

City of Carpinteria
City Council Regular Meeting Agenda
Monday, April 22, 2013
Council Chamber, 5775 Carpinteria Avenue

5:00 p.m. Closed Session - 5:30 p.m. Regular Session

INFORMATION ABOUT CITY COUNCIL MEETINGS:

- The time at which an item on the agenda is scheduled to be heard is an estimate only. The City Council may consider and act on an agenda item in any order it deems appropriate. In addition, an item may be considered earlier or later than the Estimated Time, depending on the length of time which is devoted to other agenda items. All persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure that they are present when the item is called.
- The regular meeting will be broadcast live over Government Access Television Channel 21. The City Council meetings will be rebroadcast on Wednesdays at 8:00 p.m. and Saturdays at 5:00 p.m.
- Materials related to an Agenda item submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 5775 Carpinteria Avenue, Carpinteria, during normal business hours. Such documents are also available on the City of Carpinteria website at www.carpinteria.ca.us subject to staff's ability to post the documents before the meeting.
- Any written or printed material and/or exhibits presented at a City Council meeting or work session become the property of the City.
- Any information presented to the City Council by the public on any agenda item and during Public Comment using electronic media to be displayed on the overhead projector must be arranged with staff for review of materials in advance of the meeting and no later than Friday prior to the Council meeting.
- As a courtesy to others and to avoid interference with the public address system, please refrain from using cell phones in the Council Chambers and please turn off all audible pagers and rings.
- If you wish to speak on a matter scheduled for consideration in a closed session, you will have an opportunity to address the City Council before the Council retires to its closed session deliberations.

**ESTIMATED
TIME:**

5:00 p.m.

CALL TO ORDER

ROLL CALL

CLOSED SESSION

- a. Conference with Real Property Negotiator(s) – Government Code Section 54956.8

Property Owner: City of Carpinteria

Property: Seaside building located at 5103 Carpinteria Avenue;
APN 004-047-001

Agency Negotiators: Dave Durlinger, City Manager; Peter Brown, City Attorney; Dylan Johnson, Deputy City Attorney; Matt Roberts, Parks and Recreation Director; and Kevin Silk, Assistant to City Manager

Negotiating Parties: Friends of the Carpinteria Library

Under Negotiation: Price and terms of payment of lease agreement

PUBLIC COMMENT ON CLOSED SESSION MATTERS

TEMPORARY ADJOURNMENT TO CLOSED SESSION

5:30 p.m.

CALL BACK TO ORDER

CLOSED SESSION REPORT

ROLL CALL

PLEDGE OF ALLEGIANCE

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

5:33 p.m.

1. Presentation of the City's Spring 2013 Outstanding Community Partner Award to HELP of Carpinteria.

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS

5:40 p.m.

CITY MANAGER'S REPORT

The City Manager will report to the City Council regarding various City and/or community events and/or matters of interest. There will be no City

Council discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

5:45 p.m.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT

This is a time for public comments on matters not otherwise on the agenda but within the subject matter jurisdiction of the City Council. The Public Comment period is limited to 15 minutes and divided among those persons desiring to speak. No person shall speak longer than three minutes; however, the Mayor may establish shorter periods based on the time available and/or the number of persons waiting to speak. Persons wishing to speak on a specific item will be recognized at the time the agenda item is considered.

Please be aware that items on the consent calendar are considered to be routine and are normally enacted by one unanimous vote of the Council. If you wish to speak on a consent calendar item, or on a matter scheduled for consideration in a closed session at the end of the agenda, please do so during the Presentations by Citizens/Public Comment portion of the meeting.

The City and the City Council are not responsible for the content of statements made during the public comment period, or the factual accuracy of any such statements.

AGENDA MODIFICATIONS: The City Council may modify the regular agenda by tabling items, adding urgency items to the agenda, or changing the order in which items are considered. Changes to the Consent Calendar are considered at the time the Consent Calendar is considered.

6:00 p.m.

CONSENT CALENDAR (to be approved by roll call vote on one motion with all resolutions and ordinances as read by title only). Individual items may be removed and considered separately at the request of a Councilmember. Any item, which is removed from the Consent Calendar, will be added to the end of the agenda under Other Business.

2. Minutes of the regular meeting held April 8, 2013.
3. Expenditures for the period ending April 17, 2013.

4. Review of Quarterly Investment Results and Certifications Concerning Compliance with Investment Policy and Cash Flow Needs for the Next Six Months.
5. Award the Third Street Drainage Improvements Project, City Project Number 15039 with a Project Budget of \$71,652, to DPM Company and Authorize the City Manager to sign the Contract.

ADMINISTRATIVE MATTER: NONE

PUBLIC HEARING:

- 6:03 p.m.
6. Adoption of Ordinance No. 663, Extending the Term of the Interim Urgency Ordinance No. 661, Pertaining to the Establishment of a Temporary Moratorium on New Tobacco Retailers Operating Within the City Until March 24, 2014.

Recommendation: Accept this report describing the measures taken to alleviate the conditions which led to the Adoption of the Interim Urgency Ordinance No. 661, and adopt the attached Interim Urgency Ordinance Extension No. 663, thereby extending the temporary moratorium on new tobacco retailers operating within the City for an additional 10 months and 15 days.

Staff presenter: Steve Goggia, Senior Planner

- a. Staff Report
- b. Public Comment
- c. City Council Determination

- 6:18 p.m.
7. Ordinance No. 662 Amending Chapter 8.52: Smoking Regulations, Chapter 14.20: CPD Commercial Planned Development District and Chapter 14.22: CB Central Business District of the Carpinteria Municipal Code

Recommendation: Introduce Ordinance No. 662, as read by title only, thereby amending Chapter 8.52; Smoking Regulations, Chapter 14.20: CPD Commercial Planned Development District and Chapter 14.22 CB: Central Business District of the Carpinteria Municipal Code and continue the item to May 13, 2013 for a second reading and final adoption.

Staff presenter: Steve Goggia, Senior Planner

- a. Staff Report

- b. Public Comment
- c. City Council Determination

OTHER BUSINESS:

- 6:48 p.m. 8. Report on Street Lighting Assessment District No. 1 for Fiscal Year 2013-14

Recommendation: Adopt Resolution Nos. 5452 and 5453, as read by title only, acting to accept and file the mandatory annual report and set the matter of the continuation of Street Lighting District No. 1 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

Staff presenter: John Thornberry, Administrative Services Director

- a. Staff Report
- b. Public Comment
- c. City Council Determination

- 7:05 p.m. 9. Report on Right-of-Way Improvement District No. 3 for Fiscal Year 2013-14

Recommendation: Adopt Resolution No. 5454 and 5455, as read by title only, acting to accept and file the mandatory annual report and set the matter of the continuation of Right-of-Way Improvement District No. 3 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

Staff presenter: John Thornberry, Administrative Services Director

- a. Staff Report
- b. Public Comment
- c. City Council Determination

- 7:20 p.m. 10. Adoption of Resolution No. 5459, A Resolution of Intention to Set the Assessment for the City of Carpinteria's Assessment District No. 5 for Fiscal Year 2013-14

Recommendation: Adopt Resolution No. 5459, a Resolution of Intention, as read by title only, thereby setting the public hearing date for the City Council to consider setting the annual assessment and order the construction of the improvement for Assessment District No. 5.

Staff presenter: Matthew Roberts, Parks and Recreation Director

- a. Staff Report
- b. Public Comment
- c. City Council Determination

7:35 p.m. 11. Organization and Staffing of the Department of Public Works

Recommendation: That the City Council receive and file this report on the organization and staffing needs of the Department of Public Works. The Department of Public Works seeks to obtain comments and feedback prior to returning to the City Council on May 13, 2013 to request that new staff positions, as discussed herein, be established.

Staff presenter: Charles Ebeling, Public Works Director/City Engineer/Traffic Engineer

- a. Staff Report
- b. Public Comment
- c. City Council Determination

8:00 p.m. 12. 3rd Quarterly Finance Results and Preliminary Revenue and Expense Projections for Fiscal Year 2013/14

Recommendation: No Changes to the budget are being recommended at this time. Receive the report and direct staff as determined appropriate.

Staff presenter: John Thornberry, Administrative Services Director and Dave Durflinger, City Manager

- a. Staff Report
- b. Public Comment
- c. City Council Determination

8:30 p.m. **COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS
PRESENTED BY COUNCILMEMBERS**

Informational reports from Councilmember representatives on the committees, commissions and organizations listed below. This is also an opportunity for Councilmembers to request information from staff or seek support from fellow Councilmembers for future agenda items.

- 1. Representatives to Regional Agencies and Committees

City Council Regular Meeting Agenda

April 22, 2013

Page 7

-
- a. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) (Shaw/Alt. Carty)
 - b. California Joint Powers Insurance Authority (CJPIA) (Clark/Alt. Shaw)
 - c. Channel Counties Division, League of California Cities (Nomura/Alt. Shaw)
 - d. Santa Barbara Association of Governments (SBCAG) (Clark/Alt. Nomura)
 - e. Santa Barbara County Air Pollution Control District (APCD) (Clark/Alt. Nomura)
 - f. Santa Barbara Joint Housing Task Group (Carty & Shaw)
 - g. Central Coast Collaborative on Homelessness (C3H) (Carty)
 - h. South Coast Task Force on Youth Gangs Leadership and Executive Council (Carty & Clark)

2. Joint and Special Committees

- a. City Council/Chamber of Commerce Board of Directors Committee (Carty & Nomura)
- b. City Council/Public Safety Committee (Clark & Shaw)
- c. City Council/School Board Committee (Stein & Carty)
- d. City Council/Utilities Committee (Stein & Nomura)
- e. City Council/First District Supervisor Committee (Stein & Carty)

3. Ad Hoc Committees

- a. Budget Committee (Stein & Clark)
- b. Public Facility Site Acquisition/Development Committee (Carty & Nomura)
- c. Transportation Committee (Stein & Shaw)

4. City Representatives on other Committees

- a. Community Media Access Center (Gary Dobbins)
- b. Santa Barbara Coastal Vector Control District (Ronald Hurd)
- c. Santa Barbara Metropolitan Transit District (Chuck McQuary)

8:35 p.m.

ADJOURNMENT

The next regular meeting to be held on **Monday, May 13, 2013**, at **5:30 P.M.**, in the Council Chamber, City Hall, 5775 Carpinteria Avenue, Carpinteria, California.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at 684-5405, extension 403 or the California Relay Service at (866) 735-2929. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

This agenda was posted on Thursday, April 18, 2103, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

Presentation of the City's Spring 2013 Outstanding Community Partner award to HELP of Carpinteria.

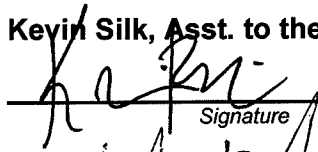
Report prepared by:

Kevin Silk, Asst. to the City Manager

Department: Administration

Reviewed by:

City Manager



Signature



Signature

STAFF RECOMMENDATION:

Action Item ☐ ; Non-Action Item ☒

Present the City's Spring 2013 Outstanding Community Partner award to HELP of Carpinteria.

I. BACKGROUND:

From 1997 to 2012 the City of Carpinteria recognized 43 businesses in the community as Outstanding Business Partner Award Winners. The Business Partner program has evolved and is now the Outstanding Community Partner program, which can include businesses, non-government organizations, or individuals making contributions to the Carpinteria community.

Spring 2013 Outstanding Community Partner Award Recipient—HELP of Carpinteria

HELP of Carpinteria has been selected as the City's 2013 Community Partner Award recipient. As an all-volunteer nonprofit organization operating in Carpinteria since 1988, HELP provides transportation services to Carpinteria residents that have no other means of transportation or find that public transportation cannot meet their needs in the greater Santa Barbara area. Their goal is to help people maintain independence. Most of HELP's riders are seniors, however, there is no age or income requirement; only that riders are ambulatory. (Service for wheelchair users is provided by Easy Lift.)

As HELP enters its 25th Anniversary, it continues to provide on-going service to the community. Last year, 86 HELP volunteers provided 7,555 rides to more than 500 people. In Carpinteria, rides include trips to the doctor's offices, the senior lunch program, banks, library, stores, beauty shops,

restaurants, and any location within the city of Carpinteria. Rides were also provided to Santa Barbara for medical appointments and social services, including Social Security and the Housing Authority. A donation is requested for service, but no ride is ever refused for a lack of ability to make a donation. HELP's hours of operation are Monday through Friday from 8:00am to 4:30pm.

The City congratulates and commends HELP of Carpinteria volunteers and staff for providing Carpinteria residents with such a valuable community service.

II. PRINCIPAL PARTIES EXPECTED AT MEETING:

Judy Goodbody, Executive Director, HELP of Carpinteria
HELP of Carpinteria Boardmembers/Volunteers

**City of Carpinteria
City Council Minutes
Regular Meeting
Council Chambers
Monday, April 8, 2013**

CALL TO ORDER

The meeting was called to order by Vice Mayor Carty at 4:45 p.m.

ROLL CALL

Councilmember Al Clark, Councilmember Fred Shaw, and Vice Mayor Gregg Carty were present. Mayor J. Bradley Stein and Councilmember Wade Nomura were absent.

CLOSED SESSION

Peter Brown, City Attorney, announced that the City Council would temporarily adjourn to a Closed Session for the purpose of the following item:

- a. Conference with City Attorney – Existing Litigation – Government Code Section 54956.9(a) - City of Carpinteria Vs. Cruz, Santa Barbara County Superior Court Case No. 1416312

PUBLIC COMMENT ON CLOSED SESSION MATTERS

There was no public comment.

TEMPORARY ADJOURNMENT TO CLOSED SESSION

The City Council recessed to Closed Session at 4:46 p.m.

Councilmember Wade Nomura was present at 4:50 p.m.

CALL BACK TO ORDER

The meeting was called to order by Vice Mayor Carty at 5:45 p.m.

Peter Brown, City Attorney, reported that there was no reportable action from the Closed Session Item.

ROLL CALL

Councilmembers present:

Councilmember Al Clark

Councilmember Wade Nomura

Councilmember Fred Shaw
Vice Mayor Gregg Carty

Mayor J. Bradley Stein was absent.

Staff members present:

Dave Durflinger, City Manager
Peter Brown, City Attorney
Fidela Garcia, City Clerk
Shanna Farely-Judkins, Assistant Planner
Jackie Campbell, Community Development Director

PLEDGE OF ALLEGIANCE

All present were led in the salute to the flag by Vice Mayor Carty.

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS:

1. Presentation by Bob Braitman, Executive Officer, Local Agency Formation Commission (LAFCO) on the History of Annexations and Sphere of Influence in the County and in particular the City of Carpinteria.

Bob Braitman, Executive Officer of the Local Agency Formation Commission (LAFCO), provided a PowerPoint presentation on the history of annexations and sphere of influence in the County and in particular the City of Carpinteria. The presentation included LAFCO's 20 year report from 1993 to present and boundary changes within Carpinteria and surrounding areas.

2. Presentation of Certificate of Commendation to Bob Braitman on his retirement from Santa Barbara County LAFCO.

Vice Mayor Carty presented a Certificate of Commendation to Bob Braitman on his retirement from Santa Barbara County LAFCO. Mr. Braitman expressed his gratitude.

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS:

Vice Mayor Carty asked that the meeting be adjourned in honor of Bob Hammer.

CITY MANAGER'S REPORT:

- Second phase of the El Carro Sidewalk Expansion Project is now under construction and should be completed by mid-May.

- Part-time seasonal employment opportunities are available this summer in the Parks and Recreation Department. Interested persons may complete an employment application with the City's Human Resources Department.

PRESENTATIONS BY CITIZENS/PUBLIC COMMENT: NONE

AGENDA MODIFICATIONS: NONE

CONSENT CALENDAR

Vice Mayor Carty noted a correction to the minutes of the regular meeting held March 25, 2013.

Motion by Councilmember Clark, seconded by Councilmember Shaw, to approve the Consent Calendar with the corrections to the minutes of the regular meeting held March 25, 2013.

Upon voice vote, motion carried. Mayor Stein was absent.

3. Minutes of the regular meeting held March 25, 2013.
4. Expenditures for the period ending April 3, 2013.

ADMINISTRATIVE MATTER(S): NONE

PUBLIC HEARING(S): NONE

OTHER BUSINESS:

5. Review of the Year 2012 Annual Report to the Governor's Office of Planning and Research on the Status of the General Plan and Progress on Implementation of its Goals, Policies and Objectives

Recommendation: Receive the Annual Report on the status of the General Plan.

Shanna Farely-Judkins, Assistant Planner, presented the staff report and PowerPoint presentation.

Councilmember Clark requested that staff bring back the status of the Integrated Pest Management Program and the implementation of this program in the parkway near the middle school.

No public comment.

Motion by Councilmember Nomura, seconded by Councilmember Clark, to accept the report and direct the Community Development Director to submit the 2012 General Plan Annual Report to the Governor's Office of Planning and Research.

Upon voice vote, motion carried. Mayor Stein was absent.

6. Property Tax Administrative Fee Settlement Agreement Between the City of Carpinteria and the County of Santa Barbara

Recommendation: Approve the Proposed Settlement Agreement and Authorize the Mayor to Sign the Settlement Agreement on Behalf of the City of Carpinteria as Resolution of the Dispute Between the City of Carpinteria and the County of Santa Barbara Concerning the Amount of Property Tax Administration Fee Charged from 2006-07 through 2011-12.

Dave Durflinger, City Manager, presented the staff report.

Peter Brown, City Attorney, spoke regarding the Supreme Court's decision in the Alhambra case and noted once the court decision was made the County of Santa Barbara was straightforward in bringing this issue to closure very quickly.

Councilmember Nomura recommended that the funds returned to the City be placed in the General Fund. Mr. Durflinger noted that the funds were originally property tax revenue which is General Fund revenue. He stated that the City Council could direct that the funds be used in any way it sees fit for any type of program or service the City provides. He indicated that unless the City Council directs otherwise, the funds would go into the General Fund.

No public comment.

Motion by Councilmember Clark, seconded by Councilmember Nomura, to approve the Proposed Settlement Agreement and authorize the Vice Mayor to sign the Settlement Agreement on behalf of the City of Carpinteria as Resolution of the Dispute Between the City of Carpinteria and the County of Santa Barbara concerning the amount of Property Tax Administration Fee Charged from 2006-07 through 2011-12.

Upon voice vote, motion carried. Mayor Stein was absent.

COMMITTEE REPORTS, INQUIRIES AND OTHER MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Nomura suggested that the calendar of events and the advance monthly report be included in the agenda packet. He noted that the City's Household Hazardous Waste Collection and Spring Clean-up Event would be held on April 13 at

City Hall. He mentioned that he was informed that Mar-Borg was considering terminating the acceptance household hazardous waste from the City and he suggested a discussion with E.J. Harrison & Sons to see if collection of household hazardous waste could be included in their contract. City Manager Dave Durflinger responded that a facility at the UCSB campus accepts household hazardous waste materials; however, the City of Carpinteria has not paid into the contract with the group that runs that facility. He noted that the City provides an annual collection day where a contractor is hired to collect the items; however, some City residents feel that a once a year collection event is not sufficient and they go to the UCSB facility. He noted that since the City does not have an agreement with this facility the City residents are either turned away or charged a fee. He stated that staff was looking at options and would bring back an item to the City Council. He addressed Councilmember Nomura's request to include the advance monthly report and list of prospective City Council items in the agenda packet by stating that this was a good idea and staff would accommodate the request. Lastly, he noted that the Architectural Review Board would meet on April 11 at 5:30 p.m. in the Council Chambers to review architectural design recommendations for the Linden/Casitas Interchanges Project.

ADJOURNMENT

The meeting was adjourned at 6:50 p.m. by Vice Mayor Carty in memory of Robert C. Hamer.

Gregg Carty, Vice Mayor

ATTEST:

Fidela Garcia, CMC
City Clerk

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

CITY COUNCIL MEETING: 4/22/13
AGENDA SECTION: CONSENT
AGENDA ITEM NO. 3

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97417	03/27/13 09:48:26	3/27/13	80053	ATT	ATT	ACCOUNT 030-149-5366-001	100010...	
97352	03/26/13 09:16:29	3/19/13	03014953...		ATT	CIVIC CENTER	101330...	-443.37
					ATT	PW	253130...	-19.77
					ATT	BEACHES	286230...	-72.01
					ATT	POOL	486630...	-79.07
TOTAL								-614.22
97418	03/27/13 09:48:27	3/27/13	80054	CA ASSOCIATION OF...	CA ASSOCIATI...	INVOICE #5359984	100010...	
97354	03/26/13 09:18:35	2/6/13	5359984		CA ASSOCIATI...	2013 REGISTRATION - ECHEVER...	102230...	-25.00
TOTAL								-25.00
97419	03/27/13 09:48:28	3/27/13	80055	CalPERS	CalPERS	APRIL 2013 HEALTH	100010...	
97367	03/26/13 10:20:56	3/21/13	APRIL 20...		CalPERS	APRIL 2013 HEALTH	105119...	-4,587.95
					CalPERS	APRIL 2013 HEALTH	101119...	-1,089.86
					CalPERS	APRIL 2013 HEALTH	101219...	-1,991.25
					CalPERS	APRIL 2013 HEALTH	101319...	-1,379.95
					CalPERS	APRIL 2013 HEALTH	101419...	-4,621.78
					CalPERS	APRIL 2013 HEALTH	101619...	-1,174.92
					CalPERS	APRIL 2013 HEALTH	103019...	-3,379.65
					CalPERS	APRIL 2013 HEALTH	253119...	-4,139.85
					CalPERS	APRIL 2013 HEALTH	104119...	-4,872.78
					CalPERS	APRIL 2013 HEALTH	104219...	-1,306.24
					CalPERS	APRIL 2013 HEALTH	106919...	-2,114.86
					CalPERS	APRIL 2013 HEALTH	102219...	-2,441.45
					CalPERS	APRIL 2013 HEALTH	236119...	-1,379.95
					CalPERS	APRIL 2013 HEALTH	333219...	-2,441.45
					CalPERS	APRIL 2013 HEALTH	104419...	-1,379.95
					CalPERS	APRIL 2013 HEALTH	101619...	-110.23
					CalPERS	APRIL 2013 HEALTH	486819...	-530.75
TOTAL								-38,942.87
97420	03/27/13 09:48:30	3/27/13	80056	CARPINTERIA VALL...	CARPINTERIA ...	ACCOUNT 164	100010...	
97369	03/26/13 10:34:40	2/28/13	FEB 2013 ...		CARPINTERIA ...	152720 PARKS	236122...	-7.35
					CARPINTERIA ...	152899 PW	253130...	-16.80
					CARPINTERIA ...	152911 PARKS	236122...	-63.17
					CARPINTERIA ...	153015 SHOP	333230...	-70.96
					CARPINTERIA ...	153029 POOL	486630...	-88.40
					CARPINTERIA ...	153064 PW	253130...	-7.79
					CARPINTERIA ...	153083 PARKS	236122...	-22.63

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
					CARPINTERIA ...	153111 PARKS	236122...	-44.17
					CARPINTERIA ...	153147 PW	253130...	-27.38
					CARPINTERIA ...	153817 SHOP	333230...	-99.66
					CARPINTERIA ...	153844 PARKS	236122...	-9.17
					CARPINTERIA ...	153860 PARKS	236122...	-19.69
					CARPINTERIA ...	154261 PARKS	236122...	-15.26
					CARPINTERIA ...	154303 SHOP	333230...	-11.47
					CARPINTERIA ...	154426 PARKS	236122...	-31.59
					CARPINTERIA ...	154546 POOL	486630...	-9.48
					CARPINTERIA ...	154668 PARKS	236122...	-30.41
					CARPINTERIA ...	155020 SHOP	333230...	-35.27
					CARPINTERIA ...	155068 SHOP	333230...	-19.72
					CARPINTERIA ...	155157 ROW	277961...	-18.90
					CARPINTERIA ...	155203 CITY HALL	101322...	-36.82
					CARPINTERIA ...	155231 STREETS	253130...	-24.96
					CARPINTERIA ...	153082 POOL	486630...	-31.17
					CARPINTERIA ...	155019 ROW	333230...	-15.79
TOTAL								-758.01
97421	03/27/13 09:48:31	3/27/13	80057	COASTAL VIEW NEWS	COASTAL VIE...		100010...	
97355	03/26/13 09:19:01	3/21/13	40572		COASTAL VIE...	PET ADS	104730...	-60.00
97356	03/26/13 09:19:20	3/21/13	40599		COASTAL VIE...	PET ADS	104730...	-60.00
97370	03/26/13 10:36:52	3/21/13	40585		COASTAL VIE...	SINGLE USE BAG AD	393730...	-338.00
97371	03/26/13 10:37:25	3/21/13	40564		COASTAL VIE...	CREEK WEEK ARTISTS	103720...	-338.00
TOTAL								-796.00
97422	03/27/13 09:48:32	3/27/13	80058	COMMUNITY ACTION...	COMMUNITY A...	SOUTH COAST TASK FORCE ON...	100010...	
97411	03/27/13 09:13:31	3/12/13	SCTF SE...		COMMUNITY A...	SOUTH COAST TASK FORCE ON...	104622...	-10,703.00
TOTAL								-10,703.00
97423	03/27/13 09:48:33	3/27/13	80059	EMERGENCY MEDIC...	EMERGENCY ...	INVOICE #1537122	100010...	
97233	03/19/13 10:43:49	3/1/13	1537122		EMERGENCY ...	POOL FIRST AID SUPPLIES	486630...	-99.31
TOTAL								-99.31
97424	03/27/13 09:48:34	3/27/13	80060	ISLAND VIEW ELECT...	ISLAND VIEW ...	INVOICE #571	100010...	
97376	03/26/13 10:44:41	3/14/13	571		ISLAND VIEW ...	VETS HALL REPAIRS	486530...	-1,245.00
TOTAL								-1,245.00

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97425	03/27/13 09:48:34	3/27/13	80061	JONES & MAYER	JONES & MAY...	SEMINAR REGISTRATION - CAM...	100010...	
97377	03/26/13 10:47:27	3/14/13	REGISTR...		JONES & MAY...	REGISTRATION - ECHEVERRIA	102230...	-50.00
					JONES & MAY...	REGISTRATION - CAMPBELL	104130...	-50.00
TOTAL								-100.00
97426	03/27/13 09:48:35	3/27/13	80062	LINCOLN FINANCIAL...	LINCOLN FINA...	APRIL 2013 BILLING	100010...	
97357	03/26/13 09:25:59	3/25/13	APRIL 20...		LINCOLN FINA...	APRIL 2013	105119...	-59.18
					LINCOLN FINA...	APRIL 2013	101119...	-81.13
					LINCOLN FINA...	APRIL 2013	101219...	-116.49
					LINCOLN FINA...	APRIL 2013	101319...	-30.57
					LINCOLN FINA...	APRIL 2013	101419...	-154.66
					LINCOLN FINA...	APRIL 2013	101619...	-145.82
					LINCOLN FINA...	APRIL 2013	103019...	-170.16
					LINCOLN FINA...	APRIL 2013	253119...	-170.43
					LINCOLN FINA...	APRIL 2013	104119...	-333.09
					LINCOLN FINA...	APRIL 2013	104219...	-178.65
					LINCOLN FINA...	APRIL 2013	106919...	-153.57
					LINCOLN FINA...	APRIL 2013	102219...	-123.06
					LINCOLN FINA...	APRIL 2013	333219...	-70.64
					LINCOLN FINA...	APRIL 2013	104419...	-88.90
					LINCOLN FINA...	APRIL 2013	236119...	-57.21
					LINCOLN FINA...	APRIL 2013	486819...	-31.94
TOTAL								-1,965.50
97427	03/27/13 09:48:37	3/27/13	80063	METLIFE	METLIFE	APRIL 2013 DENTAL	100010...	
97358	03/26/13 09:27:15	3/25/13	APRIL 20...		METLIFE	DENTAL PREMIUM APR 2013	105119...	-180.51
					METLIFE	DENTAL PREMIUM APR 2013	101119...	-161.86
					METLIFE	DENTAL PREMIUM APR 2013	101219...	-226.71
					METLIFE	DENTAL PREMIUM APR 2013	101319...	-174.36
					METLIFE	DENTAL PREMIUM APR 2013	101419...	-348.72
					METLIFE	DENTAL PREMIUM APR 2013	101619...	-109.51
					METLIFE	DENTAL PREMIUM APR 2013	103019...	-333.32
					METLIFE	DENTAL PREMIUM APR 2013	253119...	-455.33
					METLIFE	DENTAL PREMIUM APR 2013	104119...	-507.68
					METLIFE	DENTAL PREMIUM APR 2013	104219...	-174.36
					METLIFE	DENTAL PREMIUM APR 2013	106919...	-226.71
					METLIFE	DENTAL PREMIUM APR 2013	102219...	-214.21
					METLIFE	DENTAL PREMIUM APR 2013	333219...	-280.97
					METLIFE	DENTAL PREMIUM APR 2013	104419...	-174.36
					METLIFE	DENTAL PREMIUM APR 2013	236119...	-174.36
					METLIFE	DENTAL PREMIUM APR 2013	486819...	-52.35

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-3,795.32
97428	03/27/13 09:48:39	3/27/13	80064	MNS ENGINEERS INC	MNS ENGINEE...		100010...	
97389	03/26/13 15:15:57	3/19/13	63116		MNS ENGINEE...	GENERAL ENGINEERING SERVI...	253622...	-1,812.50
97390	03/26/13 15:16:24	3/19/13	63117		MNS ENGINEE...	PROJ 5109 - DORRANCE WAY	100025...	-1,305.00
97391	03/26/13 15:16:59	3/19/13	63118		MNS ENGINEE...	PROJ 5051 - DAHLIA COURT	100025...	-145.00
97392	03/26/13 15:17:32	3/19/13	63119		MNS ENGINEE...	GENERAL TRANSPORTATION E...	253622...	-8,591.25
97393	03/26/13 15:18:18	3/19/13	63131		MNS ENGINEE...	LINDEN/CASITAS INTERCHANG...	310023...	-4,416.25
97394	03/26/13 15:19:03	3/19/13	63120		MNS ENGINEE...	FLOODPLAIN MANAGEMENT SE...	253622...	-2,153.75
97395	03/26/13 15:19:34	3/19/13	63121		MNS ENGINEE...	EL CARRO SIDEWALK PROJECT	277041...	-3,008.75
97396	03/26/13 15:21:02	3/19/13	63122		MNS ENGINEE...	9TH STREET BRIDGE	207927...	-36.25
					MNS ENGINEE...	9TH STREET BRIDGE	202027...	-36.25
97397	03/26/13 15:22:18	3/19/13	63123		MNS ENGINEE...	SANTA YNEZ IMPROVEMENT PR...	277962...	-2,680.00
97398	03/26/13 15:22:50	3/19/13	63124		MNS ENGINEE...	THIRD STREET RECONSTRUCTI...	253622...	-5,127.00
97399	03/26/13 15:23:16	3/19/13	63125		MNS ENGINEE...	SANTA YNEZ GUARDRAIL	277041...	-290.00
97400	03/26/13 15:23:49	3/19/13	63097		MNS ENGINEE...	PROJ 1612 - FOURTH STREET C...	100025...	-688.75
97401	03/26/13 15:24:28	3/19/13	63100		MNS ENGINEE...	PROJ 1002 - GAS CO BLANKET ...	100025...	-72.50
97402	03/26/13 15:25:04	3/19/13	63101		MNS ENGINEE...	PROJ 1003 - GTE BLANKET PER...	100025...	-145.00
TOTAL								-30,508.25
97429	03/27/13 09:48:40	3/27/13	80065	NEXTG NETWORKS	NEXTG NETW...	PROJECT 1502 REFUND	100010...	
97415	03/27/13 09:17:35	3/18/13	PROJ 150...		NEXTG NETW...	PROJ 1502 REFUND	100025...	-2,068.67
TOTAL								-2,068.67
97430	03/27/13 09:48:41	3/27/13	80066	ON TRAC	ON TRAC	INVOICE 7592558	100010...	
97379	03/26/13 10:49:34	1/5/13	7592558		ON TRAC	SHIPPING	236122...	-7.48
TOTAL								-7.48
97431	03/27/13 09:48:42	3/27/13	80067	PENFIELD & SMITH	PENFIELD & S...	INVOICE 115252	100010...	
96889	02/26/13 11:06:42	2/14/13	115252		PENFIELD & S...	MEASURE A GRANT 2	207927...	-878.75
					PENFIELD & S...	MEASURE A GRANT 2	200026...	-878.75
TOTAL								-1,757.50
97432	03/27/13 09:48:43	3/27/13	80068	REAL GREEN GARD...	REAL GREEN ...	INVOICE #000975	100010...	
97255	03/20/13 11:08:17	1/16/13	000975		REAL GREEN ...	PROJ 4865 - VETS HALL ROSE T...	100025...	-120.60
					REAL GREEN ...	VETS HALL	486530...	-59.40

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-180.00
97433	03/27/13 09:48:44	3/27/13	80069	RMLA	RMLA	INVOICE #0000167	100010...	
97404	03/27/13 09:05:24	3/1/13	0000167		RMLA	CITY HALL DESIGN	310023...	-2,440.30
TOTAL								-2,440.30
97434	03/27/13 09:48:44	3/27/13	80070	SANSUM CLINIC	SANSUM CLINIC		100010...	
97409	03/27/13 09:11:43	3/19/13	41945-005		SANSUM CLINIC	HEALTH SCREEN - CASSO-CLO...	101632...	-105.00
97410	03/27/13 09:12:08	3/19/13	441945-006		SANSUM CLINIC	HEALTH SCREEN - CASSO-CLO...	101632...	-20.00
TOTAL								-125.00
97435	03/27/13 09:48:45	3/27/13	80071	SATCOM GLOBAL FZE	SATCOM GLO...	INVOICE AX03130368	100010...	
97408	03/27/13 09:10:52	3/1/13	AX031303...		SATCOM GLO...	IRIDIUM TRADE UP	102430...	-36.15
TOTAL								-36.15
97436	03/27/13 09:48:46	3/27/13	80072	SERVICEMASTER O...	SERVICEMAST...		100010...	
97216	03/14/13 10:46:06	3/1/13	426901		SERVICEMAST...	ASH AVE	286122...	-347.00
					SERVICEMAST...	LOT #3	333222...	-347.00
					SERVICEMAST...	LOT #1	333222...	-347.00
					SERVICEMAST...	EL CARRO NORTH	236122...	-347.00
					SERVICEMAST...	EL CARRO SOUTH	236122...	-349.00
					SERVICEMAST...	MONTE VISTA	236122...	-347.00
					SERVICEMAST...	VIOLA FIELDS	286122...	-347.00
97219	03/14/13 10:52:00	3/1/13	426896		SERVICEMAST...	SEASIDE BUILDING	486530...	-165.00
97284	03/20/13 10:02:07	3/1/13	426898		SERVICEMAST...	VETS HALL	486522...	-725.00
					SERVICEMAST...	CITY HALL	101322...	-805.00
TOTAL								-4,126.00
97437	03/27/13 09:48:47	3/27/13	80073	SHEPPARD MULLIN ...	SHEPPARD M...	INVOICE #223041796	100010...	
97359	03/26/13 09:28:00	3/20/13	223041796		SHEPPARD M...	EMPLOYMENT MATTERS	107221...	-395.00
TOTAL								-395.00
97438	03/27/13 09:48:48	3/27/13	80074	TRAFFIC SOLUTIONS	TRAFFIC SOLU...	INVOICE #2013-106	100010...	
97388	03/26/13 15:14:54	2/21/13	2013-106		TRAFFIC SOLU...	SANTA BARBARA BIKE MAP SP...	267961...	-500.00

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-500.00
97439	03/27/13 09:48:49	3/27/13	80075	TVSB	TVSB	2013 PUBLIC ACCESS ANNUAL ...	100010...	
97387	03/26/13 10:59:54	1/3/13	2013 PUB...		TVSB	PROJ 4862 - GATV	100025...	-15,000.00
TOTAL								-15,000.00
97440	03/27/13 09:48:50	3/27/13	80076	VERIZON WIRELESS	VERIZON WIR...	INVOICE #9701246500	100010...	
97416	03/27/13 09:29:44	3/9/13	9701246500		VERIZON WIR...	CELL PHONE - BUILDING INSPE...	104230...	-134.86
TOTAL								-134.86
97441	03/27/13 09:48:51	3/27/13	80077	WISSING, ALICE	WISSING, ALICE	PC 03-04-13	100010...	
97403	03/27/13 09:04:12	3/26/13	PC 03-04-13		WISSING, ALICE	MISC PC MINUTES	104122...	-55.00
					WISSING, ALICE	PROJ 1612 - GONZALES	100025...	-110.00
					WISSING, ALICE	PROJ 1652 - LEDBETTER	100025...	-55.00
TOTAL								-220.00
97442	03/27/13 09:52:06	3/27/13	80078	AFLAC	AFLAC	MARCH 2013 WELLNESS	100010...	
97227	03/19/13 10:37:51	3/13/13	MARCH 2...		AFLAC	WELLNESS MARCH 2013	236119...	-48.80
					AFLAC	WELLNESS MARCH 2013	101619...	-75.30
					AFLAC	WELLNESS MARCH 2013	104119...	-24.10
					AFLAC	WELLNESS MARCH 2013	105119...	-43.30
					AFLAC	WELLNESS MARCH 2013	486819...	-63.80
					AFLAC	WELLNESS MARCH 2013	101219...	-62.60
					AFLAC	WELLNESS MARCH 2013	103019...	-43.30
					AFLAC	WELLNESS MARCH 2013	102219...	-23.60
					AFLAC	WELLNESS MARCH 2013	104219...	-43.30
					AFLAC	WELLNESS MARCH 2013	104119...	-32.20
					AFLAC	WELLNESS MARCH 2013	102219...	-35.10
					AFLAC	WELLNESS MARCH 2013	253119...	-48.80
					AFLAC	WELLNESS MARCH 2013	104219...	-63.10
					AFLAC	WELLNESS MARCH 2013	103019...	-69.80
					AFLAC	WELLNESS MARCH 2013	253119...	-52.10
					AFLAC	WELLNESS MARCH 2013	333219...	-106.80
					AFLAC	WELLNESS MARCH 2013	106919...	-30.70
					AFLAC	WELLNESS MARCH 2013	106919...	-76.00
					AFLAC	WELLNESS MARCH 2013	105119...	-32.20
					AFLAC	WELLNESS MARCH 2013	101119...	-40.20
					AFLAC	WELLNESS MARCH 2013	253119...	-37.80

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-1,052.90
97443	03/27/13 09:52:08	3/27/13	80079	ALL AROUND LANDS...	ALL AROUND ...		100010...	
97228	03/19/13 10:38:20	3/5/13	S1641413....		ALL AROUND ...	TOMOL PARK	236122...	-83.80
97275	03/20/13 09:45:54	3/6/13	S1641554....		ALL AROUND ...	PW SUPPLIES	333230...	-18.86
TOTAL								-102.66
97444	03/27/13 09:52:08	3/27/13	80080	BONDELL AWARDS ...	BONDELL AW...	INVOICE #8585	100010...	
97353	03/26/13 09:17:13	3/21/13	8585		BONDELL AW...	NAMEPLATE - GAHAN	104130...	-15.77
TOTAL								-15.77
97445	03/27/13 09:52:09	3/27/13	80081	CAMPBELL GEO, INC	CAMPBELL GE...	INVOICE #030413-2605	100010...	
97368	03/26/13 10:22:15	3/4/13	030413-26...		CAMPBELL GE...	LAND ACQUISITION DIF	310024...	-1,107.45
TOTAL								-1,107.45
97446	03/27/13 09:52:10	3/27/13	80082	CHEVRON & TEXAC...	CHEVRON & T...	789-819-058-7	100010...	
97366	03/26/13 10:19:44	3/21/13	7898190587		CHEVRON & T...	VEHICLE FUEL	101330...	-243.37
					CHEVRON & T...	VEHICLE FUEL	333230...	-302.77
					CHEVRON & T...	VEHICLE FUEL	236130...	-195.23
					CHEVRON & T...	VEHICLE FUEL	253130...	-204.48
TOTAL								-945.85
97447	03/27/13 09:52:11	3/27/13	80083	CONCRETE EXPRES...	CONCRETE EX...	ACCT #CAR050	100010...	
97278	03/20/13 09:48:25	3/7/13	39742		CONCRETE EX...	EL CARRO LANE	277961...	-296.93
TOTAL								-296.93
97448	03/27/13 09:52:12	3/27/13	80084	GRAINGER	GRAINGER	ACCT #838183929	100010...	
97374	03/26/13 10:41:48	3/7/13	9085975192		GRAINGER	CITY HALL MAINTENANCE	101322...	-542.00
TOTAL								-542.00
97449	03/27/13 09:52:12	3/27/13	80085	HIGHWAY TECHNOL...	HIGHWAY TEC...	INVOICE 455791-004	100010...	
97114	03/12/13 11:30:16	3/4/13	455791-004		HIGHWAY TEC...	VIA REAL @ SANTA YNEZ KRAIL...	277041...	-700.00

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-700.00
97450	03/27/13 09:52:13	3/27/13	80086	JOY EQUIPMENT PR...	JOY EQUIPME...	INVOICE 50977	100010...	
97282	03/20/13 10:00:51	3/5/13	50977		JOY EQUIPME...	FIRE EXTINGUISHER SERVICE	333222...	-200.00
TOTAL								-200.00
97451	03/27/13 09:52:14	3/27/13	80087	PAVEMENT ENGINE...	PAVEMENT EN...		100010...	
97238	03/19/13 10:52:13	3/6/13	1302-033		PAVEMENT EN...	PM SYSTEM UPDATE	277222...	-1,665.00
97240	03/19/13 10:53:50	3/6/13	1302-044		PAVEMENT EN...	2013 PAVEMENT REHAB PROJE...	253122...	-3,107.50
TOTAL								-4,772.50
97452	03/27/13 09:52:15	3/27/13	80088	PITNEY BOWES INC	PITNEY BOWE...	1550-8200-20-9	100010...	
97224	03/19/13 10:35:50	3/13/13	7564025-...		PITNEY BOWE...	TERMINAL RENTAL	101830...	-239.00
TOTAL								-239.00
97453	03/27/13 09:52:16	3/27/13	80089	PROFORMA	PROFORMA	INVOICE 90i8500296	100010...	
97156	03/13/13 09:01:31	3/5/13	90i8500296		PROFORMA	CODE COMPLIANCE UNIFORM ...	102216...	-196.56
TOTAL								-196.56
97454	03/27/13 09:52:16	3/27/13	80090	SO CA EDISON	SO CA EDISON		100010...	
97382	03/26/13 10:53:26	3/20/13	2-25-126-2...		SO CA EDISON	VIOLA FIELDS	236131...	-49.14
97383	03/26/13 10:54:32	3/20/13	2-27-939-9...		SO CA EDISON	ROLLER HOCKEY RINK	101331...	-26.18
TOTAL								-75.32
97455	03/27/13 09:52:18	3/27/13	80091	STAPLES ADVANTAGE	STAPLES ADV...		100010...	
97171	03/13/13 10:02:50	3/5/13	3194469094		STAPLES ADV...	OFFICE SUPPLIES	101330...	-160.62
97165	03/13/13 09:58:39	3/6/13	3194509806		STAPLES ADV...	OFFICE SUPPLIES	103030...	-29.20
97166	03/13/13 09:59:29	3/6/13	3194509805		STAPLES ADV...	SUPPLIES - PW	103030...	-13.99
					STAPLES ADV...	OFFICE SUPPLIES	101330...	-71.27
97167	03/13/13 10:00:03	3/6/13	3194509804		STAPLES ADV...	OFFICE SUPPLIES	101330...	-94.89
97151	03/13/13 08:55:13	3/7/13	3194552002		STAPLES ADV...	SUPPLIES - EMERGENCY SERVI...	104530...	-124.97
97152	03/13/13 08:55:40	3/7/13	3194552004		STAPLES ADV...	SUPPLIES - EMERGENCY SERVI...	102430...	-336.63
97168	03/13/13 10:00:41	3/7/13	3194552001		STAPLES ADV...	POOL SUPPLIES	486830...	-1.61
97170	03/13/13 10:02:16	3/7/13	3194551999		STAPLES ADV...	POOL SUPPLIES	486830...	-148.95

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-982.13
97456	03/27/13 09:52:19	3/27/13	80092	URS CORPORATION	URS CORPOR...	INVOICE #5450153	100010...	
97176	03/13/13 10:10:53	3/7/13	5450153		URS CORPOR...	SWMP MAPPING	107221...	-1,328.46
TOTAL								-1,328.46
97457	03/27/13 09:52:20	3/27/13	80093	VENCO WESTERN INC	VENCO WEST...	INVOICE #0147474-IN	100010...	
97412	03/27/13 09:14:38	3/15/13	0147474-IN		VENCO WEST...	ROW	333222...	-1,793.19
					VENCO WEST...	CITY HALL	101322...	-742.10
					VENCO WEST...	PROJ 4865	100025...	-221.26
					VENCO WEST...	VETS HALL	486522...	-108.66
					VENCO WEST...	POOL	486622...	-221.73
					VENCO WEST...	ROW PARKING LOT	332322...	-422.38
					VENCO WEST...	PARKS	236122...	-4,523.56
TOTAL								-8,032.88
97458	03/27/13 09:52:21	3/27/13	80094	VJS BIOLOGICAL CO...	VJS BIOLOGIC...	FEBRUARY 2013 BIOLOGICAL S...	100010...	
97244	03/19/13 11:54:27	3/7/13	FEB 2013 ...		VJS BIOLOGIC...	CREEK COMMITTEE MEETING	104122...	-165.00
					VJS BIOLOGIC...	RPOJ 1407 - LAGUNITAS	100025...	-37.50
					VJS BIOLOGIC...	PROJ 1167 - CHEVRON	100025...	-217.50
TOTAL								-420.00
97459	03/27/13 09:52:22	3/27/13	80095	WINZER CORPORATI...	WINZER CORP...	INVOICE 4597691	100010...	
97414	03/27/13 09:16:09	3/4/13	4597691		WINZER CORP...	GRAFFITI REMOVAL	333222...	-796.90
TOTAL								-796.90
97533	04/03/13 11:10:15	4/3/13	80096	A T & T MOBILITY	A T & T MOBILI...	ACCOUNT 337015224648	100010...	
97478	04/02/13 10:26:14	3/23/13	33701522...		A T & T MOBILI...	CELL PHONE - PW SUPERVISOR	253130...	-115.20
					A T & T MOBILI...	CELL PHONE - PW CREW	101330...	-11.21
					A T & T MOBILI...	CELL PHONE - PW CREW	333230...	-11.21
					A T & T MOBILI...	CELL PHONE - PW CREW	253130...	-82.11
TOTAL								-219.73
97534	04/03/13 11:10:16	4/3/13	80097	ALLEN, DAVID	ALLEN, DAVID	PC APR - JUN 2013	100010...	
97473	04/02/13 10:09:13	4/2/13	PC APR - ...		ALLEN, DAVID	PC APR - JUN 2013	105116...	-180.00

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-180.00
97535	04/03/13 11:10:17	4/3/13	80098	ARALUCE, WM A.I.A.	ARALUCE, WM...	ARB APR - JUN 2013	100010...	
97477	04/02/13 10:24:54	4/2/13	ARB APR ...		ARALUCE, WM...	ARB APR - JUN 2013	105116...	-75.00
TOTAL								-75.00
97536	04/03/13 11:10:18	4/3/13	80099	AT & T MOBILITY	AT & T MOBILI...	ACCOUNT #832685259	100010...	
97479	04/02/13 10:27:49	3/21/13	832685259		AT & T MOBILI...	CODE ENFORCEMENT	104721...	-125.03
					AT & T MOBILI...	CODE ENFORCEMENT	104721...	-44.20
					AT & T MOBILI...	CODE ENFORCEMENT	104721...	-61.21
TOTAL								-230.44
97537	04/03/13 11:10:19	4/3/13	80100	BALMADRID, ARLENE	BALMADRID, A...	CELL PHONE REIMBURSMENT -...	100010...	
97480	04/02/13 10:28:17	3/21/13	APR 2013 ...		BALMADRID, A...	CELL PHONE REIMBURSEMENT...	101630...	-65.00
TOTAL								-65.00
97538	04/03/13 11:10:20	4/3/13	80101	BENEFIELD, JANE L	BENEFIELD, J...	PC APR - JUN 2013	100010...	
97471	04/02/13 10:07:37	4/2/13	PC APR - ...		BENEFIELD, J...	PC APR - JUN 2013	105116...	-180.00
TOTAL								-180.00
97539	04/03/13 11:10:20	4/3/13	80102	BERRY GENERAL E...	BERRY GENER...	INVOICE #6360	100010...	
97179	03/13/13 10:17:38	3/8/13	6360		BERRY GENER...	SIDEWALKS PHASE 1	277041...	-9,836.30
TOTAL								-9,836.30
97540	04/03/13 11:10:21	4/3/13	80103	CALLENDER, JOHN	CALLENDER, J...	PC APR - JUN 2013	100010...	
97472	04/02/13 10:09:01	4/2/13	PC APR - ...		CALLENDER, J...	PC APR - JUN 2013	105116...	-180.00
TOTAL								-180.00
97541	04/03/13 11:10:22	4/3/13	80104	CAMPBELL, JACQUE...	CAMPBELL, JA...	CELL PHONE REIMBURSEMENT...	100010...	
97486	04/02/13 10:33:22	3/21/13	APR 2013 ...		CAMPBELL, JA...	CELL PHONE REIMBURSEMENT...	104130...	-65.00
TOTAL								-65.00

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97542	04/03/13 11:10:23	4/3/13	80105	CKE ENTERPRISES	CKE ENTERPR...	PROJ 1480 REFUND - REYNOLD...	100010...	
97482	04/02/13 10:31:02	3/21/13	PROJ 148...		CKE ENTERPR...	PROJ 1480 REFUND - REYNOLD...	100025...	-782.84
TOTAL								-782.84
97543	04/03/13 11:10:24	4/3/13	80106	COASTAL VIEW NEWS	COASTAL VIE...		100010...	
97523	04/03/13 10:34:18	3/21/13	40598		COASTAL VIE...	NOTICE OF PUBLIC HEARING	101622...	-354.75
97524	04/03/13 10:35:53	3/21/13	40559		COASTAL VIE...	NOTICE OF PUBLIC HEARING	101622...	-173.25
97525	04/03/13 10:36:26	3/28/13	40630		COASTAL VIE...	LEGAL NOTICES	101622...	-826.00
TOTAL								-1,354.00
97544	04/03/13 11:10:25	4/3/13	80107	COFFMAN, SCOTT	COFFMAN, SC...	FRO CERTIFICATES 2013	100010...	
97527	04/03/13 10:38:20	3/22/13	FRO REF...		COFFMAN, SC...	FRO REFRESHER COURSE 2013	203730...	-470.00
TOTAL								-470.00
97545	04/03/13 11:10:26	4/3/13	80108	COLSON, MARY ANN	COLSON, MAR...	WELLNESS REIMBURSEMENT - ...	100010...	
97483	04/02/13 10:31:49	3/21/13	APR 2013 ...		COLSON, MAR...	WELLNESS REIMBURSEMENT - ...	101419...	-415.75
TOTAL								-415.75
97546	04/03/13 11:10:26	4/3/13	80109	DIAZ, JAYNE	DIAZ, JAYNE	WELLNESS REIMBURSEMENT - ...	100010...	
97484	04/02/13 10:32:21	3/21/13	APR 2013 ...		DIAZ, JAYNE	WELLNESS REIMBURSEMENT A...	101419...	-415.75
TOTAL								-415.75
97547	04/03/13 11:10:27	4/3/13	80110	DIVISION OF THE ST...	DIVISION OF T...	JAN - MAR 2013 FEES	100010...	
97500	04/03/13 09:29:24	4/3/13	JAN - MA...		DIVISION OF T...	JANUARY - MARCH 2013 STATE ...	100026...	-6.00
TOTAL								-6.00
97548	04/03/13 11:10:28	4/3/13	80111	DRIGGERS, LARRY	DRIGGERS, LA...	WELLNESS REIMBURSEMENT - ...	100010...	
97485	04/02/13 10:32:50	3/21/13	APR 2013 ...		DRIGGERS, LA...	WELLNESS REIMBURSEMENT - ...	101419...	-415.75
TOTAL								-415.75
97549	04/03/13 11:10:29	4/3/13	80112	DURFLINGER, DAVID	DURFLINGER, ...	CELL PHONE REIMBURSEMENT...	100010...	
97481	04/02/13 10:28:55	3/21/13	APR 2013 ...		DURFLINGER, ...	CELL PHONE REIMBURSEMENT...	101230...	-65.00

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-65.00
97550	04/03/13 11:10:29	4/3/13	80113	EBELING, CHARLES	EBELING, CHA...	CELL PHONE REIMBURSEMENT...	100010...	
97487	04/02/13 10:33:48	3/21/13	APR 2013 ...		EBELING, CHA...	CELL PHONE REIMBURSEMENT...	103030...	-65.00
TOTAL								-65.00
97551	04/03/13 11:10:30	4/3/13	80114	EDD-SDI	EDD-SDI	ACCT #776-5147-9	100010...	
97495	04/03/13 09:07:15	4/3/13	PAYROLL...		EDD-SDI	PAYROLL 04-04-13	100022...	-874.23
TOTAL								-874.23
97552	04/03/13 11:10:31	4/3/13	80115	EDD-SIT	EDD-SIT	ACCT #932-0283-6	100010...	
97496	04/03/13 09:07:38	4/3/13	PAYROLL...		EDD-SIT	PAYROLL 04-04-13	100022...	-3,356.66
TOTAL								-3,356.66
97553	04/03/13 11:10:32	4/3/13	80116	ELLINWOOD, SCOTT	ELLINWOOD, ...	ARB APR - JUN 2013	100010...	
97474	04/02/13 10:24:08	4/2/13	ARB APR ...		ELLINWOOD, ...	ARB APR - JUN 2013	105116...	-100.00
TOTAL								-100.00
97554	04/03/13 11:10:33	4/3/13	80117	FIDELITY SECURITY ...	FIDELITY SEC...	INVOICE 5087718	100010...	
97488	04/02/13 10:38:47	3/4/13	5087718		FIDELITY SEC...	WELLNESS APRIL 2013	101619...	-17.56
					FIDELITY SEC...	WELLNESS APRIL 2013	104119...	-8.78
					FIDELITY SEC...	WELLNESS APRIL 2013	103019...	-25.81
					FIDELITY SEC...	WELLNESS APRIL 2013	104119...	-25.81
					FIDELITY SEC...	WELLNESS APRIL 2013	102219...	-8.78
					FIDELITY SEC...	WELLNESS APRIL 2013	253119...	-25.81
					FIDELITY SEC...	WELLNESS APRIL 2013	333219...	-16.68
					FIDELITY SEC...	WELLNESS APRIL 2013	106919...	-8.78
					FIDELITY SEC...	WELLNESS APRIL 2013	104419...	-16.68
					FIDELITY SEC...	WELLNESS APRIL 2013	253119...	-8.78
					FIDELITY SEC...	WELLNESS APRIL 2013	101119...	-8.78
					FIDELITY SEC...	WELLNESS APRIL 2013	102219...	-17.56
					FIDELITY SEC...	WELLNESS APRIL 2013	106919...	-25.81
					FIDELITY SEC...	WELLNESS APRIL 2013	103019...	-16.68
					FIDELITY SEC...	WELLNESS APRIL 2013	105119...	-66.72
TOTAL								-299.02

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97555	04/03/13 11:10:34	4/3/13	80118	FRONTADO, JOHN	FRONTADO, J...	WELLNESS PAYMENT- APR 2013	100010...	
97489	04/02/13 10:39:21	3/4/13	APR 2013 ...		FRONTADO, J...	WELLNESS - APR 2013	101419...	-415.75
TOTAL								-415.75
97556	04/03/13 11:10:35	4/3/13	80119	GKK WORKS	GKK WORKS	PROJ 1484 REFUND - VONS EN...	100010...	
97491	04/02/13 10:41:41	3/4/13	PROJ 148...		GKK WORKS	VONS ENCROACHMENT PERMIT	100025...	-1,053.32
TOTAL								-1,053.32
97557	04/03/13 11:10:35	4/3/13	80120	HIDALGO, BENNY	HIDALGO, BEN...	WELLNESS REIMBURSEMENT - ...	100010...	
97490	04/02/13 10:39:51	3/4/13	APR 2013 ...		HIDALGO, BEN...	WELLNESS REIMBURSEMENT - ...	101419...	-415.75
TOTAL								-415.75
97558	04/03/13 11:10:36	4/3/13	80121	JIMENEZ, ERNEST	JIMENEZ, ERN...	WELLNESS REIMBURSEMENT - ...	100010...	
97492	04/02/13 10:42:15	3/4/13	APR 2013 ...		JIMENEZ, ERN...	WELLNESS REIMBURSEMENT - ...	101419...	-415.75
TOTAL								-415.75
97559	04/03/13 11:10:37	4/3/13	80122	JIMENEZ, RHONDA	JIMENEZ, RHO...	BBQ RENTAL REFUND	100010...	
97504	04/03/13 09:51:10	3/27/13	BBQ REN...		JIMENEZ, RHO...	BBQ RENTAL REFUND	232310...	-20.00
TOTAL								-20.00
97560	04/03/13 11:10:38	4/3/13	80123	JOHNSON, RICHARD E	JOHNSON, RIC...	ARB APR - JUN 2013	100010...	
97476	04/02/13 10:24:42	4/2/13	ARB APR ...		JOHNSON, RIC...	ARB APR - JUN 2013	105116...	-100.00
TOTAL								-100.00
97561	04/03/13 11:10:38	4/3/13	80124	LA FEVERS, GLENN D	LA FEVERS, G...	PC APR - JUN 2013	100010...	
97469	04/02/13 10:07:03	4/2/13	PC APR - ...		LA FEVERS, G...	PC APR - JUN 2013	105116...	-180.00
TOTAL								-180.00
97562	04/03/13 11:10:39	4/3/13	80125	LEMERE, PATRICIA	LEMERE, PAT...	WELLNESS REIMBURSEMENT - ...	100010...	
97505	04/03/13 09:51:46	4/3/13	APR 2013 ...		LEMERE, PAT...	WELLNESS REIMBURSEMENT A...	101419...	-415.75
TOTAL								-415.75

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97563	04/03/13 11:10:40	4/3/13	80126	MCCORMIX CORP	MCCORMIX C...	INVOICE 871263	100010...	
97528	04/03/13 10:38:48	3/15/13	871263		MCCORMIX C...	PUBLIC WORKS FUEL	333230...	-115.41
TOTAL								-115.41
97564	04/03/13 11:10:41	4/3/13	80127	MONTECITO BANK &...	MONTECITO B...		100010...	
97506	04/03/13 10:03:34	3/24/13	0740		MONTECITO B...	ANNUAL FEE	104130...	-20.00
97507	04/03/13 10:04:44	3/24/13	4379		MONTECITO B...	EPA PARKING STUDY WORKSH...	103720...	-40.76
					MONTECITO B...	CASQA PURCHASE	103720...	-275.00
TOTAL								-335.76
97565	04/03/13 11:10:42	4/3/13	80128	MOYER, JOHN	MOYER, JOHN	PC APR - JUN 2013	100010...	
97470	04/02/13 10:07:27	4/2/13	PC APR - ...		MOYER, JOHN	PC APR - JUN 2013	105116...	-180.00
TOTAL								-180.00
97566	04/03/13 11:10:42	4/3/13	80129	PRIESTMAN ELECTR...	PRIESTMAN E...	INVOICE 5127	100010...	
97381	03/26/13 10:52:11	3/8/13	5127		PRIESTMAN E...	MAINTENANCE BUILDING	101322...	-658.16
TOTAL								-658.16
97567	04/03/13 11:10:43	4/3/13	80130	QUALITY DISCOUNT ...	QUALITY DISC...	INVOICE 40505016	100010...	
97503	04/03/13 09:49:15	3/27/13	40505016		QUALITY DISC...	POOL RESALE ITEMS	486635...	-163.80
TOTAL								-163.80
97568	04/03/13 11:10:44	4/3/13	80131	REGINATO, JIM	REGINATO, JIM	ARB APR - JUN 2013	100010...	
97475	04/02/13 10:24:31	4/2/13	ARB APR ...		REGINATO, JIM	ARB APR - JUN 2013	105116...	-75.00
TOTAL								-75.00
97569	04/03/13 11:10:45	4/3/13	80132	ROBERTS, MATTHEW	ROBERTS, MA...	CELL PHONE REIMBURSEMENT...	100010...	
97520	04/03/13 10:20:49	3/27/13	APR 2013 ...		ROBERTS, MA...	CELL PHONE REIMBURSEMENT...	106930...	-65.00
TOTAL								-65.00
97570	04/03/13 11:10:45	4/3/13	80133	ROCKWELL PRINTING	ROCKWELL P...	INVOICE #22805	100010...	

12:07 PM
04/17/13

CITY OF CARPINTERIA
Warrant Register
March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97501	04/03/13 09:48:11	3/15/13	22805		ROCKWELL P...	BUSINESS CARDS	105130...	-43.20
					ROCKWELL P...	BUSINESS CARDS	104430...	-43.20
TOTAL								-86.40
97571	04/03/13 11:10:46	4/3/13	80134	SECOR INTERNATIO...	SECOR INTER...	PROJ 1416 REFUND	100010...	
97509	04/03/13 10:08:20	4/3/13	PROJ 141...		SECOR INTER...	PROJ 1416 REFUND	100025...	-177.65
TOTAL								-177.65
97572	04/03/13 11:10:47	4/3/13	80135	SEUI LOCAL 620	SEUI LOCAL 620	UNION DUES	100010...	
97497	04/03/13 09:08:06	4/3/13	PAYROLL...		SEUI LOCAL 620	PAYROLL 04-04-13	100022...	-146.19
TOTAL								-146.19
97573	04/03/13 11:10:48	4/3/13	80136	SILK, KEVIN	SILK, KEVIN	CELL PHONE REIMBURSEMENT...	100010...	
97510	04/03/13 10:08:41	4/3/13	APR 2013 ...		SILK, KEVIN	CELL PHONE REIMBURSEMENT...	104430...	-35.00
TOTAL								-35.00
97574	04/03/13 11:10:48	4/3/13	80137	THORNBERRY, JOHN	THORNBERRY,...	CELL PHONE REIMBURSEMENT...	100010...	
97508	04/03/13 10:05:31	4/3/13	APR 2013 ...		THORNBERRY,...	CEL PHONE REIMBURSEMENT ...	101430...	-65.00
TOTAL								-65.00
97575	04/03/13 11:10:49	4/3/13	80138	UNITED WAY OF SA...	UNITED WAY O...	PAYROLL CONTRIBUTION	100010...	
97498	04/03/13 09:27:03	4/3/13	PAYROLL...		UNITED WAY O...	PAYROLL 04-04-13	100022...	-20.00
TOTAL								-20.00
97576	04/03/13 11:10:50	4/3/13	80139	VANTAGEPOINT TRA...	VANTAGEPOIN...	PAYROLL DEPOSIT PLAN #303555	100010...	
97499	04/03/13 09:27:20	4/3/13	PAYROLL...		VANTAGEPOIN...	PAYROLL 04-04-13	100010...	-910.00
TOTAL								-910.00
97577	04/03/13 11:10:51	4/3/13	80140	VISTA DE SANTA BA...	VISTA DE SAN...	REPLACE STALE CHECK #55924	100010...	
97532	04/03/13 10:42:37	3/14/13	REPLACE...		VISTA DE SAN...	REPLACE STALE CHECK #55924	100010...	-1,865.00
TOTAL								-1,865.00

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
97578	04/03/13 11:10:51	4/3/13	80141	WEST COAST ARBO...	WEST COAST ...		100010...	
97530	04/03/13 10:40:17	2/15/13	86450		WEST COAST ...	TREE MAINTENANCE	273222...	-24,899.00
97531	04/03/13 10:40:41	2/28/13	86730		WEST COAST ...	TREE MAINTENANCE	273222...	-1,412.00
TOTAL								-26,311.00
97579	04/03/13 11:15:01	4/3/13	80142	EMERGENCY MEDIC...	EMERGENCY ...	INVOICE #1540263	100010...	
97373	03/26/13 10:41:02	3/14/13	1540263		EMERGENCY ...	POOL FIRST AID SUPPLIES	486630...	-234.59
TOTAL								-234.59
97580	04/03/13 11:15:03	4/3/13	80143	HD SUPPLY FACILITI...	HD SUPPLY FA...	INVOICE #9121062766	100010...	
97375	03/26/13 10:42:37	3/13/13	9121062766		HD SUPPLY FA...	POOL SUPPLIES	486630...	-269.95
TOTAL								-269.95
97581	04/03/13 11:15:04	4/3/13	80144	MARBORG INDUSTRI...	MARBORG IND...	INVOICE 2936206	100010...	
97378	03/26/13 10:48:42	3/14/13	2936206		MARBORG IND...	CREEK PARK	393730...	-105.00
TOTAL								-105.00
97582	04/03/13 11:15:05	4/3/13	80145	OFFICE MAX	OFFICE MAX	INVOICE #868058	100010...	
97237	03/19/13 10:51:23	3/12/13	868058		OFFICE MAX	PW OFFICE SUPPLIES	103030...	-485.91
TOTAL								-485.91
97583	04/03/13 11:15:06	4/3/13	80146	PITNEY BOWES INC	PITNEY BOWE...	1550-8200-20-9	100010...	
97405	03/27/13 09:06:33	3/21/13	346780		PITNEY BOWE...	POSTAGE SERVICE	101330...	-337.78
TOTAL								-337.78
97584	04/03/13 11:15:07	4/3/13	80147	RBF CONSULTING	RBF CONSULT...	INVOICE #842531	100010...	
97241	03/19/13 11:48:41	3/11/13	842531		RBF CONSULT...	SANTA YNEZ AVE SIDEWALK P...	277962...	-8,304.98
TOTAL								-8,304.98
97585	04/03/13 11:15:08	4/3/13	80148	RINCON BROADCAST...	RINCON BROA...	INVOICE #589	100010...	
97502	04/03/13 09:48:38	3/13/13	589		RINCON BROA...	FIRST FRIDAY RADIO AD	104430...	-110.00

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

Trans #	Entered/Last Modified	Date	Num	Name	Source Name	Memo	Account	Paid Amount
TOTAL								-110.00
97586	04/03/13 11:15:09	4/3/13	80149	SANTA BARBARA C...	SANTA BARBA...	13-219	100010...	
97406	03/27/13 09:07:37	3/13/13	13-219		SANTA BARBA...	SHERIFF OVERTIME	102121...	-330.91
TOTAL								-330.91
97587	04/03/13 11:15:10	4/3/13	80150	SANTA BARBARA NA...	SANTA BARBA...	INVOICE #3969	100010...	
97178	03/13/13 10:16:11	3/12/13	3969		SANTA BARBA...	PLANTINGS FOR PARKS	317961...	-174.42
TOTAL								-174.42
97588	04/03/13 11:15:12	4/3/13	80151	SO CA EDISON	SO CA EDISON		100010...	
97517	04/03/13 10:15:50	3/26/13	2-00-378-2...		SO CA EDISON	CIVIC CENTER	101331...	-1,568.15
					SO CA EDISON	ROW	333231...	-281.79
					SO CA EDISON	PARKING	333231...	-153.17
					SO CA EDISON	PARKS	236131...	-396.82
					SO CA EDISON	POOL	486631...	-1,012.95
					SO CA EDISON	BIKEWAYS	292322...	-64.29
					SO CA EDISON	STREET LIGHTING	292322...	-461.38
97515	04/03/13 10:13:16	3/28/13	2-19-146-8...		SO CA EDISON	9TH ST BTHRM	292322...	-28.04
97516	04/03/13 10:14:05	3/28/13	2-17-070-7...		SO CA EDISON	1 CARP TC	292322...	-51.81
97511	04/03/13 10:10:35	3/29/13	2-22-684-6...		SO CA EDISON	100 LINDEN	292322...	-27.05
97512	04/03/13 10:11:07	3/29/13	2-14-791-5...		SO CA EDISON	101 ASH	292322...	-92.40
97513	04/03/13 10:11:46	3/29/13	2-30-652-4...		SO CA EDISON	SEASIDE BUILDING	486530...	-57.66
97514	04/03/13 10:12:31	3/29/13	2-32-832-7...		SO CA EDISON	PROJ 4865 - VETS HALL	100025...	-467.10
					SO CA EDISON	UTILITIES VETS HALL	486530...	-397.90
TOTAL								-5,060.51
97589	04/03/13 11:15:14	4/3/13	80152	STAPLES ADVANTAGE	STAPLES ADV...	INVOICE 3194968980	100010...	
97384	03/26/13 10:55:06	3/14/13	3194968980		STAPLES ADV...	OFFICE SUPPLIES	101330...	-105.29
TOTAL								-105.29
97590	04/03/13 11:15:15	4/3/13	80153	VERIZON CALIFORNIA	VERIZON CALI...	01 1711 1265125066 01	100010...	
97521	04/03/13 10:21:47	3/22/13	01171112...		VERIZON CALI...	ASH AVE	101330...	-86.53
TOTAL								-86.53
97591	04/03/13 11:15:16	4/3/13	80154	WALLACE GROUP	WALLACE GR...	INVOICE #34825	100010...	

12:07 PM

04/17/13

CITY OF CARPINTERIA
Warrant Register
 March 21 through April 3, 2013

<u>Trans #</u>	<u>Entered/Last Modified</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Source Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
97413	03/27/13 09:15:31	3/14/13	34825		WALLACE GR...	MEASURE A GRANT 1	207927...	-337.63
					WALLACE GR...	MEASURE A GRANT 1	202027...	-337.62
TOTAL								-675.25
97593	04/03/13 16:27:10	4/3/13	80155	GONZALEZ, MANUEL	GONZALEZ, M...	VOID: REIMBURSEMENT	100010...	
TOTAL								0.00
97594	04/03/13 16:27:43	4/3/13	80156	GONZALEZ, MANUEL	GONZALEZ, M...	REIMBURSEMENT	100010...	
97592	04/03/13 16:19:09	3/14/13	REIMBUR...		GONZALEZ, M...	GONZALEZ - SAFETY EQUIPMENT	101319...	-90.22
TOTAL								-90.22
GRAND TOTAL								\$208,599.25

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

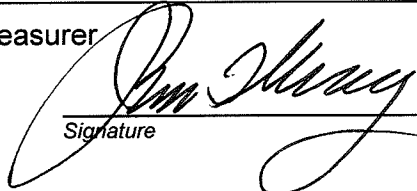
REVIEW OF QUARTERLY INVESTMENT RESULTS AND CERTIFICATIONS
CONCERNING COMPLIANCE WITH INVESTMENT POLICY AND CASH FLOW
NEEDS FOR THE NEXT SIX MONTHS

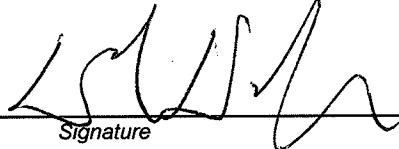
Report prepared by: John Thornberry, City Treasurer

Department: Administrative Services

Reviewed by:

City Manager


Signature


Signature

STAFF RECOMMENDATION:

ACTION ITEM ____; **NON-ACTION ITEM** x

STAFF RECOMMENDATION: Receive and file the report

MOTION: None Required

I. BACKGROUND:

California Government Code Section 53600 states that “all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies are trustees and therefore fiduciaries subject to the “prudent investor standard”

The prudent investor standard states that “a trustee shall act with the care, skill, prudence and diligence that a prudent person acting in a like capacity 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 agency. When investing public funds, the primary objective of a trustee shall be to safeguard the principal of the 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.”

California Government Code Section 53646 mandates that cities annually adopt a written investment policy and that quarterly reports be prepared concerning the City's financial holdings, a statement of compliance with the policy and a statement concerning the City's ability to meet its cash flow needs in the ensuing six months.

This report is no longer mandatory but is provided each quarter because it is informative for the Council and the public, and because the cost of preparation is minimal. However, because the City chooses to prepare the report, copies of the second and fourth calendar quarter reports must be submitted to the California Debt and Investment Advisory Commission within 60 days after the close of the second and fourth calendar quarters.

II. POLICY:

All portfolio investment transactions for the quarter ended March 31, 2013, have been made in full compliance with the Statement of Investment Policy adopted September 24, 2012 per Resolution No. 5411.

As a part of the City's 2004 work program, the Council directed staff to investigate alternative investment practices that could yield better returns while maintaining security. The first step in this process was the change in the investment policy. On September 27, 2004 the City Council, by adoption of Resolution 4898, modified the City's investment policy, expanding the list of 'Authorized Investments'. Now, in addition to investment in the Local Agency Investment Fund and other FDIC insured accounts, the City can invest in 'Other investments authorized and governed by California Government Code 53601.

On November 22, 2004 the City Council adopted Resolution No. 4910 authorizing investments in the Treasury Direct program whereby Treasury Securities would be purchased directly from the United States Treasury.

III. FINANCIAL CONSIDERATIONS:

Cash Statement: At March 31, 2013, the City held cash investments as shown in the table below.

Table I

	Bank Balance at 03/31/13	Quarterly Earnings	Avg. Annualized Return
Treasury Direct/Schwab	\$10,396,101.27	\$37,627.68	1.46%
LAIF	20,561.29	14.32	0.28%
MB&T Checking	388,803.86	0	0.00%
MB&T Money Market	3,400,946.17	2,830.37	0.29%
Total	\$14,206,412.59	\$40,472.37	1.20%

Investments:

Changes in the market value of Treasury securities are inversely proportional to changes in interest rates demanded in the open market, i.e. when rates rise market values fall, when rates fall market values rise. The sensitivity of a portfolio's market value to these changes in market rates is a function of its days to maturity and its coupon rate. Securities with longer maturities

Legacy Treasury Direct®

www.treasurydirect.gov

1-800-722-2678

1-304-480-6464 (Outside the U.S.)

CITY OF CARPINTERIA CA
5775 CARPINTERIA AVENUE
CARPINTERIA CA 91008

RECEIVED

APR 12 2013

CITY OF CARPINTERIA**STATEMENT OF ACCOUNT**

Page 1 of 6

Your Site

TREASURY RETAIL SECURITIES SITE
P O BOX 9150
MINNEAPOLIS MN 55480-9150

PHONE: (800) 722-2678

Payment Information

Payments made by direct deposit to:
MONTECITO BANK & TRUST
Routing Number: 122234783
Name on Account: CITY OF CARPINTERIA
CHECKING Account Number: Confidential

Telephone Number: (805) 684-5405

Taxpayer Identification No: Confidential

Tax Withholding Status: No withholding

Legacy Treasury Direct Account Number: **4800-770-3487**Total Par as of 04/05/2013: **\$4,397,700****ACCOUNT HOLDINGS**

SECURITY		SECURITY SUB-ACCOUNT						SCHED. REINV.		NEXT PAYMENT	
CUSIP	Total Par	No.	Par Amount	Issue Date	Purchase Price/\$100 of Par	Yield/ Rate (%)	Disc Rate (%)	No.	Term	Date Type Amount	
912828HY9 3 1/8 NOTE K 13 04/30/13126,000		01	126,000	04/30/08	99.843881	3.159				04/30/13 Par and Interest 127,968.75	
912828QE3 0 5/8 NOTE AK 13 04/30/13101,100		01	101,100	05/02/11	99.905047	0.673				04/30/13 Par and Interest 101,415.94	
912828JB7 3 1/2 NOTE L 13 05/31/13140,000		01	140,000	06/02/08	99.908798	3.52				05/31/13 Par and Interest 142,450.00	
912828JG6 3 3/8 NOTE N 13 07/31/13131,000		01	131,000	07/31/08	99.703743	3.44				07/31/13 Par and Interest 133,210.63	
912828JK7 3 1/8 NOTE P 13 08/31/13130,000		01	130,000	09/02/08	99.981374	3.129				08/31/13 Par 130,000.00	

Schwab One® Account
Account Number: 8975-8685

Statement Period: March 1, 2013 to March 31, 2013

Page 1 of 6

Last Statement: February 28, 2013

Cut paper clutter.
Switch to eStatements at schwab.com/paperless.
Questions? Call 1-800-435-4000

03/28-00000-DN3J0301 *1-2
CITY OF CARPINTERIA
5775 CARPINTERIA AVE
CARPINTERIA CA 93013-2603

Account Value Summary

Cash & Sweep Money Market Funds	\$ 0.00
Total Investments Long	\$ 5,340,223.04
Total Investments Short	\$ 0.00
Total Account Value	\$ 5,340,223.04

Change in Account Value

Starting Account Value	\$ 5,337,663.11
Transactions & Income	\$ 0.00
Income Reinvested	\$ 0.00
Change in Value of Investments	\$ 2,559.93
Ending Account Value	\$ 5,340,223.04
Year-to-Date Change in Value Since 1/1/13	\$ 599,921.77

Rate Summary

Value Adv Money Fd SWVXX	0.01%
Sch Investor Money Fund	0.01%

Income Summary

Description	This Period	Year to Date
Federally Taxable		
Treasury Bond Interest		5,461.90
Total Income	0.00	5,461.90

Investment Detail

Description	Symbol	Quantity	Price	Market Value
Investments				
US TREAS NOT 1%03/17 UST NOTE DUE 03/31/17 CURRENT YIELD 0.98265%		271,000.0000	101.7656	275,784.78

Please see "Endnotes For Your Account" section for an explanation of the endnote codes and symbols on this statement.



JOHN CHIANG

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name	CARPINTERIA
Account Number	98-42-142

As of 04/15/2013, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 03/31/2013.

Earnings Ratio		.00000773831888202
Interest Rate		0.28%
Dollar Day Total	\$	1,850,282.72
Quarter End Principal Balance	\$	20,561.29
Quarterly Interest Earned	\$	14.32



Montecito
Bank & Trust

P.O. Box 2460
Santa Barbara, CA 93120-2460
(805) 963-7511

000 00005 01

ACCOUNT:

195024588

PAGE: 1

03/29/2013

H

City of Carpinteria
* HOLD AT BRANCH *

30-0
15
198

Tired of running to the bank to make deposits? Wish you could make deposits whenever you want? With CheckCapture Pro, our remote deposit capture solution for businesses, you can deposit checks 24 hours a day without ever leaving your office. Sign up by March 31st and we'll waive the setup fee and first three months of maintenance fees - a savings of more than \$200! Visit your local branch or call (805) 963-7511 to get started.

SUMMARY OF ACCOUNTS

ACCOUNT TYPE	ACCOUNT NUMBER	CURRENT BALANCE	MATURITY DATE
Business Money Market ACCOUNT	195020078	3,400,946.17	
Analysis Checking ACCOUNT	195024588	388,803.86	
TOTAL CURRENT BALANCE		3,789,750.03	

Analysis Checking ACCOUNT 195024588

MINIMUM BALANCE	158,253.58	LAST STATEMENT 02/28/13	181,609.64
AVG AVAILABLE BALANCE	405,430.84	60 CREDITS	1,066,773.54
AVERAGE BALANCE	412,160.06	224 DEBITS	859,579.32
		THIS STATEMENT 03/29/13	388,803.86

DEPOSITS			
REF #	TRACE #	DATE	AMOUNT
0884724380	03/04	1,441.60	
0884724373	03/04	27,609.32	
0884734934	03/05	2,572.21	
0195368096	03/07	3,038.35	
0195509611	03/12	2,654.50	
0195509622	03/12	33,944.14	
0195585086	03/14	5,836.00	
0195612071	03/15	6,387.15	
0195669015	03/18	2,534.14	
0195711008	03/19	2,198.00	
0195750088	03/20	104,840.60	
0195778502	03/21	1,781.50	
0195890041	03/25	3,417.42	
0195939085	03/26	2,505.17	
0195967111	03/27	5,601.09	

* * * C O N T I N U E D * * *



EQUAL HOUSING
LENDER MEMBER FDIC

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

March 31, 2013

Investment Activity Recap

Month	Average Daily Investment	Return	ROI %	Ending Balance	% Portfolio
Treasury Direct					
1	\$10,220,155.36	\$12,698.89	1.49%	\$10,282,805.98	67.55%
2	10,282,805.98	12,551.77	1.46%	10,345,095.58	71.69%
3	10,345,095.58	12,377.02	1.44%	10,396,101.27	73.18%
Total / Average	\$10,282,681.63	\$37,627.68	1.46%		
LAIF					
1	\$20,546.97	\$4.94	0.30%	\$20,551.91	0.14%
2	20,551.91	4.44	0.29%	20,556.35	0.14%
3	20,556.35	4.94	0.29%	20,561.29	0.14%
Total / Average	\$20,561.29	\$14.32	0.28%		
Montecito Bank & Trust Checking					
1	\$818,679.51			\$515,387.77	3.39%
2	431,693.80			181,609.64	1.26%
3	412,160.06			388,803.86	2.74%
Total / Average	\$558,260.59				
Montecito Bank & Trust Money Market					
1	\$4,403,145.50	\$1,029.70	0.28%	\$4,403,145.50	28.93%
2	4,216,716.92	970.42	0.28%	3,882,115.92	26.90%
3	3,483,219.36	830.25	0.29%	3,400,946.17	23.94%
Total / Average	\$4,028,282.05	\$2,830.37	0.28%		
Recap					
1	\$15,462,527.34	\$13,733.53	1.07%	\$15,221,891.16	100.00%
2	14,951,768.61	13,526.63	1.09%	14,429,377.49	100.00%
3	14,261,031.35	13,212.21	1.11%	14,206,412.59	100.00%
Total / Average	\$14,889,785.56	\$40,472.37	1.09%		

City of Carpinteria
Direct Subsidiary Ledger Listing
Portfolio

March 31, 2013

Line Type	Issue Date	CUSIP	Maturity Date	Net	Discount	Par Value	Coupon \$	Coupon %	Yield %	Days to Maturity	Accrued Interest \$/1,000	Price per \$100	Modified Duration	Next Coupon Date	Line
1	03/31/2011	912828QLZ	03/31/2013	105,418.51	81.49	105,500.00	395.63	0.7500%	0.7890%	*	*	99.922763	*	03/31/2013	1
2	03/31/2008	912828HV5	03/31/2013	126,437.66	562.34	127,000.00	1,587.50	2.5000%	2.5950%	*	*	99.557209	*	03/31/2013	2
3	04/30/2008	912828HY3	04/30/2013	125,803.29	196.71	126,000.00	1,968.75	3.1250%	3.1590%	30	0.03397	99.843881	0.0833	04/30/2013	3
4	04/30/2011	912828QE3	04/30/2013	101,004.00	96.00	101,100.00	315.94	0.6250%	0.6720%	30	0.03397	99.905047	0.0833	04/30/2013	4
5	05/31/2008	912828JB7	05/31/2013	139,872.32	127.68	140,000.00	2,450.00	3.5000%	3.5200%	61	0.19126	99.908798	0.1667	05/31/2013	5
6	05/31/2011	912828QJ6	05/31/2013	109,968.80	131.20	110,100.00	275.25	0.5000%	0.5000%	61	*	99.880835	0.1667	05/31/2013	6
7	06/30/2011	912828RA0	06/30/2013	114,554.39	45.61	114,600.00	214.88	0.3750%	0.3950%	91	*	99.960197	0.2500	06/30/2013	7
8	07/31/2008	912828JG6	07/31/2013	130,611.90	388.10	131,000.00	2,210.63	3.3750%	3.4400%	122	*	99.703743	0.3333	07/31/2013	8
9	07/31/2011	912828QW3	07/31/2013	101,418.14	(418.14)	101,000.00	189.38	0.3750%	0.1676%	122	0.54010	100.414000	0.3333	07/31/2013	9
10	08/31/2008	912828RD4	08/31/2013	100,819.32	180.68	101,000.00	63.13	0.1250%	0.1250%	153	0.08931	99.821113	0.4167	08/31/2013	10
11	08/31/2008	912828JK7	08/31/2013	129,975.79	24.21	130,000.00	2,031.25	3.1250%	3.1290%	153	0.17265	99.981374	0.4167	08/31/2013	11
12	09/30/2011	912828RK6	09/30/2013	100,750.30	249.70	101,000.00	63.13	0.1250%	0.1250%	183	*	99.752770	0.5000	09/30/2013	12
13	09/30/2008	912828JN3	09/30/2013	129,976.10	23.90	130,000.00	2,031.25	3.1250%	3.1290%	183	*	99.981618	0.5000	09/30/2013	13
14	10/31/2008	912828JQ4	10/31/2013	126,558.75	441.25	127,000.00	1,746.25	2.7500%	2.8250%	214	*	99.852559	0.5765	04/30/2013	14
15	10/31/2011	912828RN2	10/31/2013	999.38	0.62	1,000.00	1.25	0.2500%	0.2810%	214	*	99.938217	0.5827	04/30/2013	15
16	11/30/2011	912828RS1	11/30/2013	999.40	0.60	1,000.00	1.25	0.2500%	0.2800%	244	*	99.940209	0.8660	05/31/2013	16
17	11/30/2008	912828JT8	11/30/2013	126,340.65	659.35	127,000.00	1,270.00	2.0000%	2.1100%	244	0.05495	99.480824	0.5617	05/31/2013	17
18	12/31/2011	912828RW2	12/31/2013	997.72	2.28	1,000.00	0.63	0.1250%	0.2395%	275	0.01030	99.771630	0.7497	06/30/2013	18
19	12/31/2008	912828JW1	12/31/2013	123,766.13	231.87	124,000.00	930.00	1.5000%	1.5390%	275	*	99.813005	0.7463	06/30/2013	19
20	01/31/2012	912828SB7	01/31/2014	1,000.00	*	1,000.00	1.25	0.2500%	0.2500%	306	*	100.000000	0.8327	07/31/2013	20
21	01/31/2009	912828JZ4	01/31/2014	126,577.30	422.70	127,000.00	1,111.25	1.7500%	1.8199%	306	0.09669	99.667162	0.8290	07/31/2013	21
22	02/28/2012	912828S66	02/28/2014	998.80	1.20	1,000.00	1.25	0.2500%	0.3099%	334	*	99.880464	0.9160	08/31/2013	22
23	02/28/2009	912828KFE	02/28/2014	134,297.06	702.94	135,000.00	1,265.63	1.8750%	1.9849%	334	0.10192	99.479306	0.9120	08/31/2013	23
24	03/31/2012	912828SL5	03/31/2014	998.21	1.79	1,000.00	1.25	0.2500%	0.3398%	365	0.01366	99.821248	0.9994	09/30/2013	24
25	03/31/2009	912828KJ8	03/31/2014	126,402.17	597.63	127,000.00	1,111.25	1.7500%	1.8490%	365	*	99.529268	0.9957	09/30/2013	25
26	04/30/2012	912828S22	04/30/2014	999.60	0.40	1,000.00	1.25	0.2500%	0.2700%	395	*	99.960135	1.0815	04/30/2013	26
27	04/30/2009	912828KSN	04/30/2014	118,633.11	366.89	119,000.00	1,115.63	1.8750%	1.9400%	395	*	99.891687	1.0694	04/30/2013	27
28	05/31/2009	912828KV1	05/31/2014	124,348.70	351.30	124,700.00	1,402.88	2.2500%	2.3100%	426	0.06148	99.718283	1.1500	05/31/2013	28
29	05/31/2012	912828SW1	05/31/2014	999.00	1.00	1,000.00	1.25	0.2500%	0.3000%	426	*	99.900374	1.1648	05/31/2013	29
30	06/30/2009	912828KV5	06/30/2014	118,585.17	414.83	119,000.00	1,581.88	2.6250%	2.7000%	456	*	99.651404	1.2306	06/30/2013	30
31	06/30/2012	912828TA8	06/30/2014	998.75	1.25	1,000.00	1.25	0.2500%	0.2500%	456	0.01359	99.874829	1.2481	06/30/2013	31
32	07/31/2012	912828TE7	07/31/2014	998.11	1.89	1,000.00	0.63	0.1250%	0.2200%	487	*	99.810521	1.3324	07/31/2013	32
33	07/31/2009	912828LC2	07/31/2014	124,229.25	370.75	124,600.00	1,635.38	2.6250%	2.6890%	487	*	99.702444	1.3140	07/31/2013	33
34	08/31/2012	912828TL4	08/31/2014	119,133.73	666.27	119,800.00	1,422.63	2.3750%	2.4940%	518	*	99.443852	1.3991	08/31/2013	34
35	08/31/2009	912828Q1	08/31/2014	999.54	0.46	1,000.00	1.25	0.2500%	0.2730%	518	*	99.954157	1.4148	08/31/2013	35
36	09/30/2009	912828Q1	09/30/2014	118,073.10	526.90	118,600.00	1,408.38	2.3750%	2.4700%	548	*	99.555732	1.4825	09/30/2013	36
37	09/30/2012	912828TQ3	09/30/2014	999.54	0.46	1,000.00	1.25	0.2500%	0.2730%	548	0.00687	99.954218	1.4981	09/30/2013	37
38	10/31/2012	912828TL4	10/31/2014	999.10	0.90	1,000.00	1.25	0.2500%	0.2950%	579	*	99.910331	1.5796	04/30/2013	38
39	10/31/2009	912828LS7	10/31/2014	115,629.40	70.60	115,700.00	1,373.94	2.3750%	2.3880%	579	0.13122	99.938982	1.5484	04/30/2013	39
40	11/30/2012	912828TZ1	11/30/2014	999.60	0.40	1,000.00	1.25	0.2500%	0.2700%	609	*	99.960135	1.6629	05/31/2013	40
41	11/30/2009	912828LZ1	11/30/2014	114,329.92	270.08	114,600.00	1,217.63	2.1250%	2.1750%	609	*	99.764325	1.6353	05/31/2013	41
42	12/31/2009	912828ME7	12/31/2014	113,488.41	211.59	113,700.00	1,492.31	2.6250%	2.6500%	640	*	99.813909	1.7115	06/30/2013	42
43	12/31/2012	912828UDQ	12/31/2014	997.61	2.39	1,000.00	0.63	0.1250%	0.2450%	640	*	99.760733	1.7481	06/30/2013	43
44	01/31/2010	912828MHQ	01/31/2015	115,546.42	653.58	116,200.00	1,307.25	2.2500%	2.3700%	671	0.06215	99.437540	1.8002	07/31/2013	44
45	01/31/2013	912828UK4	01/31/2015	999.24	0.76	1,000.00	1.25	0.2500%	0.2880%	671	*	99.924273	1.8296	07/31/2013	45
46	02/28/2010	912828MR8	02/28/2015	119,288.07	111.93	119,400.00	1,417.88	2.3750%	2.3950%	699	0.06454	99.906254	1.8817	08/31/2013	46
47	02/28/2013	912828UP3	02/28/2015	999.86	0.14	1,000.00	1.25	0.2500%	0.2570%	699	*	99.966045	1.9129	08/31/2013	47
48	03/31/2013	912828BUT5	03/31/2015	999.90	0.10	1,000.00	1.25	0.2500%	0.2550%	730	0.00683	99.990045	1.9963	09/30/2013	48
49	03/31/2010	912828MW7	03/31/2015	101,699.97	500.03	102,200.00	1,277.50	2.5000%	2.6050%	730	*	99.510730	1.9632	09/30/2013	49
50	04/30/2010	912828MZQ	04/30/2015	95,621.13	178.87	95,800.00	1,197.50	2.5000%	2.5400%	760	*	99.813289	2.0223	04/30/2013	50
51	05/31/2010	912828NE3	05/31/2015	107,074.68	25.32	107,100.00	1,137.94	2.1250%	2.1300%	791	0.05806	99.976355	2.1146	05/31/2013	51
52	06/30/2010	912828N1	06/30/2015	106,491.29	608.71	107,100.00	1,004.06	1.8750%	1.9950%	791	*	99.431646	2.2039	06/30/2013	52
53	07/31/2010	912828NP1	07/31/2015	98,783.29	216.71	99,000.00	866.25	1.7500%	1.7960%	852	0.09511	99.811106	2.2903	07/31/2013	53
54	08/31/2010	912828NV8	08/31/2015	104,372.94	627.06	105,000.00	656.25	1.2500%	1.3740%	883	*	99.402797	2.3657	08/31/2013	54
55	09/30/2010	912828NZ3	09/30/2015	179,713.14	86.86	179,800.00	1,123.75	1.2500%	1.2600%	913	*	99.951690	2.4691	09/30/2013	55

City of Carpinteria
Direct Subsidiary Ledger Listing
Portfolio

March 31, 2013

Line	Type	Issue Date	CUSIP	Maturity Date	Net	Discount	Par Value	Coupon \$	Coupon %	Yield %	Days to Maturity	Accrued Interest \$/1,000	Price per \$100	Modified Duration	Next Coupon Date	Line
56	5	10/31/2010	912828PE4	10/31/2015	142,946.71	553.29	143,500.00	896.88	1.2500%	1.3300%	944	0.03453	99.614432	2.5371	04/30/2013	56
57	5	11/30/2010	912828PJ3	11/30/2015	140,256.64	243.36	140,500.00	965.94	1.3750%	1.4110%	974	*	99.826792	2.6159	05/31/2013	57
58	5	12/31/2010	912828PM6	12/31/2015	95,591.66	108.34	95,700.00	1,016.81	2.1250%	2.1490%	1005	*	99.886797	2.6722	06/30/2013	58
59	5	01/31/2011	912828PS3	01/31/2016	94,216.91	183.09	94,400.00	944.00	2.0000%	2.0410%	1036	*	99.806052	2.7600	07/31/2013	59
60	5	02/28/2011	912828QJ2	02/28/2016	108,267.41	332.59	108,600.00	1,153.88	2.1250%	2.1900%	1064	*	99.693745	2.8388	08/28/2013	60
61	5	03/31/2011	912828QA1	03/31/2016	96,254.71	45.29	96,300.00	1,083.38	2.2500%	2.2600%	1096	*	99.952972	2.9178	09/30/2013	61
62	5	04/30/2011	912828QF0	04/30/2016	91,760.24	539.76	92,300.00	923.00	2.0000%	2.1239%	1126	0.10870	99.415214	2.9808	04/30/2013	62
63	5	05/31/2011	912828QF8	05/31/2016	100,098.95	301.05	100,400.00	878.50	1.7500%	1.8130%	1157	*	99.700152	3.0768	05/31/2013	63
64	5	06/30/2011	912828QR4	06/30/2016	104,024.42	575.58	104,600.00	784.50	1.5000%	1.5000%	1187	*	99.449734	3.1726	06/30/2013	64
65	5	07/31/2011	912828QX1	07/31/2016	96,218.76	(3,218.76)	93,000.00	697.50	1.5000%	0.7926%	1218	2.32333	103.461030	3.2573	07/31/2013	65
66	5	08/31/2011	912828RF9	08/31/2016	93,617.58	(617.58)	93,000.00	485.00	1.0000%	0.8640%	1249	0.71430	100.664060	3.3650	08/31/2013	66
67	5	09/30/2011	912828RU1	09/30/2016	92,932.16	67.84	93,000.00	485.00	1.0000%	1.0150%	1279	*	99.927052	3.4482	09/30/2013	67
68	5	10/31/2011	912828RU6	10/31/2016	239,358.75	731.23	240,000.00	1,200.00	1.0000%	1.0550%	1310	*	99.732813	3.5143	04/30/2013	68
69	5	11/30/2011	912828RX0	11/30/2016	241,268.77	59.04	242,000.00	1,058.75	0.8750%	0.9370%	1340	*	99.697840	3.6061	05/31/2013	69
70	5	12/31/2011	912828RX0	12/31/2016	241,940.96	59.04	242,000.00	1,058.75	0.8750%	0.8800%	1371	0.07212	99.975602	3.6895	06/30/2013	70
71	5	01/31/2012	912828SC5	01/31/2017	262,692.06	307.94	263,000.00	1,150.63	0.8750%	0.8990%	1402	*	99.882914	3.7728	07/31/2013	71
72	5	02/28/2012	912828SJ0	02/28/2017	279,658.51	341.49	280,000.00	1,225.00	0.8750%	0.9000%	1430	*	99.878039	3.8562	08/31/2013	72
73	5	03/31/2012	912828SM3	03/31/2017	270,473.67	526.33	271,000.00	1,355.00	1.0000%	1.0400%	1461	0.05464	99.805782	3.9310	09/30/2013	73
74	5	04/30/2012	912828SM3	04/30/2017	270,841.30	158.70	271,000.00	1,185.63	0.8750%	0.8870%	1491	*	99.941438	4.1108	05/31/2013	74
75	5	05/31/2012	912828SY7	05/31/2017	285,270.72	1,729.28	287,000.00	896.88	0.6250%	0.7480%	1522	0.04076	99.990200	4.1833	06/30/2013	75
76	5	06/30/2012	912828TB6	06/30/2017	297,970.79	29.21	298,000.00	1,117.50	0.7500%	0.7520%	1552	*	99.586667	4.2886	07/31/2013	76
77	5	07/31/2012	912828TG5	07/31/2017	296,768.27	1,231.73	298,000.00	745.00	0.5000%	0.5840%	1583	*	99.921392	4.5971	05/31/2013	77
78	5	08/31/2012	912828TM2	08/31/2017	293,799.25	1,200.75	295,000.00	921.88	0.6250%	0.7080%	1614	0.01717	99.891985	4.4443	09/30/2013	78
79	5	09/30/2012	912828TS9	09/30/2017	284,692.16	307.84	285,000.00	890.63	0.6250%	0.6470%	1644	*	99.931681	4.7364	07/31/2013	79
80	5	10/31/2012	912828TW0	10/31/2017	274,676.92	323.08	275,000.00	1,031.25	0.7500%	0.7740%	1675	*	99.906978	4.6667	06/30/2013	80
81	5	11/30/2012	912828UAE	11/30/2017	282,777.54	222.46	283,000.00	884.38	0.6250%	0.6410%	1705	*	99.921392	4.5971	05/31/2013	81
82	5	12/31/2012	912828UE8	12/31/2017	280,738.61	261.39	281,000.00	1,053.75	0.7500%	0.7690%	1736	*	99.906978	4.6667	06/30/2013	82
83	5	01/31/2013	912828UJ7	01/31/2018	291,800.51	199.49	292,000.00	1,277.50	0.8750%	0.8890%	1767	*	99.931681	4.7364	07/31/2013	83
84	5	02/28/2013	912828UR9	02/28/2018	301,600.88	399.12	302,000.00	1,132.50	0.7500%	0.7770%	1795	*	99.867840	4.8334	08/31/2013	84
85	5	03/31/2013	912828UU2	03/31/2018	281,861.96	138.04	282,000.00	1,057.50	0.7500%	0.7600%	1826	0.02049	99.951048	4.9167	09/30/2013	85
****																*****
				01/26/2016	10,627,957.44	\$18,942.56	\$10,646,900.00	*	1.4094%	1.4738%	1032	0.05215	\$99.822084	2.7674	25-May-06	

less Maturations	231,856.17	643.83	232,500.00
	\$10,396,101.27	\$18,298.73	\$10,414,400.00
	\$4,617,379.63	TD 1	\$4,630,200.00
	428,646.56	TD 2	429,700.00
	5,581,931.25	Schwab	5,587,000.00
	\$10,627,957.44		\$10,646,900.00

Portfolio Segment Analysis

Month	Average Daily Investment	Return	ROI %	Net Cash Flow
1	\$10,220,155.36	\$12,698.89	1.4910%	(\$49,391.84)
2	10,282,805.98	12,551.77	1.4648%	(49,221.33)
3	10,345,095.58	12,377.02	1.4357%	(37,572.75)
Total / Average	\$10,282,681.63	\$37,627.68	1.4637%	(\$136,185.92)

ALL NOTES / BILLS	
Net Investment	\$10,396,101.27
Discount	18,298.73
Par Value	\$10,414,400.00
Coupon %	1.4094%
Yield to Maturity	1.4738%
Annual Yield \$	\$153,486.31
Days to Maturity	1032
Years to Maturity	2.8269
Modified Duration	2.7471

5 YEAR NOTES			
	All	Most Recent	Minimum
Net	\$9,749,602.96	\$281,881.96	\$301,600.88
Discount	17,997.04	138.04	1,729.28
Par	9,767,600.00	282,000.00	302,000.00
Coupon \$	71,849.72	1,057.50	2,450.00
Coupon %	1.4712%	0.7500%	3.5000%
Yield %	1.7949%	0.7600%	3.5201%
Years to Maturity	3.06	5.00	5.00

93.79%

2 YEAR NOTES			
	All	Most Recent	Minimum
Net	\$646,498.31	\$999.90	\$114,554.39
Discount	301.69	0.10	249.70
Par	646,800.00	1,000.00	114,600.00
Coupon \$	1,537.98	1.25	395.63
Coupon %	0.4756%	0.2500%	0.7500%
Yield %	0.3604%	0.2550%	0.7890%
Years to Maturity	0.32	2.00	2.00

6.21%

March 31, 2013

Market Value Estimate Calculation

Portfolio
Weighted
Average

Years/Days	Duration Date	CUSIP	Issue Date	Maturity Date	Coupon %	Market Price per \$100	Market Yield
5	03/12/2016	912828QA1	03/31/2011	03/31/2016	2.2500%	105.6600	0.3517%
2	07/23/2013	912828QW3	07/31/2011	07/31/2013	0.3750%	100.1010	0.0719%

	A Actual Yield	B Market Yield	C Duration in years	D Estimated Market Value	E Par Value	F Net Value	G Unrealized Gain / (Loss)
5	1.7949%	0.3517%	2.9528	\$10,183,841	\$9,767,600	\$9,749,603	\$434,238
2	0.3604%	0.0719%	0.3133	647,385	646,800	646,498	886
All			2.7674	\$10,831,226	\$10,414,400	\$10,396,101	\$435,125

Percent of Par 4.19%

$$D=(1+(A-B)*C)*E$$

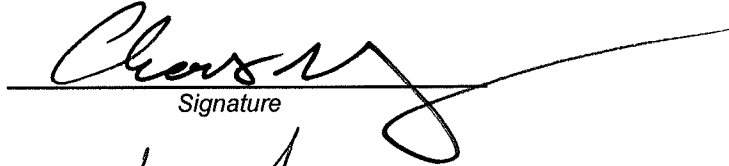
$$G=D-F$$

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

ITEMS FOR COUNCIL CONSIDERATION:

**Authorization and Award to DPM Company for Construction
of City Maintenance Project Number 15039, Third Street Drainage Improvements**

Report prepared by: Charles W. Ebeling, Director
Department: Public Works


Signature

**Reviewed by
City Manager:**


Signature

ACTION ☒ **NON-ACTION** ☐ **STAFF RECOMMENDATION:**

Recommendation: 1. That the City Council authorize the City Manager to sign the contract with DPM Company, the lowest responsible bidder, subject to meeting all of the mandatory contract document requirements for the construction of City Maintenance Project 15039, Third Street Maintenance Drainage Improvements Project. 2. Approve a project budget of \$71,652.

Sample Motion: I move, 1. That the City Council authorize the City Manager to sign the contract with DPM Company, the lowest responsible bidder, subject to meeting all of the mandatory contract document requirements for the construction of City Maintenance Project 15039, Third Street Maintenance Drainage Improvements Project; and 2. To approve a project budget of \$71,652.

I. BACKGROUND/DISCUSSION:

The City of Carpinteria Capital Improvement Program includes various drainage and street improvements in the Downtown Beach Neighborhood. For some time, drainage and street improvement studies have been conducted in this portion of the City. In 2012, the Department of Public Works prepared the Downtown and Beach Area Street Designs. These guidelines provide consistent direction for drainage and roadway designs on public streets in the Beach Area, in this case specifically Third Street.

The project is located on Third Street from Linden Avenue to about 200 feet to the west. MNS Engineers, Inc. prepared the plans for the drainage and street maintenance for the project. The scope of the project included formalizing the drainage patterns, pavement maintenance and parking strip installation.

The City is partnering with an adjacent property owner in the design and construction of this project. The Islands Apartment project located at the corner of Linden Avenue and Third Street, when approved, was conditioned to provide street frontage improvements along the southside of Third Street along their property. The City identified that there was an opportunity to partner with the property owner in addressing historic drainage issues in the vicinity by improving the drainage patterns and off-street parking along the north side of Third Street at the same time.

In an effort to construct the project in an efficient manner, City Project Number 15039 was created to implement this project. The property owner is contributing his fair share of the cost of the design and construction of his required frontage improvements to the City. The remainder of the cost of the project is being borne by the City.

Bids from qualified contractors were solicited using the informal bid process required by California Public Contract Code California Uniform Construction Cost Accounting Commission Manual and adopted by the City of Carpinteria. Requests for bids were issued on March 25, 2013 and a notice was posted in the Coastal View. Bids were received from twelve contractors and the lowest responsible bid was provided by DPM Company.

II. POLICY:

The proposed project was not specifically included in the Street and Thoroughfares section of the current City of Carpinteria Capital Improvement Program; however, this project addresses many of the goals, objectives and policy statements of the Downtown and Beach Area Street Designs and the General Plan Circulation Element.

On April 16, 2013 sealed bids were opened and evaluated for completeness. DPM Company was subsequently deemed to be the lowest responsible bidder and asked to begin preparations for award of the project. The contract will be executed by the City Manager once DPM Company has completed all of the mandatory contract forms and conditions.

III. FINANCIAL CONSIDERATIONS:

The Department of Public Works will use Measure A funding for this project. The Engineer's Estimate for total construction was \$69,267.00. The lowest responsible bid was \$46,652.00. A contingency fund is also being established to cover any unexpected costs that may arise during the construction of the project. The contingency amount was set based on the unknown subgrade conditions in the area and historic high ground water table. The following table summarizes the project costs and funding:

<u>Project Costs</u>		<u>Project Funding</u>	
General Construction:	\$ 46,652	Measure A Funds	\$ 47,552
Construction Inspection/ Administration	\$ 5,000		
Contingency	\$ 20,000	Developer Share	\$ 24,100
Total Costs	\$ 71,652	Total Funding	\$ 71,652

IV. ATTACHMENTS:

Attachment A - Bid Summary

Attachment B - Construction Contract with DPM Company.

ATTACHMENT A

CITY of CARPINTERIA, CALIFORNIA
DEPARTMENT OF PUBLIC WORKS



City Project No. 15039 Third Street Drainage Improvement Project
April 16, 2013 Unofficial Bid Summary

Bidder Number	Company Name	Bid Amount
Bidder 1	DPM Company	\$ 46,652.00
Bidder 2	Lash Construction	\$ 57,057.00
Bidder 3	Aguilera Brothers Construction	\$ 58,948.23
Bidder 4	Lapidus Contractors	\$ 59,961.00
Bidder 5	Berry General Engineering	\$ 60,017.00
Bidder 6	Mendez	\$ 60,898.35
Bidder 7	Shaw Contracting	\$ 63,595.00
Bidder 8	Granite Construction	\$ 66,116.00
Bidder 9	Summer Construction	\$ 66,551.50
Bidder 10	Tierra Contracting	\$ 72,646.00
Bidder 11	V. Lopez & Sons	\$ 76,507.90
Bidder 12	Arthurs	\$ 114,421.00

ATTACHMENT B

A. CONTRACT

PROJECT: THIRD STREET DRAINAGE IMPROVEMENT PROJECT, CITY PROJECT NO. 15039

AMOUNT OF CONTRACT: \$ 46,652.00

THIS AGREEMENT, made and entered into this _____ day of _____, 2013, by and between the City of Carpinteria hereinafter referred to as "City", and DPM COMPANY, hereinafter referred to as "Contractor".

IN CONSIDERATION OF THE MUTUAL PROMISES, COVENANTS AND CONDITIONS SET FORTH BELOW, THE PARTIES AGREE as follows:

ARTICLE I: GENERAL

Contractor agrees to perform and complete in a workmanlike manner all work required under the Bidding Schedule of City's Contract Documents entitled THIRD STREET DRAINAGE IMPROVEMENT PROJECT, CITY PROJECT NO. 15039 and in accordance with its Specifications and Drawings, to furnish at his own expense all labor, materials, equipment, tools, transportation, and services necessary there for, except such materials, equipment and services as may be stipulated in the Specifications to be furnished by City, and to do everything required by the Agreement and the Contract Documents, for the sum of \$ 46,652.00.

ARTICLE II: PAYMENT

For furnishing all said labor, materials, equipment, tools, and services, furnishing and removing all plant, temporary structures, tools, and equipment, and doing everything required by this Agreement, the said Specifications, Drawings and other Contract Documents; for all loss and damages arising out of the nature of the work, or from the action of the elements, or from any unforeseen difficulties which may arise during the prosecution of the work until its acceptance by said City, and for all risks of every description connected with the work; for all expenses resulting from the suspension or discontinuance of work, except as are expressly stipulated in the Contract Documents to be borne by City and for completing the work in accordance with the requirements of the Contract Documents City will pay, and said Contractor shall receive, in full compensation there for, the above named price.

ARTICLE III: CONSIDERATION

Contractor agrees to perform the work according to the terms of this Agreement for the abovementioned price and City agrees to pay Contractor at the time, in the manner, and upon the conditions stipulated in the Contract Documents. City and Contractor, for themselves, their heirs, executors, administrators, successors, and assigns, do hereby agree to the full performance of the covenants contained in this Agreement and in the Contract Document.

ARTICLE IV: WAGES

The general prevailing rates of per diem wages and general prevailing rate for holiday and overtime work in the locality in which the work is to be performed have been determined by the City. Said general prevailing rates of per diem wages are incorporated and made a part of this Agreement. The Contractor agrees that he, or any subcontractor under him, will pay not less than the foregoing specified prevailing rates of wages to all workmen employed in the execution of the Contract.

Any contractor, who is awarded a public works project and intends to use a craft or classification not shown on the general prevailing wage determinations, may be required to pay the wage rate of that craft or classification most closely related to it as shown in the general determinations effective at the time of the call for bids.

ARTICLE V: HOURS AND WORKING CONDITIONS

The City is a public entity in the State of California and is subject to the provisions of the Government Code and the Labor Code of the State. It is stipulated and agreed that all provisions of law applicable to public contracts are a part of this contract to the same extent as though set forth this Agreement and will be complied with by the Contractor.

ARTICLE VI: CONTRACT TIMES

The Work shall be completed within 30 calendar days from the commencement date stated in the Notice to Proceed. Maintenance periods will begin immediately following the City's determination that the THIRD STREET DRAINAGE IMPROVEMENT PROJECT, CITY PROJECT NO. 15039 is substantially complete. A notice of Completion will be issued after the acceptance of the project by the City.

ARTICLE VII: LIQUIDATED DAMAGES

City and the Contractor recognize that time is of the essence of this Agreement and that the City will suffer financial loss if the Work is not completed within the time specified in Article 2, plus any extensions thereof allowed in accordance with the terms of the Contract Documents. The parties also recognize that the amount of City's actual damages in the event of such delays are impractical and infeasible to determine at this time. Accordingly, the City and the Contractor agree that as liquidated damages for delay (but not as a penalty), the Contractor shall pay the City \$1,000.00 (one thousand dollars) for each calendar day that expires after the time specified in Article 2, plus any extensions, until actual completion of the Work. The payment of liquidated damages pursuant to this Article is for the limited purpose of compensating City for the costs and expenses associated with the delay in receiving the benefits and use of the Work and not for other damages that may be incurred by the City. The Contractor's responsibility for or payment of liquidated damages shall not in any way preclude the City from pursuing any of its other remedies under the Contract Documents or Laws for the Contractor's failure to complete the Work in a timely manner or otherwise satisfy its obligations as required by the Contract Documents.

ARTICLE VIII: ASSIGNMENT

No assignment by a party to this Agreement of any rights under or interests in the Contract Documents will be binding on another party without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

City and Contractor each binds itself, its successors, assigns and legal representatives to the other party, its successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

ARTICLE IX: COMPONENTS OF AGREEMENT

The Notice to Bidder, Information for Bidders, Contractor's Proposal, Bid Certificates, Bidding Schedule, Bid Bond or other acceptable guaranty, Bidder's Statement Regarding Insurance coverage, List of Subcontractors, Bidders License and Experience Statement, Noncollusion Affidavit, Agreement Certificates, Material and Labor bond, Performance Bond, Certificate of Compliance, Worker's Compensation Certificate, Notice of Award, Acknowledgment of Notice of Award, Insurance Endorsements, Sole Proprietor Statement, Escrow Agreement for Security Deposits in Lieu of Retention, Notice to Proceed, Closeout Agreement and Release of Claims, Insurance Specifications for Construction Contracts, Labor Provisions, General Provision Modifications (incorporating Provisions, Standard Specifications for Public Works Construction, 2013 Edition, including supplements, as modified), Special Provisions, Statutory Requirements, Specifications, Project Drawings, BMP's and all Addenda issued by the City with respect to the foregoing prior to the opening of bids, are hereby incorporated in and made part of this Agreement.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

APPROVED AS TO FORM:

BUSINESS TAX COMPLIANCE

City Attorney

Business Tax and Permit Inspector

APPROVED AS TO CONTENT:

CITY OF CARPINTERIA
a Municipal Corporation

City Engineer

Mayor

ATTEST:

CONTRACTOR:

City Clerk

Authorized Signature

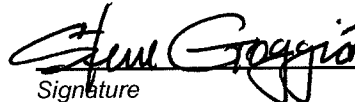
Title

STAFF REPORT
COUNCIL MEETING DATE
April 22, 2013

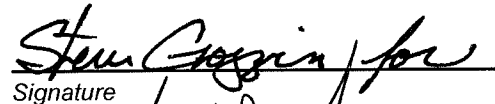
ITEM FOR COUNCIL CONSIDERATION:

ADOPTION OF ORDINANCE NO. 663, EXTENDING THE TERM OF INTERIM URGENCY ORDINANCE NO. 661, PERTAINING TO THE ESTABLISHMENT OF A TEMPORARY MORATORIUM ON NEW TOBACCO RETAILERS OPERATING WITHIN THE CITY UNTIL MARCH 24, 2014 .

Report prepared by: Steve Goggia, Senior Planner
Community Development Department


Signature

Reviewed by: Jackie Campbell, Director
Community Development Department


Signature

Reviewed by: Dave Durflinger, City Manager


Signature

RECOMMENDATION

Action Item X ; Non-Action Item ____

Accept this report describing the measures taken to alleviate the conditions which led to the Adoption of Interim Urgency Ordinance No. 661, and adopt the attached Interim Urgency Ordinance Extension No. 663, thereby extending the temporary moratorium on new tobacco retailers operating within the City for an additional 10 months and 15 days.

Motion 1 I move to accept the report thereby confirming that the factors still apply which gave rise to the adoption of Ordinance No. 661.

Motion 2 I move to approve and adopt Ordinance No. 663, as read by title only, to extend the temporary moratorium on new tobacco retailers operating within the City for an additional 10 months and 15 days, from May 9, 2013 until March 24, 2014.

I. BACKGROUND/DISCUSSION

A Work Plan item for the Community Development Department is to bring forth an Ordinance that would establish Tobacco Retailer License regulations. Through local licensing, monitoring and penalties, the purpose of the regulations is to reduce tobacco sales to underage youths thereby protecting the health, safety and welfare of residents and visitors.

On March 25th the City Council considered a report on possible amendments to the sections of the Municipal Code regarding Smoking and Zoning Regulations. Council provided staff with direction to proceed ahead with a proposed Ordinance that included options to prohibit new tobacco retailers within a certain distance from schools, options for restricting significant tobacco retailers (smoke shops) in the City and to identify possible locations for Designated Smoking Areas on public property in the downtown. Staff has brought separately a staff report and proposed Ordinance following this direction from the Council.

On March 25th, the City Council also adopted the accompanying Interim Urgency Ordinance No. 661, enacting a moratorium on any new tobacco retailer from operating anywhere in the City for an initial period of 45 days, with the option to be extended by Council for a total period of up to one year, 10 months and 15 days. The Council's rationale for adopting the Interim Urgency Ordinance was based on information provided in the staff report and accompanying Ordinance No. 661 prepared for the March 25, 2013 City Council hearing and hereby incorporated by reference (Attachment A). As stated in Ordinance No. 661, the City Council believes there is an urgent need to adopt more stringent regulations on the operation and location of tobacco retailers than those currently contained in the Carpinteria Municipal Code in order to adequately protect the public health, safety, and welfare.

The Council also found that if new tobacco retailers were allowed to begin operating in the City prior to the enactment of more stringent tobacco retailing regulations through anticipated amendments to the City's Municipal Code including the Smoking Regulations and Zoning Code sections, it could be immediately detrimental to the public health, safety and welfare; and if new tobacco retailers were allowed to commence operating, such uses could conflict with, and defeat the purpose of, the proposal to adopt new regulations applicable to tobacco retailers.

The Interim Urgency Ordinance and the extension being considered here have no effect on persons legally engaged in tobacco retailing, pursuant to all required licenses and approvals, as of the effective date of Ordinance No. 661.

According to California Government Code Section 65858, an Urgency Ordinance is initially valid for a period of 45-days. Consequently, Ordinance No. 661 will expire on May 9, 2013. However, Council is authorized to extend this Ordinance prior to its expiration based on a finding that there remains a current and immediate threat to the public health, safety or welfare. The Council may first extend the Ordinance for a period of 10 months

and 15 days. Subsequently, the Council may extend the Ordinance for one further year. There are no provisions to adopt extensions for shorter periods of time.

Staff requests that Council extend Ordinance No. 661 for an additional period of ten (10) months and fifteen (15) days to allow staff the opportunity to prepare draft regulations for the City Council to consider the amendments to Smoking Regulations and Zoning sections of the Municipal Code, and to allow the requisite second read and 30-day period for the Ordinance to be effective. Ordinance No. 663 (Attachment B) would extend the expiration date of Urgency Ordinance No. 661 from May 9, 2013 to March 24, 2014, unless the Council takes action to terminate it prior to that date.

Government Code Section 65858(d) states that "ten days prior to the expiration of an interim ordinance or any extension, the legislative body [the City Council] shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance.

Pursuant to this provision, this staff report serves as the City Council report that the factors which gave rise to the Ordinance No. 661 still apply. The City Council is considering the options available to regulate the sale of tobacco products within the City to reduce sales to underage youths in order to protect the health, safety and welfare of residents and visitors. There is a possibility that prior to the enactment of new regulations on tobacco retailing an applicant may seek to open a store selling tobacco products. If such a new tobacco retailer were permitted to locate in the City during this study period, it could be in conflict with the tobacco retailing regulations that the Council is in the process of adopting.

As detailed above, staff has undertaken several actions since the adoption of Ordinance No. 661, including further studying the health threats posed by tobacco, studying enforcement issues related to tobacco retailers, investigating options to regulate tobacco retailers, and culminating in the drafting of proposed Ordinance No. 662, amending sections of the Smoking Regulations and Zoning Regulations of the City's Municipal Code. However, in order to ensure that the current and immediate threat to the public safety, health and welfare continues to be forestalled until adequate regulations adopted by the City Council are in place, adoption of proposed Ordinance No. 663, extending the Interim Urgency Ordinance, is necessary.

II. ENVIRONMENTAL REVIEW

The proposed Interim Urgency Ordinance Extension is not subject to CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly) and 15061(b)(3) (it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

II. LEGAL

As discussed above, state law specifically allows cities to adopt an interim moratorium on uses that may conflict with a zoning proposal and to extend that moratorium initially for ten months and fifteen days. The Council is currently considering tobacco retailing regulations that would affect and amend portions of the City's zoning ordinance. If a tobacco retailer were permitted to open for business while new tobacco retailing regulations are being considered, the use could later be in conflict with the new regulations.

The law requires that a City Council not extend an interim moratorium unless it finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of use permits, building permits or applicable entitlements would result in that threat to public health, safety, or welfare. The required findings are included in the Interim Urgency Ordinance extension No. 663.

III. ALTERNATIVES

- The Council could direct staff to return with an amended Interim Urgency Ordinance Extension adding or removing certain provisions.
- The City Council could take no action and allow new tobacco retailers to operate within the City until tobacco retailing regulations are adopted.

IV. ATTACHMENTS

Attachment A March 25, 2013 staff report prepared for the adoption of Interim Urgency Ordinance No. 661

Attachment B Interim Urgency Ordinance Extension No. 663

Attachment A

March 25, 2013 staff report prepared for the
adoption of Interim Urgency Ordinance No. 661

City Council Hearing April 22, 2013

STAFF REPORT
COUNCIL MEETING DATE
March 25, 2013

ITEM FOR COUNCIL CONSIDERATION:

ADOPTION OF INTERIM URGENCY ORDINANCE NO. 661, PERTAINING TO THE ESTABLISHMENT OF A TEMPORARY MORATORIUM ON NEW TOBACCO RETAILERS OPERATING WITHIN THE CITY.

Report prepared by: Steve Goggia, Senior Planner
Community Development Department

Reviewed by: Jackie Campbell, Director
Community Development Department

Reviewed by: Dave Durlinger, City Manager


Signature


Signature


Signature

RECOMMENDATION

Action Item X: Non-Action Item ____

Adopt the attached Interim Urgency Ordinance No. 661, thereby establishing a temporary moratorium on new tobacco retailers operating within the City.

Motion. I move to approve and adopt Ordinance Number 661, as read by title only, to establish a temporary moratorium on new tobacco retailers operating within the City.

I. BACKGROUND/DISCUSSION

City staff has been investigating options available to regulate the sale of tobacco products within the City to reduce sales to underage youths in order to protect the health, safety and welfare of residents and visitors. Staff has brought separately as Item No. 9 the current results of its investigation for Council's consideration and further direction.

There is a possibility that prior to the enactment of new regulations on tobacco retailing an applicant may seek to open a store selling tobacco products.¹ If such a new tobacco retailer were permitted to locate in the City during this study period, it might be in conflict with tobacco retailing regulations that the Council might later adopt. To avoid this risk, state law allows a City to adopt on an urgency basis an interim ordinance prohibiting any uses that may be in conflict with a zoning proposal that the City is considering in order to protect the public health, safety and welfare. (Gov't Code § 65858.) In adopting an urgency ordinance under section 65858, the City need not follow the normal procedures required to adopt a zoning ordinance. The law requires a four-fifths vote of the Council to adopt the urgency ordinance.

Proposed Interim Urgency Ordinance No. 661 is included as Attachment A. The Ordinance would ban any new tobacco retailer, defined as any person who plans to sell, offer for sale, or offer to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, but has not been granted by the City the required licenses, permits and entitlements to do so as of the effective date of the Ordinance, from operating anywhere in the City. The Ordinance would have no effect on persons legally engaged in tobacco retailing, pursuant to all required licenses and approvals, as of the effective date of the Ordinance.

Ten days prior to the expiration of the Ordinance, or any extension thereof, the City must issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the Ordinance. (Gov't Code § 65858(d).)

The Ordinance remains in force only for an initial period of 45 days, but may be extended by Council for a total period of up to one year, 10 months and 15 days. Council may amend the Ordinance while it is in effect.

Staff has determined that, due to the immediate threat posed to the health, safety and welfare of residents and visitors to Carpinteria by illegal sales of tobacco to underage youths, the adoption of this Ordinance is merited.

¹ In fact, one applicant applied last week for a business license to operate a new tobacco retail establishment in the downtown area.

Attachment A

Interim Urgency Ordinance No. 661

II. ENVIRONMENTAL REVIEW

The proposed Interim Urgency Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly) and 15061(b)(3) (it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

II. LEGAL

The California State Constitution grants cities and counties the police power to enact ordinances and regulations that protect the health, safety, welfare and morals of their citizens. A local ordinance is legitimate so long as the police power exercised has a rational relationship to a legitimate state purpose. California courts have found that regulating the smoking of tobacco to protect the health of local residents is a valid exercise of local police power.

Under California law, local communities have great flexibility in adopting smoking laws. State law expressly provides local jurisdictions with the authority to expand upon state smoking regulations. Local governments also can prohibit smoking in places that are specifically exempted under the Labor Code. In light of the Legislature's intent to allow local regulation, we believe that a local ordinance regulating tobacco retailing is fully compatible with state law.

III. ALTERNATIVES

- The Council could direct staff to return with an amended Interim Urgency Ordinance adding or removing certain provisions.
- The City Council could take no action and allow new tobacco retailers to operate within the City until tobacco retailing regulations are adopted.

VII. ATTACHMENTS

Attachment A Interim Urgency Ordinance No. 661

City Council Hearing March 25, 2013

ORDINANCE NO. 661

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,
CALIFORNIA ESTABLISHING A MORATORIUM ON ANY AND ALL NEW TOBACCO
RETAILERS**

WHEREAS, based in part on the information contained in this section, the City Council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the City of Carpinteria; and

WHEREAS, approximately 438,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;ⁱ and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

- The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950);
- State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code § 308);
- State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 18 years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952);
- State law prohibits the sale of tobacco products and paraphernalia through self-services displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code § 22960, 22962);
- State law prohibits the sale of "bidi's" (hand-rolled filter-less cigarettes imported primarily from India and Southeast Asian countries) except in adult-only establishments (Cal. Pen. Code § 308.1); and

- State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of "roll-your-own" tobacco in packages containing less than 0.60 ounces of tobacco (Cal. Pen. Code § 308.3); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco control ordinances (Cal. Bus. & Prof. Code § 22971.3); and

WHEREAS, despite the state's efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the fact that:

- Each day, nearly 4,000 children under 18 years of age smoke their first cigarette, and almost 1,500 children under 18 years of age begin smoking daily;ⁱⁱ
- More than 75% of all current smokers in 2001 began smoking before the age of 18;ⁱⁱⁱ
- Among middle school students who were current cigarette users in 2004, 70.6% were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and 66.4% were not refused purchase because of their age;^{iv}
- In 2002, youth smoked approximately 540 million packs of cigarettes, generating nearly \$1.2 billion in tobacco industry revenue^v; and

WHEREAS, research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes, as evidenced by the following:

- A review of thirteen California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in twelve of the thirteen communities, with an average decrease of 68% in the youth sales rate;^{vi}
- A study of the effect of licensing and enforcement methods used in the Philadelphia area revealed a decrease in sales to minors from 85% in 1994 to 43% in 1998;^{vii}
- A study of several Minnesota cities found that an increased licensing fee in conjunction with strict enforcement of youth access laws led to a decrease from 39.8% to 4.9% in the number of youth able to purchase tobacco;^{viii} and

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 5.6% of all tobacco retailers unlawfully sold to minors in 2011.^{ix}
- Non-traditional tobacco retailers such as deli, meat, and donut shops sold cigarettes to minors in 2011 at a much higher rate than the statewide average, a rate of 11.6%.^x
- Teens surveyed in 2002 say they bought their cigarettes at gas stations (58%), liquor stores (45%), and supermarkets and small grocery stores (29% combined).^{xi}
- The results of the 2009 California Youth Tobacco Purchase Survey, shows that 8.6%^{xii} of retailers surveyed sold tobacco product to minors, though the most recent local youth purchase survey (2010) showed youth buy rates of 17%.^{xiii} and

WHEREAS, the concentration of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates,^{xiv} and

WHEREAS, a recent study found that 33% of tobacco underage sales took place within 1,000 feet of schools.^{xv}

WHEREAS, a recent study has found that while there has been a clear downward trend in the illegal sales to minors in California during the last 17 years, the number of illegal sales has risen from 5.6 percent in 2011 to 8.7 percent in 2012. Among the traditional retailer store types, such as convenience stores, supermarkets and drug stores, tobacco stores (i.e. 80% of merchandise consists of tobacco products) sold illegally to youth at the highest rate of 20.5 percent, up from 6.5 percent in 2011.^{xvi} and

WHEREAS, in 2012 the Santa Barbara County Public Health Department, working with the Santa Barbara County Sheriff's Department and youth-serving agencies, conducted its annual assessment of tobacco sales to minors and found that five of the 19 tobacco retailers in the City of Carpinteria sold cigarettes to minors, which was an increase from previous years,^{xvii} and

WHEREAS, the City of Carpinteria has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use, in discouraging the illegal purchase of tobacco products by minors, in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors, and finally, and most importantly, in protecting children from being lured into illegal activity; and

WHEREAS, the City Council believes there is an urgent need to adopt more stringent regulations on the operation and location of tobacco retailers than the those currently contained in the Carpinteria Municipal Code in order to adequately protect the public health, safety, and welfare; and

WHEREAS, the City of Carpinteria has commenced studying options to more effectively regulate tobacco retailers and such options are expected to include amendments to the City's zoning ordinance; and

WHEREAS, based on the foregoing, if new tobacco retailers were allowed to begin operating in the City of Carpinteria prior to the enactment of more stringent tobacco retailing regulations, it could be immediately detrimental to the public health, safety and welfare; and if new tobacco retailers were allowed to commence operating, such uses could conflict with, and defeat the purpose of, the proposal to adopt new regulations regarding tobacco retailers; and

WHEREAS, this urgency ordinance is adopted pursuant to the requirements of Government Code section 65858 which provides for the adoption of an urgency measure of interim ordinances for certain express purposes to protect the public safety, health and welfare and by a vote of four-fifths (4/5) majority of the voting City Council members.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated.

The above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this interim urgency ordinance.

SECTION 2. Finding, Declaration of Urgency.

While the Carpinteria Municipal Code currently contains some regulations applicable to tobacco retailers, it is necessary to implement more stringent regulations on the operation and location of tobacco retailers. The rate of illegal tobacco sales to underage youths has increased dramatically in recent years and illegal tobacco sales present a danger to the community health, safety, and welfare. Other cities have reported positive effects from the enactment of tobacco retailer ordinances. Prior to issuing entitlements for new tobacco retailers and enacting new regulations applicable to tobacco retailers, the City staff needs time to study the Municipal Code to ensure consistency with surrounding uses, to ensure compliance with possible amendments to state and federal law, and to address implications and secondary effects of tobacco retailers' activities on the health, safety and welfare of residents of and visitors to Carpinteria.

SECTION 3. Moratorium.

Notwithstanding any other provisions of the Carpinteria Municipal Code or any other ordinances or regulations of the City of Carpinteria to the contrary, no permit, license or applicable entitlement which has as its result the approval or allowance of a new tobacco retailer to operate within the City of Carpinteria shall be granted or approved by any employee, department or commission of the City for a period of forty-five (45) days immediately succeeding the effective date of this Ordinance, unless such period is shortened or extended by a later enacted ordinance.

SECTION 4. Immediate Threat.

Based on the findings herein, this ordinance is adopted pursuant to California Government Code Section 65858 and is required to address the current and immediate threat identified by the City Council to the public health, safety and welfare of residents and visitors that would result from the grant of new licenses, land use approvals or building permits for tobacco retailers.

SECTION 5. Hardship Exception / Waiver.

The City of Carpinteria, on a case-by-case basis, shall have the authority, upon a showing of good cause by an applicant, to waive the interim prohibition / moratorium imposed by this ordinance and allow for the granting of licenses and permits to said applicant. Good cause shall mean a factual and evidentiary showing by the applicant that the interim prohibition / moratorium, if not waived, will deprive the applicant of substantially all reasonable economic use of his / her property. All such applications for waiver shall be filed with the City Community Development Department.

SECTION 6. Applicability to Currently Operating Tobacco Retailers.

This Ordinance shall have no effect on the right of a tobacco retailer who is open for business and actively selling tobacco products, and in possession of all required licenses and entitlements to sell tobacco products, and operating in accordance with all applicable laws and regulations, as of the effective date of this Ordinance, to continue to sell tobacco products.

SECTION 7. Definitions.

A. For the purposes of this interim urgency ordinance, the following definitions shall apply:

1. "New Tobacco Retailer" means any person who plans to sell, offer for sale, or offer to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, but has not been granted by the City the required licenses, permits and entitlements to do so as of the effective date of this Ordinance.

2. "Person" means any natural person, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

3. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for smoking, preparation, storing or consumption of tobacco products.

4. "Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

5. "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

SECTION 8: Effective Date.

This interim urgency ordinance shall be in effect for a period of forty-five (45) days immediately following the date of adoption; provided, however, that after notice pursuant to California Government Code Section 65090 and a public hearing, the City Council members may, by the affirmative vote of at least four-fifths (4/5) of the voting members, extend this interim or urgency ordinance for an initial period of time up to 10 months and 15 days pursuant to California Government Code Section 65858. Thereafter, a further extension of one (1) year is also permitted.

SECTION 9: Amendment of Ordinance.

The City Council by ordinance after notice of public hearing and by the affirmative vote of at least four-fifths (4/5) of the voting City Council members may modify, amend, delete or add to this ordinance upon a finding that such action will implement and enforce the goals, policies, and purposes of this ordinance.

SECTION 10: Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 11: CEQA Exemption.

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) (Title 14, of the California Code of Regulations), because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated City Code review.

PASSED, APPROVED, AND ADOPTED this day of

2013, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the this day of , 2013.

APPROVED AS TO FORM:

Peter N. Brown, City Attorney
City of Carpinteria

0354440828387377.1

7

Mayor of the City of Carpinteria

City Clerk, City of Carpinteria

- i US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Annual Smoking - Attributable Mortality, Years of Potential Life Lost, and Productivity Losses - United States 1997-2001*. 2005, 54(25): p. 625-628. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5425a1.htm.
- ii Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *Results from the 2004 National Survey on Drug Use and Health: National Findings*. 2005. Available at: <http://oas.samhsa.gov/NSDUH/2k4nsduh/2k4Results/2k4Results.pdf>.
- iii Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *2003 National Survey on Drug Use and Health: Results*. 2003. Available at: www.oas.samhsa.gov/nhsda/2k3nsduh/2k3Results.htm#ch5.
- iv US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Tobacco Use, Access & Exposure to Tobacco Among Middle & High School Students, U.S., 2004*. 2005, 54: p. 297-301. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5412a1.htm.
- v Heaton C, Farrelly MC, Weitzenkamp D, et al. "Youth Smoking Prevention and Tobacco Industry Revenue." *Tobacco Control*, 15: 103-106, 2006. Available at: <http://tobaccocontrol.bmj.com/cgi/content/full/15/2/103>.
- vi American Lung Association of California, Center for Tobacco Policy and Organizing. *Tobacco Retail Licensing is Effective*. 2007. Available at: www.centerfortobaccopolicy.org/files/files/5377Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf.
- vii Ma GX, Shive S and Tracy M. "The Effects of Licensing and Inspection Enforcement to Reduce Tobacco Sales to Minors in Greater Philadelphia, 1994-1998." *Addictive Behaviors*, 26(5): 677-87, 2001. Abstract available at: www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=1167637&dopt=Abstract.
- viii Forster JL et al. "The Effects of Community Policies to Reduce Youth Access to Tobacco." *American Journal of Public Health*, 88(8): 1193-1197, 1998. Available at: www.ajph.org/cgi/reprint/88/8/1193.
- ix California Department of Health Services, Tobacco Control Section. *Youth Purchase Survey, 2011: Percent of Retailers Selling Tobacco to Youth by Store Type*. 2011 (graph on file with TALC).
- x *Id.*
- xi California Department of Health Services, Tobacco Control Section. *Final Report, Tobacco Control Successes in California: A Focus on Young People, Results from the California Tobacco Surveys, 1990-2002*. 2003, p. 11-12. Available at: www.dhs.ca.gov/tobacco/documents/eval/2003CTSRpt.pdf.
- xii California Department of Public Health, California Tobacco Control Program. *Youth Tobacco Purchase Survey, 1995-2009*, July 2009. Available at: <http://www.cdph.ca.gov/Documents/PH09-85-Tobacco-Sales-to-Minors-2009-Chart.pdf>.
- xiii Dunn, D. & Long, T. *Santa Barbara County Tobacco Retail Licensing Policies: Looking to the Future, Tobacco Retail Licensing, Final Evaluation Report, 2007-2010* Santa Barbara County, June 2010.

0354440828387377.1

8

xiv Henriksen L., Feighery E.C., et al. "Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?" *Preventive Medicine*, 47(2): 210-214, 2008.

xv Lipton, Robert, et.al., The Spatial Distribution of Underage Tobacco Sales in Los Angeles. Substance Use and Misuse, 2008. Available at: <http://www.informaworld.com/smpp/content-db=all-content=a901982166>

xvi State Health Officer's Report on Tobacco Use and Promotion in California. Revised January 2, 2013 Available at: <http://www.cdph.ca.gov/Documents/EMBARGOED%20State%20Health%20Officers%20Report%20on%20Tobacco.pdf>

xvii Santa Barbara County Public Health Department Press Release "Tobacco Sales to Minors Still a Concern in Santa Barbara County", August 21, 2012.

Attachment A

Interim Urgency Ordinance No. 661

City Council Hearing March 25, 2013

ORDINANCE NO. 661

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,
CALIFORNIA ESTABLISHING A MORATORIUM ON ANY AND ALL NEW TOBACCO
RETAILERS**

WHEREAS, based in part on the information contained in this section, the City Council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the City of Carpinteria; and

WHEREAS, approximately 438,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;¹ and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

- The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950);
- State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code § 308);
- State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 18 years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952);
- State law prohibits the sale of tobacco products and paraphernalia through self-services displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code § 22960, 22962);
- State law prohibits the sale of "bidis" (hand-rolled filter-less cigarettes imported primarily from India and Southeast Asian countries) except in adult-only establishments (Cal. Pen. Code § 308.1); and

- State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of “roll-your-own” tobacco in packages containing less than 0.60 ounces of tobacco (Cal. Pen. Code § 308.3); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco control ordinances (Cal. Bus. & Prof. Code § 22971.3); and

WHEREAS, despite the state’s efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the fact that:

- Each day, nearly 4,000 children under 18 years of age smoke their first cigarette, and almost 1,500 children under 18 years of age begin smoking daily;ⁱⁱ
- More than 75% of all current smokers in 2001 began smoking before the age of 18;ⁱⁱⁱ
- Among middle school students who were current cigarette users in 2004, 70.6% were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and 66.4% were not refused purchase because of their age;^{iv}
- In 2002, youth smoked approximately 540 million packs of cigarettes, generating nearly \$1.2 billion in tobacco industry revenue^v; and

WHEREAS, research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes, as evidenced by the following:

- A review of thirteen California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in twelve of the thirteen communities, with an average decrease of 68% in the youth sales rate;^{vi}
- A study of the effect of licensing and enforcement methods used in the Philadelphia area revealed a decrease in sales to minors from 85% in 1994 to 43% in 1998;^{vii}
- A study of several Minnesota cities found that an increased licensing fee in conjunction with strict enforcement of youth access laws led to a decrease from 39.8% to 4.9% in the number of youth able to purchase tobacco;^{viii} and

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 5.6% of all tobacco retailers unlawfully sold to minors in 2011;^{ix}
- Non-traditional tobacco retailers such as deli, meat, and donut shops sold cigarettes to minors in 2011 at a much higher rate than the statewide average, a rate of 11.6%;^x
- Teens surveyed in 2002 say they bought their cigarettes at: gas stations (58%), liquor stores (45%), and supermarkets and small grocery stores (29% combined);^{xi}
- The results of the 2009 California Youth Tobacco Purchase Survey, shows that 8.6%^{xii} of retailers surveyed sold tobacco product to minors, though the most recent local youth purchase survey (2010) showed youth buy rates of 17%;^{xiii} and

WHEREAS, the concentration of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates;^{xiv} and

WHEREAS, a recent study found that 33% of tobacco underage sales took place within 1,000 feet of schools^{xv}.

WHEREAS, a recent study has found that while there has been a clear downward trend in the illegal sales to minors in California during the last 17 years, the number of illegal sales has risen from 5.6 percent in 2011 to 8.7 percent in 2012. Among the traditional retailer store types, such as convenience stores, supermarkets and drug stores, tobacco stores (i.e. 80% of merchandise consists of tobacco products) sold illegally to youth at the highest rate of 20.5 percent, up from 6.5 percent in 2011;^{xvi} and

WHEREAS, in 2012 the Santa Barbara County Public Health Department, working with the Santa Barbara County Sheriff's Department and youth-serving agencies, conducted its annual assessment of tobacco sales to minors and found that five of the 19 tobacco retailers in the City of Carpinteria sold cigarettes to minors, which was an increase from previous years;^{xvii} and

WHEREAS, the City of Carpinteria has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors, in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors, and finally, and most importantly, in protecting children from being lured into illegal activity; and

WHEREAS, the City Council believes there is an urgent need to adopt more stringent regulations on the operation and location of tobacco retailers than the those currently contained in the Carpinteria Municipal Code in order to adequately protect the public health, safety, and welfare; and

WHEREAS, the City of Carpinteria has commenced studying options to more effectively regulate tobacco retailers and such options are expected to include amendments to the City's zoning ordinance; and

WHEREAS, based on the foregoing, if new tobacco retailers were allowed to begin operating in the City of Carpinteria prior to the enactment of more stringent tobacco retailing regulations, it could be immediately detrimental to the public health, safety and welfare; and if new tobacco retailers were allowed to commence operating, such uses could conflict with, and defeat the purpose of, the proposal to adopt new regulations regarding tobacco retailers; and

WHEREAS, this urgency ordinance is adopted pursuant to the requirements of Government Code section 65858 which provides for the adoption of an urgency measure of interim ordinances for certain express purposes to protect the public safety, health and welfare and by a vote of four-fifths (4/5) majority of the voting City Council members.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated.

The above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this interim urgency ordinance.

SECTION 2. Finding, Declaration of Urgency.

While the Carpinteria Municipal Code currently contains some regulations applicable to tobacco retailers, it is necessary to implement more stringent regulations on the operation and location of tobacco retailers. The rate of illegal tobacco sales to underage youths has increased dramatically in recent years and illegal tobacco sales present a danger to the community health, safety, and welfare. Other cities have reported positive effects from the enactment of tobacco retailer ordinances. Prior to issuing entitlements for new tobacco retailers and enacting new regulations applicable to tobacco retailers, the City staff needs time to study the Municipal Code to ensure consistency with surrounding uses, to ensure compliance with possible amendments to state and federal law, and to address implications and secondary effects of tobacco retailers' activities on the health, safety and welfare of residents of and visitors to Carpinteria.

SECTION 3. Moratorium.

Notwithstanding any other provisions of the Carpinteria Municipal Code or any other ordinances or regulations of the City of Carpinteria to the contrary, no permit, license or applicable entitlement which has as its result the approval or allowance of a new tobacco retailer to operate within the City of Carpinteria shall be granted or approved by any employee, department or commission of the City for a period of forty-five (45) days immediately succeeding the effective date of this Ordinance, unless such period is shortened or extended by a later enacted ordinance.

SECTION 4. Immediate Threat.

Based on the findings herein, this ordinance is adopted pursuant to California Government Code Section 65858 and is required to address the current and immediate threat identified by the City Council to the public health, safety and welfare of residents and visitors that would result from the grant of new licenses, land use approvals or building permits for tobacco retailers.

SECTION 5. Hardship Exception / Waiver.

The City of Carpinteria, on a case-by-case basis, shall have the authority, upon a showing of good cause by an applicant, to waive the interim prohibition / moratorium imposed by this ordinance and allow for the granting of licenses and permits to said applicant. Good cause shall mean a factual and evidentiary showing by the applicant that the interim prohibition / moratorium, if not waived, will deprive the applicant of substantially all reasonable economic use of his / her property. All such applications for waiver shall be filed with the City Community Development Department.

SECTION 6. Applicability to Currently Operating Tobacco Retailers.

This Ordinance shall have no effect on the right of a tobacco retailer who is open for business and actively selling tobacco products, and in possession of all required licenses and entitlements to sell tobacco products, and operating in accordance with all applicable laws and regulations, as of the effective date of this Ordinance, to continue to sell tobacco products.

SECTION 7. Definitions.

A. For the purposes of this interim urgency ordinance, the following definitions shall apply:

1. "New Tobacco Retailer" means any person who plans to sell, offer for sale, or offer to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, but has not been granted by the City the required licenses, permits and entitlements to do so as of the effective date of this Ordinance.

2. "Person" means any natural person, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

3. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for smoking, preparation, storing or consumption of tobacco products.

4. "Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

5. "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

SECTION 8: Effective Date.

This interim urgency ordinance shall be in effect for a period of forty-five (45) days immediately following the date of adoption; provided, however, that after notice pursuant to California Government Code Section 65090 and a public hearing, the City Council members may, by the affirmative vote of at least four-fifths (4/5) of the voting members, extend this interim or urgency ordinance for an initial period of time up to 10 months and 15 days pursuant to California Government Code Section 65858. Thereafter, a further extension of one (1) year is also permitted.

SECTION 9: Amendment of Ordinance.

The City Council by ordinance after notice of public hearing and by the affirmative vote of at least four-fifths (4/5) of the voting City Council members may modify, amend, delete or add to this ordinance upon a finding that such action will implement and enforce the goals, policies, and purposes of this ordinance.

SECTION 10: Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 11: CEQA Exemption.

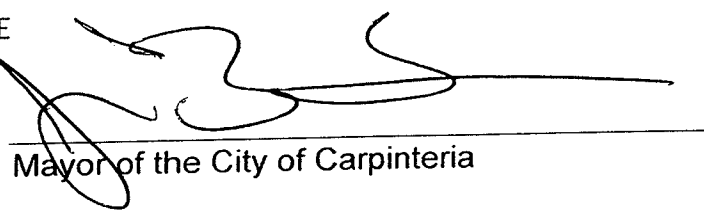
The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) (Title 14, of the California Code of Regulations), because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated City Code review.

PASSED, APPROVED, AND ADOPTED this *this* 25th *day of* March, 2013, by the following called vote:

AYES: COUNCILMEMBERS: CARTY, CLARK, NOMURA, SHAW, STEIN

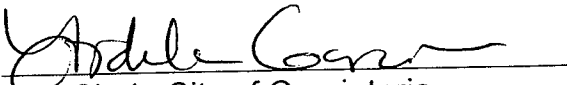
NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE



Mayor of the City of Carpinteria

ATTEST:



City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the this 25th day of March, 2013.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Peter N. Brown, City Attorney
City of Carpinteria

- ⁱ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Annual Smoking - Attributable Mortality, Years of Potential Life Lost, and Productivity Losses - United States 1997-2001*. 2005, 54(25): p. 625-628. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5425a1.htm.
- ⁱⁱ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *Results from the 2004 National Survey on Drug Use and Health: National Findings*. 2005. Available at: <http://oas.samhsa.gov/NSDUH/2k4nsduh/2k4Results/2k4Results.pdf>.
- ⁱⁱⁱ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *2003 National Survey on Drug Use and Health: Results*. 2003. Available at: www.oas.samhsa.gov/nhsda/2k3nsduh/2k3Results.htm#ch5.
- ^{iv} US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Tobacco Use, Access & Exposure to Tobacco Among Middle & High School Students, U.S., 2004*. 2005, 54: p. 297-301. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5412a1.htm.
- ^v Heaton C, Farrelly MC, Weitzkamp D, et al. "Youth Smoking Prevention and Tobacco Industry Revenue." *Tobacco Control*, 15: 103-106, 2006. Available at: <http://tobaccocontrol.bmj.com/cgi/content/full/15/2/103>.
- ^{vi} American Lung Association of California, Center for Tobacco Policy and Organizing. *Tobacco Retail Licensing is Effective*. 2007. Available at: www.center4tobaccopolicy.org/files/files/5377Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf.
- ^{vii} Ma GX, Shive S and Tracy M. "The Effects of Licensing and Inspection Enforcement to Reduce Tobacco Sales to Minors in Greater Philadelphia, 1994-1998." *Addictive Behaviors*, 26(5): 677-87, 2001. Abstract available at: www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11676378&dopt=Abstract.
- ^{viii} Forster JL et al. "The Effects of Community Policies to Reduce Youth Access to Tobacco." *American Journal of Public Health*, 88(8): 1193-1197, 1998. Available at: www.ajph.org/cgi/reprint/88/8/1193.
- ^{ix} California Department of Health Services, Tobacco Control Section. *Youth Purchase Survey, 2011: Percent of Retailers Selling Tobacco to Youth by Store Type*. 2011 (graph on file with TALC).
- ^x *Id.*
- ^{xi} California Department of Health Services, Tobacco Control Section. *Final Report, Tobacco Control Successes in California: A Focus on Young People, Results from the California Tobacco Surveys, 1990-2002*. 2003, p. 11-12. Available at: www.dhs.ca.gov/tobacco/documents/eval/2003CTReport.pdf.
- ^{xii} California Department of Public Health, California Tobacco Control Program. *Youth Tobacco Purchase Survey, 1995-2009*, July 2009. Available at: <http://www.cdph.ca.gov/Documents/PH09-85-Tobacco-Sales-to-Minors-2009-Chart.pdf>
- ^{xiii} Dunn, D. & Long, T. *Santa Barbara County Tobacco Retail Licensing Policies: Looking to the Future, Tobacco Retail Licensing, Final Evaluation Report, 2007-2010 Santa Barbara County*, June 2010.

^{xiv} Henriksen L., Feighery E.C., et al. "Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?" *Preventive Medicine*, 47(2): 210-214, 2008.

^{xv} Lipton, Robert, et.al., The Spatial Distribution of Underage Tobacco Sales in Los Angeles. Substance Use and Misuse, 2008. Available at:
<http://www.informaworld.com/smpp/content~db=all~content=a901982166>

^{xvi} State Health Officer's Report on Tobacco Use and Promotion in California. Revised January 2, 2013 Available at:
<http://www.cdph.ca.gov/Documents/EMBARGOED%20State%20Health%20Officers%20Report%20on%20Tobacco.pdf>

^{xvii} Santa Barbara County Public Health Department Press Release "Tobacco Sales to Minors Still a Concern in Santa Barbara County", August 21, 2012.

Attachment B

Interim Urgency Ordinance Extension No. 663

City Council Hearing April 22, 2013

ORDINANCE NO. 663

AN ORDINANCE OF THE CITY OF CARPINTERIA, CALIFORNIA EXTENDING INTERIM URGENCY ORDINANCE NO. 661 FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS AND CONTINUING FOR THIS PERIOD THE MORATORIUM ON ANY AND ALL NEW TOBACCO RETAILERS

WHEREAS, based in part on the information contained in this section, the City Council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the City of Carpinteria; and

WHEREAS, approximately 438,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;¹ and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

- The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950);
- State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code § 308);
- State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 18 years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952);
- State law prohibits the sale of tobacco products and paraphernalia through self-services displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code § 22960, 22962);
- State law prohibits the sale of "bidis" (hand-rolled filter-less cigarettes imported primarily from India and Southeast Asian countries) except in adult-only establishments (Cal. Pen. Code § 308.1); and

- State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of “roll-your-own” tobacco in packages containing less than 0.60 ounces of tobacco (Cal. Pen. Code § 308.3); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco control ordinances (Cal. Bus. & Prof. Code § 22971.3); and

WHEREAS, despite the state’s efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the fact that:

- Each day, nearly 4,000 children under 18 years of age smoke their first cigarette, and almost 1,500 children under 18 years of age begin smoking daily;ⁱⁱ
- More than 75% of all current smokers in 2001 began smoking before the age of 18;ⁱⁱⁱ
- Among middle school students who were current cigarette users in 2004, 70.6% were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and 66.4% were not refused purchase because of their age;^{iv}
- In 2002, youth smoked approximately 540 million packs of cigarettes, generating nearly \$1.2 billion in tobacco industry revenue;^v and

WHEREAS, research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes, as evidenced by the following:

- A review of thirteen California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in twelve of the thirteen communities, with an average decrease of 68% in the youth sales rate;^{vi}
- A study of the effect of licensing and enforcement methods used in the Philadelphia area revealed a decrease in sales to minors from 85% in 1994 to 43% in 1998;^{vii}
- A study of several Minnesota cities found that an increased licensing fee in conjunction with strict enforcement of youth access laws led to a decrease from 39.8% to 4.9% in the number of youth able to purchase tobacco;^{viii} and

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 5.6% of all tobacco retailers unlawfully sold to minors in 2011;^{ix}
- Non-traditional tobacco retailers such as deli, meat, and donut shops sold cigarettes to minors in 2011 at a much higher rate than the statewide average, a rate of 11.6%;^x
- Teens surveyed in 2002 say they bought their cigarettes at: gas stations (58%), liquor stores (45%), and supermarkets and small grocery stores (29% combined);^{xi}
- The results of the 2009 California Youth Tobacco Purchase Survey, shows that 8.6%^{xii} of retailers surveyed sold tobacco product to minors, though the most recent local youth purchase survey (2010) showed youth buy rates of 17%;^{xiii} and

WHEREAS, the concentration of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates;^{xiv} and

WHEREAS, a recent study found that 33% of tobacco underage sales took place within 1,000 feet of schools;^{xv}

WHEREAS, a recent study has found that while there has been a clear downward trend in the illegal sales to minors in California during the last 17 years, the number of illegal sales has risen from in 5.6 percent in 2011 to 8.7 percent in 2012. Among the traditional retailer store types, such as convenience stores, supermarkets and drug stores, tobacco stores (i.e. 80% of merchandise consists of tobacco products) sold illegally to youth at the highest rate of 20.5 percent, up from 6.5 percent in 2011;^{xvi} and

WHEREAS, in 2012 the Santa Barbara County Public Health Department, working with the Santa Barbara County Sheriff's Department and youth-serving agencies, conducted its annual assessment of tobacco sales to minors and found that five of the 19 tobacco retailers in the City of Carpinteria sold cigarettes to minors, which was an increase from previous years; and

WHEREAS, the City of Carpinteria has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors, in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors, and finally, and most importantly, in protecting children from being lured into illegal activity; and

WHEREAS, the City Council believes there is an urgent need to adopt more stringent regulations on the operation and location of tobacco retailers than the those currently contained in the Carpinteria Municipal Code in order to adequately protect the public health, safety, and welfare; and

WHEREAS, the City of Carpinteria has commenced studying options to more effectively regulate tobacco retailers and such options are expected to include amendments to the Smoking Regulations and Zoning Regulations of the City's Municipal Code; and

WHEREAS, based on the foregoing, if new tobacco retailers were allowed to begin operating in the City of Carpinteria prior to the enactment of more stringent tobacco retailing regulations, it could be immediately detrimental to the public health, safety and welfare; and if new tobacco retailers were allowed to commence operating, such uses could conflict with, and defeat the purpose of, the proposal to adopt new regulations regarding tobacco retailers; and

WHEREAS, on March 25, 2013, pursuant to Section 65858 of the California Government Code, the City Council of the City of Carpinteria adopted Ordinance No. 661 placing a temporary moratorium on the establishment of new tobacco retailers in the City; and

WHEREAS, Section 65858(a) of the Government Code provides that Ordinance No. 661 shall expire and be of no further force and effect forty-five (45) days from its date of adoption; and

WHEREAS, Section 65858(a) of the Government Code provides that prior to the expiration of Ordinance No. 661, the City Council may extend Ordinance No. 661 for an additional ten (10) months and fifteen (15) days after giving notice and conducting a public hearing; and

WHEREAS, the required notice was provided prior to the meeting at which this Ordinance extending Ordinance No. 661 was adopted and a public hearing was held prior to the adoption of this Ordinance; and

WHEREAS, at this hearing held on April 22, 2013, prior to adopting this Ordinance extending Ordinance No. 661, the City Council authorized the issuance of a written report describing the measures and actions taken by the City to alleviate the circumstances and conditions that led to the adoption of Ordinance No. 661, as required by Government Code Section 65858(d); and

WHEREAS, the City Council has determined that the circumstances and conditions that led to the adoption of Ordinance No. 661, as set forth in Ordinance No. 661 and set forth again above, have not been alleviated as of the date of this Ordinance and continue to pose an immediate threat to public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals Incorporated.

The above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. Extension.

Adoption of this Ordinance shall constitute an extension of Ordinance No. 661 pursuant to Section 65858 of the California Government Code.

SECTION 3. Finding, Declaration of Urgency.

While the Carpinteria Municipal Code currently contains some regulations applicable to tobacco retailers, it is necessary to implement more stringent regulations on the operation and location of tobacco retailers. The rate of illegal tobacco sales to underage youths has increased dramatically in recent years and illegal tobacco sales present a danger to the community health, safety, and welfare. Other cities have reported positive effects from the enactment of tobacco retailer ordinances. Prior to issuing entitlements for new tobacco retailers and enacting new regulations applicable to tobacco retailers, the City staff needs time to study the Municipal Code to ensure consistency with surrounding uses, to ensure compliance with possible amendments to state and federal law, and to address implications and secondary effects of tobacco retailers' activities on the health, safety and welfare of residents of and visitors to Carpinteria.

SECTION 4. Moratorium.

Notwithstanding any other provisions of the Carpinteria Municipal Code or any other ordinances or regulations of the City of Carpinteria to the contrary, no permit, license or applicable entitlement which has as its result the approval or allowance of a new tobacco retailer to operate within the City of Carpinteria shall be granted or approved by any employee, department or commission of the City for a period of ten (10) months and fifteen (15) days immediately succeeding the effective date of this Ordinance, unless such period is shortened or extended by a later enacted ordinance.

SECTION 5. Immediate Threat.

Based on the findings herein, this ordinance is adopted pursuant to California Government Code Section 65858 and is required to address the current and immediate threat identified by the City Council to the public health, safety and welfare of residents and visitors that would result from the grant of new licenses, land use approvals or building permits for tobacco retailers.

SECTION 6. Hardship Exception / Waiver.

The City of Carpinteria, on a case-by-case basis, shall have the authority, upon a showing of good cause by an applicant, to waive the interim prohibition / moratorium imposed by this ordinance and allow for the granting of licenses and permits to said applicant. Good cause shall mean a factual and evidentiary showing by the applicant that the interim prohibition / moratorium, if not waived, will deprive the applicant of substantially all reasonable economic use of his / her property. All such applications for waiver shall be filed with the City Community Development Department.

SECTION 7. Applicability to Currently Operating Tobacco Retailers.

This Ordinance shall have no effect on a tobacco retailer who was open for business and actively selling tobacco products, and in possession of all required licenses and entitlements to sell tobacco products, and operating in accordance with all applicable laws and regulations, as of March 25, 2013, the effective date of Ordinance 661.

SECTION 8. Definitions.

A. For the purposes of this Ordinance, the following definitions shall apply:

1. "New Tobacco Retailer" means any person who plans to sell, offer for sale, or offer to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, but was not granted by the City the required licenses, permits and entitlements to do so as of March 25, 2013, the effective date of Interim Urgency Ordinance No. 661.

2. "Person" means any natural person, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

3. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for smoking, preparation, storing or consumption of tobacco products.

4. "Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

5. "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco,

tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

SECTION 9. Effective Date.

This Ordinance shall be in effect for a period of ten (10) months and fifteen (15) days, commencing on May 9, 2013 to coincide with the expiration of Ordinance 661; provided, however, that after notice pursuant to California Government Code Section 65090 and a public hearing, the City Council members may, by the affirmative vote of at least four-fifths (4/5) of the voting members, extend the interim urgency ordinance for an additional one year period pursuant to California Government Code Section 65858.

SECTION 10. Amendment of Ordinance.

The City Council by ordinance after notice of public hearing and by the affirmative vote of at least four-fifths (4/5) of the voting City Council members may modify, amend, delete or add to this Ordinance upon a finding that such action will implement and enforce the goals, policies, and purposes of this Ordinance.

SECTION 11. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 12. CEQA Exemption.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) (Title 14, of the California Code of Regulations), because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated City Code review.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2013, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Mayor of the City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the this _____ day of _____, 2013.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, City Attorney
City of Carpinteria

ⁱ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Annual Smoking - Attributable Mortality, Years of Potential Life Lost, and Productivity Losses - United States 1997-2001*. 2005, 54(25): p. 625-628. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5425a1.htm.

ⁱⁱ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *Results from the 2004 National Survey on Drug Use and Health: National Findings*. 2005. Available at: <http://oas.samhsa.gov/NSDUH/2k4nsduh/2k4Results/2k4Results.pdf>.

ⁱⁱⁱ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *2003 National Survey on Drug Use and Health: Results*. 2003. Available at:

www.oas.samhsa.gov/nhsda/2k3nsduh/2k3Results.htm#ch5.

- iv US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Tobacco Use, Access & Exposure to Tobacco Among Middle & High School Students, U.S., 2004*. 2005, 54: p. 297-301. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5412a1.htm.
- v Healton C, Farrelly MC, Weitzenkamp D, et al. "Youth Smoking Prevention and Tobacco Industry Revenue." *Tobacco Control*, 15: 103-106, 2006. Available at: <http://tobaccocontrol.bmj.com/cgi/content/full/15/2/103>.
- vi American Lung Association of California, Center for Tobacco Policy and Organizing. *Tobacco Retail Licensing is Effective*. 2007. Available at: www.center4tobaccopolicy.org/files/files/5377Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf.
- vii Ma GX, Shive S and Tracy M. "The Effects of Licensing and Inspection Enforcement to Reduce Tobacco Sales to Minors in Greater Philadelphia, 1994-1998." *Addictive Behaviors*, 26(5): 677-87, 2001. Abstract available at: www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11676378&dopt=Abstract.
- viii Forster JL et al. "The Effects of Community Policies to Reduce Youth Access to Tobacco." *American Journal of Public Health*, 88(8): 1193-1197, 1998. Available at: www.ajph.org/cgi/reprint/88/8/1193.
- ix California Department of Health Services, Tobacco Control Section. *Youth Purchase Survey, 2011: Percent of Retailers Selling Tobacco to Youth by Store Type*. 2011 (graph on file with TALC).
- x *Id.*
- xi California Department of Health Services, Tobacco Control Section. *Final Report, Tobacco Control Successes in California: A Focus on Young People, Results from the California Tobacco Surveys, 1990-2002*. 2003, p. 11-12. Available at: www.dhs.ca.gov/tobacco/documents/eval/2003CTSReport.pdf.
- xii California Department of Public Health, California Tobacco Control Program. *Youth Tobacco Purchase Survey, 1995-2009*, July 2009. Available at: <http://www.cdph.ca.gov/Documents/PH09-85-Tobacco-Sales-to-Minors-2009-Chart.pdf>
- xiii Dunn, D. & Long, T. *Santa Barbara County Tobacco Retail Licensing Policies: Looking to the Future, Tobacco Retail Licensing, Final Evaluation Report, 2007-2010 Santa Barbara County*, June 2010.
- xiv Henriksen L., Feighery E.C., et al. "Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?" *Preventive Medicine*, 47(2): 210-214, 2008.
- xv Lipton, Robert, et.al., *The Spatial Distribution of Underage Tobacco Sales in Los Angeles. Substance Use and Misuse*, 2008. Available at: <http://www.informaworld.com/smpp/content~db=all~content=a901982166>
- xvi State Health Officer's Report on Tobacco Use and Promotion in California. Revised January 2, 2013 Available at: <http://www.cdph.ca.gov/Documents/EMBARGOED%20State%20Health%20Officers%20Report%20on%20Tobacco.pdf>

STAFF REPORT
COUNCIL MEETING DATE
April 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

ORDINANCE No. 662 AMENDING CHAPTER 8.52: SMOKING REGULATIONS, CHAPTER 14.20: CPD COMMERCIAL PLANNED DEVELOPMENT DISTRICT AND CHAPTER 14.22: CB CENTRAL BUSINESS DISTRICT OF THE CARPINTERIA MUNICIPAL CODE

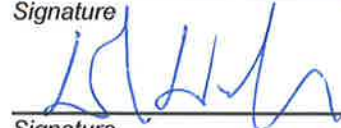
**Report prepared by: Steve Goggia, Senior Planner
Community Development Department**


Signature

**Reviewed by: Jackie Campbell, Director
Community Development Department**


Signature

Reviewed by: Dave Durflinger, City Manager


Signature

RECOMMENDATION

Action Item **X**; Non-Action Item ____

Adopt the attached Ordinance No. 662, thereby amending Chapter 8.52: Smoking Regulations, Chapter 14.20: CPD Commercial Planned Development District and Chapter 14.22 CB: Central Business District of the Carpinteria Municipal Code.

Motion 1. I move to approve and adopt Ordinance No. 662 as read by title only (first reading) to amend Chapter 8.52: Smoking Regulations, Chapter 14.20: CPD Commercial Planned Development District and Chapter 14.22: CB Central Business District of the Carpinteria Municipal Code.

Motion 2. I move to continue this item to the City Council meeting of May 13, 2013 for final adoption of Ordinance No. 662 (second reading).

I. BACKGROUND

On February 14, 2011, the Carpinteria City Council passed an ordinance to expand the smoking prohibitions in outdoor areas open to the general public in order to protect public health from the effects of second-hand smoke. A related Work Plan item identified for the Community Development Department is to adopt regulations to require tobacco retailers to obtain a license for the sale of cigarettes, tobacco products and smoking paraphernalia in order to establish penalties and other procedures that could discourage the incidence of sales of tobacco products to minors.

Tobacco use and access to tobacco products continue to be a public health concern according to many health organizations including the World Health Organization, the American Lung Association and the US Department of Health and Human Services, Centers for Disease Control and Prevention, in addition to public health officials. Despite improvements in state efforts to stop retail sales of tobacco products to youths in the previous decades, more than 75% of all current smokers in 2001 began smoking before the age of 18.

¹ Among middle school students who were current cigarette users in 2004, 70% were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and 66% were not refused purchase despite being underage.²

Each year, the California Department of Public Health (CDPH) conducts a scientific statewide Youth Tobacco Purchase Survey (YTPS) of California tobacco retailers. This survey monitors retailer compliance with California's Stop Tobacco Access to Kids Enforcement (STAKE) Act. In addition to prohibiting the sale of tobacco to minors, the STAKE Act also requires tobacco retailers to post a STAKE Act age-of-sale warning sign at each point-of-sale stating that selling tobacco to persons under 18 years of age is illegal and subject to penalties.

Since the first YTPS was conducted, California has seen a dramatic decrease in the illegal sales to minors, with the rate declining from 37 percent in 1995 to 8.7 percent in 2012.³ While there has been a clear downward trend during the last 17 years, the 8.7 percent of retailers who sold tobacco to minors has increased compared to 5.6 percent in 2011 and 7.7 percent in 2010.⁴

The upsurge appears to be largely due to an increase in illegal sales at non-traditional retail stores (e.g., donut shops, discount stores, deli/meat markets, gift stores and produce markets) that may not be fully aware of the underage sales law and penalties. These non-traditional tobacco retailers had illegal sales rates of 20.3 percent on average, up from 9.8 percent in 2011, which is nearly three-times higher than traditional tobacco retailers.⁵

Illegal sales at traditional retailers (e.g., convenience stores with and without fuel sales, supermarkets, drug stores/pharmacies) also saw an increase from 4.8 percent in 2011 to 6.9 percent in 2012. Among the traditional retailer store types, tobacco stores (i.e., 80% of

merchandise consists of tobacco products) sold illegally to youth at the highest rate of 20.5 percent, up from 6.5 percent in 2011.⁶

Though there is a state tobacco licensing law (Business & Professions Code §22970, et. seq.), it is designed to prevent smuggling and does little to reduce illegal sales of tobacco to minors. Historically, "sales to minors" laws were not enforced locally since enforcement is cumbersome, a low priority and typically unfunded.

Locally, the Santa Barbara County Public Health Department, working with the Santa Barbara County Sheriff's Department and youth-serving agencies, conducts annual assessments or "sting operations" of tobacco sales to minors. In 2012, five of the 19 tobacco retailers in Carpinteria (26%) sold cigarettes to minors, up from four in previous years (Attachment B).

Though these monitoring efforts have been funded by the Tobacco Prevention Settlement Program (TPSP) for the past five years, the Tobacco Settlement funds used are not a guaranteed source of income. Implementation of the Tobacco Retail License program would ensure that these monitoring activities would continue, and could be stepped up to occur more often if there is reason to believe that a particular retailer is breaking the law. Implementation of the license program would also fund direct education to each of the City's retail sites (to insure that they understand the provisions of the new law), assistance with licensing of all retailers in a timely manner, and management of all formal communications with these retailers.

On March 25th the City Council considered a report on possible amendments to the sections of the Municipal Code pertaining to smoking and zoning. Council provided staff with direction to proceed with a proposed tobacco retailer licensing Ordinance that included options to prohibit new tobacco retailers within a certain distance from schools, options for restricting significant tobacco retailers (smoke shops) in the City and to identify possible locations for establishing Designated Smoking Areas on public property in the downtown.

The attached Ordinance No. 662 (Attachment A to this staff report showing tracked changes) would amend CMC Chapter 8.52: Smoking Regulations to add the following provisions:

- Require tobacco retailers within the City to obtain and maintain a valid Tobacco Retailer License and establish local penalties for not maintaining a valid license and for violating laws related to the sale of tobacco products to minors; and
- Amend Section 8.52.060: Places Where Smoking May Be Permitted to modify the requirements of Designated Smoking Areas on public property approved by the City Council and maintained by the City.

Ordinance No. 662 would also amend CMC Zoning Code Chapters 14.20: CPD Commercial Planned Development District and 14.22: CB Central Business District to:

- Prohibit new significant tobacco retailers, i.e., a business that primarily sells tobacco products. Options for the City Council's consideration would be to prohibit significant tobacco retailers within the Downtown "T" or to prohibit them throughout the City; and
- Prohibit any new business from selling tobacco products within a certain distance from elementary, middle, junior high or high schools within the City. Options would be to prohibit any new business from selling tobacco products within 500 feet or 1,000 feet from these schools.

II. ANALYSIS

Tobacco Retail Licensing

Research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes. A review of 13 California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in 12 of the 13 communities, with an average decrease of 68% in the youth sales rate.⁷

A table of youth sales rates before and after the adoption of a strong tobacco retailer licensing ordinance in California (included in a pamphlet titled *Tobacco Retailer Licensing is Effective*, published by the Center for Tobacco Policy and Organizing in August of 2012) is attached as Attachment C.

Tobacco retail licensing has proved to be a viable mechanism to provide meaningful sanctions and monitoring of tobacco retailing at the local level. In November of 2001, the Santa Barbara County Board of Supervisors passed an Ordinance that required businesses selling tobacco products to obtain a license annually. The City of Santa Barbara adopted an identical ordinance in 2002. At that time, only a handful of California communities had adopted this type of legislation, which is designed to provide local accountability for violations of state laws that govern the sale and distribution of tobacco products to minors. Ninety-four California communities have strong tobacco retail licensing ordinances in effect as of June 2012. A table of these ordinances is attached as Attachment D.

The County Public Health Department administers the licensing program for the 68 retailers in Santa Barbara County. The Department would likewise help administer Carpinteria's licensing program. There are currently 19 tobacco retailers within the City. While numbers for the sales of cigarettes in Carpinteria are not available, the Center for Tobacco Policy and Organizing has published a 2009 report titled *Cigarettes Generate Big Revenue for Convenience Stores*, included as Attachment E. This report indicates that cigarettes are the second highest-ranking profit producers for convenience stores, after

nonalcoholic beverages, and that in 2009 nationwide the average annual sales of cigarettes per convenience store was \$576,354 and the average gross profit was \$89,923.

In December 2012, the County Board of Supervisors adopted a Fee Schedule to set the 2013 fee for an annual tobacco retail license at \$409 in the unincorporated areas of the County and \$379 for cities wishing to contract with the County Health Department to administer a Tobacco Retailer Licensure program for them (Attachment E). These fees cover the actual cost of administering the licensing program, including issuance of the licenses, investigations and administrative enforcement and adjudication of violations. The fee provides for full cost recovery, but does not exceed the actual regulatory cost of administering the program. Revenue contracts to establish this working relationship would need to be implemented between the City and the County. The Ordinance includes a provision to allow subsequent amendments by the Board of Supervisors to adjust the tobacco retailer license fee at a future date.

The cost for licenses in each of the cities is \$30 less, as it will be the cities' responsibility to issue the license. For the City of Carpinteria, this will include mailing a notice and application to the tobacco retailers, receiving the fee, forwarding the application to the County Health Department for approval and issuing the license. The tobacco retailer license will be incorporated into the City's existing Business Tax License Application and annual renewal procedures.

Through an agreement, the City of Carpinteria would rely on the County to use its existing systems to implement and enforce the City's Tobacco Retailers License regulations. Currently, City Code Compliance staff performs annual tobacco retail shop site inspections to educate retailers about state and local regulations and to ensure that tobacco products are properly located such that they are accessible only to the store clerk. This work effort would be performed by the County under the Tobacco Retailers License program activities. The County Health Department would communicate as needed to identified City and Sheriff Department staff and provide reports/updates to the Council at requested intervals.

Enforcement of the Tobacco Retailers License program is generally broken into two phases: gathering evidence that the law has been broken and taking action against retailers who violate the law. Details of these actions can be found in Carpinteria Municipal Code Section 8.52.230, Compliance Monitoring, and Section 8.52.240, Revocation or Suspension of Tobacco Retail License.

Rather than only citing the clerk who has sold to a minor, the Tobacco Retailer License provisions call for the revocation or suspension of the tobacco retailer's license. For a first or second violation within any five-year period, the Health Officer or his designee may engage in settlement negotiations and may enter into a settlement agreement with a tobacco retailer, reducing the length of the suspension but including a settlement payment of at least \$1,000 for the first violation and \$5,000 for the second. Staff notes that the settlement payments to the County Health Department described in Section 8.52.240(D) would be returned to the City and could be placed into an account to fund the City's outreach efforts on public smoking restrictions and cigarette butt clean-up efforts. Based

on the yearly number of sales to minors within the City over the last five years, staff estimates these payments to be somewhere between one and three thousand dollars initially, decreasing annually as tobacco sales to minors decrease.

Restricting New Significant Tobacco Retailers

One of the provisions of the proposed amendment would restrict "Significant Tobacco Retailers" (smoke shops) in the City. The Ordinance defines a "Significant Tobacco Retailer" as any tobacco retailer for which the principal business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by any of the following: twenty percent (20%) or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both; sixty-seven percent (67%) or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both; or fifty percent (50%) or more of completed sales transactions include tobacco products or tobacco paraphernalia. There are currently no significant tobacco retailers in the City, although a business license application was recently submitted and subsequently withdrawn when the applicant was informed of the temporary moratorium on new tobacco retailers.

As previously cited, tobacco stores, i.e., Significant Tobacco Retailers, have been found to sell at the highest rate to underage youth. The City of Carpinteria relies upon its reputation for providing a safe and healthy environment in order to promote itself and remain attractive to visitors seeking a family friendly destination. In particular, the City's Downtown district serves as a focal point for visitors and for much of the City's pedestrian traffic. The City's HOST program volunteers have documented and estimated the number of visitors walking in the Downtown area between the Memorial Day and Veterans Day holidays for the past several years. These pedestrian visitors include many families with children. City staff has also noted that many of the businesses provide youth-oriented goods and services, and that underage children are often not supervised by adults while walking through the City's Downtown district and routinely enter shops along these storefront lined streets.

A Significant Tobacco Retailer in the Downtown can serve to undermine the healthy, safe, family friendly environment that the City promotes and relies upon in support of both the important visitor/hospitality segment of the local economy and local residential real estate values. Restricting Significant Tobacco Retailers from locating in the City's Downtown, i.e., the "T" area (Attachment H), including portions of Linden and Carpinteria Avenues, would ensure that this type of business is not located in such a sensitive location.

The proposed Ordinance provides an option for the Council's consideration. This option would prohibit a significant tobacco retailer from operating anywhere in the City. Staff notes that with the following Ordinance provision that would prohibit any new tobacco retailer within a certain distance from schools, together with prohibiting significant tobacco retailers in the Downtown "T", the locations for significant tobacco retailing would be greatly restricted in Carpinteria. A map depicting these areas is included as Attachment I.

Restricting Sales Near Schools

In order to discourage youth tobacco addiction and to reduce illegal sales of tobacco products to minors, many cities and counties in California have restricted the location of tobacco retailers within a certain distance of schools. Studies have shown that the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased smoking rates (Henriksen L., Feighery E.C., et al) and that one-third of illegal tobacco sales take place within 1,000 feet of schools (Lipton, Robert, et.al.). For the purpose of this Ordinance Amendment, "School" means any public or private, elementary, middle, junior high or high school; child day care, preschool and kindergarten are not included. In Carpinteria, presently eight of the 19 tobacco retailers are within 1,000 feet of schools. A matrix of local ordinances restricting tobacco retailers within a certain distance of schools published by the Center for Tobacco Policy and Organizing in April 2011, is attached as Attachment F.

Similar to the County's restriction, the proposed ordinance amendment would prohibit new tobacco retailers within 1,000 feet from schools Sections (14.20.075.B and 14.22.070.B). An option for the Council's consideration would be to reduce this distance to 500 feet from schools. The matrix of local ordinances restricting tobacco retailers within a certain distance of schools (Attachment F) shows the various distances adopted by the jurisdictions, with the majority being 1,000 feet.

Existing retailers within this distance would be allowed to remain, and would be non-conforming subject to the provisions of the code. However, Section 8.52.240.B.3 includes a provision that upon a third finding by the Public Health Department of a violation of the tobacco retailers license by a licensee or employee located a certain distance from a school within any five-year period, the City Council may permanently revoke the license at a public hearing.

Designated Smoking Areas

As part of its presentation in 2011 of the Ordinance to expand the smoking prohibitions in outdoor areas, staff suggested that the City should consider where, and under what circumstances people could smoke outdoors in either public or private spaces. The regulations were approved including provisions for designating outdoor smoking areas. Many businesses already have designated outdoor smoking areas for their patrons and employees. The City does not issue permits for these smoking areas, however, the established standards must be met which aim to ensure that these areas are located to minimize potential exposure of the public to secondhand smoke.

On March 25th the City Council provided direction to clarify the regulations of a Designated Smoking Area (DSA) to make clear that the City Council has the discretion to approve DSAs on public property. Staff was also asked to identify possible locations for establishing DSAs in the downtown. Staff has identified three possible locations, one at each of the City's public parking lots (Attachment J).

These locations have been chosen because they are located such that the possibility of exposure of pedestrians to secondhand smoke is remote, yet they are close enough to the City's downtown pedestrian traffic areas to be used. Each site would require improvements such as grading, installation of a concrete pad, a bench, ash can and signs. Staff believes these DSAs can be developed in these locations consistent with the standards provided in Section 8.52.060(C). In particular, the standard that requires a minimum five-foot separation of a DSA from an access way to a public place.

III. LEGAL

The California State Constitution grants cities and counties the police power to enact ordinances and regulations that protect the health, safety, welfare and morals of their citizens. A local ordinance is legitimate so long as the police power exercised has a rational relationship to a legitimate state purpose. California courts have found that regulating the smoking of tobacco to protect the health of local residents is a valid exercise of local police power. Facts and findings in the ordinance demonstrate the rationality and legitimacy of the government's actions.

Under California law, local communities have great flexibility in adopting smoking laws. State law expressly provides local jurisdictions with the authority to expand upon state smoking regulations. Local governments also can prohibit smoking in places that are specifically exempted under the Labor Code. In light of the Legislature's intent to allow local regulation, there is little concern that a local ordinance will be deemed to be preempted by state law.

Potential Legal Issues

A ban on significant tobacco retailers in certain areas of the City, or throughout the City, raises the potential for a legal challenge based on the Constitutional rights. The Fourteenth Amendment to the United States Constitution provides in part that "[n]o State shall ... deny to any person within its jurisdiction the equal protection of the laws."

The California Supreme Court has held, "The concept of the equal protection of the laws compels recognition of the proposition that persons similarly situated with respect to the legitimate purpose of the law receive like treatment." (In re Eric J. (1979) 25 Cal.3d 522, 531.) In the case of Walgreen Co. v. City and County of San Francisco (2010) 185 Cal.App.4th 424, the court found that there was no rational basis to treat drugstores selling cigarettes differently from grocery stores selling cigarettes.

While a significant tobacco retailer who is no longer allowed to do business in areas of Carpinteria or throughout the City could potentially bring a suit claiming that the regulation violates Equal Protection, the chances of prevailing on such a suit are minimal because the Ordinance treats all retailers where 20% or more of floor area is devoted to tobacco products, 67% or more of gross sales receipts are derived from tobacco products or where 50% or more of completed sales include tobacco products the same. No matter the store's line of business, if it meets the objective criteria it is regulated the same as every other

store that meets the criteria. Furthermore, there is a rational basis for treating significant tobacco retailers differently from tobacco retailers as evidence shows that the highest amount of illegal tobacco sales occur at stores that would be classified as significant tobacco retailers under the Ordinance.

Aside from Equal Protection claims, some businesses have claimed that regulations restricting tobacco sales violate the Constitutional right to Free Speech. The argument is that selling tobacco products is an expressive act that is entitled to protection under the Free Speech doctrine. Yet in an unpublished opinion, *Phillip Morris USA, Inc. v. City and County of San Francisco* (2009) 345 Fed.Appx. 276, the Ninth Circuit Court of Appeals found that selling cigarettes is not expressive activity entitled to protection under the First Amendment.

While there is always a risk that someone could bring a claim alleging that an Ordinance is unconstitutional, based on the analysis of the law, the City Attorney's office believes that such claims would be unlikely to succeed in this case.

IV. ENVIRONMENTAL REVIEW

The proposed Ordinance Amendment is not subject to CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly) and 15061(b)(3) (it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

V. FINANCIAL CONSIDERATIONS

As presented in the Analysis Section of this report, Carpinteria would contract with the County of Santa Barbara Public Health Department who would administer the Tobacco Retailer Licensure program. The tobacco retailer license will be incorporated into the City's existing Business Tax License Application and annual renewal procedures. In addition to the increase in the City's General Fund due to the potential for settlement payments, the annual tobacco retail shop site inspections carried out by the City's Code Compliance staff will no longer be necessary as these activities will be performed by the County.

The cost for constructing a Designated Smoking Area is expected to be approximately \$3,500 each.

VI. ALTERNATIVES

- The Council could direct staff to return with an amended Ordinance adding or removing certain provisions.
- The City Council could take no action and leave the current smoking regulations in place.

VII. ATTACHMENTS

Attachment A	Ordinance No. 662 with tracked changes
Attachment B	Tobacco Sales to Minors Graph, <i>2008-2012</i>
Attachment C	Tobacco Retailer Licensing is Effective, <i>August 2012</i>
Attachment D	Table of Strong Local Tobacco Retailer Licensing Ordinances, <i>June 2012</i>
Attachment E	Cigarettes Generate Big Revenue for Convenience Stores, 2009
Attachment F	Matrix of Local Ordinances Restricting Tobacco Retailers within a Certain Distance of Schools, <i>April 2011</i>
Attachment G	County Board of Supervisors Resolution No. 12-288 Adopting Fees for Tobacco Retailer Licensing Program, <i>December 2012</i>
Attachment H	Map of the Downtown "T"
Attachment I	Map of the Downtown "T" with Distances from School Shown
Attachment J	Possible Locations for Designated Smoking Areas

¹ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *2003 National Survey on Drug Use and Health: Results*. 2003. Available at: www.oas.samhsa.gov/nhsda/2k3nsduh/2k3Results.htm#ch5.

² US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Tobacco Use, Access & Exposure to Tobacco Among Middle & High School Students, U.S., 2004. 2005*, 54: p. 297-301. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5412a1.htm.

³ State Health Officer's Report on Tobacco Use and Promotion in California. Revised January 2, 2013 Available at: <http://www.cdph.ca.gov/Documents/EMBARGOED%20State%20Health%20Officers%20Report%20on%20Tobacco.pdf>

⁴ ibid

⁵ ibid

⁶ ibid

⁷ American Lung Association of California, Center for Tobacco Policy and Organizing. *Tobacco Retail Licensing is Effective*. 2007. Available at: www.center4tobaccopolicy.org/files/files/5377_Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf.

Attachment A

Ordinance No. 662 with Tracked Changes

Smoking Regulations Amendments
City Council Hearing April 22, 2013

ATTACHMENT A

ORDINANCE NO. 662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA AMENDING CHAPTER 8.52: SMOKING REGULATIONS, CHAPTER 14.20: CPD COMMERCIAL PLANNED DEVELOPMENT DISTRICT AND CHAPTER 14.22: CB CENTRAL BUSINESS DISTRICT OF THE CARPINTERIA MUNICIPAL CODE

The City Council of the City of Carpinteria does ordain as follows:

SECTION 1. FINDINGS

The City Council of the City of Carpinteria hereby finds and declares as follows:

WHEREAS, based in part on the information contained in this section, the City Council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the City of Carpinteria; and

WHEREAS, approximately 438,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;¹ and

WHEREAS, the World Health Organization (WHO) estimates that by 2030, tobacco will account for 8.3 million deaths per year, killing 50% more people in 2015 than HIV/AIDS, and will be responsible for 10% of all deaths worldwide;² and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

- The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950);
- State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code § 308);
- State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 18 years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952);

- State law prohibits the sale of tobacco products and paraphernalia through self-services displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code § 22960, 22962);
- State law prohibits the sale of “bidis” (hand-rolled filter-less cigarettes imported primarily from India and Southeast Asian countries) except in adult-only establishments (Cal. Pen. Code § 308.1); and
- State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of “roll-your-own” tobacco in packages containing less than 0.60 ounces of tobacco (Cal. Pen. Code § 308.3); and

WHEREAS, state law requires all tobacco retailers to be licensed by the Board of Equalization primarily to curb the illegal sale and distribution of cigarettes due to tax evasion and counterfeiting (Cal. Bus. & Prof. Code §§ 22970.1, 22972); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3); and

WHEREAS, California courts in such cases as *Cohen v. Board of Supervisors*, 40 Cal. 3d 277 (1985), and *Bravo Vending v. City of Rancho Mirage*, 16 Cal. App. 4th 383 (1993), have affirmed the power of the cities to regulate business activity in order to discourage violations of law; and

WHEREAS, despite the state’s efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the fact that:

- Each day, nearly 4,000 children under 18 years of age smoke their first cigarette, and almost 1,500 children under 18 years of age begin smoking daily;³
- More than 75% of all current smokers in 2001 began smoking before the age of 18;⁴
- Among middle school students who were current cigarette users in 2004, 70.6% were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and 66.4% were not refused purchase because of their age;⁵
- In 2002, youth smoked approximately 540 million packs of cigarettes, generating nearly \$1.2 billion in tobacco industry revenue;⁶ and

WHEREAS, research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes, as evidenced by the following:

- A review of thirteen California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in twelve of the thirteen communities, with an average decrease of 68% in the youth sales rate;⁷
- A study of the effect of licensing and enforcement methods used in the Philadelphia area revealed a decrease in sales to minors from 85% in 1994 to 43% in 1998;⁸
- A study of several Minnesota cities found that an increased licensing fee in conjunction with strict enforcement of youth access laws led to a decrease from 39.8% to 4.9% in the number of youth able to purchase tobacco;⁹ and

WHEREAS, the implementation of tobacco retailer licensing requirements is supported by most Californians, as evidenced by the following:

- Statewide, over 80% of California adults think tobacco retailers should be licensed;¹⁰
- Similarly, in rural areas in California, 78% of adults think tobacco retailers should be licensed, and 91% agree that a store owner who repeatedly sells cigarettes to minors should no longer have the right to sell cigarettes;¹¹
- 65% of California's key opinion leaders surveyed support implementation of tobacco-licensing requirements;¹²
- Over 90% of enforcement agencies surveyed in 2000 rated license suspension or revocation after repeated violations as an effective strategy to reduce youth access to tobacco;¹³ and

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 5.6% of all tobacco retailers unlawfully sold to minors in 2011;¹⁴
- Non-traditional tobacco retailers such as deli, meat, and donut shops sold to minors in 2011 at a higher rate than the statewide average, as high as 11.6%;¹⁵
- Teens surveyed in 2002 say they bought their cigarettes at: gas stations (58%), liquor stores (45%), and supermarkets and small grocery stores (29% combined);¹⁶

- The results of the 2009 California Youth Tobacco Purchase Survey, shows that 8.6%¹⁷ of retailers surveyed sold tobacco product to minors; though the most recent local youth purchase survey (2010) showed youth buy rates of 17%,¹⁸ and

WHEREAS, the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates;¹⁹ and

WHEREAS, a recent study found that 33% of tobacco underage sales took place within 1,000 feet of schools;²⁰

WHEREAS, a recent study has found that while there has been a clear downward trend in the illegal sales to minors in California during the last 17 years, the number has risen from 5.6 percent in 2011 to 8.7 percent in 2012. Among the traditional retailer store types, tobacco stores (i.e. 80% of merchandise consists of tobacco products) sold illegally to youth at the highest rate of 20.5 percent, up from 6.5 percent in 2011.²¹

WHEREAS, ninety-six cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop minors from smoking;²² and

WHEREAS, the City Council finds that a local licensing system for tobacco retailers and other restrictions on tobacco retailing is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City of Carpinteria and to protect the health, safety, and welfare of the City's visitors and residents; and

WHEREAS, the City Council finds that a Significant Tobacco Retailer can serve to undermine the healthy, safe, family-friendly environment that the city promotes and relies upon in support of both the important visitor/hospitality segment of the local economy and local residential real estate values; and

WHEREAS, a requirement for tobacco retailer licensing and the establishment of other restrictions on tobacco retailing will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults, but will, however, allow the City of Carpinteria to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws; and

WHEREAS, the City of Carpinteria has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; and finally, and most importantly, in protecting children from being lured into illegal activity.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 2. INCORPORATION OF FINDINGS

The above findings are incorporated herein and are each relied upon independently by the City Council for its adoption of this Ordinance. It is the intent of the City Council, in enacting this Ordinance, to ensure compliance with the business standards and practices of the city and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.

SECTION 3. AMENDMENT OF CHAPTER 8.52

Chapter 8.52 of the Carpinteria Municipal Code shall hereby be amended and shall read as follows. Added text is shown in underline; deleted text is shown in strikethrough.

Chapter 8.52 SMOKING REGULATIONS

8.52.010 Title.

The regulations contained in this chapter may be known and referred to as the "smoking regulation code."

8.52.020 Purpose.

This chapter is enacted with the specific intent to:

- A. Prohibit smoking in certain public places not preempted by California Labor Code Section 6404.5, which provides further smoking regulations;
- B. Protect the public health, safety and general welfare by prohibiting smoking in certain public places under circumstances where other persons will be exposed to secondhand smoke;
- C. Ensure a cleaner and more hygienic environment for the city, its residents, and its natural resources, including its creeks and streams;
- D. Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including residents and visitors, particularly children, to breathe smoke-free air, recognizing the threat to public health and the environment which smoking causes;
- E. Regulate the manner in which tobacco products are sold;

F. Discourage violations of laws which prohibit or discourage sale or distribution of tobacco products and tobacco paraphernalia to minors, but not to expand or reduce the degree to which the acts regulated by state or federal law are criminally proscribed; and

G. Designate the enforcing agency for this chapter and for Labor Code Section 6404.5.

8.52.030 Definitions

The following definitions shall govern construction of this chapter unless the context clearly requires otherwise.

"Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of a violation of this chapter, is not an "arm's length transaction."

"Business" means any sole proprietorship, partnership, joint venture, corporation, association or other entity formed for profit-making purposes or that has an employee.

"Code compliance officer" means the city code compliance officer or duly authorized designee of the city code compliance officer.

"Dining area" means any area available to or customarily used by the general public that is designed, established or regularly used for consuming food or drink.

"Employee" means any person who is employed or retained as an independent contractor by any employer as defined in this section; or any person who volunteers his or her services for an employer, association, nonprofit or volunteer entity.

"Employer" means any person, partnership, corporation, association, nonprofit or other entity that employs or retains the service of one or more persons, or supervises volunteers.

"Enclosed" means:

1. Any covered or partially covered space having more than fifty percent (50%) of its perimeter area walled in or otherwise closed to the outside such as, for example, a covered porch with more than two walls; or
2. Any space open to the sky (hereinafter "uncovered") having more than seventy-five (75) percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a courtyard.

"Health officer" means the county health officer or the duly authorized designee of the county health officer.

"Licensing Agent" means the Carpinteria City Community Development Director.

"Nonprofit entity" means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

"Person" means any natural person, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

"Place of employment" means any area under the legal or de facto control of an employer, business or nonprofit entity that an employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses and private residences that are used as childcare or healthcare facilities subject to licensing requirements.

"Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on city property.

"Premises" means a lot or contiguous lots and any improvements thereon such as is usually described in a deed, deed of trust or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same person or are under common control.

"Present" means within a reasonable distance.

"Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

"Public place" means any public or private place open to the general public regardless of any fee or age requirement, including, for example, streets, sidewalks, parking lots, parking garages, plazas, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, taxis and buses. For the purposes of the provisions of this chapter, a "public place" does not mean a private residence except for (a) residences used as a child care, health care, board and care, or community foster care facility as such terms are defined by the state Health and Safety Code or (b) the common areas of multi-family dwellings,

such as apartment buildings and condominiums.

"Reasonable distance" means the greatest distance practicable that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall generally be twenty (20) feet, with a minimum distance of five (5) feet.

"Recreational area" means any public or private area open to the public for recreational purposes whether or not any fee for admission is charged, including without limitation, parks, trails, gardens, sporting facilities, stadiums and playgrounds.

"Restaurant" means any coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria, eating establishment, boardinghouse or guest house or similar establishment which gives or offers for sale food to the public.

"School" means any public or private, elementary, middle, junior high or high school. Child day care, preschool and kindergarten are not included for the purposes of this chapter.

"Secondhand smoke" means smoke that is generated from the burning end of a lighted tobacco, weed or plant product, or smoke that is exhaled by a smoker after inhaling or ingesting a lit tobacco, weed or plant product.

"Self-service display" means an open display of tobacco products and point-of-sale tobacco promotional products that the public has access to without the intervention of an employee.

"Service area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place or make a transaction whether or not such service includes the exchange of money including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, taxi stands and takeout counters.

"Significant tobacco retailer" means any tobacco retailer for which the principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by: twenty percent (20%) or more of floor area or display area is devoted to tobacco products, tobacco paraphernalia, or both; sixty-seven percent (67%) or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both or fifty percent (50%) or more of completed sales transactions include tobacco products or tobacco paraphernalia.

"Smoking" or to "smoke" means possessing or to possess a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, or lighted cigarette of any kind), or the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including but not limited to, a pipe, a hookah pipe, cigar, or cigarette of any kind).

"Sports arena" means an outdoor or nonenclosed sports pavilion, stadium, swimming pool, roller rink, or other similar place where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events, including the concession stand areas thereof.

"Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for smoking, preparation, storing or consumption of tobacco products.

"Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

"Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

"Tobacco retailer license" or "license" shall mean a business license that permits the retail sale of tobacco products and/or tobacco paraphernalia.

"Tobacco vending machine" means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, bills, trade checks, slugs or other form of legal tender or consideration.

"Unenclosed area" means any area which is not enclosed.

"Vendor-assisted" means that only a store employee has access to the tobacco product and assists a customer by supplying the product. The customer does not take possession of the product until it is purchased.

8.52.040 Secondhand Smoke Generally

For all purposes within the jurisdiction of the city, the nonconsensual exposure to secondhand smoke and the uninvited presence of secondhand smoke on property in violation of this chapter shall constitute a nuisance, as is further described by Chapter 9.70 of the Carpinteria Municipal Code.

8.52.050 Public and Other Places Where Smoking Shall Be Prohibited

Except as otherwise provided by this chapter or by state or federal law, smoking shall be prohibited everywhere in the city, including but not limited to:

- A. Public places;
- B. Residences used as a child care, health care, board and care, or community foster care facility as such terms are defined by the state Health and Safety Code;
- C. Common areas of multi-family dwellings, such as apartment buildings and condominiums;
- D. Places of employment;
- E. Enclosed and unenclosed places of hotels, businesses, restaurants, bars and other public accommodations; and
- F. Buses or other means of public transit, and ticket, boarding and waiting areas of public transit depots and bus stops, enclosed or not.

8.52.060 Places Where Smoking May Be Permitted

Except where prohibited by state or federal law, or by Chapter 12.24.21A of the Municipal Code for public parks and beaches, smoking may be permitted in the following locations within the city notwithstanding Section 8.52.050:

- A. Private residential properties. This chapter does not preclude private regulation of smoking on private residential properties;
- B. In up to twenty-five (25) percent of guest rooms in any hotel or motel, if the hotel or motel permanently designates at least seventy five (75) percent of its guest rooms as nonsmoking rooms, appropriately signs nonsmoking rooms and permanently removes ashtrays and matches from them. Smoking rooms shall be segregated from nonsmoking rooms on separate floors, wings or portions of either; smoking and nonsmoking rooms shall not be interspersed. Nothing in this chapter shall require a hotel or motel to provide smoking rooms and the owner or operator of a hotel or motel may choose to prohibit smoking throughout the property;
- C. Designated Smoking Areas (~~“smokers’ outposts”~~) on private property provided that all of the following conditions are met:
 - 1. The area is located the greatest distance practicable from:
 - a. any doorway or opening into an enclosed area; and
 - b. any access way to a public place;
 This distance shall generally be twenty (20) feet, with a minimum distance of five (5) feet;
 - 2. The area has a clearly marked perimeter;
 - 3. The area is posted with one or more conspicuously displayed sign(s) identifying the area as a designated outdoor smoking area pursuant to Section 8.52.090 of this code;

4. Smoke is not permitted to enter adjacent areas in which smoking is prohibited by this chapter, other law or by the owner, lessee or licensee of the adjacent property;
 5. Appropriate ash can(s) are placed in the smoking area and are maintained regularly by the owner, operator or manager of the smoking area;
 6. No consistent complaints of secondhand smoke are filed with the city; and
 7. The area is well lit.
- D. Designated Smoking Areas (DSAs) on public property approved by the City Council and developed and maintained as such by the city. Prior to creating a DSA, the City Council shall make a finding that the DSA is consistent with the purposes of this chapter.
 - E. Smoking areas at public events which have been approved as part of the Special Event Permit or Temporary Use Permit issued by the city;
 - F. Inside a private automobile when no minor child is present; and
 - G. Any unenclosed area in which no nonsmoker is present and, due to the time of day or other factors, it is not reasonable to expect another person to arrive.

8.52.070 Modifications of Designated Smokers' Area (DSA) Outposts

The city reserves the right to prohibit or require modifications to a DSA smokers' outpost at a certain location if it undermines the purposes of this chapter.

8.52.080 Allowing, Aiding or Abetting Smoking

- A. No person, employer, business or nonprofit entity shall knowingly permit smoking in an area under his, her or its legal or de facto control in which smoking is prohibited by this chapter or other law.
- B. Except as provided in Section 8.52.100 of this code, no person, employer, business or nonprofit entity shall allow the placement or maintenance of a receptacle for smoking waste in an area under his, her or its legal or de facto control in which smoking is prohibited by this chapter or other law, provided however, that a receptacle may be placed at the entry to a nonsmoking area, along with a "No Smoking" sign, in order to encourage any smokers in violation of this chapter to immediately extinguish and properly dispose of smoking materials."
- C. No person shall intimidate, threaten, effect a reprisal or retaliate against another person who seeks to attain compliance with one or more of this chapter's provisions.

8.52.090 Signs

Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter.

- A. "No Smoking" or "Smoke Free" signs, with letters of not less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or any alternative signage approved by the Community Development Director may be conspicuously posted by the person, employer, business or nonprofit entity who or which has legal or de facto control of such place at each entrance to a public place in which smoking is prohibited by this chapter or any other place where the City Manager reasonably determines that smoking in violation of this chapter has occurred, or is likely to occur.
- B. Within designated smoking areas, one or more conspicuously displayed sign(s) shall be posted identifying the area as a smokers' outpost pursuant to Section 8.52.060.B of this code as follows: signs with arrows directing the public to the smoking area may be allowed; signs shall be no smaller than three (3) inches high and eight (8) inches long with a pictorial representation of a burning cigarette; signs shall contain "Designated Smoking Area" and shall be posted prominently between five (5) feet and seven (7) feet above the floor or ground; and all signs are subject to approval by the Community Development Director.
- C. Every hotel and motel shall have signs posted conspicuously in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available; rooms designated as being nonsmoking shall have signs announcing such restriction conspicuously placed inside the room.
- D. No person shall alter, deface, obscure, remove or destroy a sign or placard that this chapter authorizes.

8.52.100 Smoking Waste

Except for disposal of smoking waste in a smoking waste receptacle, no person shall dispose of smoking waste: (1) in or upon a public street or sidewalk; (2) in an area in which smoking is prohibited by this chapter or other law; or (3) in any area a reasonable distance therefrom.

8.52.110 Requirement for Tobacco Retailer License

It is unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer license pursuant to this chapter for each location at which that activity is to occur. Tobacco retailer licenses are valid for one year. An application to renew a tobacco retailer license shall be submitted prior to the expiration of the license.

8.52.120 Tobacco Retailers must operate at a Fixed Location

No tobacco retailer license may be issued to authorize tobacco retailing at other than a fixed location. For example, tobacco retailing by persons on foot or from vehicles is prohibited.

8.52.130 Prohibition of Tobacco Retailing within Certain Areas of the City

No tobacco retailer license may be issued to authorize a significant tobacco retailer in the areas of the city described in Sections 14.20.075 and 14.22.070 of this Code.

8.52.140 Application Procedure

- A. An application for a tobacco retailer license, plus one copy shall be submitted to the licensing agent in the name of the person proposing to conduct tobacco retailing and shall be signed by such person or an authorized agent thereof.

It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer's license. No proprietor may rely on the issuance of a license as a determination by the City of Carpinteria or County of Santa Barbara that the proprietor has complied with all laws applicable to tobacco retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to Section 8.52.240 of this chapter. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco retailer's license any status or right to act as a tobacco retailer in contravention of any provision of law.

All applications shall be submitted on a form supplied by the city and shall contain the following information:

- (1) The name, address, and telephone number of each proprietor of the business seeking a license.
- (2) The business name, address, and telephone number of the single fixed location for which a license is sought.
- (3) A single name, mailing address and email address authorized by each proprietor to receive all communications and notices (the "Authorized Address") required by, authorized by, or convenient to the enforcement of this chapter. If an Authorized Address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) above.
- (4) Proof that the location for which a tobacco retailer's license is sought has been issued a valid state tobacco retailer's license by the California Board of Equalization.
- (5) Whether or not any proprietor or any agent of the proprietor has admitted violating, or has been found to have violated, this chapter and, if so, the dates and locations of all such violations within the previous five years.

- B. All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code Section 6250 et seq.) or any other applicable law, subject to the laws' exemptions.

8.52.150 Issuance of Tobacco Retailer License

- A. Within thirty days of the licensing agent's receipt of an application for a tobacco retailer license, the licensing agent shall issue a license, unless it has been determined by the Public Health Department that the issuance of the license should be denied, based on the following criteria:
1. The information presented in the application is incomplete, inaccurate or false; or
 2. The application seeks authorization for tobacco retailing by a person or at a location for which a suspension is in effect pursuant to Section 8.52.240 of this chapter; or
 3. The application seeks authorization for tobacco retailing in an area that is in violation of Sections 14.20.075 and 14.22.070 of this Code.
 4. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter (e.g., mobile vending), that is unlawful pursuant to this code, or that is unlawful pursuant to any other law.
- B. A denial of a tobacco retailer license may be appealed pursuant to Section 8.52.240 of this chapter.
- C. A licensed tobacco retailer shall inform the licensing agent in writing of any change in the information submitted on an application for a tobacco retailer's license within ten (10) business days of a change.
- D. The licensing agent shall keep a permanent record of all tobacco retailer licenses issued, but may destroy such records as provided by law with the approval of the City Council.

8.52.160 Display of Tobacco Retailer License

Each licensee shall prominently display the tobacco retailer license at each location where tobacco retailing occurs.

8.52.170 Fees for Tobacco Retailer License

- A. The initial or renewal fee for a tobacco retailer license shall be \$379 per year pursuant to Resolution 12-288 adopting the Tobacco Retailer License Fee Schedule for Incorporated Areas of Santa Barbara County passed and approved by the County of Santa Barbara Board of Supervisors on December 11, 2012, subject to subsequent amendments by the County Board of Supervisors. The fee shall be paid to the licensing agent when a tobacco retailer license application is

submitted.

- B. Renewal. Renewal fees, paid to the licensing agent, are due the first business day after the date of expiration of a tobacco retailer license. A tobacco retailer will be allowed a thirty day grace period to pay the renewal fee. If the renewal fee has not been paid by the end of the grace period, a penalty of fifty percent of the renewal fee shall be added to the renewal fee. If the renewal fee and any applicable late penalty are not paid within ninety days after the date of expiration of a tobacco retailer license, then the licensing agent shall automatically revoke the license. Thereafter, if the licensee desires to resume tobacco retailing, a new license application must be submitted to the licensing agent in accordance with Section 8.52.150, along with the license fee and late penalty.

8.52.180 Tobacco Retailer Licenses Are Nontransferable

- A. A tobacco retailer license is nontransferable. If a person to whom a tobacco retailer license has been issued, changes the business location or sells the business, then that person must obtain a new license prior to acting as a tobacco retailer at the new location, or the buyer of the business must obtain a license in the buyer's name before acting as a tobacco retailer.
- B. Prior violations at a location shall continue to be counted against a location and license suspension periods shall continue to apply to a location unless:
1. The location is being or has been fully transferred to a new owner; and
 2. The new owner(s) provide the licensing agent with clear and convincing evidence that the new owner(s) is acquiring or has acquired the location in an arm's length transaction.

8.52.190 License Conveys a Limited Conditional Privilege

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the City of Carpinteria identified on the face of the license. For example, nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including but not limited to, any provision of this code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code Section 6404.5. Obtaining a tobacco retailer license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5.

8.52.200 Positive Identification Requirements for Sale of Tobacco Products and Tobacco Paraphernalia

No person engaged in tobacco retailing shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of twenty-seven, without first examining the identification of the recipient to confirm that the recipient is at least the

minimum age under state law to purchase and possess tobacco products or tobacco paraphernalia.

8.52.210 Minimum Age for Persons Selling Tobacco Products and Tobacco Paraphernalia

No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products or tobacco paraphernalia shall engage in tobacco retailing.

8.52.220 False and Misleading Advertising Prohibited

A tobacco retailer without a valid tobacco retailer license, including for example, a tobacco retailer license that has been suspended or revoked, shall not display any advertisement promoting the sale or distribution of tobacco products or tobacco paraphernalia at the tobacco retailer's location and shall keep all such products out of public view.

8.52.230 Compliance Monitoring

- A. Compliance with the tobacco retailer license provisions of this chapter shall be primarily enforced by the Santa Barbara County Sheriff, in conjunction with the Public Health Department. However, any peace officer may enforce the penal provisions of this chapter.
- B. The Sheriff will check the compliance of each tobacco retailer one to three times per twelve month period. However, the Sheriff may check the compliance of a tobacco retailer more or less often, depending on a tobacco retailer's compliance history. Nothing in this paragraph shall create a right of action for any tobacco retailer or other person, against the city, county or its agents.

8.52.240 Revocation or Suspension of Tobacco Retailer License and Appeals

- A. Grounds for Revocation or Suspension.
 - 1. A tobacco retailer license shall be revoked if the Public Health Department finds that one or more of the basis for denial of a license under Section 8.52.150 of this chapter exists. The revocation shall be without prejudice to the filing of a new application for a license following correction of the conditions that required revocation of the license.
 - 2. A tobacco retailer license shall be suspended under this section if the Public Health Department finds that the licensee or his or her agent or employee has violated any federal, state or local law governing the sale, distribution, advertisement or display of tobacco, tobacco products or tobacco paraphernalia, including, but not limited to: Penal Code Section 308a, Business and Professions Code Sections 22950 et seq. (Stop Tobacco Access to Kids Enforcement Act "STAKE Act") or Sections 8.52.260, 8.52.270 and 8.52.280 of this code, or Business and Professions Code Section 25612.5(c)(7).

3. The Public Health Department shall give notice of revocation or suspension to a licensee by personal service or by certified mail return receipt requested, addressed to where the license was issued. The notice of revocation or suspension shall be effective when notice is personally served, or when the certified mail return receipt is returned to the Public Health Department. If the licensee fails to file a timely appeal of the suspension or revocation pursuant to this section, the notice of suspension or revocation shall be final, subject only to judicial review.

B. Suspension of Tobacco Retailer License. If the Public Health Department finds that there are grounds for suspension of a tobacco retailer license, the following sanctions shall be imposed:

1. Upon a first finding by the Public Health Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five-year period, the license shall be suspended for thirty days.
2. Upon the second finding by the Public Health Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five-year period, the license shall be suspended for ninety days.
3. Upon the third or subsequent finding by the Public Health Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five-year period, the license shall be suspended for twelve months. However, if the licensee is operating within one thousand [Option: five hundred] feet of a school pursuant to Section 8.52.130 of this chapter, upon the third finding by the Public Health Department of a violation by a licensee or by any agent or employee of a licensee within any five-year period the tobacco retailer license may be permanently revoked by the City Council at a public hearing.

C. Appeal of Denial, Revocation and/or Suspension. The decision of the licensing agent to deny the issuance of a tobacco retailer license or the decision of the Public Health Department to revoke or suspend a license can be appealed to the health officer or his/her designee. All appeals must be in writing and filed with the health officer, Santa Barbara County Public Health Department, 300 North San Antonio Road, Santa Barbara, CA 93110-1316 within ten days of receipt of notice of denial, or within ten days of the effective date of the notice of revocation or suspension of a tobacco retailer license. The health officer shall set an appeal hearing at the earliest practicable time and shall give written notice of the hearing to the parties at least ten days before the date of the hearing. At the hearing any relevant evidence shall be admitted. Within a reasonable time after the conclusion of the hearing, the health officer shall make a written decision. An appeal shall stay all proceedings until the appeal is resolved. Any decision rendered by the health officer shall be a final administrative decision.

D. Settlement in Lieu of Appeal Hearing. For a first or second alleged violation of this chapter within any five-year period, the health officer or his designee may engage in settlement negotiations and may enter into a settlement agreement with a tobacco retailer alleged to have violated this chapter, provided that a timely appeal has been filed. Settlements shall not be confidential.

1. After a first alleged violation, any settlement must contain the following minimum terms:

- a. Suspension of the tobacco retailer license for at least fifteen days;
- b. A settlement payment to the public health department of at least one thousand dollars; and
- c. An admission by the licensee that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations.

2. After a second alleged violation, any settlement must contain the following minimum terms:

- a. Suspension of the tobacco retailer license for at least forty-five days;
- b. A settlement payment to the public health department of at least five thousand dollars; and
- c. An admission by the licensee that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations.

~~8.52.110 Minors--Prohibition of sale~~

~~No person, business, tobacco retailer or owner, manager or operator of any establishment shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining photo identification establishing the purchaser's age as eighteen years or greater unless the seller has some reasonable basis for determining that the buyer is at least eighteen years of age.~~

8.52.250 Minors--Posting of signs

Any person, business, tobacco retailer, or owner, manager or operator of any establishment that sells tobacco products shall post plainly visible signs at the point of purchase of tobacco products which state:

"SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW. PHOTO I.D. REQUIRED."

The letters of said signs must be at least one-half inch high.

8.52.260 Sale and distribution of tobacco products

It is unlawful for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for purposes of sale by means of self-service displays or by any means other than vendor-assisted sales, any tobacco products other than cartons of cigarettes, multi-container packages of smokeless tobacco and cigars and pipe tobacco. Cartons of cigarettes, multi-container packages of smokeless tobacco, and cigars and pipe tobacco may be sold by means of self-service merchandising only when these products are under direct surveillance of a store employee. Tobacco products shall be deemed to be under direct surveillance of an employee only if the tobacco products themselves (and not just the racks, shelves, kiosks, etc., where the products are displayed) are in plain view of the store employee.

8.52.270 Vending machines

No person, business, tobacco retailer or other establishment located within the city shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance, or use of, on his, her or its premises any vending machine for the purpose of selling or distributing any tobacco product. Any tobacco vending machine in use on the effective date of the ordinance codified in this chapter shall be removed within thirty days after the effective date of the ordinance codified in this chapter. This provision shall not apply to vending machines which are located in bars, provided that such vending machines in bars must be located at least twenty-five (25) feet from any entry into the bar.

8.52.280 Out-of-package sales

No person, business, tobacco retailer or other establishment shall sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.

8.52.290 Enforcement

The Code Compliance Officer, in cooperation with the Health Officer of the County of Santa Barbara, shall enforce and implement the provisions of this chapter, the provisions of CMC 12.24.020.21A and the provisions of Labor Code Section 6404.5.

8.52.300 Citizen complaints

Any citizen who desires to register a complaint under the provisions of this chapter may request the Code Compliance Officer to initiate enforcement.

8.52.310 Violation--Premises

It shall be unlawful for any person who owns, manages or operates any premises subject to regulations under the provisions of this chapter to fail to comply with its provisions. No person shall cause, permit, aid, abet or conceal a violation of any provision of this chapter.

8.52.320 Violation--Individuals

It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter or to violate any federal, state or local statutes governing the sale and distribution of tobacco products and paraphernalia.

8.52.330 Violation--Penalty

In addition to any other remedy available at law, violation of any provision of this chapter shall be subject to Chapter 1.06 (Administrative Remedies) and Chapter 1.08 (Penalties) of the Carpinteria Municipal Code. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

8.52.340 Separate offense

A separate offense is committed for each and every day, or part of a day, during which any violation is caused, committed, continued or permitted. Each offense is punishable separately from every other offense.

8.52.350 Public education--Purposes of chapter

The Code Compliance Officer, in conjunction and coordination with the County Health Officer of the County of Santa Barbara and, where feasible, appropriate health or safety oriented community-based organizations and coalitions, shall engage in a continuing program to explain and clarify the purposes of the provisions of the chapter to citizens affected by it, and to guide business owners, operators and managers in their compliance with it.

8.52.360 Governmental cooperation

The City Manager shall request all governmental and educational agencies which maintain an office within the city to establish local operating procedures to cooperate and comply with this chapter.

8.52.370 Other laws

The provisions of this chapter shall not be interpreted or construed to permit smoking or the sale and distribution of tobacco products and paraphernalia where it is otherwise restricted by other applicable laws. Further, it is not the intent of the provisions of this chapter to regulate smoking or the sale and distribution of tobacco products and paraphernalia where such regulation has been preempted by the state.

SECTION 4. AMENDMENT OF CHAPTER 14.08

Chapter 14.08 of the Carpinteria Municipal Code: DEFINITIONS shall hereby be amended and shall include new sections as follows.

14.08.560 Significant tobacco retailer

"Significant tobacco retailer" means any tobacco retailer for which the principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by: twenty percent (20%) or more of floor area or display area is devoted to tobacco products, tobacco paraphernalia, or both; sixty-seven percent (67%) or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both or fifty percent (50%) or more of completed sales transactions include tobacco products or tobacco paraphernalia.

14.08.616 Tobacco paraphernalia

"Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for smoking, preparation, storing or consumption of tobacco products.

14.08.617 Tobacco product

"Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

14.08.618 Tobacco retailer

"Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

14.08.619 Tobacco retailer license

"Tobacco retailer license" or "license" shall mean a business license that permits the retail sale of tobacco products and/or tobacco paraphernalia.

SECTION 5. AMENDMENT OF CHAPTER 14.20

Chapter 14.20 of the Carpinteria Municipal Code: CPD COMMERCIAL PLANNED DEVELOPMENT DISTRICT shall hereby be amended and shall include a new section as follows.

14.20.075 – Tobacco Retailing

- A. No tobacco retailer license may be issued to authorize a significant tobacco retailer in the Downtown "T" as depicted on the "Downtown T" Tobacco Retailing Map on file at City Hall. [Option: in the City of Carpinteria] However, a significant tobacco retailer in the Downtown "T" operating legally on the date that the ordinance enacting this chapter was first introduced and that otherwise would be entitled to receive a license may receive a license and may continue to operate so long as (1) the license is renewed continually without lapse or revocation; (2) the significant tobacco retailer is not closed for business and does not otherwise suspend tobacco retailing for more than sixty (60) consecutive days; (3) the significant tobacco retailer does not substantially change the business premises or business operation; and (4) the significant tobacco retailer maintains the right to operate under the terms of other applicable laws. If the Department determines that a significant tobacco retailer in the Downtown "T" no longer qualifies to continue

tobacco retailing under the standards of this section, it shall revoke the license for the significant tobacco retailer in the manner, and subject to the appeal rights specified in Section 8.52.240 of this chapter.

- B. No tobacco retailer license may be issued to authorize tobacco retailing within one-thousand **[Option: five hundred]** feet of a public or private, elementary, middle, junior high or high school, as measured in a straight line from the nearest point on the parcel boundary of an existing or proposed tobacco retailer to the nearest point on the parcel boundary of the nearest school; and
- C. A tobacco retailer operating with a valid tobacco retailer license at a location within one-thousand **[Option: five hundred]** feet of a public or private, elementary, middle, junior high or high school, on the operative date of this Ordinance may continue to operate under their existing tobacco retailer license and under any tobacco retailer license that is timely renewed for that location unless revoked pursuant to Sections 8.52.170.B and 8.52.240 of Chapter 8.52 Smoking Regulations of the CMC. If a tobacco retailer owns a parcel of real property on the operative date of this ordinance, which is also located within one-thousand feet of the same school as their existing tobacco retailer's business, then the tobacco retailer may transfer his or her tobacco retailer license to that property owned by the tobacco retailer, provided that the tobacco retailer does not substantially enlarge the size of the business.

SECTION 6. AMENDMENT OF CHAPTER 14.22

Chapter 14.22 of the Carpinteria Municipal Code: CB CENTRAL BUSINESS DISTRICT shall hereby be amended and shall include a new section as follows.

14.22.070 – Tobacco Retailing

- A. No tobacco retailer license may be issued to authorize a significant tobacco retailer in the Downtown "T" as depicted on the "Downtown T" Tobacco Retailing Map on file at City Hall. **[Option: in the City of Carpinteria]** However, a significant tobacco retailer in the Downtown "T" operating legally on the date that the ordinance enacting this chapter was first introduced and that otherwise would be entitled to receive a license may receive a license and may continue to operate so long as (1) the license is renewed continually without lapse or revocation; (2) the significant tobacco retailer is not closed for business and does not otherwise suspend tobacco retailing for more than sixty (60) consecutive days; (3) the significant tobacco retailer does not substantially change the business premises or business operation; and (4) the significant tobacco retailer maintains the right to operate under the terms of other applicable laws. If the Department determines that a significant tobacco retailer in the Downtown "T" no longer qualifies to continue tobacco retailing under the standards of this section, it shall revoke the license for the significant tobacco retailer in the manner, and subject to the appeal rights specified in Section 8.52.250 of this chapter.

- B. No tobacco retailer license may be issued to authorize tobacco retailing within one-thousand [Option: five hundred] feet of a public or private, elementary, middle, junior high or high school, as measured in a straight line from the nearest point on the parcel boundary of an existing or proposed tobacco retailer to the nearest point on the parcel boundary of the nearest school; and
- C. A tobacco retailer operating with a valid tobacco retailer license at a location within one-thousand [Option: five hundred] feet of a public or private, elementary, middle, junior high or high school, on the operative date of this Ordinance may continue to operate under their existing tobacco retailer license and under any tobacco retailer license that is timely renewed for that location unless revoked pursuant to Sections 8.52.170.B and 8.52.240 of Chapter 8.52 Smoking Regulations of the CMC. If a tobacco retailer owns a parcel of real property on the operative date of this ordinance, which is also located within one-thousand feet of the same school as their existing tobacco retailer's business, then the tobacco retailer may transfer his or her tobacco retailer license to that property owned by the tobacco retailer, provided that the tobacco retailer does not substantially enlarge the size of the business.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect 60 days following its enactment in accordance with California law; and before the expiration of 15 days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 8. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 9. CEQA EXEMPTION

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly) and 15061(b)(3) (it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment)

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2013, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

Mayor of the City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the ____ day of _____ 2013.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, City Attorney
City of Carpinteria

- ¹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Annual Smoking - Attributable Mortality, Years of Potential Life Lost, and Productivity Losses - United States 1997-2001*. 2005, 54(25): p. 625-628. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5425a1.htm.
- ² World Health Organization. *World Health Statistics 2007, Part 1: Ten Statistical Highlights in Global Public Health*. 2007, p. 12. Available at: www.who.int/whosis/whostat2007_10highlights.pdf.
- ³ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *Results from the 2004 National Survey on Drug Use and Health: National Findings*. 2005. Available at: <http://oas.samhsa.gov/NSDUH/2k4nsduh/2k4Results/2k4Results.pdf>.
- ⁴ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. *2003 National Survey on Drug Use and Health: Results*. 2003. Available at: www.oas.samhsa.gov/nhsda/2k3nsduh/2k3Results.htm#ch5.
- ⁵ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report: Tobacco Use, Access & Exposure to Tobacco Among Middle & High School Students, U.S., 2004*. 2005, 54: p. 297-301. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5412a1.htm.
- ⁶ Heaton C, Farrelly MC, Weitzenkamp D, et al. "Youth Smoking Prevention and Tobacco Industry Revenue." *Tobacco Control*, 15: 103-106, 2006. Available at: <http://tobaccocontrol.bmj.com/cgi/content/full/15/2/103>.
- ⁷ American Lung Association of California, Center for Tobacco Policy and Organizing. *Tobacco Retail Licensing is Effective*. 2007. Available at: www.center4tobaccopolicy.org/files/files/5377Tobacco%20Retailer%20Licensing%20is%20Effective%20October%202007.pdf.
- ⁸ Ma GX, Shive S and Tracy M. "The Effects of Licensing and Inspection Enforcement to Reduce Tobacco Sales to Minors in Greater Philadelphia, 1994-1998." *Addictive Behaviors*, 26(5): 677-87, 2001. Abstract available at: www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11676378&dopt=Abstract.
- ⁹ Forster JL et al. "The Effects of Community Policies to Reduce Youth Access to Tobacco." *American Journal of Public Health*, 88(8): 1193-1197, 1998. Available at: www.ajph.org/cgi/reprint/88/8/1193.
- ¹⁰ California Department of Health Services, Tobacco Control Section. *California Tobacco Control Update*. 2004. Available at: <http://dhs.ca.gov/tobacco/documents/pubs/2004TCSupdate.pdf>.
- ¹¹ American Lung Association of California, Center for Tobacco Policy and Organizing. *Survey of California Rural and Small Town Voters About Local Tobacco Retail Licensing Ordinances*. 2008. Available at: www.center4tobaccopolicy.org/files/files/RuralPollSummaryofFindingsFinal5-21-08.pdf.
- ¹² California Department of Health Services, Tobacco Control Section. *Final Report, Independent Evaluation of the California Tobacco Control Prevention & Education Program: Waves 1, 2, and 3 (1996-2000)*. 2003. Available at: www.dhs.ca.gov/tobacco/documents/pubs/WavesComplete.pdf.
- ¹³ *Id.*
- ¹⁴ California Department of Health Services, Tobacco Control Section. *Youth*

Purchase Survey, 2011: Percent of Retailers Selling Tobacco to Youth by Store Type. 2011 (graph on file with TALC).

15 *Id.*

16 California Department of Health Services, Tobacco Control Section. *Final Report, Tobacco Control Successes in California: A Focus on Young People, Results from the California Tobacco Surveys, 1990-2002.* 2003, p. 11-12. Available at: www.dhs.ca.gov/tobacco/documents/eval/2003CTSReport.pdf.

17 California Department of Public Health, California Tobacco Control Program. *Youth Tobacco Purchase Survey, 1995-2009*, July 2009. Available at: <http://www.cdph.ca.gov/Documents/PH09-85-Tobacco-Sales-to-Minors-2009-Chart.pdf>

18 Dunn, D. & Long, T. *Santa Barbara County Tobacco Retail Licensing Policies: Looking to the Future, Tobacco Retail Licensing, Final Evaluation Report, 2007-2010 Santa Barbara County*, June 2010.

19 Henriksen L., Feighery E.C., et al. "Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?" *Preventive Medicine*, 47(2): 210-214, 2008.

20 Lipton, Robert, et.al., *The Spatial Distribution of Underage Tobacco Sales in Los Angeles. Substance Use and Misuse*, 2008. Available at: <http://www.informaworld.com/smpp/content~db=all~content=a901982166>

21 State Health Officer's Report on Tobacco Use and Promotion in California. Revised January 2, 2013 Available at: <http://www.cdph.ca.gov/Documents/EMBARGOED%20State%20Health%20Officers%20Report%20on%20Tobacco.pdf>

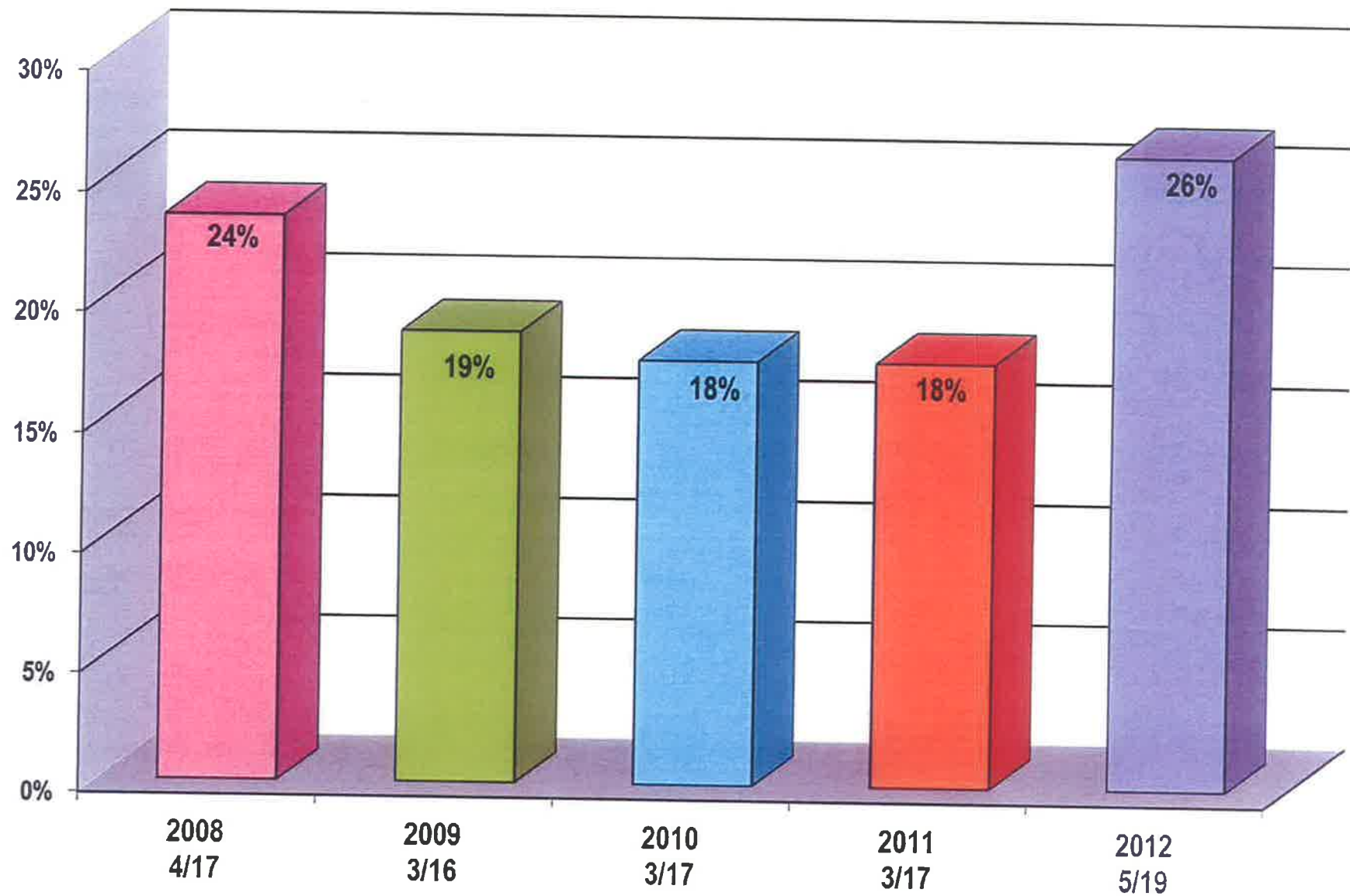
22 Americans for Non-Smokers' Rights. *List of Communities with Licensing and Self-Service Ordinance Services*, July 2010. Available at: [http://www.phlpnet.org/sites/phlpnet.org/files/ANRF List of Communities with Licensing and Self-Service Display Ordinances DOC Updated 12-10 .doc](http://www.phlpnet.org/sites/phlpnet.org/files/ANRF%20List%20of%20Communities%20with%20Licensing%20and%20Self-Service%20Display%20Ordinances%20DOC%20Updated%2012-10.doc)

Attachment B

Tobacco Sales to Minors Graph, *2008-2012*

Smoking Regulations Amendments
City Council Hearing April 22, 2013

Illegal Sales of Tobacco to Minors Carpinteria - 2008-2012



Attachment C

Tobacco Retailer Licensing is Effective, *August 2012*

Smoking Regulations Amendments
City Council Hearing April 22, 2013

Tobacco Retailer Licensing Is Effective

August 2012

More than 90 communities in California have adopted strong local tobacco retailer licensing ordinances in an effort to reduce illegal sales of tobacco products to minors. These ordinances require tobacco retailers to obtain a license to sell tobacco, which includes an annual licensing fee high enough to fund strong enforcement programs and financial deterrents for violators through fines and penalties that include the suspension and revocation of the license.

The table below lists illegal sales rates to minors before and after a strong licensing law was enacted in 33 communities where data is available and enough time (usually at least a year) has passed after the ordinance was enacted to determine results. These sales rates were determined by youth tobacco purchase surveys administered by local agencies. It is important to note that results from the youth tobacco purchase surveys are somewhat dependent on certain factors that differ in each community, such as the age of the youth and the number of stores surveyed.

The results overwhelmingly demonstrate that local tobacco retailer licensing ordinances with strong enforcement provisions are effective. Rates of illegal tobacco sales to minors have decreased, often significantly, in all 33 municipalities with a strong tobacco retailer licensing ordinance where there is before and after youth sales rate data available. However, a licensing ordinance by itself will not automatically decrease sales rates; proper education and enforcement about the local ordinance and state youth access laws are always needed.

For more resources on these ordinances, including the Matrix of Strong Local Tobacco Retailer Licensing Ordinances with policy and enforcement details for every strong ordinance in the state, visit www.Center4TobaccoPolicy.org/localpolicies-licensing. For model tobacco retailer licensing ordinance language, visit ChangeLab Solutions at changelabsolutions.org.

**TABLE OF YOUTH SALES RATES BEFORE AND AFTER THE ADOPTION
OF A STRONG TOBACCO RETAILER LICENSING ORDINANCE**

City/County	Date Passed	Annual Fee	Youth Sales Rate Before Ordinance	Most Recent Youth Sales Rate
Banning	August 2006	\$350	77%	21%
Beaumont	December 2006	\$350	63%	20%
Berkeley	December 2002	\$427*	38%	4.2%
Burbank	February 2007	\$235	26.7%	4%
Calabasas	June 2009	\$0*	30.8%	5%
Coachella	July 2007	\$350	69%	11%
Contra Costa County	January 2003	\$160*	37%	16%
Corona	October 2005	\$350	50%	17%
Davis	August 2007	\$344	30.5%	2%
Delano	June 2008	\$165	23%	5.6%
Desert Hot Springs	August 2007	\$350	48%	4%
El Cajon	June 2004	\$698	40%	1%
Elk Grove	September 2004	\$270	17%	14%
Grass Valley	November 2009	\$100	27%	0%
Grover Beach	September 2005	\$224	46%	18.7%

**TABLE OF YOUTH SALES RATES BEFORE AND AFTER THE ADOPTION
OF A STRONG TOBACCO RETAILER LICENSING ORDINANCE (continued)**

City/County	Date Passed	Annual Fee	Youth Sales Rate Before Ordinance	Most Recent Youth Sales Rate
Hollister	May 2006	\$269	33%	4.5%
Kern County	November 2006	\$165	34%	13.3%
La Canada Flintridge	June 2009	\$50*	47.1%	0%
Los Angeles County	December 2007	\$235	30.6%	8%
Murrieta	May 2006	\$350	31%	7%
Norco	March 2006	\$350	40%	6%
Pasadena	January 2004	\$225	20%	0%
Riverside	May 2006	\$350	65%	31%
Sacramento	March 2004	\$324	27%	0%
Sacramento County	May 2004	\$287	21%	14%
San Fernando	October 2008	\$250	38.5%	3%
San Francisco	November 2003	\$175*	22.3%	15.5%
San Luis Obispo	August 2003	\$255	17%	2.3%
San Luis Obispo County	October 2008	\$342	33.3%	50%
Santa Barbara County	November 2010	\$235	21%	13%
Tehachapi	February 2007	\$165	8%	16.7%
Vista	May 2005	\$250	39%	1.9%
Yolo County	May 2006	\$344	28%	0%

*City or County fee does not fully cover administration and enforcement of the tobacco retailer license. Rather, the fee is supplemented with another stable source of funds, such as Master Settlement Agreement (MSA) funds or general funds. See the Center's Matrix of Strong Local Tobacco Retailer Licensing Ordinances for full details about the administration and enforcement of these ordinances.

Attachment D

Table of Strong Local Tobacco Retailer Licensing Ordinances,
June 2012

Smoking Regulations Amendments
City Council Hearing April 22, 2013

Table of Strong Local Tobacco Retailer Licensing Ordinances June 2012

In order to reduce illegal sales of tobacco products to minors, many cities and counties in California have adopted strong local tobacco retailer licensing ordinances. This document highlights **ninety-four ordinances** in which the fee and enforcement provisions are particularly noteworthy. A strong local tobacco licensing law is defined as one that includes the following four components:

- Requirements that all retailers that sell tobacco products must obtain a license and renew it annually.
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated.
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license.
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

Below is a list of the **ninety-four** local ordinances in California that have met the requirements for a strong local tobacco retailer licensing ordinance along with basic information about the community population, license fee and designated enforcement agencies. The jurisdictions are listed in alphabetical order under each county in order to make it easy to compare fee and enforcement details for similar jurisdictions.

This Table is a complement to and abbreviated version of the *Matrix of Strong Local Tobacco Retailer Licensing Ordinances*, also produced by the Center. Please refer to the expanded Matrix for the complete details about these ordinances, including more information about enforcement plans, license suspension/revocation schedules, additional noteworthy provisions and local contact information. The Matrix and other documents on tobacco retailer licensing, including a fact sheet on the effectiveness of these ordinances, are available at www.Center4TobaccoPolicy.org/localpolicies-licensing.

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Alameda County							
Albany	February 2009	18,488	\$250	X			
Berkeley	December 2002	114,821	\$427*	X	X		
Oakland	April 2008	395,341	\$50**	X			
Union City	November 2010	70,646	\$665	X			
Contra Costa County							
Concord	September 2006	123,206	\$160	X			
Contra Costa County	January 2003	162,815***	\$287*		X		
Richmond	June 2009	104,887	\$1,062.44**	X			

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Fresno County							
Firebaugh	August 2009	7,794	\$190	X			
Parlier	April 2012	14,826	\$200	X			
Kern County							
California City	February 2007	13,260	\$165		X		
Delano	June 2008	52,005	\$165	X			
Kern County	November 2006	303,797***	\$165		X		
McFarland	May 2007	12,333	\$165		X		
Tehachapi	February 2007	13,872	\$165		X		
Wasco	March 2007	25,324	\$165		X		
Los Angeles County							
Baldwin Park	October 2008	75,830	\$342	X			X
Beverly Hills	August 2010	34,291	\$204	X			
Burbank	February 2007	104,427	\$300**	X			
Calabasas	June 2009	23,683	No Fee Planned*				X
Carson	November 2006	91,828	\$500	X			X
Cerritos	January 2008	49,223	\$50*	X			
Compton	July 2007	97,058	\$500	X			X
Culver City	July 2009	39,004	\$235	X			X
El Monte	November 2011	113,912	\$300	X			X
El Segundo	June 2010	16,720	\$250	X			
Gardena	July 2008	59,124	\$120 **	X			X
Glendale	September 2007	192,654	\$225	X			X
Hawaiian Gardens	July 2011	14,303	\$248				X
Hawthorne	July 2009	85,047	\$375	X			X
Huntington Park	November 2011	58,329	\$200	X			
Inglewood	October 2007	110,623	\$350	X			X
La Canada Flintridge	June 2009	20,335	\$50*	X		X	
Lawndale	October 2009	32,887	\$150				X
Lomita	May 2007	20,396	\$150	X			X
Long Beach	February 2008	464,662	\$442	X	X	X	
Los Angeles (City)	September 2005	3,825,297	\$300		X	X	X
Los Angeles County	December 2007	1,062,073***	\$235	X	X		
Malibu	November 2011	12,699	No Fee Planned *				X
Montebello	September 2009	62,857	\$300	X			
Monterey Park	April 2010	61,153	\$40*	X			
Palmdale	January 2010	153,708	\$350			X	
Pasadena	February 2004	139,222	\$225	X	X		
San Fernando	October 2008	23,752	\$250				X
San Gabriel	March 2010	39,926	\$300	X			
Santa Monica	November 2008	90,223	\$135.45			X	
Sierra Madre	November 2006	10,963	\$30	X			
South Pasadena	February 2009	25,725	\$150				X

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Mendocino County							
Mendocino County	April 2010	59,054***	\$290		X		
Monterey County							
Monterey County	May 2012	101,644***	TBD	X	X		
Nevada County							
Grass Valley	November 2009	12,638	\$100	X			
Nevada City	November 2006	3,062	\$100	X			
Orange County							
Santa Ana	October 2006	327,731	\$635	X	X		
Riverside County							
Banning	August 2006	29,965	\$350		X		
Beaumont	December 2006	38,851	\$350		X		
Calimesa	June 2007	7,998	\$350		X		
Canyon Lake	June 2009	10,689	\$350		X		
Coachella	July 2007	41,904	\$350		X		
Corona	October 2005	154,520	\$350		X		
Desert Hot Springs	August 2007	27,638	\$350		X		
Eastvale	October 2010	55,602	\$350		X		
Hemet	March 2008	80,089	\$350		X		
Lake Elsinore	August 2007	53,024	\$350		X		
Menifee	December 2009	80,589	\$350		X		
Moreno Valley	September 2007	196,495	\$350		X		
Murrieta	May 2006	104,985	\$350		X		
Norco	March 2006	27,053	\$350		X		
Perris	August 2008	70,180	\$350		X		
Riverside (City)	May 2006	308,511	\$350		X		
Riverside County	January 2010	356,633***	\$350		X		
San Jacinto	June 2006	44,803	\$350		X		
Temecula	June 2006	103,092	No Fee Planned*	X			
Wildomar	July 2008	32,719	\$350		X		
Sacramento County							
Elk Grove	September 2004	155,937	\$270	X			
Rancho Cordova	February 2005	66,093	\$287	X			
Sacramento (City)	March 2004	470,956	\$300	X			X
Sacramento County	May 2004	560,675***	\$324	X	X		
San Benito County							
Hollister	May 2006	35,533	\$269	X			X
San Diego County							
El Cajon	June 2004	100,562	\$675				X
Solana Beach	July 2009	13,000	\$110 **				X
Vista	May 2005	95,036	\$250	X			

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
San Francisco County							
San Francisco	November 2003	812,538	\$175 **	X	X		
San Luis Obispo County							
Arroyo Grande	February 2005	17,291	\$208	X			
Grover Beach	September 2005	13,162	\$224	X			
San Luis Obispo (City)	August 2003	45,308	\$278	X			
San Luis Obispo County	October 2008	119,071***	\$342	X			
San Mateo County							
Pacifica	February 2008	37,658	\$300	X			X
Santa Barbara County							
Goleta	November 2001	29,930	\$30 *		X		
Santa Barbara (City)	June 2002	89,082	\$30 *	X			
Santa Barbara County	November 2010	134,890***	\$235 *		X		
Santa Clara County							
Santa Clara County	November 2010	86,354***	\$425	X	X		
Ventura County							
Oxnard	February 2012	199,722	\$51*				X
Yolo County							
Davis	August 2007	65,052	\$344		X		X
Yolo County	May 2006	25,304***	\$344		X		X

*City or County fee does not fully cover administration and enforcement of the tobacco retailer license. Rather, the fee is supplemented with another stable source of funds, such as Master Settlement Agreement (MSA) funds or general funds. See the Center's Matrix of Strong Local Tobacco Retailer Licensing Ordinances for full details about the administration and enforcement of these ordinances.

** Fees noted here have additional restrictions, additional charges or may be combined with another fee. For full information see the Center's Matrix of Strong Local Tobacco Retailer Licensing Ordinances.

*** This is the population in the unincorporated areas of the county.

Guide to Enforcement Agencies:

Law Enforcement: Includes Police Departments and Sheriff Departments

Health Department: Includes Environmental Health Services, Departments of Public Health, Health Services Department, and Health and Human Services Divisions.

City Officials: Includes City Manager, City Attorney, and any authorized city official

Other: Includes Community Development Services, Department of Finance, code enforcement agencies/services, Administrative Services, Neighborhood Preservation Division, neighborhood services inspectors, Business License Division, and District Attorneys

Sources: Population figures are from the State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change -- Jan. 1, 2011 and 2012

The Center for Tobacco Policy & Organizing • American Lung Association in California
1029 J Street, Suite 450 • Sacramento, CA 95814 • Phone: (916) 554.5864 • Fax: (916) 442.8585 • www.Center4TobaccoPolicy.org

© 2012. California Department of Public Health. Funded under contract #09-11173.

Attachment E

Cigarettes Generate Big Revenue for Convenience Stores, 2009

Smoking Regulations Amendments
City Council Hearing April 22, 2013



Tobacco Retailer Licensing

Cigarettes Generate Big Revenue for Convenience Stores

Analysis of 2009 State of the Industry Report



The Association for Convenience & Petroleum Retailing (NACS) is an international trade association that represents convenience and petroleum retailers. NACS releases an annual report on product sales, store operations, motor fuel and other topics of interest to the convenience store industry. This report is important to the tobacco control community because it includes figures about cigarette sales at convenience stores, which can be helpful for local tobacco retailer licensing efforts. This fact sheet highlights data from the *2009 State of the Industry Annual Report of 2008 Data*. Please note, all of these numbers are national averages for 2008 data, not California specific.

Cigarettes Are the Number One Product Sold at Convenience Stores

- Cigarettes accounted for **32.91%** of sales inside convenience stores in 2008, by far the number one product. Non-alcoholic packaged beverages were second, with only 15.57% of inside sales.
- This number is a slight decrease from 2007, when cigarettes accounted for 33.01% of sales.
- Average sales of cigarettes per store were **\$476,244**, an increase of 2.38% from 2007. This figure is more than \$250,000 higher than any other product's per store average.
- Other tobacco products were the seventh best selling product, accounting for 3.42% of inside sales.
- Average sales of other tobacco products per store were \$52,644, an increase of 11.91% from 2007.
- Smokeless tobacco products make up 61.58% of other tobacco product sales, followed by cigars at 32.72% and rolling papers at 3.55%.

Cigarettes Are a Very Important Product for Convenience Stores' Bottom Line

- Convenience stores are the top sellers of cigarettes nationwide. According to this report, nearly 65% of total cigarette sales were made at convenience stores.
- 99.57% of convenience stores sell cigarettes, the largest percentage for any product. Other tobacco products are sold in 99.0% of stores, the third most common item found in stores.
- The average gross profit dollars per store for cigarettes was \$73,008.
- While cigarettes are the top selling product, they rank second in gross profit dollar contribution. Cigarettes contributed 16.69% of the average gross profit dollars per store, ranking behind non-alcoholic packaged beverages which are first at 20.65% and \$90,328.

What This Means for Local Tobacco Retailer Licensing Ordinances

Convenience store owners and other cigarette retailers often oppose efforts to enact a strong local tobacco retailer licensing ordinances, which 78 cities and counties in California have adopted (as of June 2010) in order to reduce illegal sales of tobacco products to minors. A strong local tobacco retailer licensing ordinance requires all tobacco retailers to obtain a license, pay an annual renewal fee and includes enforcement efforts that result in the suspension of a retailer's license for selling tobacco products to minors. The State of the Industry Report shows just how lucrative selling cigarettes are to convenience stores. It is a product that accounts for nearly a third of sales inside convenience stores and generates nearly \$500,000 in revenue for the average convenience store. Being unable to sell cigarettes for a month or longer due to a suspended tobacco retailer license would be very detrimental to the bottom line of any store.

Resources: The Tobacco Education Clearinghouse of California (TECC) has a copy of the *2009 State of the Industry Report* available for checkout. Call (800) 258-9090 to borrow the report.

The Center has many other resources related to local tobacco retailer licensing ordinances, including a matrix of communities with strong local licensing ordinances and a fact sheet on the effectiveness of local licensing efforts, available at www.Center4TobaccoPolicy.org/localpolicies-licensing.

The Center for Tobacco Policy & Organizing • American Lung Association in California
 1029 J Street, Suite 450 • Sacramento, CA 95814 • Phone: (916) 554.5864 • Fax: (916) 442.8585 • www.Center4TobaccoPolicy.org

Attachment F

Matrix of Local Ordinances Restricting Tobacco Retailers
within a Certain Distance of Schools, *April 2011*

Smoking Regulations Amendments
City Council Hearing April 22, 2013



Matrix of Local Ordinances Restricting Tobacco Retailers Within a Certain Distance of Schools April 2011

In order to prevent youth from getting addicted to tobacco products and to reduce illegal sales of tobacco products to minors, many cities and counties in California have restricted the location of tobacco retailers within a certain distance of schools. Studies have shown that the density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased smoking rates (Henriksen L., Feighery E.C., et al) and that one-third of illegal tobacco sales take place within 1,000 feet of schools (Lipton, Robert, et.al.). An additional benefit of this policy is that it restricts some advertising of tobacco products within a certain distance of schools, because if retailers are not able to sell tobacco products, they also cannot display ads for those products that would mislead consumers.

This matrix lists 23 municipalities in California that have adopted an ordinance to restrict the location of tobacco retailers within a certain distance of schools (there are 24 total ordinances as West Hollywood is listed twice and has two separate ordinances). The cities and counties are listed in reverse chronological order from the most recently passed. To be included on this matrix, the ordinance must require all tobacco retailers or significant tobacco retailers to be located 500 feet or more away from schools. The definition of significant tobacco retailers varies by ordinance, such as any store that devotes more than 15 percent of its floor space to tobacco products or any store that generates more than 75 percent of its sales from tobacco products and tobacco paraphernalia. The strength of each of these 24 ordinances varies and the policy details that are included in this matrix help to highlight these differences.

Type of Ordinance

There are four different ways for local governments to restrict the location of tobacco retailers and the first section of the matrix includes an "X" to designate which type of policy each municipality has adopted. While each of these policy options can accomplish the goal of restricting tobacco retailers near schools, using the tobacco retailer licensing ordinance to do this is the best approach for dealing with current tobacco retailers located within the restricted area around a school and more efficient to enforce, and therefore it is recommended. For this reason, the tobacco retailer licensing column is shaded in blue to highlight these ordinances. Full explanations for each of the four policy types, along with the matrix abbreviation and information about how many municipalities have adopted that type of policy, are listed below.

1. **Tobacco Retailer Licensing Ordinance (TRL)** – this type of law requires all tobacco retailers to obtain a license in order to sell tobacco products in the municipality and a requirement can be added to the licensing ordinance that a retailer cannot obtain a license if they are located within a certain distance of schools. Because tobacco retailer licenses are only granted for a set period of time (one year) and must be renewed annually, it is more efficient to implement

location restrictions through a licensing ordinance by simply not renewing licenses for businesses in prohibited locations. Five municipalities use this type of policy to restrict sales near schools and all of these policies have been adopted since April 2010.

2. **Conditional Use Permit (CUP)** – the requirement that a business obtain a Conditional Use Permit (CUP) is a requirement typically imposed through a community's zoning code that allows a city or county to make an individualized determination about the use of a property in a specific location. If a proposed use such as tobacco retailing near schools is not "permitted" by the zoning code (i.e., always allowed) nor "prohibited" (never allowed), it can be "conditionally permitted" depending on site-specific factors. A retailer would have to apply for a CUP in order to open a business in a specific location and cannot operate a store that sells tobacco in that location if the CUP is not granted. A restriction on the issuance of a CUP can be that the tobacco retailer is not located within a certain distance of schools. Fifteen municipalities have adopted this type of policy.
3. **Zoning Ordinances (Zoning)** – closely related to a CUP requirement, zoning regulations are used to establish what type of uses are allowed for each type of property or district. A zoning ordinance can be used to specifically prohibit a tobacco retailer from operating within a certain distance of schools. Three municipalities use this policy to restrict sales near schools.
4. **Direct Regulation (Reg)** – this type of law is enacted under the general police powers of the municipality to protect the health, safety, welfare and morals of their citizens. Unlike TRL, zoning, and CUP ordinances, for this type of law an enforcement mechanism must be specifically created or incorporated by reference from another part of the municipal code (TRL and zoning ordinances already include enforcement procedures that apply to any violation.) A regulatory ordinance can be enforced in many ways, for example through civil suit or criminal prosecution, administrative citations, and as a nuisance through administrative, civil or criminal nuisance abatement proceedings. One city has adopted this type of ordinance to restrict tobacco retailers near schools.

Type of Tobacco Retailers that are Subject to the Ordinance

Another significant distinction for these policies is whether the policy restricts the location of all tobacco retailers or just significant tobacco retailers. The blue column on the right side contains the information about which type of retailers are subject to the ordinance. The municipalities that contain an "X" in the column are the strongest type of policy and restrict every retailer that sells tobacco products within a certain distance of schools. Nine municipalities have adopted this type of ordinance, including every ordinance that has been adopted since April 2010 with the exception of West Hollywood. The other policy option is to only restrict the location of significant tobacco retailers. Fourteen municipalities have adopted an ordinance that only applies to significant tobacco retailers. One municipality has adopted an ordinance that only applies to retailers other than significant tobacco retailers.

Other Policy Provisions

In addition, the Matrix also contains information about five other policy provisions relevant to restrictions on the sale of tobacco products near schools. For each of these provisions, the full question is listed below along with information on trends and most common responses from the 24 ordinances:

- *The policy prohibits tobacco retailers from being located within what distance of schools?* The restrictions range from 500 feet to 1,500 feet, with the majority (14 of 24) restricting sales within 1,000 feet of schools.
- *Does the policy apply to existing retailers (no grandfathering)?* A majority of the policies (22 of 24) do not subject existing retailers to the location restrictions but would only apply to new retailers and grandfather existing retailers. However, for several of these cities and counties, there were no existing retailers within that restricted distance from schools.
- *Does the municipality have a tobacco retailer licensing ordinance?* While five municipalities use a licensing ordinance to restrict sales near schools, eight other municipalities have a licensing ordinance but have adopted these restrictions as a separate policy from the licensing ordinance.
- *What other youth-oriented areas do the distance requirements apply to other than schools?* In addition to schools, the majority of these policies (18 of 24) also restrict tobacco retailers within a certain distance of other youth-oriented areas. The most popular other location is parks and/or playgrounds, which 18 cities and counties restrict tobacco retailers near in addition to schools.
- *Does the policy restrict tobacco retailers from being located within a certain distance of other tobacco retailers?* In addition to schools and other youth-oriented areas, some of these ordinances contain a density provision that restricts tobacco retailers from being located near other tobacco retailers. Six ordinances contain this provision and the distance restrictions range from 500 to 1,500 feet.

Resources

The Center has additional resources on restricting tobacco retailers near schools and tobacco retailer licensing ordinances available at www.center4tobaccopoly.org/localpolicies-licensing. The Technical Assistance Legal Center has model ordinance language available for tobacco retailer licensing ordinances, conditional use permits and zoning ordinances at www.phlpnet.org.

City/County Date Passed	Type of Policy				Distance (in feet) from schools?	Apply to existing retailers (no grandfathering)?	Does the municipality have TRL?	What other youth- oriented areas (other than schools) are included?	Restricts retailers within a certain distance of other retailers?	Apply to every retailer who sells tobacco products?
	TRL	CUP	Zoning	Reg						
West Hollywood March 2011				X	600	No	No	None	No	
Santa Clara County November 2010	X				1,000	No	Yes	None	Yes (500 feet)	X
Santa Barbara County November 2010	X				1,000	No	Yes	None	No	X
South Pasadena November 2010	X				500	No (but there were no retailers within restricted area)	Yes	None	No	X
Riverbank July 2010	X				500	Yes	Yes	Playgrounds	No	X
Adelanto May 2010			X		1,000	No	No	Playground, church, public library or childcare facility	No	X
Calabasas April 2010	X				500	No (but there were no retailers within restricted area)	Yes	None	No	X
Union City January 2010		X			1,000	No	Yes	Park, playground, library, recreation center, religious institution, youth- oriented establishment	Yes (1,000 feet)	
Palmdale January 2010		X			500	No	Yes	Commercial daycare center, hospitals, parks, libraries, recreation centers	No	X
Vallejo December 2009		X			1,000	No	No	Church, public recreation area	Yes (1,000 feet)	
Windsor November 2009		X			600	No (but there were no retailers within restricted area)	No	Religious institutions, libraries and parks	No	

City/County Date Passed	Type of Policy				Distance (in feet) from schools?	Apply to existing retailers (no grandfathering)?	Does the municipality have TRL?	What other youth-oriented areas (other than schools) are included?	Restricts retailers within a certain distance of other retailers?	Apply to every retailer who sells tobacco products?
	TRL	CUP	Zoning	Reg						
Saratoga October 2009		X			1,000	No	No	Parks	Yes (500 feet)	X
Albany February 2009		X			500	Yes	Yes	Childcare centers, public libraries, public community centers, parks or playgrounds	No	
Oakland April 2008		X			1,000	No	Yes	Residential zone, library, park, playground, recreation center, licensed daycare facility	No	X
La Mirada 2008		X			600	No	No	Church, temple, park	Yes (500 feet)	
Mountain View February 2005		X			1,000	No (if existing retailers are caught selling to minors twice in a 36 month period, they must apply for a CUP)	No	Childcare facility or preschool other than family daycare, playground, youth center, recreational facility	No	
Pasadena February 2004		X			1,000	No	Yes	Game arcade, internet access studio, library, licensed childcare facility other than family daycare, park and recreation facility, theater	No	
San Rafael February 2003		X			1,000	No	Yes	Parks, libraries, arcades, youth/teen centers, community/recreation centers, licensed daycare centers, shopping malls, houses of worship with youth programs	No	

City/County Date Passed	Type of Policy				Distance (in feet) from schools?	Apply to existing retailers (no grandfathering)?	Does the municipality have TRL?	What other youth- oriented areas (other than schools) are included?	Restricts retailers within a certain distance of other retailers?	Apply to every retailer who sells tobacco products?
	TRL	CUP	Zoning	Reg						
Marin County 2002		X			1,000	No	No	Childcare facility or preschool other than family daycare, playground, youth or teen center, community or recreation center, arcade, park, library, houses of worship with youth activities	No	
Berkeley November 2001		X			1,400	No	Yes	Public Park	No	
San Leandro July 2001		X			1,500	No	No	Park, library, recreational facility	Yes (1,500 feet)	
Novato April 2001			X		1,000	No	No	Parks or other land use oriented to minors as determined by zoning administrator	No	
West Hollywood 2001		X			1,000	No	No	Park, playground, motion picture theater, game arcade	No	
Vista June 1997			X		1,000	No	Yes	None	No	

© 2011. California Department of Public Health. Funded under contract #09-11173.

Attachment G

County Board of Supervisors Resolution No. 12-288 Adopting
Fees for Tobacco Retailer Licensing Program, December 2012

Smoking Regulations Amendments
City Council Hearing April 22, 2013

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING FEES FOR
THE TOBACCO RETAILER LICENSING
PROGRAM PURSUANT TO CHAPTER 37A
OF THE SANTA BARBARA COUNTY CODE
AND THE CALIFORNIA HEALTH AND
SAFETY CODE §101325.**

RESOLUTION NO. 12-288

WHEREAS, in November of 2001, Chapter 37A of the Santa Barbara County Code was enacted to establish a Tobacco Retailer Licensing program, which includes a Tobacco Retailer License Fee (Sec. 37A-7(a)) for the unincorporated area of the County. Chapter 37A requires a retailer to obtain a tobacco retailer license before selling tobacco products. The purpose behind the tobacco retailer license is to reduce the sale of tobacco products to minors, by imposing sanctions on tobacco retailers who violate the laws prohibiting the sale of tobacco products to minors; and

WHEREAS, in 2012, the Public Health Department conducted an updated Fee Study, attached as Exhibit B and incorporated by reference, which quantified, analyzed, and reviewed the annual costs for all functions necessary to administer and enforce the Tobacco Retailer Licensing program in the unincorporated areas of the county and established grounds for amending (reducing) the annual tobacco retailer license fee from \$435 to \$409. The Fee Study has been certified by the County Auditor Controller; and

WHEREAS, the 2012 Fee Study also quantified, analyzed, and reviewed the annual costs for having the County Public Health Department administer and enforce the Tobacco Retailer Licensing program in cities that elect to contract for these County services and set that fee at \$379; and

WHEREAS, the California Health and Safety Code §101325 provides that the Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of any statute or regulation relating to public health; and

WHEREAS, the Board of Supervisors has amended Chapter 37A, Sec. 37A-7(a) to allow for the Tobacco Retailer License fee to be adopted by resolution and the effective date of that amendment is January 11, 2013; and

WHEREAS, beginning January 11, 2013 the tobacco retailer license fee for the unincorporated area of the County shall be set by this resolution. Further, if an incorporated city elects to utilize the County to administer and enforce a Tobacco Retailer Licensing program in its incorporated city, then that city shall abide by the fee set forth by this resolution for the County's services. Each incorporated city would be responsible for issuing the tobacco retailer license and collecting that license fee in their jurisdiction; and

WHEREAS, the tobacco retailer license fees established by the Fee Study (Exhibit B) cover the actual costs of administering and enforcing the licensing program. The fees provide for full cost recovery, but do not exceed the actual regulatory costs of administering and enforcing the Tobacco Retailer License program; and

WHEREAS, the County of Santa Barbara has, in connection with the above fees, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code §6062a; and

WHEREAS, the fees may be revised as needed by the Santa Barbara County Board of Supervisors;

2

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

1. The tobacco retailer license fee imposed by Chapter 37A Sec. 37A-7(a) of the Santa Barbara County Code for the unincorporated area of the county is set forth in the attached Fee Schedule, Exhibit A.
2. The tobacco retailer license fee for incorporated cities who elect to have their Tobacco Retailer Licensing program administered and enforced by the County is set forth in the attached Fee Schedule, Exhibit A.
3. That this resolution shall become effective January 11, 2013.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2012, by the following vote:

AYES: Supervisors Carbajal, Wolf, Farr, Gray & Lavagnino

NOES: None

ABSTAIN: None

ABSENT: None

COUNTY OF SANTA BARBARA



DOREEN FARR

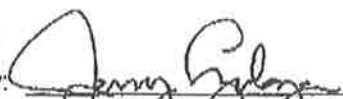
Chair, Board of Supervisors

ATTEST:

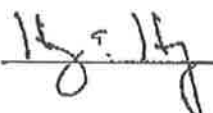
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: 
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

By: 
Deputy County Counsel

APPROVED
HARRY E. HAGEN, CPA
TREASURER-TAX COLLECTOR

By: 

APPROVED AS TO ACCOUNTING FORM:
ROBERT W GEIS, CPA
AUDITOR-CONTROLLER

By: 
Deputy Auditor-Controller
Gregory Eric Levin
Advanced and Specialty Accounting

APPROVED
BILL BROWN
SHERIFF

By: 

EXHIBIT A

TOBACCO RETAILER LICENSE FEE SCHEDULE
PURSUANT TO CHAPTER 37A OF THE SANTA BARBARA COUNTY CODE
FOR THE UNINCORPORATED AREA OF THE COUNTY
AND PURSUANT TO CONTRACT IN INCORPORATED AREAS OF THE COUNTY

Unincorporated Areas of Santa Barbara County

Initial fee or renewal fee for a tobacco retailer license in year 2013 and subsequent years..... \$409

The initial or renewal fee shall be paid to the Santa Barbara County Tax-Treasurer as the licensing agent when a Tobacco Retailer License application is submitted. The fee shall be allocated between the licensing agent and the Public Health Department: \$30 will be apportioned to the licensing agent for processing the licenses and the balance will be apportioned to the Public Health Department for administration and enforcement of the Tobacco Retailer Licensure program under Chapter 37 of the Santa Barbara County Code.

Incorporated Areas of Santa Barbara County

Initial fee or renewal fee for the administration and enforcement of a Tobacco Retailer Licensing program \$379

The initial or renewal fee shall be paid to the Public Health Department by an incorporated city that contracts to have the County provide the administration and enforcement of tobacco retailer licensing laws within the city's jurisdiction.

An incorporated city shall be responsible for issuing tobacco retailer licenses to businesses in their jurisdiction per the city's ordinance relating to tobacco retailer licensing.

EXHIBIT B FEE STUDY 2012

Santa Barbara County Public Health Department Tobacco Retailer Licensing Fee Study Incorporated and Unincorporated Areas

5/20/2012

Task		Description	Position Title	Frqncy of Task	Note 4 Time on Task (Hours)	Note 4 Time Per Store (Hours)	Note 4 Task Hours 337	Annual Hours 337	Productive Hrsly Rate	Annual Cost
Licensing (Annual)					75 stores					
Develop and/or update protocols and communications	Administrative oversight duties	Program Administrator	Monthly	1	0.01	5	61.83	78.17	4,326.30	
Acquire list of retailers from Board of Equalization and/or Code Enforcement and verify	Verify list, check against database, update and share findings with SOE & law enforcement	Admin Office Pro II	Annual	3	0.04	16	15.55	43.45	789.92	
Maintain database of tobacco retailers and run monthly reports	Run expiration list for license renewals and email to city/treasurer monthly	Admin Office Pro II	Monthly	3	0.04	16	190.56	43.45	8,232.43	
Monitor TRS, expirations and send correspondence via certified mail to retailer	Issue past due/expired license letter to retailers with pertinent materials, copy to city	Admin Office Pro II	Monthly	3	0.04	16	190.56	43.45	8,232.43	
Coordinate with issuing entity and verify tobacco retailer information	Review applications and update database (ownership, mailing address, etc)	Admin Office Pro II	Monthly	4	0.05	21	284.25	43.45	12,310.15	
Review and sign applications	Approve applications	Program Administrator	Monthly	1	0.01	5	61.83	78.17	4,326.30	
Enter & maintain licensing data in TRS, database (copy of license received from city)	Data entry (license #, expiration date), Update records in TRS, database and files	Admin Office Pro II	Monthly	3	0.04	16	190.56	43.45	8,232.43	
Prepare reconciliation, communicate with City/County staff, provide reports to PHD for	Coordinate with PHD fiscal and city	Admin Office Pro II	Monthly	2	0.02	11	127.04	43.45	5,122.00	
Maintain financial records	Reconciliation by PHD fiscal, reports	Accountant I	Quarterly	2	0.02	11	42	52.59	2,219.10	
TRIS database development, maintenance, server hosting and system improvements	PHD IT development and maintenance of TRIS database and reporting systems	EDP Sys & Prog Anst II	Annual	26	0.34	133	133	77.50	10,303.16	
Enforcement Operations										
Education (On site for retailers)					75 stores					
Develop/update educational materials	Customize educational materials for the county ordinance	Program Administrator	Annual	0.7	0.01	3.5	3.5	78.17	789.92	
Develop/update educational materials	Customize educational materials for the county ordinance	Health Educator	Annual	0.7	0.01	3.5	3.5	66.37	232.61	
Schedule and confirm educational presentations	Coordinate calendars, locations, attendees & confirm	Admin Office Pro II	Annual	0.7	0.01	3.5	3.5	43.45	172.57	
Conduct site visits	Coordinate with City/County Code Enforcement staff, plan and execute the visits	Program Administrator	Annual	5.0	0.07	25.0	25.0	78.17	2,316.07	
Conduct site visits	Coordinate with City/County Code Enforcement staff, plan and execute the visits	Health Educator	Annual	5.0	0.07	25.0	25.0	66.37	1,544.25	
Provide follow up documentation	Literature, DVD's	Program Administrator	Annual	0.7	0.01	3.5	3.5	78.17	282.60	
Provide follow up documentation	Literature, DVD's	Health Educator	Annual	0.7	0.01	3.5	3.5	66.37	232.61	
Motor pool and mileage	Vehicle and mileage costs for educational site visits	motor pool/mileage	Annual	-	-	-	-	-	477.04	
County Council costs	Technical review on law interpretation and new communication templates	Sr Deputy County Counsel	Annual	1.5	0.02	7.5	7.5	178.00	1,766.25	
Preparation					251 stores					
Develop and/or update protocols and communications	Coordinate with District Attorney, recruitment correspondence, Sheriff's MOU	Program Administrator	Annual	4	0.02	6.1	6.1	78.17	452.44	
Recruit and train youth decoys and/or adult chaperones	South County	Program Administrator	Annual	4	0.02	6.1	6.1	78.17	854.16	
Recruit and train youth decoys and/or adult chaperones	North County	Health Educator	Annual	4	0.02	6.1	6.1	66.37	532.71	
Recruit and train youth decoys and/or adult chaperones	Maintain forms and documentation (data on youth drivers)	Admin Office Pro II	Annual	3	0.01	4.6	4.6	43.45	311.00	
Prepare data collection forms and buy routes, reserve vehicles	North and South County	Admin Office Pro II	Annual	14	0.05	21.2	21.2	43.45	1,331.73	
Train and coordinate with law enforcement	Coordinate undercover operations	Program Administrator	Annual	5	0.02	7.6	7.6	78.17	576.30	
Conducting the Operation										
Conduct undercover buy operations	Oversee operations, chaperones and staff	Program Administrator	Annual	10	0.04	16.2	16.2	78.17	1,156.60	
Conduct undercover buy operations	Coordinate activities, chaperones and staff, record buys	Health Educator	Annual	10	0.04	16.2	16.2	66.37	597.85	
Conduct undercover buy operations	Review documentation	Admin Office Pro II	Annual	5	0.02	7.6	7.6	43.45	326.43	
Follow up										
Enter data for sales and suspensions, maintain records, etc	Data entry for all operations, verify completed data with decoys	Admin Office Pro II	Annual	25	0.10	38.0	38.0	43.45	1,545.40	
Analyze findings and create graphs	Verify data accuracy, perform statistical analysis, create graphs and reports	Program Administrator	Annual	4	0.02	6.1	6.1	78.17	452.44	
Develop press releases and respond to media	Overnight & South County	Program Administrator	Annual	2	0.01	3.0	3.0	78.17	231.70	
Develop press releases and respond to media	Development & North County	Health Educator	Annual	4	0.02	6.1	6.1	66.37	355.14	
Process fiscal claims to reimburse participants	Log expenses, complete claims for payment	Admin Office Pro II	Annual	2	0.01	3.0	3.0	43.45	127.35	
Process fiscal claims to reimburse participants	Monitor expenses, sign claims, MOU's, emails, budget accruals, etc	Program Administrator	Annual	5	0.02	7.6	7.6	78.17	576.30	
Acquire court documentation	Write orders, records	Admin Office Pro II	Annual	4	0.02	6.1	6.1	43.45	264.73	
Notify Owners of violation identified letter and maintain files	Send certified letters to owners of stores, maintain offender files	Admin Office Pro II	Annual	12	0.05	18.2	18.2	43.45	594.24	
Review and approve violation notifications		Program Administrator	Annual	3	0.01	4.6	4.6	78.17	347.60	
Send "certificates of appreciation" to each retailer that did not sell	Create list, print labels and certificates, and mail	Admin Office Pro II	Annual	7	0.03	10.6	10.6	43.45	459.16	

Santa Barbara County Public Health Department
Tobacco Retailer Licensing Fee Study
Incorporated and Unincorporated Areas

2/28/2012

Task	Description	Position Title	Frequency of Task	Note 4		Note 4		Annual Hours 357 Stores	Productive Hrs Rate	Annual Cost
				Time on Task (Hours)	Time Per Store (Hours)	Task Hours 357 Stores	Annual Hours 357 Stores			
Other Expenses										
Youth Decoy, Chaparrones	Undercover operations	Vendors	Annual	-			-	-		2,475.10
Intern	Various TRC activities - data entry, education, undercover, etc.	Subcontractor(s)	Annual	-			-	-		345.77
Professional and Special Services	Agencies/individuals that assist with youth recruitment, training & for conduct the buys	Subcontractor(s)	Annual	-			-	-		5,063.00
Motor pool and mileage	Vehicle and mileage costs for undercover operations	Motor pool/mileage	Annual	-			-	-		355.66
Law Enforcement Costs	Sheriff's Deputy and City PD Labor costs- undercover operations	Sheriff's Dept/Deputy	Annual	-			-	-		25,216.00
Special Departmental Expense	Store product buys - undercover operations	Services & Supplies	Annual	-			-	-		570.85
Miss supplies - paper, postage	Paper & postage - letters, certificates	Services & Supplies	Annual	-			-	-		300.65
Suspensions/Settlements/Appeals										
Suspensions						75 stores				
Respond to inquiries resulting from sales in stores and/or receipt of letters				Note 5		Note 5				
Notify tobacco retailers of suspension details and monitor suspensions		Program Administrator	Annual	1	0.01	5.3	5.3	75.17	400.10	
Notify tobacco retailers of suspension details and monitor suspensions		Program Administrator	Annual	1	0.01	5.3	5.3	75.17	400.10	
Prepare communication and maintain suspension schedule and records	Certified letters, signs for stores, calendars, etc.	Health Educator	Annual	1	0.01	5.3	5.3	53.37	506.67	
Data entry-suspension details	Maintain data base regarding suspension details	Admin Office Pro II	Annual	3	0.04	15.9	15.9	43.45	760.30	
Settlements (Reduced Suspension)		Admin Office Pro II	Annual	1	0.01	5.3	5.3	43.45	266.46	
Review and respond to requests for reduced suspension	Provide information to retail owners regarding settlement terms			Note 5		Note 5				
Notify retailers of settlement terms	Send letter and collect settlement payments	Program Administrator	Annual	2	0.03	10.6	10.6	75.17	500.30	
Appeals (of Denial/Revocation/Suspension)		Admin Office Pro II	Annual	4	0.05	21.2	21.2	43.45	1,026.60	
Review of documents for appeal received by Public Health Tobacco Program	Appeals received by Health Officer or designee - directed to Public Health Tobacco Program	Program Administrator	Annual	0.3	0.003	1.6	1.6	75.17	60.64	
Facilitate appeal hearing	Schedule hearing and notify parties in writing	Admin Office Pro II	Annual	0.3	0.004	1.6	1.6	43.45	76.64	
Preparation for hearing	Prepare evidence records for hearing, documentation	Admin Office Pro II	Annual	0.4	0.01	2.1	2.1	43.45	102.63	
Appeal hearing		Program Administrator	Annual	0.3	0.003	1.6	1.6	75.17	60.64	
Appeal hearing and written decision	Appeal Hearing and written notice to retailer of administrative decision of appeal	Pub Hlth Division Officer	Annual	0.3	0.004	1.6	1.6	191.66	286.14	
Appeal hearing and written decision	Counsel for Health Officer or designee	Sr Deputy County Counsel	Annual	0.3	0.004	1.6	1.6	175.00	282.65	
Appeal hearing	Counsel for Tobacco Program	Sr Deputy County Counsel	Annual	1	0.01	5.3	5.3	175.00	940.21	
Appeal hearing	Review of case and appeal hearing	Sheriff's Deputy	Annual	0.7	0.01	3.7	3.7	102.66	406.67	
Total Costs										120,912
Indirect Cost Rate 15.02%										18,670
Grand Total Costs										139,582
Number of Licenses Issued										357
Cost Per License/Suggested Fee										\$ 379

Note 1: Basis of Study - 357 Stores, 3 yr average

Note 2: Tobacco Retailer Licenses to be issued by city/treasurer staff monthly with a copy sent to County Public Health Tobacco Program.

Note 3: Departmental Indirect Cost Rate Proposal FY 11-12 reviewed and approved by Auditor Controller's office.

Note 4: Time on Task hours provided by Program Administrator and staff. Based on actual hours worked and estimates based on experience in program.

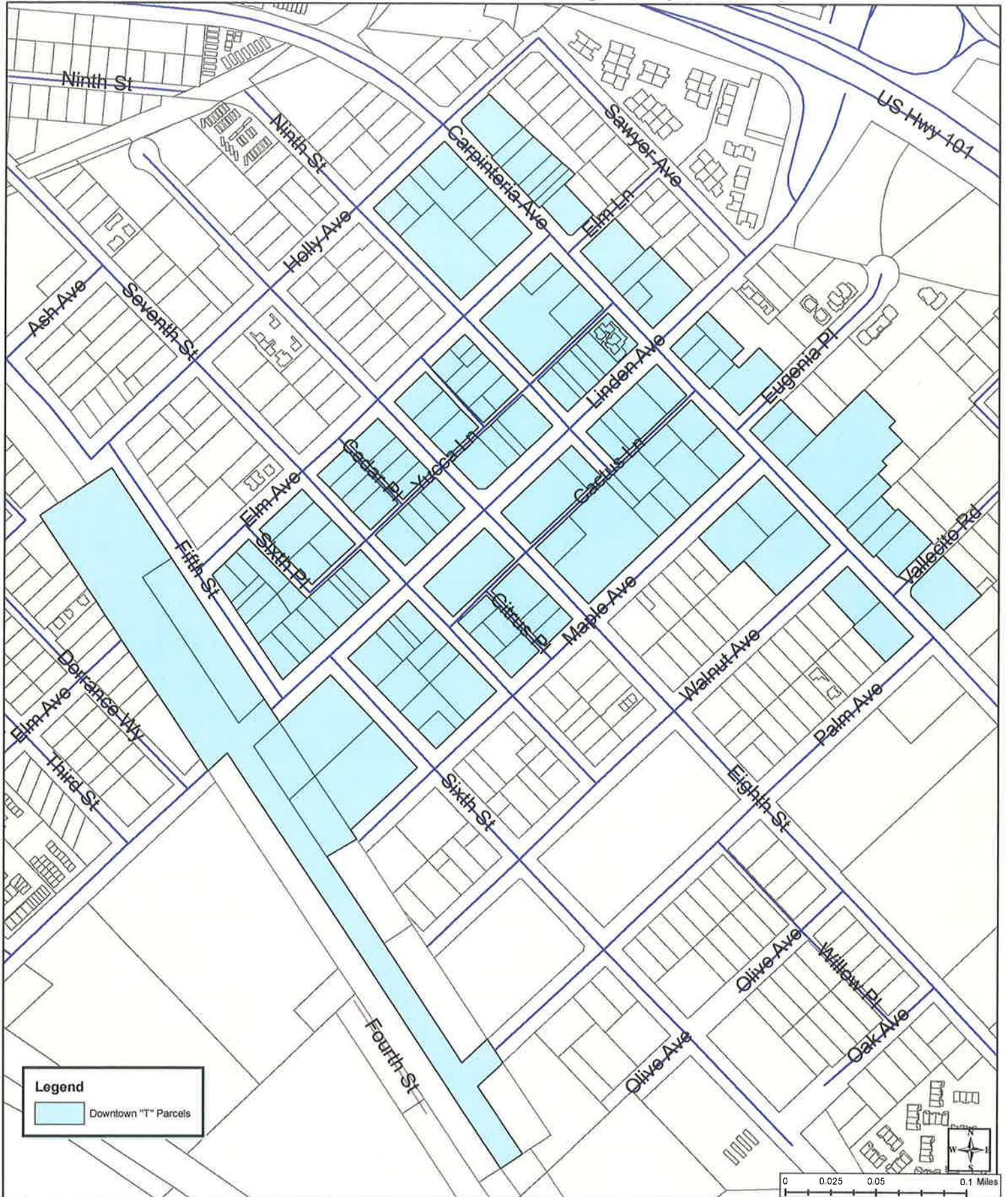
Note 5: Hours based on 5 suspensions or settlements, per historical data and Administrator's experience.

Attachment H

Downtown "T" Tobacco Retailing Map

Smoking Regulations Amendments
City Council Hearing April 22, 2013

Downtown "T" Tobacco Retailing Map



Attachment I

Map of the Downtown "T" with Distances from Schools Shown

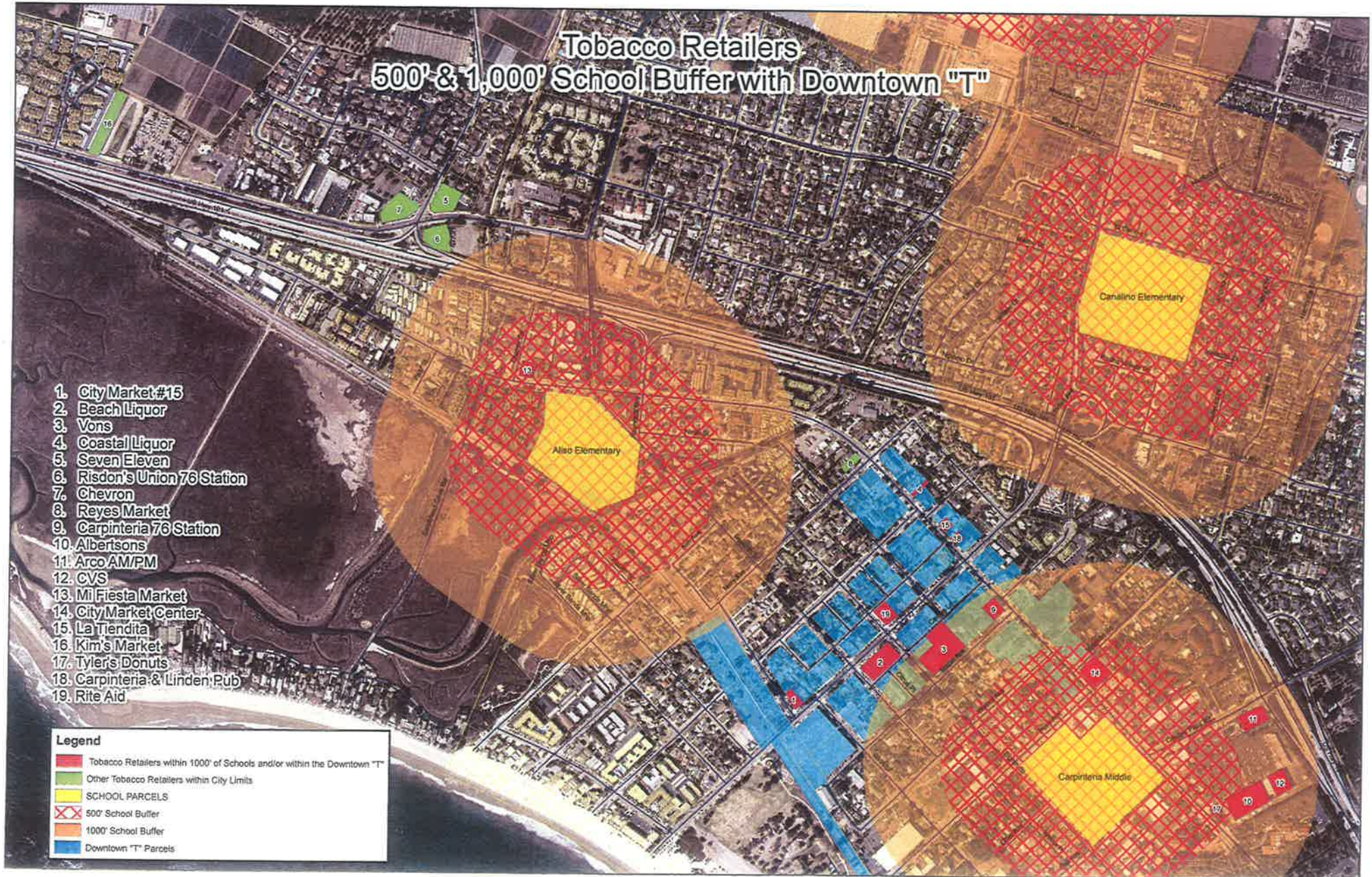
Smoking Regulations Amendments
City Council Hearing April 22, 2013

Tobacco Retailers 500' & 1,000' School Buffer with Downtown "T"

1. City Market #15
2. Beach Liquor
3. Vons
4. Coastal Liquor
5. Seven Eleven
6. Risdon's Union 76 Station
7. Chevron
8. Reyes Market
9. Carpinteria 76 Station
10. Albertsons
11. Arco AM/PM
12. CVS
13. Mi Fiesta Market
14. City Market Center
15. La Tiendita
16. Kim's Market
17. Tyler's Donuts
18. Carpinteria & Linden Pub
19. Rite Aid

Legend

- Tobacco Retailers within 1000' of Schools and/or within the Downtown "T"
- Other Tobacco Retailers within City Limits
- SCHOOL PARCELS
- 500' School Buffer
- 1000' School Buffer
- Downtown "T" Parcels



Attachment J

Possible Locations for Designated Smoking Areas

Smoking Regulations Amendments
City Council Hearing April 22, 2013

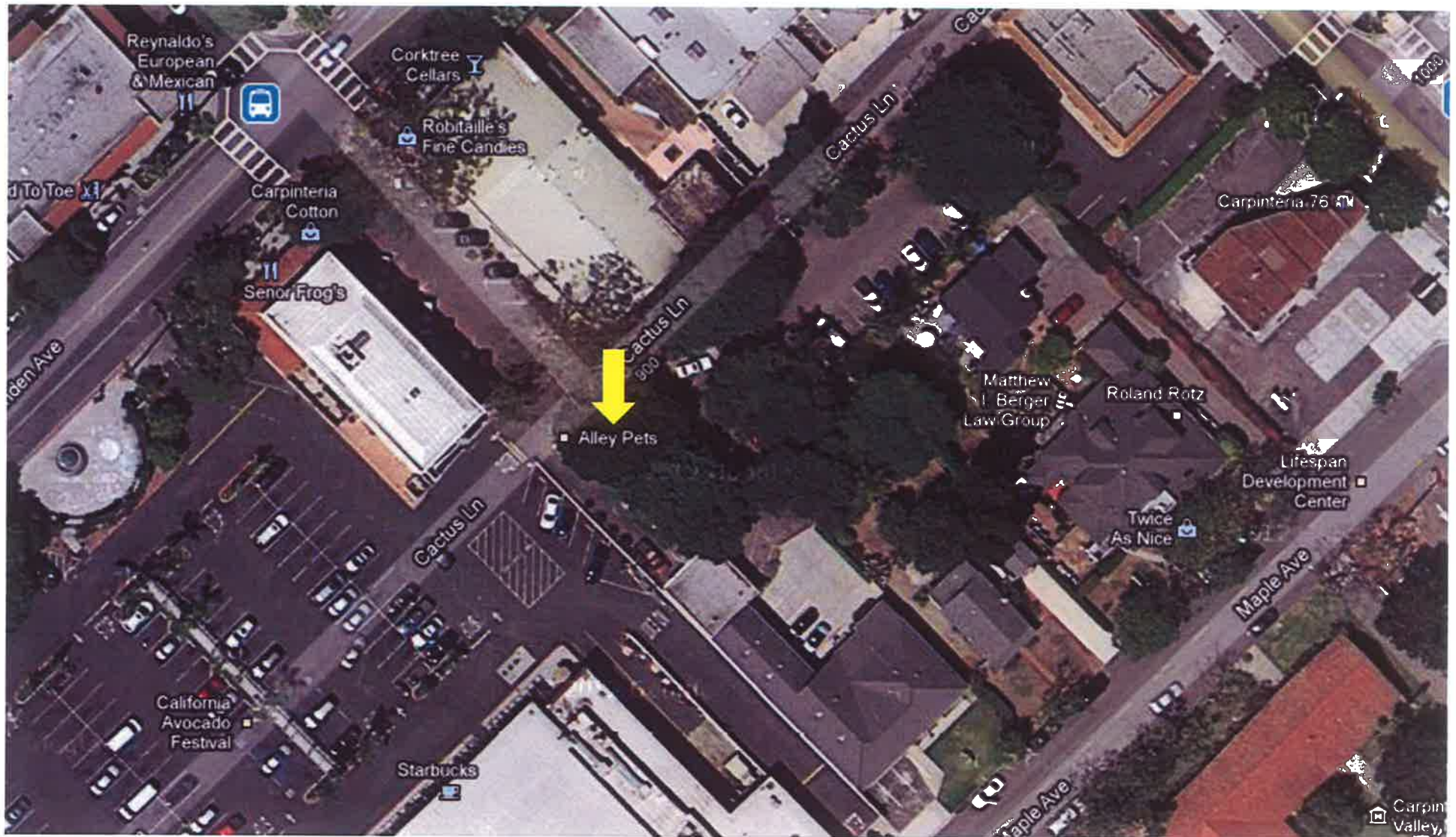
Parking Lot #1 at Ninth and Elm



Parking Lot #1 at Ninth and Elm



Parking Lot #2



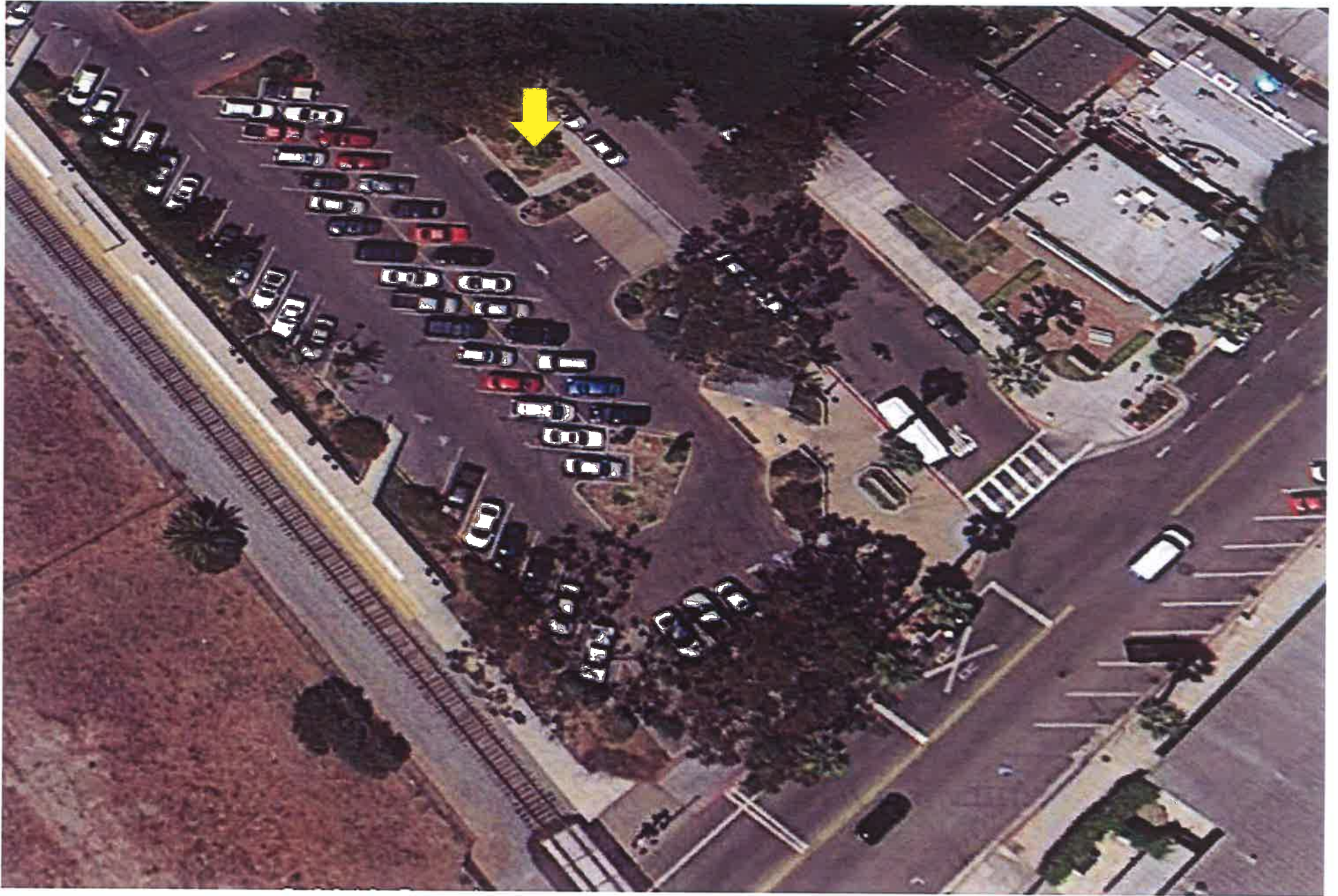
Parking Lot #2



Parking Lot #2



Parking Lot #3



Parking Lot #3 at Fifth Street



Parking Lot #3 at Fifth Street



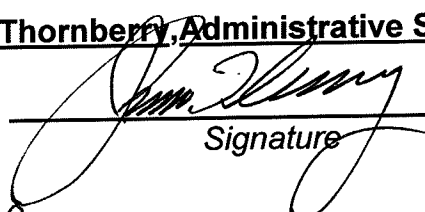
STAFF REPORT
COUNCIL MEETING DATE:
APRIL 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

REPORT ON STREET LIGHTING DISTRICT No. 1 -- FY 2013-14

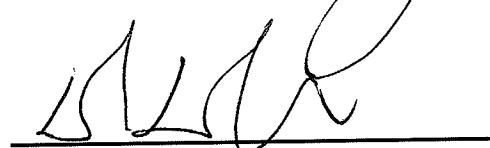
Report prepared by: **John Thornberry, Administrative Services Director**

Department: Administrative Services


Signature

Reviewed by:

City Manager


Signature

ACTION ITEM x ; NON-ACTION ITEM

STAFF RECOMMENDATION: Adopt Resolution Nos. 5452 and 5453, acting to accept and file the mandatory annual report and set the matter of the continuation of Street Lighting District No. 1 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

MOTION: I recommend adoption of Resolutions 5452 and 5453, acting to accept and file the mandatory annual report and set the matter of the continuation of Street Lighting District No. 1 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

I. BACKGROUND:

On March 25, 2013, by Resolution No. 5447, the City Council ordered a report on the status and projections for Carpinteria Street Lighting District No. 1 for Fiscal Year 2013-14. This status report is required annually under the California Street Lighting Act of 1919, as amended, and is one of several steps required each year in order to continue

the District. The purpose of the District is to provide a funding source to finance the cost of electrical power and maintenance and replacement of outdoor public lighting facilities. The following are the steps: A.) Ordering the report and Notice of Intent to continue the District, B.) Accept the report and set for public hearing, C.) Hold a Public hearing and decide on continuing the District.

II. FINANCIAL CONSIDERATIONS:

The ending fund balance as of June 30, 2012, was \$854,667. Revenues and appropriations for FY 2012-13 are projected to be \$284,546 and \$311,795 respectively leaving a fund balance at June 30, 2013, of \$827,418. These funds are used for both operations and maintenance of the lighting system and, once a sufficient fund balance is accumulated, these funds are also used to finance capital projects such as new or replacement street lights, upgrades to traffic signals, etc.

III. LEGAL ISSUES:

This district is an ad valorem (property tax) district and as such is governed by the provisions of Proposition 13 and is not subject to the provisions of Proposition 218. Attached are two proposed resolutions for your consideration and adoption. The first resolution accepts the report as presented and the second resolution states the Council's intent to continue the District for FY 2013-14 and sets the matter for public hearing on May 28, 2013.

IV. ATTACHMENTS:

- A. Report of the City Manager
 - 1) Map of the District boundaries
 - 2) Street Light Inventory
 - 3) State of Fund Transactions and Financial Condition for the fiscal year.
- B. Resolution No. 5452
- C. Resolution No. 5453

ATTACHMENT A

**CITY OF CARPINTERIA
CARPINTERIA STREET LIGHTING DISTRICT NO. 1
REPORT OF THE CITY MANAGER RELATIVE
TO THE CONTINUATION OF CARPINTERIA
STREET LIGHTING DISTRICT NO. 1**

1. INTRODUCTION:

This report is prepared pursuant to Resolution No. 5447 as adopted by the City Council on March 25, 2013. The objective of the report is to describe the status of the district, which provides street lighting for the City and to provide projections for FY 2013-14.

2. BACKGROUND:

The City assumed responsibility for funding street lighting within the City on July 1, 1977, in conjunction with the detachment of the City from County Service Area No. 11, the funding vehicle for street lighting prior to July 1, 1977. The City ultimately established two special districts to provide funding for street lighting; both are governed by the City Council and both cover the entire City. The second district, Street Lighting District #2, was suspended in 1985.

Street Lighting District No. 1 was formed by the City Council on November 22, 1976, for a period of five (5) years starting July 1, 1977 and has been continued each year thereafter in one year increments. The Street Lighting Act of 1919 was the legal basis for this action. The district was formed to establish a way of financing street lights through the collection of the ad valorem (property) tax. The initial tax rate was about 15 cents per \$100.00 of assessed valuation and the second year was 12.95 cents per \$100.00. With the adoption of Proposition 13, a limit was placed on the overall tax rate as well as a reduction of the total tax base. Since the passage of Proposition 13, the district's share of the property tax has been about 1.8% of all property tax or a tax rate equivalent to about 1.8 cents per \$100.00 of assessed valuation.

Most of the Street lighting in Carpinteria is owned and operated by Southern California Edison Company. The City has a contract with Edison to provide street lighting based on a monthly flat rate as set by the California Public Utilities Commission. The same rate is charged year round. As owner of the lights, Edison has the responsibility for maintenance and operations. As the customer, the City determines number, location, and type of lights and pays the bill.

With respect to other public lighting provided by the District, included are lights on the Franklin Creek and Carpinteria Creek Bikeways, Civic Center parking lights, and parking lot lights in Parking Lots #1 #2 and #3, lights on Linden Avenue between Carpinteria Avenue and the beach and street-end parking lot lights at Elm, Holly and Ash Avenues. All of these lights are City-owned and charges are based on meter readings. Traffic signal lights are also supported by the District. The four-way lights located at Linden and Carpinteria Avenues, 7th Street and Casitas Pass and Carpinteria Avenues are City-owned.

In addition to electrical power, funding from this district pays for both the maintenance and operations costs of the city-owned portion of the lighting system.

3. ANNEXATIONS:

There were no annexations to either the City or the District during the past fiscal year.

4. STREET LIGHTING DISTRICT NO. 1:

The attached Exhibit 1 is a map of the City and District. The District boundaries are coterminous with the City boundaries with the exception of that portion located off-shore.

5. STREET LIGHT INVENTORY:

Please refer to the attached Exhibit 2 for a listing of projected street lights by size and cost.

6. CAPITAL IMPROVEMENTS:

A total of \$801,493 is estimated to be available for capital improvements for fiscal 2013-14.

7. FINANCIAL DATA AND PROPOSED FY 2013-14 BUDGET:

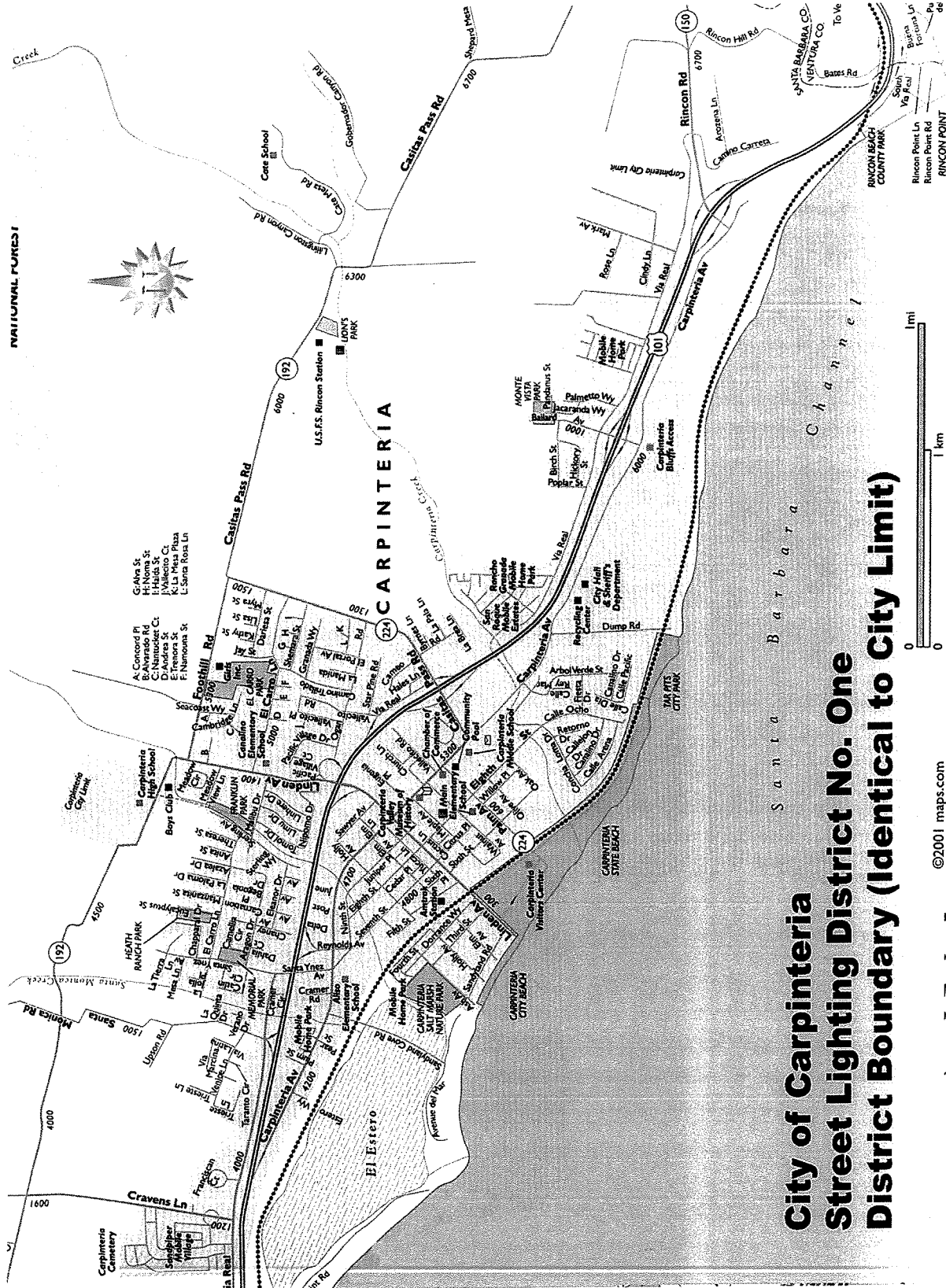
Exhibit 3 is a Statement of Fund Transactions and Financial Condition for the past three years, current year and next year.

The District also has its own Appropriations Limit pursuant to Proposition 4.

8. RECOMMENDATION;

It is recommended that the City Council adopt Resolution Nos. 5452 and 5453, thereby acting to accept and file the mandatory annual report and set the matter of the continuation of Street Lighting District No. 1 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

Dave Durflinger
City Manager



**CITY OF CARPINTERIA
STREET LIGHTING DISTRICT NUMBER 1**

STREET LIGHTING INVENTORY

LOCATION	NUMBER	WATTS	TYPE
CARPINTERIA AVE.	66	23	LED
DOWNTOWN "T"	8	23	LED
LNDEN AVE.	69	23	LED
LINDEN BEACH	6	23	LED
ELM AVE.	4	70	HIGH PRESSURE SODIUM VAPOR
HOLLY AVE.	4	70	HIGH PRESSURE SODIUM VAPOR
ASH AVE.	4	70	HIGH PRESSURE SODIUM VAPOR
WULLBRANDT WAY	3	23	LED
PARKING LOT #1	5	150	HIGH PRESSURE SODIUM VAPOR
PARKING LOT #2	2	150	HIGH PRESSURE SODIUM VAPOR
PARKING LOT #3	12	26	CFL
TRAIN STATION	28	23	LED
FRANKLIN CREEK BIKEWAY	8	26	CFL
CARPINTERIA CREEK BIKEWAY	5	250	HIGH PRESSURE SODIUM VAPOR
TRAFFIC LIGHTS/SIGNALS	12		
SEAL FOUNTAIN	16	3	LEDs

Exhibit 2

CITY OF CARPINTERIA
STREET LIGHTING DISTRICT NUMBER 1
STATEMENT OF FUND TRANSACTIONS AND FINANCIAL CONDITION

ACTUAL 2009-10	ACTUAL 2010-11	ACTUAL 2011-12	BUDGET 2012-13	PROJECTED 2013-14
-------------------	-------------------	-------------------	-------------------	----------------------

Fund Balance, July 1	678,787	811,574	769,655	854,667	827,418
Fiscal Year Revenues	290,548	283,812	278,433	284,546	287,391
Fiscal Year Expenditures	157,761	325,731	193,421	311,795	313,317
Fund Balance, June 30	811,574	769,655	854,667	827,418	801,493

B. BALANCE SHEET, JUNE 30

Cash in Savings	811,574	789,155	858,620	827,418	801,493
Time Deposits	0	0	0	0	0
Accounts Receivable	0	0	0	0	0
*Total Assets>>>>>>>>>>>>	811,574	789,155	858,620	827,418	801,493

Accounts Payable	0	19,500	3,953	0	0
Fund Balance	811,574	769,655	854,667	827,418	801,493
*Total Liabilities & Fund Balance>>	811,574	789,155	858,620	827,418	801,493

Use of Money & Property	19,546	17,054	11,331	13,598	13,734
District #1-Property Taxes, Secured	251,937	248,083	249,300	247,925	250,404
District #1-Property Taxes, Unsecured	12,257	11,800	11,842	11,132	11,243
District #1-Supplemental Roll	3,085	3,893	2,660	9,728	9,825
District #1-Homeowners Reimbursement	1,812	1,840	1,785	1,133	1,144
Prior Years and Penalties	1,911	1,142	1,515	1,030	1,040
Special District Assistance	0	0	0		0
Transfers from Other Funds	0	0	0		0
*Total Revenues>>>>>>>>>>>>>>	290,548	283,812	278,433	284,546	287,391

Traffic Signals	1,032	50,771	863	60,000	60,720
Public Right of Way Lighting	19,499	11,423	14,619	60,000	60,720
Street Lighting	100,701	105,212	85,245	110,000	112,420
Parking Lot Lighting	1,658		11,825	3,500	3,542
Miscellaneous Operating Expense	0	1,488	2,738	10,000	10,120
*Total Operating Expense>>>>	122,890	168,894	115,289	243,500	247,522

Street Lights	0	94,858	11,106	2,500	0
---------------	---	--------	--------	-------	---

*Total Expenditures>>>>>>>>>>	157,761	325,731	193,421	311,795	313,317
-------------------------------	---------	---------	---------	---------	---------

ATTACHMENT B

RESOLUTION NO. 5452

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CARPINTERIA
ACCEPTING AND ORDERING THE FILING OF THE
REPORT OF THE CITY MANAGER OF SAID CITY
FOR THE FURNISHING OF ELECTRIC CURRENT AND
THE MAINTENANCE OF CERTAIN LIGHTING FIXTURES AND
APPLIANCES IN THE CITY OF CARPINTERIA
STREET LIGHTING DISTRICT NO. 1 (FY 2013-14)**

WHEREAS, pursuant to the provisions of the "Street Lighting Act of 1919" of the State of California (Part 1 of Division 14, of the Streets and Highways Code of said State), as amended, the City Council of the City of Carpinteria did on March 25, 2013, adopt Resolution No. 5447 instructing the City Manager to make and file with the City Council a report in writing presenting certain matters relating to street lighting assessment districts for the furnishing of electric energy and the servicing and maintenance of all street lights in said City; and

WHEREAS, the City Manager of the City of Carpinteria has presented to the City Council a report in writing dated April 22, 2013, presenting certain matters relating to the furnishing of electric energy and the servicing and maintenance of all street lights in the City of Carpinteria Street Lighting District No. 1; and

WHEREAS, proceedings for the lighting, maintenance and servicing district are to be taken pursuant to the provisions of the "Street Lighting Act of 1919," Part 1 of Division 14, of the Streets and Highways Code, as amended, and particularly as contemplated under the provisions of said law; and

WHEREAS, this City Council has carefully examined and inspected the report of the City Manager, and is satisfied with each and all of the items set forth in said report;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1.

That the report of the City Manager of the City of Carpinteria, dated April 22, 2013, is hereby accepted and is hereby ordered filed with the City Clerk of the City.

SECTION 2.

That the City Clerk shall certify to the passage and adoption of this resolution and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED AND ADOPTED this 22nd day of April 2013 by the following called vote:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 22nd day of April 2013 .

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

Attachment C

RESOLUTION NO. 5453

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CARPINTERIA
DECLARING ITS INTENTION TO CONTINUE FURNISHING
ELECTRICAL ENERGY, SERVICING AND MAINTENANCE OF ALL
STREET LIGHTS, APPLIANCES AND FIXTURES ON THE STREETS AND
PUBLIC PLACES IN THE CITY OF CARPINTERIA, FOR THE PERIOD
BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014,
AS PERMITTED BY
THE STREET LIGHTING ACT OF 1919, FOR
STREET LIGHTING ASSESSMENT DISTRICT NO. 1, AND
APPOINTING A TIME AND PLACE FOR HEARING PROTESTS IN
RELATION THERETO
(FY 2013-14)**

The City Council of the City of Carpinteria, California, does hereby resolve, declare, determine and order as follows:

SECTION 1.

That the public interest and convenience require, and it is the intention of the City Council of the City of Carpinteria, to order the furnishing of electric energy, servicing and maintenance of all street lights, appliance and fixtures, on portions of public streets, places, avenues, courts, and drives within said City, all as shown on Diagram and Plan No. LP-1977-2002-E, on file in the office of the City Clerk to be maintained and electric current to be furnished for lighting said fixtures and appliances for the period beginning July 1, 2013 , and ending June 30, 2014 (Street Lighting District No. 1) permitted by the Street Lighting Act of 1919, in accordance with the report of the City Manager dated April 22, 2013, on file in the office of the City Clerk, and which is hereby referred to and by this reference incorporated herein and made a part hereof. The period of time for the furnishing of electric current and maintenance for the fixtures and appliances on said streets (or rights-of-way stated above) shall be set forth in a "NOTICE OF IMPROVEMENT," which said notice the law requires to be both published and posted. All of the work and improvement shall be done in accordance with the plans and specifications referred to in the said report of the City Manager dated April 22, 2013.

SECTION 2.

That public interest and convenience further requires, and that it is the intention of the said City Council, from time to time to add certain lighting fixtures, lamps and appliances and/or the replacement of certain existing street lighting fixtures, lamps and appliances on and along said public streets, places, avenues, courts and drives, as they become necessary, said cost to be included in the assessment district costs.

SECTION 3.

That the City Treasurer has established a special fund known as "Street Lighting Assessment District, No. 1 Fund"; said City Treasurer shall place in said special fund all moneys collected by the Tax Collector pursuant to the provision of Section 6 of this resolution as soon as said moneys have been transferred to said City Treasurer.

Payments shall be made out of said special fund only for the purposes provided for in this resolution. To expedite the making of this improvement, the City Council may transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred, shall be deemed a loan to such special fund, and shall be repaid out of the proceeds of the assessments provided for in this resolution.

SECTION 4.

That said contemplated work of improvement, in the opinion of the City Council, is of more than local or ordinary benefit, and said Council hereby makes the expense of said work and improvement chargeable upon a district, which district said Council hereby declares to be the district benefited by said work and improvements, and to be assessed to pay the cost and expense thereof, which said district includes the entire City of Carpinteria as shown on Diagram and Plan No. LP-1977-2002-E (District No. 1) on file in the office of the City Clerk, on which Diagram and Plans the extent of said assessment district is indicated, and the exterior boundaries thereof are described by a boundary line, (being the City Boundary Lines including annexations completed prior to June 30, 1992) and to which said Diagram and Plan reference is hereby made for a complete and detailed description of said district, excepting from said district any portion of any public street or alley that may be included therein. The said diagram on file shall govern for all details as to the extent of said assessment district.

SECTION 5.

Any lots or parcels of land known as public property, as the same is defined in Section 18014, Part 1, Division 14, Streets and Highways Code, as amended ("Street Lighting Act of 1919"), hereinafter referred to, which are included in the said assessment district shall be exempt from the assessment to be made to cover and expenses of said contemplated improvement.

SECTION 6.

That the improvement contemplated by the Resolution of Intention shall be done under the provisions of the "Street Lighting Act of 1919" (now Part 1 of Division 14 of the Streets and Highways Code of the State of California), as amended.

SECTION 7.

That Tuesday, May 28, 2013 at the hour of 5:30 p.m. of the said day, be and the same is hereby appointed as the time, and the Council Chambers in the City Hall, 5775 Carpinteria Avenue, in said City of Carpinteria, California, is hereby appointed as the place for hearing protests in reference to the said proposed improvement and also in reference to those matters stated in Section 2, above.

SECTION 8.

That the City Clerk is hereby authorized, designated and directed to give notice of said hearing in time, form and manner as required by law.

SECTION 9.

That the Coastal View, a newspaper of general circulation, published in the County of Santa Barbara and circulated within the City of Carpinteria, is hereby designated as the newspaper in which such notice shall be published.

SECTION 10.

That this resolution shall take effect immediately and the City Clerk shall certify to the passage and adoption of this resolution; shall enter the same among the original resolutions of the City Council of said City, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED AND ADOPTED this 22nd day of April, 2013 by the following called vote:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 22nd day of April 2013.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

REPORT ON RIGHT-OF-WAY IMPROVEMENT DISTRICT No. 3 -- FY 2013-14

Report prepared by: John Thornberry, Administrative Services Director

Department: Administrative Services

Reviewed by:

Public Works Director

City Manager

[Signature]
Signature

[Signature]
Signature

[Signature]
Signature

ACTION ITEM X ; NON-ACTION ITEM

STAFF RECOMMENDATION: Adopt Resolution Nos. 5454 and 5455, acting to accept and file the mandatory annual report and set the matter of the continuation of Right-of-Way Improvement District No. 3 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

MOTION: I recommend adoption of Resolutions 5454 and 5455 acting to accept and file the mandatory annual report and set the matter of the continuation of Right-of-Way Improvement District No. 3 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

I. BACKGROUND:

On March 25, 2013, by Resolution No. 5448, the City Council ordered a report on the status and projections for Carpinteria Right -Of- Way Improvement District No. 3 for

Fiscal Year 2013-14. The District provides general maintenance and repairs of curb gutter and sidewalks, tree planting, tree trimming and tree removal as well as installation and maintenance of landscaped street planters and medians. This status report is required annually under the California Streets and Highways Code starting with Section 22500, and is one of several steps required each year in order to continue the subject Assessment District. The following are the steps: A.) Order the report and issue the Notice of Intent to continue the assessment District, B.) Accept the report and set for public hearing, C.) Conduct the Public hearing and decide on continuing the District.

II. FINANCIAL CONSIDERATIONS:

This District's income stream is derived from a fixed dollar assessment on property while a majority of the District's expenses are subject to inflationary pressures. Projects such as the Carpinteria Avenue Improvement project have also increased the District's maintenance and utility expenses, due to the construction of many landscaped planters. To preserve the fund balance, capital improvements are no longer being funded by this source. The beginning fund balance for fiscal 2012-13 was \$0. The ending fund balances for fiscal years 2012-13 and 2013-14 are projected to be \$0. Please see Exhibit B.

III. LEGAL ISSUES:

Attached are two resolutions for your consideration and adoption. The first resolution accepts the report as presented and the second resolution states the Council's intent to continue the District for FY 2013-14 and sets the matter for public hearing on May 28, 2013.

IV. ATTACHMENTS:

- A. Report of the City Engineer
 - 1) Map of the District boundaries
 - 2) State of Fund Transactions and Financial Condition for the District
- B. Resolution No. 5454
- C. Resolution No. 5455

ATTACHMENT A

CITY OF CARPINTERIA

REPORT OF THE CITY ENGINEER RELATIVE TO THE ASSESSMENT OF RIGHT-OF-WAY IMPROVEMENT DISTRICT NO. 3

April 22, 2013

1. INTRODUCTION

This report is prepared pursuant to Resolution No. 5448 as adopted by the City Council on March 25, 2013. The objective of the report is to describe the status of the District which provides funding for maintenance and improvements to the public right-of-way, including maintenance and repair of curbs, gutters, sidewalks, street trees and related activities. Further, the purpose is to provide a recommendation for assessments for the coming year which provides revenue to offset the costs involved in the district.

2. BACKGROUND

The Carpinteria Right-Of-Way Improvement District No. 3 was formed under the authority of the Landscaping and Lighting Act of 1972 found in the California Streets and Highways Code, starting with Section 22500. The District was formed after lengthy study and hearings that were completed in June 1985.

Establishment of the District, which serves as a backup for street light funding, resulted in the suspension of Street Lighting District No. 2, which formerly performed a similar function.

Under the provisions of the above Act, an annual report must be presented and a hearing conducted on the proposed assessments for the upcoming fiscal year, FY 2013-14. The assessment is not considered a tax in that the "benefit" is derived in accordance with the assessment, which varies from location to location depending upon the level of maintenance required in the public right-of-way adjacent to a parcel.

Effective with the adoption of the FY 1992-93 budget, assessments were increased \$140,000 to finance the cost of park maintenance previously financed by the General Fund.

With the passage of Proposition 218 in FY 1996-97 park maintenance costs became ineligible for funding from this source and the \$140,000 assessment for park maintenance was removed from the roll in FY 1997-98. In that same year voters approved a Park Maintenance Tax, accounted for in a separate Park Maintenance Fund, to finance these activities.

3. FINANCIAL DATA/ASSESSMENT INFORMATION

The income stream to the District consists of a fixed dollar assessment on real property, interest and transfers from other funds. Fund transfers, such as from the Gas Tax Fund, are permitted to offset the costs associated with District employees performing activities as a part of District implementation that qualify for payment through the Gas Tax program. Although the expenses of the District are subject to inflationary pressures there is no corresponding provision for inflationary adjustments to the assessments. Please see Exhibit 2.

4. DISTRICT BOUNDARIES

The attached Exhibit 1 is a map of the City and District. The District boundaries are coterminous with the City boundaries with the exception of that portion located off-shore.

Public and other exempt properties are not assessed by this district.

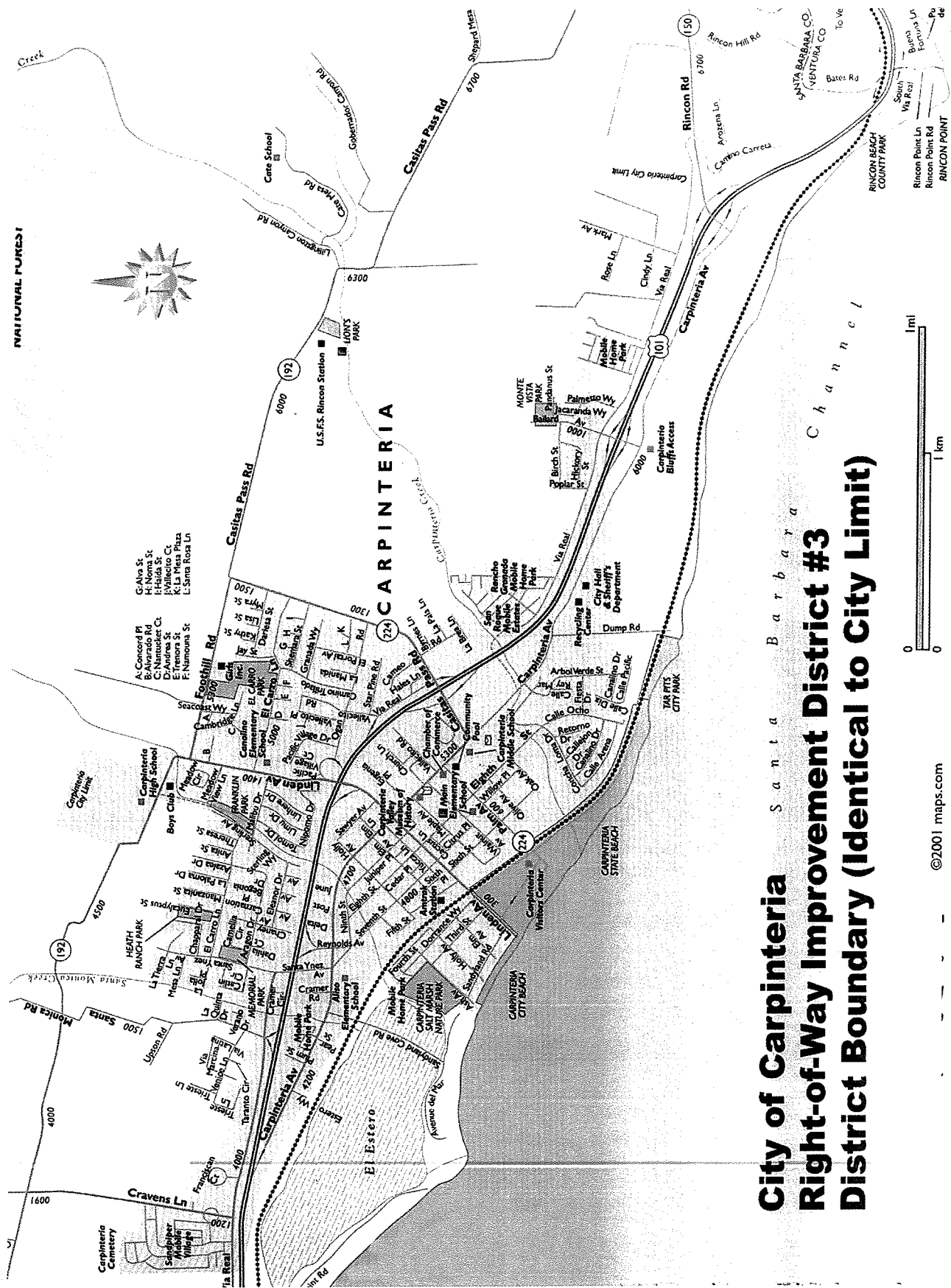
5. ANNEXATIONS

There were no annexations to either the City or the District during the past fiscal year.

6. RECOMMENDATION

It is recommended that the City Council adopt Resolution Nos. 5454 and 5455, thereby acting to accept and file the mandatory annual report and set the matter of the continuation of Right of Way Improvement District No. 3 for fiscal year 2013-14 for public hearing at the regular City Council meeting of May 28, 2013.

Charles W. Ebeling, C.E., T.E.
City Engineer



City of Carpinteria Right-of-Way Improvement District #3 District Boundary (Identical to City Limit)

©2001 maps.com

FUND 33					
ASSESSMENT DISTRICT #3	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROJECTED
	2009-10	2010-11	2011-12	2012-13	2013-14

A. SUMMARY OF FUND TRANSACTIONS:

Fund Balance; July 1	(0)	(1)	0	0	0
Fiscal Year Revenues	496,026	428,530	387,620	379,639	391,304
Fiscal Year Expenditures	496,026	428,529	387,620	379,639	385,818
Fund Balance; June 30	(1)	0	0	0	5,486
Revenue Over/(Under) Expense	(0)	1	0	0	5,486

B. BALANCE SHEET, JUNE 30

ASSETS:

Cash in Savings	(1)	10,611	9,233	0	5,486
Time Deposits	0	0	0	0	0
Accounts Receivable	0	0	0	0	0
*Total Assets>>>>>>>>>>>>>>	(1)	10,611	9,233	0	5,486

LIABILITIES AND FUND BALANCE

Accounts Payable	0	10,611	9,233	0	0
Fund Balance	(1)	0	0	0	5,486
*Total Liabilities & Fund Balance>>	(1)	10,611	9,233	0	5,486

C. FISCAL YEAR REVENUE DETAIL:

Use of Money & Property	(134)	4	0	0	0
District #3 Assessment	195,474	195,946	195,308	193,300	198,786
Prior Years Assessments	2,600				0
Penalties and Interest	722	621	2,070	900	900
Grant Revenue		17,585	0		
Transfer from Other Funds	297,363	214,374	190,242	185,439	191,618
*Total Revenues>>>>>>>>>>>>>>>>	496,026	428,530	387,620	379,639	391,304

D. FISCAL YEAR EXPENDITURE DETAIL:

[illegible]

EXHIBIT A

Exhibit 2

ATTACHMENT B

RESOLUTION NO. 5454

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CARPINTERIA
ACCEPTING AND ORDERING THE FILING OF THE REPORT OF THE
CITY ENGINEER OF SAID CITY MADE PURSUANT TO THE
REQUIREMENTS OF RESOLUTION NO. 5448 OF SAID COUNCIL --
CARPINTERIA LIGHTING, LANDSCAPING AND RIGHT-OF-WAY
IMPROVEMENT DISTRICT NO. 3
(FY 2013-14)**

WHEREAS, the City Council of the City of Carpinteria, California, did in Resolution No. 5448, adopted March 25, 2013, pursuant to the provisions of the Landscaping and Lighting Act of 1972" of the State of California (Part 2 of Division 15 Section 22500 et seq. of the Streets and Highways Code of said State) , require the City Engineer to make and file with the Clerk of the City Council a report in writing, presenting certain matters relating to the proposed furnishing to certain street lighting fixtures and appurtenances to be installed; electrical energy and maintenance to be furnished for all street lights throughout the City; and for the furnishing of landscaping maintenance, appurtenances and appurtenant work in the City, as contemplated under the provisions of said "Landscaping and Lighting Act of 1972"; and

WHEREAS, said City Engineer, pursuant to the requirements of said City Council as expressed in Resolution No. 5448 and of said law, did make and on April 22, 2013, file in the office of the City Clerk (who is ex-officio Clerk of the City Council) of said City, the report in writing responsive to the requirements of said Resolution No. 5448 and as contemplated under the provisions of said "Landscaping and Lighting Act of 1972"; and

WHEREAS, said City Clerk has presented the said report to the City Council of said City, and said Council has proceeded to carefully examine, inspect and consider the said report and is satisfied with said report and with each and all of the items therein set forth;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the report of the City Engineer and City Engineer of the City of Carpinteria, California, dated April 22, 2013, which said report was prepared and filed pursuant to the requirements of the provisions of Resolution No.5448 of the City Council of said City and in conformity with the provisions of the "Landscaping and Lighting Act of 1972," of the State of California, (Part 2 of Division 15 of the Streets and Highways Code of said State), and which said report was filed in the office of the City Clerk of the City of Carpinteria, California, on the 22nd day of April 2013, be and the same is hereby approved as so prepared, presented and filed.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of the City Council of said City and shall make a minute of the passage and adoption thereof in the records of the passage and adoption thereof in the records of the proceedings of the

City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED AND ADOPTED this 22nd day of April 2013 by the following called vote:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 22nd day of April 2013.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

ATTACHMENT C

RESOLUTION NO. 5455

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CARPINTERIA
DECLARING ITS INTENTION TO ORDER THE CONTINUATION OF AN
ASSESSMENT DISTRICT AND COLLECT ASSESSMENTS, AND TO ORDER
CERTAIN STREET LIGHTING FIXTURES AND APPURTENANCES TO BE
INSTALLED; ELECTRICAL ENERGY AND MAINTENANCE TO BE FURNISHED FOR
ALL STREET LIGHTS THROUGHOUT THE CITY; AND TO MAINTAIN ALL
LANDSCAPING, INCLUDING THE MAINTENANCE OF ALL TREES LOCATED ON
CITY PROPERTY ; INSTALLATION AND MAINTENANCE OF IRRIGATION
SYSTEMS; STREET SWEEPING, AND MAINTENANCE OF ALL DESIGNATED
PARKWAYS, LANDSCAPED AREAS AND CURB, GUTTER AND SIDEWALKS AS
SHOWN ON PLAN AND DIAGRAM
FOR THE FISCAL YEAR COMMENCING
JULY 1, 2013, AND ENDING JUNE 30, 2014;
AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS IN RELATION
THERETO
CARPINTERIA LIGHTING, LANDSCAPING AND RIGHT-OF-WAY IMPROVEMENT
DISTRICT NO. 3 (FY 2013-14)**

THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, DOES
HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the public interest and convenience require, and that it is the intention of the City Council of the City of Carpinteria, California, to order the continuation of an assessment district known as the Carpinteria Lighting, Landscaping and Right-of-Way Improvement District No. 3 and to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 et seq.) and to order certain street lighting fixtures and appurtenances to be installed, electrical energy and maintenance to be furnished for all street lights throughout the City; and to maintain all landscaping, which includes the maintenance of all trees throughout the City of Carpinteria located on City property; replacing of same and appurtenances and appurtenant work relating to the above said landscaping and tree maintenance; the installation and maintenance of all irrigation systems necessary for the above; street sweeping, maintaining of all designated parkways, landscaped areas and curb, gutter and sidewalks as shown on DIAGRAM and PLAN for Carpinteria for Carpinteria Lighting, Landscaping and Right-of-Way Improvement District No. 3, and such areas as the City Council may require; all as on file in the office of the City Clerk, for the fiscal year beginning July 1, 2013.

SECTION 2. To expedite the making of said improvement, the City Council may at any time transfer into the Carpinteria Lighting, Landscaping and Right-of-Way Improvement District No. 3 Fund, out of any money in the General Fund, such sums as it shall deem necessary, and the sums so transferred shall be deemed a loan to such Fund and shall be repaid out of the proceeds of the assessments provided for in this resolution, and pursuant to the provisions of Section 22657, "Landscaping and Lighting Act of 1972," referred to herein.

SECTION 3. That said contemplated work and improvement, in the opinion of the City Council is of more than local or ordinary benefit, and said Council hereby makes the expense of said work and improvement chargeable upon a district, which district said Council hereby declares to be the district benefited by said work and improvement, and to be assessed to pay the cost and expense thereof, which said district is the City of Carpinteria as shown on Diagram and Plan for said District No. 3 on file in the office of the City Clerk, and to which said Diagram and Plan reference is hereby made for a complete and detailed description of said district, excepting from said district any portion of any public street, alley or court that may be included therein. The said Diagram and Plan so on file shall govern for all details as to the extent of said assessment district.

SECTION 4. Any lots or parcels of land known as public property, as the same is defined in Section 22663, Part 2, Division 15, Streets and Highways Code, ("Landscaping and Lighting Act of 1972"), hereinafter referred to, which are included in the said assessment district, shall be omitted and exempt from the assessment to be made to cover the costs and expenses of said contemplated improvement.

SECTION 5. The improvement contemplated by this Resolution of Intention shall be done under the provisions of the "Landscaping and Lighting Act of 1972" (now Part 2 of Division 15 of the Streets and Highways Code of the State of California).

SECTION 6. That, May 28, 2013, at the hour of 5:30 P.M. of said day, be and the same is hereby appointed as the time, and the Council Chamber in the City Hall, at 5775 Carpinteria Avenue in the City of Carpinteria, California, is hereby appointed as the place for hearing protests in reference to said improvement.

SECTION 7. That the City Clerk is hereby authorized, designated and directed to give notice of said hearing in time, form and manner as required by law.

SECTION 8. That the Coastal View, a newspaper of general circulation, published in the County of Santa Barbara and circulated in the City of Carpinteria, California, is hereby designated as the newspaper in which such notice shall be published.

SECTION 9. That this resolution shall take effect immediately, and the City Clerk shall certify to the passage and adoption of this resolution; shall cause the original of the same to be entered among the original resolutions of the City Council of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED AND ADOPTED this 22nd day of April 2013 by the following called vote:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 22nd day of April 2013.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

Adoption of Resolution No. 5459, a Resolution of Intention
to set the assessment for the City of Carpinteria's
Assessment District No. 5 for the 2013-14 Fiscal Year.

Report prepared by:
Matthew Roberts, Parks and Recreation Director


Signature

Reviewed by:
Dave Durflinger, City Manager


Signature

STAFF RECOMMENDATION:

Action Item: ✓ Non action item:

Adopt Resolution No. 5459

Sample Motion: I move to adopt Resolution No. 5459, as read by title only, thereby setting the public hearing date for the City Council to consider setting the annual assessment and ordering the construction of the improvement for Assessment District No. 5.

I. BACKGROUND:

The Winter Protection Berm Assessment District No. 5 was formed by Resolution number 3061, dated December 14, 1992. Each year, it is necessary to set the annual assessment charged to properties within the District's boundaries. The passage of the aforementioned Resolution is the next step toward meeting this objective. This Resolution sets the date of the Public Hearing for May 28, 2013, when final action on the setting of the annual assessment for the district may be taken pursuant to Government Code § 54954.6, that pertains to notice of assessments.

Also attached to this report is the Assessment District No. 5 Report, that is presented as requested pursuant to the City Council Resolution to Initiate Proceedings.

This report contains the following:

- A. Plans and specifications of the winter berm project.
- B. An estimate of the costs of the project.
- C. An assessment role.
- D. A statement of the method in which project costs were apportioned to each benefited parcel of land within the district.
- E. A list of the names and addresses of each owner of property within the district's boundaries known to the City.
- F. An assessment diagram.
- G. A statement which confirms the collection of assessments for the project may be subsequent to the work for the project.
- H. A statement of the total amount of assessments for all properties within district's boundaries which remains unpaid and the total true value, as near as may be determined, of the parcels of land and improvements that are proposed to be assessed. This is provided pursuant to §2961 of California's Streets and Highways Code known as the Majority Protest Act of 1931.

The City Council, at its discretion, may modify the findings of this report in any respect (§10300 Streets and Highway code) and the modified report will stand as the report for all subsequent proceedings except that the City Council may not change the boundaries of the district to include any territory that will not, in its judgment, be benefited by the improvement.

II. POLICY:

The City's winter protection berm is an important public safety project that protects public and private property improvements along the City Beach in the City of Carpinteria.

III. FINANCIAL CONSIDERATIONS:

No financial implications are anticipated from the requested action.

IV. LEGAL ISSUES:

The intended purpose of the berm is to provide a measure of protection to the public and private improvements that front on the Carpinteria City Beach. Protection is needed during the winter in the event of a severe winter storm. Historically, powerful waves generated by large Pacific Ocean storms have been known to devastate local beaches and coastal structures. The winter protection berm is intended to help reduce the frequency of damage to property improvements that otherwise might occur if no berm was built. The minimal protection provided by the berm is not intended to serve as a substitute for any private storm protection improvements or private flood insurance. The winter protection berm is not impervious to being destroyed itself. Even with the winter protection berm in place, the possibility of beach front damage by winter storms is still high.

Resolution No. 5459

Resolution of Intention by the City Council of the City of Carpinteria to set the assessment for the City of Carpinteria's Assessment District No. 5 for the 2013-14 Fiscal Year. (Pursuant to the Municipal Improvement Act of 1913)

The City Council of the City of Carpinteria resolves:

1. The City Council intends to set the amount of the assessment for the City's Assessment District No. 5 and to levy and collect this assessment pursuant to the Municipal Improvement Act of 1913, Streets and Highways Code.
2. The improvements to be made in this assessment district are generally described as follows:

The annual installation and removal of The Carpinteria Beach Winter Protection Berm that is located along the entire length of the Carpinteria City Beach between Linden Avenue and the western limits of the City of Carpinteria along the coastline.

3. This assessment district is known as Assessment District No. 5, City of Carpinteria, Santa Barbara County, California. The general location of the assessment district includes the entire length of the Carpinteria City Beach and the adjacent property frontage.
4. In accordance with the City Council's resolution initiating proceedings, the City Parks and Recreation Director has filed with the City Clerk the report required by the Municipal Improvement Act of 1913. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.
5. On Tuesday, the 28th day of May, 2013, at the hour of 5:30 o'clock PM, or as soon thereafter as may be heard, the City Council will conduct a public hearing on the levying of the proposed assessment and ordering the construction of the improvement. The hearing will be held in the City Council Chambers located at 5775 Carpinteria Avenue, Carpinteria, California.
6. By adoption of this Resolution, the City Council indicates its intention to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Streets and Highways code §2800 and following including specifically §2960 and §2961 thereof.

V. ATTACHMENTS:

- A. Resolution No. 5459
- B. Assessment District No. 5 Report

7. The City Clerk is authorized and has been directed to give the notice of this hearing as required by § 54954.6 of the Government Code.

PASSED, APPROVED AND ADOPTED, this 22nd day of April, 2013 by the following called vote:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER

ABSENT: COUNCIL MEMBER

Mayor, City of Carpinteria

Attest:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held this 22nd day of April, 2013.

City Clerk, City of Carpinteria

Approved as to form:

City Attorney, City of Carpinteria.

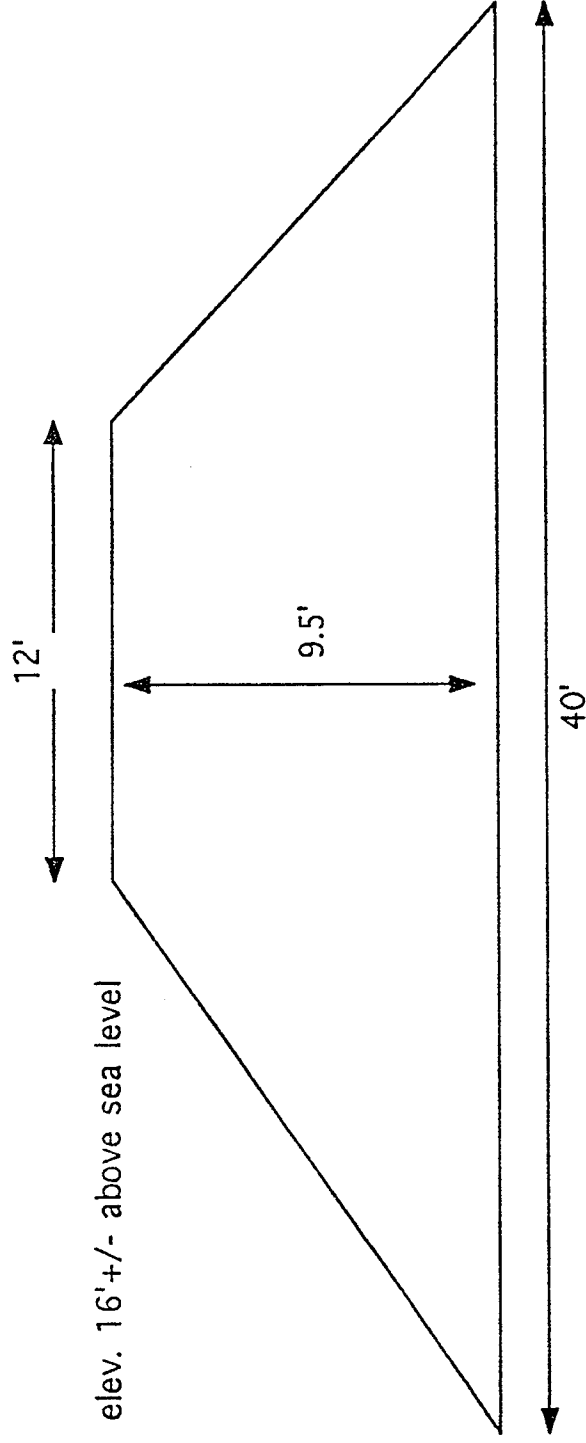
Engineer's Report
City of Carpinteria Assessment District # 5
The Carpinteria Beach Winter Protection Berm
April 22, 2013
Part A

Project Description.

The Carpinteria Winter Protection Berm is a Sand berm constructed in the fall of each year and then removed again in the spring. It is constructed of beach sand scraped from the upper tidal zone and placed in the back shore area of the City's beach. The berm is built along the entire City beach from the City's western most boundary to the west to the eastern limit of Linden Avenue on the east. The approximate length of the berm is 1,450 feet. Approximately twelve-thousand cubic yards of beach material are used in the construction of the berm. The berm is built to an approximate height of sixteen feet above sea level or higher depending upon field conditions and sand inventories.

The intended purpose of the berm is to provide a measure of protection to the housing front on the Carpinteria City Beach. Protection is needed during the winter in the event of a severe winter storm. Historically, powerful waves generated by large Pacific Ocean storms have been known to cause damage to local beaches and coastal structures. The winter protection berm is intended to help reduce the frequency of damage to the housing front which might otherwise occur if no berm was built. The minimal protection provided by the berm is not intended to serve as a substitute for any private storm protection improvements or private flood insurance. The winter protection berm is not impervious to being destroyed itself. Even with the winter protection berm in place, the possibility of housing front damage by winter storms is still present.

CITY OF CARPINTERIA WINTER PROTECTION BERM (TYPICAL SECTION)



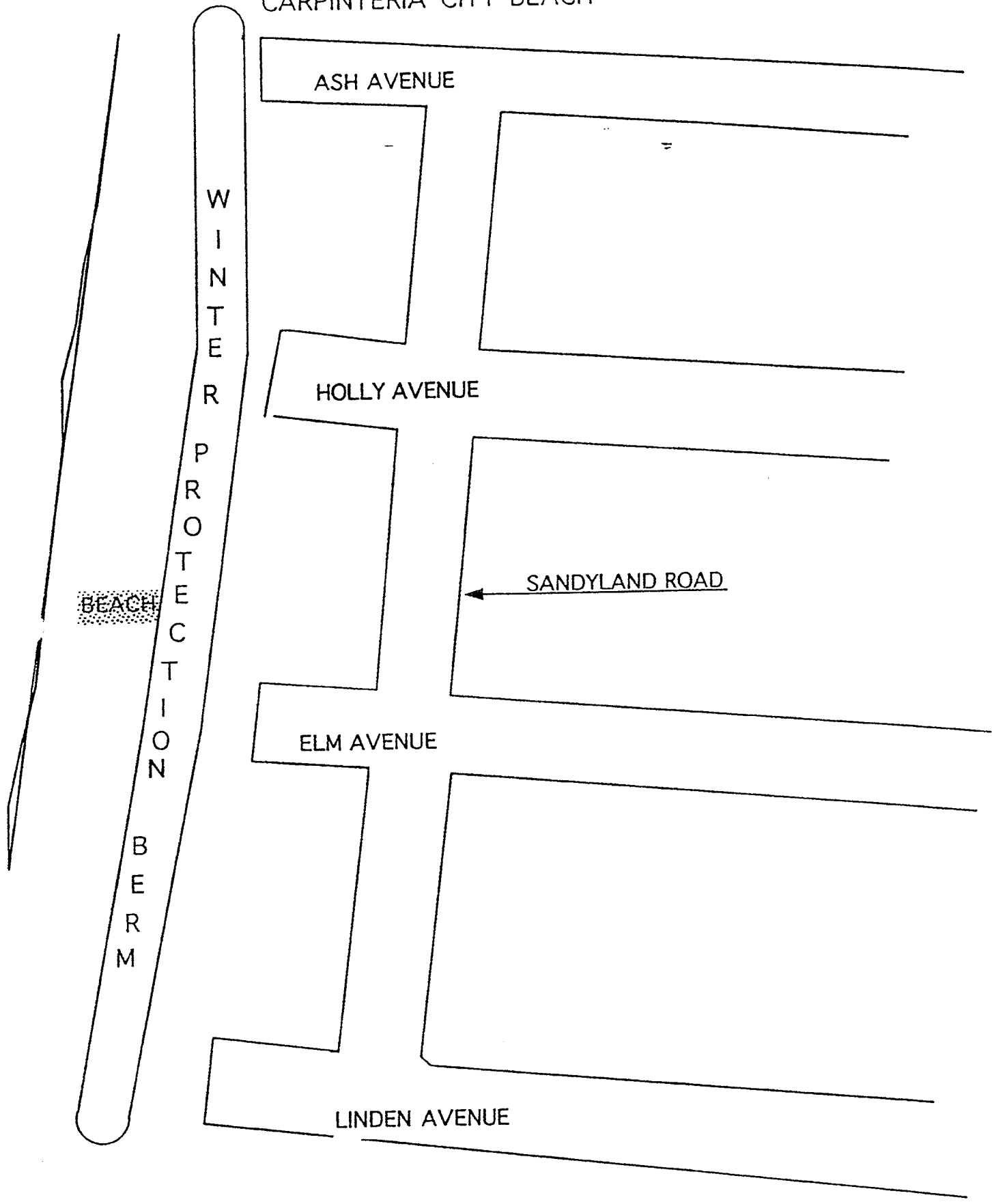
Typical Section
(no scale)

Material for construction of berm shall be bulldozed from seaward side during low tide

Notes:

1. Typical section diagram is typical only and may vary depending upon field conditions
2. Estimated cubic yardage is 13,200 CY based on 1,440 linear feet. This will vary depending on field conditions.

Winter Protection Berm Project Site
CARPINTERIA CITY BEACH



PART B
Engineer's Report
Estimate of Project Cost
Carpinteria City Beach Winter Protection Berm
Fiscal Year 2013-2014

The following estimate of project cost for the Carpinteria City Beach Winter Protection Berm is prepared in order to determine the anticipated cost of installing, maintaining, and removing the annual project. Variables that exist in this estimation include not knowing what beach conditions will be for the berm installation in the fall, what level of maintenance will be necessary to keep the berm intact during the winter and how much machine time will be needed to remove the berm in the springtime. Other components of the cost estimate are more reliable. These components include the cost of biological reporting and project administration.

The installation of the winter protection berm is accomplished by a negotiated contract pursuant to 22032(a) of the California Public Contract Code. This code states that public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

The cost to construct the berm in 2013 / 2014 Fiscal Year is estimated to be \$12,000. This amount is based upon the following breakdown;

Machine time	\$12,000.00
--------------	-------------

The quantity of maintenance needed throughout the winter storm season is based upon the severity of weather encountered during the time the berm is in place. Some winters require no maintenance while others can require a significant maintenance effort. An amount should be contributed each year in an effort to anticipate some level of maintenance. Again based upon empirical data, a contribution of five thousand dollars per year should on average be adequate.

\$5,000.00

Removal of the berm in order to return the berm material to the upper tidal zone and to reconfigure the beach to a natural spring profile also varies for several reasons. Should the winter be exceptionally mild, and the berm remains one hundred percent intact, a greater amount of time will be required to remove it. After some winter seasons, a significant portion of the berm is eroded away, reducing berm removal costs. Removal costs can thereby vary significantly from year to year.

An estimated cost for this procedure equals	\$12,000.00
---	-------------

Biological monitoring is a requirement of the Army Corps of Engineers and California Coastal Commission who grants authority to the City to do this project. Under the monitoring plan, the California grunion and snowy plover bird must be studied each season in order to insure mechanical beach sand movement does not interfere with the

spawning or nesting grounds. This procedure is performed by City staff with consultation being performed by a qualified biologist.

The cost of this operation equals \$ 2,000.00

The general administration of the berm project overall includes the coordination for construction of the berm, supervision of the construction, any general or related tasks associated with berm management, monitoring of the berm in the winter to watch for berm erosion, preparation of the reports that must be submitted to the Army Corps of Engineers and the California Coastal Commission, berm assessment accounting and management

The cost of this operation equals \$4,500.00

Based, therefore, on the above anticipated cost of the project, the estimated cost in the fiscal year 2013-2014 would be thirty-five thousand five-hundred dollars. (\$35,500).

The Assessment District No. 5 total assessment was set in January 1997 by a mail ballot. In that process, the total District fees were set at **Twenty thousand six hundred fifty six and 73/100 dollars (\$20,656.73).**

The City of Carpinteria may not raise that assessment without an affirmative vote of the affected property owners. As such, in 2013/14 the City will contribute to the District in an amount of fourteen thousand eight-hundred forty-three dollars and 27cents (\$14,843.27). **Therefore the net amount assessable on land within the district is twenty thousand six hundred fifty six dollars and 73cents (\$20,656.73).**

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Bambi R. Bashore, Joan Rock Bailard/ Seahorse Trust 1825 State Street #106, , Santa Barbara, CA 93101	003-470-008	500.52
Duncan, Trustee, Michael B. P.O. Box 21235, , Bakersfield, CA 93390	003-470-009	496.73
Roberts, Claire 3330 Foothill Road, , Carpinteria, CA 93013	003-470-010	494.21
City of Carpinteria 5775 Carpinteria, , Carpinteria, CA 93013	003-470-013	0
Ming, Tharrell D./ Dinah L. 1113 Tam O Shanter Drive, , Bakersfield, CA 93309	003-490-001	547.90
Soares, Julio/ Shirley M. 4681 Sierra Madre Rd., , Santa Barbara, CA 93110-1322	003-490-003	472.73
Sandyland Association 3180 Foothill Road, , Carpinteria, CA 93013	003-490-014	156.29
Barnes, Brittany/Brook/Bridget BABBB, LLC 210 South Orange Grove Boulevard, , Pasadena, CA 91105	003-760-001	235.87
Mulford, Judith 4709 Sandyland Road #2, , Carpinteria, CA 93013-2255	003-760-002	235.87
Tamara A. Campbell Elsie Atkinson Family Trust 15421 Chemical Lane, , Huntington Beach, CA 92647	003-760-003	235.87
Miller, James/ Carol 31838 Foxfield Drive, , Westlake Village, CA 91361-4201	003-760-004	235.87
Grayer, William 14903 Valley Vista Blvd., , Sherman Oaks, CA 91403-4022	003-760-005	235.87

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Edmonston, Adrienne A. 467 Meadowbrook Drive, , Santa Barbara, CA 93108-2687	003-760-006	235.87
Galletly, Greg/ Deborah DLG Family Ltd. Partnership 210 South Orange Grove Boulevard, , Pasadena, CA 91105	003-760-007	235.87
Giacopuzzi, Ruth 22419 Gilmore Street, , Canoga Park, CA 91304-3707	003-760-008	235.87
Roughan, Frank/ Margaret 884 Emerson Street, , Thousand Oaks, CA 91362-2462	003-770-001	235.87
Mulford, Judith 4709 Sandyland Road #2, , Carpinteria, CA 93013-2255	003-770-002	235.87
Resnik, Rodney A./ Ann B. 352 Calle Converse, , Camarillo, CA 93010-1836	003-770-003	235.87
Resnik, Rodney A./ Ann B. 352 Calle Converse, , Camarillo, CA 93010-1836	003-770-004	235.87
Jamieson, Lee/ Krystyna 3101 State Road, , Bakersfield, CA 93308	003-800-001	244.52
Jamieson, Lee/ Krystyna 3101 State Road, , Bakersfield, CA 93308	003-800-002	244.52
Maul Sales, Dennis A. 2729 21st Street, , Bakersfield, CA 93301	003-800-003	244.52
C/O Manager 4975 Sandyland Road #101, , Carpinteria, CA 93013	003-830-001	193.80
Alleman, Charles R./ Cynthia G. 303 North Glenoaks Blvd. #750, , Burbank, CA 91502	003-830-002	193.80
Schenker, Eric Stanley L. Mayer, Trustee 3887 State Street #206, , Santa Barbara, CA 93105	003-830-003	193.80

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Chesler, Mark/ Fleur 4535 Encino Avenue, , Encino, CA 91316	003-830-004	193.80
Colletta, Vito 1466 Equistrian Avenue, , Thousand Oaks, CA 91360	003-830-005	193.80
Boeckmann, Karl 4194 Regal Oak Drive, , Encino, CA 91436	003-830-006	193.80
Schroeder, Mark E./ Kathleen D. 5075 East Powers Avenue, , Clovis, CA 93611	003-830-007	193.80
Rogers, Luci 835 Holly Avenue, , Carpinteria, CA 93013	003-830-008	193.80
Echeverria, Javier 4403 Bear Mountain Boulevard, , Bakersfield, CA 93313	003-830-009	193.80
Schiffrin, Trustee, Peter 9255 Corbin Avenue #200, , Northridge, CA 91324	003-830-010	193.80
Otis, Harvey C. 3766 Oleander Drive, , Highland, CA 92346	003-830-011	193.80
Blackburn, David/ Curtis PO BOX 4, , Corona Del Mar, CA 92625	003-830-012	193.80
Palacios, Kelly 585 Unique Lane, , Simi Valley, CA 93065	003-830-013	193.8
Brian McKee, Phyllis Keep/ 4212 E. Los Angeles Avenue #3441, , Simi Valley, CA 93063	003-830-014	193.80
Wright, Nancy A. 3153 Scottys Terrace, , Simi Valley, CA 93063	003-830-015	193.80
Fortner Guyor, Elizabeth P.O. Box 1530, , Wrangell, AK 99929	003-830-016	193.80

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Friedman, Maury/ Lisa 29480 Bertrand Drive, , Agoura Hills, CA 91301-4126	003-830-017	193.80
Manolakos, Dawn 1311 Kenwood Road, , Santa Barbara, CA 93109	003-830-018	193.80
Gerlach, Peter C./ Joanne C. 1186 Deep Wood Drive, , Westlake Village, CA 91362	003-830-019	193.80
Riner, Patricia 23222 8th Street, , Newhall, CA 91321	003-830-020	193.80
Day Trust, Jo Ann 640 Terrace View Place, , Port Hueneme, CA 93041	003-830-021	193.80
Mulholland, Mary Jane 203 Quincy Avenue, , Long Beach, CA 90803	003-830-022	193.80
Ryckman Trust, Gerald 1784 Collingswood Court, , Westlake Village, CA 91362-4730	003-830-023	193.80
Kozman, Trustees, Mike/ Celine 3630 Viewcrest Drive, , Burbank, CA 91504	003-830-024	193.80
Davis, Robert/ Jacquelyne 12008 Wood Ranch Road, , Granada Hills, CA 91344- 2160	003-830-025	193.80
Phillippe Sicari, Mary P. Russo/ Jose G. Sicari 32314 121 ST E, , Juniper Hills, CA 93553	003-830-026	193.80
Marcela Ortuzar Press, Laurence Press/ 10726 Esther Avenue, , Los Angeles, CA 90064-3223	003-830-027	193.80
Beaton, Daniel W./ Janet L. 4611 Windsor Blvd, , Cambria, CA 93428	003-830-028	193.80
Aldrich, Clifford/ Patricia 707 East Palm #A, , Burbank, CA 91501	003-830-029	193.80

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Genstil, Stephen 798 Preakness Place, , Newbury Park, CA 91320-4927	003-830-030	193.80
Schillo, Francis X./ Marion M. 91 Dombey Circle, , Thousand Oaks, CA 91360	003-830-031	193.80
Karen Gichon-Marder 5321 Orrville Avenue, , Woodland Hills, CA 91367	003-830-032	193.80
Blackburn, Linda 8 Prado, , Irvine, CA 92612	003-830-033	193.80
Murachanian, Hilda 2370 Sherwood Road, , San Marino, CA 91108	003-830-034	193.80
Frey, Marvin C./ Jeanne C. 29743 Arroyo Oak Lane, , Castaic, CA 91384	003-830-035	193.80
Bridgeland, Kathleen 2821 Westshire Drive, , Los Angeles, CA 90068-1931	003-830-036	193.80
Friedman, Darrell 31200 Cedar Valley Drive, , Westlake Village, CA 91362-4035	003-840-013	251.03
Henry, Pat/ Merry 139 Wood Duck Avenue, , Sanger, CA 93657	003-840-014	251.03
PANT PROPERTIES 18537 Parthenia Street, , Northridge, CA 91324-4026	003-840-015	251.03
Mezzio, Vincent 18432 Oxnard Street, Ste. #202, , Tarzana, CA 91356-1557	003-840-016	251.03
Everett, Charles M./ Bette L. Everett Trust 12-02-74 4925 Sandyland Road # E, , Carpinteria, CA 93013-2357	003-840-017	251.03

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Clark, Trustee, Mary M. 4925 Sandyland Road # F, , Carpinteria, CA 93013-2357	003-840-018	251.03
Lund, John D./ Christina 98 Olive Mill Lane, , Santa Barbara, CA 93108	003-850-013	369.40
Christopher Clemens/ Lanette Loeks 4921 Sandyland Road #1, , Carpinteria, CA 93013-2313	003-850-014	251.03
Jensen, Shelley 1025 Cheshire Hills Court, , Westlake Village, CA 91361	003-850-015	251.03
Resnik, Joyce 888 Calle Del Norte, , Camarillo, CA 93010	004-090-001	235.30
Carnevale, Louis/ Jacqueline 4867 Sandyland # B, , Carpinteria, CA 93013-2359	004-090-002	235.30
Fitzgerald, Trustee, Brian G. 1935 Calamar Court, , Camarillo, CA 93010-9279	004-090-003	235.30
Zeolla, John/ Rosalia 5327 Vanalden Avenue, , Tarzana, CA 91356-3106	004-090-004	235.30
Paich, David/ Lorraine 501 S. Beverly Dr., 3rd Floor, , Beverly Hills, CA 90212-4520	004-091-001	235.24
#66-90-090-8444374, Attn: Russell Blair 901 Main Street, 16th Floor, Mail Code: TX1-492-16-10, Dallas, TX 75202	004-091-002	235.24
Caratan, Judith 11611 Harrington Street, , Bakersfield, CA 93311	004-091-003	235.24
Caratan, Susan L. 3750 Three Bar Street, , Bakersfield, CA 93314	004-091-004	235.24

City of Carpinteria Assessment District #5 FY 2013-14

PART C An assessment role of the parcels
of land within the assessment district.

	APN	Total Assessment
Harrison, Scott Harrison Trust P.O. Box 81916, , Bakersfield, CA 93308	004-091-005	235.24
Gilligan, Philip/ Carole F. 4885 Sandyland Road #6, , Carpinteria, CA 93013	004-091-006	235.24
McIntosh, James F./ Jennifer 14919 La Cumbre Drive, , Pacific Palisades, CA 90272	004-091-007	235.24
De Mornay, Richard P.O. Box 4085, , Santa Barbara, CA 93140-4085	004-091-008	235.24
Ecker, Trustee, Doris L. 412 Oak Hill Drive, , Belleville, ILL 62223-2236	004-101-001	219.45
Cook, Myron 6612 Palm Tree Circle, , Bakersfield, CA 93308	004-101-002	219.45
Resnik, Joyce 888 Calle Del Norte, , Camarillo, CA 93010-8442	004-101-003	219.45
Schreiner, Robert 347 El Tuaca, , Camarillo, CA 93010	004-101-004	219.45
Collier, Dennis/ Angela 185 Crestview Avenue, , Camarillo, CA 93010-1759	004-101-005	219.45
Erb, George/ Philomenar 2086 Cervato Drive, , Camarillo, CA 93012-8805	004-101-006	219.45
Mullins, Trustee, Katheryn A. P. O. Box 156, , Solvang, CA 93464-0156	004-101-007	219.45
Ecker, Trustee, Arthur J. 14 Brentford Court #8, , Camarillo, CA 93010-2013	004-101-008	219.45
TOTAL		20,165.54

PART D
Engineer's Report
Method of Apportionment of Assessment
Carpinteria City Beach Winter Protection Berm
Fiscal Year 2013-2014

The Carpinteria City Beach Winter Protection Berm Project is constructed along the Carpinteria City Beach bordered on the east by Linden Avenue and to the west by Ash Avenue. The berm is constructed each fall in order to provide a measure of protection to the housing front from severe winter storms and wave action. In order to fairly assess the ocean front properties that directly benefit from the berm protection, a formula was developed which reflects the benefit each parcel of land receives.

First, the cost of providing the service is divided into fixed and variable costs. Fixed cost are those that are required regardless of the amount of sand actually moved. These include the permit compliance, biological monitoring and administration of the berm project. The fixed costs are apportioned equally to all properties within the boundaries of the assessment district. The contribution toward the maintenance fund is also included among the fixed costs. Variable costs include the cost of the actual machine time required to move the sand. Since properties in the District receive varying levels of benefit depending upon the property's length of beach frontage, variable cost is assigned to each property based upon its actual length of beach frontage. Condominium or apartment properties' beach frontage was determined by dividing the number of units in each complex by the length of the property's beach frontage. These variable and fixed costs were apportioned to each property and an assessment assigned as part of a Proposition 218 vote and the assessments have not been altered in subsequent years.

A City owned parcel within the District's boundaries is assessed in the same fashion as all other parcels within the District's boundaries in order to comply with Article XIII D of the California Constitution.

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

	APN
Bambi R. Bashore, Joan Rock Bailard/ Seahorse Trust 1825 State Street #106, , Santa Barbara, CA 93101	003-470-008
Duncan, Trustee, Michael B. P.O. Box 21235, , Bakersfield, CA 93390	003-470-009
Roberts, Claire 3330 Foothill Road, , Carpinteria, CA 93013	003-470-010
, City of Carpinteria 5775 Carpinteria, , Carpinteria, CA 93013	003-470-013
Ming, Tharrell D./ Dinah L. 1113 Tam O Shanter Drive, , Bakersfield, CA 93309	003-490-001
Soares, Julio/ Shirley M. 4681 Sierra Madre Rd., , Santa Barbara, CA 93110-1322	003-490-003
, Sandyland Association 3180 Foothill Road, , Carpinteria, CA 93013	003-490-014
Barnes, Brittany/Brook/Bridget BABBB, LLC 210 South Orange Grove Boulevard, , Pasadena, CA 91105	003-760-001
Mulford, Judith 4709 Sandyland Road #2, , Carpinteria, CA 93013-2255	003-760-002
, Tamara A. Campbell Elsie Atkinson Family Trust 15421 Chemical Lane, , Huntington Beach, CA 92647	003-760-003
Miller, James/ Carol 31838 Foxfield Drive, , Westlake Village, CA 91361-4201	003-760-004
Grayer, William 14903 Valley Vista Blvd., , Sherman Oaks, CA 91403-4022	003-760-005
Edmonston, Adrienne A. 467 Meadowbrook Drive, , Santa Barbara, CA 93108-2687	003-760-006

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

	APN
Galletly, Greg/ Deborah DLG Family Ltd. Partnership 210 South Orange Grove Boulevard, , Pasadena, CA 91105	003-760-007
Giacopuzzi, Ruth 22419 Gilmore Street, , Canoga Park, CA 91304-3707	003-760-008
Roughan, Frank/ Margaret 884 Emerson Street, , Thousand Oaks, CA 91362-2462	003-770-001
Mulford, Judith 4709 Sandyland Road #2, , Carpinteria, CA 93013-2255	003-770-002
Resnik, Rodney A./ Ann B. 352 Calle Converse, , Camarillo, CA 93010-1836	003-770-003
Resnik, Rodney A./ Ann B. 352 Calle Converse, , Camarillo, CA 93010-1836	003-770-004
Jamieson, Lee/ Krystyna 3101 State Road, , Bakersfield, CA 93308	003-800-001
Jamieson, Lee/ Krystyna 3101 State Road, , Bakersfield, CA 93308	003-800-002
Maul Sales, Dennis A. 2729 21st Street, , Bakersfield, CA 93301	003-800-003
, C/O Manager 4975 Sandyland Road #101, , Carpinteria, CA 93013	003-830-001
Alleman, Charles R./ Cynthia G. 303 North Glenoaks Blvd. #750, , Burbank, CA 91502	003-830-002
Schenker, Eric Stanley L. Mayer, Trustee 3887 State Street #206, , Santa Barbara, CA 93105	003-830-003
Chesler, Mark/ Fleur 4535 Encino Avenue, , Encino, CA 91316	003-830-004

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

	APN
Colletta, Vito 1466 Equistrian Avenue, , Thousand Oaks, CA 91360	003-830-005
Boeckmann, Karl 4194 Regal Oak Drive, , Encino, CA 91436	003-830-006
Schroeder, Mark E./ Kathleen D. 5075 East Powers Avenue, , Clovis, CA 93611	003-830-007
Rogers, Luci 835 Holly Avenue, , Carpinteria, CA 93013	003-830-008
Echeverria, Javier 4403 Bear Mountain Boulevard, , Bakersfield, CA 93313	003-830-009
Schiffrin, Trustee, Peter 9255 Corbin Avenue #200, , Northridge, CA 91324	003-830-010
Otis, Harvey C. 3766 Oleander Drive, , Highland, CA 92346	003-830-011
Blackburn, David/ Curtis PO BOX 4, , Corona Del Mar, CA 92625	003-830-012
Palacios, Kelly 585 Unique Lane, , Simi Valley, CA 93065	003-830-013
Brian McKee, Phyllis Keep/ 4212 E. Los Angeles Avenue #3441, , Simi Valley, CA 93063	003-830-014
Wright, Nancy A. 3153 Scottys Terrace, , Simi Valley, CA 93063	003-830-015
Fortner Guyor, Elizabeth P.O. Box 1530, , Wrangell, AK 99929	003-830-016
Friedman, Maury/ Lisa 29480 Bertrand Drive, , Agoura Hills, CA 91301-4126	003-830-017
Manolakos, Dawn 1311 Kenwood Road, , Santa Barbara, CA 93109	003-830-018

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

	APN
Gerlach, Peter C./ Joanne C. 1186 Deep Wood Drive, , Westlake Village, CA 91362	003-830-019
Riner, Patricia 23222 8th Street, , Newhall, CA 91321	003-830-020
Day Trust, Jo Ann 640 Terrace View Place, , Port Hueneme, CA 93041	003-830-021
Mulholland, Mary Jane 203 Quincy Avenue, , Long Beach, CA 90803	003-830-022
Ryckman Trust, Gerald 1784 Collingswood Court, , Westlake Village, CA 91362-4730	003-830-023
Kozman, Trustees, Mike/ Celine 3630 Viewcrest Drive, , Burbank, CA 91504	003-830-024
Davis, Robert/ Jacquelyne 12008 Wood Ranch Road, , Granada Hills, CA 91344-2160	003-830-025
Phillippe Sicari, Mary P. Russo/ Jose G. Sicari 32314 121 ST E, , Juniper Hills, CA 93553	003-830-026
Marcela Ortuzar Press, Laurence Press/ 10726 Esther Avenue, , Los Angeles, CA 90064-3223	003-830-027
Beaton, Daniel W./ Janet L. 4611 Windsor Blvd, , Cambria, CA 93428	003-830-028
Aldrich, Clifford/ Patricia 707 East Palm #A, , Burbank, CA 91501	003-830-029
Genstil, Stephen 798 Preakness Place, , Newbury Park, CA 91320-4927	003-830-030
Schillo, Francis X./ Marion M. 91 Dombey Circle, , Thousand Oaks, CA 91360	003-830-031
, Karen Gichon-Marder 5321 Orrville Avenue, , Woodland Hills, CA 91367	003-830-032

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

	APN
Blackburn, Linda 8 Prado, , Irvine, CA 92612	003-830-033
Murachanian, Hilda 2370 Sherwood Road, , San Marino, CA 91108	003-830-034
Frey, Marvin C./ Jeanne C. 29743 Arroyo Oak Lane, , Castaic, CA 91384	003-830-035
Bridgeland, Kathleen 2821 Westshire Drive, , Los Angeles, CA 90068-1931	003-830-036
Friedman, Darrell 31200 Cedar Valley Drive, , Westlake Village, CA 91362-4035	003-840-013
Henry, Pat/ Merry 139 Wood Duck Avenue, , Sanger, CA 93657	003-840-014
, PANT PROPERTIES 18537 Parthenia Street, , Northridge, CA 91324-4026	003-840-015
Mezzio, Vincent 18432 Oxnard Street, Ste. #202, , Tarzana, CA 91356-1557	003-840-016
Everett, Charles M./ Bette L. Everett Trust 12-02-74 4925 Sandyland Road # E, , Carpinteria, CA 93013-2357	003-840-017
Clark, Trustee, Mary M. 4925 Sandyland Road # F, , Carpinteria, CA 93013-2357	003-840-018
Lund, John D./ Christina 98 Olive Mill Lane, , Santa Barbara, CA 93108	003-850-013
, Christopher Clemens/ Lanette Loeks 4921 Sandyland Road #1, , Carpinteria, CA 93013-2313	003-850-014
Jensen, Shelley 1025 Cheshire Hills Court, , Westlake Village, CA 91361	003-850-015

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

	APN
Resnik, Joyce 888 Calle Del Norte, , Camarillo, CA 93010	004-090-001
Carnevale, Louis/ Jacqueline 4867 Sandyland # B, , Carpinteria, CA 93013-2359	004-090-002
Fitzgerald, Trustee, Brian G. 1935 Calamar Court, , Camarillo, CA 93010-9279	004-090-003
Zeolla, John/ Rosalia 5327 Vanalden Avenue, , Tarzana, CA 91356-3106	004-090-004
Paich, David/ Lorraine 501 S. Beverly Dr., 3rd Floor, , Beverly Hills, CA 90212-4520	004-091-001
#66-90-090-8444374, Attn: Russell Blair 901 Main Street, 16th Floor, Mail Code: TX1-492-16-10, Dallas, TX 75202	004-091-002
Caratan, Judith 11611 Harrington Street, , Bakersfield, CA 93311	004-091-003
Caratan, Susan L. 3750 Three Bar Street, , Bakersfield, CA 93314	004-091-004
Harrison, Scott Harrison Trust P.O. Box 81916, , Bakersfield, CA 93308	004-091-005
Gilligan, Philip/ Carole F. 4885 Sandyland Road #6, , Carpinteria, CA 93013	004-091-006
McIntosh, James F./ Jennifer 14919 La Cumbre Drive, , Pacific Palisades, CA 90272	004-091-007
De Mornay, Richard P.O. Box 4085, , Santa Barbara, CA 93140-4085	004-091-008
Ecker, Trustee, Doris L. 412 Oak Hill Drive, , Belleville, ILL 62223-2236	004-101-001

City of Carpinteria Assessment District #5 FY 2013-14

PART E An assessment role of the parcels
of land within the assessment district.

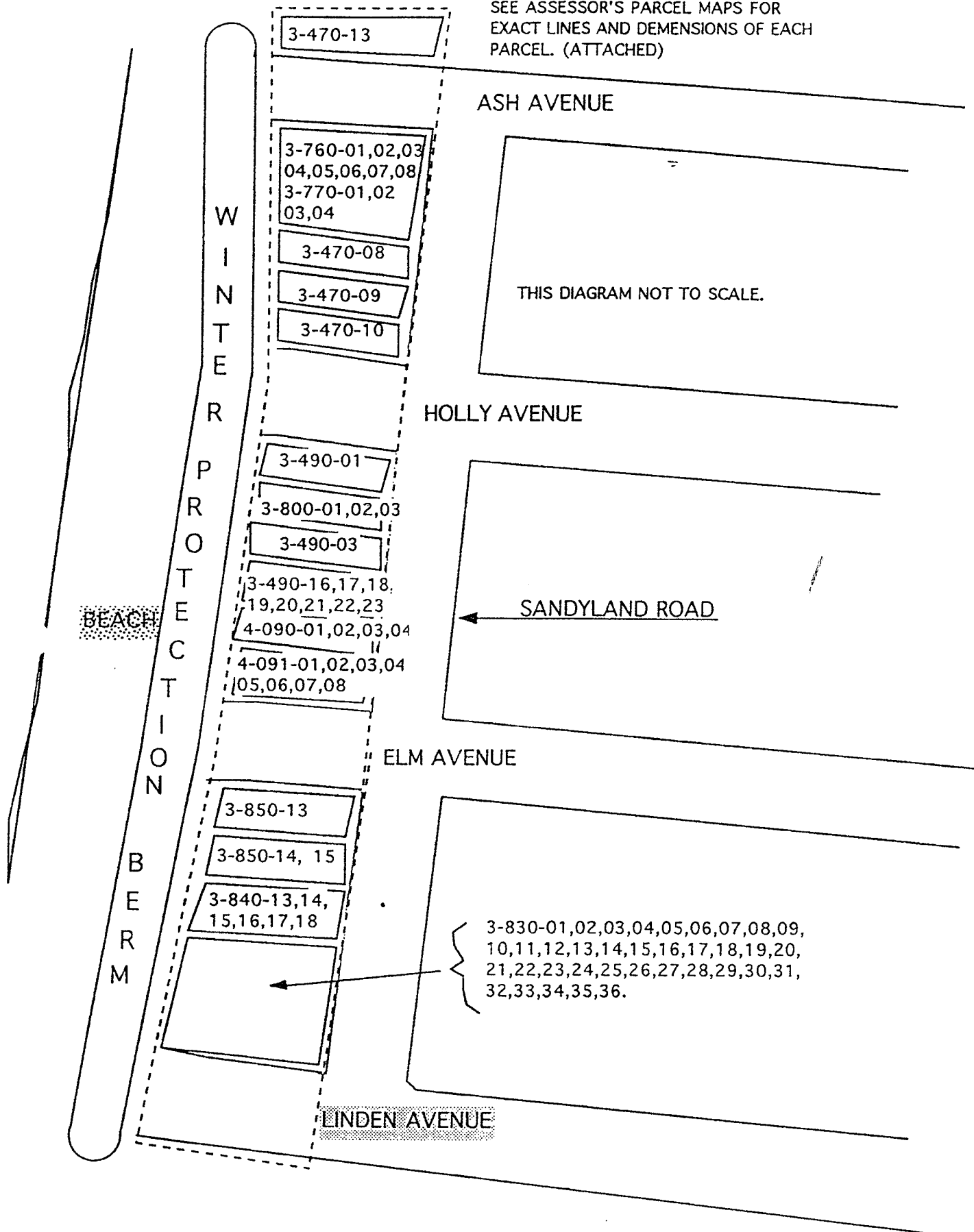
	APN
Cook, Myron 6612 Palm Tree Circle, , Bakersfield, CA 93308	004-101-002
Resnik, Joyce 888 Calle Del Norte, , Camarillo, CA 93010-8442	004-101-003
Schreiner, Robert 347 El Tuaca, , Camarillo, CA 93010	004-101-004
Collier, Dennis/ Angela 185 Crestview Avenue, , Camarillo, CA 93010-1759	004-101-005
Erb, George/ Philomenar 2086 Cervato Drive, , Camarillo, CA 93012-8805	004-101-006
Mullins, Trustee, Katheryn A. P. O. Box 156, , Solvang, CA 93464-0156	004-101-007
Ecker, Trustee, Arthur J. 14 Brentford Court #8, , Camarillo, CA 93010-2013	004-101-008

PART F

A diagram showing all parcels of real property within the
assessment district.
See part C of this report

DIAGRAM SHOWING EACH PARCEL TO BE INCLUDED IN THE ASSESSMENT DISTRICT # 5

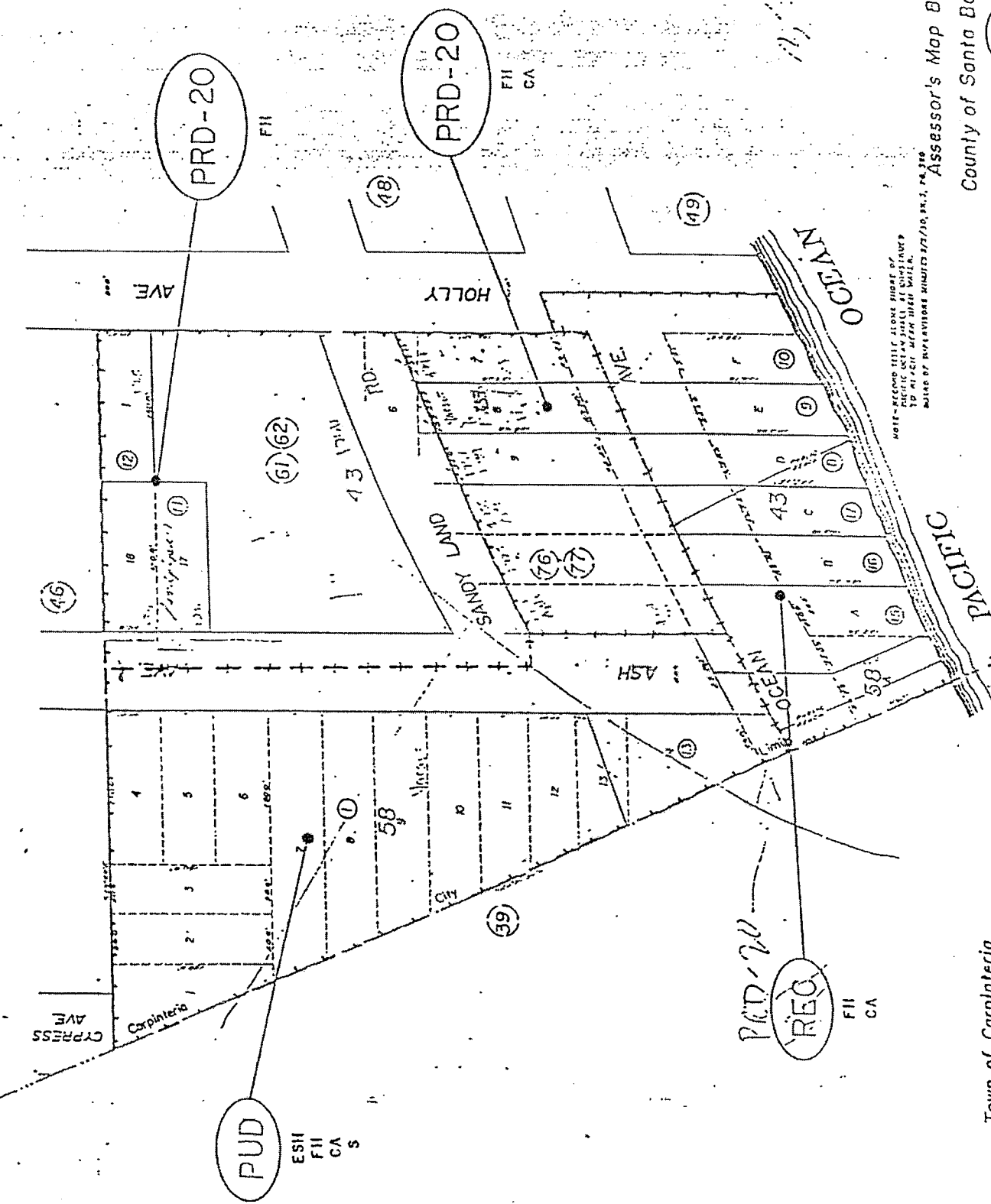
SEE ASSESSOR'S PARCEL MAPS FOR
EXACT LINES AND DEMENSIONS OF EACH
PARCEL. (ATTACHED)



12/87

3-47

PUEBLO LANDS



NOTE - RECORD THIS MAP FIRST OF THE COUNTY OF SANTA BARBARA, CALIF. TO BE IN FULL FORCE AND EFFECT, THE BOARD OF SUPERVISORS MUST BE NOTIFIED 27/10, 28, 29, 30, 31, 1910.

Assessor's Map Bk. 3 - Pg. 47
County of Santa Barbara, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles.

Town of Carpinteria

11/76

15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1248/1249/1250/1251/1252/1253/1254/1255/1256/1257/1258/1259/1260/1261/1262/1263/1264/1265/1266/1267/1268/1269/1270/1271/1272/1273/1274/1275/1276/1277/1278/1279/1280/1281/1282/1283/1284/1285/1286/1287/1288/1289/1290/1291/1292/1293/1294/1295/1296/1297/1298/1299/1300/1301/1302/1303/1304/1305/1306/1307/1308/1309/1310/1311/1312/1313/1314/1315/1316/1317/1318/1319/1320/1321/1322/1323/1324/1325/1326/1327/1328/1329/1330/1331/1332/1333/1334/1335/1336/1337/1338/1339/1340/1341/1342/1343/1344/1345/1346/1347/1348/1349/1350/1351/1352/1353/1354/1355/1356/1357/1358/1359/1360/1361/1362/1363/1364/1365/1366/1367/1368/1369/1370/1371/1372/1373/1374/1375/1376/1377/1378/1379/1380/1381/1382/1383/1384/1385/1386/1387/1388/1389/1390/1391/1392/1393/1394/1395/1396/1397/1398/1399/1400/1401/1402/1403/1404/1405/1406/1407/1408/1409/1410/1411/1412/1413/1414/1415/1416/1417/1418/1419/1420/1421/1422/1423/1424/1425/1426/1427/1428/1429/1430/1431/1432/1433/1434/1435/1436/1437/1438/1439/1440/1441/1442/1443/1444/1445/1446/1447/1448/1449/1450/1451/1452/1453/1454/1455/1456/1457/1458/1459/1460/1461/1462/1463/1464/1465/1466/1467/1468/1469/1470/1471/1472/1473/1474/1475/1476/1477/1478/1479/1480/1481/1482/1483/1484/1485/1486/1487/1488/1489/1490/1491/1492/1493/1494/1495/1496/1497/1498/1499/1500/1501/1502/1503/1504/1505/1506/1507/1508/1509/1510/1511/1512/1513/1514/1515/1516/1517/1518/1519/1520/1521/1522/1523/1524/1525/1526/1527/1528/1529/1530/1531/1532/1533/1534/1535/1536/1537/1538/1539/1540/1541/1542/1543/1544/1545/1546/1547/1548/1549/1550/1551/1552/1553/1554/1555/1556/1557/1558/1559/1560/1561/1562/1563/1564/1565/1566/1567/1568/1569/1570/1571/1572/1573/1574/1575/1576/1577/1578/1579/1580/1581/1582/1583/1584/1585/1586/1587/1588/1589/1590/1591/1592/1593/1594/1595/1596/1597/1598/1599/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609/1610/1611/1612/1613/1614/1615/1616/1617/1618/1619/1620/1621/1622/1623/1624/1625/1626/1627/1628/1629/1630/1631/1632/1633/1634/1635/1636/1637/1638/1639/1640/1641/1642/1643/1644/1645/1646/1647/1648/1649/1650/1651/1652/1653/1654/1655/1656/1657/1658/1659/1660/1661/1662/1663/1664/1665/1666/1667/1668/1669/1670/1671/1672/1673/1674/1675/1676/1677/1678/1679/1680/1681/1682/1683/1684/1685/1686/1687/1688/1689/1690/1691/1692/1693/1694/1695/1696/1697/1698/1699/1700/1701/1702/1703/1704/1705/1706/1707/1708/1709/1710/1711/1712/1713/1714/1715/1716/1717/1718/1719/1720/1721/1722/1723/1724/1725/1726/1727/1728/1729/1730/1731/1732/1733/1734/1735/1736/1737/1738/1739/1740/1741/1742/1743/1744/1745/1746/1747/1748/1749/1750/1751/1752/1753/1754/1755/1756/1757/1758/1759/1760/1761/1762/1763/1764/1765/1766/1767/1768/1769/1770/1771/1772/1773/1774/1775/1776/1777/1778/1779/1780/1781/1782/1783/1784/1785/1786/1787/1788/1789/1790/1791/1792/1793/1794/1795/1796/1797/1798/1799/1800/1801/1802/1803/1804/1805/1806/1807/1808/1809/1810/1811/1812/1813/1814/1815/1816/1817/1818/1819/1820/1821/1822/1823/1824/1825/1826/1827/1828/1829/1830/1831/1832/1833/1834/1835/1836/1837/1838/1839/1840/1841/1842/1843/1844/1845/1846/1847/1848/1849/1850/1851/1852/1853/1854/1855/1856/1857/1858/1859/1860/1861/1862/1863/1864/1865/1866/1867/1868/1869/1870/1871/1872/1873/1874/1875/1876/1877/1878/1879/1880/1881/1882/1883/1884/1885/1886/1887/1888/1889/1890/1891/1892/1893/1894/1895/1896/1897/1898/1899/1900/1901/1902/1903/1904/1905/1906/1907/1908/1909/1910/1911/1912/1913/1914/1915/1916/1917/1918/1919/1920/1921/1922/1923/1924/1925/1926/1927/1928/1929/1930/1931/1932/1933/1934/1935/1936/1937/1938/1939/1940/1941/1942/1943/1944/1945/1946/1947/1948/1949/1950/1951/1952/1953/1954/1955/1956/1957/1958/1959/1960/1961/1962/1963/1964/1965/1966/1967/1968/1969/1970/1971/1972/1973/1974/1975/1976/1977/1978/1979/1980/1981/1982/1983/1984/1985/1986/1987/1988/1989/1990/1991/1992/1993/1994/1995/1996/1997/1998/1999/2000/2001/2002/2003/2004/2005/2006/2007/2008/2009/2010/2011/2012/2013/2014/2015/2016/2017/2018/2019/2020/2021/2022/2023/2024/2025/2026/2027/2028/2029/2030/2031/2032/2033/2034/2035/2036/2037/2038/2039/2040/2041/2042/2043/2044/2045/2046/2047/2048/2049/2050/2051/2052/2053/2054/2055/2056/2057/2058/2059/2060/2061/2062/2063/2064/2065/2066/2067/2068/2069/2070/2071/2072/2073/2074/2075/2076/2077/2078/2079/2080/2081/2082/2083/2084/2085/2086/2087/2088/2089/2090/2091/2092/2093/2094/2095/2096/2097/2098/2099/2100/2101/2102/2103/2104/2105/2106/2107/2108/2109/2110/2111/2112/2113/2114/2115/2116/2117/2118/2119/2120/2121/2122/2123/2124/2125/2126/2127/2128/2129/2130/2131/2132/2133/2134/2135/2136/2137/2138/2139/2140/2141/2142/2143/2144/2145/2146/2147/2148/2149/2150/2151/2152/2153/2154/2155/2156/2157/2158/2159/2160/2161/2162/2163/2164/2165/2166/2167/2168/2169/2170/2171/2172/2173/2174/2175/2176/2177/2178/2179/2180/2181/2182/2183/2184/2185/2186/2187/2188/2189/2190/2191/2192/2193/2194/2195/2196/2197/2198/2199/2200/2201/2202/2203/2204/2205/2206/2207/2208/2209/2210/2211/2212/2213/2214/2215/2216/2217/2218/2219/2220/2221/2222/2223/2224/2225/2226/2227/2228/2229/2230/2231/2232/2233/2234/2235/2236/2237/2238/2239/2240/2241/2242/2243/2244/2245/2246/2247/2248/2249/2250/2251/2252/2253/2254/2255/2256/2257/2258/2259/2260/2261/2262/2263/2264/2265/2266/2267/2268/2269/2270/2271/2272/2273/2274/2275/2276/2277/2278/2279/2280/2281/2282/2283/2284/2285/2286/2287/2288/2289/2290/2291/2292/2293/2294/2295/2296/2297/2298/2299/2300/2301/2302/2303/2304/2305/2306/2307/2308/2309/2310/2311/2312/2313/2314/2315/2316/2317/2318/2319/2320/2321/2322/2323/2324/2325/2326/2327/2328/2329/2330/2331/2332/2333/2334/2335/2336/2337/2338/2339/2340/2341/2342/2343/2344/2345/2346/2347/2348/2349/2350/2351/2352/2353/2354/2355/2356/2357/2358/2359/2360/2361/2362/2363/2364/2365/2366/2367/2368/2369/2370/2371/2372/2373/2374/2375/2376/2377/2378/2379/2380/2381/2382/2383/2384/2385/2386/2387/2388/2389/2390/2391/2392/2393/2394/2395/2396/2397/2398/2399/2400/2401/2402/2403/2404/2405/2406/2407/2408/2409/2410/2411/2412/2413/2414/2415/2416/2417/2418/2419/2420/2421/2422/2423/2424/2425/2426/2427/2428/2429/2430/2431/2432/2433/2434/2435/2436/2437/2438/2439/2440/2441/2442/2443/2444/2445/2446/2447/2448/2449/2450/2451/2452/2453/2454/2455/2456/2457/2458/2459/2460/2461/2462/2463/2464/2465/2466/2467/2468/2469/2470/2471/2472/2473/2474/2475/2476/2477/2478/2479/2480/2481/2482/2483/2484/2485/2486/2487/2488/2489/2490/2491/2492/2493/2494/2495/2496/2497/2498/2499/2500/2501/2502/2503/2504/2505/2506/2507/2508/2509/2510/2511/2512/2513/2514/2515/2516/2517/2518/2519/2520/2521/2522/2523/2524/2525/2526/2527/2528/2529/2530/2531/2532/2533/2534/2535/2536/2537/2538/2539/2540/2541/2542/2543/2544/25

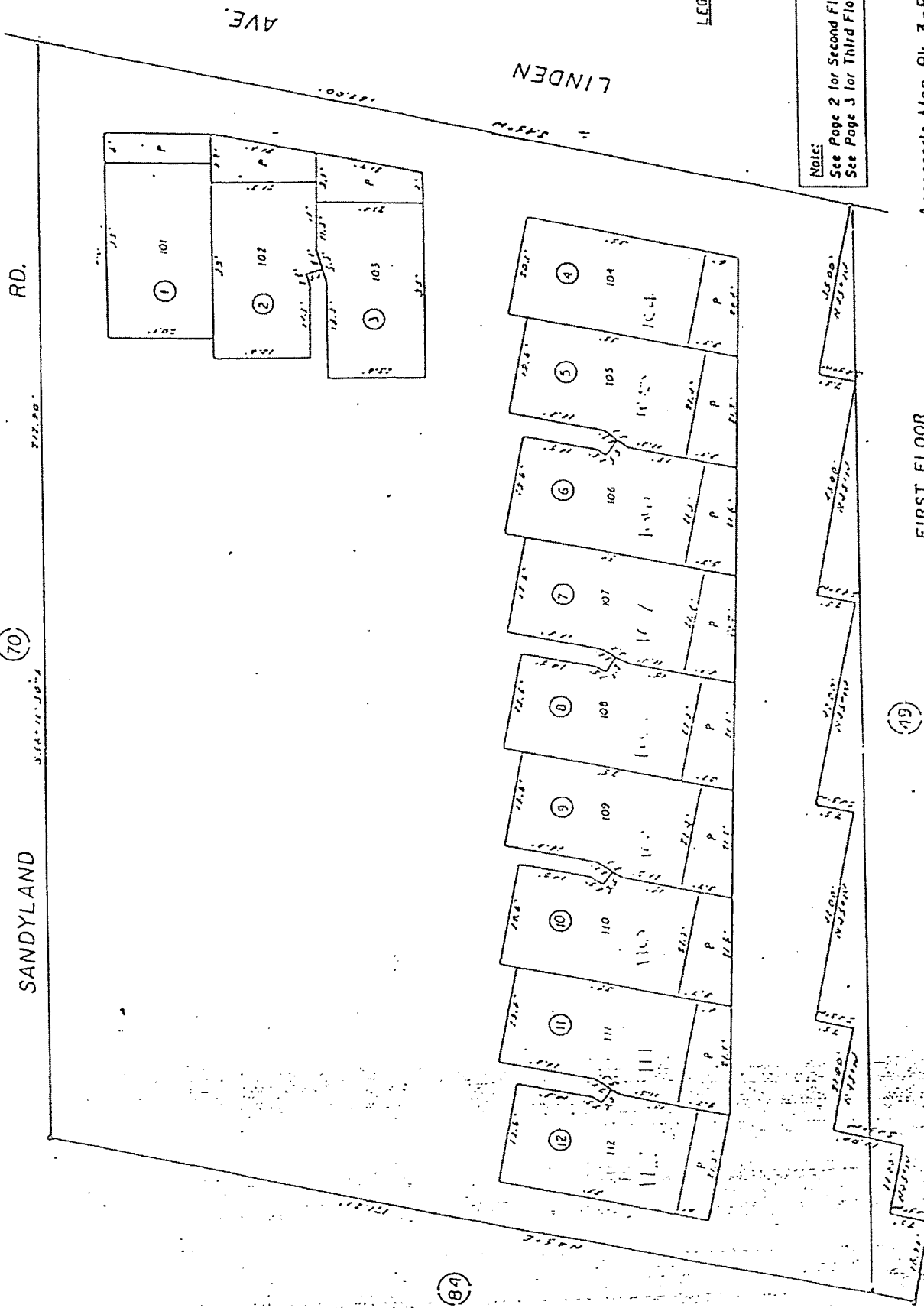
1925/10/1

POR. PUEBLO LANDS ;

(70)

SANDYLAND

RD.



FIRST FLOOR

(49)

LEGEND
B = Balcony
P = Patio

Notes:
See Page 2 for Second Floor details (201)
See Page 3 for Third Floor details (301)

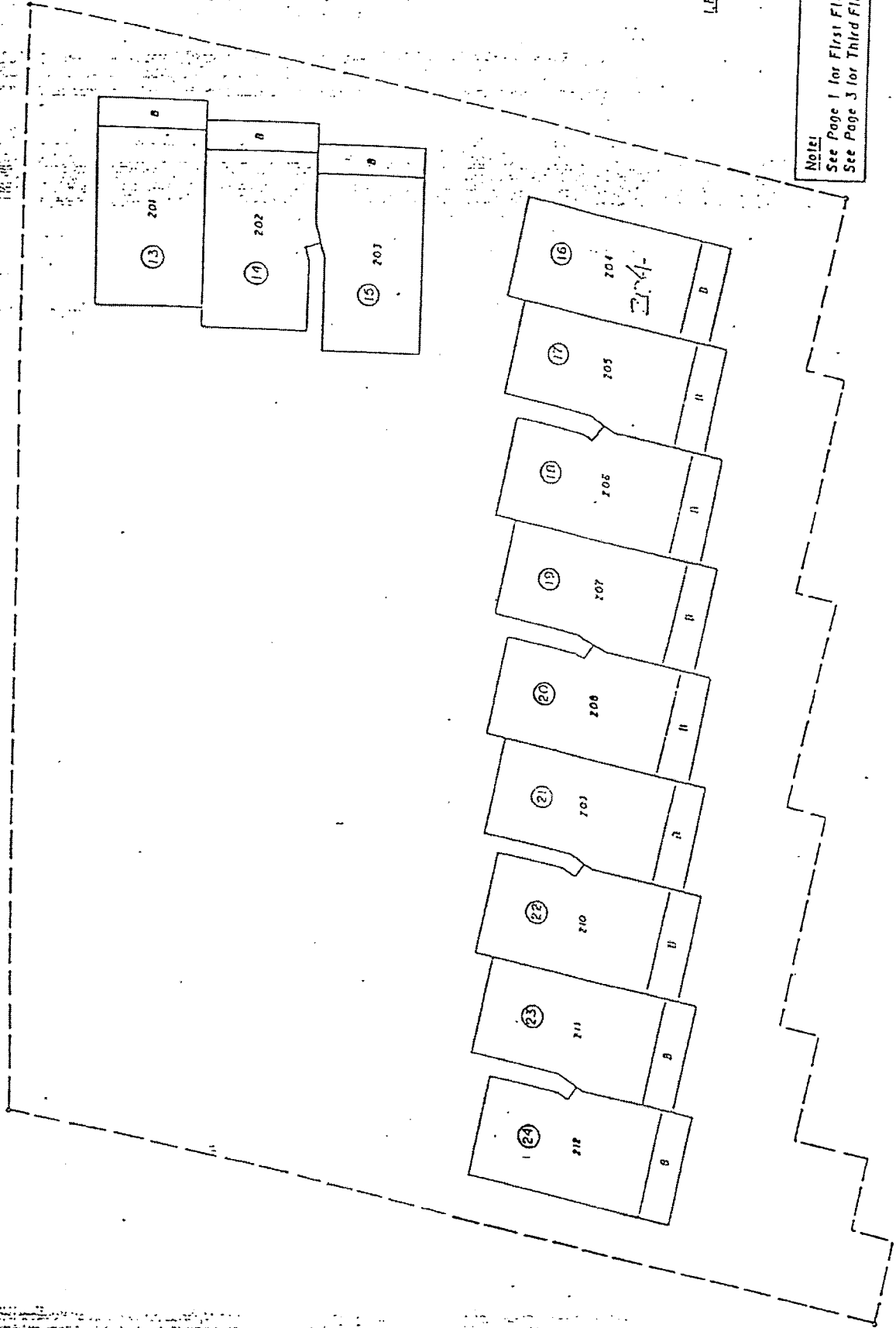
Assessor's Map Bk. 3-Pg. 83
County of Santa Barbara, Calif.

(12/81)

POR. PUEBLO LANDS

3-83

Page 2 of



LEGEND

B = Balcony
P = Patio

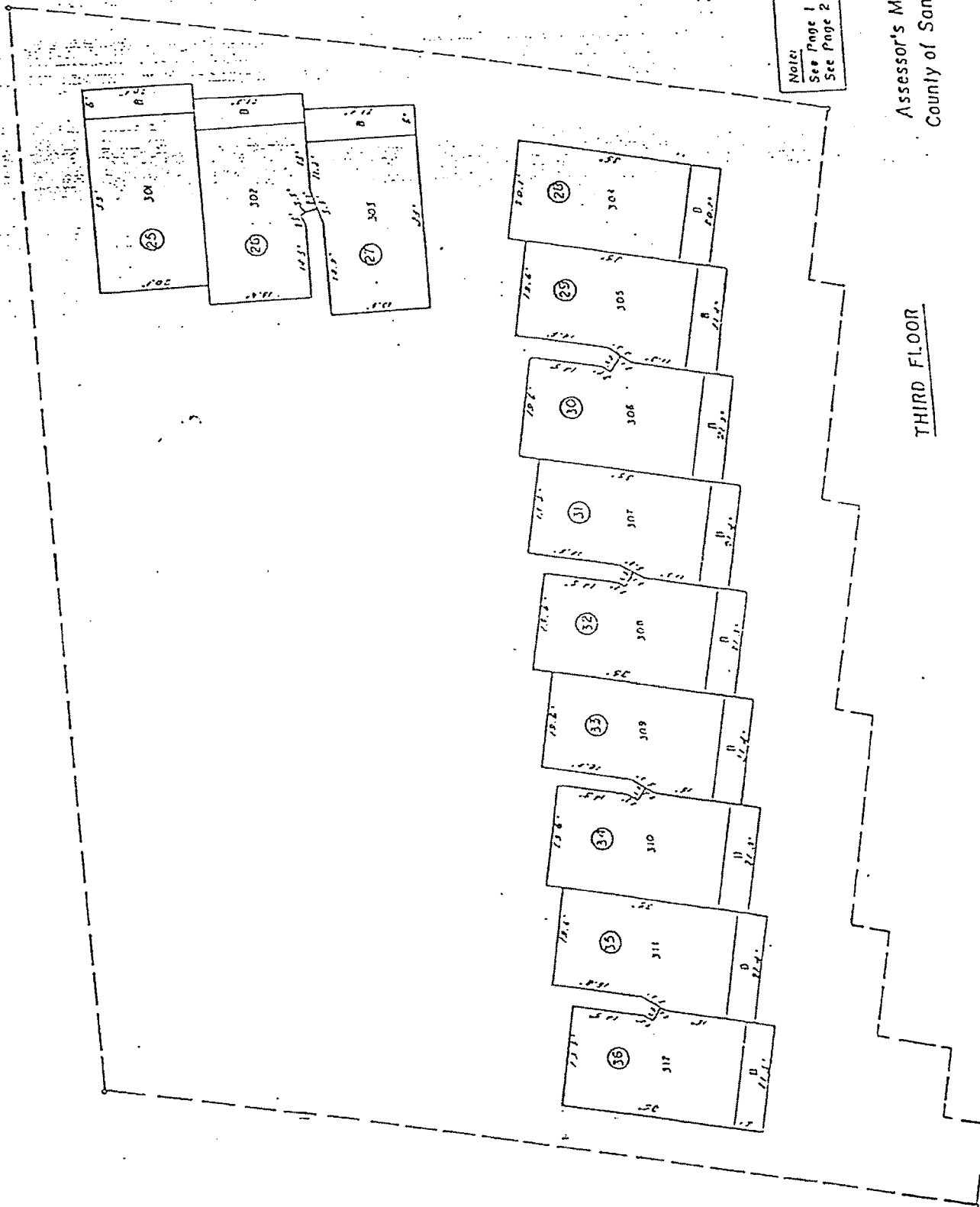
Notes

See Page 1 for First Floor details (101-11)
See Page 3 for Third Floor details (301-311)

SECOND FLOOR

Assessor's Map Bk. 3 - Pg. 03
County of Santa Barbara, Calif.

POR. PUEBLO LANDS



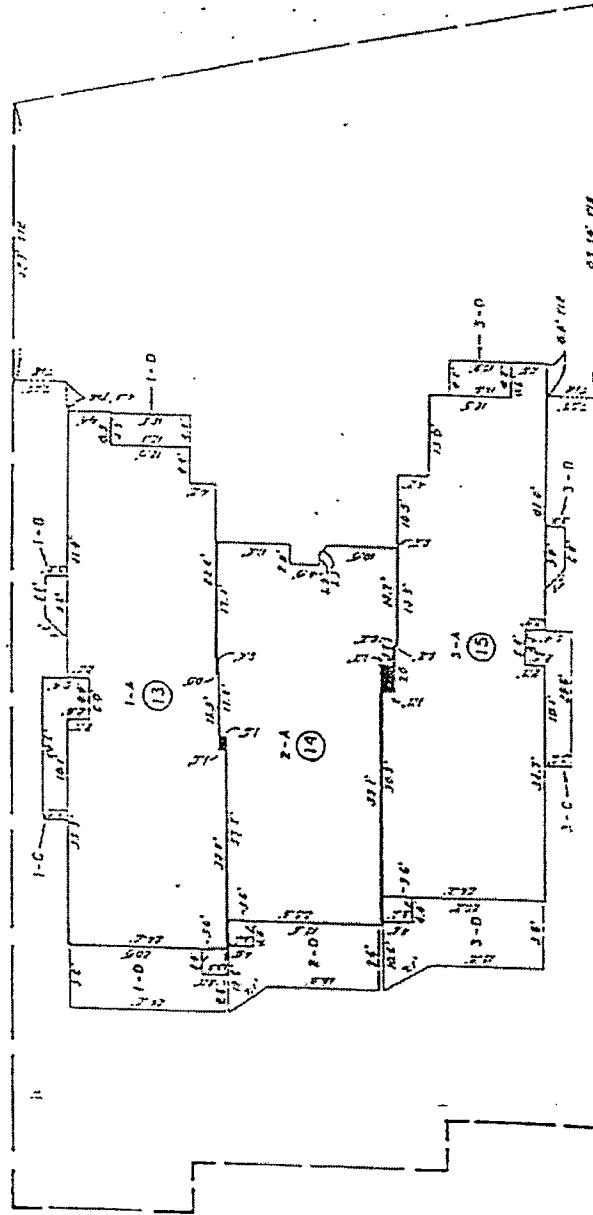
Assessor's Map Bk. 3 - Pg. 83
 County of Santa Barbara, Cali

11/87

POR. PUEBLO LANDS

3-841

Page 2 of 3



LEGEND

- A = Living Area
- B = Balcony Area
- C = Entry Area
- D = Deck Area
- E = Storage Area

SECOND FLOOR

Note:
See Page 1 for Garage Level details,
See Page 3 for Third Floor details (Units 4, 5 & 6)

(18)

1" = 20'

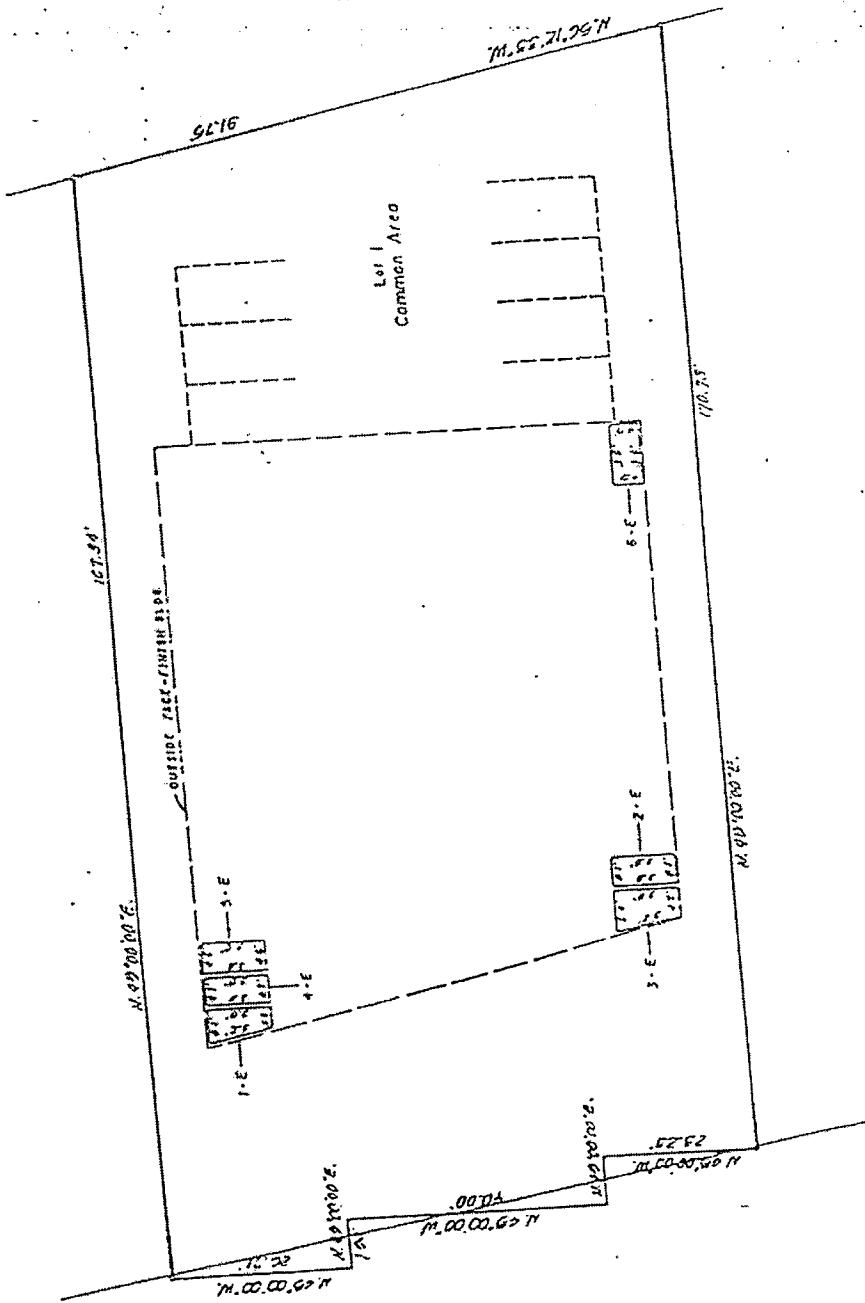
LEGEND

- A = Living Area
- B = Balcony Area
- C = Entry Area
- D = Deck Area
- E = Storage Area

(70)

RD.

SANDYLAND



(49)

Note: See Page 2 for Second Floor details (Unit 1)
See Page 3 for Third Floor details (Unit 1)

GARAGE LEVEL

(03)

Assessor's Map Bk. 3 - Pg. 84
County of Santa Barbara, Calif

08/20/87 R. M. Bk. 160, Pg. 40-15 - Condominium Plan for Lot 1 of Tract 25,105 "Villa Sorlino"

M73

AVE.

LEGEND

END
A00 = Living Area
A6003 = Deck
A7004 = Porlo

SANDYLAND

NOTICE

Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

Assessor's Map Bk. 3 - Pg. 85
County of Santa Barbara, Calif.

Town of Carpinteria, Cal. 25,132

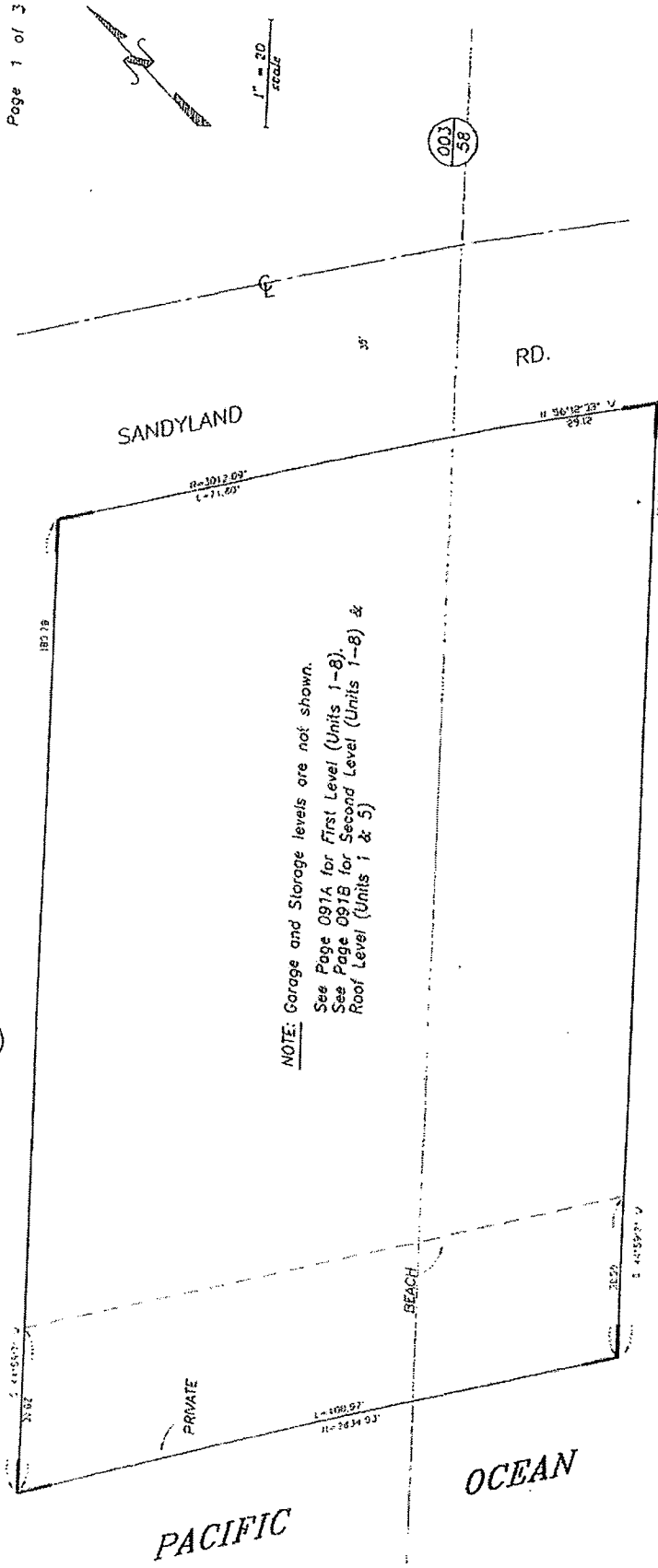
09/20/89 R

4-091

Page 1 of 3

POR. PUEBLO LANDS

004
090



NOTE: Garage and Storage levels are not shown.
See Page 091A for First Level (Units 1-8).
See Page 091B for Second Level (Units 1-8) &
Roof Level (Units 1 & 5)

NOTICE
Assessor's Parcels are for tax assessment
purposes only and do not indicate either
parcel legality or a valid building site.

ELM AVE.

003
85

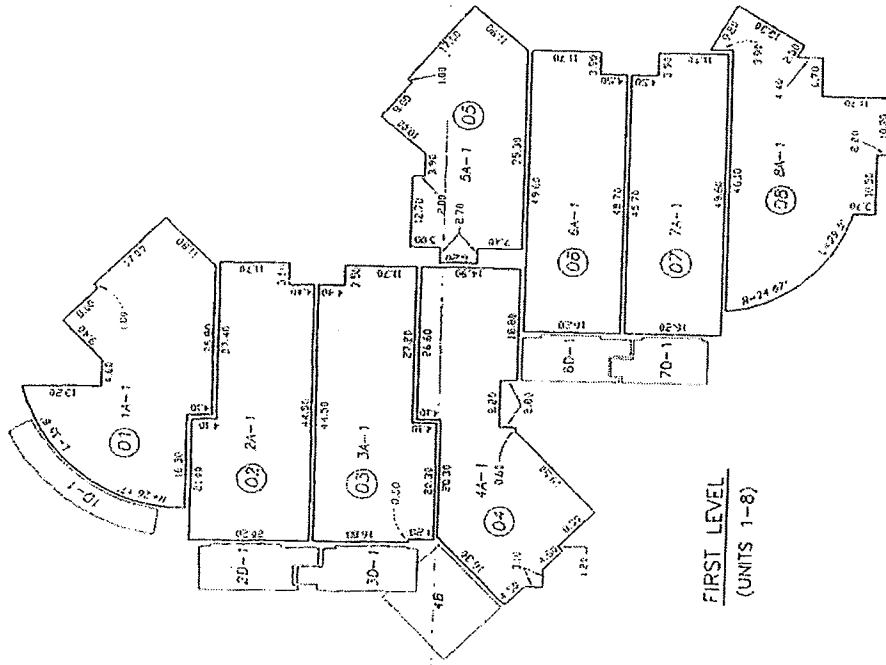
City of Carpinteria
Assessor's Map Bk. 4 -Pg. 091
County of Santa Barbara, Calif.

02/05/92 R.M. Bk. 167, Pgs. 43-49 Condominium Plan for Unit 1 of Town of ...

POR. PUEBLO LANDS

4-091A

Page 2 of 3



FIRST LEVEL
(UNITS 1-8)

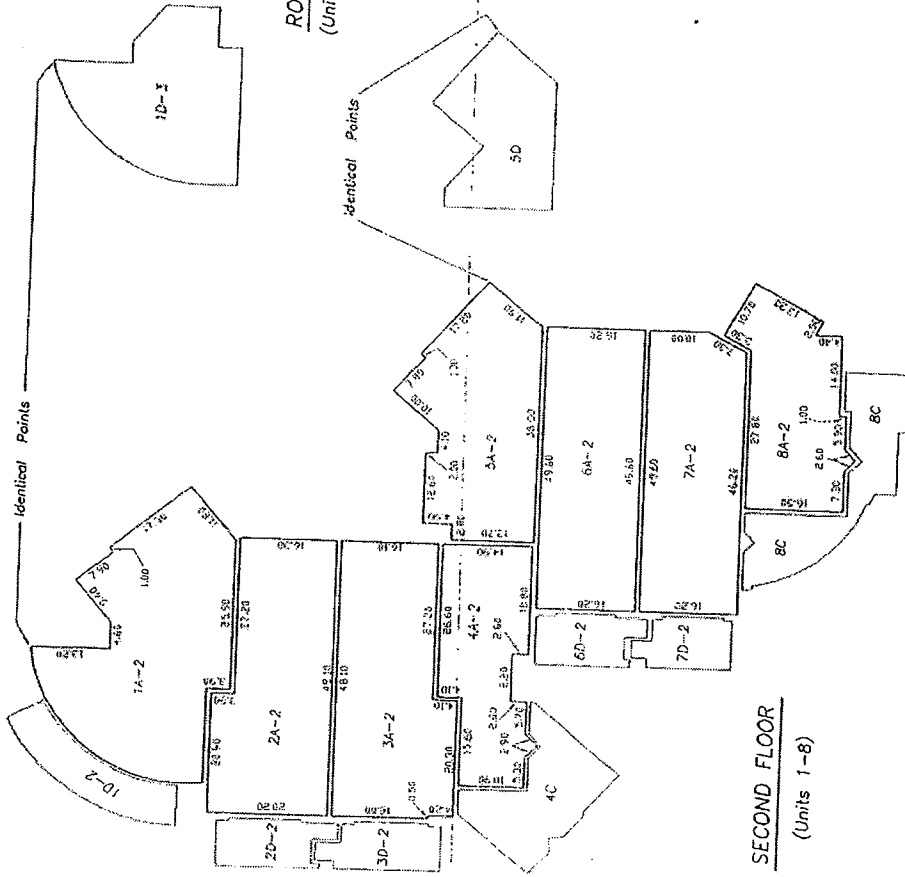
LEGEND
A=Living Area
B=Patio Area
C=Terrace Area
D=Deck Area
E=Storage Area

NOTICE
Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Carpinteria
Assessor's Map Bk. 4 -Pg. 091
County of Santa Barbara, Calif.

POR. PUEBLO LANDS

4-091B
Page 3 of 3



City of Carpinteria
Assessor's Map Bk. 4 -Pg. 091
County of Santa Barbara, Calif.

02/05/92 R.M. Bk. 167, Pgs. 43-49 Condominium Plan for Lot 1 of Tract 25,146

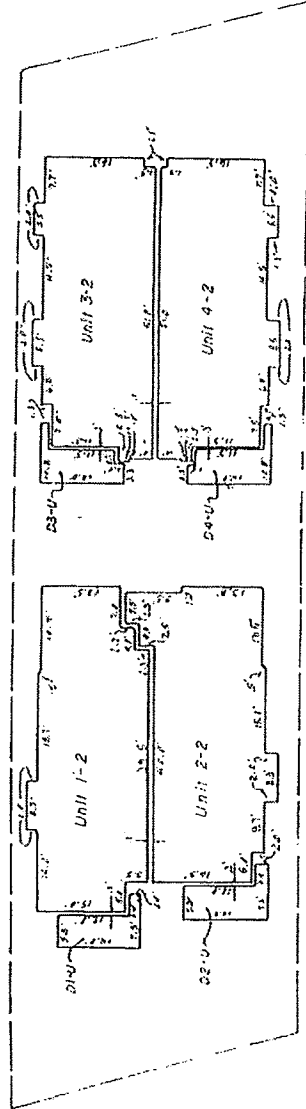
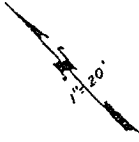
(19/92)

PUEBLO LANDS

4-090
1512

49

LEGEND:
Living area= 1-B, 1-1, 1-2, 2-B, 2-1, 2-2
3-1, 3-2, 4-1, 4-2
Carport area= G1-A through G4-B
Deck area= D1-L, D1-U, D2-L, D2-U
D3-L, D3-U, D4-L, D4-U
Storage area= S-1A, S-1B, S-2A, S-2B
S-3 & S-4



SECOND FLOOR
UNITS 1B2

SECOND FLOOR
UNITS 3B4

OCEAN BEACH

49

AVENUE

SANDYLAND

58

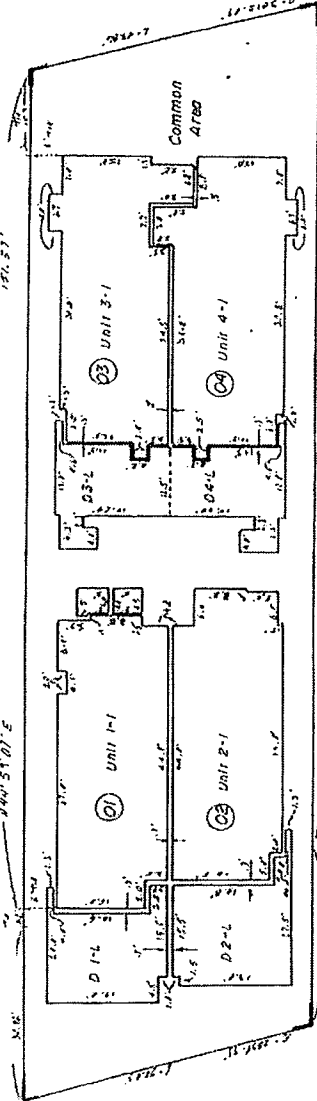
NOTICE

Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legitimacy or valid building site.

Assessor's Map Bk. 4 - Pg. 090
County of Santa Barbara, Calif.

107

00/00/00 R.M. Bk. 165, Pg. 83-87 Condominium Plan for Lot 1 of Parcel Map 25127



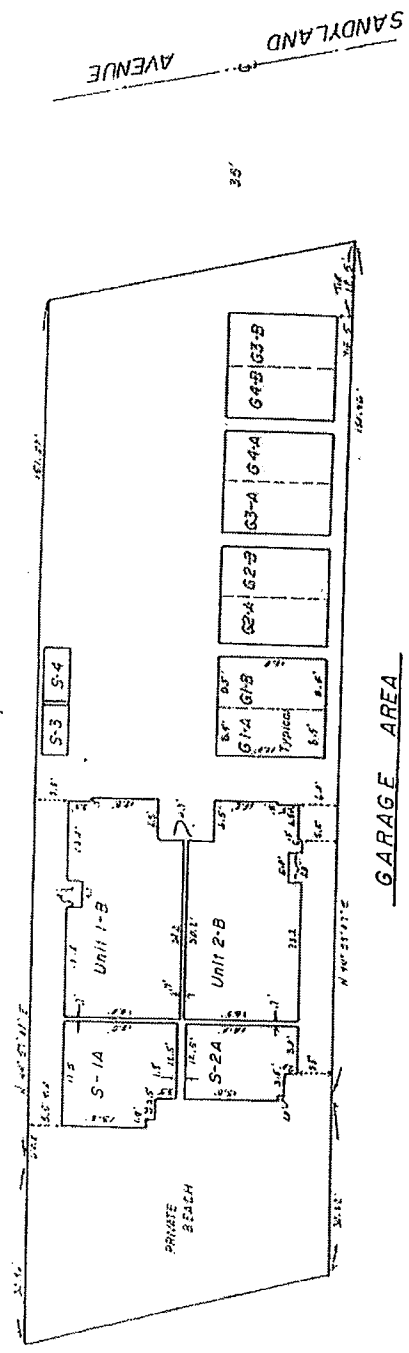
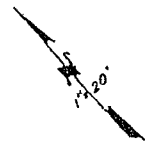
UPPER LEVEL,
FIRST FLOOR
UNITS 3B4

LOWER LEVEL,
FIRST FLOOR
UNITS 1B2

49

PUEBLO LANDS

4-090A
2 of 2



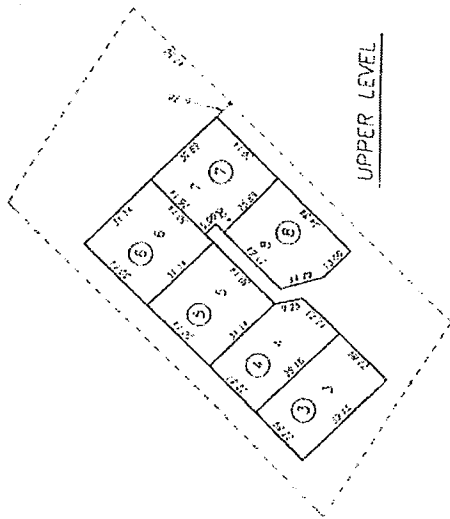
NOTICE
Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or valid building size.

Assessor's Map Bk 4 - Pg. 090A
County of Santa Barbara, Calif.
(167)

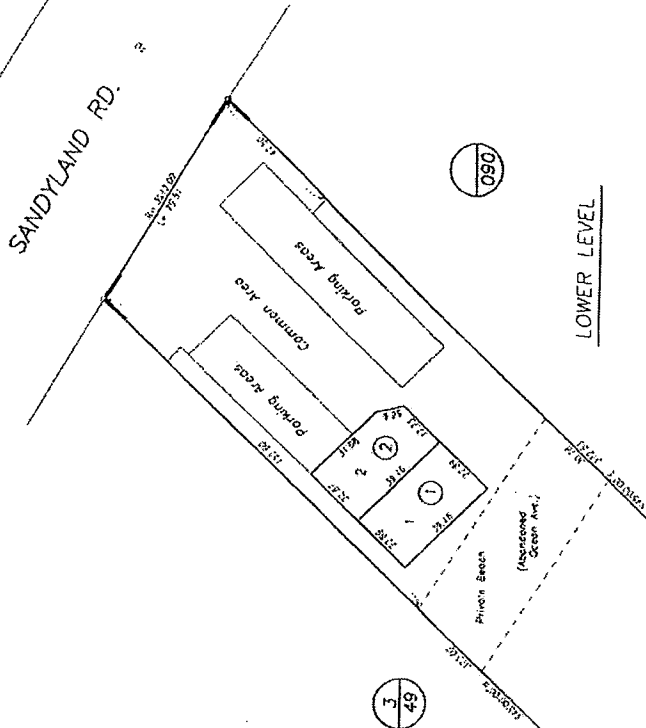
00/00/00 R.M. Bk. 165, Pg. 83-87 Condominium Plan for Lot 1 of Parcel Map 25/27

POR. PUEBLO LANDS

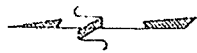
004-101



UPPER LEVEL



LOWER LEVEL



1" = 40' scale

NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

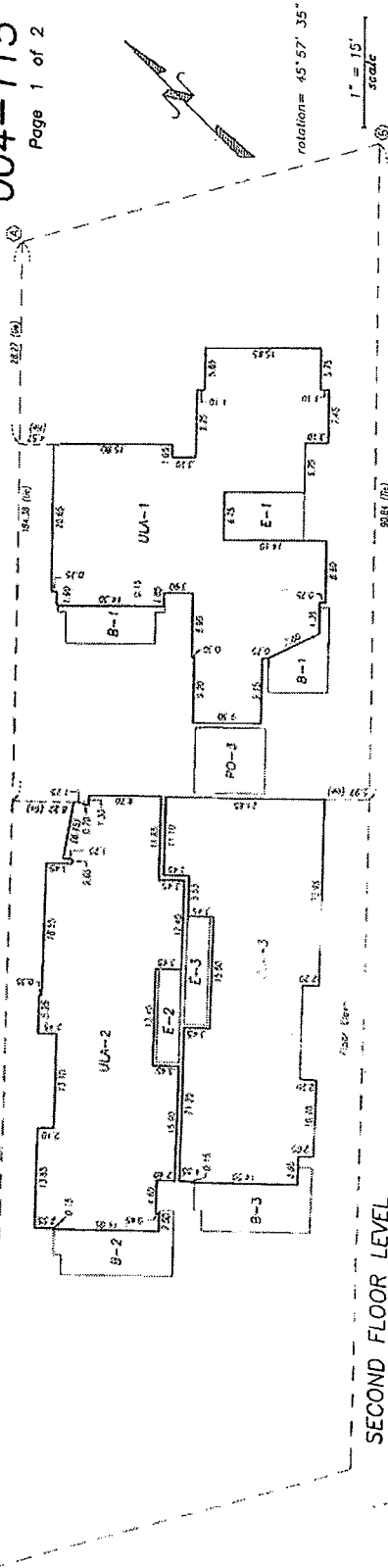
City of Carpinteria
Assessor's Map Bk, 004 -Pg, 101
County of Santa Barbara, Calif.

09/25/1996 R.M. Bk. 190, Pg. 46-50 , Tract Condominium Plan for Lot recorded in Bk. 2322 Pg. 750 O.R. (10/96) new census from pg. 3-49

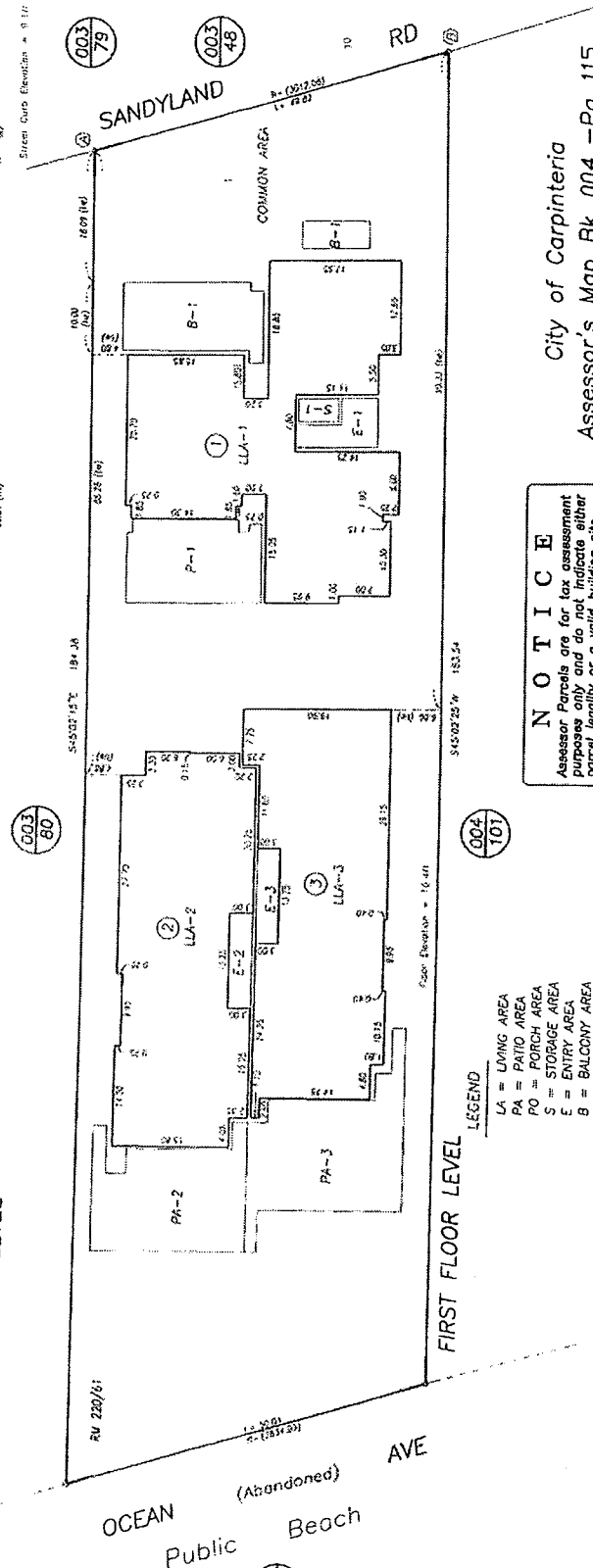
POR. PUEBLO LANDS

004-115

Page 1 of 2



SECOND FLOOR LEVEL



FIRST FLOOR LEVEL

LEGEND

- LA = LIVING AREA
- PA = PATIO AREA
- PO = PORCH AREA
- S = STORAGE AREA
- E = ENTRY AREA
- B = BALCONY AREA
- ① = TIE POINT A
- ② = TIE POINT B

NOTICE
Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Carpinteria
Assessor's Map Bk. 004 -Pg. 115
County of Santa Barbara, Calif.

02/02/2010 R.M. Bk. 220, Pg. 61-73, Tract Parcel 1 of Parcel Map 25,188

12/10 New pg from 003-480-028

OCEAN (Abandoned) AVE
Public Beach

003/60

RU 220/61

1:30.00
2:38.15.00

003/49

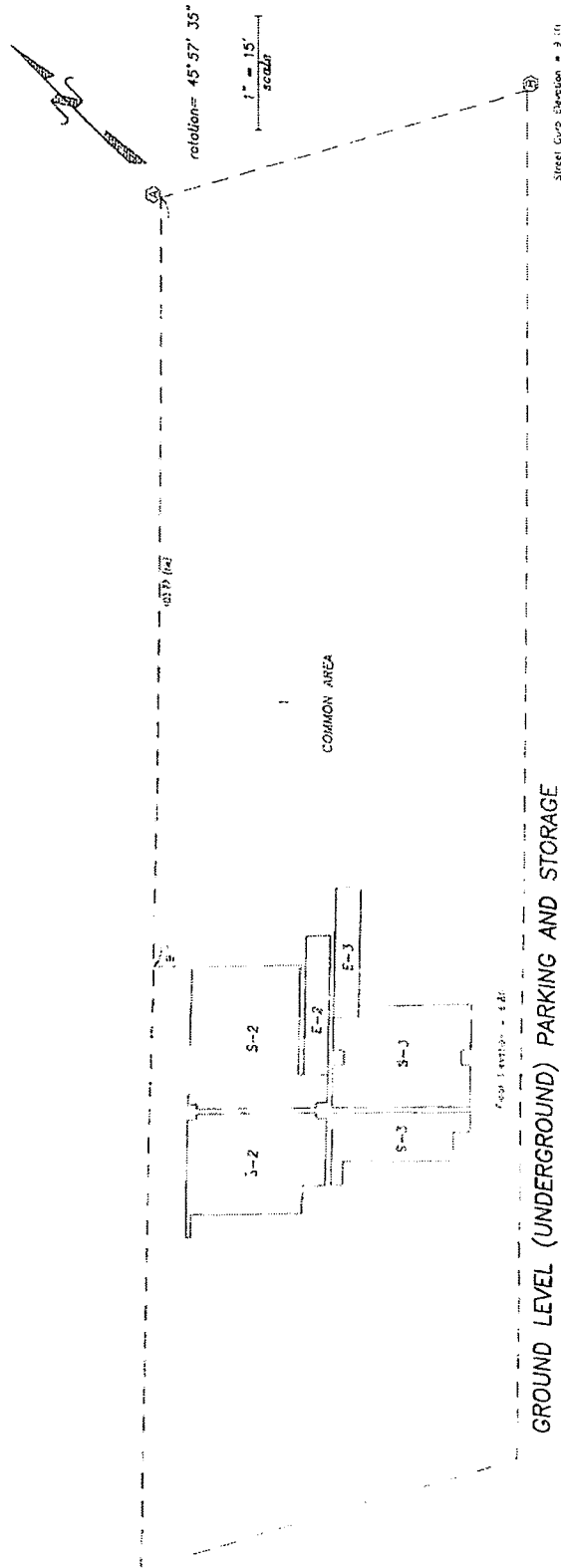
004/101

Screen Curb Elevation = 9.11'

SANDYLAND RD

003/79

003/48



LEGEND

- E = ENTRY AREA
- S = STORAGE AREA
- (A) = TIE POINT A
- (B) = TIE POINT B

NOTICE
Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Carpinteria
Assessor's Map Bk. 004 -Pg. 115A
County of Santa Barbara, Calif.

02/02/2010 R.M. Bk. 220, Pg. 61-73 , Tract Parcel 1 of Parcel Map 25,188

12/10

New pg from 003-490-028

PUEBLO LANDS

3-8

PRD-20
FID CA

SANDYLAND RD.
(48)

Common Area

UPPER LEVEL

LOWER LEVEL

3-800-1
3-800-2
3-800-3

EACH UNIT HAS EQUAL INTEREST IN LOT 4 (Common Area)

(19)

(48)

Assessor's Map No. 7 - Pg. 80
County of Santa Clara, Calif.

3-76

(61) (62)

SANDYLAND

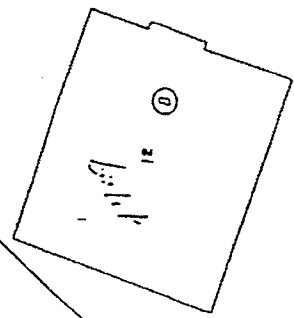
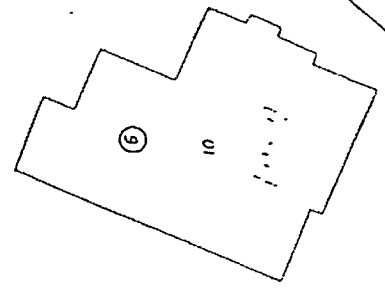
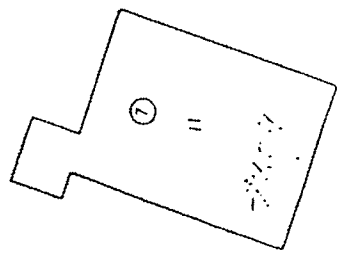
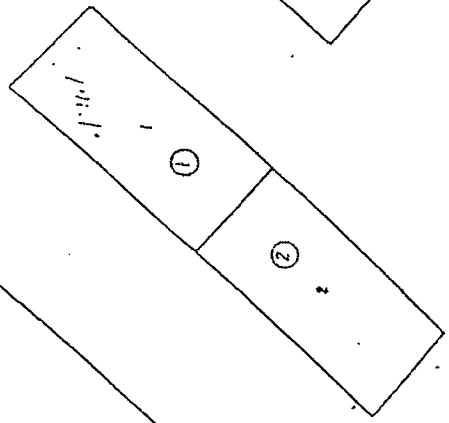
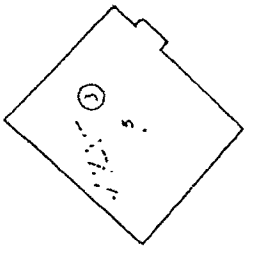
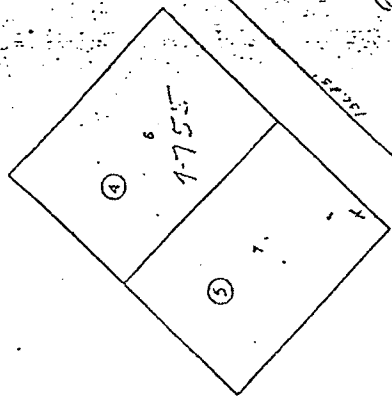
PRD-20
FH & CA

PUEBLO LANDS

ASH AVE.

CLAY ST.

CLAY ST.



FIRST LEVEL

DEAD

PRIVATE

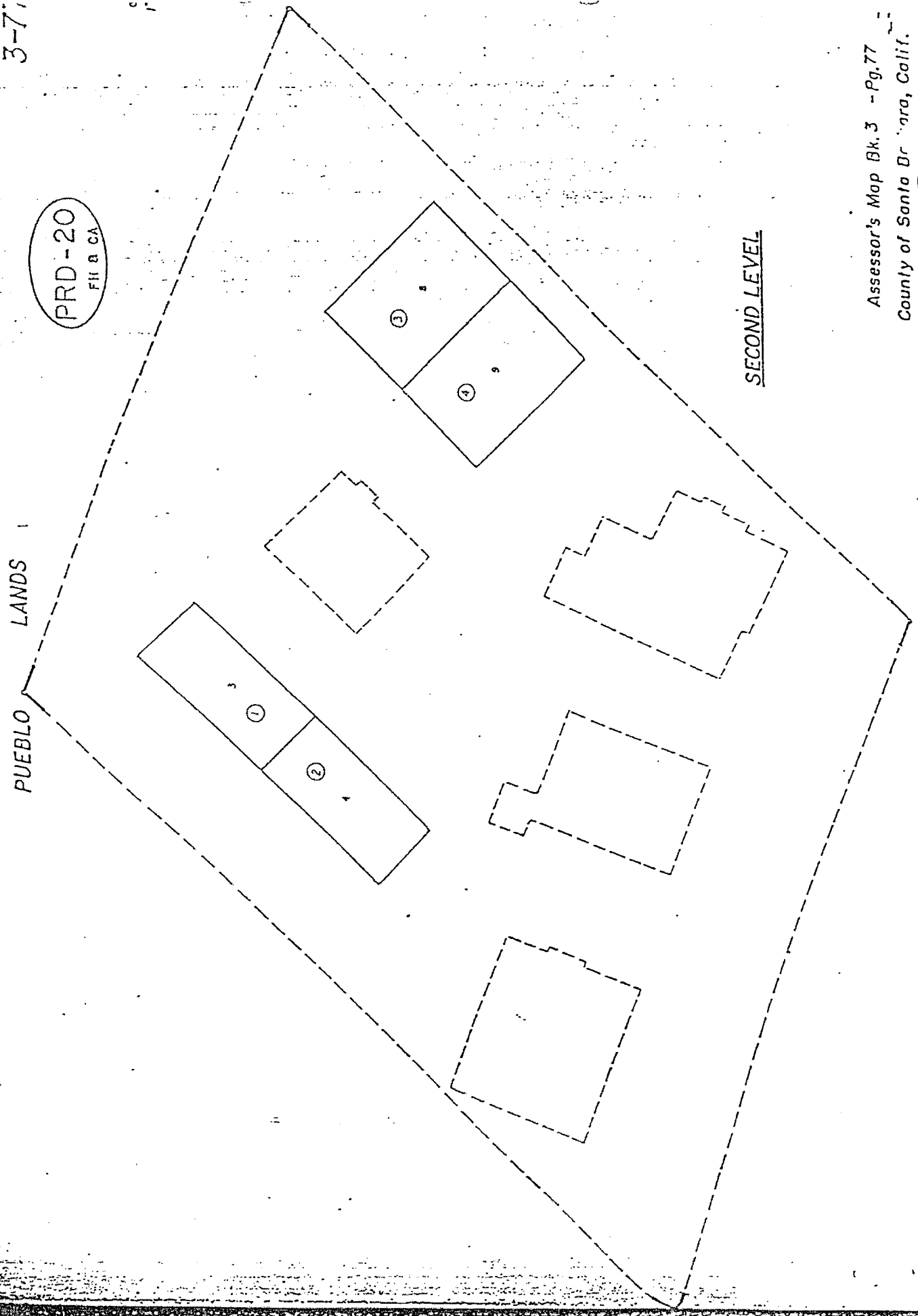
OCEAN

(Abandoned)

3-7

PUEBLO LANDS

PRD-20
FII & CA



SECOND LEVEL

Assessor's Map Bk. 3 - Pg. 77
County of Santa Barbara, Calif.
(5/11)

OTE - Assessor's Block Numbers Shown in Ellipses.

Part G

Collection Statement

The Collection of Assessment District No. 5 funds may take place after the construction, maintenance and / or removal of each season's project. Should in good faith, the City of Carpinteria construct the winter protection berm as described in the Park and Recreation Director's report, and subsequently, the proposed assessments be adopted, the district will reimburse the City of Carpinteria for the current season's project costs to the extent described in the Park and Recreation Director's report.

PART H

Unpaid Assessment Statement

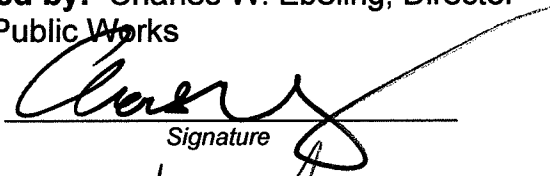
The total principal sum of unpaid assessments for all properties within the City of Carpinteria's Assessment District Number Five's boundaries which remain unpaid as computed pursuant to paragraph (1) of Subdivision (b) of §2961 of California's Streets and Highways Code known as the Majority Protest Act of 1931 is \$1,113.94. The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed is equal to \$87,800,000.00 computed pursuant to paragraph (2) of subdivision (b) of §2961 of California's Streets and Highways Code known as the Majority Protest Act of 1931.

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

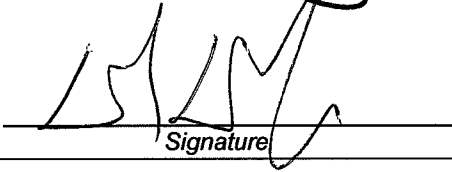
ITEMS FOR COUNCIL CONSIDERATION:

Organization and Staffing of the Department of Public Works

Report prepared by: Charles W. Ebeling, Director
Department: Public Works


Signature

**Reviewed by
City Manager:**


Signature

ACTION ☐ **NON-ACTION** ☒ **STAFF RECOMMENDATION:**

Recommendation: That the City Council receive and file this report on the organization and staffing needs of the Department of Public Works. The Department of Public Works seeks to obtain comments and feedback prior to returning to the City Council on May 13, 2013 to request that new staff positions, as discussed herein, be established.

Sample Motion: No action

I. BACKGROUND:

The City of Carpinteria has transitioned from a focus on growth to a City that is nearly built out. The majority of the growth occurred 30 to 40 years ago. Along with new housing and commercial development, extensive public infrastructure, such as roads and bridges, was constructed. In fact, much of the City's current public infrastructure was constructed in the 1960s and 1970s. Today, a significant portion of the transportation infrastructure is approximately 30 to 40 years old or more and has met or

exceeded design lifetimes. For example, the Carpinteria Avenue Bridge over Carpinteria Creek is now approaching 75 years old and is in need of replacement. During this same time period, state and federal laws and regulations have greatly increased. New laws such as the American's with Disabilities Act of 1990 require the upgrading of public facilities such as curbs, gutters, sidewalks, and driveways. The federal Clean Water Act requires the City to obtain a National Pollution Elimination Discharge Permit. Permitting requirements have included establishing the City's Watershed Management Program in the Engineering Division of the Department of Public Works.

The Department of Public Works has also been in transition over the last 15 to 20 years. Fifteen years ago the functions of the Department of Public Works were managed by a departmental director and a civil engineering consulting firm. This worked well when the City and Department were largely focused on new development. As the Public Works transitioned from being development focused to a maintenance focus, it has also had to respond to the growing state and federal regulations. In response to these changes, the City decreased its use of the civil engineering consultant and hired a full-time Director of Public Works/City Engineer. This was done to reduce expenses and included the expectation that a core Public Works staff would be hired to manage all of the various programs. The hiring of consultants would be done on a case-by-case basis when technical expertise or work load required it.

Today, as will be described below, the Department of Public Works has an extensive array of responsibilities and is managing from 30 to 50 consultant, vendor and contractor contracts at any given time. While Public Works continues to be involved in private development review and permitting, the Department is now working on maintaining the City's aging infrastructure. Unfortunately, the plan to hire a core Public Works staff has not been achieved. Civil engineers and other technical consultants are being used on a nearly continuous basis with some consultants managing other consultants on behalf of the City on a regular basis. The purpose of this staff report is to report on the staffing plan for the Department of Public Works, as developed in cooperation with the City Manager's Office, and to obtain comments and feedback prior to the Department returning to the City Council on May 13, 2013 to request that new staff positions, as discussed herein, be established.

II. DISCUSSION:

The City of Carpinteria Department of Public Works is responsible for a full array of services and programs including Development Review and Permitting, Solid Waste, Watershed Management, Transit Services, Lighting, Capital Projects, and Street Maintenance. The Department is responsible for maintaining most of the City's public infrastructure including, but not limited to, 30 miles of roads with landscaping, pavement, signs, striping, bridges, curbs, gutters, sidewalks, storm drain systems and many other components. Public Works is also responsible for bike paths and trails, parking lots, public lighting systems, traffic signals, and public restrooms and buildings. The maintenance effort is important in terms of successfully managing public resources

including reducing claims against the City. The maintenance effort is also important for supporting private property values and the local economy. The Department of Public Works proposes to address its workload with an effective balance of City employees to vendors, contractors, and in particular, technical consultants such as civil engineers. With the proper balance of staff to consultants, Public Works will:

- Seek out more opportunities for funding such as grants and partnering
- Ensure excellent performance and products from consultants
- Ensure the efficient and effective use of public funds by representing the public's (owner's) interest.

In addition to the work performed, Public Works staff provides institutional knowledge, continuity, and management and oversight of contract consultants. In other words, Public Works needs to be correctly staffed to represent and manage the Public's interests. To address the capital improvement and maintenance needs of the City, Department of Public Works also has to seek out grant funding. Both the state and the federal government have moved to grant programs in lieu of many regular ongoing funding of programs. Grant writing is an ongoing task in Public Works. Use of consultants for grant writing can be expensive and time consuming for staff. Consultants often do not have the institutional knowledge that is necessary for writing grants on behalf of the City. A single grant application can cost several thousand dollars. Over the last five years or so, the Department has successfully written many grant applications and obtained nearly \$11.5 million. However, it is believed that with appropriate staffing Public Works could be applying for many more grant programs that are available from state agencies such as the Department of Water Resources, federal agencies such as the Federal Highway Administration, and many non-governmental agencies that have grant programs. Increasing Public Works funding by obtaining grants is critical for addressing aging infrastructure and increasing environmental regulations.

Currently, the Department of Public Works contracts with civil engineering firms on a case-by-case basis for projects AND for ongoing tasks such as development review and permitting. Typical consultant tasks and rates are listed below:

- Capital Project Engineering Design - \$175-\$195 per hour
- Public Project Management and Inspection - \$175-\$195 per hour
- Ongoing Program Tasks - \$175 per hour
- Private Development Review and Inspections - \$110 per hour

During the first 9 months of fiscal year 2012-2013, the Department of Public Works has spent approximately \$469,000 for consultant services. Of this, \$192,500 has been spend on capital project management and ongoing tasks, \$236,500 has been spent on capital project engineering and inspections and \$40,000 has been spent on engineering permits. As stated above, Public Works has often had to rely on consultants managing consultants such as when Project Managers are managing engineering design consultants. This can cost the City as much as \$390 per hour.

To improve the quality of products and services from consultants, reduce costs and increase grant acquisitions, the Department of Public Works is proposing to improve the balance of contract consultants, vendors, and construction contractors by increasing staff from 9.5 full-time equivalent (FTE) positions to 11.5 FTE. Current and proposed staffing for Public Works is shown below:

Existing Public Works Staff (9.5 FTE)

Director of Public Works
Public Works Supervisor
Environmental Coordinator
Management Analyst
5 Maintenance Workers
Administrative Assistant Part-Time

Proposed Public Works Staff (11.5 FTE)

Director of Public Works
Public Works Supervisor
Environmental Coordinator
Management Analyst
5 Maintenance Workers
Civil Engineer (5-year Contract) - New
Engineering Technician - New
Maintenance Worker Part-Time – New

The Department of Public Works proposes to add a Civil Engineer, Engineering Technician and a Part-Time Maintenance Worker. The existing part-time Administrative Assistant position will be eliminated. The Part-Time Maintenance Worker is proposed to be added to address ongoing and increasing maintenance work in the Downtown “T” area of the City. The new Maintenance Worker will be assigned maintenance needs such as trash can and sidewalk cleaning, litter pickup, and supplemental public bathroom janitorial service. A brief summary of the duties for the Senior Civil Engineer and Engineering Technician are shown below:

Civil Engineer

- Capital Improvement Program manager
- Capital improvement project construction manager and inspections
- Private development review, permitting and inspections
- Consultant contracts manager

Engineering Technician

- Minor engineering permits and encroachments
- Traffic engineering and infrastructure inventories
- Private development inspections
- Vendor and construction contractor management

In addition to their duties and tasks, the new employees will be expected to assist with all of the Department of Public Works programs on as-needed basis. Those programs include Administration, Capital Improvements, Transportation, Parking and Lighting, Solid Waste, Watershed Management, Right-of-Way Maintenance and Street Maintenance.

III. FINANCIAL CONSIDERATIONS:

The Department of Public Works estimates that the new 2.5 FTE positions and the elimination of the 0.5 FTE Administrative Assistant position, as described above, will cost the Department of Public Works approximately \$215,000. This includes the fully burdened rate for each new employee. The cost of 1 FTE contract consultant is approximately \$365,000 per year. Adding the full-time staff will not only reduce cost for the Department but also for engineering permit and encroachment permit applicants. The fees that applicants pay for permits, development review and inspection is based on the rates charged by the engineering consultants.

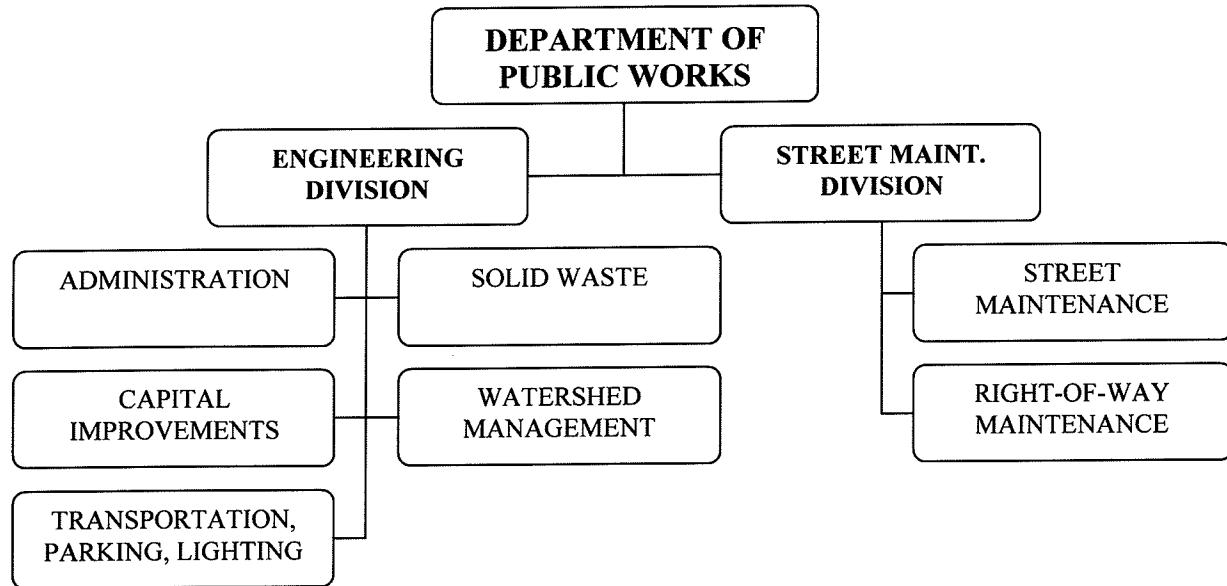
The addition of the new staff will not affect the City's General Fund. The Department of Public has a budget of approximately \$4.8 million. Less than 2% of Public Works funding comes from the General Fund. Public Work relies on many sources of funding such as State Gas Tax, Measure A Sales Tax, Right-of-Way Assessment District, Engineering Permits and Fees, grants and several other sources. As previously mentioned, a significant portion of the Department of Public Work's current work load is due to the high number of grant funded capital projects. While one of the reasons why Public Works is proposing to add staff is to write more grant applications, there is no guarantee that the current workload will continue. Therefore, the Department is proposing that the new Civil Engineer position be a full-time contract employee with a five-year term. This will add flexibility to the Department's staffing should funding be reduced over time.

IV. ATTACHEMENTS:

Attachment A - Department of Public Works Organization and Staffing Charts

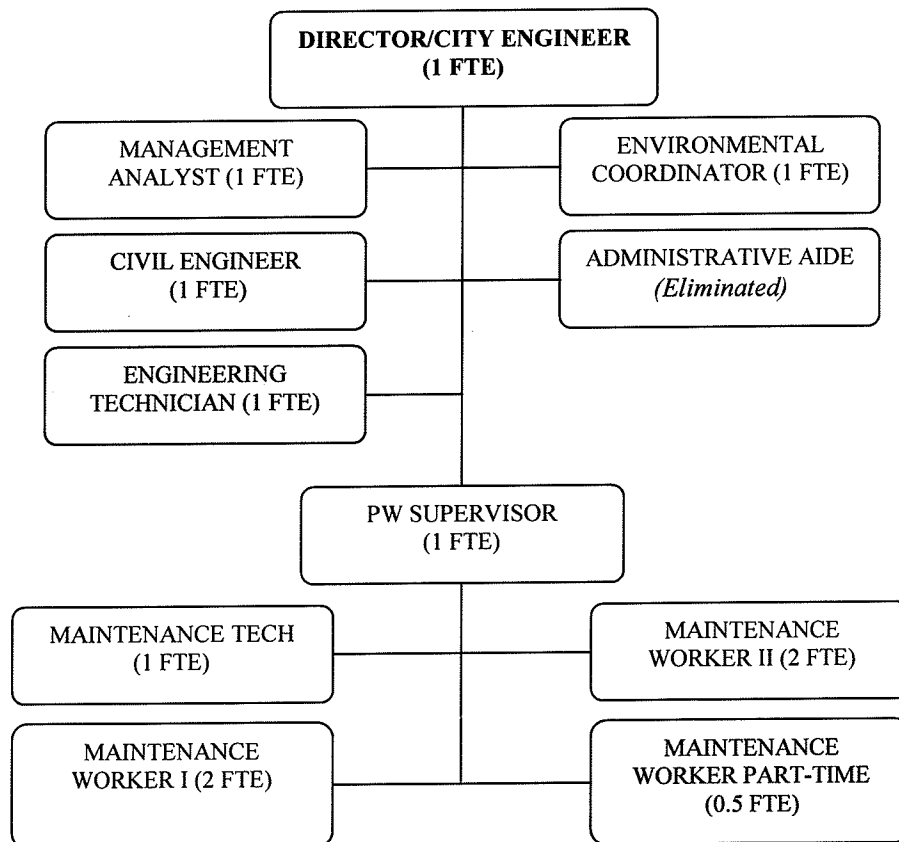
Attachment A

Department Organizational Chart:



Staffing Chart:

(Proposed New Positions Highlighted)



PAGE INTENTIONALLY LEFT BLANK

STAFF REPORT
COUNCIL MEETING DATE:
April 22, 2013

ITEM FOR COUNCIL CONSIDERATION:

3rd Quarter Financial Results and Preliminary Revenue and Expense Projections for the 2013/14 Fiscal Year.

City Manager _____

[Signature]
Signature

Administrative Services _____

[Signature]
Signature

ACTION ITEM ____; NON-ACTION ITEM x

STAFF RECOMMENDATION: No changes to the budget are being recommended at this time. Receive the report and direct staff as determined appropriate.

MOTION: None Required

I. BACKGROUND/DISCUSSION:

The City conducts quarterly budget reviews in October, January and April of the fiscal year. This report compares 3rd quarter Fund results of the current budget year to the adopted budget revenue and expenditure estimates in order to identify corrections or adjustments that may be necessary. This report also reviews the condition of significant revenue and expenditure categories and other factors that are expected to influence the preparation of the 2013-14 budget. The ad hoc Budget Committee (Clark, Stein) have reviewed the results being presented herein.

Attachment A to this report is a series of tables that show actual, budget and variance to budget figures three quarters of the way through the fiscal year. The tables illustrate that the City's budget projections within each Fund were generally sound. Of primary interest is the General Fund, which is the funding source for a majority of the City's basic services including law enforcement. Attachment B is a table that shows General Fund audited results (Actual) for the 2012 fiscal year, Year to Date (YTD) estimates for the current year, adopted 2013 budget figures and estimated Final 2013 General Fund

figures¹. The adopted 2012-13 budget projected General Fund expenses (which includes transfers necessary to balance other Funds) exceeding revenues by approximately (\$253K). After third quarter results, the City is estimating that Final budget results for the 2012/13 fiscal year will show revenues exceeding expenditures by approximately \$92K. This estimated variance of approximately \$345K is due to a combination of additional one-time property tax revenue, i.e., receipt of \$143K settlement with the County regarding past excess property tax administration fees), additional TOT revenue due to the voter approved increase in the tax rate(not anticipated in the adopted budget), and expenses beating budget projections.

The national recession continues to be in a slow recovery mode, according to experts. The City continues to benefit from not having volatility in local economic factors that affect most of its revenue. For example, not having a large amount of new homes that experienced steep drops in real estate market prices helped to avoid a precipitous drop in property tax revenue. Also, not having large retailers such as auto dealers and big box retailers, businesses which experienced significant drops in sales during the recession, has contributed to stable sales tax revenue throughout the recession. This same consistency is expected to result in a slow and modest recovery of City revenues in years to come.

Below, estimated year-end results for key revenue and expense categories are discussed. These estimates will be the basis for budget estimates being developed for the 2013-14 fiscal year.

II. FINANCIAL CONSIDERATIONS:

GENERAL FUND OPERATING REVENUES

The 2012/13 budget projected overall General Fund revenues of \$7.192M. The City's projection after three quarters is that the City will end the fiscal year with General Fund revenues exceeding the budget projection by \$153K. As discussed above, a one-time property tax payment from the County and an increase in TOT revenue related to a rate change are the two primary reasons for this projected result.

Property Tax

The adopted budget projected an increase of a little less than 1% in property tax over the prior year. Year to date results indicate that this forecast will hold.

Staff is projecting no increase in the property taxes over the budgeted amount.

Sales Tax

Sales tax revenues have been keeping pace with projections but staff has recently been informed that we may experience a one-time sales tax reduction due to a State Board of Equalization audit. Staff works closely with the City's sales tax consultant, Hinderliter-deLamas (HdL) in tracking sales tax revenues, trends, and developing estimates. Sales tax revenues can be very volatile due to numerous factors such as late payments, misallocations, double up payments, etc.

¹ These figures are expected to change modestly as year-end estimates from each Department are included in the Final 2012 budget estimate and incorporated into the development of the 2012-13 budget.

Staff is projecting final 2013 sales tax revenue of \$1,719,000, approximately \$124K less than the adopted budget.

Transient Occupancy Tax

The 2012-13 Adopted Budget projected TOT revenue at \$1,444,000. Actual 2012 TOT revenue was \$1,555,000, approximately \$305K more than the final 2011-12 estimate. As reported at the midyear budget review, TOT revenues continue to improve. The adopted budget of \$1,444,000 anticipated no increase in the TOT rate.

Staff is projecting final 2013 Transient Occupancy Tax revenue of \$1,689,129 due to a continuing upward trend in both hotel occupancy and average daily room rates, and an increase in the TOT rate that went into effect January 1, 2013. This amount is approximately \$245,000 over budget.

Franchise Fees

The City collects franchise fees from various private business operators that use the public rights-of-way in order to bring their services to customers in the City. Total revenue from franchise fees is budgeted just over \$550,000. The City currently has franchise agreements with Harrison Industries (trash), Cox Cable (cable television), Southern California Edison (electricity), and Southern California Gas Company (natural gas). Electric and gas franchise revenues are received later in the year. To date franchise fee revenues are tracking slightly behind last year and budget.

Staff is projecting final 2013 Franchise Fees of \$523,000.

Investment Income

The City invests primarily in the Local Agency Investment Fund (LAIF) and Treasury Notes. The City relies on interest income to provide revenue to the operating budget and seeks to maximize returns within the parameters established by law and the City's investment policy. The budget projected \$117,000 in General Fund investment income.

Staff is projecting final 2013 Interest income of \$77,000.

Licenses & Permits

Licenses & Permits were set at \$141,000 in the adopted budget, a significant decrease from prior year expecting a decrease in building activity. Revenues to date are running well ahead of last year and budget.

Staff is projecting final 2013 License & Permits revenue of \$172,000.

Charges for Services

Charges for Services were set at \$223,000 in the adopted budget. Revenue is trending lower than budgeted. Revenues from this category offset increased contract costs for plan check and inspection services that are reflected in the Contract Services expense category. This category also includes reimbursement from private development for Planning staff labor (\$85K year to date thru March).

Staff is projecting final 2013 revenues of \$166,291.

GENERAL FUND OPERATING EXPENSES

The 2012/13 budget projected overall General Fund expenses of \$7.396M. The City's projection after three quarters is that the City will end the fiscal year with General Fund expenses under the budget projection by \$192K. This is due to savings in personnel costs as discussed below.

Personnel Costs

Total wages are estimated to finish the year slightly under budget at \$1,819,657 and benefit costs will be less than budget by approximately \$114K. Health insurance costs increased by approximately 7%, less than the 13% projected in the budget. Total General Fund pension costs are estimated at \$270,600, approximately \$100,000 less than budget.

Contract Costs

Law enforcement contracts services costs represent the City's largest single expense at approximately \$3.32 million in the current year. This contract cost is funded primarily from the General Fund. Several special revenue sources dedicated to law enforcement also contribute revenue including the Public Safety Sales tax (approximately \$50K), the Traffic Safety Fund (approximately \$25K), and the State COPS grant (\$100K).

Current year-end projections are for contract expenses of approximately \$3.315, consistent with the budget.

Other Contracts include legal services, parks and facilities maintenance contracts, plan check and inspection services for construction permitting. Legal expenses were adjusted upward by \$100K at the midyear in order to reflect ongoing and expected litigation costs.

OTHER FUNDS

No changes to other funds are being recommended at this time and it is expected that year end results will closely track budget estimates; meaning that revenue and expenses attributable to these funds are what was anticipated in the budget and, also, that inter-fund transfers are tracking as expected. Total budgeted operating income and expense for all non-General operating funds are budgeted at \$3.094M and \$3.822M respectively.

Preliminary 2013-14 Revenue and Expense Projections

The projected 2011-12 budget results provide information that will be important for determining revenue and expense projections for the coming year. In general, key revenues, are expected to continue to trend positively, although revenue gains are expected to be only modest. Continued cost savings related to prior employee compensation and service level changes, along with projected minor change in the 2013/14 law enforcement contract cost are expected to contribute to keeping any significant increase in expenses at bay for another year. Overall, staff anticipates being able to recommend a balanced budget in June.

The City's largest single revenue source, property tax, rose less than 1% in the current year. The local and regional real estate markets suggest that any growth of the property tax will remain very small; the current estimate is approximately 1%. Sales tax reached approximately \$1.95 million in 2009 but subsequently dropped to approximately \$1.89 million and \$1.61 million in 2010 and 2011 respectively. The TOT, having trended upward for nearly a decade and peaking in 2007 at \$1.45 million, declined for three consecutive years to a 2010 low of \$1.26 million, before improving to \$1.555M, in 2011/12. Positive local and regional trends in the hospitality industry, in conjunction with the increased TOT rate and a greater number of TOT remitters related to City enforcement efforts, are expected to continue the positive TOT revenue trend in the coming year. Fees and charges for service related to development activity are expected to remain strong in the next fiscal year due to ongoing and anticipated construction activity.

As has been discussed in detail in the past, annual operating losses in special funds that have a fixed income or limited revenue potential and declining/low interest income, are projected to continue in the next fiscal year and into the foreseeable future.

The Parks Maintenance, Recreation Services and the Right-of-Way Assessment District Funds have been experiencing annual losses and require subsidies from other Funds, including the General Fund, in order to balance each year. The Park Maintenance and Right-of-Way Assessment District Funds receive revenue from a parcel tax and benefit assessment district respectively. The Recreation Services Fund's primary revenue source is user fees.

The Park Maintenance tax was set in 1985, reconfirmed by voters in 1997, and is approximately \$36 per residential parcel. The tax is flat with no annual or inflationary increase. As such, Fund revenue has grown very little since the tax was first established 27 years ago. In 1997 annual Fund revenue was \$142,000 and this revenue was sufficient to pay for annual park maintenance in the City. The amount of park space, and the per acre cost to maintain it has increased substantially since 1997, beyond what the Fund can afford. Currently, other Funds and revenues supplement the Park Maintenance Fund including current year projections of: General Fund (\$194,457); Tidelands Trust Fund (\$10,000 used for maintenance of the Salt Marsh Park, City Beach, Tar Pits Park); State Day Use Parking charges (\$25,000 used for maintenance of Linden Field); Bluffs Endowment (\$20,000 used for maintenance of the Bluffs Nature Park); Street Lighting Fund (\$15,838) and user fees (\$10,000).

Used for the maintenance of public rights-of-way, the Assessment District pays for repairs and improvements to curbs, gutters, sidewalks, and other improvements and maintenance activities in public rights-of-way. Revenue comes from a parcel based assessment. Similar to the Park Maintenance Fund, the assessment formula does not account for inflation and revenues to the Fund have changed little since it was created in 1986. Current year revenues are expected to be approximately \$195,000. Maintenance costs, largely related to contract services, exceed annual revenues to the Fund. Fund revenues were historically supplemented by Gas Tax. Other Funds that contribute to right-of-way maintenance are the General Fund (\$86,285), Measure A Fund and Local Transportation Fund. Gas Tax revenues are also essentially flat. As such, Assessment District revenues, including subsidies as described, are sufficient only for day to day operations and routine maintenance.

The Recreation Services Fund was created in 1996/97. This Fund includes operating costs related to providing recreational facilities and programs at the Community Pool, the Beach, Veteran's Memorial Building, and at various parks; Fund revenue comes from

user fees. Carpinteria Municipal Code Chapter 3.34 establishes targets for cost recovery of various Leisure and Cultural Services programs, including most of the services funded from the Recreational Service Fund. The cost recovery rates range from 0% to 100% for various recreation programming provided by the City. The Community Pool represents the greatest single facility operating cost and the established rate of cost recovery is

50% for public swimming. Revenue from all user charges for the pool is estimated to be just under 50% of pool operating costs. The Recreational Services Fund is projected to require supplemental General Fund revenues of \$95,343 in the current budget year.

Finally, interest income is generated by the City's cash investments which are currently estimated to be approximately \$14.5 million. Annual interest earnings exceeded \$650K in 2008 but due to low interest rates current projected income is approximately \$77K. Interest earnings are a significant source of revenue for building City reserves. Healthy reserves are essential to ensure that the City is protected in the event of significant economic downturns, local disaster and emergencies, and can respond to occasional unanticipated and significant major capital, equipment and/or maintenance costs; minimizing deferred maintenance expenses.

Attachment C, illustrates the City's use of reserves during the most impacted years of the economic recession and how it has changed in recent years, through a variety of actions and modest improvement in the economy, the City has and expects to contribute annual surpluses to its various reserves. Current General Fund operating reserves of approximately \$5.9 million are at policy levels established by the City Council.

The City's infrastructure maintenance needs, in particular, for street maintenance, are expected to continue to grow and the budget in the 2013/14 and future years will need to reflect increased pavement maintenance expenditures in order to mitigate loss in level of service. It is also expected that the City will need to invest in acquiring additional revenue through grant applications and leverage private development investment.

III. ATTACHMENTS:

- A. Fund Comparison Tables
- B. General Fund Estimates
- C. General Fund Balance and Reserve Projections

Attachment A

Budget to Date

Fund	Revenue			Transfers In		Expenditures		Transfers Out		Excess / (Deficit)	Reserve Changes
	TOTAL										
	\$9,008,423	100.0%	\$635,510	\$9,410,616	100.0%	\$635,510	(\$402,193)	\$0			
10 GENERAL FUND	5,511,507	61.2%	352,170	5,621,093	59.7%	96,920	145,664	(308,282)			
13 GENERAL RESERVE FUND	12,677	0.1%	0	0	0.0%	0	12,677	0			
11 TRAFFIC SAFETY FUND	15,636	0.2%	0	19,037	0.2%	0	(3,401)	0			
20 REVOLVING FUND	1,210,735	13.4%	0	1,171,950	12.5%	38,785	0	0			
21 REPLACEMENT FUND	1,094	0.0%	0	11,250	0.1%	0	(10,157)	0			
22 PARK DEVELOPMENT FUND	2,250	0.0%	0	26,362	0.3%	0	(24,112)	24,112			
23 PARK MAINTENANCE FUND	152,381	1.7%	19,431	251,852	2.7%	65,802	(145,843)	145,843			
25 GAS TAX FUND	288,412	3.2%	121,988	375,168	4.0%	91,033	(55,802)	0			
26 LOCAL TRANSPORTATION FUND	9,120	0.1%	0	7,500	0.1%	268	1,352	0			
27 MEASURE A FUND	542,258	6.0%	30,063	322,500	3.4%	47,404	202,418	0			
28 TIDELANDS TRUST FUND	279,379	3.1%	0	174,710	1.9%	96,513	8,156	0			
29 STREET LIGHTING FUND	213,410	2.4%	0	184,500	2.0%	49,346	(20,437)	0			
31 TRUST & AGENCY FUND	238,805	2.7%	0	232,344	2.5%	8,567	(2,106)	2,106			
33 R-O-W ASSESSMENT DISTRICT FUND	145,650	1.6%	74,366	238,346	2.5%	46,383	(64,714)	64,714			
38 PBIA FUND	22,439	0.2%	0	17,437	0.2%	0	5,003	0			
39 AB 939 FUND	100,068	1.1%	0	55,875	0.6%	54,642	(10,449)	0			
41 MEASURE-D FUND	17,316	0.2%	0	386,250	4.1%	0	(368,934)	0			
42 CAPITAL IMPROVEMENT FUND	9,750	0.1%	0	9,750	0.1%	0	0	0			
48 RECREATION SERVICES FUND	235,538	2.6%	37,493	304,691	3.2%	39,847	(71,507)	71,507			

Actual To Date

Fund	Revenue			Transfers In		Expenditures		Transfers Out		Excess / (Deficit)	Reserve Changes
	TOTAL	\$6,711,714	100.0%	\$635,510	\$7,634,849	100%	\$635,510	(\$923,135)	\$0		
10	GENERAL FUND	4,679,319	51.9%	352,170	5,615,233	73.5%	96,920	(680,664)	(389,880)		
13	GENERAL RESERVE FUND	8,157	0.1%	0	0	0.0%	0	8,157	0		
11	TRAFFIC SAFETY FUND	17,022	0.3%	0	3,969	0.1%	0	13,053	0		
20	REVOLVING FUND	76,840	1.1%	0	76,840	1.0%	38,785	(38,785)	19,863		
21	REPLACEMENT FUND	1,870	0.0%	0	17,343	0.2%	0	(15,473)	0		
22	PARK DEVELOPMENT FUND	23	0.0%	0	35,149	0.5%	0	(35,126)	35,126		
23	PARK MAINTENANCE FUND	110,003	1.6%	19,431	206,412	2.7%	65,802	(142,780)	142,780		
25	GAS TAX FUND	272,192	4.1%	121,988	381,591	5.0%	91,033	(78,444)	0		
26	LOCAL TRANSPORTATION FUND	7,927	0.1%	0	500	0.0%	268	7,159	0		
27	MEASURE A FUND	523,647	7.8%	30,063	412,937	5.4%	47,404	93,369	0		
28	TIDELANDS TRUST FUND	314,840	4.7%	0	144,439	1.9%	96,513	73,888	0		
29	STREET LIGHTING FUND	168,422	2.5%	0	82,647	1.1%	49,346	36,429	0		
31	TRUST & AGENCY FUND	15,373	0.2%	0	8,003	0.1%	8,567	(1,197)	1,197		
33	R-O-W ASSESSMENT DISTRICT FUND	117,390	1.7%	74,366	242,077	3.2%	46,383	(96,705)	96,705		
38	PBIA FUND	22,438	0.3%	0	24,774	0.3%	0	(2,336)	0		
39	AB 939 FUND	106,010	1.6%	0	15,641	0.2%	54,642	35,727	0		
41	MEASURE-D FUND	9,555	0.1%	0	14,753	0.2%	0	(5,198)	0		
42	CAPITAL IMPROVEMENT FUND	0	0.0%	0	0	0.0%	0	0	0		
48	RECREATION SERVICES FUND	260,686	3.9%	37,493	352,541	4.6%	39,847	(94,209)	94,209		

Variance to Budget

Revenue			Transfers In			Transfers Out			Excess / (Deficit)	Reserve Changes
			Expenditures							
TOTAL			(\$2,296,708)	100.0%	\$0	\$1,775,766	100%	\$0	(\$520,942)	\$0
10	GENERAL FUND	(832,188)	-15.1%	0	5,860	0.1%	0	(826,328)	(85,570)	
13	GENERAL RESERVE FUND	(4,520)	-35.7%	0	0	0.0%	0	(4,520)	0	
11	TRAFFIC SAFETY FUND	1,386	8.9%	0	15,068	79.2%	0	16,454	0	
20	REVOLVING FUND	(1,133,895)	-93.7%	0	1,095,110	93.4%	0	(38,785)	19,863	
21	REPLACEMENT FUND	777	71.0%	0	(6,093)	-54.2%	0	(5,317)	0	
22	PARK DEVELOPMENT FUND	(2,227)	-99.0%	0	(8,787)	-33.3%	0	(11,014)	11,014	
23	PARK MAINTENANCE FUND	(42,378)	-27.8%	0	45,440	18.0%	0	3,063	0	
25	GAS TAX FUND	(16,220)	-5.6%	0	(6,423)	-1.7%	0	(22,643)	0	
26	LOCAL TRANSPORTATION FUND	(1,193)	-13.1%	0	7,000	93.3%	0	5,807	0	
27	MEASURE A FUND	(18,611)	-3.4%	0	(90,437)	-28.0%	0	(109,048)	0	
28	TIDELANDS TRUST FUND	35,461	12.7%	0	30,271	17.3%	0	65,733	0	
29	STREET LIGHTING FUND	(44,988)	-21.1%	0	101,853	55.2%	0	56,866	0	
31	TRUST & AGENCY FUND	(223,432)	-93.6%	0	224,341	96.6%	0	909	0	
33	R-O-W ASSESSMENT DISTRICT FUND	(28,260)	-19.4%	0	(3,731)	-1.6%	0	(31,991)	31,991	
38	PBIA FUND	(1)	-0.0%	0	(7,337)	-42.1%	0	(7,339)	0	
39	AB 939 FUND	5,942	5.9%	0	40,234	72.0%	0	46,176	0	
41	MEASURE-D FUND	(7,761)	-44.8%	0	371,497	96.2%	0	363,736	0	
42	CAPITAL IMPROVEMENT FUND	(9,750)	-100.0%	0	9,750	100.0%	0	0	0	
48	RECREATION SERVICES FUND	25,149	10.7%	0	(47,851)	-15.7%	0	(22,702)	22,702	

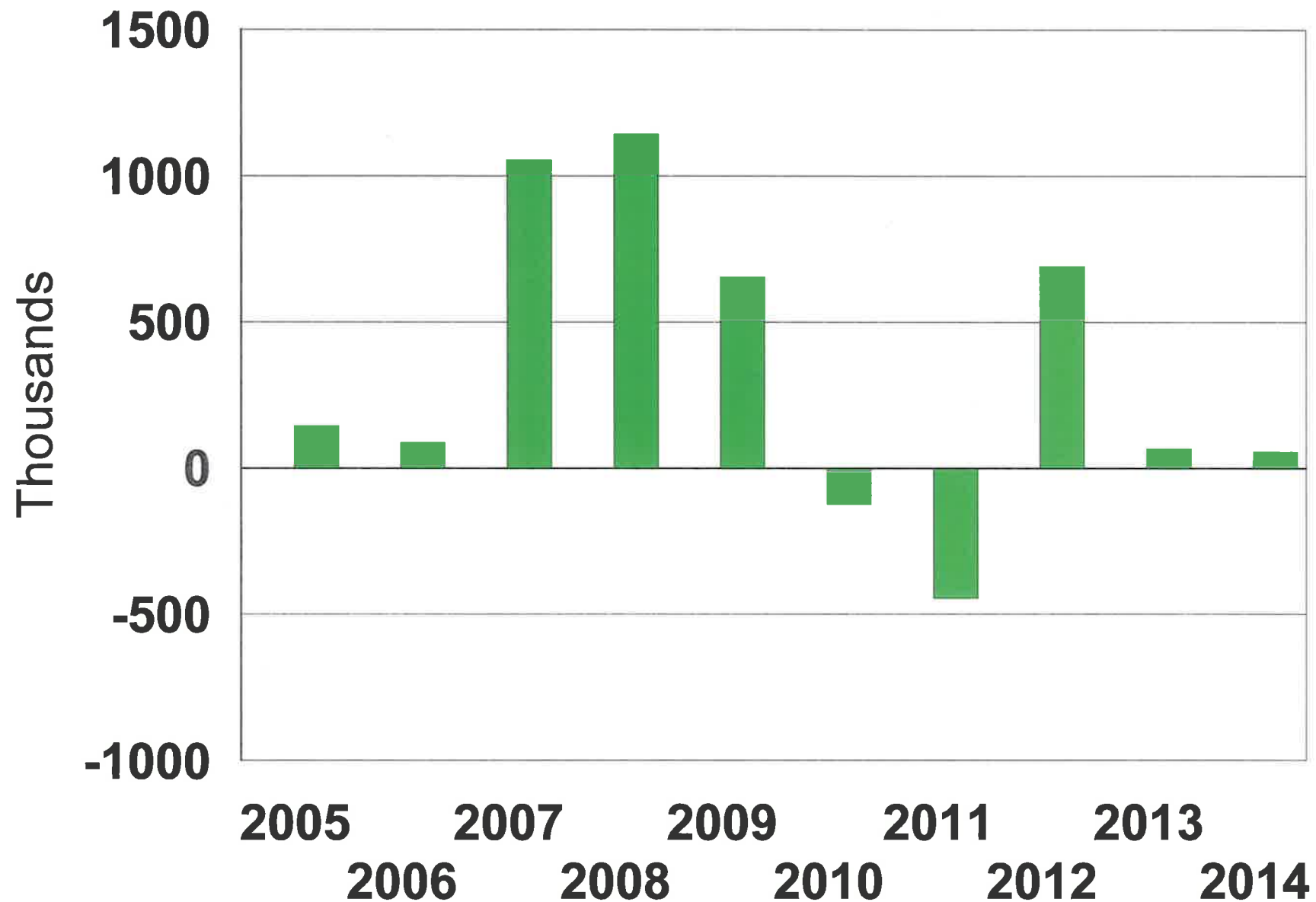
Attachment B

CITY OF CARPINTERIA
Estimated 2013-14 Budget
GENERAL FUND

	ACTUAL 12		YTD		ADOPTED 13		PROJECTED 13		ESTIMATED 14	
Taxes										
Property Taxes	\$2,619,423	34.2%	\$1,477,755	31.6%	\$2,628,966	36.6%	\$2,627,272	35.8%	\$2,681,545	35.1%
Sales Taxes	1,860,725	24.3%	1,151,975	24.6%	1,843,000	25.6%	1,719,864	23.4%	1,843,000	24.1%
Franchise Taxes	563,958	7.4%	301,881	6.5%	556,009	7.7%	523,283	7.1%	556,009	7.3%
Transient Occupancy Taxes	1,555,257	20.3%	1,240,548	26.5%	1,444,000	20.1%	1,689,129	23.0%	1,937,239	25.4%
Other Taxes	84,508	1.1%	84,192	1.8%	82,000	1.1%	93,692	1.3%	82,000	1.1%
Total Taxes	6,683,871	87.3%	4,256,351	91.0%	6,553,975	91.1%	6,653,240	90.6%	7,099,793	92.9%
Interest	96,767	1.3%	64,049	1.4%	117,448	1.6%	77,177	1.1%	77,177	1.0%
Licenses & Permits	157,988	2.1%	129,126	2.8%	140,894	2.0%	171,940	2.3%	140,894	1.8%
Charges for Services	262,233	3.4%	123,318	2.6%	223,000	3.1%	166,291	2.3%	166,000	2.2%
Fines & Forfeitures	88,063	1.1%	65,351	1.4%	82,158	1.1%	87,009	1.2%	82,158	1.1%
Intergov Grants	357,590	4.7%	23,659	0.5%	66,000	0.9%	31,830	0.4%	66,000	0.9%
Miscellaneous	12,902	0.2%	17,465	0.4%	9,200	0.1%	159,044	2.2%	9,200	0.1%
TOTAL REVENUE	\$7,659,414	100.0%	\$4,679,319	100.0%	\$7,192,675	100.0%	\$7,346,531	100.0%	\$7,641,222	100.0%
Regular Wages	\$1,704,858	24.8%	\$1,311,810	23.4%	\$1,822,551	24.6%	\$1,730,207	24.0%	\$1,756,160	23.6%
Part-time Wages	58,605	0.9%	32,469	0.6%	27,100	0.4%	42,006	0.6%	42,006	0.6%
Overtime Wages	5,854	0.1%	8,415	0.1%	5,400	0.1%	12,038	0.2%	12,038	0.2%
Other Wages	37,676	0.5%	27,754	0.5%	43,132	0.6%	35,406	0.5%	35,406	0.5%
Total Wages	1,806,993	26.3%	1,380,448	24.6%	1,898,183	25.7%	1,819,657	25.3%	1,845,610	24.8%
Health/Life/Dental Insurance	452,482	6.6%	322,827	5.8%	455,722	6.2%	441,093	6.1%	519,526	7.0%
Retirement	321,707	4.7%	243,429	4.3%	371,116	5.0%	270,600	3.8%	371,116	5.0%
Unemployment Insurance	3,714	0.1%	4,110	0.1%	3,644	0.0%	5,038	0.1%	3,644	0.0%
MediTax	26,925	0.4%	20,972	0.4%	26,423	0.4%	27,696	0.4%	26,819	0.4%
Other Benefits	10,406	0.2%	9,482	0.2%	10,895	0.1%	9,873	0.1%	10,895	0.1%
Total Benefits	815,234	11.9%	600,820	10.7%	867,800	11.7%	754,300	10.5%	932,000	12.5%
TOTAL WAGES & BENEFITS	2,622,227	38.1%	1,981,268	35.3%	2,765,983	37.4%	2,573,957	35.7%	2,777,610	37.3%
Contract Services	724,241	10.5%	558,304	9.9%	742,169	10.0%	742,169	10.3%	742,169	10.0%
Sheriff Contract	3,109,927	45.2%	2,772,836	49.4%	3,315,290	44.8%	3,315,290	46.0%	3,351,212	45.0%
Utilities	40,346	0.6%	32,673	0.6%	37,317	0.5%	37,317	0.5%	37,317	0.5%
Other Operating Exp.	154,123	2.2%	125,621	2.2%	207,300	2.8%	207,300	2.9%	207,300	2.8%
Non-Operating Exp.	170,262	2.5%	48,574	0.9%	234,501	3.2%	234,501	3.3%	234,501	3.2%
Minor Capital	1,113	0.0%	11,586	0.2%						
Debt Service	53,346	0.8%	82,963	1.5%	93,231	1.3%	93,231	1.3%	93,231	1.3%
TOTAL EXPENDITURES	\$6,875,585	100.0%	\$5,613,825	100.0%	\$7,395,791	100.0%	\$7,203,765	100.0%	\$7,443,340	100.0%
NET INCOME / (LOSS)	\$783,829		(\$934,506)		(\$203,116)		\$142,766		\$197,882	
Transfers In	533,507		352,170		469,560		469,560		469,560	
Transfers (Out)	(129,635)		(96,920)		(129,227)		(129,227)		(129,227)	
NET TRANSFERS	403,872		255,250		340,333		340,333		340,333	
Subsidies Received / (Provided)	(498,343)				(415,887)		(415,887)		(481,730)	
Operational Excess / (Deficit)	689,358		(679,256)		(278,670)		67,212		56,485	
Decrease / (Increase) in Reserves	(4,085,647)				25,146		25,146		25,146	
CHANGE IN AVAILABLE FUND BALAN	(3,396,289)		(679,256)		(253,524)		92,358		81,631	
Beginning Fund Balance	4,805,990		1,409,701		1,409,701		1,409,701		1,502,059	
ENDING AVAILABLE FUND BALANCE	\$1,409,701		\$730,445		\$1,156,177		\$1,502,059		\$1,583,690	

Attachment C

Changes in General Fund Fund Balance



Funds Requiring General Fund Subsidies

