

REGULAR MEETING

SAND CITY COUNCIL

AND

**SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY**

AGENDA

SAND CITY COUNCIL CHAMBERS

TUESDAY, AUGUST 18, 2015

5:30 P.M.

AGENDA
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY

Regular Meeting – August 18, 2015
5:30 P.M.

CITY COUNCIL CHAMBERS
Sand City Hall, One Sylvan Park, Sand City, CA 93955

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

- A. Written
- B. Oral

5. **CONSENT CALENDAR**

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits.

- (1) CUP #257, Precision Porche (auto), 475-C Olympia Avenue
- (2) CUP #345, James Obara, (mobile home), 770 Tioga Avenue
- (3) CUP #370, Economy Cleaners (service business), 840 Playa Avenue
- (4) CUP #378, Carmel Glass Company (contractor), 637-B Ortiz Avenue
- (5) CUP #388, Sanctuary Management Group (recreation), 1855 East Avenue
- (6) CUP # 396, McDonalds Restaurant (food), 990 Playa Avenue
- (7) CUP #497/CDP 09-02, Earthbound Tattoo (tattoo studio), 490-B Orange Avenue

- (8) CUP #523 Classic Kitchen Design (Nettesheim), 495 Shasta Avenue
- (9) CUP #526, Consolidated Electric Distributors CED (wholesale), 425 Orange Avenue
- (10) CUP 551, Pacific Throttle (auto tune), 148 Elder Avenue
- (11) CDP 11-10, Clifton Plumbing (contractor), 1 John Street

- B. Approval of Sand City Council Meeting Minutes, August 4, 2015
- C. Acceptance of Police Department Monthly Report, July 2015
- D. Acceptance of Public Works Monthly Report, July 2015
- E. Acceptance of City/Successor Agency Treasury Report, June 30, 2015
- F. Acceptance of Sand City Sales Tax Update, Quarter 1 (January-March 2015)
- G. Approval of City Donation/Contribution
 - 1) Community Human Services Fundraising Tea Party - \$500

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

7. PUBLIC HEARING

- A. SECOND READING: Ordinance of the City of Sand City Adopting Chapter 15.14 to the City Municipal Code entitled Streamlined Permitting for Small Residential Rooftop Solar Systems
- B. Consideration of City RESOLUTION Approving Coastal Development Permit 15-02 and Conditional Use Permit 595 Authorizing an Artist Studio at 1830 California Avenue as an Interim Temporary Use

8. OLD BUSINESS

- A. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator.

9. NEW BUSINESS

- A. Consideration of City RESOLUTION Updating the Sand City Personnel Manual to Incorporate Changes and Additions
- B. Consideration of City Health Benefit Resolutions-Effective January 1, 2016
 - 1) Approval of City RESOLUTION Fixing the Employer Contribution at an Equal Amount for Employees and Annuitants under the Public Employees' Medical and Hospital Care Act
 - 2) Approval of City RESOLUTION Authorizing Health Care Benefit Changes for the 2016 Contract Year

- C. Comments by Council Members on Meetings and Items of Interest to Sand City
- D. Upcoming Meetings/Events

10. CLOSED SESSION

- A. City Council /Agency Board to adjourn to Closed Session:
 - 1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):
 - a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases
 - b) Seaside v. Sand City (No. M120996) and related cross action
 - c) Seaside v. Sand City (King Ventures) (No. M126354)
- B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act

11. ADJOURNMENT

<p>Next Scheduled Council Meeting: Tuesday, September 1, 2015 5:30 P.M. Sand City Council Chambers</p>
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This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.

The current Sand City agenda is available in PDF format on our website at:
www.sandcity.org/agenda

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 20, or give your written request to the City Clerk at One Sylvan Park, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

AGENDA ITEM

5B

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY**

Regular Meeting – August 4, 2015
5:30 P.M.
CITY COUNCIL CHAMBERS
Sand City Hall, One Sylvan Park, Sand City, CA 93955

Mayor Pendergrass opened the meeting at 5:32 p.m.

The Mayor requested a special prayer for Council Member Blackwelder's son who is in the hospital prior to the invocation led by Reverend Carl Kelleher.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Council Member Blackwelder {excused absence}
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Todd Bodem, City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Brian Ferrante, Police Chief
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

- A. There was no written communication distributed.
- B. Oral

5:34 P.M. Floor opened for Public Comment.

West End Celebration coordinator Stephen Vagnini commented that the 2015 West End Celebration (WEC) will begin with a kick-off party on Friday, August 21st at Carmel Stone Imports. The Friday evening concert will feature Chris Caine, Kate Bohler, and the LBZ Band. Tickets are available at Sweet Elena's Bakery, Post No Bills, City Hall, and other locations. He met with the West End Advisory Committee last week to discuss the logistics and last minute details. The event will have the same footprint as last year's with approximately 10-15 new vendors, and a second main stage featuring 'Madix' as the MC. A program will be published in the Monterey County Weekly with various articles and

advertisements announcing the event, and the San Francisco Chronicle plans to write an article on the WEC as well. A Monterey Salinas Transit (MST) trolley will assist in transporting people to and from the event, and several other parking options are also being arranged. The local radio station KPIG will conduct a 'live' broadcast of the event from the main stage. Although there will be no fashion show this year, a new paper mache artist who molds "heads" will be featured along with large 'mushroom' displays. Mr. Vagnini requested that the Art Committee members take time to volunteer this year, and mentioned his appreciation of the young men and women who volunteer from the Defense Language Institute (DLI). In conclusion, Mr. Vagnini thanked Council Members Kruper and Hubler for their efforts, the City Council for their support, and City Staff for the work they perform in helping to produce the West End Celebration. He is expecting a large public attendance and successful outcome.

5:41 P.M. Floor closed to Public Comment.

The Mayor acknowledged the latest City newsletter and thanked the Deputy City Clerk Connie Horca for a job well done.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion of the Sand City Council Meeting Minutes, July 21, 2015.
- B. There was no discussion of the Revised City **Resolution** approving an Agreement between City of Sand City and Hinderliter, De Llamas & Associates (HdL) of Diamond Bar, California, for Transactions and Use Tax Audit & Information Services.
- C. There was no discussion of the City **Resolution** authorizing the City Administrator to Enter into a Contract with Hatch Mott MacDonald (HMM) for Traffic Engineering Services for a Speed Survey Study at a cost not to exceed \$6,350.
- D. There was no discussion of the City **Resolution** urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure.

Motion to approve the Consent Calendar items was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Kruper, Pendergass. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 7, PUBLIC HEARING

A. **FIRST READING: Ordinance of the City of Sand City Adopting Chapter 15.14 to the City Municipal Code entitled Streamlined Permitting for Small Residential Rooftop Solar Systems**

Associate Planner Charles Pooler presented an ordinance for first reading regarding Assembly Bill 2188 that was adopted by the State. The assembly bill requires local governments to adopt and implement an ordinance that establishes a streamlined process for efficient permitting of small residential rooftop solar systems. Once a City confirms the application and supporting documents are complete and meets the standardized checklist, all required permits may be issued. Minimum eligibility criteria for permitting should include systems that are no larger than 10 Kilowatts (kW) or 30 kW thermal (water heating installations). Installations may be performed on a single family or duplex residential dwelling, and installed equipment must not exceed the maximum legal building height. Only one (1) inspection of the solar system is required, and the ordinance does indicate that limited fees may be charged for permits. The City is to develop a checklist of allowable requirements prior to installation of the solar units. Staff recommends the approval of the first reading of the draft ordinance.

5:47 P.M. Floor opened for Public Comment.

There was no comment from the public.

5:47 P.M. Floor closed to Public Comment.

Motion to approve the First Reading of the **Ordinance** of the City of Sand City adopting Chapter 15.14 to the City Municipal Code entitled Streamline Permitting for Small Residential Rooftop Solar Systems was made by Council Member Carbone, seconded by Council Member Kruper. Roll call vote AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

B. **Consideration of City RESOLUTION approving a 2-Year Time Extension to July 31, 2017 of CDP 02-04 for Al Saroyan, CDP 03-03 for Cardinale Automotive, CDP 04-01 for Philip Nicholson, CDP 04-03 for Newton Brothers, CDP 04-04 for Jaguar/Landrover, and CDP 05-03 for Peter Blackstock (Lexus Dealership) regarding their Individual Storage Yards within the Railroad Right-of-Way**

Associate Planner Charles Pooler reported that various businesses' utilize segments of the railroad right-of-way within the West End District of Sand City. Five permits were issued to businesses in Seaside that abut the eastern portion of the railroad right-of-way, and three permits were

granted to Sand City operations abutting the westerly side of the railroad. Permits issued to Seaside businesses were given 2-year time limits with extensions thereafter. The last extension was granted in 2013, and expired on July 31, 2015. Time extensions are necessary for those uses to legally continue their use within Sand City. Time limits were established to allow temporary use until future rail or other regional transportation alternatives are ready to proceed. Staff recommends approval of the attached resolution granting another 2-year time extension to July 2017.

There was discussion regarding the continued use of the property along the railroad right-of-way, the positive effects of keeping homeless people off the property, and the dirt pile at the Independent. City Administrator Bodem suggested that the dirt pile can possibly be leveled and is in contact with several companies who may be interested in utilizing the dirt.

5:53 P.M. Floor opened for Public Comment.

There were no comments from the public.

5:53 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving a 2-Year Time Extension to July 31, 2017 of CDP 02-04 for Al Saroyan, CDP 03-03 for Cardinale Automotive, CDP 04-01 for Philip Nicholson, CDP 04-03 for Newton Brothers, CDP 04-04 for Jaguar/Landrover, and CDP 05-03 for Peter Blackstock (Lexus Dealership) regarding their Individual Storage Yards within the Railroad Right-of-Way was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Blackwelder ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS

A. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant produced 9.59 acre feet of water for the month of July. The plant was inoperable for 13 days due to high feed water conductivity and performance of a clean and place (CIP) process. Cal-Am has postponed the rehabilitation work on Tioga well #5, due to issues with the availability of irrigation piping and coordination with the contractor. Cal-Am does intend to start the rehabilitation work next week. Staff is presently working on the two (2) year annual report and supporting documentation for the Storm Water Management Program. The California StormWater Quality Association (CASQA) will hold its 11th Annual Conference in Monterey on October 19-

21, 2015. In exchange for assisting with the coordination of the conference, member representatives will be provided with passes to attend the conference as representatives of Monterey Peninsula Cities.

The developer of the Bungalows at East Dunes project has provided staff with the verification of acceptance of the sewer and water systems by Seaside County Sanitation District (SCSD) and Cal-Am. Only a few remaining items still need to be addressed, and Staff is working on a follow-up letter to the developer. Cal-Am's contractor, Beebe Diversified has asked Creegan D'Angelo to provide design and layout for the Hickory/Redwood Avenue return, and has offered to reimburse the City for this expense. Creegan & D'Angelo is requesting that the contractor provide a revised encroachment permit application and deposit of \$2,500 for this effort. Creegan & D'Angelo will also be developing preliminary conceptual exhibits for discussion with TAMC staff.

In response to the Mayor's question regarding whether Cal-am will proceed with the Hydrological Study of the new wells, City Administrator Todd Bodem reported that City staff is working with Coastal Commission staff to seek another extension, and coordinating with Hydrometrics to perform the study.

Associate Planner Pooler mentioned that Staff is looking into the Cycle 7 grant of the State Highway Improvement Program. Staff was unable to submit the grant application due to several factors the grantors wanted to see such as a final project design and estimates. The City did not have current plans and cost estimates available. The grant application further requires the City Engineers signatures on the bids and plans for the project. Grant submittal was to occur on two websites that entailed in depth information, and verified police reports were also required as part of the application. Mr. Pooler suggested that the City should begin a cost estimate plan that can be modified and/or changed for projects, so when grants are made available, the information is ready for application submittal.

Mayor Pendergrass added that the bike trail lights appear corroded and are in need of replacing. Finding a grant that would assist the City in funding the cost would be helpful, and he directed Staff to continue to research available grants. Mr. Pooler further reported that the Savemart store located at the Edgewater Shopping Center filed a sign permit application to change their name to Lucky.

City Administrator Todd Bodem reported that Staff met with Dr. Ghandour and investors last week on the project site of the proposed EcoResort. Dr. Ghandour is working to secure a new lender, and indicated that he has satisfied all coastal development permit conditions. He still needs to record the property deeds, and plans to begin grading in the winter. Mr. Pooler reported that the King Ventures project does not have a definitive date for a hearing and Mr. Dave Watson is presently working with the

Coastal Commission for possible design changes to the project.

AGENDA ITEM 9, NEW BUSINESS

A. Comments by Council Members on Meeting and Items of Interest to Sand City

Council Member Hubler reported that he and West End Event Coordinator Stephan Vagnini will be measuring and allocating spaces for the West End Celebration. There are more vendors than last year, so extra spaces will be needed. The Arts Committee is planning a holiday arts and studio tours. Many studios are spread throughout the City and hosting a centralized studios tour has proven quite challenging.

Council Member Kruper reported on the upcoming Monterey County Convention and Visitors Bureau (MCCVB) Annual Luncheon to be held on Thursday, August 27th. He encouraged the Council to attend the event, as MCCVB plans to unveil results of the Peninsula's visitor profile. The Airport District announced that they will begin offering daily flights to and from Los Angeles via Alaska Airlines. He thanked Deputy City Clerk Connie Horca for the newsletter. Many residents have expressed positive comments, and the businesses were pleased that they also received the publication. He also thanked Chief Ferrante and the public works crew for the new trees transplanted throughout the City's bulb-outs.

Vice Mayor Carbone announced that a Beach Clean-up will be held in the next few weeks. The date and time will be determined. Keys for watering the Community Garden are available at City Hall. A future meeting will be held with Community Garden volunteers and participants to assign watering times and dates.

B. Upcoming Meetings/Events

There were no RSVP's from the City Council. Council Member Kruper expressed his interest in attending the MCCVB annual luncheon.

AGENDA ITEM 10, CLOSED SESSION

The City Attorney deemed that there was no need for closed session.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Kruper, seconded by Council Member Hubler. There was consensus of the Council to adjourn the meeting at 6:15 p.m. to the next regularly scheduled Council meeting on August 18, 2015 at 5:30 P.M.

Connie Horca, Deputy City Clerk

AGENDA ITEM

5C

SAND CITY POLICE DEPARTMENT

MONTHLY REPORT

Date: August 18, 2015
 To: The Honorable Mayor and City Council Members
 From: Brian Ferrante, Chief of Police
 Subject: Police activity for the month of **July 2015**

This report presents a condensed overview of the Sand City Police Department's operational and administrative activities. It is an approximate analysis and not conclusive.

CRIMINAL OFFENSES REPORTED

	THIS MONTH	LAST MONTH	YEAR TO DATE	LAST YEAR TO DATE
Homicide	0	0	2	0
Rape	0	0	0	0
Robbery	0	1	3	2
Assault/Battery	2	1	4	9
Battery (spousal)	0	0	0	1
Burglary (commercial)	0	0	2	4
Burglary (residential)	0	0	2	2
Burglary (vehicle)	1	1	11	15
Theft (petty)	8	14	55	60
Theft (grand)	2	0	11	11
Theft (vehicle)	2	0	5	4
Vandalism	0	2	6	9
Arson	0	0	0	0
Forgery/Counterfeiting	0	0	1	2
Fraud/Embezzlement	1	2	13	13
Health/Safety Viol.	2	1	6	3
Business/Prof.	0	0	2	0

ARRESTS

Adult Felony	0	1	7	12
Adult Misdemeanor	7	10	52	48
Juvenile Felony	0	0	0	0
Juvenile Misdemeanor	1	2	5	9
Warrants	4	2	22	15
Drunk Driving	2	1	4	1

CITATIONS

Traffic Violations	11	18	112	146
Parking Violations	60	17	241	189
Sand City Muni Code	0	4	8	3
Warrants	5	0	8	6

TRAFFIC ACCIDENTS

Non-Injury	8	8	47	40
Injury	0	0	5	0
Fatal	0	0	0	0
Hit/Run (property damage)	1	1	5	3

[Handwritten signature]
 8-10-15

	THIS MONTH	LAST MONTH	YEAR TO DATE	LAST YEAR TO DATE
MISCELLANEOUS CALLS FOR SERVICE				
Alarms (commercial)	15	11	78	57
Security checks (comm)	5	4	37	43
Security/welfare checks	22	20	108	106
Animal Complaints	6	6	32	38
Suicide(attempted)	0	0	0	0
Suicide(completed)	0	0	0	0
Vehicle (tow/abatement)	1	2	20	26
Medical Emergencies	7	11	87	83
Fire Emergencies	1	1	15	10
Civil/Peace Disturbances	18	19	172	212

Peace disturbances: Includes complaints of transients, family, landlord/tenant, neighbor and customer disputes.

ALL OTHER CALLS FOR SERVICE

Complaint initiated	59	43	471	423
Officer initiated	81	88	793	713

AGENDA ITEM

5D

Public works
Monthly Activity Report
July, 2015

This report is to inform you of the activities and projects being accomplished by the Sand City Public Works Department.

Routine Public Works Functions:

- Clean City Hall offices, kitchen and bathrooms.
- Check city for any needed repairs.
- Blow leaves and debris from City Hall and Park. Keep park bathroom clean and open.
- Remove weeds around City Hall and Park.
- Supervise Hope Crew to maintain city streets.
- City vehicle maintenance. (Gassing up city vehicles, washed, and frequent oil changes)
- Water plants inside City Hall.
- Set up Council Chambers for meetings.
- Take recyclables to the recycle center.
- Check the city for homeless encampments and loose shopping carts.
- Fill out Daily reports and a monthly report.
- Open and lock up the outside bathroom and the corporation yard at the end of the day and turn on the tool shed light.
- Better Management Practices. (keeping our eyes open for illicit discharges or any waste going into the storm drains)
- Blowing the bike paths and emptying the trash cans citywide.
- Watering the trees citywide.
- Send the well readings to the City Engineer.

Special Public Works Functions:

- Helped the electrician inside the Police Department.
- Had a meeting with the chief and the city manager about a street sweeper.
- Dropped off the utility truck to automotive specialists to have a crossbar arm replaced.

PB-10-15

- Staged barricades for the Fourth of July citywide along with no fireworks signs.
- Painted out graffiti on the upper Ridge bike path.
- Stored all the good paint at the Carol building back shed.
- Dropped off banners and cleaning supplies to have the West End banners fixed and cleaned.
- Went through our flag stock, looked up prices for new flags and ordered them.
- Spoke with first alarm about the building for the Police Department.
- Spoke with engineer about better management practices.
- Changed the flags at the Contra Costa mural and Monterey road.
- Helped Dave from RPMS with computers.
- Checked at Orchard supply for a bench for the Police Department.
- Cut branches behind the Police Department lot.
- Went to the dump and picked up a load of wood chips and topsoil for the tree wells.
- Went around citywide and counted all the trees and plants that need to be replaced and did research on where to get the trees and plants from.
- Removed 4 myoporum trees from the tree wells and loaded the dump truck and took it to the dump.
- Picked up branches from a tree that was broke on East Street and cut branches hanging over the street. Then loaded the dump truck and took it to the dump.
- Gassed up the diesel cans three times and filled up the generator at City Hall (45 gallons).
- Had a meeting with Safeway signs at our Corporation yard about new Caltrans specs.
- Had Dave from RPMS come and fix the scanner copier and computer for emails.
- Replanted three plants inside City Hall.
- Picked up supplies for the library box and installed it in concrete at Ortiz.
- Removed 2 trees, one bush, large plant, and 2 potato trees from three tree wells along Ortiz. We used the chainsaw and backhoe and loaded the dump truck.
- Cleaned out 4 tree wells on California.
- Received a call about mattresses behind CED and we picked up seven mattresses and took them to the dump.
- Called Bokay nursery in Salinas about the trees.
- Took a delivery of a 40 foot Conex at our Corporation yard.
- Changed the garden valves to a water key at the city garden.
- Cut weeds off the red curbs down by the end of West Bay St.
- Put Chiefs chairs together inside the Council chambers.
- Picked up locks from American lock and key.
- Sprayed weeds along Ortiz Avenue.

- Weed eaten, blew the parking lot, and then line striped the parking for the West End event at the Carol building.
- Cut weeds along the red curb line and removed as much sand as possible along Tioga Avenue.
- Drain clogged at City Hall and had them off the water out of the hallway and try to dry the carpet.
- Got gas for the ATV.
- A&R plumbing came to unplug the drain which was clogged in the outdoor bathroom because it was full of paper towels.
- Moved all of public works in the Police Department stuff out of the way for the West End event at the Carol building.
- Helped Sgt. Dale Allen on California Avenue with a safe to pick up and be put away for safekeeping.
- Chopped all the weeds out of cracks inside the walkway and curb line along California Avenue and Ortiz.
- Replaced a missing road closed sign on West Bay St.
- Replaced a light on the outside of City Hall.
- Put bands on West Bay St. because of a broken chain.
- Removed dead bushes outside the Police Department.
- Drove to Bokay nursery and got a New Zealand tree.
- Picked up two plants from seaside garden, dug the holes for the trees and plants, added topsoil, put down weed block and stapled it down, and finished it off with wood chips.
- Picked up supplies from Home Depot and Martin's for the water tank.
- Went to green rubber and had a hose modified for the water tank.
- Checked on plants and trees at Del Rey Oaks garden center and ordered eight trees after speaking with the chief.
- Fixed the Police Department door after picking up supplies from Home Depot.
- Picked up 20 1 gallon plants from Del Rey Oaks and the seaside garden center.
- Planted all the plants along with the wood chips.
- Checked on the women's bathroom because of the sink leak and had A&R plumbing come in and fix it.
- Put all the flags at half staff for a week.
- Filled three tree wells with wood chips and put rocks back in place.
- Put down weed block and woodchip to tree wells and watered all the plants.
- Planted more trees and plants citywide after cleaning out all the tree wells and watered each day after planting.
- Opened the door for American lock at the Police Department trailer.

- Checked on prices at Home Depot for a blower and a cord for the ATV and purchased it.
- Scheduled appointments for the City Hall Toyota and our Toyota truck for service, dropped them off and picked them up after the work was complete.
- Called Pete detailing about having all the city vehicles washed.
- Put arrows on bike route signs at the bike path and Tioga.
- Helped clean the Police Department locker room and move lockers to the Police Department trailer.
- Put up West End banners with the trailers at Tioga and Contra Costa.
- Checked on air-conditioning units at Orchard supply and online for City Hall.
- Called first alarm and sent emails to them for codes for the police officers.
- Picked up tires from San Juan pulls that were outside the gate (dumped).
- Took the Toyota Tacoma into Toyota because the key broke off in the ignition and had the brakes fixed.
- Bought lights and replaced the lights at the flagpoles.

AGENDA ITEM

5E

revised

**CITY AND SUCCESSOR AGENCY
OF
SAND CITY**



**TREASURY REPORT
JUNE 30, 2015**

**AGENDA ITEM
5F**

Q1 2015



Sand City Sales Tax *Update*

Second Quarter Receipts for First Quarter Sales (January - March 2015)

Sand City In Brief

Receipts for Sand City's January through March sales were 7.7% higher than the same quarter one year ago. Actual sales activity was up 4.4% when reporting aberrations were factored out.

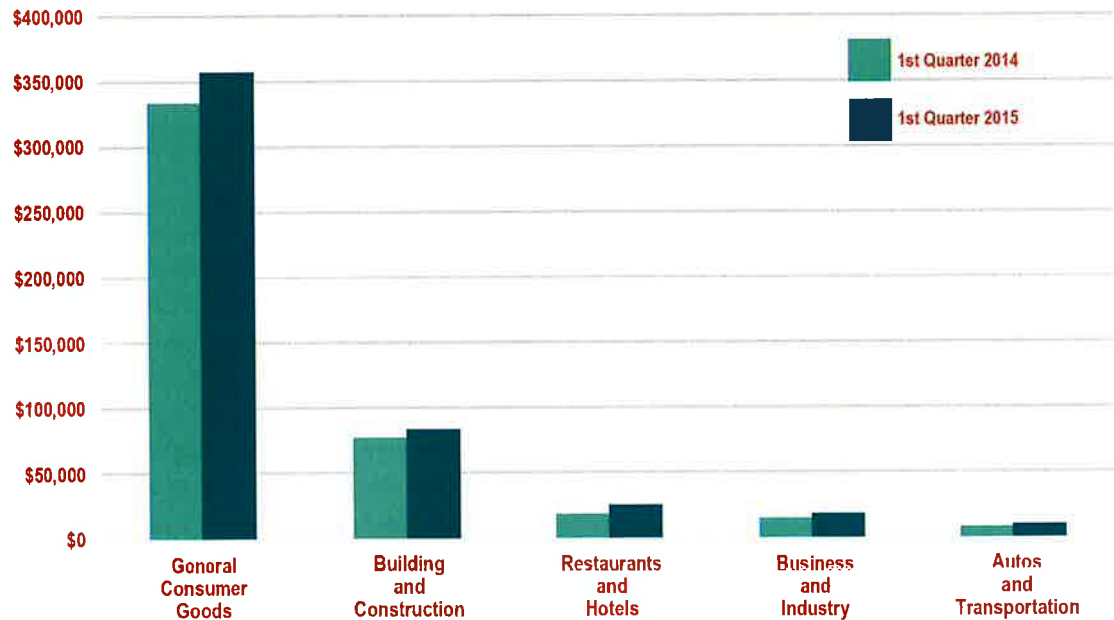
Multiple categories of general consumer goods including home furnishings, family apparel and specialty stores, experienced a solid sales period and accounted for 55% of the overall gain. Continued consumer interest in dining out combined with the opening of new eateries led to higher receipts from restaurants.

Soft winter weather conditions helped improve activity from contractor suppliers, while a payment anomaly temporarily spiked receipts from business and industrial merchants.

The city's voter approved transaction tax, Measure "L", generated an additional \$280,330 in revenue for the quarter, an increase of 11.4% over the prior year.

Adjusted for aberrations, taxable sales for all of Monterey County increased 5.6% over the comparable time period, while the Central Coast region as a whole was up 3.0%.

SALES TAX BY MAJOR BUSINESS GROUP



TOP 25 PRODUCERS

IN ALPHABETICAL ORDER

Alameda Electric Supply	Monterey Bay Restaurant Equipment
Carmel Stone Imports	Office Depot
Chipotle	Orchard Supply Hardware
Coastal Fabrication	Panera Bread
Costco	Petsmart
Ferguson Enterprises	Ross
Genes Import Auto Body	Save Mart
Granite Rock	Slakey Brothers
Marshalls	Sports Authority
Mattress Discounters	Target
Mattress Nation	Ulta Salon & Cosmetics
McDonalds	Valero Corner Store
	Verizon Wireless

REVENUE COMPARISON

Four Quarters – Fiscal Year To Date

	2013-14	2014-15
Point-of-Sale	\$2,132,331	\$2,207,818
County Pool	246,630	252,164
State Pool	1,424	1,437
Gross Receipts	\$2,380,385	\$2,461,419
Less Triple Flip*	\$(595,096)	\$(615,355)
Measure L	\$1,075,760	\$1,172,481
Measure J	\$0	\$0

AGENDA ITEM

5G

Memo

To: City Council
From: Todd Bodem, City Administrator
Date: August 10, 2015
Subject: Review of City Contribution/Donation

Enclosed is a request from one organization for support and contribution. After reviewing this request, the following donation is recommended:

Community Human Services Fundraising Tea Party - \$500

If any Council member wants to discuss this request or to propose a different contribution, then this item should be pulled from the consent calendar for discussion with the full Council.

The following finding is specified in the annual City/Successor Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member".*

www.chservices.org
831.658.3811 phone
831.658.3815 fax

Administration Office
P.O. Box 3076
Monterey, CA 93942-3076



**community
human services**

hope. help. here.

July 24, 2015

RECEIVED

AUG 03 2015

CITY OF SAND CITY

Mayor David Pendergrass
City of Sand City
1 Sylvan Park
Sand City, CA 93955

Dear Mayor Pendergrass,

As you know, Community Human Services (CHS) provides mental health, runaway and homeless youth and substance abuse services to the residents of Monterey County.

On Saturday, September 26th, we are holding a fundraising Tea Party to benefit Community Human Services' programs and clients. It is with regards to this event that I am asking for your help. Specifically, I am asking if Sand City is able to sponsor a table for \$500. This will secure 8 tickets for the event as well as a listing in our Tea Party flyer and our next Newsletter.

In supplying a donation to Community Human Services, you will also demonstrate your concern for Monterey County's most vulnerable residents. Please help us make a difference today. To learn more about Community Human Services please visit our website at www.chservices.org or call Robin McCrae, our CEO, at 831-658-3811. Thank you for your time!

Sincerely,

Robert Rapp
Development Director

Tax ID: 94-6367167



Tea at Two for your Friends and You!



You are invited to attend
a lovely afternoon of tea
and conversation to benefit
Community Human Services.

Prizes for best hat!

Date: Saturday, September 26, 2015

Time: 2:00 - 4:00 pm

*Location: All Saints Episcopal Church
9th and Dolores St., Carmel*



Ticket Price is \$25 per person!

For more information or to RSVP, please contact

Merrilyn Mancini at: Phone: 831.394.6480

Email: merrimancini@sbcglobal.net

or Rob Rapp at: Phone: 831.658.3811

Email: rrapp@chservices.org



**community
human services**
hope. help. here.

*Community Human Services
thanks you for your participation
in this exciting event!*

AGENDA ITEM

7A

CITY OF SAND CITY

STAFF REPORT

AUGUST 5, 2015
(For Council Meeting on August 18, 2015)

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

SUBJECT: Draft Ordinance Adopting Chapter 15.14 to the City Municipal Code for a Streamlined Permitting Process for Small Residential Rooftop Solar Systems for 2nd Reading

SUMMARY

At the August 4, 2015 City Council meeting and public hearing, the Council took action to adopt, for first reading, an ordinance to streamline and expedite the permitting process for small solar PV (photo-voltaic) systems. This is in compliance with Assembly Bill 2188, an amendment to the Solar Rights Act of 1978, which requires local governments to adopt and implement an ordinance by September 30, 2015 that establishes a streamlined permitting process conforming to best practices for expeditious and efficient permitting of small residential rooftop solar systems. A streamlined permitting process simplifies and consolidates the structural, electrical, and fire review for the PV system, and eliminates the need for detailed engineering studies and avoid unnecessary plan review delays. AB 2188 stipulates that once a City confirms the application and supporting documents are complete and meet the requirements of a standardized checklist, all required permits and/or authorizations are to be issued.

The minimum eligibility criteria for expedited permitting under AB 2188 are as follows:

- a) Systems are no larger than 10 Kilowatts (kW) alternating current (AC) or 30 kW thermal (water heating installations).
- b) Installations are to be on a single or duplex residential dwelling.
- c) Installed equipment does not exceed the maximum legal building height.

Staff, in conjunction with John Kuehl of Monterey Building Department, is in the process of developing a checklist outlining all requirements that allow rooftop solar energy systems to be eligible for expedited review; in compliance with AB 2188 and the California Solar Permitting Guidebook. Fees for eligible projects will be in accordance to Government Code Section 66016.

This ordinance is not a 'project' under the California Environmental Quality Act (CEQA), per section 21065 of the California Public Resources Code, and carrying out or approving a project does not apply to the installation of a solar energy system on the roof of an existing building or parking lot (California Public Resources Code Section 21080.35); and

therefore, creating a streamlined permit process for small rooftop solar systems is not a project under CEQA.

RECOMMENDATION

Staff recommends the City Council **APPROVE** the attached draft Ordinance, for second reading, adopting and adding Chapter 15.14 to the Municipal Code regarding a streamlined permitting process that conforms to best practices for expeditious and efficient permitting of small residential rooftop solar systems.

ATTACHMENT:

Draft Ordinance (for 2nd reading)

CITY OF SAND CITY

ORDINANCE NO. _____, 2015

**AN ORDINANCE OF THE CITY OF SAND CITY ADOPTING
CHAPTER 15.14 OF THE SAND CITY MUNICIPAL CODE ENTITLED
STREAMLINED PERMITTING FOR SMALL RESIDENTIAL ROOFTOP SOLAR
SYSTEMS**

WHEREAS, in compliance with State Assembly Bill (AB) 2188, the City of Sand City seeks to implement the creation of a streamlined permitting process for smaller residential rooftop solar energy systems to encourage and advance the use of solar energy within its community; and

WHEREAS, by providing a streamlined permitting process, solar energy systems can be used to meet the climate action goals set by the State of California, as rooftop solar energy provides reliable energy and pricing for its residents and businesses, in addition to creating local jobs and economic opportunity; and

WHEREAS, for these reasons, the City Council of Sand City hereby adopts Chapter 15.14 into the Sand City Municipal Code to support the development and implementation of a streamlined permitting process for small residential rooftop solar systems, as necessary and appropriate, to protect the public health, safety, and welfare through the proper installation and use of solar energy use; and

WHEREAS, The City Council finds that this ordinance is not a 'project' under the California Environmental Quality Act (CEQA), per section 21065 of the California Public Resources Code, and that carrying out or approving a project does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot (California Public Resources Code Section 21080.35); and therefore, the City Council finds that creating a streamlined permit process for small rooftop solar systems is not a project under CEQA.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Sand City, as follows:

SECTION 1: Chapter 15.14 is hereby added to Title 15 of the Sand City Municipal Code to read in its entirety as follows:

**"CHAPTER 15.14
STREAMLINED PERMITTING FOR SMALL
RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

15.14.010. Purpose - Finding. The City Council finds that use of solar energy systems in Sand City will be beneficial in meeting State of California climate action goals. Existing state law provides that it is the policy of the State to promote and encourage the use of solar energy systems, and to limit

obstacles to their use. A streamlined permitting process is necessary to further encourage residents to utilize solar energy systems in the most effective and efficient manner. An expedited permitting process eliminates unnecessary delays by consolidating the structural, electrical, and fire review of solar energy systems, resulting in a more efficient, timely, and appealing process that encourages solar energy system development.

15.14.020 Definitions. For the purpose of implementing Chapter 15.14, the following definitions shall apply.

- A. "Solar Energy System" is defined as either of the following:
 - 1. Any solar collecting system or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

- B. "Small residential rooftop solar energy system" is defined as follows:
 - 1. A solar energy system that is no larger than 10 kilowatts (kW) alternating current (AC) nameplate rating (also known as Photovoltaic [PV] solar panels) or 30 kW thermal (also known as Concentrated Solar Power [CSP] systems).
 - 2. A solar energy system that complies to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all State, County, and City health and safety standards.
 - 3. A solar energy system that is installed on a single or duplex family dwelling.
 - 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

15.14.030 Applicability.

- A. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City.

- B. Small residential rooftop solar systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.14.040 Solar Energy System Requirements.

- A. All solar energy systems shall meet applicable health and safety

standards and requirements imposed by the State of California and the City of Sand City.

- B. Solar energy systems for heating water in single-family residences and in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.14.050 Duties of Building Department.

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City website.
- B. Electronic submission of the required permit application and documents shall be made available to all small residential rooftop solar energy system permit applicants.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- D. The City's Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- E. The small residential rooftop solar system permit process shall substantially conform to recommendations for expedited permitting, including the checklist and standards plan contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research and.
- F. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

15.14.060. Permit Review and Inspection.

- A. The City's Building Department shall adopt and implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Department shall issue a building permit or other applicable

nondiscretionary permit the same day for 'over-the-counter' applications or within one to three business days for electronically submitted applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The City's Building Official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City Council.

- B. Review of the application shall be limited to the City Building Official's review as to whether the application meets local, state, and federal health and safety requirements.
- C. If a use permit is required, the City's Building Official may deny an application for the use permit if written findings are provided based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety, and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such finding(s) shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such finding(s) shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the City Council.
- D. Any condition imposed on an application shall be for the purpose of mitigating specific, adverse impact upon health and safety at the lowest possible cost.
- E. A feasible method to satisfactorily mitigate or avoid the specific adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
- F. The City shall not condition approval of an application upon the approval of an "Association", as defined in Section 4080 of the California Civil Code.
- G. If an application is deemed incomplete, a written correction notice, detailing all deficiencies of the application and a list of additional information or documentation required for the application to be complete and eligible for expedited permit issuance, shall be provided to the applicant for their re-submission.

- H. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
- I. An inspection shall be done in a timely manner. An inspection shall be scheduled to occur within two (2) business days of a request, and said scheduling shall provide a two (2) hour or less inspection window.
- J. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, and need not conform to the requirements of this Ordinance.

SECTION 2: Severance.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared unconstitutional or invalid.

SECTION 3: Effective Date.

This Ordinance shall become effective thirty (30) days following the date of its passage.

PASSED AND ADOPTED, by the City Council of Sand City, this ____ day of _____, 2015 by the following vote:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

APPROVED:

ATTEST:

 Linda K. Scholink, City Clerk

 David K. Pendergrass, Mayor

AGENDA ITEM

7B

CITY OF SAND CITY

STAFF REPORT

AUGUST 5, 2015
(For City Council Review on August 18, 2015)

TO: Mayor and City Council
FROM: Charles Pooler, Associate Planner
SUBJECT: Application by Karl Schaefer for Coastal Development & Conditional Use Permit

BACKGROUND

An application was submitted by Karl Schaefer for a coastal development permit and conditional use permit approval to utilize an existing 1,600 square foot commercial building at 1830 California Avenue (APN 011-123-011) in Sand City as an artist studio for sculpting stone and clay, metal work, painting, and producing other forms of graphic art. The subject property is located within the General Plan's designated 'South of Tioga' Planning District, and the applicant has been informed of the overall area's intended and pending future development. The applicant's site is owned by the Orosco Group, the developer for the South of Tioga area. The applicant has operated at the subject property for at least a year without a permit; which staff has been pursuing. The property is located within a non-appealable Coastal Regional Commercial (C-4) zoning district. The proposed use qualifies as a Categorical Exemption under State CEQA Guidelines (Section 15301).

Site Description:

The subject property was the former location of Salinas Tile and Bodhi Tattoo Parlor. The parcel is 90-feet wide along California Avenue and 50-feet deep (4,500 sq.ft.). The 1-story building is 66-feet wide and 24.5 feet deep (1,617 sq.ft.). The site provides four on-site parking spaces (2-spaces perpendicular & 2-spaces parallel); of which two of those spaces the applicant wishes to fence off and convert to an outdoor work area. On site traffic circulation is adequate for 1-way only; with signs indicating entry from Fir Avenue and exit onto California Avenue. Existing utilities (i.e. gas, electric, water, sewer, etc.) are available to service the proposed use at the intended location. Street improvements (i.e. curb, gutter, sidewalk, drive apron) exist along the property's California Avenue frontage.

DISCUSSION

Project Description:

The applicant proposes an artist studio. Activities on-site will include clay, metal, and stone sculpting, painting, sketching, and computer graphics. There will be one regular employee (intern/assistant) in addition to the applicant; however, there may be times when additional

temporary assistance will be necessary. The applicant intends to do most of the work inside the building; however, the applicant wishes to fence off an approximate 324 square foot area to the side of the building for larger stone sculpting projects. Materials to be used on-site will include random block pieces of stone, clay, wax, paints, charcoals for drawing, and patina compounds. Tools used and stored on-site will include carbide chisels, carbide saws, diamond wet wheel, hydraulic 'porta-power' tools for splitting stone, and hand finishers.

Land Use: The property has a General Plan land use and Zoning Map designation of "Regional Commercial" with a "coastal zone" overlay (CZ-C4). Manufacturing uses are not listed nor considered appropriate for this zoning district. However, the property is not currently part of a regional shopping center for which the C-4 zoning is intended. The application and use are being considered as a temporary use until new development of the area (for which the CZ-C4 zoning is intended) can proceed. Therefore, consideration of this application as an interim manufacturing use on this specific property is acceptable.

Hours of Operation: The applicant's intended hours of operation will be from 7:00 a.m. to 11:00 p.m. daily. Uses such as clay work or painting have very little impact, and the proposed hours are acceptable for that level of activity. However, the applicant will also perform stone and metal sculpting; activities that have a much higher potential for noise and vibration impacts, particularly if performed outside the building. Staff recommends the permit contain the following language (see Permit Condition No. 10):

"Stone work, metal work, and loading/unloading activities shall only occur at the subject property between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. These activities shall not occur on Sundays or City recognized public holidays. Office use, painting, clay sculpting, or other minor studio/workshop activities, that do not pose a nuisance to neighboring properties or the public as a whole, may occur beyond the aforementioned hours provided the site is not open to the public."

Parking: The site provides four (4) on-site parking spaces; two perpendicular spaces at the west side of the building, and two parallel spaces along the site's frontage (see Exhibit B). There is additional on-street curbside parking available along the property's California Avenue frontage for approximately three standard sized vehicles. The applicant will be utilizing approximately 1,600 square feet, which requires two (2) on-site parking spaces (rounded down from 2.3) based upon a 1/700 parking ratio for a manufacturing use. There are no company vehicles, however, outside contractor vehicles may be needed to facilitate/move larger art projects on an as-needed basis. Staff recommends the permit prohibit the parking of such vehicles/equipment on City streets. If the applicant's site cannot accommodate such vehicles/equipment, then he would need to make other arrangements.

Vehicle Circulation: On-site vehicle circulation and driveway widths can only accommodate 1-way traffic flow. Directional arrows currently direct traffic in from Fir Avenue and out onto California Avenue. Staff finds this arrangement functional and acceptable.

Loading/Unloading: According to the applicant, shipping to and from the site will be infrequent, and dependent upon the applicant's projects. Smaller packages may be more frequent utilizing Federal Express, UPS, or other similar parcel services. There may be times when large trucks and/or equipment may be needed to load large heavy art projects for delivery. Fir Avenue does not have sufficient road width to accommodate curbside parking or loading/unloading activities without impeding traffic on that street. California Avenue is the primary traffic circulation route through Sand City; and should therefore not be obstructed at any time. Staff recommends the permit prohibit all loading/unloading activities within the Fir Avenue right-of-way, and that the permit only allow loading/unloading to occur on site or using the California Avenue curbside parking fronting the subject property, provided that both travel lanes of California Avenue remain open and unobstructed at all times for unimpeded traffic flow. If the applicant cannot operate within these stipulations, then the subject property is inappropriate for this operation.

New Fenced Yard: The easterly side and rear area of the property are currently fenced and are approximately 4-foot wide along those perimeters; not sufficient for work space. The applicant proposes to fence off the 324 square foot asphalt paved area to the westerly side of the building, and use that space for outdoor sculpting and storage. Currently, this area provides two (2) of the site's total four (4) parking spaces. The applicant needs a minimum of two on-site parking spaces (see discussion above under 'Parking'.) to satisfy zoning requirements; and therefore, the fencing of this side area will not impact the applicant's ability to meet parking requirements. The question Council should consider is whether they wish to allow a fenced area for stone sculpting activities fronting California Avenue, a main thoroughfare. The draft permit presented does allow for the creation of the fenced area with the condition to read as follows:

"The applicant may establish a fenced area to the westerly side of the building not to exceed 324 square feet. This yard may be used only for storage and stone carving, clay sculpting, and/or painting. The fence shall not exceed a height of eight (8) feet, and the fence shall consist of either chain-link with vinyl slats or decorative wood that effectively screens the inside of the yard from the public's view. No barb or razor wire is allowed."

Storage: Storage can be accommodated within the building or (to some limited degree) the existing fenced area of the easterly side and rear yards. If the Council grants approval of the applicant's proposed 324 square foot fenced area to the westerly side of the building, then that area could facilitate additional screened storage area (depending upon the height of items within that yard). Staff recommends the permit prohibit any outside storage of any item or equipment beyond the confines of the building and fenced yards (new & existing). Furthermore, the placement of a self-contained portable storage unit on the site beyond the confines of the fenced area should be prohibited. If the confines of the building and yard(s) become insufficient to accommodate storage for the applicant's operation, then the site should be considered insufficient to accommodate the applicant's operation, and be sufficient reason to terminate the applicant's permits.

Trash: The site does not provide an enclosure for a trash dumpster or bin, and the existing easterly side and rear fenced areas are not wide enough to accommodate a dumpster. The front parking area should be maintained clear from any accumulation of trash, packaging debris, or other discarded items; as that would impose a blighting influence and potentially impede on-site parking. Unless a City sanctioned trash enclosure is provided on the property, the permit should require the applicant to maintain all of his refuse and collection bins/dumpsters inside the building or the fenced areas (except on designated trash collection days). If the applicant cannot incorporate this requirement into his operation, then the site is not appropriate for this use.

Impacts: The primary concerns are noise and dust from the stone sculpting/carving activities. Tools used on-site will include carbide chisels, carbide saws, diamond wet wheel, hydraulic 'porta-power' tools for splitting stone, and hand finishers. A summary description related to stone carving (extracted from Wikipedia) is attached as 'Exhibit F for reference. The applicant's site plan indicates that the "metal and stone sculpture" will be inside the building, which should adequately contain noise and dust; however, the hours those activities occur should be restricted (see discussion under 'Hours of Operation') to mitigate impacts, particularly to the residential unit on the abutting property along Afton Avenue. The site plan also indicates "stone carving" activities will be within the new fenced area to the westerly side of the building. Depending upon the scale of activity, this could be detrimental in terms of noise and dust. Typically, staff discourages this type of manufacturing activity beyond the confines of a building for those very concerns. However, staff proposes the permit contain the following language to provide some flexibility for activities that do not impose negative impacts:

"Activities that generate excessive noise, dust, fumes, and/or other detrimental impacts, including but not limited to power tool grinding, sanding, or cutting of stone or metal, shall only occur within the building. Stone and metal work activities that have little to no noise or dust generation, whereby that generation does not detrimentally impact abutting properties or create a blighting influence, may occur within the fenced yard, but not elsewhere on the property outside the building."

The site plan also indicates an air compressor will be inside the building. Any air compressor on-site should be electric powered and not gas/fuel powered to minimize noise and vibrations; and it should be turned off during evening and night hours to prevent automatic re-pressurization (see Permit Condition No. 10).

The applicant's clay sculpting and painting activities are considered to be benign, and pose no concerns. Staff supports allowing clay work and art painting outside in the fenced area as well. Furthermore, office, storage, and display activities inside the building are not anticipated to generate detrimental impacts.

It is hopeful that the South of Tioga project will proceed within the near future to revitalize the area; which could consist of mixed-use or residential development that may conflict with the applicant's intended operation. The permit should specify that the City may impose additional mitigation restrictions upon the applicant's use over time as

deemed necessary to address public complaints that have been verified by the City. Furthermore, City should retain the right to amend the permit to address future nuisance issues that may or will impact new development in the South of Tioga area.

Signs: The applicant indicated that he will eventually place a sign on the building; but a design has not yet been proposed. Signs are subject to review and approval by the City's Design Review Committee (DRC) prior to installation. When the applicant is ready to proceed, he will need to provide illustrations and application for DRC review and sign permit. This should be a condition of permit approval.

Permit Time Limit:

The applicant was informed by staff that the subject property is located within the South of Tioga Planning District targeted for future development; and that this application is being considered only as an interim use until such time as a South of Tioga development project for the area is ready to proceed. In previous years, the City Council issued conditional use permits to other businesses within this Planning District as interim uses with permit termination dates. To be consistent with previous City approvals, staff recommends the permit for this applicant also include a similar termination clause; specifying termination on October 31, 2016 (approximately 1-year and coinciding with renewal dates of other permits in the South of Tioga area), with the option of 90-day time extensions thereafter at the discretion of the City Council, until the area is ready to proceed with revitalizing new development. Furthermore, the permit should also expire automatically with the termination of lease between the landlord and the applicant to prevent transfer of the permit and/or continuation of this use thereafter (see draft Permit Condition No. 3).

Stormwater Control:

The proposed use is of an existing building of a developed site. The applicant does not propose any new construction or pavement on the property. Therefore, stormwater control regulations do not apply to this use permit application. However, the use will have to implement mitigation necessary to ensure there is no grey water runoff from the property or operation in accordance with Municipal Code Chapter 13.05.

Water:

The subject property has a water credit based upon a Group 1 commercial occupancy in accordance with the Monterey Peninsula Water Management District's (MPWMD) regulations. The proposed manufacturing use qualifies as a Group I category, which the on-site water allocation can accommodate. The permit should contain standard language stating that approval of the conditional use permit does not grant any privilege and/or right to the applicant and/or the property owner to any allocation of water from the City or other agency.

Advisory Agencies:

Information on the proposed project was circulated to the City's advisory agencies. The Seaside County Sanitation District commented that there is to be no discharge of studio waste into the sanitary sewer system. No other agency/department comments were received at the time of preparing this report.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a coastal development permit and conditional use permit for the artist workshop on the subject property, with the recommended conditions/restrictions. The draft presented does allow the creation of the 324 square foot fenced area on the site and for outside stone sculpting.

Findings for Approval:

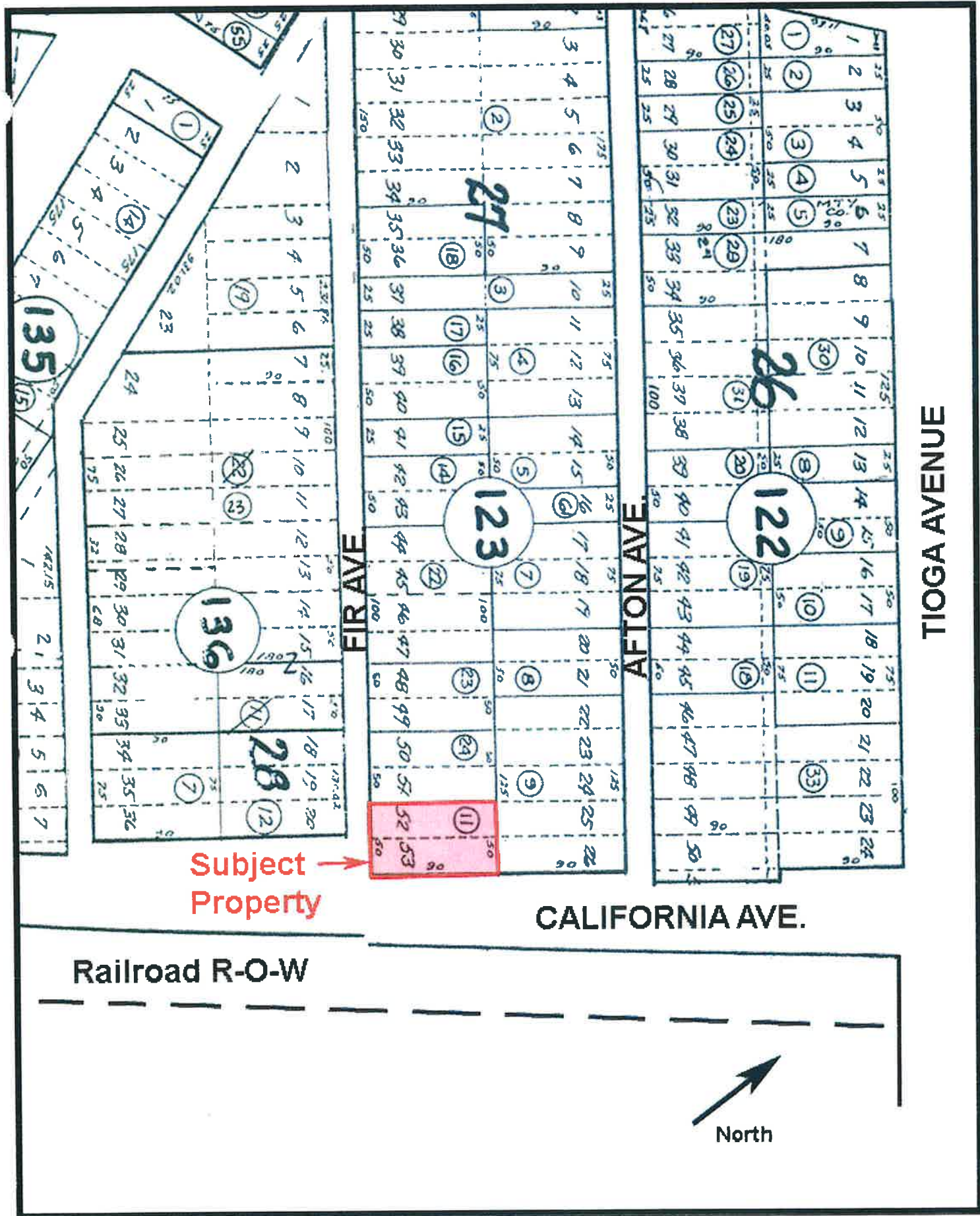
1. The proposed interim use, at the described scale and as conditioned, is compatible with existing neighboring land uses and is deemed to not pose an impediment to future new development of the South of Tioga area.
2. The proposed use is acceptable for the subject property **ONLY** with the conditions/restrictions imposed.
3. On-site water credit is sufficient for the proposed manufacturing use as conditioned, and no allocation of water from Sand City is necessary.
4. Establishing a “sunset clause” termination date (with the possibility of temporary time extensions) allows interim use of the property until it can be properly developed to eliminate existing blighted conditions.
5. Adequate utilities (i.e. water, sewer, electricity, etc.) are available to facilitate the proposed use.
6. The project qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301.

Exhibits:

- A. Location Map
- B. Aerial Site Photograph / Map
- C. Site Photograph (via Google Earth)
- D. Site Plan / Floor Plan
- E. Applicant’s Letter of Intent
- F. Wikipedia Excerpt - Stone Carving

Attachment:

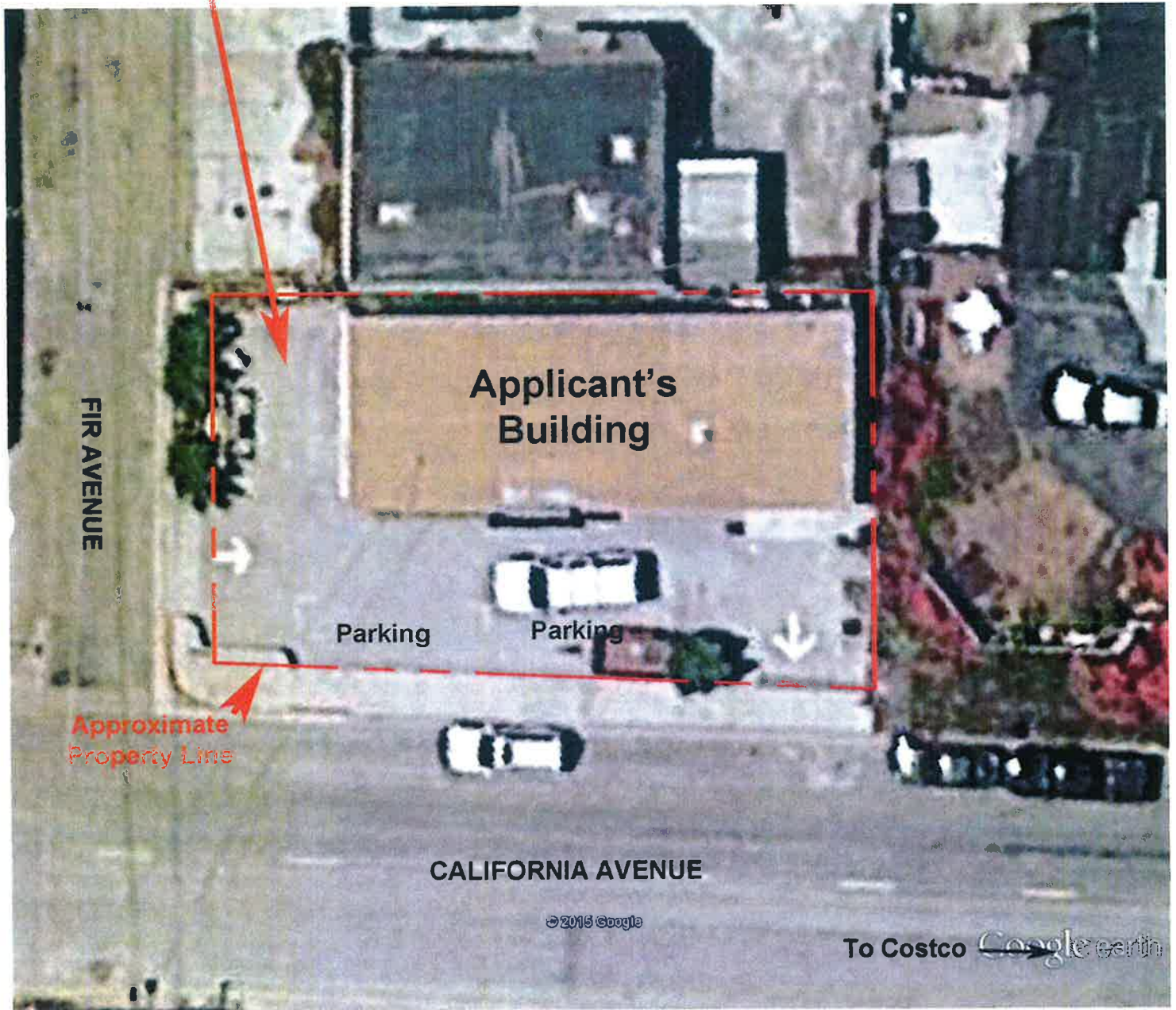
- Draft Resolution to approve CDP & CUP



Location Map

EXHIBIT A

Parking area the applicant wishes to fence and use as an outdoor work area.



Aerial Site Map

EXHIBIT B



Applicant's Building

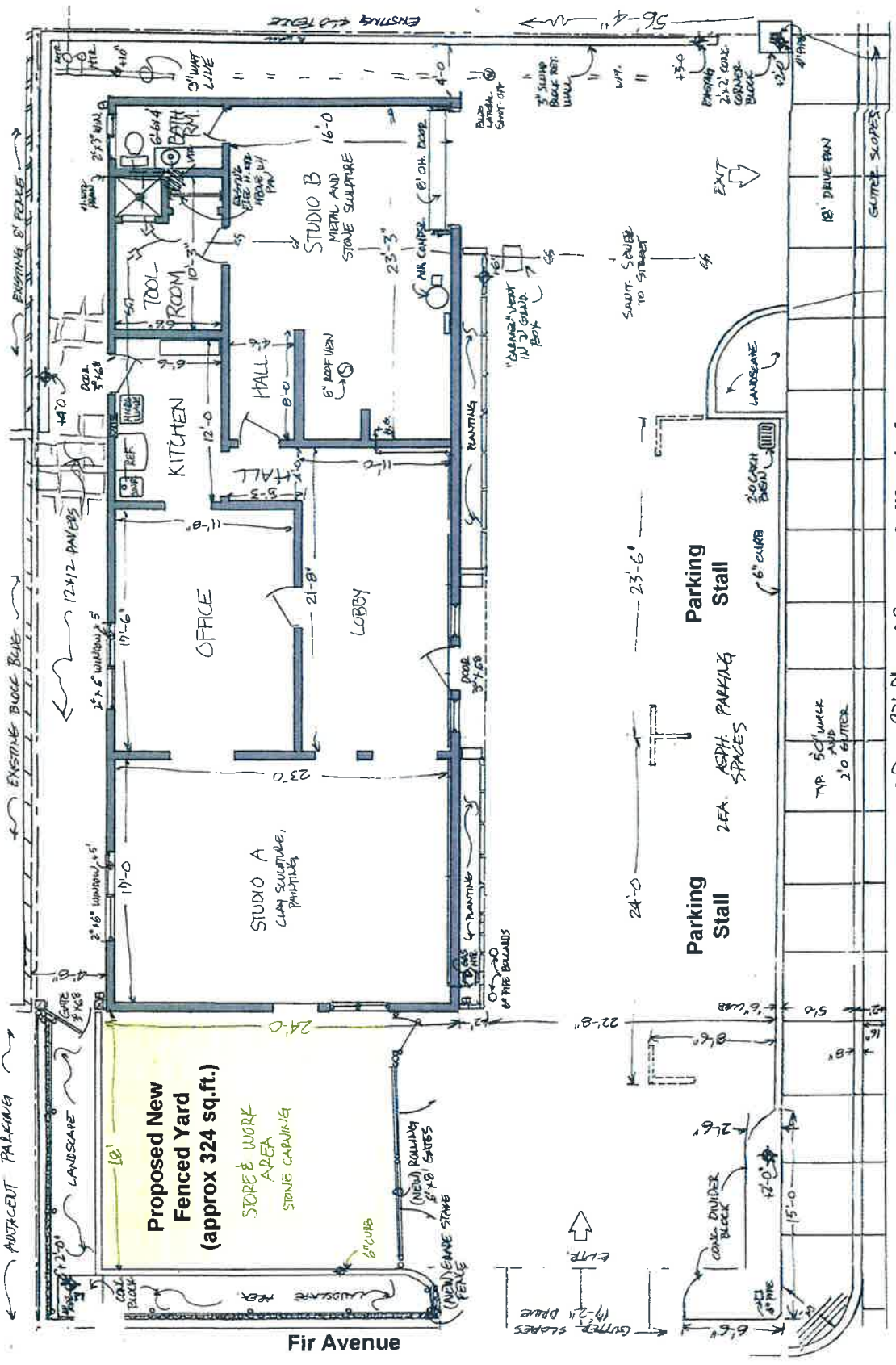
Area Applicant wishes to fence as an outdoor work area.

California Ave.

Google earth

© 2015 Google
© 2015 Google

Site Photograph (via Google Earth)



California Avenue

PLAN VIEW

Site Plan / Floor Plan

EXHIBIT D

K. SCHAEFER
1054 AMADOR AVE #2
SEASIDE, CA. 93755

City of Sand City Sand City, Ca.

Reference CUP Application of Karl Schaefer, Sculptor dated 6/1/14
for Artist Activities at 1830 California Ave.
APN 001-123-011

To whom it may concern, I attest the following for approval of my Application for sculptors' Studio at the above address:

Letter of Intent for Artist Activities at 1830 California Ave.: Artist's Studio

The facility will be active for daylight hours due to the use of natural light in the sculpting process. Some of the ordinary work may be accomplished with florescent and LED lighting so those items such as computer graphic work, drawing, cartooning, maquette work (modeling) and clay and built up sculpting with wax or similar additive materials may be evening activities. The total use for the studio would therefore be from 7Am to 11PM normally. Deadline or other time critical work could require normal swing and graveyard work to complete those type of activities.

Current planning is for one employ acting as a sculpting intern, or studio assistant. Certain time critical or time sensitive activities could require up to 5/6 temporary employees, or the use of a outside contractor for services that are required to complete an art project that maybe outside of the skills of the regular assistant or intern, or may be of such quantity so that additional help would allow contract conditions to be maintained for satisfied customer assurance.

The number of staff vehicles is two. These would be personal vehicles uses for the conveyance to and from work. Occasionally, outside contractor vehicles may be added to facilitate a larger or more complex portion of an art project.

The expected number of deliveries would vary with work conditions, but an average of two/three parcel type deliveries are anticipated during a normal work week. There may be time sensitive or schedule driven art projects that would require a increase in the estimated amount, and this may be approach a daily delivery rate during the completion of this unique situations. Shipping of completed works would be infrequent and may be approximated by one every other month.

List of materials used, stored and equipment used:

1. Stone reserve of approximately 8 ton in random and block pieces.
2. Clay, wax, art paints, pastels, charcoals for drawing, paper, small quantities of specialized patina compounds. Are not presently utilized by my work, but I could achieve individual finish on work by doing in-house patination.

EXHIBIT E

CUP application for APN 011 123 011 1830 California Ave., Sand City, California

Letter of Internt -1830 California Ave. City of Sand City, cont'd

3. Sculptor's tools such as carbide chisels, carbide saws, diamond wet wheel tools, hydraulic 'porta-power' tools for splitting stone, and hand rifflers and finishers.
4. The activity would encompass sketching/digitizing a sculpture design, and then modeling it in reduced scale for marketing or approval presentation. The preliminary office management of a project would be carried out in situ with office space and typical business machines and computers. The outside area to the south of the structure with direct sun light would be used for large block work and finishing.
5. I am currently planning on completing a 6 ton limestone focal piece sculpture for the new Central Coast Veterans Cemetery at the studio an this would approximate 2 years of sculpture carving work

Submitted per City of Sand City CUP application guidelines by applicant – Karl Schaefer, Sculptor

A handwritten signature in black ink, appearing to read 'Karl Schaefer', written in a cursive style.

Stone carving

From Wikipedia, the free encyclopedia

Stone carving considerations

Stone has been used for carving since ancient times for many reasons. Most types of stone are easier to find than metal ores, which have to be mined and smelted. Stone can be dug from the surface and carved with hand tools. Stone is more durable than wood, and carvings in stone last much longer than wooden artifacts. Stone comes in many varieties and artists have abundant choices in color, quality and relative hardness.

Soft stone such as [chalk](#), [soapstone](#), [pumice](#) and [Tufa](#) can be easily carved with found items such as harder stone or in the case of chalk even the fingernail. [Limestones](#) and [marbles](#) can be worked using abrasives and simple iron tools. [Granite](#), [basalt](#) and some [metamorphic](#) stone is difficult to carve even with iron or steel tools; usually [tungsten carbide](#) tipped tools are used, although abrasives still work well. Modern techniques often use abrasives attached to machine tools to cut the stone.

Precious and semi-precious [gemstones](#) are also carved into delicate shapes for jewellery or larger items, and polished; this is sometimes referred to as [lapidary](#), although strictly speaking lapidary refers to cutting and polishing alone.

When worked, some stones release dust that can damage lungs (silica crystals are usually to blame), so a respirator is sometimes needed.

Stone shaping and tools

Basic stone carving tools fall into five categories:

- Percussion tools for hitting - such as mallets, axes, adzes, bouchards and toothed hammers.
- Tools for rough shaping of stone, to form a block the size needed for the carving. These include feathers and wedges and pitching tools.
- Chisels for cutting - such as lettering chisels, points, pitching tools, and claw chisels. Chisels in turn may be hand held and hammered or pneumatic powered.
- Diamond tools which include burrs, cup wheels, and blades mounted on a host of power tools. These are used sometimes through the entire carving process from rough work to final finish.
- Abrasives for material removal - such as carborundum blocks, drills, saws, grinding and cutting wheels, water-abrasive machinery and dressing tools such as French and English drags.

More advanced processes, such as laser cutting and jet torches, use sudden high temperature with a combination of cooling water to spall flakes of stone. Other modern processes may involve diamond-wire machines or other large scale production equipment to remove large sections of undesired stone.

The use of chisels for **stone carving** is possible in several ways. Two are:

- The masons stroke, in which a flat chisel is used at approximately 90 degrees to the surface in an organized sweep. It shatters the stone beneath it and each successive pass lowers the surface.
- The lettering stroke, in which the chisel is used along the surface at approximately 30 degrees to cut beneath the existing surface.

There are many types and styles of stone carving tools, each carver will decide for themselves which tools to use. Traditionalists might use hand tools only.

- Lettering chisels for incising small strokes create the details of letters in larger applications.
- Fishtail carving chisels are used to create pockets, valleys and for intricate carving, whilst providing good visibility around the stone.
- Masonry chisels are used for the general shaping of stones.
- Stone point tools are used to rough out the surface of the stone.
- Stone claw tools are used to remove the peaks and troughs left from the previously used tools.
- Stone pitching tools are used to remove large quantities of stone.
- Stone nickers are used to split stones by tracing a line along the stone with progressive strikes until the stone breaks along the line.
- now a days , stone carving done on cnc machine and tool used like ball nose, pencil tool which used to carve.(^[2])

Powered pneumatic hammers make the hard work easier. Progress on shaping stone is faster with pneumatic carving tools. Air hammers (such as Cuturi) place many thousands of impacts per minute upon the end of the tool, which would usually be manufactured or modified to suit the tool. This type of tool creates the ability to 'shave' the stone, providing a smooth and consistent stroke, allowing for larger surfaces to be worked.

Among modern tool types, there are two main stone carving chisels:

- Heat treated high carbon steel tools - Generally forged
- Tungsten carbide tipped tools - Generally forged, slotted, and carbide inserts brazed in to provide a harder and longer-wearing cutting edge.

CITY OF SAND CITY

RESOLUTION SC _____, 2015

RESOLUTION OF THE CITY COUNCIL OF SAND CITY
APPROVING COASTAL DEVELOPMENT PERMIT 15-02 AND
CONDITIONAL USE PERMIT 595 AUTHORIZING AN ARTIST STUDIO AT 1830
CALIFORNIA AVENUE AS AN INTERIM TEMPORARY USE

WHEREAS, Karl Schaefer (applicant) submitted an application to the City of Sand City for coastal development permit and conditional use permit approval to utilize an existing commercial property at 1830 California Avenue (APN 011-123-011) as an artist studio for sculpting stone and clay, metal work, painting, and producing other forms of graphic art; and

WHEREAS, the subject property is located within the South of Tioga Planning District intended for new development as discussed in the City's General Plan, of which the applicant has been informed that his use is being considered only as an interim use until such time as new cohesive development of the South of Tioga area proceeds; and

WHEREAS, existing on-site water credit is sufficient to accommodate the proposed use of the subject commercial building per the current regulations of the Monterey Peninsula Water Management District (MPWMD); and

WHEREAS, the proposed manufacturing use within an existing building qualifies as a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the City Council of the City of Sand City, on _____, 2015, has found and determined that, as an interim use, the proposed artist workshop/studio, and the scale thereof, on the subject property, as described by the applicant and appropriately conditioned, will not adversely impact the existing character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and thus Coastal Development Permit (CDP) 15-02 and Conditional Use Permit (CUP) 595 shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving Coastal Development Permit (CDP) 15-02 and Conditional Use Permit (CUP) 595 as outlined in the City staff report, dated August 5, 2015.

NOW THEREFORE, the City Council of the City of Sand City hereby grants and issues Coastal Development Permit (CDP) 15-02 and Conditional Use Permit (CUP) 595 upon the following terms and conditions:

1. Coastal Development Permit (CDP) 15-02 and Conditional Use Permit (CUP) 595 are not valid, and the applicant's use of the property shall not commence unless and until two copies of the Resolution/Permit, signed by the permittee and the

landowner, acknowledging receipt of the Permits and acceptance of the terms and conditions therein, is returned to the City's Planning Department. Failure to return said signed/executed document may be grounds for termination of said Permits.

2. Purpose: Coastal Development Permit (CDP) 15-02 and Conditional Use Permit (CUP) 595 are for the express purpose of authorizing an artist studio workshop for sculpting stone and clay, metal work, painting, and producing other forms of graphic art within an approximate 1,600 square foot existing commercial structure at 1830 California Avenue (APN 011-123-011) in Sand City; subject to the terms and conditions specified in CDP 15-02 and CUP 595. Accessory office and storage are also authorized. There shall be no expansion to the scope or intensity of this operation beyond that use authorized by CDP 15-02 and CUP 595 without either an amendment of said Permits or the issuance of new permits.
3. Expiration/Termination: Coastal Development Permit (CDP) 15-02 and Conditional Use Permit (CUP) 595 shall expire on October 31, 2016, subject to City Council discretionary 90-day time extensions thereafter. CDP 15-02 and CUP 595 shall automatically and immediately terminate upon termination of the lease between the applicant and the site's property owner. In addition, if the use authorized by CDP 15-02 and CUP 595 violate any term, condition, and/or requirement of said Permits, a public hearing may be scheduled by the City to consider revoking said Permits. The business and property owner shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to terminate said Permits.
4. Temporary Use Acknowledgment: The applicant's signature of acceptance to the conditions and terms of CDP 15-02 and CUP 595 shall signify the applicant's understanding and acknowledgment that 1) the subject property is within the General Plan's designated South of Tioga land use district, 2) that use of this site may be terminated by development of the property, and 3) the applicant shall waive any right or claim to relocation assistance as he is entering this site of their own volition after being informed that this use is temporary until new development of the site and/or surrounding area commences.
5. Hours of Activity: Stone work, metal work, and loading/unloading activities shall only occur at the subject property between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. These activities shall not occur on Sundays or City recognized public holidays. Office use, painting, clay sculpting, or other minor studio/workshop activities, that do not pose a nuisance to neighboring properties or the public as a whole, may occur beyond the aforementioned hours provided the site is not open to the public.
6. New Fenced Area: The applicant may establish a fenced area to the westerly side of the building not to exceed 324 square feet. This yard may be used only for storage and stone carving, clay sculpting, and/or painting. The fence shall not exceed a height of eight (8) feet, and shall consist of either chain-link with vinyl slats

or decorative wood that effectively screens the inside of the yard from the public's view. No barb or razor wire is allowed.

7. On-Site Parking: A minimum of two (2) on-site parking spaces shall be maintained on the property for exclusive use by the applicant. At no time shall any vehicle parked on-site encroach into any public right-of-way and/or impede traffic flow on public streets.
8. Truck / Trailer Street Parking: The applicant shall not park or store trucks, trailers, or other vehicles within any public right-of-way in Sand City, that are not actively involved with loading/unloading activities, as specified in Chapter 10.08 of the City's Municipal Code, and/or in compliance with the terms/conditions of CDP 15-02 and CUP 595. Violation may result in the issuance of City citations as authorized by Municipal Code Chapter 10.08.
9. Loading / Unloading: The applicant shall make every effort to conduct all loading/unloading activities, associated with his use, on-site and not within City streets. Loading/unloading activities within the Fir Avenue right-of-way are prohibited. Only in those circumstances/situations where the on-site paved area is inadequate to accommodate loading/unloading activities, the applicant may then utilize those curbside parking spaces immediately adjacent to his site on California Avenue for loading/unloading activities provided that both travel lanes of California Avenue remain open and unobstructed at all times for unimpeded traffic flow. All loading/unloading of any item associated with the applicant's operation shall only occur during Permit authorized hours of activity (see Permit Condition No. 5). At no time shall loading/unloading interfere or impede traffic circulation on any City street. If the applicant cannot operate within these stipulations, then the subject property is inappropriate for this operation. Professional delivery services such as UPS or Federal Express, with extremely short delivery times of only a few minutes, are exempt from these restrictions.
10. Manufacturing & Sales: Manufacturing, storage, office, and sales activities shall only occur within the confines of the building and/or fenced yard. Any display of completed artwork(s) shall not impede vehicle access and/or parking of the paved frontage area. Activities that generate excessive noise, dust, fumes, and/or other detrimental impacts, including but not limited to power tool grinding, sanding, or cutting of stone or metal, shall only occur within the building. Stone and metal work activities that have little to no noise or dust generation, whereby that generation does not detrimentally impact abutting properties or create a blighting influence, may occur within the fenced yard, but not elsewhere on the property outside the building. The building's roll-up door may remain open unless activities present a public nuisance; whereby the roll-up door shall be closed. Any material stored/used on-site, that may pose a hazard, shall comply with all requirements of the Monterey County Health Department and the City's Fire Department. If the applicant utilizes and maintains an air compressor on the property, it shall be maintained and operated within the building. Any air compressor utilized on-site shall be electric

powered and not gas/fuel powered. During non-business hours, said air compressor shall be turned off to prevent automatic re-pressurization during non-business hours. The City may impose additional mitigating as necessary to address City verified public complaints. The City retains the right to initiate amendments of CDP 15-02 and CUP 595 to address future potential public nuisance issues.

11. Storage: All materials, parts, tools, equipment, and/or any other item associated with this use, shall only be stored either within the building or within the confines of the fenced yard. Storage within the yard shall be properly screened. The placement of a self-contained portable storage unit/container on-site, beyond the confines of the building and/or fenced yard, is hereby prohibited; and the need of the applicant to do so shall be considered by the City as justification that this operation has expanded beyond the site's ability to sufficiently accommodate the applicant's operation; and thus be sufficient reason for the City to terminate CDP 15-02 and CUP 595.
12. Signs: Any sign on the exterior of the building, or anywhere on the subject property, identifying the approved use at this location, shall be reviewed and approved by the Sand City Design Review Committee (DRC) prior to the establishment of any sign at this site. The applicant shall not place any free-standing sign anywhere within City limits without Community Development Department approval.
13. Property Maintenance: The site shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as allowed by CDP 15-02 and CUP 595. The applicant and/or property owner shall be responsible for maintenance and upkeep of the applicant's leased area for the duration of the allowed use.
14. General Waste: Trash, litter, boxes, crates, pallets, debris, or other used and/or discarded materials generated/used by this operation shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be maintained either within the building, the fenced yard, or within a City approved enclosure on the property. An enclosure may be established on the property only after approval by the City's Planning Department. The applicant shall implement recycling as part of this operation's regular routine when feasible.
15. Hazardous Waste: Any hazardous materials and/or waste used/generated by the approved use shall be legally stored and disposed of in accordance with the regulations of Sand City, the County of Monterey, and the State of California. Any illegal storage, dumping and/or disposal shall be adequate grounds for termination of CDP 15-02 and CUP 595.
16. Water Runoff: This operation shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. There shall be no washing of vehicles on the premises by the applicant's operation.

17. Water: Issuance of CDP 15-02 and CUP 595 does not grant the applicant and/or property owner any right or privilege to any allocation of water from the City of Sand City or other entity. This operation shall be limited to those water credits currently available to the property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).
18. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Seaside County Sanitation District, the Monterey Regional Water Pollution Control Agency, and Monterey County Health Department, shall be implemented to the satisfaction of each department. Police Department requirements pertaining to security, street parking, and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
19. Air District: The applicant shall be responsible for complying with applicable rules and regulations of the Monterey Bay Unified Air Pollution Control Agency. Failure to comply shall be sufficient grounds for City termination of CDP 15-02 and CUP 595.
20. Nuisance: Use of the property shall be conducted in such a way that it does not constitute a nuisance to surrounding properties. The applicant shall be considered responsible for the impacts created by his operation and activities. The applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, odors, overflow parking, blighted appearance, and/or other negative impacts that this operation may or will generate. If the City Council finds at any time that any use of the property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by this use, may be adequate grounds for the City to amend or terminate CDP 15-02 and CUP 595. Failure to comply with such direction may result in the amendment or revocation of CDP 15-02 and CUP 595.
21. Violation/Termination: If the City determines that any term or condition of CDP 15-02 and CUP 595 have been violated, and/or use of the property constitutes a nuisance or is otherwise detrimental to the neighborhood or the community, written notice shall be issued, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CDP 15-02 and CUP 595, and may then order said Permits amended or revoked. The applicant and property owner shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate said Permits.
22. Interpretation: Any question of intent or interpretation regarding any condition within CDP 15-02 and CUP 595 shall be resolved by the Sand City Planning Department staff.

- 23. The issuance of CDP 15-02 and CUP 595 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
- 24. Indemnification: To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
- 25. Business License: The applicant shall acquire, maintain, and annually renew a Sand City business licence for the duration of the approved use within Sand City. Failure to maintain a current business licence shall be sufficient grounds for termination of CDP 15-02 and CUP 595.

PASSED AND ADOPTED by the City Council of Sand City this ___ day of August, 2015, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

ATTEST:

APPROVED:

 Linda K. Scholink, City Clerk

 David K. Pendergrass, Mayor

 This is to certify that the Coastal Development Permit 15-02 and Conditional Use Permit 595 contains the conditions specified by the City Council in approving said Permit.

 Charles Pooler, Associate Planner

Signatures continued on following page...

Signatures continued from previous page.

APPLICANT ACCEPTANCE (CDP 15-02 & CUP 595)

The Coastal Development Permit and Conditional Use Permit are hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions therein.

DATED: _____

BY: _____
Applicant - Karl Shaefer

CONSENT OF OWNER (CDP 15-02 & CUP 595)

Consent is hereby granted to the permittee to carry out the terms and conditions of the Coastal Development Permit and Conditional Use Permit.

DATED: _____

BY: _____
Property Owner

AGENDA ITEM

9A

MEMO

To: Honorable Mayor and City Councilmembers
From: Todd Bodem, City Administrator
Linda Scholink, Director of Administrative Services
Date: August 5, 2015
Subject: Sand City Personnel Manual Revised

The City Council adopted a Personnel Manual on July 18, 2000 (SC 00-53) and it has been amended in bits and pieces periodically. The City Manual has been the guide for City personnel operations for the last 15 years. Changes in laws, and recognized weaknesses and deficiencies warrant a complete update to the entire Manual (see attached).

Just under a year ago, Staff began working on proposed revisions to the Manual and a marked up draft was reviewed several times by the City Administrator, Director of Administrative Services and the City's HR consultant.

We revised the existing Manual to clean up language, made "Track Changes," and proposed modifications to significant changes to the point that we found ourselves rewriting and reorganizing some key components of the Manual. Again, the bulk and intent of the Manual remains intact; however, various changes are proposed that would bring us into compliance with State and Federal laws and provide greater clarity for more efficient and effective administration of the personnel policies. Here are the substantive amendments worth noting:

- *Section 2.15. Added a Social Media Section*
- *Section 6.03. Added Sick Leave.* Part-time employees were not receiving accrued sick leave. Effective July 2015, sick leave was revised to comply with new state mandated provision for part-time employees. They will accrue paid sick leave at the rate of 1 hour per 30 hours worked. Currently this only affects our reserve officers and has minimal financial implications.
- *Section 6.14. Partial Payout.* Before, employees requested partial payouts as randomly and often as desired. That was never the intention of the Policy. It was originally meant for emergency situations. New language states that payout request may not be more than twice per fiscal year.

RECOMMENDATION

It is recommended that the City Council consider approval of the Revised Sand City Personnel Manual.

CITY OF SAND CITY

RESOLUTION SC _____, 2015

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY UPDATING
THE SAND CITY PERSONNEL MANUAL
TO INCORPORATE CHANGES AND ADDITIONS**

WHEREAS, the Sand City Personnel Manual was originally adopted by the City Council on July 18, 2000, Resolution SC 00-53; and

WHEREAS, the Personnel Manual periodically requires occasional updates and amendments to keep it current with employment and management practices; and

WHEREAS, to remain current with the California Labor Code, and State and Federal laws, the Sand City administrative team has worked in collaboration with BLC Partners, Inc., and has determined that certain changes, amendments, and additions were necessary for the Sand City Personnel Manual; and

WHEREAS, the proposed changes involve revisions to update and clarify portions of the personnel manual, and will supersede all previous versions of the Sand City Personnel Manual.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sand City does hereby approve the proposed modifications to the Sand City Personnel Manual attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of Sand City on this ___day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk

City of Sand City Personnel Manual

Adopted: July 18, 2000, SC 00-53

Revised: June 28, 2001; October 15, 2002; May 6, 2003; July 17, 2007;
December 2, 2008; March 17, 2009, October 2012, January 2013, August 18, 2015



INTRODUCTION

This Manual is designed to consolidate into one document the City of Sand City's policies and practices. The Intent is to provide Information on the City's personnel plan for the benefit of employees, elected and appointed officials, and the public. A comprehensive personnel manual should assist all involved in the effective and efficient administration and management of personnel and employee benefit Issues.

Some personnel policy issues will be subject to periodic change based on negotiations with employee organizations. At the discretion of the City Administrator, these issues may be addressed in the manual. The manual is designed to provide flexibility and may be amended as appropriate.

The policies and practices contained in this manual are applicable to all existing personnel authorizations by the City. To simplify the administration of the City's personnel plan, the approval of this manual by the City Council will supersede all previous legislative actions.

PERSONNEL MANUAL

**An Official Reference Document of Personnel Policies & Practices
for the City of Sand City**

ACKNOWLEDGMENTS:

Updated by an administrative team consisting of:

Jim Heisinger, City Attorney
Todd Bodem, City Administrator
Linda Scholink, Director of Administrative Services /City Clerk
LaTonya Olivier, Consultant, BLC Partners, LLC

ADOPTION:

The 2015 Personnel Manual was reviewed and approved by the City Council of the City of Sand City by Resolution SC 15-?? on August 18, 2015. This 2015 Personnel Manual supersedes all other versions of Sand City's Personnel Manual or standalone Employee policies. Earlier versions of the Personnel Manual may be obtained by contacting Linda Scholink.

**City of Sand City
Personnel Manual**

Introduction

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Section 1: Introduction and General Provisions

1.01 Adoption of Personnel System

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

1.02 Agreement to Comply with Rules and Regulations

In accepting employment with the City of Sand City, each employee agrees to be governed by and to comply with these rules and regulations, administrative rules, and procedures established by the City Administrator, pursuant thereto, and rules, regulations, and directives of the department in which he/she is employed. In no way does compliance imply a contractual employment arrangement. In addition, public safety personnel shall comply with the policies of the standard operating procedures (SOP) manual.

1.03 City Administrator Authority and Duties

The management structure of the City is specified in Sections 2.50 and 2.60 of the Municipal Code, and is illustrated in Figure 1, below. The City Administrator represents the highest position in the management structure and is the appointing authority and has general control and supervision over the administrative affairs of the City; the authority to establish such policies, procedures, rules and regulations as he/she deems necessary for the administrative control and supervision of the City; the power to appoint all officers, heads of departments, and the employees of all City departments, and to remove the same for cause, subject to these rules and regulations and those reserved to the City Council by City ordinance. Only the City Administrator may enter into contractual employment arrangements and then, only in writing specifically stating the intent is to establish a contractual relationship.

ORGANIZATIONAL CHART CITY OF SAND CITY

Figure 1



City of Sand City Organizational Chart

August, 2015

1.4 Administrative and Department Regulations

The City Administrator is authorized to issue such additional administrative policies necessary to carry into effect, augment or clarify rules and regulations, or to avoid or eliminate inequities resulting from the strict application of any of the provisions of this manual. The City Administrator is also authorized to approve supplementary department personnel rules and regulations not in conflict with these rules.

1.5 Controlling Authority

In any case in which any provision of this manual is inconsistent with any federal, state or other governmental statute (such as the Public Safety Officers Bill of Rights, Government Sections 3300 to 3311), code, rule or regulation, or with any judicial decree or with provisions embodied in any memorandum of understanding between a recognized employee organization and the City, approved by the Council, and executed, the provision contained in such statute, code, rule, regulation, decree or memorandum of understanding shall supersede the provision contained in this manual.

1.06 Separability

Should any of the provisions contained in this manual be rendered or declared invalid by reason of any State or Federal legislation, court action, or emergency situation, such invalidation so declared shall not invalidate the remaining portions hereof and they shall remain in full force and effect.

1.07 Distribution and Notification of Amendments

- A. Manual.** This manual is the property of the City, and it is intended for the personal use and reference of City employees and elected officials.
- B. Acknowledgment.** Copies of this manual will be placed in the administrative offices of City Hall and within the Police Department. In addition, all employees will receive a copy of this manual upon employment and when substantial changes have been made whether those changes are incremental or additive. All employees of the City are expected to read and familiarize themselves with the contents of this manual and are urged to discuss any questions regarding the policies with their supervisor, the Director of Administrative Services or the City Administrator. Each City employee is to complete and sign the acknowledgment form at the back of this manual and return it to the Director of Administrative Services for placement in the employee's personnel file.
- C. Revisions.** All amendments, changes, and revisions shall be made available to all employees of the City in the manner and form prescribed by the City Administrator.

Section 2. Employment Policies and Working Conditions

INTERACTIVE COMMUNICATION PROCESS

The City is committed to engaging in ongoing, meaningful dialogue regarding all matters of employment and therefore we encourage employees to bring any issues and concerns to your supervisor, the Director of Administrative Services or the City Administrator before discussing such matters with persons outside of the City. Such issues and concerns should immediately be brought to the attention of your supervisor, Director of Administrative Services or the City Administrator in order to begin the process of an interactive dialog in a timely manner. The City will make every effort to develop a reasonable solution based on a variety of factors, including, but not limited to: employee recommendation, specific circumstances and available resources. The Problem Solving policy described later in this Employee Handbook provides additional details on the preferred process.

2.01 Equal Employment Opportunity

- A. Policy.** It shall be the policy of the City to provide an equal employment opportunity for all applicants and employees. The City does not unlawfully discriminate on the basis of sex (which includes gender, pregnancy, childbirth, breastfeeding or related medical conditions), race, religion, (including religious dress and grooming practices) color, national origin or ancestry, physical or mental disability, medical condition, marital status, military and veteran status, age, sexual orientation or any other basis protected by federal, state, or local law, ordinance or regulation. The City makes reasonable accommodations for applicants/employees requiring such accommodations and the City prohibits harassment of any individual based on any of the above listed classes.
- B. All Areas of Employment.** This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, layoff, training, education, and social/recreational programs.
- C. Federal and State Law.** It shall also be the policy of the City to comply with all provisions of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, the California Fair Employment Practice Act as amended in 1974 and any other Federal and State statutory provisions that apply. Additionally, all due consideration shall be given to the guidelines set forth by the Fair Employment Practice Commission of the State of California and the Office of Federal Contract Compliance.
- D. Equal Employment Opportunity.** The policy of the City with reference to equal employment opportunity is as follows:

1. The City will not knowingly exclude any qualified disabled person, solely by reason of such person's disability, from participation in or from the benefit of any program or activity, or to otherwise subject any such person to such discrimination under any such program or activity unless, due to his/her physical or mental condition, the employee is unable to perform his/her duties, or cannot perform such duties in a manner which would not endanger his/her health or safety or the health and safety of others.
2. The City will make all employment decisions in a manner which will further the principles of equal employment opportunity.
3. The City will ensure that decisions regarding promotions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.
4. The City Council supports this policy in its entirety and requires that all executive, managerial, supervisory, and other employees of the City adhere to the policy and give their continuing support to its implementation.
5. The city shall not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

E. Unlawful Discrimination. If an employee believes he/she has been subjected to any form of unlawful discrimination, the employee should report the incident or complaint immediately in writing to the Director of Administrative Services, who will initiate an investigation of the complaint and take appropriate action. If the Director of Administrative Services is unavailable or involved in such discrimination/harassment, employees may report to the City Administrator or a member of the Personnel Subcommittee of the City Council.

2.02 Americans with Disabilities Act (ADA)

A. City Policy. It is the policy of the City to make reasonable accommodation to all the relevant and applicable provisions of the Americans with Disabilities Act (ADA). The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. When requested by the employee or applicant, the City also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense to the City.

B. All Areas of Employment. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, layoff, training, education, and social/recreational programs.

- C. Disability Discrimination Reporting.** Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability should immediately bring the problem to the attention of the Director of Administrative Services, the City Administrator or a member of the Personnel Subcommittee of the City Council.

2.03 Policy Against Harassment

- A. Statement of Intent.** The City is committed to providing a workplace environment free of sexual harassment as well as unlawful harassment of other kinds. The City strictly prohibits harassment because of sex (which includes sexual harassment, gender harassment and harassment due to pregnancy, childbirth, breastfeeding or related medical conditions) and harassment because of race, religion, (including religious dress and grooming practices) color, national origin or ancestry, physical or mental disability, medical condition, marital status, military and veteran status, age, sexual orientation or any other basis protected by federal, state, or local law, ordinance or regulation.

This prohibition applies to all persons involved in the operation of the City, including employees, vendors, and clients of the City. No employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in City business.

In keeping with our commitment to a harassment free environment, the City will comply with all applicable rules and regulations regarding the training of employees in supervisory positions.

B. Harassment Defined.

1. Harassment is unwelcome verbal, visual, or physical conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when:
 - a. Submission to the conduct is made either an explicit or implicit condition of employment;
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision; or
 - c. The harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
2. The three most common types of sexual harassment complaints are those in which:

- An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
 - An employee quits because he/she can no longer tolerate an offensive work environment. If it is proven that a reasonable person in the victim's position, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
 - An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment
3. Sexually harassing conduct includes, but may not be limited to, all of the following prohibited actions as well as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances, including:
- a. Verbal conduct such as epithets, sexual bantering or joking, derogatory comments, slurs, or unwanted sexual advances, invitations or comments;
 - b. Unwanted sexual advances
 - c. Offering employment benefits in exchange for sexual favors
 - d. Making or threatening retaliation after a negative response to sexual advances
 - e. Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;
 - f. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work directed at you because of your sex or race or any other protected bases;
 - g. Threats or demands to submit to sexual requests in order to keep your job or to avoid some other loss, and offers of job benefits in return for sexual favors;
 - h. Retaliation for having reported or threatened to report harassment.
4. Reporting, Investigation, and Discipline.
- 1. Any employee who believes he/she has been harassed by a co-worker, supervisor, or agent of the employer, should promptly report the facts of the incident or incidents and the names of the individuals involved to his/her supervisor or, in the alternative, to the Director of Administrative Services, City Administrator or a member of the Personnel Committee of the City Council. Supervisors shall immediately report any incidents of sexual harassment to the Director of Administrative Services who will investigate all such claims. Any claims against the Director of Administrative Services or City Administrator will be investigated under

the direction of the Personnel Subcommittee of the City Council.

2. The City's policy is to conduct an immediate, thorough and objective investigation of any harassment claims through an interactive process with the employee. If the City determines that harassment has occurred, the City will impose appropriate discipline upon offending employees up to and including suspension without pay and/or termination of employment.
3. The City will protect the confidentiality of the harassment allegations to the extent possible. However, the City cannot guarantee complete confidentiality, since we cannot conduct an investigation without revealing certain information to the alleged harasser and potential witnesses. At the conclusion of our investigation, we will attempt to determine whether unlawful harassment has occurred. The City will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred. If appropriate, the City will, as promptly as possible, communicate our findings and the remedial action (if any) to be taken, to the accused, to the complainant, and, when appropriate, to other persons who are directly concerned.
4. The City strictly prohibits retaliation against any person by another employee or by the City for using this complaint procedure, reporting harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the City or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit to the person participating in an investigation.

C. State Enforcement Procedure.

Harassment and retaliation for opposing harassment claims or participating in harassment investigations are illegal. Complaints of harassment may be directed to the California Department of Fair Employment and Housing (DFEH) which has the authority to conduct investigations of the facts. If the DFEH believes that a complaint is valid and settlement efforts fail, it may seek an administrative hearing before the California Fair Employment and Housing Commission (FEHC) or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees may contact the nearest DFEH office by checking the State government listings in the local telephone directory.

- D. Confidentiality.** The letter of complaint, investigatory process, and the disposition of the complaint shall be confidential to the extent possible.

- E. Freedom from Reprisal.** An employee opposing the practices prohibited by this policy, or filing a complaint under this policy, or participating in an investigation, proceeding, or hearing regarding possible violation of this policy, shall have freedom from reprisal.

2.04 Alcohol and Drug Free Workplace

- A. Policy.** It shall be the policy of the City to maintain an alcohol and drug free work environment. To succeed in maintaining a high level of productivity and a safe work environment, the City expects all employees to report for work in a condition to fulfill properly their assigned responsibilities. The City recognizes that both off-the-job and on-the-job involvement with alcohol or drugs by an employee can have an adverse impact on the ability of the City to comply with its policy of a drug-free environment. Such activity jeopardizes not only the productivity and health of the individual employees, but also places at risk the safety of co-employees and the public in general.

Examples of items considered to be controlled substances and illegal under Federal, State and/or local laws are marijuana, heroin, hashish, cocaine, hallucinogens, certain depressants, stimulants, and medications not prescribed for current personal treatment by an accredited physician.

Employees who voluntarily seek medical or psychological assistance in dealing with a personal alcohol or drug problem may seek help without jeopardizing their continued employment with the City, provided they cease all involvement with drugs/alcohol, and enroll and continue to participate in a rehabilitation and maintenance program at the employee's own expense.

Employees who are on medication prescribed by a physician either as a regular treatment or temporary one must notify the City if such medication might impair the ability of the employee to operate in his/her position in manner that is safe for the employee as well as other employees, citizens, visitors and others.

B. Standards.

1. The unlawful manufacturing, distribution, dispensation, possession or use of drugs/controlled substances/alcohol while on the job or while on City property is prohibited. Depending upon the circumstances, offenders may be suspended during an investigation with or without pay, pending final disciplinary action, which could include termination. Any substances suspected to be illegal shall be turned over to the appropriate law enforcement agency and this may result in criminal prosecution.
2. Off-the-job alcohol or illegal drug/substance use which adversely affects an employee's job performance or which jeopardizes the safety of other employees, the public, or City equipment shall be proper cause for disciplinary action up to and including suspension without pay and/or termination of employment.

3. Employees who are arrested for drug activity may be considered to be in violation of this City policy. In deciding the City's course of action, the City Administrator will take into consideration the nature of the charge, the employee's assignment, the record of the employee with the City, and other factors relative to the impact that the employee's arrest has upon the City.

- C. Substance Free Work Place.** To the extent permitted by law, and for the purpose of enforcing this policy and maintaining a drug and controlled substance free workplace, the City reserves the right to search, with or without prior notice to the employee, all work areas and property in which the City maintains full or joint control with the employee, including but not limited to City vehicles, desks, file cabinets, lockers and bookshelves.
- D. Drug and Alcohol Testing.** If the City has reasonable suspicion that an employee is under the influence of alcohol or a controlled substance while in the workplace or subject to duty, the employee may be required (to the extent permitted by law) to submit to a drug and alcohol analysis provided at the City's expense.
- E. Disciplinary Action.** Failure to abide by the provisions of this policy shall be grounds for disciplinary action, up to and including suspension without pay and/or termination.

2.05 Conflict of Interest

- A. City Requirements.** Employees shall exercise the utmost good faith and judgment in all transactions concerning the City of Sand City and its properties. In dealing with and/or on behalf of the City, employees are expected to be strictly honest and fair in their dealings. Employees shall not use their position, or knowledge gained from their position, in such a manner that a conflict arises or might arise between the interest of the City and the interests of the employee.

Employees shall not accept any gifts, gratuities, or favors from individuals or businesses doing business with the City whose value is such as to give rise to an appearance of impropriety, or which may be reasonably seen to influence or affect his/her actions in serving the City.

- B. Outside Employment.** While employed by the City, during the City's normal business hours, employees shall devote their entire productive time, ability and attention to the business of the City. During their employment with the City, employees will not, without the City's prior written consent, directly or indirectly engage in any employment, consulting, or other activity which would conflict with their employment obligations to the City. (See 2.06 Outside Employment)

After implementation of this policy, employees shall avoid any new employment, activity, investment, or other interests which might involve obligations which may compete with or be in conflict with the interests of the City. A conflict of interest

may be considered to exist in those instances where the actions or activities of an employee on behalf of the City also involve:

1. The obtaining of an improper personal gain or advantage;
2. An inappropriate adverse effect on the City's interests; or
3. The obtaining by a third party of an improper gain or advantage

C. Guide to Other Potential Conflict Issues. While it is not possible to list every circumstance that could result in a conflict of interest, the following serves as a guide to the types of activities which might cause conflicts and which should be fully reported to the City Administrator:

1. Interests
 - a. Holding by an employee, directly or indirectly, of a material financial interest in any outside concern from which the City secures goods or services (including the services of buying or selling stocks, bonds, or other securities), or which provides services competitive with the City.
 - b. Competition with the City by an employee, directly or indirectly, in the purchase or sale of property or property rights or interests.
 - c. Making arrangements to provide services to clients of the City without permission of the City Administrator.
2. Outside Activities
 - a. Providing directive, managerial, consultative services or employees to any outside concern which does business with, or is in competition with the services provided by the City or which would have the potential for substantially affecting an employee's duties for the City.
 - b. Participation by an employee in any activity for personal profit or gain which is likely to involve use of the employee's time during normal working hours or the time of other employees on duty or the use of equipment owned by the City.
3. Inside Information. Disclosure or use of City information for the personal profit or advantage of the employee or anyone else. The employee owes the employer diligent and faithful service under Labor Code Section 2859 and Civil Code section 2322 (3).

D. Disclosure of Certain Interests. Employees shall disclose conflicts of interest in accordance with the City's conflict of interest code as the same may be amended from time to time.

2.06 Outside Employment

- A. Policy.** A condition of employment with the City of Sand City is that all full-time appointments are to be the principal employment of employees filling such positions. Outside or secondary jobs may be permitted if such job neither violates the conflict of interest principle nor is detrimental to the City by virtue of association, untoward effects on employee efficiency, or through the introduction of greater exposure to injury or sickness. (See 2.05 Conflict of Interest)
- B. Notification of Outside Employment.** Each employee who is working for the City in a full-time position and is working or desires to take an additional job with another employer shall provide notice of outside-employment with the Department Head indicating:
1. The nature of the job.
 2. The name and address of the firm.
 3. The number of hours worked each week.
 4. The work schedule.
- C. Grounds for Denial.** Outside employment may be denied or permission rescinded if inconsistent with the conflict of interest policy or for any of the conditions outlined as follows:
1. An employee's secondary employment is adversely affecting performance or is in any other way interfering with his/her City work.
 2. The employee is associated with an enterprise which provides or performs a service to the City over which the employee has any regulatory responsibility or influence in his/ her capacity as a City employee.
 3. The employee solicited business on behalf of the enterprise he/she represents in secondary employment during working hours for the City.

2.07 Employment of Relatives

- A. Eligibility Standards.** Relatives of current employees are eligible for employment within the City provided that:
1. The appointment is based solely on qualifications.
 2. No special influence or contact by the employed relative is involved in the selection.
 3. Relatives are not placed in positions of employment which create serious morale problems or potential conflicts of interest.

No preference in hiring or promotions shall be given to family members of current employees. When relatives are hired, personal or family relationships must not interfere with employee harmony.

B. Same Department Prohibitions. Members of the immediate family of regular employees shall not be appointed to the same department. Regular employees who are relatives shall not be transferred, promoted, or demoted to the same department, nor be placed in such position as to supervise or evaluate a relative.

2.08 Political Activity

A. Prohibited Activities. City employees shall not engage in political activity of any kind during working hours. Prohibited activity shall include, and not be limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the City to influence or give money, service, or other valuable consideration to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

B. Voting. The rights of City employees to register and vote as they choose shall not be infringed. City employees may express their opinions on all political subjects without recourse against them.

C. Public Office. Subject to the foregoing, any City employee may seek appointment or election, (except for the Sand City Council) to any public position, office, or employment for which qualified.

2.09 Religious Activities

A. Time Off. When requested in advance, employees may be allowed time off to attend services or activities.

B. Payroll Status. Paid Time Off or authorized unpaid absence may be used for absences as approved in item A above.

2.10 Smoking.

Pursuant to State law, smoking of tobacco products is prohibited in all enclosed City facilities including, but not limited to all buildings, out buildings and City vehicles. Only approved smoking areas may be used for such purposes.

2.11 Official Bulletin Board.

Bulletin boards are a major source of information. Employees are encouraged to read items posted.

The official bulletin board for all employees is located in the copy room/kitchen. Notices and regulations required by law are posted on the official bulletin board.

The Director of Administrative Services is responsible for maintaining the official bulletin board. All notices and postings must be submitted to the Director of Administrative Services for approval before posting. Approved items other than those required to be posted by governmental agencies will be removed after two weeks by the Director of Administrative Services. Any unauthorized posting will be removed immediately. Personal items may not be posted on internal bulletin boards.

2.12 Community/Media Relations

A. Policy for Media Contacts. All communications with print and electronic media for the City of Sand City shall be channeled through the City Administrator, Police Chief, the Mayor or a designee.

Staff is to notify the City Administrator, Police Chief or Mayor immediately upon being contacted by any member of the news media. All such contacts are to be referred to the City Administrator, Police Chief or Mayor for response or appropriate coordination.

2.13 Dress Code

A. General Guidelines. A professional appearance is important in reassuring the public that the staff is providing service in a competent manner. The responsibility for maintaining the dress code standards lie with each individual employee and his/her supervisor.

Office staff and supervisors are expected to wear appropriate business attire at all times when on duty. Employees should wear neat, clean attire which gives a professional appearance for regular work days. Casual work days can be allowed by the City Administrator in which casual clothing is allowed as long as it is neat and clean.

B. Public Works/Parks/Maintenance Personnel. Maintenance personnel may wear clothing appropriate to their job duties. Employees should check with their supervisors regarding clothing allowed for these positions.

- C. Police Officers.** Police officers shall adhere to the official dress codes prescribed in the Police Operating Procedure.

2.14 Telecommunications Policy

The City maintains a telecommunications system as part of its technology platform. This system is provided to assist in the conduct of business. The telecommunications system and the data stored in it are the property of the City. As such, all messages created, sent, and received are the property of the City. Employees learning of any misuse of the telecommunications systems or violations of this policy should notify their supervisors.

Monitoring & Access of the City Systems — the City's computer, phone, and other electronic systems are important assets and have been installed to facilitate business communications. Although employees may be able to use codes to restrict access to information left on the systems, it must be remembered that these systems are intended for business use and are the property of the City. In keeping with this intention, we maintain the ability to access and monitor any information on the systems. Because we reserve the right to obtain access to all voice mail and computer files including e-mail messages sent/received and Internet sites visited, employees should not assume that such information is confidential or that access by the City or its designated representatives will not occur. Access to these systems may be conducted before, during, or after working hours, and in the presence or absence of the employee.

Employees must receive prior authorization before changing any access codes that may be available. In addition, employees are prohibited from unauthorized use of access codes of other employees to gain access to voicemail or computer network systems. Personal devices such as laptops, cell phones, etc. may not be used for City business and should only be used while on breaks, lunches or unpaid time.

Computer, Email, Internet, & Voicemail Use — some employees are provided access to the City's information and communication systems for business reasons. Personal use of the computer systems, email, and the internet are to be kept to an absolute minimum. Use of these systems for non-business purposes should be done only during breaks or meal periods. No one is allowed to access or send pornographic, offensive, or discriminatory material via City systems.

At the City, we strive to maintain a work environment that is friendly and relaxed yet highly professional. The use of an e-mail and voicemail system can sometimes lead to inappropriate business demeanor and inappropriate casual communication. Please make sure that conversations and electronic communications are appropriate in a work setting, and do not cross the line into areas that could offend anyone. Of course, employees are not allowed to use the City's information systems in any way that may be disruptive or offensive to others, including the transmission of anything that may be construed as harassment or disparaging of others. Inappropriate use of the City's information systems will result in corrective action up to and including termination.

Telephone Use — Incoming phone calls are an important and essential part of our business. If your job requires you to answer the phone, remember that the caller's entire impression of the City will be based on how you sound. Be courteous and friendly, and whenever possible refer to the caller by name. All incoming telephone calls should be answered promptly.

Personal phone calls placed or received should be kept to a minimum to ensure that our clients can effectively communicate with us. Necessary phone calls should be made during breaks or meal periods whenever possible. If it is necessary to make a personal, long distance telephone call, please keep them to a minimum and charge any toll calls to a personal calling card. Messages of an emergency nature will be delivered promptly and our telephones are always available for use on an emergency basis.

Cellular Phones — While driving for City business and/or City time, attention to the road and safety should always take precedence over conducting business on the phone. In cases of emergency, where drivers may be required to complete calls while operating a motor vehicle, the conversation should occur when the vehicle is parked and/or the driver is using the phone in a "hands free" mode via a headset or speaker. California state law requires "hands free" conversations only. The City prefers that such conversations occur when the vehicle is safely parked out of traffic.

NOTE: Police officers using devices for emergency and official communications are exceptions to the rules regarding hands-free operation, but should exercise due caution in such use.

Failure to comply with any of the above regulations may result in immediate termination of employment, even for the first offense.

Personal Communication Devices — The use of personal cellular phones, pagers, text messaging, etc. can be a problem while working. Such use is distracting and can portray a negative image to any individual (management, coworkers, clients, vendors and guests) who may see employees using such devices while at work. You are asked to minimize the personal use of such devices while at work so that business needs are not compromised. If such devices are used during non-work times (breaks/meals) please do so in a way that does not interfere with coworkers and other business needs.

Mail & Postage Use — Please do not have any personal mail sent to the City. The use of City-paid postage for personal mail is not permitted.

2.15 Social Media

While we understand that many of our employees may interact using various social media sites, e.g. Facebook, Linked-In, Twitter, Pinterest, Instagram, etc., it is important that employees keep their personal postings entirely personal. Please remember that some of these sites allow individuals you might not want to interact with to see your postings and therefore you should use care in what information you disclose.

Employees should never suggest anything they do or say when using any internet resource represents the opinion or attitude of the City of Sand City.

Where the City has decided to create accounts exclusively for City purposes, only employees expressly authorized are permitted to post information and modify the site. Such accounts are as important to the organization as the official website and as such extreme care is needed in portraying the desired information on the site.

We also ask that employees who have concerns about actions, policies or other City of Sand City business address it with us directly rather than posting such concerns on social sites. Pictures, communications and other information related to City business may not be posted on internet sites without the specific written consent of the City of Sand City. If you wish to post any such items, please contact the City Administrator for the name of the proper authorizing manager.

2.16 Use of City Equipment

As the governing body for the City of Sand City, a part of our responsibility is to ensure all tools, resources, time, premises and other City related costs are utilized for the benefit of our community and not for the personal benefit of City employees, Council Members, outside organizations or any other groups where the benefit to the City at large is not gained. In addition, we are charged with maintaining confidentiality of many types of information and the security of all City systems as well as for City personnel and visitors.

To fulfill these obligations, the City of Sand City has determined the considerations below will be observed by all City employees:

- A. No City-owned or City-supported property, vehicle, equipment, labor or service shall be used by a public official or employee, any family member, a business entity or any other person for his or her private use.
- B. No City equipment will be removed from the City premises where it is normally kept for a public official's or City employee's personal use in the conduct of official business unless such equipment is available to the general public or such equipment is provided as a matter of stated public policy for the use of City public officials and employees at other specified locations in the conduct of official business.
- C. The City's letterhead will not be used for personal correspondence or in personal business correspondence.
- D. Any access to City equipment and public facility areas must be pre-approved and escorted by the proper City employee. The only exception to this requirement is for maintenance and service personnel who have been hired by the City of Sand City and provided with access in order to carry out their specified services. Such exceptions must be made by the City Administrator and may be reviewed by the City Council.

2.17 Personnel Policy Familiarization

The personnel policies of the City of Sand City are contained in this Personnel Manual and in such departmental policies (e.g., police department personnel manual) as may be adopted by the City Council. Copies of this policy manual will be maintained with the department heads, in the city hall library and within the police department.

It is the responsibility of each employee to read all applicable personnel policies including policies that may be modified from time-to-time. Also, each employee must make an effort to understand the policies and to comply with them. Supervisors and members of the administrative team are available to answer any questions or clarify policies.

2.18 Standards of Conduct

Employees are expected to demonstrate good judgment, ethical personal behavior and common sense during their employment with the City. Examples of actions which are not in keeping with the City's objectives are listed below and such actions may result in disciplinary action up to and including suspension without pay and/or termination:

- A. Dishonesty
- B. Insubordination
- C. Incompetency
- D. Substance abuse
- E. Failure to perform work assigned
- F. Harassment of other city employees or members of the public
- G. Absence from work without satisfactory notice or reason
- H. Disclosure of confidential information
- I. Use of profane or abusive language
- J. Conversation or conduct which damages the City's reputation, or negatively impacts or, limits the City's ability to function
- K. Unlawful conduct
- L. Conduct which places the employee, co-workers or others at risk of substantial harm

Section 3. Transfers and Reassignments

3.01 Employee Transfers - General

No regular employee shall be transferred to a position for which he or she does not possess the minimum qualifications. Upon approval by the City Administrator, an employee may be transferred at any time from one position to another in a comparable class. For transfer purposes, a comparable class is one with the same salary range, involving the

performance of similar duties and requiring substantially the same basic qualifications. In the case of the transfer of any employee from one position to another in the same class or to another class to which the same salary range is applicable, the employee shall remain at the same salary step and shall retain the same anniversary date.

3.02 Reassignment Between Departments within the City

- A. Employee Transfer.** The transfer of a regular employee from one department to another may be made with the consent of the employee and the approval of the applicable department heads concerned, unless the City Administrator orders the transfer for purposes of economy or efficiency. Public safety sworn personnel may only be transferred to other public safety functions.
- B. Transfer Reinstatement.** If an employee so transferred is found not suitable in the new position or if that position is eliminated and said employee's performance in the original position had been satisfactory, the employee may be transferred back to the original position.

3.03 Reassignment within Department

The department head may reassign an employee to another position in the same classification in the same department at any time.

Section 4. Introductory Period

4.01 Objective of Introductory Period

The introductory period shall be regarded as part of the selection process and shall be utilized for closely observing the employee's performance, for securing the most effective adjustment of a new employee to his/her position, and for rejecting any introductory employee whose performance does not meet acceptable standards for the position to which he/she was appointed.

4.02 Length of Introductory Period

- A. Introductory Period.** All original and promotional appointments to regular full or part-time positions shall be tentative and subject to an introductory period of six (6) months for miscellaneous employees and twelve (12) months for public safety employees. All such periods of employment shall be considered to be introductory status. The introductory period shall not include any time served in a temporary assignment or any time on a leave of absence, either with or without pay, of two (2) weeks or more.

- B. Eligibility for Benefits.** All new full-time employees shall be eligible to apply for health benefits on the first of the month following thirty (30) days after the date of hire. Dental, vision, life insurance and long term disability benefits are available on the first day of the month following ninety (90) days after the date of hire.

4.03 Extension of Introductory Period

The introductory period of an individual employee may be extended for a reasonable period not to exceed six (6) months by the City Administrator upon recommendation of the Department Head. Approval of such extension by the City Administrator shall be in writing with notification to the employee involved prior to the end of the introductory period. Such an extension shall not be subject to further review nor shall it be subject to appeal.

4.04 Introductory Employee Performance Evaluation

Each employee's performance shall be evaluated at the end of five (5) months of service or at more frequent intervals when deemed necessary by the Department Head, with City Administrator's concurrence. Such evaluations shall be reported in writing and in a form approved by the City Administrator. The written report of an employee's performance evaluation shall be made a part of the employee's personnel record, and a copy given to the employee.

Section 5. General Working Conditions

5.01 Attendance and Work Periods

- A. Attendance.** Employees shall be in attendance at their work or assigned duties at the time and place prescribed by the department to which they are assigned. An Employee who is absent from duty, or who while on duty, is not attending to the normal assignments of his or her employment, shall report such absence or inattention, and the reason to his or her department head as soon as practical after it occurs. If an employee has reason to know of an absence ahead of time, advance notice should be given to his or her department head at the earliest possible time. Non-excused absences or tardiness, substantial inattention to one's duties while on the job, or excessive tardiness, may result in discipline, including but not limited to termination and/or suspension without pay.
- B. Standard Work Periods.** All full time, non-exempt, employees who work for the City shall be assigned either to regular work periods or to "flexible-time" work periods, as shall be determined by the City Administrator.
- C. Regular Work Day.** A regular work day for non "flexible-time" employees who are non-exempt and who work full time for the City shall be eight (8) hours of labor

within the fixed and regularly recurring period of twenty-four (24) hours established for them as a regular work day by the Department to which they are assigned.

- D. Regular Work Week.** A regular work week for non "flexible-time" employees who are non-exempt and who work full time for the City shall be five (5) standard work days within the fixed and regularly recurring period of 168 hours (7 consecutive days) established for them as a regular work week by the Department to which they are assigned.
- E. Flexible Work Day.** A regular work day for "flexible-time" employees who are non-exempt and who work full time for the City shall be ten (10) hours for administrative personnel and eleven (11) hours for police personnel of labor within the fixed and regularly recurring period of twenty-four (24) hours established for them as a flexible work day by the Department to which they are assigned.
- F. Flexible Work Week.** A regular work week for "flexible-time" employees who are nonexempt and who work full time for the City shall be four (4) flexible work days within the fixed and regularly recurring period of 168 hours (7 consecutive days) established for them as a flexible work week by the Department to which they are assigned.
- G. Alternate Work Periods.** Upon the request of a department head, the City Administrator is authorized to designate other working hours for employees when, in his/her opinion, the best interest of the City may be served by such readjustment of standard work hours, or out of consideration for the special needs of an employee.

5.02 Overtime

- A. Policy.** It is the general policy of the City that overtime work is to be discouraged. Overtime work must always have prior approval.
- B. Eligibility for Overtime.**
 - 1. Employees with Regular Work Periods.** All non-exempt, full-time City employees with regular work periods shall be paid overtime at one and one half time their hourly rate for any hours worked in excess of eight hours in a regular work day or in excess of forty hours in a regular work week. Any time off during the work week such as holidays does not count as time worked.
 - 2. Employees with Flexible-Time Work Periods.** All non-exempt, full-time City employees with flexible work periods shall be paid overtime at one and one half times their hourly rate of pay for any hours worked in excess of ten hours in a flexible work day or in excess of forty hours in a flexible work week. Any time off during the work week such as holidays does not count as time worked.

- C. Compensatory Time Off.** Employees working overtime may elect whether to receive overtime pay or compensatory time off. Those electing to receive compensatory time off may later elect to receive overtime pay for any compensatory time not used. Compensatory Time Off will be capped at 240 hours (480 for police officers and reserve officers) in the bank at any one time. Any employee who has reached this maximum must receive pay rather than Compensatory Time Off until such time as the hours have been reduced sufficiently for the overtime hours in a pay period to be converted to Compensatory Time Off. Hours in the available Compensatory Time Off bank will be subject to the 800 hour combined maximum limit.
- D. Employee Classification.** Employees in classifications designated as "non-exempt" shall be eligible for overtime compensation. Employees in classifications designated as "exempt" shall not be eligible for overtime compensation. You will be advised of the exempt or non-exempt status of your position upon hire.
1. *Exempt Employees.* Those employees who are executive, administrative or professional as defined by federal wage and hour laws are considered exempt from overtime pay requirements. Exempt employees will receive their full salary for any week in which the employee performs any work with exceptions for legally allowable deductions. Time off as a penalty for violations of major safety rules also may be deducted from employees' salaries as allowed by law. Exempt employees receive an allowance of fifty hours of administrative leave per year to compensate for their extra time worked and their special responsibilities.
 2. *Non-exempt Employees.* All other employees are considered to be non-exempt from state and federal overtime pay requirements. Non-exempt employees must record their time at the start and at the end of each work period, including the lunch break, and whenever they leave work for any reasons other than city business. The salary of non-exempt employees will be reduced for incomplete or partial days of absence due to vacation, holiday, personal business, and incomplete initial and final week of work. (Non-exempt employees can earn overtime.)
 3. *Reserve Officers:* These employees are not eligible for the 4 hour minimum for call-in or callback pay. Officers should record exact time worked on timesheets. Such officers also receive Paid Sick Leave benefits at the rate of 1 hour of Paid Sick Leave per 30 hours worked.

5.03 Compensation For Meeting Attendance

- A. Policy.** Non-exempt employees who attend mandatory meetings, lectures, training programs and similar activities at the request of the employer will be compensated for this time. An employee who is required to return to the work place during regular off duty hours to attend a meeting, lecture, training program or similar activity will be compensated for this time at the employee's appropriate hourly rate

when attendance at the meeting, lecture, training program or similar activity is mandatory. Shift differential will not be paid. A minimum of 4 hours of pay is provided in these specific instances for all Regular Employees. Reserve Officers will be paid for actual time required for the meeting.

B. Compensation Rate. Overtime hours will be paid according to federal legal requirements and in compliance with the Police Memo of Understanding.

C. Attendance Criteria. Payment for attendance at lectures, meetings, training programs and similar activities will not be allowed if any of the following criteria apply:

1. Employee has not received prior approval from their supervisor or department head for attendance outside of the employee's regular working hours.
2. Attendance is, in fact, voluntary.
3. The course, lecture or meeting is not directly related to the employee's job or responsibilities with the City.
4. The employee does not perform any productive work for the City during such attendance periods.

D. Required Attendance. Attendance is not voluntary if it is required by the City.

5.04 Meal Periods

Each full-time employee shall be entitled to an uninterrupted, unpaid meal period of a minimum of thirty (30) minutes and a maximum of sixty (60) minutes at or about the midpoint of their work day. Meal periods may be taken away from the normal work area. Meal periods include transit time to and from meal areas. The length of the meal period and the time the meal period is taken shall be determined by the Department Head and/or City Administrator. Employees are entirely relieved of responsibilities and restrictions during their meal period, unless they have been notified, to work an on-duty meal period which will be treated as paid time. (For police officers, refer to the Standard Operating Procedures Manual.)

5.05 Rest Periods

Rest periods not exceeding fifteen minutes, one at the end of each work period of three hours or more (e.g., once in the morning and once in the afternoon) shall be granted employees. These rest periods should not be taken at the beginning or end of the work day, and time not used for rest periods shall not be accumulated and used at a later date. Rest periods are considered to be time worked.

5.06 Pay Days and Final Paycheck

- A. Payroll Procedures.** Pay checks are issued 12 times annually. The pay day will be the last working day of the month. For overtime calculations, the workweek at the City begins at 12:00 a.m. on Monday and ends seven consecutive days later on Monday at 12:00 a.m. Pay periods begin on the first (1st) day of a calendar month and end the last day of the month. Normally, checks will be distributed after 12:00 p.m. at City Hall through department heads or their designees on the last work day of the month. The City will not cash payroll checks. All employees will receive pay for regularly scheduled hours through the end of the month, but any overtime or adjustments due to holidays, vacation or the like will appear on the next month's check.

If a check cannot be distributed or delivered directly to an employee, it will be returned to the Director of Administrative Services. If absent on payday, it is the employee's responsibility to contact the Director of Administrative Services to receive the pay check or to make prior arrangements if s/he will be absent from work on the day paychecks are distributed. Police Department payroll checks will be placed in the correspondence/message box for each employee in the department.

Payroll checks must be cashed within six (6) months from date of issue.

- B. Payroll Advances.** In emergencies, advanced pay may be granted. In no case will advances exceed pay earned. If a request is determined to be an emergency, the supervisor may recommend to the Director Administrative Services of that an advance be granted. Approval by the City Administrator is required. Usually, seventy two (72) hours notice is required to process a payroll advance.
- C. Adjustments.** Payroll adjustments are made on the first day of the pay period following the anniversary of date of employment or subsequent reclassification. If there is an error in a paycheck, whether in hours paid, rate of pay, deductions taken or not taken, or any other discrepancy, the employee must bring it to the attention of the Director of Administrative Services immediately for review and/or correction. Failure to report the discrepancy may result in a delay of payment due.
- D. Payroll Deductions.** Deductions from employee's wages are made in accordance with prevailing laws, rules and regulations:
1. Deductions required by law: for example, court order, Federal and State income taxes, FICA, etc.
 2. Deductions made on the written authorization from each employee: for example, group medical and hospitalization premiums, credit union, and such other deductions within the City's capabilities and as approved by the City Administrator.

E. Separation and Final Paycheck

1. Resignation in Good Standing. Any regular employee in order to be considered as having resigned in good standing, shall be required to submit a written notice of resignation to his/her department head at least ten (10) workdays prior to the effective date of said resignation.

Such written notice shall include the reason for the effective date of the resignation. The Department Head or City Administrator may authorize a resignation in good standing when, in their opinion; there are sufficient reasons to waive the requirements of this section.

2. Voluntary Resignation. An employee absent from duty without authorization for two (2) or more consecutive working days without an explanation satisfactory to the department head shall be deemed to have voluntarily resigned without notice and the department head shall initiate the process to separate the individual's employment with the city.
3. Exit Interviews. The City Administrator or designee may conduct a confidential exit interview to verify reasons for the resignation. Information obtained during the exit interview shall be used in a manner that contributes to the City's growth.
4. Employee Property Clearance. Employees will certify that all City property, including keys, in their custody has been returned to the City immediately upon request or upon separation of employment. The City may take all action deemed appropriate to recover or protect its property. City property that is not returned may be reported to the appropriate authorities as stolen property.
5. Final Paycheck. Employees, who are involuntarily terminated, will receive their final paycheck on the day of dismissal. The final paycheck will include payment for all earned salary due and not previously paid, and accrued but unused leave balances which are subject to pay-off.

5.07 Performance Evaluations

- A. Purpose.** The City provides employees with periodic performance evaluations for the purpose of providing direction and furthering development of the employee. The employee performance evaluation process is designed to accomplish the following objectives:

1. To provide employees with full information concerning their work performance in relation to the job description and City initiatives;
2. To identify performance areas in which the employee has performed satisfactorily as well as those areas which require improvement;

3. To establish plans to encourage continued achievement and to correct any deficiencies;
4. To establish individual goals; and
5. To establish a basis for determining employee status, eligibility for advancement, and continued employment.

B. Time of Evaluations. Performance evaluations occur as determined by the City Administrator and will *endeavor to* complete reviews at the following intervals:

1. A preliminary evaluation after approximately five months of work.
2. Twelve months after date of hire.
3. Annually thereafter based upon the employee's anniversary date.
4. Interim evaluation may be made as deemed necessary by the supervisor.

C. Process For Evaluations. Generally, performance evaluations will be in writing and conducted by the supervisor, and will be based in part on the position's job description. When evaluations are in writing the employee will be given an opportunity to review the evaluation and may add written comments. Employees will be expected to sign the written performance evaluation to acknowledge that the evaluation was delivered. Signature does not indicate acceptance of what has been written. The employee will receive a copy of the written evaluation. All performance evaluations become a part of the employee's permanent record.

D. Limitations on Evaluation Process. Positive performance evaluations do not guarantee promotions. In fact, good evaluations are expected as a norm. Promotions are solely within the discretion of the City and depend upon many factors.

5.08 Employment and Salary Verification

A. From Lending Institutions/Government Agencies. All requests to verify salary of employees from lending institutions and governmental agencies must be in writing. Employees must give their permission to release information in writing.

B. From Prospective Employers. In order to provide any information regarding present or former employment, written authorization will be required from the employee. The employee can provide authorization by writing a letter addressed to the City stating approval for the release of the specified information, or by completing a City-prepared form for this purpose. The City will reply only to written requests from prospective employers on a form signed by the employee or former employee.

Current and terminated employment verification information will be limited to:

1. Verification that the employee did/does work for the City of Sand City
2. Dates of employment, and
3. Positions held
4. Final salary

Information will not be released regarding a former employee's eligibility for re-hire or remuneration.

Any inquiries, which are received either by telephone or in writing regarding a present or past employee, are to be referred to the Director of Administrative Services for proper handling. No other employees of the City may provide any information regarding current or former employees without the prior consent of the City Administrator.

5.09 Acting Appointments

- A. Temporary or Acting Appointments.** An employee may be temporarily assigned an acting appointment to serve in a class with a higher salary range than that of the class normally assigned. The acting appointment must be to a position in a higher class occupied by a permanent employee on suspension or an authorized leave of absence, or to a position for which a vacancy exists. An employee serving an acting appointment shall receive the entry step of the higher salary range or a minimum of five percent (5%) or a maximum of seven and one-half percent (7.5%) higher than the employee's salary rate prior to the acting appointment, whichever is greater.
- B. Process for Appointment.** The acting appointment shall be made in writing in advance and shall be approved by the City Administrator.

5.10 Holidays

- A. Regular Holidays for Pay Purposes.** The following holidays are recognized as municipal holidays for pay purposes as well as being regarded as holidays for which City Hall will be closed for City business.
 1. New Year's Day observed the First day of January
 2. Martin Luther King Jr. Birthday observed the Third Monday in January
 3. President's Day observed the Third Monday in February
 4. Cesar Chavez Day observed Thirty-first of March
 5. Memorial Day observed the Last Monday in May
 6. Independence Day observed the Fourth of July
 7. Labor Day observed the First Monday in September
 8. Columbus Day observed the Second Monday of October

9. Veterans' Day observed the Eleventh Day of November
10. Thanksgiving Day observed the Fourth Thursday of November
11. The Day following Thanksgiving Day
12. The last Working Day before Christmas or the First Working Day after Christmas as designated by the department head and the City Administrator
13. Christmas Day, the Twenty-fifth of December
14. Floating Holiday - Employee Choice (Note: Offices will not be closed for these days.)

B. Special Holidays. The Mayor may, by official proclamation, authorize additional time off to coincide with special holidays declared by the President of the United States, the Governor of the State of California, or when, in the opinion of the Mayor, a significantly important local event merits such action.

C. Holidays That Fall on Weekend. When any day recognized as a holiday by the City falls on a Sunday, the following Monday shall be considered the holiday. When any day recognized as a holiday by the City falls on a Saturday, the preceding Friday shall be considered the holiday.

D. Employees Required to Work on Holidays.

a) Holiday within Employee's Standard 40 Hour Workweek. Any regular full time employee eligible for holiday pay and who is required to work 8 hours on a day designated as a City recognized holiday under the provisions of this section shall be paid double time for hours worked up to 8 hours if the holiday is part of the employee's standard 40 hour work period.

If an employee is required to work more than 8 hours on a holiday during their standard work period, then any time over an 8-hour work shift, up to 12 hours, will be paid at time and a half (**1 1/2**) pay. Anything over 12 hours in a single day will be paid at double time.

b) Holiday with Employee's Standard 44 Hour Workweek.

Example: For 10 hours shift: 8 hours of double time holiday pay and time and a half (**1 1/2**) holiday pay for the additional 2 hours: $16 + 3 = 19$

Example: For 11 hour shift: 8 hours of double time holiday pay and time and a half (**1 1/2**) holiday pay for the additional 3 hours: $16 + 4.5 = 20.5$

1. Holiday on Regular Day Off. Any regular full time employee eligible for holiday pay that has a City recognized holiday fall on their regular day off shall be paid 8 hours straight time.

2. Holidays where Employee Works. Any regular full time employee who works on a day designated as a City recognized holiday which is their

regularly scheduled day off under the provisions of this section shall be paid 8 hours minimum or for all hours actually worked whichever is more at time and a half (**1 1/2**) for all hours actually worked.

- E. City Hall Closure.** The administrative function of City Hall, exclusive of the police department, shall usually be closed during the working days between Christmas day and New Year's Day at the discretion of the City Administrator and dependent on the days where the holidays fall. This time is not recognized as a municipal holiday, nor shall it be subject to any special compensation or time-off policies for the City of Sand City permitted to work during this time at their discretion and with approval of their respective supervisors and Department Heads.

5.11 Medical Examinations

- A. Required Examination.** To the extent permitted by law, the City may require a medical examination of an employee at any time for any reasonable cause. "Reasonable cause" means that an employee's supervisor believes there is evidence that the employee is impaired and may be unable to perform his/her job function. The medical examination shall be conducted by a physician selected by the City at its sole expense. The scope of the medical examination shall be determined by the attending physician, with the approval of the City, to assess if the employee is medically fit to perform the essential functions of his/her job, and if the employee can effectively perform the essential functions of the job without endangering the health and safety of the employee, other City employees, or the public.
- B. Examination Results Confidential.** The results of all medical examinations will be kept confidential and maintained separately from the employee personnel file.
- C. Independent Medical Opinion.** An employee who is disqualified from employment or who otherwise fails the examination may submit an independent medical opinion which the employee obtains at his/her own expense. The City's insurance program has a process for evaluating and determining the extent of any disability claims.

5.12 Mileage Allowance and Use of Privately-Owned Vehicles

- A. General Policy.** It is the policy of the City to ensure that all employees, including City Council Members, requiring transportation for the satisfactory completion of their assigned duties, or volunteer duties related to a city-sponsored agency or nonprofit, will either (1) be assigned a City vehicle for their use as required by the nature of their work; or, (2) be reimbursed for the use of their own private vehicle when such use is authorized.
- B. Authorization for Use of Privately-Owned Vehicles.** Use of privately owned vehicles in connection with official City business during normal work hours must be

authorized prior to such use by the City Administrator.

- C. Mileage Allowance.** Employees, who are authorized to use their own vehicle for official City travel or City business, shall be reimbursed for the actual mileage traveled at the standard rate established by the Internal Revenue Service. Under no circumstances shall the travel reimbursement exceed the cost of air fare, regular class. For trips under 200 miles (one way), the use of City vehicles or personal cars are generally encouraged. For trips over 200 miles (one way) the use of commercial air lines are generally recommended or required unless prior approval is obtained from the City Administrator to cover special trips or business meetings. All claims for mileage and business trip expenses shall be submitted to the Director of Administrative Services on the City's "Travel Expense Reimbursement Form."
- D. Administrative Regulations.** Administrative regulations covering conditions for current status of driver's license and insurance, financial responsibility, and travel authorization shall be established by the City Administrator.

5.13 Personnel Files and Records

- A. Employment History.** An employment history for each City employee will be maintained by the City. The information in the personnel file is the permanent property of the City and shall include dates of service, positions held, salary history, and other information as may be deemed appropriate and/or required by law.
- B. File Location.** The official repository of the personnel files and records for City employees other than police personnel shall be maintained by the Director of Administrative Services. The Police Chief's office will be the repository for police personnel records. Department files may be established, and shall be transferred to the permanent file upon the termination of employees.
- C. Change of Status.** All changes and updates to employee's address, phone number, family, and employment status shall be recorded on the City's Employee Action Form and submitted for filing in the employee's personnel file.
- D. Employees Access to Personnel File.** Except as otherwise provided by law, or as otherwise provided below, the primary and private personnel file of an employee will be open for inspection by the employee or his/her authorized representative at his/her request during business hours by appointment. The employee or his/her authorized representative, as designated in writing on a case-by-case basis, shall have access to review his/her personnel file in the presence of the City Administrator or designee. The employee will have access to all contents of the file except those materials which are a part of the employment/selection process (including letters of reference) and any records relating to investigations of possible criminal offenses.

- E. Department Head Access to Personnel File.** The employee's primary personnel file shall be accessible to the employee's department head.

5.14 Travel and Expense Reimbursement Policy

- A. Local Expenses.** Upon presentation of receipts, City staff will be reimbursed their reasonable expenses for food, tips, mileage, parking, and other necessary business expenses while on official City business. A reimbursement request must be accompanied with an explanation of the purpose of the business meeting and who was in attendance. Purchase of meals for other people may be allowed only on a limited basis and must be related to City business or its best interests. In most cases, employees should obtain advance approval from the City Administrator or their department head prior to making such a purchase.

Registration costs, fees, etc. in connection with local meeting and conferences can be paid in advance by City check if arrangements are made through the department head, City Administrator, and Director of Administrative Services. City credit cards can be made available to supervisors, department heads, and City Administrator for use at business meetings and/or trips.

The City will reimburse employees for trip expense required by City. Mileage for use of personal vehicles shall be computed at the standard rate established by the Internal Revenue Service multiplied by the actual distance traveled to get to and return from the business destination. This mileage allowance does not apply if a City vehicle is used for the business trip. The mileage rate does not include parking lot fees. Parking lot receipts must accompany a request for reimbursement. Mileage reimbursement is not paid for mileage to the office from home and from the office to home. Mileage reimbursement is paid for mileage from home to a business meeting location, or from a business meeting location to home if you are making single or multiple visits. "Home" is defined as the address listed on personnel records.

Officials and staff who receive a monthly car allowance for local trips to cover gas and wear and tear on their vehicles, are also entitled to reimbursement in an amount equal to the standard mileage rate established by the Internal Revenue Service multiplied by the actual distance traveled to get to and return from the business destination for long trips over fifty miles (50) one way ("Standard Mileage Rate Reimbursement"). When receiving the Standard Mileage Rate Reimbursement, the individual is responsible for purchasing their own fuel for the trip. If an individual uses a city credit card to purchase fuel for the trip, the actual amount charged for fuel on the city credit card will be subtracted from the Standard Mileage Rate Reimbursement amount paid to the individual for the long trip.

Employees who are required to use their automobiles as a condition of employment or for business trips are required to show proof of insurance providing an established amount of coverage. All employees who use City vehicles must have a

copy of a current driver's license on file at all times. It is the responsibility of the employee to ensure the license on file is current.

The mileage rate constitutes full payment to the employee for travel by personal automobile. The City is not responsible for losses to the employee's automobile. In the event of any liability claim against the employee, the employee's own insurance shall assume the liability. Any moving or stationary citations are the responsibility of the employee.

All claims for mileage and business trip expenses shall be submitted on the City's "Travel Expense Authorization Form" as soon as possible following the travel.

- B. Long Distance Travel Expenses.** Employees authorized to travel on behalf of the City will be reimbursed reasonable costs for air, bus, or train fares, travel insurance, lodging, car rental, car insurance, gasoline, business entertainment expenses, meals, local bus, taxi or limousine transportation, parking, bridge tolls, toll road fees, entertainment, tips and long distance telephone and fax charges.

Only coach air and train travel and standard housing accommodations will be reimbursed. More expensive services may be purchased by the employee, but the employee will be expected to pay the difference between the two levels of service. When a non-city employee travels with the employee, the employee is expected to pay the charges between single and double accommodations as well as all other travel and meal expenses. If Paid Time Off is taken in conjunction with official travel, all expenses incurred outside of official travel time and duties are the responsibility of the employee.

Tips will be reimbursed with a standard allowance of fifteen percent of the service rendered. Tips of higher percentage may be allowed only for special service to large groups on city business or involved in city-sponsored social occasions.

Automobile rentals at the travel destination will be reimbursed only when no less expensive transportation is available or practical. Categories of cars up to and including mid-size/four-door standard will be reimbursed. More expensive cars may be rented, but the employee is expected to pay the difference between the lower and higher category, except as authorized by the City Administrator.

Reimbursement will not be provided for: beverages not purchased in conjunction with business entertainment, personal entertainment including in-room video/movies, excessive insurance, fines, violations, headset rental, clothing, personal laundry or any other costs not essential in the conduct of official City business.

For long distance travel, the City employee's may elect to receive a per diem advance (for convenience) or submit receipts for reimbursement of actual expenses as follows:

1. Per Diem Plan - Elect to receive the per diem advance (in 2005 the allowance is set at \$120 per day for the annual League of California Cities Conference and \$90 per day for other City business trips/events) for food and other incidental expenses. Cost of hotel and travel are over and above the per diem allowance. Employees must submit receipts for all expenditures of the per diem advance. Advances which are not properly documented as expenses must be returned to the City.
2. Reimbursement Plan - Elect to bring back receipts for actual expenses per day and be reimbursed. Any expenses above the per diem rate in #1 above will have to be justified.
3. Unusually Expensive Trip - If it is anticipated that business expenses will exceed the above per diem rate - then prior approval must be sought from the City Administrator and actual expense receipts and records will have to be submitted.
4. City Credit Card - Authorized employees and City representatives may obtain a City credit card to be used for City business trips or meetings. However, any daily expenses charged on the City card that are above the daily per diem allowance as specified in #1 above will have to be reimbursed by the City Representative.
5. Travel Time - If the business event is located out of the County of Monterey, then a City employee can take reasonable work time off to travel to the event and reasonable time to travel back will be allowed. The AAA travel guidelines will be referenced for reasonable travel time.

If personal time is required to travel to a business event, the City does not pay the employee for this personal travel time.

For long day trips, the traveler may be reimbursed for meal expenses, telephone calls, etc. that result from an extended single day trip (day trip expense reimbursement requests must be accompanied with receipts), such as:

1. If a trip requires a departure prior to 7:30 AM, then a breakfast expense is allowed. Breakfast up to \$15; Lunch up to \$30, as prorated share of the \$90 per diem rate. The actual reimbursement will be based on the receipt for the incurred meal expenses.
2. If a trip return is later than 6:00 PM, then a dinner expense is allowed up to \$45, as prorated share of the \$90 per diem rate. The actual reimbursement will be based on the receipts for the incurred expenses.
3. An advance expense check or City credit card may be obtained for business trips, if arrangements are made with the Department Head, City

Administrator, and Director of Administrative Services.

4. If there are any questions about reimbursable expenses, then clarification should be sought from the current Travel Policy Resolution, Department Head or City Administrator, prior to incurring the expense "if possible."

5.15 Departmental Incentive Pay Program

A. Education. The Sand City education pay program recognizes the value of education and training in improving the quality and performance of the Sand City Police Department. Therefore the education incentive program will provide additional compensation to qualified Police Department personnel according to the following schedule.

All authorized police officer regular full time positions of the Police Department shall be eligible for the incentive pay benefits as listed if they provide adequate evidence of meeting the following qualifications:

1. Fifty dollars per month (\$50) for an Associate Degree and/or POST Intermediate Certificate.
2. Seventy-five dollars per month (\$75) for a Bachelors Degree and/or POST Advanced Certificate.
3. One-hundred dollars per month (\$100) for a Masters Degree or POST Supervisory Certificate.
4. One-hundred twenty-five dollars per month (\$125) for a Doctorate Degree or POST Executive Certificate or FBI Academy Executive Level Course.
5. A special incentive pay of up to twenty-five (\$25) per month for special courses or training that are of particular benefit to the City or Police Department subject to prior review and approval by the Police Chief and the City Administrator.
6. The above incentive benefits are not accumulated or pyramided, and the total maximum benefit allowed under this incentive program shall be \$200 per month.

Incentive pay is intended to provide a monetary encouragement for Police Officers and supervisors to continue or advance their education while in the employment of the City of Sand City. It is also intended to attract those who already have attained a higher level of education, above and beyond the minimum requirements set forth in the job description.

It is the employee's responsibility to submit the necessary proof of completing the above qualifications (copies of degrees and certificates attached to the "City Action Form") to the Administrative Assistant/Records Coordinator for review and approval by the Police Chief and Director of Administrative Services.

B. Special Skills. Language: It is acknowledged that the Police Department periodically has a need for police officers that can speak and write in a foreign language including but not limited to emergency situations. In Sand City with its Hispanic population, there

are particular occasions when skills in the Spanish language are needed. In recognition of this need, the Sand City Incentive Program will provide additional compensation for the first three police officers that qualify under the City's process who can demonstrate adequate proficiency in speaking, listening and writing the Spanish language. The City may at its discretion choose to use an outside party (such as the Defense Language Institute in Monterey) to administer an entry test or annual reviews for officers to obtain eligibility and/or remain eligible for this incentive pay. Starting with fiscal year 2001-2002, up to three regular police officers can be qualified for this additional incentive pay. Incentive pay for qualified Spanish language skills will be \$100 per month.

C. Court/Callback Time. There are occasions when Police Officers are required to appear in court on their scheduled time off. If a City Police Officer (or employee) is required to appear in court during times outside of their standard 40-44 hour work period, then a court time incentive allowance will be provided by the City effective as June 2015 as follows:

- For less than 3 hours of court time, a minimum of 4 hours of incentive pay will be paid
- For 3 hours or more of court time, then the employee will be paid at time-and-a-half (**1.5 X**) of their regular pay schedule
- If employee is called back on day off for mandatory meeting, etc. the employee will receive call back pay using the call back pay guidelines
- If employee is called back after a full regular shift, then no additional call back pay will be paid.

NOTE: If a Regular Police Officer is not scheduled or will not be working a full 40-44 hour week schedule (because of vacation, sick leave, comp time off, etc.) during the week of the court appearance, then the court time will be paid at the regular salary schedule with an incentive allowance for at least a 4-hour minimum. If the required court time starts while the Police Officer is off duty but overlaps into the Police Officer's work schedule, then the officer will be paid time-and-a-half (**1.5 X**) for the court time outside of the standard work period and at regular pay scale for the time during the standard work period.

D. Physical Fitness. The value of physical fitness and exercise is generally recognized to increase the health and productivity of employees. The City will provide an incentive to improve and/or maintain the physical fitness for all regular employees and Council members.

Evidence must be provided of participation in a regular on-going physical fitness program to receive the following additional incentive allowance:

- A one-time initiation fee (if required by the physical fitness program) will be paid (upon submittal of invoice) to a maximum of \$100
- For the employee, a \$30 per month incentive will be provided

- For employee, and family, a \$60 per month incentive will be provided

5.16 Police Department Uniform/Equipment Allowance

A. Uniforms.

1. **Police Officers.** A City policy is necessary for specified equipment and uniforms that are required as a condition of employment for Sand City Police Officers. The City has required and set a standard for Police uniforms of distinctive design and color to identify the Sand City Police Officers. It is the Sand City policy that the annual uniform allowance for Sand City Police Officers would be \$1,000 per year payable on the anniversary of the month of hire. For the first year of employment, the items listed below will be provided by the City.
2. **Reserve Police Officers.** All Level 1 Reserve Officers are required to work a minimum of 16 hours per month per post not to exceed 900 hours per fiscal year in order to be eligible for the Uniform Allowance and Fitness Benefit. Reserves can be used to cover shifts for officers who are on vacation, or sick, or in training. They may also be scheduled in order for the City to manage its business for reasons such as assisting with crime scene preservation, assisting officers with major investigations, or prisoner transports to the County Jail. Reserve Officers may be used during peak business hours when the volume of calls for service is greatest or during off hours when staffing is at its lowest. It is important that Reserve Officers be flexible when asked to cover various shift hours. The primary role of Reserve Officers is to meet the City's public safety requirements by augmenting full time, regular staff and filling in when needed.

Reserve Officers can be assigned weekly or on pre-designated shifts through the Reserve Coordinator. The process for this will be as follows;

- a. Reserve Officers will submit a memo to the Reserve Coordinator by the first of each month showing dates and times they can work for the month following the one in which the memo is submitted. For example, hours and dates available for the month of July should be submitted to the Reserve Coordinator by June 2. Officers who do not submit such a memo will be assumed to be unavailable. They will not be allowed to work during the month unless specifically called in by the Reserve Coordinator, Watch Commander or the Chief of Police.
- b. The Reserve Coordinator will log the dates and times on the calendar and make sure there is no unnecessary overlap of officers. This log will be posted by the 16th of each month prior to the month in which the schedule takes effect. For example, the memos referenced in 1

which were submitted on June 2 for work schedule in July would be used to generate the calendar for July which the Reserve Coordinator would post on or before June 16.

- c. If a Reserve Officer is unable to work a pre-designated shift posted on the calendar or subsequently assigned due to unforeseen changes, the Reserve Officer must notify the Reserve Coordinator or the Watch Commander as soon as possible to allow for another Officer to be assigned.

B. Uniforms and Equipment Supplied. To ensure uniform standards and consistency and to provide for better officer safety, the following Sand City Police Department uniform and safety equipment items are required for Sand City police officers and therefore are provided on the date of hire according to the following list:

UNIFORMS:

- (1) Safety vest with bullet-proof materials, Level IIA
- (2) Pants, navy blue
- (2) Short-sleeve shirts, wash & wear
- (1) Long-sleeve shirt, wash & wear
- (1) Night jacket, H&S "New Gear"
- (1) Handcuff case (double)
- (4) Keepers gunbelt straps
- (1) Mace holder
- (1) Baton ring
- (1) Straight baton
- (1) Radio holder
- (1) Ammo magazine pouch
- (1) Glove pouch
- (1) Sam Brown leather belt, **21/4"**
- (1) Police class "A" hat
- (1) Clip on tie
- (1) High visibility vest

EQUIPMENT:

- (1) H & K USP .45 ACP semi-automatic pistol
- (1) Holster, triple safety
- (1) Pepper spray
- (1) Sand City Police Department badge, oval LA-style
- (1) Sand City Police Department cap badge
- (1) Sand City Police Department identity card
- (1) Finger print kit
- (1) Flash light, May brand rechargeable
- (1) Rain jacket
- (1) CPR mask

- (1) Gun cleaning kit
- (1) Citation book
- (1) MK-2 Tactical weapon light for HK duty weapon
- (12) Round magazines for duty weapon
- (1) Set shooting glasses and hearing protection
- (1) Copy City Personnel Manual

5.17 Retirement Benefits.

The City of Sand City is a participant in the State of California's Public Employees Retirement System (PERS). The City provides PERS retirement benefits to its eligible employees as specified by the City's contract with California PERS and PERS regulations.

Section 6. Leave of Absence Provisions

6.01 Pay in Lieu of Time Off

Subject to the unique demands of a small city and the policies established in the police standard operating procedures manual, it is the philosophy of the City that employees need a periodic break from their regular work schedules. Time off results in a rejuvenation of one's physical and mental well-being. Based on this philosophy, the City of Sand City has programs that allow employees to be absent from work while receiving their regular rate of pay. Pay in lieu of time off is contrary to this philosophy. For that reason, pay in lieu of time off will be considered only in extraordinary circumstances, and then, only when approved by the City Administrator. Department head and supervisors are responsible for assuring that employees utilize vacation, sick and compensatory time in accordance with the philosophy of the City.

6.02 Vacation Time Off

The purpose of vacation time off is to ensure the employee's continued efficiency by allowing periods for rest and revitalization which enables the employee to return to work physical and mentally refreshed. All regular employees assigned to work 40 hours or more per work week shall be entitled to accrue vacation. Employees on leave of absence (LOA) without pay or suspension without pay will not accrue time until they return to work from the LOA.

A. Vacation Accrual. (See 6.13 Regarding cap)

1. Full-Time Employees. Employees entitled to vacation shall accrue based on years of continuous service at the following rate:
 - a. First Through Fourth Year Service: 6.67 hours per month, or 80 hours

- b. per year.
 - b. Fifth Through Seventh Year of Service: 10 hours per month, or 120 hours per year.
 - c. Eighth through Ninth Year of Service: 12 hours per month, or 144 hours per year.
 - d. Tenth through Fifteenth Year of Service: 13.33 hours per month, or 160 hours per year.
 - e. Sixteenth through Nineteenth Year of Service: 16.67 hours per month, or 200 hours per year.
 - f. Twenty years or more: 20 hours per month, or 240 hours per year.
2. Part-Time Employees. An employee who is in an introductory period or an employee who has a regular or acting appointment that is less than full time but half time or more for at least one year, shall accrue vacation at one-half of the rate listed above.
 3. Method of Use. Vacation leave may not be taken in excess of that actually accrued and in no case may it be taken prior to the completion of six (6) months of service, except as otherwise authorized by the City Administrator. The department head shall schedule and approve all vacation for employees taking into consideration seniority, wishes of the employee, and departmental work loads. Authorization for vacation shall first be approved by the department head before submission to the City Administrator.

B. Vacation Scheduling. Vacation leave is subject to approval of the department head or City Administrator subject to the needs of the City to provide essential City services. Every reasonable effort will be made to accommodate employee requests for vacation leave. If a dispute over scheduling arises, the City Administrator's decision will be final. Factors that will be considered in determining resolution of the conflict may include workload, performance, amount of time requested, time since last provided time off or other pertinent information.

Police Vacation Scheduling. Due to the safety sensitive nature of Police Officers, the City must closely regulate the time off and be able to flexibly respond to any emergency situations as well as situations that arise with only a few weeks' notice. Therefore, the following will apply to all requested vacations time off for Police Officers.

- a. No Vacation Time Off may be requested more than six (6) months in advance except for circumstances approved by the Chief of Police due to extraordinary situations, e.g. requirement to reserve accommodations more than six (6) months in advance. The Chief of Police may require proof or such requirement.
- b. No more than two (2) week increments may be planned at any one time unless pre-approved by the Chief of Police.
- c. Unplanned time off requested by an Officer will not be paid unless

approved by the Chief of Police.

- d. No more than one person per platoon may be off at any time.
- e. December 10 through January 10 of each year will be declared a blackout time for vacation request. This season is very difficult to schedule due to many individuals asking for time to spend with family in a few weeks' time. All requests for time off during this time will be handled separately from other requests for time off. Efforts will be made to accommodate everyone to have some requested time off for this period. Everyone requesting specific time off during this blackout period should request it as soon as possible, although not more than six (6) months in advance as noted above.
- f. In instances where there are conflicting requests, they will be resolved in this order:
 - 1. Discussion with all requestors to see if a compromise can be reached.
 - 2. First Come/First Serve — All individuals requesting within the same 48 hour period will be considered as requesting at the same time.
 - 3. Review of who had blackout times in previous years. Those who did not receive blackout date time off in the nearest time frame will be provided first opportunity among those requesting.
 - 4. If none of the above results in a clear decision, the Chief of Police will determine the outcome of the conflict.

C. Vacation Pay upon Separation. Any employee who has accrued vacation or paid time off and whose employment separates shall be compensated for such accrued vacation based on the hourly equivalent of the salary received at the time of termination.

D. Holidays During Vacation. In the event one or more holidays observed by the City falls within the period an employee is on vacation, such day or days shall not be charged against the vacation accrual.

6.03 Sick Leave

A. Policy. Sick leave is allowed for absences of the employee resulting from a physical or emotional inability to work due to an illness or medical condition; absences for obtaining medical diagnosis or treatment; and absences for other medical reasons such as pregnancy or obtaining a physical examination.

One half of an employee's annual sick leave accrual is available to the employee for absences due to the illness of a child, parent, spouse or domestic partner. (This

does not include medical appointments related to a non-disabling condition such as routine check-ups or orthodontic appointments.)

- B. Sick Leave Restrictions.** An employee who is absent from work on sick leave or who is absent after requesting such leave shall not engage in work or other activities at any time which would be in conflict with the inability to report for work and to perform required duties. In no case shall an employee engage in any activity which would be detrimental to the ability to return to work.
- C. Sick Leave Accrual.** All Regular Employees shall accrue sick leave at the rate of eight (8) hours per month. Probationary and regular full time employees are eligible to accrue sick leave. Employees in less than half-time positions will accrue Paid Sick Leave at the rate of 1 hour per 30 hours worked up to a maximum of 48 hours in a year. Employees on leave of absence without pay or suspension without pay may not accrue sick leave until they return to work. (See 6.13 regarding cap).
- D. Method of Use.** The employee requesting sick leave shall notify the supervisor or department head prior to or within one (1) hour after the time set for reporting to work. Sick leave with pay shall not be allowed unless the employee has met and complied with these provisions and the department head or the City Administrator has approved such payment. Sick leave may be granted on a half-hour basis to non-exempt employees. Any fraction over a half-hour shall be charged to the next half-hour.
- E. Sick Leave During Vacation.** An employee who is admitted to a hospital or confined to bed under medical orders while on vacation may have the period of illness charged to accumulated sick leave instead of vacation under the following conditions:
 - 1. Immediately upon return to duty the employee submits to the department head a request for sick leave and a written statement signed by a recognized physician describing the nature and dates of illness and the period of disablement.
 - 2. The department head recommends and the City Administrator approves the granting of such sick leave.
- F. Sick Leave During Holidays.** Sick leave shall not be applied to absences which occur on a day designated as a City holiday.
- G. Sick Leave Without Pay.** On written request of the employee and recommendation of the department head, the City Administrator may authorize a leave of absence without pay for the purpose of recovering from an illness or injury provided:
 - 1. The employee has used all accumulated sick leave.
 - 2. The employee furnishes to the department head a certification from a recognized physician stating the nature of the illness and an estimate of time needed for full recovery.

- H. Sick Leave Upon Resignation.** All Full Time Regular Employees leaving City service shall be compensated for accrued sick leave (up to 800 hours), at their current regular salary rate. Part time and temporary employees will not receive Paid Sick Leave payouts, but any balance will be reinstated if the employee returns to City employment within a 12 month period.
- I. Abuse of Sick Leave.** It is the policy of the City that sick leave should be judiciously used as appropriate (i.e. used for bona fide medical reasons). Sick leave should not be used or considered as leave time for "day off" purposes. Sick leave is a privilege granted to employees and abuse of this privilege will neither be tolerated nor condoned. Department heads and the City Administrator will be responsible for controlling the use of sick leave by employees, and may require physician's certifications or other evidence of illness, injury, appointments, etc. If the department head does not consider the evidence adequate, he/she shall disapprove the request for sick leave, and indicate on the proper forms that such absences shall be absence without leave and shall be uncompensated. Additional disciplinary measures, up to and including suspension without pay and/or termination of employment, may be imposed by the department head with City Administrator approval when any employee fraudulently obtains sick leave or abuses the sick leave privilege.
- J. Return from Sick Leave.** After three days of sick leave taken, employees may be required to submit an appropriate medical release upon return to work.
- K. Coordination with the California Family Rights Act (CFRA) and the Federal Family and Medical Leave Act (FMLA).** If an employee is considering the use of sick leave to care for a dependent, she/he should seek the guidance from the Director of Administrative Service's office regarding coordination with CFRA and FMLA.
- L. Coordination With Worker's Compensation.** An employee receiving temporary disability payments under the Worker's Compensation Laws, may use accumulated sick leave in order to continue to maintain up to a maximum of 100% of his/her regular income. Under such circumstances, the employee shall be paid the difference between his/her full salary and the disability payments received. Accumulated sick leave shall be charged in proportion to the amount of the full salary paid to the employee by the City during such period of disability. Payments for permanent disability are to be retained by the employee, if ruled by State Compensation Insurance Fund that such awards by the Commission are recompense for the permanent disability suffered by the employee.

Part-time and temporary employees are covered by and shall receive the benefits provided by the Workers Compensation Insurance Plan of the City in addition to the Paid Sick Leave benefits provided as noted above, but shall not be eligible for any other benefits as may be provided by this section.

M. Paid Time Off Emergency Leave Pool Donations.

- (1) When a catastrophic event of illness occurs which effects an employee and said employee needs to take additional time off from work and has or will exhaust his accumulated paid time off (PTO) personal bank, other employees may donate a portion of their accumulated PTO to the eligible employee, subject to the policy addresses below. For the purposes of this policy, "catastrophic, even or illness" will be interpreted to mean an illness or event which is monumental, unusual, unexpected and immediate in nature and which is expected to preclude an employee from returning to work for an extended period of time.
- (2) To be eligible to receive catastrophic leave, the employee must:
 - Be an active full-time employee
 - Have exhausted all leave balances
 - Have provided notification to their supervisor that a catastrophic event or illness affecting the employee occurred.
- (3) Full-time City employees will be able to donate a minimum of eight hours accumulated paid time off to tan employee affected by a catastrophic illness or injury.
- (4) All employees must fully understand the voluntary nature of the contribution. It is the responsibility of the Director of Administrative Services to ensure this is clear to any employee wishing to contribute. Confidentiality for both donors and the recipient is of paramount importance. The names of the donors will not be made available to the recipient and the nature of the need by the recipient shall not be disclosed.
- (5) Payments will be made on a monthly wage replacement basis. That is, the recipient will receive the leave donation as if he/she had not exhausted his/her leave balance. Donated leave will be transferred to the employee's sick leave bank to be utilized as if the leave had been accrued at the recipient's rate of pay.

Procedure.

- (1) Potential Recipient requests will be made to the Director of Administrative Services. The Director will discuss the request with the appropriate department head to verify the potential recipient's time-off bank and evaluate the request based on the policy contained in this section. The City Administrator will make a final, non-appealable decision to determine if the donation process should proceed.
- (2) Donation pledge forms will be made available for a designated period of time. The donation forms will include a statement informing the potential donor that all unused donations will be returned to the donor on a pro-rated basis.

- (3) Following receipt of the completed forms, the Director of Administrative Services shall: (a) verify that the donated time is available for the designated pay period; and (b) determine each donor's dollar amount of contribution.
- (4) The Director will determine the number of hours to be credited to the recipient's vacation and/or sick leave balance and determine the recipient's adjusted pay.
- (5) The payroll staff will deduct the donated hours from each donor's vacation and/or sick leave balance and add the appropriate hours to the recipient's balance.
- (6) The City reserves the right to modify or terminate this policy and any individual donation program as it deems necessary.

6.04 Bereavement Leave

Bereavement leave will be granted for the necessary absence from duty by an employee having a regular or temporary appointment because of death of a member of the immediate family. For the purposes of this section, the immediate family of an employee shall include his/her spouse, domestic partner, and the following relatives: children, spouse's parents, brothers, and sisters, grandparents and grandchildren. The spouse's equivalent relatives will also be considered immediate family.

- A. Maximum Allowed.** Such leave shall be limited to three (3) working days per calendar year (total 24 hours). Bereavement leave shall be at full pay and shall not be charged against the employee's accrued vacation or sick leave.
- B. Additional Time Off.** Additional time off in excess of three (3) days may be taken by an employee with prior approval of the department head and the City Administrator. Such additional time off is to be charged in the following order:
 1. Accumulated sick leave.
 2. Accumulated compensatory time (if any) or administrative leave.
 3. Accumulated vacation time.
 4. Leave of absence without pay.

6.05 Jury Duty and Subpoenaed Witnesses

No deduction shall be made in the salary of an employee who serves on a jury or is subpoenaed to testify in a judicial or quasi-judicial proceeding as a material or expert witness. Employees subpoenaed to appear pursuant to an official subpoena shall immediately notify the department head in writing. Employees serving jury duty or called as witnesses must return to work if they are released for a half day or more from such duty.

6.06 Leave of Absence Without Pay

Upon recommendation of the department head, the City Administrator may grant an employee a leave of absence without pay in cases of emergency or for other reasons where such absence would not be contrary to the best interests of the City. Such leave is not a right, but a privilege. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and approval must be in writing.

1. A leave of absence under this Section shall be a leave without pay - regular salary and entitlement to all benefits are discontinued.
2. The length of the leave shall depend on the merit of the individual case, but such leave shall not exceed twelve (12) months duration.
3. Other than for the purpose of extending sick leave or maternity leave, no leave of absence without pay will be granted unless the employee has first used all accrued PTO and compensatory time off. Should an employee terminate while on leave of absence without pay, any compensation due the employee will be computed on the base rate of pay received at the time the employee began the leave of absence.
4. An employee is encouraged to give two (2) weeks notice prior to the date on which he/she will return to work.

6.07 Military Leave

- A. **Leave of Absence.** Military leaves of absence will be authorized in accordance with State and Federal law. For the purpose of this policy, recognized military service shall mean full-time service by a person in the armed services during a national emergency or State militia emergency. In order to be eligible, employees must submit written verification from the appropriate military authority. Whenever possible, the employee shall notify the department head of such leave request at least ten (10) working days in advance of the beginning date of such leave.
- B. **Non-accrual of Certain Benefits.** Employees on military leave are entitled to the same benefits provided to employees on other leaves. During the leave, the employee may elect to pay the premiums, maintain the insurance, and contribute to any pension as if the employee had not gone on leave. The premiums must be paid in advance to the City, on a monthly basis.
- C. **Reinstatement of Employees.** The City will reinstate employees returning from military leave to their same position or one of seniority that they would have attained with reasonable certainty had they not gone on leave, and:
 1. Has a certificate of satisfactory completion of service;

2. Applies within ninety (90) days after release from active duty or within such extended period, if any, as their rights are protected by law; and
3. Are qualified or with reasonable effort, are able to re-qualify to fill his/her former position.

D. Temporary Active Duty. An employee who has more than twelve months service with the City and who is on temporary active military duty (TAD) ordered for the purposes of active military training, encampment, naval cruises, special exercises, or like activity shall be on leave with pay for the first thirty (30) days of such leave provided the temporary military duty does not exceed one hundred eighty (180) calendar days including time spent going to and returning from the duty. Inactive duty, such as scheduled reserve drill periods, is not to be considered as active military duty and does not qualify. Leave with pay shall not exceed thirty (30) calendar days in a fiscal year.

6.08 Medical Leave - Non-Occupational

- A. Non-Occupational Work.** Employees who are temporarily unable to work due to a personal illness, non-occupational injury, pregnancy, child birth, or related medical condition, will be granted a medical leave of absence if qualified in accordance with the California Family Rights Act (CFRA) and the Federal Family Medical Leave Act (FMLA).
- B. Payroll Status.** An employee who is granted a medical leave of absence must utilize all accrued sick leave during the initial period of the leave. Vacation, and any other accrued compensatory time off may be used at the discretion of the employee and with the approval of the City Administrator, during the initial period of the leave. Any portion of a leave that occurs after all sick leave, vacation and compensatory time off have been exhausted shall be without pay.
- C. Pregnancy Related Absence.** The City provides and grants to pregnant employees the right to take a Pregnancy Disability Leave (PDL) during the period of time that a health care provider determines the employee is actually disabled by pregnancy or a related medical condition and is unable to perform the essential functions of her job or perform her duties without undue risk to herself or other persons for **up to** four (4) months. Pregnancy disability leave may be taken intermittently, or on a reduced hours schedule, as medically advisable. Such leave requests will be made and evaluated in accordance with all applicable federal and state laws. If you are also eligible for a Family Medical Leave Act, the leaves will be contemporaneous.

A pregnant employee may use accrued vacation time or other accrued paid leave during the period of time which she takes pregnancy leave, and we will require the

employee to use all sick time available and may use other available leave payment programs.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance premiums (and dependent coverage as applicable) will continue to be paid by the City to the same degree it was provided before the leave began in accordance with the requirements of Pregnancy Disability and Family Medical Leave Act policy or, for employees not yet eligible for Family Medical Leave Act, for up to 4 months. At that time you will become responsible for the full costs of these benefits if you wish coverage to continue (see COBRA policy).

When you return from the leave, benefits will again be provided by the City according to the applicable plans. If you do not return to work from an unpaid Pregnancy Disability Leave, or return for less than 30 days and then resign, the City requires you to reimburse the City the amount it paid for your health insurance premium during the leave period.

Apart from medical disabilities associated with pregnancy and/or childbirth, requests for additional time off will be considered in the same manner as any other request for an unpaid personal leave with the exception of requests that meet the requirements for Family Medical Leave Act/California Family Rights Act, as described in this policy

- D. Notification To City.** An employee who plans to take a medical leave must provide the City with reasonable notice of the date the leave will commence, the estimated duration of the leave, and the expected date of return to work. In instances of other than medical emergencies, the City anticipates receiving thirty (30) days notice in advance of the date the leave is to begin and the estimated date upon which the employee will return to work. When an unplanned medical condition or emergency occurs that does not allow the employee to provide advance notification of the need for medical leave, the employee must notify the City of the situation at the earliest possible time. The City may require periodic confirmation of the need for continued leave.
- E. Return To Work.** Employees returning to work after a medical leave must have a written release from a physician verifying that they are able to return to work and safely perform their duties. Should the health care provider indicate physical limitations upon return to work, such limitations must be discussed with and approved by management. We are committed to engaging our employees in ongoing, meaningful dialog regarding modifications at work. Subject to any exceptions permitted by law, an employee shall be restored to his/her former position and will resume accrual of benefits in effect before the medical leave provided he/she returns to work on or before the end of the authorized leave period. If the period of leave is not established or if it differs from the originally agreed period, the employee's reinstatement date shall be not less than thirty (30) days after the City has received notice of the employee's availability to return to work.

F. Benefit Restrictions During Leave. Employees on PDL, CFRA or FMLA-related leaves are entitled to the same benefits provided to employees on other leaves up to the maximums required by law.

6.09 Medical Leave - Work Related

A. Work Related Leave. The City will grant workers' compensation disability leave in accordance with state law if you incur an occupational illness or injury. As an alternative, the City may offer you modified work in accordance with state and federal law. A leave of absence for a work-related disability will be extended to the employee for the duration of the work-related disability. Employees working during the introductory period will be given credit for any portion of the introductory period completed prior to the commencement of the leave of absence. Benefits paid during a leave of absence for a work-related disability will be coordinated with workers compensation benefits.

Workers' Compensation leaves will be classified as Family & Medical Leave Act (FMLA) /California Family Rights Act (CFRA) if the injured employee is otherwise qualified for Family Medical Leave Act/California Family Rights Act (see policy).

Subject to the terms, conditions, and limitations of the applicable plans, health insurance premiums (and dependent coverage as applicable) will continue to be paid by the City to the same degree it was provided before the leave began in accordance with the Family Medical Leave Act/California Family Rights Act policy or, for employees not yet eligible for Family Medical Leave Act/California Family Rights Act, for up to 12 weeks. At that time you will become responsible for the full costs of these benefits if you wish coverage to continue (see COBRA policy). When you return from the leave, benefits will again be provided by the City according to the applicable plans. In some instances, the City may recover premiums it paid to maintain health coverage if you do not return to work following your workers' compensation disability leave.

The City will retain employees on an extended leave of absence for work-related disabilities until one of the following situations occurs:

1. The employee is released by a physician for full duty.
2. The City receives notice that the employee will be permanently unable to return to work.
3. The employee directly or indirectly informs the City (i.e., by accepting other employment, moving out of the state, etc.) that he/she does not intend to return to the City's employ.
4. The City has made an industrial disability retirement determination.

- G. Return To Work Status.** An employee who returns to work at the end of his/her leave of absence will be returned to his/her former position, if possible, or will be offered the first available opening in a comparable position for which he/she is qualified. Upon submission of a medical certification that you are able to return to work, you will be reinstated in accordance with applicable law. Should the physician indicate physical limitations upon return to work, such limitations must be discussed with and approved by management.

6.10 Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA).

- A. Purpose.** The purpose of this policy is to implement the provisions of the California Family Rights Act of 1991, as amended, and the Family and Medical Leave Act of 1993. Where there are differences between the State and Federal acts the more generous requirements prevail. If any provisions of this policy are inconsistent with the State and Federal acts and their enabling regulations the acts and regulations shall supersede this policy. It is the policy of the City of Sand City to grant or designate up to 12 weeks of leave pursuant to the Family and Medical Leave Act (FMLA) during any 12-month period to eligible employees. An employee may take leave in 12 consecutive weeks, may use the leave intermittently (periodically, as needed), or under certain circumstances may use the leave to reduce the workweek or workday, resulting in a reduced work schedule.

The City will not interfere with, restrain, or deny the exercise of any right provided by this law, or discharge or discriminate against any employee because of involvement in any proceeding related to Family Medical Leave Act/California Family Rights Act. All Family Medical Leave Act/California Family Rights Act leaves of absence will be administered in accordance with applicable federal and state laws.

- B. Eligibility.** In order to qualify to take Family Medical Leave Act/California Family Rights Act leave under this policy, the employee must meet ALL of the following conditions*:
1. The employee must have worked for the City at least 12 months, or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive, but must have been within 7 years of the date the leave is to begin under FMLA.
 2. The employee must have worked at least 1250 hours during the 12-month period immediately before the date when the leave would begin.
- * There is no length of service requirement for Pregnancy Disability Leave (PDL).

Types of Leaves Covered:

Leave under Family Medical Leave Act/California Family Rights Act may be taken for any one or more of the following reasons:

- 1. Pregnancy Disability Leave (PDL) (FMLA only):** Medical disability due to pregnancy, childbirth or a related medical condition;

- 2. Bonding:** Following the birth of a child or placement of a child for foster care or adoption, so long as the leave is concluded within 12 months of the birth and/or placement of the child (CFRA provides this leave specifically although it does not cover disability due to pregnancy);
- 3. Family Care:** The care of the employee's spouse, domestic partner, child (defined to include child of spouse or domestic partner) or parent (including parent of a spouse or domestic partner) with a "serious health condition" (described below);
- 4. Employee's Serious Health Condition:** The "serious health condition" (described below) of the employee, which prevents the employee from performing the essential functions of his or her job;
- 5. Qualifying Exigency (FMLA only):** A qualifying exigency arising out of the employee's spouse, child, or parent's active duty (or notification of impending call or order to active duty for National Guards or Reserves) in the Armed Forces in support of a contingency operation. A "qualifying exigency" includes: short notice deployment, attendance at official military events or activities, arranging or providing child care, attending school or day care meetings, handling financial and legal matters, and rest and recuperation visits when the soldier is on leave;
- 6. Service Member Family Leave (FMLA only):** To care for a covered service member with a serious injury or illness incurred in the line of duty if the eligible employee is the spouse, child, parent or next of kin of the service member. Qualifying injuries are those that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

A "serious health condition" is one that requires in-patient care in a hospital or other medical care facility, or continuing treatment or supervision by a health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Employees with questions about what illnesses/health conditions are covered under FMLA and/or CFRA or under Sand City's sick leave policy are encouraged to consult with the Director of Administrative Services.

- C. Pregnancy Disability Leave (PDL).** Time off from work because of a female employee's medical disability due to pregnancy, childbirth or related medical condition is separate and distinct from her right to bond with the child under California's CFRA leave. An employee disabled due to pregnancy, childbirth, or a related medical condition, as certified by her health care provider, may take up to a maximum of four months (or 88 work days for a full-time employee) of unpaid leave under Pregnancy Disability Leave (PDL). Thus, a female employee is eligible for PDL while disabled by

pregnancy as certified by her health care provider and then also entitled up to an additional 12 workweeks of CFRA family leave to spend with her newborn child, Leave Type 2, "Bonding", so long as CFRA is completed within the first year after the birth of the child. See Pregnancy Disability Leave (PDL) policy for more details.

- D. Service Member Leave (FMLA only).** Time off from work to care for a covered service member with a serious injury or illness if the eligible employee is the spouse, child, parent or next of kin of the service member may be taken only under the federal FMLA leave. An employee may take up to a maximum of 26 weeks of unpaid leave prequalifying injury or illness during a single 12-month period under Service Member Family Leave. The leave requires a health care professional's certification of a serious injury or illness that would render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. This leave is for any member of the Armed Forces, including a member of the National Guard or Reserves, who incurred the injury or illness in the line of duty on active duty in the Armed Forces. Provisions such as benefits continuation, reinstatement, etc. are the same as for any other FMLA qualifying leave except they are for an extended time period of 26 weeks, compared with the 12 weeks of other FMLA leaves.

- E. Duration of Leave.** Unless otherwise noted above, an eligible employee can take up to 12 weeks of Family Medical Leave Act/California Family Rights Act leave during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

Parents who are both eligible employees of the City for leave to care for a newborn child, for placement of a son or daughter with the employee for adoption or foster care, or in certain circumstances, for the care of the employee's parent with a serious health condition, are entitled only to a combined total of 12 weeks of such a leave. For leave to care for a child (defined to include child of domestic partner) with a serious health condition, this combined limit does not apply.

Employees whose 1) medical leave exceeds 12 weeks, 2) who do not have another City-approved leave, or 3) who do not return to work on the first work day following an approved Family Medical Leave Act/California Family Rights Act leave will be deemed to have voluntarily resigned their employment from the City of Sand City.

- F. Health Insurance During Leave.** While an employee is on Family Medical Leave Act/California Family Rights Act, the City will continue the employee's health benefits (and dependent coverage as applicable) during the leave period at the same level and under the same conditions as if the employee had continued to work. The maximum entitlement for continued health benefits is up to 12 weeks during a 12-month period of paid coverage (or up to 26 weeks for Service Member Family Leave).

Any share of health insurance premiums which are paid by the employee prior to

Family Medical Leave Act/California Family Rights Act (including dependent premiums) must continue to be paid by the employee during the leave or insurance benefits may be discontinued. An employee who fails to make any payment of his or her premiums as described in this paragraph will be required to reimburse the City for any of those payments that may have been made by the City.

For leaves related to pregnancy and childbirth, the obligation to pay health benefits begins on the first day of concurrent PDL/FMLA leave and continues for a maximum of 4 months. If the employee's leave last longer than 4 months within the 12-month period, the employee may continue her group health insurance coverage through the City in conjunction with COBRA guidelines by making monthly payments to the City for the amount of the relevant premium if additional time is approved.

If the employee chooses not to return to work for reasons other than a continued serious health condition, or fails to work 30 calendar days once returning from leave, the City will require the employee to reimburse the amount it paid for the employee's health insurance premium during the unpaid portion of the leave period.

G. Use of Vacation and Sick Time

***Please Note:** If the employee is eligible for benefits from any disability insurance, such benefits from the applicable plans will be coordinated with the Family Medical Leave Act/California Family Rights Act leave. The Director of Administrative Services can assist in helping employees understand how these benefits work together.

Type Of Leave	Vacation Pay Benefit	Sick Time Benefit
PDL*	May use all available	Must use all available
Bonding (Baby/Adoption! Foster Care)*	May use all available	N/A
Family Care or Service Member Family Leave*	May use all available	May use all available
Employee's Serious Health Condition*	Must use all available	Must use all available
Qualifying Military Exigency	May use all available	N/A

H. Other Benefits during Leave. Fringe benefits (such as vacation, sick time, and holidays) are not earned during unpaid leave. However, upon return from Family Medical Leave Act/California Family Rights Act and/or PDL, the employee will resume the accrual schedule at the same level and under the same conditions as if he or she had continued to work.

When available, employee benefit plans, such as pension and retirement plans and supplemental unemployment benefit plans are provided under the same conditions as apply to unpaid leave taken for purposes other than Family Medical Leave Act/California Family Rights Act.

With respect to retirement plans, and including pension plans, any period of unpaid Family Medical Leave Act/California Family Rights Act leave shall be treated as a break in service and will not be considered as credited service for purposes of benefit accrual, vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid Family Medical Leave Act/California Family Rights Act leave on that date shall be deemed to have been employed on that date.

- I. Certification of the Serious Health Condition.** An employee seeking Family Medical Leave Act/California Family Rights Act leave for the employee's own serious health condition or because of the serious health condition of a family member as defined above must provide the City with a medical certification from his or her health care provider establishing the need for the leave. The employee should respond to such a request as soon as possible and at least within 15 calendar days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification must be provided by using the Certification of Health Care Provider form. An employee seeking FMLA to care for a covered service member with a serious injury or illness if the eligible employee is the spouse, child, parent or next of kin of the service member may be required to provide certification.

Certification of the serious health condition must include: 1) the date when the condition began; and, 2) its expected duration. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind, or a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance, and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment, and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The City has the right to ask for a second opinion, (for employees, not family members) if the City has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. In case of a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. This third opinion will be considered final.

Prior to returning from FMLA and/or CFRA leave for an employee's own serious health condition including pregnancy disability, the employee will be required to provide the City with a Physician's or Practitioner's Authorization to Return to Work form completed by the employee's health care provider releasing him or her to return to work.

- J. Reinstatement after Leave.** An employee who takes leave under and meets the requirements of this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility and authority.

Upon completion of the leave, a written notice by the health care provider is required to authorize a return to work. Should the health care provider indicate physical limitations upon return to work, such limitations must be discussed with and approved by the City Administrator. We are committed to engaging our employees in ongoing, meaningful dialog regarding modifications at work.

- K. Procedure for Requesting Leave.** Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to their immediate supervisor, with copy to Director of Administrative Services. When an employee plans to take leave under this policy, the employee must give 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the City receives notice. While on leave, employees are requested to report periodically to the Director of Administrative Services regarding the status of the return to work date, and his or her intent to return to work.

The provisions for leaves under this policy can be confusing. Employees are encouraged to seek additional information from the Director of Administrative Services.

- L. Payroll Status.** A leave granted under Section 6.10 will normally be leave without pay except that an employee must exhaust accrued sick leave, vacation, or other accrued time off prior to leave without pay. With advance notification to the City, at the request of an employee, an employee may retain and not use accrued sick leave in connection with a leave for the care of a newborn, adopted, or foster care child or care for a family member with a serious health condition.

- M. Leave Provisions.** Leave may be used in increments, but shall not exceed a total of twelve (12) workweeks of leave in a 12-month period measured backward from the date leave is taken and continues with each additional leave day taken. A leave for the care of a newborn, adopted, or foster care child shall be taken on a continuous basis in increments of not less than two (2) weeks. An employee may request intermittent leave in increments for the care of a seriously ill family member; or for the treatment of a serious health condition of the employee. A reduced leave schedule (i.e. a work schedule that reduces the number of hours per workweek or workday) may be established where medically necessary for an employee to care for a seriously ill family member; or for the treatment of a serious health condition of the employee.
- N. Advance Notice to City.** Unless the need for leave arises out of an unforeseen emergency, employees requesting leave will be expected to provide reasonable advance notice of the need for leave and, at a minimum, written notice of thirty (30) days. The City shall require employees requesting family care leave for the care of seriously ill family member, or medical leave for the treatment of a serious health condition of the employee to provide medical certification of the illness.
- O. Aggregate Leave.** Where both a husband and wife are employed by the City and both are eligible for family leave, the aggregate leave to which both are entitled is limited to twelve (12) workweeks of leave in a 12 month period if leave is for the birth or placement for adoption or foster care of the employees' child, or to care for a seriously ill parent.
- P. Continued Benefits.** Employees on leave will be eligible to continue medical and dental insurance coverage and other group coverage's as if the employee were in a regular pay status. The City will pay the premiums necessary to maintain coverage as if the employee remained in a paid status. If an employee elects to maintain dependent insurance coverage while on family care leave and there is normally a payroll deduction, the employee may authorize a payroll deduction or pay the premiums in advance in accordance with the requirements necessary to maintain coverage. Failure to pay premiums which are the employee's responsibility may result in cancellation or loss of benefit coverage. For the period of family care leave in a paid status, if any, the employee will continue to accrue vacation, sick leave, and holidays.
- Q. Seniority Status.** Leave shall not constitute a break in service for seniority or any employee benefits. The anniversary date of an employee on leave without pay for thirty (30) consecutive calendar days, or major fraction thereof, or more, shall be adjusted to reflect the time absent without pay. An employee on probation will have the probationary period extended by the length of time on leave.
- R. Return to Work.** The employee shall cooperate with the City in scheduling his/her date to return to work, and, whenever possible, shall give the City at least thirty (30) days advanced notice of availability. Upon return from leave, the employee

shall be restored to the same or comparable position held prior to the leave. Upon completion of the leave, a written notice by the health care provider is required to authorize a return to work. Should the health care provider indicate physical limitations upon return to work, such limitations must be discussed with and approved by management. We are committed to engaging our employees in ongoing, meaningful dialog regarding modifications at work.

S. Required Information. Employees are required to complete or supply the following applicable forms in connection with leave under this policy.

1. Request for Family Care or Medical Leave.
2. Medical certification for the employee's own serious health condition or for the serious health condition of a family member.
3. Authorization for payroll deductions of insurance benefit premiums not paid for by the City.
4. An appropriate medical release.

6.11 Time Off to Vote

Employees who are registered voters may request time off to vote at an election if the employee does not have sufficient time outside of his/her regular working hours to vote. The employee may, without loss of pay, take up to two (2) hours of time off to vote. The time off for voting shall be only at the beginning or the end of the regular work shift, whichever allows the most free time to vote and the least time off from work. The employee shall give his/her supervisor at least two (2) working days notice of the need for time off to vote.

6.12 Administrative Leave

The City Administrator receives (100) hours of administrative leave, and department heads receive fifty (50) hours of administrative leave. The purpose of this leave is to recognize and compensate these employees for performing services over and above normal duty hours for which they do not receive overtime payment. This leave may not be accumulated from year to year and if not used by the employee's anniversary date is to be paid to the employee as salary at his/her normal hourly rate.

6.13 Limitations (Cap) on Accumulated Paid Time Off

In order to promote the philosophy of providing the needed time away from a job and also maintain sound fiscal policy, there is a cap on accumulated paid time-off of all kinds (vacation, sick and compensatory time) of 800 hours that may be carried to the next calendar year. If an employee ends the calendar year with hours in excess of this amount, the City of Sand City will pay out any excess amount. Hours will be paid first from the

compensatory time bank, second from the vacation leave bank and ultimately from the sick leave bank in order to bring the employee hours down to the maximum total allowed of 800 hours.

6.14 Partial Payout of Accumulated Paid Time Off, under the 800 Hour Cap unless otherwise provided

Periodic payout of accumulated paid time off may be permitted, subject to the discretion of the City Administrator, based on special financial circumstances of a requesting employee. Furthermore, the payout shall only be allowed provided that the subject employee maintains a paid time off sick leave balance of no less than one hundred and twenty (120) hours. This payout may not be requested more than twice per fiscal year.

Section 7. Grievance Procedure

7.01 Purpose.

The purpose of the grievance procedure is to promote improved relations between parties concerning the interpretation or application of policies and procedures. This procedure is intended to settle problems, resolve concerns, and correct causes for dissatisfaction in an orderly and systematic way.

Communication is a two-way street. It is the responsibility of the City and each City employee to work toward an employment relationship grounded in openness, honesty, professionalism and mutual respect.

7.02 Filing a Grievance.

Except in cases as determined by the City Administrator in his or her sole discretion to be inappropriate, the grievance procedure applies to all employees from the first day of employment until 5 calendar days following separation from employment. Under no circumstance may a grievance be filed by an employee separated during the initial 180 days of employment.

An employee with a complaint is encouraged to discuss the matter with his/her immediate supervisor in an attempt to resolve the issue. If a resolution is not reached, the employee will put the grievance in writing and present it to the department head.

7.03 Formal Grievances

- A. Order of Filing. When a grievance cannot be resolved informally, the employee may file a formal, written grievance using the following order of filing:
1. Supervisor
 2. Department head
 3. Independent investigator (appointed by City Administrator in consultation with the City Attorney)
 4. City Administrator
- B. When a Grievance May be Filed. A grievance must be initiated within 30 calendar days after the event or action which gave rise to the complaint, or five calendar days following separation from employment.
- C. Contents of Grievance. The formal, written grievance shall contain all of the following information.
1. Identity of the aggrieved or concerned person;
 2. A factual description of the specific nature of the grievance or concern;
 3. The date, time and place of its occurrence;
 4. A statement of the rule, law, regulation or policy alleged to have been violated, improperly interpreted, applied or misapplied;
 5. The steps taken to secure resolution, including the date of informal discussion;
 6. The corrective action desired.
- D. Grievance Response Schedule. The aggrieved employee shall receive a timely response to a complaint at all levels of the procedure and may expect a written answer within 10 working days at each level of filing. The aggrieved employee must appeal the grievance to each successive level within 10 working days of receipt of the previous response, if not satisfied. Each step of the procedure must be completed before appeal to the next level. If a satisfactory solution to a grievance can be achieved at any time in the course of a formal procedure, the procedure will be discontinued or considered completed.
- The Director of Administrative Services shall determine when such efforts have begun and will track the stages of appeal and determine when the process is concluded.
- E. Final Decision. The decision of the City Administrator is final. Further recourse must be pursued through the arbitration process or the legal system. However, prior to arbitration or legal action, the grievance will be reviewed by the City Council Budget and Personnel Committee for a final determination of the City's position. If the Budget and Personnel Committee decides to modify the City Administrator's decision, the employee will be notified of the City's revised position. The primary

purpose of the Committee is to serve in a peace-keeping role to prevent arbitration and/or lawsuits, if possible. Should the aggrieved employee still not be satisfied with the decision of the Committee, the matter shall be arbitrated in accordance with Section 8 of this manual, if applicable. Nothing in this section is intended to abrogate the Public Safety Officers Procedural Bill of Rights.

7.04 Written Records of Grievances

All documents, communications, and records dealing with the processing of a grievance shall be kept in a separate grievance file and shall not be kept in the personal history file of any of the participants.

7.05 Freedom from Reprisal

An employee filing a grievance in conformity with this policy shall have freedom from reprisal.

7.06 Failure to Act

If the finding or resolution of a grievance at any step of the procedure is not appealed within the prescribed time, said grievance shall be considered settled on the basis of the last answer provided, and there shall be no further appeal or review. Should management not respond within the prescribed time, that action shall be considered to be a denial and the grievance shall proceed to the next step.

Section 8. Separations

8.01 Voluntary Separations

A voluntary separation is a resignation initiated by the employee. An employee is expected to give written notice of his/her intention to terminate employment at least two (2) weeks prior to the separation date. The written notice must contain:

- A. The date the notice is given.
- B. The date the resignation becomes effective.
- C. The reason for the separation.

Employees who fail to give proper notice of voluntary separation may not be considered for

reemployment unless the circumstances requiring separation were such that the lack of two weeks' notice was justified.

When a voluntary resignation is accepted, it is assumed that the employee is not available for work beyond the effective resignation date. Once a resignation is accepted, no time off will be granted with the exception of documented illness and family emergencies and holidays.

8.02 Involuntary Separation

An involuntary separation is initiated by the supervisor, except as otherwise provided by law (e.g., the Public Safety Officers Procedural Bill of Rights). Possible reasons for involuntary separation, can include, but are not limited to:

- A. Disobedience of instructions or orders of a supervisor, or serious insubordination.
- B. Theft or unauthorized removal of City property from the premises.
- C. Unauthorized possession of City property away from the premises.
- D. Theft or unauthorized possession of private property.
- E. Conviction in a court of law of a serious criminal offense.
- F. Misconduct or behavior on or off the job which discredits the City's reputation, or adversely impacts an employee's ability to effectively perform his or her duties for the City.
- G. Failure to perform work assigned.
- H. Misuse of intoxicants or narcotics.
- I. Falsification of records.
- J. Refusal to cooperate with supervisors in the carrying out of their responsibilities to the City.
- K. Excessive absenteeism or abuse of sick leave privileges.
- L. Excessive tardiness.
- M. Unauthorized absence from work.
- N. Unauthorized disclosure of confidential, personal, medical, and financial information.
- O. Violation of City policies, procedures and rules.
- P. Working with an invalid license or credentials required for the position.
- Q. Abusive or inconsiderate treatment or harassment of citizens, suspects, people in custody, co-workers or anyone associated with the City.
- R. Solicitation of or accepting unauthorized gratuities, bribes or remuneration for performing City-related duties.
- S. Possession of firearms or other weapons on City property except for authorized personnel.

Employees who separate either voluntarily or involuntarily are not guaranteed any ability to return, but may apply for future openings. All candidates considered for such openings will be evaluated based on the requirements for the position and the best candidate will be selected regardless of previous employment status with the City.

8.03 Return of Equipment

All equipment, uniforms, supplies, keys, photo I.D.'s and business cards issued by the City must be returned by the employee to the supervisor prior to final departure. Employees will certify that all City property, including keys, in their custody has been returned to the City immediately upon request or upon separation of employment. The City may take all action deemed appropriate to recover or protect its property. City property that is not returned may be reported to the appropriate authorities as stolen property

8.04 Unreported Absences from Work

An employee absent from duty without authorization for two (2) or more consecutive working days without an explanation satisfactory to the department head shall be deemed to have voluntarily resigned without notice. The resignation may be canceled if the supervisor determines that the absence was beyond the control of the employee. The City Administrator may send the employee a certified letter notifying him/her of the effective date. An employee will not receive pay in lieu of notice under these circumstances.

8.05 Termination of Benefits

All benefit accruals and privileges cease as of the last day of employment.

8.06 Continuation of Insurance (COBRA)

Employees who have been covered under the medical and dental insurance plans may arrange for continuation of insurance. The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under The City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, separation of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the eligible employee or beneficiary pays the full cost of coverage at the City's group rates plus an Administrative Services fee.

The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under our health insurance plan. The notice contains important information about the employee's rights and obligations

8.07 Paid Time Off Accruals

Paid time off not taken will be paid at the time of separation. Accrued paid time off will be computed on the basis of the employee's rate of pay on the day of termination.

Section 9. Disciplinary Procedure

9.01 General Policy

The continued employment of all City employees will be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action commensurate with the seriousness of the offense and with due consideration of the employee's prior performance record.

9.02 Reasons for Discipline

Discipline may be taken when, in the judgment of the department head, an employee has committed an act or omission that justifies the disciplinary action indicated. The grounds for such disciplinary action shall include but not be limited to incompetency, inefficiency, dishonesty, misconduct, insubordination, or failure to observe departmental or City rules and regulations.

9.03 Types of Disciplinary Action

The City has established a system of discipline that includes verbal warnings, written warnings, and suspensions. The system is not formal and the City may, in its sole discretion, use whatever form of discipline is deemed appropriate under the circumstances, up to and including suspension without pay and/or termination of employment. The City's policy of discipline in no way limits or alters the at-will employment relationship.

- A. Verbal Warning.** A verbal warning is not made a part of the employee's permanent personnel file, but may be referenced in any subsequent written reprimands.
- B. Written Reprimand.** A written reprimand shall be recorded, signed by the employee and department head, forwarded to the City Administrator's Office, and placed in the employee's personnel file.
- C. Disciplinary Probation.** An employee placed on disciplinary probation shall accrue vacation and sick leave time. However, the employee shall not accrue earned time for salary review or promotion while on such probation, nor shall said employee be allowed to compete in promotional examinations while on disciplinary probation. Disciplinary probation shall not be less than three (3) months nor for more than twelve (12) months.

- D. Reduction in Salary.** Upon recommendation of the department head and approval of the City Administrator, an employee's salary may be reduced one or more steps for disciplinary reasons. The employee shall be given written notice which shall include notification of all conditions which must be met in order to return to his/her normal salary.
- E. Demotion.** Upon recommendation of the department head and approval of the City Administrator, an employee may be demoted from one classification to another for disciplinary reasons. The salary upon demotion shall be that of the re-assigned classification.
- F. Suspension with or without pay.** Fringe benefits such as vacation and sick leave shall not accrue during a period of suspension without pay. However, health, dental, vision, life, and disability insurance shall remain in effect during a period of suspension without pay. For suspensions of three (3) working days or less, the department head may initiate disciplinary action without prior approval of the City Administrator. For suspension in excess of three (3) working days, the department head shall recommend an appropriate action for approval by the City Administrator. The maximum period of suspension shall be twenty (20) working days.
- G. Involuntary Dismissal.** The department head shall recommend an appropriate action for approval by the City Administrator. An employee who is involuntarily discharged from the City service is entitled to the rights and benefits of employees relieved of their positions under similar circumstances accordance with state and federal law.

9.04 Notice of Intended Disciplinary Action

- A. Proposed Disciplinary Action.** In cases of proposed disciplinary action, except an oral, or written reprimand, the proposed disciplinary action shall be served in writing on the employee personally or by mail. The written notice of intended disciplinary action shall include:
 - 1. The reasons for the disciplinary action.
 - 2. The specific action proposed to be taken, including any time period of other conditions associated with the discipline;
 - 3. The proposed effective date of the intended disciplinary action.

The employee has the right to use the grievance procedure outlined in Section 7 if he/she believes the proposed discipline to be unjustified. For police officers, the Public Safety Officers Procedural Bill of Rights shall apply to these cases.

- B. Copy of Action In Personnel File.** A copy of the notice of intended disciplinary action shall be placed in the employee's personnel file.

Section 10. Employee Protection

The City is committed to providing a work environment that is safe and healthful. We have established an Illness and Injury Prevention Program (IIPP), to support our safety efforts by identifying and correcting workplace safety issues and educating our employees. The Safety Program Coordinator is the Chief of Police.

10.01 Workplace Violence

- A. City Commitment.** The City is committed to providing a safe, violence-free workplace and strictly prohibits employees or anyone else on the premises or engaging in City-related activity from behaving in a violent or threatening manner. As part of this policy, the City seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.
- B. Zero Tolerance.** The City's policy provides "zero tolerance" for actual or threatened violence against co-workers, visitors, or any other persons on the premises or attending City business-related activities. Employees are required to report to their supervisor any incident involving a threat of violence or act of violence, or any violation of this policy, immediately.
- C. Workplace violence includes:**
1. Threats of any kind (including those that are meant as "humorous" or a "joke;")
 2. Threatening or violent behavior, such as intimidation of or attempts to instill fear in others;
 3. Other behavior that suggests a propensity toward violence. This can include belligerent speech, excessive arguing or swearing, theft or sabotage of City property, or a demonstrated pattern of refusal to follow the Sand City policies and procedures;
 4. Defacing the City property or effecting physical damage to the facilities; or
 5. Bringing unauthorized weapons or firearms of any kind on City premises, in City parking lots, or while conducting City business.

If any employee observes or becomes aware of such actions or behavior by an employee, elected official, visitor, or anyone else, they are required to notify their supervisor immediately, and/or call the Police or 911 as appropriate to the location and circumstances. Further, an employee should notify the Director of Administrative Services if any restraining order is in effect, or if a potentially violent non work-related situation exists which could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated

promptly and thoroughly. In appropriate circumstances, the City will inform the reporting individual of the results of the investigation. To the extent possible, the City will maintain the confidentiality of the reporting employee and to protect individual safety. The City of Sand City will not tolerate retaliation against any employee who reports workplace violence.

If the City determines that workplace violence has occurred, the City of Sand City will take appropriate corrective action. The appropriate corrective action will depend on the particular facts but may include written or oral warnings, probation, and reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the City will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

10.02 Security

As an employee of the City of Sand City, one of your primary responsibilities is the protection of our visitors, citizens, and the assets of the City. This effort requires each employee's full dedication.

The following information provides a number of ideas about what you can do to assist in the security of our grounds and buildings. While no one expects all employees to be experts in security, the awareness and assistance by all employees will be a tremendous asset to our Police in this effort.

What You Should Do

1. If you notice anyone that appears to be acting suspiciously, report them to management or the Police immediately. Suspicious activity includes someone waiting or loitering in an area not designed for that purpose, i.e.: a client area, parking lot, or other public or restricted area. If you come upon an individual who looks surprised or nervous to see you, report them. Also, if you see a non-employee in an area designated for employees only, they should be reported.
2. If you hear any loud or unusual noises, report them. This would include mechanical noises, alarms, loud yelling, etc.
3. If you are ever confronted by a thief, don't try to be a hero! Give that person everything he/she wants. You and your safety are more important to us than anything the thief may get away with.

10.03 Employee Safety

- A. Policy.** It is the policy of the City to maintain a work environment that is safe and does not adversely affect the health of its employees or the public. To accomplish this, the City shall provide the appropriate facilities, safety equipment, and training to comply with Federal, State and local safety regulations and will promulgate appropriate policies, standards and procedures for governing the total safety effort.

B. Employee Responsibility. While the overall responsibility for safety belongs to the City, each individual employee has a personal responsibility to perform assigned tasks in a safe manner. All employees are to ensure that safe and healthful conditions and procedures are provided and followed in their areas of control. All employees are to comply with the safety practices and procedures adopted by the City.

I, _____, have received this manual, and hereby acknowledge its contents. I also understand that updates to personnel policies adopted by the City Council will be transmitted to me, when applicable.

Signed: _____

Dated: _____

APPENDIX I

Sand City Mandatory Arbitration Policy

It is the policy of Sand City (hereinafter, the "City") to streamline dispute resolution and thereby minimize the cost and time consumed in resolving grievances of any kind. Therefore, the City has adopted a policy of binding arbitration which applies to the fullest extent permitted by law to any and all controversies between the City and its employees. The City's arbitration policy shall not apply to workers' compensation claims, to unemployment insurance claims, or to any dispute which falls within the exclusive jurisdiction of any federal or state department or agency, including the California Labor Commissioner, the National Labor Relations Board, or similar state or federal agencies. However, any dispute which cannot be resolved administratively through such an agency shall be subject to this arbitration policy.

- A. Binding Arbitration. In the event a dispute between the City and an employee or group of employees cannot be resolved in the manner provided in Section 7 of the Employee Manual, then the dispute shall be submitted to binding arbitration, unless otherwise prohibited by the Public Safety Officers' Procedural Bill of Rights.
- B. Implementing Arbitration. Any dispute submitted to binding arbitration under this section shall be conducted in accordance with applicable federal or state law, if any. A demand for arbitration may be initiated by the City or by an employee or group of employees, and shall be made in writing delivered to the person(s) or entity(ies) upon whom the demand for arbitration is being made.
- C. Selecting an Arbitrator. Unless otherwise provided by law, once arbitration has been demanded, the City and the subject employee(s) shall meet and confer in an attempt to mutually select an arbitrator. If no agreement can be reached on the choice of an arbitrator, the City will obtain a list of available arbitrators from the Federal or State Mediation and Conciliation Service. If necessary, the employee(s) first, then the City, will alternatively strike names from the list until a single name remains, and that person shall be the arbitrator.
- D. Mechanics of Arbitration. Unless otherwise provided by law, the arbitration shall be conducted in accordance with California Code of Civil Procedure, Sections 1280, et. Seq. The arbitrator's award shall be supported by law and substantial evidence. The costs of the arbitration, except for the compensation of the arbitrator, shall be as determined by the arbitrator and be in compliance with applicable law. The compensation of the arbitrator shall be split 50/50 between the City on the one hand and the subject employee(s) on the other. The decision of the arbitrator shall be final and binding on all parties

I have read and understand this policy and agree to be bound by its terms

Employee Signature

Date

CITY OF SAND CITY

City Representative

Date

**AGENDA ITEM
9B**

Memorandum

Memo

To: City Council
From: Director of Administrative Services
Subject: Health Benefit- Effective January 1, 2016
Date: August 5, 2015

Linda

On July 15, 2015 we received the attached letter stating that CalPERS had changed the health premium structure and it would impact our agency. The main effect of this change is that our current health benefit resolution is based on the "Anthem EPO Traditional Other Northern Basic/Medicare", and Anthem health plans will no longer have Medicare or Combination rates and cannot be used as a cap for our Medicare and/or Combination enrollments.

The easiest way to change this was to go back to the plan we previously had, which was PersCare. This plan is available to Basic/Medicare and Combination employees. Below are the current plan and the proposed plan for your review:

Table with 4 columns: Plan Description, CalPERS Anthem EPO Premium, Health Care Incentive Bonus, and Total Health Care Benefit. It compares Current Plan and The Proposed Plan for various employee categories.

As you can see there is no financial impact to the City, there are two resolutions attached that need City Council approval to implement this change.

From the desk of... Linda Scholink, Director of Administrative Services, City of Sand City, # 1 Sylvan Park, Sand City, CA 93955

831-394-3054 X 213
Fax: 831-394-2472



P.O. Box 942714 Sacramento, CA 95812-1652
888 CalPERS (or 888-225-7377)
TTY: (877) 249-7442 | Fax: (800) 959-6545
www.calpers.ca.gov

California Public Employees' Retirement System
Employer Account Management Division

July 2, 2015

Linda Scholink
City of Sand City
1 SYLVAN PARK
SAND CITY, CA 93955

CalPERS ID 4282841421

RE: Single Payer Medicare & Changes to your Employer Contribution

Dear Ms. Scholink:

As you may have heard, the CalPERS Board approved the 2016 health premiums on June 17, 2015. In addition to the new rates, there will be a change to the existing health premium structure.

Previously, all health carriers participating in the CalPERS Health Benefits Program offered a Basic product and a Supplement to Medicare or Managed Medicare product. Combination rates were derived from these products for members with split enrollments. These products and rates made up the overall regional plan – such as “Blue Shield NetValue Bay Area.”

Effective January 1, 2016, CalPERS will be adopting a “Single Payer Medicare” format for all Health Maintenance Organizations (HMOs) excluding Kaiser Permanente. The Kaiser HMO and all Preferred Provider Organizations (PPOs) will continue to offer a Basic product, Medicare product, and Combination rates. The remaining HMOs (Anthem Blue Cross, Blue Shield, Health Net, Sharp and UnitedHealthcare) will each offer a Basic product, but only one of these carriers will also offer a Medicare product. For 2016, this prevailing carrier is UnitedHealthcare.

Enrollment Impacts

Active employees and Medicare-ineligible annuitants will continue to be enrolled in their current Basic health plan. Once they retire and become Medicare-eligible, they will roll over into their health carrier's Medicare counterpart, if one is offered. Otherwise, members must call CalPERS to elect one of the available Medicare health plans – UnitedHealthcare, Kaiser Permanente, or one of our PPOs (PERS Select, PERS Choice, or PERS Care). If no selection is made, they will be automatically rolled-over into the PERS Choice PPO.

Employer Contribution Impacts

Your agency's current CalPERS Health Resolution is also affected by this premium structure change. Today, your employer contribution for Medical Group(s) 001 Current Employees & 002 Optional Members is designated as:

- Group 001** "up to a maximum of 100% Self / 50% (one) Dependent Basic/Medicare, not to exceed 100% Self / 50% (one) Dependent of Anthem EPO Traditional Other Northern Basic/Medicare"
- Group 002** "up to a maximum of 100% Self Basic/Medicare not to exceed 100% Self Anthem EPO Traditional Other Northern Basic/Medicare"

This means that your agency will pay up to a percentage of the plan enrolled, but not to exceed a percentage of the designated health plan. Starting in 2016, this will be invalid contribution language, as Anthem health plans will no longer have Medicare or Combination rates and cannot be used as a cap for Medicare and Combination enrollments. Additionally, there are now multiple EPO plans, and your current resolution language does not specify which should be used.

Please contact us by July 17, 2015 to schedule a conference call to further discuss your employer contribution. This will give us the opportunity to answer your questions and provide the correct resolution(s) you will need to complete and file with CalPERS. You may designate a specific health plan based on the available plans per party rate (1-12) or type of enrollment (Basic, Medicare, Combination), or choose a new contribution method entirely, such as a fixed dollar amount, a percentage of the premium, or the Minimum Contribution prescribed by Government Code Section 22892(b).

Government Code Section 22892(a) stipulates that the resolution shall be effective on the first day of the second month following the month in which the resolution is received. Therefore, your resolution(s) must be received by our office no later than November 30, 2015 to be effective January 1, 2016.

We are here to assist you. If you have any questions, you may contact me directly at (916) 795-9044 or Robyn_Harada@CalPERS.ca.gov.

Sincerely,

Robyn Harada, Health Contracts Analyst
Contract Management Services Section
Employer Account Management Division

CalPERS 2016 Health Premiums - Regional Rates for Contracting Agencies (6/22/15)

Party Rate	BASIC			MEDICARE			COMBINATION															
	1		2	3		4	5		6		7		8		9		10		11		12	
	Single	Basic	2-Party Basic	Family Basic	Family 2+ Basic	Single Medicare (None)	2-Party Medicare	2-Party Medicare	1 Medicare	2+ Medicare	Family Medicare	2-Party Medicare	1 Medicare	2+ Basic	Family Medicare	1 Medicare & 1+ Basic	Family Medicare	2-Party Basic	Family Basic	Family Basic	Family Basic	Family Basic
OTHER SOUTHERN CALIFORNIA REGION <i>Fresno, Imperial, Inyo, Kern, Kings, Madera, Riverside, Orange, San Diego, San Luis Obispo, Santa Barbara, Tulare</i>																						
Anthem HMO Select	\$634.75		\$1,269.50	\$1,650.35	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anthem HMO Traditional	\$710.79		\$1,421.58	\$1,848.05	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Blue Shield Access+	\$654.87		\$1,309.74	\$1,702.66	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Blue Shield NetValue	\$666.35		\$1,332.70	\$1,732.51	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Health Net Salud y Mas	\$535.98		\$1,071.96	\$1,393.55	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Health Net SmartCare	\$596.98		\$1,193.96	\$1,552.15	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kaiser Permanente	\$605.05		\$1,210.10	\$1,573.13	\$297.23	\$594.46	\$891.69	\$902.28	\$1,265.31	\$957.49	\$902.28	\$1,199.51	\$1,265.31	\$1,199.51	\$1,265.31	\$1,199.51	\$1,265.31	\$1,199.51	\$1,265.31	\$1,199.51	\$1,265.31	\$1,199.51
PERS Choice	\$683.71		\$1,367.42	\$1,777.65	\$366.38	\$732.76	\$1,099.14	\$1,050.09	\$1,460.32	\$1,142.99	\$1,050.09	\$1,416.47	\$1,460.32	\$1,416.47	\$1,460.32	\$1,416.47	\$1,460.32	\$1,416.47	\$1,460.32	\$1,416.47	\$1,460.32	\$1,416.47
PERS Select	\$625.20		\$1,250.40	\$1,625.52	\$366.38	\$732.76	\$1,099.14	\$991.58	\$1,366.70	\$1,107.88	\$991.58	\$1,366.70	\$1,107.88	\$1,366.70	\$1,107.88	\$1,366.70	\$1,107.88	\$1,366.70	\$1,107.88	\$1,366.70	\$1,107.88	\$1,366.70
PERS Care	\$761.50		\$1,523.00	\$1,979.90	\$408.04	\$816.08	\$1,224.12	\$1,169.54	\$1,626.44	\$1,272.98	\$1,169.54	\$1,626.44	\$1,272.98	\$1,626.44	\$1,272.98	\$1,626.44	\$1,272.98	\$1,626.44	\$1,272.98	\$1,626.44	\$1,272.98	\$1,626.44
Sharp	\$561.34		\$1,122.68	\$1,459.48	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
UnitedHealthcare	\$493.99		\$987.98	\$1,284.37	\$320.98	\$641.96	\$962.94	\$814.97	\$1,111.36	\$938.35	\$814.97	\$1,111.36	\$938.35	\$814.97	\$1,111.36	\$938.35	\$814.97	\$1,111.36	\$938.35	\$814.97	\$1,111.36	\$938.35
*Dental & Vision coverage available at an additional \$26.32 per member, per month premium. UnitedHealthcare will bill the member directly for this amount.																						
OTHER NORTHERN CALIFORNIA REGION <i>Alpine, Butte, Colveras, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Plumas, San Benito, Shasta, Sierra, Siskiyou, Stanislaus, Tehama, Trinity, Tuolumne</i>																						
Anthem Del Norte EPO	\$795.57		\$1,591.14	\$2,068.48	n/a	n/a	n/a	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10
Anthem Monterey EPO	\$795.57		\$1,591.14	\$2,068.48	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anthem HMO Select	\$839.10		\$1,678.20	\$2,181.66	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anthem HMO Traditional	\$964.91		\$1,929.82	\$2,508.77	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Blue Shield Access+	\$879.96		\$1,759.92	\$2,287.90	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Blue Shield EPO	\$879.96		\$1,759.92	\$2,287.90	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Blue Shield NetValue	\$895.17		\$1,790.34	\$2,327.44	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kaiser Permanente	\$755.27		\$1,510.54	\$1,963.70	\$297.23	\$594.46	\$891.69	\$1,052.50	\$1,505.66	\$1,047.62	\$1,052.50	\$1,505.66	\$1,047.62	\$1,505.66	\$1,047.62	\$1,505.66	\$1,047.62	\$1,505.66	\$1,047.62	\$1,505.66	\$1,047.62	
PERS Choice	\$795.57		\$1,591.14	\$2,068.48	\$366.38	\$732.76	\$1,099.14	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10	\$1,161.95	\$1,639.29	\$1,210.10
PERS Select	\$727.47		\$1,454.94	\$1,891.42	\$366.38	\$732.76	\$1,099.14	\$1,093.85	\$1,530.33	\$1,169.24	\$1,093.85	\$1,530.33	\$1,169.24	\$1,093.85	\$1,530.33	\$1,169.24	\$1,093.85	\$1,530.33	\$1,169.24	\$1,093.85	\$1,530.33	\$1,169.24
PERS Care	\$886.15		\$1,772.30	\$2,303.99	\$408.04	\$816.08	\$1,224.12	\$1,294.19	\$1,825.88	\$1,347.77	\$1,294.19	\$1,825.88	\$1,347.77	\$1,294.19	\$1,825.88	\$1,347.77	\$1,294.19	\$1,825.88	\$1,347.77	\$1,294.19	\$1,825.88	\$1,347.77
UnitedHealthcare	\$794.80		\$1,589.60	\$2,066.48	\$320.98	\$641.96	\$962.94	\$1,115.78	\$1,592.66	\$1,118.84	\$1,115.78	\$1,592.66	\$1,118.84	\$1,115.78	\$1,592.66	\$1,118.84	\$1,115.78	\$1,592.66	\$1,118.84	\$1,115.78	\$1,592.66	\$1,118.84
*Dental & Vision coverage available at an additional \$26.32 per member, per month premium. UnitedHealthcare will bill the member directly for this amount.																						
OUT OF STATE																						
Kaiser Permanente	\$930.29		\$1,860.58	\$2,418.75	\$297.23	\$594.46	\$891.69	\$1,227.52	\$1,785.69	\$1,152.63	\$1,227.52	\$1,785.69	\$1,152.63	\$1,785.69	\$1,152.63	\$1,785.69	\$1,152.63	\$1,785.69	\$1,152.63	\$1,785.69	\$1,152.63	\$1,785.69
PERS Choice	\$625.31		\$1,250.62	\$1,625.81	\$366.38	\$732.76	\$1,099.14	\$991.69	\$1,366.88	\$1,107.95	\$991.69	\$1,366.88	\$1,107.95	\$991.69	\$1,366.88	\$1,107.95	\$991.69	\$1,366.88	\$1,107.95	\$991.69	\$1,366.88	\$1,107.95
PERS Care	\$696.49		\$1,392.98	\$1,810.87	\$408.04	\$816.08	\$1,224.12	\$1,104.53	\$1,522.42	\$1,233.97	\$1,104.53	\$1,522.42	\$1,233.97	\$1,104.53	\$1,522.42	\$1,233.97	\$1,104.53	\$1,522.42	\$1,233.97	\$1,104.53	\$1,522.42	\$1,233.97
UnitedHealthcare	n/a		n/a	n/a	\$320.98	\$641.96	\$962.94	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
*Dental & Vision coverage available at an additional \$26.32 per member, per month premium. UnitedHealthcare will bill the member directly for this amount.																						
PEACE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA (PORAC) <i>Must be dues paying Association member</i>																						
PORAC	\$699.00		\$1,399.00	\$1,789.00	\$442.00	\$881.00	\$1,408.00	\$1,142.00	\$1,532.00	\$1,271.00	\$1,142.00	\$1,532.00	\$1,271.00	\$1,142.00	\$1,532.00	\$1,271.00	\$1,142.00	\$1,532.00	\$1,271.00	\$1,142.00	\$1,532.00	\$1,271.00

**CITY OF SAND CITY
RESOLUTION SC ____, 2015**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
FIXING THE EMPLOYER CONTRIBUTION AT AN EQUAL AMOUNT FOR EMPLOYEES
AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND
HOSPITAL CARE ACT**

WHEREAS, the City of Sand City is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and

WHEREAS, Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and

WHEREAS, Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and

NOW, THEREFORE, BE IT RESOLVED that the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of:

Medical Group	Monthly Employer Contribution		
	Single (Employee only)	Two-Party (Employee & 1 dependent)	Family (Employee & 2+ dependents)
001 Current Employees	100% PERS Care other Northern Single Party Basic/Medicare Rate (Party Rate 1 or 4)	100% PERS Care Other Northern Single Party Basic/Medicare Rate (Party Rate 1 or 4) for employee coverage, plus 50% PERS Care Other Northern Single Party Basic/Medicare Rate (Party Rate 1 or 4) for dependent coverage	
002 Optional Members	100% PERS Care Other Northern Single Party Basic/Medicare Rate (Party Rate 1 or 4)		

Plus administrative fees and Contingency Reserve Fund assessments; and

BE IT FURTHER RESOLVED that the City of Sand City has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further resolved that

- a) the participation of the employees and annuitants of the City of Sand City shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that the City of Sand City would not qualify as an agency or instrumentality of the state or political

Resolution SC ____, 2015

subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer;

- b) the executive body appoint and direct, and does hereby appoint and direct the Administrative Services Director/City Clerk to file with the Board a verified copy of this resolution, and to perform on behalf of the City of Sand City all functions required of it under the Act;
- c) the employer contribution under the Act will be effective on January 1, 2016.

PASSED AND ADOPTED by the City Council of Sand City on this __ day of August, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk

CITY OF SAND CITY
RESOLUTION SC _____, 2015

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AUTHORIZING
HEALTH CARE BENEFIT CHANGES FOR THE 2016 CONTRACT YEAR**

WHEREAS, the City of Sand City, a charter city, provides a health care benefit to its, employees and its optional members (the City Council and City Attorney); and

WHEREAS, the City's health care benefit is currently a contribution of the full amount necessary to pay for enrollment of its employees and their family members and its optional members in the Public Employees' Medical and Hospital Care Act up to a maximum of:

- a) 100% Single Party Rate for PERS Anthem EPO for each employee, plus 50% of such Single Party Rate for one dependent of such employee;
- b) 100% of Single Party Rate for PERS Anthem EPO for each optional member; hereinafter referred to as the "PERS Health Insurance Benefit"; and

WHEREAS, upon providing the City with proof of group insurance coverage, current employees, and optional members are entitled to receive a health care benefit from the City in the form of cash in an amount equal to what the City would contribute as the PERS Health Insurance Benefit for such employee or optional member (the "Cash In-Lieu Health Benefit"); and

WHEREAS, the City's PERS annuitants are entitled to the same PERS Health Insurance Benefit as the City's employees and optional Members, as the case may be; and

WHEREAS, the City PERS annuitants are not entitled to the Cash-In-Lieu Health Benefit; and

WHEREAS, CalPERS has approved new rates for the 2016 contract year for this Group Health Insurance Policies as shown in Attachment 1, attached hereto and incorporated herein by this reference; and

WHEREAS, the City of Sand City further finds that the health care benefit offered its employees and optional members should also include an incentive to encourage employees, and optional members to engage in preventive health care services related to all health wellness programs, and out-of-pocket expenses related to all health care services (Health Incentive Bonus); and

WHEREAS, the City desires to continue to offer its current employees and optional employees an amount equal to the current PERS Health Insurance Benefit plus the Health Incentive Bonus equal to \$1,055.10 for Single Party, Optional Member and \$1,582.65 for Single Party, Employee plus half dependent; and

WHEREAS, on January 1, 2016, CalPERS will be adopting a "Single Payer Medicare" format for all Health Maintenance Organizations (HMO's), and beginning in 2016, Anthem Health Plans will no longer have Medicare or Combination rates and cannot be used as a cap for Medicare or Combination enrollments; and

Sand City Resolution SC _____, 2015

WHEREAS, PersCare Health Plans will continue to offer the Combination rates;
and

WHEREAS, the City's health care benefit as of January 1, 2016 will be a contribution of the full amount necessary to pay for enrollment of its employees and their family members and its optional members in the Public Employees' Medical and Hospital Care Act up to a maximum of:

- a) 100% Single Party Rate for PERSCare for each employee, plus 50% of such Single Party Rate for one dependent of such employee:
- b) 100% of Single Party Rate for PERSCare for each optional member; hereinafter referred to as the "PERS Health Insurance Benefit".

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sand City that the following health care benefits are authorized for current eligible Sand City employees and optional members during the calendar year 2016.

Monthly Health Care Benefit Effective January 1, 2016:

	CalPERS Care	Health Care Incentive Bonus	Total Health Care Benefit
Single Party, Optional Member Employee:	\$ 886.15	\$ 168.95	\$1,055.10
Single Party, Employee plus half dependent:	\$ 1,329.23	\$ 253.42	\$1,582.65

PASSED AND ADOPTED by the City Council of Sand City on this ____, day of August, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk

AGENDA ITEM

9D

WHEELS

sand city's
14th annual

celebration.com

AUGUST 21, 22, 23
Friday, Saturday & Sunday
2015

Over 100 Artists & Artisans
The Heart of Sand City
Cove Mall

LIVE MUSIC

Open Studio
100% Artisan

Celebrate
The Power of
ART

FREDDY, AUG. 21
Raisin' Cain PART II
The Legendary **Chris Cain**
Kaye Bohler & 1B7 Band
Fundraiser \$20/\$25
and this is just the MAIN STAGE :

FREE SATURDAY, AUG. 22
California Honeydrops
Red Beans & Rice
Jim Lewin & Edge of the West
By Bradley

FREE SUNDAY, AUG. 23
Mike Beck
Fire in the Hamptons
Jackie Bistrow
Cerny Bros.
...so much more

KPIG's
"Please Stand By"
LIVE Sunday Morning

League of California Cities

ANNUAL CONFERENCE

San José Convention Center, Sept. 30–Oct. 2

by **Katie Sacco**



Join city officials from over 400 cities throughout the state at the League's largest conference of the year, the League of California Cities 2015 Annual Conference & Expo. Meet with approximately 2,000 elected officials and staff, and choose from more than 50 break-out sessions and CityTalks designed to educate and inform. Look for sessions of special interest to city attorneys, fire chiefs and human resources staff seeking a more personalized professional development experience.

Katie Sacco is conference coordinator for the League and can be reached at ksacco@cacities.org.



2015 & EXPO PREVIEW

Last year at the annual conference the League introduced its mobile app, which was designed to help you maximize your time at the conference. The app allows you to view the schedule of events, import your selected sessions into your calendar, access session materials and speaker bios, find exhibitor information and more. To access the app on your device, search in the app store for “League of California Cities” or “CACities.”

WEDNESDAY, SEPT. 30

On Wednesday, several pre-conference sessions are available for those arriving before the Opening General Session. Check in

at the registration desk for information on these sessions, which include AB 1234 Ethics Training, break-out sessions and the First-Time Attendee Orientation. Newcomers to the conference may find it somewhat challenging to navigate the numerous learning opportunities available, and the orientation for first-time attendees from 1:00–1:30 p.m. offers a chance to hear how to get the most out of your conference experience.

The Opening General Session includes the announcement of winners of the Helen Putnam Award for Excellence as well as presentation of the Past Presidents’ Lifetime Achievement Award and the

League’s Annual Report. Keynote speaker Greg Lucas will explain how local public libraries are serving as incubators of innovation and can be a major catalyst for building a stronger city. Lucas, a former political reporter and now California state librarian, will provide an overview of how community libraries engage citizens, help expand local economies and provide vibrant and energetic urban places that attract entrepreneurs, families and tomorrow’s leaders.

continued



Immediately following the keynote session, the evening's festivities kick off with the grand opening of the Expo Hall and the Host City Reception presented by the City of San José (a registration badge is required to access the event and Expo floor). Later the evening's events will continue at the CitiPAC Neon Glow Casino Night, hosted by Keenan & Associates.

THURSDAY, OCT. 1

A full day of educational opportunities is planned for Thursday, starting with the Expo, which opens at 9:00 a.m. The Expo features over 250 companies showcasing a wide range of products and services designed to help communities by improving local services and the quality of life for residents.

At the morning General Session Keynote Address, workplace demographics expert Cam Marston will speak about

"A Workplace in Transition." When Generation X entered the workplace, managers were perplexed by this group's behavior. Now Gen Xers are managers struggling to accommodate and retain the Millennial generation, and many Baby Boomers are still working. With three generations comprising the workforce, work-related issues can be challenging. During this session, the colleagues of Generation X, Millennials and Boomers will learn tips for collaborating with each other.

Thursday afternoon's educational sessions examine topics including water and wastewater, public safety, energy efficiency and sustainability. The evening offers many networking opportunities at various receptions held by the League's diversity caucuses, League Partners and League Divisions.

Check with your regional public affairs manager for division event times, dates and applicable costs.

FRIDAY, OCT. 2

The final day of the conference offers attendees professional development opportunities with over a dozen break-out sessions before the closing luncheon and General Assembly.

During the General Assembly, the 2015-16 League board of directors will be sworn into office, and city delegates will vote on policy resolutions to be implemented in the coming year. Each city should designate at least one voting delegate to represent its position at the conference on issues under consideration at this meeting. Voting delegates must be registered for the conference to participate in the General Assembly.

Watch for updates on the sessions and speakers at www.cacities.org/AC. We look forward to seeing you in September! ■

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www.LiUNAbuildsCA.org

TENTATIVE SCHEDULE OF EVENTS

As of February 12, 2015 (subject to change)

WEDNESDAY, SEPTEMBER 30

- 8:00 a.m. - 6:00 p.m. Registration Open, Exhibit Level Concourse, San Jose Convention Center
- 9:00 - 10:30 a.m. Policy Committees *(at hotel)*
- 9:00 - 11:00 a.m. Understanding Public Service Ethics Laws and Principles *(AB 1234 Training)*
- 10:00 a.m. - 2:30 p.m. City Clerks Workshop
- 10:30 - 11:45 a.m. Education
- 10:30 a.m. - Noon Policy Committees *(at hotel)*
- 11:45 a.m. - 1:15 p.m. Regional Division Lunches *(optional)*
- 1:00 - 1:30 p.m. First Time Attendee Orientation
- 1:30 - 2:45 p.m. **Department Business Meetings**
- 3:00 - 5:00 p.m. **Opening General Session** - Annual Report and Keynote Address
- 5:00 - 7:00 p.m. **Grand Opening Expo Hall & Host City Reception**
(No competing events/receptions are permitted at this time)
- 7:00 - 11:00 p.m. Leadership Gala Casino Night

THURSDAY, OCTOBER 1

- 7:00 a.m. - 4:00 p.m. Registration Open, Exhibit Level Concourse, San Jose Convention Center
- 8:00 - 9:30 a.m. Education
- 9:00 a.m. - 4:00 p.m. **Expo Open (with Lunch in Exhibit Hall)**
(No competing events 11:30 a.m. - 1:00 p.m.)
- 9:45 - 11:45 a.m. **General Session** - Keynote Address
- 1:00 - 2:15 p.m. General Resolutions committee
- 1:00 - 2:15 p.m. Education
- 2:45 - 4:00 p.m. Education
- 4:15 - 5:30 p.m. Education
- 4:15 - 5:30 p.m. Board of Directors Meeting
- 5:30 - Evening Networking Receptions - Caucus, League Partners, Divisions

FRIDAY, OCTOBER 2

- 7:30 - 10:00 a.m. Registration Open, Exhibit Level Concourse, San Jose Convention Center
- 7:30 - 8:45 a.m. Regional Division Breakfasts *(optional)*
- 9:00 - 10:15 a.m. Education
- 10:30 - 11:45 a.m. Education
- Noon - 2:00 p.m. **Closing Luncheon with Voting Delegates & General Assembly**
Install New Board of Directors, Grand Prize
- 2:00 p.m. Adjourn

NOTE: *Conference Registration is required to attend Department business meetings, Division Meetings, and Annual Conference General Assembly as an attendee and/or Voting Delegate.*

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Hayashi Wayland Voted 2015 Monterey Peninsula Chamber of Commerce Business Excellence Award Winner

Using Tech to Maximize Business Efficiency: August 19



From Left to Right: Russ Miller, Namin Aida, Judy Krueger, Woody Kelley, Glennis Datta, April Robbert, Rob Pappani

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Monterey Bay Branch
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Judy Krueger
Regional Manager
Greater Monterey Bay
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Monterey Main Branch
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BROWN BAG SEMINAR

Using Technology To Maximize Business Efficiency

Date: Wednesday, August 19

Time: 12:30-1:30pm

Location: Bay Park Hotel, White Horse Meeting Room, 1425 Munras Avenue, Monterey

Cost: Complimentary

Lunch: Bring a lunch or order on site at Crazy Horse Restaurant

Presenters: Patrick Rayne, CEO Rayne Technology Solutions, Inc., and Aaron Waters, Vice President Rayne Technology Solutions, Inc.



Attendees of the seminar will learn about:

- Windows 10
- Office 365: the power of Exchange Online
- Operating your business on any platform (Windows / Mac / Tablet / Phone)
- Ask the experts: Q&A
- Win a Tablet and other software giveaways

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Monterey Peninsula Chamber of Commerce

www.montereychamber.com | communications@montereychamber.com



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thank you.

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alzheimer's association

Alzheimer's Association - Monterey Caregiver Support Group

Event Date: Aug 17, 2015 at 7:00 PM to 8:30 PM

If you have a family member who has been diagnosed with Alzheimer's disease or a related dementia disorder, a caregiver support group can offer... [Read More --](#)

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alzheimer's association

The Alzheimer's Association presents: Living with Alzheimer's Disease: for Caregivers - Middle Stage, Part Two of 3-Part Series

Event Date: Aug 19, 2015 at 10:00 AM to 11:30 AM

This series is designed to provide caregivers with the knowledge, tools and strategies needed to cope with a diagnosis of Alzheimer's disease or... [Read More --](#)

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alzheimer's association

The Alzheimer's Association presents: 'Melodic Memories' Sing-a-Long

Event Date: Aug 21, 2015 at 2:00 PM to 2:45 PM

Come sing to slow memory loss! Singing is not only fun, but an excellent way to maintain and improve your memory skills. Join us to sing favorite tunes... [Read More --](#)

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28th Annual Jewish Food Festival

Event Date: Aug 23, 2015 at 10:30 AM to 4:00 PM

Sunday, August 23rd, from 10:30 AM to 4:00 PM a tradition continues; The Jewish Food Festival at Congregation Beth Israel in Carmel, will be celebrating... [Read More --](#)

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alzheimer's association

The Alzheimer's Association presents: Living with Alzheimer's Disease: for Caregivers - Middle Stage - Part Three of 3-Part Series

Event Date: Aug 26, 2015 at 10:00 AM to 11:30 AM

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Hospice Giving Foundation - 33rd Annual Golf Scramble

Event Date: Aug 30 - Aug 31, 2015 at 4:00 PM to 4:00 PM

Sunday, August 30, 2015 - 6:00pm to Monday, August 31, 2015 - 11:00am Monterey Peninsula Country Club, Corral de Tierra Country Club Join us at Hospice... [Read More](#) →

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Alzheimer's Association - Salinas Caregiver Support Group

Event Date: Sep 2, 2015 at 12:30 PM to 2:00 PM

If you have a family member who has been diagnosed with Alzheimer's disease or a related dementia disorder, a caregiver support group can offer... [Read More](#) →

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Alzheimer's Association - Pacific Grove Caregiver Support Group

Event Date: Sep 9, 2015 at 1:30 PM to 3:00 PM

If you have a family member who has been diagnosed with Alzheimer's disease or a related dementia disorder, a caregiver support group can offer... [Read More](#) →

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The Alzheimer's Association presents: Healthy Habits for a Healthier You

Event Date: Sep 9, 2015 at 1:30 PM to 3:00 PM

For centuries, we've known that the health of the brain and body are connected. But now, science is able to provide insights into how to optimize... [Read More](#) →

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Alzheimer's Association - Spanish-language Caregiver Support Group

Event Date: Sep 14, 2015 at 6:00 PM to 8:00 PM

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Alzheimer's Association - Monterey Caregiver Support Group

Event Date: Sep 21, 2015 at 7:00 PM to 8:30 PM

If you have a family member who has been diagnosed with Alzheimer's disease or a related dementia disorder, a caregiver support group can offer... [Read More](#) →

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Alzheimer's Association Walk to End Alzheimer's

Event Date: Sep 26, 2015 at 8:00 AM to 11:30 AM

Walk to End Alzheimer's is a fun and inspiring event that spans generations and brings together friends, family, caregivers, and community members... [Read More](#) →

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The Alzheimer's Association presents: Memory Changes with Age: What's Normal – When to be Concerned

Event Date: Oct 14, 2015 at 11:00 AM to 12:00 PM

Learning about age related changes in the brain helps to minimize anxiety about normal memory and alert us to concerns that may benefit from medical follow... [Read More](#) →

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6th Annual Carmel Jewish Film Festival

Event Date: Mar 5 - Mar 20, 2016 at 12:00 AM to 12:00 AM

The 6th Annual Carmel Jewish Film Festival begins Sunday, March 5th, and runs through Sunday, March 20, 2016. Additional information about... [Read More](#) →

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CBI Travels to Israel 2016!

Event Date: Apr 6 - Apr 17, 2016 at 12:00 AM to 12:00 AM

Congregation Beth Israel's Rabbi Bruce and Susan Greenbaum are leading another community trip to Israel! It is not too early to sign up for... [Read More](#) →

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