City of Carpinteria
City Council Meeting Agenda
Monday, February 22, 2021

Virtual Meeting

4:30 p.m. Closed Session - 5:30 p.m. Regular Meeting

THE CITY OF CARPINTERIA HAS DETERMINED THIS MEETING TO BE AN ESSENTIAL PUBLIC MEETING THAT WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-29-20 AND N-33-20 AND SANTA BARBARA COUNTY HEALTH OFFICER ORDERS

In response to the spread of the COVID-19 virus, Governor Newsom has temporarily suspended the requirement for local agencies to provide a physical location from which members of the public can observe and offer public comment, and has ordered all Californians to stay home except as needed to maintain continuity of operations of certain critical infrastructure.

In compliance with these orders, and to minimize the potential spread of the COVID-19 virus, the City of Carpinteria is limiting public access to the City Council Chambers for this meeting. With this in mind, you are strongly encouraged to participate in the alternative methods explained below.

Virtual Viewing of Public Meetings
This meeting is available to view live on the City of Carpinteria's website at https://carpinteria.ca.us/city-hall/agendas-meetings, on Zoom Webinar by CLICKING HERE! Alternatively, you can join in by following one of these methods: (1) log on to www.zoom.us, download the application, select "Join Meeting", and enter Webinar ID 889 0390 2262; OR (2) call +1 (669) 900-9128 and enter Webinar ID 889 0390 2262 or on Government Access Television Channel 21 (broadcast live and rebroadcast on Wednesday after the meeting at 8:00 p.m. and on Saturday at 5:00 p.m.).

Public Comments
If you wish to make a general public comment or to make a comment on a specific agenda item, the following methods are available:

- Distribution to Board Members. If you wish to submit a hard copy of written comments to be distributed to board members (as either general public comment or on a specific agenda item), please submit your comment via email to PublicComment@ci.carpinteria.ca.us by **12:00 P.M. on the day of the meeting.** Please note that these comments will not be read into the record during the meeting unless you include this request with your comments.

- Read Into the Record During Meeting. If you would like your comment read into the record during the meeting (as either general public comment or on a specific agenda item), please include this request with your comments and provide your comments (of no more than 250 words) in one of the following ways:
    - Via email to PublicComment@ci.carpinteria.ca.us by **12:00 P.M. on the day of the meeting.** In your email, please specify (1) the meeting date and agenda item (number and title) on which you are providing a comment and (2) that you would like your comment read into the record during the meeting.
    - Via the **eComment** link on the City's agenda website (https://carpinteria.ca.us/city-hall/agendas-meetings) by **12:00 P.M. on the day of the meeting.** Please note that this link does not become active until an agenda is posted. If you would like your comment read into the record during the meeting, please specify this in your comment.

  Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Please also note that if you submit a written comment and do not specify that you would like this comment read into the record during the meeting, consistent with the City's practice when it receives written public comments on agenda items, your comment will be forwarded to board members for their consideration.

- Public Comment by Phone. If you wish to make a verbal public comment as a specific item is being heard (as either *general* public comment or on a specific agenda item), please send an email to PublicComment@ci.carpinteria.ca.us by **12:00 P.M. on the day of the meeting** and include the following information in your email: (1) the meeting date and agenda item (number and title) on which you wish to speak, (2) your full name, (3) your call back number and area code. During public comment on the agenda item specified in your email, City staff will make every effort to contact you via your provided telephone number so that you can provide public comment electronically. Please note the City has the discretion to limit the speaker's time for any meeting or agenda matter. Typically, the practice has been 3 minutes per speaker on each item.

- Real-Time Public Comment Through Zoom Webinar. Members of the public attending the public meeting through the City's Zoom Webinar platform (through the link provided by the City) have the option of providing real-time public comments on agenda matters. To make public comments through this platform please use the "raise your hand" feature to notify staff that you would like to make a public comment during designated public comment times. Once it is your turn to provide a public comment, staff will unmute your microphone and you will be given a designated amount of time to provide your comment (typically, the practice has been up to 3 minutes per speaker on each item). At the end of your comment, staff will once again mute your microphone.

The situation with COVID-19 is constantly evolving and the City will provide updates to any changes to this policy as soon as possible. The public is referred to the City's website at **www.carpinteria.ca.us** for the latest COVID-19 policies and information. The City of Carpinteria thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT ON CLOSED SESSION MATTER

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Government Code Section 54957(b)(1); Title: City Manager Dave Durflinger

TEMPORARY ADJOURNMENT TO CLOSED SESSION

CALL TO ORDER

ROLL CALL

CLOSED SESSION REPORT

PLEDGE OF ALLEGIANCE

INTRODUCTIONS, PROCLAMATIONS AND PRESENTATIONS

2. Proclamation designating the month of February 2021 as "Black History Month."

3. Proclamation designating the month of February 2021 as "Teen Dating Violence Awareness Month."

4. Proclamation designating March 28, 2021 as "California Arbor Day."

5. Proclamation designating the month of March 2021 as "Women's History Month."

PUBLIC INFORMATION REPORTS AND ANNOUNCEMENTS

This may include updates on law enforcement activity within the City from a Sheriff's Office representative.

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.

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.

CONSENT CALENDAR: 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. (Motion to approve requires a roll call vote.)

6. Receive and file the Report of Contracts Executed by the City Manager on behalf of the City for the Period of January 17, 2021, through February 12, 2021.

7. Receive and file the expenditures for the period beginning January 30, 2021, and ending February 12, 2021.

8. Monthly City Treasurer's Report on Compliance with Statement of Safekeeping and Investment of Public Funds.

9. Second reading of Ordinance No. 745, an Ordinance of the City Council of the City of Carpinteria, California, Amending Section 10.44.010 (Decrease of State Speed

Limit Authorized in Certain Zones) of the Carpinteria Municipal Code as Such Relates to Maximum Speed Limits on Certain City Streets.

ADMINISTRATIVE MATTER: None

PUBLIC HEARING:

10. Adopt Resolution No. 6028, Approving the Measure A Five-Year Local Program of Projects for Fiscal Years 2021-22 through 2025-26.

    Recommendation: 1. Adopt Resolution No. 6028, approving the Measure A Five-Year Local Program of Projects for Fiscal Years 2021-22 through 2025-26; and 2. Authorize the Public Works Director to submit the Measure A Five-Year Local Program of Projects to the Santa Barbara County Association of Governments.

    Staff Presenter: John Ilasin, Public Works Director

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

OTHER BUSINESS:

11. Authorize the City Manager to sign consultant services agreements on behalf of the City with Just Communities and NLC REAL for assistance with the Racial, Equity and Social Justice program and approval of a related budget allocation of $134,952.75 from the Measure X Fund balance.

    Recommendation: Approve entering into consultant service agreements for assistance with the Racial, Equity and Social Justice program and make the related budget allocation. (Motion to approve requires a roll call vote.)

    Staff Presenter: Laura Hernandez, Human Resources Manager and Jena Acos and Kimberly Leefat, both on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria

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

12. Receive report on advisory measures and options to solicit additional public feedback on the proposed Surfliner Inn Project, located at 499 Linden Avenue, and provide further direction to staff.

Recommendation: Receive report and provide direction to staff on options to solicit additional public feedback on proposed Surfliner Inn Project.

Staff Presenter: Dave Durflinger, City Manager and Mack Carlson, on behalf of Brownstein Hyatt Farber Schreck, LLP, acting as City Attorney of the City of Carpinteria

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

13. Authorize the City Manager to execute Amendment No. 1 to the Agreement with Walker Consultants for the Parking Demand Analysis Update of the Downtown "T" Area.

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Agreement with Walker Consultants to provide consulting services for the Parking Demand Analysis Update of the Downtown "T" area in an amount not-to-exceed $24,555, thereby extending the term and increasing the maximum Agreement amount to $72,379.88. (Motion to approve requires a roll call vote.)

Staff Presenter: John Ilasin, Public Works Director

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

14. Bob Hansen Creeks Preservation Program Annual Report

Recommendation: Receive a presentation on City efforts to protect and restore City creek resources as part of the Bob Hansen Creeks Preservation Program.

Staff Presenter: Nick Bobroff, Principal Planner

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

15. Authorization for the Mayor to sign a Joint Mayor's Letter (as defined in the staff report) with the other Contract Cities to the County of Santa Barbara Board of Supervisors and Sheriff concerning the process of annual recomputation of compensation pursuant to the Agreement to Provide Law Enforcement Services, and for the City Manager on behalf of the City of Carpinteria to cooperate with the other Contract Cities to obtain necessary consultant services.

Recommendation: Authorize the Mayor to sign the Joint Mayors' Letter (as defined in the staff report) on behalf of the City of Carpinteria and for the City Manager to engage with the other Contract Cities to obtain necessary consultant services.

Staff Presenter: Dave Durflinger, City Manager

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

LEGISLATIVE UPDATE: The City Council will discuss local, state and/or federal legislation under consideration and decide whether to direct staff to place a matter(s) on a future City Council agenda for consideration.

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

    a. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) (Clark/Alt. Carty)
    b. California Joint Powers Insurance Authority (CJPIA) (Clark/Alt. Carty)
    c. Channel Counties Division, League of California Cities (Nomura/Alt. Lee)
    d. Santa Barbara County Association of Governments (SBCAG)(Clark/Alt. Nomura)
    e. Santa Barbara County Air Pollution Control District (APCD)(Clark/Alt. Nomura)
    f. Santa Barbara Joint Affordable Housing Task Group (Carty & Alarcon)
    g. Santa Barbara County Elected Leaders Forum to Address Homelessness (Clark/Alt. Alarcon)
    h. Home for Good of Santa Barbara County (Clark/Alt. Alarcon)
    i. South Coast Youth Safety Partnership (Lee & Alarcon)
    J. Central Coast Community Energy (3CE) (Nomura/Alt. Goleta)

2. Joint and Standing Committees

    a. City Council/Economic Vitality Committee (Carty & Lee)
    b. City Council/Public Safety Committee (Clark & Nomura)
    c. City Council/School Board Committee (Lee & Alarcon)
    d. City Council/Utilities Committee (Lee & Nomura)

e. City Council/First District Supervisor Committee (Lee & Carty)
f. City Council Finance/Budget Committee (Carty & Clark)
g. Transportation Committee (Lee & Clark)
h. Development Review Committee (Joint Committee membership from City Council, Planning Commission and Architectural Review Board) (CC: Clark & Nomura/Alt. Carty) (PC: Benefield and Callender) (ARB: Reginato and Stein)
i. General Plan and Coastal Plan Update Committee (Joint Committee membership from City Council and Planning Commission) (Clark & Lee) (PC: Allen/Callender)
j. Public Facility Site Acquisition/Development Committee (Carty & Nomura)

3. Ad Hoc Committees

a. Library Committee (Lee & Alarcon/Alt. Carty)
b. District Elections Committee (Alarcon & Clark)
c. COVID-19 Communications Committee (Clark & Nomura)
d. COVID-19 Recovery Committee (Carty & Lee)
e. Racial Equity and Social Justice Program Planning Committee (Nomura & Alarcon)

4. City Representatives on other Committees

a. Community Media Access Center (Gary Dobbins)
b. Santa Barbara Coastal Vector Control District (Tim Buffalo)
c. Santa Barbara Metropolitan Transit District (Chuck McQuary)
d. County Library Advisory Committee (Gaby Edwards)

ATTENDANCE OF COUNCILMEMBERS FOR FUTURE MEETINGS

ADJOURNMENT

The next regular (virtual) meeting of the City Council will be held March 8, 2021 at 5:30 p.m.

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 755-4403 or the California Relay Service at (866) 735-2929. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

Materials related to an agenda item submitted to the City Council after distribution of the agenda packet are available for public review at the City Clerk's Office.

This agenda was posted on Wednesday February 17, 2021, in the City Clerk's Office, on the City Hall Public Notices Window, and on the Internet.

PROCLAMATION

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA DESIGNATING THE MONTH OF FEBRUARY 2021 AS "BLACK HISTORY MONTH"

***WHEREAS**, in 1926 historian Carter G. Woodson founded "Negro History Week", which in 1976 formally became Black History Month, to recognize, honor, and acknowledge the importance of Black history, to ensure that Black culture and history would not be lost over time, and to continue to place public attention on important developments of merit; and*

***WHEREAS**, in keeping with the founder's tradition of honoring a theme each year, the 2021 National Theme is "The Black Family: Representation, Identity, and Diversity"; and*

***WHEREAS,** the Black Family—described by some as a microcosm of the entire race with recognition of its complexity as the "foundation" of African Diaspora and history—has been a topic of study in many disciplines including history, literature, the visual arts, film studies, sociology, anthropology, and social policy, often with representation, identity, and diversity referenced, stereotyped, and maligned from the days of slavery to now; and*

***WHEREAS,** the Black Family extends from blood, kin, and mutual experience and understanding; it is the purveyor of storytelling, truth telling, experience, trauma, joy, peace, and so much more; and*

***WHEREAS,** the Black Family offers a rich tapestry of images exploring the African American past and present worldwide through the spread of families across states, nations, and continents, and through family research that stretches traditional boundaries of history with the discovery of amazing ancestral stories of ordinary people who did extraordinary things; stories that inspire new generations and destroy old stereotypes; and*

***WHEREAS**, Black History Month is not just about the struggles Black Families have endured, but rather a time to rejoice and celebrate Black accomplishments, integrity, leadership, determination, and true character, while honoring history, celebrating progress, and recognizing that the Black community is resilient and resolute in creating new opportunities for future generations;*

***NOW, THEREFORE, I, Wade T. Nomura,** on behalf of the Carpinteria City Council, by virtue of the authority vested in me as Mayor, do hereby proclaim **February 2021** as "**BLACK HISTORY MONTH**" in our **CITY OF CARPINTERIA,** and encourage community members to engage in activities and discussions to further their understanding of, and appreciation for, Black history.*

***IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Official Seal of the City of Carpinteria, California, to be affixed this 22nd day of February, 2021.*

Wade T. Nomura, Mayor
City of Carpinteria

ATTEST:

Fidela Garcia, City Clerk

PROCLAMATION

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA DESIGNATING FEBRUARY 2021 AS "TEEN DATING VIOLENCE AWARENESS MONTH"

***WHEREAS**, dating violence is more common and more widespread than most people recognize, including locally among our teens and young adults which makes prevention awareness so important; and*

***WHEREAS**, one in two teens in our community will experience physical, sexual, digital or emotional abuse by someone they are in a relationship with before they become adults, often shaping how they learn to define future relationships; and*

***WHEREAS,** dating violence can have serious physical, mental and academic consequences. Young people who experience abuse are more likely to be in physical fights or bring weapons to school. They exhibit higher rates of drug and alcohol abuse as well as high-risk sexual behaviors. They are also more likely to attempt suicide.*

***WHEREAS**, helping teens build healthy relationship skills that focus on boundaries, respect, kindness, consent, and respectful communication are key factors in preventing teen dating violence; and*

***WHEREAS**, in an effort to stop dating abuse before it starts, February is nationally recognized as Teen Dating Violence Awareness month, during which community leaders, local organizations, and youth groups across America raise awareness and promote prevention programs;*

***WHEREAS**, the City of Carpinteria is proud to join local organizations including What is LOVE, Wellness Connection Council, and Domestic Violence Solutions in bringing awareness to the seriousness of teen dating violence, sharing support information, and providing prevention resources;*

***NOW, THEREFORE, I, Wade T. Nomura,** on behalf of the Carpinteria City Council, by virtue of the authority vested in me as Mayor, do hereby proclaim **FEBRUARY 2021** as **"TEEN DATING VIOLENCE AWARENESS MONTH"** in our **CITY OF CARPINTERIA,** and encourage teens and their families to learn more about local prevention programs, support systems, and local resources.*

***IN WITNESS THEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Carpinteria, California, to be affixed this 22nd day of February, 2021.*

_____

Mayor, City of Carpinteria

ATTEST:

_____

City Clerk, City of Carpinteria

PROCLAMATION

A PROCLAMATION OF THE CARPINTERIA CITY COUNCIL DESIGNATING SUNDAY, MARCH 28, 2021 AS CALIFORNIA ARBOR DAY IN THE CITY OF CARPINTERIA

WHEREAS, in 1872, the first Arbor Day was observed in Nebraska as a special day set aside for the planting of trees and to recognize the importance of trees in our daily lives; and

WHEREAS, Sunday, March 28, 2021 has been designated as California Arbor Day and Friday, April 30, 2021 as National Arbor Day; and

WHEREAS, the City of Carpinteria recognizes the importance of trees in our daily lives as a source of beauty and comfort in the community by improving neighborhood appearance, creating a better living environment, affecting the weather by providing shade, heat reflection and wind protection, and improving air quality and contributing to energy conservation; and

WHEREAS, the City of Carpinteria has established numerous policies and regulations concerning the protection of trees, including, but not limited to, Carpinteria Municipal Code 12.28.080, which establishes the Tree Advisory Board to act in an advisory capacity to the City Council, City Manager and City staff in the administration of the various provisions concerning street trees.

NOW, THEREFORE, I, Wade Nomura, on behalf of the Carpinteria City Council, do hereby proclaim Sunday, March 28, 2021, as "CALIFORNIA ARBOR DAY" in Carpinteria and urge all citizens to recognize the importance of trees.

IN WITNESS THEREOF, I have hereunto set my hand and caused the official seal of the City of Carpinteria, California, to be affixed this 22nd day of February, 2021.

_____
Mayor, City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

PROCLAMATION

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA DESIGNATING THE MONTH OF MARCH 2021 AS "WOMEN'S HISTORY MONTH"

WHEREAS, *March is nationally recognized as Women's History Month; and*

WHEREAS, *the City of Carpinteria is proud to join in the nation's celebration of "Women's History Month" and the 2021 extended theme "Valiant Women of the Vote." The theme honors "the brave women who fought to win suffrage rights for women, and for the women who continue to fight for the voting rights of others."; and*

WHEREAS, *we recognize March 8 as International Women's Day, a global day celebrating the social, economic, cultural and political achievements of women; and*

WHEREAS, *women of every race, class, and ethnic background have made historic contributions to our Nation and community in countless recorded and unrecorded ways; and*

WHEREAS, *women have played and continue to play critical economic, cultural, and social roles in every sphere of life by constituting a significant portion of the labor force working inside and outside of the home; and*

WHEREAS, *women have also played a unique role throughout history by providing the majority of the volunteer labor force of the city; and*

WHEREAS, *women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our cities; and*

WHEREAS*, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and*

WHEREAS*, women have served our country courageously in the military; and*

WHEREAS*, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist, emancipation, labor, civil rights, and other movements, including the #MeToo and Equal Rights Amendment efforts; and*

WHEREAS*, despite these contributions, the role of women in history has often been overlooked and undervalued.*

NOW, THEREFORE, I, Wade T. Nomura, *on behalf of the Carpinteria City Council, by virtue of the authority vested in me as Mayor, do hereby proclaim* ***March 2021*** *as* ***"WOMEN'S HISTORY MONTH"*** *in our* ***CITY OF CARPINTERIA****.*

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the official seal of the City of Carpinteria, California to be affixed this 27th day of February, 2021.*

Wade T. Nomura, Mayor
City of Carpinteria

ATTEST:

Fidela Garcia, City Clerk

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Contracts Executed by the City Manager on behalf of the City for the Period of January 17, 2021, through February 12, 2021.

STAFF RECOMMENDATION

Action Item ___; Non-Action Item _X_

Receive and file Report of Contracts Executed by the City Manager for the Period of January 17, 2021, through February 12, 2021.

DISCUSSION

The City Manager is delegated authority by the Carpinteria Municipal Code (CMC), §2.08.150B, to execute contracts on behalf of the City in the amount of $30,000 or less. Pursuant to CMC §2.08.150C, a list of all contracts executed by the City Manager is provided for City Council information and appended to this Staff Report as Attachment A. Attachment A lists all contracts entered into on behalf of the City for goods, construction and services for the Period of January 17, 2021, through February 12, 2021.

FINANCIAL CONSIDERATIONS

All contracts entered into are within the appropriated budgeted amounts.

ATTACHMENTS

A. Report of Contracts Executed by the City Manager

Staff contact: Fidela Garcia, City Clerk
(805) 755-4403, fidelag@ci.carpinteria.ca.us

Signature

Reviewed by: Dave Durflinger, City Manager

Signature

ATTACHMENT A

Report of Contracts Executed by the City Manager
Period of January 17, 2021, through February 12, 2021.

VENDOR	PURPOSE	AMOUNT
CANNON CORPORATION	ENGINEER PLAN CHECK AND INSPECTION SERVICES.	$30,000.00
OAKRIDGE GEOSCIENCE, INC.	SOILS ENGINEERING & GEOLOGY REPORT REVIEW, STAFF AUGMENTATION.	$30,000.00
GRANICUS	DISCLOSURE DOCS ETHICS, FORM 700, CAMPAIGN STATEMENTS DATA BASE SYSTEM.	$2,996.66

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Expenditures for the period beginning January 30, 2021 and ending February 12, 2021.

STAFF RECOMMENDATION

Action Item ___; Non-Action Item _X_

That the City Council accept this report concerning the current list of warrants pursuant to Carpinteria Municipal Code 2.08.150(F).

DISCUSSION

As part of each regular City Council agenda, a list of all checks (attached) dispersed since the last reporting period is presented to the City Council pursuant to C.M.C. 2.08.150(F). The report is provided for City Council and public information and serves as Staff's verification that the expenditures have been reviewed and are within budgeted appropriations.

FINANCIAL CONSIDERATIONS

The warrant register included as an attachment is designed to communicate fiscal activity since the prior reporting period. No action is requested as part of this report.

ATTACHMENTS

Attachment A: Warrant Register for the period beginning January 30, 2021 and ending February 12, 2021.

Staff contact: Ashley Chaparro, Sr. Financial Analyst
(805) 880-3406, AshleyC@ci.carpinteria.ca.us

Signature

Staff contact: Licette Maldonado, Admin Services Dir.
(805) 755-4448, LicetteM@ci.carpinteria.ca.us

Signature

Reviewed by: Dave Durflinger, City Manager
(805) 755-4400, DaveD@ci.carpinteria.ca.us

Signature

Warrant Register

City of Carpinteria

Date Range: 01/30/2021 - 02/12/2021

Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payment Type / Payable Description	Payment Amount	Number
Bank Code: AP Bank-AP Bank					
	ALONZO, RON		02/04/2021 EFT	65.00	550
INV0001965	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	ASHLEY CHAPARRO		02/04/2021 EFT	65.00	551
INV0001964	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	AUDELO, MIRIAM		02/04/2021 EFT	65.00	552
INV0001966	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	BARRETT, BRIAN		02/04/2021 EFT	65.00	553
INV0001967	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	CHEPLEY, DAN		02/04/2021 EFT	65.00	554
INV0001968	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	COLSON, MARY ANN		02/04/2021 EFT	579.56	555
INV0001979	Invoice	02/01/2021	MEDICAL REIMBURSEMENT		
	DIAZ, JAYNE		02/04/2021 EFT	579.56	556
INV0001980	Invoice	02/01/2021	MEDICAL REIMBURSEMENT		
	DRIGGERS, LARRY		02/04/2021 EFT	579.56	557
INV0001981	Invoice	02/01/2021	MEDICAL REIMBURSEMENT		
	DURFLINGER, DAVID		02/04/2021 EFT	65.00	558
INV0001969	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	ERIN MAKER		02/04/2021 EFT	65.00	559
INV0001975	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	GARCIA, FIDELA		02/04/2021 EFT	65.00	560
INV0001970	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	HERNANDEZ, DAVID		02/04/2021 EFT	65.00	561
INV0001971	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	JOHN ILASIN		02/04/2021 EFT	65.00	562
INV0001974	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	LAURA HERNANDEZ		02/04/2021 EFT	65.00	563
INV0001972	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	LEMERE, PATRICIA		02/04/2021 EFT	579.56	564
INV0001982	Invoice	02/01/2021	MEDICAL REIMBURSEMENT		
	LICETTE MALDONADO		02/04/2021 EFT	65.00	565
INV0001976	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	MENENDEZ, HENRY		02/04/2021 EFT	65.00	566
INV0001977	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	NICHOLAS BOBROFF		02/04/2021 EFT	65.00	567
INV0001983	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	RITA BRIGHT		02/04/2021 EFT	65.00	568
INV0001987	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE		
	ROBERT HOWARD		02/04/2021 EFT	65.00	569

Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payable Description	Payment Type	Payment Amount	Number
INV0001973	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE			
	ROBERTS, MATTHEW		02/04/2021	EFT	65.00	570
INV0001978	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE			
	STEVEN GOGGIA		02/04/2021	EFT	65.00	571
INV0001984	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE			
	TIFFANY SMITH		02/04/2021	EFT	65.00	572
INV0001988	Invoice	02/01/2021	MONTHLY CELL PHONE ALLOWANCE			
	MISSION UNIFORM SERVICE		02/04/2021	Regular	95.52	98916
513952857	Invoice	02/04/2021	MAINTENANCE CREW NEW RENTAL UNIFORMS-01/04/21			
	VISTA FORD/LINCOLN OF OXNARD		02/04/2021	Regular	36,834.97	98917
INV0001991	Invoice	02/04/2021	NEW VEHICLE FOR PUBLIC WORKS			
	BENGAL ENGINEERING		02/04/2021	Regular	23,820.00	98918
4387	Invoice	02/04/2021	DESIGN SERVICES FOR RINCON TRAIL THROUGH 12/31/20			
	CASITAS VALLEY PASTURES LLC		02/04/2021	Regular	17.50	98919
INV0001992	Invoice	02/04/2021	REFUND OVERPAYMENT OF BUSINESS LICENSE			
	COASTAL VIEW NEWS		02/04/2021	Regular	642.00	98920
56639	Invoice	02/04/2021	ABOP ADVERTISING 01/07/21			
	COX BUSINESS		02/04/2021	Regular	315.77	98921
FEB21 001 3011 02	Invoice	02/04/2021	FEB21 POOL & GARDEN INTERNET & PHONE			
	DIAMOND A EQUIPMENT		02/04/2021	Regular	75.55	98922
P30537	Invoice	02/04/2021	SWITCH ASSEMBLY FOR PW TRUCK			
	DOCUPRODUCTS		02/04/2021	Regular	880.39	98923
213718	Invoice	02/04/2021	CANON 5560I COPIER METER USAGE DEC20			
215341	Invoice	02/04/2021	CANON 6275 COPIER METER FINAL CHARGES			
215342	Invoice	02/04/2021	CANON 5560I COPIER METER FINAL CHARGES			
	EASY LIFT TRANSPORTATION		02/04/2021	Regular	1,000.00	98924
7059	Invoice	02/04/2021	JAN21 CLAIM PER CONTRACT			
	ELITE GENERAL ENGINEERING		02/04/2021	Regular	10,201.20	98925
201103	Invoice	02/04/2021	SIDEWALK REPAIRS DONE ON 1/7/21			
21104	Invoice	02/04/2021	SIDEWALK REPAIRS DONE ON 01/08/21			
	MISSION UNIFORM SERVICE		02/04/2021	Regular	40.42	98926
513952858	Invoice	02/04/2021	MAT & TOWEL REPLACEMENT AT CITY HALL-01/04/21			
	SO CA EDISON		02/04/2021	Regular	4,706.52	98927
JAN21 2-00-378-20	Invoice	02/04/2021	ELECTRICITY-MULTIPLE LOCATIONS			
JAN21 2-14-791-58	Invoice	02/04/2021	ELECTRICITY-101 ASH AVE			
JAN21 2-17-070-74	Invoice	02/04/2021	ELECTRICITY-1 CARPINTERIA TC1			
JAN21 2-19-146-82	Invoice	02/04/2021	ELECTRICITY-4950 9TH ST BT HM			
JAN21 2-22-684-64	Invoice	02/04/2021	ELECTRICITY-100 LINDEN			
JAN21 2-30-652-42	Invoice	02/04/2021	ELECTRICITY-5103 CARPINTERIA AVE			
JAN21 2-42-793-79	Invoice	02/04/2021	ELECTRICITY-1115 LINDEN B PED			
JAN21 2-43-027-78	Invoice	02/04/2021	ELECTRICITY-901 CACTUS LN EV EV			
JAN21 2-43-100-47	Invoice	02/04/2021	ELECTRICITY-901 CACTUS LN LGHT			
	STAPLES ADVANTAGE		02/04/2021	Regular	208.45	98928
3466316115	Invoice	02/04/2021	KEYBOARD, PAPER, BINDERCLIPS			
3466316116	Invoice	02/04/2021	PUBLIC WORKS CALENDARS			
	WEST COAST ARBORISTS, INC.		02/04/2021	Regular	14,750.00	98929
165645	Invoice	02/04/2021	STREET TREE MANAGEMENT PLAN 07/29/20-10/5/20			
	WEX BANK (76)		02/04/2021	Regular	98.19	98930

Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payable Description	Payment Type	Payment Amount	Number
69914432	Invoice	02/04/2021	FUEL FOR CITY VEHICLES			
	ADELE GOGGIA		02/11/2021	Regular	1,200.00	98931
INV0002009	Invoice	02/11/2021	Pay Period #3			
	SEIU LOCAL 620		02/11/2021	Regular	226.18	98932
INV0002018	Invoice	02/11/2021	Employee Union Dues Contribution			
	UNITED WAY OF SANTA BARBARA COUNTY		02/11/2021	Regular	24.00	98933
INV0002020	Invoice	02/11/2021	Employee United Way Contribution			
	VANTAGEPOINT TRANSFER AGENTS - 457		02/11/2021	Regular	3,517.31	98934
INV0002010	Invoice	02/11/2021	ICMA Employee Contributions			
INV0002011	Invoice	02/11/2021	ICMA Employee Contributions			
	ADVANTAGE TELECOM		02/11/2021	Regular	73.43	98935
122298	Invoice	02/11/2021	FEB21 EMERGENCY PHONE LINE SERVICES			
	BIG GREEN CLEANING COMPANY		02/11/2021	Regular	135.00	98936
572309	Invoice	02/11/2021	EMERGENCY CLEAN UP AT SEAL FOUNTAIN 12/22/21			
	CAL-COAST MACHINERY, INC.		02/11/2021	Regular	484.26	98937
667732	Invoice	02/11/2021	LED WORK LAMP, LED LIGHTBULBS FOR FORKLIFT			
	DATA TICKET INC		02/11/2021	Regular	200.00	98938
120454	Invoice	02/11/2021	DECEMBER 2020-ONLINE ACCESS TO CITATION PROCESSING			
	EVERSHADE EXTERIOR CLEANING SOLUTIONS		02/11/2021	Regular	450.00	98939
9432	Invoice	02/11/2021	JAN21 CLEANING OF TRASH CANS AT CARP AVE & LINDEN			
	FIRST NATIONAL BANK OF OMAHA		02/11/2021	Regular	5,342.17	98940
JAN21 0503	Invoice	02/11/2021	CREDIT CARD PAYMENT-MR			
JAN21 1644	Invoice	02/11/2021	CREDIT CARD PAYMENT-FG			
JAN21 1949	Invoice	02/11/2021	CREDIT CARD PAYMENT-SG			
JAN21 3696	Invoice	02/11/2021	CREDIT CARD PAYMENT-LM			
JAN21 5544	Invoice	02/11/2021	CREDIT CARD PAYMENT-DD			
JAN21 6160	Invoice	02/11/2021	CREDIT CARD PAYMENT-JI			
JAN21 7578	Invoice	02/11/2021	CREDIT CARD PAYMENT-LH			
	FRONTIER COMMUNICATIONS		02/11/2021	Regular	347.97	98941
FEB21 209-188-25(	Invoice	02/11/2021	PHONE & INTERNET SERVICES FOR LG & BOATHOUSE			
	INTERWEST CONSULTING GROUP		02/11/2021	Regular	1,600.00	98942
65998	Invoice	02/11/2021	DEC20 TRAFFIC AUGMENTATION SERVICES			
	JDI TRAINING, LLC		02/11/2021	Regular	137.23	98943
88-2020	Invoice	02/11/2021	LIFEGUARD INSTRUCTOR TRAINING FOR AS-11/07/21			
	MISSION UNIFORM SERVICE		02/11/2021	Regular	123.49	98944
513995861	Invoice	02/11/2021	MAT & TOWEL REPLACEMENT AT CITY HALL-01/11/21			
514034282	Invoice	02/11/2021	MAT & TOWEL REPLACEMENT AT CITY HALL-01/18/21			
514076429	Invoice	02/11/2021	MAT & TOWEL REPLACEMENT AT CITY HALL-01/25/21			
	MNS ENGINEERS INC		02/11/2021	Regular	3,692.50	98945
77008	Invoice	02/11/2021	INSPECTOR SERV FOR GREEN HERON DEVELOPMENT 1/12/21			
77024	Invoice	02/11/2021	DEC20 PROJECT SERVICES FOR HWY 101 CARP TO SB PROJ			
	PROJECT SUPPORT SERVICES INC.		02/11/2021	Regular	250.00	98946
03092757	Invoice	02/11/2021	DEC20 PROJECT SERVICES FOR POOL MULTIPURPOSE ROOM			
	SO CA EDISON		02/11/2021	Regular	1,136.44	98947
JAN21 2-26-504-72	Invoice	02/11/2021	ELECTRICITY-CAPP AV/CSTS PAS 609			
JAN21 2-32-832-75	Invoice	02/11/2021	ELECTRICITY-941 WALNUT AVE & 4851 5TH ST			
	SO CAL GAS		02/11/2021	Regular	5,472.01	98948
JAN21 006 514 270	Invoice	02/11/2021	NATURAL GAS-5305 CARPINTERIA AVE APT B (POOL)			

Payable #	Vendor Name / Payable Type	Post Date	Payment Date / Payable Description	Payment Type	Payment Amount	Number
JAN21 014 914 323	Invoice	02/11/2021	NATURAL GAS-5103 CARPINTERIA AVE (FRIENDS OF LIBR)			
JAN21 016 913 950	Invoice	02/11/2021	NATURAL GAS-5775 CARPINTERIA AVE (CITY HALL)			
	STAPLES ADVANTAGE		02/11/2021	Regular	1,078.61	98949
3460198658	Invoice	02/11/2021	BATHROOM DISINFECTANT FOR POOL			
3460279703	Invoice	02/11/2021	YELLOW MANILA ENVELOPES			
3460279704	Invoice	02/11/2021	COPY PAPER & CYAN TONER			
3460279705	Invoice	02/11/2021	INK FOR PUBLIC WORKS OFFICE PRINTER			
3466576346	Invoice	02/11/2021	TRASH CAN LINERS FOR PUBLIC RESTROOMS			
3466737499	Invoice	02/11/2021	PAPER TOWELS, COFFEE CREAMER, PACKING TAPE			
3467186687	Invoice	02/11/2021	CALENDAR, SCREEN CLEANER, ELECTRONIC DUSTER			
3467186713	Invoice	02/11/2021	CALENDARS FOR POOL			
	UNITED WAY OF NSBC		02/11/2021	Regular	9,300.00	98950
6719	Invoice	02/11/2021	FY20-21 HOMELESS SERVICES PROGRAM GRANT			

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Monthly City Treasurer's Report on Compliance with Statement of Safekeeping and Investment of Public Funds.

STAFF RECOMMENDATION

Action Item ___ Non-Action Item __x__

Receive and file the report

Sample Motion: None required

BACKGROUND / DISCUSSION

The City Council is the City of Carpinteria trustees and authorized to make investment decisions concerning public funds that are subject to the prudent investment standard. The Prudent Investor Standard of the California Government Code Section 53600.3 states, "when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated need of the City, that a prudent person in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City." The standard or prudence to be used by investment officials shall be applied in the context of managing the overall portfolio.

Trustees are those persons authorized to make investment decisions on behalf of a local agency. Trustees or City Investment officials, acting in accordance with investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk changes or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

The purpose of this agenda matter is to provide the City Council with the required monthly Treasurer's Report.

POLICY CONSISTENCY

The City is in compliance with the adopted Statement of Safekeeping and Investment of Public Funds.

FINANCIAL CONSIDERATIONS

Cash Statement: At January 31, 2021, the City held cash and cash investments as shown in the table below.

Table I

CASH ACTIVITY FOR THE MONTH:

Cash and Investment Beginning of the Month	$ 11,914,055.03
Cash Receipts	4,063,603.81
Cash Disbursements	(3,226,494.70)
Cash and Investment End of the Month	$ 12,751,164.14

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 and/or lower coupon rates are more sensitive to changes in market interest rates. As a security matures, changes in its value become less sensitive to market rate changes.

At January 31st the portfolio's average days to maturity was 1.67 years, the average coupon rate was 2.07%, the average yield to maturity was 0.12%, the par value was $5,246,000 and Market Value was $5,433,179.62.

On January 12th, the 15.00 shares of SVB stock for the Carpinteria Community Pool were sold with a market value was of $6,663.20.

The City does not intend to sell nor does it have any foreseeable need to sell any securities. The intention of the City's investment policy is to hold all securities to maturity; and securities so held are redeemed at par value resulting in no net market gain or loss.

Attached for City Council review is the Treasurer's Report that details a listing of all the investments and cash activity during the month.

The City of Carpinteria will be able to meet all expenditure obligations that might reasonably be anticipated for the next six-month period August 1, 2021.

LEGAL

This report has been prepared in compliance with California Government Code Sections 53600 and 53646.

PRINCIPAL PARTIES EXPECTED AT MEETING

Unknown

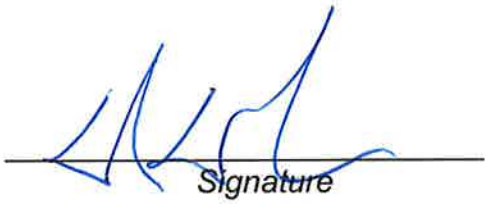
ATTACHMENTS

City of Carpinteria Treasurer's Report

Staff contact: Licette Maldonado,
Administrative Services Director
(805) 755-4448, licettem@ci.carpinterial.ca.us

Signature

Reviewed by: Dave Durflinger, City Manager
(805) 755-4400, daved@ci.carpinteria.ca.us



Signature

City of Treasurer's Report

CITY OF CARPINTERIA TREASURER'S REPORT
For the Month Ended January 2021

CASH ACTIVITY FOR THE MONTH:

Cash and Investment Beginning of the Month	$ 11,914,055.03
Cash Receipts	4,063,603.81
Cash Disbursements	(3,226,494.70)
Cash and Investment End of the Month	$ 12,751,164.14

CASH AND INVESTMENT PORTFOLIO:

Type of Investment/Coupon/CUSIP #	Institution/Issuer	Yield to Maturity	Maturity Date	# Days to Maturity	Par Value	Market Value (1)	Book Value (2)
Demand Deposit - General Checking	Montecito Bank	N/A	N/A	N/A	344,452.27	344,452.27	344,452.27
Demand Deposit - Premier Public Money Market	Montecito Bank	0.62%	2/1/2021	1	2,283,994.60	2,283,994.60	2,283,994.60
Demand Deposit - Section 125 Checking	Montecito Bank	N/A	N/A	N/A	3,032.15	3,032.15	3,032.15
Demand Deposit - Payroll Checking	Montecito Bank	N/A	N/A	N/A	2,338.35	2,338.35	2,338.35
Demand Deposit - Money Market	Charles Schwab	0.01%	2/1/2021	1	6,699.06	6,699.06	6,699.06
Local Agency Investment Fund	State of California	0.62%	2/1/2021	1	4,878,373.86	4,878,373.86	4,878,373.86
Treasury Note, 1.375% (912828N89)	U.S. Government	0.10%	1/31/2021	0	88,000.00	88,000.00	87,489.11
Treasury Note, 1.125% (912828P87)	U.S. Government	0.12%	2/28/2021	28	92,000.00	92,071.87	91,803.96
Treasury Note, 2.5% (9128286D7)	U.S. Government	0.15%	2/28/2021	28	100,000.00	100,171.87	100,020.72
Treasury Note, 1.25% (912828Q37)	U.S. Government	0.10%	3/31/2021	59	101,000.00	101,189.38	100,586.10
Treasury Note, 1.375% (912828Q78)	U.S. Government	0.11%	4/30/2021	89	101,000.00	101,315.63	101,378.75
Treasury Note, 1.375% (912828R77)	U.S. Government	0.13%	5/31/2021	120	90,000.00	90,379.68	89,913.36
Treasury Note, 1.125% (912828S27)	U.S. Government	0.13%	6/30/2021	150	93,000.00	93,392.34	92,581.69
Treasury Note, 1.125%, (912828S76)	U.S. Government	0.14%	7/31/2021	181	94,000.00	94,484.68	93,749.81
Treasury Note, 1.125%, (9128282F6)	U.S. Government	0.14%	8/31/2021	212	91,000.00	91,540.31	91,000.00
Treasury Note, 1.125%, (912828T34)	U.S. Government	0.15%	9/30/2021	242	91,000.00	91,611.40	90,982.35
Treasury Note, 1.25%, (912828T67)	U.S. Government	0.15%	10/31/2021	273	94,000.00	94,807.81	93,759.60
Treasury Note, 1.75%, (912828U65)	U.S. Government	0.14%	11/30/2021	303	95,000.00	96,291.40	94,954.72
Treasury Note, 2.0%, (912828U81)	U.S. Government	0.14%	12/31/2021	334	107,000.00	108,855.78	106,711.89
Treasury Note, 1.875%, (912828V72)	U.S. Government	0.15%	1/31/2022	365	130,000.00	132,295.31	129,304.11
Treasury Note, 1.875%, (912828W55)	U.S. Government	0.15%	2/28/2022	393	138,000.00	140,630.63	137,594.13
Treasury Note, 1.875%, (912828W89)	U.S. Government	0.15%	3/31/2022	424	132,000.00	134,722.50	131,530.54
Treasury Note, 1.875%, (912828X47)	U.S. Government	0.16%	4/30/2022	454	167,000.00	170,679.21	166,999.92
Treasury Note, 1.75%, (912828XR6)	U.S. Government	0.16%	5/31/2022	485	179,000.00	182,915.63	178,310.26
Treasury Note, 1.75%, (912828XW5)	U.S. Government	0.16%	6/30/2022	515	177,000.00	181,093.13	176,343.17
Treasury Note, 1.875%, (9128282P4)	U.S. Government	0.16%	7/31/2022	546	177,000.00	181,701.56	176,924.33
Treasury Note, 1.625%, (9128282S8)	U.S. Government	0.16%	8/31/2022	577	168,000.00	171,990.00	167,062.69
Treasury Note, 1.875%, (9128282W9)	U.S. Government	0.16%	9/30/2022	607	165,000.00	169,821.09	164,718.17
Treasury Note, 2.0%, (9128283C2)	U.S. Government	0.16%	10/31/2022	638	179,000.00	184,873.44	178,509.11
Treasury Note, 2.0%, (912828M80)	U.S. Government	0.17%	11/30/2022	668	175,000.00	181,015.63	174,454.00
Treasury Note, 2.125%, (912828N30)	U.S. Government	0.17%	12/31/2022	699	161,000.00	167,163.27	160,091.79
Treasury Note, 2.375%, (9128283U2)	U.S. Government	0.17%	1/31/2023	730	169,000.00	176,578.59	168,003.85
Treasury Note, 2.625%, (9128284A5)	U.S. Government	0.17%	2/28/2023	758	171,000.00	179,870.63	171,184.09
Treasury Note, 2.5%, (9128284D9)	U.S. Government	0.17%	3/31/2023	789	171,000.00	179,763.75	170,243.30

Treasury Note, 2.625%, (9128284U1)	U.S. Government	0.19%	6/30/2023	880	100,000.00	106,000.00	99,563.57
Treasury Note, 2.75%, (912828Y61)	U.S. Government	0.19%	7/31/2023	911	400,000.00	425,937.48	398,795.22
Treasury Note, 2.75%, (9128284X5)	U.S. Government	0.20%	8/31/2023	942	400,000.00	426,750.00	399,721.60
Treasury Note, 2.875%, (9128285D8)	U.S. Government	0.20%	9/30/2023	972	250,000.00	268,046.88	249,335.00
Treasury Note, 2.5%, (9128285Z9)	U.S. Government	0.22%	1/31/2024	1095	200,000.00	213,843.74	199,388.94
Treasury Note, 2.375%, (9128286G0)	U.S. Government	0.23%	2/29/2024	1124	200,000.00	213,375.00	199,264.00
Equities, Symbol: SIVB	SVB Financial Group	N/A	N/A	N/A	-	6,699.06	-
					12,764,890.29	**12,958,768.97**	**12,751,164.14**

REPORT ON COMPLIANCE WITH STATEMENT OF SAFEKEEPING AND INVESTMENT OF PUBLIC FUNDS

The City is in compliance with the adopted Statement of Safekeeping and Investment of Public Funds.

REPORT OF ABILITY TO MEET REQUIRED EXPENDITURES FOR THE NEXT SIX MONTHS

Based upon currently budgeted revenues and expenditures, the City currently has sufficient liquid financial resources to meet anticipated expenditures during the period 2/01/21 through 8/01/21.

WEIGHTED AVERAGE MATURITY OF PORTFOLIO

As of January 31, 2021 the weighted average days to maturity of the City's investment portfolio is 1.67 years.

FOOTNOTES TO REPORT/DEFINITION OF TERMS:

(1) The market value of U.S. Goverment Securities was provided by the custodial agent, Charles Schwab.
For the Local Agency Investment Fund the market value represents the contract value.

For all other investments, the market value is equal to book value.

(2) Book value of demand deposits equals the bank balance minus outstanding checks plus deposits-in-transit.

Par Value: Equals face value of security (value of the security when it reaches maturity).
Market Value: The last price for which a security was bought or sold. In this case, the value as of the last day of the month of this report.
Book Value: The amount at which the security is carried in the City's accounting records (adjusted at year-end for GASB 40 reporting purposes).

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Ordinance No. 745, an Ordinance of the City Council of the City of Carpinteria, California, Amending Section 10.44.010 (Decrease of State Speed Limit Authorized in Certain Zones) of the Carpinteria Municipal Code as Such Relates to Maximum Speed Limits on Certain City Streets.

STAFF RECOMMENDATION

Action Item _X_ ; Non-Action Item ___

1. Adopt Ordinance No. 745 (second reading).

Sample Motion: I move to adopt Ordinance No. 745.

(Requires a roll call vote.)

BACKGROUND

For speed zones to be enforceable, the speed limits within the speed zones must be determined by an Engineering and Traffic Study (E&TS). Pursuant to the California Vehicle Code, an E&TS must incorporate sound, repeatable methods conforming to said code and engineering principles. An E&TS is valid for five years. However, under specific conditions, the California Vehicle Code allows for an E&TS to be valid for seven or ten years. Once a speed zone is established at a statutory prima facie speed limit or in accordance with the California Vehicle Code, no further studies are required because the California Vehicle Code requires only an E&TS for speed zone reductions on non-prima facie roadways (non-local streets).

An E&TS for a speed zone survey consists of engineering measurements of the prevailing free-flow speeds in the proposed roadway segment, a review of the collision history, and a review of roadside conditions. Residential and business density as well as pedestrian and bicyclist safety are also considered. An E&TS further documents compliance with the California Vehicle Code and identifies conditions not readily apparent to a motorist. From the findings of the E&TS, the speed limit is generally set

based on the prevailing speed of existing traffic, reported collision history, and adjacent land uses. The prevailing speed at the 85th percentile is the primary factor in making the determination so existing speeds actually being driven is assumed by law to be safe and reasonable. The speed limit is allowed to be decreased from this prevailing speed to take into account traffic collision history that is higher than similar types of roadways, higher density development, adjacent land uses, and bicycle and/or pedestrian activity.

For 2019, an E&TS was conducted for each of the existing prima facie speed zones as listed in Section 10.44.010 of the Carpinteria Municipal Code. On January 13, 2020, the City Council received the 2019 Speed Zone Survey. In 2020, other speed zones were added to amend the 2019 Speed Zone Survey. On February 8, 2021, the City Council approved the first reading to adopt Ordinance No. 745.

The purpose of this agenda matter is for the City Council to conduct the second reading to adopt Ordinance No. 745, amending Section 10.44.010 (Decrease of State Speed Limit Authorized in Certain Zones) of the Carpinteria Municipal Code as such relates to maximum speed limits on certain City streets.

DISCUSSION

Adoption of Ordinance No. 745 will amend Section 10.44.010 of the Carpinteria Municipal Code by determining upon the basis of an engineering and traffic survey (E&TS) that the speed permitted by state law upon the following streets is less than necessary for safe operation of vehicles thereon, and declaring that the prima facie speed limit shall be set forth on those streets or parts of streets designated in said section when signs are erected giving notice thereof:

Street or segment affected	Declared Speed Limit
Bailard Avenue—Via Real to Pandanus Street	25
Carpinteria Avenue—US 101 off-ramp to Santa Monica Creek	40
Carpinteria Avenue—Santa Monica Creek to Santa Ynez Avenue	35
Carpinteria Avenue—Santa Ynez Avenue to Holly Avenue	35
Carpinteria Avenue—Holly Avenue to Casitas Pass Road	25
Carpinteria Avenue—Casitas Pass Road to Carpinteria Creek	30
Carpinteria Avenue—Carpinteria Creek to 1,100' east of Dump Road	35
Carpinteria Avenue—1,100' east of Dump Road to Easterly City limits	40

Casitas Pass Road—SR 192 (Foothill Road) to 1,000' north of US 101	35
Casitas Pass Road—1,000' north of US 101 to US 101	35
Casitas Pass Road—US 101 to Carpinteria Avenue	25
Cravens Lane—Via Real to City limits	35
El Carro Lane—Santa Ynez Avenue to Sterling Avenue	25
El Carro Lane—Linden Avenue to Casitas Pass Road	25
Linden Avenue—Sandyland Road to Fifth Street	25
Linden Avenue—Fifth Street to Carpinteria Avenue	25
Linden Avenue—Carpinteria Avenue to US 101	25
Linden Avenue—US 101 to Foothill Road	25
Malibu Drive—Linden Avenue to Sterling Avenue	25
Ogan Road—Linden Avenue to Casitas Pass Road	25
Palm Avenue—Carpinteria Avenue to Sixth Street	25
Santa Monica Road—Via Real to City limits	25
Santa Ynez Avenue—Via Real to La Tierra Lane	25
Santa Ynez Avenue—Carpinteria Avenue to Via Real	25
Seventh Street—Carpinteria Avenue to Linden Avenue	30
Via Real—City limits to 800' west of Santa Monica Road	40
Via Real—800' west of Santa Monica Road to Santa Monica Road	40
Via Real—Santa Monica Road to Santa Ynez Avenue	30
Via Real—Casitas Pass Road to Bailard Avenue	35
Via Real—900' west of Bailard Avenue to 2,000' east of Bailard Avenue	35

Adoption of Ordinance No. 745 would also amend Section 10.44.010 of the Carpinteria Municipal Code by determining upon the basis of an E&TS that the speed permitted by state law upon the following local residential streets is based on a statutory prima facie

speed limit for local roadway classification and shall be hereinafter set forth on those streets or parts of streets designated in said section:

Street or segment affected	Statutory Local Street Prima Facie Speed Limit
Via Real—Ogan Road to Casitas Pass Road	25

POLICY CONSISTENCY

The recommendation is consistent with the Circulation Element of the Carpinteria General Plan and Local Coastal Plan.

FINANCIAL CONSIDERATIONS

There is no cost in approving Ordinance No. 745. By approving Ordinance No. 745, cost would be associated with the erecting of speed limit signs. However, the cost can be completed within the adopted Fiscal Year 2020-2021 Measure A Fund budget (Expense Account No. 215-431-5566).

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

Traffic engineering analyses are required for substantiating the speed limit decrease in order to be in conformance with the California Manual on Uniform Traffic Control Devices. By approving Ordinance No. 745, based on a traffic engineering analysis, the City further exercises its design immunity in accordance with California Government Code Section 830.6. Finally, the City Traffic Engineer determined that the recommendation is consistent with Carpinteria Municipal Code Title 10 (Vehicles and Traffic).

OPTIONS

The City Council could choose not to approve Ordinance No. 745 and/or amend the ordinance and provide direction to staff as appropriate. However, prolonging the adoption of new speed limits beyond the existing speed limit expiration dates may impair the ability to conduct effective speed enforcement.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

ATTACHMENTS

Attachment A: Ordinance No. 745

Staff contact:
John L. Ilasin, Public Works Director
(805) 880-3402; johni@ci.carpinteria.ca.us

Signature

Reviewed by:
Dave Durflinger, City Manager
(805) 755-4400, daved@ci.carpinteria.ca.us

Signature

ATTACHMENT A

Ordinance No. 745

ORDINANCE NO. 745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING SECTION 10.44.010 (DECREASE OF STATE SPEED LIMIT AUTHORIZED IN CERTAIN ZONES) OF THE CARPINTERIA MUNICIPAL CODE AS SUCH RELATES TO MAXIMUM SPEED LIMITS ON CERTAIN CITY STREETS

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

SECTION 1.

Section 10.44.010 of the Carpinteria Municipal Code is hereby amended to read as follows:

It is determined upon the basis of an engineering and traffic survey that the speed permitted by state law upon the following streets is less than necessary for safe operation of vehicles thereon, and it is declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets designated in this section when signs are erected giving notice thereof:

Street or segment affected	Declared Speed Limit
Bailard Avenue—Via Real to Pandanus Street	25
Carpinteria Avenue—US 101 off-ramp to Santa Monica Creek	40
Carpinteria Avenue—Santa Monica Creek to Santa Ynez Avenue	35
Carpinteria Avenue—Santa Ynez Avenue to Holly Avenue	35
Carpinteria Avenue—Holly Avenue to Casitas Pass Road	25
Carpinteria Avenue—Casitas Pass Road to Carpinteria Creek	30
Carpinteria Avenue—Carpinteria Creek to 1,100' east of Dump Road	35
Carpinteria Avenue—1,100' east of Dump Road to Easterly City limits	40
Casitas Pass Road—SR 192 (Foothill Road) to 1,000' north of US 101	35
Casitas Pass Road—1,000' north of US 101 to US 101	35
Casitas Pass Road—US 101 to Carpinteria Avenue	25

Cravens Lane—Via Real to City limits	35
El Carro Lane—Santa Ynez Avenue to Sterling Avenue	25
El Carro Lane—Linden Avenue to Casitas Pass Road	25
Linden Avenue—Sandyland Road to Fifth Street	25
Linden Avenue—Fifth Street to Carpinteria Avenue	25
Linden Avenue—Carpinteria Avenue to US 101	25
Linden Avenue—US 101 to Foothill Road	25
Malibu Drive—Linden Avenue to Sterling Avenue	25
Ogan Road—Linden Avenue to Casitas Pass Road	25
Palm Avenue—Carpinteria Avenue to Sixth Street	25
Santa Monica Road—Via Real to City limits	25
Santa Ynez Avenue—Via Real to La Tierra Lane	25
Santa Ynez Avenue—Carpinteria Avenue to Via Real	25
Seventh Street—Carpinteria Avenue to Linden Avenue	30
Via Real—City limits to 800' west of Santa Monica Road	40
Via Real—800' west of Santa Monica Road to Santa Monica Road	40
Via Real—Santa Monica Road to Santa Ynez Avenue	30
Via Real—Casitas Pass Road to Bailard Avenue	35
Via Real—900' west of Bailard Avenue to 2,000' east of Bailard Avenue	35

It is determined upon the basis of an engineering and traffic survey that the speed permitted by state law upon the following local residential streets is based on a statutory prima facie speed limit for local roadway classification and shall be hereinafter set forth on those streets or parts of streets designated in this section:

Street or segment affected	Statutory Local Street Prima Facie Speed Limit
Via Real—Ogan Road to Casitas Pass Road	25

SECTION 2. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the Ordinance; and before the expiration of fifteen (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 3. 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 4. CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15060(c)(3) (this activity is not a "project" as defined in Section 15378) and 15060(c)(2) (this activity will not result in a direct or reasonably foreseeable change in the environment).

SECTION 5. LIMITED EFFECT

Except as explicitly provided herein, all other provisions of Carpinteria Municipal Code Chapter 10.44 (Special Speed Zones) of Title 10 (Vehicles and Traffic) shall remain unchanged and in full force and effect.

PASSED, APPROVED AND ADOPTED on February 22, 2021, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

_____
Mayor, 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 on February 22, 2021.

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

_____
Peter Brown, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Adopt Resolution No. 6028, Approving the Measure A Five-Year Local Program of Projects for Fiscal Years 2021-22 through 2025-26.

STAFF RECOMMENDATION

Action Item _X_ ; Non-Action Item ___

1. Adopt Resolution No. 6028, approving the Measure A Five-Year Local Program of Projects for Fiscal Years 2021-22 through 2025-26.
2. Authorize the Public Works Director to submit the Measure A Five-Year Local Program of Projects to the Santa Barbara County Association of Governments.

Sample Motion: I move to adopt Resolution No. 6028, approving the Measure A Five-Year Local Program of Projects for Fiscal Years 2021-22 through 2025-26, and authorize the Public Works Director to submit the Measure A Five-Year Local Program of Projects to the Santa Barbara County Association of Governments.

BACKGROUND

In 1989, voters in Santa Barbara County approved Measure D for a one-half percent sales tax to be used for transportation programs and projects. In November 2008, voters in Santa Barbara County approved Measure A that extended the one-half percent sales tax for 30 years. Measure A contains a strategic spending plan that includes regional projects as well as local programs and projects funded by monthly allocations to each local agency. Measure A requires each local agency to annually prepare a Measure A Five-Year Local Program of Projects.

DISCUSSION

The Measure A Program (Measure A) is administered by the Santa Barbara County Association of Governments (SBCAG). Pursuant to the Measure A rules, the City's Measure A Five-Year Local Program of Projects (Program) must be presented in a public hearing and adopted by resolution prior to its submittal to SBCAG. Measure A

funds may only be spent on qualifying programs and projects that are described in the Program. Measure A also requires a Maintenance of Effort expenditure by the local agencies. The Maintenance of Effort expenditure requires each local agency to expend other discretionary non-Measure A funds for transportation programs and projects equivalent to the amount expended by the local agency. To meet this requirement and receive Measure A funds, the City must continue to spend annually at least $126,412 from discretionary non-Measure A sources of funds. The City historically used the General Fund to meet this requirement. The Measure X Fund is now being used as the discretionary non-Measure A source of funds. The City's current budget expenditures ensure the Measure A requirement will continue to be met.

Measure A also requires a minimum percentage of each local agency's allocation of Local Street and Transportation funds to be spent on eligible Alternative Transportation projects. The City's required minimum percentage for Alternative Transportation is 10%. This percentage is a cumulative calculation and must be met or exceeded by the fifth year of the Program and every fifth year thereafter. Fiscal Year 2020-21 is the first program year in the third five-year period. The Alternative Transportation requirements are tracked annually through an audit process. The City's audited Alternative Transportation spending through the first five years of the Program (Fiscal Year 2010-11 through Fiscal Year 2014-15) was 28.11% of the City's total Local Street and Transportation funds allocation. Staff anticipates exceeding the minimum 10% of Alternative Transportation spending requirement for the current five-year Program period. Staff estimated the Alternative Transportation spending to be 14.97% of the City's total allocation through Fiscal Year 2019-2020. Staff also anticipates the following alternative transportation projects would increase the City's Alternative Transportation percentage within the next fiscal year:

1. Pedestrian Crossing Safety Improvements Project (Bailard Avenue at Via Real Intersection, Bailard Avenue at Carpinteria Intersection, and Linden Avenue at Dorrance Way Intersection)
2. Citywide sidewalk maintenance

With the adoption of Resolution No. 6028, the Program would allocate Measure A funds to the Street Maintenance Program and Capital Improvements Program. See Attachment A for the proposed Program.

Capital projects consist of projects included in the Capital Improvements Program as well as projects that are considered capital maintenance. Capital maintenance projects are developed by the Public Works Department to address heavy maintenance needs such as curb, gutter, and sidewalk repairs and pavement maintenance. These projects are typically included in the annual Public Works Department's budget.

POLICY CONSISTENCY

The recommendation is consistent with the Circulation Element of the General Plan and Local Coastal Plan. The recommendation is also consistent with and serves to implement the City's Capital Improvement Program.

The adoption of the is a requirement of Measure A as established by Ordinance No. 5 of the Santa Barbara County Local Transportation Authority. Adoption of the Program obligates the City to expending Measure A funds on the projects listed in the Program. However, the Program may be modified each year to reflect the changing priorities of the City Council. The Program may be amended during a program year subject to the approval of the SBCAG Board of Directors. Measure A funds are intended to be flexible, and adoption of the Program does not preclude the City from determining transportation priorities.

FINANCIAL CONSIDERATIONS

The five-year estimate of Measure A local apportionments as developed by SBCAG is shown in Resolution No. 6028. The estimate totals approximately $4.0 million. The total Measure A revenue amount includes a projected carry-over fund balance of $628,799 from the Fiscal Year 2020-2021 budget for a total of $4.6 million.

The projection for Fiscal Year 2020-2021 is relatively flat compared to Fiscal Year 2019-2020 due to the COVID-19 pandemic. Fiscal Year 2021-2022 will begin with widespread deployment of the COVID-19 vaccine that should lead to a gradual reopening of the economy. A burst of spending may result as many consumers have grown tired of staying at home. Fiscal Year 2022-2023 and the years beyond should represent a return to normal after the end of the pandemic in which growth in consumer purchases is expected to return to the baseline trend. In Fiscal Year 2021-2022, the debt service for the construction of the U.S. Highway 101 corridor improvements will begin and be drawn down through Fiscal Year 2023-2024 which is reflected in the Measure A revenue estimates provided by SBCAG for the next five years.

Measure A also includes funding for local public transit and alternative transportation projects. The table below shows the past 10 years of the total annual Measure D/Measure A[1] allocations; the estimated allocations for the Santa Barbara Metropolitan Transit District (SBMTD) Seaside Shuttle, Easy Lift, and Help of Carpinteria; and alternative transportation grants received by the City. The last column of the table reflects the net Measure D/Measure A allocations after expending money on the SBMTD Seaside Shuttle, Easy Lift, and Help of Carpinteria expenses; and Measure A grant monies received by the City. This is the amount available to address the Program and grant projects.

Fiscal Year	Measure D Allocation	Measure A Allocation	SBMTD Seaside Shuttle	Easy Lift	Help of Carpinteria	Measure A Grant Programs	Net
04/05	$748,764	$0	$54,802	$12,612	$5,000	$0	$676,350
05/06	$815,976	$0	$56,173	$12,612	$5,000	$0	$742,191

[1] Under the Measure D Program, the City received Measure D fund allocations and then expended Measure D money on the SBMTD Seaside Shuttle. Under the Measure A Program, SBMTD receives a direct allocation from Measure A, which has been deducted from the City's allocation.

06/07	$748,857	$0	$57,577	$12,612	$5,000	$0	$673,668
07/08	$787,107	$0	$59,016	$12,612	$5,000	$0	$710,479
08/09	$709,093	$0	$85,751	$12,612	$5,000	$0	$605,730
09/10	$717,435	$0	$64,527	$12,612	$5,000	$0	$635,296
10/11	$0	$633,709	$0	$17,000	$0	$0	$616,709
11/12	$0	$800,356	$0	$12,000	$5,000	$541,150	$1,324,506
12/13	$0	$648,772	$0	$12,000	$5,000	$263,623	$895,395
13/14	$0	$624,459	$0	$12,000	$5,000	$0	$607,459
14/15	$0	$725,334	$0	$12,000	$5,000	$0	$708,334
15/16	$0	$748,818	$0	$12,000	$5,000	$447,044	$1,178,862
16/17	$0	$757,998	$0	$12,000	$10,000	$0	$735,998
17/18	$0	$910,479[1]	$0	$12,000	$5,429	$0	$893,050
18/19	$0	$772,022	$0	$12,000	$5,429	$0	$754,593
19/20	$0	$855,187	$0	$12,000	$5,530	$85,938	$923,595
20/21	0	$796,776	0	$12,000	$5,500	0	$779,276

Note: All amounts shown in table are actuals except for FY 2020-2021 which are estimates. FY 2017-2018 actual Measure A revenue of $910,479 is an anomaly due to a change in accounting accruals to record revenues earned in that fiscal year as compared with prior years.

Measure D/Measure A allocations grew by approximately 30% since 2004. Comparing the same time period, the California Department of Transportation (Caltrans) Price Index for Selected Highway Construction Items showed an increase of 200%, while the Engineering News Record Construction Cost Index showed an increase of 44%. It is worthwhile to note that the Caltrans Index peaked in 2006, dropped from 2007 to 2010 during the recession, and continues to increase at a steady pace since then.

Measure A also provides for competitive alternative transportation grants. The City must compete for the Measure A alternative transportation grants, and the call for grant proposals occurs about every two or three years. Last year, the City received approximately $86,000 in Measure A Cycle 4 grant monies for the Pedestrian Crossings Safety Improvements Project as previously mentioned elsewhere in this staff report. The City received a total of $1,261,779 in Measure A grants from the three previous cycles which averages to approximately $150,000 per year. The competitive alternative transportation grants are to be used solely for capital projects and not maintenance. The total estimated cost of the proposed Program exceeds the available annual allocation to the City of Measure A Program revenue.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

As a funding source for the City's transportation infrastructure, Measure A revenue and related programming for use are critical to mitigating the liability exposure and protecting public welfare and safety.

OPTIONS

1. Adopt Resolution No. 6028, approving the Measure A Five-Year Local Program of Projects for Fiscal Years 2021-22 through 2025-26. (Staff recommendation)
2. Direct revisions be made and adopt the Measure A Local Program of Projects for Fiscal Years 2021-22 to 2025-26. The Measure A Local Program of Projects is due to SBCAG by March 30, 2021.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at this meeting.

ATTACHMENTS

Attachment A: Resolution No. 6028

Staff contact:
Brian C. Barrett,
Assistant to the Public Works Director
(805) 755-4446; brianb@ci.carpinteria.ca.us

for _____
Signature

Reviewed by:
John L. Ilasin, P.E., Public Works Director
(805) 880-3402; johni@ci.carpinteria.ca.us

_____
Signature

Reviewed by:
Dave Durflinger, City Manager
(805) 755-4400; daved@ci.carpinteria.ca.us

_____
Signature

ATTACHMENT A

Resolution No. 6028

RESOLUTION NO. 6028

A RESOLUTION OF THE CARPINTERIA CITY COUNCIL ADOPTING THE MEASURE A FIVE-YEAR LOCAL PROGRAM OF PROJECTS FOR FY 2021-22 THROUGH FY 2025-26

WHEREAS, on November 4, 2008, the voters of Santa Barbara County approved Ordinance No. 5, the Road Repair, Traffic Relief and Transportation Safety Measure known as Measure A; and

WHEREAS, the Ordinance provides that the Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure A funds during the succeeding five-year period; and

WHEREAS, the City of Carpinteria was provided with an estimate of annual Measure A local revenues for fiscal years 2021-22 through 2025-26 (Exhibit A); and

WHEREAS, the City of Carpinteria has held a public hearing in accordance with Section 18 of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The City of Carpinteria does hereby adopt the attached Five-Year Local Program of Projects (Exhibit B) to be funded in part with Measure A revenues and authorizes submittal to the Santa Barbara County Association of Governments.

SECTION 2. The City of Carpinteria certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in Section 27 of the Measure A Ordinance, and

SECTION 3. Pursuant to the Measure A ordinance, the City of Carpinteria will not use Measure A revenues to replace private developer funding that has been committed to a transportation project or would otherwise be required under current City policies.

SECTION 4. The City of Carpinteria has complied with all other applicable provisions and requirements of the Measure A Ordinance.

PASSED, APPROVED AND ADOPTED this 22nd day of February, 2021, by the following called votes:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER:

_____
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 February, 2021.

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

_____
Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
Acting as City Attorney of the City of Carpinteria

EXHIBIT A
TO RESOLUTION NO. 6028

Five-Year Estimate of Measure A Local Apportionments

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EXHIBIT A

CITY OF CARPINTERIA
Five-Year Measure A Revenue Estimate
Local Street and Transportation Improvements

Jurisdiction	Carry-over from prior years	FY 21/22	FY 22/23	FY 23-24	FY 24/25	FY 25/26	Total
City of Carpinteria	$628,799	$796,776	$821,296	$836,626	$790,567	$813,424	$4,687,488

Alternative Mode Percentage	10%
Minimum to be Spent on Alternative Modes by FY 25/26	$468,749

EXHIBIT B
TO RESOLUTION NO. 6028

Measure A Five-Year Program of Local Projects

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Exhibit B

City of Carpinteria
Five Year Measure A Program of Projects (FYs 21/22 to 25/26)
Measure A Local Street and Transportation Improvements Submittal Form
(Figures in $000)

Local Street & Transportation Improvements		Measure A Revenues								Non-Measure A Revenues						Total Project Cost	For Santa Barbara County Only
Project Descriptions	FY 2019/20 Actual Expenditures	Carry-over from FY 19/20	Carry-over from FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	TOTAL Measure A Revenues	Regional Measure A Programs	Remaining Measure D	Local	State	Federal	TOTAL Non-Measure A Revenues		Class 2 Bikeway Maintenance Expenditure - Count as Alternative Transportation Expenditure
Maintainance, Improvement or Construction of Roadways & Bridges																	
Administration Program	$49		$51	$30	$45	$45	$50	$50	$271			$0			$0	$271	
Street Maintenance Program			$51	$24	$45	$45	$50	$50	$265				$1,475		$2,725	$2,990	
Right-of-Way Maintenance Program	$45		$51	$24	$45	$45	$50	$50	$265						$950	$1,215	
Transportation, Parking and Lighting Program	$45		$41	$24	$45	$45	$50	$50	$255			$1,292			$1,292	$1,547	
Carpinteria Avenue Bridge Replacement Project			$51	$50	$45	$45	$50	$50	$291			$1,025		$14,000	$15,025	$15,316	
Pavement Rehabilitation Projects	$48		$51	$24	$150	$135	$100	$100	$560						$0	$560	
Pavement Maintenance Projects			$51	$24	$150	$135	$100	$100	$560		$10				$10	$570	
Pedestrian Bridge Inspection Program			$51	$30	$30	$30	$30	$30	$201								
Pavement Management Update				$24		$30		$30	$84						$0	$84	
Safety Improvements																	
Traffic Safety Program			$50	$24	$45	$45	$55	$50	$269						$0	$269	
Carpinteria High School Crosswalk Safety Improvements Project				$275					$275						$0	$275	
									$0						$0	$0	
Urban Forestry Street Tree Program																	
Street Tree Management Program	$107		$50						$50						$0	$50	
									$0						$0	$0	
									$0						$0	$0	
Storm Damage Repair to Transportation Facilities																	
East Via Real Stormwater Project				$105					$105			$154			$154	$259	
									$0						$0	$0	
									$0						$0	$0	
Roadway Drainage Facilities																	
Storm Drain Maintenance Program			$40	$20	$20	$20	$30	$20	$150						$0	$150	
									$0						$0	$0	
									$0						$0	$0	
Traffic Signal Coordination, Intersection Channelization																	
									$0						$0	$0	
									$0						$0	$0	
									$0						$0	$0	
Traffic Management																	
Traffic Operations Program	$42		$45	$24	$39	$48	$51	$55	$262			$229			$229	$491	
									$0						$0	$0	
									$0						$0	$0	
Landscaping Maintenance																	
Landscape Maintenance Program			$45	$21	$39	$45	$51	$55	$256						$0	$256	
Community Farm Privacy Fence Project	$10								$0						$0	$0	
									$0						$0	$0	
Highway Improvements																	
Carpinteria Freeway Circulation Improvements									$0	$674					$674	$674	
Linden Avenue Improvements Project									$0	$326					$326	$326	
Matching Funds for State and Regional Programs and Projects																	
									$0						$0	$0	
									$0						$0	$0	
									$0						$0	$0	
									$0						$0	$0	
TOTAL	$346	$0	$628	$723	$698	$713	$667	$690	$4,119	$1,000	$10	$4,900	$1,475	$14,000	$21,385	$25,303	$0

Alternative Transportation Expenditures				Measure A Revenues						Non-Measure A Revenues						Total Project Cost
Project Descriptions	FY 2019/20 Actual Expenditures	Carry-over from FY 19/20	Carry-over from FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	TOTAL Measure A Revenues	Regional Measure A Programs	Remaining Measure D	Local	State	Federal	TOTAL Non-Measure A Revenues	
Maintenance, Repair, Construction & Improvement of Bike & Ped Facilities																$0
Concrete Repair Program/Curb Ramp Program	$50			$50	$100	$100	$100	$100	$450						$0	$450
City of Carpinteria Alternative Transportation Plan									$0						$0	$0
Bike Path Maintenance Program									$0			$50			$50	$50
Bailard Avenue Street Improvements									$0	$50						
Linden Avenue/Dorrance Way Crossing Improvements									$0	$36						
									$0						$0	$0
Safe Routes to School Improvements																
Crosswalk Improvements at: Caitlin Cir. to Memorial Park; Ogan Rd. & Vallecito Rd.; Pear St. & Carpinteria Ave.; Cramer Rd. & Carpinteria Ave.									$0							
Safe Routes to Schools Education Program	$5			$5	$5	$5	$5	$5	$25							
									$0						$0	$0
Reduced Transit Fares for Seniors & Disabled																
									$0						$0	$0
									$0						$0	$0
									$0						$0	$0
Bus and Rail Transit Services and Facilities																
Easy Lift Transportation Paratransit Service	$12			$12	$12	$12	$12	$12	$60						$0	$60
Help of Carpinteria, Dial-A-Ride Service	$6			$6	$6	$6	$6	$6	$30						$0	$30
Programs, Education, & Incentives to Reduce Single Occupant Auto Trips or Transportation Demand																
									$0						$0	$0
									$0						$0	$0
									$0						$0	$0
TOTAL ALTERNATIVE TRANSPORTATION EXPENDITURES	$73	$0	$0	$73	$123	$123	$123	$123	$565	$86	$0	$50	$0	$0	$50	$590

TOTAL EXPENDITURES	$419	$0	$628	$796	$821	$836	$790	$813	$4,684	$1,086	$10	$4,950	$1,475	$14,000	$21,435	$25,893

Alternative Transportation Summary		
TOTAL MEASURE A ALLOCATION (FY 2021/22 TO 2025/26)		$4,684
MINIMUM ALTERNATIVE PERCENTAGE PRESCRIBED BY INVESTMENT PLAN TO BE MET BY FY 2021/22 FOR FISCAL YEARS 2016/17 THROUGH 2021/22		10%
TOTAL MEASURE A ALLOCATION TO ALTERNATIVE TRANSPORTATION	$565	$565
PERCENTAGE OF MEASURE A ALLOCATION TO ALTERNATIVE TRANSPORTATION		12.06%

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Authorize for the City Manager to sign consultant services agreements on behalf of the City with Just Communities Santa Barbara and the National League of Cities Race, Equity and Leadership program for assistance with the City's development of a Racial Equity and Social Justice program and approval of a related three-year budget of $134,952.75, including a fiscal year 2020-21 allocation of $32,000.

STAFF RECOMMENDATION

Action Item __X__ ; Non-Action Item ___

Approve entering into consultant service agreements for assistance with the Racial, Equity and Social Justice program and make the related budget allocation.

Sample Motion: I move to authorize for the City Manager to sign consultant services agreements behalf of the City with Just Communities Santa Barbara and the National League of Cities Race, Equity and Leadership program for assistance with the Racial, Equity and Social Justice program and approve a three-year budget of $134,952.75, including a fiscal year 2020-21 allocation of $32,000, to be paid from the Measure X Fund balance to the appropriate Professional Services account.

(motion requires roll call vote)

BACKGROUND

On June 8, 2020, the City of Carpinteria ("City") City Council adopted Resolution No. 5981, which committed the City to (1) collaborate with law enforcement to further community-oriented policing, build trust with the community and ensure the safety of all community members, (2) review and revise City policies to incorporate anti-racist policies into City government and ensure the equitable distribution of resources and public services, and (3) collaborate with, support, and amplify minority-owned

businesses, community groups and non-profit organizations within the City and broader community (jointly referred to herein as the City's "Resolution No. 5981 Commitments").

To begin implementing its Resolution No. 5981 Commitments, on August 10, 2020, the City Council formed an ad hoc racial equity and social justice program planning committee ("Ad Hoc Planning Committee") which is tasked with (1) researching and recommending to the City Council a consultant to assist the City with implementing its Resolution No. 5981 Commitments ("Consultant"), (2) working with the Consultant to develop a process, schedule, and budget for this work, and (3) further defining the role of a subsequent committee consisting of City Councilmembers and community stakeholders ("Blue Ribbon Committee").

On September 2, 2020, the City issued a Request for Qualifications ("RFQ") seeking a Consultant to assist the City in implementation of a racial justice and social equity program consistent with the City's commitments in Resolution No. 5981 ("Racial Equity and Social Justice RFQ"). The RFQ was posted on the City's website as well as distributed to a targeted list of national and local consultants with experience consulting on racial equity and social justice issues.

The City received responses to its RFQ from two potential Consultants: Just Communities, a Santa Barbara-based group with ties to the local community, and National League of Cities Race, Equity, and Leadership ("NLC REAL"), a program of the National League of Cities.

Based on direction from the Ad Hoc Planning Committee, City staff scheduled interview with both Just Communities and NLC REAL during the week of December 14, 2020. During these discussions, and at the recommendation of NLC REAL, City staff recognized that it would be beneficial to engage both NLC REAL and Just Communities as both groups had different and complementary expertise. While NLC REAL specializes in working with municipal governments, Just Communities' local connections would be important for the community outreach and engagement necessary to develop a Racial Equity and Social Justice Program.

Over the past few months, the City has had several follow-up discussions with both Consultants to discuss partnering together on this work, negotiating the division of tasks based on each Consultant's expertise and experience, and developing scopes of work, budgets, and timelines for their consultant services ("Scope of Work and Cost Proposal"). In general, City staff envisions that NLC REAL will focus its efforts on providing trainings to City staff and elected officials, while Just Communities will concentrate their efforts on community outreach and engagement and, at a later date, formally evaluating the City's racial equity and social justice efforts.

The purpose of this agenda matter is to allow for the City Council to consider and authorize entering into agreements with both Just Communities and NLC REAL to assist the City in developing a Racial Equity and Social Justice Program.

DISCUSSION

On February 9, 2021, the City presented the scope of services and proposed budget provided by NLC REAL and Just Communities to the Ad Hoc Planning Committee for their review. February 9th, the Ad Hoc Planning Committee recommended that the City Council authorize the City Manager, on behalf of the City, to enter into consultant agreements with NLC Real and Just Communities to assist the City in developing a Racial Equity and Social Justice Program.

The following sections provide background on both Consultants, summarize their proposed Scope of Work and Cost Proposal, and discuss an estimated timeline for moving forward with this work. The proposed Scopes of Work and Cost Proposals submitted by NLC REAL and Just Communities are attached as Attachment A and Attachment B, respectively.

Just Communities. Just Communities is a local nonprofit organization based in Santa Barbara, CA that was formed in 2001 as a local chapter of the National Conference for Community and Justice. Locally, Just Communities has worked with local schools, government agencies, law enforcement, health care systems, and nonprofits to facilitate discussions about and take action on issues of diversity, inclusion and equity.

The Co-Lead Facilitators and Designers at Just Communities are Walid Afifi, a Professor in the Department of Communication at the University of California, Santa Barbara, and Chelsea Lancaster. Chelsea coordinates the CARE, CalWorks, and Single Parents Arriving Ready for College ("SPARC") programs at Santa Barbara City College and co-founded El Centro, a volunteer-run activist hub. Chelsea is an experienced Justice, Equity, Diversity and Inclusion facilitator and community organizer collaborating with Healing Justice.

Just Communities' work will focus on engaging with the City of Carpinteria community and City staff and gathering data through trainings and focus groups to assess the City's specific areas of need, in furtherance of Resolution No. 5981. Just Communities will work collaboratively with NLC REAL to develop a community oriented framework for addressing the identified issues. Just Communities' proposed Scope of Work and Cost Proposal includes the following tasks:

- Assessment. This initial task includes reviewing sample staff assessments and survey questions and creating assessment tools to gauge the racial equity readiness of City staff.
- Trainings – REAL 100 and 200. Just Communities will co-facilitate with NLC REAL to normalize racial equity training. The trainings will provide information on the role, responsibility, and opportunity for government to advance racial equity. Staff will also be provided tools for interpersonal communication and

communication with outside audiences on racial equity topics. Additionally, Just Communities will provide staff with local history and sensitivity training.

- Community Engagement. Community engagement is an area where a significant amount of time will be spent behind the scenes prior to the actual in-person community engagement. Just Communities will evaluate historical data, document review, there will be an initial community outreach as well as authentic engagement with informal community leaders. This process will be led by 4 research assistants who will also develop question for surveys. Another key area that will occur during the community engagement phases will be Community Conversation and/or Focus Groups. The Focus Groups will be held in a series in various formats that will include community mapping plus data collection. Community mapping will help in identifying and determining those that will make up the "Blue Ribbon" committee.
- Capacity Building. This task involves finalizing the structure of the core team within the City, explore opportunities for engagement or buy-in from other sectors and contractual partners. Part of the process will be to review survey results with core team as well hosting equity roundtable with other sectors and contractual partners.
- Action Plan. This task is focused on assisting the City with developing a Racial Equity Action Plan, which would include building organizational infrastructure.

The tasks proposed above would occur over a three (3) year period with an estimated budget of $92,898.75.

NLC REAL. The NLC REAL group is based in Washington, D.C. and provides training, technical assistance, and capacity building to support racial equity and social justice goals. NLC REAL was established by the National League of Cities in 2014 after recognizing the need to help cities understand racial disparities and the systems in local governments that perpetuate these disparities. NLC REAL attempts to accomplish this by providing training & technical assistance, offering network building opportunities, and establishing new and existing partnerships to share knowledge and resources across cities. Although NLC REAL has worked with a number of cities across the country, the City would be their first consulting opportunity for a California municipality. NLC REAL will provide coordination assistance for trainings and data collection during community engagement activities. NLC REAL's work will primarily focus on developing a structured approach for addressing City specific racial equity issues whether through iterative trainings or stakeholder programming. NLC REAL's proposed Scope of Work and Cost Proposal include the following tasks:

- Initial Consultation. 3-hour virtual meeting with the City' leadership team to review and clarify the City's commitments.
- Design and Conduct Assessment.
    - Survey City Staff. Asses the level of readiness City staff is to talk about racial equity and determine where challenges need be addressed.

- Stakeholder Mapping. NLC REAL will work closely with Just Communities to assess, design, and develop an approach for engaging a catalytic segment of community leaders that promote racial equity and racial healing.

- Racial Equity Training. A four-part training series on racial equity. NLC REAL will design four trainings in the REAL 100 series, referenced as REAL 101 (two trainings) and REAL 102 (two trainings) and two trainings in the REAL 200 series, referenced as REAL 201 (two trainings). The trainings will be made available for the elected officials and all City staff separately.
  - REAL 100: Normalizing Racial Equity in Local Government. The session provides key learning topics such as equity versus equality, implicit and explicit bias, individual and institutional bias, levels of racism, racial equity tools, disaggregating data, community engagement strategies.
  - REAL 200: Operationalizing Racial Equity in Local Government. The session provides key learning topics such as institutional and structural racism, racial equity tools, racial equity goals, community engagement strategies, head versus heart strategies, inside versus outside strategies, communication tools for talking about race.
- Capacity Building. NLC REAL will work with the City to formalize a Core Leadership, a Racial Equity Interdepartmental Team and Carpinteria Racial Equity Partner Roundtable. NLC REAL will debrief with the City's leadership team and make recommendations for developing an interdepartmental racial equity team drawn from across all departments that will sustain the engagement and build leadership that can facilitate greater commitment to advancing racial equity.
- Ongoing Racial Equity Consultation. NLC REAL will offer consultation on ways to develop a shared analysis of how work within the City should proceed.

NLC REAL's proposed tasks are estimated to be provided over a 14 months period ("Phase 1/Year 1") for a proposed cost of $42,054.00. Attachment C provides a detailed timeline for the first 14 months of the proposed contracted work with both Consultants. NLC REAL's contract is proposed to end after Phase 1/Year 1 unless the City determines the need to extend the contract.

The total three (3) year budget for engaging both Consultants is estimated to be $134,952.75 with $95,457.13 in the first year, $29,375.63 in the second year, and $10,120.00 in the third year.

The ultimate goal of the Consultants' cooperative work during Phase 1/Year 1 is to build the team of City representatives and community stakeholders that will carry forward the objectives of Resolution No. 5981. In order to accomplish this, the Consultants will engage carefully with marginalized communities to facilitate authentic conversations and build trust in the City's objectives. This phase is critical for developing and

implementing any future community-oriented solutions for improving the City's relationships and interactions with marginalized peoples in its jurisdiction.

POLICY CONSISTENCY

Entering into consultant services agreements as proposed will allow the City to implement Resolution No. 5981 Commitments including, ultimately, establishing an ongoing Racial Equity and Social Justice Program.

FINANCIAL CONSIDERATIONS

Based on the cost proposal from NLC REAL and Just Communities, staff is proposing a total three (3) year budget for engaging both Consultants estimated to be $134,952.75 with $95,457.13 in the first year, $29,375.63 in the second year, and $10,120.00 in the third year. Staff is proposing a not-to-exceed agreement in the amount of $42,054 for NLC REAL to complete Phase 1/Year 1 of the proposed work. Staff is proposing a not-to-exceed $92,898.75 for Just Communities to complete the proposed tasks over a three (3) year period.

The proposed allocation was not included in the City's adopted FY 2021-21 budget and staff is proposing that the City Council allocate $32,000 for costs during this current fiscal year. Future fiscal year allocations would be made during the budget process. All allocations are proposed to be made from the Measure X Fund balance in the Professional Services account number 104-111-5201 The Measure X Fund currently has an available balance of $2,716,510.

The work schedule for this matter is projected to span four fiscal years and therefore any unexpended remainder of the allocated amount will be carried over into FY 2021-22 and budgeted accordingly.

Below is a breakdown of the Racial Equity and Social Justice consultant service expenses by phase and budget year for Just Communities and NLC REAL.

Expenditures by Each 12-Month Consultant Services Phase

Just Communities	NLC REAL
Phase / Year 1	
FY 2020-21: 33% or $18,000	FY 2020-21: 33% or $13,880
FY 2021-22: 66% or $35,400	FY 2021-22: 66% or $28,174
Phase / Year 2	
FY 2021-22: 33% or $9,700	
FY 2022-23: 66% or $19,676	
Phase / Year 3	
FY 2022-23: 33% or $3,340	
FY 2023-24: 66% or $6,780	

Total Consultant Services Expenditures by Fiscal Year

FY 2020-21	$31,880
FY 2021-22	$73,274
FY 2022-23	$23,016
FY 2023-24	$6,780
TOTAL:	$134,950

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

Should the City Council determine to proceed with the subject recommendation, the City Attorney's Office will assist with review of the appropriate agreement form.

OPTIONS

1. Authorize the City Manager, on behalf of the City, enter into consultant services agreements with Just Communities and NLC REAL and allocate the related budget amount from the Measure X Fund (Staff recommendation).

2. Direct staff to modify the proposed agreement and/or relates cost.

3. Decline to move forward with Racial, Equity and Social Justice consultant services.

PRINCIPAL PARTIES EXPECTED AT MEETING

Representatives from Just Communities and NLC REAL.

ATTACHMENTS

Attachment A: Just Communities' Scope of Work and Cost Proposal
Attachment B: NLC REAL's Scope of Work and Cost Proposal
Attachment C: Just Communities and NLC REAL group's Timeline

Approve entering into consultant service agreements for assistance with the Racial Equity and Social Justice program and make the related budget allocation.
February 22, 2021

Staff contact: Laura Hernandez,
Human Resources and Risk Manager
(805) 755-4404, LauraH@ci.carpineria.ca.us

Signature

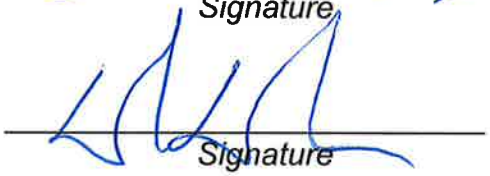
Reviewed by: Jena S. Acos
(805) 882-1427, jacos@bhfs.com

Signature

Reviewed by: Licette Maldonado,
Administrative Services Director
(805) 755-4448, LicetteM@ci.carpinteria.ca.us

Signature

Reviewed by: Dave Durflinger, City Manager
(805) 755-4400, daved@ci.carpinteria.ca.us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ATTACHMENT A

JUST COMMUNITIES' SCOPE OF WORK AND COST PROPOSAL

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Just Communities

Scope of Work

Phase 1 (Year 1): Trainings/Organizational Capacity Building

1-4 Months

- Assessment: Review sample staff assessment survey questions
    - Reviewing/ coordinating/ co-creating NLC/ JC assessment tools
- Trainings: REAL 101:
    - Normalizing Racial Equity (all staff)
    - Normalizing Racial Equity (elected officials)
        - Just Communities will co-facilitate
- Capacity Building: Gain familiarity with NLC REAL trainings provided to City employees and elected officials + understand how City employees and elected officials have reacted to trainings --
- Community Engagement:
    - Evaluate historical data/ document review
    - Initial community outreach
    - Authentic engagement with informal community leaders
    - 4 Research Assistants
    - Develop questions for surveys

5-9 Months

- Assessment: Finalize and administer Staff survey
    - Lead: NLC
    - Reviewing/ coordinating/ co-creating NLC/ JC assessment tools
- Trainings: REAL 102:
    - Normalizing Racial Equity (all staff)
    - Normalizing Racial Equity (elected officials)
        - Just Communities will co-facilitate
- Capacity Building:
    - Finalize structure of core team within the City of Carpinteria
    - Explore opportunities for engagement/ buy-in from other sectors (ie CUSD) and contractual partners (ie SBCSD)
- Community Engagement:
    - Community Conversations/Focus Groups
        - Lead: JC

10-12 Months

- Assessment:
  Analysis and development of initial report of survey results
    - Lead: NLC

Just Communities

Scope of Work

- Reviewing/ coordinating/ co-creating NLC/ JC assessment tools
- Trainings: REAL 201:
  - Operationalizing Racial Equity (all staff or core team)
  - Operationalizing Racial Equity (elected officials)
    - Just Communities will co-facilitate
- Capacity Building:
  - Review survey results with core team
  - Host City of Carpinteria Equity Roundtable with other sectors and contractual partners
- Community Engagement:
  - Host series of Focus Groups in various formats
  - Community mapping + data collection/focus groups
    - Lead: JC

- Provide local history/sensitivity training
  - NC Real stakeholder mapping assessment (Just Communities & NC Real Co-Design)

Phase 2 (Late Year 1/Year 2): Community Engagement/Facilitation
1-2 Months

NLC REAL will lead a racial equity training on operationalizing -- learning how to use a racial equity tool that centers the voice of the community -- Co-facilitate with Just Communities
This would incorporate community mapping, 200 content, interactive

- NLC REAL will facilitate department-level assessment (i.e., City audit) re racial equity + social justice sensitivity (REAL 300 Series)
- NLC REAL assistance with City's development of racial equity + social justice actions

- JC: Community mapping/ partner with NC Real
  - Identifying communities of interest/stakeholders
  - Determining blue ribbon committee makeup
- JC: Community mapping + data collection à Provide local history/sensitivity to trainings
- JC: Facilitate blue ribbon committee

Just Communities

Scope of Work

Phase 3 (Year 3): Evaluation + Assessment

- Data collection
- Preparation Annual Reports (and assist with presentation to City Council)

Phase 4 (Ongoing): Institutionalizing Racial Equity + Social Justice Program

- Train-the-Trainer (REAL 400 Series)
- Institutionalization of this work will occur throughout (staffing, budget, department responsibility)
- Incorporation into annual work plan/budget

Just Communities

Summary of Proposed Costs

	Year 1	Year 2	Year 3
Community Survey/Outreach		$23,675.63	
Train the Trainor		$5,700.00	
On-Going Consulting			
Total:	$ 53,403.13	$29,375.63	$10,120.00

Total for 3-years $92,898.75

Year 1
Community Survey/Outreach In-Person

	#	Rate	Hours	Total	Notes
Lead Facilitator	1	$ 350.00	50	$ 17,500.0	
Outreach Coordinator	1	$ 50.00	60	$ 3,000.0	
Co-Facilitator(s)	1	$ 350.00	50	$ 17,500.0	
Interpreters	2	$ 50.00	20	$ 2,000.0	
Administrator	1	$ 50.00	30	$ 1,500.0	
Supplies	1	$ 50.00	1	$ 50.0	
Photocopies	750	$ 0.05	1	$ 37.5	
Meals	75	$ 10.00	1	$ 750.0	Dinner & Beverages
Childcare	3	$ 25.00	16	$ 1,200.0	
Outreach Coordinator	1	$ 20.00	20	$ 400.00	
Community Incentives	100	$ 25.00	20	$2,500	
15% Administrative Costs			**subtotal**	**$ 46,437.50**	
15.00%			**admin cost**	**$ 6,965.63**	
			total	**$ 53,403.13**	

Year 2
Community Survey/Outreach In-Person

	#	Rate	Hours	Total	Notes
Lead Facilitator	1	$ 350.00	30	$ 10,500.00	
Outreach Coordinator	1	$ 50.00	60	$ 3,000.00	
Co-Facilitator(s)	1	$ 150.00	15	$ 4,500.00	
Administrator	1	$ 50.00	20	$ 1,000.00	
Interpreters	2	$ 50.00	6	$ 600.00	
Supplies	1	$ 50.00	1	$ 50.00	
Photocopies	750	$ 0.05	1	$ 37.50	
Meals	75	$ 10.00	1	$ 750.00	Dinner & Beverages
Childcare	2	$ 25.00	3	$ 150.00	
Subtotal			**subtotal**	**$ 20,587.50**	
			admin cost	**$ 3,088.13**	
15%			**total**	**$ 23,675.63**	

CIty of Carpinteria Staff Training

	#	Rate	Hours	Total	Notes
Lead Facilitator	1	$ 300.00	3	$ 900.00	
Co-Facilitator(s)	1	$ 150.00	3	$ 450.00	
Interpreters	2	$ 50.00	3	$ 300.00	
Supplies	0	$ 50.00	1	$ -	
Photocopies	0	$ 0.05	1	$ -	
Meals	0	$ 10.00	1	$ -	Dinner & Beverages
Childcare	0	$ 25.00	3	$ -	
			subtotal	**$ 1,650.00**	
			admin cost	**$ 247.50**	
15%			**total**	**$ 1,897.50**	
			Rounded	**$ 1,900.00**	
			x 3	**$ 5,700.00**	

CIty of Carpinteria Staff Training

	#	Rate	Hours	Total	Notes
Lead Facilitator	1	$ 350.00	20	$ 7,000.00	
Co-Facilitator(s)	1	$ 150.00	10	$ 1,500.00	
Interpreters	2	$ 50.00	3	$ 300.00	
Supplies	0	$ 50.00	1	$ -	
Photocopies	0	$ 0.05	1	$ -	
Meals	0	$ 10.00	1	$ -	Dinner & Beverages
Childcare	0	$ 25.00	3	$ -	
			subtotal	$ 8,800.00	
15%			admin cost	$ 1,320.00	
			total	$ 10,120.00	

ATTACHMENT B

NLC REAL GROUP'S SCOPE OF WORK AND COST PROPOSAL

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NATIONAL LEAGUE OF CITIES

REAL RACE, EQUITY AND LEADERSHIP

RFQ Resolution No. 5981 Commitments 2020:
February 2, 2021

Dave Durflinger
City Manager
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

Dear Dave,

The National League of Cities (NLC), through its Race, Equity And Leadership (REAL) department, is excited to submit this proposal to the City of Carpinteria, California, to provide Training, Technical Assistance, and Capacity Building in support of the city's goals for racial equity and social justice. We support Carpinteria's expressed commitment to this important work. By issuing this RFQ, the city has affirmed the importance of balancing local government leadership and community engagement to address systemic and structural inequities. Our experience suggests that improving the racial equity in these systems and structures requires political will, a readiness among all participants to not do business as usual, and commitment from top local leaders, public agencies, civil society, and the community.

In 2014, NLC recognized that we needed to help cities understand racial disparities and look at the systems in their local governments that make things worse. REAL was created so that NLC could establish and grow the expertise to work with city leaders to help eliminate racial disparities and restore trust among citizens.

In partnering with the National League of Cities (NLC), the City of Carpinteria will receive the collective expertise of our work during the past five years. We look forward to partnering with you to engage in this work.

In accordance with your RFQ outline and instructions, we are excited to submit this proposal for consideration the City of Carpinteria.

Proposing Service Provider:
National League of Cities (NLC); Race, Equity And Leadership Department (REAL)
Address:
660 North Capitol Street, NW
Suite 450
Washington, DC 20001

Contact:
Leon T. Andrews
Director, NLC REAL
Email: andrews@nlc.org
Phone: 202-626-3039 | Fax: 202-626-3039

Sincerely,

Leon T. Andrews

Leon T. Andrews, Jr.
Director, Race, Equity And Leadership

NLC NATIONAL LEAGUE OF CITIES

REAL RACE, EQUITY AND LEADERSHIP

EXPERIENCE

REAL's mission is to strengthen local government leaders' knowledge and capacity to eliminate racial disparities, heal racial divisions, and build more equitable communities. REAL does this through several intervention channels and support systems with the understanding that local government leaders may not know where or how to start. REAL has three strategic areas to support cities:

1. Provide **Training & Technical Assistance** that builds the capacity of local government leaders to identify racial disparities and effectively challenge and address issues through policy and practice.
2. Offer **Network Building** opportunities that promote peer-to-peer learning and showcase local government leaders who are advancing efforts through REAL.
3. Establish a **Field of Practice** that leverages new and existing partnerships, and shares knowledge and resources across cities that promote innovative solutions to racial equity challenges in local government.

All of our workshops include:

- **Interactive and experiential components.** Adult learning styles vary. We use varied forms (including exercises and small group discussions) to share information to ensure learning objectives are met.
- **Explicit conversation and facilitation to illuminate the connection between individual, institutional, and structural racism.** Our training methodology allows participants to make connections between individual experiences and the broader societal and structural ways in which race is constructed. We focus on institutional and structural strategies, as those are most effective for leveraging change.
- **Strong, expert facilitation.** Conversations about race can sometimes be difficult. We have a team of expert facilitators who are prepared to lead and guide conversation and to re-design activities in the moment to ensure participants' time and experience is maximized.
- **Applying learning.** Racial equity concepts can, at times, be abstract. Our workshops focus on the application of learning in the workplace. *Doing* is often the best teacher.

REAL recognizes the importance of responding to unique situations. Context matters. We tailor workshops and learning activities to best meet the needs of participants and organizations. All of our workshops are informed by:

- Context setting to understand how best to tailor content and exercises
- Background research to ensure content is relevant and focused on connections between institutional and structural change
- Interviews with a selection of participants to ensure design meets needs and expectations of participants

We understand that Carpinteria is ready to move forward to integrate equity as a value that is put into action. Leadership and staff must ***normalize*** racial equity as a key value and have clear understanding and shared definitions, ***operationalize*** equity via new policies and by transforming the underlying culture of our organizations, and finally, ***organize***, both internally and in partnership with other institutions and the community.

The elements, deliverables, and actions are based on our understanding of your desired direction for an initial scope of services, with specific attention to the leadership, staff, and elected officials We are strong believers in co-design; if any of our proposed options is either more, or less extensive than your desired direction, we would welcome the opportunity to adjust our scope to meet the scale of your expectations. If you have any questions, please do not hesitate to contact me or Jordan Curry Carter at Carter@nlc.org

NATIONAL LEAGUE OF CITIES

REAL RACE, EQUITY AND LEADERSHIP

WORK APPROACH AND SCHEDULE

SCOPE OF SERVICES

The REAL team brings a wealth of substantial relevant experience and expertise, including leadership engagement; implementation of a comprehensive racial equity process; analysis of city infrastructures for advancing racial equity; training; and access to racial equity and racial healing experts and resources.

We describe here the key contributions REAL will make to support the racial equity work in Carpinteria.

Initial Consultation

NLC REAL will schedule a series of virtual meetings with Carpinteria leadership team. The meetings will be an opportunity to review and clarify expectations for the city's commitment to advancing racial equity.

Design and Conduct Assessment

Establish an understanding of the context for action is essential for building an effective institutional transformation strategy. NLC will explore with leadership the opportunity to conduct a staff survey.

Survey of Staff. Key to program design and implementation is the collection of data from a broad cross-section of jurisdiction employees to understand perspectives on racial equity, areas of momentum upon which new work can be built, and places where challenges need be addressed. REAL will work with Carpinteria leadership to review, refine and customize any instruments (i.e., surveys) used in collecting data of the Executive Team. The initial survey process is will be foundational, allowing for the Executive Team to explore a bi-annual redelivery of the instrument to track progress over time of all staff.

Stakeholder Mapping.
REAL works closely with local community partners to assess, design, and develop an approach for engaging a catalytic segment of community leaders to embody in attitude and action the traits that promote racial equity and racial healing. The approach will reflect an intent for significant collaboration and appropriate integration or alignment with kindred initiatives that may already exist in the school districts, faith institutions, business sector, or community organizations.

Racial Equity Training

REAL offers a four-part training series on racial equity. For this proposal, REAL will design four trainings in the REAL 100 series, referenced as REAL 101 (two trainings) and REAL 102 (two trainings) and two trainings in the REAL 200 series, referenced as REAL 201 (two trainings) . The trainings will be made available for the elected officials and all staff separately. The sessions will be subject to modification based on new learning or developments from conversations with the leadership team and the local community partner.

The overall training series is designed around four key objectives:

1. Understand promising practices in local government to advance racial equity
2. Develop a shared understanding and common definitions for advancing racial equity
3. Identify opportunities to use a racial equity tool and data to drive results
4. Build an internal infrastructure for racial equity that includes opportunities to partner with the community

REAL 100: Normalizing Racial Equity in Local Government

This session provides an introductory overview for city leaders on the history of institutional and structural racism in America. This training will equip leaders with a shared language for racial equity, examine existing racial disparities in the city and its implication for advancing racial equity. REAL 100 introduces important concepts and tools for organizing and operationalizing racial equity.

Key learning topics: *equity versus equality, implicit and explicit bias, individual and institutional bias, levels of racism, racial equity tools, disaggregating data, community engagement strategies*

REAL 200: Operationalizing Racial Equity in Local Government

These sessions will explore the implications and impacts of institutional and structural racism for members and staff. City leaders and staff will spend a significant amount of time learning how to use a racial equity tool as they explore structural changes to daily operations, budgeting, communications, community engagement, and decision-making.

> ***Key learning topics:*** *institutional and structural racism, racial equity tools, racial equity goals, community engagement strategies, head versus heart strategies, inside versus outside strategies, communication tools for talking about race*

- ***Using a Racial Equity Tool*** – Instruction and practice on how to use a racial equity toolkit within policy, program, and budget decision-making processes. Participants will gain skills by using the tool with their own lines of business that they would like to assess from a racial equity perspective.
- ***Communicating for Racial Equity*** – Communicating about race can sometimes be a challenge, but preparation and strategy make a big difference. This training provides tools for both interpersonal communication and communicating with the media and broader outside audiences.

Capacity Building

Normalizing conversations about race includes developing and sharing a racial equity framework as well as operating with urgency and accountability. REAL will work with the city to formalize a Core Leadership, a Racial Equity Interdepartmental Team and Carpinteria Racial Equity Partner Roundtable. REAL will debrief with the leadership team and make recommendations for developing an Interdepartmental Racial Equity Team drawn from across all departments that will sustain the engagement and build leadership that can facilitate greater commitment to advancing racial equity throughout the jurisdiction. The training that REAL offers is more effective when it is balanced with technical assistance and the capacity building of the leadership team and the Interdepartmental Racial Equity Team that is created and responsible for ensuring the sustainability of the city's commitment to advancing racial equity.

Ongoing Racial Equity Consultation

REAL will offer consultation on ways to develop a shared analysis of how work within the city should proceed. There are three additional assessments that the REAL can offer for future phases:

Racial Equity Framework to Affect Systems Change.

The **Framework** outlines the set of elements of success, indicators and processes to accelerate progress on complex social conditions for Black, Indigenous and People of Color (BIPOC). These elements of success support the development and implementation of impactful strategies and programs to eliminate racial disparities, heal racial tensions and build a more equitable community.

Institutional Assessment.

As part of the training process, the city team is provided with an assessment continuum that can be used to chart the progress toward creating an equitable workplace. The continuum is employed during the training cycle.

Data Governance.

An initial assessment will be provided that examines what data across agencies is collected and disaggregated by race and ethnicity. Analysis will be provided on the available disaggregated data to identify potential patterns disparities. Recommendations will also be offered for improvements to infrastructure and processes to support disaggregation of data by race and ethnicity, including potential framing questions for discussion with city department leaders.

In addition, REAL can identify opportunities for the Racial Equity Team to design a more robust training series that includes a "train the trainer" option. The summary of what the additional trainings and key learning topics could include is provided below.

REAL 300: Organizing Racial Equity in Local Government

These sessions will be an opportunity for city leaders and staff to review the topical issues identified from the previous sessions and current issues shared during the sessions. City leaders and staff will learn and apply the racial equity tool to these priorities and determine an approach for advancing racial equity in their city and could include the development a racial equity plan.

Key learning topics: *Racial equity tools, racial equity goals, racial equity plan, case studies*

- ***Developing a Racial Equity Action Plan*** – Developing a Racial Equity Action Plan entails putting ideas and understanding into action, including building organizational infrastructure across the breadth (all functions) and depth (up and down hierarchy), using a Racial Equity Tool, and developing and implementing strategies.
- ***Tools for Organizational Change*** – This workshop provides hands-on exercises to discuss moving organizational change within government. Content is tailored to meet participants' needs, and includes stakeholder analysis, power and politics, and tipping point theory.

REAL 400: Train the Trainer in Advancing Racial Equity in Local Government

Share curriculum that builds on the existing and growing field of governmental practices to advance racial equity. Participate in "train-the-trainer" sessions, so that internal capacity is built to implement and sustain training.

Virtual REAL Talk Community Conversation Series.

The REAL team can also work closely with the city and Just Communities to support the community engagement and dialogues. The engagement will create healthy and authentic conversations on race and draw conclusions from these conversations in order to make appropriate recommendations to City Council.

The REAL team will co-design, develop and organize a replicable approach/model for engaging a catalytic segment of Carpinteria neighbors to embody in attitude and action the identified culture traits that promote equity, inclusion, racial healing and relational trust.

Meetings will be organized to facilitate healthy community conversations by employing effective practices that cultivate both deep appreciation and understanding of the values of hospitality, respect, inclusion, justice and dignity and advancing equity in key topical areas to be determined (i.e., education, jobs, and economic development). This approach will also reflect intent for significant collaboration and appropriate integration or alignment with kindred initiatives in Carpinteria and other existing community-driven efforts.

The REAL Talk Community Conversations will also incorporate opportunities for participants to review, understand and reflect on local disparities in human outcomes as measured by city data. These

conversations will also develop opportunities to engage with community members regarding their own understanding and insights of the data and the root causes of these disparities that will inform the data analysis efforts.

SCHEDULE ESTIMATES

- REAL will work with Just Communities to align and coordinate efforts. REAL and Just Communities mapped out the first phase and how the services described above will map with the services Just Communities is offering.

Phase 1 (12 months): Assessment/Trainings/Capacity Building/Community Engagement

1-4 Months

- **Assessment:** Review sample staff assessment survey questions
  - Reviewing/ coordinating/ co-creating NLC/ JC assessment tools
- **Trainings:** REAL 101:
  - Normalizing Racial Equity (all staff)
  - Normalizing Racial Equity (elected officials)
    - Just Communities will co-facilitate
- **Capacity Building:** Gain familiarity with NLC REAL trainings provided to City employees and elected officials + understand how City employees and elected officials have reacted to trainings --
- **Community Engagement:**
  - Evaluate historical data/ document review
  - Initial community outreach
  - Authentic engagement with informal community leaders
  - 4 Research Assistants
  - Develop questions for surveys

5-9 Months

- **Assessment:** Finalize and administer Staff survey
  - Lead: NLC
  - Reviewing/ coordinating/ co-creating NLC/ JC assessment tools
- **Trainings:** REAL 102:
  - Normalizing Racial Equity (all staff)
  - Normalizing Racial Equity (elected officials)
    - Just Communities will co-facilitate
- **Capacity Building:**
  - Finalize structure of core team within the City of Carpinteria
  - Explore opportunities for engagement/ buy-in from other sectors (i.e., CUSD) and contractual partners (i.e., SBCSD)
- **Community Engagement:**
  - Community Conversations/Focus Groups
    - Lead: Just Communities

10-14 Months

Assessment:

Analysis and development of initial report of survey results

    - Lead: NLC
    - Reviewing/ coordinating/ co-creating NLC/ JC assessment tools
- **Trainings:** REAL 201:
    - Operationalizing Racial Equity (all staff or core team)
    - Operationalizing Racial Equity (elected officials)
        - Just Communities will co-facilitate
- **Capacity Building:**
    - Review survey results with core team
    - Host City of Carpinteria Equity Roundtable with other sectors and contractual partners
- **Community Engagement:**
    - Host series of Focus Groups in various formats
    - Community mapping + data collection/focus groups
        - Lead: Just Communities
    - Provide local history/sensitivity training
        - NLC REAL Stakeholder Mapping Assessment (Just Communities & NLC-Real Co-Design)

REFERENCES

- Arlington, MA – Adam Chapdelaine, Town Manager, Achapdelaine@town.arlington.ma.us
- League of California Cities, CA - Carolyn Coleman, Executive Director, ccoleman@cacities.org
- Village of Oak Park, IL – Kira Tchang, Human Resources Director, ktchang@oak-park.us

NLC NATIONAL LEAGUE OF CITIES

REAL RACE, EQUITY AND LEADERSHIP

COST PROPOSAL

The table below is a pricing framework. The package was priced and discounted because Carpinteria is a small city of the National League of Cities. Below is an estimated budget for the proposed work.

	Annual cost
1. **Initial Consultation.** Series of virtual meetings with Leadership Team	$1,260
2. **Assessment.** Survey and analysis of results from initial round of assessment of staff and leaders and Stakeholder/Community Mapping Assessment	$4,400
3. **Training.** REAL 101 with City Council (3 to 4 hours); virtual training	$2,600
4. **Training.** REAL 101 with Staff (6 to 8 hours); virtual training	$6,200
5. **Training.** REAL 102 with City Council (3 to 4 hours); virtual training	$2,600
6. **Training.** REAL 102 with Staff (6 to 8 hours); virtual training	$6,200
7. **Training.** REAL 201 with City Council (3 to 4 hours); virtual training	$2,600
8. **Training.** REAL 201 with Staff or Core Team (6 to 8 hours); virtual training	$6,200
9. **Capacity Building.** Build Core Team. Launch Equity Partner Roundtable. Make Recommendations for Continuity, Sustainability and Development of a Racial Equity Action Plan.	$3,250
10. **Ongoing Consultation.** Explore opportunities for additional assessment, training and capacity building	$1,500
Sub-total	$36,810
Admin (10%)	$3,681
Subtotal	$40,491
NLC membership	$1,563
Grand Total	$42,054

We appreciate your leadership and are excited about the possibility of moving this work forward. Please contact Jordan Curry Carter, Carter@nlc.org with questions or to discuss next steps.

Sincerely yours,

Leon T Andrews

Leon T. Andrews, Jr., Director
Race, Equity And Leadership (REAL)
National League of Cities

ATTACHMENT C

JUST COMMUNITIES AND NLC REAL GROUP'S TIMELINE

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CITY OF CARPENTERIA, CA
PHASE 1 ENGAGEMENT FOR RACIAL EQUITY

ACTIVITY / DELIVERABLE	PLAN START	PLAN DURATION	MONTH 1	2	3	4	5	6	7	8	9	10	11	12	13	14
ASSESSMENT																
Survey Staff																
Review sample staff assessment	3	2														
Finalize and administer Staff survey	5	2														
Analyze data	7	3														
Prepare report of Staff survey	10	2														
Stakeholder/Community Mapping	11	3														
TRAINING																
REAL 101 (Elected Officials)	1	4														
REAL 101 (All Staff)	1	4														
REAL 102 (Elected Officials)	5	4														
REAL 102 (All Staff)	5	4														
REAL 201 (Elected Officials)	10	4														
REAL 201 (All Staff or Core Team)	10	4														
CAPACITY BUILDING																
Gain feedback from initial training	1	4														
Finalize Core Leadership Team	5	2														
Explore partnerships for Racial Equity Roundtable	7	3														
Review Staff survey results with Core Team	10	2														
Host Partner Roundtable	12	3														
COMMUNITY ENGAGEMENT																
Evaluate historical data	1	4														
Initial community outreach	1	4														
Develop questions for surveys	1	4														
Community Conversations	5	5														
Host series of focus groups	10	5														
Community mapping and data collection	10	5														
Provide local history /sensitivity training	10	5														

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Receive report on advisory measures and options to solicit additional public feedback on the proposed Surfliner Inn Project, located at 499 Linden Avenue, and provide further direction to staff.

STAFF RECOMMENDATION

Action Item _X_; Non-Action Item ___

Receive report and provide direction to staff on options to solicit additional public feedback on the proposed Surfliner Inn Project

Sample Motions:

I move to receive and file the report.

OR

I move to receive and file the report and direct staff to:

1. Prepare an advisory ballot agenda item;
2. Engage a consultant to conduct a public opinion poll;
3. Conduct public workshops; and/or
4. Pursue another option(s), as determined appropriate.

BACKGROUND

In the late 1990s, the City—through a public process—developed its "On Track 20/20" plan, which among other things recommended that the City of Carpinteria ("City") pursue replacement of the historic Southern Pacific Railroad building, once located at 499 Linden Avenue and 5th Street ("Site"), to allow for retail and tourist serving

businesses to be located there. Since the late 1980s, the Site has been occupied by City Parking Lot No. 3.

The City's 2015 annual work plan meeting, held every January with the City Council and City staff, included a proposal to further analyze improvements including tourist accommodations, pedestrian amenities, and public parking at the Site. The City Council approved the proposal as part of its annual work plan ("Annual Work Plan") for 2015. The City Council revisited this item as part of its 2016 Annual Work Plan and directed staff to prepare a concept design for an inn and restaurant at the Site ("Concept Project"), as well as a new parking lot, trail from Linden Avenue to Holly Avenue, railroad undercrossing, and community garden. This Concept Project has been carried forward in each subsequent Annual Work Plan.

During the 2017 Annual Work Plan meeting, the City presented the Concept Project as City-owned property leased to a Developer for construction of an inn and restaurant. As presented in 2017, the Concept Project incorporated an inn, a restaurant, and replacement public parking. On August 14, 2017, the City Council authorized Staff to publish a Request for Proposals ("RFP") to further explore leasing a portion of the Site (Parcel APN 004-105-011) for the commercial development of the Concept Project.

The RFP defined the purpose of the Concept Project to develop "a valuable community asset that helps support the Downtown business district" by providing benefits that "include increased visitorship and tourism, improved Downtown architectural ambiance consistent with Carpinteria's vernacular, property, sales and transient occupancy taxes, increased job opportunities and public revenues from ground lease payments." A successful response to the RFP needed to provide "a high quality architectural design boutique hotel and restaurant that is evocative of the railroad building;" "public amenities attractive to both local residents and visitors;" "an experienced development team;" "attractive ground lease terms;" and an understanding of the City's development standards.

On July 9th 2018, the City Council closed the period for acceptance of responses to the City's RFP for the Concept Project and authorized the Public Facility Site Acquisition/Development Committee ("Committee") to evaluate inquiries received by the City and to return to the City Council with a recommendation for proceeding. After review of the inquiries, the Committee selected the Theimer Group's[1] ("Developer") proposal, which proposed construction of a forty room inn with a roof top bar and a ground level café within a similar footprint as the City's Concept Project, to recommend to the City Council for further consideration. Within the City, this proposal has become known as the "Inn Project", "Railroad Inn Project", or "Surfliner Inn Project". For purposes of this staff report, we will be referring to it as the "Surfliner Inn Project".

[1] On December 4, 2019, the Theimer Group submitted a notice to the City to change its name to 499 Linden Managers, LLC and stated that the ownership of this new group would remain identical to the ownership of the Theimer Group. After review by the City Attorney's office, the City accepted this assignment.

On November 13, 2018, the City Council considered and accepted the Committee's recommendation to engage the Developer to further explore the Surfliner Inn Project and authorized the City Manager to prepare an Exclusive Negotiation Agreement ("ENA") with the Developer for future City Council consideration. The ENA establishes the relationship between the City and the Developer and outlines the process for the City to negotiate a Disposition and Development Agreement ("DDA") and Ground Lease with the Developer.

On June 24, 2018, the City Council authorized the City to enter into an ENA between the City and Developer with an initial negotiation period of 180 days. After multiple extensions to the ENA and a November 30, 2020 Concept Review meeting, at its meeting on January 25, 2021 the City Council authorized staff to begin negotiating the financial terms of the DDA and Ground Lease with the Developer.

In response to public comments at its February 8, 2021 meeting, the City Council requested that the City Attorney's Office and staff prepare a staff report on the advisory measure process. This staff report describes the advisory measure process and other options to obtain additional public feedback on the proposed Surfliner Inn Project.

DISCUSSION

The proposed Surfliner Inn Project has followed the City's standard process for consideration of items included on the City's Annual Work Plan. As described above, the City Council has considered the proposed Surfliner Inn Project at various public meetings where members of the public have provided comments and input.

The City Council also will consider approval of the DDA and Ground Lease at an open and public meeting consistent with the Brown Act. A DDA is a common type of contract between a public agency and a private developer that defines the contractual obligations of the parties with respect to a real property transaction.[2] For example, DDAs have been used to lease property owned by a public agency for commercial development by a private party. Specific examples of public/private partnerships associated with a private/development on agency-owned lands, include:

- City's agreements with People's Self Help Housing for the acquisition and expansion of Dahlia Court located both on and off City-owned property.
- City of Santa Barbara's leases for businesses on the wharf and Santa Barbara County's Hendry's Beach Restaurant.
- Operation of the Ahwahnee Hotel in Yosemite National Park.

[2] Note that a DDA is different from a "development agreement," which is a term of art used in state law that refers to a statutory contract negotiated between a project proponent and a public agency that governs land uses for a particular parcel. Presently, the City and the Developer intend to pursue a DDA rather than a development agreement. Should the approach change, the City will follow the process outlined in the Government Code for development agreements. (*See* Gov. Code, § 65864 et seq.)

The City's proposed DDA and Ground Lease negotiations are more fully described in the Staff Report for Agenda Item No. 4 considered by the City Council at its January 25, 2021 City Council meeting.[3]

As outlined in the various staff reports and presentations considered by the City Council, as well as the ENA, the Developer will be required to submit an application for the proposed Surfliner Inn Project, which will be processed through the City's standard design review process. Members of the public will have the opportunity to comment and participate at all public meetings where the City Council, Planning Commission, Architectural Board of Review, and other City advisory bodies consider the application for the proposed Surfliner Inn Project. This process is standard for all proposed development within the City and allows the public to voice support for and concerns about proposed projects being considered by the City. Public officials are responsible for making decisions based on all of the information that is a part of the public record for a project as well as the judgement of individual members of the body shared through the deliberative process. Information that is a part of the public record for a project will typically include comments offered by members of the public either in writing or during public meetings, staff reports and presentations, General Plan and Local Coastal Plan policies, zoning code regulations and design guidelines, and various state laws, such as the California Environmental Quality Act.

In addition to considering public comments provided during City Council meetings, the City Council may also pursue additional actions to solicit public feedback about the proposed Surfliner Inn Project. Pursuant to the direction at the February 8, 2021 City Council meeting, the following sections outline several options to obtain additional public feedback on the proposed Surfliner Inn Project.

Advisory Measures

Election Code section 9603 authorizes a city to submit "advisory measures" to the electorate on any date that the city is currently permitted to hold a regular or special election to voice their opinions, or indicate to a city council the approval or disapproval of a ballot proposal.[4] The results of an advisory measure are not binding on a city council.

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[3] The Staff Report is available here: https://carpinteria.granicus.com/MetaViewer.php?view_id=2&clip_id=742&meta_id=56875.

[4] The City has received numerous public comments regarding an initiative or a referendum on the proposed Surfliner Inn Project. Initiatives and referenda provide a process for the public to propose new legislation (an initiative) or repeal the legislative act approved by elected officials (a referendum). Given that the City has not completed negotiations with the Developer, it is premature to evaluate whether an initiative or a referendum might apply to any City Council approval of the proposed Surfliner Inn Project. More information on the initiative and referendum process is in the Institute for Local Government reports included in the Attachments.

Under this option, the City Council could direct staff to prepare an advisory ballot measure for the public's consideration of whether or not the City should pursue the proposed Surfliner Inn Project. The timing of such a vote would have to coincide with a general election or be conducted through a special election. If the City wanted to move forward with this option prior to the regular 2022 municipal election cycle, it would have to initiate a special election. Alternatively, the City could inquire with the Developer whether the advisory measure and the proposed Surfliner Inn Project could be delayed until the next regular municipal election in November 2022, in order for an advisory measure to be included on the ballot.

If the City were to pursue an advisory measure, the City would be responsible for drafting the question for voters to consider as well as following any and all the Elections Code requirements. An advisory measure can include information on the proposed measure, including information both for or against the measure in the voting materials.

If the advisory measure were to be considered at a special election, this would include paying for the costs associated with the Santa Barbara County (County) Elections Office conducting the special election. From initial conversations with County Elections Office staff, the costs associated with including an advisory measure at a special election would cost upwards of $75,000, not including City staff time and legal costs. Costs for including an advisory measure as a part of the consolidated election in November 2022, would be expected to be nominal and staff projects total costs in the range of $7,500 to $10,000. In addition to the cost considerations, turn-out for special elections is often much lower than for a general election.

Public Opinion Poll

Another option is that the City could engage a consultant to conduct a public opinion poll with respect to the proposed Surfliner Inn Project. Under this approach, the consultant would perform a scientific, nonbiased public opinion poll to survey a random sample of City residents. After compiling the responses from a representative number of City residents, the consultant would make interpretations about the polling results in order to gauge public opinion.[5]

The City most recently conducted public opinion polls prior to placing the Transient Occupancy Tax increase measure on the ballot in 2012 and Measure X, which established a local sales tax, on the ballot in 2018. The City contracted with Fairbank, Maslin, Maullin, Metz & Associates as the consultant for these public opinion polls, which cost approximately $25,000 and $30,000, respectively. A public opinion poll would likely be conducted via telephone or through other virtual means, as recommended by the consultant.

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[5] For more information on public opinion polling, see Gallup World Poll's publication "What Is Public Opinion Polling and Why Is It Important?" available at http://media.gallup.com/muslimwestfacts/pdf/pollingandhowtouseitr1dreveng.pdf (accessed on Feb. 15, 2021).

Public Workshops

A third option is that the City could conduct additional public workshops on the proposed Surfliner Inn Project. Public workshops typically involve staff scheduling a weekend or evening meeting to provide additional information and to receive additional public comments about policies or a proposed project. Staff then compiles the comments received and includes the comments in the staff report for decision-makers when they consider an agenda item related to the topic of the workshop.

On April 17, 2017, at the City Council's request, the City conducted a special meeting workshop to assist the Council in its determination on whether or not to issue a Request For Proposals ("RFP") for the Concept Project. Based on the discussion at this workshop, the City Council directed City staff to issue the RFP, which was done on August 14, 2017.

The City also holds a public workshop every January to consider its Annual Work Plan. As described in the Background section above, the Surfliner Inn Project (in various stages and iterations) was discussed at numerous Annual Work Plan meetings dating back to 2015.

The City also held a joint Concept Review meeting on November 30, 2020, to discuss the proposed Surfliner Inn Project with the Architecture Review Board, Planning Commission, and City Council. Members of the public were invited to provide public comment at this meeting.

In addition to the above categories of meetings, the City also occasionally holds other public workshops to solicit ideas and community feedback about policies or for proposed City Council actions that affect a particular interest group. For example, the City held public workshops related to the City and Montecito Library Study. With respect to workshops on particular actions, City staff recently held public workshops to receive feedback on the proposed Soft-Story Ordinance from affected property owners and on the Rincon Trail Project with the recreational soaring community and trail users.

Workshops generally provide an avenue to obtain additional public feedback about a proposed policy direction or specific project. As described in the Background section, the proposed Surfliner Inn Project has been a component of the City's annual Work Plan since 2015, and has been subject to both public workshops and regular public meetings where members of the public have provided comments about the merits of the project. The costs associated with public workshops, however, are substantially less than the other options, since a workshop would typically only utilize staff time, City Attorney Office assistance, and other City resources.

POLICY

The City Mission statement provides: "The Government in Carpinteria shall be open, honest and equitable and shall encourage, to the fullest extent possible, public participation in the decision-making process."

The City has considered the proposed Surfliner Inn Project at various public meetings through the City's standard public meeting processes. Future actions with respect to the proposed Surfliner Inn Project and subsequent development review, if the City Council approves a DDA, will occur through the City's standard development review process. This approach is the standard process for City Council actions and development projects within the City.

Elected officials and appointed decision-makers consider public input as a part of deliberating and deciding on matters that come before them such as development project applications. Public officials are responsible for making decisions based on all of the information that is a part of the public record for a project as well as the judgement of individual members of the body shared through the deliberative process. Information that is a part of the public record for a project will typically include comments offered by members of the public either in writing or during public meetings, staff reports and presentations, General Plan and Local Coastal Plan policies, zoning code regulations and design guidelines, and various state laws such as the California Environmental Quality Act.

The City Council also may engage in additional public outreach efforts, at its discretion, to provide additional input on any item to inform the decision-making process.

As an alternative to the standard land use planning process, described above, some California communities have engaged in "ballot box planning" where zoning and planning decisions are submitted to the local electorate for a vote to decide land use legislation.[6] Initiative and referenda are the two main tools of ballot box planning. Ballot box planning has increased since the 1970s, but remains controversial. Proponents claim that ballot box planning maximizes community control over local issues. Opponents, however, argue that ballot box planning improperly ties the hands of local officials to make local land use decisions and that ballot measures are often used to advance narrow special interests, without allowing elected officials and the public to consider alternatives that might be better suited for the community.

As discussed above, the City and Developer are currently negotiating a DDA and Ground Lease for the proposed Surfliner Inn Project. Given that the City has not completed negotiations with the Developer, it is premature to evaluate whether an initiative or a referendum might apply to any City Council approval of the proposed Surfliner Inn Project. The proposed Surfliner Inn Project may (or may not) result in a legislative act by the City Council that could be approved through an initiative or repealed through a referendum.

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[6] More information on Ballot Box Planning, including initiatives and referenda, is available in the Institute for Local Government's "Ballot Box Planning: Understanding Land Use Initiatives in California" report. Excerpts from this document are attached to this report as Attachment B, and a complete copy is available here: https://www.ca-ilg.org/document/ballot-box-planning-understanding-land-use-initiatives-california.

FINANCIAL CONSIDERATIONS

The financial considerations associated with the various options to solicit additional public feedback pertaining to the Surfliner Inn Project are described above.

LEGAL AND RISK MANAGEMENT

The City retains broad authority over land use decision making pursuant to its police powers in Article XI, Section 7 of the California Constitution. This authority is typically implemented through the City's standard development review process. The City retains the discretion to take action to further increase public participation through the options outlined above.

The ENA provides that the City and Developer agree to negotiate diligently and in good faith to prepare a DDA for the consideration of the City and Developer with respect to the proposed Surfliner Inn Project at the Site. The City has already extended the ENA multiple times in response to COVID-19. Although the ENA offers protections for the City and Developer with respect to negotiations and does not commit the City to approve a DDA and Ground Lease or otherwise limit the City's discretionary review of the proposed Surfliner Inn Project during development review, additional public outreach efforts and further extensions to the ENA could impact negotiations with the Developer. Staff anticipates that DDA negotiations and the advisory measure would move forward simultaneously in order to allow for a fuller understanding of the proposed Surfliner Inn Project for the City Council and voters to consider.

The City Attorney's Office assisted in preparation of this report, and continues to work closely with staff on this matter.

OPTIONS

1. Receive and file the report.

OR

2. Receive and file the report and direct staff to:
   A. Prepare an advisory ballot agenda item;
   B. Engage a consultant to conduct a public opinion poll;
   C. Conduct public workshops; and/or
   D. Pursue another option(s), as determined appropriate.

ATTACHMENTS

Attachment A: Institute of Local Government, *How Local Agencies Make Things Happen* (Dec. 2015)
Attachment B: Institute of Local Government, *Ballot Box Planning: Understanding Land Use Initiatives in California* (2001) [excerpts]

Report prepared by and staff contact: Mack Carlson, Legal Counsel
mcarlson@bhfs.com

for Mack Carlson
Signature

Report reviewed by and staff contact: Dave Durflinger, City Manager
(805 755-4400, daved@ci.carpinteria.ca.us)

Signature

22242986.5

ATTACHMENT A

INSTITUTE FOR LOCAL GOVERNMENT

How Local Agencies Make Things Happen

Local agency governing bodies make policy and spending (fiscal) decisions. This is a collective decision-making process in which a majority of decision-makers concur on a given course of action.

The *policy* tools local agencies have to take collective action include:

- Ordinances,
- Resolutions, and
- Motions and Minute orders.

In addition, the voters can play a role in decision-making through the **referendum and initiative** process.

Other Kinds of Action: Quasi-Judicial

Local agency officials also, from time to time, act in a quasi-judicial capacity. This is when decision-makers apply existing policies to specific situation (much as a judge applies legal standards in court cases).

Some of the procedural standards that apply in quasi-judicial decision-making are explored in www.ca-ilg.org/bias.

The concepts and processes to understand on the fiscal side of local agencies' responsibilities include budget, expenditures and warrants.

Ordinances

Local agencies make local laws through ordinances. Ordinances typically require or prohibit certain actions under certain circumstances. A local agency's ordinances are frequently indexed and recorded into a "code." These codes become part of the city or county's legislative history and may prove useful even many years after adopted. As access to technology improves, many local agencies publish and/or make their codes available online.

Drafting. Typically, an agency's staff, along with the help or oversight of the agency's attorney, will prepare a preliminary ordinance for review by the decision-making body and the public. This also enables staff to be aware of and help the agency comply with any special notice requirements that may apply to that particular kind of ordinance.

Timing Issues. There is usually a waiting period between the time the ordinance is first considered by that body (known as the "introduction" of the ordinance) and second or final presentation of the ordinance

during which it is considered by the governing body for adoption. This introduction process is also known as the first "reading" of the proposed ordinance, because it is the first opportunity decision-makers have to consider the merits of the proposed ordinance. In some limited circumstances, urgency and certain other types of ordinances can be adopted at the time of their introduction without going through a later waiting period.

Making Revisions during the Adoption Process. Sometimes decision-makers will ask staff to revise the proposed ordinance. Such changes may respond to ideas or concerns expressed by decision-makers or the public; changes may also result in language that a majority of the decision-making body can support. If substantive changes are made to a proposed ordinance after it is first introduced, it generally will need to be re-introduced and another waiting period must pass before the modified ordinance can be adopted. These steps ensure that laws are drafted as carefully as possible and to ensure that a full and open review of the ordinance occurs that permits the public to review and comment on the proposed law prior to its approval.

Adoption. After the initial "reading" and waiting period have occurred, the ordinance is then presented at a subsequent meeting for second reading. A member of the decision-making body moves for approval of the ordinance. If the motion receives a second, the body votes on whether to adopt the ordinance.

Effective Date. Most ordinances are effective 30 days after the date of adoption. Staff will typically take care of any requirements for publicizing the ordinance's adoption during this period (for example, by publishing the ordinance in a newspaper and adding the ordinance to the agency's code).

Resolutions

A resolution is a legal action by a decision-making body, such as setting fees and adopting policies. It can also be a vehicle through which the body expresses its opinion on a matter.

Resolutions are formal actions by the decision-making body and are retained as part of the agency's record. Compared to ordinances, though, resolutions involve fewer procedural requirements. For example, they do not have to be "introduced" and "adopted" over the space of two meetings but may be adopted at one meeting. Furthermore, with limited exceptions (for example, setting tax rates), resolutions do not have to be published in a newspaper.[1]

Motions and Minute Orders

Local agencies do not always have to adopt an ordinance or resolution to take action. For less important actions, local agencies also may act by motion, which may be summarized in a minute order. Typically, the agenda materials will describe the action that is proposed to be taken.

These actions, along with others at the meeting, are memorialized in the record of the meeting (the minutes). Once approved by the body, the minutes become the official record of the meeting. The agency's secretary or clerk maintains the official records of the agency, including the minutes.

Initiative and Referendum

In California, the public also plays a role in the decision-making process by voting on ballot measures. The rules relating to placing matters on the ballot are both complex and technical. Ballot measure proponents are well advised to seek advice from experienced attorneys and political consultants on these matters to avoid missteps.

Referendum. If members of the community disagree with a legislative act approved by elected officials, then they can circulate a petition to put the matter on the ballot for the voters to decide whether the law should be repealed. This is called a "referendum" because the petition requires the matter to be *referred* to the voters for approval. The petition process must occur within a short window of time before the law goes into effect.

When a successful referendum petition occurs, a governing body has two choices. It can repeal the law that is the subject of the referendum petition. If the repeal occurs, it becomes unnecessary for the matter to go to a community vote. Otherwise the body must put the matter on a ballot for a vote.

Initiative. The public may also propose a new law (or an amendment to an existing law). To do that, they circulate petitions that must include a copy of the proposed law. If enough people sign the petition, then the governing body must either adopt the proposed law without change or put the matter on the ballot for a community vote. This process is known as the "initiative" process, because members of the community are *initiating* the legislative proposal.

Decisions to Spend Money

Perhaps one of the most important roles elected officials play is deciding how to allocate public funds to pay for necessary services and facilities. There are a number of steps in this process.

Budget. A budget is a device that enables decision-makers to project what revenues will be available to fund services and facilities and how those revenues should be allocated and spent. The decision to spend money for particular purposes is an "appropriation," which is an authorization to spend money consistent with the budget.

Typically the budgeting process involves:

- The administrative head of the agency (county executive officer, city manager or general manager of a special district) prepares and transmits a set of instructions to department heads for submitting budget information and requests;
- Department heads prepare and submit their budget information and requests;
- The administrative head reviews the requests and assembles them into a comprehensive budget document;
- The decision-making body holds budget hearings at which elected officials and the public receive information about the proposed budget;
- Elected officials receive public input/reactions to the proposed budget;

- Elected officials evaluate all the information received and revise (as necessary) and adopt the final budget; and
- The administrative head of the agency (typically the city manager, county executive officer, general manager) is responsible for implementing and executing the budget.

(Note that the budget includes decisions about money that don't involve "spending " per se, such as saving for capital projects, and allocated and unallocated reserves.)

Expenditures. The agency then spends money throughout the year in a manner consistent with the adopted budget, which may include expenditures to satisfy contractual obligations (for example, labor agreements, and contracts for goods or services). Some expenditures, such as election costs related to an initiative, referendum or recall may not be budgeted for, but may be a required expenditure directed by the public through the signature gathering process.

Warrants. These are specific authorizations to spend money from a local agency's bank account. To avoid having to take every minor payment to the decision-making body for approval, some agencies have policies delegating authority to staff to authorize payment for budgeted expenditures up to certain amounts.

About the Institute for Local Government

This tip sheet is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association.

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References

[1] The rates of taxes to be levied or the amount of revenue required to be raised by taxation must be fixed either by ordinance or resolution. Government Code Sections 36936.1, 53724. If such tax rate or amount of revenue is fixed by resolution, the resolution must be published in the same manner and within the same time as ordinances are required to be published. Government Code Section 36936.1. Tax levies are subject to voter approval. Government Code Sections 53722, 53723. Some taxes (for example a documentary transfer tax) must be approved by ordinance. *See* Revenue and Taxation Code Section 11911.

ATTACHMENT B

I. INTRODUCTION

California has seen an explosion of local land use initiatives in the past two decades. From deciding whether to place an urban growth boundary around a city to grappling with how to best deal with affordable housing, local communities increasingly have headed to the voting booth to decide how their communities should grow. This process, often dubbed "ballot box planning," has become an alternative to the more typical legislative approach that communities use to make land use decisions.

Ballot box planning did not emerge as a significant feature of California land use regulation until the early 1970's. The absence of local land use initiatives before this time was largely due to an early court ruling that held that initiatives could not be used for zoning.[1] In 1974, however, the California Supreme Court overruled that earlier decision.[2] In the intervening three decades, the constitutional power to use initiatives and referenda for both zoning and planning purposes has become well established.

PLANNING AT THE BALLOT BOX

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Whether the ballot box is an appropriate place to resolve land use disputes has become a matter of considerable controversy. Proponents claim that initiatives maximize local control over an intensely local issue. Such measures provide residents with the authority to shape their own communities and directly address problems associated with growth that continue to vex many jurisdictions.

At least in theory, initiatives are uniquely qualified to serve this purpose. As noted by the California Supreme Court, the initiative power works as a "legislative battering ram" for frustrated voters who feel that their elected officials have been unable, or unwilling, to effectively address public concerns about important policy matters.[3] In the local land use context in particular,

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[1] *Hurst v. City of Burlingame*, 207 Cal. 134 (1929).

[2] *San Diego Building Contractors Ass'n v. City Council*, 13 Cal. 3d 205 (1974) (overruling *Hurst v. City of Burlingame*, 207 Cal. 134 (1929)), *app. dismissed* 427 U.S. 901 (1976).

[3] *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization*, 22 Cal. 3d 208, 228-229 (1978).

the Supreme Court has noted that initiatives can provide the long-term stability that the general plan is designed to promote.[4]

Opponents of ballot box planning, on the other hand, decry the continuing use and popularity of initiatives for regulating land use, claiming that such measures improperly tie the hands of the officials elected to make local land use decisions. Additionally, opponents argue that ballot box measures are too often used to advance narrow special interests. Also, unless the initiative proponents work with the public agency and other community groups, there is no opportunity to consider alternatives that might be better for the community.

Regardless of their personal or philosophical views, citizen groups and local officials must grapple with the present reality of ballot box planning. Indeed, as California's population continues to grow, the resulting development pressures are likely to lead to an increase in the use of initiatives and referenda.

EXAMPLES OF BALLOT MEASURES PLACED ON LOCAL BALLOTS IN 2000

Lassen County. Advisory vote on a general plan amendment for a large ski resort at Dyer Mountain near Westwood. (Approved).

Escondido. Nine separate initiatives were submitted for general plan amendments or zoning changes for residential and commercial projects. All initiatives were required under a 1998 initiative, which placed control over certain land use changes in the hands of the voters. (1 Approved, 8 Defeated).

Placer County. Quarter-cent sales tax placed on ballot by board of supervisors that would have been used to purchase of open space and agricultural easements. (Defeated).

Sonoma County. Referred to as the "rural heritage initiative," this initiative would have required voter approval to change land use designations for lands, agriculture or rural resource. (Defeated).

Brea. An initiative known as the "hillside heritage initiative" would have required an election for any project that would have impacts beyond certain thresholds for traffic, air and water quality, wildlife and other things. (Defeated)

Sacramento County. Would have extended urban services line in order to approve 3,000 home subdivision southeast of Rancho Murrieta. (Defeated).

Clayton. A CAPP (Citizen Alliance for Public Planning) initiative would have required voter approval if development involved 10 houses, 2 acres of open space or 1,000 square feet of commercial space. (Defeated).

Tracy. A citizen-sponsored initiative that cut the annual number of housing permits in half (from approximately 1500 to 750). (Approved).

San Luis Obispo County. A SOAR (Save Open Space and Agricultural Resources) initiative would have required voter approval for rezoning of land designated for agriculture, open space, rural or rural residential. (Defeated).

Ventura. A 95-acre sports park proposed for cropland. Election required under a 1995 SOAR initiative. (Approved).

Rohnert Park. Urban growth boundary placed on ballot by city council during general plan adoption process. (Approved).

CURRENT TRENDS

Land use initiatives are offered to voters in a variety of ways and forms but are often characterized as either being "slow-growth" or "pro-growth." Typical slow-growth measures seek to set urban limit lines, limit conversion of agricultural or open space lands, limit the number of housing permits issued each year, or hand more control over land use decisions to the voters (rather than the elected officials). Still others ask local residents to choose to tax themselves to protect swaths of open space or parkland. Pro-growth measures, on the other hand, may extend the urban limit line to allow for a new development, approve specific development projects or increase the density or intensity of current development.

Californians use the ballot box to plan communities more than any other state in the nation. The Solimar Research Group recently reported on the use of ballot measures throughout the state from 1986 to 2000.[5] The report drew the following conclusions:

- Voters appear more willing to limit growth in times of economic prosperity. In the November 2000 election, a period of economic prosperity, the voters chose to limit growth in two out of every three opportunities.

- The number of land use initiatives placed on the ballot totaled 671, of which 58 percent – or 389 – can be characterized as slow-growth measures.

- Land use initiatives have occurred predominantly in the fast growing coastal urban areas, but are now being used more frequently in other parts of the state.

Perhaps the most fundamental trend is that the use of initiatives to control land use planning appears to be here for the foreseeable future. This conclusion comports with a poll conducted by the Public Policy Institute of California, which found that although 74 percent Californians believe that local governments should control local development, 63 percent think that local voters should make growth-related decisions by voting on local initiatives.[6]

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[5] Bill Fulton and Paul Shigley, TRENDS IN LOCAL LAND USE BALLOT MATERIALS, 1986-2000 (October 1, 2000 revised December, 2000). A copy of this report can be viewed on the Web site of the California Planning and Development Report (www.cp-dr.com, under "research reports").

[6] Marc Baldasarre, Public Policy Institute of California, Special Survey on Growth (May 2001) (http://www.ppic.org/publications/CalSurvey18/survey18.pdf).

BALLOT BOX HOT SPOTS[7]

TOP 10 CITIES AND COUNTIES 1986-2000

	CITIES		COUNTIES	
	Name	No. Measures	Name	No. Measures
1.	San Francisco	26	San Diego County	80
2.	San Diego	22	Los Angeles County	64
3.	Hermosa Beach	17	Orange County	43
4.	Lodi	16	Santa Clara County	41
5.	Pleasanton	11	Contra Costa County	38
6.	Escondido	10	Alameda County	35
7.	Simi Valley	9	Ventura County	33
8.	Modesto	8	San Mateo County	32
9.	Morro Bay	8	Sonoma County	27
10.	Pacifica	8	Riverside County	26

MAKING THE INITIATIVE PROCESS WORK

Fortunately, communities can learn from the experiences of others. Some may view the ballot box planning process as pitting community activists against their local elected officials. While some measures are placed on the ballot without the full endorsement of the governing body, many do have agency support. In some cases, agencies and community activists have worked together to craft proposals that serve all interests involved and have created results for other communities to model their measures after.

Indeed, if a ballot measure is truly about thoughtful and constructive solutions to community challenges, the tone of the public discourse relating to the measure should reflect that spirit. A civil and dignified tone in public debate will inure to the long-term benefit of the measure's sponsors within the community. Such a tone also underscores the seriousness of the problems the initiative is trying to address, as well as the thoughtfulness of the proposed solution.

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[7] TRENDS IN LOCAL LAND USE BALLOT MATERIALS, 1986-2000 (October 1, 2000 revised December, 2000) pp. 20, (counties) and 38 (cities).

Conversely, personal attacks (on the part of either the measure's proponents or opponents) undermine the very objective initiative proponents seek: a livable community for everyone who resides in the area. "Communities" are composed of individuals. The kinds of livable communities that most citizens seek place a high value on the role and relationships of people within a space. Negative campaigns based on personal attacks or inaccurate information tears into the fabric of a community by dividing and alienating people.

Individuals do not have to agree on proposed approaches to a community's development in order to serve the community's long-term best interests. As this guide indicates, it can be in the long-term best interests of both the proponents of a particular approach and the governing body to communicate with one another and share relevant information. The tone of the advocacy efforts (both for and against a proposal) has everything to do with whether this kind of constructive and truly public-spirited approach will occur. That's what livable communities – and this publication – are truly about.

THE CITY OF MONROVIA FINDS A WAY[8]

A local initiative in the City of Monrovia illustrates how local agencies can effectively work with citizens to shape land use policy. Monrovians, faced with a hot economy and increased development pressures, sought to preserve the city's remaining wilderness hillside areas. But the city did not have enough funds to purchase the open areas outright. Working with local citizen groups, the city council placed an innovative proposal directly on the July 2000 ballot, alleviating the need to go through the signature gathering process.

Two measures were placed on the ballot. The first measure redesignated hundreds of acres of publicly owned land as "hillside wilderness preserve" and rezoned neighboring private lands as very low-density. Any future change in these designations could only occur by a vote of the people. The second measure asked residents to approve a special parcel tax to fund the acquisition of the privately held hillside areas. The proposed parcel tax was expected to raise $10 million for property acquisition over a limited period of time, with a second, smaller on-going tax of $80,000 per year to fund property maintenance costs.

Both measures passed overwhelmingly. The open space measure received 85 percent of the vote, and the special tax carried a perhaps even more astounding 77 percent of the vote. This solution, however, was the result of many years of planning and hard work done by the city council, residents, developers, consultants and neighborhood groups. Monrovia demonstrates that a local agency can be an important participant in helping citizens use the ballot box to achieve community goals.

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[8] *See* Dennis Hopper, *How Monrovia Won Voter Support to Increase Property Taxes to Preserve Open Space*, Western City (September 2000).

II. INITIATIVES AND REFERENDA

CONSTITUTIONAL POWERS RESERVED BY THE PEOPLE

The initiative and referendum powers are "reserved" by the people to themselves in the California Constitution.[9] The difference between an "initiative" and a "referendum" is straightforward. The more common initiative consists of legislation proposed by citizen petition that, once adopted, effects a legislative change. The California Constitution defines the initiative as "the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them."[10] The Constitution extends this power to voters in cities and counties and he Legislature has granted similar powers to voters in many special districts.[11]

A referendum, on the other hand, is "the power of the electors to approve or reject statutes or parts of statutes."[12] A referendum is usually thought of as a citizen-petition that seeks to repeal a recent legislative act made by the governing body. A referendum by citizen-petition may only challenge newly enacted legislation and is subject to express constitutional limitations. Tax measures, for example, are not subject to such referenda.[13]

Referenda may also be placed on a ballot by a governing body. Agency-sponsored referenda are similar to an initiative insofar as the voters are asked to approve or reject a measure. To simplify things, the remainder of this publication refers to this type of referenda as an "agency sponsored measure."

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[9] Cal. Const. art. IV, § 1.

[10] Cal. Const. art. II, § 8(a); *see also Marblehead v. City of San Clemente*, 226 Cal. App. 3d 1504, 1504 (1991); *American Federation of Labor*, 36 Cal. 3d at 687. The local initiative power reserved in a city charter may be even broader than the constitutional initiative power. *See Rossi v. Brown*, 9 Cal. 4th 688, 696 (1995).

[11] Cal. Const. art. II, § 11; Cal. Cal. Elec. Code § 9300 and following (granting initiative power to certain special districts).

[12] Cal. Const. art. II, § 9(a).

[13] *See Rossi v. Brown*, 9 Cal. 4th 688 (1995). However, an initiative that repeals a tax measure is valid. *Id.* at 711.

CITIZEN-SPONSORED INITIATIVES AND REFERENDA COMPARED

INITIATIVES

Defined. The "power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." The Constitution extends the initiative power to voters in cities and counties, and the Legislature has granted the initiative power to voters in many special districts.

How Initiated. An initiative is placed on the ballot when enough registered voters request such an action by signing a petition. Citizen petitions are subject to detailed notice, signature gathering, and other procedural requirements.

Local Agency Options Upon Qualification. The governing body generally must either adopt the measure without change or submit it to the voters.

Land Use Purposes. Initiatives may be used to adopt or amend general plans, specific plans, local coastal programs, and zoning ordinances. They may also be used to adopt or readopt land use designations and set urban growth boundaries. They may not be used for non-legislative actions, such as the approval of variances, conditional use permits, and subdivision maps.

Limits to Further Agency Action. Unless the initiative expressly provides otherwise, any provision adopted by initiative may be amended only by a subsequent vote of the people.

REFERENDA

Defined. The "power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses . . .."

How Initiated. Legislative actions generally do not become effective until 30 days after adoption. Timely submission of a petition with enough signatures will halt the legislation from going into effect until it can be voted on.[14]

Local Agency Options Upon Qualification. The governing body must either repeal the subject ordinance in its entirety or suspend the ordinance and bring it to a vote of the people.

Land Use Purposes. Referenda are used to reject or approve legislative actions already approved by a legislative body, including general plans, specific plans, local coastal programs, and zoning ordinances. Referenda may not be used for non-legislative actions such as the approval of variances, conditional use permits and subdivision maps.

Limits to Further Agency Action. If voters approve the referendum, or if the governing body repeals the ordinance in response to a petition, the governing body may not adopt the rejected legislation again for at least twelve months.

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[14] The petition is also subject to detailed signature and procedural requirements Cal. Elec. Code §§ 9141, 9144, 9235, and 9237; *Midway Orchards v. County of Butte*, 220 Cal. App. 3d 765, 779 (1990).

SCOPE OF THE POWER

The constitutional origin of the initiative power has important policy ramifications for local officials. It limits their ability to change an initiative once it is proposed and to amend the initiative once it has passed. When presented with an initiative supported by the requisite number of signatures, the governing body must either adopt it as proposed or place the measure on the ballot. Moreover, a local agency may wind up defending an initiative or referendum in court if it is enacted, regardless of whether the city council or board of supervisors originally supported the measure.

CHARTER CITIES

This publication discusses the law applicable to general law cities, counties and special districts. Charter cities may adopt their own rules for city elections, including rules that concern initiatives and referenda.[15] Although the general principles are the same, those rules may differ from those discussed in this guide. Charter cities may also choose to use the state law rather than adopting their own election laws.

In many important respects, however, the initiative power itself is more limited than a local government's land use power:

- ***Limited to Legislative Matters***. Initiatives and referenda are generally limited to the adoption of *legislation*. They may not be used to undertake or rescind administrative, adjudicative or quasi-adjudicative actions.[16] Thus, for instance, an initiative may be used to adopt or amend a general plan or rezone a property, but not to grant a variance.

- ***Inapplicable to Adjudicatory Decisions***. Although an initiative may declare policy and provide for its implementation, it may not seek *only* to render an administrative decision, adjudicate a dispute, or declare by resolution the views of the electorate.

- ***Exclusive Delegation***. Initiatives may not affect matters that the Legislature has *exclusively* delegated to the local governing body.

In addition, initiatives and referenda may not conflict with state law.

STATUTORY INITIATIVES

Initiatives are generally thought to be citizen-generated and authorized by the California Constitution. However, the Legislature has also authorized initiatives in other circumstances that are outside of the scope of the constitutional power.

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[15] *See Rossi v. Brown*, 9 Cal. 4th 688 (1995).

[16] *See American Federation of Labor v. Eu*, 36 Cal. 3d 687, 708-14 (1984); *Marblehead v. San Clemente*, 226 Cal. App. 3d 1504, 1509 (1991).

V. LIMITATIONS & CONSTRAINTS ON THE INITIATIVE POWER

Local land use initiatives and referenda are generally subject to the same constraints that limit the scope of local land use regulations. In most circumstances, a community may not create by initiative something that its governing body could not undertake on its own.

Local officials will encounter claims regarding these legal limitations both with respect to citizen-sponsored and agency-sponsored initiatives. Opponents of initiatives sometimes urge their elected officials not to place a measure on the ballot due to alleged illegalities. The possibility that an initiative is unlawful, however, is not sufficient grounds for refusing to place a measure on the ballot. Instead, local officials "have a ministerial duty to place [the measure] on the ballot" so long as the proposed measure complies with all formal Elections Code requirements.[46]

If local officials believe the proposed measure is unlawful, they may attempt to seek a court order declaring that it should not be placed on the ballot. Courts, however, generally decline to engage in such "pre-election judicial review" unless the measure is clearly unlawful. Alternatively, as discussed in more detail below, many jurisdictions gather and disseminate information about a proposed initiative's compliance with these requirements by requesting their staff to prepare a report on the initiative's effects prior to formally placing it on the ballot.[47]

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[46] *Meyers v. Patterson*, 196 Cal. App. 3d 130, 136 (1987).

[47] Cal. Elec. Code §§ 9111 and 9212.

POWER LIMITED TO LEGISLATIVE ACTS

Initiatives and referenda are limited to the adoption of *legislation*. They may not be used to undertake or rescind administrative, adjudicative or quasi-adjudicative actions.[48] Legislative acts institute rules for the general regulation of future government action, while administrative or adjudicative acts apply the law to determine specific rights based on specific facts.[49] For instance, creating a mixed-use zoning designation is a legislative act, but determining whether a specific project fit within the mixed-use designation is an adjudicative act. Legislation may, however, include provisions that direct the governing body to take further steps to implement that legislation.[50]

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[48] *See American Federation of Labor v. Eu*, 36 Cal. 3d 687, 708-14 (1984); *Marblehead v. San Clemente*, 226 Cal. App. 3d 1504, 1509 (1991). Charter cities, however, may by charter authorize initiatives on non-legislative matters. *Farley v. Healey*, 67 Cal. 2d 325, 328 (1967); *Rossi v. Brown*, 9 Cal. 4th 688, 696 (1995).

[49] *San Diego Bldg. Contractors Ass'n. v. City Council*, 13 Cal. 3d 205, 212 (1974), appeal dismissed, 427 U.S. 901 (1976).

[50] *Pala Band of Mission Indians v. Board of Supervisors*, 54 Cal. App.4th 565, 577-78 (1997) (upholding an initiative that amended the land use element, zoning ordinance, and other policies of general plan and directed the board of supervisors "to amend other elements of the general plan, subregional plans, community plans, zoning ordinance and other ordinances . . .").

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Authorize the City Manager to execute Amendment No. 1 to the Agreement with Walker Consultants for the Parking Demand Analysis Update of the Downtown "T" Area.

STAFF RECOMMENDATION

Action Item _X_; Non-Action Item ___

Authorize the City Manager to execute Amendment No. 1 to the Agreement with Walker Consultants to provide consulting services for the Parking Demand Analysis Update of the Downtown "T" area in an amount not-to-exceed $24,555, thereby extending the term and increasing the maximum Agreement amount to $72,379.88.

Sample Motion: I move to authorize the City Manager to execute Amendment No. 1 to the Agreement with Walker Consultants to provide consulting services for the Parking Demand Analysis Update of the Downtown "T" area in an amount not-to-exceed $24,555, thereby extending the term and increasing the maximum Agreement amount to $72,379.88.

(The motion requires a roll call vote.)

BACKGROUND

A parking demand analysis of the Downtown "T" was first conducted in 2001 by Walker Consultants for the City. The purpose of the analysis was to obtain an understanding of the parking and circulation characteristics including current and future parking supply and demand for the Downtown "T" including the beach neighborhood. In 2009, Walker Consultants updated the parking demand analysis with a study of any changes to such characteristics including estimating future build-out projections.

In December 2017, the City Council approved a letter of support to a state grant proposal for the Los Angeles-San Diego-San Luis Obispo (LOSSAN) North Improvement Program. The proposed improvements are at the Amtrak Station which would include a second passenger platform, rail siding, parking lot and pedestrian

facilities such as a pedestrian undercrossing and a safe route to school. The expanded rail platform project and related increase in rail transit service could be expected to result in additional parking demand and spaces.

In June 2018, the City Council entered into an Exclusive Negotiation Agreement with Theimer Group, LLC, as a part of its interest in exploring a ground lease hotel development at Amtrak Station/Parking Lot No. 3 (hereinafter called Surfliner Inn Project). In 2019, another private development project was proposed at 700 Linden Avenue (hereinafter called 700 Linden Avenue Project). This project proposes office, retail, bar, and restaurant uses. On October 28, 2019, the City Council approved an agreement with Walker Consultants to update the parking demand analysis to include the aforementioned development proposals.

In accordance with the City's Annual Work Plan of 2019, 2020, and 2021, respectively, the continued objective is to establish a parking management plan for the downtown and beach areas. The Parking Demand Analysis Update of the Downtown "T" area (Study) is intended to assist the City in completing the parking management plan. The Study will provide information sufficient for the City to:

1. Understand existing and future public parking demand in relation to available inventory;
2. Evaluate potential projects to increase public parking inventory;
3. Reevaluate existing parking management, e.g. timed parking spaces and make recommendations for changes; and
4. Evaluate impacts from significant potential projects currently on the horizon.

The Study is intended to serve as the basis for the creation of the parking management plan. The parking management plan would be a separate, future document in which would be considered by the Downtown "T" Business Advisory Board, Planning Commission, and City Council.

The Study area is shown in Figure 1 below.

Figure 1- Study Area

On October 28, 2019, the City Council authorized the City Manager to execute an Agreement with Walker Consultants to provide consulting services in an amount not-to-exceed $47,824.88 for the Study.

The purpose of this agenda matter is for the City Council to authorize the City Manager to execute Amendment No. 1 to the Agreement with Walker Consultants to provide consulting services for the Study in an amount not-to-exceed $24,555, thereby extending the term and increasing the maximum Agreement amount to $72,379.88.

DISCUSSION

In October 2020, the Draft Study was released as a part of a public outreach effort to gauge how residents, business owners, and stakeholders experience parking (e.g. What works? What are the challenges? What should the future of parking in Carpinteria look like?). However, as referenced above, concurrent with the engagement of Walker Consultants, recent developments emerged from the Surfliner Inn Project and the 700 Linden Avenue Project which required understanding and analysis in the context of the Study. This required additional analyses as well as the need for Walker Consultant's participation in more meetings and response to a greater volume of peer review comments on the Draft Study than accounted for in the Agreement.

The general scope of work by Walker Consultants for Amendment No. 1 would include evaluating the results of the survey, attending additional public outreach meetings, and finalizing the Draft Study. See Attachment A. Amendment No. 1 also provides for extending the Agreement term to June 30, 2021.

POLICY CONSISTENCY

The recommendation is consistent with the many goals, objectives, and policies in the General Plan and Local Land Use Coastal Plan. Specifically, the recommendation is consistent with the Community Design Element policy for managing on- and off-street public parking in the Downtown "T" area. This recommendation is also consistent with the City's Annual Work Plan to establish a parking management plan for the Downtown "T" area.

FINANCIAL CONSIDERATIONS

The recommendation can be completed within the adopted Fiscal Year 2020-21 Measure A Fund Budget. No impact to the General Fund is expected with the approval of the recommendation.

LEGAL AND RISK MANAGEMENT CONSIDERATIONS

There are no legal or risk management considerations to execute an agreement with Walker Consultants to provide consulting services. By obtaining consulting services, the City is carrying out good risk management practices.

OPTIONS

1. Authorize Amendment No. 1 to Walker Consultants. (Staff recommendation)

2. The City Council could choose not to authorize Amendment No. 1 to the Agreement with Walker Consultants and provide further direction to staff. No

authorization would result in the Parking Demand Analysis Update being delayed without the benefit of an update on the parking and circulation characteristics, and the objective of the Annual Work Plan would also not be fulfilled.

PRINCIPAL PARTIES EXPECTED AT MEETING

There are no principal parties expected at the meeting.

ATTACHMENTS

Attachment A: Amendment No. 1 to Agreement with Walker Consultants

Staff contact:
John L. Ilasin, Public Works Director
johni@ci.carpinteria.ca.us; (805) 880-3402

Signature

Reviewed by:
Dave Durflinger, City Manager
daved@ci.carpinteria.ca.us; (805) 755-4400

Signature

ATTACHMENT A

Amendment No. 1 to Agreement with Walker Consultants

CITY OF CARPINTERIA
FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This First Amendment for additional consultant services for the Downtown Parking Demand Analysis Update, for an amount not to exceed $24,555.00, is made and effective as of the 22nd day of February, 2021 between the City of Carpinteria, a municipal corporation ("City") and Walker Consultants (formerly Walker Parking Consultants/Engineers) ("Consultant"). This Amendment is made a part of the original Agreement for Consultant Services for the amount of $47,000.00, dated October 28, 2019. The amended total of the Agreement is $71,555.00 This amendment also extends the term of the original Agreement to June 30, 2021.

Additional Consultant services for the Downtown Parking Demand Analysis Update include items as noted in the Scope of Work (Attachment A-1), at the negotiated contract fee as stated in the Payments and Rate Schedule (Attachment B-1); and said attachments are made a part of this Amendment.

Authority to Execute this Amendment

The person or persons executing this Amendment on behalf of Consultant warrants and represents that he/she has the authority to execute this Amendment on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

The City Council, on this 22nd day of February, 2021, approves this Amendment and authorizes the City Manager to execute this Amendment.

IN WITNESS WHEREOF, the parties have executed this Agreement at the place and as of the date first written above.

"CITY"
City of Carpinteria

By:_____
David Durflinger, City Manager

"CONSULTANT"
Walker Consultants

Steffen

By:_____
Steffen Turoff, Principal and Director of Planning Studies

APPROVED AS TO FORM:
City of Carpinteria

By:_____
Peter Brown, on behalf of Brownstein Hyatt Farber Schreck, LLP acting as City Attorney of the City of Carpinteria

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ATTACHMENT A-1

WALKER CONSULTANTS

707 Wilshire Blvd, Suite 3650
Los Angeles, CA 90017
Office: 213.488.4911

February 4, 2021

John Ilasin
Public Works Director/City Engineer
City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

Re: Proposal for Additional Services – Downtown Carpinteria Parking Study
City of Carpinteria, CA

Dear Mr. Ilasin:

Thank you very much for reaching out to us to continue assisting the City of Carpinteria in its parking planning efforts. Walker Consultants ("Walker") is pleased to present the following proposal for additional services, based on our understanding of the City's current needs at this time.

PROJECT UNDERSTANDING

In August 2019, the City of Carpinteria engaged Walker to conduct a comprehensive downtown parking study. Since then, Walker has fulfilled the scope of work provided in the original contract.

In order to provide the City with a comprehensive study and to meet the City's needs and requests, Walker has completed multiple tasks not included in the original scope. These tasks have included:

- Analyses and peer reviews of plans for the proposed 700 Linden mixed-use development including responses to questions and comments from City staff, the developer, and its consultants.
- Three additional conceptual drawings for a new public parking lot.
- One additional draft report and response to comments.
- Development of content and survey questions for a project website.

Beyond these tasks, it is anticipated that additional work will be needed to finalize the study. This proposal presents a scope of services that includes the out-of-scope tasks completed to date as well as the anticipated future tasks that will need to be conducted to complete the study.

SCOPE OF SERVICES[1]

OUTREACH

1. Develop content for the project website and interface with the city and its consultants as part of the website development effort. *(Completed)*
2. Develop questions for an online survey. *(Completed)*
3. Analyze survey results.
4. Attend up to two virtual public outreach meetings. It is anticipated that these would include one meeting with the Downtown T Advisory Board and a Planning Commission Meeting.
5. Develop relevant materials for public outreach meeting such as a PowerPoint presentation.

FUTURE CONDITIONS PROJECTIONS AND RECOMMENDATIONS

700 LINDEN

1. Use development data provided by the City to determine the amount of parking needed to serve the 700 Linden project using the Walker/Urban Land Institute Shared Parking Model. This will take into account potential transportation options that could reduce parking demand including the project's walkable location and close proximity to the Amtrak station. *(Completed)*
2. Use the results of this analysis, combined with other future development projects analyzed, to determine overall impacts to downtown parking. *(Completed)*
3. Provide general consultation to the City regarding an understanding of modeling assumptions, methodology and addressing potential parking demand generated by this project. *(Ongoing)*
4. Update parking demand projections and analysis with the development's most recent land use program data. *(Ongoing)*

POTENTIAL FUTURE LOT

1. Develop three additional parking layouts for a potential new parking lot located in the existing vacant lot south of the Amtrak station. *(Completed)*

RECOMMENDATIONS & FINAL REPORT

1. Incorporate parking demand generated from the 700 Linden project into the proposed recommendations presented in the study based on the most recent land use program data.
2. Compile results of the public outreach effort and develop the Public Outreach section of the report. This section will provide the results and analysis of the online survey and input from the public outreach meetings.

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[1] Scope of Services Copyright Walker Parking Consultants ©, All Rights Reserved.

3. Address comments on the final draft study. This is anticipated to include public input and final comments from City staff.

4. Finalize the study and submit to the City.

SCHEDULE

Walker anticipates providing the City with a final report two to four weeks after receiving a final consolidated list of comments on the draft report, after completion of the public outreach effort.

PROFESSIONAL FEE

We propose to provide the Scope of Services for this project on a lump sum fee inclusive of typical project related expenses, of $24,555. We have indicated the number of meetings that is based on our experience with similar projects of this size and complexity. Any additional meetings requested by the City will be billed at following hourly billing rates:

Analyst:	$165
Consultant/Parking Designer:	$215
Principal:	$255

If any part of this proposal does not meet your needs, please let us know. We are committed to your complete satisfaction.

Sincerely,

WALKER CONSULTANTS

Steffen Turoff
Principal and Director of Planning Studies

Enclosures General Conditions of Agreement for Consulting Services

AUTHORIZATION

Trusting that this meets with your approval, we ask that you sign in the space below to acknowledge your acceptance of the terms contained herein, and to confirm your authorization for us to proceed. Please return one signed original of this agreement for our records.

CITY OF CARPINTERIA

Accepted by (Signature) _____

Printed Name _____

Title _____

Date _____

SERVICES

Walker Consultants ("Walker") will provide the CLIENT professional services that are limited to the work described in the attached letter ("the services"). Any additional services requested will be provided at our standard hourly rates or for a mutually agreed lump sum fee. The services are provided solely in accordance with written information and documents supplied by the CLIENT, and are limited to and furnished solely for the specific use disclosed to us in writing by the CLIENT. No third-party beneficiary is contemplated. All documents prepared or provided by WALKER are its instruments of service, and any use for modifications or extensions of this work, for new projects, or for completion of this project by others without Walker's specific written consent will be at CLIENT's sole risk.

PAYMENT FOR SERVICES

Payment is due upon receipt of invoice. If for any reason the CLIENT does not deliver payment to WALKER within thirty (30) days of date of invoice, Walker may, at its option, suspend or withhold services. The CLIENT agrees to pay Walker a monthly late charge of one and one half percent (1½%) per month of any unpaid balance of the invoice.

STANDARD OF CARE

Walker will perform the services in accordance with generally accepted standards of the profession using applicable building codes in effect at time of execution of this Agreement. Walker's liability caused by its acts, errors or omissions shall be limited to the fee or $10,000, whichever is greater.

Any estimates or projections provided by Walker will be premised in part upon assumptions provided by the CLIENT. Walker will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results and such variations may be material. As such, Walker makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

PERIOD OF SERVICE

Services shall be complete the earlier of (1) the date when final documents are accepted by the CLIENT or (2) thirty (30) days after final documents are delivered to the CLIENT.

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ATTACHMENT B-1

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Staff	Shannon Edwin		Steffen Turoff		Kevin Waters		Razan Khalil		
Title	Analyst		Principal		Senior Designer		Designer		
Hourly Billing Rate (2019 proposal)	$140		$235		$235		$190		
SURFLINER INN	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	TOTAL
Planning & Parking Analysis									
Review project plans	1	$140	1	$235					$376
Modeling future parking demand using Shared Parking Model (SPM)	4	$560	1	$235					$796
Summarizing and analyze SPM results	4	$560	1	$235					$796
Review SPM results	3	$420	1	$235					$656
Evaluate impacts to public parking supply	4	$560	2	$470					$1,032
Develop reccomendations related to parking impacts of inn	4	$560	2	$470					$1,032
Meetings, emails, discussions with the City to discuss project and findings	3	$420	3	$705					$1,128
Developing Materials related to public outreach	3	$420	2	$470					$892
Total		*$3,220*		*$2,585*					*$6,708*
Functional Design									
Develop 3 parking lot layouts for a potential new lot south of the Inn	9	$1,260	2	$470	12	$2,820	18.5	$3,515	$8,098
Total									**$14,806**

Additional Services	Shannon Edwin Analyst $140		Steffen Turoff Principal $235		Kevin Waters Senior Designer $235		Razan Khalil Designer $190		
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	TOTAL
OUTREACH									
1. Website development	5	$700	2	$470					$1,590
2. Develop questions for online survey	2	$280	1	$235					$515
3. Analyze survey results	5	$700	1	$235					$935
4. Two virtual meetings	4	$560	2	$470					$1,030
5. Develop materials for public outreach	4	$560	2	$470					$1,030
Total	*20*	*$2,800*	*8*	*$1,880*					*$4,680*
FUTURE CONDITIONS - 700 LINDEN									
1. Review plans & modeling future parking demand using Shared Parking Model (SPM)	8	$1,120	1	$235					$1,355
2. Determine overall impacts to downtown parking	8	$1,120	3	$705					$1,825
3. Provide general consultation to the City re: parking demand of the project	7	$980	8	$1,880					$2,860
4. Update parking demand projections and analysis with updated land use program	8	$1,120	3	$705					$1,825
Total	*31*	*$4,340*	*15*	*$3,525*					*$7,865*
POTENTIAL FUTURE LOT									
1. Develop three additional parking layouts for a potential new lot	2	$280	1	$235	4	$940	10	$1,900	$3,355
RECOMMENDATIONS & FINAL REPORT									$0
1. Incorporate parking demand from 700 Linden into the recommendations based on most recent land use program data	10	$1,400	3	$705					$2,105
2. Compile results of the public outreach effort and develop Public Outreach section	10	$1,400	2	$470					$1,870
3. Address comments on the final draft study	10	$1,400	2	$470					$1,870
4. Finalize study, final internal review, submit to City	10	$1,400	6	$1,410					$2,810
Total	*40*	*$5,600*	*13*	*$3,055*					*$8,655*
Total	93	$13,020	37	$8,695	4	$940	10	$1,900	**$24,555**

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2020

ITEM FOR COUNCIL CONSIDERATION

Bob Hansen Creeks Preservation Program Annual Report

STAFF RECOMMENDATION

Action Item _X_; Non-Action Item ___

Receive a presentation on City efforts to protect and restore City creek resources as part of the Bob Hansen Creeks Preservation Program.

Sample Motion: I move to receive and file the annual Bob Hansen Creeks Preservation Program Report.

BACKGROUND

City staff annually carries out work and participates in activities to protect and restore Carpinteria's creeks consistent with City policies and regulations. Some of these activities have become routine and are undertaken on an annual or ongoing basis, while others are project-specific efforts, or special projects that the City lends its support to as part of various multi-jurisdictional efforts.

Each year, as part of the City's ongoing implementation of the Bob Hansen Creeks Preservation Program, City staff provides an update to the City Council and community on current efforts underway related to the preservation and restoration of the City's four creeks: Carpinteria Creek, Franklin Creek, Lagunitas Creek and Santa Monica Creek.

DISCUSSION

Below is a brief summary of projects and activities completed since the last report on the Bob Hansen Creeks Preservation Program (presented to the City Council in February of 2020), as well as a description of projects/events that are expected to be undertaken in support of protecting Carpinteria creeks within the current year (2021 calendar year).

Development Review and Resource Protection

Community Development Department staff continue to review development proposals for projects adjacent to City creeks and ensure that projects presently under construction avoid impacts to adjacent creeks resources through proper mitigation measures. Staff also continue to undertake routine efforts to reduce unpermitted activities within City creeks in an effort to better protect sensitive creek resources. Since the 2019 update, City staff has worked on the following creeks-related development projects and resource protection efforts:

- Carpinteria Avenue Bridge Replacement: The project design team continues to finalize construction plans for the replacement of the existing Carpinteria Avenue Bridge with a new three-span bridge that will meet current safety and design requirements, including improving the hydraulic capacity of the bridge to accommodate 100-year storm flows. The new bridge would also further reduce obstructions to steelhead migration by removing the existing row of piers from the creek's low flow channel. The project received a recommendation for final approval from the Architectural Review Board in December 2019. In June 2020, the project returned to the Planning Commission to reauthorize the previously-approved Conditional Use Permit and Coastal Development Permit, and to adopt an addendum to the previously certified EIR to reflect a revised scope of work that had been amended to incorporate the relocation of a sewer force main from underneath the bridge. At this time the City is expecting to put the construction contract out to bid in Fall 2021 in anticipation of a Spring 2022 start date for construction activities.

- Linden-Casitas Interchanges and Via Real Extension: The Conditional Use Permit and Coastal Development Permit application for the project was approved by the City Council in November, 2015, and construction commenced shortly thereafter in 2016. All major construction activities associated with the project were completed in Fall 2020. Limited creek restoration work was undertaken in 2019 ahead of the 2019/2020 winter storm season in an effort to help stabilize creek banks. Additional creek bed and bank restoration plantings were installed over Summer/Fall 2020; restoration and planting of upland areas adjacent to Carpinteria Creek are currently underway. City staff, including members of Community Development, Public Works and the City biologist, have walked the site on numerous occasions with Caltrans staff to monitor ongoing progress and will continue to do so until all restoration and landscape work is satisfactorily completed.

- U.S. Highway 101 HOV Widening Project: In April 2019, the Planning Commission approved a Conditional Use Permit and Coastal Development Permit for the portion of the project located within the City of Carpinteria. Work on the U.S. Highway 101 HOV Widening Project commenced in spring of 2020, with

work starting in Carpinteria and moving west towards Santa Barbara. As part of the widening project, the existing freeway bridges over Franklin and Santa Monica Creeks are being replaced to accommodate the additional travel lane in each direction and improve storm flows. Work occurring in or near City creeks and related storm drainage infrastructure is subject to mitigation measures to address water quality, sensitive species avoidance, habitat restoration requirements, and a requirement for an onsite environmental monitor during construction.

- R.P. Enterprises Office Building: A Development Plan and Coastal Development Permit application was submitted in July 2020 for a new office development on the last remaining vacant Bluffs II lot, located at 6175 Carpinteria Avenue (bookended by S&S Seeds to the west; and Plan Member Services to the east). Lagunitas Creek and associated Environmentally Sensitive Habitat Areas (ESHA) are located on the southern third of the property, closest to the bluff edge. Staff has been working with the applicant on project revisions to minimize, and where feasible, avoid impacts to intact ESHA and creek resources. It is expected the project will undergo architectural review and environmental review in early 2021. As part of the project, the applicant is proposing to enhance and restore ESHA on the project site, in addition to granting an easement for, and constructing, a missing section of the blufftop Coastal Vista Trail.

- Gran Vida Assisted Living Facility Phase II Expansion: A Development Plan and Coastal Development Permit application for an expansion of the Gran Vida Assisted Living Facility located at 5464 Carpinteria Avenue, immediately adjacent to the City's Carpinteria Creek bike path was recommended for approval by the City's Architectural Review Board in late 2019, and approved by the Planning Commission in January 2020. The project returned to the Planning Commission in August 2020 to obtain a 36-month time extension to the previously-granted entitlement, due in part to anticipated economic delays associated with the COVID-19 pandemic. While the proposed new building will be located away from the creek, there are parking lot, utility, and landscape improvements associated with the project that would occur adjacent to the creek corridor and therefore be subject to the City's Creeks Preservation Program regulations. The project is expected to return to the ARB for final review in 2021, followed by submittal of a building permit application.

- Motel 6 Lighting and Landscaping Improvements: As part of a zoning compliance effort, City staff is continuing to work with the operators of the Motel 6 located at 5550 Carpinteria Avenue, adjacent to Carpinteria Creek, to address incremental removal of trees from the site and installation of non-compliant site lighting. Specifically, staff is working with the motel operators to replace non-compliant lighting with night sky-friendly lighting that will not spillover into the adjacent creek habitat. Staff is also reviewing a proposed updated landscaping plan for the property to ensure that all selected species are appropriate to the property's

creek-side setting. The project was reviewed by the Architectural Review Board in May 2020 and continued to a future hearing date with direction to make further changes to the retrofit lighting plan and landscape plan, to in part, better address lighting spillover concerns into adjoining areas, including Carpinteria Creek. The project is on hold pending resubmittal of revised plans.

- Carpinteria Sanitary District Creek Embankment Repairs: During the January 2018 debris flow event, the armored embankment of Carpinteria Creek protecting the District's wastewater treatment facility was damaged. The District received an Emergency Permit from the California Coastal Commission in Fall 2018 to undertake interim emergency repairs to stabilize the embankment and prevent further damage in the event of subsequent debris flow events. In Spring 2019, the District applied for a Coastal Development Permit from the California Coastal Commission to undertake permanent repairs to the embankment. City staff reviewed the proposed plans in consultation with District staff and Coastal Commission staff, and provided input on suggested project revisions and mitigation measures necessary to address compliance with the City's Creeks Preservation Program policies. The project was formally approved by the Coastal Commission at their recent January 2021 hearing. It is anticipated that repair work will commence later this year or next (2022), once all project conditions have been fulfilled.

- Carpinteria Advanced Purification Project ("CAPP"): City Staff has continued to work with staff from the Carpinteria Sanitary District ("CSD"), Carpinteria Valley Water District ("CVWD"), and their consultants, to review and advise on the proposed project that would re-treat and divert wastewater from the Sanitary District's Wastewater Treatment Facility to new upstream facilities to re-inject the water into the groundwater aquifer sitting beneath much of the Carpinteria Valley for later potable re-use. Necessary new facilities for the project to be located at the Wastewater Treatment Facility would be subject to the City's Creeks Preservation Program requirements; likewise, possible re-injection well sites near Franklin Creek would also be subject to these requirements.

- Mannion Property Acquisition: Ongoing interdepartmental coordination continues in the preparation and pursuit of grant applications to, among other things, acquire flood prone properties adjacent to Carpinteria Creek, to reduce future risk of flood impacts to private improvements and enhance protection for, and public access to, the Carpinteria Creek corridor. The City is the recipient of a hazard mitigation grant administered by CalOES that is to be used toward the purchase of the Mannion property, located along the west bank of Carpinteria Creek, just downstream of Carpinteria Avenue. Negotiations over the final terms of the sale remain ongoing between the City and the seller.

- Via Real Stormwater Project: Preliminary design work for the Via Real Stormwater Project was completed in 2018, which includes construction of a

detention basin, a new storm drain along Poplar Street and Via Real, as well as a series of infiltration swales designed to slow flows and improve water quality. Connections to the Caltrans drainage channel that runs along southbound U.S. Highway 101 will be upgraded for more capacity, reducing flooding along Via Real and the adjacent properties and improving water quality. The City was awarded funding for the first phase (design) of the project under the Federal Emergency Management Agency ("FEMA") Hazard Mitigation Grant Program for this project, which must be completed by February 22, 2022 in order to receive funding for the second phase (construction). The City was recently notified that this project is also a finalist for an Urban Flood Protection (UFP) Grant, administered by the California Natural Resource Agency. Because the UFP grant is a state program, this funding could be used as match funding should the UFP grant be awarded.

- Proposition 1 Stormwater Resource Plan: The City entered into a Memorandum of Understanding with nine Cooperating Entities comprised of five cities (Buellton, Carpinteria, Goleta, Guadalupe, and Solvang), three water districts (Carpinteria Valley, Goleta, and Montecito), and the University of California at Santa Barbara to develop a County-wide integrated Stormwater Resource Plan ("SWRP") using Proposition 1 Planning Grant funding that was granted in 2016. The entire 50% match funding has been met with in-kind staff time while working on the development of the SWRP. The SWRP makes the City eligible for future state funding of storm water and flood resource projects. The SWRP identifies multi-benefit storm water management projects that are designed to capture storm water runoff for reuse or groundwater recharge, including surface water facilities and/or green stormwater infrastructure. Five of the potential projects were selected as priority projects for future Prop 1 implementation funding, including the Via Real Stormwater Management Project. Given the State's recent drought and the heavy reliance on ground water to make up surface water supply deficits, projects that divert stormwater runoff for beneficial reuse can enhance local water supply and reduce the reliance on water importation or expensive desalination facilities. Comments received from the Central Coast Regional Water Quality Control Board in 2020 were incorporated into the SWRP, which has been resubmitted for final approval.

- Santa Barbra Flood Control Maintenance Activities: City staff continues to work closely with other agencies including Santa Barbara County Flood Control District to review and permit routine creek maintenance projects in City watersheds. County Flood Control District staff annually survey City creeks and flood control facilities to identify necessary maintenance needs to ensure adequate storm flow capacities through all waterways. In 2020, Flood Control staff completed only minor removal of encroaching vegetation from within the Carpinteria Creek channel. No other conditions requiring more significant maintenance work were identified in City creeks during the 2020 calendar year.

City staff has also been coordinating with Flood Control staff concerning the Flood Control District's Updated Carpinteria Salt Marsh Enhancement Plan, which addresses the ongoing periodic dredging of accumulated sediments from the lower Franklin Creek channel and the main channel through the Salt Marsh in order to restore and maintain adequate hydraulic capacity for future storm events. The sediments are a desirable source of natural materials that are generally suitable for beach nourishment. However, City staff has been advocating for alternative sediment removal strategies that avoid the routing of truck trips through City streets and across the City beach in order to dispose of the collected sediments on the City beach. If truck trips must be routed through the City, then adequate measures to address nuisance noise and dust impacts, in addition to any damage to City streets, would need to be included in future permits.

- Creek Surveys: The City's Biological Consultant, Vince Semonsen, and City Planning and Public Works staff completed approximately 12 walks of parts of the City's creeks to look for sources of illicit discharges, unpermitted development and other threats to the well-being of the creeks as well as to monitor the progress of various development and restoration sites and gauge overall creek health. The City Biologist's annual report for 2020, which includes monitoring of current and ongoing projects for the calendar year, is being completed and will be posted to the City website soon.

- Stormwater and Illicit Discharges: The City also continues to address impacts to City creeks as a result of urban runoff and stormwater events as required by the State Water Quality Control Board Phase II Small Municipality Separate Storm Sewer System Permit (Order No. 2013-0001 DWQ) (Phase II Permit). The Public Works Department continues to implement the Regional Water Quality Control Board's ("RWQCB") Post-Construction Runoff Controls for Central Coast municipalities through the Stormwater Technical Guidance for Low Impact Development for new, qualifying construction projects.

  The City submitted its seventh annual report for compliance with the Phase II Permit in October 2020. The Phase II Permit regulates and addresses all aspects of stormwater runoff including source reduction, illicit discharge elimination, water quality and education/outreach. A new draft of the Phase II Permit is expected to be released in late 2021. This permit update has experienced several delays due to staffing changes. Through the City's membership with the California Stormwater Quality Association, staff has submitted proposed program changes to the State Water Board on draft language prior to public release.

  The City continues to work on the Illicit Discharge Detection and Elimination Program, tracking and abating unpermitted discharges into the City's storm drains and/or creeks. As part of this program, the City has been working on updating the storm drain system map. This includes field verifying drainage inlet

and outfall locations and assessing the condition of all drainage facilities. This work is assisting the Public Works Department in prioritizing maintenance needs of the entire system, as well as help tracking illegal discharges. In 2020, staff followed up on multiple reported discharges and issued three citations and one order to abate. Most citations were related to washing down of patios and sidewalks using detergents.

- Encampments: Public Works, Parks and Recreation Department, Code Compliance and Sheriff's staff continue cooperation/coordination in abating litter and hazardous waste associated with encampments of people experiencing homelessness within the City, including in, or adjacent to, City creeks. These encampments pose a threat to creek resources due to habitat damage/vegetation removal, trash accumulation and human waste. Over the course of the last year, City and Law Enforcement staff abated encampments seven times located in, or near, City creeks. Carpinteria Creek, particularly around the Carpinteria Avenue Bridge, has continued to be an area with a regular occurrence of illicit encampments. Recognizing the ongoing challenges with encampments in this area, the areas along the Carpinteria Creek bike path have been signed and posted as an environmentally sensitive habitat area subject to restricted entry. Likewise, the project design team for the Carpinteria Avenue Bridge replacement has incorporated design solutions into the bridge plans that would aid in discouraging encampments around, or under, the new bridge. In addition to these cleanups, City staff and Law Enforcement have been offering resources for people in the encampments to clean up after themselves. This includes providing trash bags and gloves during contact at encampments that are not located in waterways.

Public Education and Outreach

Pursuant to the provisions of the City's Creeks Preservation Program and State Water Board Phase II Permit requirements, City staff conduct a number of public education and outreach efforts related to City creeks and natural areas, trash pick-ups, water quality, stormwater and urban runoff. Ongoing education and outreach efforts included:

- Annual Creeks Mailer: The City annually sends a letter to property owners and occupants adjacent to City creeks notifying them of the creek's special status and additional restrictions that apply to development and maintenance activities near creeks in the City. This year's notices, which were sent out on February 19th, invited interested residents to attend the Council meeting to learn more about the community's efforts to preserve and protect creek resources. In total, approximately 415 notices are annually sent out to property owners and residents adjacent to the City's creeks.

- Public Education: The City has been involved in various outreach/educational efforts, including helping to host/organize cleanups of the right-of-way, creeks,

beaches, and local parks, as well as replacing invasive species with natives along creek corridors. Additionally, the City coordinates with other local agencies to host evening community presentations about our local creeks in coordination with Creek Week, leading Carpinteria Salt Marsh tours, and once again sponsoring and participating in the Santa Barbara County Creek Week events and Coastal Cleanup Day. This Bob Hansen Creeks Report is also a part of these Public Education efforts. Although many of these activities were not able to be held in person this year, cleanups have occurred with groups limited to members of the same household and several planting events with local organizations, including a Carpinteria Boy Scout troop, volunteered in beautification projects while following social distancing protocol.

- Integrated Pest Management: The City's Integrated Pest Management ("IPM") committee continues to meet as needed and work on pest and weed control issues on City-owned properties.

- Volunteer Events: Most volunteer events were suspended in 2020 due to Covid-19 precautions. City staff hopes to restart creeks-related volunteer events once social distancing protocols allow for such events.

  For the 2020 Santa Barbara County Creek Week, the City-affiliated events included promoting neighborhood cleanups for the month of September instead of Coastal Cleanup Day, and virtual presentations and tours, as well as several activities families could do at home together on their own time including self-guided tours, free film screenings, and "virtual lab" projects for kids to learn about water pollution.

Carpinteria Creek Restoration Work

As noted in past year's Annual Reports, all of the major manmade fish passage obstructions have been removed from the Carpinteria Creek Watershed since approximately 2016. Impacts from the 2017 Thomas Fire and 2018 debris flow have likely slowed natural recolonization of the Carpinteria Creek watershed by native Southern Steelhead. Members of the Carpinteria Creek Watershed Coalition continue to pursue grants and other funding sources to pursue some of the fire/debris flow recovery projects identified in the post-fire watershed assessment and restoration plan completed in 2019.

Occasional opportunities to enhance and restore small stretches of creek habitat with the City also come up as part of public and private development projects occurring in or adjacent to City creeks. For example, the Carpinteria Avenue Bridge Replacement Project and Caltrans' Linden and Casitas Pass Interchanges Project include required creek corridor habitat restoration and enhancement elements that will improve the natural habitat values of these portions of the creek. Likewise, the Carpinteria Sanitary District's recently approved creek embankment repair project includes a condition

requiring the District to identify and implement approximately 9,000 square feet of off-site riparian habitat restoration, preferably in the Carpinteria Creek watershed within City limits. City staff will be working with the Sanitary District staff to identify possible receiver sites for the required habitat restoration work. The City will continue to pursue additional small-scale restoration opportunities as they present themselves.

Upcoming Projects and Endeavors

In the coming year, City staff anticipates continuing work on a variety of creeks-related projects including:

- Completing the landscaping portion of the Highway 101 Linden-Casitas Interchanges and Via Real Extension project and continuing work on the U.S. Highway 101 HOV Lanes project, including replacement of the freeway overcrossings at Santa Monica and Franklin Creeks;
- Continuing work on some of the above-described development projects including but not limited to the Carpinteria Avenue Bridge Replacement Project, the Gran Vida Phase II Expansion Project, the Motel 6 Lighting and Landscaping Project, the Carpinteria Sanitary District Creek Embankment Repair project, and the CAPP project;
- Completing design of the Via Real Stormwater Project.
- Ongoing implementation of the RWQCB's post-construction stormwater requirements for development projects;
- Undertaking small-scale stormwater improvements as part of larger Development Projects (such as stormwater/drainage improvements for private development);
- Pursuing grants for stormwater projects and creekside property acquisitions; and
- Continued participation in regional groups to improve water quality, such as the Integrated Regional Water Management group and Santa Barbara County Association of Municipally Separate Storm Sewer System Managers;

Additionally, the City will continue to lend its support to projects restoring Carpinteria Creek and to raise awareness throughout the Carpinteria Valley of the community's unique creek resources.

The City intends to continue to work towards protecting and preserving creek resources within the City and working collaboratively with other organizations and agencies in the Carpinteria Valley to implement a watershed-based approach to creek protection and restoration.

Staff contact: Nick Bobroff, Principal Planner
(805) 755-4407; nickb@ci.carpinteria.ca.us

Signature

Staff contact: Erin Maker, Environmental Program Manager
(805) 880-3415; erinm@ci.carpinteria.ca.us

Signature

Reviewed by: Dave Durflinger, City Manager

Signature

City of Carpinteria

COUNCIL AGENDA STAFF REPORT
February 22, 2021

ITEM FOR COUNCIL CONSIDERATION

Authorization for the Mayor to sign a Joint Mayors' Letter (as defined below) with the other Contract Cities to the County of Santa Barbara Board of Supervisors and Sheriff concerning the process of annual recomputation of compensation pursuant to the Agreement to Provide Law Enforcement Services, and for the City Manager on behalf of the City of Carpinteria to cooperate with the other Contract Cities to obtain necessary consultant services.

STAFF RECOMMENDATION

Action Item _X_; Non-Action Item ___

Authorize the Mayor to sign the Joint Mayors' Letter (as defined below) on behalf of the City of Carpinteria and for the City Manager to engage with the other Contract Cities to obtain necessary consultant services.

Sample Motion: I move to authorize the Mayor to sign the Joint Mayors' Letter (as defined below) on behalf of the City of Carpinteria, and for the City Manager to engage with the other Contract Cities to obtain necessary consultant services.

BACKGROUND

The City of Carpinteria ("City") contracts with the County of Santa Barbara Sheriff's Office ("Sheriff's Office") for law enforcement services pursuant to the terms of the Agreement to Provide Law Enforcement Services ("Agreement"). In addition to the City of Carpinteria, the cities of Buellton, Solvang and Goleta also contract with the Sheriff's Office for law enforcement services (collectively "Contract Cities"). Law enforcement costs are the City's largest single expenditure, representing nearly 40% of all discretionary fund expenditures (i.e., General and Measure X Funds).[1] Historically, law enforcement services have helped to maintain a very low crime rate in the City of

[1] In FY 2019-2020 the City paid the County $3,884,808.00 for law enforcement services under the Agreement. Law enforcement services for the current FY 2020-21 are being invoiced at a monthly rate reflecting a disputed annual amount of $4,090,544.00.

Carpinteria and the City and Sheriff's Office have enjoyed a successful collaborative and cooperative working relationship since 1991.

The Sheriff's Office also leases a significant amount of space at Carpinteria City Hall in order to operate the Sheriff's Office South Coast Substation, which provides patrol services to the City as well as to the unincorporated areas of Montecito, Summerland, and the greater Carpinteria Valley.

The term of the current Agreement runs from July 1, 2019 to June 30, 2023. The Agreement includes provisions for making an annual adjustment to the compensation amount that the City pays to the Sheriff's Office for law enforcement services. These provisions also specify that the Sheriff's Office will provide the City an estimated compensation amount on or before November 1st of each year and a final recomputation on or before January 15th of the fiscal year ("FY").

The City was initially notified by the Sheriff's Office in November of 2020 of a 5.5% contract cost increase estimate for the FY 2021-22. No supporting information was provided to the City in order to substantiate the need for the cost increase estimate pursuant to the annual recomputation provisions of the Agreement. The Sheriff's Office also informed the City at that time that a consultant had been hired "to develop improved cost methodology and fiscal reporting to contract cities" and recognized that any changes to the Agreement that it may wish to pursue based on the consultant work would require either an amendment to the current contract or a new, updated contract. To date, the City has not received a request from the County to initiate a process with the City to either amend or replace the existing Agreement.

On January 14, 2021, the Sheriff's Office provided contract cities with the final annual recomputation for the FY 2021-22 in the amount of $5,620,041.00. The final annual recomputation (**Attachment C**) is based on a modified compensation methodology that is inconsistent with the provisions of the current Agreement.

On February 8, 2021, the City Council authorized sending a Notice of Dispute to the County of Santa Barbara concerning both the calculation of monthly invoiced amounts for the current FY 2020-21 and the final annual recomputation for the upcoming FY 2021-22. Each of the Contract Cities has filed a Notice of Dispute with the Sheriff's Office concerning the proposed final annual recomputation of compensation that was provided by the Sheriff's Office on January 14, 2021. The bases for the Notices of Dispute are included in each of the letters **(Attachment B).**

The purpose of this action item is to allow the City Council to consider and authorize sending a follow-up letter to the Notice of Dispute. The proposed letter, to be signed by the Mayors of each Contract City and jointly submitted to the County Board of Supervisors and the Sheriff ("Joint Mayors' Letter"), requests specific actions to be taken in order to resolve the current dispute and allow any necessary contract amendment negotiations adequate time to proceed.

DISCUSSION

A proposed Joint Mayors' Letter has been drafted for City Council consideration **(Attachment A)**. The purpose of the Joint Mayors' Letter is to communicate the Contract Cities' common interest in, and proposal for, resolving the dispute expeditiously. Specifically, the Joint Mayors' Letter requests that the County:

1. Recalculate FY 2021-2022 charges in a manner consistent with the terms of each Cities' Agreements.
2. Provide the Cities with sufficient information and commensurate time to independently confirm and validate the basis for any and all proposed cost increases.
3. Initiate and participate in good faith negotiations for the purpose of developing amendments to the Agreements to become effective in FY 2022-2023.

As the first step in the process of negotiating any amendment to the Agreements, the Contract Cities' respective City Managers have determined that it will be appropriate to cooperatively arrange for consultant services to assist in acquiring and analyzing financial information from the Sheriff's Office.

POLICY

Ensuring that compensation for law enforcement services to the City are accurate and consistent with terms of the applicable Agreement is an important part of the City's fiduciary responsibility.

FINANCIAL CONSIDERATIONS

The final cost recomputation proposed by the Sheriff's Office of approximately $5.6 million represents an increase of nearly 45% over the $3.88 million final FY 2020-21 compensation cost amount provided by the Sheriff's Office in February 2020. The Sheriff's Office is currently invoicing the City based on an adjusted FY 2020-21 compensation amount of just under $4.1 million, which is being disputed by the City.

Because current charges are also in dispute, staff has calculated a range from $1.529 to $1.735 million, as the estimated annual increase being proposed by Sheriff's Office. The City operates on a FY running from July 1 to June 30. Therefore, the proposed

amount would become effective July 1, 2021, and require consideration in the preparation of the City's annual budget.

Law enforcement contract service costs represent the City's largest single expenditure in both the General Fund and Measure X Fund. It is expected that service level cuts

would be a part of the necessary financial response should a final contract cost approach the amount proposed by the Sheriff's Office.

LEGAL AND RISK MANAGEMENT

The Agreement includes provisions that aim to protect the City from certain liabilities associated with the delivery of law enforcement services, including costs, and provide mutual indemnification for the Parties.

The Agreement also sets forth a dispute resolution process, which requires the Sheriff's Office or the City to submit a written notice "stating the basis of the dispute, including the amount disputed, if any" to the other party before commencing any legal proceeding relating to the Agreement, its enforcement, or interpretation. The Agreement requires that this notice be submitted to the other party within thirty (30) days of the event giving rise to the dispute. (Agreement, § 26.)

As mentioned above, all four Contract Cities have each submitted a notice of dispute pursuant to Section 26 of the Agreements which triggers a non-binding mediation process. Pursuant to this process, for the thirty (30) days following receipt of the notice of dispute, the parties are required to engage in good faith efforts to resolve the dispute. If the dispute remains unresolved after this period of time, the dispute will be referred to a neutral mediator who will hear from both parties and issue a written decision. The costs of this process are to be split equally between the parties. (Agreement, § 26.)

OPTIONS

1. Authorize the Mayor to sign the Joint Mayors' Letter and for the City Manager to work cooperatively with the other Contract Cities concerning consultant services (staff recommendation).
2. Direct changes to the draft Joint Mayors' Letter.
3. Decline to sign on to the Joint Mayors' Letter and direct staff as determined appropriate.

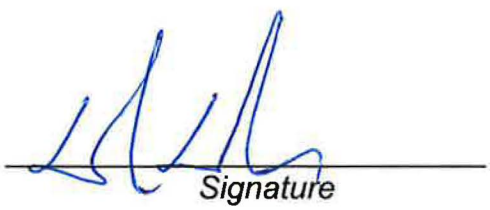
ATTACHMENTS

A. [DRAFT] Joint Mayors' Letter
B. Notices of Dispute from Contract Cities
C. Final Recomputation of Compensation, FY 2021-22

Reviewed by: Jena Acos,
City Attorney's Office

Signature

Staff contact: Dave Durflinger, City Manager
(805 755-4400, daved@ci.carpinteria.ca.us)



Signature

ATTACHMENT A

February __, 2021

Santa Barbara County Clerk of the Board
Santa Barbara County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
sbcob@countyofsb.org

Sheriff Bill Brown
P.O. Box 6427
Santa Barbara, CA 93160
[EMAIL ADDRESS]

RE: Mayors' Joint Letter to the County of Santa Barbara Board of Supervisors and County Sheriff's Office

Dear Board of Supervisors and Sheriff Brown,

As Mayors for each of the four (4) cities (singularly "City" and collectively "Cities") that contract for law enforcement services through the County of Santa Barbara Sheriff's Office ("Sheriff's Office"), we write to you to collectively express our surprise and deep disappointment with the Sheriff's Office's recent announcement proposing substantial increased costs for law enforcement services. As you are aware, our Cities have been forced to initiate the dispute resolution process included in Section 26 of the Agreements. The Cities initiated this dispute resolution process in response to the Sheriff's Office's January 14, 2021 meeting where the Sheriff presented the final proposed annual recomputation for fiscal year FY 2021-2022.[1] As the entities entrusted by our constituents to responsibly manage and allocate our budgets for the optimal public benefit, we are alarmed by the Sheriff's Office's unexpected, significant, and unsupported proposed cost increases.

The issue of law enforcement budget growth is currently one of great national concern, and we are intimately aware that our constituents are especially attuned to increases in law enforcement costs. For these reasons and for those detailed below, we cannot, at this time, agree to payment of the proposed cost increases. Due to the substantial impact that these unanticipated cost increases will have on our ability to balance our budgets and meet our constituents' needs we request your immediate attention to this important matter. On behalf of our Cities, we request that the Sheriff's Office:

[1] The January 14, 2021 presentation was entitled "Cost Allocation/Recovery Analysis".

1. **Recalculate fiscal year ("FY") 2021-2022 charges in a manner consistent with the terms of each Cities' current agreement to provide law enforcement services (the "Agreements").** Each recalculation of FY 2021-2022 charges shall include, but shall not be limited to, the removal of any and all charges associated with, or in any way arising from, charges for hours previously provided to each City beyond that City's contracted for number of hours. For the sake of clarification, the Cities do not agree to increases in the number of contracted for hours for FY 2021-2022, and the Cities do not agree to pay any charges associated with hours provided in previous years beyond the 100% compliance rate.

2. **Provide the Cities with sufficient information and commensurate time to independently confirm and validate the basis for any and all proposed cost increases.** The Cities are currently in the process of engaging a consultant to evaluate the Sheriff's Office's proposed cost increases. We request that the Sheriff's Office cooperate with and provide the Cities' consultant with any and all information and data necessary to complete this evaluation in a timely manner.

3. **Initiate and participate in good faith negotiations for the purpose of developing amendments to the Agreements to become effective in FY 2022-2023.**

The Cities' unanimously believe that the proposed cost increases—cumulatively $5.9 million—over the prior years' contract costs are the result of the Sheriff's Office's use of a new cost allocation methodology that violates the terms and purpose of the Agreements. The Sheriff's Office failed to include the Cities in the development of this new cost calculation methodology and then blind-sided the Cities with proposed cost increases that cannot possibly be accommodated in our upcoming budget cycles. This would be the case in any year, but is especially troubling during the ongoing COVID pandemic and resulting extended state of emergency, which has already devastated our Cities' revenues and continues without any certainty of an end in sight.

Moreover, the Cities have reason to believe that, in violation of the Agreements' terms, the Sheriff's Office is attempting to recoup costs for hours for which the Cities have not contracted. For example, the Sheriff's Office attempted to charge the Cities for hours provided in previous years in excess of 100% hourly compliance rates.[2] In making this request, the Sheriff's Office admitted that such charges would technically require an Agreement amendment. Yet nevertheless, the Sheriff's Office sought to recover these costs and is now attempting to incorporate these excess hours into the Cities' contracts going forward. The Sheriff's Office does not have the authority to unilaterally increase the Cities' contracted hours and the

[2] As we made clear in our respective letters initiating the Agreements' dispute resolution process, Exhibit A-1 of the Agreements clearly outlines the parameters for the Sheriff's Office to charge Cities for hours in excess of 100% hourly compliance rates and clarifies that Cities cannot be charged unless hours exceed 112% compliance for more than three consecutive months.

attempt to do so only further undermines the Cities' trust in this new cost computation methodology.

As fellow elected officials expected to work cooperatively with various agencies and entities to provide our communities with vital services, we are also disappointed and frustrated that the Sheriff's Office—charged with upholding our rule of law and providing public safety—has failed to satisfy its contractual obligation to collaborate with the Cities to maintain costs and services at a manageable and safe level. The Agreements include numerous provisions designed to maintain transparency, collaboration, and good faith communication between the Sheriff's Office and the Cities. These provisions require adherence to detailed procedures designed to ensure the Cities can predictably forecast cost increases and, based thereon, make timely and responsible budgetary decisions. For example, Section 2A of Exhibit B to the Agreements require the County to provide a recomputed cost estimate to the City no later than November 1 before providing a final recomputation on or before January 15 of the fiscal year. This requirement to provide Cities with an initial cost increase estimate serves the vital purpose of allowing our agencies adequate time to understand and evaluate the proposed increases and to plan for and incorporate any future cost adjustments into our respective budgets. In other words, the Agreements were explicitly designed to guard against the precise position in which the Cities now find themselves.

This failure in transparency and collaboration, which is most dramatically evidenced by the extreme shift from the 5.5% estimated increase presented in November to the twenty seven percent (27%) to forty five percent (45%) final proposed cost increases in January, frustrates the very purpose of the Agreements and highlights the necessity for remedial action and good-faith discussions. Furthermore, the Sheriff's Office's conduct threatens the Cities' ability to provide necessary services and stability to members of our communities.

Due to the Sheriff's Office's delay in providing the Cities the final proposed cost increases the Cities have also not been given an ample opportunity to confirm and validate the new methodology used to reach the proposed cost increases. A thorough investigation of this new cost methodology will require a substantial amount of time, and, for this reason, the Cities respectfully submit that any proposed cost increases for FY 2021-2022 be delayed one year. The Cities will use this time to independently confirm and validate the information provided by the Sheriff's Office regarding the methodology that resulted in this year's dramatic proposed costs increases. This time will also allow all parties the ability to engage in good faith negotiations regarding the adoption of amendments to the Agreements designed to ensure that this situation does not reoccur.

Our Cities are prepared to work in good faith to revive the collaborative and transparent spirit of the Agreements to which the parties committed when negotiating the Agreements. As we have reiterated over the past several weeks, our respective agencies have worked successfully together for many years, and we firmly believe that this shared history will help guide us through this current challenge. The stakes are too high to not immediately engage in the

collaborative and cooperative process necessary to ensure we continue to provide superior public safety to our communities.

Thank you in advance for your immediate attention to this important matter. We look forward to your response and to further discussions.

Sincerely,

CITY OF BUELLTON

By: _____
Holly Sierra
MAYOR OF CITY OF BUELLTON

CITY OF CARPINTERIA

By: _____
Wade Nomura
MAYOR OF CITY OF CARPINTERIA

CITY OF GOLETA

By: _____
Paula Perotte
MAYOR OF CITY OF GOLETA

CITY OF SOLVANG

By: _____
Charlie Uhrig
MAYOR OF CITY OF SOLVANG

ATTACHMENT B

CITY of CARPINTERIA, CALIFORNIA

February 8, 2021

Sheriff Bill Brown
P.O. Box 6427
Santa Barbara CA 93160

Re: Notice of Contract Dispute Concerning Proposed FY 2020-2021 Compensation and FY 2021-2022 Recomputated Compensation under the Agreement to Provide Law Enforcement Services between the City of Carpinteria and County of Santa Barbara

Dear Sheriff Brown:

On behalf of the City of Carpinteria ("City"), this letter serves as formal notice of a contract dispute pursuant to Section 26 of the terms of the Agreement to Provide Law Enforcement Services between the City and County of Santa Barbara ("Agreement").

On November 10, 2020, the County of Santa Barbara Sheriff's Office ("Sheriff's Office") informed the City that it estimated a 5.5 percent increase in contract costs for law enforcement services for fiscal year ("FY") 2021-2022. As a result, the City was surprised when, on January 14, 2021, the Sheriff's Office provided the final annual recomputation for FY 2021-2022, which reflected a significantly larger increase of approximately 37 percent over prior year contract costs. The City believes that this proposed increase, in part, is the result of law enforcement service costs being calculated inconsistent with the terms of the Agreement. The City also believes that the monthly invoiced amounts being provided to the City for FY 2020-2021 are inconsistent with both the final recomputation provided to the City during its meeting with the Sheriff's Office on February 19, 2020 and the methodology for annual recomputation authorized by the Agreement.

Further, the City asserts that the Sheriff's Office has failed to satisfy its contractual obligation to work transparently and collaboratively with the City in order to avoid unexpected cost increases. This failure, evidenced by the dramatic shift from a 5.5 percent increase to a 37 percent increase over the course of a two month period, frustrates not only the text—but also the spirt and purpose—of the Agreement.[1]

The City requests the Sheriff's Office to confirm receipt of this notice and, consistent with the terms of the Agreement, its prompt attention to the concerns described herein.

Compensation Charges for FY 2020-2021 Improperly Include Charges for Additional DSSU Hours and Increase in Hourly Rate. The City contracts for two regular Deputy Sheriff Service Units ("DSSU"). A DSSU includes 8,760 hours annually, which equates to a total of 17,520 total hours per year. In March 2020, well after the final annual recomputation had been provided by the Sheriff's Office to the City, the Sheriff's Office advised the City that it would be amending True-Up Costs to include patrol time that exceeded the 17,520 contracted amount in the FY 2018-2019. As a threshold concern, the Sheriff's Office has not provided the City with

[1] Depending which version of the City's Annual Cost Computation for FY 2020-2021 is referred to, the increase of prior year charges range from approximately 37 percent to nearly 45 percent.

documentation sufficient to understand how much time was worked, by whom, and for what purpose, for the City to determine whether additional DSSU time has been correctly allocated to the City. Second, and more importantly, the Agreement does not allow for the Sheriff's Office to assess overages on an ongoing basis in this manner.

Pursuant to Exhibit A-1 to the Agreement, the City is not required to pay for DSSU overages until services exceed 112 percent for three (3) consecutive months (and only after a mandatory meet and confer between the City and the Sherriff's Office). Only after these two events would the City be obligated to "pay the percentage above 112% at the [DSSU] rate for those consecutive months." Further, when the City "compliance rate falls below 112% for a calendar month, [the City] will no longer pay the percentage above 112% at the [DSSU] rate unless and until the compliance rate" again exceeds 112 percent for three months. The Agreement's "true-up" cost model, set forth in Exhibit C to the Agreement, does not authorize the Sheriff's Office to charge for hours that exceed 100 percent compliance with the City's contracted DSSU hours; instead, it details the "direct and indirect costs of providing one hour of [DSSU] services."

Third, the Agreement does not authorize the County to unilaterally increase the 17,520 DSSU. Before being charged for DSSU hours above the City's contracted 17,520 hours (notwithstanding the Parties' agreement to charge for hours above 112 percent as set forth in Exhibit A-1), the City and the Sheriff's Office would have to negotiate and mutually agree on a written amendment to the Agreement. Until this occurs, the City plans to reduce payments to reflect the terms of the current Agreement and the City's total number of contracted DSSU hours.

Further, without providing any support or explanation—and well after the deadline for the final recomputation of compensation to be provided to the City—the Sheriff's Office also increased the hourly rate for each DSSU hour in the proposed FY 2020-2021 budget.

The Recomputated Compensation for FY 2021-2022 is Inconsistent with the Terms of the Agreement. In addition to unilaterally increasing the City's number of contracted DSSU hours (as detailed above), the January 14, 2021 presentation and recomputation worksheet provided to the City applies a three percent (3%) inflationary adjustment factor—twice. This recomputation is inconsistent with the terms of the Agreement for several reasons.

First, the Agreement includes specific direction for calculating the annual recomputation which the Sheriff's Office has not adequately demonstrated that it has followed. Second, inconsistent with the terms of the Agreement and as set forth above, the Sheriff's Office has included charges for all the time it has allocated to the City over 100 percent compliance with the contracted DSSU hours, rather than only charge for hours over 112 percent—and only after this level has been exceeded for three consecutive months—as was negotiated and is memorialized in the Agreement. As addressed in more detail below (and notwithstanding Exhibit A-1 to the Agreement), the Sheriff's Office has not provided the City with sufficient documentation to support that these additional hours should be charged to the City. Lastly, in the absence of a specific supporting reference in the Agreement, the City fundamentally disagrees that a 3 percent inflationary adjustment can be applied at all, much less twice, without an amendment to the Agreement.

The Sheriff's Office Breached its Contractual Obligation to Work Transparently and Collaboratively with the City. One of the Agreement's key terms—and which is woven in to various provisions—is both parties' commitment to engaging in a transparent and collaborative

process to develop, evaluate, and plan for future contracted law enforcement service levels and associated costs. For example, Section 2(A) of Exhibit B to the Agreement dictates deadlines for the Sheriff's Office to provide both an estimate and final recomputation of costs annually (on November 1 and January 15, respectively). This requirement serves the necessary purpose of allowing the City adequate time to plan for and incorporate future cost adjustments into the City's budget.

These provisions were included in the Agreement to guard against the precise position in which the City finds itself: presented with a proposed cost increase of approximately 37 percent that is $1.28 million more than the estimate provided in November 2020. By bypassing the Agreement's various requirements to work transparently and collaboratively, the Sheriff's Office has created a situation where the City has no choice but to challenge the Sheriff's Office for breach of contract.

The Sheriff's Office has also failed to provide the City access to the information and data on which the proposed contract cost increases are based. As a result, the City is unable to estimate the actual amount in dispute and the City hereby reserves the right to provide the precise disputed amount once the County provides access to the necessary information and data. Given the Sheriff's Office's lack of transparency and collaboration, the City also anticipates that a more in-depth review of the methodology for the proposed cost increases could give rise to additional grounds for dispute. Thus, the City also hereby reserves the right to raise further challenges arising in any way from the Sheriff's Office's past, present, or future conduct during this process.

To facilitate the City's review of the Sheriff's Office's methodology for its proposed cost increases the City requests that the Sheriff's Office immediately provide the City with the following documents and information. If necessary, please consider this request a public records act request pursuant to Government Code section 6250 *et seq*.

1. Any and all documents produced by the Sheriff's Office, the Natelson Dale Group, or the Auditor Controller's Office that are related in any way to the Sheriff's Office's recomputation of costs for FY 2021-2022;
2. Any and all documents determining, calculating, or otherwise demonstrating or prepared for the purpose of demonstrating the Sheriff's Office's FY 2018-2019 actual expenditures;
3. Any and all documents determining, calculating, or otherwise demonstrating or prepared for the purpose of demonstrating the Sheriff's Office's FY 2019-2020 actual expenditures; and
4. Request for Proposal or Request for Qualifications to which Natelson Dale Group responded and the contract for services between the Sheriff's Office or County and Natelson Dale Group.

The City is committed to working with the Sheriff's Office to address the issues raised above. However, until, at a minimum, the City has had an opportunity to review, evaluate, and discuss the information requested, the City cannot accept the proposed FY 2021-2022 cost increases. Pursuant to the terms of the Agreement, should the Sheriff's Office reject this proposal and a resolution is not reached within thirty (30) days of receipt of this letter, the City will initiate the additional dispute resolution procedures described in Section 26 of the Agreement.

Should you have questions about the City's concerns please contact City Manager Dave Durflinger at (805) 755-4400 or daved@ci.carpinteria.ca.us. Thank you for your attention to this matter. We look forward to your response.

Sincerely,

Dave Durflinger
City Manager

Cc: Mona Miyasato, County Executive Officer
Michelle Greene, Goleta City Manager
Xenia Bradford, Solvang City Manager
Scott Wolfe, Buellton City Manager

City of Buellton

February 12, 2021

VIA MAIL, EMAIL, AND HAND DELIVERED

Santa Barbara County Sheriff Bill Brown
P.O. Box 6427
Santa Barbara, CA 93160

RE: Notice of Contract Dispute – Agreement to Provide Law Enforcement Services

Dear Sheriff Brown:

This letter serves as formal notice of dispute regarding the Agreement to Provide Law Enforcement Services between the County of Santa Barbara and the City of Buellton, as required in Section 26 of the Agreement. The dispute focuses on a few key issues with significant financial consequences, though the City reserves the right to add further issues of dispute (and amend the estimated amount of disputed costs) through the course of the Dispute Resolution Process, as we have requested information from the Sheriff's Department which may shed additional light on the matter.

In November of 2020, the Sheriff's Office notified the City of an anticipated increase in contract costs under the Agreement in an amount estimated to be 5.5% for Fiscal Year 2021-2022. While the City recognized that this was only an estimate, and that the final numbers could be different, it was inconceivable that the numbers could be as high as the 49% increase ultimately presented to the City on January 14, 2021. In fairness, it seems that the 49% number may be in error due to the existence of a side contract for the provision of a motor officer as a menu item; but nevertheless, the total amount of the "True Up" line item for FY 2019-2020 alone is in excess of 35% of the entire City Law Enforcement budget for that period and is presented without backing documentation or any explanation. In addition, the 3% "inflation" line item has been added to the FY 2021-2022 cost sheet without explanation or basis in the contract, and seemingly duplicative of the increase in individual line items. That such an increase, and in particular these two line items, would be presented to the City without warning and without sufficient backup documentation to justify it calls into question the transparency of the process. Further, the apparent method of calculation for additional costs appears to be contrary to the language of the Agreement as well as the language of the side contract for the motor officer.

The issues of dispute that the City has identified at this time include the following:

1. **Charges for hours above the purchased DSSU.** The single DSSU purchased by the City of Buellton was for a total of 8,760 for the fiscal year. The explanation of the True-up that was presented to the City on January 14 indicates that the City is being charged for 9,128 hours during FY 2019-2020. This is despite the provision in Exhibit A-1 of the Agreement which indicates that the City is not to be charged for additional hours until the services provided

exceed 112% of compliance for three consecutive months. This dispute is tentatively estimated at $80,903.68.

2. **Increased hours for FY 2021-2022 beyond a single DSSU.** City staff has been informed that DSSUs must be purchased in whole quantities of 8,760 hours. However, the cost sheet for the City provided by the Sheriff's Department indicates that the City will be purchasing 8,948 hours (1.02 DSSU). This number of hours is well within the compliance rates described in Exhibit A-1, and therefore should not require additional billing. This dispute is tentatively estimated at $41,362.

3. **No justification for true-up costs associated with Menu Item, Dispatch, and Admin.** The true-up explanation appears to show an increase for these items in an amount of 268% of the originally estimated cost of those items. While this could be the result of the exclusion of the side contract amount for the motor officer menu item, without documentation this is not transparent and cannot be determined to the City's satisfaction. Further, this determination is important because the terms of the side agreement for the motor officer are set up with a Maximum Agreement Cost of $215,786.51 based upon 2080 hours at an hourly rate of $103.74 (there is no true-up provision in the side contract). However, the actual hours billed for FY 2019-2020 amounted to 1,859, and the true-up appears to bill this at an hourly rate of $168.26. The difference in costs based solely on the hourly rate amounts to $119,942.68. The amount of dispute for this issue is at least this amount and likely more, but cannot be calculated without documentation indicating the calculation methodology for these true-up costs.

4. **A 3% inflation factor has been included.** Comparisons of costs between fiscal years indicates a change of cost of 3% has been built into each category of charges. However, a line item entitled "3% Inflation per year" is also included in the calculation, with the total indicating that two years of 3% inflation has been charged. While anticipated salary and benefit increases are permitted pursuant to Exhibit C of the Agreement, two additional years of 3% inflation is questionable, and an explanation with adequate justification is required. This dispute is tentatively estimated at $145,961.

5. **Change of contract terms without consulting City.** As described above, there are a number of disputes presented which amount to a change in the terms of the contract. These were all made without consultation or collaboration with the City, and have been presented without any documentation to justify them. Further, the magnitude of the changes and their potential impacts to the City mandate a considerable amount of time be spent in evaluating the documentation on which they are based and conferring with the Sheriff's Department to ensure a full and accurate understanding. It appears that changes to the terms of the contract have been made, but even if that is determined not to be the case, the presentation of this raft of changes at the last possible moment during a period when the City is beginning to prepare its budget for the coming year has forced this dispute to be filed. Had the Sheriff's Department been more transparent in its processes, assumptions, and conclusions through the true-up

calculation process, the City would have been able to express concerns and ask questions along the way, potentially preventing the current dispute. As noted, without the full explanation, justification, and documentation of the issues noted above and all other factors associated with the true-up and calculation of other additional costs to the City for FY 2021-2022, the City cannot be aware of the total amount in dispute.

The City of Buellton truly values its long relationship with the Sheriff's Department. The law enforcement services that the City has received over many years have been exceptional. For my part, I am grateful for the responsiveness and initiative of the Sheriff's staff assigned to Buellton and the Contract Services Bureau.

You will note that the City recognizes that there are increased costs to be expected, in terms of increases in salary, benefits, and other material expenses of the Department. These are expenses which we expect to bear each year, as you do as well. However, my obligations as a steward of Buellton's limited financial resources require that this action be taken and that answers be obtained before accepting the proposed terms for the coming fiscal year. I look forward to working with the Sheriff's Department to resolve this dispute. Thank you for your consideration of the City's position.

Sincerely,

Scott Wolfe, AICP
City Manager

cc: Buellton Mayor and City Council
County CEO, Mona Miyasato
Board Supervisor, Joan Hartmann
Carpinteria City Manager, Dave Durflinger
Goleta City Manager, Michelle Greene
Solvang City Manager, Xenia Bradford

CITY OF GOLETA

February 10, 2021

Sheriff Bill Brown
P.O. Box 6427
Santa Barbara, CA 93160

CITY COUNCIL

Paula Perotte
Mayor

James Kyriaco
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Stuart Kasdin
Councilmember

Kyle Richards
Councilmember

CITY MANAGER
Michelle Greene

RE: Contract Dispute Concerning the Agreement to Provide Law Enforcement Services between the City of Goleta and County of Santa Barbara

Dear Sheriff Brown:

Pursuant to Section 26 of the Agreement to Provide Law Enforcement Services between the City of Goleta and County of Santa Barbara ("Agreement"), please accept this letter as formal notice of a contract dispute.

On November 10, 2020, the County of Santa Barbara Sheriff Office ("Sheriff's Office") informed the City of Goleta ("City") that the Sheriff's Office was estimating a 5.5% increase in contract costs for law enforcement services for fiscal year ("FY") 2021-2022. However, on January 14, 2021, the Sheriff's Office provided the final annual recomputation for FY 2021-2022, which reflected a significantly larger cost increase of approximately 30%. As of right now, it is the City's position that this exorbitant proposed increase resulted from use of a cost formula that deviates from the terms of the Agreement. Furthermore, the City asserts that the County has failed to satisfy its contractual obligation to facilitate and participate with the City in the collaborative process required by the Agreement and designed to enable relatively predictable cost increase forecasts and subsequent City budgetary decisions. This failure, evidenced by the dramatic shift from a 5.5% increase to a 29.4% increase over the course of a mere two months, frustrates the very purpose of the Agreement, and necessitates further discussions.

The FY 2021-2022 Costs Were Improperly Calculated and Assessed

The Agreement includes specific direction for calculating the annual recomputation. And, thus far, the Sheriff's Office has not adequately demonstrated compliance with this process. The City contracts for three (3) regular Deputy Sheriff Service Units ("DSSU"). A DSSU includes 8,760 hours annually, which equates to a total of 26,280 total hours per year. On September 30, 2020 the Sheriff's Office advised the City that it would be increasing the City's contracted for hours to 27,532 based on the City's hourly overages in

previous years. As a threshold concern, the Sheriff's Office has not provided documentation that sufficiently details how much time was worked, by whom this time was worked, and for what purposes this time was worked to support these prior hourly overages. And without this documentation the City cannot determine whether additional DSSU time has been correctly allocated to the City. Second, and more importantly, the overall computation itself violates the terms of the Agreement, which does not allow the Sheriff's Office to assess hourly overages on an ongoing basis.

Under Exhibit A-1 of the Agreement, the City is only required to pay for DSSU hourly overages if the compliance rate exceeds 112% for three consecutive months in a calendar year and only after the parties have engaged in a mandatory meet and confer. Upon this occurrence, the City would then be obligated to pay the percentage above 112% "at the Deputy Sheriff Service Unit rate *for those consecutive calendar months*." The City's payment at the DSSU rate of the percentage above 112% for those calendar months, in which the overage occurs, is the County's sole remedy, under the Agreement, for hourly overages. In fact, the Agreement specifically states that when the City "compliance rate falls below 112% for a calendar month, [the City] will no longer pay the percentage above 112% at the DSSU rate unless and until the compliance rate" again exceeds 112% for three months. This Section of the Agreement thereby specifies the County's one and only remedy for recouping the cost of hours that exceed the compliance rate.

To be more explicit, the incorporation of any hours that exceed 100% compliance in the True-Up computation model set forth in Section 7 of Exhibit C, is *not* the County's contractual remedy for recouping hours over the compliance rate. Rather, Section 7 of Exhibit C, allows the County to true-up the rate of a DSSU hour to reflect the actual cost of providing that hour. Therefore, the only circumstance, in which the True-Up would bear on the recoupment of hours over 100% compliance would be to increase the rate at which hours over 112% for three consecutive months would be paid to the County. Furthermore, the Agreement does not allow the County to unilaterally increase the 26,280 hours, for which the City has contracted. In fact, in the September 30, 2020 letter, the Undersheriff states that "the contract does not explicitly state this assumption" and that it would need to be reflected "in *future* law enforcement agreement language." Thus, an adjustment to the total number of contracted for hours would require an amendment to the contract, which, as you are aware, requires the consent of both parties.

In addition to the above concerns, the Sheriff's Office also applied a three percent (3%) inflationary adjustment factor—twice. The Sheriff's Office may have included this inflationary adjustment factor in an attempt to incorporate estimated rate increases associated with actual salary and benefit adjustments. And, if this is the case, the City may benefit in the short term from these relatively low estimates. However, this methodology only further exposes the City to volatile future rate increases when the Sheriff inevitably does include the actual salary and benefit cost increases. Thereby, the substitution of these inflationary adjustment factors only further inhibits the City's ability to incorporate reasonable cost projections into future budgetary plans. Furthermore, nowhere does the Agreement provide for the application of this inflationary adjustment. Therefore, in the absence of supporting reference, in the Agreement, the City fundamentally disagrees that a 3% inflationary adjustment can be applied at all, much less twice, without amending the Agreement.

The Sheriff's Office Has Failed to Engage in the Collaborative and Transparent Process Required by the Agreement

The purpose of this Agreement was to provide a transparent, collaborative, and coordinated process of developing, evaluating, and planning for future contract service levels and costs. The City depends on the County's fidelity to this collaborative process, and, when the County fails to meet its contractual obligations to facilitate and participate in this process, the very purpose of the Agreement is frustrated.

The structure of this collaborative process runs throughout the fabric of the Agreement, but it can be seen most prominently in the County's contractual duties. For example, Section 2A of Exhibit B of the Agreement requires the County to provide a recomputed cost estimate to the City no later than November 1 of each year before providing a final recomputation on or before January 15 of the fiscal year. The provision of this initial cost estimate serves the vital purpose of allowing the City adequate time to plan for and incorporate any future cost adjustments into the City's budget. To that end, the Sheriff is further required, under Section 2 of Exhibit E, to work with the City in the event that the annual cost computations would have a substantial impact on the City budget, as determined by the City. Moreover, the very structure of the DSSU model, which provides the fundamental information necessary to determine with some accuracy the hours of service provided, is meant to provide the City with the ability to make reasonable estimates and projections, independent of the County's eventual cost recomputation, regarding how service and cost levels may fluctuate in the coming years.

In short, this Agreement was explicitly designed to guard against the precise position in which the City now finds itself. Having blindsided the City, at the last possible moment, with a proposed cost increase of nearly 30%, the Sheriff's Office has evaded the Agreement's many safeguards and thereby placed the City in the untenable position of either accepting costs, for which the City—rightfully so—did not budget, or accepting a dramatic and dangerous decrease in services levels. Given the history of this Agreement, the City had no reason to expect and, more importantly, no reason to plan for such an exorbitant proposed cost increase. In fact, past years' recomputation have resulted in cost increases well below 5%. And furthermore, in the letter dated September 30, 2020, the Undersheriff made assurances that a consultant had been hired for the very purpose of avoiding any further missed deadlines, thereby relieving the City of future untimely surprises. But instead, the County Sheriff has failed to abide by the terms of the Agreement and has thereby undermined the Agreement's purpose of providing the City with the ability to predict and budget for future cost increases.

The Sheriff's Office has failed to provide the City timely access to the information and data, on which these excessive proposed contract cost increases are based. While we appreciate the access given to the information provided on February 5, 2021, the provision of this information at this point does not provide the City sufficient time to perform its own analysis of the cost computation methodology uses. As a result, at this time, the City is unable to estimate the actual amount in dispute. However, the City hereby reserves the right to provide the precise disputed amount once the City has had the opportunity to thoroughly review the information and data provided. Furthermore, given the lack of transparency and collaboration offered by the County thus far, the City anticipates and expects that a more in-depth review of the methodology and

support for the proposed cost increases will give rise to additional grounds for dispute. Thus, the City also hereby reserves the right to raise further challenges arising in any way from the County's past, present, or future conduct during this process of determining the City's 21-22 FY costs. And, to facilitate the City's review of the Sheriff's Office's methodology and support for its proposed cost increases the City requests that the County immediately provide the City with the following documents and information:

1. FIN reports showing expenditures by line item for salaries and benefits charged in FY 17/18 through FY 19/20. The cost model data provided does not show the specific salary and benefit line items within the public safety personnel cost data, but rather show the total regular costs and overtime only in aggregate by position;

2. A report and/or memorandum that identifies, explains and justifies all expenditure increases between FY 20/21 and FY 21/22 by line item;

3. Any and all documents determining, calculating, or otherwise demonstrating or prepared for the purpose of demonstrating the Sheriff's Offices' FY 18/19 actual expenditures;

4. Any and all documents determining, calculating, or otherwise demonstrating or prepared for the purpose of demonstrating the Sheriff's Offices' FY 19/20 actual expenditures;

5. The contract for services between the Sheriff and Natelson Dale Group, Inc.;

6. The RFP to which Natelson Dale Group, Inc. responded; and

7. Copies of Natelson Dale Group, Inc.'s final report and the data on which the consultant relied.

Until, at a minimum, the City has had an opportunity to independently validate and confirm the data that has been provided and the information that is being requested, the City cannot accept the proposed FY 21-22 cost increases as presented. Due to the Sheriff's Office's contractual violations, the City has neither budgeted for nor raised the revenue necessary to cover these costs. And even in the event that these monies were available, the City would still require substantial time to evaluate the information and documents requested of the County. And accordingly this is our formal request that, pursuant to the terms of the Agreement, the Sherriff's Office respond to this letter within thirty (30) days of receipt thereof.

Should you or members of your staff in the Contracts Services Bureau have questions regarding the above information, we encourage you to please contact me or Interim Neighborhood Services and Public Safety Director, Jaime Valdez. We value and appreciate our excellent relationship with the Sheriff Office. And we look forward to resolving this issue, so that we may continue to work together to provide Goleta's citizens with the exceptional law enforcement services they have come to know and appreciate.

Sincerely,

Michelle Greene, City Manager

cc: Mayor Paula Perotte
Mayor Pro Tempore James Kyriaco
Councilmember Kyle Richards
Councilmember Roger S. Aceves
Councilmember Stuart Kasdin
County CEO, Mona Miyasato
Board Supervisor Gregg Hart
Board Supervisor Joan Hartman

The City of SOLVANG Danish Capital of America

February 12, 2021

Sheriff Bill Brown
P.O. Box 6427
Santa Barbara CA 93160

Re: Notice of Contract Dispute Concerning Proposed FY 2020-2021 Compensation and FY 2021-2022 Recomputed Compensation under the Agreement to Provide Law Enforcement Services between the City of Solvang and County of Santa Barbara

Dear Sheriff Brown:

On behalf of the City of Solvang ("City"), this letter serves as formal notice of a contract dispute pursuant to Section 26 of the terms of the Agreement to Provide Law Enforcement Services between the City and County of Santa Barbara ("Agreement").

On November 10, 2020, the County of Santa Barbara Sheriff's Office ("Sheriff's Office") informed the City that it estimated a 5.5 percent increase in contract costs for law enforcement services for fiscal year ("FY") 2021-2022. As a result, the City was surprised when, on January 14, 2021, the Sheriff's Office provided the final annual recomputation for FY 2021-2022, which reflected a significantly larger increase of approximately 37 percent over prior year contract costs. As of right now, it is the City's position that this exorbitant proposed increase resulted from use of a cost formula that deviates from the terms of the Agreement. Furthermore, the City asserts that the County has failed to satisfy its contractual obligation to facilitate and participate with the City in the collaborative process required by the Agreement and designed to enable relatively predictable cost increase forecasts and subsequent City budgetary decisions. This failure, evidenced by the dramatic shift from a 5.5 percent increase to a 37 percent increase over the course of a mere two months, frustrates the very purpose of the Agreement, and necessitates further discussions.

The City requests the Sheriff's Office to confirm receipt of this notice and, consistent with the terms of the Agreement, its prompt attention to the concerns described herein.

The FY 2021-2022 Costs Were Improperly Calculated and Assessed

The Agreement includes specific direction for calculating the annual recomputation. And, thus far, the Sheriff's Office has not adequately demonstrated compliance with this process. The City contracts for one (1) regular Deputy Sheriff Service Unit ("DSSU"). A DSSU includes 8,760 hours annually, which equates to a total of 8,760 total hours per year.

Under Exhibit A-1 of the Agreement, the City is only required to pay for DSSU hourly overages if the compliance rate exceeds 112% for three consecutive months in a calendar year and only after the parties have engaged in a mandatory meet and confer. Upon this occurrence, the City would then be obligated to pay the percentage above 112% "at the Deputy Sheriff Service Unit rate for those consecutive calendar months." The City's payment at the DSSU rate of the percentage above 112% for those calendar months, in which the overage occurs, is the County's sole remedy, under the Agreement, for hourly overages. In fact, the Agreement specifically states that when the City "compliance rate falls below 112% for a calendar month, [the City] will no longer pay the percentage above 112% at the DSSU rate unless and until the compliance rate" again exceeds 112% for three months. This Section of the Agreement thereby specifies the County's one and only remedy for recouping the cost of hours that exceed the compliance rate.

To be more explicit, the incorporation of any hours that exceed 100% compliance in the True-Up computation model set forth in Section 7 of Exhibit C, is not the County's contractual remedy for recouping hours over the compliance rate. Rather, Section 7 of Exhibit C, allows the County to true-up the rate of a DSSU hour to reflect the actual cost of providing that hour. Therefore, the only circumstance in which the True-Up would bear on the recoupment of hours over 100% compliance would be to increase the rate at which hours over 112% for three consecutive months would be paid to the County. Furthermore, the Agreement does not allow the County to unilaterally increase the 8,760 hours, for which the City has contracted. In fact, in the September 30, 2020 letter, the Undersheriff states that "the contract does not explicitly state this assumption" and that it would need to be reflected "in future law enforcement agreement language." Thus, an adjustment to the total number of contracted for hours would require an amendment to the contract, which, as you are aware, requires the consent of both parties.

In addition to the above concerns, the Sheriff's Office also applied a three percent (3%) inflationary adjustment factor—twice. The Sheriff's Office may have included this inflationary adjustment factor in an attempt to incorporate estimated rate increases associated with actual salary and benefit adjustments. And, if this is the case, the City may benefit in the short term from these relatively low estimates. However, this methodology only further exposes the City to volatile future rate increases when the Sheriff inevitably does include the actual salary and benefit cost increases. Thereby, the substitution of these inflationary adjustment factors only further inhibits the City's ability to incorporate reasonable cost projections into future budgetary plans. Furthermore, nowhere does the Agreement provide for the application of this inflationary adjustment. Therefore, in the absence of supporting reference, in the Agreement, the City fundamentally disagrees that a 3% inflationary adjustment can be applied at all, much less twice, without amending the Agreement.

Finally, the City questions the inclusion of countywide Sheriff services in the model and inclusion of overtime.

The Sheriff's Office Has Failed to Engage in the Collaborative and Transparent Process Required by the Agreement

The purpose of this Agreement was to provide a transparent, collaborative, and coordinated process of developing, evaluating, and planning for future contract service levels and costs. The City depends on the County's fidelity to this collaborative process, and, when the County fails to meet its contractual obligations to facilitate and participate in this process, the very purpose of the Agreement is frustrated.

The structure of this collaborative process runs throughout the fabric of the Agreement, but it can be seen most prominently in the County's contractual duties. For example, Section 2A of Exhibit B of the Agreement requires the County to provide a recomputed cost estimate to the City no later than November 1 of each year before providing a final recomputation on or before January 15 of the fiscal year. The provision of this initial cost estimate serves the vital purpose of allowing the City adequate time to plan for and incorporate any future cost adjustments into the City's budget. To that end, the Sheriff is further required, under Section 2 of Exhibit B, to work with the City in the event that the annual cost computations would have a substantial impact on the City budget, as determined by the City. Moreover, the very structure of the DSSU model, which provides the fundamental information necessary to determine with some accuracy the hours of service provided, is meant to provide the City with the ability to make reasonable estimates and projections, independent of the County's eventual cost recomputation, regarding how service and cost levels may fluctuate in the coming years.

In short, this Agreement was explicitly designed to guard against the precise position in which the City now finds itself. Having blindsided the City, at the last possible moment, with a proposed cost increase of nearly 37%, the Sheriff's Office has evaded the Agreement's many safeguards and thereby placed the City in the untenable position of either accepting costs, for which the City—rightfully so—did not budget, or accepting a dramatic and dangerous decrease in services levels. Given the history of this Agreement, the City had no reason to expect and, more importantly, no reason to plan for such an exorbitant proposed cost increase. In fact, past years' recomputation have resulted in cost increases well below 5%. And furthermore, in the letter dated September 30, 2020, the Undersheriff made assurances that a consultant had been hired for the very purpose of avoiding any further missed deadlines, thereby relieving the City of future untimely surprises. But instead, the County Sheriff has failed to abide by the terms of the Agreement and has thereby undermined the Agreement's purpose of providing the City with the ability to predict and budget for future cost increases.

The Sheriff's Office has failed to provide the City timely access to the information and data, on which these excessive proposed contract cost increases are based. While we appreciate the access given to the information provided on February 5, 2021, the provision of this information at this point does not provide the City sufficient time to perform its own analysis of the cost computation methodology uses and more information is needed. As a result, at this time, the City is unable to estimate the actual amount in dispute. However, the City hereby reserves the right to provide the precise disputed amount once the City has had the opportunity to thoroughly review

the information and data provided. Furthermore, given the lack of transparency and collaboration offered by the County thus far, the City anticipates and expects that a more in-depth review of the methodology and support for the proposed cost increases will give rise to additional grounds for dispute. Thus, the City also hereby reserves the right to raise further challenges arising in any way from the County's past, present, or future conduct during this process of determining the City's 21-22 FY costs. And, to facilitate the City's review of the Sheriff's Office's methodology and support for its proposed cost increases the City requests that the County immediately provide the City with the following documents and information:

1. FIN reports showing expenditures by line item for salaries and benefits charged in FY 17/18 through FY 19/20. The cost model data provided does not show the specific salary and benefit line items within the public safety personnel cost data, but rather show the total regular costs and overtime only in aggregate by position;

2. A report and/or memorandum that identifies, explains and justifies all expenditure increases between FY 20/21 and FY 21/22 by line item;

3. Any and all documents determining, calculating, or otherwise demonstrating or prepared for the purpose of demonstrating the Sheriff's Offices' FY 18/19 actual expenditures;

4. Any and all documents determining, calculating, or otherwise demonstrating or prepared for the purpose of demonstrating the Sheriff's Offices' FY 19/20 actual expenditures;

5. The contract for services between the Sheriff and Natelson Dale Group, Inc.;

6. The RFP to which Natelson Dale Group, Inc. responded; and

7. Copies of Natelson Dale Group, Inc.'s final report and the data on which the consultant relied.

Until, at a minimum, the City has had an opportunity to independently validate and confirm the data that has been provided and the information that is being requested, the City cannot accept the proposed FY 21-22 cost increases as presented. Due to the Sheriff's Office's contractual violations, the City has neither budgeted for nor raised the revenue necessary to cover these costs. And even in the event that these monies were available, the City would still require substantial time to evaluate the information and documents requested of the County. And accordingly this is our formal request that, pursuant to the terms of the Agreement, the Sherriff's Office respond to this letter within thirty (30) days of receipt thereof.

Should you or members of your staff in the Contracts Services Bureau have questions regarding the above information, we encourage you to please contact me. We value and appreciate our excellent relationship with the Sheriff Office. And we look forward to resolving this issue, so that we may continue to work together to provide Solvang's citizens with the exceptional law enforcement services they have come to know and appreciate.

Sincerely,

Xenia Bradford, City Manager

Cc:

Mayor Charlie Uhrig
Mayor Pro Tem Claudia Orona
Councilmember Robert Clarke
Councilmember Mark Infanti
Councilmember Jim Thomas
County CEO, Mona Miyasato
Goleta City Manager, Michelle Greene
Carpinteria City Manager, Dave Durflinger
Buellton City Manager, Scott Wolf

ATTACHMENT C

Exhibit E-3
Annual Cost Computation
Fiscal Year 2021-22

Carpinteria

DSU Summary - Contract Cost	**Hours Purchased**	18,482

Patrol Costs	**Hourly Rate**	**Total Contract Cost**
Deputy Costs		
Deputy S&B Cost	100.75	1,862,062
Indirect Rate @ 8.59%	8.65	159,869
Deputy S&B Cost	*109.40*	*2,021,931*
Patrol Support		
ADMN OFFICE PRO I	0.12	2,218
ADMN OFFICE PRO II	3.62	66,905
ADMN OFFICE PRO SR	1.87	34,561
SHERIFFS COMMANDER	3.93	72,634
SHERIFFS LIEUTENANT	5.01	92,595
SHERIFFS SERGEANT	25.81	477,020
SHERIFF'S SERVICE TECHNICIAN	1.03	19,036
Indirect Rate @ 8.59%	3.56	65,796
Patrol Support S&B	*44.95*	*830,766*
Direct Patrol S&S	*16.16*	*298,669*
Total Patrol Cost	**170.51**	**3,151,366**

Law Enforcement Support Costs (includes S&B, Indirect, Inflation, and S&S Costs)		
Investigations		
General Investigations	30.09	556,123
SOD, Narcotics	5.44	100,542
SOD, Intelligence	2.49	46,020
SOD, High Tech Crime Unit	2.46	45,466
Total Investigations	*40.48*	*748,151*
Forensics	4.50	83,169
Crime Analysis Unit	1.11	20,515
Property & Evidence	3.41	63,024
Total Law Enforcement Support	**49.50**	**914,859**
Hourly Contract Rate	**220.01**	**4,066,225**
Menu Items		266,245
Dispatch		209,541
DSU Admin		25,675
FY 19-20 True-up		774,182
3% Inflation per year		278,172
Total Contract		**5,620,041**

Carpinteria - Menu Items Detail FY 19-20 (actuals)

Position	Reimbursable Cost	Basis Hours	Full Cost	Unreimbursable Cost
Community Resource Deputy	177,033	1,571	177,033	-
Total S&B	***177,033***	***1,571***	***177,033***	-
Patrol Support				
ADMN OFFICE PRO I	196.46		396	
ADMN OFFICE PRO II	5,732.48		11,553	
ADMN OFFICE PRO II - EXH	1.38		3	
ADMN OFFICE PRO SR	2,969.61		5,985	
CUSTODIAN - EXH	2.58		5	
SHERIFFS COMMANDER	6,236.83		12,570	
SHERIFFS LIEUTENANT	7,936.70		15,996	
SHERIFFS SERGEANT	40,913.83		82,458	
SHERIFF'S SERVICE TECHNICIAN	1,637.48		3,300	
S&S Cost	23,585		23,585	
Motor Credit			-	
Total Patrol Support	***89,212***		***155,850***	
Total Menu Costs	**266,245**	**1,571**	**488,733**	-

Action Center

Welcome to the Action Center, where you can find a list of current legislative proposals that need your advocacy!

The League of California Cities is its strongest when joined by the voices of members and coalition partners. The League's legislative and regional public affairs teams are here to work hand-in-hand with members to protect local control and stand up for city interests.

Should you have any questions or would like to recieve a copy of the Action Alert, please contact your Regional Public Affairs Manager.

We appreciate your support!

*** **NOTE** ***

The Legislature has a recently changed letter submission process that requires
ALL LETTERS TO BE UPLOADED INTO A NEW ELECTRONIC PORTAL.
The portal will automatically send letters to the author's office and the committee(s) of jurisdiction.

1. Please visit https://calegislation.lc.ca.gov/advocates/ to create an account and upload this letter. If you are having difficulty accessing the portal, please contact Meg Desmond at (916) 658-8224.
2. In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and and email a copy to cityletters@cacities.org, as well as your Regional Public Affairs Manager.

AB 685 (Reyes) Occupational Safety: COVID-19 Exposure: Notification. This bill would create an onerous and comprehensive set of reporting requirements for all California employers when an employee is exposed to COVID-19.
AB 685 (Reyes) Sample Letter

SB 776 (Skinner) Police Officers. Release of Records. This bill expands the categories of police and custodial personnel records subject to disclosure pursuant to the California Public Records Act (CPRA).
SB 776 (Skinner) Sample Letter

SB 1383 (Jackson) Unlawful Employment Practice: Family Leave. This bill would require any employer, public or private, with five or more employees to provide 12-weeks of protected leave each year and threatens them with litigation for any unintentional mistake.
SB 1383 (Jackson) Sample Letter

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New Privacy Policy

Coalition seeks urgent changes to Beverage Container Recycling Program to increase convenience of consumer redemption opportunities

February 10, 2021

The League of California Cities, the Rural County Representatives of California (RCRC), the Rural Counties' Environmental Services Joint Powers Authority (ESJPA), and the California State Association of Counties (CSAC) submitted a letter to the Legislature this week urging prompt action to make several urgent changes to the Beverage Container Recycling Program to address the lack of convenient redemption opportunities in many parts of the state.

With the closure of many certified recycling centers, "convenient" beverage container redemption opportunities do not exist for many Californians in rural and even urban areas. Statewide data from the California Department of Resources Recycling and Recovery (CalRecycle) illustrates the lack of recycling centers, with five or fewer recycling centers in 31 of California's 58 counties.

Without convenient redemption opportunities, the Beverage Container Recycling Program can easily become a regressive tax that disproportionately impacts lower-income Californians. These concerns are even more acute during the COVID-19 pandemic when many Californians are already struggling to make ends meet.

The letter recognizes CalRecycle's recently suggested eight emergency legislative actions to increase the convenience of redemption opportunities and recognizes that many of those ideas will meaningfully improve the state's beverage container recycling efforts and redemption opportunities. In addition to CalRecycle's suggestions, the letter details nine recommended actions to benefit local governments.

The suggested actions will help to quickly increase the number and convenience of redemption opportunities in rural and underserved areas of the state. If you have any further questions, reach out to Cal Cities Legislative Representative Derek Dolfie or Policy Analyst Caroline Cirrincione.

Need help figuring out how to comply with state law on EV charging stations? There's a video for that.

GO-Biz video details permit streamlining requirements of existing law AB 1236.

February 3, 2021

The Governor's Office of Business and Economic Development (GO-Biz) has created a repository of tools to aid local governments comply with existing law AB 1236 (Chiu, 2015).

The law aims to accelerate deployment of zero-emission vehicle infrastructure. The measure, chaptered in 2015, requires jurisdictions to adopt an ordinance creating an expedited and streamlined permitting process for electric vehicle (EV) charging stations.

The latest GO-Biz tool for cities is an informational video which provides an overview of the measure, details the streamlining process, and illustrates EV charging infrastructure benefits. The goal of the video is to help local governments begin the conversation to deploy more electric car charging stations in their communities.

Cities can utilize these tools to work towards compliance with AB 1236. The state is focusing on electric vehicles as a critical component of California's efforts to combat climate change. Last September, the Governor issued an Executive Order (N-79-20) that calls for all cars sold in California to be zero-emission by 2035 and all heavy duty vehicles to be zero-emission by 2045. Additionally, the proposed January state budget includes $1.5 billion for infrastructure and incentives to support the implementation of these zero-emission targets. The significant investment in charging infrastructure, coupled with the Executive Order's ambitious goals, may also mean legislative action in the year ahead.

To determine if your city is in compliance with AB 1236, please refer to GO-Biz's electric vehicle charging permit streamlining map. If you have any further questions, reach out to Cal Cities Legislative Policy Analyst Caroline Cirrincione.

Renewed commitment to transportation infrastructure urged by 'Fix Our Roads' Coalition

February 10, 2021

The League of California Cities joined fellow members of the Fix Our Roads Coalition and submitted a letter last week to the newly-appointed chairs of the state Senate and Assembly Transportation Committees.

The letter details the coalition's efforts to pass and protect SB 1 funding and commits to working together to address the future of transportation in California.

SB 1 is the largest investment in multimodal transportation infrastructure in the state's history and provides $5 billion annually to local governments to fix crumbling roads, make road and bridge safety repairs, alleviate traffic gridlock and congestion, improve bicycle and pedestrian access and safety, and boost funding to both expand and operate public transit services for Californians.

Protecting SB 1 funding is a top priority for Cal Cities, and we look forward to working with the new committee chairs on this important issue.

The start of a new legislative session meant new leadership for the Senate and Assembly Transportation Committees. Assembly Speaker Anthony Rendon replaced Assembly Member Jim Frazier with Assembly Member Laura Friedman. Senate President pro Tem Toni Atkins appointed Sen. Lena Gonzalez to chair with Sen. Jim Beall's departure from the Legislature. These appointments signal a change in legislative priorities for these committees, as both Assembly Member Frazier and Sen. Beall were instrumental in the passage of SB 1.

The Fix Our Roads Coalition was created in 2015 by Cal Cities, the California State Association of Counties, and the California Alliance for Jobs to pursue funding for California's deteriorating transportation infrastructure. The coalition of labor, local government, business, transportation, and public transit advocates will continue to advance a transportation agenda that helps ensure a safe, reliable, and accessible transportation system for all Californians.

Contact Cal Cities Legislative Policy Analyst Caroline Cirrincione for more information.

Coalition seeks urgent changes to Beverage Container Recycling Program to increase convenience of consumer redemption opportunities

February 10, 2021

The League of California Cities, the Rural County Representatives of California (RCRC), the Rural Counties' Environmental Services Joint Powers Authority (ESJPA), and the California State Association of Counties (CSAC) submitted a letter to the Legislature this week urging prompt action to make several urgent changes to the Beverage Container Recycling Program to address the lack of convenient redemption opportunities in many parts of the state.

With the closure of many certified recycling centers, "convenient" beverage container redemption opportunities do not exist for many Californians in rural and even urban areas. Statewide data from the California Department of Resources Recycling and Recovery (CalRecycle) illustrates the lack of recycling centers, with five or fewer recycling centers in 31 of California's 58 counties.

Without convenient redemption opportunities, the Beverage Container Recycling Program can easily become a regressive tax that disproportionately impacts lower-income Californians. These concerns are even more acute during the COVID-19 pandemic when many Californians are already struggling to make ends meet.

The letter recognizes CalRecycle's recently suggested eight emergency legislative actions to increase the convenience of redemption opportunities and recognizes that many of those ideas will meaningfully improve the state's beverage container recycling efforts and redemption opportunities. In addition to CalRecycle's suggestions, the letter details nine recommended actions to benefit local governments.

The suggested actions will help to quickly increase the number and convenience of redemption opportunities in rural and underserved areas of the state. If you have any further questions, reach out to Cal Cities Legislative Representative Derek Dolfie or Policy Analyst Caroline Cirrincione.

Funding rollout of eviction protections and State Rental Assistance Program

February 10, 2021

Just days before the existing eviction moratorium was set to expire, the state extended the COVID-19 Tenant Relief Act – SB 91 on Jan. 29, 2021. The measure was passed with urgency and went into effect immediately upon signature.

In response to the ongoing eviction and shelter crisis facing communities throughout California, SB 91 extends the statewide moratorium on evictions for nonpayment of rent due to COVID-19 financial hardship to June 30, 2021, and establishes the State's Emergency Rental Assistance Program. The U.S. Treasury Department allocated $2.6 billion to California for the program, with $1.5 billion of federal rental relief funds to go toward implementation of a statewide rental assistance program, and $1.1 billion to go to California's largest cities and counties according to federal law.

Emergency Rental Assistance Program

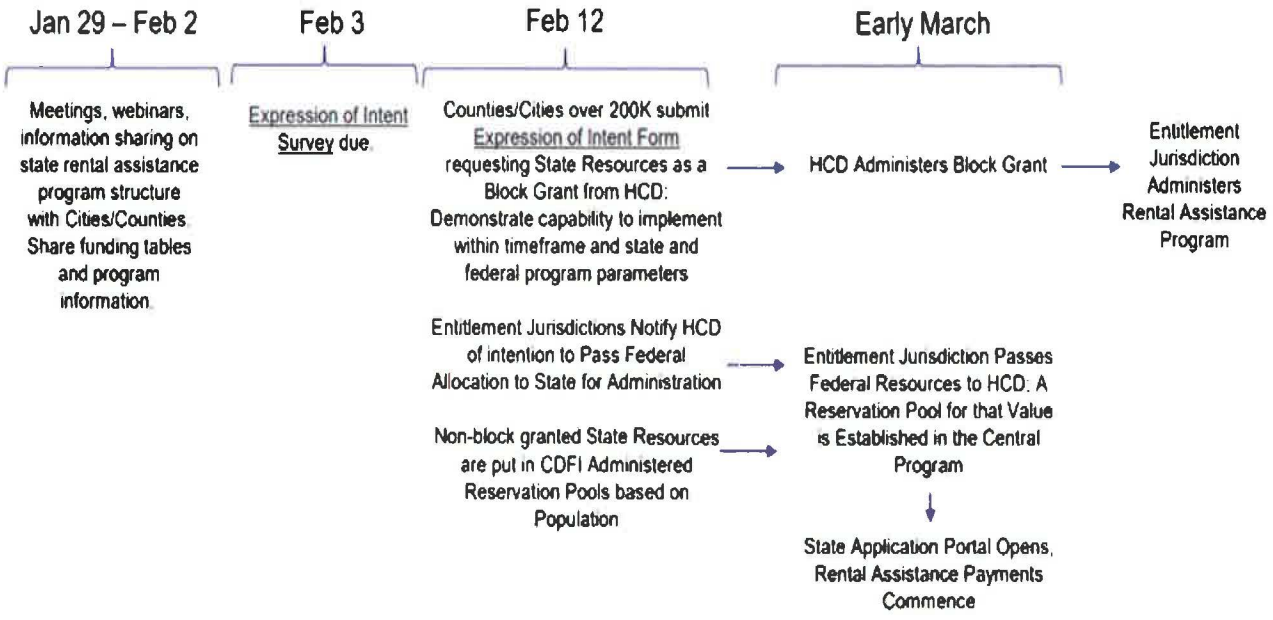
The Evictions Moratorium and State Rental Assistance Program funds can be used for back rent, prospective rent payments, and utility payments. Specifically, $150 million is earmarked for counties under 200,000 population (and cities within) and $1.32 billion is earmarked for cities and counties over 200,000 population.

The program will begin accepting applications no later than March 15 and will prioritize the payment of rental arrearages. Utility arrearages will also be eligible to be paid, subject to funding availability. Landlords can choose to accept 80 percent of any unpaid rent owed from April 1, 2020 through March 31, 2021. If a landlord accepts this funding, the landlord agrees to forgive the remaining unpaid rent for that covered period. If a landlord chooses not to participate, the tenant can still apply for relief valued at 25 percent of unpaid back rent they owe for the covered period. Qualified tenants will also be able to access funds to cover 25 percent of prospective rent for the months of April, May, and June of 2021, subject to funding availability.

Funding will be administered in three rounds:

- **Round 1** – Households with less than 50 percent Area Median Income (AMI)
- **Round 2** – Communities disproportionately impacted by COVID-19, as determined by the California Department of Housing and Community Development

- **Round 3** – Households with less than 80 percent AMI



State Opt-in and Block Grant Request Timeline

Additional information on the State's Rental Assistance Program is forthcoming. A presentation from the California Business, Consumer Services and Housing Agency on SB 91 and the State's Rental Assistance Program is available for those interested.

Eviction Moratorium extended

The Act also extends tenant protections included in the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088) to June 30, 2021. These protections were originally set to expire on Feb. 1, 2021. The Act includes the same eligibility and program rules as before including:

- Prevents evictions for nonpayment of rent by tenants experiencing a COVID-19 hardship.
- Available to any tenant who timely attests under penalty of perjury that they have not been able to pay full rent due to COVID-19-related circumstances.
- If a tenant pays at least 25 percent of their rent owed between September 2020 and June 2021, they are permanently protected from eviction for not paying their full rent during this period; however they will still owe their landlord all unpaid rent.
- Landlords may still proceed with certain other types of "just cause" evictions unrelated to a tenant's failure to pay rent.

Protection for tenants and property owners impacted by COVID-19

Additionally, SB 91 provided the following relief to tenants and property owners impacted by COVID-19.

- Limiting public disclosure of eviction cases involving nonpayment of rent between March 4, 2020 and June 30, 2021.
- Protects low-income tenants from landlords assigning or selling their rental debt to a third-party debt collector.
- "Pay or Quit" notice period for nonpayment of rent extended from three to 15 days.
- Protects tenants from being evicted for "just cause" if landlord is shown to be really evicting the tenant for COVID-19 related nonpayment of rent.
- Landlord may not charge late fees for nonpayment of rent between March 1, 2020 and June 30, 2021 to tenants who have attested they are experiencing a COVID-19-related hardship.
- Require landlords to notify all tenants who owe back rent about the availability of their rights and the rental assistance program via an informational notice by Feb. 28, 2021.
- Provides extended consumer protections for requests of mortgage forbearance for homeowners impacted by COVID-19 until Sept. 1, 2021.

Cal Cities will continue to work with the Legislature and the Administration to ensure a timely allocation of this much need funding. For more information and resources, visit HousingIsKey.com.

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FOR IMMEDIATE RELEASE

President-elect's Rescue Plan Includes Emergency Funding for Cities

Sacramento — President-elect Joe Biden unveiled his American Rescue Plan this evening, to "change the course of the pandemic, build a bridge towards economic recovery, and invest in racial justice."

League of California Cities Executive Director and CEO Carolyn Coleman issued the statement below in response to the proposed relief package:

"The League of California Cities is encouraged by President-elect Biden's proposal that calls for significant investments in a national vaccination program, as well as programs to support individuals, families, and small businesses who have been hit hard by this pandemic.

"We are also encouraged by the President-elect's recognition that cities, too, have been hit hard by this pandemic, and by his call for Congress to send $350 billion in emergency funding to state and local governments. This funding cannot come soon enough.

"For nearly a year, cities have remained on the front lines working to protect public health and deliver essential public services that residents and small businesses depend on, distributing personal protective equipment, ensuring the most vulnerable in our communities have access to food and shelter, and helping small businesses survive with local grant programs. At the same time, budget shortfalls caused by the pandemic and necessary actions to protect public health have decimated city budgets, threatening jobs, services, local economies, and the livelihood of our communities.

"Cities have asked repeatedly for direct and flexible funding to address the billions of dollars in unforeseen costs and revenue losses that are a direct result of the pandemic. They have been told time and time again to wait their turn. Now must be their turn.

"In the coming weeks, we look forward to working with President-elect Biden and Congress to ensure cities, along with the individuals, families, and small businesses that call our cities home,

have the resources to recover from this pandemic."

More details about the President-elect Biden's American Rescue Plan.

Established in 1898, the League of California Cities is a nonprofit statewide association that advocates for cities with the state and federal governments and provides education and training services to elected and appointed city officials.

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