



CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 • FAX (831) 394-6421

AGENDA

**JOINT MEETING OF THE CITY OF DEL REY OAKS
CITY COUNCIL AND REDEVELOPMENT AGENCY
TUESDAY, MARCH 22, 2011 at 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL, CITY HALL**

1. 6:00 P.M. - ROLL CALL – *Council/Agenda*

2. PLEDGE OF ALLEGIANCE

3. COMMUNICATIONS: None

4. LETTER OF COMMENDATION: Chief Ronald Langford

5. PUBLIC COMMENTS:

Anyone wishing to address the City Council or Agency on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered. *There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this item and all comments will be referred to staff.*

6. CONSENT AGENDA:

Action Items

A. MINUTES:

1. February 22, 2011, Regular City Council Meeting
2. February 09, 2011, Regular Planning Commission Meeting

B. MONTHLY REPORTS:

1. Claims, February 2011
2. Financials, February 2011
3. Fire Department Response Report, February 2011
4. Police Activity Report, February 2011

C. MISCELLANEOUS

1. Agreement to allow Franchise Tax Board and the City to enter into a reciprocal agreement to exchange tax data specific to city business license information for tax administration purposes. No financial impact.

7. **OLD BUSINESS:** None *Action Items*

8. **NEW BUSINESS:**

- A. Transportation Agency for Monterey County (TAMC);
Debbie Hale to talk about Transportation Projects in
Monterey County *Presentation*
- B. Pacific Gas and Electric Smart Meters *Informational*
- C. Fiscal Year 2010-2011 Third Quarter Budget Review *Presentation*
- D. Consider Authorizing the Transfer of Leasehold or Fee Simple Interests for Properties
owned by the Redevelopment Agency to the City of Del Rey Oaks Pursuant to
Assignment and Disposition Agreements *Action Item*

9. **STAFF REPORTS:**

- A. City Manager Report

10. **MAYOR AND COUNCIL REPORT**

11. **SWEARING IN CEREMONY:** Officer Matthew J. Young
Officer David Nguyen

12. **CORRESPONDENCE:**

- A. Monterey Regional Waste Management District Highlights of Board Meeting

13. **CLOSED SESSION:** As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations

- A. Existing litigation pursuant to Government Code Section 54956.9(a), City of Del Rey Oaks v. Federal/JER Associates, LLC et al., Monterey County Superior Court Case No. M107509.

14. **SET NEXT MEETING DATE:** Establish Tuesday, April 26th, 2011, at 6:00 P.M. as the date and time of the Council's next regular meeting.

15. **ADJOURNMENT**

Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks.



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From The Office of The Mayor

Date: March 1, 2011
Subject: Letter of Commendation for Chief Ron Langford
To: Whom it May Concern

1. The purpose of this letter is to commend you for your outstanding leadership as Chief of Police of the City of Del Rey Oaks and your willingness to volunteer your time and expertise to serve on the Board of Directors of the California Rifle and Pistol Association.
2. Chief, you always step up to the plate when your services are required! When our city lost its City Manager, a number of years ago, it was you who assumed the responsibilities of the position for a number of years, saving our city from insolvency and gaining us time to get back on our feet.
3. You chose an outstanding organization to assist. The California Rifle and Pistol Association has an excellent reputation as the stalwart state-wide organization devoted to defending the Second Amendment Rights of all Californians.
4. Your selection to this Board reflects very favorably on your professionalism and it enhances the reputation of the City of Del Rey Oaks!
5. Thank you for your dedication and service!

LTC (Ret.) Jerry B. Edelen, M.A., M.B.A.
Mayor,
Campus Director, Brandman University- Monterey Campus,
Managing Member, Lonrey Enterprises, LLC, and
Vessel Examiner, U.S. Coast Guard Auxiliary #1232469
(831) 647-3726

**REGULAR MEETING OF THE CITY OF DEL REY OAKS
CITY COUNCIL CONVENED AT 6:00 P.M. ON TUESDAY,
FEBRUARY 22, 2011 IN THE CHARLES BENSON
MEMORIAL HALL, CITY HALL**

Present: Council Members Zuccaro, Cecilio, Allion, Mayor Edelen

Absent: Council Member Clark

Also present: City Attorney Callihan, City Manager Dawson and Deputy City Clerk Carvalho

Meeting came to order at 6:00 p.m. and roll call was taken.

PLEDGE OF ALLEGIANCE

Council Member Zuccaro led the Pledge of Allegiance

PUBLIC COMMENT:

Irene Barlich, Del Rey Oaks: Monthly reports, no longer list each item why is that not being listed.

City Manager Dawson: Total payroll isn't listed on the claims report

Henry O'Laughlin, Setter Place: What is the council's view on the Smart Meters? Has the Council made any decisions? He wanted to comment on the street sweeper stating that we aren't getting too much cooperation with cars being moved off the street. Also the cul-de-sacs are not getting cleaned well because he (street sweeper) can't get close enough to the curb.

CONSENT AGENDA:

The Council considered **ITEM 5.A.** Consent Agenda which consisted of City Council minutes for January 25, 2011, Joint Meeting, Planning Commission minutes for December 8, 2010, cancellation notice for January 9, 2011 meeting, monthly reports for January which were Claims, Financials, Fire Response and Police Activity report.

Council Member Allion: Pulled financial reports 5.B.2. and asked the City Manager to address the expenditures versus revenue.

City Manager Dawson: The revenues are right on schedule. He stated he wants to do a mid-year/mid-year budget review at the next meeting. He stated we have property tax coming in April and there are lows because our revenue and expenditures fluctuate quite a bit. One item affecting our expenses is payroll. We've had some changes/retirements in our police department and they are

entitled to their accumulated benefits. These changes could not be anticipated. The Street sweeping contract is under negotiation so that number will change. We will be looking at our fire calls but at this rate we can afford to have approximately 2 calls a month for the remainder of the fiscal year and stay under budget. Without those few extra expenses our revenue and expenditures are right on schedule.

Motion by Council Member Zuccaro to approve the consent agenda, motion seconded by Council Member Allion

Public Comment: None

Motion passed 4-0

OLD BUSINESS: None

NEW BUSINESS:

The Council considered **Item 7.A.**, Consider response opposing new bill package focusing on proposed State oversight of local government finances.

City Manager Dawson: This is in response to situations like what happened in Bell, California. This is a package of bills whereby the City would be audited by the State Controller's Office and they would be charging us for it.

Council Member Allion: This is an example of our state being out of control. We are already paying for an audit that you will be hearing tonight. They are overcharging the Cities with no justification. He feels there should be a letter of opposition apposing these bills signed by the Council or the Mayor.

Public Comment:

Irene Barlich: She agrees.

Mayor Edelen: Who will decide what the audits will cost? The State! We don't need other audits when we already have an audit to pay for. All it can do is hurt us. Should he write a letter on behalf of the City?

Motion by Council Member Allion to have Mayor Edelen draft a letter in opposition of bill package, motion seconded by Council member Zuccaro.

Public Comment: No further comments received.

Motion passed 4-0

The Council considered **ITEM 7.B.**, Consider Resolution No. 2011-02, A Resolution of the City of Del Rey Oaks Accepting the City's Audit Report for Fiscal Year 2009-2010, Presentation by Patricia Kaufman of McGilloway, Ray, Brown & Kaufman, Accountant and Consultants.

City Manager Dawson: Stated his head has been in numbers since last night when he received this report. He state he had been in discussions since 3 pm today and a bound copy of the audit will be given to the Council next week.

Patricia Kaufman: She apologized that there was not a bound copy. She was happy to report that we have a clean opinion. The numbers reported were accurate. There were no material weaknesses and the staff was extremely helpful. GASB45 is new this year and this was related to the actuarial figures for retirement. There were loses in the RDA which she was sure were no surprise. These are due to pollution payments made by the City on behalf of the developer.

Council Member Allion: He stated he was pleased by Patricia's report, the work done under Daniel's guidance, the work that Ilene did and the staff. There are losses of about \$500,000 in liquid assets from 2009 to 2010. These are losses because the RDA had to pay for things our developer failed to pay for.

Motion by Council Member Allion to adopt resolution No. 2011-02, motion seconded by Council Member Cecilio.

Public comments: None

Motion passed 4-0

The Council considered **ITEM 7.C.,** Discuss California American Water Moratorium participation in legal expenses.

Mayor Edelen: During the League of California Cities Mayor's meeting they stated that Cal-Am has overused the water from the Carmel Valley River so they have an idea about putting a moratorium on all new hookups. The problem is that they are taking away the rights of the residents. Most cities have water left to allocate but DRO has no water left to allocate. The Mayor's want to hire a lawyer to go against this and they want DRO to pay \$2,500 along with all the other cities. Historically when funds are requested DRO has to always pay the same as larger cities, but when money is doled out, DRO gets less based on population. DRO would be willing to sign with all the other Cities but he feels we should not have to pay the same fee as the other cities that actually have water.

Council Member Zuccaro: Is there any discussion about a population based fee?

Mayor Edelen: They talked about us paying less.

Council Member Zuccaro: Is there any ramification?

Mayor Edelen: Not really but the Mayor's do understand that we are team players.

Council Member Allion: So they want us to pitch in the same amount that Monterey, Seaside, Carmel, etc. would pay? Feels we should say no.

Mayor Edelen: Yes

Council Member Cecilio: Agrees, should say no.

Council Member Zuccaro: Agrees, should say no.

Mayor Edelen: Would ask that we sign along with the other cities in solidarity.

Public comment:

Irene Barlich: As long as it doesn't interfere with any future water hookups. She feels we should say no.

No Motion necessary, unanimous agreement by Council that fee should not be paid.

Staff report:

City Manager Dawson: Reported that he was honored to be a presenter at the City Manager's Conference last month. He reported on his first year as a new City Manager and appreciated the support of the Mayor, Chief Langford and Office Ingersoll who attended his speech. After that he attended the PARMA conference in Anaheim which was sponsored by Monterey Bay Area Self Insurance Authority of which we are a member. He was also elected as the Chairman for the FORA admin board who sets the agenda for the FORA board each month and felt this was quite an honor.

Council Member Reports:

Council Member Allion: Attended the MRWPCD and the Recycle board meeting? Also attended the Marina City Council Meeting where they considered the MCWD talks of running recycled water lines through the city. This will allow us to connect with their lines, which is important. Attended the Waste Management meeting and they are negotiating their contract with their union. He was asked to be the Vice Chair for the MRWPCD for this next year.

Council Member Cecilio: Attended Mosquito Abatement District meeting and they had a new member from Marina, Nancy Amadeo.

Council Member Zuccaro: Attended the AMBAG meeting and attended his first meeting with the Community Human Services.

Mayor Edelen: Vice Mayor Clark could not make MST and he attended on her behalf, he also represented our City at the DLI and the Imagine conference at the Navy School and the highlight of the last month was attending the City Manager's Conference and hearing Dan Dawson's talk.

Correspondence: Monterey Regional Waste Management District Highlights and Thank You letter from the Food Bank of Monterey County.

Mayor Edelen: Announced closed session and item to be heard.

Public Comment: None.

6:40 p.m.: Adjourned

6:42p.m.: Reconvened into closed session

p.m.: Adjourned from closed session into open session and reported the following:

City Manager Dawson: Reported that information was given to the Council and no action was taken.

p.m.: Meeting adjourned

Next meeting: Tuesday, March 22nd, 2011, 6:00 p.m.

REGULAR MONTHLY MEETING DEL REY OAKS PLANNING COMMISSION WEDNESDAY, FEBRUARY 9TH, 2011 AT 6:00 P.M. CHARLIE BENSON MEMORIAL HALL

Present: Commissioner Larson, Thayer, Jaksha, Weir, Lucido, and Chairman Clarke (Commissioner Hayworth arrived at 6:25)

Absent: None

Also Present: Deputy City Clerk Minami and City Attorney Chris Callihan

PLEDGE OF ALLEGIANCE: Lead by Chairman Clarke

CONSENT AGENDA:

The Commission considered **ITEM 4.A.**, Planning Commission Meeting Minutes, December 8th, 2010

*Motion by Commissioner Jaksha to approve, seconded by Commissioner Lucido
There were no comments received*

Motion passed 5-0

PUBLIC COMMENT:

None

REPORTS:

The Commission considered **ITEM 5.A. and ITEM 5.B.**,

Building Activity Report, January 2011

City of Del Rey Oaks Meeting Calendar 2011

Both reports were accepted.

There were no comments received

NEW BUSINESS:

The Commission considered **ITEM 6.A.**,

Project Name: Jim Maxom/Moore Design

File Number: ARC #11-01

Site Location: 947 Paloma Drive

Planning Area: APN#012-592-014

Environmental Status: Categorically Exempt

Project Description: Requesting Architectural Review to add a 152 square feet to rear of the single family dwelling. Materials and colors to match existing residence.

Recommended Action: Analyze provided material, make appropriate findings and give direction to staff.

John Moore, applicant: If you have any questions, just ask.

Chairman Clarke stepped down due to the proximity of the project.

Commissioner Lucido: Will the addition roof be tucked in with the existing house?

John Moore: Yes, very minimal visibility.

Vice Chair Weir: Nice design.

Motion by Commissioner Thayer to approve item #6.A: Jim Maxom and Moore Design, ARC #11-01, 947 Paloma Drive, APN#012-592-014, Environmental Status is Categorically Exempt, *seconded by Commissioner Jaksha.*

There were no comments received

Motion passed 5-0

Chairman Clarke returned to dais.

The Commission considered **ITEM 6.B. INFORMATION:** Adoption of the 2010 California Building Code and Related building construction codes.

The Commission considered **ITEM 6.C. INFORMATION:** Adoption of the 2010 California Fire Code with amendments thereto.

6:10p.m.-Meeting recessed to wait for John Kuehl and asks Deputy City Clerk Minami to call Mr. Kuehl.

6:30 p.m.-Meeting Reconvened into open session.

John Kuehl, City of Del Rey Oaks Building Official: Every three years the State requires the City to adopt building code, this year there is a new residential code portion. Cal Green Building Code is only for new construction. Mandatory fire sprinklers in new construction and other differences. The Council already adopted Cal Green because it is mandatory through the State, as of January 1st. The City Manager and City Attorney are working on a “Green Building Code” similar to the one that Monterey utilizes. It is more restrictive than the Cal Green during a remodel or an addition; it’s on a point system, for certain water saving items mostly.

This will be brought back to the Planning Commission and City Council. The Green Building Code isn’t as scary as one might think; it carries good construction practices, user friendly.

Commissioner Weir: Pleased that the steps are being taken.

Commissioner Lucido: Fire sprinklers only in new buildings?

John Kuehl: Yes.

Commissioner Larson: Has there been a cost analysis on building green?

John Kuehl: Yes, lots of them. Ball park increase is 3%, but the long term return is much higher, more like 25%. It just depends on what the consumer does.

Commissioner Jaksha: Who will make the decision, if it meets the requirements of the “green building code”?

John Kuehl: Once it’s adopted by the City, the Building Department will make the decision.

Chairman Clarke: Clarification needed on page 3 of 10 on Fire Code. Sounds like a permit is needed for a bar-b-que.

City Attorney Callihan: Section isn’t meant for “weber” style bar-b-ques, it is for open flame, style bar-b-ques.

There were no public comments received

OLD BUSINESS: None

ANNOUNCEMENTS/COMMENTS:

Deputy City Clerk Minami: The City website looks great, encourages everyone to look at it. A group Commission picture will be taken at the next meeting, as so to put it on the website.

NEXT MEETING: Wednesday, March 9, 2011 at 6:00 p.m.

6:50 p.m. Meeting Adjourned

Approved:

CITY OF DEL REY OAKS
Claims Report
February 2011

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
AFLAC				
2/16/2011	11936	AFLAC	PREMIUMS EMPLOYEE PAID-INV. 685478	875.79
2/16/2011	11977	AFLAC	PREMIUMS EMPLOYEE PAID-INV. 115425	915.49
Total AFLAC				1,791.28
BOUND TREE				
2/16/2011	11937	BOUND TREE	SUPPLIES OCT 2010	170.17
Total BOUND TREE				170.17
CALIFORNIA-AMERICAN WATER				
2/16/2011	11938	CALIFORNIA-AMERICAN WATER	WATER	390.17
Total CALIFORNIA-AMERICAN WATER				390.17
CARVALHO, KIMBERLY R				
2/28/2011	11978	CARVALHO, KIMBERLY R	WELLNESS REIMBURSEMENT	75.70
Total CARVALHO, KIMBERLY R				75.70
CITY OF SEASIDE				
2/16/2011	11939	CITY OF SEASIDE	STREET SWEEPING/STORM WATER	1,566.00
Total CITY OF SEASIDE				1,566.00
CO-POWER				
2/8/2011	11931	CO-POWER	DEC 11 DELTA DENTAL PREMIUM	2,256.80
2/16/2011	11976	CO-POWER	MARCH 11 DELTA DENTAL PREMIUM	2,076.59
Total CO-POWER				4,333.39
COMCAST HIGH SPEED INTERNET				
2/16/2011	11940	COMCAST HIGH SPEED INTERNET	INTERNET JAN	71.38
Total COMCAST HIGH SPEED INTERNET				71.38
ELECTRICAL DISTRIBUTORS				
2/16/2011	11941	ELECTRICAL DISTRIBUTORS	SUPPLIES NOV 2010	46.60
Total ELECTRICAL DISTRIBUTORS				46.60
ENTERSECT CORPORATION				
2/16/2011	11942	ENTERSECT CORPORATION	INV. 37313 POLICE ONLINE SERVICE-DEC 2010	79.00
Total ENTERSECT CORPORATION				79.00
FIRST AMERICAN REAL ESTATE SOLUTIONS				
2/16/2011	11943	FIRST AMERICAN REAL ESTATE ...	METRO SCAN- ADDRESS SERVICE-DEC 2010	104.17
Total FIRST AMERICAN REAL ESTATE SOLUTIONS				104.17
FIRST NATIONAL BANK CHARGE				
2/25/2011	EFT	FIRST NATIONAL BANK CHARGE	BANK FEES	240.78
Total FIRST NATIONAL BANK CHARGE				240.78
HOME DEPOT CRC				
2/16/2011	11944	HOME DEPOT CRC	MISC SUPPLIES PW/PARK	533.20

CITY OF DEL REY OAKS
Claims Report
February 2011

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Total HOME DEPOT CRC				533.20
I.M.P.A.C.GOVERNM'T SER				
2/8/2011	11930	I.M.P.A.C.GOVERNM'T SER	SERVICE CONTRACT FOR INTUIT/QUICK BOOKS UPDATE, FINNEG...	1,140.62
2/16/2011	11945	I.M.P.A.C.GOVERNM'T SER	CONFERENCE IN SACRAMENTO AND EQUIPMENT ACCT. 42460445...	5,971.93
Total I.M.P.A.C.GOVERNM'T SER				7,112.55
IE SOLUTIONS				
2/16/2011	11946	IE SOLUTIONS	INV. 11-1002-JAN 2011 QUICK BOOKS CONSULTING: AUDIT WORK ...	1,200.00
Total IE SOLUTIONS				1,200.00
JAMES DE CHALK				
2/16/2011	11947	JAMES DE CHALK	MONTHLY CLEANING SERVICE	600.00
Total JAMES DE CHALK				600.00
JOE JOHNSON				
2/28/2011	11979	JOE JOHNSON	WELLNESS REIMBURSEMENT	100.00
Total JOE JOHNSON				100.00
KELLY-MOORE PAINT CO.INC				
2/16/2011	11948	KELLY-MOORE PAINT CO.INC	SUPPLIES	19.64
Total KELLY-MOORE PAINT CO.INC				19.64
M&S BUILDING SUPPLY, INC.				
2/16/2011	11949	M&S BUILDING SUPPLY, INC.	SUPPLIES FOR PARK GRANT WORK JAN 2011	1,457.07
Total M&S BUILDING SUPPLY, INC.				1,457.07
MARTINS' IRRIGATION SUP				
2/16/2011	11950	MARTINS' IRRIGATION SUP	IRRIGATION SUPPLIES	15.05
Total MARTINS' IRRIGATION SUP				15.05
MCPOA				
2/16/2011	11951	MCPOA	RANGE FEES 7/15/10-10/29/10	200.00
Total MCPOA				200.00
MINAMI, KAREN L				
2/28/2011	11980	MINAMI, KAREN L	WELLNESS REIMBURSEMENT	69.76
Total MINAMI, KAREN L				69.76
MONTEREY BAY TECHNOLOGIES				
2/16/2011	11953	MONTEREY BAY TECHNOLOGIES	IT SERVICES RETAINER DEC. 2010	350.00
Total MONTEREY BAY TECHNOLOGIES				350.00
MONTEREY COUNTY SHERIFF				
2/16/2011	11954	MONTEREY COUNTY SHERIFF	10/1/10-12/31/10 ACJIS BILLING	1,277.61
Total MONTEREY COUNTY SHERIFF				1,277.61
MONTEREY PENINSULA ENGINEERING				

CITY OF DEL REY OAKS
Claims Report
February 2011

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
2/16/2011	11955	MONTEREY PENINSULA ENGINE...	INV 12-25 DIG OUT SAWCUT SPOIL OUT PAVE BACK-PORTOLA	2,825.71
Total MONTEREY PENINSULA ENGINEERING				2,825.71
MONTEREY SALINAS TRANSIT				
2/16/2011	11952	MONTEREY SALINAS TRANSIT	REGIONAL TAXI AUTHORITY START UP COST INV ARI-1251	1,875.00
Total MONTEREY SALINAS TRANSIT				1,875.00
MTRY CTY INFORMATION TECH-TELECOMMUNITION				
2/16/2011	11956	MTRY CTY INFORMATION TECH...	RADIO REPAIR AND MAINTENANCE	520.00
Total MTRY CTY INFORMATION TECH-TELECOMMUNITION				520.00
MUNISERVICES				
2/16/2011	11957	MUNISERVICES	INV. 23473 SALES TAX REPORTING SYSTEMS 2ND QUARTER 2010	750.00
Total MUNISERVICES				750.00
NEILL ENGINEERS CORP				
2/16/2011	11958	NEILL ENGINEERS CORP	RETAINER FOR 10/1/10-12/31/10	300.00
Total NEILL ENGINEERS CORP				300.00
NEXTEL COMMUNICATION				
2/16/2011	11959	NEXTEL COMMUNICATION	NEXTEL RADIO- CLK/PW/PD/CM	536.14
Total NEXTEL COMMUNICATION				536.14
OFFICE DEPOT				
2/16/2011	11960	OFFICE DEPOT	MISC SUPPLIES ALL DEPARTMENTS	316.38
Total OFFICE DEPOT				316.38
OFFICE EQUIPMENT FINANCE SERVICES				
2/16/2011	11961	OFFICE EQUIPMENT FINANCE S...	LEASE PAYMENT FOR COPIER-FEB. 11	270.11
Total OFFICE EQUIPMENT FINANCE SERVICES				270.11
P.E.R.S.-HEALTH				
2/16/2011	11962	P.E.R.S.-HEALTH	HEALTH PREMIUM FEB 2011	14,384.59
Total P.E.R.S.-HEALTH				14,384.59
PAYPAL				
2/1/2011	AutoTmsfr	PAYPAL	SELECT BLINDS ORDER #334499 CITY HALL WINDOWS	444.02
Total PAYPAL				444.02
PERS				
2/16/2011	11963	PERS	PAYROLL 1-2011-1	9,674.88
Total PERS				9,674.88
PG&E				
2/16/2011	11964	PG&E	GAS 12/15-1/13/11 ELEC 12/15-1/25/11	2,097.96
Total PG&E				2,097.96
PG&E-GJM&218				

CITY OF DEL REY OAKS
Claims Report
February 2011

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
2/16/2011	11965	PG&E-GJM&218	6817283169-2	39.21
Total PG&E-GJM&218				39.21
PITNEY BOWES PURCHASE POWER				
2/16/2011	11966	PITNEY BOWES PURCHASE POW...	POSTAGE ACCT. 8000900003463050	227.57
Total PITNEY BOWES PURCHASE POWER				227.57
QuickBooks Payroll Service				
2/14/2011		QuickBooks Payroll Service	Monthly processing fee for February 2011	69.00
2/14/2011		QuickBooks Payroll Service	No state fee for CA for February 2011	
2/14/2011		QuickBooks Payroll Service	Fee for 16 employee(s) paid	16.00
2/14/2011		QuickBooks Payroll Service	Fee for 12 direct deposit(s) at \$1.25 each	15.00
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	4,466.00
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	576.82
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	576.82
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	1,426.82
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	477.37
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	9.50
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	6.44
2/14/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/10/2011	28,763.75
2/25/2011		QuickBooks Payroll Service	Fee for 18 employee(s) paid	18.00
2/25/2011		QuickBooks Payroll Service	Fee for 13 direct deposit(s) at \$1.25 each	16.25
2/25/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/23/2011	530.04
2/25/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/23/2011	530.04
2/25/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/23/2011	437.45
2/25/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/23/2011	4,417.38
2/25/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/23/2011	1,307.58
2/25/2011		QuickBooks Payroll Service	Created by Payroll Service on 02/23/2011	26,036.37
Total QuickBooks Payroll Service				69,696.63
RANCHO CIELO YOUTH CAMPUS				
2/16/2011	11967	RANCHO CIELO YOUTH CAMPUS	PORTOLA WALK WAY 2010 INV 506	819.54
Total RANCHO CIELO YOUTH CAMPUS				819.54
SHELL OIL COMPANY				
2/16/2011	11968	SHELL OIL COMPANY	FUEL CHARGES	465.52
Total SHELL OIL COMPANY				465.52
SUE STUTZMAN				
2/16/2011	11969	SUE STUTZMAN	PARK REFUND CANCELED WITHIN 72 HOURS OF SCHEDULED EVE...	150.00
Total SUE STUTZMAN				150.00
SUNSTAR MEDIA				
2/16/2011	11970	SUNSTAR MEDIA	WEBSITE MONTHLY WEB SERVICE PER CONTRACT	95.00
Total SUNSTAR MEDIA				95.00
TERMINIX				
2/16/2011	11971	TERMINIX	PEST CONTROL AND MAINTENANCE-12/2010	57.00

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Claims Report
February 2011

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Total TERMINIX				57.00
THE HERALD 2/16/2011	11972	THE HERALD	JOINT PUBLIC MEETING NOTICE 12/28/10	256.29
Total THE HERALD				256.29
UNITED SITE SERVICES 2/16/2011	11973	UNITED SITE SERVICES	PORTABLE TOILET PARK GRANT WORK 1/18/11-2/14/11	193.84
Total UNITED SITE SERVICES				193.84
UPS 2/16/2011	11974	UPS	ACCT # 0000447YR5510	24.11
Total UPS				24.11
VSP 2/16/2011	11975	VSP	VISION PLAN FEB 2011	168.66
Total VSP				168.66
TOTAL				127,991.68

CITY OF DEL REY OAKS
FISCAL YEAR 2010/2011 BUDGET VS. ACTUAL

July 2010 through February 2011

		Actual Total for 2010-2011	FY 2010-2011 Budget	% of Annual Budget
Revenue				
3100 · PROPERTY TAXES				
	3105 · P/T-SECURED	191,524.32	353,304.00	54.21%
	3107 · P/T-UNITARY TAX	2,905.36	5,533.00	52.51%
	3110 · P/T-UNSECURED	13,735.95	14,452.00	95.05%
	3120 · P/T-SB813	2,475.50	2,662.00	92.99%
	3130 · P/T-PRIOR SECURED	13,604.79	21,742.00	62.57%
	3132 · PRIOR UNSECURED		84.00	
	3135 · PROPERTY TAX - VLF	57,604.00	121,084.00	47.57%
	3140 · P/T-INT/PENAL	175.98	328.00	53.65%
	3145 · P/T - ADMINISTRATIVE FEE	(907.05)	(7,500.00)	12.09%
	3206 · SALES TAX IN LIEU - 3-FLIP	32,433.24	77,000.00	42.12%
Total 3100 · PROPERTY TAXES		313,552.09	588,689.00	53.26%
3200 · OTHER TAXES				
	3202 · MANDATED COSTS		4,000.00	
	3205 · SALES TAX	156,892.47	255,000.00	61.53%
	3208 · Sales Tax - Add On	271,954.21	388,000.00	70.09%
	3209 · COP MONIES	80,506.10	100,000.00	80.51%
	3210 · PROPERTY TRANSFER TAX		5,000.00	
	3220 · GAS FRANCHISES		7,000.00	
	3225 · ELECTRIC FRANCHISES		15,500.00	
	3235 · GARBAGE FRANCHISES	28,409.38	40,000.00	71.02%
	3240 · CABLE TV FRANCHISES	18,258.54	25,000.00	73.03%
	3245 · WATER FRANCHISES		9,000.00	
	3851 · SEWER IMPACT		8,500.00	
Total 3200 · OTHER TAXES		556,020.70	857,000.00	64.88%
3300 · LICENSES & PERMITS				
	3301 · BUSINESS LICENSES	165,332.13	190,000.00	87.02%
	3305 · BUILDING PERMITS	5,064.06	15,000.00	33.76%
	3310 · PLAN CHECK FEES	3,000.07	7,500.00	40.0%
	3315 · STREET OPENING PERMITS FEES	600.00	2,500.00	24.0%
	3325 · PLUMBING PERMITS	1,380.00	1,000.00	138.0%
	3330 · ELECTRICAL PERMITS	600.00	1,000.00	60.0%
	3340 · ENVIRON ASSESS FEES/PERMIT		1,000.00	
	3342 · DEVELOPER PYMT FEES/PERMITS		500.00	
	3345 · OTHER LICENSES/PERMITS	222.70	500.00	44.54%
Total 3300 · LICENSES & PERMITS		176,198.96	219,000.00	80.46%
3400 · FINES & FORFEITURES				
	3401 · VEHICLE CODE FINES	14,700.28	15,000.00	98.0%
	3415 · OTHER COURT FINES		1,000.00	
Total 3400 · FINES & FORFEITURES		14,700.28	16,000.00	91.88%

CITY OF DEL REY OAKS
FISCAL YEAR 2010/2011 BUDGET VS. ACTUAL

July 2010 through February 2011

		Actual Total for 2010-2011	FY 2010-2011 Budget	% of Annual Budget
	3501 · INTEREST EARNED	2,187.71	12,000.00	18.23%
	3600 · OTHER AGENCY REVENUE			
	3602 · MOTOR VEHICLE LICENSE FEE(MVLF)	3,603.33	3,000.00	120.11%
	3603 · OFF HIGHWAY		100.00	
	3604 · HOPTR	364.57	1,200.00	30.38%
	3605 · VEHICLE LICENSE COLLECTION		1,000.00	
	3620 · PROP 172		8,000.00	
	3648 · GRANTS		25,000.00	
	3649 · TRAFFIC CONGESTION RELIEF-AB438	4,129.61	10,000.00	41.3%
	3655 · POLICE GRANTS OTHER AGENCIES		1,000.00	
	3600 · OTHER AGENCY REVENUE - Other	5.00		
	Total 3600 · OTHER AGENCY REVENUE	8,102.51	49,300.00	16.44%
	3700 · CURRENT SERVICES			
	3703 · USE PERMITS	2,875.00	3,000.00	95.83%
	3704 · MAPS/PUBLICATIONS	5.40	100.00	5.4%
	3706 · RENTAL INCOME	6,804.00	9,600.00	70.88%
	3707 · POLICE REPORTS	616.00	1,400.00	44.0%
	3709 · PROPERTY INSPECTIONS	1,100.00	1,300.00	84.62%
	3710 · POLICE SERVICES	8,619.50	10,000.00	86.2%
	3711 · PUBLIC EVENTS	32,400.00	80,000.00	40.5%
	3712 · MISCELLANEOUS SERVICES	3,585.30	1,000.00	358.53%
	3715 · PD DONATIONS	4,071.16	1,500.00	271.41%
	3716 · ELECTIONS	834.00		
	3700 · CURRENT SERVICES - Other	300.00		
	Total 3700 · CURRENT SERVICES	61,210.36	107,900.00	56.73%
	3800 · PARKS/RECREATION			
	3801 · PARK RENTAL	1,500.00	10,000.00	15.0%
	3802 · RV RENTAL PARKS	17,155.00	26,000.00	65.98%
	Total 3800 · PARKS/RECREATION	18,655.00	36,000.00	51.82%
	3900 · OTHER			
	2103 · GAS TAX 2103	5,044.47		
	3610 · GAS TAX 2107	1,773.60	13,500.00	13.14%
	3612 · GAS TAX 2106	5,270.99	9,000.00	58.57%
	3614 · GAS TAX 2107.5	1,000.00	900.00	111.11%
	3616 · GAS TAX 2105	5,662.45	9,000.00	62.92%
	Total 3900 · OTHER	18,751.51	32,400.00	57.88%
	Total Revenue	1,169,379.12	1,918,289.00	60.96%

CITY OF DEL REY OAKS
FISCAL YEAR 2010/2011 BUDGET VS. ACTUAL

July 2010 through February 2011

		Actual Total for 2010-2011	FY 2010-2011 Budget	% of Annual Budget
Expense				
10000 · Payroll & Benefits				
	10009 · OVERTIME	19,650.77	25,000.00	78.6%
	10010 · PAYROLL	636,202.47	826,000.00	77.02%
	100101 · COUNCIL MEMBER STIPEND	4,097.45	6,000.00	68.29%
	100103 · RESERVES PAYROLL	26,487.67	31,710.00	83.53%
	10011 · PERS	137,551.09	165,000.00	83.36%
	10012 · MEDICARE	10,012.42	11,000.00	91.02%
	10013 · DENTAL EXPENSE	16,775.64	26,750.00	62.71%
	10014 · HEALTH INS	106,155.50	132,500.00	80.12%
	10015 · VISION INS	1,349.28	2,800.00	48.19%
	10016 · WORKERS COMP	92,770.49	136,400.00	68.01%
	10018 · WELLNESS PROGRAM	5,045.65	13,200.00	38.23%
	10120 · UNIFORM ALLOWANCE	4,500.00	5,000.00	90.0%
Total 10000 · Payroll & Benefits		1,060,598.43	1,381,360.00	76.78%
20100 · Payroll Expenses		1,533.56	500.00	306.71%
20119 · Bank Service Charges		1,218.64	500.00	243.73%
20120 · -SUPPLIES				
	20121 · MATERIALS/SUPPLY	38,005.88	43,500.00	87.37%
	20122 · REPAIR/MAINTENANCE	20,916.72	20,000.00	104.58%
	20160 · OFFICE SUPPLIES	2,626.32	3,089.00	85.02%
	20176 · PRINTING / PUBLICATIONS	476.21	500.00	95.24%
Total 20120 · -SUPPLIES		62,025.13	67,089.00	92.45%
20130 · UTILITIES & SERVICES				
	20126 · STREET SWEEPING	8,422.48	1,200.00	701.87%
	20127 · GABILAN CREW	1,885.74	2,000.00	94.29%
	20131 · UTILITIES/PGE	5,000.70	7,500.00	66.68%
	20132 · UTILITIES/WATER	2,324.62	5,000.00	46.49%
	20140 · TELEPHONE / INTERNET	11,769.77	15,000.00	78.47%
	20145 · WEBSITE DESIGN & MAINTENANCE	4,215.00	1,500.00	281.0%
	20168 · POSTAGE / SHIPPING	1,639.30	4,113.00	39.86%
	20170 · TRAVEL/CONFERENCE	10,586.49	9,500.00	111.44%
	20171 · MEMBER/DUES/CONTRIBUTIONS	9,422.59	14,500.00	64.98%
	20172 · AD/PROMOTION CITY CNCL	1,267.38	1,500.00	84.49%
	20173 · LEGAL ADVERT NON-DEPT	215.00	1,000.00	21.5%
	20174 · BOOK/PERIODICAL	140.00	100.00	140.0%
	20175 · MEETING CITY CNCL	573.43	1,000.00	57.34%
	30127 · RADIO DISPATCH POLICE	38,259.50	42,500.00	90.02%
	30165 · COMM HUM SERV NON-DEPT	3,057.00	3,500.00	87.34%
Total 20130 · UTILITIES & SERVICES		98,779.00	109,913.00	89.87%

CITY OF DEL REY OAKS
FISCAL YEAR 2010/2011 BUDGET VS. ACTUAL

July 2010 through February 2011

		Actual Total for 2010-2011	FY 2010-2011 Budget	% of Annual Budget
20180 · OUTSIDE SERVICES				
	20178 · TRAINING POLICE	5,341.94	8,000.00	66.77%
	20181 · OTHER PERMITS PW/ENGNR	135.30	2,000.00	6.77%
	20191 · EQUIPMENT MAINT	3,450.58	21,500.00	16.05%
	30044 · LIABILITY/PROP NON-DPT	16,032.76	25,000.00	64.13%
	30113 · CONTRACTUAL AUDIT	19,687.50	25,000.00	78.75%
	30115 · DATA PROCESSING	2,450.00	3,500.00	70.0%
	30116 · CONTRACTUAL SVCS PLANNING	4,330.98	25,000.00	17.32%
	30119 · CONTRACTUAL SVCS - LEGAL	9,991.67	20,000.00	49.96%
	30120 · CONTRL RETAINER LEGAL	7,296.44	12,000.00	60.8%
	30121 · CONTRACTUAL SVCS ENGINEERING	1,250.00		
	30122 · CONTRACTUAL SVCS INSPECTION	243.00		
	30126 · JANITORIAL FUND	2,475.00	4,200.00	58.93%
Total 20180 · OUTSIDE SERVICES		72,685.17	146,200.00	49.72%
30170 · AUTO OPERATION				
	30181 · AUTO OPS - SUPPLIES / EQUIP	978.09	5,000.00	19.56%
	30182 · AUTO OPS - FUEL	11,793.12	25,000.00	47.17%
	30190 · AUTO REPAIR/MAINTENANCE	6,596.85	19,000.00	34.72%
	60001 · AUTO LEASE PAYMENTS	20,330.08	20,000.00	101.65%
Total 30170 · AUTO OPERATION		39,698.14	69,000.00	57.53%
30180 · POLICE AND FIRE				
	30183 · FUND JAIL & PRISONER	957.81	1,000.00	95.78%
	30184 · ACJIS SYSTEM POLICE	3,733.26	1,527.00	244.48%
	30186 · FIRE CONTRACT	47.18		
	301861 · FIRE SEASIDE	106,231.73	116,000.00	91.58%
	30187 · ANIMAL REGULATION FIRE	2,443.42	2,500.00	97.74%
Total 30180 · POLICE AND FIRE		113,413.40	121,027.00	93.71%
30200 · STREETS & STORM WATER				
	30219 · S.M.I.P.	24.14	200.00	12.07%
	30220 · SB 1473	4.60		
	30230 · STREET LIGHTING	9,998.20	17,000.00	58.81%
	30231 · STORM WATER PROJECT - PHASE1&2	5,480.00	5,500.00	99.64%
Total 30200 · STREETS & STORM WATER		15,506.94	22,700.00	68.31%
Total Expenditures		1,465,458.41	1,918,289.00	76.39%
Total Revenue		1,169,379.12		
Total Expenditures		1,465,458.41		
Total Operating Revenue Less Expenditures this Fiscal Year to Date		(296,079.29)		

**CAPITAL OUTLAY BUDGET VS ACTUAL
JULY 1, 2010 - JUNE 30, 2011**

		Actual Totals for 2010-2011	FY 2010-2011 Budget
Other Income			
4900 · CAPITAL OUTLAY FUND			
	3627 · 2002 Parks Resources Bond Act		99,255.00
	3720 · Portola/Carlton (Prop 1B) CIP		400,000.00
	3730 · Portola/Work Walkway (MPRPD)		12,500.00
Total 4900 · CAPITAL OUTLAY FUND			511,755.00
Other Expense			
50400 · CAPITAL OUTLAY			
	50430 · PORTOLA / CARLTON (PROP 1B)		400,000.00
	50440 · PORTOLA / WORK WALKWAY (MPRPD)	819.54	12,500.00
	50460 · 2002 PARKS RESOURCES BOND ACT		99,255.00
Total 50400 · CAPITAL OUTLAY		819.54	511,755.00

CITY OF DEL REY OAKS
CASH FUNDS BALANCE REPORT
AS OF JANUARY 31, 2011

CITY OF DEL REY OAKS			
CASH BALANCES AS OF FEBRUARY 28, 2011			
		1000 · GENERAL CHECKING	\$64,374.52
		1008 · LAIF CITY - 246	\$337,540.36
		Total City Checking/Savings	\$401,914.88
REDEVELOPMENT AGENCY			
CASH BALANCES AS OF FEBRUARY 28, 2011			
		10-1001 · GENERAL CHECKING	\$879.84
		10-1003 · DUFFY EIR/CEQA CHECKING	\$7,197.66
		10-1002 · LAIF RDA ACCOUNT	\$21,308.59
		Total RDA Checking/Savings	\$29,386.09
GRAND TOTAL CASH BALANCES			\$431,300.97



FIRE DEPARTMENT

1635 Broadway Avenue
Seaside, CA 93955

Telephone (831) 899-6790
FAX (831) 899-6261

March 4, 2011

Chief Langford
Del Rey Oaks City Hall
650 Canyon Del Rey
Del Rey Oaks, CA 93940

Dear Chief Langford:

Enclosed is a copy of the response reports for the Seaside Fire Department response to Del Rey Oaks for the period of February 1, 2011 through February 28, 2011.

The City of Del Rey Oaks will be billed for the following incident numbers:

Incident #
11-0000184
11-0000190
11-0000210
11-0000217
11-0000250

There are a total of five fire calls for the month of February. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Pernet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathryn Pernet
Sr. Administrative Assistant

CC: File

City of Seaside

Incident List by Alarm Date/Time

Alarm Date Between {02/01/2011} And {02/28/2011}
and District = "029"

Incident-Exp#	Alm Date	Alm Time	Location	Incident Type
11-0000184-000	02/03/2011	16:50:00	1000 PALOMA RD /Del Rey O	321 EMS call, excluding vehicle
11-0000190-000	02/04/2011	19:30:00	977 ANGELUS WAY /Del Rey	600 Good intent call, Other
11-0000210-000	02/08/2011	19:31:00	37 LOS ENCINOS DR /Del Re	321 EMS call, excluding vehicle
11-0000217-000	02/10/2011	06:37:00	931 ROSITA RD /Del Rey Oa	321 EMS call, excluding vehicle
11-0000250-000	02/16/2011	07:03:00	7 BORONDA WAY /Del Rey Oa	444 Power line down

Total Incident Count 5

5 calls



Del Rey Oaks Police Department
 Monthly Report of Activity
 February – 2011
 Completed By: Ron Langford, COP

ARRESTS

Prior Year

<i>Felony Arrests</i>		
<i>Misdemeanor Arrests</i>	04	
<i>Warrant Arrests (OJ)</i>	01	
TOTAL ARRESTS	05	03



ED STOCK TEACHING TACTICAL SHOOTING CLASS / MARCH 2011

REPORTS FILED:

20	18
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BURGLARIES:

Prior Year

<i>Residential</i>	01	
<i>Commercial</i>		
<i>From Locked Vehicle</i>		
<i>Other</i>		
TOTAL BURGLARIES	01	00

ASSAULTS:

Prior Year

<i>Simple Assault</i>	01	
<i>Domestic Violence</i>		
<i>Weapon Involved</i>		
TOTAL ASSAULTS	01	01

GRAND & PETTY THEFTS:

Prior Year

<i>Residential</i>		
<i>Commercial</i>		
<i>Shoplifting</i>	05	
<i>From Motor Vehicle</i>		
<i>Other</i>		
TOTAL THEFTS	05	04

TRAFFIC ACCIDENTS:

Prior Year

<i>Non-Injury Accidents</i>	03	
<i>Injury Accidents</i>		
TOTAL ACCIDENTS	03	02

TOWED & STORED VEHICLES:

Prior Year

02	04
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CITATIONS ISSUED:

Prior Year

<i>Traffic Citations Issued</i>	25	
<i>Parking Citations Issued</i>		
<i>Admin Citations Issued</i>		
TOTAL CITATION ISSUED	25	25

ALARMS:

Prior Year

<i>Residential</i>		
<i>Commercial</i>		
TOTAL ALARMS	00	00

DUI ENFORCEMENT:

Prior Year

00	01
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RESOLUTION NO. 2011-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS
ACCEPTING THE RECIPROCAL AGREEMENT BETWEEN THE CALIFORNIA STATE
FRANCHISE TAX BOARD AND THE CITY OF DEL REY OAKS**

-oOo-

WHEREAS, the State of California Franchise Tax Board has requested that the City of Del Rey Oaks sign a reciprocal agreement; and

WHEREAS, this agreement will allow the Franchise Tax Board and the City of Del Rey Oaks to exchange tax data specific to city business license information for tax administration purposes; and

WHEREAS, both parties will abide by the legal and confidential provisions of this Agreement, and;

WHEREAS, the term of this agreement is from June 1, 2011 through December 31, 2013

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Del Rey Oaks does hereby authorize the City Manager to execute this agreement on behalf of the City of Del Rey Oaks.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Del Rey Oaks this 22nd day of March, 2011, by the following vote:

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

Jerry B. Edelen, Mayor

ATTEST: _____
Daniel Dawson, City Clerk

kminami@delreyoaks.org

Help

Sign Out

State of California
Franchise Tax Board

Reply Reply to All

From: tracey.mollow@ftb.ca.gov (Authenticated by ftb.ca.gov) Valid Signature (Help)
To: kminami@delreyoaks.org
Cc: Cathy.McCollum@ftb.ca.gov
Sent: Fri Feb 18, 2011 9:14 AM (4 days ago)
Subject: FTB Reciprocal Agreement #C1000209, City of Del Rey Oaks
Attached: Blank Bkgrd.gif (1k) - View, Download
1000209.Del Rey Oaks.213.pdf (179k) - View, Download

Greetings,

Please find attached an electronic copy of the **Reciprocal Agreement (STD 213)**, which is required to initiate your City's participation in exchanging data with the Franchise Tax Board.

In order for your City to participate, two (2) original signature copies of this Agreement (STD 213) must be signed by an authorized signatory of your City and returned as soon as possible or no later than Friday, April 22, 2011.

THIS AGREEMENT MUST ALSO BE ACCOMPANIED BY A COPY OF A RESOLUTION, ORDER, MOTION, OR ORDINANCE STATING THAT THE SIGNATORY IS AUTHORIZED TO ENTER INTO THIS AGREEMENT.

Upon approval of the Agreement, you will be sent a fully executed copy. If you have further questions, please contact our Local Government Liaison desk at LocalGovLiaison@ftb.ca.gov or via phone at 916.845.6304.

PLEASE RETURN THE TWO (2) ORIGINALLY SIGNED AGREEMENTS TO:

Regular USPS or USPS Priority Mail:

Franchise Tax Board
Procurement & Asset Management
Attn: Tracey Mollow, Mail Stop A-374
P.O. Box 2086
Rancho Cordova, CA 95741-2086

OR

FedEx/UPS/Overnight Mail:

Franchise Tax Board
Procurement & Asset Management
Attn: Tracey Mollow, Mail Stop A-374
9646 Butterfield Way
Sacramento, CA 95827

Thank you for your timely response and for participating in this mutually beneficial data sharing program. If you are no longer interested in participating in the Franchise Tax Board's City Business Tax Program, please let us know.

Attachment
Tracey Mollow
Associate Contract Analyst

CONFIDENTIALITY NOTICE: This email from the State of California is for the sole use of the intended recipient and

AGREEMENT NUMBER C1000209
REGISTRATION NUMBER

- This Agreement is entered into between the State Agency and the Contractor named below:
 STATE AGENCY'S NAME
Franchise Tax Board
 CONTRACTOR'S NAME
City of Del Rey Oaks
- The term of this Agreement is: **June 1, 2011 through December 31, 2013**
- The maximum amount of this Agreement is: **\$ 0.00**
NON-FINANCIAL AGREEMENT
- The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	3 pages
Exhibit C* – General Terms and Conditions	GTC610
Exhibit D - Special Terms and Conditions	3 pages
Exhibit E - City Record Format Specifications	2 pages
Exhibit F - FTB Record Layout Specifications	1 page
Exhibit G – Confidentiality Statement	1 page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language/default.htm

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only <input checked="" type="checkbox"/> Exempt per: SCM 4.04.5.b.
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc) City of Del Rey Oaks		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING		
ADDRESS 650 Canyon Del Rey Road, CA, 93940		
STATE OF CALIFORNIA		
AGENCY NAME Franchise Tax Board		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Lisa Garrison, Chief Financial Officer		
ADDRESS P.O. Box 2086, Rancho Cordova, CA 95741-2086		

EXHIBIT A**SCOPE OF WORK**

This Agreement is entered into by and between the Franchise Tax Board, herein referred to as (FTB) and the City of Del Rey Oaks, herein after referred to as the City.

Purpose:

This Agreement allows FTB and the City to enter into a reciprocal agreement to exchange tax data specific to city business license information for tax administration purposes. By entering into a reciprocal agreement, each party agrees to bear their own costs of providing the data and the City is precluded from obtaining reimbursement.

Both parties will abide by the legal and confidential provisions of this Agreement. Exhibits A, C, D, E, F, and G attached hereto and incorporated by reference herein, set forth additional terms to which the parties agree to be bound.

Legal Authority:

California Revenue and Taxation Code (R&TC) Section 19551.5 mandates cities to provide city business tax data to FTB. R&TC 19551.1 authorizes a reciprocal agreement for the exchange of city business tax and income tax information between a city and FTB.

City Responsibilities:

1. The City agrees that the information provided by FTB will be used exclusively to administer the City's business tax program.
2. The City agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose; and only accessed by City employees.
3. The City agrees to provide FTB with tax information pursuant to Exhibit E, Format Specifications, which shall include but is not limited to the following:
 - Business or owner's name.
 - Business or residence address.
 - Federal employer identification number or social security number.
 - North American Industry Classification Code or Standard Industry Classification Code.
4. The City agrees to extract and provide City data to FTB annually in June for each tax year that the Agreement is in place, June 2011, 2012, and 2013. If the Agreement is executed after June 30, 2011, the City has 30 days after execution to provide FTB with the first year's data.
5. The City agrees to submit the records to FTB using FTB's Secure Web Internet File Transfer (SWIFT).
6. The City agrees to submit the records to FTB in ASCII fixed length format, .txt, per the Format Specifications, Exhibit E.

EXHIBIT A**SCOPE OF WORK (continued)**

7. The City agrees to resubmit data in the event data is initially submitted with errors. The resubmission of data must be within 30 days of notification. If data is not submitted accurately and timely, the City forfeits its rights to FTB data for that year.
8. The City agrees that each City employee having access to FTB data shall sign a Confidentiality Statement, Exhibit G. The signed statement is to be retained by the City and produced to FTB upon request.
9. The City agrees to submit to FTB a completed safeguard questionnaire prior to receiving FTB data. The safeguard questionnaire is valid for the duration of the Agreement.
10. The City agrees to provide a copy of the resolution, order, motion, or ordinance of the local governing body, authorizing the execution of the Agreement.

FTB Responsibilities:

1. FTB agrees that information provided by the City will be used for tax administration and non-tax programs that FTB administers and may be shared with other state/federal agencies as authorized by law.
2. FTB agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose.
3. FTB agrees to provide the City data extracted from the Taxpayer Information (TI) and Business Entities Tax System (BETS). FTB will provide the City records for taxpayers within the city's jurisdiction who indicate a business on their personal or corporation income tax return. The Record Layout, Exhibit F shall include, but is not limited to:
 - Taxpayer name.
 - Taxpayer address.
 - Taxpayer social security number or federal employer identification number.
 - Principal business activity code.
4. FTB agrees to match the data provided by the City using the social security number or federal employer identification number against FTB's data with a yes or no indicator on the Record Layout, Exhibit F. The first year's data match is at the discretion of FTB and will be based on when the data is received and processed.
5. FTB agrees to provide the City an annual extraction in December 2011 for tax year 2010, December 2012 for tax year 2011, and December 2013 for tax year 2012 via SWIFT.
6. FTB agrees to register the City for a SWIFT account, allowing for the secure electronic transmission of data.
7. FTB agrees to provide the City a unique City Business Tax Number to be used for reporting purposes only.
8. FTB agrees to allow the City to resubmit data within 30 days of notification, in the event data is initially submitted with errors.

EXHIBIT A

SCOPE OF WORK (continued)

Project Coordinators:

The project coordinators during the term of this Agreement will be:

Franchise Tax Board

Cathy McCollum
Data Resources and Services Unit
P.O. Box 1468, Mailstop A181
Sacramento, CA 95812-1468
Phone: (916) 845-4431
Fax: (916) 845-4849

City of Del Rey Oaks

Karen Minami
Deputy City Clerk
650 Canyon Del Rey Road
Del Rey Oaks, CA 93940
Phone: (831) 394-8511

Return executed agreement to:

Franchise Tax Board

Procurement & Asset Management Bureau
Attention: Tracey Mollow
P.O. Box 2086, Mailstop A-374
Rancho Cordova, CA 95741-2086
Phone: (916) 845-5193
Fax: (916) 845-3599

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. DATA OWNERSHIP: The classified confidential tax information being provided to the City under this Agreement remains the exclusive property of FTB. The City shall have the right to use and process the disclosed information for the purposes stated in this Agreement, which right shall be revoked and terminated immediately upon completion of this Agreement.
2. STATEMENT OF CONFIDENTIALITY: The Franchise Tax Board has tax return information and other data in its custody, which is confidential data. Unauthorized inspection or disclosure of state tax return information or other confidential data is a misdemeanor (Revenue and Taxation Code Section 19542 and 19542.1).
3. USE OF INFORMATION: The City and FTB agree that the information furnished or secured pursuant to this Agreement shall be used solely for the purposes described by this Agreement. The information obtained by FTB shall be used for tax administration and non-tax programs that FTB administers and may be shared with other state/federal agencies as authorized by law. The City and FTB further agree that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose other than identified in this Agreement or as authorized by law.
4. EMPLOYEE ACCESS TO INFORMATION: Both FTB and the City agree that the information obtained will be kept in the strictest confidence and shall make information available to its own employees only on a "need to know" basis. The "need to know" standard is met by authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. Both parties recognize their responsibilities to protect the confidentiality of this information as provided by law and ensures such information is disclosed only to those individuals and of such purpose, as authorized by the Revenue and Taxation Code.
5. DISCLOSURE OF CONFIDENTIAL INFORMATION: Any unwarranted disclosure or use of state tax return information or any willful unauthorized inspection of the return information is an act punishable as a misdemeanor. Inspection is defined to mean any examination of confidential information. No one other than authorized employees may access, use, view or manipulate the data being transmitted to the City under this Agreement. The City, in recognizing the confidentiality of state tax return information, agrees to take all appropriate precautions to protect from unauthorized disclosure of the confidential information obtained pursuant to this Agreement. The City will conduct oversight of its users with access to the confidential information provided under this Agreement, and will promptly notify FTB of any suspected violations of security or confidentiality by its users.

The City and each of the City's employees who may have access to the confidential data of FTB will be required to sign a Confidentiality Statement, Exhibit G, attesting to the fact that he/she is aware of the confidential data and the penalties for unauthorized disclosure thereof. The signed statement shall be retained by the City and furnished to FTB upon request.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS (continued)

6. INCIDENT REPORTING: All unauthorized or suspected unauthorized access; use and/or disclosure (incidents) of FTB data shall be reported to FTB's contact, Cathy McCollum at (916) 845-4431, immediately upon discovery of the incident. The incident report shall contain the following: date, time, employee name, description of the incident or circumstances, and means of discovery. Upon discovery of any such incident, FTB will make the appropriate notification to affected California resident(s) pursuant to the requirements of Civil Code Section 1798.29.
7. INFORMATION SECURITY: Information security is defined as the preservation of the confidentiality, integrity, availability, authenticity, and utility of information. A secure environment is required to protect the confidential information obtained from FTB pursuant to this Agreement. The City will store information so that it is physically secure from unauthorized access. The records received by the City will be securely maintained and accessible only by employees of the city business license program who are committed to protect the data from unauthorized access, use, and disclosure.
8. DESTRUCTION OF RECORDS: All records received by the City from FTB and any database(s) created, copies made, or files attributed to the records received will be destroyed within three years of receipt. The records shall be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained. FTB will destroy City data in accordance with the Department's data retention policies.
9. INDEMNIFICATION: Both parties agree to indemnify, defend, and save harmless each other, its officers, agents, and employees from any and all claims and losses accruing or resulting from any breach of confidentiality by either party and/or its employees.
10. SETTLEMENT OF DISPUTES: In the event of a dispute, the City shall file a "Notice of Dispute" with the Chief Counsel of the Franchise Tax Board within ten (10) days of discovery of the problem. Within ten (10) days, the Chief Counsel or his/her designee shall meet with the City and the FTB contact for purposes of resolving the dispute. The decision of the Chief Counsel shall be final.
11. SAFEGUARD QUESTIONNAIRE and REVIEW: Prior to sending data to the City, FTB requires the City to submit a safeguard questionnaire certifying the protection and confidentiality of FTB data. The FTB retains the right to conduct an on-site safeguard review of the City. The City will be provided a minimum of seven (7) days' notice prior to a safeguard review being conducted by the FTB Disclosure Office. The safeguard review will examine the adequacy of information security controls established by the City in compliance with the confidentiality requirements pursuant to this Agreement. The City will take appropriate disciplinary actions against any user determined to have violated security or confidentiality requirements.
12. LIMITED WARRANTY: Either party does not warrant or represent the accuracy or content of the material available through this Agreement, and expressly disclaims any express or implied warranty, including any implied warranty of fitness for a specific purpose.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS (continued)

13. **CANCELLATION**: Either party may terminate this Agreement, in writing for any reason, upon thirty days' (30) prior written notice. This Agreement may be terminated by either party in the event of any breach of the terms of this Agreement. Both parties agree that in the event of a breach to the terms of this Agreement, it shall destroy all records and any databases created, copies made, or files attributed to the records received. The records shall be destructed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained, upon destruction.

14. **NO THIRD PARTY LIABILITY**: Nothing contained in this Agreement or otherwise shall create any contractual relation between either party and any other party, and no party shall relieve the City or FTB of its responsibilities and obligations hereunder. Both parties agree to be fully responsible for the acts and omissions of its third parties and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the City or FTB. Both parties shall have no obligation to pay or to see the payment of any monies to any party or persons either directly or indirectly employed by the City or FTB.

EXHIBIT E

CITY RECORD FORMAT SPECIFICATIONS

Data Element Name	Start Pos.	End Pos.	Field Size	Usage	Description
SOCIAL SECURITY NUMBER (SSN)	1	9	9	AN	Must be present unless FEIN is provided. Fill unused field with blanks.
FEDERAL EMPLOYER ID NUMBER (FEIN)	10	18	9	AN	Must be present unless SSN is provided. Fill unused field with blanks.
OWNERSHIP TYPE	19	19	1	AN	Must be present: S = Sole Proprietorship P = Partnership C = Corporation T = Trust L = Limited Liability Company
OWNER'S LAST NAME	20	34	15	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S FIRST NAME	35	45	11	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S MIDDLE INITIAL	46	46	1	AN	May be left blank.
BUSINESS NAME	47	86	40	AN	Enter if business is operating under a fictitious name (Doing Business As (DBA)).
BUSINESS ADDRESS NUMBER AND STREET	87	126	40	AN	Address of the business location or the residence of the owner if sole proprietorship.
CITY	127	166	40	A	Must be present.
STATE	167	168	2	A	Enter standard state abbreviation.
ZIP CODE	169	177	9	AN	Enter the five- or nine-digit ZIP Code assigned by the U.S. Postal Service. If only the first five-digits are known, left-justify information and fill the unused fields with blanks.
BUSINESS START DATE	178	185	8	N	Enter the eight-digit date (MMDDYYYY). Zero fill if not known.
BUSINESS CEASE DATE	186	193	8	N	Enter the eight-digit date (MMDDYYYY) if out of business. Zero fill if not known or still in business.

City of Del Rey Oaks

Agreement # C1000209

CITY BUSINESS TAX NUMBER	194	196	3	N	Enter three-digit number assigned by FTB.
NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)	197	202	6	N	Enter the six-digit NAICS code. Fill unused fields with zeros.
STANDARD INDUSTRIAL CLASSIFICATION (SIC)	203	206	4	N	Enter the 2-4 digit SIC code. Left justify (example 99 will be 9900). Fill unused fields with zeros.
TOTAL RECORD LENGTH		206			

EXHIBIT F

FRANCHISE TAX BOARD RECORD LAYOUT SPECIFICATIONS

Field Name	Length	Start Pos.	Description
ENTITY TYPE	1	1	"P" – personal income tax record; "B" – business entity tax record.
SSN or FEIN	9	2	For "P" records, primary taxpayer's social security number; For "B" records, federal employer identification number.
LAST NAME	40	11	For "P" records, the primary taxpayer's last name; For "B" records, business name.
FIRST NAME	11	51	For "P" records ONLY.
MIDDLE INITIAL	1	62	For "P" records ONLY.
SPOUSE SSN	9	63	For "P" records filed with a joint return.
SPOUSE LAST NAME	17	72	For "P" records filed with a joint return.
SPOUSE FIRST NAME	11	89	For "P" records filed with a joint return.
SPOUSE MIDDLE INITIAL	1	100	For "P" records filed with a joint return.
PBA CODE	6	101	Principal business activity code.
ADDRESS NUMBER	10	107	
PRE-DIRECTIONAL DIRECTOR	2	117	Postal Service term (i.e., N, S, E, W, NE, NW, SE, SW).
STREET NAME	28	119	
STREET SUFFIX	4	147	e.g., ST, WAY, HWY, BLVD, etc.
POST-DIRECTIONAL INDICATOR	2	151	Postal Service term (i.e., N, S, E, W, NE, NW, SE, SW).
STREET SUFFIX 2	4	153	
APARTMENT/SUITE NUMBER	10	157	e.g., APT, UNIT, FL, etc.
CITY	13	167	
STATE	2	180	Standard state abbreviation.
ZIP CODE	5	182	The five-digit ZIP Code assigned by the U.S. Postal Service.
ZIP CODE SUFFIX	4	187	Provided if known.
CBT MATCH	1	191	"N" – No match per CBT data. "Y" – Yes: CBT matched to state tax return filed.

EXHIBIT G

CONFIDENTIALITY STATEMENT

State of California

Franchise Tax Board

Confidential tax return information is protected from disclosure by law, regulation, and policy. Information security is strictly enforced. Violators may be subject to disciplinary, civil, and/or criminal action. Protecting confidential tax return information is in the public's interest, the state's interest, and the city's interest.

A city employee is required to protect the following types of information received from the Franchise Tax Board:

- Taxpayer name
- Taxpayer address
- Taxpayer social security number or taxpayer identification number
- Principal business activity code

A city employee is required to protect confidential information by:

- Accessing or modifying information only for the purpose of performing official duties.
- Never accessing or inspecting information for curiosity or personal reasons.
- Never showing or discussing confidential information to or with anyone who does not have the need to know.
- Placing confidential information only in approved locations.
- Never removing confidential information from your work site without authorization.

As a city employee, you are required to know whether information is protected. If you have any question regarding whether particular information is confidential, check with your department's project coordinator.

Unauthorized inspection, access, use, or disclosure of confidential tax return information is a crime under state laws, including but not limited to Sections 19542 and 19552 of the California Revenue and Taxation Code and Section 502 of the Penal Code. Unauthorized access, inspection, use, or disclosure may result in either or both of the following:

- State criminal action
- State and/or taxpayer civil action

You are reminded that these rules are designed to protect everyone's right to privacy, including your own.

I certify that I have read the confidentiality statement printed above. I further certify and understand that unauthorized access, inspection, use, or disclosure of confidential information may be punishable as a crime and may result in disciplinary and/or civil action being taken against me.

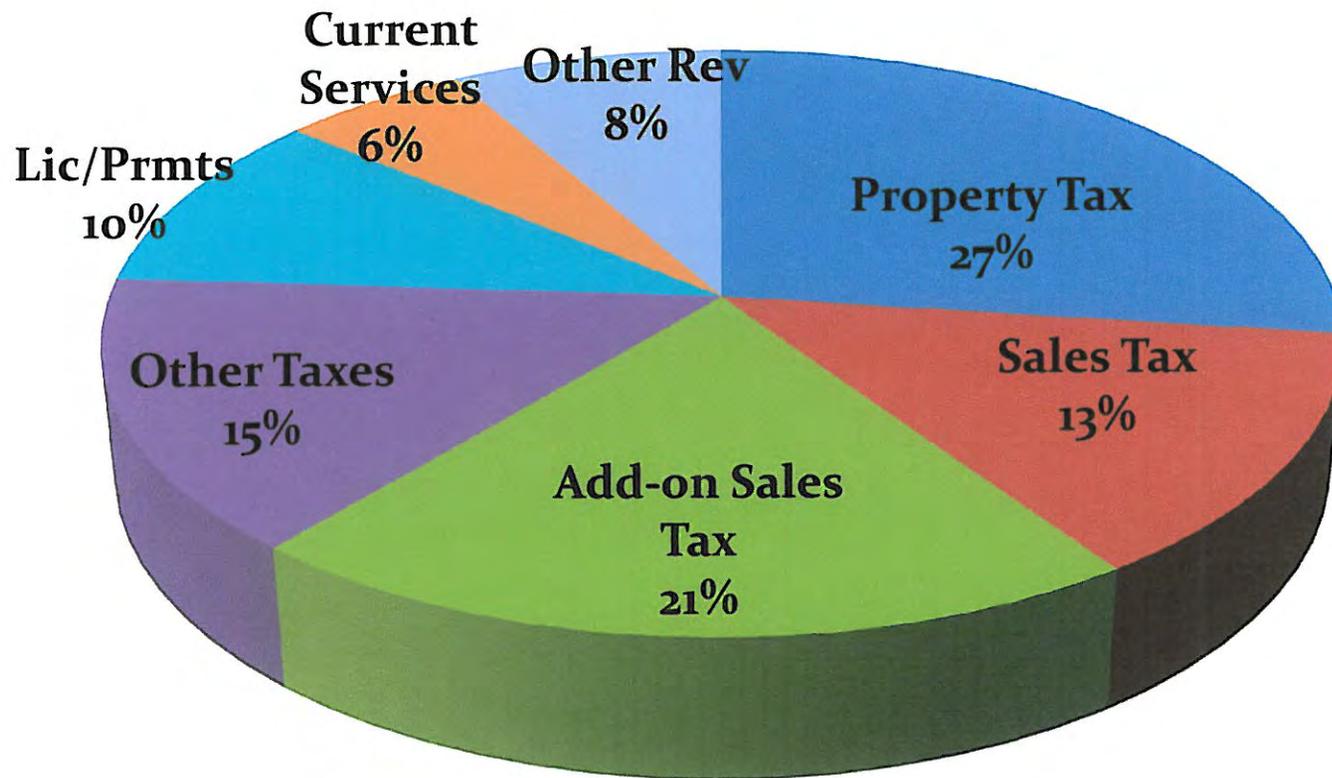
Name	
Signature	Date

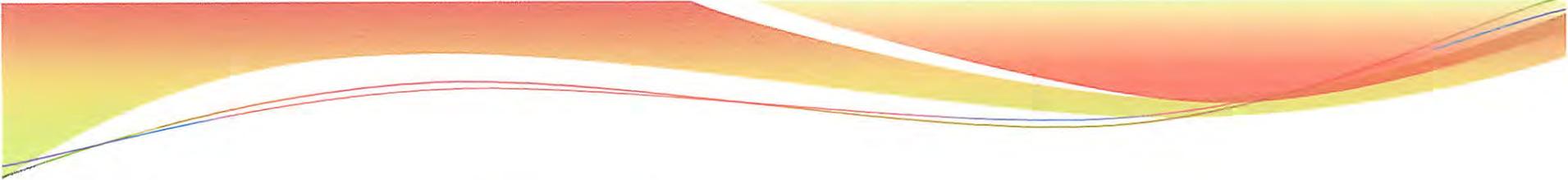


Budget FY 2010/11

- Revenue by Source
- Revenue Timing
- Revenue Flow Chart
- Expenses by Category
- Expense Timing
- Expense Flow Chart

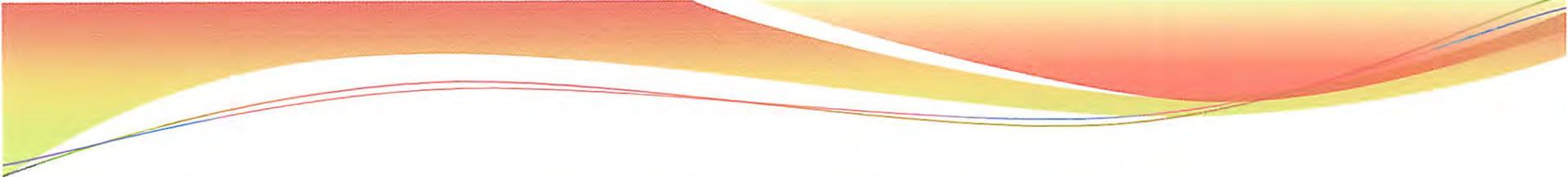
Revenue Sources



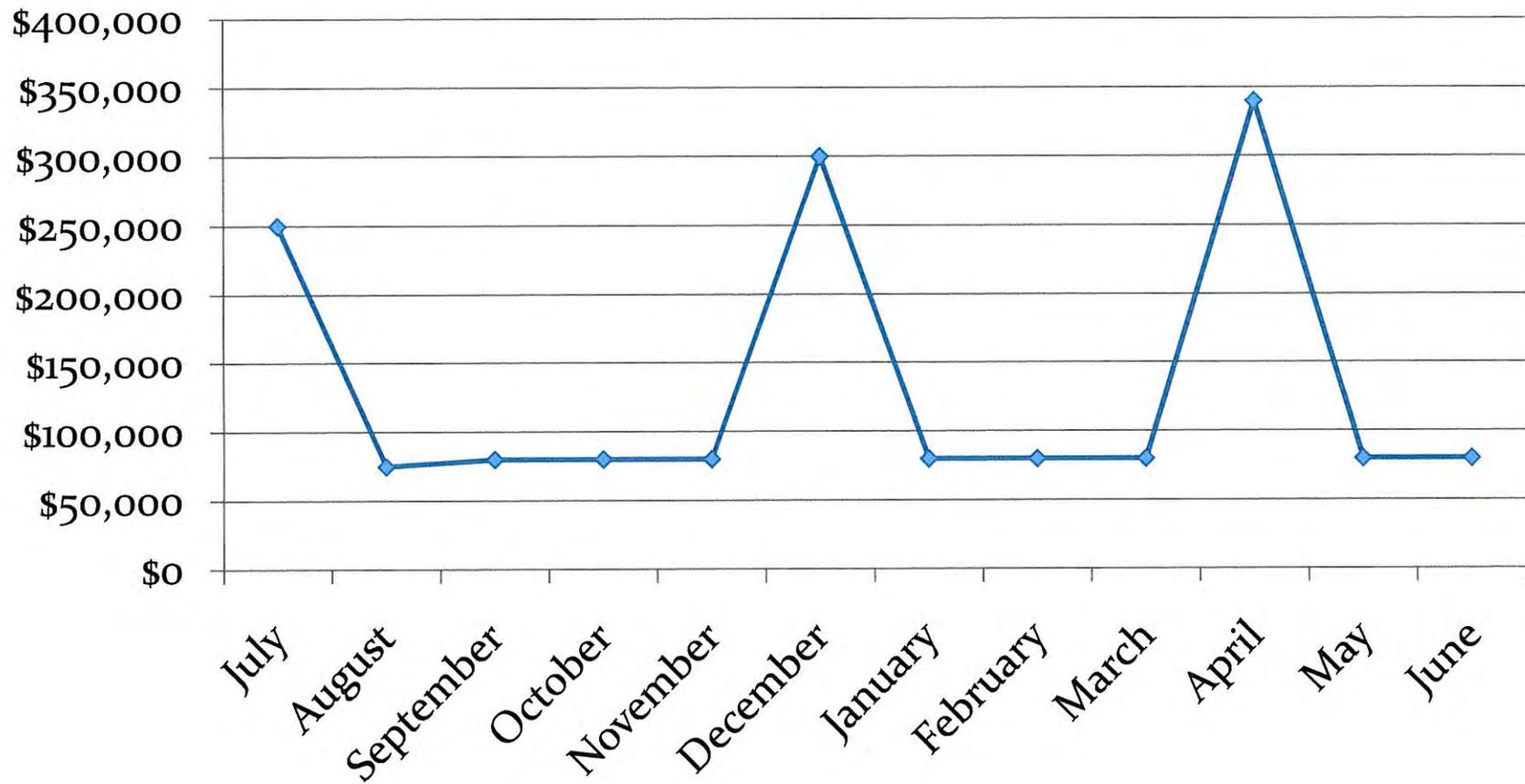


Revenue Timing

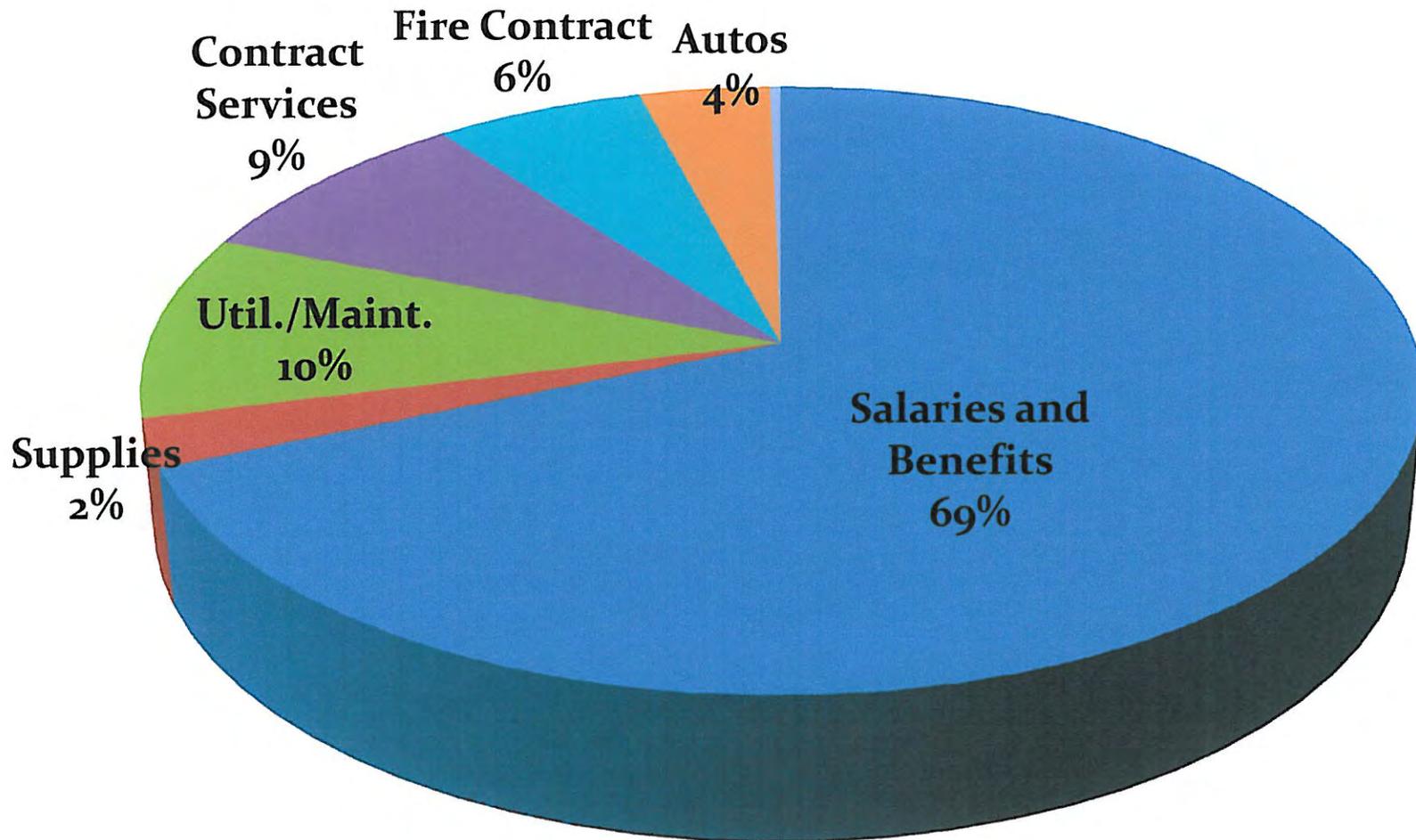
- Property Tax: 50% in December and 50% in April
- Sales and Use Taxes: Monthly
 - 2-3 Month delay
 - ie Apr-May-June (2nd Qtr 2010) received mid Aug
 - Apr – Advance
 - May – Advance
 - June – Actual plus “Clean-up” payment +/-
- Business Licenses: 95% in July
- Franchise Fees: Most in April

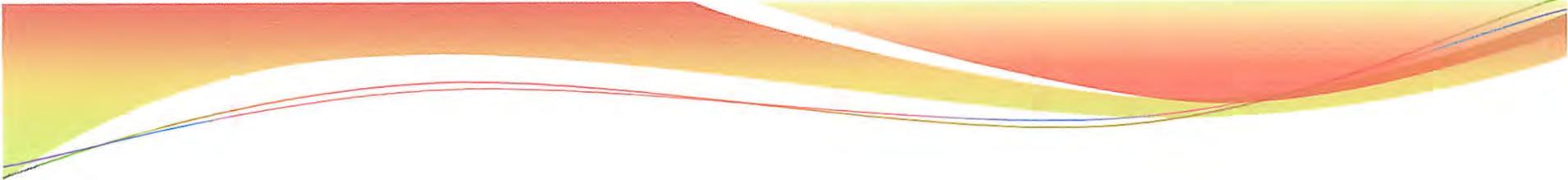


REVENUE FLOW CHART



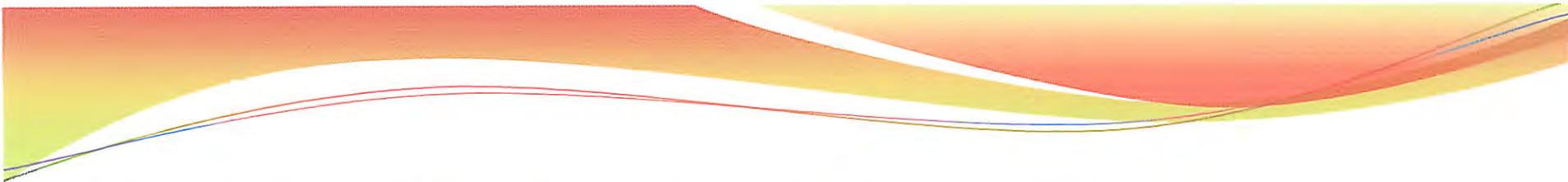
Expenses by Category



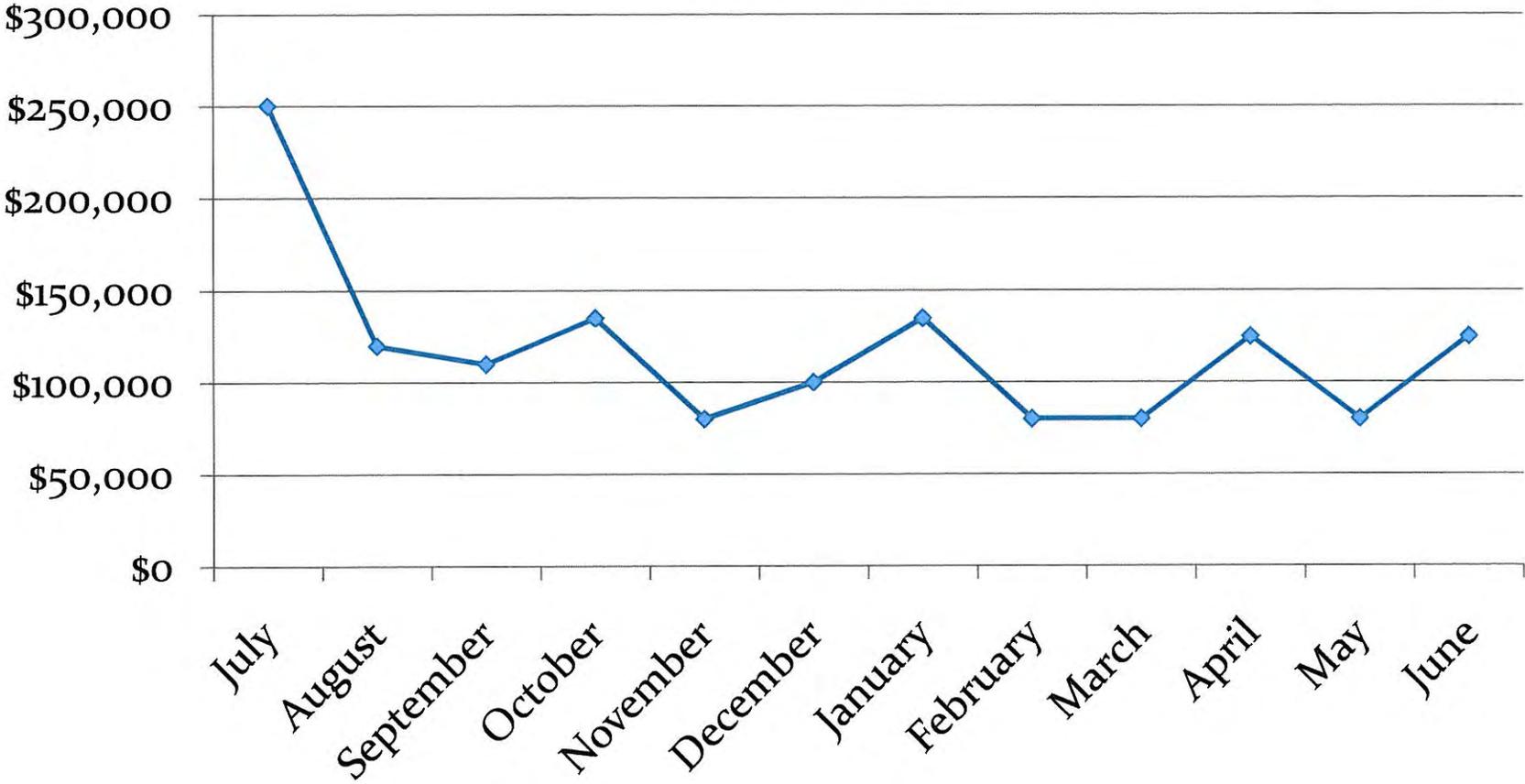


Expense Timing

- County Dispatch Services for Fiscal Year: July
- Insurance Premiums: 35% in July
- Membership Dues: July
- Payroll: Event OT and PD Reserves July/August
- Fire Contract: Quarterly
- Audit Expense: January and February

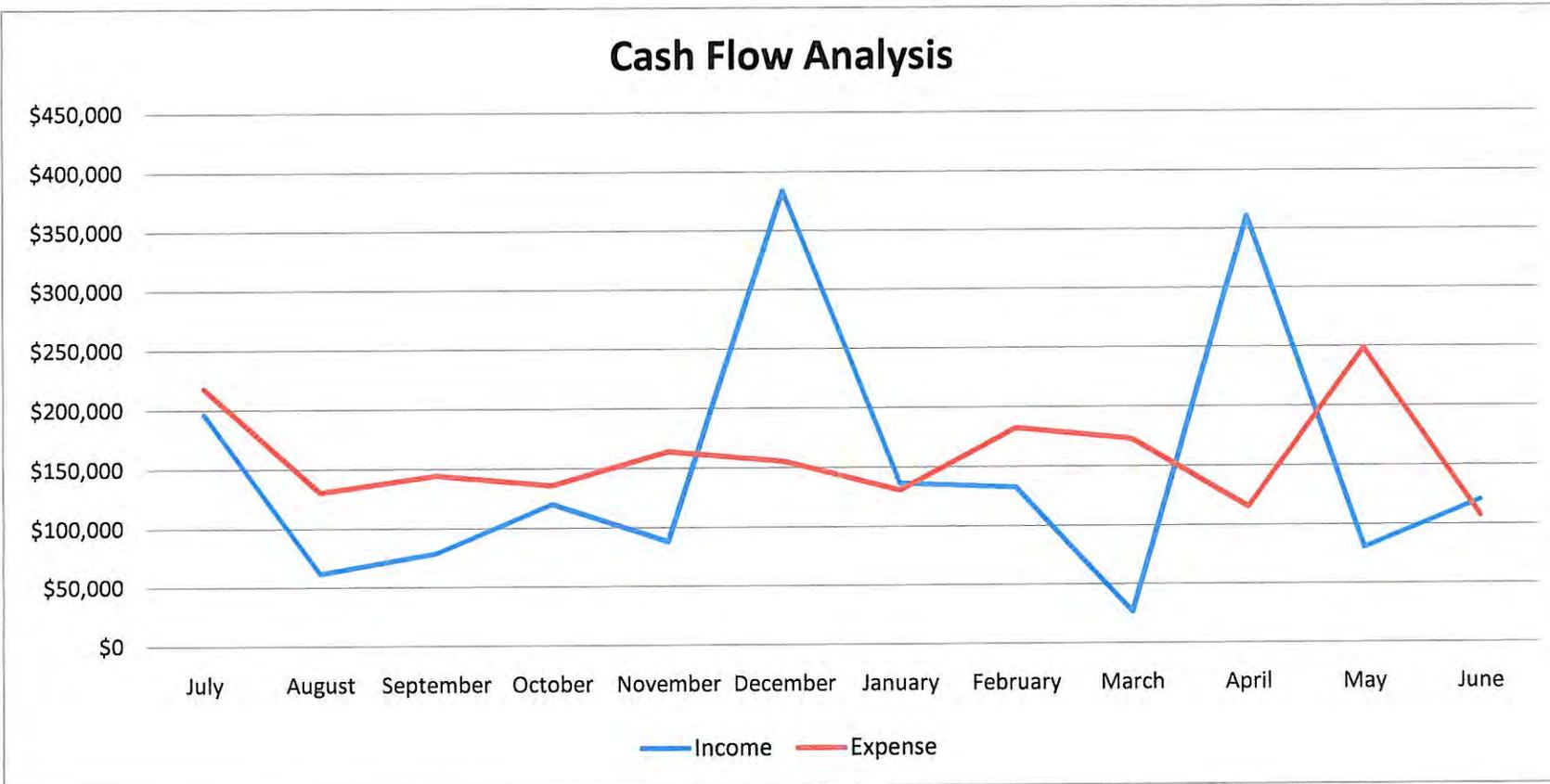


EXPENSE FLOW CHART



CASH FLOW - FY 09-10

July	August	September	October	November	December	January	February	March	April	May	June
\$196,595	\$61,623	\$78,949	\$120,311	\$88,095	\$383,977	\$136,515	\$132,825	\$26,412	\$361,038	\$80,655	\$120,619
\$218,037	\$130,669	\$144,354	\$136,062	\$163,907	\$155,457	\$130,803	\$182,392	\$172,933	\$115,455	\$248,598	\$107,763



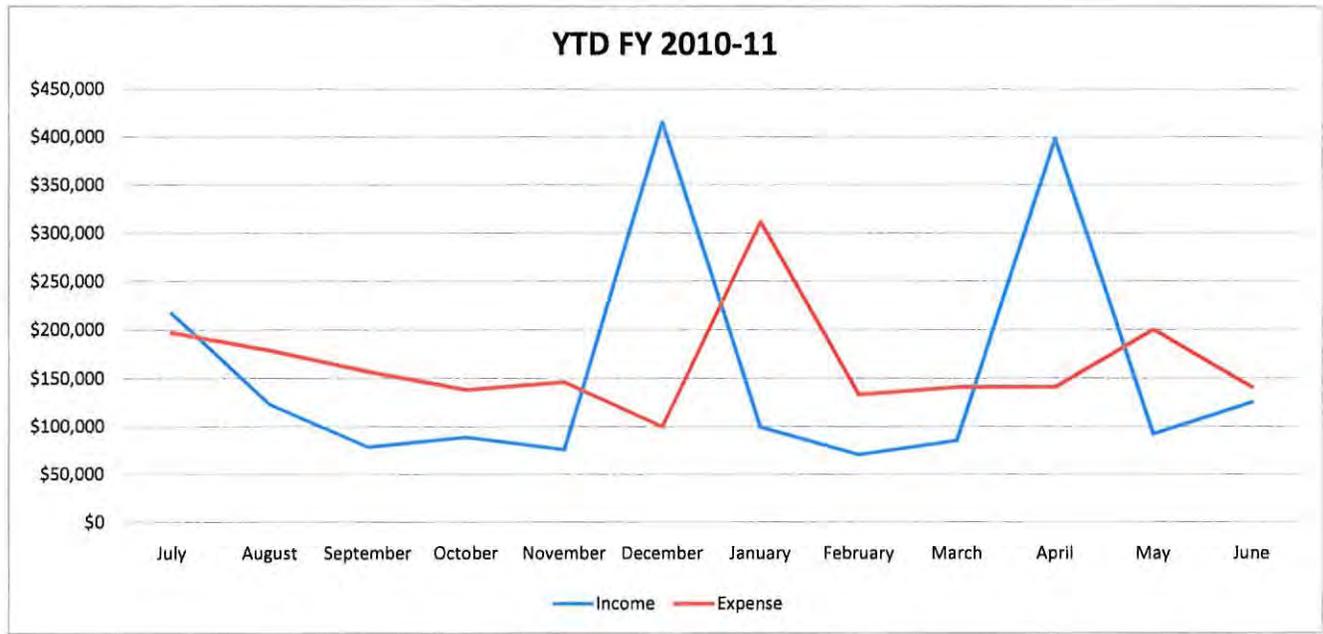
YTD FY 2010-11

	July	August	September	October	November	December	January	February	March	April	May	June
Income	\$216,996	\$123,070	\$78,483	\$88,872	\$75,760	\$415,227	\$99,470	\$70,553	\$85,000	\$398,000	\$92,000	\$125,000
Expense	\$196,975	\$178,838	\$157,204	\$138,209	\$146,220	\$99,901	\$311,813	\$133,434	\$141,000	\$141,000	\$200,000	\$141,000

FY 2009-10

	July	August	September	October	November	December	January	February	March	April	May	June
Income	\$196,595	\$61,623	\$78,949	\$120,311	\$88,095	\$383,977	\$136,515	\$132,825	\$26,412	\$361,038	\$80,655	\$120,619
Expense	\$218,037	\$130,669	\$144,354	\$136,062	\$163,907	\$155,457	\$130,803	\$182,392	\$172,933	\$115,455	\$248,598	\$107,763

Inc Diff.	\$20,401	\$61,447	-\$466	-\$31,439	-\$12,335	\$31,250	-\$37,045	-\$62,272	\$58,588	\$36,962	\$11,345	\$4,381	\$80,817
Exp Diff.	-\$21,062	\$48,169	\$12,850	\$2,147	-\$17,687	-\$55,556	\$181,010	-\$48,958	-\$31,933	\$25,545	-\$48,598	\$33,237	\$79,164
													<u>\$1,653</u>



FEBRUARY

Last YTD Sales Tax	\$142,537		
This YTD Sales Tax	\$156,892	Plus \$15,678	Plus 10%
Last YTD ST Add-on	\$229,567		
This YTD ST Add-on	\$271,954	Plus \$42,387	Plus 19%

STAFF REPORT:

Daniel Dawson, City Manager & Executive Director's Office

SUBJECT: CONSIDER CITY COUNCIL RESOLUTION NO. 2011-03 AND REDEVELOPMENT AGENCY RESOLUTION NO. 2001-01 AUTHORIZING THE TRANSFER OF LEASEHOLD OR FEE SIMPLE INTERESTS FOR PROPERTIES OWNED BY THE REDEVELOPMENT AGENCY TO THE CITY OF DEL REY OAKS PURSUANT TO ASSIGNMENT AND DISPOSITION AGREEMENTS

RECOMMENDATION:

It is recommended that the City Council/Agency Board:

1. Consider the transfer of all Agency rights, such as leasehold or fee simple interest, pursuant to assignment and development and disposition agreements by and between the Agency and the City , for the following properties:

“Parcels E29a, E29b.1, E31a, E31b, E31c, and E36, and Buildings TR2961, TR9242, TR9251, and TR9260”

2. Adopt City Council Resolution No. 2011-03 and Redevelopment Agency Resolution No. 2011-01 authorizing the transfer of Agency rights in the above referenced properties from the City of Del Rey Oaks Redevelopment Agency to the City of Del Rey Oaks and directing the City Manger/Executive Director to take all actions necessary, including the execution of disposition and development agreements, related assignment and assumption agreements, grant deeds for conveyance of said properties, and certificates of acceptance of such grant deeds, substantially in the form of copies on file with the City Clerk.

BACKGROUND:

Due to the State's budgetary woes, the future of redevelopment in California remains uncertain. At best, redevelopment agencies may have to deal with new financial and operational restrictions. At worst, redevelopment law may be eliminated in its entirety, with the dissolution of existing agencies, and subsequent assignment of agency obligations and disposition of agency property. The elimination scenario is particularly

vexing to existing agencies and cities as it is unclear how cities will continue to carry out redevelopment goals and objectives in the absence of funding and entity status. Such uncertainty has caused agencies throughout the State, including the Redevelopment Agency, to consider a host of actions that may enable completion or continuation of the aforesaid agency goals and objectives.

REVIEW AND ANALYSIS:

In response to ongoing uncertainty concerning the status of agency physical assets, many Redevelopment Agencies are exploring options to protect such assets in order to continue to carry out agency goals and objectives. Options for City Council/Agency Board consideration include:

- Transfer ownership of the physical assets of the Agency to the City. The transfer of assets must be effectuated for public purposes, and all conditions and restrictions on the property and its uses must be retained.
- Establish a non-profit foundation or economic development corporation, and transfer the Agency's assets to the new entity.
- Take no action. Wait and see what if any action the State decides to take with respect to redevelopment agency status and operations.

Staff is recommending that the Agency transfer the assets listed above to the City to ensure that the City retains control of the assets in a matter that is in the best interests for economic development and affordable housing activities for the City.

In consideration for transfer of the properties from the Agency to the City, they will be required to enter into assignment agreements accepting responsibility under all leases, restrictive covenants, and other agreements that affect the properties. In addition, the City will be restricted to using any proceeds from lease or sale of the property strictly in accordance with the assigned documents and for public improvement, economic development activities, and capital improvements to facilities within the Project Area, or, for affordable housing within the City.

The transfer of these properties from the Agency to the City is contingent upon imposition of development restrictions required by the respective disposition and development agreements, reciprocal easements, ground leases and grant deeds, to the extent the same exist or are necessary. Thus, the transfer of the properties will ensure the preservation of the Agency's original goals, such as to promote and assist development of needed commercial activities and beautification activities necessary to eliminate visual blight within the Project Area. The transfer of the properties will

conform to the Agency's Redevelopment Plan by maintaining existing designated uses and the Agency's original intent for the properties.

By adoption of the attached resolution, the City and Agency will be authorizing the transfer of interests in the above referenced real properties from the Del Rey Oaks Redevelopment Agency to the City of Del Rey Oaks and direction the City Manager/Executive Director to take all actions necessary, including execution of disposition and development agreements, related assignment and assumption agreement (where necessary) grant deeds for conveyance of said properties, and certificates of acceptance of such grant deeds, substantially the forms on file with the City Clerk.

ALTERNATIVES:

- As noted above, the Agency could form a non-profit entity to receive the involved properties. Staff does not recommend this option as there are indications the time is of the essence in determining the appropriate action to take and formation of a non-profit would take several months.
- Take no action and wait and see how the legislature ultimately deals with redevelopment issue in the State. Staff does not recommend this option as there is too much uncertainty.

BUDGET IMPACT:

The intent of these transactions is to retain control of the assets for future use within the designated Project Area, and in accordance with the intent of the Redevelopment Plan adopted by the Agency Board. The fiscal impact in this regard is in securing the value of the assets. In addition, the City will receive any payments due in accordance with existing lease agreements. These funds will need to be segregated from the General Fund and used only for the construction, installation and maintenance of public improvements, capital investment, economic development activities and affordable housing.

Other than attorney fees to prepare the required transfer documents, there is no cost for these transactions.

CONCLUSION:

Staff recommends that the City Council and Agency Board adopt resolutions authorizing the transfer of Agency rights in the above referenced properties from the

Del Rey Oaks Redevelopment Agency to the City of Del Rey Oaks and directing the City Manager/Executive Director to take all actions necessary, including the execution of disposition and development agreements, related assignment and assumption, grant deeds for conveyance of said properties, and certificates of acceptance of such grant deeds, substantially in the form of copies on file with the City Clerk.

Attachments: Attachment A - City Resolution Approving Transfer
 Attachment B – Agency Resolution Authorizing Transfer

RDA RESOLUTION NO. 2011-01

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DEL REY OAKS
AUTHORIZING THE TRANSFER OF REAL PROPERTY (360± ACRES FORT ORD) FROM THE
REDEVELOPMENT AGENCY TO THE CITY OF DEL REY OAKS**

-oOo-

WHEREAS, the Redevelopment Agency of the City of Del Rey Oaks, a public body corporate and politic (the "**Agency**"), is a redevelopment agency duly organized pursuant to Community Redevelopment Law, California Health and Safety Code Section 33000 *et seq.* ("**CRL**"), and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Fort Ord Redevelopment Project (the "**Project Area**"); and

WHEREAS, the Redevelopment Plan for the Project Area was adopted by the City Council of the City of Del Rey Oaks (the "**City Council**") by Ordinance No. 257 on July 22, 2003 (hereafter, the "**Redevelopment Plan**"); and

WHEREAS, the Agency owns certain rights to real property located in the Project area as follows:

"Parcels E29a, E29b.1, E31a, E31b, E31c, and E36, and
Buildings TR2961, TR9242, TR9251, and TR9260"

collectively hereinafter referred to as "**the Properties**".

WHEREAS, pursuant to CRL Section 33205, the Agency is authorized to delegate to the City of Del Rey Oaks ("**City**") any of the powers or functions of the Agency with respect to the undertaking of the redevelopment project, and the City is authorized to carry out and perform such powers and functions;

WHEREAS, pursuant to CRL Sections 33220 and 33437, City is authorized to (i) acquire land from the Agency, (ii) become obligated to use the acquired property for the purposes specified in the Redevelopment Plan, and (iii) comply with the covenants, conditions and restrictions imposed by the Agency in conjunction with the sale in order to prevent speculation and carry out the purposes of the CRL and Redevelopment Plan; and

WHEREAS, pursuant to CRL sections 33430 and 33432 the Agency is authorized to transfer real property to the City; and

WHEREAS, to facilitate the redevelopment of the Project Area and the Properties and in conformance with the Redevelopment Plan, the Agency desires to convey all rights the Agency has in the Properties to the City, and the City desires to acquire all rights the Agency has in the Properties from the Agency; and

WHEREAS, the City and the Agency staff have negotiated the terms and conditions under which the Agency would convey, and the City would acquire fee title and all Agency rights in the Properties through the execution of disposition and development agreements and related assignments and assumption agreements (collectively the “**Agreement**”), substantially in the form of copies that have been provided to the Agency Board and the City Council and **on file with the Agency Secretary**, and subject to the terms contained therein; and

WHEREAS, the purpose of the Agreements are to effectuate the Redevelopment Plan by providing for the redevelopment of the Properties as more particularly set forth herein. The Agency has determined that the disposition and development of the Properties pursuant to these Agreements (a) is consistent with the Redevelopment Plan and the Implementation Plan for the Project Area, (b) will be of benefit to the Project Area, and (c) will further the goals of the Redevelopment Plan by providing for residential, retail and commercial development in the Project Area.

WHEREAS, as is further set forth below, the land transfers which are the subject of this Resolution have no potential for physical effects on environment because they involve only the transfer of ownership of the Properties between the Agency and the City without modification of existing structures and/or uses of the Properties, and are therefore not “projects” for purposes of the California Environmental Quality Act (“**CEQA**”), pursuant to California Code of Regulations, Title 14, Chapter 3 (“**CEQA Guidelines**”) Sections 15060(c)(2) and 15378.

NOW, THEREFORE, the Redevelopment Agency of the City of Del Rey Oaks does hereby resolve as follows:

Section 1. The above Recitals are hereby declared to be true and correct and findings of the City Council.

Section 2. The transfer of all of the Agency’s rights in the Properties in accordance with the Agreements will assist in the elimination of blight in the Project Area, will further the goals of the Redevelopment Plan, and will be consistent with the implementation plan adopted in connection therewith.

Section 3. The City Council hereby finds that the land transfers with are the subject of this Resolution are not subject to the California Environmental Quality Act (“**CEQA**”), pursuant to 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because they have n potential for resulting in physical change to the environment, directly or indirectly.

Section 4. The City Council hereby approves the transfer of the Properties and assignment of all Agency rights in the Properties by the Agency to the City pursuant to the terms and conditions set forth in the Agreements.

Section 5. The City Council hereby authorizes and directs the City Manager, on behalf of the City, to execute and deliver the Agreements, the grant deeds for the conveyance of the Properties, and the certificates of acceptance of such grant deeds, substantially in the forms on file with the City Clerk, and take all actions necessary or appropriate to carry out and implement the intent of this Resolution and Agreements.

PASSED AND ADOPTED by the Agency Board of the Del Rey Oaks Redevelopment Agency at a regular meeting duly held on the 22nd day of March, 2011, by the following vote:

AYES: AGENCY MEMBERS:

NOES: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

Jerry B. Edelen, Chairman

ATTEST:

Daniel Dawson, Agency Secretary

RESOLUTION NO. 2011-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS APPROVING THE
TRANSFER OF REAL PROPERTY (360± ACRES FORT ORD) FROM THE REDEVELOPMENT
AGENCY OF THE CITY OF DEL REY OAKS TO THE CITY OF DEL REY OAKS**

-oOo-

WHEREAS, the Redevelopment Agency of the City of Del Rey Oaks, a public body corporate and politic (the "**Agency**"), is a redevelopment agency duly organized pursuant to Community Redevelopment Law, California Health and Safety Code Section 33000 *et seq.* ("**CRL**"), and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Fort Ord Redevelopment Project (the "**Project Area**"); and

WHEREAS, the Redevelopment Plan for the Project Area was adopted by the City Council of the City of Del Rey Oaks (the "**City Council**") by Ordinance No. 257 on July 22, 2003 (hereafter, the "**Redevelopment Plan**"); and

WHEREAS, the Agency owns certain rights to real property located in the Project area as follows:

"Parcels E29a, E29b.1, E31a, E31b, E31c, and E36, and
Buildings TR2961, TR9242, TR9251, and TR9260"

collectively hereinafter referred to as "**the Properties**".

WHEREAS, pursuant to CRL Section 33205, the Agency is authorized to delegate to the City of Del Rey Oaks ("**City**") any of the powers or functions of the Agency with respect to the undertaking of the redevelopment project, and the City is authorized to carry out and perform such powers and functions;

WHEREAS, pursuant to CRL Sections 33220 and 33437, City is authorized to (i) acquire land from the Agency, (ii) become obligated to use the acquired property for the purposes specified in the Redevelopment Plan, and (iii) comply with the covenants, conditions and restrictions imposed by the Agency in conjunction with the sale in order to prevent speculation and carry out the purposes of the CRL and Redevelopment Plan; and

WHEREAS, pursuant to CRL sections 33430 and 33432 the Agency is authorized to transfer real property to the City; and

WHEREAS, as is further set forth below, the land transfers which are the subject of this Resolution have no potential for physical effects on environment because they involve only the transfer of ownership of the Properties between the Agency and the City without modification of existing structures and/or uses of the Properties, and are therefore not "projects" for purposes

of the California Environmental Quality Act (“CEQA”), pursuant to California Code of Regulations, Title 14, Chapter 3 (“CEQA Guidelines”) Sections 15060(c)(2) and 15378.

WHEREAS, to facilitate the redevelopment of the Project Area and the Properties and in conformance with the Redevelopment Plan, the Agency desires to convey all rights the Agency has in the Properties to the City, and the City desires to acquire all rights the Agency has in the Properties from the Agency; and

WHEREAS, the City and the Agency staff have negotiated the terms and conditions under which the Agency would convey, and the City would acquire fee title and all Agency rights in the Properties through the execution of disposition and development agreements and related assignments and assumption agreements (collectively the “**Agreement**”), substantially in the form of copies that have been provided to the Agency Board and the City Council and **on file with the City Clerk**, and subject to the terms contained therein; and

WHEREAS, the purpose of the Agreements are to effectuate the Redevelopment Plan by providing for the redevelopment of the Properties as more particularly set forth herein. The Agency has determined that the disposition and development of the Properties pursuant to these Agreements (a) is consistent with the Redevelopment Plan and the Implementation Plan for the Project Area, (b) will be of benefit to the Project Area, and (c) will further the goals of the Redevelopment Plan by providing for residential, retail and commercial development in the Project Area.

NOW, THEREFORE, the City Council of the City of Del Rey Oaks does hereby resolve as follows:

Section 1. The above Recitals are hereby declared to be true and correct and findings of the City Council.

Section 2. The transfer of all of the Agency’s rights in the Properties in accordance with the Agreements will assist in the elimination of blight in the Project Area, will further the goals of the Redevelopment Plan, and will be consistent with the implementation plan adopted in connection therewith.

Section 3. The City Council hereby finds that the land transfers with are the subject of this Resolution are not subject to the California Environmental Quality Act (“CEQA”), pursuant to 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because they have n potential for resulting in physical change to the environment, directly or indirectly.

Section 4. The City Council hereby approves the transfer of the Properties and assignment of all Agency rights in the Properties by the Agency to the City pursuant to the terms and conditions set forth in the Agreements.

Section 5. The City Council hereby authorizes and directs the City Manager, on behalf of the City, to execute and deliver the Agreements, the grant deeds for the conveyance of the Properties, and the certificates of acceptance of such grant deeds, substantially in the forms on file with the City Clerk, and take all actions necessary or appropriate to carry out and implement the intent of this Resolution and Agreements.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Del Rey Oaks duly held on the 22nd day of March, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Jerry B. Edelen, Mayor

ATTEST:

Daniel Dawson, City Clerk

Del Rey Oaks

Oath of Office

FOR PUBLIC OFFICERS AND EMPLOYEES
(State Constitution, Art. XX, Sec. 3 as amended)

State Of California

County of Monterey

} ss.

I, **Matthew J. Young**, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Matthew J. Young, Officer

Subscribed and sworn to before me, this 22nd day of March, 2011

Ronald J. Langford, Chief of Police

Del Rey Oaks

Oath of Office

FOR PUBLIC OFFICERS AND EMPLOYEES
(State Constitution, Art. XX, Sec. 3 as amended)

State Of California

County of Monterey

} ss.

*I, **David Nguyen**, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

David Nguyen, Officer

Subscribed and sworn to before me, this 22nd day of March, 2011

Ronald J. Langford, Chief of Police

BOARD OF DIRECTORS

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CHAIR

SUE McCLOUD
VICE CHAIR

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MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

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DISTRICT ENGINEER

TIMOTHY S. FLANAGAN
ASST. GENERAL MANAGER

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SENIOR ENGINEER

RICHARD NORTON
ADMIN. SERVICES MGR.

ROBERT WELLINGTON
COUNSEL

MEMORANDUM

RECEIVED

FEB 25 2011

DEL REY OAKS
CITY CLERK

DATE February 23, 2011
TO: Del Rey Oaks City Council
FROM: Dennis Allion
SUBJECT: Highlights of the February 18, 2011 Board Meeting

The highlights of the meeting are as follows:

- 1) The Board accepted a report from Chair Laska summarizing the Finance Committee meeting held on January 25, 2011. The Board also accepted the Mid-Year Budget review from the Finance Manager. The District's net income estimate mid-year shows an increase of \$1,228,000 from the budgeted \$316,000, due primarily to the GreenWaste Recovery/Zanker Road Resource Management, Ltd., (GWR) regional waste disposal agreement.
- 2) The General Manager was authorized to execute an amendment to the GWR regional waste disposal agreement, following final review by District Legal Counsel. The amendment will increase the annual guaranteed tonnage from 75,000 to 125,000 tons and reduce the disposal fee by \$0.50 per ton, for tonnage over 125,000 tons, to \$20.50 per ton. The amendment will also extend the current agreement term from 15 years to 20 years and allow for the annual acceptance of approximately 30,000 tons of alternate daily cover at a disposal fee of \$12 per ton. Staff estimates that these changes to the agreement will produce approximately \$1.1 million in guaranteed additional annual revenue. This revenue is anticipated to be used for capital improvements that had been previously deferred or is projected to meet future District needs.
- 3) The Board awarded a contract to Vector Engineering of Grass Valley, CA, in the amount of \$142,878 to provide engineering services related to the design and construction of the liner for the next landfill module. The proposed Module 5 will have a waste capacity of approximately 3.8 million tons and is anticipated to be constructed during 2012.
- 4) The Board approved the purchase of a new Caterpillar Excavator from Quinn Caterpillar of Salinas, CA, at a total cost of \$228,569.87. The new excavator will be used primarily in the Materials Recovery Facility operations.
- 5) On a split vote of 8-1, the Board approved the General Manager's Goals for 2011. The Board also adopted the annual performance evaluation procedures for the General Manager position.
- 6) The Board accepted a report from Personnel Committee Chair, Leo Laska, summarizing the February 2, 2011 meeting, in which the upcoming employee negotiations were discussed.

If you have any questions or need more information, please contact General Manager William Merry at 384-5313, or me.

Dennis Allion, Director
Monterey Regional Waste Management District

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