not be installed when the application of water or flame and water to the contents may constitute a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder and sodium peroxide.
- g. Existing mobile home parks within the City regulated by the Department of Housing and Community Development are exempt: Health and Safety Code, Mobile Home Parks Act, Section 18300.

Section 903.3.1.3

903.3.1.3 NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one-and two-family dwellings shall be installed throughout in accordance with NFPA 13D.

903.3.1 .3.1 All fire sprinkler systems installed in one-and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

903.3.1.3.3 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator

circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

Section 903.6

903.6 Existing buildings – Where repairs, alterations, and/or additions intensify and/or change the use of an existing building, where the total floor area is five thousand square feet (2500sf), or more, or the building is forty feet (40') or more in height, or is three or more stories in height, it shall be equipped with an automatic sprinkler system and made to comply with the provisions of this Section.

In all buildings where the total floor area exceeds five thousand square feet (2500sf), or which are forty feet (40') or more in height, or which are three or more stories in height, if the repairs or alterations are made exceeding twenty-five percent of the current market value of the building and property as shown in the records of the County Assessor within any three hundred sixty (360) day period shall be made to comply with the provisions of this section.

Exception:

(1) Valuation may also be determined by the replacement costs of the existing structure based upon the most recent "Building Valuation Data" contained in the "Building Standards" magazine published by the International Conference of Building Officials. The intent of this exception is to allow the use of a less restrictive application (if applicable) to determine if repair, alterations or additions are twenty-five percent (25%) or more of the value of the building.

Definitions

Repair. It is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.

Alteration. It is any change, addition, or modification in construction or occupancy.

Exception: Projects where the sole purpose is for seismic upgrade.

Existing Group R, Division 3 buildings to which additions, alterations, or repairs are made that involve the removal or replacement of 50 percent or more of the linear length of exterior walls of the building within a one-year period, shall require the installation of an automatic sprinkler system as specified in the California Residential for new construction.

~~15.04.230~~ 15.04.240 **Appendices of the California Fire Code – Adopted and Amended.** Add the following Appendix to read as follows:

APPENDIX AE – ALTERNATIVE ENERGY SYSTEMS

AE101.1 Scope. Applications for the installation, additions or remodel of alternative energy system, including but not limited to photovoltaic and wind generation systems, shall be subject to this appendix when conditioned by the fire code official.

AE101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

AE102 SIGNING AND MARKING: All photovoltaic systems shall be permanently marked as specified in this section.

AE102.1 Main Service Disconnect

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

AE102.2 Direct Current (DC) Conduits, Raceways, Enclosures, Cable Assemblies, and Junction Boxes.

a. Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

b. Marking Locations. Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10'), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

c. Marking Content and Format. Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8" capital letters in a non-serif font, to read "WARNING: SOLAR CIRCUIT". Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

AE102.3. Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

AE102.4. Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

AE102.5 Inverters. No markings are required for inverters.

AE102.6 AC Photovoltaic Systems. AC Photovoltaic Systems shall be marked as specified in this section.

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

AE103 BUILDING MOUNTED PHOTOVOLTAIC SYSTEMS.

AE103.1. All building- or roof-mounted photovoltaic systems shall be installed as specified in this section.

a. Access, Pathways, and Smoke Ventilation. Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for

smoke ventilation opportunity areas, and to provide emergency egress from the roof.

b. Exceptions. Exceptions to the requirements in this section shall be permitted to be granted by the fire code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

(1). Proximity and type of adjacent exposures.

(2). Alternative access opportunities, as from adjoining roofs.

(3). Ground level access to the roof.

(4). Adequate ventilation opportunities below solar arrays.

(5). Adequate ventilation opportunities afforded by module set back from other rooftop equipment.

(6). Automatic ventilation devices.

(7). New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

c. Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

d. Measurement Conventions. All roof dimensions shall be measured to centerlines.

e. Roof Access Points. Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

AE103.2 Household Systems (One- and Two-Family Dwellings)

a. Access and Pathways.

(1). Hip Roof Layouts. Modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules are located. The access pathway shall be located at a structurally sound location on the building, such as a bearing wall. EXCEPTION: Where adjoining roof planes provide a three foot (3') wide clear access pathway.

(2). Single Ridge Layouts. Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

(3). Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

b. Ridge Setback. The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

AE103.3. Commercial Systems.

a. Definition. Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwelling.

b. Alternative Requirements. Where the fire code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the fire code official shall be permitted to make a determination to apply the requirements under Section AE103.2, above.

c. Access. There shall be a minimum six-foot (6') wide clear perimeter around the edges of the roof. EXCEPTION: If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

d. Pathways. Pathways shall be established as follows:

(1). Pathways shall be over structural members.

- (2). Centerline axis pathways shall be provided in both axes of the roof.
- (3). Centerline axis pathways shall run on structural members or Over the next closest structural member nearest to the center lines of the roof.
- (4). Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes.
- (5). Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

e. Smoke Ventilation.

- (1). Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis.
- (2). Ventilator options between array sections shall be (a) a pathway eight feet (8') or greater in width; (b) a pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches; or (c) a pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) "venting cutouts" every twenty feet (20') on alternating sides of the pathway.

AE104. Location of Direct Current (DC) Conductors.

- a. Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.
- b. Conduit runs between sub-arrays and to DC combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the DC combiner box.
- c. DC combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.
- d. DC wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building and shall be run as follows:

(1). When run perpendicular or parallel to load bearing members, a minimum ten-inch (10") space below roof decking or sheathing shall be maintained.

(2). Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

AE105 GROUND MOUNTED PHOTOVOLTAIC SYSTEMS

AE105.1 Marking shall be in accordance with Section AE102, above.

AE105.2 Setbacks. Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. NOTE: The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures (possibly including ground-mounted photovoltaic arrays) and property lines.

AE105.3 Clearances. A clear area of ten feet (10') around ground-mounted photovoltaic installations shall be provided.

AE105.4 Non-Combustible Base. A gravel base or other non-combustible base acceptable to the fire code official shall be installed and maintained under and around the installation.

AE105.5 Protection. Fencing, skirting, or other suitable security barrier shall be installed when required by the fire code official. NOTE: Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.

AE105.6 Fire Sprinkler Protection. Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

15.05.005 Development permit required.

No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, or changed from one use to another use, unless and until a development permit has been secured from the building official. The building official is responsible for issuing development permits and is authorized, in consultation with affected departments or divisions, to attach any conditions to the permit consistent with the nature of the development or use and in the interests of health, safety and welfare.

4. Residential retaining walls not exceeding four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a ~~surface~~. **Surcharge.**

17.40.030 Sign Permit Requirements

A. Sign Permit required.

3. Building Permit required. A Building Permit may also be required for sign construction/installation in accordance with the ~~2008~~ California Building Code and amendments made thereto as adopted by the Seaside City Council.

SECTION 3. Findings.

A. The amendments to California Building and Residential Codes set forth in this ordinance are reasonably necessary because of the following local geological conditions:

1. CBC Section 1905.1.8 & CRC Section R403.1.3 Plain Concrete. Seaside is within a very active seismic area (Seismic Design Category D). Severe seismic action could disrupt structural integrity and damage unreinforced footings. The proposed amendments to the California Building and Residential Codes address the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake.

2. CBC Section 1705.3. Results from studies after the 1994 Northridge earthquake indicated that a lot of the damages were attributed to lack of quality control during construction. The proposed amendment improves quality control during construction and therefore needs to be incorporated into the Code. Revise CBC Section 1705.3 exception No. 1 to allow special inspection not to be required for isolated spread footing where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 psi.

3. CRC Section R602.10.4.4. The proposed amendments to the California Residential Code address the problem of poor performance of Gypsum Wallboard and Portland Cement Plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in 1994 Northridge earthquake.

B. The amendments to California Fire Code Section set forth in this ordinance are reasonably necessary because of the following local climatic, geological and topographical conditions:

1. Climatic

The climate weather patterns within the city of Seaside are considered to be moderately affected by the ocean bodies of the Pacific Ocean and Monterey Bay, which extend the year round growing season of vegetation. The normal year's rainfall is approximately eighteen (18) inches on the average yearly calendar. Summer conditions with the prevalent Pacific High Cell create the mid-day fog normally associated with Seaside. This climactic fog assists the natural vegetation in growth.

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition, which has caused grassland and brushland fires in recent years. While normal temperatures usually do not exceed 75-80 degrees, during late summer and early fall (August, September, October) the temperatures can climb to 90 degrees plus. The afternoon winds can move a fire quickly in the city limits and outlying areas that once were Fort Ord.

Because of weather patterns and population increases, the City of Seaside has experienced water rationing and water allocation. Due to storage capacities and consumption, as well as climatic conditions, limited water resources are an issue.

While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

2. Geological

Seismic activity within the City occurs yearly with little or no damage, although real potential for damage does exist with four local active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures could be costly. The city of Seaside has a start at sea level and extends to areas in excess of 300 feet above sea level. The elevation change caused by the hills creates the geological foundation on which the City has built and will continue to build. The region is located in an area of high seismic activity as indicated by the United States Geological Survey. Recent earthquake activity has indicated the lack of flexibility of materials and building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. Activities have indicated the need for increased levels of safety in building systems, including but not limited to means of egress, wiring systems, and fire protection systems.

3. Topographical

The findings in this section are caused by the construction and design of the City of Seaside due to the elevation changes, as well as the mountains, hills, and canyons that dissect the City with the addition of portions of the former Fort Ord Military Base that are now considered Seaside. The water supply (domestic and fire flow) is directly affected by the topographical layout. The distribution system consists of water lines that carry the water from storage tanks to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal, sometimes critical supplies at the top. Water supplies within the City of Seaside vary from less than 250 gallons-per-minute to flows

in excess of 4,000 gallons-per-minute. This wide variation causes major problems to development, as well as fire suppression forces.

The topography also has affected the way buildings are built in Seaside. The existing structures are being removed and replaced with larger, more cost effective buildings. Those existing structures which remain cause concern to the Fire Department because of their lack of adequate fire protection. It is not uncommon to see a single or two-story building torn down and replaced with a two, three, or four story building typically also built with wood (Type V). The potential for conflagration exists with the high buildout in certain sections of Seaside. The concentrated commercial as well as residential occupancies cause concern regarding the exposure elements of building-to-building and the future building-to-grassland development on portions of the former Fort Ord Military Base now Seaside.

These Findings of Fact, which identify the various climatic, geological, and topographical conditions are considered reasonably necessary to modify the requirements established pursuant to Health and Safety Code Section 17922 based on local conditions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect 30 days after its final passage and adoption but no sooner than January 1, 2023.

SECTION 5. The City Clerk shall certify to the adoption of this ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by resolution of the City Council. Immediately upon this ordinance becoming effective, the City Clerk shall forward a certified copy of the same to the California Building Standards Commission.

INTRODUCED AND PASSED TO PRINT at a Regular Meeting of the City Council duly held on November 3, 2022; and

PASSED AND ADOPTED at a regular meeting of the City council of the City of Seaside, State of California, on the 17 day of November, 2022, by the following vote:

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

APPROVED:

ATTEST:

Ian Oglesby, Mayor
City of Seaside

Dominique Davis, City Clerk

I, Dominique Davis, City Clerk of the City of Seaside, hereby certify that the forgoing ordinance was introduced at a regular meeting of the City Council of the City of Seaside duly held on November 3, 2022 and was passed and adopted at a regular meeting duly held on November 17 , 2022, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

Dominique Davis, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 10.C.

TO:

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 17, 2022

SUBJECT: REPEAL AND REPLACE CHAPTER 10.32 SECTION 10.32.031 OF THE SEASIDE MUNICIPAL CODE AND ADDING A NEW SECTION 10.32.035 ESTABLISHING A FOUR HOUR TIME LIMIT AT CERTAIN CITY PARK PARKING LOTS. (FIRST READING - ROLL CALL VOTE)

RECOMMENDATION

Consider the repeal and replacement of Seaside Municipal Code Chapter 10.32 "Stopping, Standing, and Parking" to include the addition of new section 10.32.035 which establishes a four hour time limit for certain parking lots at City parks. It is recommended the City Council hold a public hearing on the amendments to the Seaside Municipal Code Section 10.32.

BACKGROUND

The City currently has two parks with dedicated parking lots, and another one has a parking lot in the design phase. Laguna Grande Park has three dedicated parking lots with more than seventy parking spaces, while Robert's Lake has two parking lots with thirty-two spaces. Cutino Park currently has a parking lot in design, and should be constructed sometime in 2023. That parking lot will have fourteen dedicated spaces. On any given day, the parking lots at the parks can be full with cars and RV's that stay for longer periods of time than the average park user. In some cases, vehicles are parked in these lots from the moment they are open at 6am until they close at 10pm. This makes it difficult for Seaside residents and other visitors to access these parks and the coastal trail on a daily basis.

At the May 21, 2020, City Council Meeting, staff presented the idea of amending Seaside Municipal Code Section 10.32 "Stopping, Standing, and Parking" to institute a four hour parking time for the parking lots located at Laguna Grande Park and Robert's

Lake Park. At that time, there was also a proposed amendment that included overnight parking one night a week in the Laguna Grande Parking Lot. The City Council directed staff at that time to come back with the proposed amendments to the ordinance. At the June 18, 2020, City Council meeting staff brought back the ordinance with the proposed amendments, and the first reading was approved with four ayes and one no vote. At the July 2, 2020, City Council meeting, the City Council denied the second reading, citing that overnight parking one night a week was not sufficient.

The proposed amendments are as follows:

Sub-Section 10.32.031 Amended

Municipal Code Sub-Section 10.32.031 related to definitions repealed and restated to read as follows:

10.32.031 Overnight parking at Laguna Grande Park, Robert's Lake, Cutino Park, Oldemeyer Center, Seaside Community Center and Seaside City Hall parking lots.

A. Unlawful. It is unlawful for the operator of any vehicle to park said vehicle in Laguna Grande Park, Robert's Lake Park, Cutino Park, Oldemeyer Center, Seaside Community Center and the Seaside City Hall parking lot between the hours of nine p.m. and six a.m. Mondays through Sundays.

Sub-Section 10.32.035 Added

Municipal Code Sub-Section 10.32.035 added to read as follows:

10.32.035 Parking time limited at Laguna Grande Park, Robert's Lake, and Cutino Park.

A. When authorized signs are in place giving notice thereof, no person shall park any vehicle in the parking lots at Laguna Grande Park, Robert's Lake, or Cutino Park for a period longer than four hours on any day.

B. Exemptions. Persons participating in activities sponsored by the City of Seaside, or attending a permitted park rental, or City employees, or officials who are working or are on official City business are exempt from the provisions of sub-section A of this section.

FISCAL IMPACT

There is no fiscal impact for this item.

ATTACHMENTS

1. Draft Parking Ordinance 3
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

REPEAL AND REPLACE CHAPTER 10.32 SECTION 10.32.031 OF THE SEASIDE MUNICIPAL CODE and ADDING A NEW SECTION 10.32.035 ESTABLISHING A FOUR HOUR TIME LIMIT AT CERTAIN CITY PARK PARKING LOTS.

WHEREAS, the City desires to expand the list of public areas which are not available for overnight parking; and

WHEREAS, The City desires to increase the ability for more residents and visitors to have access to specific parks, parking lots and coastal access points.

NOW THEREFORE, the City Council of the City of Seaside, California does ordain as follows:

SECTION 1. GENERAL PURPOSE AND FINDINGS.

- A. The purpose of this Ordinance is to repeal and replace Section 10.32.031 to expand the park and other areas which are not available for overnight parking and to amend Chapter 10.32 of the Seaside Municipal Code adding a new section 10.32.035 to establish a four-hour time limit for certain parking lots at City parks.

SECTION 2. SECTION 10.32.031 REPEALED AND REPLACED.

Municipal Code Section 10.32.031 related to definitions is hereby repealed and replaced to read as follows:

10.32.031 Overnight parking at Laguna Grande Park, Robert's Lake, Cutino Park, Oldemeyer Center, Seaside Community Center and Seaside City Hall parking lots.

- A. Unlawful. It is unlawful for the operator of any vehicle to park said vehicle in Laguna Grande Park, Roberts Lake Park, Cutino Park, Oldemeyer Center, Seaside Community Center and the Seaside City Hall parking lot between the hours of nine p.m. and six a.m. Mondays through Sundays
- B. Exemptions. Persons participating in activities sponsored by the city and Seaside city employees or officials who are working or are on official city business are exempt from the provisions of subsection A of this section.

SECTION 3. NEW SECTION 10.32.035 ADDED.

Municipal Code Section 10.32.035 is hereby added to read as follows:

10.32.035 Parking time limited at Laguna Grande Park, Robert's Lake, and Cutino Park

- A. When authorized signs are in place giving notice thereof, no person shall park any vehicle in the parking lots at Laguna Grande Park, Robert's Lake, or Cutino Park for a period longer than four hours on any day.
- B. Exemptions. Persons participating in activities sponsored by the City of Seaside, or attending a permitted park rental, or city employees or officials who are working or are on official city business are exempt from the provisions of subsection A of this section.

SECTION 4. ENVIRONMENTAL COMPLIANCE

The proposed changes to the Ordinance will not result in direct or indirect changes to the environment and do not meet the definition of project under CEQA. (14 CCR 15378(b))

SECTION 5. SEVERABILITY.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its final passage and adoption.

INTRODUCED AND PASSED TO PRINT by the City Council of the City of Seaside this 17th day of November 2022.

PASSED AND ADOPTED by the City Council of the City of Seaside this _____ day of _____ 2022, by the following roll call vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

DRAFT



CITY OF SEASIDE STAFF REPORT

Item No.: 10.D.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Sheri Damon, City Attorney
Victor Damiani, Finance Director

DATE: November 17, 2022

SUBJECT: **ADOPT RESOLUTIONS FORMING A COMMUNITY FACILITY DISTRICT (CFD) TO PROVIDE FINANCING FOR VARIOUS PUBLIC FACILITIES AND MUNICIPAL SERVICES, AUTHORIZING THE NECESSITY TO INCUR INDEBTEDNESS AND CALLING FOR AN ELECTION; HOLD SPECIAL ELECTION AND ADOPT RESOLUTION OF RESULTS OF SPECIAL ELECTION; AND INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES) (FIRST READING - ROLL CALL VOTE)**

RECOMMENDATION

- 1) Hold Public Hearing on Resolution of Intent to form a Community Facilities District (CFD) as called for on October 6, 2022 and Adopt the following Resolutions: 1. A Resolution of Formation of the CFD authorizing the levy of a special tax within the CFD, and preliminarily establishing an appropriations limit for the CFD; and 2. A Resolution determining the necessity to incur indebtedness within the CFD; and 3. A Resolution calling a special election within the CFD; and
- 2) Hold a special CFD election; and
- 3) Open Public Comment on the results of CFD election and adopt a resolution declaring the results of the special election; and
- 4) Introduce and Waive First Reading of an Ordinance levying special taxes within the CFD and open the Public Hearing.

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, 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.

On October 6, 2022, the City Council adopted a Resolution of Intention to form a Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the CFD) and a Resolution of Intention to incur indebtedness for the CFD. Those Resolutions preliminarily approved a boundary map for the CFD which included within the initial boundary of the proposed CFD certain City-owned parcels and parcels owned by the Successor Agency to the Seaside Redevelopment Agency, and set forth a rate and method of apportionment of special taxes for the CFD that includes the methodology by which the special taxes authorized to be levied are allocated among the properties in the CFD, identified an area that may be annexed to the CFD in the future, and expressed the intent of the City Council to authorize the issuance of up to \$500,000,000.00 in bonded indebtedness for the CFD. The Resolutions called for a public hearing on the CFD, the levy of the special taxes and the bonded indebtedness for the CFD to be held during the November 17, 2022 City Council meeting.

DISCUSSION

The CFD includes an initial area 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 CFD at a later date. Only property included in the boundaries of the CFD will be subject to the levy of special taxes for the CFD.

The Resolution of Intention to form the CFD specified, in Exhibit A to the Resolution, the public facilities and maintenance services the CFD 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 CFD.

The rate and method of apportionment of special taxes for the CFD, as set forth in

Exhibit B to the Resolution of Intention, specified the annual maximum special taxes for various types of property 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 located in the CFD, as such terms are defined in the rate and method of apportionment of special taxes. Additional information regarding special tax rates can be found in the Staff Report for the Resolutions adopted on October 6th. The Resolution of Intention to Incur Indebtedness allows for up to \$500,000,000 in bonded indebtedness that may be incurred for the CFD 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 Resolution of Intention to Form the CFD directed the City's Director of Public Works to prepare a report regarding the CFD and called for a public hearing during the November 17th City Council meeting regarding the CFD. The Resolution specifically acknowledges the future annexation area as depicted on the proposed boundary map of the CFD as setting forth property that may become annexed to the CFD at a later date upon an approval of the owners of the property to be annexed.

As the financing program is intended to include property as it develops in the future, the proposed bonded indebtedness limit for the CFD will allow for as many public facilities as possible to be financed as special taxes levied on property in the CFD and property annexed thereto are realized and the City is able to issue bonds for the CFD to be repaid using those special taxes.

The Resolution of Intention to Incur Bonded Indebtedness also called for a public hearing during the November 17th City Council meeting regarding the expected issuance of bonds for the CFD. That public hearing will be combined with the public hearing regarding the formation of the CFD.

FORMATION PROCEEDINGS

Public Hearing Regarding CFD Formation – The City Council is required to hold a public hearing regarding the proposed CFD. The public hearing allows all interested persons desiring to be heard on all matters pertaining to the formation of the CFD and the facilities and services eligible to be financed by the CFD, the issuance of bonds by the City for the CFD and the levy of the special tax. Notices of the public hearing were published on October 20, 2022 in the Monterey County Weekly.

The report by the Director of Public Works as to the costs of the facilities and services to be financed by the CFD will be presented (Attachment 1) at the public hearing.

After the public hearing, if less than a majority of owners of the land proposed to be

included in CFD have filed written protests against the establishment of CFD, the City Council may proceed with the actions to form the CFD and authorize the levy of the special tax. The City is the only owner of land in the CFD, and there are no persons registered to vote residing in CFD.

Resolution of Formation – The first action required if the City Council determines to proceed with the formation is the adoption of a Resolution of formation of the CFD (Attachment 3). The Resolution of Formation:

- approves an amended boundary map for the CFD (Attachment 2) that moved parcels owned by the Successor Agency to the Seaside Redevelopment Agency from within the initial boundary of the CFD to the future annexation area of the CFD to facilitate disposition of those parcels, so that they will only be subject to the levy of special taxes for the CFD if, after they are transferred to private ownership, they are then annexed into the CFD upon approval of the respective private owners;
- recognizes that a few clarifying changes were made to the description of Exempt Property in the rate and method of apportionment of special taxes for the CFD to make it clear that, prior to the issuance of bonds for the CFD, public property will not be subject to special tax levies unless leased or conveyed to a non-public entity, and provided that the revised rate and method of apportionment of special taxes would be as set forth in Exhibit B to the Resolution of Formation;
- determines that all prior actions taken in connection with the establishment of the CFD and the levy of the special tax on property within the CFD have been duly considered and determined to be valid and in conformity with the Mello-Roos Community Facilities Act of 1982;
- establishes the CFD;
- approves the revised boundaries of the CFD (Attachment 1);
- confirms the types of facilities and services to be financed by the CFD;
- provides for the levy of the special taxes in accordance with the revised rate and method of apportionment of special taxes for the CFD;
- provides for an initial annual appropriations limit for the CFD; and
- requires the proposition of the levy of special tax and the proposition of the establishment of the appropriations limit to be submitted to the qualified electors of the CFD.

Resolution of Necessity - The City will next consider adoption of a Resolution determining the necessity to incur bonded indebtedness for the CFD (Attachment 4). The Resolution of Necessity to Incur Indebtedness provides \$500,000,000 as the maximum principal amount of bonded indebtedness to be incurred for the CFD and a 40-year maximum term for any series of bonds issued. The Resolution of Necessity to Incur Indebtedness requires the proposition of incurring the bonded indebtedness authorized by the resolution to be submitted to the qualified electors of the CFD and consolidated with the election on the propositions required by the Resolution of Formation.

Special Election – Following the adoption of the Resolution of Formation and Resolution of Necessity to Incur Indebtedness, the City Council will consider the adoption of a Resolution calling for a special election (Attachment 5). The City, the sole owner of the property to be initially included in the CFD, is the sole entity entitled to vote in the special election, and the Resolution authorizes and directs the City Manager to cast a ballot for the City in the election. The ballot includes a waiver of any requirement for notice, analyses and arguments in connection with the special election. As a result, the special election for the CFD is to be held immediately following the adoption of the Resolution calling for the election.

Once the City Clerk has opened the ballot cast by the City Manager for the City and has announced the results of the election, the City Clerk will execute a Canvass and Statement of Result of Special Election, attached to a Resolution declaring the results of special election. The City Council will then consider adoption of the Resolution declaring the results of the special election (Attachment 6) and directing the City Clerk to record a notice of special tax lien (Attachment 7) in the Monterey County Recorder's Office.

Public Hearing re Special Tax Levy; Ordinance Levying Special Taxes – Following the public hearing on the formation, election and adoption of the foregoing resolutions, the City Council will be asked to introduce an Ordinance Levying Special Taxes within the CFD. Following the introduction of the Ordinance, a public hearing will then be held regarding the Ordinance, and the City Council will then consider adoption of the Ordinance.

CONCLUSION

If (a) the City Council holds the public hearing regarding the CFD and the incurrence of indebtedness for the CFD; (b) adopts the Resolutions of formation of the CFD, determining the necessity to incur bonded indebtedness for the CFD and calling for a special election regarding the CFD; (c) holds the special election; and (d) adopts the Resolution canvassing the special election, the CFD will be fully formed. If the City Council then holds a public hearing regarding the Ordinance Levying Special Taxes on property in the CFD and adopts the Ordinance, the City will be authorized to levy special taxes on parcels initially included in the CFD, but only with respect to parcels leased or conveyed by the City to non-public entities, and then only when they become Developed Property or Final Map Property as such terms are defined in the rate and method of apportionment of special taxes for the CFD.

FISCAL IMPACT

Costs of formation are budgeted out of general fund revenues and may be reimbursed

upon collection of special taxes.

ATTACHMENTS

1. CFD Report
 2. Amended CFD Boundary Map
 3. Resolution of Formation
 4. Resolution of Necessity to Incur Indebtedness
 5. Resolution Calling for Special Election
 6. Resolution of the Authority Declaring Results of Election
 7. Notice of Special Tax Lien
 8. Ordinance Levying Special Taxes
-

Reviewed for Submission to the City Council by:

A handwritten signature in blue ink, reading "Jaime M. Fontes", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jaime M. Fontes, City Manager

**CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)**

COMMUNITY FACILITIES DISTRICT REPORT

CONTENTS

Introduction

- A. Description of the Facilities and the Services
- B. Proposed Boundaries of the Community Facilities District
- C. Cost Estimate

Exhibit A – Description of Facilities and the Services

Exhibit B – Cost Estimate

**CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)**

INTRODUCTION. The City Council (the "City Council") of the City of Seaside (the "Authority") did, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Law"), on October 6, 2022, adopt 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"). In the Resolution of Intention, the City Council expressly ordered the preparation of a written Community Facilities District Report (the "Report"), for the proposed City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the "District").

The Resolution of Intention ordering the Report did direct that the Report generally contain the following:

1. A brief description of the facilities and services by type to be funded by the District; and
2. 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.

For particulars, reference is made to the Resolution of Intention for the District, as previously adopted by the City Council.

NOW, THEREFORE, I, the Director of Public Works of the City of Seaside, do hereby submit the following data:

A. DESCRIPTION OF THE FACILITIES AND THE SERVICES. A brief description of the facilities and services that the City has determined to be eligible to be funded by the District are as shown in Exhibit "A" attached hereto and hereby made a part hereof.

B. PROPOSED BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. The proposed boundaries of the District are those properties and parcels in which special taxes may be levied to pay for the cost to prepay certain special taxes, and the costs and expenses of the facilities and services to be funded by the District. The proposed boundaries of the District are described in the amended map of the District attached as Exhibit "C" hereto.

C. COST ESTIMATE. The cost estimate for the financing of the facilities, and an estimate of the fiscal year 2023-24 annual special tax that may be levied to pay for the services (given an assumed number of building permits issued), is set forth in Exhibit "B" attached hereto and hereby made a part hereof.

Dated: November 7, 2022

By: 
Nisha Patel, Director of Public Works
of the City of Seaside

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

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

BONDS/FACILITIES COST ESTIMATE

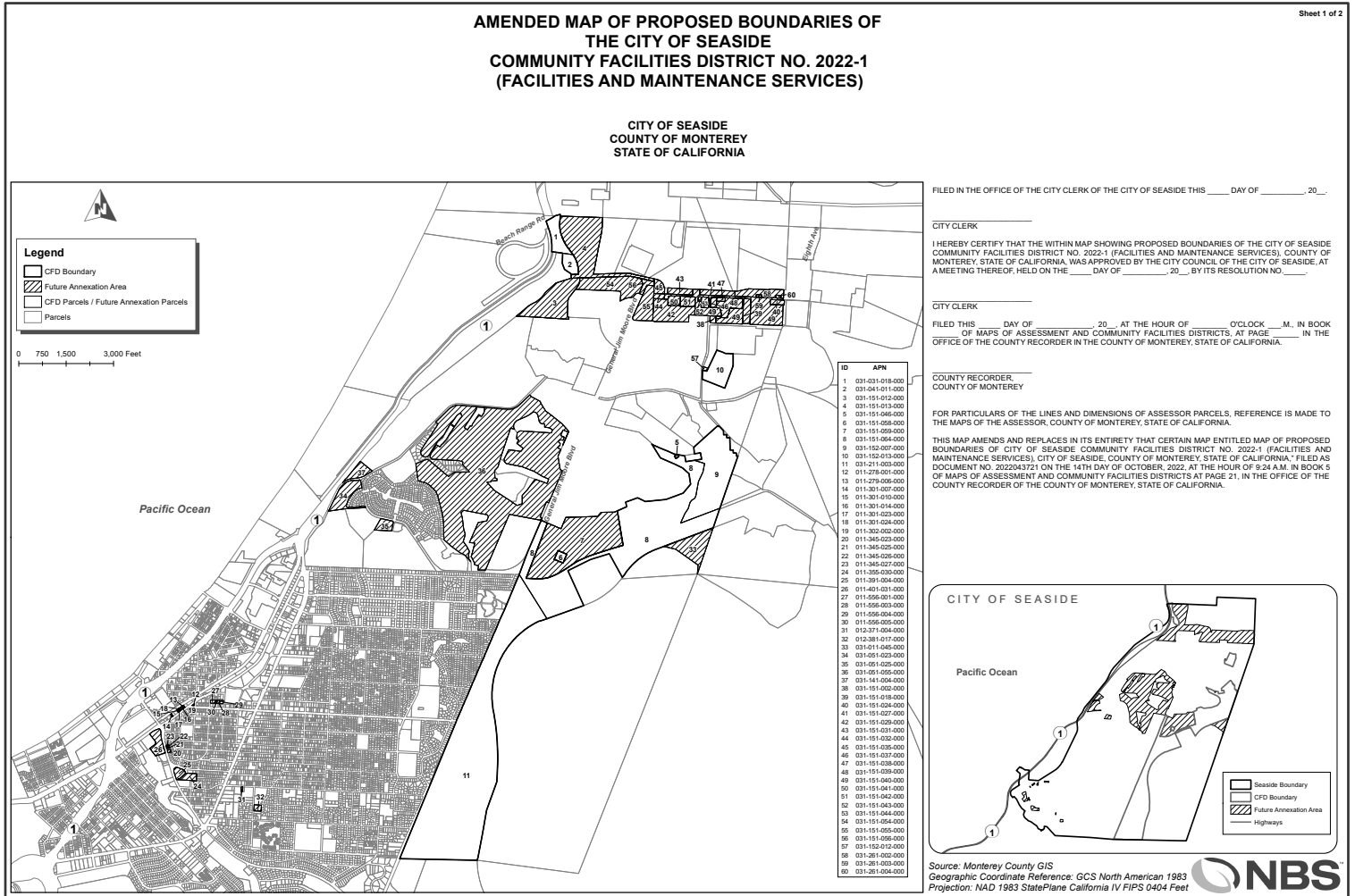
1. ACQUISITION & CONSTRUCTION		\$445,000,000
2. INCIDENTALS		
(a) Costs of Issuance of Bonds	\$1,750,000	
(b) Bond Reserve Fund	32,500,000	
(c) Bond Discount (Underwriter's Discount)	5,000,000	
(d) Capitalized Interest	<u>12,500,000</u>	
Subtotal		51,750,000
3. CONTINGENCIES		<u>3,250,000</u>
TOTAL BOND AMOUNT NEEDED		\$500,000,000

SERVICES COST ESTIMATE

The maximum annual special tax that may be levied in the District to pay costs of providing the services eligible to be funded by the District is projected to be \$37,500 for fiscal year 2023-24 (assuming building permits have been issued prior to May 1, 2023 for 50 Assessor's Parcels of Single Family Residential Property, as such capitalized terms are used in the Rate and Method of Apportionment of Special Taxes for the District); increasing each fiscal year thereafter by an amount equal to two percent (2%) of the amount in effect for the previous fiscal year.

EXHIBIT C

AMENDED BOUNDARY MAP FOR CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES)



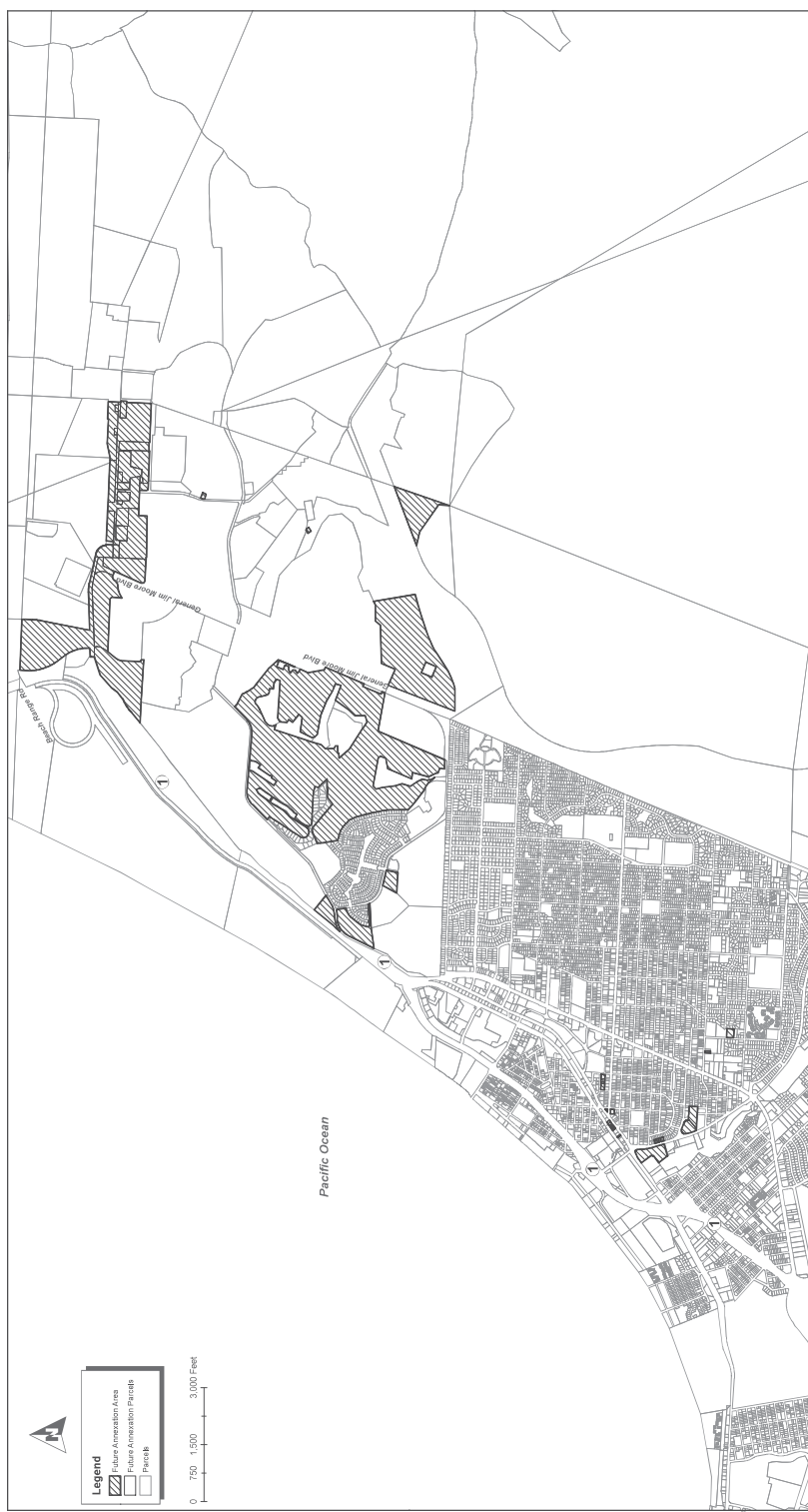
AMENDED MAP OF PROPOSED BOUNDARIES OF
THE CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)

CITY OF SEASIDE
COUNTY OF MONTEREY
STATE OF CALIFORNIA



AMENDED 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

OF FORMATION OF CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT AND SUBMITTING LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, on October 6, 2022, this City Council 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”) stating its intention to form the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the “Law”); and

WHEREAS, the Resolution of Intention, incorporating by reference a map of the proposed boundaries of the District (the “Boundary Map”) and describing the public facilities (the “Facilities”) and municipal services (the “Services”) eligible to be financed by the District, the cost of financing the Facilities and the Services, and the rate and method of apportionment of the special tax to be levied within the District to pay the costs of the Facilities and the Services and to pay the principal and interest on bonds proposed to be issued with respect to the District (the “Rate and Method”), is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, after consultation with counsel to the Successor Agency to the Seaside Redevelopment Agency (the “Agency”), it was determined that the disposition of Agency property would be better facilitated by moving Agency parcels included in the boundaries of the District on the Boundary Map to the Future Annexation Area of the District, and an amended boundary map for the District attached to this Resolution as Exhibit A has been produced with the Agency parcels so relocated to the Future Annexation Area of the District; and

WHEREAS, a few clarifying changes have been made to the description of certain “Exempt Property” in the Rate and Method so that it is clear that certain public property will, prior to the issuance of bonds for the District, not be subject to special tax levies until leased or conveyed to a non-public owner, and a revised Rate and Method incorporating the changes is attached to this Resolution as Exhibit B; and

WHEREAS, on this date, this City Council held the public hearing as required by the Law and the Resolution of Intention relative to the proposed formation of the District; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, the Facilities and the Services eligible to be funded by the District, and the levy of the special tax, were heard and a full and fair hearing was held; and

WHEREAS, at the hearing evidence was presented to this City Council on the matters before it, including a report by the Director of Public Works of the City of Seaside (the "Report") as to the Facilities and the Services eligible to be funded by the District and the costs thereof, a copy of which is on file with the City Clerk, and this City Council at the conclusion of the hearing was fully advised regarding the District; and

WHEREAS, written protests with respect to the formation of the District and/or the furnishing of specified types of the Facilities and of the Services as described in the Report have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half (1/2) or more of the area of land within the District and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the District to pay for the Facilities and the Services, as set forth in Exhibit B to the Resolution of Intention, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half (1/2) or more of the area of land within the District and not exempt from the special tax.

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

- 1) The foregoing recitals are true and correct.
- 2) The proposed special tax to be levied within the District has not been precluded by majority protest pursuant to Section 53324 of the Law.
- 3) All prior proceedings taken by this City Council in connection with the establishment of the District and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Law.
- 4) On October 6, 2022, this City Council adopted a resolution approving Local Goals and Policies for Community Facilities Districts, and this City Council hereby finds and determines that the District is in conformity with said goals and policies.
- 5) The community facilities district designated "City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services)" is hereby established pursuant to the Law.
- 6) The boundaries of the District, as shown on the amended map of the boundaries of the District set forth in Exhibit A, are hereby approved, are incorporated herein by this reference and shall be the boundaries of the District. The City Clerk is hereby directed to record, or cause to be recorded, the amended map of the boundaries of the District in the office of the Monterey County Recorder within 15 days after the adoption of this Resolution.
- 7) The types of facilities and services eligible to be funded by the District pursuant to the Law are as described in Exhibit A to the Resolution of Intention which Exhibit is by this reference incorporated herein. This City Council hereby finds that the Facilities and the Services are necessary to meet increased demands placed upon local agencies as the result of development occurring in the District, and the Services will be in addition to those provided in the territory of the District before its creation and will not supplant services already available within that territory at the time of the creation of the District.

- 8) Except to the extent that funds are otherwise available to the District to pay for the Facilities, the Services and/or to 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 this City Council 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, are described in Exhibit B to this Resolution which Exhibit is by this reference incorporated herein. This City Council hereby finds that the basis for the levy and apportionment of the special tax, as set forth in the Rate and Method, is reasonable.
- 9) The Finance Director of the City of Seaside, 440 Harcourt Avenue, Seaside, CA 92590, telephone number (831) 899-6718, is the officer of the City that will be responsible for preparing annually and whenever otherwise necessary a current roll of special tax levy obligations by assessor's parcel number and which will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Law.
- 10) Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City ceases.
- 11) In accordance with Section 53325.7 of the Law, the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby preliminarily established at \$500,000,000 and said appropriations limit shall be submitted to the voters of the District as provided below. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Law.
- 12) Pursuant to the provisions of the Law, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the District at an election, the time, place and conditions of which election shall be as specified by a separate resolution of this City Council.
- 13) The territory proposed for annexation to the District, as described in Section 14 of the Resolution of Intention and on the map of the District described in Section 6 above, may be annexed to the District from time to time upon the unanimous approval of the owner or owners of each parcel or parcels in the annexation area then to be annexed, without additional hearings, as permitted by Section 53339.7(a) of the Law.
- 14) 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 17th day of November, 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

AMENDED BOUNDARY MAP FOR
CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)

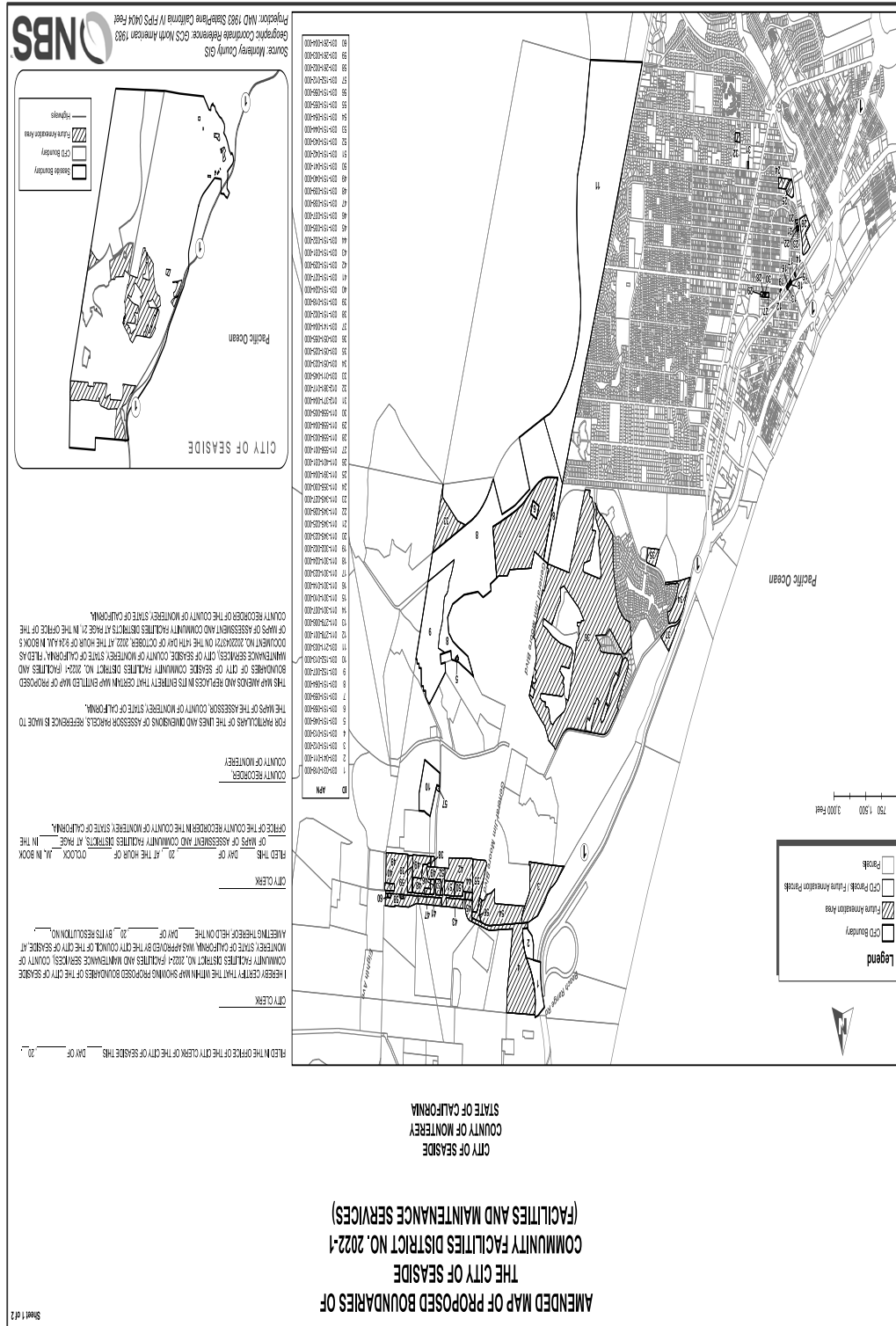




EXHIBIT B

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. DEFINITIONS

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 person or 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. Assigned Special Tax

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. Increase in the Assigned Special Tax and Backup Special Tax for Tax Zone 1

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. Multiple Land Use Classes

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. Maximum Special Tax

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. Increase in the Maximum Special Tax

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. METHOD OF APPORTIONMENT OF THE SPECIAL TAXES

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:

First: 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.

Second: 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.

Third: 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.

Fourth: 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 prior to the issuance of the first series of CFD No. 2022-1 Bonds. 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 be exempt from the levy of the Special Tax as long as the property continues to qualify as Property Owner Association Property or Public Property; except with respect to Public Property as provided in the second sentence of the definition of Public Property in Section A. Any property that becomes 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 fifth 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: _____

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS
WITHIN CITY OF SEASIDE COMMUNITY FACILITIES DISTRICT NO. 2022-
1 (FACILITIES AND MAINTENANCE SERVICES) AND SUBMITTING
PROPOSITION TO THE QUALIFIED ELECTORS OF THE DISTRICT**

WHEREAS, on October 6, 2022, this City Council 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”) stating its intention to form the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the “District”), pursuant to the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the “Law”), to fund the costs of certain public facilities (the “Facilities”) and certain municipal services (the “Services”), as described therein; and

WHEREAS, on October 6, 2022, this City Council also 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 (Facilities and Maintenance Services)” (the “Resolution of Intention to Incur Indebtedness”) stating its intention to incur bonded indebtedness within the boundaries of the District for the purpose of financing costs of the Facilities; and

WHEREAS, on this City Council held the public hearing as required by the Law and the Resolution of Intention relative to the determination to proceed with the formation of the District, the provision by the District of funds to pay the costs of the Facilities and the Services, and the rate and method of apportionment of the special tax to be levied within the District to pay the principal and interest on the proposed indebtedness and the administrative costs of the City relative to the District; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the provision of funds to pay the costs of the Facilities and the levy of the special tax on property within the District, were heard and a full and fair hearing was held; and

WHEREAS, subsequent to the hearing, this City Council adopted a resolution entitled “A Resolution of the City Council of the City of Seaside of Formation of City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services), Authorizing The Levy Of A Special Tax Within The District, Preliminarily Establishing An Appropriations Limit For The District And Submitting Levy Of The Special Tax and the Establishment of the Appropriations Limit To The Qualified Electors Of The District” (the “Resolution of Formation”); and

WHEREAS, on this date, this City Council held the public hearing as required by the Law relative to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness; and

WHEREAS, no written protests with respect to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness have been filed with the City Clerk.

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

- 1) The foregoing recitals are true and correct.
- 2) This City Council deems it necessary to incur bonded indebtedness in the maximum aggregate principal amount of \$500,000,000 within the boundaries of the District.
- 3) The indebtedness is incurred for the purpose of financing costs of the Facilities, as provided in the Resolution of Formation including, but not limited to, the costs of issuing and selling bonds to finance costs of the Facilities, as well as the initial costs of the City in administering the District.
- 4) The whole of the District shall pay for the bonded indebtedness through the levy of the special tax. The special tax is to be apportioned in accordance with the Rate and Method set forth in Exhibit B to the Resolution of Formation.
- 5) The maximum amount of bonded indebtedness to be incurred is \$500,000,000 and the maximum term of the bonds to be issued shall in no event exceed forty (40) years.
- 6) The bonds shall bear interest at a rate or rates not to exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable weekly, semiannually or in such other manner as this City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by this City Council or its designee at the time or times of sale of the bonds.
- 7) The proposition of incurring the bonded indebtedness herein authorized shall be submitted to the qualified electors of the District and shall be consolidated with elections on the proposition of levying special taxes within the District and the establishment of an appropriations limit for the District pursuant to Section 53353.5(a) of the Law. The time, place and conditions of said election shall be as specified by separate resolution of this City Council.

8) 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 17th day of November, 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

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**CALLING SPECIAL ELECTION WITHIN COMMUNITY FACILITIES
DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE SERVICES)**

WHEREAS, on this date, this City Council adopted a resolution entitled “A Resolution of the City Council of the City of Seaside of Formation of City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services), Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), ordering the formation of the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the “District”), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District; and

WHEREAS, on this date, this City Council also adopted a resolution entitled “A Resolution of the City Council of the City of Seaside Determining the Necessity to Incur Bonded Indebtedness Within City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) and Submitting Proposition to the Qualified Electors of the District” (the “Resolution to Incur Indebtedness”), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$500,000,000 upon the security of the special tax to be levied within the District; and

WHEREAS, pursuant to the provisions of said resolutions, the propositions of the levy of said special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness are to be submitted to the qualified electors of the District as required by the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the “Law”).

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

- 1) Pursuant to Sections 53325.7, 53326 and 53351 of the Law, the issues of the levy of said special tax, the incurring of bonded indebtedness and the establishment of said appropriations limit shall be submitted to the qualified electors of the District at an election called therefor as provided below.
- 2) As authorized by Section 53353.5 of the Law, the three propositions described in paragraph 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A and by this reference incorporated herein. The form of ballot is hereby approved.
- 3) This City Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the public hearings heretofore conducted and concluded by this City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, this City Council finds that for purposes of these proceedings the qualified electors

are the landowners within the District and that the vote shall be by said landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the District as of the close of the public hearings.

It is acknowledged that the sole owner of the parcels initially included within the boundaries of the District is the City, that the City is a landowner for purposes of the Law, as provided in Section 53317(f) of the Law, and is entitled to vote as the rate and method of apportionment of special taxes for the District allows for special tax levies on the City-owned parcels when leased to a non-governmental entity or conveyed to any such entity, so such parcels are not fully exempt from the special tax.

- 4) This City Council hereby calls a special election to consider the measure described in Section 2 above, which election shall be held immediately following adoption of this Resolution in the meeting place of this City Council. The City Clerk is hereby designated as the official to conduct said election. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map of the proposed boundaries of the District attached as Exhibit A to the Resolution of Formation, and a sufficient description to allow the City Clerk to determine the boundaries of the District.

The voted ballots shall be returned to the City Clerk no later than immediately following the adoption of this Resolution; and when all of the qualified voters have voted, the election shall be closed.

The City Manager is hereby authorized and directed to execute and deliver a ballot, with an affirmative vote for the ballot measure, and a ballot return envelope in respect of parcels to be included in the District that are owned by the City.

- 5) Pursuant to Section 53327 of the Law, the election shall be conducted by mail or hand delivered ballot pursuant to applicable provisions of the California Elections Code.
- 6) This City Council acknowledges that there has been delivered to the City Manager a ballot in the form set forth in Exhibit A hereto. The ballot indicated the number of votes to be voted by the City, based on the number of acres of land to be initially included in the District.

The ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return ballot was provided with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

Analysis and arguments with respect to the ballot measures are being waived as set forth in the ballot, as permitted by Section 53327(b) of the Law.

- 7) This City Council hereby further finds that the provision of the Law requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before said special election is for the protection of the qualified electors of the District. The voted

ballot of the City Manager for the City contains an acknowledgment of a waiver of any time limit pertaining to the conduct of the election and of a waiver of any requirement for analysis and arguments in connection with the election. This City Council finds and determines that the City Clerk has concurred in the shortened time for the election.

- 8) Pursuant to the Local Agency Special Tax and Bond Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. of the California Government Code, (a) the ballot measure referred to in Sections 2 and 4 above contains a statement indicating the specific purposes of the special tax, the proceeds of the special tax will be applied only to the purposes specified in the ballot measure, there shall be created by the Finance Director an account into which proceeds of the special tax levies will be deposited, and the Finance Director is hereby directed to provide an annual report to this City Council as required by Section 50075.3 of the California Government Code; and (b) the ballot measure contains a statement indicating the specific purposes of the bonds, the proceeds of the bonds will be applied only to the purposes specified in the ballot measure, there shall be created by the Finance Director an account into which the proceeds of the bonds will be deposited, and the Finance Director is hereby directed to provide an annual report to this City Council as required by Section 53411 of the California Government Code.
- 9) The City Clerk is hereby directed to cause to be published in a newspaper of general circulation circulating within the District a copy of this Resolution and a copy of the Resolution to Incur Indebtedness, as soon as practicable after the date of adoption of this Resolution.
- 10) 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 17th day of November, 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

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

OFFICIAL BALLOT

Special Tax and Bond Election
(November 17, 2022)

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the City Clerk of the City of Seaside no later than immediately after adoption of the resolution of the City Council calling said election, either by mail or in person.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Seaside and obtain another.

BALLOT MEASURE: Shall the City of Seaside (the "City") incur an indebtedness and issue bonds in one or more series in the maximum aggregate principal amount of \$500,000,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the "District"), the proceeds of which will be used only to finance costs of certain public facilities as specified in the Resolution of Formation of the District and the costs of issuing the bonds as well as the establishment of appropriate bond and interest reserves; shall a special tax be levied annually upon lands within the District to be applied only to the payment of the costs of the public facilities and of municipal services eligible to be funded by the District, the payment of the principal and interest upon such bonds to be issued and to replenish the reserves for the bonds, and to pay the costs of the City in administering the District, and shall the annual appropriations limit of the District be established in the amount of \$500,000,000?

Yes: _____

No: _____

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326(a) and 53327(b) of the California Government Code.

Monterey County
Assessor's Parcel Nos.
of Land Owned in the
District:

Number of Votes: 465
Property Owner: City of Seaside

031-031-018-000
031-041-011-000
031-151-058-000
031-151-064-000
031-152-007-000
031-152-013-000
031-211-001-000

By: _____
Jaime Fontes,
City Manager

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING
RECORDING OF NOTICE OF SPECIAL TAX LIEN – COMMUNITY
FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE
SERVICES)**

WHEREAS, in proceedings heretofore conducted by this City Council pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the “Law”), this City Council on this date adopted a resolution entitled “A Resolution of the City Council of the City of Seaside Calling Special Election Within Community Facilities District No. 2022-1 (Facilities and Maintenance Services)”, calling for a special election of the qualified electors within the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the “District”); and

WHEREAS, pursuant to the terms of said resolution, which are by this reference incorporated herein, the special election was held on this date, and the City Clerk has on file a Canvass and Statement of Results of Election, a copy of which is attached hereto as Exhibit A; and

WHEREAS, this City Council has reviewed the canvass and hereby approves it.

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

- 1) The issues presented at the special election were the incurring of a bonded indebtedness in the maximum aggregate principal amount of \$500,000,000, the levy of a special tax within the District to be levied in accordance with the rate and method of apportionment of special taxes heretofore approved by this City Council by its resolution adopted this date entitled “A Resolution of the City Council of the City of Seaside of Formation of City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services), Authorizing Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), and the approval of an appropriations limit of not to exceed \$500,000,000 pursuant to said Resolution.
- 2) Pursuant to the canvass of the special election on file with the City Clerk, the issues presented at the special election were approved by the City, which is the sole qualified elector of the District.
- 3) Pursuant to the voter approval, the District is hereby declared to be fully formed with the authority to incur bonded indebtedness and to levy special taxes as heretofore provided in these proceedings and in the Law.
- 4) It is hereby found that all prior proceedings and actions taken by this City Council with respect to the District were valid and in conformity with the Law.

- 5) The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Monterey a notice of special tax lien in the form provided by formation counsel, as soon as practicable following the recording of the amended boundary map of the District attached as Exhibit A to the Resolution of Formation.
- 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 17th day of November, 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

CANVASS AND STATEMENT OF RESULT OF ELECTION

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

I hereby certify that on November 17, 2022, I canvassed the returns of the special election held on November 17, 2022, in the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Qualified Landowner Votes	Votes Cast	YES	NO
City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) Special Tax and Bond Election November 17, 2022.	465	_____	_____	_____

BALLOT MEASURE: Shall the City of Seaside (the "City") incur an indebtedness and issue bonds in one or more series in the maximum aggregate principal amount of \$500,000,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) (the "District"), the proceeds of which will be used only to finance costs of certain public facilities as specified in the Resolution of Formation of the District and the costs of issuing the bonds as well as the establishment of appropriate bond and interest reserves; shall a special tax be levied annually upon lands within the District to be applied only to the payment of the costs of the public facilities and of municipal services eligible to be funded by the District, the payment of the principal and interest upon such bonds to be issued and to replenish the reserves for the bonds and to pay the costs of the City in administering the District, and shall the annual appropriations limit of the District be established in the amount of \$500,000,000?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 17th day of November, 2022.

By: _____
City Clerk,
City of Seaside

**RECORDING REQUESTED BY
AND RETURN TO:**

**CITY CLERK
City of Seaside City Hall
440 Harcourt Avenue
Seaside, CA 93955**

EXEMPT FROM RECORDER'S FEES
Pursuant to Government Code
Sections 6103 and 27383

NOTICE OF SPECIAL TAX LIEN

**CITY OF SEASIDE
COMMUNITY FACILITIES DISTRICT NO. 2022-1
(FACILITIES AND MAINTENANCE SERVICES)**

NOTICE OF SPECIAL TAX LIEN

City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services)

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code and Section 53311 et seq. of the California Government Code, the undersigned City Clerk of the City of Seaside (the "Authority"), County of Monterey, State of California, hereby gives notice that a lien to secure payment of a special tax which the City Council of the City authorized, is hereby imposed. The special tax secured by this lien is authorized to be levied for the purpose of paying principal and interest on bonds, the proceeds of which are being used to finance the costs of certain public facilities, as well as pay for certain municipal services and administrative expenses, all as described on Exhibit A attached hereto and hereby made a part hereof.

The special tax is authorized to be levied within the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) which has now been officially formed and the lien of the special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and cancelled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate, method of apportionment, and manner of collection of the authorized special tax is as set forth in Exhibit B attached hereto and hereby made a part hereof. Conditions under which the obligation to pay the special tax may be prepaid in part and permanently satisfied in part are as follows: none.

Notice is further given that upon the recording of this notice in the office of the County Recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) in accordance with Section 3115.5 of the California Streets and Highways Code.

The name(s) of the owner(s) of the real property included within the area of this community facilities district and the assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included within the area of this community facilities district, in each case which are not exempt from the special tax and as they appear on the latest secured assessment roll as of the date of recording of this or as otherwise known to the City, are as set forth in Exhibit C attached hereto and hereby made a part hereof.

Reference is made to the amended boundary map of the community facilities district recorded on November __, 2022 at __:__ __.m. in Book _____ of Maps of Assessment and Community Facilities Districts at Pages _____ and _____ (instrument no. _____), in the office of the County Recorder for the County of Monterey, State of California, which map is now the final boundary map of the community facilities district.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Seaside, City of Seaside, 440 Harcourt Avenue, Seaside, California 92590, telephone number (831) 899-6718.

Dated: _____, 2022

By: _____
City Clerk,
City of Seaside

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. DEFINITIONS

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 person or 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. Assigned Special Tax

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. Increase in the Assigned Special Tax and Backup Special Tax for Tax Zone 1

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. Multiple Land Use Classes

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. Maximum Special Tax

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. Increase in the Maximum Special Tax

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. METHOD OF APPORTIONMENT OF THE SPECIAL TAXES

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:

First: 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.

Second: 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.

Third: 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.

Fourth: 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 prior to the issuance of the first series of CFD No. 2022-1 Bonds. 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 be exempt from the levy of the Special Tax as long as the property continues to qualify as Property Owner Association Property or Public Property; except with respect to Public Property as provided in the second sentence of the definition of Public Property in Section A. Any property that becomes 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 fifth 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)**

**ASSESSOR'S PARCEL NUMBERS AND OWNER OF
LAND WITHIN THE DISTRICT**

<u>Monterey County Assessor's Parcel Numbers</u>	<u>Owner of Record of Parcels</u>
031-031-018-000	CITY OF SEASIDE
031-041-011-000	CITY OF SEASIDE
031-151-058-000	CITY OF SEASIDE
031-151-064-000	CITY OF SEASIDE
031-152-007-000	CITY OF SEASIDE
031-152-013-000	CITY OF SEASIDE
031-211-001-000	CITY OF SEASIDE

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE CITY OF SEASIDE

**LEVYING SPECIAL TAXES WITHIN CITY OF SEASIDE COMMUNITY
FACILITIES DISTRICT NO. 2022-1 (FACILITIES AND MAINTENANCE
SERVICES)**

WHEREAS, on October 6, 2022, this City Council of the City of Seaside (the "Authority") 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"), stating its intention to establish the City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the "Law"), to finance costs of certain public facilities (the "Facilities") and of certain municipal services (the "Services"); and

WHEREAS, notice was published as required by the Law of the public hearing called pursuant to the Resolution of Intention relative to the intention of this City Council to form the District and to provide for the costs of the Facilities; and

WHEREAS, on November 17, 2022 this City Council held the public hearing relative to the determination to proceed with the formation of the District; and

WHEREAS, at the public hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of special taxes in the District were heard, substantial evidence was presented and considered by this City Council and a full and fair hearing was held; and

WHEREAS, subsequent to said hearing, this City Council adopted resolutions entitled "A Resolution of the City Council of the City of Seaside of Formation of City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services), Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Seaside Determining the Necessity to Incur Bonded Indebtedness Within City of Seaside Community Facilities District No. 2022-1 (Facilities and Maintenance Services) and Submitting Proposition to the Qualified Electors of the District" (the "Resolution of Necessity") and "A Resolution of the City Council of the City of Seaside Calling Special Election Within Community Facilities District No. 2022-1 (Facilities and Maintenance Services)", which resolutions established the District, authorized the levy of a special tax with the District, and called an election within the District on the proposition of incurring indebtedness, levying a special tax and establishing an appropriations limit within the District, respectively; and

WHEREAS, on November 17, 2022 an election was held within the District in which the eligible landowner elector approved said propositions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. By the passage of this Ordinance this City Council hereby authorizes and levies special taxes within the District, pursuant to the Law, at the rate and in accordance with the rate and method of apportionment of special taxes for the District approved by, and attached as Exhibit B to, the Resolution of Formation (the "Rate and Method") which Resolution is by this reference incorporated herein. The special taxes are hereby levied commencing in Fiscal Year 2023-2024 and in each fiscal year thereafter until payment in full of any bonds issued by the City for the District (the "Bonds") as contemplated by the Resolution of Formation and the Resolution of Necessity, payment in full all costs of administering the District, and so long as necessary to pay for the Services.

SECTION 2. The City Finance Director is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for each parcel of real property within the District, in the manner and as provided in the Rate and Method.

SECTION 3. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate and Method attached as Exhibit A to the Resolution of Formation. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method.

SECTION 4. All of the collections of the special tax shall be used as provided for in the Law and in the Resolution of Formation including the payment of principal and interest on the Bonds, the replenishment of the reserves for the Bonds, the payment of the costs to provide the Services, the costs of the City and the City of Seaside in administering the District, and the costs of collecting and administering the special tax.

SECTION 5. The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the California Government Code shall apply to delinquent special tax payments. The Finance Director is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Monterey and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the District in each fiscal year until the Bonds are paid in full and provision has been made for payment of all of the administrative costs of the District.

Notwithstanding the foregoing, the Finance Director may collect one or more installments of the special taxes on any one or more parcels in the District by means of direct billing by the City of the property owners within the District, if any of the Bonds bear interest at a variable interest rate, or otherwise if, in the judgment of the Finance Director, such means of collection will reduce the administrative burden on the City in administering the District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the applicable property owners.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the District, by a Court of competent jurisdiction, the balance of this Ordinance, and the application of the special tax to the remaining parcels within the District shall not be affected.

SECTION 7. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside on the 17th day of November, 2022, and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California on the 17th day of November, 2022.

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

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk