



A G E N D A



**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY**

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

APRIL 18, 2012

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.***

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH PLANNING COMMISSION,
PUBLIC FINANCING AUTHORITY, HOUSING AUTHORITY AND IMPERIAL BEACH
REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

CLOSED SESSION CALL TO ORDER

ROLL CALL BY CITY CLERK

CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (1 CASE)**
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (1 CASE)**
Initiation of Litigation pursuant to Govt. Code Section 54956.9(c)
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (1 CASE)**
Pursuant to Govt. Code §54956.9(a)
Case No. 11CV0984 BTM (WMc)

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

Any writings or documents provided to a majority of the City Council/Planning Commission/Public Financing Authority/Housing Authority/I.B. Redevelopment Agency Successor Agency regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT - Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.7) - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

2.1 MINUTES.

City Manager's Recommendation: Approve the minutes of the Regular Meeting of February 15, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 80265 through 80325 with a subtotal amount of \$97,212.98 and Payroll Checks 44550 through 44571 for a subtotal amount of \$142,931.69 for a total amount of \$240,144.67.

2.3 RESOLUTION NO. 2012-7179 IN SUPPORT OF SAN DIEGO COUNTY WATER AUTHORITY'S LEGAL BATTLE AGAINST METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA. (0150-20)

City Manager's Recommendation: Adopt resolution.

2.4 RESOLUTION NO. 2012-7182 AUTHORIZING PARTICIPATION IN THE REGIONAL COOPERATIVE CARE PROGRAM (RCCP) JOINT POWERS AUTHORITY AGREEMENT ESTABLISHING PERMANENT GOVERNANCE OF THE RCCP. (0250-20)

City Manager's Recommendation: Adopt resolution.

2.5 RESOLUTION NO. 2012-7183 ADOPTING UPDATED CONFLICT OF INTEREST CODE. (0420-30)

City Manager's Recommendation: Adopt resolution.

2.6 RESOLUTION NO. 2012-7181 ADOPTING A COUNCIL POLICY SETTING PROCEDURES FOR IMPOSING OR INCREASING A FEE OR CHARGE UNDER PROPOSITION 218. (0390-95)

City Manager's Recommendation: Adopt resolution.

2.7 RESOLUTION NO. 2012-7186 APPROVING A COMMITMENT TO THE MINIMUM REQUIRED 10 PERCENT MATCH FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION FOR THE 13TH STREET CLASS 2 BIKE LANE DESIGN AND CONSTRUCTION PROJECT. (0390-86)

City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ADOPTION OF URGENCY ORDINANCE NO. 2012-1125 AND ORDINANCE NO. 2012-1126 ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2012-1125 "AN URGENCY ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES";
3. City Clerk to read Ordinance 2012-1125;
4. Motion to waive further reading and dispense introduction by title only and adopt the ordinance;
5. Mayor calls for the first reading of the title of Ordinance No. 2012-1126 "AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES";
6. City Clerk to read Ordinance 2012-1126; and
7. Motion to waive further reading and introduce by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2012-7180 SETTING THE ANNUAL SEWER CAPACITY FEE. (0390-55)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public comments/protests;
3. Close the public hearing; and
4. Adopt resolution.

REPORTS (6.1-6.3)

6.1 PRESENTATION AND REPORT ON WATER QUALITY. (0230-70)

City Manager's Recommendation: Receive and comment on presentation from Chris Helmer, Environmental Program Manager.

6.2 RESOLUTION NO. 2012-7184 APPROVING A VOLUNTARY SEPARATION INCENTIVE PROGRAM. (0520-60)

City Manager's Recommendation: Adopt resolution.

6.3 LONG TERM VISION. (0330-30)

City Manager's Recommendation:

1. Review and discuss options for reducing costs and increasing revenues in the longer term; and
2. Provide direction on which ideas to pursue.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT www.cityofib.com.

_____/s/
Jacqueline M. Hald, MMC
City Clerk

DRAFT

MINUTES

**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

FEBRUARY 15, 2012

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:31 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: King, Bragg, Bilbray (arrived at 5:33 p.m.)
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY SPRIGGS, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code §54956.8:

Property: 536 13th Street, Imperial Beach, CA 91932, APN 626-192-04

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Bikeway Village LLC

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Property: Airport Authority Vacant Land, Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Airport Authority

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b)(3)(A)

(1 case)

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

MAYOR JANNEY adjourned the meeting to Closed Session at 5:32 p.m.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:12 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bilbray, King, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Spriggs
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Closed Session items 1 and 2, direction was given and no reportable action was taken.

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

TYRA HIDALGO, Imperial Beach Firefighter Paramedic, spoke about the Fire Department's efforts to educate elementary school children on fire prevention and safety during Fire Prevention month. She recognized poster contest winners:

- Hannah Patton from Imperial Beach Elementary School and her teacher Mrs. Tatu
- Hailey Maxe from Oneonta Elementary School and her teacher Mrs. Palmer.

COUNCILMEMBER KING reported on his attendance at the County Water Authority meeting and the ongoing efforts to increase water storage capacity to decrease dependency on water from outside the region.

MAYOR PRO TEM SPRIGGS questioned the status of the Seacoast Drive renderings from SANDAG.

CITY MANAGER BROWN responded completion of the renderings is anticipated in a couple of months.

In response to Mayor Pro Tem Spriggs' question about providing nighttime renderings, COMMUNITY DEVELOPMENT DIRECTOR WADE stated two series of photographs were taken from different vantage points along Seacoast Drive. There will be a phased series of photographs that will include images of current projects as well as potential projects that are possible with the new commercial zoning. He also stated it is possible to do one nighttime view in one of the series of images without going over the budget.

MAYOR JANNEY announced the last pole in an undergrounding project on Elm Ave. will be pulled tomorrow.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

LORI AND RUSSELL BLAUERT, owners of IB Pet, expressed concern about a PetSmart or PetCo locating in the Breakwater project on Palm Ave. They requested the opportunity to grow and expand their business at the location.

RICO TOSCANO, President of the Optimist Club of Imperial Beach, gave background on the Optimist Club and their community programs. He thanked Imperial Beach for the EDCO grant that will help fund the Kids N Kastles event and he requested timely consideration of their special event application for the Kids N Kastles event.

DEBORAH COOK suggested the installation of an electronic billboard sign at the Triangle Park area by 7th Street and Palm Ave. to replace the banner signs. It would be an opportunity for the City to raise revenue by offering advertising to businesses. She also suggested a second location near 13th Street.

JOHN ROCHE provided eleven photos showing the condition of the alley adjacent to his home after it rained in November and he spoke about sending other photos to the City Manager showing the condition of the alley after it rained in January. He complained about the mud that is created after it rains and about the dust under dry conditions. He questioned if residents can take care of the alleys.

MAYOR JANNEY asked staff to return to City Council with information on unpaved alleys.

BEN KIMMICH stated after he placed gravel in his alley, he was given a Notice of Violation and was told to remove the gravel. He asked City Council to consider his situation.

MAYOR PRO TEM SPRIGGS requested a solution to the alley problem and he recognized that City resources are limited.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.8)

The following were submitted as Last Minute Agenda Information:

- Item 2.1 – Revised page 6 to the January 18, 2012 Minutes
- Item 2.3 – Resolution No. 2012-7160

MAYOR PRO TEM SPRIGGS requested the following amendment to the January 18, 2012 Minutes, Item No. 6.1, on page 6: replace “beaches and oceans” with “mitigation approaches.”

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.8, INCLUDING THE REVISION (SUBMITTED AS LAST MINUTE AGENDA INFORMATION) AND THE AMENDMENT (AS SUGGESTED BY MAYOR PRO TEM SPRIGGS) MADE TO THE JANUARY 18, 2012 MINUTES. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Workshop Meeting of October 12, 2011 and the revised and amended minutes of the Regular City Council Meeting of January 18, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 79744 through 79924 with a subtotal amount of \$1,127,220.11 and Payroll Checks 44434 through 44482 for a subtotal amount of \$289,564.29 for a total amount of \$1,416,784.40.

2.3 ADOPTION OF RESOLUTION NO. 2012-7160 IN SUPPORT OF THE SAN DIEGO COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY PLACING AN INITIATIVE ON THE JUNE 5, 2012 BALLOT TO EXTEND FEES PURSUANT TO VEHICLE CODE SECTIONS 9250.7 AND 22710. (0470-32)

Adopted resolution.

2.4 ADOPT RESOLUTION NOS. 2012-7158 AND 2012-7159 APPROVING AND ADOPTING THE SIDELETTERS OF AGREEMENT TO THE MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY AND SEIU AND THE CITY AND THE FIREFIGHTERS' ASSOCIATION. (0540-20)

Adopted resolutions.

2.5 RESOLUTION NO. 2012-7154 RATIFYING THE REGIONAL COOPERATIVE CARE PROGRAM (RCCP) INTERIM GOVERNANCE EXTENSION. (0250-20)

Adopted resolution.

2.6 RESOLUTION NO. 2012-7153 RATIFICATION OF THE AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE CITY OF CORONADO. (0210-40)

Adopted resolution.

2.7 RESOLUTION NO. 2012-7152 ADOPTING THE 2012 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK 2012), THE 2012 REGIONAL SUPPLEMENTS TO THE GREEN BOOK 2012, THE STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION 2006 EDITION AND THE RETENTION OF THE 2009 EDITION OF THE SAN DIEGO REGIONAL STANDARD DRAWINGS. (0720-95)

Adopted resolution.

2.8 RESOLUTION NO. 2012-7155 APPROVING EXTENSION OF THE MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH, THE CITY OF CORONADO, AND THE US NAVY REGARDING JURISDICTION AND LAW ENFORCEMENT ACTIVITIES AT THE AREA KNOWN AS CAMP SURF AND THE ADJOINING BEACHFRONT. (0130-70)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2012-7139 APPROVING COUNCIL POLICY 805 GOVERNING FACILITY USE, PERMITS, RULES AND REGULATIONS FOR MARINA VISTA CENTER AND COMMUNITY ROOM. (0910-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ADMINISTRATIVE SECRETARY POSADA gave a Power Point presentation on the item. She noted that there would be consistency, streamlined work flow and less time spent on facility rentals with approval of the policy and revised application. Additionally, the new fee schedule will allow the City to recover costs for providing and maintaining the facilities. She responded to questions of City Council regarding the application process and submittal deadlines. Staff will consider rental of park facilities in the future.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7139 APPROVING COUNCIL POLICY 805 GOVERNING FACILITY USE, PERMITS, RULES AND REGULATIONS FOR MARINA VISTA CENTER AND COMMUNITY ROOM. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.4)

6.1 AUTHORIZATION FOR CITY MANAGER TO SIGN A LETTER EXTENDING A LICENSE BETWEEN THE CITY AND IMPERIAL BEACH WOMEN'S CLUB TO OCTOBER 30, 2030. (0130-35)

CITY MANAGER BROWN introduced the item.

KATRINKA SIEBER, President of the Imperial Beach Women's Club, requested City Council's approval of the extension to their license agreement with the City of Imperial Beach.

MOTION BY KING, SECOND BY SPRIGGS, TO AUTHORIZE THE CITY MANAGER TO SIGN THE LETTER EXTENDING THE LICENSE AGREEMENT WITH THE IMPERIAL BEACH WOMEN'S CLUB. MOTION CARRIED UNANIMOUSLY.

NANCY DAYTON, Imperial Beach Women's Club, invited everyone to join them for lunch on the second Tuesday of the month at noon in the Marina Vista Center.

6.2 RESOLUTION NO. 2012-7156 AWARDED GEOTECHNICAL ENGINEER AND GEOLOGIST SERVICES CONTRACT TO GEOCON INCORPORATED. (0700-05)

CITY MANAGER BROWN introduced the item.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7156 AWARDED GEOTECHNICAL ENGINEER AND GEOLOGIST SERVICES CONTRACT TO GEOCON INCORPORATED. MOTION CARRIED UNANIMOUSLY.

6.3 PROPOSED CONCEPT DESIGNS FOR COMPLETION OF 13th STREET AND EBONY AVE PEDESTRIAN ACCESS RAMPS. (0720-25)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a Power Point presentation on the item.

COUNCILMEMBER BILBRAY requested installation of stamped or decorative concrete rather than plain concrete.

COUNCILMEMBER KING suggested that lights be added to the sign on 13th Street indicating that raised bumps are ahead. He expressed concern about the choker appearing like a place for parents to stop and pick up children and he encouraged staff to discourage this from happening.

6.4 RESOLUTION NO. 2012-7157 AUTHORIZING THE SEWER SERVICE ENGINEER TO DESIGN AN ODOR CONTROL SYSTEM FOR PUMP STATION 1B. (0830-35)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER reported on the situation.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2012-7157 AUTHORIZING THE SEWER SERVICE ENGINEER TO DESIGN AN ODOR CONTROL SYSTEM FOR PUMP STATION 1B. MOTION CARRIED UNANIMOUSLY.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1-7.2)

7.1 SUCCESSOR AGENCY RESOLUTION NO. SA-12-01 ESTABLISHING RULES AND REGULATIONS FOR THE OPERATIONS OF THE SUCCESSOR AGENCY AS A NEW LEGAL ENTITY SEPARATE FROM THE CITY AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH. (0418-20 & 0418-95)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON reported the Successor Agency is separate from the City and that the City's general fund will not be responsible for the liabilities of the former redevelopment agency.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. SA-12-01 ESTABLISHING RULES AND REGULATIONS FOR THE OPERATIONS OF THE SUCCESSOR AGENCY AS A NEW LEGAL ENTITY SEPARATE FROM THE CITY AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH. MOTION CARRIED UNANIMOUSLY.

February 15, 2012

7.2 ADOPTION OF RESOLUTION NO. SA-12-02 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS). (0412-50)

CITY MANAGER BROWN introduced the item and announced a revised Resolution No. SA-12-02 and Exhibit A (ROPS) were submitted as Last Minute Agenda Information.

FINANCE DIRECTOR MCGRANE reviewed the changes made to the ROPS.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT REVISED RESOLUTION NO. SA-12-02 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS).

City Council discussion.

In response to concerns raised by regarding non-substantive changes MAYOR PRO TEM SPRIGGS suggested that staff present the non-substantive changes to the Agency at a subsequent meeting.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT REVISED RESOLUTION NO. SA-12-02 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS). MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:09 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: April 18, 2012

ORIGINATING DEPT.: Michael McGrane *mt*
Finance Director
SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

As of April 7, 2004, all large warrants above \$100,000 will be separately highlighted and explained on the staff report.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
80265-80304	03/29/12	\$ 66,811.76
80305-80325	04/05/12	30,401.22
	Sub-Total	<u>\$ 97,212.98</u>

PAYROLL CHECKS:

44550-44571	P.P.E. 03/22/12	\$ 142,931.69
	Sub Total	\$ 142,931.69
	TOTAL	<u>\$ 240,144.67</u>

FISCAL IMPACT:

Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council ratify the warrant register.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

 FOR

Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
03/29/2012	80265	ADT SECURITY SERVICES, INC.	103				85.32
101-6010-451.21-04	03/10/2012	APRIL 2012		67363223	120227	09/2012	85.32
03/29/2012	80266	AFLAC	120				980.58
101-0000-209.01-13	03/15/2012	PR AP PE 03/08/2012		20120315		09/2012	501.49
101-0000-209.01-13	03/29/2012	PR AP PE 03/22/2012		766723		09/2012	501.49
101-0000-209.01-13	03/29/2012	PR AP PE 03/22/2012		766723		09/2012	22.40-
03/29/2012	80267	ARROWHEAD MOUNTAIN SPRING WATE	1340				168.56
101-1010-411.30-02	02/22/2012	0031149578 -FEB 2012		02B0031149578	120098	08/2012	40.93
101-1010-411.30-02	03/22/2012	MARCH 2012		02C0031149578	120098	09/2012	40.93
101-5020-432.30-02	03/22/2012	FEB 2012		02C0026726646	120222	09/2012	86.70
03/29/2012	80268	AT&T GLOBAL SERVICES, INC.	2098				224.78
503-1923-419.30-02	03/12/2012	4 LINE SPEAKERPHONE		SB698434	120811	09/2012	224.78
03/29/2012	80269	AVENET, LLC	1510				1,950.00
503-1923-419.21-04	03/08/2012	APR 12-MAR 13 WEB HOSTING		30373	120809	09/2012	1,950.00
03/29/2012	80270	AZTEC LANDSCAPING INC	310				1,513.92
101-5010-431.21-04	03/09/2012	VARIOUS PLANTS/PALM AVE		12322L-IN	120094	09/2012	201.25
101-5010-431.21-04	03/14/2012	PALM AVE PLANT MATERIAL		12345L-IN	120094	09/2012	1,312.67
03/29/2012	80271	BERTHA M LOCKMIER	4				1,405.00
101-0000-221.01-05	03/26/2012	554 10TH STREET		TEP 12-07		09/2012	1,405.00
03/29/2012	80272	CALIFORNIA AMERICAN WATER	512				3,203.05
601-5060-436.27-02	03/12/2012	05-0101092-0 01/09-03/07		04-02-2012		08/2012	13.53
101-5020-432.27-02	03/12/2012	05-0102217-2 01/09-03/07		04-02-2012		08/2012	145.86
101-6020-452.27-02	03/12/2012	05-0102503-5 01/09-03/07		04-02-2012		08/2012	150.97
101-6020-452.27-02	03/12/2012	05-0102504-3 01/09-03/07		04-02-2012		08/2012	9.97
101-5010-431.27-02	03/12/2012	05-0102729-6 01/09-03/07		04-02-2012		08/2012	436.97
101-6020-452.27-02	03/13/2012	05-0106225-1 01/10-03/08		04-02-2012		08/2012	116.52
101-6020-452.27-02	03/13/2012	05-0106249-1 01/10-03/08		04-02-2012		08/2012	9.97
101-6020-452.27-02	03/13/2012	05-0106336-6 01/10-03/08		04-02-2012		08/2012	13.53
101-6020-452.27-02	03/13/2012	05-0106337-4 01/10-03/08		04-02-2012		08/2012	9.97
101-6020-452.27-02	03/15/2012	05-0109756-2 01/11-03/12		04-03-2012		08/2012	225.57
101-6020-452.27-02	03/20/2012	05-0114612-0 01/17-03/15		04-09-2012		09/2012	9.97
101-5010-431.27-02	03/19/2012	05-0114717-7 01/16-03/14		04-09-2012		09/2012	9.97
101-5010-431.27-02	03/19/2012	05-0115202-9 01/16-03/14		04-09-2012		09/2012	9.97
101-6020-452.27-02	03/19/2012	05-0115205-2 01/16-03/14		04-09-2012		09/2012	1,271.52
101-1910-419.27-02	03/19/2012	05-0115206-0 01/16-03/14		04-09-2012		09/2012	317.89
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101-3020-422.27-02	03/19/2012	05-0115211-0 01/16-03/14		04-09-2012		09/2012	175.83
101-5010-431.27-02	03/19/2012	05-0115214-4 01/16-03/14		04-09-2012		09/2012	9.97
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405-1260-413.27-02	03/21/2012	05-0546597-1	01/18-03/16	04-09-2012	08/2012	28.59
03/29/2012	80273	CHARLES J MENDOZA	2			116.00
101-0000-121.00-00	03/27/2012	RFND PARKING TICKET 57269	57269		09/2012	116.00
03/29/2012	80274	CVA SECURITY	797			139.90
101-1910-419.30-02	01/19/2012	JAN 2012 LABOR-SVC CALL	20967	120079	07/2012	139.90
03/29/2012	80275	COLONIAL LIFE & ACCIDENT	941			266.88
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101-0000-209.01-13	03/29/2012	PR AP PE 03/22/2012	20120329		09/2012	133.44
03/29/2012	80276	COMMERCIAL LANDSCAPE SUPPLY	944			163.79
101-6020-452.30-02	03/05/2012	AIR FILTER, EDGER BELT	176408	120018	09/2012	163.79
03/29/2012	80277	COUNTY RECORDER	1818			38.00
101-0000-221.01-02	03/22/2012	605 FLORENCE -1266/1265 C	MF 740		09/2012	19.00
101-0000-221.01-02	03/22/2012	762-764 GEORGIA ST	MF 844		09/2012	19.00
03/29/2012	80278	COUNTY RECORDER	1818			50.00
101-0000-221.01-02	03/19/2012	1174-1180 FLORIDA ST-NOE	MF 1080		09/2012	50.00
03/29/2012	80279	COUNTY RECORDER	1818			38.00
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101-1020-411.29-04	03/21/2012	1240-1242 13TH STREET	VERA		09/2012	19.00
03/29/2012	80280	COX COMMUNICATIONS	1073			125.80
101-6010-451.29-04	03/15/2012	3110015531401	03/13-04/12	04-03-2012	120188	125.80
03/29/2012	80281	DKC ASSOCIATES, INC.	2187			660.00
101-1110-412.20-06	03/28/2012	03/08/12-03/22/12	245	120117	09/2012	224.40
405-1260-413.20-06	03/28/2012	03/08/12-03/22/12	245	120117	09/2012	217.80
502-1922-419.20-06	03/28/2012	03/08/12-03/22/12	245	120117	09/2012	217.80
03/29/2012	80282	FEDERAL EXPRESS CORP.	911			34.05
101-6010-451.28-09	03/09/2012	SEWER SHIPMENT	7-817-38669	120239	09/2012	14.50
101-1130-412.28-09	03/16/2012	03/07/12 ERGOMETRICS	7-825-01088	120239	09/2012	19.55
03/29/2012	80283	GCR TIRE CENTERS	1702			214.80
501-1921-419.28-16	03/20/2012	TIRES	832-10426	120059	09/2012	214.80
03/29/2012	80284	GLOBAL POWER GROUP, INC.	2212			1,877.62
601-5060-436.28-01	01/04/2012	3" WACKER PUMP REPAIRS	22090	120475	07/2012	898.50
601-5060-436.28-01	12/21/2011	4" WACKER PUMP REPAIRS	21872	120475	06/2012	979.12
03/29/2012	80285	GOOGLE, INC.	2009			70.70
503-1923-419.20-06	03/05/2012	02/17-03/16/2012	1157945	120229	09/2012	70.70
03/29/2012	80286	I B FIREFIGHTERS ASSOCIATION	214			300.00
101-0000-209.01-08	03/29/2012	PR AP PE 03/22/2012	20120329		09/2012	300.00

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		PR AP PE 03/22/2012	20120329		09/2012		5,690.38
03/29/2012 101-6010-451.21-04	80288 03/15/2012	JESSOP & SON LANDSCAPING	479				3,052.83
		MARCH 2012	923356	120228	09/2012		3,052.83
03/29/2012 245-1240-513.20-06 402-5000-532.20-06	80289 03/06/2012 03/06/2012	KEYSER MARSTON ASSOC INC	620				3,179.18
		FEB 2012	0024876	111162	09/2012		3,118.13
		FEB 2012	0024876	111162	09/2012		61.05
03/29/2012 210-1235-513.20-06 210-1235-513.20-06	80290 02/29/2012 02/29/2012	KOA CORPORATION	611				997.50
		FEB 2012	JB14146X4	120488	08/2012		420.00
		FEB 2012 -IB BLVD/5TH ST	JB14145X4	120563	08/2012		577.50
03/29/2012 101-1210-413.20-06	80291 02/29/2012	LANCE, SOLL & LUNGHARD LLP	716				2,801.00
		2011 CITY AUDIT-FINAL PAY	3531	120234	08/2012		2,801.00
03/29/2012 101-3030-423.28-04	80292 03/09/2012	LEE DODDS	1979				55.00
		TUITION REIMBURSEMENT	10161389		09/2012		55.00
03/29/2012 101-1910-419.21-04 101-1910-419.21-04 101-1910-419.21-04 101-1910-419.21-04 101-1910-419.21-04 101-1910-419.21-04 101-1910-419.21-04 101-1910-419.21-04	80293 02/09/2012 02/09/2012 02/09/2012 02/09/2012 02/09/2012 02/09/2012 02/09/2012	LLOYD PEST CONTROL	814				300.00
		825 IMPERIAL BEACH BLVD	3314288	120083	08/2012		33.00
		865 IMPERIAL BEACH BLVD	3314289	120083	08/2012		33.00
		845 IMPERIAL BEACH BLVD	3314474	120083	08/2012		33.00
		1075 8TH ST	3314550	120083	08/2012		49.00
		950 OCEAN LN	3302515	120083	08/2012		56.00
		425 IMPERIAL BEACH BLVD	3300192	120083	08/2012		47.00
		495 10TH ST	3302185	120083	08/2012		49.00
03/29/2012 601-5060-436.21-04	80294 03/22/2012	MONTIJO BACKHOE INC	1901				975.00
		PS AIR VENT REPAIR	1518	120871	09/2012		975.00
03/29/2012 101-3060-426.50-04	80295 03/28/2012	OCEAN TECHNOLOGY SYSTEMS	2431				18,280.35
		GUARDIAN FFM-6 SETS	12IN-1242482	120812	09/2012		18,280.35
03/29/2012 501-1921-419.28-16	80296 03/21/2012	RANCHO AUTO & TRUCK PARTS	1685				30.72
		FUEL/OIL FILTERS	7693-113194	120028	09/2012		30.72
03/29/2012 101-0000-209.01-08	80297 03/29/2012	SEIU LOCAL 221	1821				1,344.28
		PR AP PE 03/22/2012	20120329		09/2012		1,344.28
03/29/2012 101-1020-411.21-04	80298 03/20/2012	SHRED SAN DIEGO LLC.	2079				111.00
		37 BOXES	12645	F12072	09/2012		111.00
03/29/2012 501-1921-419.28-15 501-1921-419.28-15	80299 03/15/2012 03/22/2012	SKS INC.	412				7,945.22
		903 GAL REG FUEL	1246846-IN	120058	09/2012		3,601.48
		1098 GAL REG FUEL	1246971-IN	120058	09/2012		4,343.74
03/29/2012 101-5010-431.21-04	80300 02/29/2012	SOUTH WEST SIGNAL	488				502.94
		FEB 2012 MONTHLY MAINTENA	50642	120047	08/2012		160.00

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03/29/2012	80301	UNION BANK PARS-#6746022400	2400			1,839.98	
101-0000-209.01-20	03/29/2012	FR AP PE 03/22/2012	20120329		09/2012	1,839.98	
03/29/2012	80302	WALKSANDIEGO	1551			5,882.48	
101-5020-432.20-06	02/29/2012	FEB 2012-MOVE TOGETHER GR	131-12 REV	110859	08/2012	5,882.48	
03/29/2012	80303	WEST GROUP CTR	826			124.44	
101-1020-411.28-14	03/01/2012	FEB 2012	824515715	120204	09/2012	124.44	
03/29/2012	80304	BRYAN WIDLUND	2150			72.71	
101-3030-423.28-06	03/14/2012	MILEAGE REIMBURSEMENT	03-27-2012		09/2012	72.71	
04/05/2012	80305	ADVANCED PROCESSING & IMAGING	2139			4,000.00	
503-1923-419.28-13	03/12/2012	CREATION OF RECOVERY TOOL	33507	120801	09/2012	4,000.00	
04/05/2012	80306	AECOM TECHNICAL SERVICES, INC.	2109			11,401.63	
402-5000-532.20-06	03/15/2012	PROJ 60215528 FEB 2012	37219994	120116	09/2012	11,401.63	
04/05/2012	80307	CCT TECHNOLOGIES, INC.	2289			3,410.29	
503-1923-419.50-04	03/12/2012	CISCO CATALYST	217277		09/2012	3,410.29	
04/05/2012	80308	CYNTHIA TITGEN	2340			2,485.00	
101-1130-412.20-06	03/12/2012	01/08/2012	03-12-2012	120101	09/2012	10.00	
101-1130-412.20-06	03/12/2012	02/28/12-03/11/12	03-12-2012	120101	09/2012	875.00	
101-1130-412.20-06	04/02/2012	03/12/12-03/31/12	04-02-2012	120101	10/2012	850.00	
101-1130-412.20-06	02/08/2012	02/01/12-02/08/2012	02-08-2012	120101	08/2012	750.00	
04/05/2012	80309	DRUG TESTING NETWORK INC	1195			96.95	
101-1130-412.20-06	03/16/2012	RANDOM DRUG TESTING	59795	120113	09/2012	96.95	
04/05/2012	80310	FASTENAL	909			91.77	
101-6040-454.30-02	03/13/2012	SS THRD RD/NUTS	CACHU27144	120019	09/2012	39.36	
101-6020-452.30-02	03/05/2012	THREADLOCK ORANGE CRSSCHK	CACHU27071	120019	09/2012	25.95	
101-6020-452.30-02	03/08/2012	ELECTROLYTE DRINK MIX	CACHU27109	120019	09/2012	17.28	
101-6040-454.30-02	03/20/2012	FLAT WASHERS/STAINLESS ST	CACHU27209	120019	09/2012	9.18	
04/05/2012	80311	FIRE ETC	924			201.49	
101-3020-422.30-02	03/08/2012	8" STATION BOOT	33513	120299	09/2012	201.49	
04/05/2012	80312	GRAINGER	1051			655.16	
101-6040-454.30-02	03/21/2012	FLOOR SQUEEGEE	9783853170	120020	09/2012	37.50	
101-1910-419.30-02	03/02/2012	LAMPS	9769192387	120020	09/2012	48.60	
101-6020-452.30-02	03/06/2012	GREASE	9771139095	120020	09/2012	23.96	
101-1910-419.30-02	03/06/2012	CIRCUIT BREAKER	9771787612	120020	09/2012	100.15	
101-6020-452.30-02	03/07/2012	METAL HALIDE LAMP	9772443785	120020	09/2012	113.68	
101-6020-452.30-02	03/08/2012	SAFETY CAN WITH FUNNEL	9773380804	120020	09/2012	63.46	
101-1910-419.30-02	03/08/2012	BALLAST KIT	9773380820	120020	09/2012	192.88	

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04/05/2012	80313	HANSON AGGREGATES INC.	48			705.52	
101-5010-431.30-02	03/14/2012	CONCRETE	514812	120049	09/2012	705.52	
04/05/2012	80314	I LOVE A CLEAN SAN DIEGO	278			1,000.00	
601-5050-436.29-04	03/06/2012	2012 CREEK TO BAY SPNRSH	3076	120810	09/2012	1,000.00	
04/05/2012	80315	JILL K. GARDNER & ASSOCIATES,	2433			972.35	
402-5000-532.20-06	03/19/2012	BIKEWAY PROJ-SURVEY/RPT	0001CIB		09/2012	972.35	
04/05/2012	80316	MOBILE HOME ACCEPTANCE CORPORA	1533			296.31	
408-5020-432.25-01	03/24/2012	04/07-05/06/12 TRAILER RN	164450	120205	09/2012	296.31	
04/05/2012	80317	NIPPON CARBIDE IND (USA) INC	1253			814.59	
101-5010-431.30-02	03/07/2012	PROTECTIVE FILM	64523	120709	09/2012	814.59	
04/05/2012	80318	OFFICE DEPOT, INC	1262			55.73	
101-5020-432.30-01	02/02/2012	LYSOL WIPES	596612891001	120001	08/2012	11.51	
101-1210-413.30-01	03/12/2012	COPY PAPER/MARKERS	601412556001	120001	09/2012	21.45	
101-5020-432.30-01	03/14/2012	FILE FOLDERS	601876381001	120001	09/2012	22.77	
04/05/2012	80319	ONE SOURCE DISTRIBUTORS	1071			240.12	
101-6040-454.30-02	03/08/2012	LIGHT LENSES	S3719055.001	120023	09/2012	240.12	
04/05/2012	80320	PMI	23			720.46	
601-5060-436.30-02	03/12/2012	PROTECTIVE GLOVES	0343550	120024	09/2012	457.58	
101-6040-454.30-02	03/13/2012	PROTECTIVE GLOVES	0343757	120024	09/2012	262.88	
04/05/2012	80321	QUICK CRETE PRODUCTS CORP	80			1,571.00	
101-6040-454.30-02	03/07/2012	RECYCLEABLES CONTAINER	0091862-IN	120474	09/2012	1,571.00	
04/05/2012	80322	SAN DIEGO ASSOCIATION OF GOVER	254			82.00	
101-1010-411.28-04	03/15/2012	2012 SANDAG SUMMIT-MEALS	AR166191	F12071	09/2012	82.00	
04/05/2012	80323	SLOAN ELECTRIC COMPANY	417			419.33	
601-5060-436.21-04	03/15/2012	PS#8 SVC CALL-	0060314	120073	09/2012	200.00	
601-5060-436.28-01	03/22/2012	HYDRORANGER PROGRAMMER	0060340	120073	09/2012	219.33	
04/05/2012	80324	STANDARD ELECTRONICS	504			192.15	
101-1910-419.20-23	03/07/2012	3/6/12 LABOR @ SAFETY CTR	16590	120080	09/2012	192.15	
04/05/2012	80325	WAXIE SANITARY SUPPLY	802			989.37	
601-5060-436.30-02	03/20/2012	PAPER TOWELS	73180895	120025	09/2012	194.42	
101-6040-454.30-02	03/20/2012	JANITORIAL SUPPLIES	73182090	120025	09/2012	794.95	
101-0000-321.72-10	04/02/2012	OL REFUNDS	0010396		09/2012	210.00	
101-0000-321.72-10	04/02/2012	OL REFUNDS	0010396		09/2012	12.00	

DATE RANGE TOTAL * 97,212.98 *



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: RESOLUTION NO. 2012-7179 IN SUPPORT OF SAN DIEGO COUNTY WATER AUTHORITY'S LEGAL BATTLE AGAINST METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

BACKGROUND:

Metropolitan Water District has approved water rate increases totaling more than 75 percent since 2006. Their water rate structure misallocates the vast majority of its own water supply costs to the water transportation rates charged to the Water Authority to transport the IID and canal lining supplies, which will result in overcharges of more than \$40 million to San Diego County Ratepayers in 2012 and illegal subsidies to each of the 25 other member agencies of the Metropolitan Water District.

On June 11, 2010, the San Diego County Water Authority filed a lawsuit against MWD, challenging MWD's 2011 and 2012 water rates, which is currently pending in the San Francisco Superior Court as Case No. CPF-10-510830.

ENVIRONMENTAL IMPACT:

This activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

FISCAL IMPACT:

The overcharges are estimated to reach as much as \$217 million annually by the year 2021, and amount to as much as \$2.1 billion by 2047.

CITY MANAGER'S RECOMMENDATION:

1. Adopt Resolution No. 2012-7179 in support of San Diego County Water Authority's legal battle.

Attachments:

1. Resolution No. 2012-7179
2. Water Authority Fighting for Lawful Water Rates at MWD
3. Frequently Asked Questions
4. Water Rate Litigation Update



Gary R. Brown, City Manager

RESOLUTION NO. 2012-7179

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, SUPPORTING THE SAN DIEGO COUNTY WATER AUTHORITY'S LAWSUIT AGAINST THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, San Diego County's \$186 billion economy and 3.1 million people depend upon the San Diego County Water Authority for approximately 75 percent of all water used in the region; and

WHEREAS, the Water Authority purchases nearly 50 percent of the region's water supply from the Metropolitan Water District of Southern California (MWD) and pays MWD a transportation charge to transport another 25 percent of the region's water supply the Water Authority obtained through water conservation achieved through a historic water transfer agreement with the Imperial Irrigation District and by lining the All-American & Coachella canals; and

WHEREAS, MWD has approved water rate increases totaling more than 75 percent since 2006; and

WHEREAS, MWD's water rate structure misallocates the vast majority of its own water supply costs to the water transportation rates charged to the Water Authority to transport the IID and canal lining supplies, which will result in overcharges of more than \$40 million to San Diego County Ratepayers in 2012 and illegal subsidies to each of the 25 other member agencies of MWD; and

WHEREAS, these overcharges are estimated to reach as much as \$217 million annually by the year 2021, and amount to as much as \$2.1 billion by 2047; and

WHEREAS, on June 11, 2010, the San Diego County Water Authority filed a lawsuit against MWD, challenging MWD's 2011 and 2012 water rates, which is currently pending in the San Francisco Superior Court as Case No. CPF-10-510830; and

WHEREAS, on October 27, 2011, the Water Authority successfully amended its lawsuit to assert additional claims against MWD alleging that MWD took additional unfair and punitive actions that negatively impact the Water Authority and San Diego County ratepayers; and

WHEREAS, the city of Imperial Beach and the Water Authority require MWD board policies that make water available at an affordable cost, fairly and lawfully apportioned among its rate categories and among the member agencies of MWD.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The City of Imperial Beach supports the San Diego County Water Authority's lawsuit and the Water Authority's ongoing efforts to secure a reliable water supply and transportation rates from MWD at affordable, lawful and equitable prices.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of April 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

Water Authority Fighting for Lawful Water Rates at MWD

Illegal Water Rates Cost San Diego County Ratepayers Billions



DIVERSIFICATION

Enhancing Water Supply Reliability

The San Diego County Water Authority is suing the Metropolitan Water District of Southern California to stop illegal water rate overcharges and its retaliatory business practices that illegally target and discriminate against the Water Authority and its ratepayers.

These practices, if not stopped, will continue to cost local water ratepayers tens of millions of dollars annually. In 2012, the overcharges are expected to be \$40 million. By 2047, the overcharges could exceed \$2.1 billion.

The Water Authority's lawsuit currently includes six causes of action against MWD. Three claims relate to how MWD's rate structure illegally overcharges San Diego County ratepayers tens of millions of dollars annually for the transportation of water.

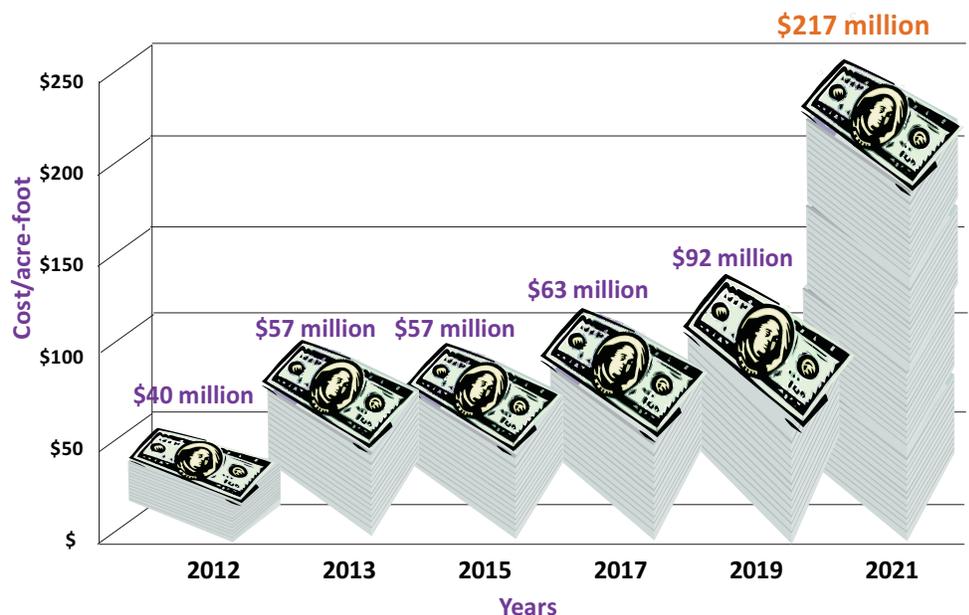
The Water Authority is the only MWD member agency that has secured its own Colorado River supplies and pays fees to use MWD's pipes to transport that supply. MWD has systematically overcharged the Water Authority for transporting these supplies.

Another claim relates to the violation of a 2003 contract with the Water Authority, where MWD agreed to charge lawful rates for transporting water. The lawsuit also asks the judge to overturn a punitive contract provision that punishes the Water Authority for challenging MWD's rates in court.

Finally, the suit asks the court to require MWD to properly calculate the Water Authority's Preferential Right to purchase MWD water. MWD has failed to include payments the Water Authority makes to the agency for transportation in the calculation of the Water Authority's Preferential Right, in violation of state law.

Impact of MWD Overcharges to Water Authority Ratepayers*

MWD's illegal rate structure charges a disproportionately high rate to transport the Water Authority's independent Colorado River supplies. As the Water Authority's Colorado River water supplies reach the maximum annual amount in 2021, those overcharges will grow to as much as \$217 million annually.



*Based on \$40 billion cost to fix the Bay-Delta.

Water Authority Fighting for Lawful Water Rates at MWD

The case has been assigned to San Francisco Superior Court Judge Richard A. Kramer. The Water Authority expects a Superior Court decision by the end of 2012.

The Imperial Irrigation District and the Utility Consumers' Action Network have joined the lawsuit as interested parties on the Water Authority's side. Eight MWD member agencies joined in the suit on MWD's side.

Why are MWD's Rates Illegal?

MWD is required by law to charge rates that reflect the actual, reasonable and proportionate costs of serving each class of its customers. The Water Authority's lawsuit claims MWD is improperly charging hundreds of millions of dollars annually in water supply costs to its System Access Rate, System Power Rate and Water Stewardship Rate. These three rate components comprise MWD's transportation charge.

System Access Rate is paid by MWD member agencies that buy MWD water or use MWD's facilities to transport water not purchased from MWD. More than 80 percent of MWD's State Water Project water supply costs – amounting to hundreds of millions of dollars annually – is assigned to this water transportation rate category, in violation of California law. These costs belong in the Water Supply Rate category.

System Power Rate recovers the costs of energy needed to pump water to Southern California. It is a charge applied to every acre-foot of water transported by MWD. The rate currently includes Department of Water Resources' energy costs for the State Water Project, which MWD does not own or operate. The costs of power needed by the state to deliver water supply to MWD's connections in Southern California are a supplier cost and part of the cost of that water supply. However, MWD improperly assigns that cost to its own transportation rate category. These costs belong in the Water Supply Rate.

Water Stewardship Rate recovers the cost of providing financial subsidies to MWD's member agencies for developing new local water supply projects. These subsidies are used for conservation, recycled water, desalination, or other new water supplies. However, MWD charges these water supply costs as a water transportation service. Because this rate pays for water supply development, it should be applied to the Water Supply Rate.

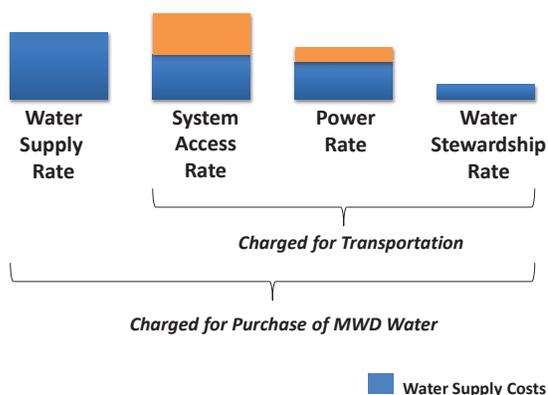
Water Supply Rate is supposed to recover the costs MWD incurs to acquire water supplies. This should include supplies it imports from the Colorado River, State Water Project and money it spends to support the development of new local water supplies and water conservation. All of these water supply costs belong in the Water Supply Rate category.



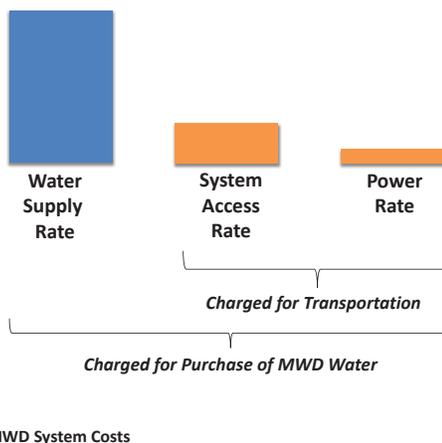
Water conserved by the All-American Canal Lining Project is an important part of the Water Authority's Colorado River water transfer supplies.

MWD's Current Rate Structure

MWD's Rate Structure Misallocates Water Supply Costs to the Transportation Charge



How MWD Rate Structure Should Be



San Diego County Water Authority

4677 Overland Ave.
San Diego, California
92123-1233
858.522.6700

www.sdcwa.org



For more information on this issue, visit www.sdcwa.org/mwdrate-challenge



San Diego County
Water Authority

Frequently Asked Questions

MWD Water Rate Challenge



DIVERSIFICATION

Enhancing Water
Supply Reliability

Q Why is the San Diego County Water Authority suing the Metropolitan Water District of Southern California?

A The San Diego County Water Authority is suing the Metropolitan Water District of Southern California to stop illegal water rate overcharges and retaliatory business practices that unlawfully target and discriminate against the Water Authority and its ratepayers. The lawsuit, filed in 2010, asserts that MWD overcharges the Water Authority for transporting water through MWD facilities, using that money to subsidize the cost of water MWD sells to its other 25 member agencies. It also claims that MWD violated the terms of a 2003 contract where it agreed to charge lawful rates to the Water Authority for transportation. Two additional claims challenge MWD's calculations of the Water Authority's rights to buy MWD water and ask the judge to throw out a punitive contract clause that MWD developed to try to prevent the Water Authority from challenging its rates in court or the California Legislature.

Q Why does the Water Authority believe MWD's rates are unlawful?

A The Water Authority retained independent legal and public finance experts to analyze MWD's costs and proposed 2011 and 2012 rates. These experts determined that MWD is improperly classifying hundreds of millions of dollars in water supply costs as transportation costs, including the cost of water it buys under its water supply contract with the State of California's Department of Water Resources. (The experts' reports are available at www.sdcwa.org/mwdrate-challenge.) The experts concluded that this rate structure discriminates against the Water Authority and forces its ratepayers to pay an artificially and disproportionately high cost to transport the Water Authority's independent Colorado River supplies through MWD's facilities. This practice also creates a corresponding subsidy to the

other 25 MWD member agencies for the water they purchase from MWD.

Q What effect does this misallocation and these discriminatory practices have on San Diego County ratepayers?

A MWD's current rate structure forces the Water Authority and its ratepayers to pay more than MWD's actual, reasonable and proportionate cost for the water transportation services MWD provides to the Water Authority. This will have a significant and escalating financial impact in coming years. Under MWD's rate structure, MWD overcharged the Water Authority's ratepayers approximately \$31 million in 2011. This number will grow to \$40 million in 2012. If left unchallenged, the overcharges will rise to as much as \$217 million annually by the time deliveries of the Water Authority's Colorado River supplies are fully implemented in 2021.

Q Did the Water Authority try to solve this problem with MWD before filing a lawsuit?

A Yes. The Water Authority used all available forums at MWD to try to resolve these issues without the need for litigation. The Water Authority submitted written correspondence and public testimony to MWD and participated fully in the processes established by MWD for considering the proposed rates.

Q Why is the Water Authority the only MWD member agency suing MWD about this issue?

A The Water Authority is the only MWD member agency that has invested in its own imported water supplies independent of its purchases of MWD water. The Water Authority has invested millions of dollars in water conservation in Imperial Valley under its water conservation and transfer agreement with the Imperial Irrigation District and in lining the All-American and Coachella Canals. The amount of this highly reliable water received through these agreements will increase 280,000 acre-feet annually by 2021.

Frequently Asked Questions

Further, the other 25 MWD member agencies benefit directly from MWD's overcharges to the Water Authority for the use of MWD's water transportation facilities and therefore have no incentive to change MWD's rate structure.

Q **Are there other parties involved in the lawsuit?**

A The San Diego-based Utility Consumers' Action Network (UCAN) and the Imperial Irrigation District joined the lawsuit on the Water Authority's side in the litigation. Eight of MWD's member agencies joined the case on MWD's side.

Q **Is the existing rate structure really in the best interest of MWD, its other member agencies and the public?**

A No. First, by making the cost of imported water supply appear artificially low, MWD discourages investments in water conservation programs and local supply development projects, which can be, over the long term, more reliable and cost-effective than buying imported water. Further, because MWD's illegal rate structure keeps the cost of developing local supplies artificially higher than the price of imported water, MWD continues to justify its subsidies to member agency water conservation and local water supply development projects as necessary to encourage their development.

Second, by artificially increasing the cost of transporting water using MWD facilities, MWD is frustrating the development of a robust water transfer market in California. California law and state policy encourage water transfers as an important water management tool. By improperly inflating the cost of using MWD's facilities, MWD effectively puts a stranglehold on access to water transfers among Southern California water agencies and cities.

Q **Will local water bills go down if the Water Authority wins this lawsuit?**

A As part of an earlier agreement, MWD is required to set aside the annual overcharges to the Water Authority in an escrow account. MWD must hold these funds in escrow until the lawsuit is settled. The fund could have as much as \$200 million in it by the time the litigation is concluded. These revenues will be returned to the region in the event of a successful outcome in the case.

A **What will happen if the Water Authority loses in court?**

Q Either side could choose to appeal a lower court decision, so final outcome of the litigation may be two to three years away. Once a final decision is reached, however, the Water Authority Board of Directors will evaluate the region's options, in light of the outcome of the case, and continue to secure a reliable supply of water, pursuing the most cost-effective plans and programs. ■



Water conserved by the All-American Canal Lining Project is an important part of the Water Authority's Colorado River water transfer supplies.



**San Diego County
Water Authority**

4677 Overland Ave.
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92123-1233
858.522.6700

www.sdcwa.org



**Copies of the legal documents filed in the case are available at
www.sdcwa.org/mwdrates-challenge**

Water Rate Litigation Update

March 28, 2012



Ratepayer Money Matters

- ▶ The amount of money at stake in the Water Authority's rate lawsuit vs. MWD (over 45 years):

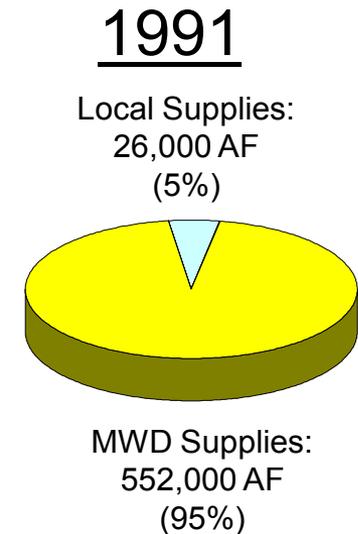
**\$1.3 billion to
\$2.1 billion**

**2012 Impact: \$40 million taken
out of San Diego's economy**



1990s: MWD's "Cash Cow"

- ▶ Water Authority is MWD's largest member agency, buying ~30% of MWD's water and providing ~30% of all of MWD's revenues
- ▶ Supplies from MWD account for 95% of all water used in San Diego County
 - Water Authority buying twice the amount of water than it had a Preferential Right to at MWD
 - San Diego's then-\$65 billion economy and quality of life for its 2.5 million residents were at significant risk during times of water shortage
 - Our region had almost all of its "eggs" in one "basket": MWD



1990-91: Bottom of the Basket Falls Out

Attachment #4

State to Shut Off
Water Delivery
to Southland

Limits on
tap water
use urged
by staff

50% Water-Delivery Cut
Will Be Blow to San Diego
■ Drought: Metropolitan Water District directors also

Business Community's Response:

“Never Again!”

“No More Water Shortages!”

L.A. Ready to Battle San Diego Over Water

■ Conservation: DWP officials weigh legal action as southern neighbor refuses to impose rationing.

clared a water emergency on Tuesday and cut by 31% the amount of water it delivers to 27 agencies from Ventura to San Diego.

SACRAMENTO — Southern Californians are likely to be ordered to cut back their water consumption by an unprecedented 30 percent this

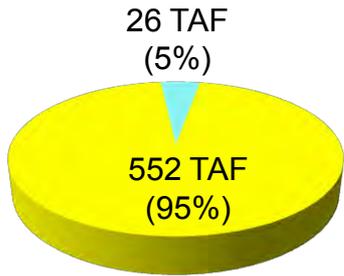
State Water Project cuts off water to farms; urban slash expected

Water: Authority to Vote Today on Mandatory Restrictions



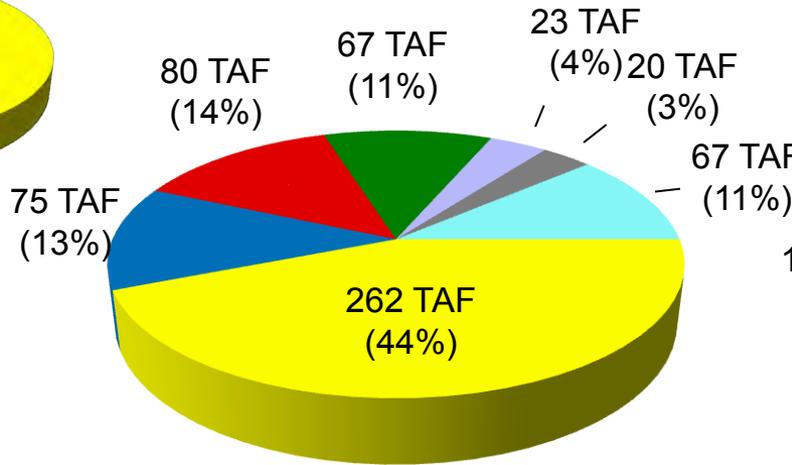
Increasing San Diego County's Water Supply Reliability through Supply Diversification

1991



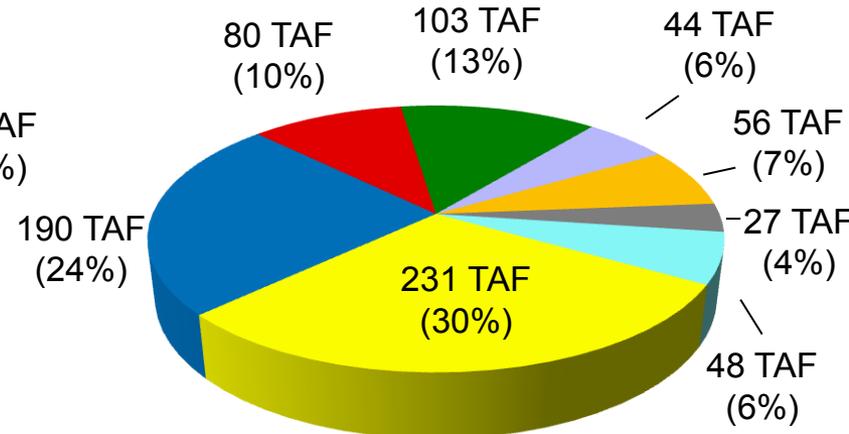
Total = 578 TAF

2011



Total = 594 TAF

2020



Total = 779 TAF

- Metropolitan Water District
- Recycled Water
- Imperial Irrigation District Transfer
- Seawater Desalination
- All American & Coachella Canal Lining
- Groundwater
- Conservation
- Local Surface Water

2003: MWD's New Rate Structure Loads Up Transportation Charge

< 2003

2003>



MWD Must Disaggregate Its Costs

New Rate Structure Misallocates Water Supply Costs to Transportation Charge



Water Supply Rate

System Access Rate

Power Rate

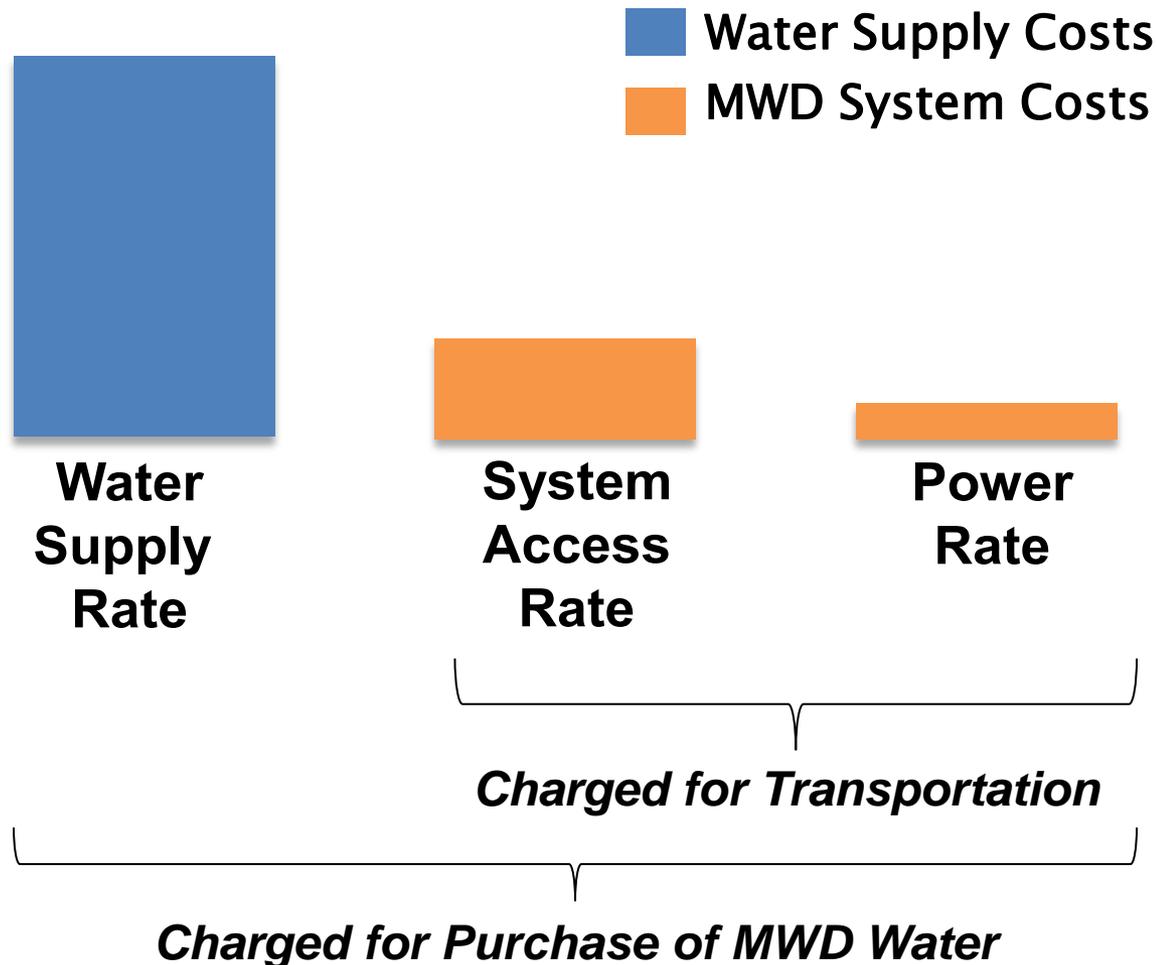
Water Stewardship Rate

Charged for Transportation

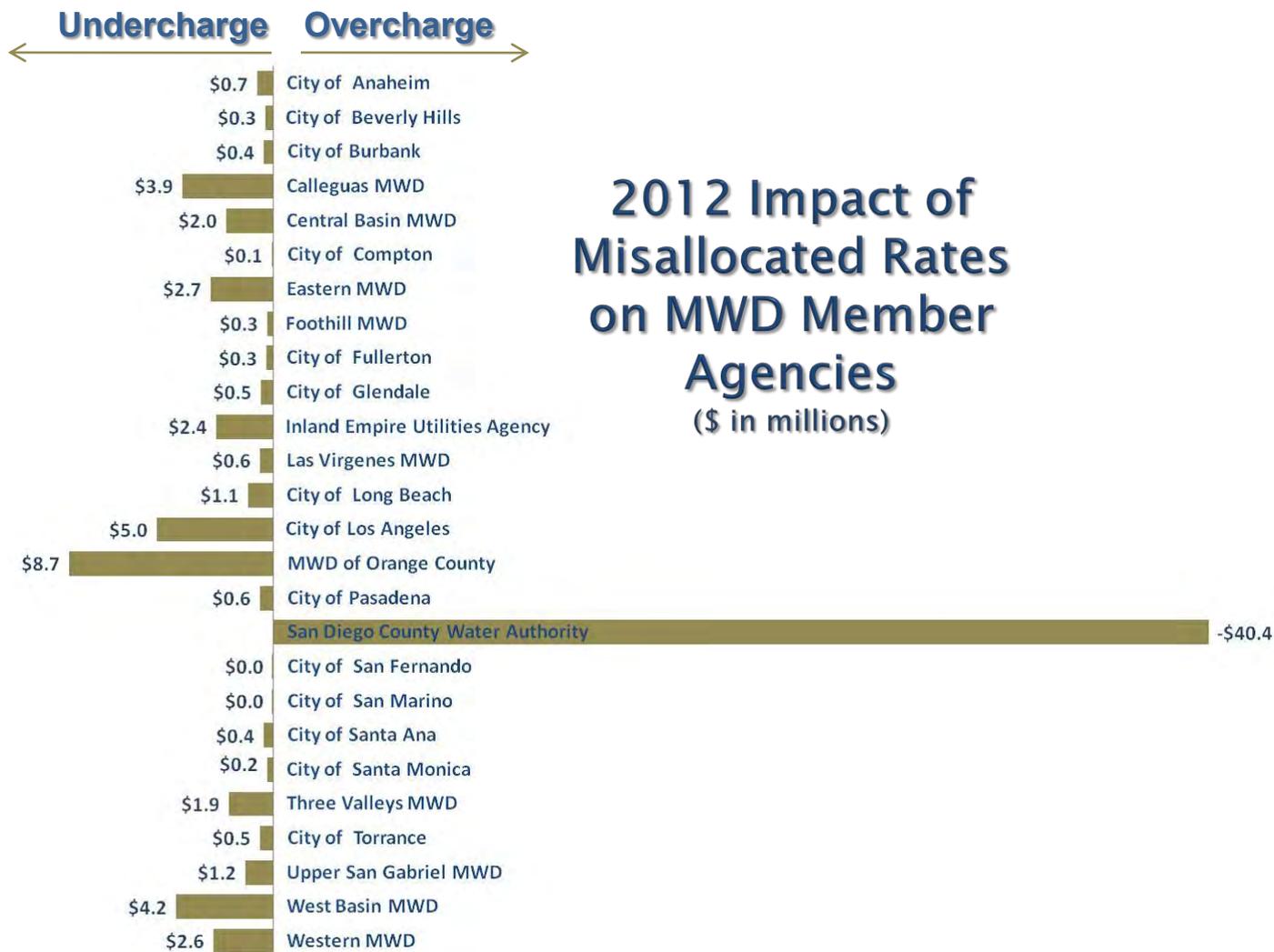
- Water Supply Costs
- MWD System Costs

Charged for Purchase of MWD Water

How MWD's Rate Structure Should Be



Why don't the other MWD Member Agencies Support San Diego?



2012 Impact of Misallocated Rates on MWD Member Agencies
(\$ in millions)



Status of Litigation

- ▶ Case assigned to San Francisco Superior Court Judge Richard Kramer
 - Case has been designated as “complex”
 - Assigned to single judge for all purposes
 - Complex cases generally get more attention and resources from the court
- ▶ Estimated trial court decision in late 2012
- ▶ Jan. 6, 2012: Court granted Water Authority and IID motion to allow discovery in case
- ▶ MWD causing delays in case by opposing discovery
- ▶ Next court hearing: May 10, 2012



Net Proceeds of Litigation will be Returned to Member Agencies

- ▶ Allocate the net refund proceeds directly to Water Authority Member Agencies
 - Refunded escrow monies
 - Less legal costs of the Water Authority
- ▶ Allocate distributions to Member Agencies in proportion to each agency's share of M&I Melded Supply water deliveries for each year during the period of the litigation.



Estimated Calculation of Refund by Member Agency for 2011

Member Agency	Percent of M&I Merged Supply Deliveries	Estimated Refund
Carlsbad	4.13	\$1,569,400
Del Mar	0.28	106,400
Escondido	2.94	1,117,200
Fallbrook	2.04	775,200
Helix	4.92	1,869,600
Lakeside	0.89	338,200
National City	1.25	475,000
Oceanside	5.76	2,188,800
Olivenhain	4.85	1,843,000
Otay	7.75	2,945,000
Padre Dam	2.78	1,056,400
Pendleton	0.01	3,800
Poway	2.64	1,003,200

Member Agency	Percent of M&I Merged Supply Deliveries	Estimated Refund
Rainbow	3.07	\$1,166,600
Ramona	1.23	467,400
Rincon	1.46	554,800
San Diego	41.08	15,610,400
San Dieguito	0.62	235,600
Santa Fe	1.27	482,600
South Bay	1.79	680,200
Vallecitos	3.84	1,459,200
Valley Center	2.41	915,800
Vista	2.99	1,136,200
Yuima *	0	0
Total		\$38,000,000



Support for Water Authority in Rate Litigation (As of 3/26/12)

Attachment #4

- ▶ BIOCOM
- ▶ San Diego Regional Chamber of Commerce
- ▶ San Diego Regional Economic Development Corporation
- ▶ San Diego Downtown Partnership
- ▶ San Diego County Taxpayers Association
- ▶ League of California Cities, San Diego Chapter
- ▶ San Diego County Apartment Association
- ▶ Asian Business Association
- ▶ Building Owners & Managers Association
- ▶ NAIOP Commercial Real Estate Development Association
- ▶ San Diego County Board of Supervisors
- ▶ City of San Diego
- ▶ City of Del Mar
- ▶ City of Escondido
- ▶ City of Lemon Grove
- ▶ City of National City
- ▶ City of Oceanside
- ▶ City of Poway
- ▶ Carlsbad MWD
- ▶ Helix Water District
- ▶ Lakeside Water District
- ▶ Otay Water District
- ▶ Padre Dam MWD
- ▶ Rainbow MWD
- ▶ Ramona MWD
- ▶ San Dieguito Water District
- ▶ Santa Fe Irrigation District
- ▶ South Bay Irrigation District
- ▶ Sweetwater Authority
- ▶ Vallecitos Water District
- ▶ Valley Center MWD
- ▶ Yuima MWD



How to Help

- ▶ Adopt resolution supporting Water Authority in the rate litigation
- ▶ Spread the word:
 - Suggest other civic organizations receive presentation and adopt resolution of support
- ▶ Provide written and oral testimony at MWD rate setting and budget meetings, April 9 & 10
- ▶ Publish commentaries and letters to the editor supporting Water Authority position
- ▶ Feature in publications
- ▶ Feature on web site and in social media activities
 - Link to Water Authority web site
 - <http://www.sdcwa.org/mwdrate-challenge>



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slideshare
Present Yourself





STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: PUBLIC SAFETY *JB*
SUBJECT: ADOPTION OF RESOLUTION 2012-7182 AUTHORIZING
PARTICIPATION IN THE REGIONAL COOPERATIVE CARE
PROGRAM (RCCP) JOINT POWERS AUTHORITY
AGREEMENT ESTABLISHING PERMANENT GOVERNANCE
OF THE RCCP

BACKGROUND:

On October 19, 2011, City Council adopted Resolution 2011-7104 authorizing participation in the Regional Cooperative Care Program (RCCP), and authorizing the Fire Chief to serve as the voting member on the interim governing board, known as the Administrative Oversight Committee, while the Joint Powers Agreement (JPA) is being crafted. The JPA has now been completed, and is being routed to all participating agencies for adoption, and has been reviewed by the City Attorney.

DISCUSSION:

A resolution of the Administrative Oversight Committee, dated January, 24, 2012, was executed between all of the member agencies currently participating in the RCCP extending the interim governance through June 30, 2012. City Council ratified the extension on February 15, 2012 in anticipation of the Joint Powers Agreement being completed prior to June, 2012. Now that the JPA has been completed, the Public Safety Department is requesting City Council to adopt Resolution 2012-7182, which authorizes the City Manager to sign the agreement, thus adopting the Joint Powers Agreement, and establishing the permanent governance model for the RCCP.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no cost impact to the City of Imperial Beach associated with the recommended action.

DEPARTMENT RECOMMENDATION:

The Public Safety Department recommends adoption of Resolution 2012-7182, approving the

City Manager to enter into the Joint Powers Agreement with the other participating RCCP agencies, establishing the permanent governance model.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

 FOR

Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7182
2. Joint Exercise of Powers Agreement

RESOLUTION NO. 2012-7182

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RATIFYING A RESOLUTION OF THE JOINT POWERS AGREEMENT FOR THE PERMANENT GOVERNANCE MODEL OF THE REGIONAL COOPERATIVE CARE PROGRAM

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, The City of Imperial Beach is a participant in the Regional Cooperative Care Program (RCCP); and

WHEREAS, an Administrative Oversight Committee was authorized by the member agencies of the RCCP as an interim governing board until June 30, 2012, or until creation of the Joint Powers Authority (JPA) as a permanent governing board; and

WHEREAS, the JPA has now been completed and approved by the Administrative Oversight Committee, and recommended for adoption by the member agencies;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. Adoption of Resolution. No. 2012-7182 authorizing the City Manager to sign the Joint Exercise of Powers Agreement with the other participating agencies establishing permanent governance of the RCCP.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 15th day of April, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

JOINT EXERCISE of POWERS AGREEMENT

THIS AGREEMENT, made and entered into the 1st day of July, 2012, by and among, the ALPINE FIRE PROTECTION DISTRICT, a special district, the BONITA SUNNYSIDE FIRE PROTECTION DISTRICT, a special district, the CITY OF LA MESA, a general law city and municipal corporation, the CITY OF LEMON GROVE, a general law city and municipal corporation, the CITY OF IMPERIAL BEACH, a general law city and municipal corporation, the CITY OF NATIONAL CITY, a general law city and municipal corporation, the SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT, a special district, and any other agency or organization that agrees to become a party to this Agreement as provided for herein (collectively referred to herein as the "Members"), all of which are organized and/or existing under and by virtue of the Constitution and the laws of the State of California.

WITNESSETH:

WHEREAS, the Members are each empowered by law to each provide pre-hospital emergency medical services; and

WHEREAS, the Members recognize a benefit to consolidating and sharing of administrative, training and oversight services related to the provision of pre-hospital emergency medical services, and that a public benefit will be established by the consolidating and sharing of such services; and

WHEREAS, the Members have agreed to develop a permanent affiliation and organizational structure for the Regional Cooperative Care Partnership ("RCCP") for the purpose of the consolidating, sharing, and funding those services deemed by the Members to be within the scope of the RCCP; and

WHEREAS, the Agencies are authorized to jointly exercise their powers pursuant to the provisions Article 1, Chapter 5, Division 7, Title 1, Sections 6500 through 6530, of the Government Code of the State of California.

NOW, THEREFORE, the Members, for and in consideration of the mutual benefits, promises, and agreements set forth herein, AGREE as follows:

Section 1. Purpose.

- A. This Agreement is made pursuant to California Government Code Section 6500, et seq., hereinafter referred to as the "Act," to permit the joint exercise of certain powers common to the Members. The purpose of this Agreement is to exercise these powers jointly by managing, maintaining, and operating those certain administrative, training, and oversight services related to the provision of pre-hospital emergency medical services to said Members. Such purpose will be accomplished and common powers exercised in the manner set forth in this Agreement. All pre-existing obligations, rights, and privileges of the Members shall continue hereunder, subject to the terms and conditions of this Agreement.

Section 2. Term.

- A. This Agreement shall become effective as of the 1st day of July, 2012, and shall be binding upon all parties hereto, and shall thereafter continue in full force and effect as long as the number of

Members is not reduced below two (2), or until such time as the Members agree to terminate the Agreement, in the manner set forth in Section 8.

Section 3. Personnel and Services

A. The following services shall be performed under the supervision of the Board on behalf of the Members by personnel of one or more Members and/ or contractors, as designated by the Board, and the costs thereof shall be consolidated and shared among the Members as a shared cost pursuant to Section 6(B) of this Agreement:

1) Medical Director:

- Approves all course content
- Approves content of all written and skills examinations
- Approves all instructors and teaching assistants
- Assists with instruction and recruitment of physician instructors as needed
- Serves as medical director for other educational programs including but not limited to ACLS, BTLS, CPR, PALS, NALS, etc.
- Assists in the provision of community education
- Serves as chairperson of the Quality Improvement Committee
- Over-see an annual review of system clinical performance
- Is available on an "as needed" basis for review of significant incidents
- Supports and consults in regards to on-going research studies
- Ensures the development and maintenance of high quality education, training, and quality improvement programs that will exceed standards established by the industry
- Participation, development, and teaching with respect to education programs, remedial training, and performance improvement plans
- Manages all Continuous Quality Improvement Programs
- Interfaces and coordinates activities with allied health and clinical agencies, County EMS, hospitals, and the medial community
- Ensures implementation of protocols in cooperation with regulatory authorities
- Communicates mission, vision, strategies, and goals of system
- Oversees exposure reporting and follow-up activities
- Oversees the administration of vaccines necessary for medical first responders
- Perform other duties as assigned

2) Clinical Coordinator:

- Prepare and review clinical data to identify clinical issues and plan appropriate intervention.
- Review patient care reports as directed by established guidelines.
- Analyze statistical data and clinical and procedural specifications to determine present standards and establish proposed quality and reliability expectancy of services rendered.
- Direct and conduct special studies for the purpose of analyzing available data to identify clinical performance above or below the expected standards of care. Identifies trends and determines the nature or origin to be either a system or individual issue, or a combination of the two.

- Formulate and maintain quality improvement objectives and coordinates objectives with patient care procedures in cooperation with other coordinators to maximize clinical and procedural reliability and minimize costs associated with excessive risk or liability.
- Coach personnel to engage and participate in inspection and monitoring activities to ensure continuous adherence to clinical standards of quality patient care.
- Plan, promote, and organize training activities related to intervention, remediation and employee self-improvement to promote improved service quality and reliability.
- Maintain frequent communication, both written and verbal, with field personnel about issues of patient care. Personal interaction with field employees, to highlight positive issues as well as areas of concern accomplished via unit ride-alongs with direct observation and evaluation of patient care services.
- Investigate complaints regarding the quality of patient care or clinical services rendered.
- Establish and maintain clinical files on clinical personnel. Create and catalog clinical information about the clinical performance of personnel.
- Liaison with contractors, regulatory agencies, and healthcare facilities in matters of quality assurance and quality improvement, maintaining frequent written and verbal communication.
- Attend and participate in structured patient care audits and organized external quality assurance or quality improvement activities.
- Supervise and facilitate a peer review and or CQI committee for the purpose of promoting employee intervention into the improvement of clinical services.
- Serve as the designated Infectious Disease Officer relating to disease and/or blood borne pathogens exposure from emergency incidents
- Manages Program and Administer vaccines as necessary
- Perform other duties as assigned.

3) Program Manager

i. Administration

- Coordinates the committee process, ensures committee needs are met and incorporates directions proposed by the committee process.
- Meets with chief officers of member agencies to ensure RCCP needs are met.
- Meets with Base Hospital Nurse Coordinators as needed.
- Prepares reports for Administrative Oversight Board.
- Develop and manage RCCP annual budget.
- Provides outreach and information regarding RCCP to other agencies.
- Rides with engine and ambulance crews to:
 - establish communication
 - continually improve service to internal and external customers
 - gain insight into dynamics between transport and non transport entities

ii. Quality Assurance

- Oversee QA/CQI activities.
- Coordinates efforts of Clinical Specialist.
- Participates in QA/CQI review and data analysis.
- Participate in QA/CQI related investigations and recommends course of action for resolution.
- Involves Base Hospital Nurse Coordinators in QACQI process in conjunction with Clinical Coordinator.
- Recommend changes to policies or guidelines based on issues or trends identified.
- Ensures compliance with County EMS Policy.
- Develop program and present or coordinate presentations for new employee orientation and transition to first response ALS role.

iii. Training

- Proposes, develops, and presents or coordinate presentations for training opportunities.
- Coordinates training calendar.
- Utilizes issues related to QA/CQI issues are incorporated into training activities while maintaining anonymity of personnel involved in QA/CQI related matter.
- Facilitates the inclusion of subject matter specialist in training opportunities.
- Coordinates the needs of individual departments in conjunction with agency employees charged with training duties.
- Conduct ride-along and during ride-along provides feedback to emergency response personnel.
- Assist with the testing process for new hire, probationary, or identified personnel.
- Works with the Medical Director to:
 - Establish training priorities.
 - Coordinate the QA/CQI program and interpretation of the resultant data.
 - Develop and evaluate current system policies and works to consolidate policies across all the member agencies.
 - Incorporate feedback received from agencies and field providers to improve the level of cooperation and participation.
 - Budget time for field contacts, involvement in training opportunities and response to written requests for Medical Director's opinion.
 - Ensure QA/CQI and EMS education and training activities meet the needs of the member agencies, their constituent members as well as compliance with Federal, State and Local EMS regulations and statutes.

iv. Additional Responsibilities

- Assist member agencies with compliance with Drug Enforcement Administration (DEA) Controlled Medication Policy.

- Compares RCCP system to other cooperative, partnership or departmental systems to strive to continual improvements.
 - Interacts with personnel from outside agencies to gain knowledge of potential new ideas or processes that would improve the RCCP.
 - Propose changes to system to Administrative Oversight Board for approval.
 - Evaluates potential for involvement of additional agencies and provide information to all stakeholders regarding involvement in RCCP.
 - Responds to direction of administrative oversight board on matters related to RCCP.
 - Serve as the designated Infectious Disease Officer relating to disease and/or blood borne pathogens exposure from emergency incidents
- 4) Training: The RCCP will provide the following emergency medical continuing education with State of California approved continuing education credit:
- Two Field Care Audits of a minimum three hours each - Annually
 - In-Station/In-Service (normally two or three fire companies each) EMT-D Training/Field Care Audits of a minimum of one and one-half hours each - Quarterly
 - Assessment of Airway Management and CPR – Annually
 - Assessment of key ALS skills for paramedics - Annually
 - New Hire EMT and/or Paramedic skills assessment, as needed
 - New Hire RCCP orientation, as needed
 - Assist with one Zone Training session (one Heartland and one South Bay) – Annually
 - One-on-one training to employees relating to CQI matters, as needed
 - Other training as authorized by the Board
- 5) Representation to other organizations and government agencies
- i. The Medical Director, Clinical Coordinator, and Program Manager shall represent the member agencies at the listed established committees unless a member agency has another designated representative present at the committee meeting. for clinical matters with the State EMS Authority and/or Local EMS Agency (County EMS), These committees shall included the following:
- Base Hospital Physician Meetings (BSPC)
 - Base Hospital Quarterly Meetings
 - California Fire Chiefs' Association – EMS Southern Section
 - San Diego County EMS Prehospital Audit Committee (PAC)
 - San Diego County Fire Chief's Association – EMS Section
 - San Diego County Paramedic Committee (CPAC)
 - San Diego County EMCC Prehospital/Hospital Subcommittee
 - Quarterly Base Hospital Meetings
 - Other committees as necessary or requested by the Board

6) Other Services

- i. The Members may upon their mutual agreement and in accordance with the terms outlined herein may expand the quantity and scope of services provided hereunder.

Section 4. Management of Agreement.

A. Administrative Oversight Committee

- 1) An administrative entity, to be known as the "Administrative Oversight Committee" (hereinafter "Board") is hereby established, and which shall oversee the exercise of the powers set forth in Section 3 of this Agreement. Each Member shall have not more than one (1) seat on the Board. Each Member shall be represented by its fire chief or another employee so designated by the Member, but no Member shall be represented on the Board by an elected official of the Member agency. The designee for each Member must be identified, initially upon execution of this Agreement and thereafter on an annual basis on or before the anniversary date of this Agreement, or upon any change of a Member's designee.

B. Meetings of the Board

- 1) Regular Meetings of the Board.

The Board shall provide for its regular meetings; however, it shall hold at least one (1) regular meeting each quarter. The Board may provide for further meetings, as may be needed from time to time.

- 2) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. In the event that a quorum of the Board is present, a majority vote of the members of the Board present at the meeting will be required to take action, although a lesser number of the Board may adjourn for lack of a quorum.

Section 5. Powers and Duties.

A. Common Powers.

- 1) The Board shall have all powers common to the Members including but not limited to the following: to consolidate, share, and fund certain administrative, training, and oversight services related to the provision of pre-hospital emergency medical services, to acquire and manage personal property and equipment, to execute contracts on behalf of the Members for the provision of services described herein, and to collect and distribute funds for payment for such services from the Members as provided herein.

B. Manner of Exercising.

- 1) Pursuant to Government Code section 6509, the Board shall exercise its powers on behalf of the Members subject to the restrictions on the manner of exercising powers of a general law city.

C. Duties.

- 1) The Board is hereby charged with performing all acts necessary for the exercise of common powers, including, but not limited to, any or all of the following:
 - i. Recommend an annual budget, as necessary, for the cooperative efforts contemplated by this Agreement, which shall be subject to the approval of the respective governing bodies of the Members;
 - ii. Request the approval of the respective governing bodies of the Members of amendments to the annual budget as necessary to provide the services contemplated by this Agreement;
 - iii. Develop an annual operating plan for the cooperative efforts contemplated by this Agreement;
 - iv. Approve an annual cost allocation plan for each of the Members to participate in the cooperative efforts contemplated by this Agreement;
 - v. Appoint a representative of a Member, who must be a full-time employee of one of the Members, who shall be responsible for coordinating and overseeing the cooperative efforts of the Members in providing the services more completely described herein, in a manner consistent with this Agreement;
 - vi. Execute contracts for the services contemplated in this Agreement and in accordance with the approved annual budget, which services shall be paid for by the Members in accordance with Section 6(B) of this Agreement;
 - vii. Approve a description of services contemplated in this Agreement which are to be provided by one or more employees of one or more Members, the costs of which shall be included in the approved annual budget and paid for by the Members in accordance with Section 6(b) of this Agreement;
 - viii. Recommend personnel actions to each Member with the appointing authority for personnel to be utilized to provide the services contemplated in this Agreement, where the costs of such services are to be paid for by the Members in accordance with Section 6(b) of this Agreement, and approve the appointment of any such employee(s) by the Member(s) to provide such services; and
 - ix. Approve the cost of services to be provided by Member personnel to be paid for by the Members in accordance with Section 6(b) of this Agreement.

Section 6. Cost Allocation.

A. Fiscal Year.

The fiscal year shall be the twelve (12) month period commencing each July 1.

B. Cost Allocation Formula.

1) The formula for the shared costs shall be based on the following factors:

- i. Total Medical Transports of the combined agencies, including Members and any agencies that participate by way of contract or any agreement, and
- ii. Percentage of Total Medical Transports that any specific agency contributes to the Total Medical Transports. By way of example, Agency "A" has 25 medical transports and the Total Medical Transports is 100. Agency "A" would be allocated 25% of Total Medical Transports.
- iii. Each calendar Year by February 1, the Board shall receive transport data for each of the Members and other participating agencies and a cumulative total establishing Total Medical Transports.
- iv. Each Member and other participating agency shall be charged a fee established as a percentage of the approved annual budget of the JPA.
- v. This fee shall be established by the following formula:

Agency Percentage of Medical Transports (Defined in Sub-paragraph ii above) X Total Approved Budget

2) The formula shall be updated annually to be effective the following fiscal year.

C. Cost Allocation Plan.

1) The Board, after the Members have each approved the annual budget, will determine the specific costs to be shared among the Members (the "Cost Allocation Plan"). The Cost Allocation Plan, as determined by the Board, may include, but is not limited to, the following commonly shared costs and expenses:

- i. The costs of services provided to the JPA by personnel of any Member(s), as approved by the Board in accordance with Section 5(C).
- ii. The costs of materials, supplies and services.
- iii. Capital expenditures based on the cost of the original purchase of equipment, hardware, and other fixed asset type items, typically having a useful life of more than two (2) years, including equipment, improvements, and additions, as

opposed to replacement parts for ordinary maintenance during the useful life of the capital items. All costs associated with such purchases, such as installation, shall be capitalized. Replacement of equipment at the end of the useful life shall be a capital item. Assessment of Members for capital expenditures shall be in accordance with the formula for operating expenses set forth in Section 6(B) of this Agreement.

D. Funding; Payments and Credits.

1) Funding

- i. The primary method of funding the RCCP is through charges applied to user fees charged for medical transports by the medical transport provider under contract with the Board and/ or otherwise authorized by the County to provide medical transports in each Member's jurisdiction.
- ii. Each February, the Board shall cause to be submitted to each Member data supporting the current and projected payer mix and collection rates for that specific entity. Such data will provide the agency with the Marginal Collection Rate that will likely be experienced by the collection efforts for transports within that Member's jurisdiction. The Board will cause each Member to be provided with the dollar amount which must be applied to the fee for service rates of each specific agency in order to recognize revenues sufficient to meet the funding requirements of the adopted budget consistent with the funding formula at defined and determined in Paragraph 6(B) above.
- iii. Each Member, at its absolute and sole discretion, may determine to provide funding to the Board through direct cash disbursements that do not utilize an adjustment to fee-for-service rates. If a Member chooses to fund its responsibilities without utilizing the fee-for-service charge method described in this paragraph, payments shall be made in equal quarterly installments due on the first of July, October, January and April.
- iv. Funds received in excess of operational expenses will be allocated to reserves, as approved in the budget process, and future operating expenses. If revenues exceed annual operating expenses and approved reserve funding by more than ten percent (10%), adjustments to fees shall be considered.

2) Payments and Credits

- i. In the event that a Member's allocated costs are not paid in full by those payments made pursuant to Section 6(D)(1), additional payments and credits shall be paid to the Board by the Member according to the Cost Allocation Plan. The Board shall deliver to Member an invoice for any amounts required to be paid pursuant to this Section. Member shall remit payment to the Board not later than thirty (30) days from the date of the invoice. In the event any payment required by this Section is not timely made, the Board reserves the right to charge interest on the unpaid amount at the rate of twelve percent (12%) per annum.

E. Budget Administration.

- 1) The Board has the authority to fully implement the approved budget, and may authorize expenditures and budgetary transfers or adjustments, as necessary.
- 2) The Board shall provide for a strict accounting of all funds held and expenditures made pursuant to its powers described herein, and shall report all receipts and disbursements for the most recently completed fiscal year quarter at each regular meeting.

Section 7. Personnel.

- A. All personnel utilized to provide the services contemplated by this Agreement shall remain employees of their respective Member and no express or implied employment contract exists as a result of this Agreement. All personnel hired by any Member shall be and remain an employee of said Member and shall at all times be subject to the direction, supervision and control of said Member, and said Member shall have the sole responsibility of paying the salaries, taxes, benefits and other employee related expenses regarding its employees.

Section 8. Withdrawal; Termination.

- A. Each Member shall remain a party to this Agreement, and share in the costs of operations of the services being shared under this Agreement. If, in the interim, any Member defaults on payment of any payment due pursuant to Section 6, or otherwise breaches this Agreement, such Member shall be automatically terminated as a party to this Agreement. The terminated Member remains liable for the defaulted payment and late charges for the balance of the delinquent payment.
- B. A Member may withdraw as a party to this Agreement without penalty on any June 30 after the effective date of this Agreement, with one hundred eighty (180) days' prior notice to the Board. Such withdrawing Member shall perform all obligations under this Agreement until the noticed December 31st date of withdrawal.
- C. The Board and the Members each retain the right to seek legal redress, if necessary, to obtain payment of amounts due. The Board and the Members are each entitled to costs and attorney fees related to such legal redress. A withdrawing Member forfeits any claim to any assets of the Members.
- D. Notwithstanding the above, any Member which withdraws shall be obligated to pay to the Members a sum equal to the percentage of said Member's payments due for the fiscal year ending on the date of withdrawal, applied to the total amount of existing long-term debt of the Members existing on the date of withdrawal. Said payment can be a cash payment of the full amount or periodic payments as long-term debt becomes due and payable. Should the withdrawing Member choose to pay such amount as the debt becomes due and payable, said Member shall be responsible for, in addition to the principal payments due, all interest and finance costs.

Section 9. Dissolution.

- A. The Agreement shall terminate if the number of parties to this Agreement becomes less than two (2) members, or if the parties unanimously agree to terminate the Agreement. In either instance, dissolution shall only be effective upon a December 31st, but shall in no event be effective until the requirements of Section 10 are satisfied.

Section 10. Disposition of Assets.

- A. This Agreement may not be terminated and disposition of assets, if any, made to parties to the Agreement until the Board reasonably exhausts all means of collecting any monies due to the Agreement.
- B. If the cause for termination was reduction of the number of parties to the Agreement to less than two (2) Members, all net assets jointly owned by two (2) or more Members shall be disposed of in accordance with the separate agreement for those assets. If there is no separate agreement for otherwise disposing of the jointly owned assets, if any, said assets become the property of the sole remaining party to this Agreement.
- C. If the cause for termination is mutual agreement, the total dollar amount of the net assets, if any, shall be apportioned among such parties according to the relative assessments paid by those parties during the entire term of the Agreement.
- D. In no event shall assets be transferred to Members until all debts are retired.

Section 11. Amendment to Agreement.

- A. The Board may recommend an amendment to this Agreement. This Agreement may be amended by a unanimous vote of the legislative bodies for the Members. The Board shall forward the proposed amendment with its recommendation to each Member. The proposal shall be accompanied by a copy of the proposed amendment to the Agreement, which shall be adopted, properly executed, and returned to the Board if the Member concurs with the amendment. If the legislative body of any of the Agencies fails to approve the amendment, if such approval is required, that Member shall be deemed to have elected to terminate its participation in this Agreement. In such event the terms of Section 9 shall apply.

Section 12. Additional Parties to the Agreement.

- A. Public agencies, as defined in the Act, which are not parties hereto, may become parties hereto only (upon approval by the legislative body of the agency requesting membership) by amendment to this Agreement as defined in Section 11 hereof, and subject to the following terms and conditions.
- B. A new Member may be permitted to join this Agreement upon a unanimous vote of the Members.
- C. The Board shall determine the fees to be paid by the new Member for the services provided to the new Member pursuant to this Agreement.

- D. The new Member shall pay a buy-in fee as determined by majority vote of the Board after consideration has been given to the following factors:
- 1) The book value of the existing Members' long-term fixed assets
 - 2) The book value of the existing Members' current assets
 - 3) The existing Members' unappropriated reserves for contingencies
 - 4) Benefits received by the existing Members by adding the new Member
 - 5) Such other facts that the existing Members believe are germane to a determination
- E. The effective date of the amendment to this Agreement and inclusion as a new Member shall only occur on a date mutually agreed upon by all parties.
- F. Unless otherwise agreed to by the parties and in addition to any buy-in fees, a new Member shall pay to the Board a prorated portion of any annual membership fees based on the effective date of the amendment adding the new Member to this Agreement.
- G. Such new Members that become parties hereto shall be entitled to all the rights and obligations of Members, and shall become a Member as defined in this Agreement.

Section 13. Notices.

- A. All notices and other communications permitted or required hereunder shall be in writing and shall be served by personal delivery or by deposit in the United States mail, postage paid, addressed to the respective parties as follows:

To Alpine:	Alpine Fire Protection District 1364 Tavern Road Alpine, CA 91901 Attention: Fire Chief
To Bonita-Sunnyside:	Bonita-Sunnyside Fire Protection District 4900 Bonita Road Bonita, CA 91902 Attention: Fire Chief
To Imperial Beach:	City of Imperial Beach 865 Imperial Beach Blvd Imperial Beach, CA 91932 Attention: Public Safety Director/ Fire Chief
To La Mesa:	City of La Mesa 8130 Allison Avenue La Mesa, CA 91941 Attention: City Manager

To Lemon Grove: City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945
Attention: City Manager

To National City: City of National City
140 East 12th Street, Suite A
National City, CA 91950
Attention: Director of Emergency Services

To San Miguel: San Miguel Consolidated Fire Protection District
1800 Via Orange Way
Spring Valley, CA 91978
Attention: Fire Chief

- B. Any notice or other communication served by personal delivery shall be deemed served when delivered. Any notice or other communication deposited in the United States Mail as provided above shall be deemed to have been served two days after the day of deposit.

Section 14. Severability.

- A. Should any part, term, portion, or provision of this Agreement or the application thereof of any person or circumstances, be in conflict with any State or Federal law, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms, portions or provisions, or the application thereof to other persons or circumstances, shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to continue to constitute the Agreement that the parties intended to enter into in the first instance.

Section 15. Hold Harmless.

- A. Each Member shall defend, indemnify, and save all other individual Members harmless from any and all claims arising out of that individual Member's negligent performance of this Agreement. Any loss or liability resulting from the negligent acts, errors, or omissions of the Board and/or any staff hired jointly by or employed by the Members, while acting within the scope of their authority under this Agreement, shall be borne by the Members' collectively and proportionately in accordance with the contributions agreed to for all other obligations of the Members under this Agreement. The provisions of this Section 15 shall survive the termination or expiration of this Agreement.

Section 16. Legal Representation and Advice.

- A. Each Member shall rely upon and consult with its own legal counsel regarding legal matters or issues related to the Member's participation in this Agreement. In the event that a legal matter or issue relates to two or more Members where the Members involved will benefit from joint representation, the Board shall meet and agree on appropriate legal representation and apportionment of costs, if applicable. Legal counsel appointed by the Board to represent two or

more members shall not be any legal counsel who serves as City Attorney or General Counsel for any Member.

Section 17. Successors.

- A. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto.

Section 18. Governing Law.

- A. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

Section 19. Entire Agreement.

- A. This Agreement, and any exhibits and attachments, constitutes the entire agreement of the parties. This Agreement may be executed in counterparts.

[Signature Pages Follows]

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed as of the day and year first above written.

ALPINE FIRE PROTECTION DISTRICT

Attest:

By: _____

Fire Chief/Fire Board Secretary

Its: _____

BONITA-SUNNYSIDE FIRE PROTECTION DISTRICT

Attest:

By: _____

Fire Chief/Fire Board Secretary

Its: _____

CITY OF IMPERIAL BEACH

Attest:

By: _____

City Manager/City Clerk

Its: _____

CITY OF LA MESA

Attest:

By: _____

City Manager/City Clerk

Its: _____

CITY OF LEMON GROVE

Attest:

By: _____

City Manager/City Clerk

Its: _____

CITY OF NATIONAL CITY

Attest:

By: _____

City Manager /City Clerk

Its: _____

**SAN MIGUEL CONSOLIDATED FIRE PROTECTION
DISTRICT**

By: _____

Attest:

Its: _____

Fire Chief/Fire Board Secretary



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: CITY CLERK

SUBJECT: CONFLICT OF INTEREST CODE UPDATE

BACKGROUND:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate and up to date, or if the code must be amended. Following review, notice regarding status of the code must be submitted to the code reviewing body no later than October 1 of even-numbered years. Local agencies are also required by the Political Reform Act to update their Conflict of Interest Code in the event of changed circumstances, such as creation of new positions.

DISCUSSION:

The City of Imperial Beach adopted Regulation 18730 (referred to as the model or standard code by the Fair Political Practices Commission) by reference and, as such, the body of the code is up to date. However, due to a change in a staff position and the creation of the Housing Authority and the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, Appendix II must be updated and approved.

FISCAL IMPACT:

None related to this report.

DEPARTMENT RECOMMENDATION:

Approve Resolution No. 2012-7183 adopting an updated Appendix to the Conflict of Interest Code as shown in Attachment 1.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments

1. Resolution No. 2012-7183 with Council Policy 115 – Conflict of Interest Code as Exhibit A

RESOLUTION NO. 2012-7183**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING, AFFIRMING, AND INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST PROVISIONS OF 2 CALIFORNIA CODE OF REGULATIONS SECTION 18730 AND ADOPTING AMENDED AND UPDATED APPENDICES TO THE CONFLICT OF INTEREST CODE OF THE CITY OF IMPERIAL BEACH**

WHEREAS, pursuant to the requirements of the California Political Reform Act (the "Act"), section 81000 of the California Government Code, all local governmental agencies must adopt Conflict of Interest Codes applicable to every officer, employee, member or consultant of the agency whose position entails the making or participating in the making of decisions that may foreseeably have a material financial effect on any financial interest, and which Code requires such designated employees to disclose and disqualify themselves from making, participating in, or attempting to influence such decisions; and

WHEREAS, the City has previously adopted the terms of 2 California Code of Regulations section 18730, the Conflict of Interest Code terms promulgated by the Fair Political Practices Commission ("FPPC") by City of Imperial Beach Resolution No. 91-4020; and

WHEREAS, the City Council of the City of Imperial Beach, as the Code Reviewing body under the Act, adopts, affirms and incorporates by reference the standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC; and

WHEREAS, the standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC, along with Appendix I setting forth amended disclosure categories, and Appendix II, amending the list of designated officials, including establishment and deletion of certain positions and changes in job titles, does constitute the Conflict of Interest Code of the City of Imperial Beach.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach, California, as follows:

1. The standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC is hereby incorporated by reference.
2. The disclosure categories are set forth in Appendix I and the amended list of designated positions subject to the requirements of the Conflict of Interest Code are set forth in Appendix II.

3. The standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC and the Appendices I and II constitute the Conflict of Interest Code for the City of Imperial Beach.
4. The City Council of the City of Imperial Beach does hereby adopt the attached Conflict of Interest Code (Exhibit A) and its amended Appendix II.
5. The City Council hereby amends City Council Policy 115 as the Conflict of Interest Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 18th day of April 2012, by the following vote:

AYES: **COUNCILMEMBERS:**
NOES: **COUNCILMEMBERS:**
ABSENT: **COUNCILMEMBERS:**

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

CITY OF IMPERIAL BEACH COUNCIL POLICY		
SUBJECT: CONFLICT OF INTEREST CODE	POLICY NUMBER: 115	<u>PAGES</u> Page 1 of 5
ADOPTED BY: Resolution No. 2012-7183	DATED: April 18, 2012	

See attached Conflict of Interest Code approved April 18, 2012.

CITY OF IMPERIAL BEACH CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's conflict-of-interest code. After public notice and hearing, the standard code may be amended by the Fair Political Practices commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements, shall constitute the conflict-of-interest code of the City of Imperial Beach.

Individuals holding designated positions shall file their statements with the City Clerk, which will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

APPENDIX I

- A. Public Officials/employees holding positions designated in Appendix II are required to file the initial, annual, and leaving office statement of economic interest for the types of interests in the categories set forth in the Disclosure Categories column opposite the column Designated Positions. It has been determined that these persons make or participate in making decisions, which foreseeably may have a material effect on such financial interests.
- B. Where the Disclosure Category requires disclosure of interests in real property, the designated employee need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the City of Imperial Beach.
- C. Where the Disclosure Category requires disclosure of investments or sources of income, the designated employee need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.
- D. Where the Disclosure Category requires disclosure of business positions, the designated employee need only disclose positions of director, officer, partner, employee, or any position of management in organizations or enterprises operated for profit.
- E. The Disclosure Categories are:

CATEGORY 1 Broad Responsibilities. Full Disclosure.

All interests in real property located in the City of Imperial Beach, including any property owned or used by the City in which the designated employee has a direct or indirect interest, as well as investments, business positions in business entities, and sources of income, including gifts, loans and travel payments from all sources located in or doing business in the City.

CATEGORY 2 Decision-Making Authority Affecting Real Property.

All interests in real property located in the City of Imperial Beach, including any property owned or used by the City in which the designated employee has a direct or indirect interest.

CATEGORY 3 City-Wide Decision-Making Authority.

All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from all sources that provide leased facilities, goods, vehicles, supplies, materials, machinery, equipment, or services, including consulting services, of the type utilized by the City.

CATEGORY 4 Department/Division Decision-Making Authority.

All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from all sources that provide leased facilities, goods, vehicles, supplies, materials, machinery, equipment, or services, including consulting services, of the type utilized by the employee's department, division, or area of authority.

CATEGORY 5 Regulatory Power.

All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from any source that is subject to the regulatory, permit, or licensing authority of the designated official, consultant, or employee's department, division, or area of authority.

CATEGORY 6 Decision-Making Authority Affecting Claims.

All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from all sources that filed a claim against the agency during the previous two years, or have a claim pending that is reviewed by the designated official, consultant or employee's department or division.

**APPENDIX II
 CONFLICT OF INTEREST CODE**

Designated Positions	Disclosure Categories
Mayor, Councilmembers, Public Fac., Corp. Members	*/
Housing Authority	1/
City Manager	*/
City Attorney	*/
Finance Director/City Treasurer	*/
Planning Commissioners	*/
City Clerk	1
Assistant City Attorney(s)	1
Community Development Director	1
Public Safety Director/Fire Chief	1
Public Works Director	1
Assistant City Manager	1
City Planner	1
Environmental Program Manager	2, 5
Capital Improvement Project Manager	2, 4
Public Works Inspector	2, 4, 5
Lifeguard Captain	4
Management Analyst	2, 4
Information Technology Manager	4
Redevelopment Coordinator	1
Human Resources Manager	4
Building Official	1
Building/Housing Inspectors I and II	2, 5
Public Works Superintendent	2, 3
Finance Supervisor	1
Code Compliance Officer	2, 5
Fire/Safety Inspector II	2, 5
GIS Administrator	4

Oversight Board of the IB RDA Successor Agency	1
Design Review Board Members	1
Tidelands Advisory Committee Members	1
Port Commissioner	*/

Consultants:

Consultants who, pursuant to a contract with the City of Imperial Beach, either (a) make government decisions, or (b) provide “services in a staff capacity” otherwise performed by an individual holding a designated position in this code, shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.)

Consultants who “serve in a staff capacity” as described in (b) above shall disclose financial interests in the same manner as is required for the designated position the duties for which are performed in whole or part, by the consultant.

*/ As required by Government Code Sections 87200-87210, included for informational purposes only. See Government Code Section 87206-87210 for disclosure requirement.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH ADOPTING A COUNCIL POLICY SETTING PROCEDURES FOR IMPOSING OR INCREASING A FEE OR CHARGE UNDER PROPOSITION 218

BACKGROUND:

Proposition 218 (Articles XIIC and XIID of the California Constitution) requires the City of Imperial Beach (City) to comply with the substantive and procedural requirements set forth in section 6 of Article XIID of the California Constitution prior to imposing or increasing a fee or charge upon any parcel of property or upon any person as an incident of property ownership.

Proposition 218 also requires that the record owner or ratepayer for the parcel upon which the fee or charge is proposed for imposition or increase be notified of the amount of the fee, the basis upon which the amount of the fee was calculated, the reason for the fee, and the date, time, and location of a public hearing on the fee. Proposition 218 also requires that all protests against the fee or charge be considered at that public hearing. The City has complied with these requirements in its previous Proposition 218 hearings.

Although such procedures are not required under the law, it is recommended that a policy be adopted. Many other public agencies have adopted such procedures for Prop 218 hearings. The proposed procedures would provide answers to potential questions on certain aspects of the protest process.

DISCUSSION:

The attached resolution proposes to adopt City Council Policy No. 614, which sets for procedures for imposing or increasing a fee or charge upon property as an incident of property ownership. The policy covers the fee or charge to which the protest applies, the type of service involved, the required notices, protest procedures and the tabulation of written protests. Some highlights include implementation of one protest per parcel rule, and requirements that written protests be submitted prior to the conclusion of the noticed hearing and a signature of the person submitting the protest. Each of these procedures are commonly adopted by other public agencies in the State.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

No significant fiscal impact.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

 FOR

Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7181
2. City Council Policy No. 614

RESOLUTION NO. 2012-7181

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING A COUNCIL POLICY SETTING PROCEDURES FOR IMPOSING OR INCREASING A FEE OR CHARGE UNDER PROPOSITION 218

WHEREAS, Proposition 218 (Articles XIIC and XIID of the California Constitution) requires the City of Imperial Beach (City) to comply with the substantive and procedural requirements set forth in section 6 of Article XIID of the California Constitution prior to imposing or increasing a fee or charge upon any parcel of property or upon any person as an incident of property ownership; and

WHEREAS, Proposition 218 requires that the record owner or ratepayer for the parcel upon which the fee or charge is proposed for imposition or increase be notified of the amount of the fee, the basis upon which the amount of the fee was calculated, the reason for the fee, and the date, time, and location of a public hearing on the fee; and

WHEREAS, Proposition 218 requires that all protests against the fee or charge be considered at that public hearing; and

WHEREAS, the City Council wishes to set forth procedures in this resolution to clarify these issues, which are intended to be consistent with both Proposition 218 and with the Proposition 218 Omnibus Implementation Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. The attached Council Policy No. 614 setting forth procedures shall be used when imposing or increasing a fee or charge subject to Article XIID of the California Constitution:

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of April 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

CITY OF IMPERIAL BEACH COUNCIL POLICY		
SUBJECT: POLICY ON PROPOSITION 218 HEARING PROTEST PROCEDURES	POLICY NUMBER: 614	PAGE 1 OF 4
ADOPTED BY: Resolution No. 2012-7181 AMENDED BY:	DATED: April 18, 2012	

BACKGROUND

Proposition 218, codified in Articles XIIC and XIID of the California Constitution, requires the City to comply with substantive and procedural requirements set forth in section 6 of Article XIID of the California Constitution prior to imposing a fee or charge upon any parcel of property or upon any person as an incident of property ownership. Proposition 218 further requires that the record owner or ratepayer for the parcel upon which the fee or charge is proposed for imposition or increase be notified of the amount of the fee, the basis upon which the amount of the fee was calculated, the reason for the fee, and the date, time, and location of a public hearing on the fee. However, Proposition 218 does not provide specific guidance on who is allowed to submit protests, the procedure for submitting protests, or how the protests are to be tabulated.

PURPOSE

The City Council wishes to set forth procedures to clarify who is permitted to submit protests, the procedure for submitting protests and how protests are to be tabulated. These procedures are intended to be consistent with both Proposition 218 and the Proposition 218 Omnibus Implementation Act codified in the California Government Code.

POLICY

The following protest procedures shall apply to hearings held in accordance with Proposition 218.

1. **Fee or Charge**. For the purposes of this policy, "fee or charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property-related service.
2. **Property-related Service**. For purposes of this policy, "property-related service" means a public service having a direct relationship to property ownership, and includes water and sewer service charges pursuant to Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal. 4th 205.
3. **Notice: Increase in Existing Fee**. Prior to increasing a fee or charge, each parcel upon which the fee or charge is proposed for imposition shall be identified. The City shall mail written notice at least forty-five days prior to the

date of the public hearing on the fee or charge to all persons who have signed up to receive the service for which the fee or charge is imposed as reflected in the billing records of the City at the time the notice is given, at the mailing address shown in the billing records of the City (as provided in Government Code section 53755). All mailed notices shall comply with Proposition 218 and the Proposition 218 Omnibus Implementation Act. In addition to the persons identified in this section, the City Clerk shall also mail written notice to anyone who has submitted a request to receive notice of the imposition or increase of a fee or charge.

4. Protest Procedure.

A. Any owners whose names and addresses appear on the last equalized secured property tax assessment roll and any persons who have signed up to receive the property-related service for which the fee or charge is proposed may submit a written protest against the proposed fee or charge at the noticed public hearing, or by U.S. Mail or hand delivery to the City at 825 Imperial Beach Blvd, Imperial Beach, CA 91932. Protests submitted by electronic mail or facsimile, and verbal protests, will not be considered by the City Council to determine whether a majority protest has been received. All members of the public are welcome to make comments at the public hearing whether or not they choose to submit a written protest.

B. All written protests must be submitted before the conclusion of the noticed public hearing. The City shall not accept or consider any protest that is received after the conclusion of the public hearing even if postmarked prior to that time.

C. Written protests must identify the affected property (by assessor's parcel number or street address) and must include the original signature of the person submitting the protest. The person signing the protest shall identify him or herself as either the owner of the parcel as shown on the last equalized security property tax assessment roll or as the person who signed up to receive the property-related service for which the fee or charge is imposed.

D. One written protest per parcel, submitted by the owner of the parcel whose name appears on the last equalized property tax assessment roll or submitted by the person who signed up to receive the property-related service for which the fee or charge is imposed, shall be counted. If either the owner of the parcel whose name appears on the last equalized property tax assessment roll or the person who signed up to receive the property-related service for which the fee or charge is imposed submits a written protest, that protest shall be included in the calculation of whether there is a majority protest against the fee or charge. If more than one person or entity owns the parcel, if one of the owners submits a written protest, that protest shall be included in the calculation of whether there is a majority protest against the fee or charge. Under all circumstances, only one protest per parcel shall be counted.

E. Any person who submits a written protest may withdraw it by submitting a written request that the protest be withdrawn in person at the public hearing or to the City by U.S. Mail before the conclusion of the public hearing. The written withdrawal of a protest shall identify the parcel and the name of either the owner whose name appears on the last equalized secured property tax assessment roll or the person who signed up to receive the property-related service for which the fee or charge is imposed and include a request that the protest be withdrawn. The withdrawal of a protest shall only be valid if it is submitted by the same person who submitted the protest.

F. After the conclusion of the public hearing and tabulation of protests, the written protests shall constitute "public records" (as defined in Government Code section 6254).

G. Complaints by individuals alleging non-receipt of notice shall be rebutted by City demonstration of compliance with section 3 above.

5. Tabulation of Written Protests. The following procedures are hereby adopted for calculating whether a majority protest against a fee or charge has been received:

A. The City shall determine the validity of all protests. The City shall not accept as valid any protest if the City determines that any of the following are applicable:

- i. The protest does not identify a parcel which receives the property related service for which the fee or charge is imposed.
- ii. The protest does not bear the original signature of the person submitting the protest.
- iii. The protest does not state its opposition to the proposed fee or charge which is the subject of the protest proceeding.
- iv. The protest was not received by the City before the close of the public hearing on the proposed fee or charge.
- v. A request to withdraw the protest is received prior to the close of the public hearing on the proposed fee.
- vi. The protest was delivered to the City in a manner other than U.S. mail or personal delivery (such as electronic mail or facsimile).

B. The City's decision regarding the validity of a protest shall constitute final action of the City and shall not be subject to appeal to the City Council or any other employee of the City.

C. The protests shall be tabulated following the close of the public hearing. Tabulation shall be conducted by a designated employee or official of the City, or by a consultant with relevant experience. The tabulation of protests shall be conducted at the City Office. Members of the public shall be permitted to observe the tabulation process, but shall not be entitled to actively participate in the tabulation process.

- D. A majority protest exists if, with respect to a majority of the parcels subject to the proposed fee or charge, written protests which comply with each of the requirements of this resolution are timely submitted and not withdrawn.



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: PUBLIC WORKS *HBZ*
SUBJECT: RESOLUTION APPROVING A COMMITMENT TO THE MINIMUM REQUIRED 10 PERCENT MATCH FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION FOR THE 13th STREET CLASS 2 BIKE LANE DESIGN AND CONSTRUCTION PROJECT

BACKGROUND: The City's Bicycle Transportation Plan (BTP) adopted in 2008 shows 13th Street as a Class 2 bike lane from Iris Avenue to the Bayshore Bikeway. At the April 4, 2012 City Council meeting, staff reported that CALTRANS had announced a call for projects for the Bicycle Transportation Account (BTA) grant. This grant is primarily to be used to fund bicycle commuter facilities. At staff's suggestion City Council directed staff to proceed with a BTA grant application for the design and construction of the 13th Street Class 2 Bikeway project per the adopted BTP. The grant application instructions require that a resolution accompany the application providing a commitment to a 10 percent match by the City. This staff report is prepared to recommend that City Council adopt the attached resolution showing a commitment to the 10 percent match.

DISCUSSION: At the April 4, 2012 City Council meeting, staff estimated the design and construction costs to be \$75,000. Staff had advised that the BTA grant requires a 10% match of the total project cost. The City's 10 percent match would be \$7,500 and that match could be from Gas Tax. The BTA grant funding request would be \$67,500. The grant application prepared for submission represents this accounting split.

ENVIRONMENTAL DETERMINATION:

The BTP and associated CEQA adopted in 2008 analyzed and accepted the installation of a Class 2 bike lane on 13th Street between Iris Avenue and the Bayshore Bikeway. Thus there is no further environmental review necessary.

FISCAL IMPACT:

Total design and construction cost is estimated to be \$75,000. The BTA grant share of this cost is \$67,500. The City's match is \$7,500. A possible source of the City match is Gas Tax.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Approve the attached resolution committing the City to 10% of the 13th Street Class 2 Bike Lane design and construction.

3. Authorize staff to forward a copy of the adopted resolution with the BTA grant application.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7186

RESOLUTION NO. 2012-7186

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A COMMITMENT TO THE MINIMUM REQUIRED 10 PERCENT MATCH FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION FOR THE 13TH STREET CLASS 2 BIKE LANE DESIGN AND CONSTRUCTION PROJECT

WHEREAS, in the State of California Streets and Highways Code, the Bicycle Transportation Account (BTA) funds grants to local agencies for projects that improve safety and convenience for bicycle commuters; and

WHEREAS, the State of California, Bicycle Facilities Unit, has the responsibility for the administration of the program within the State, setting up necessary procedures governing project applications; and

WHEREAS, the City of Imperial Beach proposes to complete the design and construction of the 13th Street Class 2 Bike Lane that is included in the 2009 City of Imperial Beach Bicycle Transportation Plan (BTP); and

WHEREAS, the City of Imperial Beach, if selected as a recipient of a BTA grant, will enter into an agreement with the State of California to complete the project design and construction; and

WHEREAS, based on revenue projections in fiscal year 2012-2013, the City of Imperial Beach will have sufficient funds for the necessary 10 percent match for a BTA grant; and

WHEREAS, the City of Imperial Beach will program these funds in the 2012/2013 capital improvement program budget cycle if awarded the BTA grant; and

WHEREAS, all contracts relating to the application for the State Bicycle Transportation Account grant funds will be approved by the Public Works Director.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. Approves the filing of an application for the State Bicycle Transportation Account grant.
2. Certifies that the City of Imperial Beach has or will have available, prior to commencement of any work on the project included in this application, sufficient funds to operate and maintain the project.
3. Appoints the Public Works Director as the agent of the City of Imperial Beach to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests, which may be necessary for the completion of the aforementioned project.
4. Approves the use of up to \$7,500 from the Gas Tax account for the grant matching requirement.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of April 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

**JACQUELINE M. HALD, MMC
CITY CLERK**



AGENDA ITEM NO. 3.1

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: PUBLIC SAFETY *JB*
SUBJECT: ADOPTION OF URGENCY ORDINANCE NO. 2012-1125 AND ORDINANCE NO. 2012-1126 ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES

BACKGROUND:

Recently, staff has received inquiries about and observed the operation of hang gliders, paragliders and powered paragliders within the City of Imperial Beach. This activity poses potential risks for people and property in the City. Given that Imperial Beach is a densely populated city, there are concerns that hang gliding, paragliding and powered paragliding may pose a risk of injury to the people below them. Further, extensive use of City property, such as beaches, for this activity may limit the public use of that property and also pose risks of injury and property damage to beach-goers.

Current City Ordinances prohibit these types of aircraft (legally categorized as "ultralight vehicles" by the Federal Aviation Administration) from operating on any beach in the City. The Federal Aviation Administration regulates ultralight vehicles and puts significant limitations on how, where, and when they may be used. They may not be used over a congested area of town or over an open-air assemblage of people, they may not be used after sunset except in very limited, specific circumstances, they may not be used in certain airspace unless they have permission from the local control tower, and they may not be operated recklessly in a manner that endangers another person. Violations of these federal rules are enforced by the FAA, who are authorized to issue violators an administrative citation which could lead to a fine. Reckless flying that endangers another person or flying under the influence of alcohol are crimes for which the Sheriff's Department can arrest the violator. Cities have the authority, however, to regulate use of their own property where not preempted by federal or state law.

DISCUSSION:

In order to address the threat to public safety and public property from injuries related to improper hang gliding, paragliding and powered paragliding, City Staff evaluated approaches to new ordinances to address the problem. The attached ordinances are the recommended approach to take in light of limits placed on local authority to regulate aviation by state and federal law. Despite other applicable federal and state rules, cities retain authority to regulate the launching and landing of ultralight vehicles on City-owned property.

Under the attached ordinances, no person may use City-owned or controlled property to launch or land an ultralight vehicle. There are exceptions under the proposed ordinances that would allow the City Manager to provide advance consent to operate ultralight vehicles on City-owned property where appropriate, allow governmental employees acting in the scope of their duties to use ultralight vehicles, allow use where appropriate at airports, allow use for forced landings as required by state law, and allow use of city property to launch or land ultralight vehicles where required by state or federal law.

Ordinance 2012-1125 is an interim urgency ordinance. If approved, it will take effect immediately upon passage. It does not require a second reading, per Government Code section 36934 and 36937. It is designed to ensure that the proposed ordinance takes effect immediately. Section 2 of the ordinance includes findings that immediate implementation of the ordinance is necessary for the protection of public health and safety. **This ordinance requires a four-fifths vote in order to be approved.**

Ordinance 2012-1126 is a non-urgency ordinance and will take effect in the normal course of the law, which is 30 days after adoption. Section 3 of this ordinance provides that once it takes effect, it will supersede Ordinance 2012-1125, the urgency ordinance. By approving both of these ordinances, the City will immediately be able to enforce the newly developed regulations pertaining to ultralight vehicles.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the reading of the title of Ordinance No. 2012-1125 "AN URGENCY ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES";
3. City Clerk to read Ordinance 2012-1125;
4. Motion to waive further reading and dispense introduction by title only and adopt the ordinance. *(4 affirmative votes required for approval)*.
5. Mayor calls for the first reading of the title of Ordinance No. 2012-1126 "AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES";
6. City Clerk to read Ordinance 2012-1126;
7. Motion to waive further reading and introduce by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Ordinance 2012 – 1125.
2. Ordinance 2012 – 1126.

ORDINANCE NO. 2012-1125

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES

WHEREAS, the City of Imperial Beach is concerned about the use of its publicly-owned property, and the need to make this property available for the safe use of all of the City's residents; and

WHEREAS, use of ultralight vehicles such as hang gliders, paragliders and powered paragliders poses safety risks to both the safety of those using publicly-owned property and to City; and

WHEREAS, the City has a compelling interest in preventing harm to people and property caused by those using ultralight vehicles on City property.

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1. Chapter 10.59 (Ultralight Vehicles on Public Property) is added to read as follows:

CHAPTER 10.59 (ULTRALIGHT VEHICLES)
10.59.010 Prohibition

10.59.010. Prohibition

10.59.010. Prohibition

- A. It shall be unlawful for any person to launch with any ultralight vehicle from property owned or controlled by the City of Imperial Beach.
- B. It shall be unlawful for any person to land any ultralight vehicle on property owned or controlled by the City.
- C. It shall be an affirmative defense to a charge that a person has violated subsection B of this section that:
 - 1. The person needed to conduct a forced landing as described in the California Public Utilities Code;
 - 2. The application of this Ordinance is preempted by federal or state law;
 - 3. The person is landing at a lawfully-operating airport;
 - 4. The person is employed by a governmental entity and acting in the course and scope of their duties; and

- 5. The person has the advance consent of the City Manager or his designee. The granting of a business license, zoning permit, or any other permit or license does not constitute advance consent.
- D. For purposes of this Section, an "ultralight vehicle" is a vehicle so defined in Federal Aviation Regulation (FAR) Part 103 (14 Code of Federal Regulations Part 103) as it may be amended from time to time.

SECTION 2. The City Council for the City of Imperial Beach finds and declares that this is an urgency ordinance within the meaning of Government Code section 36934. The City has a compelling interest in preventing injuries to persons or property relating to use of ultralight vehicles such as hang gliders, paragliders or powered paragliders and has determined that this Ordinance is a necessary tool to further that purpose. Accordingly, the City Council has determined that a lack of an ordinance prohibiting taking off and landing of ultralight vehicles on City property will result in a deleterious effect upon the public health and safety and that immediately implementing these changes is necessary.

SECTION 3. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

EFFECTIVE DATE: This Ordinance shall be effective immediately upon its adoption, per Government Code section 36934 and 36937. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code section 36933.

INTRODUCED AND THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 18th day of April, 2012, by the following vote:

AYES: **COUNCILMEMBERS:**
NOES: **COUNCILMEMBERS:**
ABSENT: **COUNCILMEMBERS:**

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK
APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1125 – AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES

CITY CLERK

DATE

ORDINANCE NO. 2012-1126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE, PERTAINING TO ULTRALIGHT VEHICLES

WHEREAS, the City of Imperial Beach is concerned about the use of its publicly-owned property, and the need to make this property available for the safe use of all of the City's residents; and

WHEREAS, use of ultralight vehicles such as hang gliders, paragliders and powered paragliders poses safety risks to both the safety of those using publicly-owned property and to City; and

WHEREAS, the City has a compelling interest in preventing harm to people and property caused by those using ultralight vehicles on City property.

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1. Chapter 10.59 (Ultralight Vehicles on Public Property) is added to read as follows:

CHAPTER 10.59 (ULTRALIGHT VEHICLES)
10.59.010 Prohibition

10.59.010. Prohibition

10.59.010. Prohibition

- A. It shall be unlawful for any person to launch any ultralight vehicle from property owned or controlled by the City of Imperial Beach.
- B. It shall be unlawful for any person to land any ultralight vehicle on property owned or controlled by the City.
- C. It shall be an affirmative defense to a charge that a person has violated subsection B of this section that:
 1. The person needed to conduct a forced landing as described in the California Public Utilities Code;
 2. The application of this Ordinance is preempted by federal or state law;
 3. The person is landing at a lawfully-operating airport;
 4. The person is employed by a governmental entity and acting in the course and scope of their duties; and

- 5. The person has the advance consent of the City Manager or his designee. The granting of a business license, zoning permit, or any other permit or license does not constitute advance consent.
- D. For purposes of this Section, an "ultralight vehicle" is a vehicle so defined in Federal Aviation Regulation (FAR) Part 103 (14 Code of Federal Regulations Part 103) as it may be amended from time to time.

SECTION 2. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION 3. Upon the effective date of this Ordinance, this Ordinance supersedes Ordinance No. 2012-1125.

SECTION 4. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 18th day of April, 2012; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 16th day of May, 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2012-1126 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES.

CITY CLERK

DATE



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: APRIL 18, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: PUBLIC HEARING SETTING THE ANNUAL SEWER CAPACITY FEE

BACKGROUND: On March 7, 2012, City Council authorized staff to advertise in the Imperial Beach and South County Eagle & Times newspaper the time and place for the public hearing to establish the annual sewer Capacity Fee for the City of Imperial Beach. The time and place was set as:

Wednesday, April 4, 2012, at 6:00 p.m.
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

Because the public hearing notice was not published in the Imperial Beach Eagle and Times Newspaper, until Thursday, March 29, 2012 the public hearing was advertised for April 18, 2012.

DISCUSSION: As of the submission date of this staff report, staff had not received any protests to the continuation of the Capacity Fee. The Capacity Fee proposed for the Fiscal Year 2012-2013 is unchanged from the past year - \$1,230.00 per Equivalent Dwelling Unit (EDU). The Capacity Fee was last adjusted July 20 2005, Resolution No. 2005-6192, based on a Sewer Utility Cost-of-Service Rate Study prepared by Foresight Consulting Services, June 3, 2005. The conditions provided in that study have not changed, thus there is no basis to propose an adjustment to the existing Capacity Fee rate.

ENVIRONMENTAL DETERMINATION:
Not a project as defined by CEQA.

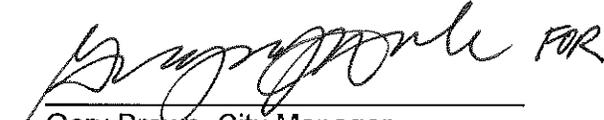
FISCAL IMPACT:
None.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Open the public hearing.
3. Receive public comment/protests.
4. Close the public hearing.
5. Adopt the attached resolution.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7180

RESOLUTION NO. 2012-7180

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE RETENTION OF THE CURRENT ANNUAL SEWER CAPACITY FEE RATE

WHEREAS, I.B.M.C 13.05.050 states, "The city council shall annually review the amount of the [capacity] fee to determine whether the fee amounts are reasonable and related to the cost for the public facility attributes to the development on which the fee is imposed; and

WHEREAS, I.B.M.C. 13.05.050 states, "The city council shall hold a noticed public hearing annually to review and update the plan; and

WHEREAS, in Resolution 2005-6153 City Council approved setting the sewerage capacity fee at \$1,230.00 for each Equivalent Dwelling Unit (EDU); and

WHEREAS, the Sewer Capacity fee calculated in Foresight Consulting Services, June 3, 2005 remains valid; and

WHEREAS, a pubic hearing notice was published March 29, 2012, in the Imperial Beach Eagle and Times Newspaper for the April 18, 2012, City Council meeting announcing the review of the sewer capacity fee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. City Council, City of Imperial Beach, retains the current sewer capacity fee at \$1,230.00 per Equivalent Dwelling Unit.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of April 2012, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: PUBLIC WORKS DEPARTMENT
SUBJECT: PRESENTATION AND REPORT ON WATER QUALITY

Chris Helmer

BACKGROUND:

At a previous meeting Council tasked staff to provide an assessment of the change in water quality around Imperial Beach due to the high level of effort put forth in the program since 1990. The attached Water Quality Report and associated presentation provides an overview and assessment of the many water quality monitoring programs ongoing around Imperial Beach. Today's presentation is part of the ongoing series related to important issues and activities in the Tijuana River watershed.

DISCUSSION:

The City of Imperial Beach participates directly in a number of water quality monitoring programs that are either required by the NPDES Storm Water Permit or fall under special studies administered through the Environmental Division. The City is also indirectly involved on beach monitoring for public health and monitoring associated with research projects that are administered through outside agencies. The purpose of each monitoring program is focused to answer specific management questions tailored to each program. Monitoring allows for an overall assessment of the receiving waters in the region and helps the San Diego Regional Water Quality Control Board (RWQCB) to enforce water quality objectives and develop management plans that best protect water quality. This water quality report and presentation will summarize the monitoring activities that affect Imperial Beach and assess the current data trends from each monitoring program.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None

DEPARTMENT RECOMMENDATION:

1. Receive and comment on presentation from Chris Helmer, Environmental Programs Manager.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

 FOR

Gary Brown, City Manager

Attachments:

1. Imperial Beach Water Quality Report

IMPERIAL BEACH WATER QUALITY REPORT

A SUMMARY OF WATER QUALITY MONITORING PROGRAMS

Chris Helmer - Environmental Programs Manager

April 4, 2012

Water Quality Monitoring

The City of Imperial Beach participates directly in a number of water quality monitoring programs that are either required by the NPDES Storm Water Permit or fall under special studies administered through the Environmental Division. The City is also indirectly involved on beach monitoring for public health and monitoring associated with research projects that are administered through outside agencies. The purpose of each monitoring program is focused to answer specific management questions tailored to each program. Monitoring allows for an overall assessment of the receiving waters in the region and helps the San Diego Regional Water Quality Control Board (RWQCB) to enforce water quality objectives and develop management plans that best protect water quality. This water quality report will summarize the monitoring activities that affect Imperial Beach and assess the current data trends from each monitoring program.



Monitoring programs around Imperial Beach include:

- Storm Water NPDES Permit Monitoring
- Beach Water Quality Monitoring
- Tijuana River Bacteria Source Identification Study
- Third Party Monitoring

Background Discussion on Monitoring

The U.S. Environmental Protection Agency, State Water Board, San Diego Regional Water Quality Control Board, and to some degree the City have regulatory authority for managing the water quality of receiving waters. The receiving waters that surround Imperial Beach include the San Diego Bay, Otay River, Tijuana River, Tijuana Estuary, and Pacific Ocean. The City holds specific interest in these receiving waters because they are the water bodies that provide the greatest wildlife and recreational use value to the local community.

The pollutant sources that are categorized as “point sources” under the Clean Water Act such as storm water pipes, wastewater outfalls, construction sites, and industrial businesses require regulatory management plans issued in the form of discharge permits by either the State Water Board or San Diego RWQCB. Discharge permits are the regulatory mechanism that drives most of the water quality monitoring programs that track the conditions of receiving waters. The only exception is beach water quality monitoring which requires bacteria testing of coastal waters to protect public health.

Storm Water NPDES Permit Monitoring Programs

Most of the monitoring activities occurring around Imperial Beach is required by the NPDES Storm Water Permit issued by the RWQCB. The City's Storm Water Permit requires participation in a number of Jurisdictional, watershed, and regional monitoring programs to assess the contribution and impact of storm water urban runoff on the environment. These monitoring programs, which are described below, can be divided into four monitoring categories: Regional Monitoring, Core Receiving Water Monitoring, Urban Runoff Monitoring, and Special Studies. All of these monitoring programs were designed using a framework to answer the following five core management questions:

1. *Are conditions in receiving waters protective, or likely to be protective, of beneficial uses?*
2. *What is the extent and magnitude of the current or potential receiving water problems?*
3. *What is the relative urban runoff contribution to the receiving water problem(s)?*
4. *What are the sources of urban runoff that contribute to receiving water problem(s)?*
5. *Are conditions in receiving waters getting better or worse?*

Regional Monitoring Programs

Regional monitoring programs take a long-term view of receiving waters, coastal bays, lagoons, and ocean to establish baseline data sets for the comparison of regional monitoring data. Regional monitoring is designed to answer questions concerning the ecological health of a large geographic region encompassing Southern California. These programs evaluate many elements such as water and sediment quality and toxicity of fish, benthos, and birds to assess the impacts of storm water pollution.

Regional Monitoring Programs	Description
Bight '08 Monitoring Program	The Bight 08 survey is a multi-year program to assess the current conditions of the Southern California bight region. The components of Bight surveys included: 1) offshore water quality, 2) coastal ecology, focusing on sediment quality, and 3) shoreline microbiology. The Tijuana Estuary is identified during summer months as having the most diverse and vibrant estuarine system in the study.
Southern California Regional Watershed Monitoring Coalition	The Storm Water Monitoring Coalition is a partnership among all Phase I municipal storm water NPDES lead permittees and the NPDES regulatory agencies in southern California to collaborate on regional studies. The goal of this working relationship is to develop the technical information necessary to better understand storm water mechanisms and impacts, and then develop the tools that will effectively and efficiently improve storm water decision-making. The partnership started in 2000 and has since contributed to 15 different regional studies. The results of these studies have lead to changes in the storm water permit. For example the current permit now requires BMPs to control hydromodification, implementation of LID techniques for new developments, and increased focus on bioassessment metrics for receiving water monitoring.

Core Receiving Water Monitoring Programs

Core receiving water monitoring is long-term monitoring with the objective of tracking compliance with regulatory requirements and to track trends over time. Core monitoring programs include routine sampling at fixed stations through time during both dry and wet weather sampling seasons. Samples are taken at mass loading stations (MLS) located at the base of the watershed and at temporary watershed assessment stations (TWAS) located upstream within sub-watersheds. The program also assesses concentrations of chemical constituents, toxicity to organisms, and benthic assemblages to identify long-term trends and effects within watersheds.

Core Receiving Water Monitoring Programs	Description
Mass Loading Stations (MLS)	Mass loading stations are permanent monitoring sites at the base of the watershed for long term monitoring of wet and dry weather trends that date back to 2000.
Temporary Watershed Assessment Stations (TWAS)	Temporary watershed assessment stations are similar to MLS but have the ability to be moved in order to best address the five core monitoring questions.
Bioassessment Monitoring	Stream bioassessment surveys conducted during wet and dry seasons provide a direct indication of the ecological health of the watershed throughout the year in terms of insect/benthic community abundance and diversity.
Toxicity Identification Evaluations (TIEs)	Toxicity data provides a direct measure of the ecological health during specific sampling events in the receiving water and provide the ability to determine if water quality conditions are impacting aquatic organisms.
Ambient Bay and Lagoon Monitoring (ABLM)	Ambient bay and lagoon monitoring is a monitoring program that has been ongoing since 2003 to assess the chemistry, toxicity, and bioassessment of the County's bays, lagoons, and estuaries. The program is similar to the work in the Bight 08 program and overlap with each other.
Coastal Storm Drain Monitoring	This program involves the monitoring of coastal storm drain outfalls for each jurisdiction. The coastal storm drain outfalls for Imperial Beach get diverted into the sanitary sewer and therefore not a part of the program.
Pyrethroid Monitoring	Pyrethroids are a family of pesticide chemicals common in household pesticides. All of San Diego watersheds have elevated levels of pyrethroids.

Urban Runoff (MS4) Monitoring

Water quality monitoring at storm drain outfalls and within the municipal separate storm sewer system (MS4) provides a characterization of the loading of pollutants originating directly from local jurisdictions. Monitoring is conducted during the wet and dry season and includes both random and targeted monitoring locations. MS4 monitoring attempts to assess the relative contribution of contaminants from urban areas to receiving waters. Monitoring results help inform storm water management programs to more effectively target high priority pollutants.

Urban Runoff MS4 Monitoring	Description
MS4 Outfall Monitoring	This program assesses the chemistry of wet and dry weather loads of contaminants to receiving waters from the MS4. The results provide a watershed level characterization of pollutants from the urban area. Imperial Beach provides targeted dry weather samples each year.
Source Identification Monitoring	Source identifications studies were conducted in La Mesa, Del Mar, and Oceanside and provide a representative sample of urban runoff from different land uses that can be applied broadly to San Diego county.
Dry Weather Screening and Analytical Monitoring	Each jurisdiction performs annual dry weather analytical monitoring to identify source of illegal connections and discharges to the MS4. Only a small number of illegal connections and discharges have been identified in the City since 2001. Analytical monitoring provides a general characterization of dry weather runoff from the City's MS4.

Special Studies

Special studies supplement both the core monitoring and the regional monitoring programs. Special studies are focused evaluations designed to answer specific questions. These are typically short-term efforts intended to answer specific questions that may be raised during assessment of core monitoring results. Some examples of special studies include evaluation of the link between water quality criteria exceedances in storm water and atmospheric deposition, conducting molecular/genetic host tracking for bacterial source identification in a watershed, and focused monitoring studies used for the development of TMDLs for State Water Resources Control Board (SWRCB) Section 303(d) listed impaired waterbodies.

<i>Special Studies</i>	<i>Description</i>
TMDL Monitoring	The City currently does not have any established TMDLs and therefore not required to perform additional monitoring like other jurisdictions in the county. The City is participating in a regional reference watershed condition study to establish the baseline natural levels of nutrients, bacteria, and metals in the environment. Natural source of pollutants from the environment are unavoidable and require an established reference condition to base TMDL regulatory compliance.
Bacteria Regrowth	Bacterial pollution is a difficult and expensive pollutant to manage because bacteria are living organisms that live and reproduce naturally in the environment. The dark, wet, and warm conditions within the MS4 are a perfect reproducing environment for bacteria. This study aims to understand the bacterial regrowth problem in the MS4.
Hydromodification Monitoring	The 2007 storm water permit required new developments to implement BMPs to mitigate for the increased velocities and flows of storm water runoff on receiving waters. This problem is known as hydromodification and can lead to scouring in stream beds and impacts to benthic insects. This study addresses the effectiveness of the new regulations in preventing hydromodification.

Beach Water Quality Monitoring Program

Water quality monitoring along the shoreline of Imperial Beach is primarily conducted by the County of San Diego Department of Environmental Health (DEH) for the purpose of protecting public health as required in the monitoring program established in AB 411 Beach Act of 2000. Additional weekly monitoring is also performed by the City of San Diego as a condition for the south bay ocean outfall wastewater Discharge Permit. However, this monitoring does not allow for the same flexibility as the AB 411 monitoring and therefore is primarily used for long term analysis of beach water quality and not for issuing public health warning.

Due to the sever pollution problem from the Tijuana River during winter months the County DEH treats the shoreline along Imperial Beach different than any other beach in the County. The County DEH works closely with City lifeguards to issue advisories or beach closures when conditions that threaten public health arise. The conditions for closing the beach are less restrictive than the conditions for reopening the beach once it is closed. The beach can be closed using a variety of methods such as visual observations, oceanographic models from Scripps Institute of Oceanography, or elevated bacterial test results. In order to reopen the beach, the County DEH requires water quality results that demonstrate the water is once again safe to swim.

Tijuana River Bacteria Source Identification Study

The City has been involved in a bacteria source identification study in the Tijuana River watershed since 2008. This special study is scheduled to be finished by June 2012 and involves identifying the sources and loads of bacteria to the Tijuana River. The project includes water quality and load analysis from cross border flows, urban MS4, ground water, agriculture and equestrian land uses, and sediment stockpiles. The study provides detailed analysis of the sources of bacteria in the Tijuana River watershed that lead to beach closures. One of the significant results in the study highlights the relatively small impact the urban MS4 system contributes to the water quality problems in the Tijuana River.

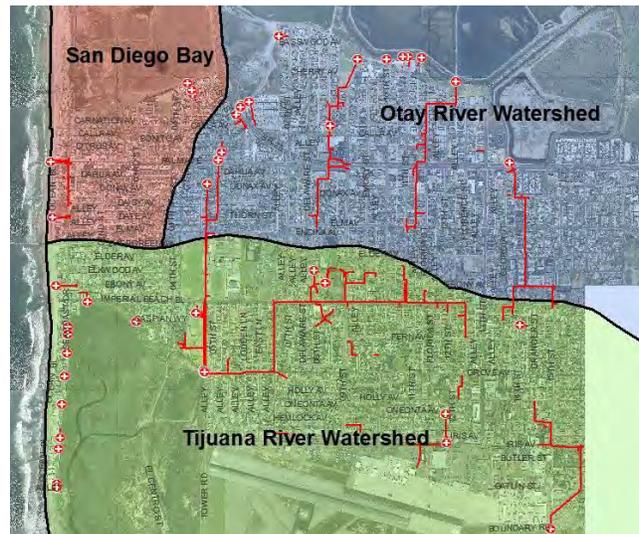
Third Party Monitoring Programs

Third party groups such as non-profits and university research groups conduct a considerable amount of water quality monitoring around Imperial Beach. Non-profit groups such as Surfriders' "Stream Team" or Coastkeeper's "water quality volunteers" perform water quality analysis for general chemistry and bacteria at multiple locations along the Tijuana River, San Diego Bay, and shoreline. These monitoring programs raise public awareness and community involvement on water quality issues but the data are generally not used by the City or regulators because the monitoring protocols do not follow the necessary quality assurance procedures. University researchers from Scripps Institute of Oceanography and San Diego State also regularly conduct water quality monitoring and oceanographic modeling around Imperial Beach that help direct regulatory policy. In addition, the Tijuana Estuary is an internationally recognized research reserve that attracts many projects to the region that indirectly involves the City through its role on the Tijuana Estuary Advisory Council.

Assessment of Water Quality

Tijuana River and Estuary

The Tijuana River is recognized to have one of the most degraded water quality conditions in the entire State during the winter. During the summer dry season the International Boundary and Water Commission (IBWC) and the Mexican Comisión Estatal de Servicios Públicos de Tijuana (CESPT) coordinate the bi-national wastewater treatment of up to 25 MGD of Tijuana River flow. Under normal operating conditions during the summer no flow makes it across the border.



The Tijuana Estuary is a tidal estuarine system that is subject to extreme changes in stream flow during different times of the year. During winter months it is severely impacted by pollutants from the Tijuana River; however, during the dry summer season the estuary naturally cleanses itself and turns into a healthy and vibrant coastal estuary. The estuary suffers from similar water quality problems as the Tijuana River during the winter with the most critical relating to sedimentation of salt marshes and high bacteria loads. Remarkably, the estuary does not suffer from any water quality or toxicity issues during the summer when the Tijuana River flow does not make it into the estuary.

High Priority Pollutants	Medium Priority Pollutants
<ul style="list-style-type: none"> – Bacteria – Sediment (TSS) – Nutrients – Metals – Pesticides – Trash – Very Poor Bio - assessments – Toxicity chronic and acute for multiple species 	<ul style="list-style-type: none"> – Surfactants (MBAS) – Total dissolved solids (TDS)
<p>Data Trends: Monitoring data show increasing pollution trends for bacteria, pesticides(pyrethroids), metals (total arsenic, copper, lead, nickel, and zinc), and nutrients (nitrate). A decreasing trend was observed for the banned pesticide diazinon.</p>	

Otay River and San Diego Bay

Urban runoff from the northern portion of Imperial Beach discharges into the tidally influenced channel of the Otay River. While this tidal water is technically San Diego Bay, the City is impacted by potential pollution upstream in the Otay River. The City is therefore required to implement management actions that address pollution concerns from both receiving water bodies. Fortunately, the Otay River and southern part of San Diego Bay do not suffer from the same water quality problems as other San Diego County watersheds. This is primarily related to the relatively small urban area of the Otay mesa and lack of historic industrial activity in south San Diego Bay.

High Priority Pollutants	Medium Priority Pollutants
<ul style="list-style-type: none"> – Pesticides – Phosphorus (dry weather) – PCBs (San Diego Bay) – Copper (San Diego Bay) 	<ul style="list-style-type: none"> – Sediment – Surfactants (MBAS) – Copper – Nitrogen (dry weather) – Toxicity chronic and acute for one specie
<p>Data Trends: Long term data trends for the Otay River do not have a large enough sample size to detect statistically significant trends in water quality.</p>	

City of Imperial Beach MS4

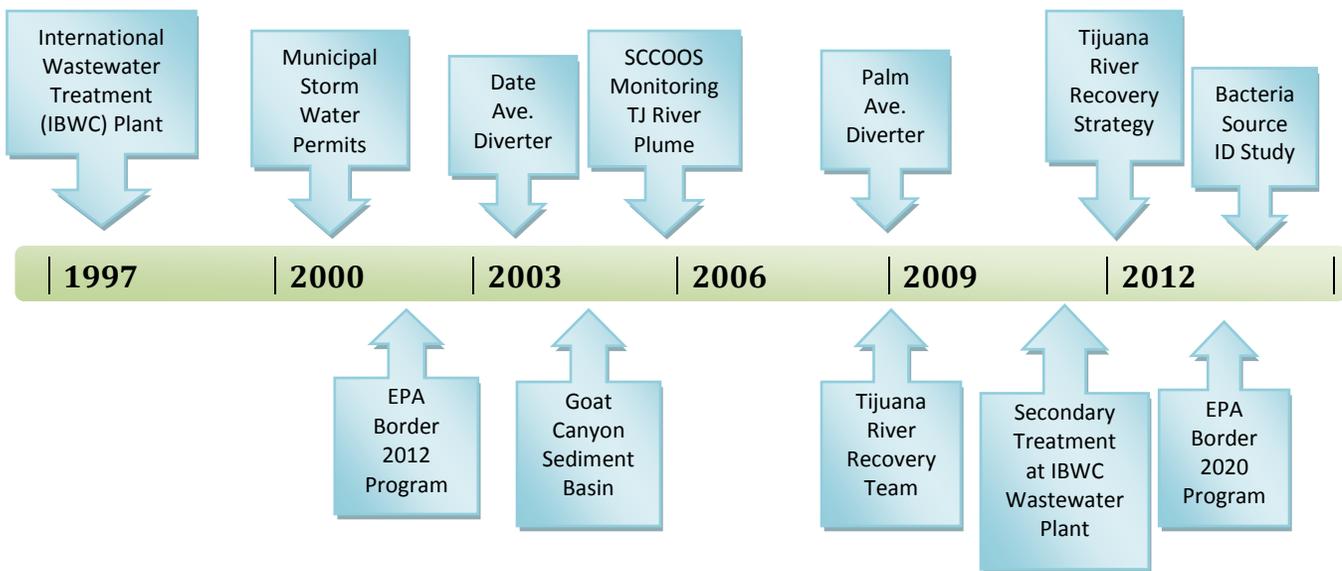
The City is required by the Storm Water Permit to conduct dry weather field screening and analytical monitoring of MS4 outfalls and other portions of its MS4 within its jurisdiction to detect illicit discharges and connections. The intent of this program is not to provide water quality trends or pollutant loads to the MS4 but rather provide a snapshot in time that can allow staff to gauge behavior of stakeholders and identify individual pollutant sources. However, approximately 10 years of water quality data does provide some level of analysis for general characteristics of dry weather flows from the City of Imperial Beach.

Detailed monitoring results and analysis are provided each year in the annual JURMP report in Section 7.0. Long term trends show that most samples are within the water quality objectives set in the Basin Plan with the exception to ammonia and bacteria that have shown persistent exceedances over multiple years. Attempts have been made to identify sources of ammonia and bacteria and the most likely culprit is from ponded areas in the MS4 and catch basins where bacteria can regrow and organic materials can collect. Fortunately, relative loads of these pollutants are low during the dry season because urban runoff from over irrigation or illegal connection to the MS4 is not a common problem in the City.

The relative contribution of urban runoff pollution in Imperial Beach from storm events has only been analyzed through special studies such as the Tijuana River Bacteria Source Identification Study and through regional MS4 monitoring programs. In general, all storm events introduce elevated levels of pollutants into the environment with bacteria and total dissolved solids as persistently high through all MS4s, including Imperial Beach. For watersheds such as the Tijuana River, the relative loads of pollutants entering the receiving waters through the MS4 are substantially cleaner than the water quality already in the river. For watersheds like the Otay River, additional monitoring is necessary in order to assess the extent to which wet weather effluent from the MS4 influences receiving water conditions.

Beach Water Quality

It is no secret that beach water quality along Imperial Beach is severely impacted in the winter by the water quality problems in the Tijuana River. Additional water quality concerns along the beach during summer months from the upwelling of the south bay wastewater ocean outfall 3 ½ miles off shore and the northward transport of pollutants along the coast from Mexico are less understood but present a potential impact to water quality. Fortunately, water quality along Imperial Beach during the summer dry season is nearly always safe to swim as indicated by Heal the Bay’s annual beach report card “A” ranking. Water quality during the winter wet season also continues to improve as the result of better coordination with Mexico, secondary treatment upgrades to the international wastewater treatment plant, and targeted management actions in the Tijuana River watershed by regulatory agencies. The timeline below highlights some of the significant accomplishments made towards improving water quality along Imperial Beach.





**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: April 18, 2012

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: ADOPTION OF RESOLUTION NO. 2012-7184
APPROVING A VOLUNTARY SEPARATION INCENTIVE
PROGRAM

BACKGROUND:

The State of California has eliminated Redevelopment Agencies in an attempt to balance their budget. This decision causes major impacts to the City of Imperial Beach including hindering efforts to improve our aging infrastructure, eliminate blight, and will ultimately result in reductions in city programs. In response to the State impacts, the City of Imperial Beach has begun the process of exploring ways in which it can reduce programs and restructure its organization. At the City Council meeting on April 4, 2012, many options were presented to address this challenge. One such option that received City Council support was the proposal of a Voluntary Separation Incentive Program (VSIP) to create vacancies to address the State-induced impacts and help to rebalance the City's budget.

DISCUSSION:

The VSIP is a strictly voluntary program whose goal is to create vacancies to provide flexibility to rebalance and restructure the organization. The plan offers a cash payment based on years of City service and would provide individual health coverage for one year. The plan would be offered to all fulltime positions with the exception of the City Manager, Assistant City Manager, Finance Director, and Fire Safety positions.

The proposed incentive would be as follows:

- a. For those approved employees with 10 years or less of fulltime City service, the cash incentive is \$7,500.
- b. For those approved employees with more than 10 years of fulltime City service but less than 20 years, the cash incentive is \$12,000.
- c. For those approved employees with 20 or more years of fulltime City service, the cash incentive is \$20,000.

Additionally, all approved VSIP employees would receive up to \$501 per month for one year to cover health insurance to those who continue to utilize the City's health providers. Those employees that currently elect not to be covered under the City's health insurance plan will receive \$240 per month for one year as a taxable health allowance.

FISCAL IMPACT:

There are two fiscal impacts related to the VSIP. The first is the cost of the incentive. The total cost of this program will depend on the number of individuals who apply, their number of service years and their individual health insurance need. The cost of this VSIP will vary based on the actual eligible employees who elect to separate from City service.

The second impact is associated with unused leave balances. In California, all employers are required by law to pay for any unused vacation balances at termination. At the end of each fiscal year, staff calculates the value of unused leave time. Generally accepted accounting principles require the City to report the value of unused leave balances as liabilities in our annual financial statements. If an employee is approved for the VSIP, the separated employee will be paid for their vacation balances and the City's liability would be reduced. Additionally, if an employee has over 5 years of City service, they are eligible for payment for half of their unused sick leave up to a maximum of 400 hours.

Staff is proposing a cap of \$250,000 to limit the total cost of the separation incentive, health insurance, and related leave balance payments. Funding for the VSIP would come from contingency reserves.

ENVIRONMENTAL DETERMINATION:

This report and the VSIP are not projects as defined by CEQA.

DEPARTMENT RECOMMENDATION:

It is recommended that the City Council adopt Resolution Number 2012-7184 approving a Voluntary Separation Incentive Program and amending the Fiscal Year 2011-12 Budget.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2012-7184

RESOLUTION NO. 2012-7184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVVING A VOLUNTARY SEPARATION INCENTIVE PROGRAM AND AMENDING THE FISCAL YEAR 2011-12 BUDGET

WHEREAS, the State of California has eliminated redevelopment agencies; and

WHEREAS, the impacts from the State of California decision to eliminate redevelopment agencies negatively impacts the City of Imperial Beach; and

WHEREAS, the City of Imperial Beach will have to rebalance and restructure the organization and reduce services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. A Voluntary Separation Incentive Program (VSIP) is approved
2. The total cost of the VSIP including cash incentives, health coverage, and any related termination pay will not exceed \$250,000.
3. The Fiscal Year 2011-12 Budget is hereby amended by \$250,000.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of April 2012, by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
DISQUALIFIED:	COUNCILMEMBERS:

JAMES JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER
MEETING DATE: APRIL 18, 2012
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: LONG TERM VISION

BACKGROUND:

At the City Council meeting of April 4, 2012, City Council reviewed and discussed options for reducing costs and increasing revenues in the short term. Staff recommends continuing the discussion with a focus on a longer term vision.

ENVIRONMENTAL IMPACT:

This activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

FISCAL IMPACT:

For the fiscal year starting on July 1, 2012, we need to reduce costs or increase revenues by at least \$350,000. The reductions or revenue increases will depend on Council decisions.

CITY MANAGER'S RECOMMENDATION:

1. Review and discuss options for reducing costs and increasing revenues in the longer term.
2. Provide staff direction on which ideas you'd like to pursue.



Gary R. Brown, City Manager

Attachments:

1. Staff report from April 4, 2012

AGENDA ITEM NO. 6.2



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER
MEETING DATE: APRIL 4, 2012
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: SHORT TERM BUDGET IDEAS AND LONGER TERM VISION

BACKGROUND:

Factor affecting the City's fiscal condition are:

1. The loss of Redevelopment- This loss reduces funds available for capital improvements, economic development and management of these functions throughout the organization.
2. Contract for Sheriff's Services- The current contract ends on June 30, 2012 and negotiations are on-going. It seems clear that costs will rise over the next three to five years, and the City will either pay between \$400,000 to \$900,000 more per year for current staffing or reduce staffing.
3. Port Contract- Negotiations are underway and there's uncertainty on the adequacy of the levels of service the Port wishes to purchase. Is the Port willing to purchase current levels of service in Public Safety and Tideland maintenance?
4. Capital Improvements- The need for capital improvements remains, but Redevelopment is gone. What are funding sources for improvements and maintenance?
5. Human Capital- The city has been fortunate to retain and recruit good staff. As the economy improves, how can the city sufficiently compensate people to retain and attract them if our city funds don't grown commensurate with other enterprises? There's also the need to replace retiring baby boomers.
6. PERS Costs- On July 1, 2013 CalPERS pension costs will increase by \$120,000 per year.
7. History of Low Revenues – Imperial Beach had one of the lowest sales tax collections per capita in the state. This coupled with the recession and other factors mentioned above make balancing a budget a challenge.

DISCUSSION:

In the near term we need to reduce costs and/or increase revenues to close a projected \$350,000 gap between revenues and costs for the fiscal year starting on July 1, 2012. In the longer term we should continue to search for new ways to stimulate economic growth, explore a tax increase, and research contracting out more services.

Options for Reducing Costs and Increasing Revenues*

1. Staffing – reduce staffing costs by:

*NOTE – Some options may require meet and confer before the City could implement the changes. If the Council gives direction to Staff to move forward with an option requiring meet and confer, the City will meet and confer with any impacted union regarding any mandatory subjects of bargaining, including impacts to wages, hours or other terms and condition of employment.

- a. Offer incentive for people to retire or leave city employment. This will free-up positions and may avoid or reduce lay-offs. It can also reduce pension and benefit costs since new employees will have the second tier of benefits. Funds for this would come from the general fund reserve and/or one-time savings. Staff will return to Council with the details if Council wishes to pursue this.
- b. Lay-offs of union represented staff and staff not represented by unions including management and mind-management may be needed if the early leave incentive doesn't produce sufficient savings.
- c. Redevelopment Positions: Eliminate or reduce staff positions performing redevelopment functions.
- d. Steps b and c could save \$250,000 or more.

2. Recreation and Parks:

Options are:

- a. Reduce Operating hours \$20,000 to \$40,000.
- b. Contract Out Operations \$100,000 to \$200,000.
- c. Eliminate Sports Park Programs \$200,000.
- d. Charge for use of parks and ball fields \$15,000.
- e. End contract for Sports Park grounds maintenance or contract with Leagues \$26,000 to \$36,000.

3. Senior Program: Eliminating this service can save approximately \$30,000 annually.

4. Public Relations: In the short term, end the current contract while, at the same time, redefine the City's marketing for the long term and fund the new program, \$15,000 savings.

5. Special Events: All events should pay their full cost for city services and staff should not be involved in fund raising. In the short term, we suggest not participating in the Big Bay Boom for 2012 which would save approximately \$30,000.

Continue to process events such as Sandcastle, Kids N' Castles, Dog Surfing and Pow Wow, and ensure they pay for city costs.

In the long run, we should acknowledge the staff time required by special events and develop a system that limits the number of events and/or generates revenues sufficient to pay for a staff position, full or part-time, to coordinate city services needed for such events.

6. Fees: Examine our fee structure and return to Council with recommendations for increases. Our estimated revenue increase is approximately \$100,000, but we need to refine it.

- a. The Fire Department is studying fees for inspections that may come closer to recovering costs.
- b. City Owned Portable Sign: Probably not a generator of much money, but worth trying. \$1,000 per year (?)
- c. Fee for use of City Sign poles at Veterans and Triangle Park: Currently we have staff costs to manage signs at these locations. We should charge to recover some or all of these costs or not manage the signs. Revenues: \$1,000 per year

- d. Fee for release of liens: Releasing liens requires staff time. We should recover at least some of our costs. Revenue: ?
7. Vacation Rentals: Given the history of controversy generated by this topic, we suggest returning with more specifics and having a public hearing on the topic. If vacation rentals were allowed in a carefully defined, relatively small area such as Seacoast Drive from its southern end to the north side of Palm, we estimate an additional \$50,000 to \$100,000 in TOT might be generated. Another restriction might be able to allow vacation rentals only if a Condo Association permits them. We need to return with more specifics.
8. Parking Enforcements: This can be approached in two phases:
 Phase 1: Hire a parking attendant to monitor parking along Seacoast Drive, three blocks eastward, and the Port parking lots. (We may contract with the Port to provide this service and share revenues.)
 We'll also re-examine combining a parking attendant and animal control officer. A person in this position would require training and certification to perform adequately.
 Phase 2: For the longer term we need to study the financial, social, and political feasibility of parking meters. They are controversial and public in-put would help.
9. Card Room Gambling: We've done a cursory assessment of this, and though it may raise revenues, vice, crime, and loan sharking are associated with it. Revenues: \$50,000 gross.
10. Sell Advertising on lifeguard towers and other city facilities: It's not as easy as it may seem, but could be worth the effort. About 10 years ago a car company sponsored our lifeguard vehicles, but it backed-out of the deal. Revenues: Unknown
11. Shift to another agency to collect parking ticket fines. We presently do not maximize collections on parking tickets because we don't collect effectively on out-of-town and out-of-state drivers. Switching to a collection agency could be more effective. Revenues: \$25,000 to \$50,000
12. Raise Franchise Fees:
 a. EDCO- The current franchise fee as a percentage of revenues is at the high side when compare to other cities. Also this couldn't be implemented until July, 2013. Revenues: A 5% or 6% increase would generate \$170,000.
 b. CalAM- We haven't discussed this with our water provider. The current franchise agreement ends in 2015 and produces \$70,000 per year. Revenues: ??
13. Reduce Sheriff Staffing: This will be necessary due to increased Sheriff's costs. The positions to be eliminated would probably include the Captain, a Community Services Officer, the School Resources Officer, an Administrative Sergeant, a Traffic Deputy on motorcycle, and staffing an administrative position at a lower level. Savings: \$400,000 gross; Net Saving: \$0
14. End contracts for Grounds and Landscaping Maintenance: These contracts are very cost effective; they deliver low cost person hours and good service. If eliminated, Public Works would do the work less often, and therefore parks and medians on Palm Avenue wouldn't be as good looking.

Savings: Donovan Crew \$55,000 / Aztec Landscaping \$19,000 TOTAL: \$74,000

15. Contract for Custodial Services: The net savings may be about \$10,000

16. Close all Fridays: This would be a furlough that would reduce people's wages. This would have a negative effect on morale and ability to retain staff. Savings: approximately \$175,000

Longer Term Actions

1. Evaluate Health Insurance Options: We have a Health Insurance Committee studying this. We'll see what their recommendations are. Savings: ??
2. Contract for other Public Works functions: We currently contract for Public Works functions such as grounds maintenance, landscaping, tree trimming, sewage treatment, water, engineering, project designs, trash collection and recycling. We could research contracting for other services such as environmental compliance, maintain streets, and graffiti removal. Perhaps contractors can provide equal or better quality at less cost. The downsides include a loss of in-house skills and staff uncertainty about their employment.
3. Contract for other City services: In addition to Public Works, we can research potential cost savings and quality of service in functions such as finance, planning, human resources, code enforcements, and fire and building inspections.

This is such a major change with potentially large impacts on the community and staff, it needs to be approached methodically, not hastily, and diligently studied.

4. Promote the local Economy: One of the themes expressed by Council was establishing new ways to stimulate our local economy. We suggest the following options:
 - a. Strategic Plan: Review and Update documents such as the "Big Picture" and our Economic Development Plan done for redevelopment or create a new strategic plan.
 - b. Development Process Review: Review all our internal processes to see how we can make them simpler, faster, and easier for external stakeholders, and retain good quality work. This could be achieved by a consultant or training staff to assess and streamline processes.
 - c. Get Expert Advice: Bring in experts such as economists, college professionals, developers, and planners to advise City Council and staff on local economic opportunities, strengths, weaknesses, hindrances/obstacles, and threats. This could be done during Council meetings and workshops.
5. Review more closely a tax increase such as a parcel tax or a utility users tax. Council could create an ad hoc committee to review this.
6. Be Ready for Opportunities created by new state legislation: Monitor legislative proposals and continue working with the League.

ENVIRONMENTAL IMPACT:

This activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

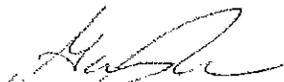
FISCAL IMPACT:

For the fiscal year starting on July 1, 2012, we need to reduce costs or increase revenues by at least \$350,000. The reductions or revenue increases will depend on Council decisions.

CITY MANAGER'S RECOMMENDATION:

Keeping in mind the need to take long and short term actions, please:

1. Review and discuss options for reducing costs and increasing revenues in the short and longer term.
2. Provide staff direction on which ideas you'd like to pursue.
3. Select ideas that will achieve at least \$350,000 per year net increase in revenues or decrease in costs in the short term.



Gary R. Brown, City Manager