



# CITY OF DEL REY OAKS

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

## AGENDA

**CITY OF DEL REY OAKS CITY COUNCIL  
PUBLIC WORKSHOP / STUDY SESSION AT 5:00 P.M.  
REGULAR MEETING AT 6:00 P.M.  
TUESDAY, SEPTEMBER 23, 2014  
CHARLIE BENSON MEMORIAL HALL, CITY HALL**

1. **5:00 P.M. – ROLL CALL – Council**  
Council Member Allion to participate in public workshop/study session and regular meeting via Conference Call from 421 Woodruff Street, Lake Charles, LA 70601, call-in information was sent via email on 09/16/14.
2. **PUBLIC WORKSHOP / STUDY SESSION**
  - A. Medical Cannabis
3. **ADJOURNMENT**
4. **6:00 P.M. – ROLL CALL - Council**
5. **PLEDGE OF ALLEGIANCE**
6. **PROCLAMATION**
  - A. National Recovery Month September 2014
7. **PRESENTATION**
  - A. Del Rey Oaks App – Press Release
8. **PUBLIC COMMENTS:**

Anyone wishing to address the City Council 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.*

- 9. CONSENT AGENDA:** *Action Items*
- A. MINUTES:**
1. August 26, 2014 City Council Meeting
  2. August 13, 2014 , Planning Commission Meeting - Cancelled
- B. MONTHLY REPORTS:**
1. Claims, August 2014
  2. Unpaid Bills Detail, All
  3. Financials, August 2014 vs. August 2013
  4. Fire Department Response Report, August 2014
  5. Police Activity Report, August 2014
- 10. OLD BUSINESS:** None
- 11. NEW BUSINESS:**
- A. Recommend Medical Cannabis Application be submitted to the Planning Commission for consideration
  - B. Resolution 2014-12, A Resolution of the City of Del Rey Oaks requesting the State of California’s Department of Housing and Community Development for approval to transfer State CDBG grant-generated program income to the Monterey Urban County Entitlement Program
  - C. Topes Garden Center Lease Proposal
  - D. Review of Municipal Code Chapters 1-5
- 12. STAFF REPORTS:**
- A. City Manager Report
- 13. MAYOR AND COUNCIL REPORTS**
- 14. CORRESPONDENCE:** None
- 15. 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. None

16. **SET NEXT MEETING DATE:** Establish Tuesday, **October 22, 2014**, at 6:00 P.M. as the date and time of the Council's next regular meeting.

17. **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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## PROCLAMATION

### National Recovery Month September 2014

#### **“Join the Voices for Recovery: Together on Pathways to Wellness”**

**WHEREAS**, behavioral health is an essential part of health and one’s overall wellness; and

**WHEREAS**, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

**WHEREAS**, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

**WHEREAS**, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

**WHEREAS**, in 2011, 2.3 million people aged 12 or older received specialty treatment for a substance use disorder and 31.6 million adults aged 18 or older received mental health services, according to the *2011 National Survey on Drug Use and Health*. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

**WHEREAS**, on October 1, 2013 as a result of the Affordable Care Act, more than 11 million uninsured individuals with behavioral health needs will become eligible for affordable insurance coverage for their treatment needs, according to the *2011 National Survey on Drug Use and Health*. We must ensure that all of these individuals are successfully enrolled into coverage; and

**WHEREAS**, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and **Sun Street Centers** invite all residents of **Del Rey Oaks, California** to participate in *National Recovery Month September 2014*; and

**NOW, THEREFORE**, I Mayor **Jerry Edelen**, by virtue of the authority vested in me by the laws of **Del Rey Oaks, California**, do hereby proclaim the month of September 2014 as *National Recovery Month* in **Del Rey Oaks** and call upon the people of **Del Rey Oaks** to observe this month with appropriate programs, activities, and ceremonies to support this year’s *Recovery Month*.

Signed this 23<sup>rd</sup> day of September, 2014

\_\_\_\_\_  
Jerry B. Edelen, Mayor

## PRESS RELEASE

The City of Del Rey Oaks will be unveiling the newest tool to keep connected with their community on Sat Sept 20<sup>th</sup>. At the city's Annual Picnic, the residents will be able to download the Del Rey Oaks Mobile App. The App is a 2 way communication tool that is intended to make the area safer, and allow the residents to be better connected with City Hall.

In an emergent event, people who work or live in the Del Rey Oaks area can receive a push notification, similar to an Amber Alert, to get immediate information directly to their Smart Phones and tablets. On Sept. 11<sup>th</sup>, Sgt. Chris Bourquin used the system to notify residents that there was a street closure on Portola due to PG&E replacing power poles. He added that some residents and businesses were going to be without power for a short time, and that police would be doing extra patrols in the area. The system will mean that more people can be prepared, and in an unplanned event, less people will be calling to report problems, reducing stress on the systems in place.

In addition to Push Notifications, the App has a lot of other information, including a Community Calendar, One Button non-emergency dialing to City Hall, local News, and Police information including recent activity. The City has the ability to use the App for Surveys and other features as well.

Most importantly, residents can now use the App to report information to the city. The App has the ability to send information and tips that include GPS location and pictures. "You can use your smart phone or tablet to take pictures of potholes, graffiti, safety concerns, or other information and send it to the city immediately. The App allows you to use the GPS feature in the phone so the city has good location information, and the picture can make sure that the city can send the proper crews and tools, and prioritize the repair." says Seth Weinger, Director for LogicTreeIT Solutions, the California based company that created the App. "This can reduce steps in addressing the problems, saving the city time and money" The "tips button" also has an Anonymous feature, so if you would like to give information to the police, it can be done without furnishing your personal information. "Even our company cannot see the personal information of an anonymously sent tip" added Mr. Weinger.

The App is not for emergencies. In case of emergencies, continue to dial 9-1-1

The Seaside Police Department has also started using the App, and once a week they publish the very popular "Manhunt Monday" ...a sort of Most Wanted for criminals on the Peninsula. Several of the criminals have been apprehended in the past couple of months, since the department started using the App. Monterey PD has also purchased the App, and will begin training later this month.

All 3 Apps are available in the App Stores (itunes/Apple, Google Play Store for Android, and Windows) for a free download. If you live or work in any of these areas, please download the Apps.

**REGULAR MEETING OF THE CITY OF DEL REY OAKS CITY COUNCIL  
CONVENED AT 6:00 P.M. ON TUESDAY, AUGUST 26, 2014 IN THE  
CHARLIE BENSON MEMORIAL HALL, CITY HALL**

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**Present:** Council Member Ventimiglia, Cecilio, Allion, Mayor Edelen  
**Absent:** Vice Mayor Clark

**Also present:** City Attorney Trujillo, 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:** Led by Councilmember Ventimiglia

**PUBLIC COMMENT:**

**Christopher Palma, Del Rey Oaks:** JC&S dumped debris behind Safeway that came from behind City Hall. He feels any dumping by the city should not be tolerated.

**Kim Svetich-Will, Monterey:** Lives above Work Memorial Park. Wants dumping stopped.

**Pat Lintell, Del Rey Oaks:** Stated she is currently running for City Council. Wants to know why Council didn't know about the excavating. Found out a building in former golf driving range is being leased and city council should have been notified.

**PRESENTATION:**

**Police Acquisition of Regional Rescue Vehicle; Presentation and Council Acceptance.**

**Rolf Langland, DRO:** Submitted a a handout to the council which is at the end of these minutes. He did not speak during public comment.

**City Manager Dawson:** Very proud of his police chief and his police department for acquiring this vehicle which is available to all peninsula cities at no cost to the city or the other cities.

**Chief Langford:** Introduced Seaside Deputy Chief Lumpkin, Seaside Commander Chris Veloz, Seaside Fire Battalion Chief Troy Liest, Office Bob Ingersoll and Officer Jim Hill and Reserve Officer Salopek and K9 Sarek who is the only explosive detection dog in two counties. He is paid to keep his head out of the sand his head up. He's been here 34 years and the small town has changed, there are more bad guys and less police officers. They are preparing for the worst case scenario. They learned that the Department Of Defense was giving away armored vehicles (MRAP) because of a surplus. Each state's office of emergency services (OES) has control of this process, it is called OES 1033 Program. Following their chain of command they received approval prior to applying for it. We couldn't afford to maintain it so they asked his reserve staff to cover all cost, they agreed. He emphasized that no tax dollars were used to get, equip or civilianize this vehicle. There are only 2 other vehicles similar to this from here to north county. The value of this vehicle is \$750,000. This

is a BAE Cayman 6x6 with an ambulance configuration. There are no turrets or weapons ports, no offensive equipment. It is for personnel carrying only. What's going on in Missouri is not this, they are using Bearcats, where this is a big truck. What would this vehicle be used for? To be used for:

- Rescue & evacuation of citizens – Active Shooter (gave MPC and Foot Hill Elementary as examples)
- Rescue of downed officer(s)
- Natural disaster rescue – Capable of driving through rubble, beach, mud, water, etc.
- Command Post, Negotiation platform, observation Post
- Stop or disable vehicles (i.e. Texas incident)
- Search & Rescue – Former Ft. Ord impact areas
- Rapid deployment of the vehicle is DROPD goal, 10-20 minutes response time to Peninsula.

He gave examples of situation that have happened locally where it would have been invaluable. It's been painted, marked, has emergency lights, white light, scene lighting, tactical lighting, generator, PA System(s), winch, stock mounts, etc. It's the only vehicle that will be able to talk to CHP because of the type of radio system it has. Mutual Aid is different because it's not local where this vehicle is local. It was on the Seaside City Hall lawn for First Night Out on August 5<sup>th</sup>, 2014. Over the next few months DROPD will be going through training to learn to drive it through Seaside Fire Department.

**Commander Veloz, Seaside PD:** This is a huge asset to the peninsula, the rescue capabilities alone are unsurpassable.

**Council Member Ventimiglia:** Thanked the Police Department for getting this vehicle. It's not much different from the Monterey Fire Boat. Anything to give an officer another ounce of safety is great.

**Council Member Allion:** When did you apply?

**Chief Langford:** April of this year (2014)

**Council Member Allion:** Finds it disturbing that the City Council didn't know about this. Chief makes a very compelling argument for having this. All done without city council approval.

**Chief Langford:** Stated that he followed his chain of command.

**Council Member Allion:** We have a problem with transparency.

**Mayor Edelen:** Appreciates the presentation, the initiative and reserve officer contributions. Has some issues though, why wasn't this briefing done before the MRAP was requisitioned from Texas? Excellent briefing, firmly behind tactical vehicles but why wasn't it done upfront?

**Chief Langford:** Stated that Officer Ingersoll, as well as the City Manager and two deputy city clerks were present when you (Mayor Edelen) were personally briefed prior to applying and after we received it. Stated again he doesn't put things on council agendas, that's not his job. He kept his chain of command fully informed and he couldn't have given this brief before because he'd never seen it. The OES allows public safety to get equipment. It didn't

take a council order to get this equipment and they got very short notice that we had been approved. He certainly thought he was keeping his chain of command informed.

**Mayor Edelen:** He was not made aware until after the vehicle was on its way here. Doesn't want to get into he said, he said but he has the date when he was informed. Asked Chief Langford if he was familiar with the Del Rey Oaks municipal code, if he knew where it was located and if he knew what was in it?

**Chief Langford:** Replied yes to all three questions.

**Mayor Edelen:** Stated it has the responsibilities of the Council, Chief of Police, Mayor or anybody. Where does it say that the Chief of Police can get a vehicle in here? You work for the Council and the Council is answerable to the public. Any action not specifically outlined goes before the Council. You are employees, you work for the City Manager and he works for the Council. Was the massive earthwork behind city hall for MRAP parking?

**Chief Langford:** Yes they had considered it but it is really for addition police parking.

**Mayor Edelen:** Wants to understand, police departments can get surplus federal equipment without council approval and with only the signature of the chief of police?

**Chief Langford:** Yes he is the only one who can sign for this type of equipment although we have never gotten anything prior to this.

**Council Member Allion:** We have title to this vehicle? It now belongs to the City?

**Chief Langford:** Yes sir.

**City Manager Dawson:** We followed the exact way that the city of Salinas got their vehicle. He consulted the city attorney of Salinas on the process and their Chief signed for it and it came before the Council after the fact for approval.

**Council Member Allion:** Understands there was a target of opportunity, but there is a courtesy to have informed the council. Is concerned about transparency. Who is going to take care of the maintenance? Who is going to pay for this? Doesn't expect an answer right now but wants to put this out there.

**Council Member Cecilio:** He is all for this vehicle! Very lucky to have a reserve officer who is willing to pay for all this. He will sleep better knowing we have this vehicle. Talking to Daniel (City Manager) and Ron (Chief Langford) when this vehicle was on it's way he understood there was not going to be any cost. If this was something that has to be budgeted then he would understand it being on the agenda, but it's not costing the City anything.

**Mayor Edelen:** We have to be a transparent city council. We operate for the citizens of this city. Something as controversial as the MRAP should have come before the council for public comment. There was a breakdown in the chain of command and next meeting will have a breakdown of the responsibilities of the council and the staff and the chain of command.

**Council Member Ventimiglia:** State he hears what they are saying. It takes 3 council members to put something on the agenda or the Mayor and City Manager can put things on the agenda. There was a opportunity back in May to put this on the agenda but no one did. Doesn't really feel this (vehicle acquisition) is that important. Remembers when the PD went out and rebuilt the entire locker room with their own money and didn't need council

approval. This is the uniqueness of a small town. You can move a lot faster in small cities. We had to move on it to get it.

**Council Member Allion:** Now that we have this asset. Where is the policy of how this is to be used? He stated that other cities must have a model of how this could be used. We really didn't give the folks of DRO a chance to comment. There is a fear that we are becoming too militarized. We have a SWAT team and we have a picture of guys in full military gear. It intimidates the public. It takes a good chief of police to know when to use the right type of force to stop an incident.

**Chief Langford:** His goal is that the vehicle never leave the city yard. He taught crowd dynamics at the academy for 10 years to new recruits. If we are a paramilitary organization which a police department is, the first thing you learn is how to stand at attention, salute and follow orders. Everything he has on him is military grade from his shoes to his equipment, if he took everything he has on that's military spec he'd be standing in his underwear. He stated that most law enforcement in general do not come forward with facts fast enough which makes them look like they are hiding something.

**Reserve Officer Moore:** Stated that the Mayor upsets him. Stating you talk about transparency? Doesn't think the Mayor is transparent. Asked the Mayor if he met with the press earlier today?

**Mayor Edelen:** Yes

**Reserve Officer Moore:** Asked if he told the press that he didn't know anything about this vehicle until today?

**Mayor Edelen:** Stated this is not a question and answer period. Asked Mr. Moore to make comments if he had them.

**Reserve Officer Moore:** Stated he was upset with the Mayor because he feels he is not being transparent and is grandstanding. Thinks this (vehicle) is a great idea. Stating if there were concerns he should have said so when he was told about it in June! He stated that he has been a reserve officer for the last 14 years in DRO and stated he has never received any money from the City and he is upset with the Mayor and he questions the Mayor's ability to lead.

**Rochette McWhorter, DRO:** Glad to see this thing is not what it was represented as, which was a tank by the public. Feels this was a violation of the brown act that too many different council members knew about it and talked separately. The community is what matters. Congress is talking about pulling back this program to get these vehicles back.

**Pat Lintell, DRO:** Has a concern about the cost of this to the City. What about 10-15 years from now. Lack of transparency is once more evident. As a citizen she feels she should have known about it. She thought she moved to the small community not a militaristic community.

**Officer Matt Young:** Gave an example of a scenario: You are sitting in your living room and your grandkids are visiting. Someone kicks in your door and you become hostages. The worst thing you can imagine is happening to you. The police vehicles we have can only be used so far, they are not bullet proof. This vehicle is being used for you. This is a tool to be used for you.

**Antonella Randazzo, DRO:** As an ex-banker, she thinks this is a great asset. Doesn't see how it will end up being free.

**Jim Clark, DRO (Spouse of Vice Mayor Clark):** Stated he never heard anyone say to send it back. The problem was not his, pointing to Chief Langford. It was in the chain of command. If we are going to take this on the generosity of Jim Hill that's great, but when the day comes that we can't afford this vehicle, this thing should go on the auction block.

**Officer Ingersoll:** Stated he trained most of these officers, referring to Deputy Chief Lumpkin and Commander Veloz. We applied for this project because we could get all kinds of different things, generators, typewriters, desks, etc. They just happened to offer the vehicle. Once this vehicle becomes unusable it goes back to the OES. He's worked for the DEA, NOA, DOD, FBI, CIA, etc. He's worked with lots of agencies and knows how this works.

**Judy Palshaw, Carmel:** Seems that the problem is if the ends justify the means. Hope it comes to Carmel if we need it. The means need to be fixed.

**Chief Langford:** Actually every person here paid for it when the federal government bought it.

**Council Member Ventimiglia:** Totally in support of the program. Anything that will protect an officer he is in support of.

**Council Member Allion:** Appreciates public comments. This is a presentation no action taken, and hopes it will be agendized in the future. Obviously a target of opportunity and you had to jump on it. Assumes that he got the support from the city manager.

**Mayor Edelen:** Once correctly, this is something we need to accept. This is a valuable vehicle for regional support. Only problem is how the process went forward. There are only so many hours in the day and only 6 officers and feels their time should be spent helping citizens not working on the MRAP. Personally feels would rather see a larger city, larger department have it reside there.

**Motion:** Council Member Ventimiglia to accept MRAP to be housed here in DRO.

**Second:** Council Member Allion

**Mayor Edelen:** Feels we are between a rock and a hard spot. Requested a roll call vote

**Council Member Ventmiglia:** *Aye*

**Council Member Cecilio:** *Aye*

**Council Member Allion:** *Aye*

**Mayor Edelen:** *Aye*

## **PRESENTATION:**

### **Logic Tree IT Solutions – Del Rey Oaks App**

**City Manager Dawson:** Wants everyone to know that he does not wake up in the morning thinking about what to hide from the Council and looks forward open discussion. He then introduced Chief Langford again for the presentation.

**Chief Langford:** Announced the implementation of the new DRO App. We can now put them out on our smart phones and this works with the Logic Tree app that you can now

download on your smart phones. We took this process on as a city rather than just a police department. We can post things like picnic tomorrow, robbery on Portola, accident on Canyon Del Rey Rd, etc. We will have a representative at the city picnic to demonstrate and help people download the app. This DOES NOT replace 9-1-1! This is a way for us to communicate with the residents. He explained that “Trac Flyers” are how we use to put out wanted posters, etc. It is now obsolete and has been replaced by Critical Reach and the Police receive them from all over the state of California on their phones. This will really streamline our communications between us and the residents of Del Rey Oaks.

**Council Member Ventimiglia:** Thinks it’s a great idea.

**Mayor Edelen:** How much is the app to the city?

**Chief Langford:** \$1,200 a year for as many things a year as we want to send out.

**Public Comment:**

**Rochette McCwarter:** Has the app and it’s great!

**Mayor Edelen:** This is a information item only so no action needs to be taken

#### **CONSENT AGENDA:**

##### **A. Minutes**

1. July 24, 2014, City Council Meeting
2. July 11, 2014, Planning Commission Meeting

##### **B. Monthly Reports:**

1. Claims, Claims 2014
2. Unpaid Bills Detail All
3. Financial reports July 2014/Comparison to July 2013
4. Fire Department Response Report, July 2014
5. Police Activity Report, July 2014

**Council Member Allion:** Pull DRO Unpaid Bill Detail. Wants to applaud the City on minimizing the damage to other cities and paying the private entities first. The amount that due hasn’t changed from last month.

**City Manager Dawson:** We did get cash from business licenses so we did get some bills paid.

**Motion:** *Council Member Allion to approve*

**Second:** *Council Member Cecilio*

**Public Comment:** *No further comments received*

**Motion passed:** *4-0*

**OLD BUSINESS:** None

#### **NEW BUSINESS:**

The Council considered **ITEM 7.A.**, Consider Resolution 2014-11, A Resolution of Intention to Enact a Single-Use Bag Ban Via Ordinance prior to December 31, 2014

**City Manager Dawson:** Last meeting talk about plastic bag ban and implementing a resolution of intent to adopt the plastic bag ban. Informed by Council Member Ventimiglia

that it failed in state senate today so this really becomes a mute point. Feels we should pass this as a resolution of intent should this come back from the state and allows us to adopt our own.

**Council Member Ventimiglia:** Has a problem with the ban because it doesn't matter what type of bag biodegradable or not, they float around in the air. Thinks this is good for the citizens of DRO.

**Council Member Allion:** Thinks this is good and didn't know what the effect the bags have until he saw the landfill being dug up and it looks like a curtain in the wind with all the plastic bags. The plastic bags do not decompose. Glad we have more time to do this right.

**Public Comment:**

**Alice Green, Del Rey Oaks:** New York Times published an article on plastic bags. Talked about these floating islands of garbage. See attached article she submitted to the clerk and the council.

**Motion to approve:** *Council Member Allion*

**Seconded:** *Council Member Ventimiglia*

**Public Comment:** *No further comments received*

**Motion passed:** *4-0*

The Council considered **ITEM 7.B., Consider Dog Park Park Fee Schedule**

**Mayor Edelen:** Gave a background on the dog park and why this is being brought back before the Council sighting the passage of the fee with the budget and that he and the vice mayor have received lots of feedback about the fee and feels it's a sore subject.

**Council Member Allion:** Cannot recall when the talk was done thought a committee was put together. Doesn't understand what happened to that. Was an opportunity to have input from the dog park users. Disappointed it didn't come to fruition. Still feels this committee should be reconstituted. Feels it's wrong to charge \$10 a month for a dog to use the dog park.

**City Manager Dawson:** At the time Frank Lucido on the planning commission and was going to head up the committee. Frank has gotten very busy and is no longer on the planning commission. He'd be happy to give the list to someone else who wants to head up the committee.

**Council Member Ventimiglia:** Very impressed with people who use the park. Found a lot of the users are from outside of Del Rey Oaks. Has some ideas. Not for the \$120 but not giving it away either. A smaller dog section. Feels there could be a tier system. Definitely have to charge. Not right to give away the use of city property. Have to find a reasonable cost. Would like to volunteer if no one else does.

**City Manager Dawson:** The money figure is a guess. The first idea is to set it as a fairly reasonable cost to take account of how many people use the dog park. It doesn't take effect until January 2015. Posted the sign because we wanted to provide that information so it wouldn't catch people off guard in January.

**Council Member Cecilio:** Agrees with Council Members Ventimiglia and Allion. Thinks with Frank not being there it didn't get a fair shake. Wants to know how many residents versus non-residents use the dog park

**Mayor Edelen:** Would like to see no fees. Thinks the dog park is the best thing the council has done. But we need to make the money to pay for that. Will be getting in a big check with more money coming in very soon. Feels registration is necessary.

**Council Member Allion:** Important people in the vicinity of the park dog have a say, owners or not.

**Council Member Ventimiglia:** There is an array of people. Matter of notification. The other part is policing. How do you police it?

**Council Member Allion:** Thinks that something the volunteer committee can address.

**Public Comment:**

**Kathryn True Varlet, Del Rey Oaks:** A few years ago the crews were doing some tree cutting and she talked to the fire department about why. She typed it up and brought it down to City Hall and Chief said he'd pass it on to the council. She suggested a dog park. Spoke to the Council about having a dog park. The fence went in because of a grant. She has seen the whole dog park from the beginning. Very social group. She's picked up other dog's poop, and filled in holes. Would love to see a breakdown of the costs. Most are not DRO residents. We have the best dog park on the peninsula.

**Judy Palshaw, Carmel:** Been going to the dog park for the past year. When the sign went up everyone was in shock. Why did the sign go up? Wants a definition of the dog park. What is the precedent for charging? Will the money be used for the dog park? City parks are free. Dennis the Menace is free, etc. What will it cost to check on or enforce this issue?

**Diane Lecicero-McWhorter:** Resident since 1968. Grew up in the park and city. Wants the council to consider 3 things. Fee will be hard to enforce, understand the need for income and heard it cost \$1,400 from council, supports a group of residents to support the dog park and save the city money. Asked to please vote against the fee. As a team we can accomplish so much.

**Unidentified Speaker:** We have sometimes 20 dogs. People Google the dog park, and we have lots of non-residents. If we have to pay will everyone have to pay? Wouldn't mind volunteering.

**Don Gruber, DRO:** Doesn't use the dog park but supports it. Equitability for everyone. Engage the community. If money is the solution then engage the community. It's like the united nations of the peninsula.

**Rochette McWhorter:** Just talking about regional. This park is regional to the military also. You have a jewel here that is not just a dog park, it's a gathering area. Has talked to a couple from san Jose who came down to have their dog use the dog park specifically.

**Aaron Silverman:** Is military. A soldier has very little time to use the dog park. The lower enlisted are usually strapped for cash. How to keep it open for everyone.

**Antonella Randazzo, DRO:** Has a 5 month Dalmatian and he runs for 2 hours straight and loves it. Feels the cost is steep. If you have 3 dogs it's \$360 a year. Everyone protects their dogs and each other. They have asked some of the owners to not come back if they have an aggressive dog.

**Emily Wood:** The DRO dog park is a wonderful place and it's an educational place it's a place that everyone goes to make it better.

**John Palshaw, Carmel:** Was concerns that the deck was stacked against dog owners but feels this is great.

**Bill Minafra, Pacific Grove:** One of the ways to police the park is to park the new vehicle down there and put Chief Langford in to check dog tags. Called Mr. Lucido but never got a call back.

**Sydney Richardson, Del Rey Oaks:** It's a valuable park. Maybe we could send out a mailing for donations. Feels it would be a way to generate funds.

**Mike Pesser:** He has a service dog and that's her time off. Hates to see that asset go away. Spends lots of money here at Safeway and the carwash. Fills holes every day. It's a good thing, not perfect.

**Wendy Cunningham, Monterey:** How many people in DRO take their kids to Dennis the Menace? This is a park and they have a facebook page, The Real Park Dogs of Monterey Bay. Googled dog parks in San Jose, they don't charge.

**Debbie Blakesley:** To the City Manager wanted to know what the cost was and thanked him for explaining it. Our taxes pay for the park and if we have to pay she won't go. She has 3 dogs. What happened to putting in a donation box?

**Sidney Richardson:** Donation box wouldn't be safe.

**Mayor Edelen:** Thanked everyone for coming out.

**Council Member Ventimiglia:** Couple of issues. Anyone who wants to be notified call city hall. Name and number for a contact list. We all have animals and they are expensive. Any fees would only go to the park. Sees the fees as a good thing depending on where we go with it. We need input, name, email, address, phone number.

**Motion:** *Council Member Allion withdraw the \$10 monthly fee, constitute the volunteer committee and report back to the City Council at the October meeting*

**Second:** *Council Member Cecilio*

**Motion passed:** 4-0

#### **STAFF REPORT:**

**City Manager Dawson:** Through transparency we put the sign down in the park. This fee was passed in June and without the sign no one would have been here. There is a totally volunteer dog park in Novato that is phenomenal. Went to FORA, Waste water admin committee, been focused on working on getting developers. Everyone here does a lot of different jobs and wears a lot of different hats and we work on multiple jobs. We haven't had a raise in over 3 years, we have the lowest retirement plan, he's the lowest paid city manager on the peninsula and we are very frugal with your tax dollars. Worked with Guide Dogs For

the Blind so he understands the bond with dogs. Went to meeting on all the different taxes coming up on this election. The Police Department does traffic control for events at Laguna Seca. We have a whole group of reserve officers that don't accept a dime! Meeting with individuals on uses for 800 Portola Drive. Many, many meeting with FORA to get the money but the City gets only half of any money we get from the property. The 3 million means we only get half and FORA gets half. Apologized to the council if he overlooked anything.

**COUNCIL REPORTS:**

**Council Member Allion:** Met with MRWMD, water pollution control district and wants everyone to know that Cal-Am will not be able to meet the water needs. Ground water replenishment is the way to go. Close to an agreement with ag where everyone gets the water they need. Currently we are tied to the Cal Am project which means that they will not make the 2017 start date because Cal Am will not meet their date. Need the support of the Water Management District. We need the ground water replenishment! By the time we are done with it, it's pure H2O!

**Council Member Cecilio:** Attended both meeting mosquito and seaside sanitation but had nothing to report out.

**Council Member Ventimiglia:** Attended AMBAG and Community Human Services. CHS is in the black. AMBAG went over their project list and Monterey bay transportation improvement program which shows all the projects that have been funded.

**Mayor Edelen:** TAMC will meet tomorrow about a public private partnership to put potentially put in a toll road on HWY 156. Tourists will not come back because of traffic. Somehow we need to widen 156 and improve the interchange to 101 but to fund this they are talking about a toll road. Attended Seaside Basin Watermaster which a judge formed the to control the amount of water being pulled out. Some good things are that there is no more salt water intrusion. Wells are being inspected. There is a court case coming between FORA and Marina about what they owe for Preston Park. Part of the 26 million would go to our project on the former Fort Ord.

**8:40 p.m.: Adjourned meeting to next scheduled meeting date.**

**Next meeting:** Tuesday, September 23, 2014 at 6:00 P.M.

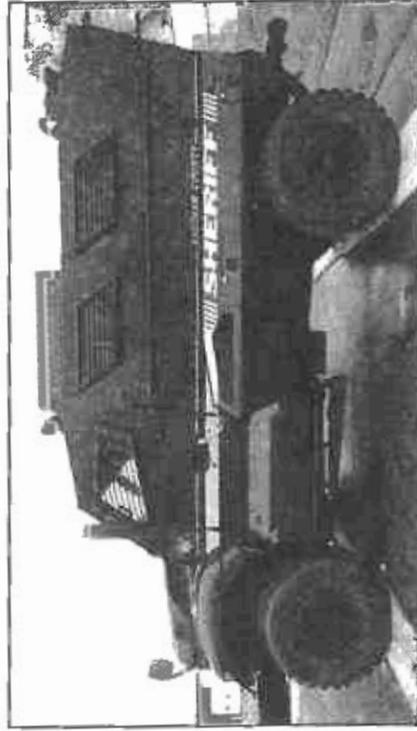
Approved:

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Signature

Date

## Saginaw sheriff dumping military vehicle made fun of by HBO comedy show



8-19-12014

**\$70,000.00\*** to retrofit for use by local police, plus repairs, maintenance and 24/7 security (a new building with restricted access) to protect vehicle.

[\*Militarytimes.com, 24Nov 2013]

**SAGINAW, MI** — The day after a national news show highlighted the Saginaw County Sheriff's Mine-Resistant Ambush Proof (MRAP) vehicle during coverage of citizen-police clashes in Ferguson, Missouri, Sheriff Bill Federspiel confirmed that plans had already been laid for the vehicle to leave the county for good. The sheriff's 19-ton MRAP was shown during a Sunday, Aug 17 segment of HBO's "Last Week Tonight with John Oliver," entitled, "Ferguson, MO and Police Militarization."

I made the decision about a month ago to decommission that vehicle," Federspiel said, noting he did it based on financial concerns due to unforeseen maintenance costs. While the military was to provide any needed parts, Federspiel said he still had to pay for a specialized mechanic to install the parts, along with insurance and fuel for the vehicle. When Saginaw County Commissioners asked him to look for cost-saving measures before setting the budget in July, the MRAP was the first thing to go, he said.

He said the idea to get the vehicle came from former undersheriff Robert Karl, who was recently fired.

RECEIVED

AUG 26 2014

CITY OF DEL REY OAKS  
CITY CLERK



RECEIVED

AUG 26 2014

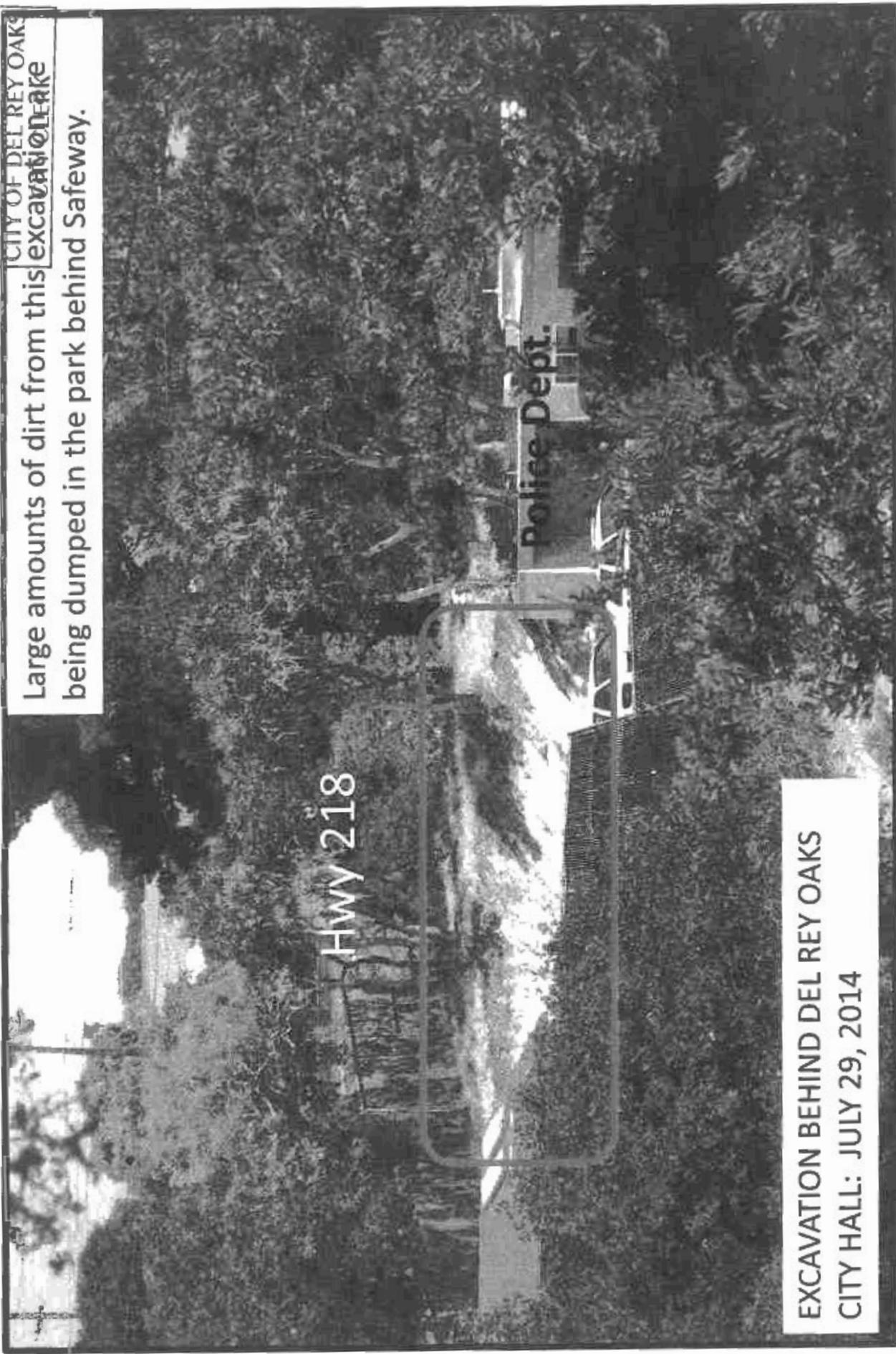
CITY OF DEL REY OAKS  
excavation@delreyoaks.com

Large amounts of dirt from this excavation are being dumped in the park behind Safeway.

Hwy 218

Police Dept.

EXCAVATION BEHIND DEL REY OAKS  
CITY HALL: JULY 29, 2014





Monterey homes where DRO cleared trees w/o permission

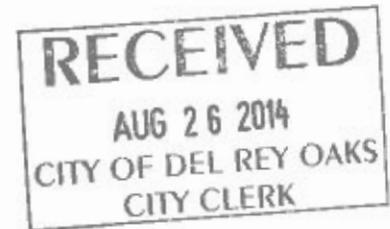


Dump site in Work Memorial Park (part of greenbelt)



**RECEIVED**  
 AUG 26 2014  
 CITY OF DEL REY OAKS  
 CITY CLERK

**VED**  
 2014  
 REY OAKS  
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# Choking the Oceans With Plastic

By CHARLES J. MOORE AUG. 25, 2014

LOS ANGELES — The world is awash in plastic. It's in our cars and our carpets, we wrap it around the food we eat and virtually every other product we consume; it has become a key lubricant of globalization — but it's choking our future in ways that most of us are barely aware.

I have just returned with a team of scientists from six weeks at sea conducting research in the Great Pacific Garbage Patch — one of five major garbage patches drifting in the oceans north and south of the Equator at the latitude of our great terrestrial deserts. Although it was my 10th voyage to the area, I was utterly shocked to see the enormous increase in the quantity of plastic waste since my last trip in 2009. Plastics of every description, from toothbrushes to tires to unidentifiable fragments too numerous to count floated past our marine research vessel *Alquita* for hundreds of miles without end. We even came upon a floating island bolstered by dozens of plastic buoys used in oyster aquaculture that had solid areas you could walk on.

Plastics are now one of the most common pollutants of ocean waters worldwide. Pushed by winds, tides and currents, plastic particles form with other debris into large swirling glutinous accumulation zones, known to oceanographers as gyres, which comprise as much as 40 percent of the planet's ocean surface — roughly 25 percent of the entire earth.

No scientist, environmentalist, entrepreneur, national or international government agency has yet been able to establish a comprehensive way of recycling the plastic trash that covers our land and inevitably blows and washes down to the sea. In a 2010 study I conducted of the Los Angeles and San Gabriel Rivers, we extrapolated that some 2.3 billion pieces of plastic — from polystyrene foam to tiny fragments and pellets — had flowed from Southern California's urban centers into its coastal waters in just three days of sampling.

The deleterious consequences of humanity's "plastic footprint" are many, some known and some yet to be discovered. We know that plastics biodegrade exceptionally slowly, breaking into tiny fragments in a centuries-long process.

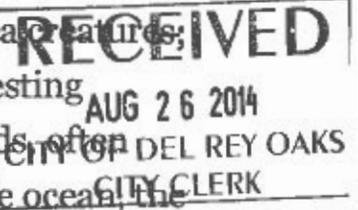
We know that plastic debris entangles and slowly kills millions of sea creatures; that hundreds of species mistake plastics for their natural food, ingesting toxicants that cause liver and stomach abnormalities in fish and birds, often choking them to death. We know that one of the main bait fish in the ocean, the lantern fish, eats copious quantities of plastic fragments, threatening their future as a nutritious food source to the tuna, salmon, and other pelagic fish we consume, adding to the increasing amount of synthetic chemicals unknown before 1950 that we now carry in our bodies.

We suspect that more animals are killed by vagrant plastic waste than by even climate change — a hypothesis that needs to be seriously tested. During our most recent voyage, we studied the effects of pollution, taking blood and liver samples from fish as we searched for invasive species and plastic-linked pollutants that cause protein and hormone abnormalities. While we hope our studies will yield important contributions to scientific knowledge, they address but a small part of a broader issue.

The reality is that only by preventing manmade debris — most of which is disposable plastic — from getting into the ocean in the first place will a measurable reduction in the ocean's plastic load be accomplished. Clean-up schemes are legion, but have never been put into practice in the garbage patches.

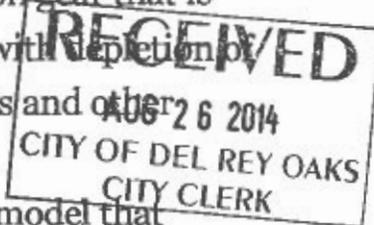
The National Oceanic and Atmospheric Administration in the United States supports environmentalist groups that remove debris from beaches. But the sieve-like skimmers they use, no matter how technologically sophisticated, will never be able to clean up remote garbage gyres: There's too much turbulent ocean dispersing and mixing up the mess. We should use skimmers in the coastal zone, especially at the mouths of urban rivers where tons of stuff enters the ocean daily, but it's not a matter that can be compared to encircling massive oil slicks with containment booms.

The problem is compounded by the aquaculture industry, which uses enormous amounts of plastic in its floats, nets, lines and tubes. The most common floats and tubes I've found in the deep ocean and on Hawaiian beaches come from huge sea-urchin and oyster farms like the one that created the oyster-buoy island we discovered. Those buoys were torn from their moorings by the



tsunami that walloped Japan on March 11, 2011. But no regulatory remedies exist to deal with tons of plastic equipment lost accidentally and in storms.

Government and industry organizations purporting to certify sustainably farmed seafood, despite their dozens of pages of standards, fail to mention gear that is lost and floats away. Governments, which are rightly concerned with depletion of marine food sources, should ensure that plastic from cages, buoys and other equipment used for aquaculture does not escape into the waters.



But, in the end, the real challenge is to combat an economic model that thrives on wasteful products and packaging, and leaves the associated problem of clean-up costs. Changing the way we produce and consume plastics is a challenge greater than reining in our production of carbon dioxide.

Plastics are a nightmare to recycle. They are very hard to clean. They can melt at low temperatures, so impurities are not vaporized. It makes no difference whether a synthetic polymer like polyethylene is derived from petroleum or plants; it is still a persistent pollutant. Biodegradable plastics exist, but manufacturers are quick to point out that marine degradable does not mean “marine disposable.”

Scientists in Britain and the Netherlands have proposed to cut plastic pollution by the institution of a “circular economy.” The basic concept is that products must be designed with end-of-life recovery in mind. They propose a precycling premium to provide incentives to eliminate the possibility that a product will become waste.

In the United States, especially in California, the focus has been on so-called structural controls, such as covering gutters and catch basins with 5-millimeter screens. This has reduced the amount of debris flowing down rivers to the sea. Activists around the world are lobbying for bans on the most polluting plastics — the bottles, bags and containers that deliver food and drink. Many have been successful. In California, nearly 100 municipalities have passed ordinances banning throwaway plastic bags and the Senate is considering a statewide ban.

Until we shut off the flow of plastic to the sea, the newest global threat to our Anthropocene age will only get worse.

*Charles J. Moore is a captain in the U.S. merchant marine and founder of the Algalita Marine Research and Education Institute in Long Beach, California.*



# CITY OF DEL REY OAKS

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

July 31, 2014

## **-NOTICE-**

NOTICE IS HEREBY GIVEN THAT THE REGULAR  
DEL REY OAKS PLANNING COMMISSION MEETING:

WEDNESDAY, AUGUST 13, 2014 AT 6:00 P.M.

HAS BEEN CANCELLED  
DUE TO A LACK OF ITEMS TO BE HEARD

THE NEXT REGULAR SCHEDULED PLANNING COMMISSION  
MEETING WILL BE HELD ON:

WEDNESDAY, SEPTEMBER 10, 2014 AT 6:00 P.M.

AT THE CHARLIE BENSON MEMORIAL HALL,  
650 CANYON DEL REY ROAD, DEL REY OAKS

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KAREN MINAMI  
Deputy City Clerk

**CITY OF DEL REY OAKS**  
**Claims Report**  
 August 2014

Date	Num	Name	Memo	Amount
AFLAC 08/07/2014	14401	AFLAC	AUG 14 EMPLOYEE PAID PREMIUM INV. 800869	281.80
Total AFLAC				281.80
ALLIANT INSURANCE 08/07/2014	14402	ALLIANT INSURAN...	POLICY 7/1/14-7/1/15 INV 233598	1,646.00
Total ALLIANT INSURANCE				1,646.00
AMERICAN LOCK & KEY 08/07/2014	14403	AMERICAN LOCK &...	INV. 25836	95.32
Total AMERICAN LOCK & KEY				95.32
AT&T CAL NET 2 08/07/2014	14404	AT&T CAL NET 2	PHONE 5/19/14-6/18/14	229.39
Total AT&T CAL NET 2				229.39
BROWNELLS, INC. 08/07/2014	14405	BROWNELLS, INC.	MISC. POLICE EQUIP. INV. 09771347.00	290.47
Total BROWNELLS, INC.				290.47
CALIFORNIA-AMERICAN WATER 08/07/2014	14406	CALIFORNIA-AMER...	WATER 5/21/14-6/19/14	603.47
Total CALIFORNIA-AMERICAN WATER				603.47
CHRISTINA M. TRUJILLO, ATTORNEY AT LAW 08/07/2014	14407	CHRISTINA M. TRU...	LEGAL SERVICES MAY 1-31, 2014	1,250.00
Total CHRISTINA M. TRUJILLO, ATTORNEY AT LAW				1,250.00
CITY OF MONTEREY 08/07/2014	14408	CITY OF MONTEREY		2,844.90
Total CITY OF MONTEREY				2,844.90
CITY OF SEASIDE 08/07/2014	14409	CITY OF SEASIDE		2,389.06
Total CITY OF SEASIDE				2,389.06
CO-POWER 08/07/2014	14410	CO-POWER	AUG 14 DELTA DENTAL PREMIUM INV. 435216	1,761.96
Total CO-POWER				1,761.96
COASTAL TRACTOR 08/07/2014	14411	COASTAL TRACTOR	Inv.IV52470 TRACTOR PARTS	179.31
Total COASTAL TRACTOR				179.31
COMCAST HIGH SPEED INTERNET 08/07/2014	14412	COMCAST HIGH SP...	T.V. AND INTERNET 7/10-8/9/14	102.17
Total COMCAST HIGH SPEED INTERNET				102.17

**CITY OF DEL REY OAKS**  
**Claims Report**  
 August 2014

Date	Num	Name	Memo	Amount
EDLEEN, JERRY 08/15/2014	14439	EDLEEN, JERRY	wellness benefit	375.00
Total EDLEEN, JERRY				375.00
ENTERSECT CORPORATION 08/07/2014	14413	ENTERSECT CORPO...	POLICE ONLINE SERVICE INV. 614EP31132	79.00
Total ENTERSECT CORPORATION				79.00
GALL'S INC. 08/07/2014	14414	GALL'S INC.	POLICE SUPPLIES INV#001815841	269.80
Total GALL'S INC.				269.80
GLOBALSTAR USA 08/07/2014	14415	GLOBALSTAR USA	SATELITE PHONE JUNE 2014	54.26
Total GLOBALSTAR USA				54.26
HARRIS CORPORATION 08/07/2014	14416	HARRIS CORPORAT...	ACCT. #35204, INV. 93174904 CHARGERS	346.44
Total HARRIS CORPORATION				346.44
HOME DEPOT CRC 08/07/2014	14417	HOME DEPOT CRC	ACCT. # 6035 3220 0248 6219 SUPPLIES AND MATE...	691.53
Total HOME DEPOT CRC				691.53
L.M.P.A.C.GOVERNMT SER 08/07/2014	14418	L.M.P.A.C.GOVERN...	MANAGING ACCOUNT #: 4246-0445-5564-9924 JUL...	1,183.95
Total L.M.P.A.C.GOVERNMT SER				1,183.95
IE SOLUTIONS 08/07/2014	14419	IE SOLUTIONS	INV. 14-1060 QUICKBOOKS CONSULTING, AUDIT ...	300.00
Total IE SOLUTIONS				300.00
JAMES DE CHALK 08/07/2014	14420	JAMES DE CHALK	JUNE 2014	300.00
Total JAMES DE CHALK				300.00
LANGFORD, RONALD J. 08/15/2014	14440	LANGFORD, RONA...	wellness	700.00
Total LANGFORD, RONALD J.				700.00
MINAMI, KAREN L. 08/15/2014	14441	MINAMI KAREN L	Wellness Reimbursement	50.00
Total MINAMI, KAREN L.				50.00
MONTEREY AUTO SUPPLY INC. 08/07/2014	14421	MONTEREY AUTO ...	SUPPLIES JUNE 2014	141.64
Total MONTEREY AUTO SUPPLY INC.				141.64

**CITY OF DEL REY OAKS**  
**Claims Report**  
 August 2014

Date	Num	Name	Memo	Amount
MONTEREY BAY AREA INSURANCE FUND 08/07/2014	14422	MONTEREY BAY A...	MAY 2013 : 2012-13 MONTHLY W/C PAYMENT \$14...	18,265.86
Total MONTEREY BAY AREA INSURANCE FUND				18,265.86
MONTEREY BAY TECHNOLOGIES 08/07/2014	14423	MONTEREY BAY T...	IT SERVICES RETAINER APRIL 2014 INV. 149040	350.00
Total MONTEREY BAY TECHNOLOGIES				350.00
MONTEREY COUNTY PARKS 08/07/2014	14424	MONTEREY COUNT...	RENTAL OF RIFLE RANGE AT LAGUNA SECA 2/12...	300.00
Total MONTEREY COUNTY PARKS				300.00
NEXTEL COMMUNICATION 08/07/2014	14425	NEXTEL COMMUNL...	NEXTEL RADIO- PW/PD/CM 6/12/14-7/11/14	373.67
Total NEXTEL COMMUNICATION				373.67
OFFICE DEPOT 08/07/2014	14426	OFFICE DEPOT		302.61
Total OFFICE DEPOT				302.61
OFFICE EQUIPMENT FINANCE SERVICES 08/07/2014	14427	OFFICE EQUIPMEN...	LEASE PAYMENT FOR COPIER-INV. 257504613	270.10
Total OFFICE EQUIPMENT FINANCE SERVICES				270.10
PERS 08/07/2014	14428	PERS	Payroll 10-2013-2	8,264.08
Total PERS				8,264.08
PERS - 457 PLAN 08/15/2014	14438	PERS - 457 PLAN	VOID: 3821597293	
08/15/2014	14438	PERS - 457 PLAN	VOID: 3821597293	
Total PERS - 457 PLAN				
PG&E 08/07/2014	14429	PG&E	GAS & ELECTRIC 5/23/14-6/23/14	2,690.49
Total PG&E				2,690.49
PG&E-GJM&218 08/07/2014	14430	PG&E-GJM&218	6817283169-2	47.68
Total PG&E-GJM&218				47.68
PITNEY BOWES PURCHASE POWER 08/07/2014	14431	PITNEY BOWES PU...	POSTAGE ACCT. 800090003463050 JUNE 2014	247.14
Total PITNEY BOWES PURCHASE POWER				247.14
PURE WATER 08/07/2014	14432	PURE WATER	DRINKING WATER INV. 245592	105.17

**CITY OF DEL REY OAKS**  
**Claims Report**  
 August 2014

Date	Num	Name	Memo	Amount
<b>Total PURE WATER</b>				
<b>QuickBooks Payroll Service</b>				
08/14/2014		QuickBooks Payroll S...	Fee for 10 direct deposit(s) at \$1.50 each	105.17
08/14/2014		QuickBooks Payroll S...	Fee for 11 employee(s) paid	15.00
08/14/2014		QuickBooks Payroll S...	Monthly processing fee for Aug 2014	16.50
08/14/2014		QuickBooks Payroll S...	No state fee for CA for Aug 2014	89.00
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	1.61
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	4,345.00
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	491.08
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	491.08
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	16.61
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	16.61
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	1,459.10
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	272.93
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	23,643.72
08/14/2014		QuickBooks Payroll S...	Fee for 3 direct deposit(s) at \$1.50 each	4.50
08/14/2014		QuickBooks Payroll S...	Fee for 3 employee(s) paid	4.50
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	426.00
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	73.20
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	73.20
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	130.58
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	47.14
08/14/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/13/2014	4,371.26
08/28/2014		QuickBooks Payroll S...	Fee for 2 direct deposit(s) at \$1.50 each	3.00
08/28/2014		QuickBooks Payroll S...	Fee for 5 employee(s) paid	7.50
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	3.75
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	91.35
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	9.06
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	9.06
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	38.75
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	38.75
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	6.25
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	296.89
08/28/2014		QuickBooks Payroll S...	Fee for 11 direct deposit(s) at \$1.50 each	16.50
08/28/2014		QuickBooks Payroll S...	Fee for 13 employee(s) paid	19.50
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	2.81
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	4,455.00
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	503.03
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	503.03
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	29.08
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	29.08
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	1,505.36
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	226.04
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	24,268.57
08/28/2014		QuickBooks Payroll S...	Fee for 3 direct deposit(s) at \$1.50 each	4.50
08/28/2014		QuickBooks Payroll S...	Fee for 3 employee(s) paid	4.50
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	250.00

**CITY OF DEL REY OAKS**  
**Claims Report**  
 August 2014

Date	Num	Name	Memo	Amount
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	57.96
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	57.96
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	46.68
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	15.17
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	3,627.96
08/28/2014		QuickBooks Payroll S...	Fee for 1 direct deposit(s) at \$1.50 each	1.50
08/28/2014		QuickBooks Payroll S...	Fee for 1 employee(s) paid	1.50
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	18.45
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	18.45
08/28/2014		QuickBooks Payroll S...	Created by Payroll Service on 08/27/2014	1,253.76
Total QuickBooks Payroll Service				73,409.37
<b>RYAN RANCH PRINTERS</b>				
08/07/2014	14433	RYAN RANCH PRIN...	LETTERHEAD INV. 15668	429.30
Total RYAN RANCH PRINTERS				429.30
<b>SIGN WORKS</b>				
08/07/2014	14434	SIGN WORKS	LETTERING FOR ROAD CLOSURE SIGNS	263.40
Total SIGN WORKS				263.40
<b>SILKE COMMUNICATIONS</b>				
08/07/2014	14435	SILKE COMMUNIC...	REPROGRAMMED 2 MT2000 & 1 KENWOOD RADIOS	95.00
Total SILKE COMMUNICATIONS				95.00
<b>SPCA OF MONTEREY COUNTY</b>				
08/07/2014	14436	SPCA OF MONTERE...	MARCH 2014 ANIMAL SERVICES	865.20
Total SPCA OF MONTEREY COUNTY				865.20
<b>UNION BANK Charges</b>				
08/31/2014	EFT08312014	UNION BANK Charges	Bank Charges	286.94
Total UNION BANK Charges				286.94
<b>TOTAL</b>				<b>122,731.48</b>

**CITY OF DEL REY OAKS**  
**Unpaid Bills Detail**  
 All Transactions

9:37 AM  
 09/18/14  
 Accrual Basis

Date	Name	Memo	Account	Class	Amount	Balance	Due Date
<b>AMERICAN LOCK &amp; KEY</b>							
08/31/2014	AMERICAN LOCK & KEY	INV. 27738	60505 - REPAIR/MAINTENANCE	General Gover...	359.14	359.14	09/30/2014
Total AMERICAN LOCK & KEY							
<b>AT&amp;T CAL NET 2</b>							
08/19/2014	AT&T CAL NET 2	PHONE 7/19/14-8/18/14	60530 - TELEPHONE / INTERNET	172 POLICE	155.29	155.29	09/18/2014
08/19/2014	AT&T CAL NET 2	PHONE 7/19/14-8/18/14	60530 - TELEPHONE / INTERNET	General Gover...	66.40	221.69	09/18/2014
08/19/2014	AT&T CAL NET 2	PHONE 7/19/14-8/18/14	60530 - TELEPHONE / INTERNET	311 PUB WKS...	15.98	237.67	09/18/2014
Total AT&T CAL NET 2							
<b>CALIFORNIA-AMERICAN WATER</b>							
08/21/2014	CALIFORNIA-AMERICAN WA...	650 CANYON DEL REY RD. ACCT. 1015-210018...	60525 UTILITIES/WATER	General Gover...	185.20	185.20	09/20/2014
08/21/2014	CALIFORNIA-AMERICAN WA...	950 ANGELUS WAY ACCT. 1015-210021327653	60525 UTILITIES/WATER	411 PARKS/R...	91.08	276.28	09/20/2014
08/21/2014	CALIFORNIA-AMERICAN WA...	8 LOS ENCINOS ACCT. 1015-210021397607 WAT...	60525 UTILITIES/WATER	411 PARKS/R...	64.73	341.01	09/20/2014
08/21/2014	CALIFORNIA-AMERICAN WA...	59 LOS ENCINOS ACCT. 1015-210021396208 WA...	60525 UTILITIES/WATER	411 PARKS/R...	10.07	351.08	09/20/2014
08/21/2014	CALIFORNIA-AMERICAN WA...	800 ROSITA RD. ACCT. 10152100221255552 WA...	60525 UTILITIES/WATER	172 POLICE1...	46.55	397.63	09/20/2014
08/21/2014	CALIFORNIA-AMERICAN WA...	899 ROSITA RD ACCT. 1015-21002651943 WAT...	60525 UTILITIES/WATER	411 PARKS/R...	35.16	432.79	09/20/2014
Total CALIFORNIA-AMERICAN WATER							
<b>COAST COUNTIES GLASS, INC.</b>							
08/27/2014	COAST COUNTIES GLASS, INC.	REPLACE WINDOW IN COUNCIL CHAMBERS	60410 - MATERIALS/SUPPLY	General Gover...	400.00	400.00	09/26/2014
Total COAST COUNTIES GLASS, INC.							
<b>GOLDFARB &amp; LIPMAN</b>							
01/15/2013	GOLDFARB & LIPMAN	INV 107309	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	6,332.03	6,332.03	01/25/2013
01/15/2013	GOLDFARB & LIPMAN	INV 107310	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	312.00	6,644.03	01/25/2013
02/15/2013	GOLDFARB & LIPMAN	INV #107557 FEES THROUGH 1/31/13 AUDIT LE...	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	250.00	6,894.03	02/25/2013
02/15/2013	GOLDFARB & LIPMAN	INV #107558 FEES THROUGH 1/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	6,778.35	13,672.38	02/25/2013
02/15/2013	GOLDFARB & LIPMAN	INV #107560 FEES THROUGH 1/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	78.00	13,750.38	02/25/2013
02/15/2013	GOLDFARB & LIPMAN	INV #107559 FEES THROUGH 1/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	3,822.33	17,572.71	02/25/2013
03/19/2013	GOLDFARB & LIPMAN	INV 107919-FEB. 2013 CURRENT FEE THROUGH...	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	78.00	17,650.71	03/29/2013
03/19/2013	GOLDFARB & LIPMAN	INV -107918, CURRENT FEES THROUGH 2/28/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	25,042.49	42,693.20	03/29/2013
04/17/2013	GOLDFARB & LIPMAN	INV #108082-FEES THROUGH 3/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	38,874.26	81,567.46	04/27/2013
04/17/2013	GOLDFARB & LIPMAN	INV #108081 FEES THROUGH 3/31/13 AUDIT LET...	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	50.00	81,617.46	04/27/2013
04/17/2013	GOLDFARB & LIPMAN	INV #108083-FEES THROUGH 3/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	52.00	81,669.46	04/27/2013
06/13/2013	GOLDFARB & LIPMAN	INV 108744 CURRENT FEES THROUGH 5/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	7,550.18	89,219.64	06/23/2013
07/17/2013	GOLDFARB & LIPMAN	NEW FORT ORD DIVISION & TRANSFER: FEES	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	2,998.77	92,218.41	07/27/2013
09/13/2013	GOLDFARB & LIPMAN	NEW FORT ORD DIVISION & TRANSFER: FEES	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	4,097.61	96,316.02	09/23/2013
10/17/2013	GOLDFARB & LIPMAN	NEW FORT ORD DIVISION & TRANSFER: FEES	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	1,671.30	97,987.32	10/27/2013
11/18/2013	GOLDFARB & LIPMAN	INV - 110408 CURRENT FEES 10/1/13-10/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	244.25	98,231.57	12/18/2013
12/16/2013	GOLDFARB & LIPMAN	INV - 110736 CURRENT FEE 11/21/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	225.00	98,456.57	01/15/2014
12/16/2013	GOLDFARB & LIPMAN	INV - 110737 CURRENT FEES 11/1/13-11/30/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	3,098.59	101,555.16	01/15/2014
01/25/2014	GOLDFARB & LIPMAN	INV - 110968 CURRENT FEES THROUGH 12/31/13	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	50.00	101,605.16	02/24/2014
02/19/2014	GOLDFARB & LIPMAN	INV - 111341 CURRENT FEES THROUGH 1/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	52.00	101,657.16	03/21/2014
02/19/2014	GOLDFARB & LIPMAN	INV - 111390 CURRENT FEES THROUGH 1/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	1,850.00	103,507.16	03/21/2014
03/18/2014	GOLDFARB & LIPMAN	INV 111623 -CURRENT FEE THROUGH 2/28/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	1,475.00	104,982.16	03/21/2014
04/14/2014	GOLDFARB & LIPMAN	INV 112024 -CURRENT FEE THROUGH 4/15/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	260.00	106,336.66	04/17/2014
04/14/2014	GOLDFARB & LIPMAN	INV 112023 -CURRENT FEE THROUGH 3/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	3,770.78	110,367.44	05/14/2014
04/14/2014	GOLDFARB & LIPMAN	INV 112025 -CURRENT FEE THROUGH 3/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	1,773.60	112,141.04	05/14/2014
04/14/2014	GOLDFARB & LIPMAN	INV 112023 -CURRENT FEE THROUGH 3/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	882.68	113,023.72	06/17/2014
05/18/2014	GOLDFARB & LIPMAN	INV 111624 -CURRENT FEE THROUGH 3/18/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	2,675.00	115,698.72	06/18/2014
05/19/2014	GOLDFARB & LIPMAN	INV 112325 -CURRENT FEE THROUGH 4/30/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	7,182.51	122,881.23	06/18/2014
05/19/2014	GOLDFARB & LIPMAN	INV 112326 -CURRENT FEE THROUGH 4/30/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	7,595.19	130,476.42	07/19/2014
06/19/2014	GOLDFARB & LIPMAN	INV 112700 -CURRENT FEE THROUGH 5/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	1,350.00	131,826.42	07/19/2014
06/19/2014	GOLDFARB & LIPMAN	INV 112699 -CURRENT FEE THROUGH 5/31/14 (...)	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	1,350.00	133,176.42	07/19/2014

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Date	Name	Memo	Account	Class	Amount	Balance	Due Date	
07/15/2014	GOLDFARB & LIPMAN	INV 112875 - CURRENT FEES THROUGH 6/30/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	50.00	131,876.42	08/14/2014	
07/15/2014	GOLDFARB & LIPMAN	INV 112876 - CURRENT FEES THROUGH 6/30/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	2,174.00	134,050.42	08/14/2014	
08/19/2014	GOLDFARB & LIPMAN	INV 113221 - CURRENT FEES THROUGH 7/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	2,253.08	136,303.50	09/18/2014	
08/19/2014	GOLDFARB & LIPMAN	INV 113222 - CURRENT FEES THROUGH 7/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	2,610.00	138,913.50	09/18/2014	
08/19/2014	GOLDFARB & LIPMAN	INV 113222-6 - CURRENT FEES THROUGH 7/31/14	16020 - DUE FROM DEVELOPER (DUE FROM D...	General Gover...	52.00	138,965.50	09/18/2014	
Total GOLDFARB & LIPMAN							138,965.50	
<b>HOME DEPOT CRC</b>								
08/29/2014	HOME DEPOT CRC	ACCT. # 6035 3220 0248 6219 SUPPLIES AND MA...	60410 - MATERIALS/SUPPLY	411 PARKS/R...	3,253.92	3,253.92	09/20/2014	
08/29/2014	HOME DEPOT CRC	ACCT. # 6035 3220 0248 6219 SUPPLIES AND MA...	60410 - MATERIALS/SUPPLY	172 POLICE	480.90	3,734.82	09/20/2014	
Total HOME DEPOT CRC							3,734.82	
<b>OFFICE DEPOT</b>								
08/13/2014	OFFICE DEPOT	INV 705311983001	60410 - MATERIALS/SUPPLY	301 PUB WKS...	37.76	37.76	09/12/2014	
08/13/2014	OFFICE DEPOT	INV 705313983001	60410 - MATERIALS/SUPPLY	411 PARKS/R...	37.55	75.31	09/12/2014	
08/18/2014	OFFICE DEPOT	INV 705981344001	60430 - OFFICE SUPPLIES	General Gover...	42.90	118.21	09/17/2014	
Total OFFICE DEPOT							118.21	
<b>PERKS</b>								
07/01/2014	PERKS	20140 6/15/14-6/30/14 Payroll 7-2014-1	20140 - PERKS PAYABLE	172 POLICE	2,445.93	2,445.93	07/31/2014	
07/01/2014	PERKS	Dan Dawson 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	General Gover...	542.61	2,988.54	07/31/2014	
07/01/2014	PERKS	85% - Kim Carvalho 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	General Gover...	195.03	3,183.57	07/31/2014	
07/01/2014	PERKS	15% - Kim Carvalho 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	General Gover...	34.42	3,217.99	07/31/2014	
07/01/2014	PERKS	85% - Karen Minami 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	General Gover...	32.78	3,250.77	07/31/2014	
07/01/2014	PERKS	15% - Karen Minami 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	General Gover...	185.76	3,436.53	07/31/2014	
07/01/2014	PERKS	60% - Joe Johnson 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	311 PUB WKS...	124.21	3,560.74	07/31/2014	
07/01/2014	PERKS	40% - Joe Johnson 6/15/14-6/30/14 Payroll 7-2014-1	60125 - PERKS	411 PARKS/R...	82.81	3,643.55	07/31/2014	
07/15/2014	PERKS	PD 6/15/14-6/30/14 Payroll 7-2014-1	20140 - PERKS PAYABLE	172 POLICE	4,930.42	8,573.97	07/31/2014	
07/15/2014	PERKS	Dan Dawson 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	General Gover...	2,365.00	10,938.97	08/14/2014	
07/15/2014	PERKS	85% - Kim Carvalho 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	General Gover...	542.61	11,481.58	08/14/2014	
07/15/2014	PERKS	15% - Kim Carvalho 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	General Gover...	195.03	11,676.61	08/14/2014	
07/15/2014	PERKS	85% - Karen Minami 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	General Gover...	34.42	11,711.03	08/14/2014	
07/15/2014	PERKS	15% - Karen Minami 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	General Gover...	32.78	11,743.81	08/14/2014	
07/15/2014	PERKS	60% - Karen Minami 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	General Gover...	185.76	11,929.57	08/14/2014	
07/15/2014	PERKS	40% - Joe Johnson 6/15/14-6/30/14 Payroll 7-2014-2	60125 - PERKS	311 PUB WKS...	102.33	12,031.90	08/14/2014	
07/15/2014	PERKS	PD 6/15/14-6/30/14 Payroll 7-2014-2	20140 - PERKS PAYABLE	172 POLICE	68.22	12,100.12	08/14/2014	
08/01/2014	PERKS	20140 8/1/14 - 8/15/14 Payroll 8-2014-1	20140 - PERKS PAYABLE	172 POLICE	4,620.23	16,700.35	08/14/2014	
08/01/2014	PERKS	Dan Dawson 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	General Gover...	2,423.04	19,123.39	08/31/2014	
08/01/2014	PERKS	85% - Kim Carvalho 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	General Gover...	542.61	19,666.00	08/31/2014	
08/01/2014	PERKS	15% - Kim Carvalho 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	General Gover...	177.86	19,843.86	08/31/2014	
08/01/2014	PERKS	85% - Karen Minami 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	General Gover...	31.39	19,875.25	08/31/2014	
08/01/2014	PERKS	15% - Karen Minami 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	General Gover...	29.80	19,905.05	08/31/2014	
08/01/2014	PERKS	60% - Joe Johnson 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	311 PUB WKS...	168.87	20,073.92	08/31/2014	
08/01/2014	PERKS	40% - Joe Johnson 8/1/14 - 8/15/14 Payroll 8-2014-1	60125 - PERKS	411 PARKS/R...	114.56	20,188.48	08/31/2014	
08/01/2014	PERKS	PD 8/1/14 - 8/15/14 Payroll 8-2014-1	20140 - PERKS PAYABLE	172 POLICE	76.37	20,264.85	08/31/2014	
08/15/2014	PERKS	20140 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	4,890.76	25,155.61	08/31/2014	
08/15/2014	PERKS	Dan Dawson 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	2,405.55	27,561.16	09/14/2014	
08/15/2014	PERKS	85% - Kim Carvalho 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	542.61	28,103.77	09/14/2014	
08/15/2014	PERKS	15% - Kim Carvalho 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	195.03	28,298.80	09/14/2014	
08/15/2014	PERKS	85% - Karen Minami 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	34.42	28,333.22	09/14/2014	
08/15/2014	PERKS	15% - Karen Minami 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	32.78	28,366.00	09/14/2014	
08/15/2014	PERKS	60% - Karen Minami 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	General Gover...	185.76	28,551.76	09/14/2014	
08/15/2014	PERKS	40% - Joe Johnson 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	311 PUB WKS...	114.56	28,666.32	09/14/2014	
08/15/2014	PERKS	PD 8/15/14 - 8/31/14 Payroll 8-2014-2	20140 - PERKS PAYABLE	172 POLICE	76.37	28,742.69	09/14/2014	
08/15/2014	PERKS	20140 8/15/14 - 8/31/14 Payroll 8-2014-2	60125 - PERKS	172 POLICE	4,792.27	33,534.96	09/14/2014	

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Date	Name	Memo	Account	Class	Amount	Balance	Due Date
Total PERS					33,534.96	33,534.96	
PURE WATER							
09/01/2014	PURE WATER	DRINKING WATER INV. 250419	60410 - MATERIALS/SUPPLY	172 POLICE	32.34	32.34	10/01/2014
09/01/2014	PURE WATER	DRINKING WATER INV. 250419	60410 - MATERIALS/SUPPLY	411 PARKS/R...	32.35	64.69	10/01/2014
Total PURE WATER					64.69	64.69	
SHRED-IT							
08/21/2014	SHRED-IT	SERVICE DATE 8/30/14 INV. 9404083251	60430 - OFFICE SUPPLIES	General Gover...	68.07	68.07	09/20/2014
Total SHRED-IT					68.07	68.07	
TERMINIX							
09/05/2014	TERMINIX	PEST CONTROL AND MAINTENANCE-8/6/14	60505 - REPAIR/MAINTENANCE	311 PUB WKS...	32.50	32.50	10/05/2014
09/05/2014	TERMINIX	PEST CONTROL AND MAINTENANCE-8/6/14	60505 - REPAIR/MAINTENANCE	411 PARKS/R...	32.50	65.00	10/05/2014
Total TERMINIX					65.00	65.00	
<b>TOTAL</b>					<b>177,980.85</b>	<b>177,980.85</b>	

**CITY OF DEL REY OAKS**  
**FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL**  
 July through August 2014

				Jul - Aug 14	Budget	% of Budget
<b>Ordinary Income/Expense</b>						
<b>Income</b>						
<b>40100 · PROPERTY TAXES</b>						
			40110 · P/T-SECURED		350,000.00	
			40120 · P/T-UNSECURED		13,500.00	
			40130 · P/T-PRIOR SECURED		5,000.00	
			40150 · P/T-UNITARY TAX		6,500.00	
			40160 · P/T-SB813		6,000.00	
			40170 · PROPERTY TAX - VLF		114,000.00	
			40180 · P/T-INT/PENAL		200.00	
			40190 · P/T · ADMINISTRATIVE FEE		(5,000.00)	
			<b>Total 40100 · PROPERTY TAXES</b>		<b>490,200.00</b>	
<b>40500 · FINES &amp; FORFEITURES</b>						
			40510 · VEHICLE CODE FINES	1,050.63	14,000.00	7.51%
			<b>Total 40500 · FINES &amp; FORFEITURES</b>	<b>1,050.63</b>	<b>14,000.00</b>	<b>7.51%</b>
<b>41000 · OTHER</b>						
			41030 · GAS TAX 2106	735.56	6,250.00	11.77%
			41020 · GAS TAX 2105	851.05	6,000.00	14.18%
			41050 · GAS TAX 2107.5	1,000.00	1,000.00	100.0%
			41040 · GAS TAX 2107	1,167.50	9,000.00	12.97%
			41010 · GAS TAX 2103	2,204.27	15,000.00	14.7%
			<b>Total 41000 · OTHER</b>	<b>5,958.38</b>	<b>37,250.00</b>	<b>16.0%</b>
<b>40900 · PARKS/RECREATION</b>						
			40910 · PARK RENTAL	750.00	5,200.00	14.42%
			40920 · RV RENTAL PARKS	5,470.00	31,000.00	17.65%
			<b>Total 40900 · PARKS/RECREATION</b>	<b>6,220.00</b>	<b>36,200.00</b>	<b>17.18%</b>
<b>40800 · CURRENT SERVICES</b>						
			40810 · MAPS/PUBLICATIONS		250.00	
			40820 · POLICE REPORTS	340.00	1,200.00	28.33%
			40840 · MISCELLANEOUS SERVICES	680.37	6,500.00	10.47%
			40815 · RENTAL INCOME FORMER GOLF RANGE (RENTAL	700.00	5,000.00	14.0%
			40825 · PROPERTY INSPECTIONS	750.00	3,000.00	25.0%
			40850 · PD DONATIONS	1,000.00	5,000.00	20.0%
			40830 · POLICE SERVICES	1,500.00	6,000.00	25.0%
			40805 · USE PERMITS	1,605.00	12,500.00	12.84%
			40835 · PUBLIC EVENTS	6,100.00	65,000.00	9.39%
			<b>Total 40800 · CURRENT SERVICES</b>	<b>12,675.37</b>	<b>104,450.00</b>	<b>12.14%</b>

**CITY OF DEL REY OAKS**  
**FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL**  
 July through August 2014

	Jul - Aug 14	Budget	% of Budget
<b>40700 · OTHER AGENCY REVENUE</b>			
40770 · TRAFFIC CONGESTION RELIEF-AB438		4,500.00	
40710 · MOTOR VEHICLE LICENSE FEE(MVLF)		1,000.00	
40730 · HOPTR		1,200.00	
40740 · VEHICLE LICENSE COLLECTION		800.00	
40600 · INTEREST EARNED		100.00	
40750 · PROP 172	1,169.81	10,000.00	11.7%
40760 · GRANTS	1,398.00	8,000.00	17.48%
40783 · GRANT OTHER AGENCIES	26,516.00		100.0%
<b>Total 40700 · OTHER AGENCY REVENUE</b>	<b>29,083.81</b>	<b>25,600.00</b>	<b>113.61%</b>
<b>40200 · OTHER TAXES</b>			
40290 · SEWER IMPACT		8,500.00	
40280 · WATER FRANCHISES		13,000.00	
40230 · SALES TAX IN LIEU - 3-FLIP		82,000.00	
40275 · CABLE TV FRANCHISES		30,000.00	
40250 · PROPERTY TRANSFER TAX		4,500.00	
40260 · GAS FRANCHISES		4,500.00	
40265 · ELECTRIC FRANCHISES		17,000.00	
40270 · GARBAGE FRANCHISES	7,244.69	40,000.00	18.11%
40240 · COP MONIES	8,333.33	100,000.00	8.33%
40210 · SALES TAX	38,800.00	293,000.00	13.15%
40220 · SALES TAX - ADD ON	62,500.00	473,000.00	13.16%
<b>Total 40200 · OTHER TAXES</b>	<b>116,878.02</b>	<b>1,069,500.00</b>	<b>10.93%</b>
<b>40300 · LICENSES &amp; PERMITS</b>			
40340 · STREET OPENING PERMITS FEES		2,000.00	
40380 · SB 1473 STATE SURCHG ON PERMITS	11.00		100.0%
40390 · OTHER LICENSES/PERMITS	54.07	600.00	9.01%
40300 · LICENSES & PERMITS - Other	120.00		
40360 · ELECTRICAL PERMITS	120.00	1,000.00	12.0%
40350 · PLUMBING PERMITS	120.00	1,500.00	8.0%
40330 · PLAN CHECK FEES	2,682.05	10,000.00	26.82%
40320 · BUILDING PERMITS	5,758.26	18,000.00	31.99%
40310 · BUSINESS LICENSES	154,962.74	185,000.00	83.76%
<b>Total 40300 · LICENSES &amp; PERMITS</b>	<b>163,828.12</b>	<b>218,100.00</b>	<b>75.12%</b>
<b>Total Income</b>	<b>335,694.33</b>	<b>1,995,300.00</b>	<b>16.82%</b>

**CITY OF DEL REY OAKS**  
**FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL**  
 July through August 2014

		Jul - Aug 14	Budget	% of Budget
Expense				
	70100 · MISC EXPENSES			
	70110 · RECONCILIATION DISCREPENCIES	(65.00)		
	<b>Total 70100 · MISC EXPENSES</b>	<b>(65.00)</b>		<b>100.0%</b>
	69800 · Uncategorized Expenses (Expenses not categorized elsewhere)	35.10		
	60200 · PAYROLL EXPENSES	388.00	7,500.00	5.17%
	60300 · BANK SERVICE CHARGES	468.68	2,500.00	18.75%
	60900 · STREETS & STORM WATER			
	60940 · SB 1473	15.30		100.0%
	60930 · S.M.I.P.	26.54	150.00	17.69%
	60920 · STORM WATER PROJECT - PHASE 4	39.66	8,000.00	0.5%
	60900 · STREETS & STORM WATER - Other	435.89		
	60910 · STREET LIGHTING	3,038.60	13,000.00	23.37%
	<b>Total 60900 · STREETS &amp; STORM WATER</b>	<b>3,553.99</b>	<b>21,150.00</b>	<b>16.81%</b>
	60700 · AUTO OPERATION			
	60730 · AUTO REPAIR/MAINTENANCE		9,000.00	
	60710 · AUTO OPS - SUPPLIES / EQUIP	50.20	1,000.00	5.02%
	60740 · AUTO LEASE PAYMENTS	4,331.76	14,800.00	29.27%
	60720 · AUTO OPS - FUEL	4,678.74	22,000.00	21.27%
	<b>Total 60700 · AUTO OPERATION</b>	<b>9,060.70</b>	<b>46,800.00</b>	<b>19.36%</b>
	60400 · SUPPLIES			
	60430 · OFFICE SUPPLIES	1,512.01	15,000.00	10.08%
	60440 · SPECIAL SUPPLY POLICE	5,602.93	40,000.00	14.01%
	60410 · MATERIALS/SUPPLY	7,937.15	17,500.00	45.36%
	<b>Total 60400 · SUPPLIES</b>	<b>15,052.09</b>	<b>72,500.00</b>	<b>20.76%</b>
	60500 · UTILITIES & SERVICES			
	60515 · GABILAN CREW		9,000.00	
	60545 · TRAVEL/CONFERENCE		9,000.00	
	60565 · BOOK/PERIODICAL	20.93	150.00	13.95%
	60500 · UTILITIES & SERVICES - Other	36.39		100.0%
	60555 · AD/PROMOTION CITY CNCL	250.00	7,500.00	3.33%
	60570 · MEETING CITY CNCL	324.26	1,000.00	32.43%
	60540 · POSTAGE / SHIPPING	422.45	3,000.00	14.08%
	60560 · LEGAL ADVERT NON-DEPT	439.95	1,000.00	44.0%
	60575 · PRINTING / PUBLICATIONS	743.31		100.0%
	60525 · UTILITIES/WATER	1,152.59	7,500.00	15.37%
	60530 · TELEPHONE / INTERNET	1,753.69	9,000.00	19.49%
	60505 · REPAIR/MAINTENANCE	2,054.13	30,000.00	6.85%
	60520 · UTILITIES/PGE	2,352.41	10,000.00	23.52%
	60550 · MEMBER/DUES/CONTRIBUTIONS	2,488.00	52,000.00	4.79%
	60535 · WEBSITE DESIGN & MAINTENANCE	2,639.00	500.00	527.8%
	60510 · STREET SWEEPING	6,219.28	27,000.00	23.03%
	<b>Total 60500 · UTILITIES &amp; SERVICES</b>	<b>20,896.39</b>	<b>166,650.00</b>	<b>12.54%</b>

**CITY OF DEL REY OAKS**  
**FISCAL YEAR TO DATE 2014/2015 BUDGET VS. ACTUAL**  
 July through August 2014

	Jul - Aug 14	Budget	% of Budget
<b>60800 · POLICE AND FIRE</b>			
60840 · ACJIS SYSTEM POLICE	1,018.23	4,000.00	25.46%
60820 · ANIMAL REGULATION FIRE	1,258.56	3,500.00	35.96%
60830 · FUND JAIL & PRISONER	2,198.00	1,000.00	219.8%
60810 · FIRE SEASIDE	33,750.00	120,000.00	28.13%
<b>Total 60800 · POLICE AND FIRE</b>	<b>38,224.79</b>	<b>128,500.00</b>	<b>29.75%</b>
<b>60600 · OUTSIDE SERVICES</b>			
60670 · COMM HUM SERV NON-DEPT		3,200.00	
60650 · CONTRACTUAL SVCS - LEGAL		25,000.00	
60640 · CONTRACTUAL SVCS PLANNING		12,500.00	
60605 · TRAINING POLICE	200.00	12,000.00	1.67%
60610 · OTHER PERMITS PW/ENGR	300.00	5,000.00	6.0%
60660 · JANITORIAL FUND	675.00	3,500.00	19.29%
60635 · DATA PROCESSING	1,100.00	5,000.00	22.0%
60655 · CONTRL RETAINER LEGAL	2,500.00	15,000.00	16.67%
60625 · CONTRACTUAL AUDIT	18,023.65	30,000.00	60.08%
60620 · LIABILITY/PROP NON-DPT	36,399.98	38,045.00	95.68%
60665 · RADIO DISPATCH POLICE	39,680.01	47,000.00	84.43%
<b>Total 60600 · OUTSIDE SERVICES</b>	<b>98,878.64</b>	<b>196,245.00</b>	<b>50.39%</b>
<b>60100 · PAYROLL &amp; BENEFITS</b>			
60160 · UNIFORM ALLOWANCE		5,500.00	
60195 · Reimbursements - Exp	13.00		100.0%
60145 · VISION INS	345.80	2,000.00	17.29%
60150 · WORKERS COMP	511.00	159,440.00	0.32%
60110 · OVERTIME	984.20	15,000.00	6.56%
60115 · COUNCIL MEMBER STIPEND	1,000.00	6,000.00	16.67%
60155 · WELLNESS PROGRAM	1,125.00	8,000.00	14.06%
60130 · MEDICARE	2,321.33	13,000.00	17.86%
60120 · RESERVES PAYROLL	2,433.97	20,000.00	12.17%
60135 · DENTAL EXPENSE	3,478.23	23,000.00	15.12%
60172 · GF PAYROLL/COPS GRANT	15,313.60		100.0%
60140 · HEALTH INS	24,421.88	160,000.00	15.26%
60125 · PERS	24,695.44	165,000.00	14.97%
60105 · PAYROLL	140,826.41	780,000.00	18.06%
<b>Total 60100 · PAYROLL &amp; BENEFITS</b>	<b>217,469.86</b>	<b>1,356,940.00</b>	<b>16.03%</b>
<b>Total Expense</b>	<b>403,965.24</b>	<b>1,998,785.00</b>	<b>20.21%</b>
<b>Total Revenue</b>	<b>\$ 335,694.33</b>	<b>\$ 1,995,300.00</b>	<b>16.82%</b>
<b>Total Expenditures</b>	<b>\$ 403,965.24</b>	<b>\$ 1,998,785.00</b>	<b>20.21%</b>
<b>Total Operating Revenue Less Expenditures this fiscal year to date</b>	<b>\$ (68,270.91)</b>	<b>\$ (3,485.00)</b>	<b>(3.39%)</b>

**CITY OF DEL REY OAKS**  
**CASH BALANCES**  
As of August 31, 2014

	<u>Aug 31, 14</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
10100 · GENERAL CHECKING	49,023.33
10110 · LAIF CITY - 246	<u>15,578.54</u>
<b>Total Checking/Savings</b>	<u>64,601.87</u>
<b>Total Current Assets</b>	<u>64,601.87</u>
<b>TOTAL ASSETS</b>	<u><u>64,601.87</u></u>
<b>LIABILITIES &amp; EQUITY</b>	

**CITY OF DEL REY OAKS**  
**FISCAL YEAR 2013/2014 BUDGET VS ACTUAL**  
**2 Months Ended Aug 31, 2013**

	Actual Total FY 2013-2014	Budget FY2013-2014	% of Amount Budget
<b>Revenue</b>			
<b>PROPERTY TAXES</b>			
P/T-SECURED	\$ 0.00	\$ 335,000.00	0%
P/T-UNITARY TAX	\$ -	\$ 6,100.00	0%
P/T-UNSECURED	\$ -	\$ 13,500.00	0%
P/T-SB813	\$ -	\$ 5,000.00	0%
P/T-PRIOR SECURED	\$ -	\$ 6,000.00	0%
PROPERTY TAX - VLF	\$ -	\$ 112,000.00	0%
P/T-INT/PENAL	\$ -	\$ 200.00	0%
P/T - ADMINISTRATIVE FEE	\$ -	\$ (5,000.00)	0%
<b>TOTAL PROPERTY TAXES</b>	<b>0.00</b>	<b>472,800.00</b>	<b>0.00 %</b>
<b>OTHER TAXES</b>			
SALES TAX	\$ 38,700.00	\$ 285,000.00	14%
SALES TAX - ADD ON	\$ 83,900.00	\$ 445,000.00	14%
SALES TAX IN LIEU - 3-FLIP	\$ -	\$ 82,000.00	0%
COP MONIES	\$ -	\$ 100,000.00	0%
PROPERTY TRANSFER TAX	\$ 2,066.07	\$ 4,500.00	46%
GAS FRANCHISES	\$ -	\$ 4,500.00	0%
ELECTRIC FRANCHISES	\$ -	\$ 17,000.00	0%
GARBAGE FRANCHISES	\$ 4,819.43	\$ 40,000.00	12%
CABLE TV FRANCHISES	\$ 6,107.97	\$ 25,000.00	24%
WATER FRANCHISES	\$ -	\$ 12,000.00	0%
SEWER IMPACT	\$ -	\$ 8,500.00	0%
<b>TOTAL OTHER TAXES</b>	<b>115,593.47</b>	<b>1,023,500.00</b>	<b>11.29 %</b>
<b>LICENSES &amp; PERMITS</b>			
BUSINESS LICENSES	\$ 179,944.83	\$ 185,000.00	97%
BUILDING PERMITS	\$ 3,955.05	\$ 18,000.00	22%
PLAN CHECK FEES	\$ 2,855.00	\$ 10,000.00	29%
STREET OPENING PERMITS FEES	\$ 1,760.00	\$ 2,000.00	88%
PLUMBING PERMITS	\$ 240.00	\$ 1,500.00	16%
ELECTRICAL PERMITS	\$ 240.00	\$ 1,000.00	24%
SB 1473 STATE SURCHG ON PERMITS	\$ 9.00	\$ -	
OTHER LICENSES/PERMITS	\$ 143.63	\$ 600.00	24%
<b>TOTAL LICENSES &amp; PERMITS</b>	<b>189,147.51</b>	<b>218,100.00</b>	<b>87%</b>
<b>FINES &amp; FORFEITURES</b>			
VEHICLE CODE FINES	\$ 2,441.14	\$ 14,000.00	17%
<b>TOTAL FINES &amp; FOREITURES</b>	<b>2,441.14</b>	<b>14,000.00</b>	<b>17%</b>
<b>INTEREST EARNED</b>			
INTEREST EARNED	\$ -	\$ 100.00	0%
<b>TOTAL INTEREST EARNED</b>	<b>0.00</b>	<b>100.00</b>	<b>0%</b>

**CITY OF DEL REY OAKS**  
**FISCAL YEAR 2013/2014 BUDGET VS ACTUAL**  
**2 Months Ended Aug 31, 2013**

<b>OTHER AGENCY REVENUE</b>			
MOTOR VEHICLE LICENSE FEE(MVLF)	\$ -	\$ 1,000.00	0%
VEHICLE LICENSE COLLECTION	\$ -	\$ 800.00	0%
HOPTR	\$ -	1,200.00	0%
PROP 172	\$ 2,015.13	10,000.00	20%
GRANTS	\$ -	\$ 8,000.00	0%
TRAFFIC CONGESTION RELIEF-AB438	\$ -	\$ 4,500.00	0%
<b>TOTAL OTHER AGENCY REVENUE</b>	<b>2,015.13</b>	<b>25,500.00</b>	<b>8%</b>
<b>CURRENT SERVICES</b>			
USE PERMITS	\$ 4,320.00	\$ 8,500.00	51%
MAPS/PUBLICATIONS	\$ -	\$ 250.00	0%
RENTAL INCOME	\$ 650.00	\$ 20,000.00	3%
POLICE REPORTS	\$ 180.00	\$ 1,200.00	15%
PROPERTY INSPECTIONS	\$ 600.00	\$ 3,000.00	20%
POLICE SERVICES	\$ 500.00	\$ 22,000.00	2%
PUBLIC EVENTS	\$ 38,300.00	\$ 65,000.00	59%
MISCELLANEOUS SERVICES	\$ 95.81	22,000.00	0%
PD DONATIONS	\$ 79.78	\$ 5,000.00	2%
<b>TOTAL CURRENT SERVICES</b>	<b>44,725.59</b>	<b>146,950.00</b>	<b>30.44 %</b>
<b>PARKS/RECREATION</b>			
PARK RENTAL	\$ 1,150.00	\$ 5,200.00	22%
RV RENTAL PARKS	\$ 5,360.00	\$ 31,000.00	17%
<b>TOTAL PARKS &amp; RECREATION</b>	<b>6,510.00</b>	<b>36,200.00</b>	<b>17.98 %</b>
<b>OTHER</b>			
GAS TAX 2107	\$ 803.39	\$ 9,000.00	9%
GAS TAX 2106	\$ 676.49	\$ 6,250.00	11%
GAS TAX 2107.5	\$ 1,000.00	\$ 1,000.00	100%
GAS TAX 2105	\$ 570.20	6,000.00	10%
GAS TAX 2103	\$ 1,249.80	15,000.00	8%
<b>TOTAL OTHER</b>	<b>4,299.88</b>	<b>37,250.00</b>	<b>12%</b>
<b>Total Revenue</b>	<b>\$ 364,732.72</b>	<b>1,974,400.00</b>	<b>18%</b>

**CITY OF DEL REY OAKS**  
**FISCAL YEAR 2013/2014 BUDGET VS ACTUAL**  
**2 Months Ended Aug 31, 2013**

<b>Expenditures</b>			
<b>PAYROLL &amp; BENEFITS</b>			
PAYROLL	\$ 149,876.87	\$ 730,000.00	21%
OVERTIME	\$ 6,459.23	\$ 25,000.00	26%
COUNCIL MEMBER STIPEND	\$ 1,000.00	\$ 6,000.00	17%
RESERVES PAYROLL	\$ 7,223.78	\$ 23,356.00	31%
PERS	\$ 850.00	\$ 154,296.00	1%
MEDICARE	\$ 2,453.10	\$ 13,000.00	19%
DENTAL EXPENSE	\$ 3,575.32	\$ 20,000.00	18%
HEALTH INS	\$ 24,628.12	\$ 170,000.00	14%
VISION INS	\$ 324.96	\$ 2,000.00	16%
WORKERS COMP	\$ 16,920.39	\$ 157,260.00	11%
WELLNESS PROGRAM	\$ 1,475.19	\$ 5,500.00	27%
UNIFORM ALLOWANCE	\$ 1,550.00	\$ 8,000.00	19%
<b>TOTAL PAYROLL &amp; BENEFITS</b>	<b>216,336.96</b>	<b>1,314,412.00</b>	<b>16.46 %</b>
<b>PAYROLL EXPENSES</b>			
PAYROLL EXPENSES	\$ 350.30	\$ 2,750.00	13%
<b>TOTAL PAYROLL EXPENSES</b>	<b>\$ 350.30</b>	<b>\$ 2,750.00</b>	<b>13%</b>
<b>BANK SERVICE CHARGES</b>			
BANK SERVICE CHARGES	\$ 358.90	\$ 2,000.00	18%
<b>TOTAL BANK SERVICE CHARGES</b>	<b>\$ 358.90</b>	<b>\$ 2,000.00</b>	<b>18%</b>
<b>SUPPLIES</b>			
SPECIAL SUPPLY POLICE	\$ 12,598.50	\$ 40,000.00	32%
MATERIALS/SUPPLY	\$ 3,944.69	\$ 15,000.00	26%
OFFICE SUPPLIES	\$ 1,356.68	\$ 10,000.00	14%
<b>TOTAL SUPPLIES</b>	<b>\$ 17,899.87</b>	<b>\$ 65,000.00</b>	<b>28%</b>
<b>UTILITIES &amp; SERVICES</b>			
REPAIR/MAINTENANCE	\$ 4,406.44	\$ 30,000.00	15%
STREET SWEEPING	\$ 1,323.84	\$ 27,000.00	5%
GABILAN CREW	\$ -	\$ 4,000.00	0%
UTILITIES/PGE	\$ 2,243.64	\$ 10,000.00	22%
UTILITIES/WATER	\$ 1,047.95	\$ 7,500.00	14%
TELEPHONE / INTERNET	\$ 1,776.38	\$ 9,000.00	20%
WEBSITE DESIGN & MAINTENANCE	\$ 221.25	\$ 500.00	44%
POSTAGE / SHIPPING	\$ 457.87	\$ 3,000.00	15%
TRAVEL/CONFERENCE	\$ 660.17	\$ 5,000.00	13%
MEMBER/DUES/CONTRIBUTIONS	\$ 2,510.79	\$ 52,000.00	5%
AD/PROMOTION CITY CNCL	\$ 250.00	\$ 7,500.00	3%
LEGAL ADVERT NON-DEPT	\$ -	\$ 1,000.00	0%
MEETING CITY CNCL	\$ -	\$ 1,000.00	0%
BOOK/PERIODICAL	\$ -	\$ 150.00	0%
<b>TOTAL UTILITIES &amp; SERVICES</b>	<b>\$ 14,898.33</b>	<b>\$ 157,650.00</b>	<b>9%</b>

**CITY OF DEL REY OAKS**  
**FISCAL YEAR 2013/2014 BUDGET VS ACTUAL**  
**2 Months Ended Aug 31, 2013**

<b>OUTSIDE SERVICES</b>			
TRAINING POLICE	650.00	5,000.00	13%
OTHER PERMITS PW/ENGNR	\$ 300.00	\$ 5,000.00	6%
LIABILITY/PROP NON-DPT	\$ 13,999.99	\$ 35,000.00	40%
CONTRACTUAL AUDIT	\$ 2,070.30	\$ 25,000.00	8%
CONTRACTUAL SVCS PLANNING	\$ -	\$ 12,500.00	0%
CONTRACTUAL SVCS - LEGAL	\$ 7,997.50	\$ 30,000.00	27%
CONTRL RETAINER LEGAL	\$ 3,594.67	\$ 13,000.00	28%
JANITORIAL FUND	\$ 675.00	\$ 3,500.00	19%
RADIO DISPATCH POLICE	\$ 41,517.00	\$ 42,000.00	99%
COMM HUM SERV NON-DEPT	\$ -	\$ 3,200.00	0%
<b>TOTAL OUTSIDE SERVICES</b>	<b>\$ 72,796.44</b>	<b>\$ 177,700.00</b>	<b>41%</b>
<b>AUTO OPERATION</b>			
AUTO OPS - SUPPLIES / EQUIP	\$ 117.75	\$ 1,000.00	12%
AUTO OPS - FUEL	\$ 3,227.91	\$ 27,500.00	12%
AUTO REPAIR/MAINTENANCE	\$ 2,534.29	\$ 9,000.00	28%
AUTO LEASE PAYMENTS	\$ (265.61)	\$ 14,800.00	-2%
<b>TOTAL AUTO OPERATION</b>	<b>\$ 5,614.34</b>	<b>\$ 52,300.00</b>	<b>11%</b>
<b>POLICE AND FIRE</b>			
FUND JAIL & PRISONER	\$ 20.00	\$ 1,000.00	2%
ACJIS SYSTEM POLICE	\$ 1,574.14	\$ 4,000.00	39%
ANIMAL REGULATION FIRE	\$ 1,698.00	\$ 3,000.00	57%
FIRE SEASIDE	\$ 26,335.32	\$ 120,000.00	22%
<b>TOTAL POLICE AND FIRE</b>	<b>\$ 29,627.46</b>	<b>\$ 128,000.00</b>	<b>23%</b>
<b>STREETS &amp; STORM WATER</b>			
S.M.I.P.	\$ -	\$ 150.00	0%
STREET LIGHTING	\$ 2,753.31	\$ 15,000.00	18%
STORM WATER PROJECT - PHASE 4	\$ 4,864.00	\$ 8,000.00	61%
<b>TOTAL STREETS &amp; STORM WATER</b>	<b>\$ 7,617.31</b>	<b>\$ 23,150.00</b>	<b>33%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 365,499.91</b>	<b>\$ 1,922,962.00</b>	<b>19%</b>
<b>Total Revenue</b>	<b>\$ 364,732.72</b>		
<b>Total Expenditures</b>	<b>\$ 365,499.91</b>		
<b>Total Operating Revenue Less Expenditures this fiscal year to date</b>	<b>\$ (767.19)</b>		

**CITY OF DEL REY OAKS  
CASH FUNDS BALANCE REPORT  
AS OF AUGUST 31, 2013**

<b>CITY OF DEL REY OAKS</b>		
<b>CASH BALANCES AS OF AUGUST 31, 2013</b>		
	1000 · GENERAL CHECKING	\$51,136.55
	1008 · LAIF CITY - 246	\$75,050.77
	1011 · DEV - BRANDENBURG	\$29,215.43
	<b>Total City Checking/Savings</b>	<b>\$155,402.75</b>
	<b>GRAND TOTAL CASH BALANCES</b>	<b>\$155,402.75</b>



**FIRE DEPARTMENT**

1635 Broadway Avenue  
Seaside, CA 93955

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

September 3, 2014

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 August 1, 2014 through August 31, 2014.

The Seaside Fire Department responded to the following incidents in the month of August:

<u>Incident #</u>	14-1615
14-1544	14-1626
14-1545	14-1654
14-1570	14-1671
14-1581	14-1751
14-1583	14-1717
14-1584	14-1734
14-1585	14-1743
14-1594	14-1747
14-1606	

There are a total of eighteen (18) fire calls for the month of August. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melissa Failauga".

Melissa Failauga  
Office Assistant  
CC: File





Del Rey Oaks Police Department  
 Monthly Report of Activity  
 AUG - 2014  
 Completed By: Ron Langford, COP

**ARRESTS:**

YEAR TO DATE

<i>Felony Arrests</i>		
<i>Misdemeanor Arrests</i>	06	
<i>Warrant Arrests (OJ)</i>	02	
<b>TOTAL ARRESTS</b>	<b>08</b>	<b>55</b>

**ASSAULTS:**

YEAR TO DATE

<i>Simple Assault</i>		
<i>Domestic Violence</i>		
<i>Weapon Involved</i>		
<b>TOTAL ASSAULTS</b>	<b>00</b>	<b>07</b>

**REPORTS FILED:**

<b>16</b>	<b>140</b>
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**TRAFFIC ACCIDENTS:**

<i>Non-Injury Accidents</i>	02	
<i>Injury Accidents</i>		
<b>TOTAL ACCIDENTS</b>	<b>02</b>	<b>20</b>

**BURGLARIES:**

<i>Residential</i>		
<i>Commercial</i>		
<i>From Locked Vehicle</i>		
<i>Other</i>	01	
<b>TOTAL BURGLARIES</b>	<b>01</b>	<b>08</b>

**TOWED & STORED VEHICLES:**

<b>02</b>	<b>14</b>
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**ALARMS:**

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

**GRAND & PETTY THEFTS:**

<i>Residential</i>		
<i>Commercial</i>		
<i>Shoplifting</i>	02	
<i>From Motor Vehicle</i>		
<i>Other</i>		
<b>TOTAL THEFTS</b>	<b>02</b>	<b>17</b>

**DUI ENFORCEMENT:**

<b>03</b>	<b>14</b>
-----------	-----------

**CITATIONS ISSUED:**

<i>Traffic Citations Issued</i>	35	
<i>Parking Citations Issued</i>		
<i>Admin Citations Issued</i>		
<b>TOTAL CITATION ISSUED</b>	<b>35</b>	<b>327</b>

RESOLUTION NO. 2014-12

**A Resolution of the City of Del Rey Oaks requesting the State of California's Department of Housing and Community Development for approval to transfer State CDBG grant-generated program income (PI) to the Monterey Urban County Entitlement Program**

**-oOo-**

WHEREAS, The County has approximately \$190,000 of CDBG PI that was derived from loans made to finance various housing projects, and

WHEREAS, If the County does not transfer these funds to the Urban County Program, or if the County does not establish a housing Revolving Loan Fund (RLF), they must be spent in-lieu of grant funds awarded in 2012, and

WHEREAS, A housing RLF is not recommended because PI generated by past lending in support of housing projects does not generate sufficient annual income to establish a housing RLF under Housing and Community Development (HCD) requirements. However, by transferring this PI to the Urban County program, the County may continue to use this PI to support housing activities and projects.; and

WHEREAS, the City has authorized the Economic Development Director to notify the State Department of Housing and Community Development that the County will transfer CDBG Program Income to the Urban County CDBG Program; and

WHEREAS, Action taken to comply with new requirements issued by the California State Department of Housing and Community Development (HCD) State CDBG Program Income (PI) will be transferred to the County's Urban County CDBG Program for continued support of housing activities and projects.

WHEREAS, Because the County has been designated as an Urban County by the U.S. Department of Housing and Urban Development (HUD), it has the option of certifying to HCD that PI will be incorporated into the Urban County Program and reported to HUD.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Rey Oaks, as follows:

PASSED AND ADOPTED by the City Council of the City of Del Rey Oaks at a regular meeting duly held on September 23, 2014, by the following vote:

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

ATTEST:

\_\_\_\_\_  
Jerry B. Edelen, Mayor

\_\_\_\_\_  
Daniel J. Dawson, City Clerk



# CITY OF DEL REY OAKS

---

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

August 27, 2014

State of California  
Department of Housing and Community Development  
2020 West El Camino Avenue  
Sacramento, CA 95833

The City of Del Rey Oaks is requesting the State of California's Department of Housing and Community Development for approval to transfer State CDBG grant-generated program income to the Monterey Urban County Entitlement Program and agrees to use such program income in accordance with Entitlement program requirements. The City also agrees to forward any future State CDBG grant-generated program income to the Monterey Urban County Entitlement Program. The Monterey Urban County Entitlement Program has agreed to enter all receipt of program income into the Integrated Disbursement Information System (IDIS) for all current and any future program income.

Please let us know if you need any further information regarding this matter.

Sincerely,

Daniel J. Dawson  
City Manager

cc: Monterey Urban County Entitlement Program

## GARDEN CENTER

### OPTION 1

Topes sustainable garden center:

Topes to pay \$2000 per month for 15 years. Broken into 3, 5 year Terms.  
This is for the 1.97 ACRES and Buildings, one being the old golf store, and one being the small shop building.

The 1.97 acres was discovered and designated by Denise Duffy's office.

Included will be 2-3 acres @ ford Ord for 2 years , to accommodate Topes Tree Service.

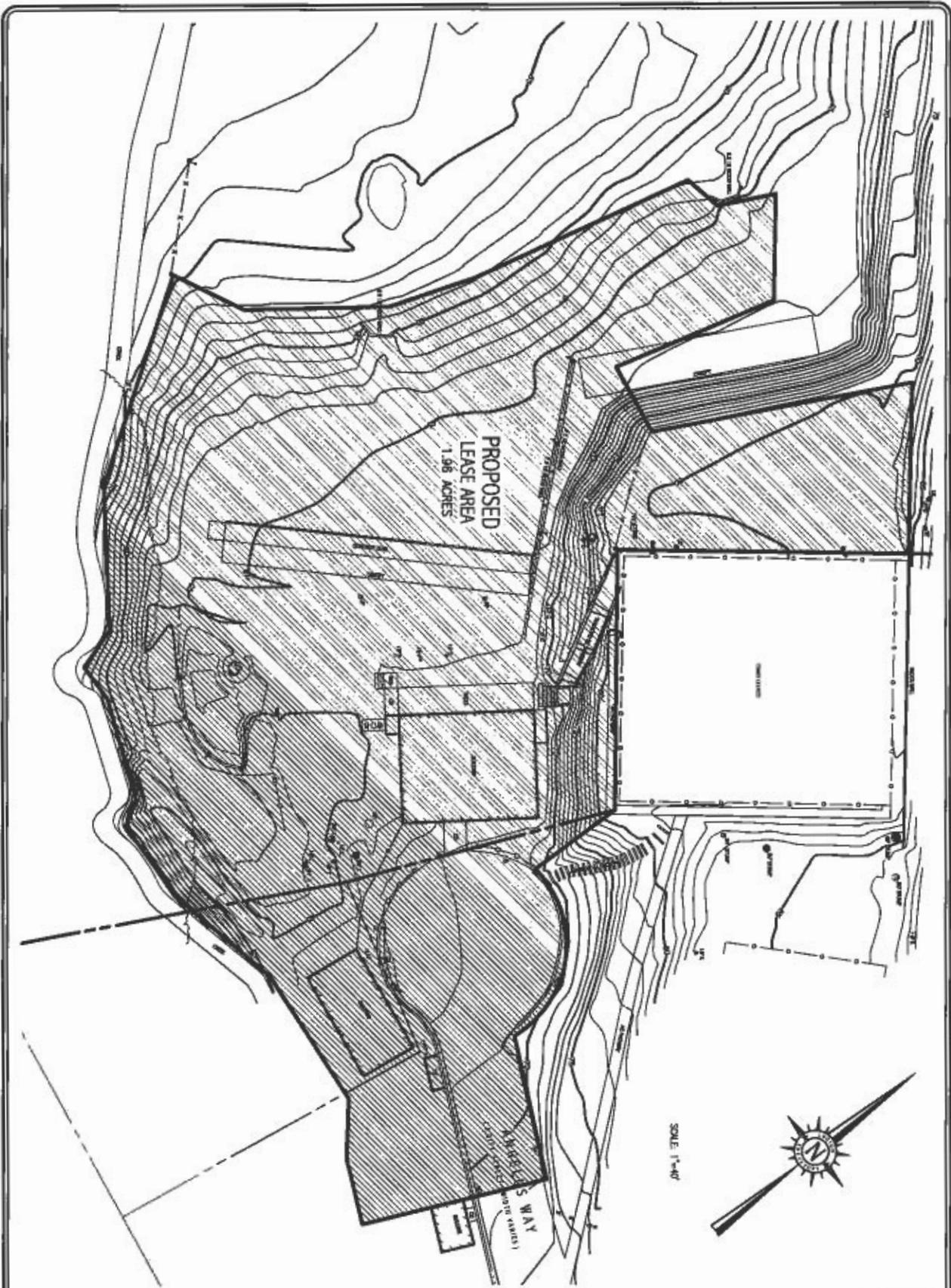
There is an estimated \$100-\$150 k for improvements to be performed by the Topes.

### OPTION 2

Topes to purchase 1.97 acres as described by Duffy's Office. Keep wetlands "as is", for the purchase price of \$425,000.

A handwritten signature in black ink, appearing to be 'MSJ'.

9/14/14



**EXHIBIT A**  
 OF  
**PROPOSED LEASE AREA**  
 AT  
**TOPE'S SUSTAINABLE GARDEN CENTER**  
 AT 899 ROSITA ROAD  
 CITY OF DEL REY OAKS COUNTY OF MONTEREY STATE OF CALIFORNIA

PREPARED FOR  
**Bordonaro Construction Inc.**  
 by  
**LUCIDO SURVEYORS**  
 Del Rey Oaks, California  
 SCALE: AS SHOWN PROJECT No. 1249  
 APN 012-551-006-000 JULY 2014



Chapters 1-5 Only

**DEL REY OAKS  
MUNICIPAL CODE**

**1995**

**A Codification of the General Ordinances  
of the City of Del Rey Oaks, California**

**Codified, Indexed and Published by**

**Matthew Bender & Co., Inc.  
701 East Water Street  
Charlottesville, VA 22902  
866-501-5155**

 **LexisNexis™**  
Municipal Codes

## PREFACE

The Del Rey Oaks Municipal Code is a codification of the general and permanent ordinances of Del Rey Oaks, California. The ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Steve Endsley, city manager. This volume covers ordinances through Ordinance 233, passed September 26, 1995.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by a prior code cross-reference table, which sets out the location of individual sections of the prior code, and an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section.

This supplement brings the code up to date through Ordinance 244, passed April 15, 1997.

Matthew Bender & Co., Inc.  
701 East Water Street  
Charlottesville, VA 22902  
866-501-5155

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**Title 1**

**GENERAL PROVISIONS**

**Chapters:**

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Elections**
- 1.12 Arrest, Citation and Enforcement Procedure**
- 1.16 General Penalty**

## Chapter 1.01

### CODE ADOPTION

#### Sections:

- 1.01.010 Adoption.**
- 1.01.020 Title—Citations—Reference.**
- 1.01.030 Codification authority.**
- 1.01.040 Ordinances passed prior to adoption of the code.**
- 1.01.050 Reference applies to all amendments.**
- 1.01.060 Title, chapter and section headings.**
- 1.01.070 Reference to specific ordinances.**
- 1.01.080 Effect of code on past actions and obligations.**
- 1.01.090 Effective date.**
- 1.01.100 Constitutionality.**
- 1.01.110 References to prior code.**

#### **1.01.010 Adoption.**

Pursuant to the provisions of Sections 50022.1—50022.8 and 50022.10 of the Government Code, there is hereby adopted the “Del Rey Oaks Municipal Code” as published by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the “Del Rey Oaks Municipal Code.” (Ord. 244 § 1 (part), 1997)

#### **1.01.020 Title—Citations—Reference.**

This code shall be known as the “Del Rey Oaks Municipal Code” and it shall be sufficient to refer to said code as the “Del Rey

Oaks Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Del Rey Oaks Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Del Rey Oaks Municipal Code” and such references shall apply to that numbered title, chapter, section and subsection as it appears in the code. (Ord. 244 § 1 (part), 1997)

#### **1.01.030 Codification authority.**

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Del Rey Oaks, California, codified pursuant to the provisions of Sections 50022.1—50022.8 and 50022.10 of the Government Code. (Ord. 244 § 1 (part), 1997)

#### **1.01.040 Ordinances passed prior to adoption of the code.**

All ordinances passed by the city council subsequent to the adoption of this code, which are amendments, revisions or additions to this code, shall be deemed to be adopted and incorporated into and made a part of this code. (Ord. 244 § 1 (part), 1997)

#### **1.01.050 Reference applies to all amendments.**

Whenever a reference is made to this code as the “Del Rey Oaks Municipal Code” or to any portion thereof, or to any ordinance of the city of Del Rey Oaks, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 244 § 1 (part), 1997)

**1.01.060 Title, chapter and section headings.**

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 244 § 1 (part), 1997)

**1.01.070 Reference to specific ordinance.**

The provisions of this code shall not in any manner affect any matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 244 § 1 (part), 1997)

**1.01.080 Effect of code on past actions and obligations.**

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date, hereof, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 244 § 1 (part), 1997)

**1.01.090 Effective date.**

This code shall become effective on the date this ordinance adopting this code as the

“Del Rey Oaks Municipal Code” shall become effective. (Ord. 244 § 1 (part), 1997)

**1.01.100 Constitutionality.**

If any section, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 244 § 1 (part), 1997)

**1.01.110 References to prior code.**

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code. (Ord. 244 § 1 (part), 1997)

## Chapter 1.04

### GENERAL PROVISIONS

#### Sections:

- 1.04.010**     **Definitions.**
- 1.04.020**     **Interpretation of language.**
- 1.04.030**     **Grammatical interpretation.**
- 1.04.040**     **Acts by agents.**
- 1.04.050**     **Prohibited acts include causing and permitting.**
- 1.04.060**     **Computation of time.**
- 1.04.070**     **Construction.**
- 1.04.080**     **Repeal shall not revive any ordinances.**
- 1.04.090**     **Severability.**

#### **1.04.010**     **Definitions.**

The following words and phrases, whenever used in the ordinances of the city of Del Rey Oaks, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" means the city of Del Rey Oaks, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city of Del Rey Oaks. "All its members" or "all councilmembers means the total number of councilmembers holding office.

C. "County" means the county of Monterey.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of California.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Added during 1995 codification)

#### 1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1995 codification)

#### 1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 1995 codification)

**1.04.040 Acts by agents.**

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1995 codification)

**1.04.050 Prohibited acts include causing and permitting.**

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Added during 1995 codification)

**1.04.060 Computation of time.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 1995 codification)

**1.04.070 Construction.**

The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Added during 1995 codification)

**1.04.080 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not

repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1995 codification)

**1.04.090 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this code is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The city council declares that it would have adopted this code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions of this code be declared invalid or unconstitutional. (Added during 1995 codification)

**Chapter 1.08****ELECTIONS****Sections:**

**1.08.010**      **Date of general municipal election.**

**1.08.010**      **Date of general municipal election.**

Pursuant to Government Code § 36503.3, the general municipal election in the city shall be held on the same date as the statewide general election held in November of each even-numbered year. (Ord. 234 § 1, 1995)

**Chapter 1.12****ARREST, CITATION AND ENFORCEMENT PROCEDURE****Sections:**

**1.12.010**      **Citations.**

**1.12.020**      **Actions brought by city.**

**1.12.010**      **Citations.**

The city council of the city does elect to adopt all of the provisions of Sections 853.5, 853.6, 853.6a, 853.7, 853.7a, and 853.8 of the Penal Code of the State of California as fully as if the same were herein set forth for the violation of any provisions of this Municipal Code. (Ord. 233 § 3, 1995; prior code § 1-902)

**1.12.020**      **Actions brought by city.**

A. **Civil Action Brought by City.** The city attorney may bring civil suit or other action to enforce any provision or section of this Municipal Code, enjoin or prevent any violation of this Municipal Code or to abate any public nuisance as defined or declared by this Municipal Code.

B. **Remedies Cumulative.** This remedy by civil action to enforce this Municipal Code is in addition to any other remedies available under ordinance, this Municipal Code, or statute and does not replace or support any other remedy but is cumulative thereto.

C. **Liability for Costs.** In any such action where the city seeks recovery of its costs and attorneys' fees, the prevailing party shall be entitled to recover from the losing party its reasonable costs including but not limited to attorneys' fees, the costs of investigation, court costs and the costs of monitoring compliance. (Ord. 243 § 1, 1997; Prior code § 1-903)

## Chapter 1.16

## GENERAL PENALTY

## Sections:

- 1.16.010** Violation as misdemeanor.
- 1.16.020** Violation as infraction—Exceptions.
- 1.16.030** Punishment—Penalties.

**1.16.010** Violation as misdemeanor.

A. Except as expressly set forth in Section 1.16.020, the violation of any provision or section of this Municipal Code, or the failing to comply with any mandatory requirement of an ordinance of the city, shall be a misdemeanor; except, that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the city attorney, be charged and prosecuted as an infraction.

B. Any person violating any provision or section of this Municipal Code or ordinance of the city shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision or section of this Municipal Code or ordinance of the city is committed, continued or committed by such person, and shall be punishable accordingly. (Prior code § 1-901A)

**1.16.020** Violation as infraction—Exceptions.

Any violation of the provisions of this code relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall

constitute an infraction. (Prior code § 1-901B)

**1.16.030** Punishment—Penalties.

A. Any person convicted of a misdemeanor under the provisions of this code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment.

B. Any person convicted of an infraction under the provisions of this code shall be punishable as follows: Upon a first conviction, by a fine not exceeding one hundred dollars (\$100.00); upon a second violation of the same ordinance within one year by a fine not exceeding two hundred dollars (\$200.00); and for each additional violation of the same ordinance within one year, five hundred dollars (\$500.00), or a higher fine as permitted by Government Code § 36900. (Prior code § 1-901C)

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 City Council**
- 2.08 City Manager**
- 2.12 City Officers Generally**
- 2.16 Peace Officer Standards and Training**
- 2.20 Planning Commission**
- 2.24 Police Reserve**
- 2.28 Civil Defense**
- 2.32 Retirement System**

## Chapter 2.04

## CITY COUNCIL

## Sections:

- 2.04.010 Regular meetings.
- 2.04.020 Special meetings.
- 2.04.030 Agenda.
- 2.04.040 Presiding officer—  
Election and duties.
- 2.04.050 Call to order—  
Presiding officer.
- 2.04.060 Roll call.
- 2.04.070 Quorum.
- 2.04.080 Order of business.
- 2.04.090 Minutes.
- 2.04.100 Rules of debate.
- 2.04.110 Addressing the council.
- 2.04.120 Addressing the council  
after motion made.
- 2.04.130 Manner of addressing  
council—Time limit.
- 2.04.140 Silence constitutes  
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- 2.04.150 Decorum.
- 2.04.160 Enforcement of  
decorum.
- 2.04.170 Persons authorized to  
be within rail.
- 2.04.180 Special committees.
- 2.04.190 Standing committees.
- 2.04.200 Members may file  
protests against council  
action.
- 2.04.210 Claims against city.
- 2.04.220 Ordinances, resolutions,  
motions and contracts.
- 2.04.230 Reports of committees.
- 2.04.240 Reports and resolutions  
to be filed with clerk.
- 2.04.250 Adjournment.

**2.04.010 Regular meetings.**

A. Time. The city council shall hold regular meetings on the fourth Tuesday of each month at 7:30 p.m.; providing, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

B. Place. All regular meetings of the city council shall be held in the city hall, a building formerly known as the "Fire House" located in the city at Canyon Del Rey and Carlton Drive. (Prior code § 1-201)

**2.04.020 Special meetings.**

The mayor may call special meetings of the council whenever in his opinion the public business may require it, or at the express written request of any three members of the council. Whenever a special meeting shall be called, a notice in writing signed by the mayor or the presiding officer of the council shall be served upon each member of the council either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, at least twenty-four (24) hours prior to the time set for holding such meeting, and no business shall be transacted thereat, except such as is stated in the notice. (Prior code § 1-202)

**2.04.030 Agenda.**

All reports, communications or ordinances, resolutions, contract documents, or other matters to be submitted to the council shall, at least six business hours prior to each

council meeting, be delivered to the city clerk, whereupon the city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the council, the mayor and the city attorney with a copy of the same prior to the council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the council by the administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the mayor before presentation. (Prior code § 1-203)

**2.04.040 Presiding officer—Election and duties.**

The presiding officer of the council shall be the mayor. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the council. He shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. He shall vote on all questions, his name being called last. He shall sign all ordinances and resolutions adopted by the council during his presence. In the event of the absence of the mayor the presiding officer shall sign ordinances or resolutions as then adopted. (Prior code § 1-204)

**2.04.050 Call to order—Presiding officer.**

The mayor shall take the chair precisely at the hour appointed for the meeting, and

shall immediately call the council to order. In the absence of the mayor, the city clerk, or his assistant, shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the council. (Prior code § 1-205)

**2.04.060 Roll call.**

Before proceeding with the business of the council, the city clerk or his deputy shall call the roll of the members, and names of those present shall be entered in the minutes. (Prior code § 1-206)

**2.04.070 Quorum.**

A majority of all the members elected to the council shall constitute a quorum at any regular or special meeting of the council. In the absence of a quorum, the presiding officer, shall, at the instance of any two members present, compel the attendance of absent members. (Prior code § 1-207)

**2.04.080 Order of business.**

All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the council, the city clerk, and the city attorney shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition in the following order:

1. Roll call;
2. Approval of minutes of previous meeting;

3. Petitions, remonstrances and communications;
4. Introduction and adoption of resolutions and ordinances;
5. Report of officers—Boards—Committees;
6. Unfinished business;
7. New business;
8. Miscellaneous;
9. Appropriations;
10. Adjournment. (Prior code § 1-208)

#### **2.04.090 Minutes.**

Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if the clerk has previously furnished each member with a copy thereof. (Prior code § 1-209)

#### **2.04.100 Rules of debate.**

Roberts Rules of Order shall govern in all matters not herein referred to.

A. Presiding Officer May Debate and Vote, Etc. The mayor or such other member of the council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a councilman by reason of his acting as the presiding officer.

B. Getting the Floor—Improper References to be Avoided. Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

C. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

D. Privilege of Closing Debate. The councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

E. Motion to Reconsider. A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council.

F. Remarks of Councilman—When Entered in Minutes. A councilman may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the council entered in the minutes. If, the council consents thereto, such statement shall be entered in the minutes.

G. Synopsis of Debate—When Entered in Minutes. The clerk may be directed by the presiding officer, with consent of the

council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council. (Prior code § 1-210)

**2.04.110 Addressing the council.**

Any person desiring to address the council shall first secure the permission of the presiding officer so to do; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the council without securing such prior permission:

A. **Written Communications.** Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.

B. **Oral Communications.** Taxpayers or residents of the city, or their authorized legal representatives, may address the council by oral communications on any matter concerning the city's business, or any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the council.

C. **Reading of Protests, Etc.** Interested persons or their authorized representatives may address the council by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration. (Prior code § 1-211)

**2.04.120 Addressing the council after motion made.**

After a motion is made by the council, no person shall address the council without first securing the permission of the council so to do. (Prior code § 1-212)

**2.04.130 Manner of addressing council—Time limit.**

Each person addressing the council shall stand, and shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the council, shall limit his address to three minutes. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a councilman except through the presiding officer. (Prior code § 1-213)

**2.04.140 Silence constitutes affirmative vote.**

Unless a member of the council states that he is not voting, his silence shall be recorded as an affirmative vote. (Prior code § 1-214)

**2.04.150 Decorum.**

A. **By Council Members.** While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the

orders of the council or its presiding officer, except as otherwise herein provided.

B. By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.

C. No smoking shall at any time be permitted or allowed within the council chambers.

D. The rules and regulations contained in this chapter shall be applicable to all meetings by the various commissions or public hearings held at the city hall. (Prior code § 1-215)

**2.04.160 Enforcement of decorum.**

The chief of police, or such member or members of the police department as he may designate, shall be sergeant-at-arms of the council meetings. He, or they shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this code, the complaint to be signed by the presiding officer. (Prior code § 1-216)

**2.04.170 Persons authorized to be within rail.**

No person, except city officials, shall be permitted within the rail in front of the

council chamber without the express consent of the council. (Prior code § 1-217)

**2.04.180 Special committees.**

The mayor shall appoint special committees which shall consist of a public safety committee of three members, recreation and parks committee of three members, public works committee of three members and a financial committee of three members. (Prior code § 1-218)

**2.04.190 Standing committees.**

The only standing committee of the council shall be the committee of the whole. The president of the council shall be the presiding officer of the committee of the whole, and the rules of proceedings in the council shall be observed in the committee of the whole as far as the same may be applicable. (Prior code § 1-219)

**2.04.200 Members may file protests against council action.**

Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the council entered on the minutes. (Prior code § 1-220)

**2.04.210 Claims against city.**

No account or other demand against the city shall be allowed until the same has been considered and reported upon by the financial committee. (Prior code § 1-221)

**2.04.220 Ordinances, resolutions, motions and contracts.**

A. Preparation of Ordinances. All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for

presentation to the council unless ordered by a majority vote of the council, or requested in writing by the mayor, or prepared by the city attorney on his own initiative.

B. Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney.

C. All ordinances of the city shall be posted in three public places in the city by the city clerk within fifteen (15) days after their final adoption.

D. All ordinances of the city shall be inscribed in the ordinance book of the city and filed in proper order by looseleaf insertion in the Municipal Code. (Prior code § 1-222)

#### **2.04.230 Reports of committees.**

The committees of the council shall make reports in writing, and shall return petitions, resolutions, accounts, or other paper submitted for consideration. (Prior code § 1-223)

#### **2.04.240 Reports and resolutions to be filed with clerk.**

All reports and resolutions shall be filed with the clerk and their title entered in the minutes. (Prior code § 1-224)

#### **2.04.250 Adjournment.**

A motion to adjourn shall always be in order and decided without debate. (Prior code § 1-225)

## **Chapter 2.08**

### **CITY MANAGER**

#### **Sections:**

<b>2.08.010</b>	<b>Office established.</b>
<b>2.08.020</b>	<b>Eligibility.</b>
<b>2.08.030</b>	<b>Residence.</b>
<b>2.08.040</b>	<b>Bond.</b>
<b>2.08.050</b>	<b>Acting city manager.</b>
<b>2.08.060</b>	<b>Compensation.</b>
<b>2.08.070</b>	<b>Powers and duties.</b>
<b>2.08.080</b>	<b>Council—Manager relations.</b>
<b>2.08.090</b>	<b>Internal relations.</b>
<b>2.08.100</b>	<b>Removal of city manager.</b>
<b>2.08.110</b>	<b>Agreement on employment.</b>
<b>2.08.120</b>	<b>Evaluation.</b>

#### **2.08.010 Office established.**

The office of city manager is established. The city manager shall be selected by and appointed by the city council on the basis of administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council, under the provisions set forth in this chapter. (Ord. 223 § 1 (part), 1993)

#### **2.08.020 Eligibility.**

A member of the city council is not eligible for appointment as city manager until two years elapses after the council member ceases to be a member of the council. (Ord. 223 § 1 (part), 1993)

**2.08.030 Residence.**

There shall be no requirement that the city manager shall reside within the city. (Ord. 223 § 1 (part), 1993)

**2.08.040 Bond.**

The city manager and any acting city manager shall furnish a corporate surety bond, to be approved by the city council, in such sum as may be determined by the city council, and shall be conditioned upon the faithful performance of the duties imposed upon the administrator by this section. The cost of such bond shall be borne by the city. (Ord. 223 § 1 (part), 1993)

**2.08.050 Acting city manager.**

The mayor may appoint an assistant city manager to serve as acting city manager during the temporary absence or disability of the city manager. If there is no assistant city manager, the mayor shall designate a qualified city employee to exercise the powers and perform the duties of city manager during the city manager's temporary absence or disability by filing a written notice with the city council. In making such delegation, the mayor may specifically exclude certain powers and/or duties of his office, in which case those powers shall revert to the mayor for the period of such delegation. If the city manager's absence or disability extends over a two-month period, the city council may appoint an acting city manager. (Ord. 223 § 1 (part), 1993)

**2.08.060 Compensation.**

A. The city manager shall receive such compensation as the city council shall, from time to time, determine.

B. In addition to compensation, the city manager shall be reimbursed for all actual and necessary expenses incurred in the performance of the city manager's official duties.

C. On termination of employment of the city manager by reason of involuntary removal from office, other than for willful misconduct in office, the city manager shall receive cash severance pay in a lump sum equal to the following:

1. After one year of continuous service: one month's pay;
2. After three or more years of continuous service: one and one-half month's pay;
3. Such pay is to be computed at the highest salary received during the person's service as city manager. Involuntary removal from service shall include removal immediately following a reduction in compensation not applicable to all employees of the city. (Ord. 223 § 1 (part), 1993)

**2.08.070 Powers and duties.**

The city manager is the administrative head of the government of the city, subject to the direction and control of the mayor and city council. The city manager is responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to such general powers as administrative head, and not as a limitation on them, the city manager shall:

A. Enforce the laws and ordinances of the city and see that the franchises, contracts, permits and privileges granted by the council are faithfully observed;

B. Control, order and give directions to all heads of departments and to subordinate officers and employees of the city, who are subject to removal by the city manager,

C. Appoint, remove, promote and demote each officer and employee of the city, excepting the city attorney, subject to personnel ordinances, rules and regulations;

D. Conduct studies and effect such administrative reorganization of offices, positions and units under the city manager's direction as are in the interest of efficient, effective and economical conduct of the city's business;

E. Recommend to the council for adoption such measures and ordinances as the city manager considers necessary;

F. Attend all meetings of the council unless excused by the mayor individually or the council, except when the city manager's approval is under consideration;

G. Keep the council advised at all times as to the financial condition and needs of the city;

H. Prepare and submit the proposed annual budget and the proposed salary plan to the council for its approval;

I. See that no expenditures are submitted or recommended to the council except on approval of the city manager or authorized representative. The city manager or authorized representative is responsible for the purchase of all supplies for all the departments and divisions of the city;

J. Make investigations into the affairs of the city and each department and division of it and each contract and its proper performance by the city. The city manager shall investigate all complaints of matters concerning the administration of the city government and of the service maintained by public utilities in the city;

K. Exercise general supervision over all public buildings, public parks and all other

public property under the control and jurisdiction of the council;

L. Perform such other duties and exercise such other powers as the city council may delegate to him from time to time. (Ord. 223 § 1 (part), 1993)

#### **2.08.080 Council—Manager relations.**

Each member of the council shall deal with the administrative services of the city through the city manager, except for the purpose of inquiry. (Ord. 223 § 1 (part), 1993)

#### **2.08.090 Internal relations.**

A. It shall be the duty of all subordinate officers, including department heads, and the city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.

B. The city manager may, and upon request of the city council shall, attend meetings of all commissions, boards and committees created by the council. At such meetings, boards and committees shall hear the city manager upon matters which he/she wishes to address the members, and the city manager shall inform the members as to the status of matters being considered by the council. (Ord. 223 § 1 (part), 1993)

#### **2.08.100 Removal of city manager.**

A. The city manager may be removed only by a majority vote of the whole city council, as then constituted, convened in a regular council meeting. In case of removal by the council, the council shall furnish the city manager with a written notice stating the council's intention to remove him or her

at least thirty (30) days before the effective date of such removal. If the city manager so requests, the council shall provide, in writing, reasons for the intended removal, within seven days after said request. The city manager may request a hearing before the council by filing written notice with the council. Thereafter the council shall fix a time for the hearing. The council shall hold the hearing at its usual meeting place, before the effective date of the intended removal. The city manager may be heard with or without counsel.

B. After furnishing the city manager with written notice of intended removal, the council may suspend the city manager from duty, with compensation continuing, until the effective date of such removal by action of the council taken after the hearing referred to above.

C. In removing the city manager, the council has absolute discretion and its action is final and conclusive and does not depend upon any particular showing or degree of proof at the hearing.

D. Notwithstanding subsection (C) of this section, the city manager may not be removed from office other than for misconduct in office during the period of one hundred eighty (180) days following:

1. A general municipal election held in the city at which a member of the city council is elected; or

2. The time when a new city council member is appointed. The purpose of this section is to allow each newly elected or appointed member of the council, or a reorganized council, to observe the actions and ability of the city manager in the performance of the powers and duties of the office. (Ord. 223 § 1 (part), 1993)

#### **2.08.110 Agreement on employment.**

Nothing in this section shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager to establish additional terms and conditions of employment not consistent with any provisions of this chapter. (Ord. 223 § 1 (part), 1993)

#### **2.08.120 Evaluation.**

The city council shall periodically (preferably annually) evaluate the performance of the city manager. (Ord. 223 § 1 (part), 1993)

## Chapter 2.12

## CITY OFFICERS GENERALLY

## Sections:

- 2.12.010** City clerk—  
Compensation.
- 2.12.020** City clerk—Bond.
- 2.12.030** Deputy city clerk—  
Established—  
Compensation—Bond.
- 2.12.040** Salaries—Officers and  
employees.
- 2.12.050** Salaries—City council.
- 2.12.060** Expenses  
reimbursement—  
City council.
- 2.12.010** City clerk—  
Compensation.
- The city clerk and ex-officio city treasurer of the city shall receive as compensation for services rendered by her to said city the sum of one thousand seven hundred sixty-eight dollars (\$1,768.00) per month as city clerk and three hundred twelve dollars (\$312.00) per month as city treasurer, payable as other claims are paid by the city. (Ord. 224 § 1, 1993; Ord. 219 § 1, 1992; prior code § 1-301)
- 2.12.020** City clerk—Bond.
- The city clerk and ex-officio city treasurer shall, before entering upon the duties of his office, execute a bond to the city, in the penal sum of two thousand dollars (\$2,000.00). (Prior code § 1-302)

**2.12.030** Deputy city clerk—  
Established—  
Compensation—Bond.

A. The office of deputy city clerk-city treasurer is created in the city. The person filling such office shall be appointed by the city clerk and city treasurer and confirmed by the city council.

B. As and for compensation of said office, the deputy city clerk-treasurer shall receive the sum of nine hundred ten dollars and thirty-five cents (\$910.35) per month, payable as other wage claims are paid by the city. The deputy city clerk-treasurer shall have all of the rights, powers and duties of the principle city clerk and ex-officio city treasurer, and shall execute a bond to the city in the penal sum of two thousand dollars (\$2,000.00). (Prior code § 1-303)

**2.12.040** Salaries—Officers and  
employees.

The salaries of all officers and employees of the city shall be established by resolution from time to time by the city council. (Prior code § 1-401)

**2.12.050** Salaries—City council.

Pursuant to the provisions of Government Code § 36516, the salary of each member of the city council of the city is established at the rate of seventy-five dollars (\$75.00) per month for each councilman. (Prior code § 1-402)

**2.12.060** Expenses  
reimbursement—  
City council.

A. Pursuant to the provisions of Government Code § 36514.5, the city council does

ordain and establish that all city councilmen may be reimbursed for actual necessary expenses incurred in the performance of their official duties. The sum of fifty dollars (\$50.00) per month shall be deemed to be the sum deemed adequate to reimburse the city councilmen for actual necessary expenses incurred in the performance of their duties.

B. Nothing herein contained shall prohibit or deter any councilman from submitting a voucher or oral presentation for the allowance of a claim for actual expenses or travel expenses incurred when on city business in excess of said sum. (Prior code § 1-403)

## Chapter 2.16

### PEACE OFFICER STANDARDS AND TRAINING

#### Sections:

- 2.16.010** State aid qualification.  
**2.16.020** Recruitment and training standards.

#### **2.16.010** State aid qualification.

The city declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code. (Prior code § 8-701)

#### **2.16.020** Recruitment and training standards.

Pursuant to Section 13522 of Chapter 1, Title 4, Part 4 of the California Penal Code, the city, while receiving aid from the state of California pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Prior code § 8-702)

## Chapter 2.20

## PLANNING COMMISSION

## Sections:

- 2.20.010 Established—  
Composition—Term.
- 2.20.020 Powers—Duties.

**2.20.010 Established—  
Composition—Term.**

A planning commission is established. The commission shall consist of seven members, appointed by the city council. The term of office of each commission member is four years, and each member shall serve until his or her successor is appointed and qualified. (Prior code § 11-101)

**2.20.020 Powers—Duties.**

The planning commission shall have all the powers and perform duties as in the Government Code provided, and it shall be the function and duty of the planning commission to prepare and adopt a comprehensive long-term general plan for the visible development of the city, and of any land outside of the boundaries thereof, which in the commission's judgment, bears a relation to the planning of the city. (Prior code § 11-102)

## Chapter 2.24

## POLICE RESERVE

## Sections:

- 2.24.010 Definitions.
- 2.24.020 Reserve created.
- 2.24.030 Appointment standards promulgation.
- 2.24.040 Duties—Powers.
- 2.24.050 Injuries.
- 2.24.060 Compensation.
- 2.24.070 Uniforms and equipment.
- 2.24.080 Impersonation unlawful.
- 2.24.090 Eligibility.
- 2.24.100 Dismissal—Resignation.
- 2.24.110 Rules and regulations promulgation.

**2.24.010 Definitions.**

Whenever in this chapter the following terms are used, they shall have the meaning ascribed to them in this section, unless otherwise apparent from the context.

"Chief" means chief of police.

"Member" means member of the police reserve.

"Reserve" means the police reserve. (Prior code § 8-900)

**2.24.020 Reserve created.**

A police reserve in the city is created. Said reserve shall consist of such number of persons as the city council shall determine from time to time as necessary. (Prior code § 8-901)

**2.24.030 Appointment standards promulgation.**

The chief of police shall, by rule, prescribe the qualifications and standards by which applicants for membership in said reserve shall be governed; and persons possessing said qualifications and conforming to said standards may be appointed to said reserve by the chief with the consent of the city council. (Prior code § 8-902)

**2.24.040 Duties—Powers.**

A. Members shall perform only such public service as may be ordered by the chief of police; and it is unlawful for any person to willfully resist, delay or obstruct any member in the discharge, or in the attempt to discharge, of any duties of his office.

B. In addition to the duties assigned by the chief, the reserve is assigned the duty of preparing against the perils of civilian life and property that may be expected to result from or during war or from any disaster that may threaten lives and property in the city.

C. In the enforcement of the penal laws of the state, or the penal ordinances of the city, and in the performance of such other duties as may be designated by the chief, every duly authorized member shall be deemed to have all the powers of a peace officer. (Prior code §§ 8-903, 8-904, 8-905)

**2.24.050 Injuries.**

Members suffering injury arising out of and in the course of duties assigned to them by the chief, are entitled to such medical care, hospitalization and other benefits as the city may by ordinance provide, or to

such benefits as said members shall be entitled to under the Workmen's Compensation Laws of the State of California. (Prior code § 8-906)

**2.24.060 Compensation.**

Members shall receive compensation from the city for any services rendered in such amounts as may be prescribed by the city council, but in no event shall such compensation exceed the amount which would be paid to a first year patrolman of the police department for similar service. In event of injury or death to a member while he is discharging duties assigned to him by the chief, said member or his beneficiaries shall be entitled to benefits provided by the Workman's Compensation Laws of California and such benefit shall be based upon the salary of a first year patrolman in the police department. (Prior code § 8-909)

**2.24.070 Uniforms and equipment.**

A. The uniforms, badges and equipment to be worn and carried by the members shall be prescribed by the chief.

B. Uniform, badge and other equipment shall be purchased by the member at his own expense; provided, however, that upon the separation of any person from the reserve, the badge issued to him shall be returned to the chief and the member so returning said badge shall be entitled to no compensation therefore.

C. The city is authorized to purchase the uniform, badge and equipment, or portion thereof of the member, out of public funds, upon approval of the city council. (Prior code §§ 8-907, 8-911, 8-912)

**2.24.080 Impersonation unlawful.**

It is unlawful for any person to falsely impersonate or represent himself to be a member or to wear, use or possess a badge used by the reserve. (Prior code § 8-908)

**2.24.090 Eligibility.**

To be eligible to membership in the reserve, each applicant must indicate his willingness to serve an average minimum of eight hours per month in the public service, and where any member has failed to give said minimum hours of services for a period of two months, the chief shall inquire into the reasons therefore and unless good reason is shown for said failure to render the minimum hours herein required, the chief may recommend to the city council the dismissal of the member from the reserve. (Prior code § 8-913)

**2.24.100 Dismissal—Resignation.**

The chief may dismiss a member from the reserve without any hearing whatsoever, and such member shall have the right to resign from said reserve at any time. (Prior code § 8-910)

**2.24.110 Rules and regulations promulgation.**

The chief is empowered and directed to appoint administrative officers from the officers of the regular police department and to prepare and promulgate such organizational order, rules and regulations and revisions and amendments thereof, as may be, in his discretion, necessary to carry out the express intent of this chapter. (Prior code § 8-914)

**Chapter 2.28****CIVIL DEFENSE****Sections:**

2.28.010	Purposes.
2.28.020	Definitions.
2.28.030	Civil defense and disaster council—Membership.
2.28.040	Civil defense and disaster council—Powers and duties.
2.28.050	Director of civil defense and disaster powers and duties.
2.28.060	Disaster proclamation—Director powers and duties.
2.28.070	Civil defense and disaster organization.
2.28.080	Divisions, services and staff of the civil defense and disaster organization.
2.28.090	Violations—Penalties.

**2.28.010 Purposes.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the civil defense of persons and property within this city in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid

activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Prior code § 14-101)

**2.28.020 Definitions.**

**Civil Defense.** As used in this chapter, the term "civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

**Disasters.** As used in this chapter, the term "disaster" means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. (Prior code § 14-102)

**2.28.030 Civil defense and disaster council—Membership.**

The Del Rey Oaks civil defense and disaster council is created and shall consist of the following:

- A. The mayor, who shall be chairman;
- B. The director of civil defense and disaster, who shall be vice chairman;
- C. The assistant director, appointed by the mayor with the advise and consent of the city council who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be assigned by the director;

D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or division as are provided for by resolution pursuant to this chapter;

E. Such representatives of civic, business, labor, veterans, professional of other organizations have an official group or organization civil defense and disaster responsibility as may be appointed by the mayor with the advise and consent of the city council. (Prior code § 14-103)

**2.28.040 Civil defense and disaster council—Powers and duties.**

It is the duty of the Del Rey Oaks civil defense and disaster council, and it is empowered, to review and recommend for adoption by the city council, civil defense and disaster and mutual aid plans and agreements and such ordinances and rules and regulations as are necessary to implement such plans and agreements. The civil defense and disaster council shall meet upon call of the chairman or in his absence from the city or inability to call such meeting, upon the call of the vice chairman. (Prior code § 14-104)

**2.28.050 Director of civil defense and disaster powers and duties.**

There is created the office of director of civil defense and disaster. Such officer shall be appointed by the mayor with the advise and consent of the city council.

The director is empowered:

- A. To request the city council to proclaim the existence or threatened existence of a disaster and the termination thereof, if

the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council at the earliest practicable time;

B. To request the Governor to proclaim a state of extreme emergency when in the opinion of the director the resources of the area are inadequate to cope with the disaster;

C. To control and direct the effort of the civil defense and disaster organization of this city for the accomplishment of the purposes of this chapter;

D. To direct coordination and cooperation between divisions, services, and staff of the civil defense and disaster organization of this city, and to resolve questions of authority and responsibility that may arise between them;

E. To represent the civil defense and disaster organization of this city in all dealings with public or private agencies pertaining to civil defense and disaster. (Prior code § 14-105)

**2.28.060 Disaster proclamation—  
Director powers and  
duties.**

In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, the director is empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by city council;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and binds the city for the fair value thereof, and if required, immediately, to commandeer the same for public use;

C. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the governor in the region in which this city is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense and disaster worker volunteers;

D. To requisition necessary personnel or material of any city department or agency;

E. To execute all of his ordinary powers as mayor, all of the special powers conferred upon him by this ordinance or by resolution adopted pursuant thereto, all powers conferred upon him by any statutes, agreement approved by the city council, or by any lawful authority, and in conformity with Section 38791 of the Government Code, to exercise all police power vested in the city by the Constitution and general laws. (Prior code § 14-106)

**2.28.070 Civil defense and disaster  
organization.**

All officers and employees of this city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including

persons pressed into service under the provisions of Section 2.28.060(C), be charged with duties incident to the protection of life and property in this city during such disaster, shall constitute the civil defense and disaster organization of the city. (Prior code § 14-107)

**2.28.080 Divisions, services and staff of the civil defense and disaster organization.**

A. The functions and duties of the Del Rey Oaks civil defense and disaster organization shall be distributed among such division, services and special staff as the city council shall prescribe by resolution.

B. The city council shall concurrently with the adoption of the ordinance codified in this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal Government and the Civil Defense agency of the State of California. (Prior code § 14-108)

**2.28.090 Violations—Penalties.**

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six months, or both, for any person during a disaster:

A. Wilfully, to obstruct, hinder or delay any member of the civil defense and disaster organization in the enforcement of any

lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter; if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the state. (Prior code § 14-109)

**Chapter 2.32****RETIREMENT SYSTEM****Sections:****2.32.010**      **Established.****2.32.010**      **Established.**

There is established for the benefit of the full-time employees and department heads of the city a retirement system. Such retirement system shall be in the manner and form established by resolution of the city council by contract with a duly authorized insurance carrier. A copy of such agreement shall at all times be on file with the city clerk. The system shall provide for partial payment of premiums by the city and partial deductions from gross salary, as may be established by resolution, and payments to the carrier shall be made from the "Salary and Wage Fund." (Prior code § 1-504)

## **Title 3**

### **REVENUE AND FINANCE**

#### **Chapters:**

- 3.04 Fiscal Provisions Generally**
- 3.08 Admission Tax**
- 3.12 Real Property Transfer Tax**
- 3.16 Sales and Use Tax**
- 3.20 Uniform Transient Occupancy Tax**
- 3.24 Bing Crosby Youth Tennis Fund**
- 3.28 Salary and Wage Fund**

**Chapter 3.04**

**FISCAL PROVISIONS GENERALLY**

**Sections:**

- 3.04.010** County assessor and county tax collector duties.
- 3.04.020** City funds established.
- 3.04.030** Disposition of moneys into funds.

**3.04.010** County assessor and county tax collector duties.

The city council of the city does allege that the duties of assessing property and collecting taxes provided by law to be performed by the assessor and tax collector of the city shall be performed by the county assessor and the county tax collector of the County of Monterey. (Prior code § 3-101)

**3.04.020** City funds established.

There are established in the city the following funds:

- A. A general fund;
- B. A special gas tax street improvement fund, as provided in Section 2113 and 2114.5 of the Streets and Highways Code of the State of California;
- C. A motor vehicle license fee fund as provided in Section 11005 of the Revenue and Taxation Code of the State of California;
- D. A traffic safety fund, as provided in Section 1463.001 of the Penal Code of the State of California;
- E. An equipment rental fund;
- F. A capital outlay fund, as provided in Article 4, Chapter 4, Part 1, Division 2,

Title 5 of the Government Code of the State of California (Sections 53730.5 to 53737);

G. An employees and officers trust fund. (Ord. 233 § 4, 1995: prior code § 3-201)

**3.04.030** Disposition of moneys into funds.

A. All moneys received by the city from the State of California pursuant to said sections of the Revenue Code and the Streets and Highways Code shall be paid respectively into said funds.

B. All moneys in said funds shall be expended exclusively for the purposes authorized by and subject to all of the provisions of the respective legislative acts providing therefor. (Prior code §§ 3-202, 3-203)

## Chapter 3.08

## ADMISSION TAX

## Sections:

3.08.010	Definitions.
3.08.020	Tax imposed.
3.08.030	Operator's duties.
3.08.040	Exemption.
3.08.050	Reporting and remitting.
3.08.060	Penalties and interest.
3.08.070	Failure to collect.
3.08.080	Deficiency determination.
3.08.090	Offsetting of overpayment.
3.08.100	Notice of determination.
3.08.110	Hearing.
3.08.120	Appeal.
3.08.130	Records.
3.08.140	Refunds.
3.08.150	Actions to collect.
3.08.160	Disposition of funds.
3.08.170	Violations—Penalties.

## 3.08.010 Definitions.

For purposes of this chapter, certain words and phrases shall be construed as follows:

"Admission charge" means any charge, whether or not so designated, for the right or privilege to enter, occupy or use a seat or space in any facility as hereinafter defined as a spectator or otherwise, or to participate as a patron in any event. It shall also mean season passes or subscriptions but shall not include complimentary, promotional or otherwise free-of-charge tickets or

passes given by any operator or person. The term shall also include "donations" if such donation is required as a condition of admittance to any event.

"City" means the city of Del Rey Oaks.

"Director" means the city manager of city or his or her designee.

"Facility" means and includes any building, structure, place or location, whether indoors or out, wherein or at which any form of event is or can be held, carried on or conducted.

"Event" means any entertainment, amusement or recreational activity, for which an admission charge as defined herein is made, and shall include, but shall not be limited to: automobile or motorcycle races, dances, demonstrations, circuses, motion picture shows, shows of all kinds, all sporting contests and athletic events, health clubs, exhibitions of art or handicrafts or products, concerts, lectures, theatrical and musical performances, speeches, fairs, carnivals, amusement rides and devices and all forms of recreation in or at amusement parks, or any other form of entertainment, diversion, sport, pastime of recreation.

"Operator" means any person conducting, operating or maintaining in whole or in part as principal, agent, officer, employee or independent contract any event or facility taxable under this chapter. For purposes of collecting the tax provided for in this chapter, there are two classes of operators, as follows: (1) One who conducts, operates or maintains an established fixed facility, wherein events are held, carried on or conducted in the operator's normal course of business, hereinafter referred to as a "fixed

operator;" and (2) Any other operator, hereinafter referred to as a "non-fixed operator."

"Patron" means any person who pays, or on account of whom is paid, any admission charge or admission price for the right or privilege of being admitted to or to use any facility, or to participate in any event. The term "patron" shall not include: (1) a bona fide employee of the operator when admission to the facility is incidental to the employee's duties; and (2) any employee or official of the State of California, or any agency, instrumentality or department thereof, the city, or United States Government whose official duty makes it necessary to gain admission to any event. (Ord. 230 § 1 (part), 1994)

#### **3.08.020 Tax imposed.**

There is imposed a tax on patrons of events in an amount equal to ten percent of the price of the admission charge, including any season ticket or subscription, for the privilege of admission to any event in or at a facility. Such tax is a debt owed by the patron to the city, which debt shall be extinguished only by payment to the operator or to the city. Such tax shall be in addition to all other taxes or fees imposed by law. (Ord. 230 § 1 (part), 1994)

#### **3.08.030 Operator's duties.**

Each operator shall collect the tax imposed by Section 3.08.020 from any patron when he or she pays an admission charge or purchases an admission ticket or season ticket or subscription. Every operator shall hold the tax imposed by this chapter separately in trust until the same is paid to the

director as hereinafter provided and shall not use or convert these funds for the operator's own use for any reason whatsoever. (Ord. 230 § 1 (part), 1994)

#### **3.08.040 Exemption.**

An application may be filed with the director for an exemption imposed by Section 3.08.020 for a one-day event which will have no adverse impact on the city. The director may require such information in the application for exemption, or in addition thereto, as will enable the director to determine whether the charge for which the exemption is sought is eligible therefor. (Ord. 230 § 1 (part), 1994)

#### **3.08.050 Reporting and remitting.**

Each operator shall, on or before the last day of the month following the close of the prior month, or at the close of any shorter reporting period that may be established by the director make a return to the director, on forms provided by the director, of the total admissions charges collected and received and the amount of tax collected from patrons. At the time the return is filed, the full amount of any tax collected and due shall be remitted to the director. Those amounts not paid shall immediately become delinquent. The director may establish special reporting periods for any operator if deemed necessary to assure collection of the tax, and the director may require further information to be included in the return. Returns and payments are due and payable immediately upon cessation of business by the operator for any reason. (Ord. 230 § 1 (part), 1994)

**3.08.060 Penalties and interest.****A. Tax Returns and Remittance of Deficiency Determinations.**

1. **Original Delinquency.** Any operator who fails to file a tax return, remit the collected tax, or pay a deficiency determination within the time required shall pay a penalty of ten percent of the total tax or deficiency in addition to the amount of the tax or deficiency.

2. **Continued Delinquency.** Any operator who fails to file a tax return or pay a deficiency determination on or before a period of thirty (30) days following the date on which it first became delinquent shall pay a second delinquency penalty of fifteen (15) percent of the amount of tax or delinquency in addition to the amount of tax or delinquency and the ten percent penalty first imposed.

**B. Tax Returns and Deficiency Determinations.**

1. **Negligent Failure to Pay.** If the director determines that any tax found to be due under this chapter or the delinquent filing of a tax return is due to negligence, a penalty of fifteen (15) percent of the amount of tax shall be added thereto in addition to any other penalties which may be imposed.

2. **Intentional Failure to Pay or Fraud.** If the director determines that any tax found to be due under this chapter or the delinquent filing of tax return is due to fraud or an intentional disregard or failure to comply with the provisions of this chapter or an intent to evade this part or authorized rules and regulations, a penalty of forty (40) percent of the tax shall be added thereto in addition to any other penalties which may be imposed.

C. **Interest.** In addition to the penalties imposed above, any operator who fails to remit any tax or delinquency imposed by this chapter shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of unpaid tax or delinquency, exclusive of penalties, from the last day of the month following the monthly period for which the amount or any portion thereof should have been paid until the date of payment.

D. **Relief from Penalties and Interest.** If the director finds that an operator's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the operator's control, and occurred, notwithstanding the exercise of ordinary care and the absence of willful neglect, the director may waive the penalty provided for in subsection (A) above. Any person seeking to be relieved of the penalty shall file with the director a statement under penalty of perjury setting forth the facts upon which the claim for relief is based. (Ord. 230 § 1 (part), 1994)

**3.08.070 Failure to collect.**

If any operator required to collect and remit the tax imposed by these sections fails to file and return a remittance, the director shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the director obtains such facts and information on which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or

she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. (Ord. 230 § 1 (part), 1994)

**3.08.080 Deficiency determination.**

If the director has reasonable cause to believe the return or returns of the amount of tax required to be paid to the city by any operator are erroneous, he or she shall compute and determine the amount required to be paid upon the basis of (1) facts contained in the return or returns, (2) other substantial evidence, or (3) application of standard accounting techniques. A deficiency determination for one period shall not constitute a release or waiver for other deficiencies in the same or another period. (Ord. 230 § 1 (part), 1994)

**3.08.090 Offsetting of overpayment.**

In making a determination pursuant to Sections 3.08.060 and 3.08.070, the director may offset any overpayments for a period or periods, against penalties, and against interest on underpayments. Interest on overpayments (for purposes of offsetting as in this section provided) and underpayments shall be computed in the manner set forth in Section 3.08.060. (Ord. 230 § 1 (part), 1994)

**3.08.100 Notice of determination.**

The director shall give to the operator written notice of any determinations made pursuant to Sections 3.08.060 and 3.08.070. This notice may be served personally or by depositing in the United States postal service, postage prepaid, and addressed to the operator at his or her address as it appears

in the records of the director. In case of service made by mail of any notice required, the service is complete at the time of deposit of the notice. (Ord. 230 § 1 (part), 1994)

**3.08.110 Hearing.**

Any operator served pursuant to Section 3.08.100 may within fifteen (15) days after serving or mailing such notice, make application in writing to the director for a hearing by the director to review the amounts determined and assessed under Sections 3.08.060 and 3.08.070. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the director shall become final and conclusive and immediately due. Any operator against whom interest or penalties have been assessed pursuant to Section 3.08.060 may make an application in writing for a hearing with the director to review the amounts of tax owing and accrued penalties and interest thereon within thirty (30) days after notice of delinquency. If such application is made, the director shall give not less than five days written notice in the manner prescribed by Section 3.08.100 to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be assessed including such tax, interest and penalties, if any. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the director shall determine the proper tax together with interest and penalties thereon to be remitted and shall thereafter give written notice thereof to the

operator in the manner prescribed in Section 3.08.100. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.08.120. (Ord. 230 § 1 (part), 1994)

### **3.08.120 Appeal.**

Any operator aggrieved by any decision of the director with respect to the amount of such tax or interest and penalties, if any, may appeal to the city council. The decision of the council shall be final and conclusive. Any amounts determined shall be due and payable on the service of notice of the decision, which shall be served in the manner set forth in Section 3.08.100. (Ord. 230 § 1 (part), 1994)

### **3.08.130 Records.**

Every operator liable for the collection and payment to the city of any tax imposed by this chapter shall keep and preserve all records sufficient in nature to determine the amount of such tax as the operator may have been liable for the collection of payment to the city. Records which shall be kept shall include, but are not limited to, records of admission on a daily basis by number and price and all cash register tapes. The director may examine the books, papers, records and equipment of any operator liable for the tax imposed by Section 3.08.020 at any time. (Ord. 230 § 1 (part), 1994)

### **3.08.140 Refunds.**

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or

illegally collected or received by the city under these sections, it may be refunded as provided herein; provided, that a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the director within one year of the date of payment. The claim shall be on forms furnished by the director.

B. An operator may claim a refund or take as credit against taxes collected and remitted any amount overpaid, paid more than once or erroneously or illegally collected or received. Neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the patron or credited to an admission charge subsequently payable by the patron to the operator.

C. A patron may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection (A), but only when a tax was paid by the patron directly to the director or when the patron, having paid the tax to the operator, establishes to the satisfaction of the director that the patron has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid unless the claimant establishes his or her right thereto by written records showing entitlement thereto. (Ord. 230 § 1 (part), 1994)

### **3.08.150 Actions to collect.**

Any tax required to be paid by any patron under the provisions of these sections shall be deemed a debt owed by the patron to the city. Any such tax collected by an

operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of these sections shall be liable to an action brought in the name of the city for the recovery of such amount. (Ord. 230 § 1 (part), 1994)

### **3.08.160 Disposition of funds.**

All taxes and penalties received pursuant to this chapter shall constitute general tax revenues of the city and shall be deposited in the general fund. (Ord. 230 § 1 (part), 1994)

### **3.08.170 Violations—Penalties.**

A. Criminal Penalties. Violations of this chapter shall be punished in accordance with the provisions of city of Del Rey Oaks Municipal Code Section 1.16.010.

B. Attorney's Fees. Any patron or operator against whom a civil action is filed for violation of any provision of this chapter shall be liable for the costs of that action, including reasonable attorney's fees and costs, as set forth in city of Del Rey Oaks Municipal Code Section 1.16.010. (Ord. 233 § 6, 1995; Ord. 230 § 1 (part), 1994)

## **Chapter 3.12**

### **REAL PROPERTY TRANSFER TAX**

#### **Sections:**

<b>3.12.010</b>	<b>Short title.</b>
<b>3.12.020</b>	<b>Tax imposed.</b>
<b>3.12.030</b>	<b>Applicability.</b>
<b>3.12.040</b>	<b>Tax not applicable— Debt security instrument.</b>
<b>3.12.050</b>	<b>Tax exemption.</b>
<b>3.12.060</b>	<b>Tax not applicable— Bankruptcies.</b>
<b>3.12.070</b>	<b>Tax not applicable— SEC orders.</b>
<b>3.12.080</b>	<b>Tax not applicable— Partnership transfers.</b>
<b>3.12.090</b>	<b>Tax not applicable— Foreclosures.</b>
<b>3.12.100</b>	<b>Tax not applicable— Divorce or separation.</b>
<b>3.12.110</b>	<b>Tax not applicable— Immediate reconveyance to exempt agencies.</b>
<b>3.12.120</b>	<b>Tax not applicable— Conveyance to nonprofit organization.</b>
<b>3.12.130</b>	<b>Administration.</b>
<b>3.12.140</b>	<b>Refunds.</b>

#### **3.12.010 Short title.**

The ordinance codified in this chapter shall be known as the "Real Property Transfer Tax Ordinance of the city of Del Rey Oaks." It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the

Revenue and Taxation Code of the State of California. (Prior code § 3-701)

**3.12.020 Tax imposed.**

There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars (\$100.00), a tax at the rate of twenty-seven and one-half cents (\$.275) for each five hundred dollars (\$500.00) or fractional part thereof. (Prior code § 3-702)

**3.12.030 Applicability.**

Any tax imposed pursuant to Section 3.12.020 hereof shall be paid by any person who makes, signs or issues any document of instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Prior code § 3-703)

**3.12.040 Tax not applicable—Debt security instrument.**

Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Prior code § 3-704)

**3.12.050 Tax exemption.**

The United States or any agency or instrumentality thereof, any state, territory or political subdivision thereof, shall be exempt from any tax imposed pursuant to this chapter with respect to any deed, instrument

or writing to which it is a party, when the exempt agency is acquiring title. (Ord. 233 § 5, 1995; prior code § 3-705)

**3.12.060 Tax not applicable—Bankruptcies.**

A. Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the Federal Bankruptcy Act, as amended;

2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title II of the United States Code, as amended;

3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or

4. Whereby a mere change in identity, form or place of organization is effected.

Subsections (1) to (2), inclusive, of this section shall only apply if the making, delivery or filing of instruments of such confirmation, approval or change. (Prior code § 3-706)

**3.12.070 Tax not applicable—SEC orders.**

Any tax imposed pursuant to this chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed;

C. Such conveyance is made in obedience to such order. (Prior code § 3-707)

**3.12.080 Tax not applicable—  
Partnership transfers.**

A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:

1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection (B), and any transfer pursuant thereto with

respect to the realty held by such partnership at the time of such termination. (Prior code § 3-708)

**3.12.090 Tax not applicable—  
Foreclosures.**

Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on said deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes. (Ord. 233 § 1(a), 1995)

**3.12.100 Tax not applicable—  
Divorce or separation.**

A. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing which purports to transfer, divide, or allocate community, quasi-community, or quasi-marital property assets between spouses for the purpose of effecting a division of community, quasi-community, or quasi-marital property which is required by a judgment decreeing a dissolution of the marriage or legal separation, by a judgment of nullity, or by any other judgment or order rendered pursuant to the Family Code, or by a written agreement between the spouses, executed in contemplation of any such judgment or order, whether or not the

written agreement is incorporated as part of any of those judgements or orders.

B. In order to qualify for the exemption provided in subsection (A), the deed, instrument, or other writing shall include a written recital, signed by either spouse, stating the deed, instrument or other writing is entitled to the exemption. (Ord. 233 § 1(b), 1995)

**3.12.110 Tax not applicable—  
Immediate reconveyance  
to exempt agencies.**

Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing by which realty is conveyed by the State of California, any political subdivision thereof, or agency or instrumentality of either thereof, pursuant to an agreement whereby the purchaser agrees to immediately reconvey the realty to the exempt agency. (Ord. 233 § 1(c), 1995)

**3.12.120 Tax not applicable—  
Conveyance to nonprofit  
organization.**

Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing by which the State of California, any political subdivision thereof, or agency or instrumentality of either thereof, conveys to a nonprofit corporation realty the acquisition, construction or improvement of which was financed or refinanced by obligations issued by the nonprofit corporation on behalf of a governmental unit, within the meaning of Section 1.103-1(b) of Title 26 of the Code of Federal Regulations. (Ord. 233 § 1(d), 1995)

**3.12.130 Administration.**

The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Prior code § 3-709)

**3.12.140 Refunds.**

Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California. (Prior code § 3-710)

## Chapter 3.16

### SALES AND USE TAX

#### Sections:

- 3.16.010** Short title.  
**3.16.020** Rate.  
**3.16.030** Operative date.  
**3.16.040** Purpose.  
**3.16.050** Contract with state.  
**3.16.060** Sales tax.  
**3.16.070** Place of sale.  
**3.16.080** Use tax.  
**3.16.090** Adoption of provisions of state law.  
**3.16.100** Limitations on adoption of state law.  
**3.16.110** Permit not required.  
**3.16.120** Exclusions and exemptions.  
**3.16.130** Amendments.  
**3.16.140** Enjoining collection forbidden.  
**3.16.150** Violation—Penalty.  
**3.16.160** Repeals.
- 3.16.010** Short title.  
 The ordinance codified in this chapter shall be known as the "Uniform Local Sales and Use Tax Ordinance." (Prior code § 3-801)
- 3.16.020** Rate.  
 The rate of sales tax and use tax imposed by this chapter shall be one percent. (Prior code § 3-802)
- 3.16.030** Operative date.  
 This chapter shall be operative on January 1, 1974. (Prior code § 3-803)

#### 3.16.040 Purpose.

The city council declares that the ordinance codified in this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax ordinance which incorporates identical provisions to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Prior code § 3-804)

**3.16.050 Contract with state.**

Prior to the operative date, this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the sales and use tax ordinance; provided, that if this city shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of the ordinance codified in this chapter. (Prior code § 3-805)

**3.16.060 Sales tax.**

For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the city at the rate stated in Section 3.16.020 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date. (Prior code § 3-806)

**3.16.070 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of

business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Prior code § 3-807)

**3.16.080 Use tax.**

An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this city at the rate stated in Section 3.16.020 of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Prior code § 3-808)

**3.16.090 Adoption of provisions of state law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Prior code § 3-809)

**3.16.100 Limitations on adoption of state law.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. The substitution, however, shall

not be made when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provisions of that code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203. (Prior code § 3-810)

### **3.16.110 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this chapter. (Prior code § 3-811)

### **3.16.120 Exclusions and exemptions.**

A. The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer.

B. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county or city, in this state shall be exempt from the tax due under this chapter.

C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such

aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States or any foreign government is exempted from the use tax. (Prior code § 3-812)

**3.16.130 Amendments.**

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Prior code § 3-815)

**3.16.140 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Prior code § 3-816)

**3.16.150 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Prior code § 3-817)

**3.16.160 Repeals.**

All ordinances inconsistent with this chapter are repealed; provided, however, that said ordinances, as amended, shall remain applicable for the purposes of the administration of said ordinance and the imposition of and the collection of tax with respect to the sales of, and the storage, use, or other consumption of tangible personal property prior to January 1, 1974, the making of refunds, effecting credits, the disposition of monies collected, and for the commencement or continuance of any action or proceeding under said ordinance. (Prior code § 3-819)

## Chapter 3.20

### UNIFORM TRANSIENT OCCUPANCY TAX

#### Sections:

3.20.010	Title.
3.20.020	Definitions.
3.20.030	Tax imposed.
3.20.040	Exemptions.
3.20.050	Operator's duties
3.20.060	Registration.
3.20.070	Reporting and remitting.
3.20.080	Penalties and interest.
3.20.090	Failure to collect and report tax— Determination of tax by tax collector.
3.20.100	Appeal.
3.20.110	Records.
3.20.120	Refunds.
3.20.130	Actions to collect.
3.20.140	Violations— Misdemeanor.

#### 3.20.010 Title.

The ordinance codified in this chapter shall be known as the "Uniform Transient Occupancy Tax Ordinance of the city of Del Rey Oaks." (Prior code § 3-601)

#### 3.20.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by

transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure of a portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall, however, be considered to be compliance by both.

"Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

"Tax collector" means the city clerk of the city.

"Transient" means any person who exercises occupancy or is entitled to occupancy

by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered. (Prior code § 3-602)

#### **3.20.030 Tax imposed.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax collector may require that such tax shall be paid directly to the tax collector. (Prior code § 3-603)

#### **3.20.040 Exemptions.**

No tax shall be imposed upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;

B. Any federal or State of California officer or employee when on official business;

C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty;

D. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax collector. (Prior code § 3-604)

#### **3.20.050 Operator's duties.**

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent; or that, if added, any part will be refunded except in the manner hereinafter provided in this chapter. (Prior code § 3-605)

#### **3.20.060 Registration.**

Within thirty (30) days after the effective date of the ordinance codified in this chapter or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the tax collector and obtain from her a "transient occupancy registration certificate" to be at all times posted in a conspicuous

place on the premises. Said certificate shall, among other things, state the following:

- A. The name of the operator;
- B. The address of the hotel;
- C. The date upon which the certificate was issued;
- D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Collector for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Collector. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office of this City. This certificate does not constitute a permit." (Prior code § 3-606)

#### **3.20.070 Reporting and remitting.**

Each operator shall on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax collector, make a return to the tax collector, on forms provided by her, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax collector. The tax collector may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further

information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax collector. (Prior code § 3-607)

#### **3.20.080 Penalties and interest.**

A. **Original Delinquency.** Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

B. **Continued Delinquency.** Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquent penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.

C. **Fraud.** If the tax collector determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (A) and (B) of this section.

D. **Interest.** In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. **Penalties Merged with Tax.** Every penalty imposed and such interest as accrues under the provisions of this section

shall become a part of the tax herein required to be paid. (Prior code § 3-608)

**3.20.090 Failure to collect and report tax—Determination of tax by tax collector.**

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the tax collector shall proceed in such manner as she may deem best to obtain facts and information on which to base the estimate of the tax due. As soon as the tax collector shall procure such facts and information as she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten days after the serving or mailing of such notice make application in writing to the tax collector for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax collector shall become final and conclusive and immediately due and payable. If such application is made, the tax

collector shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax collector shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.20.100. (Prior code § 3-609)

**3.20.100 Appeal.**

Any operator aggrieved by any decision of the tax collector with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice with the city clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The council shall fix a time and place for hearing such appeal and the city clerk shall give notice in writing to such operator at his last known place of address. The findings of the council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice and hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Prior code § 3-610)

**3.20.110 Records.**

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax collector shall have the right to inspect at all reasonable times. (Prior code § 3-611)

**3.20.120 Refunds.**

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in subsections (B) and (C) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax collector within three years of the date of payment. The claim shall be on forms furnished by the tax collector.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the tax collector that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection (A) of this section, but only when the tax was paid by the transient directly to the tax collector, or when the transient having paid the tax to the operator, establishes to the satisfaction of the tax collector that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto. (Prior code § 3-612)

**3.20.130 Actions to collect.**

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Prior code § 3-613)

**3.20.140 Violations—Misdemeanor.**

Any operator or other person who fails to or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax collector, or who renders a false or fraudulent return or claim, is guilty of a

misdemeanor. Any person required to make, render, sign or verify any report or claim, who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is guilty of a misdemeanor. (Prior code § 3-614)

### Chapter 3.24

#### BING CROSBY YOUTH TENNIS FUND

##### Sections:

- 3.24.010 Created.
- 3.24.020 Use of funds.
- 3.24.030 Maintenance of fund.

##### 3.24.010 Created.

There is created a special trust fund under the supervision of the members of the city council as trustees thereof to be known as the "Bing Crosby Youth Tennis Fund." (Prior code § 1-601)

##### 3.24.020 Use of funds.

A. Pursuant to a gift from the Bing Crosby Foundation the funds shall be used solely and exclusively for the purposes of establishing, creating, constructing and erecting championship tennis facilities for the benefit of the youth of the city and of the entire Monterey Peninsula area.

B. Said funds shall be established and maintained solely for the purposes herein enumerated and said fund shall be used for no other purposes. (Prior code §§ 1-602, 1-603)

##### 3.24.030 Maintenance of fund.

Recreational funds of the city out of its general fund may from time to time be transferred and deposited in said fund together with other gifts and charitable donations which may from time to time be made from citizens and said funds shall be constantly and continually maintained and

audited and kept as a separate fund of said city for the sole purposes of maintaining, erecting, constructing and operating championship tennis facilities for the youth of the Monterey Peninsula. (Prior code § 1-604)

## Chapter 3.28

### SALARY AND WAGE FUND

#### Sections:

- |                 |                             |
|-----------------|-----------------------------|
| <b>3.28.010</b> | <b>Created.</b>             |
| <b>3.28.020</b> | <b>Payroll preparation.</b> |
| <b>3.28.030</b> | <b>Issuance of payroll.</b> |

#### **3.28.010 Created.**

There is created a special fund under the supervision of the city clerk of the city to be known as the "Salary and Wage Fund." (Prior code § 1-501)

#### **3.28.020 Payroll preparation.**

Pursuant to Section 37208 of the Government Code of the State of California, the city clerk is authorized to prepare a payroll and issue checks for the payment of wages and salaries to the several officers and employees of the city as may be authorized by the law to be so paid. The payroll warrants need not be audited by this city council prior to such payment. The payroll shall be presented to the legislative body for ratification and approval at the first meeting after the delivery of the payroll checks. (Prior code § 1-502)

#### **3.28.030 Issuance of payroll.**

Department heads shall certify and approve the several departmental payrolls or attendance records for employees in their departments prior to the 12th and 28th days of each month; the department heads shall present to the city clerk their certified and approved departmental payrolls for employees in their department. The city clerk shall thereupon certify and approve said payrolls and issue the pay checks against the revolving fund herein set up. (Prior code § 1-503)

**Title 4**

**RESERVED**

**Title 5**

**BUSINESS LICENSES AND REGULATIONS**

**Chapters:**

**5.04 Business Licenses Generally**

**5.08 Cable Television Systems**

**5.12 Peddlers and Solicitors**

**5.16 Franchises**

*5.44 Taxicabs*

## Chapter 5.04

**BUSINESS LICENSES GENERALLY****Sections:**

- 5.04.010 Definitions.
- 5.04.020 Revenue measure.
- 5.04.030 Substitute for other revenue ordinances.
- 5.04.040 Effect of ordinance on past actions and obligations previously accrued.
- 5.04.050 License required.
- 5.04.060 Branch establishments.
- 5.04.070 Exemptions.
- 5.04.080 Application.
- 5.04.090 Affidavit for first license.
- 5.04.100 Renewal license.
- 5.04.110 Statement not conclusive.
- 5.04.120 Failure to file statement.
- 5.04.130 Appeals.
- 5.04.140 Extension of time.
- 5.04.150 Transfers.
- 5.04.160 Unexpired licenses heretofore issued.
- 5.04.170 Duplicate licenses.
- 5.04.180 Posting and keeping license.
- 5.04.190 License tax—How and when payable.
- 5.04.200 Penalties for failure to pay license tax when due.
- 5.04.210 Rate of taxes.
- 5.04.220 License tax—Public utilities.

- 5.04.230 License tax—Specific business, occupations and professions.
- 5.04.240 License tax—Retail businesses.
- 5.04.250 License tax—Wholesale or jobbing business.
- 5.04.260 License tax—Contractors.
- 5.04.270 License tax—Manufacturing.
- 5.04.280 License tax—Flat amount.
- 5.04.290 Enforcement.
- 5.04.300 License tax deemed debt to city.

**5.04.010 Definitions.**

Business. As used in this chapter, "business" means profession, trade, and occupation and all and every kind of calling carried on for profit or livelihood.

Gross Receipts. As used in this chapter, "gross receipts" means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service or employment or whatever nature it may be for which a charge is made or credit allowed, whether or not such act, service or employment is done as part of or in connection with the sale of materials, goods, wares or merchandise. Included in gross receipts shall be all receipts, cash, credits, and property of any kind or nature and any amount for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable or losses or other expenses whatsoever. Excluded from

gross receipts shall be case discounts allowed and taken on sales; any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser; and such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit.

**Person.** As used in this chapter, "person" means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts Business or common law trusts, societies, and individuals transacting and carrying on any business in the city. (Prior code § 4-101)

#### **5.04.020 Revenue measure.**

This chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation; nor is the licensing of any business, trade or calling hereunder to be construed as authorizing or sanctioning any departure or failure to comply with licensing provisions of the State of California or the United States of America. (Prior code § 4-102)

#### **5.04.030 Substitute for other revenue ordinances.**

Any person required to pay a license tax for transacting and carrying on any business under this chapter shall be relieved from the payment of any license tax for the privilege of doing business which has been required under any other ordinance of the city, but shall remain subject to the regulatory provisions of such other ordinances. This section shall not apply to inspection fees. (Prior code § 4-103)

#### **5.04.040 Effect of ordinance on past actions and obligations previously accrued.**

Neither the adoption of this chapter or its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect prosecution for violation of any ordinance committed prior to the effective date hereto, nor be construed as a waiver of any license or any penal provisions applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed or deposited, and any and all rights and obligations thereunto appertaining shall continue in full force and effect. (Prior code § 4-104)

#### **5.04.050 License required.**

There are imposed upon the businesses, trades, professions, callings and occupations in the city without first having procured a license from said city so to do or without complying with any and all applicable provisions of this chapter. (Prior code § 4-105)

#### **5.04.060 Branch establishments.**

A separate license must be obtained for each branch establishment or location of the business transacted and carried on for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to

be separate places of business or branch establishments. (Prior code § 4-106)

#### **5.04.070 Exemptions.**

A. Constitution or Statutes of the United States or the State of California. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable provisions or statutes of the United States or of the State of California from the payment to municipal corporations of such license taxes as are herein prescribed.

B. Produce of Farmers. No license tax shall be required of any person for the sale of fruits or vegetables raised by such person upon the lands located within the County of Monterey.

C. Claim for Exemption. Any person claiming an exemption pursuant to this section shall file a verified statement with the city clerk stating the facts upon which exemption is claimed. The city clerk shall, upon a proper showing contained in said verified statement, issue a license to such person claiming exemption without payment to the city of the license tax required by this chapter. (Prior code § 4-107)

#### **5.04.080 Application.**

Every person required to have a license under the provisions of this chapter shall make application for the same to the tax collector of the city, and upon the payment of the prescribed tax, the tax collector shall issue to such person a license which shall contain: (1) the name of the person to whom the license is issued, (2) the business carried on, (3) the date of the expiration of

said license, and (5) such other information as may be necessary for the enforcement of the provisions of this chapter. (Prior code § 4-108)

#### **5.04.090 Affidavit for first license.**

A. Upon a person making application for the first license to be issued hereunder or for a newly established business, in all cases where the amount of the license tax to be paid is based upon gross receipts, such person shall furnish to the tax collector for his guidance in ascertaining the amount of license tax to be paid by the applicant, a written statement, upon a form provided by the city clerk, a declaration under penalty of perjury, setting forth such information as may be therein required and as may be necessary properly to determine the amount of the license tax to be paid by the applicant.

B. If the amount of the license tax to be paid by the applicant is based upon the gross receipts, he shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the tax collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only, and such person shall, within thirty (30) days after the expiration of the period for which such license was issued, furnish the tax collector with declaration under penalty of perjury, upon a form furnished by the city clerk, showing the gross receipts during the period of such license, and the license tax for such period shall be finally ascertained and paid in the manner provided by this chapter for the ascertaining and

paying of renewal license taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

C. The tax collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished him the written statement and paid the license tax as herein required. (Prior code § 4-109)

#### **5.04.100 Renewal license.**

In all cases, the applicant for the renewal shall submit to the tax collector for his guidance in ascertaining the amount of the license tax to be paid by the applicant, a written statement upon a form to be provided by the city clerk, a declaration under penalty of perjury, setting forth such information concerning the applicant's business during the preceding calendar year as may be required by the said tax collector to enable him to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this chapter. (Prior code § 4-110)

#### **5.04.110 Statement not conclusive.**

No statement shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the tax collector, his deputies or authorized employees of the city, who are authorized to examine, audit and inspect such books and records of any licensee or applicant for license, as may be

necessary in their judgment to verify or ascertain the amount of license fee due. All licenses, applicants for license, and persons engaged in business in the city are required to permit an examination of such books and records for the purpose aforesaid. The information furnished or procured pursuant to this section or Sections 5.04.090 and 5.04.100 shall be confidential. Any unwarranted disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor and such officer or employee shall be subject to the penal provisions of this chapter. (Prior code § 4-111)

#### **5.04.120 Failure to file statement.**

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the tax collector, he fails to file a correct statement, the tax collector may determine the amount of license tax due from such person by means of such information as he may be able to obtain. In case such a determination is made, the tax collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Monterey, California, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within ten days of the mailing or service of such notice, make application in writing to the tax collector for a hearing on the amount of the license tax. If such application is not made within the time prescribed, the tax collector must cause the matter to be set for hearing within fifteen (15) days before the city council. The city clerk shall give at least ten days notice to

such person of the time and place of hearing in the manner prescribed above for the service of notice of assessment. The city council shall consider all evidence produced, and written notice of its findings thereon, which findings shall be final shall be served upon the applicant in the manner prescribed above for services of notice of assessment. (Prior code § 4-112)

#### **5.04.130 Appeals.**

Any person aggrieved by any decision of an administrative officer or agency in respect to the issuance or refusal to issue such license may appeal to the city council by filing a notice of appeal with the clerk of the council. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Monterey, California, postage prepaid, addressed to such person at his last known address. (Prior code § 4-113)

#### **5.04.140 Extension on time.**

In addition to all other powers conferred upon him, the tax collector shall have the power, for good cause shown, to extend the time required for any sworn statement for a period not exceeding thirty (30) days, and in such cases to waive the penalty that would otherwise have accrued; and shall have the further power, with the consent of the city council, to compromise any claim as to the amount of license tax due. (Prior code § 4-114)

#### **5.04.150 Transfers.**

No license tax issued pursuant to this chapter shall be transferrable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such license may upon application therefor and paying a fee of one dollar (\$1.00) have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved. (Prior code § 4-115)

#### **5.04.160 Unexpired licenses heretofore issued.**

Where a license for revenue purposes has been issued to any business by the city and tax paid therefore under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license tax prescribed by this chapter for said business shall not be payable until the expiration of the term of such unexpired license. (Prior code § 4-116)

#### **5.04.170 Duplicate licenses.**

A duplicate license may be issued by the tax collector to replace any license previously issued hereunder which has been lost or destroyed, upon the licensee filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the tax collector the sum of one dollar (\$1.00). (Prior code § 4-117)

#### **5.04.180 Posting and keeping license.**

All licensees must post and keep their licenses in the following manner:

A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on;

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his person at all times while transacting and carrying on such business. (Prior code § 4-118)

**5.04.190 License tax—How and when payable.**

Unless otherwise specifically provided, all annual license taxes, under the provisions of this chapter, shall be due and payable in advance of the first day on July of each year; provided, that license taxes covering new operations, commenced after the first day of July, may be prorated for the balance of the license period; except as otherwise herein provided license taxes other than annual, required hereunder shall be due and payable as follows:

A. Semi-annual license taxes on the first day of January and the first day of July of each year;

B. Quarterly license taxes on the first day of January, April, July and October of each year;

C. Monthly license taxes on the first day of each and every month;

D. Weekly license taxes on Monday of each week in advance;

E. Daily license taxes on each day in advance. (Prior code § 4-119)

**5.04.200 Penalties for failure to pay license tax when due.**

For failure to pay license tax when due, the tax collector shall add a penalty of twenty-five (25) percent of said license tax on the last day of each month after the due date thereof; provided, that the amount of such penalty to be added shall in no event exceed fifty (50) percent of the amount of the license tax due. (Prior code § 4-120)

**5.04.210 Rate of taxes.**

Every person transacting or carrying on any business other than those businesses enumerated in Sections 5.04.230 through 5.04.280, inclusive, shall pay an annual license tax based upon the gross receipts resulting from the operation of such business in accordance with the following scale:

If the annual gross receipts are:

At Least:	But Less Than:	The License Tax Is:
\$ 1	\$ 10,000	\$ 20.00
10,000	15,000	30.00
15,000	25,000	50.00
25,000	45,000	70.00
45,000	65,000	110.00
65,000	85,000	150.00
85,000	105,000	190.00
105,000	125,000	230.00
125,000	150,000	275.00
150,000	175,000	325.00
175,000	200,000	375.00
200,000	230,000	430.00
230,000	260,000	490.00
260,000	300,000	560.00
300,000	350,000	650.00
350,000	400,000	750.00

At Least:	But Less Than:	The License Tax Is:
400,000	450,000	850.00
450,000	500,000	950.00
500,000	550,000	1,050.00
550,000	600,000	1,150.00
600,000	700,000	1,300.00
700,000	800,000	1,500.00
800,000	900,000	1,700.00
900,000	1,000,000	1,900.00
1,000,000 or over		2,000.00 plus $\frac{1}{10}$ th of 2% of the excess over \$1,000,000

(Prior code § 4-121)

**5.04.220 License tax—Public utilities.**

A. Every person transacting or carrying on the business of supplying electric power, telephone service, water service, gas service or other public utilities that are not herein otherwise licensed, shall pay a license tax equal to .11 of one percent (.11%) of the gross receipts of such business, with a minimum annual license tax of fifteen dollars (\$15.00).

B. If any person transacting the business enumerated in this section shall carry on a retail, wholesale or jobbing business or any other business, he shall be required to obtain a license and pay the tax specified for such other business, in addition to the license specified herein. The receipts enumerated herein from services performed wholly outside the city shall not be included in their gross receipts for the purpose of

license tax. Every such person herein taxed who does not maintain a fixed place of business within the city shall be required to obtain a license and pay the tax specified herein with respect to any service performed by him within the city. Any franchise to use the streets of the city, heretofore or herein-after granted to any public utility, shall not be deemed to waive or be in lieu of any of the licensing provisions of this chapter. (Prior code § 4-122)

**5.04.230 License tax—Specific business, occupations and professions.**

A. Every person transacting or carrying on any of the following businesses or occupations, to-wit:

Abstractor;  
Accountant;  
Architect;  
Advertising agent;  
Appraiser;  
Assayer;  
Attorney;  
Auditor;  
Bacteriologist;  
Baths, public, steam;  
Brokers;  
Business school;  
Chemists;  
Chiropodists;  
Chiropractor;  
Civil engineer;  
Cleaning, buildings, windows;  
Collection agents;  
Credit bureau;  
Crematorium;  
Dancing school;

Designer;  
 Dental laboratory;  
 Dental technician;  
 Dentist;  
 Dermatologist;  
 Detective;  
 Doctor;  
 Employment agent;  
 Electrical engineer;  
 Engineer;  
 Finance company;  
 Funeral director;  
 Geologist;  
 Gunsmith;  
 Grinder;  
 Income tax expert;  
 Insurance adjuster;  
 Interior decorator;  
 Interpreter;  
 Janitor;  
 Laboratory technician;  
 Landscape architect;  
 Lapidary;  
 Lawyer;  
 Livery stable;  
 Locksmith;  
 Masseur;  
 Mechanical engineer;  
 Medical laboratory;  
 Messenger service;  
 Mineral baths;  
 Music school;  
 Music teacher;  
 Natro practor;  
 Oculist;  
 Optician;  
 Optometrist;  
 Osteopath;  
 Orthopedist;  
 Parking lot;

Pathologist;  
 Patrol service;  
 Physician;  
 Physiotherapist;  
 Piano tuner;  
 Plunge;  
 Posture correction;  
 Public stenographer;  
 Radiographer;  
 Sign painter;  
 Storage warehouse;  
 Structural engineer;  
 Surgeon;  
 Surveyor;  
 Taxidermist;  
 Title insurance;  
 Turkish baths;  
 Undertaker;  
 Urologist;  
 Veterinarian;  
 Watch repairing;  
 Weighing machines;  
 X-Ray technician;

shall pay a license tax annually based upon gross receipts resulting from operations of such businesses, occupations or professions in accordance with the following scale:

If annual gross receipts are:

	The License		
	At Least:	But Less Than:	Tax Is:
	\$ 1	\$ 10,000	\$ 50.00
	10,000	20,000	75.00
	20,000	30,000	125.00
	30,000	40,000	175.00
	40,000	50,000	225.00
	50,000	70,000	300.00
	70,000	90,000	400.00

The License			The License		
At Least:	But Less Than:	Tax Is:	At Least:	But Less Than:	Tax Is:
90,000	110,000	500.00	65,000	85,000	150.00
110,000	140,000	625.00	85,000	105,000	190.00
140,000	170,000	775.00	105,000	125,000	230.00
170,000	200,000	925.00	125,000	150,000	275.00
200,000	300,000	1,250.00	150,000	175,000	325.00
300,000	400,000	1,750.00	175,000	200,000	375.00
400,000 or over		2,000.00	200,000	230,000	430.00

B. Any person who may transact one or more of the businesses, occupations or professions hereinabove in this section enumerated, at one location shall be required to obtain only one license and shall pay the license tax specified herein, based upon the aggregate of his gross receipts realized from the operation of all of said businesses, professions or occupations. (Prior code § 4-123)

#### 5.04.240 License tax—Retail businesses.

Every person transacting or carrying on a retail business unless otherwise specified in this chapter, shall pay an annual license tax based upon the gross receipts resulting from the operation of such business, in accordance with the following scale:

If annual gross receipts are:

The License		
At Least:	But Less Than:	Tax Is:
\$ 1	\$ 10,000	\$ 20.00
10,000	15,000	30.00
15,000	25,000	50.00
25,000	45,000	70.00
45,000	65,000	110.00

230,000	260,000	490.00
260,000	300,000	560.00
300,000	350,000	650.00
350,000	400,000	750.00
400,000	450,000	850.00
450,000	500,000	950.00
500,000	550,000	1,050.00
550,000	600,000	1,150.00
600,000	700,000	1,300.00
700,000	800,000	1,500.00
800,000	900,000	1,700.00
900,000	1,000,000	1,900.00
1,000,000 or over		2,000.00
		plus $\frac{1}{100}$ th of
		2% of the
		excess over
		\$1,000,000.

(Prior code § 4-124)

#### 5.04.250 License tax—Wholesale or jobbing business.

Every person transacting and carrying on a wholesale or jobbing business shall pay an annual license tax equal to .11 of one percent (.11%) of the gross receipts of such business, with a minimum annual license tax of seventy-five dollars (\$75.00). (Prior code § 4-125)

**5.04.260 License tax—Contractors.**

A. Every person transacting or carrying on the business of general engineering or building contractor, or plumbing, or electrical, or roofing contractor, or other specialty contractor, shall pay a license tax equal to .11 of one percent (.11%) of the gross receipts of such business, with a minimum annual license tax of fifty dollars (\$50.00).

B. If any person transacting the business enumerated in this section shall carry on a retail, wholesale or jobbing business or any other business, he shall be required to obtain a license and pay the taxes specified for such other business, in addition to the license specified herein. The receipts of the contractors enumerated herein from contracts, performed wholly outside the city, shall not be included in their gross receipts for the purpose of computing the license tax. Any such contractor who does not maintain a fixed place of business within the city shall be required to obtain a license and pay the tax specified herein, with respect to any contract performed by him within the city. (Prior code § 4-126)

**5.04.270 License tax—  
Manufacturing.**

A. Every person carrying on the business of manufacturing shall pay an annual license tax based upon the gross receipts resulting from the operation of such business, in accordance with the following scale:

If annual gross receipts are:

At Least:	But Less Than:	The License Tax Is:
\$ 1	\$ 100,000	\$ 50.00
100,000	200,000	75.00
200,000	300,000	125.00
300,000	400,000	175.00
400,000	500,000	225.00
500,000	600,000	275.00
600,000	800,000	350.00
800,000	1,000,000	450.00
1,000,000 or over		500.00

B. If any person carrying on the business of manufacturing shall also engage in the retail business, whether selling products manufactured by him or not, he shall be required to obtain a license and pay the tax specified for such retail business in addition to the license specified herein; provided, that any person engaged in the business of manufacturing shall not be required to obtain a license in addition to his manufacturer's license to engage in the wholesale or jobbing business with respect to products manufactured by him. (Prior code § 4-127)

**5.04.280 License tax—Flat amount.**

Every person transacting and carrying on the business herein enumerated shall pay a license tax as follows;

A. Circuses and Carnivals. Every person holding, promoting, managing or giving any concert, traveling show, or exhibition for commercial purposes, whether in a tent or otherwise, shall pay a license tax of one

hundred dollars (\$100.00) for the first five days or any part thereof, and twenty dollars (\$20.00) per day thereafter; provided, however, that no license shall be required for any exhibition, show or concert actually given and participated in by any local school, patriotic or civic organization.

B. Barber Shops and Beauty Shops. Every person engaged in the business of conducting, maintaining or carrying on a barber shop or beauty shop, shall pay a license of ten dollars (\$10.00) per quarter for the first chair contained therein and the sum of five dollars (\$5.00) for each subsequent working chair.

C. Billiard and Pool Tables. Every person engaged in the business of conducting any billiard or pool table shall pay a license tax of eight dollars (\$8.00) per quarter for each table located at said business establishment.

D. Bowling Alley. Every person engaged in the business of conducting, maintaining or carrying on any bowling alley in the city shall pay a license tax of eight dollars (\$8.00) per quarter for such alley.

E. Card Tables. Every person operating or maintaining any table, in the city, wherein cards or any legal game of chance is played, shall pay a license tax of twenty dollars (\$20.00) per quarter for each table.

F. Hotels and Rooming Houses. Every person carrying on the business of conducting, operating or managing a hotel or rooming house having four or more rooms, shall pay a quarterly license tax of fifty cents (50¢) per room for each room for which the maximum rental charge is less than one dollar and fifty cents (\$1.50) per day, and a quarterly license tax of eighty cents (80¢)

per room for which the maximum rental charge is one dollar and fifty cents (\$1.50) per day or more; provided, however, that where such person carries on some other business in addition to the renting of such rooms, whether or not such other business shall be carried on in the same premises, he shall be required to obtain a license and pay the tax specified herein.

G. Movie Theaters and Concert Halls. Every person carrying on the business of conducting a concert hall, or a theater containing a permanent stage upon which moveable scenery and theatrical appliances are used, where regular theatrical or vaudeville performances are given and to which an admission is charged, collected or received, or conducting a moving picture theater where moving or motion pictures are exhibited and an admission fee is charged, collected or received, shall pay a quarterly license tax equal to six dollars (\$6.00) per one hundred (100) seats or fraction thereof.

H. Dances. Every person carrying on the business of conducting public dances at which an admission fee is charged, collected or received, shall pay a license tax of ten dollars (\$10.00) for each dance with a maximum of fifty dollars (\$50.00) per quarter.

I. Pin Ball and Juke Boxes. Every person possessing or maintaining, on premises owned or leased by him, any mechanical game, pin ball machine, music box, juke box, or similar game or machine operating solely for amusement, shall pay a license tax of ten dollars (\$10.00) per quarter for each game or machine.

J. Taxi. Every person operating any taxi, bus, or engaged in the business of

carrying persons or baggage for compensation, in the city, shall pay a license tax of twenty dollars (\$20.00) per quarter for each vehicle used in such operation or business.

**K. Brokers, Agents and Labor Contractors.** Every person transacting or carrying on the business of broker or agent or labor contractor, who does not maintain a fixed place of business in the city, shall pay a license tax quarterly of fifteen dollars (\$15.00).

**L. Peddlers and Itinerant Vendors.** Every person carrying on the business of peddling or selling or soliciting orders for services, goods, and not having a regularly established place of business in the city, shall pay a license tax of six dollars (\$6.00) per day with a maximum of twenty-four dollars (\$24.00) per month. (Prior code § 4-128)

**5.04.290 Enforcement.**

It shall be the duty of the chief of police, and he is directed, to enforce each and all of the provisions of this chapter, and it shall be his duty to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this chapter. (Prior code § 4-129)

**5.04.300 License tax deemed debt to city.**

The amount of any license tax imposed by the provisions of this chapter shall be deemed a debt to the city, and any person carrying on any business without first having procured a license from the city, so to do, shall be liable to an action in the name of the city brought in any court of competent jurisdiction, for the amount of the

license tax imposed upon such business.  
(Prior code § 4-130)

## Chapter 5.08

## CABLE TELEVISION SYSTEMS

## Sections:

5.08.010	Definitions.	5.08.210	Erection of poles.
5.08.020	Franchise to install and operate.	5.08.220	Services.
5.08.030	Cable television service.	5.08.230	Special service area.
5.08.040	Franchise payments.	5.08.240	Receivership.
5.08.050	Franchise term— Duration and termination.	5.08.250	Authority of city to terminate in the event of condemnation.
5.08.060	Application for franchise.	5.08.260	Continuity of service mandatory.
5.08.070	Deposits—Bonds— Indemnifications— Insurance.	5.08.270	Financial disclosure of independent consultant.
5.08.080	Acceptance of the franchise.	5.08.280	Miscellaneous provisions.
5.08.090	Limitations of franchise.	5.08.290	Equal opportunity employment and affirmative action plan.
5.08.100	Rights reserved to the city.	5.08.300	Violations.
5.08.110	Council may adopt rules and regulations.	5.08.310	System outage and complaint service.
5.08.120	Permits and construction.		
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5.08.140	Inspection of property and records.		
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5.08.200	Repair of streets and public ways.		

## 5.08.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the singular number include the plural number:

“Ancillary services” means those services provided to subscribers other than basic services and pay television (such as alarm, banking and other nonentertainment services).

“Basic service,” where referred to in this chapter, means a minimum of twelve (12) television channel retransmissions of grantee receivable by all television sets via the standard twelve (12) channel VHF tuner.

“Cable television system;” “CATV;” and “CTV;” “broad-band two-way communications system,” for the purpose of this chapter, are terms describing a system employing antennae, microwave, wires, waveguides, coaxial cables, or other conductors, equipment or facilities, designed, constructed or used for the purpose of:

1. Collecting and amplifying local and distant broadcast television or radio signals and distributing and transmitting them;
2. Transmitting original cablecast programming not received through television broadcast signals;
3. Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers;
4. Transmitting or receiving two-way signals or transmissions;
5. Transmitting or receiving all other signals: digital, voice and audio-visual; provided, however, that any of the services permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television to CATV system franchised by the city and not otherwise.

“City” means the city of Del Rey Oaks, a municipal corporation of the State of California, in its present form or in any later reorganized, consolidated, enlarged or modified form.

“City administrative officer” means the city clerk or other designation of the city’s chief executive officer, or any designee thereof.

“Council” means the governing body of the city or any future body constituting the legislative body of the city.

“Franchise” means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the city.

“Grantee” means the person, firm or corporation granted a franchise by the council under this chapter, and the lawful successor, transferee or assignee of said person, firm or corporation.

“Gross revenue” means any kind and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a grantee from: (1) subscribers or users in payment for video, audio, or other electrical signals, reception or service received within the city including installation; (2) from any other person or utilization of or connection to the property of grantee to the extent city may from time to time locally impose a franchise payment on account thereof. Notwithstanding the above, gross annual receipts shall not include line extension charges or any taxes on services furnished by any city, county, state or other governmental unit and collected by the grantee for such governmental unit; or copyright fees collected on behalf of and transmitted to the Federal Copyright Tribunal, fees paid to program suppliers, advertising revenues and charges made to subscribers for ancillary services; provided, however, that the city expressly reserves the right to review, consider and negotiate with grantee to impose payment to the city of up to three percent

of the revenues derived from ancillary services, as defined herein. Such payment requirement may be imposed no sooner than five years after the award or renewal of a franchise hereunder, and only after a public hearing, and only in the event that the grantee is already paying a similar fee to two or more of the other franchises served by it within Monterey County. Grantee shall not pay franchise fees on services unless similar services provided by other media are also taxed in an equivalent manner.

**Line Extension Charge.** A "line extension charge" means that additional capital improvement cost, passed on to the subscriber at the time of construction, for bringing service beyond one hundred fifty (150) feet from an existing main trunk line or cable.

**"Person"** means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, and societies.

**"Property of grantee"** means all property owned, installed, or used within the city by a grantee in the conduct of a cable television system business under the authority of a franchise granted pursuant to this chapter.

**"Special service area"** means an area(s) of the city designated by the council, if it so elects, in the franchise agreement, where the franchisee may charge different rates, or provide different service(s), than in the remainder of the city.

**"Street"** means the surface, the air space above the surface and the area below the surface of any public road, public street, other public right of way or public place, including public utility easements.

**"Subscriber" or "user"** means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's original cablecasting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmissions, pay television, and police, fire and similar public service communication. (Prior code § 13-401)

#### **5.08.020 Franchise to install and operate.**

A. A nonexclusive franchise to install, construct, operate, and maintain a cable television system on roads or streets within all or a specific portion of the city may be granted by the council to any person, whether operating under an existing franchise, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter. No provision of this chapter may be deemed or construed as to require the granting of a franchise when in the opinion of the council it is in the public interest to restrict the number of grantees to one or more.

B. When and in the event that the grantee of any franchise granted hereunder uses in his cable television system distribution channels furnished to the grantee by a telephone company pursuant to tariff or contract on file with a regulatory body having jurisdiction and said grantee makes no use of the streets independent of such telephone company furnished facilities,

said grantee shall be required to comply with all of the provisions hereof as a "licensee" and in such event whenever the term "grantee" is used herein it shall be deemed to mean and include "licensee." (Prior code § 13-402)

**5.08.030 Cable television service.**

**A. Basic Service.** The cable television system permitted to be installed and operated hereunder shall:

1. Be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now hereafter authorized by the Federal Communications Commission;
2. Be constructed or reconstructed to be capable of becoming two-way operational;
3. Distribute color television signals which it receives in color;
4. Be constructed and maintained so as to consist of currently used technology which is economically and technically feasible.

**B. Non-Basic Services.** The cable television system permitted to be installed and operated hereunder, shall have the right to engage in the business of:

1. Transmitting original cablecast programming not received through television broadcast signals;
2. Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;
3. Transmitting and receiving all other signals: digital, voice and audio-visual.

**C. Subscriber Complaints.** In addition to other service regulations adopted by the council, and excepting circumstances beyond grantee's control such as acts of God, riots and civil disturbances, and in providing the foregoing services, the grantee shall:

1. Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no event longer than twenty-four (24) hours after occurrence, irrespective of holidays or other nonbusiness hours.

2. Upon substantial complaint by a subscriber, make a demonstration satisfactory to the city clerk that a signal is being delivered which is of sufficient strength and quality to meet the standards set forth in the regulations of the Federal Communications Commission;

3. Render efficient service, making repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of system. Notice may be by newspaper advertisement or a reasonable number of notices over the cable system itself to subscribers;

4. Maintain an office in the city or within thirty (30) miles of the city boundary, which office shall be open during all the usual business hours, with its telephone number listed in directories of the telephone company serving the city. The phone system shall be so operated that complaints and requests for repairs or adjustment may be received at any time, day or night, seven days a week, or provide a local telephone

directory listing and "toll free" telephone service maintained on a seven-day, twenty-four (24) hours basis for the receipt of a consumer complaint;

5. Maintain a "log," listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto; said record shall be kept at grantee's local office, for a period of one year from the date of complaint, and shall be available for inspection during regular business hours without further notice or demand, by the city clerk or his designated representative. Provided, however, the city clerk may require records be maintained an additional one year period in specific circumstances, including where complaints have been excessive.

D. Governmental Service. With respect to the basic television services, the grantee shall provide all subscriber services, and a tie-in connection, without cost, when the systems main trunk or feeder lines pass within one hundred fifty (150) feet, the following facilities when requested by grantor, subject to the requirements of federal law to:

1. Public schools and community colleges within the city; and
2. Buildings owned and/or controlled by the city, used for public purposes and not for residential use.

E. Uses Permitted. Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable television system in the city, and for that purpose subject to the encroachment ordinance to erect, install,

construct, repair, replace, reconstruct, maintain, and retain in, or over, under, upon, across, and along any road, street, such poles, wires, cables, conductors, ducts, conduit, vaults, manholes, amplifiers, and appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the city.

F. Notwithstanding provision of this section, grantor may waive specific requirements in unusual circumstances, including small systems (under five hundred (500) subscribers) or low density (under twenty (20) homes per mile of cable). The adequacy of an application for such waiver shall be weighed against the public interest, by the grantor. (Prior code § 13-403)

#### 5.08.040 Franchise payments.

A. In consideration of the granting and exercise of a franchise to use the roads, streets, as herein defined, for the operation of a cable television system, any grantee shall pay to the city, during the life of the franchise, five percent of the franchisee's gross annual receipts, as defined in Section 5.08.010, per year from all cable services in the city.

B. The percentage payments shall be made quarterly to the city clerk, or in the manner and at the times directed in said franchise, or in a council resolution fixing franchise fees and adopting rules for service and rate regulation. All receivables shall be

maintained on an accrual basis for the purpose of determining the percentage of monies due to the city under this chapter, with an annual adjustment for bad debts.

C. No acceptance of any payment shall be construed as a release, or as an accord and satisfaction, of any claim the city may have for further or additional sums payable under this chapter or for the performance of any other obligation hereunder.

D. In the event that the above payment is not received by the city within the specified time in addition to the unpaid balance, grantee shall pay to the city as interest thereon the same percentage on the unpaid balance as the city earned on its invested funds during the same period. (Prior code § 13-404)

**5.08.050 Franchise term—Duration and termination.**

A. The franchise granted by the council under this chapter shall be for a maximum term of seventeen (17) years from the date of its acceptance by the grantee. Grantee may apply for renewal during the last five years of the franchise.

B. The city may terminate any franchise granted pursuant to the provisions of this chapter in the event of the failure, refusal or neglect by grantee to do or comply with any material requirement or limitation contained in this chapter, or any material rule or regulation of the council or city clerk validly adopted pursuant to this chapter.

C. The city clerk may make written demand that the grantee do or comply with any such requirement, limitation, term, condition, rule or regulation. If the failure, refusal or neglect of the grantee continues

for a period of thirty (30) days following such written demand, the city clerk shall cause to be served upon such grantee, at least ten days prior to the date of such council meeting, a written notice of his intent to request such termination, and the time and place of the meeting, notice of which shall be published by the city clerk at least once, ten days before such meeting in a newspaper of general circulation within the city.

D. The council shall consider the request of the city clerk and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

E. If such failure, refusal or neglect by the grantee was with just cause, the council shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

F. If the council shall determine such failure, refusal or neglect by the grantee was without just cause, then the council may, by resolution, declare that the franchise of such grantee shall be terminated and forfeited unless there be compliance by the grantee within such period as the council may reasonably fix, or reduce the length of the franchise by a period of time up to the duration of the failure and/or violation.

G. The termination and forfeiture of any franchise shall in no way affect any of the rights of the council under the franchise or any provision of law.

H. In the event of any holding over after expiration of any franchise granted hereunder, the grantee shall pay to the council reasonable compensation and damages, of

not less than one hundred (100) percent of its gross receipts in the city during said period. (Prior code § 13-405)

**5.08.060 Application for franchise.**

Each application for a new (as opposed to a renewal) franchise to construct, operate, or maintain any cable television systems in this city shall be filed with the city clerk and shall contain or be accompanied by the following:

A. The name, address and telephone number of applicant;

B. A detailed statement of the corporate or other business entity organization of applicant, including, but not limited to, the following and to whatever extent required by the city:

1. The names, residence and business addresses of all officers, directors and associates of applicant;

2. The names, residence and business addresses of all officers, persons and entities having, controlling, or being entitled to have or control of five percent or more of the ownership of applicant and the respective ownership share of each such person or entity;

3. The names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable television systems owned or controlled by the nature of any such parent or subsidiary business entity, including but not limited to cable television systems owned or controlled by the applicant, its

parent and subsidiary and the areas served thereby;

4. A description of previous experience of applicant in providing cable television system service and in related or similar fields;

5. A detailed and complete financial statement of applicant, prepared by an independent certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city;

6. A statement identifying, by place and date, any other cable television franchise(s) awarded to applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such systems(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof;

C. A detailed description of the proposed plan of operation of applicant which shall include, but not be limited to, the following:

1. A detailed map indicating all areas served or proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served;

2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation charges and service charges;

3. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by applicant and that such standards of operations are in compliance with those contained in Title 47, Subpart K (76.601 et seq.), of the Rules and Regulations of the Federal Communications Commission;

4. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm or corporation, which materially relate or pertain to or depend upon the application and the granting of the franchise;

D. A copy of any agreement covering the franchise area, if existing between the applicant and any public utility, subject to regulation by the California Public Utilities Commission providing for the use of any facilities of the public utility, including but not limited to, poles, lines, or conduits;

E. Any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the council, or by

any provision of any other ordinance of the council;

F. 1. An application fee in the sum of five hundred dollars (\$500.00), which shall be in the form of cash, cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, which shall be in consideration thereof;

2. The council may, by advertisement or any other means, solicit and call for applications for cable television system franchises, and may determine and fix any date upon or after which the same shall be received by the city, or the date before which the same must be received, or the date after which the same shall be received, and may make any other determinations and specify any other times, terms, conditions or limitations respecting the soliciting, calling for, making and receiving of such applications.

3. Upon receipt of any application for franchise, the council shall refer the same to the city clerk who shall prepare a report and make his recommendations respecting such application, and cause the same to be completed and filed with the council.

4. If the council shall determine to further consider the application, it shall pass a resolution setting a public hearing for the consideration of competing applications; fixing and setting forth a day, hour, and place certain when and where a person having any interest therein or objections thereto may file written protests and/or appear before the council and be heard, and directing the city clerk to publish said resolution at least once within ten days of the

passage thereof in a newspaper of general circulation within the city.

5. In making any determination hereunder as to any application for a new franchise, or renewal thereof, the council may give due consideration to the quality of the service proposed, income to the city, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and physical requirements, and to abide by policy conditions, franchise limitations and requirements, and any other considerations deemed pertinent by the council for safeguarding the interests of the city and the public.

6. At the time set for the hearing, or at any adjournment thereof, the council shall proceed to hear all written protests. Thereafter, the council shall make one of the following determinations:

a. That such application(s) be denied, which determination shall be final and conclusive; or

b. That such franchise be granted and the terms and conditions thereof.

G. The council may reject any and all applications and may, if it so desires, request new and/or additional proposals.

H. The council may at any time demand, and applicant(s) shall provide, such supplementary, additional or other information as the council may deem reasonably necessary to determine whether the requested franchise should be granted.

I. Any grantee, upon the effective date of its franchise, shall be required to reimburse city for its estimated engineering, administrative, environmental, publication

and legal expenses incurred in connection with the processing, evaluation, and preparation of documents relating to such franchise, as such shall be established in the franchise agreement, in a total amount not to exceed fifteen thousand dollars (\$15,000.00), less the five hundred dollar (\$500.00) application fee. Actual costs shall be determined by the city clerk.

J. On any renewal application, the city may waive any of the requirements of this section. (Prior code § 13-406)

**5.08.070 Deposits—Bonds—  
Indemnifications—  
Insurance.**

A. Performance Deposit to City. The grantee shall concurrently with the filing of an acceptance of award of a new franchise as opposed to a renewal of an existing and built system granted under this chapter, deposit in a financial institution selected by the city the sum of not to exceed fifty thousand dollars (\$50,000.00) in a joint account with the grantee and the city as cosignators. The amount shall be determined by the council upon recommendation by the city clerk. This sum shall be maintained in an interest-bearing joint account during the period of construction of the cable television system within the city limits, but in no event in excess of three years. The return of the sum plus interest to the grantee shall be conditioned upon the faithful performance of the grantee, and upon the further condition that in the event grantee shall fail to comply with any one or more of the provisions of this chapter or of the franchise issued to the grantee hereunder, there shall be recoverable from this sum any damages

or loss suffered by the city as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed herein which may be in default, plus a reasonable allowance for the attorney's fees and costs, up to the full account. In lieu of said deposit, grantee may file with the city a corporate surety bond or other adequate security in the same amount and condition as above.

**B. Performance Bond for Subscribers.**

1. Upon being granted a franchise, and upon filing of the acceptance required hereunder, the grantee shall file, annually, with the city clerk, and shall thereafter during the entire term of such franchise maintain in full force and effect a corporate surety bond, or other adequate surety agreement, in the amount of ten thousand dollars (\$10,000.00). The bond or agreement shall be so conditioned that in the event such grantee shall fail to comply with any one or more of the provisions of any agreement or undertaking made between grantee and any subscriber, then there shall be recoverable jointly and severally from the principal and surety any damages or costs suffered or incurred by a subscriber as a result thereof, including reasonable attorney's fees and costs of any action or proceeding. Said condition shall be a continuing obligation during the entire term of such franchise and thereafter until grantee shall have satisfied in full any and all obligations to any subscriber which arise out of or pertain to any such agreement or undertaking.

2. An additional performance bond may be required in appropriate amounts and conditions if grantee solicits prepayment

from potential subscribers prior to becoming operational.

C. Indemnification. Grantee, by accepting a franchise, and grantor by granting a franchise, shall be deemed to have agreed to indemnify and hold each other, its officers, boards, commissions, agents, consultants and/or employees, harmless against and from all claims, demands, causes of actions, suits, proceedings, damages, costs or liabilities of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, costs and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, and/or court costs, incurred as a result of such indemnifying party's negligence or willful misconduct.

**D. Defense of Litigation.**

1. Grantee shall, at the sole risk and expense of grantee, upon demand of the city, made by and through the city council, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or affecting the city, its officers, boards, commissions, agents, or employees, and arising out of or pertaining to the exercise of the enjoyment of such franchise.

2. Grantee shall pay and satisfy or shall cause to be paid and satisfied any judgment, decree, order, directive or demand rendered, made or issued against grantee, the city, its officers, boards, commissions, agents, or employees arising from grantee's enjoyment

of the franchise; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise; provided that neither grantee nor city shall make or enter into any compromise or settlement of any claim, demand, cause of action, action suit, or other proceeding, without first obtaining the written consent of the other.

E. Insurance Required. Upon being granted a franchise and upon the filing of the acceptance required hereunder, the grantee shall file with the city clerk and shall thereafter during the entire term of such franchise, maintain in full force and effect, at its own cost and expense, each of the following policies of insurance:

1. General comprehensive liability insurance in the amount of one million dollars (\$1,000,000.00), together with bodily injury liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) for injuries including accidental death to one person, and subject to the same limit for each person in an amount of not less than one million dollars (\$1,000,000.00) on account of any one occurrence, and property damage liability insurance in an amount not less than fifty thousand dollars (\$50,000.00) resulting from any one occurrence, and worker's compensation insurance as provided by statute; provided, however, as follows:

a. The city shall be named as an additional insured in any of said insurance policies; and said policies shall contain an endorsement that the insurance shall be

primary as to any insurance coverage which the city may have.

b. Where such insurance is provided by a policy which also covers grantee or any other entity or person, it shall contain the standard cross-liability endorsement. (Prior code § 13-407)

#### **5.08.080 Acceptance of the franchise.**

A. No franchise granted under this chapter shall become effective for any purpose unless and until written acceptance thereof shall have been filed with the city clerk. Written acceptance, which shall be in the form and substance approved by the city attorney, shall also be and operated as an acceptance of each and every term and condition and limitation contained in this chapter, or in such franchise, or otherwise specified as herein provided.

B. The written acceptance shall be filed by the grantee not later than 12:01 p.m. of the 40th day next following the effective date of the resolution granting such franchise.

C. In default of the filing of such written acceptance as herein required, the grantee shall be deemed to have rejected and repudiated the franchise. Thereafter, the acceptance of the grantee shall not be received nor filed by the city clerk. The grantee shall have no rights, remedies, or redress in the franchise, unless and until the council, by resolution, shall determine that such acceptance be received or filed, and then upon such terms and conditions as the council may impose.

D. In any case, and in any instance, all rights, remedies and redress which may or

shall be available to the city, shall be preserved and maintained and shall continuously exist in and to the city and shall not be in any manner or means modified, abridged, altered, restricted, or impaired by agreement or otherwise. (Prior code § 13-408)

**5.08.090 Limitations of franchise.**

A. Every franchise granted under this chapter shall be nonexclusive.

B. No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed herein.

C. Any privilege claimed under such franchise by the grantee in any road, street or other public property shall be subordinate to any prior lawful occupancy to the roads, streets or other public property.

D. 1. Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by force or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the council expressed by resolution, and then only under such conditions as may be therein prescribed. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or similar document, a duly executed copy of which shall be filed in the office of the city clerk within thirty (30) days after any such transfer or assignment. The said consent of the council may not be unreasonably refused; provided, however, that proposed assignee must show responsibility as determined by the council utilizing the factors specified in

Section 5.08.060 and must agree to comply with all provisions of this chapter; and provided, further, that no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness, except that when such hypothecation shall exceed twenty-five (25) percent of the market value of the property used by the franchisee in the conduct of the cable television system, prior consent of the council shall be required for a transfer. Such consent shall not be withheld unreasonably.

2. In the event that grantee is a corporation, prior approval of the council, expressed by resolution, shall be required where there is an actual change in control or where ownership of more than twenty-five (25) percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own fifty (50) percent or more of the voting stock, singly or collectively. Any such acquisition occurring without prior approval of the council shall constitute a failure to comply with a provision of this chapter within the meaning of Section 5.08.050 of this chapter.

E. Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of the obligation to comply promptly with any of the provisions of this chapter by any failure of the city to enforce prompt compliance.

F. Any right or power in, or duty impressed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other officer, employee, department, or board of the city.

G. The grantee shall be subject to all requirements of city laws, rules, regulations, and specifications heretofore or hereafter enacted or established.

H. Any such franchise granted shall not relieve the grantee of any obligations involved in obtaining pole or conduit space from any department of the city utility company, or from other maintaining utilities in roads and streets.

I. Any such franchise granted shall not relieve the grantee of any obligations involved in obtaining encroachment permits or permits to excavate in any road or street from any department of the city.

J. Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation or maintenance of any cable television system in the city; and the acceptance of any franchise hereunder shall operate, as between grantee and the city, as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the city, to the effect that as between grantee and the city, and all construction, operation and maintenance by any grantee of any cable television system in the city shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not hereunder pursuant to any other right, privilege, power, immunity or authority whatsoever, except as provided by preemptive law or statute, state or federal. (Prior code § 13-409)

#### **5.08.100 Rights reserved to the city.**

The city reserves the power to adopt and enforce requirements and regulations, if financially feasible, on any or all of the following matters, if and when deemed necessary and proper in the public interest by the council and are consistent with Rules and Regulations of the Federal Communications Commission, and applicable state and federal law:

A. Requirements and regulations pertaining to minimum service requirements included in this chapter and fair business practices by the grantee;

B. Public safety requirements pertaining to the installation and use of all CATV equipment;

C. Procedures for the investigation and resolution of all complaints by subscribers regarding grantee's CATV operations, including implementation thereof by designated city officers, employees or agents;

D. There is reserved to the city every right and power which is required to be herein reserved or provided by any law and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the city in its exercise of such rights or powers, heretofore or hereafter enacted or established;

E. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the rights of eminent domain, at a fair market value as a going concern, which shall not include any amount for the franchise itself or for

any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the city's right of eminent domain;

F. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the city;

G. The council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The city clerk, with the approval of the city attorney, is authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this chapter, either on behalf of the city, the grantee, or any subscriber, in the best interest of the public. Either the grantee or any member of the public, who may be dissatisfied with the decision of the city clerk, may appeal the matter to the council for hearing and determination. The council may accept, reject or modify the decision of the city clerk, and the council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of the grantee or from any provisions of this chapter;

H. In the event that the Federal Communications Commission elects to deregulate any area of cable communication over which it currently exercises jurisdiction, or grant authority to municipalities to regulate in these areas, any franchise issued pursuant to this chapter shall be automatically amended, without any additional act by any

party to it, to reflect these new municipalities regulatory powers, and the city may, if it so elects, reasonably adopt rules and regulations in these areas, after a public hearing and negotiation with the grantee. (Prior code § 13-410)

#### **5.08.110 Council may adopt rules and regulations.**

##### **A. Standards of Operation.**

1. Prior to granting such franchises, the council may adopt further rules, regulations and standards governing the operation of cable television systems in the city. Such rules, regulations and standards shall apply to and shall govern the operation of the grantee of any franchise hereunder, and are expressly declared a part of any franchise hereunder.

2. The standards adopted pursuant to these procedures shall be exclusively in those areas not either expressly or impliedly preempted by the Federal Communications Commission at the time of adoption.

##### **B. Rates.**

1. Grantee shall have the right, after thirty (30) days advance notice to its subscribers and to the city council, to increase the rates charged for basic cable television installation, subscriber rates, and service; provided, however, that the rates charged to subscribers within the city following such a proposed increase shall not exceed the average of all other similar rates charged by the grantee within its service area in Monterey County. Said resulting increase shall be rounded to the nearest five cents (\$.05). At least twelve (12) calendar months shall elapse between each rate increase as defined herein. In the event the grantee

wishes to increase the basic rates in excess of said amount, it may submit a request to the city council, together with supporting documentation. The city council shall refer the matter to the city administrative officer for review and recommendation back to the city council for consideration at a regular meeting. Said meeting shall be within one hundred twenty (120) days of the date of rate increase application by the grantee unless extenuating circumstances exist. Notice of said meeting shall be published at least ten days prior to said meeting in a newspaper of general circulation in the city. The council may approve, disapprove, or modify the amount of the requested increase which is in excess of the amount based on the service area average as provided herein.

2. No charge shall be imposed upon any subscriber for termination of CATV service or removal of CATV apparatus upon termination of such service. No rate or charge of any type shall be imposed on a subscriber after receipt of notice of termination from subscriber, unless such subscriber withdraws such notice prior to actual termination of service.

3. No charge shall be made to any subscriber by reason of the maintenance, repair, removal or replacement of any CATV apparatus, or property of grantee, unless the same was caused by the deliberate or negligent act of such subscriber.

4. Except as otherwise provided by subsection (B)(1) of this section, grantee shall not charge different rates to subscribers receiving the same services, nor shall there be any difference in the services or facilities or in any other respect between

subscribers, except as authorized in special services area and, except that installation charges may vary according to the costs of installation. No grantee shall make or grant any preference to any corporation or person as to rates, charges, services, facilities, or rebates, or in any other respect, nor subject any corporation or person to any prejudice or disadvantage. These subsections, (B)(1) through (B)(4), shall not apply if the cable system is deregulated pursuant to state of federal law.

C. In addition to any other rate for services, the grantee may make an additional charge representing the actual cost of the federal copyright fee imposed pursuant to the Federal Copyright Act of 1976. Said fee shall be separately identified on any billing as the "Federal Copyright Fee" or other similar wording. On or before July 1st and January 1st of each year, the grantee shall submit to the city proof of the amount actually paid to the federal government, the amount collected from customers for the previous six months, and the amount to be billed customers for the next six-month period. The amount billed customers shall be adjusted each six months to the nearest one cent (\$.01) so that the gross fee collected from customers is as nearly equal as possible to the amount of fee paid by the grantee.

D. The grantee may make an additional charge to each subscriber representing the actual franchise fee paid to the city. The amount billed customer shall be adjusted to the nearest one cent (\$.01) so that the gross fee collected from customer is as nearly equal as possible to the amount of fee paid to the city. (Prior code § 13-411)

**5.08.120 Permits and construction.**

A. 1. Within thirty (30) days after acceptance of any new franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business including, but not limited to, any utility joint use attachment, agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of the cable television systems, or associated microwave transmission facilities.

2. In connection therewith, copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting grantee's cable television operations, shall, upon request, also be submitted simultaneously to the city administrative officer.

B. Within ninety (90) days after obtaining all necessary permits, licenses and authorizations, including right of access to poles and conduits, encroachment permits in roads and streets, grantee shall commence construction and installation of the cable television system.

C. Within one hundred eighty (180) days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the installation and construction shall be pursued with reasonable diligence thereafter, so that service to all of the areas designated and

schedules on the map and plan of construction made part of the franchise shall be provided as set forth therein. Grantee is required to complete said construction in a maximum of three years, although a shorter time may be specified in the franchise.

D. 1. Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities on public property unless and until first securing the written approval of the city administrative officer.

2. Whenever grantee does not utilize existing poles conduits and other facilities, or whenever existing conduits and other facilities are to be located beneath the surface of the roads, or whenever the city shall undertake a program designed to cause all conduits and other facilities to be located beneath the surface of the streets in any area within the city, the city, in the exercise of its police power or pursuant to the terms hereof upon reasonable notice to grantee, may require such conduits or other facilities of grantee shall be constructed, installed, placed, or replaced beneath the surface of the streets. Any construction, installation, placement, replacement, or changes which may be required shall be made at the expense of grantee, whose costs shall be determined as in the case of public utilities. Grantee shall be entitled to a proportionate share of any Rule 20 monies.

E. The city shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits, or other similar facilities erected,

controlled, or maintained exclusively by or for grantee in any street, provided such use by city does not interfere with the use by the grantee.

F. In those areas of the city where the transmission or distribution facilities of the respective public utilities providing telephone, communication and electric services are underground or hereafter are placed underground, the grantee likewise shall construct, operate and maintain all of his transmission and distribution facilities underground. The term "underground" shall include a partial underground system; provided, that upon obtaining the written approval of the city administrative officer, which consent shall not be unreasonably withheld, amplifiers in the grantee's transmission and distribution lines may be placed above ground where similar telephone, electrical distribution, and gas distribution facilities are located above ground.

G. The grantee, at his expense, shall protect, support, temporarily disconnect, relocate, or remove any property of grantee when, in the opinion of the city administrative officer the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of road or street grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvement or governmental agencies, whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including, but not limited to, movement of buildings, urban renewal and redevelopment, and any general program under which the city shall

undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place, as herein provided. Nothing hereunder shall be deemed a taking of the property of grantee, and grantee shall be entitled to no surcharge by reason of anything hereunder.

H. Upon the failure, refusal, or neglect of grantee to commence and diligently pursue any work or other act required by law or hereunder to be properly completed in, on, over or under any street within any time prescribed therefor, or upon notice given, where no time is prescribed, the city administrative officer may cause such work or other act to be completed in whole or in part, and upon so doing shall submit to grantee an itemized statement of the costs thereof. The grantee shall, within thirty (30) days after receipt of such statement, pay to the city the entire amount thereof.

I. In the event that,

1. The use of any part of the system of grantee is discontinued for any reason for a continuous period of thirty (30) days, without prior written notice to and approval by the city; or

2. Any part of such system has been installed in any street or other area without complying with the requirements hereof; or

3. Any franchise shall be terminated, cancelled or shall expire;

then the grantee shall, at the option of the city, and upon demand of the city, promptly remove from any roads or streets or other area all property of grantee, and grantee shall promptly restore the road or street or other area from which such property has

been removed to such condition as the city administrative officer shall approve.

J. The council may, upon written application therefor by the grantee, approve the abandonment of any of such property in place by grantee and under such terms and conditions as the council may prescribe. Upon abandonment of any such property in place, grantee shall cause to be executed, acknowledged, and delivered to the city such instruments as the city council shall prescribe and approve, transferring and conveying the ownership of such property to the city. (Prior code § 13-412)

#### 5.08.130 Technical standards.

In the event of nonpreemption by federal law:

A. The grantee shall put, keep and maintain all parts of the system in good condition throughout the entire license period. Signals provided at each customer termination shall be low noise, high quality, with a minimum strength of 0 dBmV.

B. The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of industry to the effect that subscribers shall receive a high quality signal. In determining the satisfactory extent of such standards following, among others, shall be considered.

C. The system be installed using all band equipment capable of passing the entire VHF and FM spectrum.

D. The system, as installed, be capable of passing standard color TV signals without the introduction of material degradation on color fidelity and integrity.

E. The system and all equipment be designed and rated for twenty-four (24) hour per day continuous operation.

F. The system provides a nominal signal level of 1000 microvolts (0 dBmV) at the input of each TV receiver.

G. The system signal-to-noise ratio is not less than forty (40) decibels.

H. The hum modulation of the picture signal is less than five percent.

I. The system use components having a VSWR of 1.4 or less.

J. Within thirty (30) days after completion of the annual performance test required by the Federal Communications Commission, a copy of the results thereof shall be filed with the county clerk.

K. Upon reasonable request for service by any person located within the license area, the grantee shall within one hundred twenty (120) days, furnish the requested service to such person within the term of the line extension policy. A request shall be unreasonable for the purpose of this subsection if no trunk line installation capable of servicing that person's block has as yet been installed. The city administrative officer may grant the grantee relief from the one-hundred-twenty-day requirement upon the grantee's presentation of evidence of good faith effort and its inability to meet the one-hundred-twenty-day time limit.

L. Grantee shall not allow its cable or other operations to interfere with television reception of persons not served by grantee, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents within the confines of the city.

M. Grantee shall be responsible for eliminating all interference to land mobile communications systems, aeronautical or navigational radio receivers or systems and/or television receivers or systems, caused by radiation from grantee's receivers, amplifiers, transmitters or distribution system.

N. The grantee shall continue, through the term of the license, to maintain the technical standards and quality of service set forth in the grantee's license award agreement. Should the council find, by resolution, that the grantee has failed to maintain these technical standards and quality of service, and should it, by resolution, specifically enumerate improvements to be made, the grantee shall make such improvements. Failure to make such improvements within sixty (60) days of such resolution will constitute a breach of franchise conditions. (Prior code § 13-413)

#### **5.08.140 Inspection of property and records.**

A. Examination of Property. At all reasonable times, during normal business hours, the grantee shall permit any duly authorized representative of the city to examine all property of the grantee, together with any appurtenant property of the grantee, used for providing cable service to and/or, within the city, whether situated within or without the city, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the technical operation and performance of the system serving the city, and/or those records of the grantee showing gross revenues from

service within the city. If any such maps or records are not kept in the city, or upon reasonable request made available in the city, and if the council shall determine that an examination thereof is necessary or appropriate, then travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee.

B. The grantee shall prepare and furnish to the city administrative officer at the times and in the form prescribed by said officer, such reports as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city or any of its officers in connection with the franchise.

C. The grantee shall at all times make and keep available to the city full and complete plans and records showing the exact location of all CATV trunk and distribution equipment installed or in use in streets and other public places in the city.

D. The grantee shall file with the city surveyor, upon request, a current map or set of maps drawn on scale, showing all CATV distribution equipment installed and in place in streets and other public places of the city. Once the first set of maps is filed, revisions may be filed upon request each year in lieu of a full new set of maps. (Prior code § 13-414)

#### **5.08.150 Right to purchase system.**

Upon the revocation of the franchise, or the expiration of the terms thereof, and upon payment for the grantee's CATV system, to the extent authorized by law, the grantor may purchase, acquire, takeover, or hold said system. For purposes of this section, "fair market value" shall be

determined by valuing the grantee's system as a going concern. No value shall be assigned to the franchise granted hereunder. Immediately upon a determination of revocation or expiration of the franchise, the grantor and grantee shall attempt to mutually agree upon the fair market value of the system. However, if within a reasonable period of time they cannot agree upon the fair market valuation, then said valuation shall be determined by a three-member board of appraisers, one selected by the grantor, one selected by the grantee, and one selected by the appraisers themselves. The cost of said appraisal shall be borne equally by the grantor and the grantee. (Prior code § 13-415)

**5.08.160 Right of intervention.**

The city may intervene at its expense in any suit or proceeding in which the grantee is a party; provided, that the city's interests are not adequately represented by the existing parties, and provided further, that the disposition of each suit or proceeding without the city's participation may, as a practical matter, impair or impede the city's ability to protect those interests. (Prior code § 13-416)

**5.08.170 Disconnection, relocation or removal may be required.**

The licensee shall, at its expense, protect, support, temporarily disconnect, relocate the same street, or remove from any street any of its CATV systems when required by the road commissioner by reason of traffic conditions, public safety, street vacation, county freeway construction, change or

establishment of street grade, installation of sewers, drains or any other type of structures by the city, or other governmental agencies or any other street or public improvements; provided, however, that the licensee shall, in all such cases, have the privileges and be under the obligations to abandon any portion of the CATV system in places which are provided in Section 5.08.120. (Prior code § 13-417)

**5.08.180 Safety requirements.**

A. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

B. The grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the National Electrical Code, as it now exists or hereafter may be amended, and in such manner that they will not interfere with any installations of the city or a public utility serving the city.

C. All structures and all lines, equipment and connections in, over, under and upon the roads, streets, sidewalks, alleys, and public ways or places of the city, wherever situated or located, shall at all times be kept and maintained in a safe, suitable substantial condition, and in good order and repair.

D. The grantee shall strictly adhere to all building and zoning codes currently or hereafter in force. The grantee shall arrange its lines, cables, and other appurtenances on both public and private property, in such a

manner as to cause no unreasonable interference with the use of said public or private property by any person. (Prior code § 13-418)

**5.08.190 Removal of facilities upon request.**

Upon termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request. (Prior code § 13-419)

**5.08.200 Repair of streets and public ways.**

Any and all roads, streets and public ways which are disturbed or damaged during the construction, operation, maintenance, or reconstruction of the cable television system, shall be promptly repaired by the grantee, at its expense, to the satisfaction of the grantor. This shall be done under authority of encroachment permit. Upon any failure of the licensee to commence, upon ten days' written notice, pursue or complete any work required of it by law, ordinance, or by the provisions of this chapter to be done in any street, the road commissioner, at his option and according to law, may cause such work to be done and the licensee shall pay to the city the cost thereof in the itemized amounts reported by the road commissioner to the licensee, within thirty (30) days after receipt of such itemized report. (Prior code § 13-420)

**5.08.210 Erection of poles.**

The grantee is expected to make use of existing aerial poles. However, the grantee shall have the right to erect poles if written

permission is obtained from the grantor. Except as may be permitted, the grantee shall lease pole space from existing owners for all construction. The grantor shall utilize its best efforts to assist in arriving at equitable rental agreement. (Prior code § 13-421)

**5.08.220 Services.**

Services shall be offered to all city residents served by the franchise in accordance with the provisions of the franchise agreement. (Prior code § 13-422)

**5.08.230 Special service area.**

As defined in the franchise agreement, the grantee shall be permitted to charge higher installation fees for areas of low housing density, commercial areas and/or underground utility areas that require exceptionally high construction costs. Upon petition by the grantee, the council may defer or indefinitely suspend any expansion into such a special service area after a showing by grantee that such expansion would cause unreasonable financial hardship to grantee. The adequacy of such a showing shall be determined and weighed against the public interest in system expansion by the council after a public hearing. (Prior code § 13-423)

**5.08.240 Receivership.**

Upon the foreclosure or other judicial sale of all or a substantial part of the CATV System, or upon the termination of any lease covering all or a substantial part of the CATV System, the grantee shall notify the city clerk of such fact, and such notification shall be treated as a notification that a change of control of the grantee has taken place and the provisions of this chapter

governing the consent of the council to such change in control of the grantee shall apply. The grantor shall have the right to revoke the franchise one hundred twenty (120) days after the appointment of a receiver, or trustee, to take over and conduct the business of the other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

A. Within one hundred twenty (120) days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of the franchise and remedied all defaults thereunder; and

B. Such receiver or trustee, within said one hundred twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of the franchise. (Prior code § 13-424)

**5.08.250 Authority of city to terminate in the event of condemnation.**

In order to preserve the right of the city under the franchise provided for, and its right to acquire the property of the grantee by purchase or by eminent domain proceedings at its then fair market value, at any time during the existence of the franchise, it is especially provided that at any time the franchise or the property of the grantee under the franchise shall become the subject of eminent domain proceedings by the city, the city reserves and shall have the right at the time such proceedings are commenced,

or at any time thereafter, to terminate said franchise by resolution. (Prior code § 13-425)

**5.08.260 Continuity of service mandatory.**

It shall be the right of all subscribers to receive all contracted for available services insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elects to overbuild, rebuild, modify, or sell the system, or the grantor revokes or fails to renew the franchise, the grantee shall do everything in its power to insure that all subscribers receive continuous, uninterrupted service regardless of the circumstances during the lifetime of the franchise. In the event of purchase by the grantor, or a change of grantee, the current grantee shall cooperate with the grantor to operate the system for a temporary period, as agreed upon between grantor and grantee, in maintaining continuity of service to all subscribers. In such case the city shall waive the provisions of Section 5.08.050(H). (Prior code § 13-426)

**5.08.270 Financial disclosure of independent consultant.**

A. Any individual, partnership or corporation employed by the city for the purposes of advertising, the city, its council, commissions, city administrative officer, or staff, on matters relating to cable television, or reviewing and evaluating, or assisting the city in reviewing and evaluating, proposals for the construction and operation of a cable television system(s), or regulating, or assisting the city in regulating, a cable television system, shall, as a term condition of their employment, file within ten days of the date

of employment with the city clerk a statement containing:

1. A listing and description of any financial and/or ownership held by the consultant in any cable television company, any subsidiary or affiliate of any cable television company which is a supplier or customer of any cable television company, or in any other company which owns stock or has any interest in any of those types of companies which are described in this section. If the consultant is a partnership, the financial and/or ownership interests in cable television companies, affiliates, subsidiaries, suppliers and customers of any partner must be disclosed. If the consultant is a corporation, the financial and/or ownership interests in cable television companies, affiliates, subsidiaries, suppliers and customers of any shareholder, officer or director must be disclosed.

2. A listing and description of any cable television company, affiliate, subsidiary, supplier or customer which the consultant has represented, on a compensated or non-compensated basis, within the last fifteen (15) years.

B. The statement filed pursuant to this section shall be a public document open to inspection by any person. Failure to file this statement, or the inclusion of a material misrepresentation or omission within the statement, shall constitute grounds for the city's termination of the employment contract. The provision shall not apply to individuals who are subject to the reporting requirements of the "Political Reform Act of 1974" (California Government Code Sections 81000 et seq.) under the local Conflict of Interest Code if the disclosures required

by the code are substantially similar to those of this section. (Prior code § 13-427)

#### **5.08.280 Miscellaneous provisions.**

A. A franchise granted to provide service within the city shall authorize and permit the grantee to solicit, sell, distribute and make a charge to subscribers within the city for connection to the cable television system of grantee, and may also authorize and permit the grantee to traverse any portion of the city in order to provide service outside the franchise area.

B. Arrangements for response to security alarms must be made with appropriate response agency and must be in conformance to their regulations and those of Monterey County Communications Department.

C. No franchise granted under this chapter shall ever be given any value by any court or other authority, public or private, in any proceeding of any nature or character, wherein or whereby the city shall be a party or affected therein or thereby.

D. 1. Grantee shall be subject to all provisions of the other ordinances, rules, regulations and specifications of the city heretofore or hereafter adopting, including, but not limited to, those pertaining to works and activities in, on, over, under and about roads or streets.

2. Any privilege claimed under any franchise granted pursuant to this chapter in any road or street or other public property shall be subordinate to any prior lawful occupancy of the roads, street, or other public property.

3. Grantee also shall be subject to the provisions of general laws of the State of California, or as hereafter amended, when

applicable to the exercise of any privilege contained in any franchise granted under this chapter, including, but not limited to, those pertaining to works and activities in and about state highways.

E. Grantee shall be prohibited from directly or indirectly providing information concerning the viewing patterns of identifiable individual subscribers to any person, group or organization for any purpose. Grantee shall not directly or indirectly provide any information contained in two-way communications to any unauthorized recipient.

F. If the Federal Communications Commission or the Public Utilities Commission of the State of California or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise granted under this chapter, then to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the city, the jurisdiction of the city shall cease and no longer exist.

G. When not otherwise prescribed herein, all matters herein required to be filed with the city shall be filed with the city clerk.

H. No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or service charge.

I. When economically and technically feasible, grantee shall enter into an agreement with a subdivider or developer to provide cable service when the development

is within the grantee's service area and when such service is required as a condition of a tentative subdivision map, use permit or other special permit. All trenching costs shall be borne by the developer and all wiring and trenching must conform to grantee's technical specifications. (Prior code § 13-428)

**5.08.290 Equal opportunity employment and affirmative action plan.**

A. In the carrying out of construction, maintenance and operation of the cable television system, the grantee shall not discriminate against any employee or application for employment because of race, creed, color, sex or national origin.

B. The grantee shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training, including, apprenticeship.

C. The grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

D. The grantee shall, in all solicitations, or advertisements for employees placed by or on behalf of the grantee, state that all qualified applicants shall receive consideration for employment without regard to race, creed, color, sex or national origin. (Prior code § 13-429)

**5.08.300 Violations.**

A. From and after the effective date of this chapter, it is unlawful for any person to construct, install or maintain within any public street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a franchise authorizing such use of such road or street or property has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

B. It is unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within this city for the purpose of enabling himself or others to receive or use any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

C. It is unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. (Prior code § 13-430)

**5.08.310 System outage and complaint service.**

The grantee shall maintain a subscriber complaint service for routine handling of

customer service requests, as part of the requirements of the local staff as follows:

A. All calls involving loss of reception on all channels will normally be dispatched to the field immediately. If the loss of reception on all channels affects five or more customers, at any time of day or night, repairs will be dispatched to the field immediately and repairs will be made as soon as possible. Total loss of reception involving fewer than five customers will normally be corrected on the same day received except if reported after 2:00 p.m.; in which case, correction may be postponed to the following day. The majority of all outages (total loss of reception on all channels) will be corrected within twelve (12) hours or less.

B. Requests for repairs made after hours or on weekends should be answered by an answering service or staff. Outage calls will be referred immediately to the standby technician for resolution in accordance with the procedure outlined hereinabove. Calls involving degraded service will be reported by the answering service not later than the beginning of the next business day. The staff will then call the customer to schedule a service call.

C. If, in response to a complaint, the service technician finds no one home, a call to the dispatch operator shall be made; who, in turn, shall try to contact the subscriber by phone.

D. If the subscriber is still not contacted, the service technician shall check and correct any problems found outside the subscriber's residence and leave a door hanger informing the subscriber what was found and corrected, and requesting the

subscriber to make a service appointment if the problem still exists.

E. If the subscriber is home, the service technician shall introduce himself/herself, talk with the subscriber, determine the cause of the problem and correct it if the problem lies in the cable system. The technician should carry a test television set to compare pictures with the subscriber's set.

F. Calls or letters involving complaints about billing will be processed immediately whenever possible.

G. Service installations shall be accomplished on a timely basis.

H. The grantee shall have a follow-up policy to ensure customer satisfaction.

I. Grantee will maintain a data base, or "log," listing date of all consumer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by the grantee in response thereto. The data base shall be maintained from the date of first subscriber service or franchise award, whichever is sooner. Such record, including letter complaints, shall be kept accessible at grantee's local office for a period of three years, and shall be available for inspection upon reasonable (normally twenty-four (24) hours) notice during regular business hours by any duly authorized representative of the city. (Prior code § 13-431)

## Chapter 5.12

### PEDDLERS AND SOLICITORS

#### Sections:

5.12.010	Definitions.
5.12.020	Permit required.
5.12.030	Nuisance.

#### 5.12.010 Definitions.

"Private residential premises" for the purpose of this chapter is defined as follows:

Any premises in the city whereupon any person, or persons are residing or living, including private residences, hotels, boarding houses, rooming houses, apartments, flats, bungalows, or motor courts, or multiple residential dwellings.

"Solicitors, peddlers, hawkers, itinerant merchants, and itinerant vendors of merchandise" and each of such terms are defined for the purpose of this chapter as follows:

Solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having a fixed place of business within the city limits of the city. (Prior code §§ 4-203, 4-204)

#### 5.12.020 Permit required.

It is unlawful for any person, firm or corporation, directly or indirectly, to enter upon any private residential premises in the city for any of the purposes set forth in Section 5.12.030 without first obtaining from the police department of the city, a permit in writing so to do, and the police department may deem necessary or desirable in the public interest, and the police

department may require any such applicant to submit fingerprints of the applicant or of any person, desiring to solicit, peddle, hawk, deliver, sell or buy goods, wares and merchandise in or upon any such private residential premises in the city. (Prior code § 4-202)

#### **5.12.030 Nuisance.**

The entry in or upon private residential property or premises in the city by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise without invitation or authorization of the occupant, or the occupants of such residential premises so to do for the purpose of soliciting order for goods, wares and merchandise or disposing of or peddling or hawking the same is declared to be and constitutes a public nuisance and a misdemeanor, punishable as hereinafter set forth. (Prior code § 4-201)

## **Chapter 5.16**

### **FRANCHISES**

#### **Sections:**

<b>5.16.010</b>	<b>Definitions.</b>
<b>5.16.020</b>	<b>Franchise granted.</b>
<b>5.16.030</b>	<b>Relocation of equipment.</b>
<b>5.16.040</b>	<b>Term of franchise.</b>
<b>5.16.050</b>	<b>Grantee payments to city.</b>
<b>5.16.060</b>	<b>Gross receipts report required.</b>
<b>5.16.070</b>	<b>Granting authority.</b>
<b>5.16.080</b>	<b>Effective date.</b>
<b>5.16.090</b>	<b>Publication expense reimbursement to city.</b>
<b>5.16.100</b>	<b>Written acceptance required.</b>

#### **5.16.010 Definitions.**

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

The word "grantee" shall mean Pacific Gas and Electric Company and its lawful successors or assigns;

The word "city" shall mean the city of Del Rey Oaks, a municipal corporation of the state of California in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form;

The word "streets" shall mean the public streets, ways, alleys and places as the same now are or may hereafter established within the city;

The phrase "poles, wires, conduits and appurtenances" shall mean poles, wires, towers, supports, conductors, cables, guys, stubs, platforms, crossarms, braces, transformers, insulators, conduits, ducts, vaults, manholes, meters, cut-outs, switches, communication circuits, appliances, attachments, appurtenances and without limitation to the foregoing, any other property located or to be located in, upon, along, across, under or over the streets of the city and used or useful in transmitting and/or distributing electricity;

The phrase "construct, maintain and use" shall mean to construct, erect, install, lay, operate, maintain, use, repair, or replace. (Prior code § 13-101)

#### **5.16.020 Franchise granted.**

The franchise to construct, maintain and use poles, wires, conduits and appurtenances necessary or proper for transmitting and distributing electricity to the public for any and all purposes, in, along, across, upon, under and over the streets within the city is granted to the Pacific Gas and Electric Company, its successors and assigns. (Prior code § 13-102)

#### **5.16.030 Relocation of equipment.**

Grantee of this franchise shall relocate, without expense to the city, any poles, wires, conduits and appurtenances theretofore installed and then maintained or used under this franchise, if and when made necessary by any lawful change of grade, alignment or width of any street by the city, including the construction of any subway or viaduct shall remain under the jurisdiction of the city as a city street, but shall cease to

be applicable to any such street if and when the same shall become a freeway, nor shall it constitute a contractual obligation in respect to such freeway within the purview of Section 703 of the Street and Highways Code of the State of California, or any corresponding provisions of law. (Prior code § 13-103)

#### **5.16.040 Term of franchise.**

Said franchise shall be indeterminate, that is to say, said franchise shall endure in full force and effect until the same shall, with the consent of the Public Utilities Commission of the State of California, be voluntarily surrendered or abandoned by grantee, or until the state or some municipal or public corporation thereunto duly authorized by law shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of said franchise and situated in the territorial limits of the state, municipal or public corporation purchasing or condemning such property, or until said franchise shall be forfeited for noncompliance with its terms by grantee. (Prior code § 13-104)

#### **5.16.050 Grantee payments to city.**

Grantee of said franchise shall during the term hereof pay to the city two percent of the gross annual receipts of grantee arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than one percent of the gross annual receipts of grantee derived from the same of electricity within the limits of the city. (Prior code § 13-105)

**5.16.060 Gross receipts report required.**

Grantee shall file with the clerk of the city, within three months after the expiration of the calendar year, or fractional calendar year, following the date of the granting hereon, and within three months after the expiration of each and every calendar year thereafter, a duly certified statement showing in detail the total gross receipts of grantee during the preceding calendar year or such fractional calendar year, from the sale of electricity within the city. Grantee shall pay to the city within fifteen (15) days after the time for filing such statement, in lawful money of the United States, the aforesaid percentage of its gross receipts for such calendar year, or such fractional calendar year, covered by such statement. Any neglect, omission or refusal by grantee to file such verified statement, or to pay said percentage at the time and in the manner specified, shall be grounds for the declaration of a forfeiture of this franchise and of all rights of grantee hereunder. (Prior code § 13-106)

**5.16.070 Granting authority.**

Said franchise is granted under the Franchise Act of 1937. (Prior code § 13-107)

**5.16.080 Effective date.**

This chapter shall become effective thirty (30) days after its final passage unless suspended by a referendum petition filed as provided by law. (Prior code § 13-108)

**5.16.090 Publication expense reimbursement to city.**

Grantee of said franchise shall pay to the city a sum of money sufficient to reimburse it for all publications expense incurred by it in connection with the granting thereof; such payment to be made within thirty (30) days after the city shall have furnished grantee with a written statement of such expenses. (Prior code § 13-109)

**5.16.100 Written acceptance required.**

The franchise granted shall not become effective until written acceptance thereof shall have been filed by grantee with the city clerk. (Prior code § 13-110)

EXHIBIT A

Chapter 5.44

TAXICABS

Sections:

- 5.44.010 General Provision.
- 5.44.020 Definitions.
- 5.44.030 Determination of number of taxicabs to be operated in the City.
- 5.44.040 Continued operation of authorized business required.
- 5.44.050 Compliance with state and local laws and regulations.
- 5.44.060 Insurance requirements and hold harmless
- 5.44.070 Rates and fares - generally
- 5.44.080 Condition of vehicles generally.
- 5.44.090 Exterior signage required
- 5.44.100 "For Hire" lights required
- 5.44.110 Illumination of passenger compartment required at certain times.
- 5.44.120 Inspection of vehicles; inspection fee.
- 5.44.130 Establishment and use of taxicab stands.
- 5.44.140 Solicitation of passengers prohibited; exception.
- 5.44.150 Vehicles standing in streets or public place prohibited; exception.
- 5.44.160 Prohibited conduct by drivers.
- 5.44.170 Authorization to pick-up passengers by permitted drivers.
- 5.44.180 Keeping of tripsheets required.
- 5.44.190 Keeping of records by owners required.
- 5.44.200 Reports of found property.
- 5.44.210 Service to general public.
- 5.44.220 Owner's permit required.
- 5.44.230 Taxicab Driver's Permit required.
- 5.44.240 Mandatory controlled substance and alcohol testing program.
- 5.44.250 Taximeters.

5.44.010 General Provision.

It shall be unlawful for any person, firm, or corporation to operate any taxicab business, or for any owner or driver to operate or drive any taxicab except in compliance with the provisions of this Chapter.

5.44.020 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

A. Certificate. "Certificate" means a certificate of public convenience and necessity issued by the Regional Taxi Authority.

B. Driver. Every person in charge of operating any taxicab, either as owner, agent, employee, or otherwise, or under the direction of an owner.

C. Owner. Every person, firm, or corporation that owns or has contracted for the use or control of any taxicab, whether as owner, lessee, or otherwise.

D. Regional Taxi Authority. "Regional Taxi Authority" or "Authority" means the Monterey County Regional Taxi Authority.

E. Regional Taxi Authority Area. "Regional Taxi Authority Area" means the land areas under the jurisdiction of the member entities of the Regional Taxi Authority.

F. Taxicab. A passenger automobile equipped with a taximeter and used for transportation of passengers over public streets and highways but not over a defined route and irrespective of whether the travel extends beyond the City limits, and operated at rates per mile or waiting time or both.

G. Taximeter. A mechanical or electronic instrument or device by which the charge for hire of a taxicab is mechanically or electronically calculated based on rates established by the Regional Taxi Authority, either for distance traveled, for waiting time, or both, and upon which the charges are plainly registered by means of figures indicating dollars and cents.

H. Taxistand. A place on public property or streets approved by the City as a place where taxicabs may park and wait for hire.

#### 5.44.030 Determination of number of taxicab businesses in the City.

No person shall engage in the business of operating any taxicab business within the City without first having obtained a certificate of public convenience and necessity ("Certificate") from the Regional Taxi Authority and an owner's permit. The Regional Taxi Authority shall determine whether the number of taxicabs operating in the Regional Taxi Authority Area meets the needs of the general public, and shall issue a Certificate to any taxicab business only if it finds the public convenience and necessity support the addition of more taxicabs operating within the Authority Area.

#### 5.44.040 Continued operation of authorized business required.

Every person holding an owner's permit under the provisions of this Chapter shall regularly and daily operate the taxicab business from taxistands within the City to the extent reasonably necessary to meet public demand for such service on a 24 hour a day basis. Failure to comply with this provision shall constitute abandonment of service and the Regional Taxi Authority, after a noticed public hearing, may revoke the owner's permit if a violation of this section is demonstrated.

#### 5.44.050 Compliance with state and local laws and regulations.

All taxicabs authorized to operate with the City shall be properly licensed with the California Department of Motor Vehicles, and shall further comply with all state and local laws and regulations relating to the licensing and commercial operation of taxicabs. All taxicabs shall be registered under the firm name or the name of the individual holding the owner's permit.

No vehicle used or intended to be used in taxicab service in the City shall be rented to any owner or driver unless such owner or driver has obtained the appropriate permit(s) pursuant to this Chapter.

5.44.060 Insurance requirements and hold harmless.

All taxicabs authorized to operate within the City shall, and by acceptance of the Regional Taxi Authority taxicab permit, do agree to hereby indemnify, defend and hold the Regional Taxi Authority, its member jurisdictions, their officers, employees and agents harmless from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of their taxicab operations.

It shall be unlawful to drive or operate any taxicab in the City unless the vehicle owner possesses current, valid commercial general liability and vehicle liability in amounts and with conditions acceptable to the Regional Taxi Authority and evidenced through certificates of insurance filed with the Authority.

The owner's insurance shall remain in full force, at a level at least equal to the minimum requirements of the Regional Taxi Authority, or the owner's permit shall automatically be suspended until such time as full compliance with the requirements of this section are demonstrated to the Authority's satisfaction.

5.44.070 Rates and fares - generally.

The Board of the Regional Taxi Authority, upon its own motion or upon application of an owner's permit holder, may set, establish, change, modify or amend the schedule of rates to be charged by all vehicles operated by each holder of an owner's permit under the provisions of this Chapter. No rates shall be set, established, changed, modified or amended without a public hearing before the Board. Notice of such hearing shall be given to each owner's permit holder, in writing, by the Board at least five (5) days before such hearing, and the Board may give such other notice as it shall deem necessary.

Fares shall be conspicuously displayed in the passenger compartment of each taxicab where it is readily visible and readable by passengers in front and rear seats.

The taxicab rate or fare shall be determined by a taximeter in accordance with the schedule established by the Regional Taxi Authority. Following public hearing as required herein, the Authority shall establish the rate or fare by resolution.

It shall be unlawful to fix, charge, or collect a rate in excess of the rate schedule approved by the Regional Taxi Authority.

5.44.080 Condition of vehicles - generally.

No owner or driver shall operate, permit to be operated, or cause to be operated any motor vehicle for hire while the same or any of the equipment used thereon or therewith is in a defective, unsafe or unsanitary condition.

5.44.090 Exterior signage required.

Every taxicab operated in the City shall have displayed on each side and the rear of the vehicle the taxicab business name as it appears on the owner's permit, together with the owner's identification number and the telephone number of the taxicab business. The lettering of the signs and all signs to be displayed on any taxicab shall be approved by the Regional Taxi Authority.

5.44.100 "For Hire" lights required.

Every taxicab shall be equipped with a "For Hire" light attached to the top of the roof or to the top of the dome light. The light of the "For Hire" light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the "For Hire" light when the taximeter is not in operation, indicating the cab is vacant and for hire, and to extinguish such light when the taximeter is in operation. No person shall drive or operate any taxicab with such a light illuminated while carrying passengers for compensation; or drive or operate any taxicab unless such a light is illuminated when such taxicab is for hire.

5.44.110 Illumination of passenger compartment required at certain times.

Every motor vehicle for hire shall at all times be equipped with a light of not less than two candlepower within such vehicle, so arranged as to illuminate the entire passenger compartment, which light shall be kept constantly lighted at all times while any passengers are being loaded into or unloaded from any such vehicle from one-half hour after sunset of any day until one-half hour before sunrise of the next day, and no shades or blinds shall be drawn over the windows of any such vehicle while the same is occupied.

5.44.120 Inspection of vehicles; inspection fee.

A. All taxicabs shall submit to an annual inspection as required by the Regional Taxi Authority. All taxicabs shall possess all of the equipment listed on the Regional Taxi Authority Taxicab Safety Inspection Checklist, and all such equipment shall be in good working order and repair. The Authority shall establish the standard for good working order.

B. Upon satisfactory completion of such inspection, the Regional Taxi Authority shall issue and affix an approval decal or sticker to the taxicab that authorizes the operation of the vehicle for a one-year period. All decals issued by the Authority shall be displayed at the rear of the vehicle on the driver's side rear window. It shall be unlawful to transfer the decal or sticker to any other vehicle, and no taxicab shall be operated without a valid decal or sticker properly displayed.

C. Any law enforcement officer shall have the right and shall be permitted at any time to inspect any taxicab to ascertain whether the provisions of this Chapter are being met. During an inspection, the driver of the taxicab shall produce for inspection the following documents: (1) valid California vehicle registration, (2) valid proof of insurance document and (3) a valid California driver's license.

D. The Regional Taxi Authority shall establish a taxicab safety inspection fee that shall be due annually upon inspection.

E. Any taxicab that fails any safety inspection shall be given an opportunity to make repairs or correct defects and be re-inspected. Any such cab failing an inspection shall be removed from service until such time as compliance is met. A safety inspection is "failed" if any law enforcement officer or Regional Taxi Authority or City designated mechanic determines the

vehicle is not in compliance with the provisions of this Chapter or any required inspection program established by the Authority, or if the taxicab is unsafe, unsanitary, or unsightly. Any such taxicab shall be removed from service until such conditions are corrected. Such vehicle shall be re-inspected prior to being returned to service.

E. Should a law enforcement officer or a Regional Taxi Authority employee determine that a taxi should be removed from service, such person is authorized to remove the decal or sticker designating that the taxi is authorized to operate. When the taxi has satisfactorily passed an inspection, a new decal or sticker will be issued by the Regional Taxi Authority and a nominal fee will be charged for the new decal or sticker.

5.44.130. Establishment and use of taxicab stands.

A. The City Council may, by resolution, locate and designate taxicab stands or designated curb space on any public street in the City, which stands, when so established, shall be appropriately designated, "Taxis Only." Taxicab stands so established shall be in operation during the hours designated by the City Council.

B. If designated taxicab stands are so established, no owner, driver or operator of any taxicab shall allow such taxicab to remain parked, while awaiting employment, except in a regularly established taxicab stand. Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers if permitted by ordinance.

5.44.140 Solicitation of passengers prohibited; exception.

No taxicab driver, or person acting on behalf of any such driver, shall solicit passengers except from an approved taxicab stand.

5.44.150 Taxicabs standing in streets or public place prohibited; exception.

No taxicab shall be allowed to remain standing on a public street or in a public place unless it is attended by a driver, except when the driver is assisting passengers to load or unload, is answering his telephone or displays a sign reading "Not for Hire."

5.44.160 Prohibited conduct by drivers.

A. No driver, or any person acting on behalf of any such driver, shall engage in any disorderly or inappropriate conduct while in the performance of his or her duties as a taxicab operator, including, but not limited to, obstruction of any street or sidewalk, making of loud or unusual noises to attract the attention of potential customers, use of indecent, profane, or obscene language, boisterous or loud talking that might disturb the peace and quiet of others in the area, harassment of passersby, interference with, obstruction of, or impeding of the free passage of potential passengers, or seizing or grabbing any baggage carried by or belonging to potential passengers prior to being hired to provide transportation.

B. No taxicab driver shall smoke or permit any smoking to occur within any taxicab at any time. No smoking signs shall be prominently displayed in every taxicab.

5.44.170 Authorization to pick-up passengers by permitted drivers. Taxis that have been permitted by the Regional Taxi Authority can pick-up passengers within and between the Authority Area. Taxis authorized to operate in other jurisdictions not participating in the Regional Taxi Authority may drop-off but not pick-up passengers within the Authority area.

5.44.180 Keeping of tripsheets required.

The driver of each taxicab shall keep a separate tripsheet of every service rendered by the driver, and shall include the following information: (1) the location where the passenger(s) entered the taxicab, (2) the number of passengers, (3) the time the passengers entered the taxicab, (4) the location where the passengers were discharged, and (5) the amount of fare collected.

The owner of every taxicab shall keep such tripsheets in the business office for a period of one (1) year after the date service is rendered, and they shall be open and available for inspection by any representative of the Regional Taxi Authority at all times during business hours. The falsification of any tripsheet by any owner or driver shall be grounds for revocation of his or her permit.

5.44.190 Keeping of records by owners required.

A. The owner of every taxicab business shall keep a dispatch sheet which shows the time of dispatch of every taxicab.

B. Every owner and every employer of taxicab drivers, including self-employed drivers, shall keep and maintain a complete and accurate record of all drivers, which record shall show for each employee his or her name, address, date of hire, date of termination, the number of the taxicab operated by the driver, the hours of employment for each driver, a list of absences from employment, and all motor vehicle violations, all traffic accidents, all complaints received from passengers or others, and the test results from controlled substance and alcohol testing. These records shall be subject to inspection by the Regional Taxi Authority at any time upon demand, and shall not be destroyed without the written permission of the Authority.

C. Every taxicab owner and employer of taxicab drivers shall notify the Regional Taxi Authority in writing within five (5) working days upon termination of employment of any taxicab driver.

5.44.200 Reports of found property.

A. All property found in taxicabs not belonging to the driver or the taxicab owner shall be delivered to Monterey-Salinas Transit within 24 hours of discovery unless otherwise returned to the rightful owner. Every owner shall keep a log of all found property.

B. Every owner and driver shall attempt to return found property to any person claiming to have lost or left property in a taxicab. If the lost property is not found, the owner and driver shall advise the passenger to file a lost property report with the Police Department within the jurisdiction of the drop-off point.

5.44.210 Service to general public.

A. No driver of any taxicab shall refuse to carry any person seeking transportation and tendering the fare for the service within the City unless the vehicle is already in service, the person seeking transportation is unruly, boisterous, or intoxicated, or where the person seeking transportation is known to the driver to have been unruly, created problems of a confrontational nature or refused full payment in the past.

B. The Regional Taxi Authority shall be responsible for maintaining files of and investigating complaints regarding taxicab service and shall initiate appropriate action against taxicab drivers and owners when a complaint or complaints warrant such action.

5.44.220 Owner's permit.

A. No person shall engage in the business of operating any taxicab within the City without first having obtained an owner's permit from the Regional Taxi Authority, except as otherwise provided in this Chapter.

B. An owner's permit shall be required for each additional or different taxicab.

C. If a permittee wishes to substitute one vehicle for another, he or she shall file an application with the Regional Taxi Authority who shall cause the taxicab to be submitted to a normal safety inspection, and if the vehicle passes, an approval decal or sticker will be affixed to the substitute taxicab and the decal or sticker will be removed from the original vehicle.

D. Owner's permit application; application fee.

All persons or businesses applying for an owner's permit under this Chapter shall file with the Regional Taxi Authority an application, under penalty of perjury, including the following information:

- (1) The name, residence and business address(es) of the applicant.
- (2) Social security numbers, driver's license numbers, and dates of birth for all persons named in the application. If the applicant is a partnership or corporation, then the information shall be provided for each partner or corporate officer.
- (3) Fictitious name under which the business is proposed to operate.
- (4) Whether any license, permit, or certificate sought by the applicant has been denied, revoked, or suspended by any public agency, explaining in full the circumstances of any denial, revocation, or suspension.
- (5) The number and type of vehicles proposed to be operated in the business, including year, make, model, license number, VIN, and company-assigned taxicab number.
- (6) The color, name, monogram of insignia to appear on the vehicles.
- (7) A complete schedule of fares or rates to be charged and services to be operated, demonstrating compliance with existing fares and rates as established by the Regional Taxi Authority.
- (8) The location where the business will be operated, including dispatch facilities, storage facilities, repair and maintenance facilities, and fuel dispensing operations.
- (9) Copies of required insurance policies or if not yet issued, a written statement from an insurer that such policies will be issued if the application is granted.

(10) A statement as to whether any applicant, partner, or corporate officer, has been convicted of any misdemeanor or crime, or violation of any municipal ordinance other than minor parking and traffic offenses, the nature of the offense and the punishment or penalty assessed.

(11) The facts upon which the applicant believes tends to prove that public convenience and necessity require the granting of a permit.

(12) Such other information as the Regional Taxi Authority may deem necessary for promotion of the public health, safety, and welfare.

The Regional Taxi Authority shall establish an owner's permit application fee that shall accompany any such application.

E. Owner's permit application process.

Upon receipt of an application for an owner's permit under this Chapter, the Regional Taxi Authority staff shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review.

The Regional Taxi Authority shall review the application and the recommendation from the Authority staff to determine if it appears there is a need and necessity for the taxicab services proposed, and whether the applicant is of suitable character to provide such services. The Regional Taxi Authority may require the applicant to provide financial information and other documentation to demonstrate the ability to appropriately and lawfully operate the taxicab business proposed. The application shall be reviewed by the Regional Taxi Authority at a noticed public hearing. The Regional Taxi Authority shall approve any such application only if the following findings are first made:

- (1) The applicant is financially responsible as determined by the Regional Taxi Authority.
- (2) The applicant is of good moral character consistent with federal, state, and local laws for the public services that will be provided by the owner.
- (3) Existing taxicab businesses are not adequately serving the public with respect to taxicab services.
- (4) Such additional taxicab service will not result in a greater hazard to the public or create substantial traffic or parking problems.

The application shall be denied if any of the following findings are first made:

- (1) The public convenience and necessity do not require the proposed service.
- (2) The application fails to contain any of the required information as set forth above.

F. Suspension or revocation of Owner's Permit.

The Regional Taxi Authority shall have the power to suspend or revoke any owner's permit to operate a taxicab for a violation of any of the provisions of this Chapter or any ordinance relating to traffic or use of streets; for a failure to pay any judgment for damages arising from the

unlawful or negligent operation of the public motor vehicle for which any owner's permit was issued; for conduct on the part of any owner which is not conducive to proper service to the public, or to proper relationships with any competitive owner; or for, but not limited to any of the following reasons:

- (1) Providing late, false, or inaccurate information in the owner's permit application; or
- (2) Allowing operation of a taxicab by a driver not possessing a valid Regional Taxi Authority Driver permit stating that the driver is affiliated with the permittee; or
- (3) Failure to comply with the Authority's regulations; or
- (4) Failure of authorized drivers to comply with the Authority's regulations; or
- (5) Operation of any taxicab at a rate higher than the authorized fares; or
- (6) Failure to comply with the participating jurisdictions' law enforcement officers, code enforcement officers, Authority staff, and/or California Highway Patrol; or
- (7) Operating its business without the insurance required in these regulations; or
- (8) Failure to comply with the drug and alcohol policy requirements in these regulations; or
- (9) Failure to fully satisfy any court judgment entered against the company arising from liability for operating cabs, including but not limited to, judgments related to collisions or operating without the requisite insurance, within 15 years after the judgment was originally entered; or
- (10) Being held liable under any judgment, decision or determination by any public or regulatory agency for operating cabs without the requisite insurance after the adoption of these regulations.

#### G. Transferability.

No owner's permit issued under this Chapter shall be assignable or transferable without the prior approval of the Regional Taxi Authority. Prior to presenting the proposed assignment or transfer to the Authority, the transferee shall first submit a statement with the Authority staff setting forth the information required to be furnished on an original application as set forth in section 5.44.220 D, above. The Authority shall investigate the transferee in the same manner as a new applicant and make a recommendation to approve or disapprove the transfer to the Regional Taxi Authority Board of Directors within forty-five (45) days after the statement is received.

#### 5.44.230 Taxicab Driver's Permit required.

A. It shall be unlawful for any person to operate any taxicab in the City unless he or she has a valid taxicab driver's permit issued by the Regional Taxi Authority.

The Regional Taxi Authority staff shall administer and maintain taxicab driver's permits and records for taxicabs operating in the City.

#### B. Taxicab Driver's Permit application; process.

Application for a taxicab driver's permit shall be filed with the Authority, along with any fee(s) as established by the Regional Taxi Authority for the issuance of such permit. The application shall be in writing and made under penalty of perjury. The Authority shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review. Any information submitted in the application that is false, or any required information that is omitted, shall result in denial of the permit. The application shall include but not be limited to the following information:

- (1) The name, age, and address of the applicant.
- (2) Past experience operating motor vehicles generally and taxicabs specifically.
- (3) The names and addresses of former employers during the preceding three (3) year period.
- (4) The places of residence during the preceding three (3) year period.
- (5) Whether or not a driver's license issued to the applicant has ever been revoked or suspended.
- (6) A copy of the applicant's current driver's license and a DMV H-6 Driving Record and Vehicle Registration Report.
- (7) An endorsement of the owner of the taxicab business for whom the applicant seeks to drive a taxicab.
- (8) Proof of the applicant's negative test results for controlled substances and alcohol.

Upon the request of an applicant, the Regional Taxi Authority shall provide a list of the consortia certified pursuant to part 382 (commencing with § 382.101) of Title 49 of the Code of Federal Regulations that the Authority knows offers controlled substance and alcohol tests in Monterey County.

#### C. Taxicab Driver's Permit application fee.

An application for a taxicab driver's permit shall be made to the Regional Taxi Authority, and at the time of filing such application, a fee in an amount to be set by resolution shall be paid to the Regional Taxi Authority; provided that such fee shall include the amount set by the state to cover the cost of processing such applications.

#### D. Taxicab Driver's Permit requirements and prohibitions.

No taxicab driver's permit shall be issued to any person who:

- (1) Is under age 21 at the time of application.
- (2) Fails to provide documentation of either citizenship or employment authorization as required by the Immigration and Reform Control Act of 1986 (8 USC § 1324a).
- (3) Has been convicted of a felony.
- (4) Has been convicted of any offense specified in the CA Vehicle Code involving reckless driving or alcohol or drug offenses except convictions more than seven (7) years old or whose

convictions have been expunged or set aside pursuant to satisfactory completion of a Court approved diversion program.

- (5) Has been convicted of two or more violations of the offenses set forth in Sections 22349 through 22352 of the California Vehicle Code, and amendments thereto, or any combination of either or any of such offenses within one year immediately preceding submittal of an application for or renewal of a driver's permit;
- (6) Fails to possess a valid driver's license suitable for operation of a taxicab.
- (7) Has received a positive test result in any random test for controlled substances or alcohol within the past twelve (12) months.
- (8) Provides false or materially incomplete information required for issuance of the permit.
- (9) Has been convicted of an offense which requires registration pursuant to CA Penal Code § 290.
- (10) Has been convicted within five (5) years of an offense involving the sale of a controlled substance even if expunged pursuant to CA Penal Code § 1203.4.
- (11) Has been convicted within five (5) years of any offense involving the use of force or violence upon another person.
- (12) Has been convicted of more than one violation of driving while under the influence of any drug or alcohol within the past seven (7) years prior to application.
- (13) Is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions, or duties of a taxicab driver in a potentially negative manner.
- (14) Has had a taxicab driver's permit issued by any jurisdiction revoked within the past three (3) years.
- (15) Fails to provide a medical clearance that meets the standard set forth by the California Department of Motor Vehicles, Motor Carrier Safety Regulations (49 CFR 391.41 - 391.49). This is satisfied by providing a completed Medical Examination Report for Commercial Driver Fitness Determination form or a Medical Examiner's Certificate issued by the California Department of Motor Vehicles.

Every taxicab driver's permit issued pursuant to this Chapter shall set forth the name of the owner for whom such driver is authorized to operate a taxicab, and shall be valid only so long as the driver continues to drive for such owner.

All drivers of taxicabs shall display their taxicab driver's permit in a conspicuous place in the passenger compartment of the taxicab whenever the taxicab is being used to transport passengers.

#### E. Issuance of permits.

The Regional Taxi Authority shall investigate the applicant for a taxicab driver's permit under this Chapter and after such investigation shall either grant or deny the permit. Any person whose application has been denied may within ten (10) days after such denial request that the denial of his application be reviewed by the Regional Taxi Authority Board of Directors. The Authority Board of Directors shall, after a hearing, either grant or deny such permit.

F. Renewal of permit; termination.

(1) All taxicab driver's permits issued pursuant to this Chapter expire annually on their anniversary date unless earlier terminated, suspended, or revoked pursuant to the provisions set forth herein.

(2) Drivers may renew their permit if still qualified to operate a taxicab by meeting all the permit requirements set forth in this Chapter for new taxicab driver's permits, including, but not limited to, passing the test for controlled substances and alcohol.

(3) Taxicab driver's permits are void upon termination of taxicab driver's employment with the owner listed on their permit. Each driver shall return the permit to the Regional Taxi Authority upon such termination.

(4) It shall be unlawful to transfer any taxicab driver's permit to any other person.

G. Suspension or revocation of permit.

Either the Regional Taxi Authority or the Chief of Police shall have the authority to immediately suspend any taxicab driver's permit in the event the holder is arrested, charged, or cited for any violation of the CA Vehicle Code. The Regional Taxi Authority may suspend or refuse to renew any taxicab driver's permit if the driver is:

(1) Convicted of, or has plead guilty or *nolo contendere* to, the violation of any law within the past five (5) years involving the commission of a misdemeanor, including, but not limited to, any sexual offense; the illegal use, possession, or distribution of drugs or other controlled substances; any charge involving robbery, theft, stolen property, assault, battery; or any crime involving moral turpitude that occurred within the past five (5) years.

(2) Convicted of driving recklessly or while under the influence of alcohol or controlled substances;

(3) Has his or her driver's license suspended or revoked;

(4) Found to test positive for any controlled substance or alcohol during any test;

(5) Found to have violated any provision of this Chapter; or

(6) Found to have provided false information or omitted information required on a taxicab driver's permit application.

Any driver whose permit has been suspended may, within ten (10) days, file an appeal with the Regional Taxi Authority Board of Directors. If no appeal is received within 10 days, the taxicab

permit shall be considered revoked and there will be no further right to an appeal, unless the Regional Taxi Authority finds that there are reasonable grounds for failing to appeal within the 10 day period. The Board of Directors shall hold a duly noticed public hearing within [60] days from receiving the appeal, unless the taxicab driver agrees to an extension or requests an expedited hearing. If an expedited hearing is requested the Regional Taxi Authority shall endeavor to set an earlier date for the hearing but is not required to set an earlier date.

The hearing shall comply with the applicable provisions for the protection of the due process rights of the taxicab driver and the taxicab driver will be given the opportunity to be heard. The Regional Taxi Authority Board of Directors shall adopt Rules for conducting the hearing in compliance with applicable due process procedures. The Board shall either grant or deny the appeal, based on substantial evidence and shall support its decision with factual findings, in writing. The decision of the Board will issue within ten days of the conclusion of the hearing and will be final. If the Board upholds the appeal, the taxicab driver's permit shall be reinstated. If the Board denies the appeal, the taxicab driver's permit shall be revoked and may only be reinstated as set forth in this Chapter.

A taxicab driver shall not operate a taxicab during the time period in which the driver's permit is suspended. The Regional Taxi Authority may, but is not required to, issue a Temporary Permit, as set forth below, which will allow the taxicab driver to temporarily operate until such time as the Regional Taxi Authority Board of Directors has issued a final decision. In order to issue such a permit, the Regional Taxi Authority must, in addition to the requirements set forth below, make findings that the public safety and health will not be harmed by the issuance of a temporary driver's permit and unusual circumstances exist which require the issuance of a temporary driver's permit.

#### H. Temporary permits.

The Regional Taxi Authority, in its sole discretion, may grant a temporary permit to drive or operate any taxicab, pending final action on any application for a permanent taxicab driver's permit as provided in this Chapter, but no such temporary permit may be issued to any person who does not have a valid driver's license issued by the state, who is not employed or possessing a written offer of employment as a taxicab driver in the City, or who has not provided evidence of negative controlled substance and alcohol testing as required by Section 5.44.240 herein.

#### I. Records to be kept by the Regional Taxi Authority.

The Regional Taxi Authority shall keep a record of each driver granted a taxicab driver's permit under the provisions of this Chapter, which record shall contain the full name, age, residence, places of residence for two (2) years preceding the date of application, race, weight, height, color of eyes and hair, fingerprints, place of birth, places of previous employment covering three (3) years preceding the date of application, whether the driver has ever been convicted of a felony or of a misdemeanor, and whether he or she has ever been previously licensed as a driver, and if so, whether his or her license has ever been revoked and for what cause.

#### 5.44.240 Mandatory Controlled substance and Alcohol Testing Program.

(1) Each taxicab driver shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Each driver shall test negative for these controlled substances and for alcohol as a condition of the driver's annual permit renewal. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(2) Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that each driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and return-to-duty and follow-up testing and other requirements, except as provided otherwise in this section, shall be substantially as set forth in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(3) A test in one jurisdiction shall be accepted as meeting the same requirement in the City or in any other jurisdiction. Any negative test result shall be accepted for one (1) year as meeting a requirement for periodic permit renewal testing or any other periodic testing in the City or any other jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

(4) In the case of a self-employed independent driver, the test results shall be reported directly to the Regional Taxi Authority, and the Authority shall notify the taxicab leasing company of record, if any, of positive results. In all other cases, the results shall be reported directly to the driver's employer, who shall immediately notify the Authority of the results.

(5) All tests are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

(6) Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. In all other cases, taxicab owners and employers of drivers shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an employer may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

(7) Taxicab owners, employers of drivers, and self-employed independent drivers shall pay all service charges, fees, or assessments established by the Regional Taxi Authority with respect to the owner's employees and potential employees in an amount sufficient to pay for the Authority's costs of carrying out the mandates of this section.

(8) No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

(9) For purposes of this Section, "employment" includes self-employment as an independent driver or owner/operator of a taxicab.

5.44.250 Taximeters.

A. Required in taxicabs.

No person shall operate any taxicab in the City until such taxicab is equipped with a taximeter of a type and design which has been approved by the Regional Taxi Authority.

All taxicabs operated under the authority of this Chapter shall be equipped with taximeters which conform to all applicable State of California laws and regulations and shall be inspected, sealed, and certified by the County Department of Weights and Measures.

B. Inspection required; removal of vehicle with inaccurate meter.

(1) Every taximeter shall be inspected and tested for accuracy by the owner at least annually. Taximeters shall be subject to inspection at any time by the Regional Taxi Authority or any other authorized persons. Upon discovery of any inaccuracy of such taximeter, the operator thereof shall remove, or cause to be removed, from service any vehicle equipped with such taximeter until such taximeter has been repaired and accurately adjusted.

(2) Records and evidence of inspection by the County Department of Weights and Measures shall be submitted for verification at the time of each taxicab's annual vehicle inspection.

C. Manner of placement in taxicabs.

The taximeter required by this Chapter shall be placed in each taxicab so that the reading dial showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such taxicab.

D. Accurate operation required.

It shall be the duty of each person operating a taxicab, and the driver thereof, to keep the taximeter therein operating at all times within the accuracy and requirements of this Chapter and such additional requirements as may be prescribed from time to time by the Regional Taxi Authority.

E. Use required for all passenger services.

No passenger shall be carried in any taxicab for hire unless the taximeter in such taxicab is in operation. This Section shall apply regardless of whether the taxicab is engaged for a trip entirely within the Regional Taxi Authority Area or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, regardless of the point of destination; except, that when the trip is in excess of fifteen (15) miles a flat rate may be used for any part of the trip over the first fifteen (15) miles.

F. All charges to be in accordance with meters.

All charges for taxicab service shall be calculated and indicated by a taximeter, except as described in this Chapter, and at all times while the taxicab is engaged the “flag” of the taximeter shall be thrown into a position to register charges for mileage and time. No taximeter shall be so operated as to cause any charge to be registered thereon, except during the time while the taxicab is engaged by a passenger.

G. Splitting of fares by two or more passengers.

If two or more persons going in the same direction share a taxicab the first party that is discharged from the taxicab shall pay the charge on the meter, and the meter shall then be “flagged” and a new fare started; except and unless, if the driver agrees at the inception of the hire to drop the first fare without “re-flagging” and starting a new fare.

H. Proper use of “flag” required.

No driver of any taxicab, while carrying passengers, shall display the “flag” attached to the taximeter in such a position as to denote that such vehicle is not employed, or fail to throw the “flag” of the taximeter to a position indicating such vehicle is unemployed at the termination of each service.”

5.44.260. Severability.

If any provision, clause, sentence or paragraph of this article is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City of Del Rey Oaks hereby declares that it would have passed this article, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of this article would be subsequently declared invalid or unconstitutional.