



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,
Jan Reimers, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING Tuesday, August 4, 2020

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.

To attend via Teleconference; Dial in number 1-530-637-0088 PIN: 449 407 651#

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.

OPEN SESSION 4:30 PM

CALL TO ORDER AND ROLL CALL

EXTRAORDINARY BUSINESS

- A. Monterey Bay Community Power Presentation**

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

ANNOUNCEMENTS

- A. City Administrator Announcements**

- B. City Attorney Announcements
- C. Councilmember Announcements

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Approve July 6, 2020 Special Meeting Minutes and July 7 2020 Meeting Minutes as presented
2. Monthly Reports for June: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report
3. Resolution 2020-047 designating Council Member Carrie Theis as the voting delegate and Mayor Dave Potter as the alternate voting delegate at the 2020 annual League of California Cities conference
4. Resolution 2020-048 establishing an Electronic Signature Policy
5. Approve the City of Carmel-by-the-Sea's response letter to the 2019-2020 Monterey County Civil Grand Jury Final Report on Sexual Harassment Prevention and Training Compliance and authorize the Mayor and City Administrator to sign related documents
6. Resolution 2020-049 authorizing the City Administrator to execute an agreement with Municipal Resources Group (MRG) LLC for facilitated evaluation services for City Administrator in an amount not to exceed \$8,000.
7. Resolution 2020-050 authorizing the City Administrator to establish a temporary voluntary time-off (furlough) program for At-Will (exempt) executive employees
8. Resolution 2020-051 authorizing the City Administrator to make technical corrections as necessary and execute a two-year professional services agreement with an option to renew for one additional year, with Alliant Insurance Services, Inc. for risk management services for an amount not to exceed \$30,000 over the two-year period

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

9. State of the Forest & Vision for the Future
10. Consideration of the cancellation of the City's Special Events through the end of the calendar year 2020
11. In Lieu Parking Fees for off-street parking requirements
12. Urgency Ordinance No. 2020-004 of the City Council of the City of Carmel-By-The-Sea affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within city jurisdiction and authorization of Code Compliance Coordinator to issue citations

13. Urgency Ordinance 2020-005 of the City Council of the City Of Carmel-By-The-Sea for enforcement of provisions and conditions of Encroachment Permits for outdoor dining and authorization of Code Compliance Coordinator to issue citations
14. Update on Outdoor Seating in the Public Way

PUBLIC HEARINGS

15. Resolution 2020-052 adopting updated fees, as recommended by the Forest and Beach Commission, for Tree Pruning Permits, Tree Removal Permits, Tree-related Appeals to the Forest and Beach Commission, and Tree-related Appeals and to City Council, effective September 3, 2020

FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, NE corner of Ocean Avenue and Lincoln Street, and the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us/carmel/> on in accordance with the applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Britt Avrit, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Approve July 6, 2020 Special Meeting Minutes and July 7 2020 Meeting Minutes as presented

RECOMMENDATION:

Approve July 6, 2020 Special Meeting Minutes and July 7 2020 Meeting Minutes as presented.

BACKGROUND/SUMMARY:

The City Council routinely approves the Minutes of its meetings.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None for this action.

ATTACHMENTS:

7-6-2020 Special Meeting Minutes
7-7-2020 Meeting Minutes

CITY COUNCIL SPECIAL MEETING
Tuesday, July 6, 2020
4:30 PM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

PUBLIC APPEARANCES

None

CLOSED SESSION

Item A: Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (three cases)

Item B: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Property: Forest Theater. Agency Negotiators: Mayor Dave Potter, Council Member Carrie Theis, City Administrator Chip Rerig. Negotiating Parties: Interested Parties. Under Negotiation: Price and terms of payment

Item C: Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

CITY COUNCIL REGULAR MEETING
Tuesday, July 7, 2020
4:30 PM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:30

Present: Council Members Reimers, Baron, Theis, Mayor Pro Tem Richards, Mayor Potter

PUBLIC APPEARANCES

The following members of the public spoke:

Barbara Livingston

Fred Bologna

Eliza Velazquez

John Plastini

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator discussed the next steps regarding the most recent Order from the Governor; stated he and the Director of Public Safety are continuing to gather data regarding ambulance operations and will provide a presentation to the City Council at the August or September Council meeting. The City Administrator thanked Carmel residents for their support in his decision to close the beach over the Fourth of July holiday weekend and thanked the Police Department and Monterey Fire for their assistance in educating people if they arrived at the beach and also thanked Public Works staff for their work in closing the beach to keep the community safe.

Item B: City Attorney Announcements

The City Attorney stated the City Council met in Closed Session on July 6, 2020 and discussed the matters listed on the agenda with no reportable action.

Item C: Councilmember Announcements

Council Member Baron welcomed Fred Bologna as President of the Carmel Residents Association; announced the Climate Committee will be meeting in July; thanked the Police Department for keeping the beach clear and thanked those who are not normally involved with that type of thing (VIP and CERT members) for efforts in assisting with the beach closure.

Council Member Reimers echoed the appreciation for all involved with the beach closure; updated the public on the mutt mitt project and discussed the 'sunset' of the Fort Ord Reuse Authority (FORA).

Item C: Councilmember Announcements continued...
Mayor Potter thanked Council Member Reimers for her work on the FORA Board; thanked the community members for their support of the beach closure and their efforts in increasing awareness to wear masks in the Village.

CONSENT AGENDA

Council Member Reimers discussed a specific item covered in Item No. 4 as it relates to potential savings to the City through the use of volunteers.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Reimers, the City Council approved the Consent Calendar, by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 1: Approve May 29, 2020 Special Meeting Minutes, June 1, 2020 Special Meeting Minutes, June 2, 2020 Meeting Minutes, June 2, 2020 Special Meeting Minutes and June 16, 2020 Special Meeting Minutes as presented

Item 2: Monthly Reports for May: 1). City Administrator Contract Log; 2.) Community Planning and Building Department Reports; 3.) Police, Fire, and Ambulance Reports; 4.) Public Records Act Requests, and 5.) Public Works Department Report

Item 3: May 2020 Check Register Summary

Item 4: Resolution 2020-041 rejecting all bids received for the annual Landscape Maintenance Services Contract

Item 5: Resolution 2020-042 authorizing a Funding Agreement with the Transportation Agency for Monterey County

Item 6: Letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program on behalf of the City during Fiscal Year 2020/21

Item 7: Resolution 2020-043 authorizing a refund of a Design Review (DR 19-463) permit fee of \$3,166.88 and Use Permit (UP 19-466) permit fee of \$2,276.25 to Jeselnick Architects.

Item 8: Resolution 2020-044 authorizing a refund of a Design Study permit fee of \$3,783.75 to Tim Schultz

Item 9: Resolution 2020-045 consenting to the dissolution of the Monterey Peninsula Regional Water Authority

ORDERS OF BUSINESS

Item 10: Report on the Police Department's Use of Force Policies and how the policies align with the "8Can'tWait" campaign and Former President Obama's "Police Use of Force Project"

The Police Chief provided the staff report for this item.

The City Council discussed their appreciation of Chief Tomasi and the Carmel Police Department; the Council appreciates the protective language in the policies, discussed the number of use of force incidents in the City, acknowledged their appreciation of the environment of customer service cultivated at the Police Department and thanked the officers for embodying the community's values in the way they serve.

Verbal report, no formal action needed.

Item 11: Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks.

The Environmental Compliance Manager provided the staff report for this item.

The City Council requested clarification regarding the reasoning behind the Planning Commission's recommendation, the maintenance involved with the recommended receptacle, the locations of the new receptacles, and discussed consideration of no-touch trash cans.

The following members of the public spoke:
Barbara Livingston

Discussion among the City Council and staff included discussion of recycling in downtown and the deadline for the use of, and reimbursement for, the grant funding. Discussion of the increase in capacity and functionality of the new cans and consideration of no-touch trash cans took place. The Council discussed the impact of the weather on the new design and expressed an interest in potentially obtaining the removed squirrel cans for personal use.

On a motion by Mayor Pro Tem Richards and seconded by Mayor Potter, the City Council adopted Resolution 2020-046 selecting the dual ribbon-style metal receptacle presented as Option 1b and decal design B as the preferred style for combined trash and recycling receptacles on downtown sidewalks, by the following roll call vote:

AYES:	BARON, REIMERS, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Item 12: Confirm the Forest & Beach Commission's recommendations regarding the format and content of the monthly Forester's Reports, or provide alternate direction to staff

The Public Works Director provided the staff report for this item.

Item 12 Continued...

The following members of the public spoke:

Karen Ferlito

Discussion among the City Council and staff included acknowledgement of the City Forester's work done with the report and the data. Extensive discussion took place regarding the Council's request to have the information in specific graph and chart form.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council accepted the City Forester's revised "reports given the direction provided to staff to follow the example on page 154, separating upper and lower canopy trees and adopt the numeric representations of that data both monthly and yearly and both public and private trees into the same format", by the following roll call vote:

AYES: BARON, REIMERS, THEIS, RICHARDS, POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Item 13: Outdoor Seating in the Public Way

Council Member Reimers recused herself because her family owns property that has a restaurant leased to it.

Mayor Pro Tem Richards recused himself due to his business relationship with a restaurant owner.

The City Administrator and the Acting Community Planning & Building Director provided the staff report for this item.

The City Council requested clarification regarding the direction needed to staff from Council, clarification regarding the temporary status and when to involve the Planning Commission.

The following members of the public spoke:

Melinda Raine

Kim Stemler

Sabine Rohdem

Mike Sapon

Jack Galante

Parker Logan

David Fink

Bobby Richards

John Plastini

Jan Reimers

Janet McAthie

JD Margol

Steven Dissendorf

Bechard

Scott Caricholli

Item 13 Continued...

Discussion among the City Council and staff included discussion of the approved use for wine tasting businesses and discussion of the information from the State regarding bars and wine tasting. Discussion regarding specialty shops took place. Discussion included temporarily allowing the use of public space for outdoor seating, if no private outdoor space is available, without increasing the number of approved seats and discussion of concerns regarding the number of people congregating outside these shops. Discussion regarding wine tasting using outdoor public space took place. Discussion included concerns with impeding traffic and temporarily allowing the use of public space, only if no private space is available, without compromising public safety and only directly in front of the business. Discussion regarding the use of heaters in outdoor seating took place. Discussion included removing heaters and umbrellas each night. Discussion regarding the impact to bars took place. Discussion included business models, indoor space, social distancing, hours of operation and allowing limited outdoor seating depending on the circumstances. The State's directive preempts the City with regard to certain allowances. Additional discussion took place regarding people queuing up on the sidewalk and 'strikes' against the businesses for not following the rules that may result in the loss of approved outdoor space. The City Council and staff discussed when to involve the Planning Commission regarding outdoor seating.

No vote required, direction provided to staff.

Council Member Reimers and Mayor Pro Tem Richards returned to the meeting at this time

FUTURE AGENDA ITEMS

The Mayor requested information be provided to the City Council regarding potentially rewriting the Ordinance pertaining to the City's parking in-lieu fund.

ADJOURNMENT in memory of Joe Gunter - Mayor of the City of Salinas

The City Council stated Mayor Gunter will be missed and remembered him as a mentor and a straight forward, trustworthy man.

Mayor Potter adjourned the meeting at 8:10 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

August 4, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Britt Avrit, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Monthly Reports for June: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report

RECOMMENDATION:

Review and receive monthly reports.

BACKGROUND/SUMMARY:

This is a monthly series of reports.

Based upon Council direction provided during the April 7, 2020 meeting, staff have added a new section to the monthly staff report regarding the home mail delivery program. Listed below is a summary of the number of addresses receiving City-funded mail delivery services through the contract courier service.

Peninsula Messenger Service bills for service a month in advance. Due to the end of the Fiscal Year, the invoice for June, which bills for service in July, has not been processed. The next update for Peninsula Messenger Service will be included in the September report.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

Monthly approvals.

ATTACHMENTS:

Attachment #1 - City Administrator Contract Log
Attachment #2 - Community Planning & Building Report
Attachment #3 - Police, Fire & Ambulance Report
Attachment #4 - Public Records Act Request Logs

Attachment #5 - Public Works and Forester's Report

City Administrator Contract Log

Nothing to report for June, 2020



CITY OF CARMEL-BY-THE-SEA

Monthly Report

June 2020

Community Planning and Building Department

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Marnie R. Waffle, AICP, Acting Community Planning & Building Director

SUBMITTED ON: July 22, 2020

APPROVED BY: Chip Rerig, City Administrator

JUNE 2020 – DEPARTMENT ACTIVITY REPORT

I. PLANNING APPLICATIONS:

In June of 2020, **36** planning permit applications were received.

II. BUILDING PERMIT APPLICATIONS:

In June of 2020, **56** Building Permit applications were received.

III. CODE COMPLIANCE CASES:

In June of 2020, **1** new code compliance cases were initialized.

IV. ENCROACHMENT APPLICATIONS:

In June of 2020, **35** encroachment permit applications were received.

V. YEAR-TO-DATE TRENDS

Table 1 includes the June 2020 totals, for planning and building permit applications, encroachments and code compliance cases with a comparison to June 2019 totals. As shown in the table, in 2020 there was a **43% decrease** in planning permit applications, a **25% decrease** in building permit applications, **53% decrease** in code compliance cases, and a **50% increase** in encroachment permit applications compared to the same period 2019.

Table 1. Permit Application Totals

	<u>Planning</u>	<u>Building</u>	<u>Code Compliance</u>	<u>Encroachments</u>
2019 Totals	264	343	206	114
2020 Totals	151	258	97	171
% Difference	-43%	-25%	-53%	50%



Planning Permit Report

6/1/2020 - 6/30/2020

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
20150	Business License	Business License: Furniture Store	Fifth Avenue, 2 NW of Junipero Street	6/19/2020		In Review
20149	Sign	Sign: Carmel Dog shop	Lincoln, South of Ocean	7/10/2020	7/16/2020	Approved
20148	Business License	This business license BL 20-148 (Carmel Dog Shop) authorizes use of a 2,000 square foot commercial space offering the following goods and services. a. Primary Use: This use is classified as a Pet Supply Store (NAICS 453910): i. This industry comprises establishments primarily engaged in retailing pet foods, and pet supplies.	Lincoln Street 2 NE 7th	6/25/2020	7/6/2020	Approved
20147	Business License	1. This business license authorizes use of a 700 square foot, ground-floor retail space offering the following goods and services: a. Primary Use: The primary use shall be classified as a liquor store (NAICS 445310): Engaged in the retailing packaged alcoholic beverages, such as ale, beer, wine and liquor. b. Ancillary Use: The sale of food merchandise is permitted as an ancillary use. All food must be pre-packaged and shall not occupy more than 10 percent of the retail or window display area.	Carmel Square, San Carlos between Ocean & 7th Unit #1	6/24/2020	7/9/2020	Approved
20146	Design Study	Remove the existing roof tile on a historic residence, install new paper, re-install the new tile.	NE corner of Scenic and 8th Avenue	6/24/2020		In Review
20145	Design Study	Construction of a new 4' high wood grapestake front fence, two new 4'-6" high stone entry columns, and a new 7' high front arbor.	San Carlos, 6 SW of 8th Avenue	6/22/2020		In Review

20144	Sign	Sign. Scheid Vineyards Tasting Room	Corner of 7th & San Carlos	6/22/2020	7/7/2020	Approved
20143	Sign	Sign. Rise + Roam Bakery and Pizzeria	Ocean Avenue & Mission Street	6/18/2020		Corrections Required
20142	Design Review	Outdoor seating in private courtyard				In Review
20141	Design Review	The in-kind replacement of the original, historic horizontal wood siding on the rear elevation only, with new horizontal wood siding matching the design and 6.5-inch board width of the original siding of the Der Ling Building, located on Ocean Avenue, 4 SW of Dolores Street in the Central Commercial (CC) Zoning District and located within the Downtown Conservation as depicted on the plans and scope of work prepared by IDG International Design Group dated received by Community Planning & Building on July 10, 2020 unless modified by the conditions of approval contained herein.	Ocean Avenue, 4 SW of Dolores Stret	6/18/2020	7/13/2020	Approved
20140	Sign	New Business Sign	5th Avenue, 2 NW of Junipero Street, Unit C	6/3/2020	6/26/2020	Approved
20139	Business License	Business License: Custom gift Baskets, Gifts, Gourmet Foods, Wine, Gift Wrap, Balloons, Flowers	NW Mission Street & 7th Avenue	6/17/2020		In Review
20138	Business License	This business license BL 20-138 (Carmel Home Collection, LLC) authorizes use of a commercial business space offering the following goods and services. a. Primary Use: This use is classified as a Home Furnishing Store (NAICS 442299): i. This U.S. industry comprises establishments primarily engaged in retailing new home furnishings	6th & Dolores Street, (Patterson Building), Suite #C		6/25/2020	Approved
20137	Business License	This business license authorizes use of a retail space as a theme/specialty store organized around the theme of retailing apparel and bedding products made from bamboo: a. Primary Use: This use is classified as an Other General Merchandise Store (NAICS 452319): Primarily engaged in retailing new goods in	Carmel Plaza, Ocean Avenue & Mission Street, Suite #209	6/18/2020	7/2/2020	Approved

		general merchandise stores. These establishments retail a general line of new merchandise with no single line predominating.				
20136	Business License	This business license authorizes use of a retail space to specializing in the sale of beach related clothing, apparel, and clothing accessories, and beach toys and accessories. a. Primary Use: This use is classified as a Family Clothing Store (NAICS 448140): i. Establishments primarily engaged in retailing a general line of new clothing for men, women, and children without specializing in sales for an individual gender or age group. These establishments may provide basic alterations, such as hemming, taking in or letting our seams, or lengthening or shortening sleeves. b. Ancillary Use: The Ancillary Use shall be classified as a Hobby, Toy, and Games Store (NAICS 451120): i. This industry comprises establishments engaged in retailing new toys, games, and hobby and craft supplies. Ancillary uses shall be limited to no more than 10 percent of the floor area of the established primary use, and 10 percent of the window display area(s).	Ocean Avenue, 2 NW of Dolores	6/16/2020	6/25/2020	Approved
20135	Business License	This business license authorizes use of an office space located in the Residential and Limited Commercial (RC) Zoning District providing business and professional services including real estate brokerage. Primary Use: This use is classified as an Office of a Real Estate Agent or Broker (NAICS 531210): Engaged in acting as agents and/or brokers in one or more of the following: (1) selling real estate for others; (2) buying real estate for others; and (3) renting real estate for others.	San Carlos, 2 NW of 8th Avenue	6/15/2020	7/2/2020	Approved
20134	Design Study	This approval authorizes the reconstruction of previously unapproved work to an existing deck. The reconstructed wood deck shall be 5'11.5"x16' and accessed by	26145 Monte Verde Street	6/15/2020	7/1/2020	Approved

		a 1'x12" set of stairs. The project shall be in compliance with the plans received by the Community Planning and Building Department on June 9, 2020, except as modified by these conditions of approval.				
20133	Business License	This business license authorizes use of an office space located in the Residential and Limited Commercial (RC) Zoning District providing business and professional services including real estate and mortgage brokerage.a.Primary Use: This use is classified as an Office of a Real Estate Agent or Broker (NAICS 531210) and a Mortgage Loan Brokers (NAICS #522310)	4th & Mission, Suite #1	6/15/2020	7/10/2020	Approved
20132	Preliminary Site Assessment	New 2 story residence with basement. Natural materials: wood and ston. Native plantings and natural landscape.	Lincoln, 5 SW of 10th	6/25/2020		In Review
20131	Business License	This business license authorizes the use of a 1355 square foot ground-floor retail space offering the following goods and services: a. The Primary Use shall be classified as an Art Gallery (NAICS 453920): Retailing original and limited edition works of fine art. This use shall include a working studio that is utilized for art production by artists represented in the gallery. The gallery is permitted to display works of art from multiple artists who work in the gallery. The studio shall be in operation for at least half the hours that the business is open.	Dolores 7 SE Ocean		6/18/2020	Approved
20130	Design Study	The previously-unpermitted conversion of the existing legally-constructed detached garage in the front setback into a studio, the installation of a sink in the studio, and new French doors on the north elevation, a new wood and glass door on the south elevation, a new wood window on the rear elevation, the replacement of aluminum doors	Camino Real, 3 SW of Ocean Avenue	6/12/2020		Corrections Required

		and windows with a French door and two wood windows on the north side elevation. 2) The reduction of the existing gravel parking area on the north side of the lot and the construction of a new 10'-4" x 20' sand-set paver parking pad and 9' wide driveway on the south side of the lot, 15' from the front property line and 12' from the south side property line. The grade will be raised to provide a level parking area and will be supported by a 4' high stone retaining wall. 3) A new 6' high wood fence will be installed on top of the stone retaining wall. 4) New 4' high front fence. The fence and wall will continue past the parking area and connect to the south side fence. 5) The installation of 4 new light fixtures on each side of the studio.				
20129	Business License	This business license BL 20-129 (Walker & Reed, P.C.) authorizes use of a commercial space offering the following goods and services. a. Primary Use: This use is classified as a Law Office (NAICS #541110): i. This industry comprises of establishments primarily engaged in offices of legal practitioners known as lawyers or attorneys (i.e., counselors-at-law) primarily engaged in the practice of law. Establishments in this industry may provide expertise in a range or in specific areas of law, such as criminal law, corporate law, family and estate law, patent law, real estate law, or tax law.	NWC 6th & Dolores	6/11/2020	6/25/2020	Approved
20128	Design Review	Remodel fo existing restroom/museum building ("Sir Harry Downie Museum") to remove existing non-ADAc compliant restrooms, add 2 new non-gender ADA compliant single-use restrooms, adjust grades to create accessible paths and replace existing paving in the forecourt with new paying to match existing Quadrangle paving. Also includes	3080 Rio Roiad	6/11/2020		In Review

		new gate in existing garden wall and sloped walkway to main parking lot with enhanced gathering area in from of Museum Store (delete 2 parking spaces). Refer to DR 14-38.				
20127	Landscape Plan Check/Inspection	Changes in landscaping, add hedge on west and n. west perimeter, replace small area of grass and plants.	9th Avenue, 2 SW of Lincoln Street	6/11/2020		Corrections Required
20126	Design Study	1) The installation of a new stone gas fireplace in the front yard of the property located 3' from the east property line. The stone gas fireplace will be 8'-6" in height. 2) The installation of a new hot tub in the rear yard 3'-4" from the rear south property line and 4'-2" from the west side property line. 3) The installation of a new 4'-7" high grape stake driveway gate and fence will be installed 5' from the front property line, maintaining the original fence's nonconforming height. A new 5'-4" high redwood front entry gate. 4) Two new 5' high stone columns on either side of the entry gate. 5) The installation of a new stone walkways and patios, reducing total site coverage to 519.5 square feet. 6) Maintenance of the existing 10' x 20' parking space in the front yard, (composed of wood chips), required by DS 92-08. Plans are available for review on the City's website at https://ci.carmel.ca.us/post/current-planning-applications .	12th Avenue, 2 SE of Casanova	6/18/2020	7/6/2020	Approved
20125	Design Study	Track II Design Study to include the demolition of an existing garage and new construction for a new 2-story residence with attached garage.	SWC Fifth Avenue and Lincoln Avenue	6/9/2020		In Review
20124	Business License	This business license authorizes the use of an existing hotel located in the Single Family Residential (R-1) District offering the following goods and services: Primary Use: The Primary Use shall be classified as a Hotel (NAICS 721110): Engaged in providing short-term lodging to guests.	San Antonio, 4 SE of 13th	6/9/2020	6/24/2020	Approved

		Ancillary Use: A food service engaged in providing incidental snacks and refreshments to guests throughout their stay. All food services shall be provided for hotel guests only, and shall not be offered to the general public.				
20123	Banners	Responsibility Matters - COVID safety reminder banners. 10 double banners at Ocean Ave		6/9/2020		In Review
20122	Design Study	The demolition of a 15' long, 6' tall, freestanding wood shingle wall located on the front elevation of the historic "Anne Martin House," on Mission Street, 3 NE of 11th Avenue in the Single-Family Residential (R-1) Zoning District.	Mission, 3 NE of 11th	6/15/2020	7/16/2020	Approved
20121	Design Study	Minor revisions to a Design Study previously-approved by the Planning Commission including: 1) The re-location of the stairway accessing the raised rear yard terrace from the rear west side to the north side of the terrace. The relocated stairway will be approximately 9' from the north property line. 2) The revision of the residence's stained shingle siding to painted, 7-inch horizontal wood siding. 3) Revise exterior siding at all dormers and pop-outs to painted wood panels. 4) Revise archway above entry gate from white brick to painted wood pergola (entry archway is outside of front 15' setback. 5) Revise terrace guardrail from bronze and glass to a painted wood post, pickets and handrail. No change to floor area or site coverage calculations.	Scenic Road, 3 NW of 8th Avenue	6/9/2020	7/24/2020	In Review
20120	Business License	Business License ~ Name change from Carmel Beach Grill to Carmel Grill House	SWC of Ocean Avenue & Mission Street	6/8/2020		Approved
20119	Design Study	1) The removal of a wood window on the north elevation at the kitchen. 2) The replacement of a wood window with a larger 5' tall wood window facing the street on the front elevation at the kitchen. All new windows and doors will match	San Carlos Street, 2 NE of Vista Avenue	6/11/2020	7/21/2020	Approved

		the style of existing windows. 3) Replace the slab style entry door on the north side elevation at the living room with single lite wood doors. 4) Two new 22" x 46" skylights with interior shades on the north side elevation at each bedroom at the rear of the residence.				
20118	Preliminary Site Assessment	Preliminary Site Assessment in preparation for remodel	26185 Dolores Street	6/4/2020		In Review
20117	Design Study	New 66 square foot addition to the rear elevation of an existing historic residence and new Accessory Dwelling Unit. As well as alterations to doors and windows.		6/3/2020		In Review
20116	Bench Dedication	Bench dedication in honor of Kiara Hinze.		6/1/2020		In Review
20115	Authorized Work	Repair/replace severely leaning existing wood board fence and gate on south side of residence with new wood board fence matching existing style and materials. Fence will be replaced at the existing, nonconforming heights: at street - averages 5'-7" high. Front fence facing Palou must be shifted back a small amount to be located just behind the property line and out of the City right-of-way. Fence on property line starting from return: Uphill/north side averages 6'-7". Fence on property line starting from Return: Downhill/south side averages 7'-6". Gate/Fence on North side (Lot 15) - average 6'-7" in height. 811 Ticket #: W015100066. Contractor: Dan Malone, Malone Construction. Phone #: (831) 915-2380.	Palou, 4 NW of Casanova Street	6/1/2020	6/1/2020	Approved

Total Records: 36

7/22/2020



Building Permit Report

6/1/2020 - 6/30/2020

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
200259	6/30/2020		Residential. Update of two bathrooms, replace sinks/vanities, toilets, tubs, lights, windows and	30,000	Plumbing	Santa Rita 4 NW of 4th
200258	6/29/2020		Commercial. Bathroom A: remove and replace light fixtures	350	Electrical	San Carlos 4 NE of 5th
200257	6/29/2020		Commercial. Bathroom B: remove and replace light fixtures	550	Electrical	San Carlos 4 NE of 5th
200256	6/29/2020		Commercial. Bathroom B: replacement of one sink and removal of second sink	450	Plumbing	San Carlos 4 NE of 5th
200255	6/29/2020		Commercial. Bathroom A: change of toilet, urinal & sink fixtures to hook up at existing water line.	1,200	Plumbing	San Carlos 4 NE of 5th
200254	6/29/2020		Mixed Use. Plumbing additions and modifications associated with BP 20-251.	0	Plumbing	5th 2 NW of San Carlos
200253	6/29/2020		Mixed Use. Mechanical additions and modifications associated with BP 20-251.	0	Mechanical	5th 2 NW of San Carlos
200252	6/29/2020		Mixed Use. Electrical additions and modifications associated with BP 20-251.	0	Electrical	5th 2 NW of San Carlos
200251	6/29/2020		Mixed Use. Demolish an existing two-story building & site improvements and construct a new mixed use building with site improvements. First floor to consist of a future commercial use. Second floor to consist of (2) dwelling units. Tenant improvements for the future commercial use is not in contract and shall be subject to a separate building permit.	1,150,000	Building	5th 2 NW of San Carlos
200250	6/29/2020	6/30/2020	Residential. Remove (e) shake roofing, replace with class A application Heavy B Shakes, cap sheet, cedar breather, shake felt, new copper flashings. Contact: Alta-Cal Roofing (831) 524-8070	49,570	Roofing	Carmelo 2 SE of 13th
200249	6/29/2020		Residential. Existing upstairs restaurant to be replaced with new apartment, new interior work, new smooth plaster, remove stairs, adding 60 sq. ft. to 2nd floor. Exterior: New wood windows and doors/smooth plaster over existing/new dormers	250,000	Building	Lincoln 5 NE of 6th

200248	6/29/2020	7/8/2020	Residential. Emergency replacement of leaking shower. Contact: MP Construction & Electric (831) 594-9492	3,500	Plumbing	Junipero 2 NW of 5th, Apt A
200247	6/29/2020	7/6/2020	Residential. Remove wood shake roof and install new lifetime presidential shingle. Contact: TJ Roofing (831) 663-0661	19,600	Roofing	9th 2 NE of Torres
200246	6/25/2020	6/25/2020	Commercial. Paint interior walls. Install shelves and slatwall. Contact: Straightline Striping & Painting (831) 647-1865	0	Exempt Work	Lincoln 2 NE of 7th
200245	6/25/2020	6/25/2020	Residential. Replacement of kitchen cabinets. No plumbing or electrical work authorized. Contact: J L DiBenedetto (831) 277-0052	0	Exempt Work	San Antonio 5 SE of 2nd
200244	6/25/2020		Residential. Installation of new generator. Run 1" gas line from gas meter to generator. Install 200 amp transfer switch/run conduit and wire to feed generator.	20,000	Mechanical	Dolores 3 NW of 2nd
200243	6/24/2020		Install protective bollards and pedestrian chain barrier to the WW1 Memorial Arch.	0	Building	East median of the intersection of Ocean and San Carlos
200242	6/24/2020	6/24/2020	Residential. Re-roof, remove existing cedar shake and replace with new fire treated cedar shakes and underlayment achieving a class "A" roof assembly. Contact: Dority Roofing (831) 375-8158	30,770	Roofing	Casanova 4 SE of 13th
200241	6/23/2020	6/24/2020	Residential. Replace 80% forced air furnace with 96% efficient Bryant 915SB36060 60k btu furnace. Contact: R & S Heating & Sheetmetal (831) 641-0508	5,895	Mechanical	Dolores 2 SW of 2nd
200240			Residential	0	Building	
200239			VOID	0	Building	
200238	6/23/2020		Rehab of 2 second level decks and 2 entry stairs/deck.	25,000	Building	NW Corner of Ocean and Monte Verde
200237	6/23/2020	6/23/2020	Residential. Reroof house, remove shakes, install new wood shake. New copper flashing. Contact: Ross Roofing (831) 394-8581	80,000	Roofing	San Antonio 4 NW 8th
200236	6/23/2020	6/23/2020	Residential. Repairs in upstairs units A, B, C, & D to include the following: New interior paint, sheetrock patching, replace flooring, remove and install new countertops in kitchen and bathroom,	0	Exempt Work	Dolores 2 NE of 8th

			new showerwall tiles, replace window hand cranks and mechanical hardware. Replace door hardware. Shower pan to remain as-is, windows to remain as-is. Light fixture casing to be replaced. Contact: Thompson Group Inc (209) 951-9448			
200235	6/22/2020	6/22/2020	Residential. Replace furnace in-kind. Model #801SA36070. 70,000 BTU. Contact: R&S Heating & Sheet Metal (831) 641-0508	3,800	Mechanical	13th 2 SE of Casanova
200234	6/22/2020	6/22/2020	Residential. Remove shed in back yard, approx 172sf. Contact: Jeff Meyer (707) 799-3302	1,000	Building	25962 Ridgewood Road
200233	6/22/2020	6/22/2020	Residential. Remove a number of interior non-structural features: Remove the following: Partition doors, "U" of cabinets, bar and mirror, built-in-furniture, broken closet doors, assorted casing and cabinets, some trim and surface wood, landscape barriers, interior doors. Paint removed sections. Contact: Jeff Meyer (707) 799-3302	0	Exempt Work	25962 Ridgewood
200232	6/19/2020		Residential. Remodel construction and foundation repairs to the existing two-story SFR. No new floor area is proposed with this application.	271,000	Building	Monte Verde 3 SE of 11th
200231	6/17/2020	7/20/2020	Residential. Renovation of 2 existing bathrooms; updates to include new tile, vanities, light fixtures, exist. plumbing fixtures to be replaced to comply with MPWMD requirements, convert 1 tub into tiled shower, removal of 1 interior door. No exterior changes proposed; no reconfigurations proposed. Contact: Greg Rodriguez (626) 977-0209	42,280	Building	Camino Real 4 NW 11th
200230	6/17/2020		Commercial. Demolition, repair and reinstallation of pavers and waterproofing at entrance walkway specifically limited to address existing waterproofing damage and repair as required	39,000	Building	SE Corner Ocean & Mission
200229	6/17/2020	6/23/2020	Commercial. Investigating tenant space to ensure safety. Area 1 - add 4 outlets under windows, 1 on rear wall, 1 on side wall. Area 2 - Add 6 outlets, trim out existing outlets and switches. Replace old wall heater with same new one. Contact: JoJo White (214) 912-6823	485	Electrical	San Carlos 3 NE of 7th

200228	6/16/2020	6/16/2020	Residential. Remove (e) cedar wood shingles and replace with new cedar wood shingles. Contact: Premo Roofing (831) 443-3605	24,900	Roofing	Crespi 3 SW of Mountain View
200227			VOID - DO NOT USE	0	Building	
200226	6/15/2020		Residential. Bathroom addition to existing rear of house: 76 s.f.	30,000	Building	Camino Real 4 SE of 12th
200225	6/15/2020		Residential. Installation of one battery back up system, no main panel upgrades. Utilize (e) 200 AMP service. Contact: Scudder Roofing (831) 384-1500	12,375	Electrical	San Antonio 6 NE of Ocean
200224	6/15/2020	6/17/2020	Commercial. Roof patching. Remove patch calking to repair with the same materials to prevent leak in to tenant space. 4'x4' section of the flat, hot tar roof, wood shake, rubberized torchdown membrane, replace with same material. Contact: JoJo White (831) 210-5359	425	Roofing	San Carlos 3 NE of 7th
200223	6/15/2020	6/15/2020	Residential. Replace kitchen cabinets. Contact: J L DiBenedetto (831) 277-0062	0	Exempt Work	2946 Santa Lucia
200222	6/15/2020	6/15/2020	Residential. Replace furnace. Contact: Climate Solutions (916) 667-6486	1,500	Mechanical	Junipero 5 NE of 8th
200221	6/15/2020	6/15/2020	Commercial. Prepare vacant tenant space for new tenant. Clean up of vacant tenant space, remove trash, remove old tile and install new vinyl plank flooring, patch and paint walls and ceilings. Sand and paint existing shelves, remove molded drywall in small areas and patch the existing drywall. Contact: JoJo White (831) 210-5359	0	Exempt Work	San Carlos 3 NE of 7th
200220	6/15/2020		Residential. Remodel and addition to existing two-story single family residence. Demolish existing garage at 2nd Avenue and build new garage at Monte Verde Street.	350,000	Building	Monte Verde 2 SW 2nd
200219	6/15/2020	7/20/2020	Residential. Install standard bath in master bathroom, remove washer and drier, and replace with high efficiency stacked washer and drier. Contact: Noyes Construction (831) 595-2395	16,000	Building	Guadalupe 4 SW of 5th
200218	6/12/2020	6/12/2020	Residential Re-Roof	0	Building	
200217	6/11/2020	6/11/2020	Residential. Re-roof - remove existing wood shake and replace with new wood shake roof. Contact: Premo Roofing Co (831) 443-3605	35,000	Roofing	NW Corner Camino Real & 10th
200216	6/11/2020	6/11/2020	Residential. Remove leaking water heater and install new 50 gallon Bradford White	1,600	Plumbing	SE Corner Perry

			water heater. Contact: A & R Plumbing (831) 394-7221			Newberry & Sterling Way
200215	6/11/2020		Residential. REMODEL OF EXISTING HOUSE. REPLACE EXISTING FRONT DOOR AND WINDOW WITH NEW FRONT DOOR AND FRENCH DOORS. MODIFY EXISTING ROOF LINE.	95,000	Building	Monte Verde 4 SW of 13th
200214	6/11/2020		Residential. Demolition of (e) tile. Waterproof tile, new copper flashing on desk and install new tile.	15,000	Building	San Carlos 1 NW of 3rd
200213	6/10/2020	7/1/2020	Residential. Noise attenuation: existing bedroom, bathroom, hallway, and closet ceilings and one bedroom wall. Add four recessed light fixtures and one surface mount fixture TBS in master bedroom. Contact: Malone Construction (831) 915-2380	12,000	Building	Palou 4 NW of N Casanova
200212	6/8/2020	6/8/2020	Residential. Replace hardwood floors, furniture install, hang flatscreen TV, replace tile and granite in kitchen. Replace entry cabinet doors, build a desk. No electrical or plumbing modifications. Contact: Malachi Boyce (650) 388-6989	0	Exempt Work	Dolores 3 SW of 13th
200211	6/8/2020	6/11/2020	Residential. Remove (e) simulated shakes and replace with new wood shingles. Contact: Premo Roofing Co (831) 443-3605	84,000	Roofing	Camino Real 4 SW of Ocean
200210	6/5/2020	6/5/2020	Commercial. Exploratory degging under building to find bad fitting on sewer line. Contact: A & R Plumbing (831) 394-7221	0	Plumbing	SE Corner San Carlos & Ocean
200209	6/5/2020		New 1,310 sf Single Family Residence w/ New 240 sf Detached Garage.	670,670	Building	Casanova 7 NW of Ocean
200208	6/4/2020	6/4/2020	Residential. Replacement of water heater. Contact: Hicks Plumbing (831) 277-5721	1,800	Plumbing	Junipero 5 NE of 8th
200207	6/4/2020	6/9/2020	Residential. Tear off (e) simulated slate roof and replace with new simulated slate roof. Contact: Premo Roofing Company (831) 443-3605	39,000	Roofing	Camino Real 8 NW of 4th
200206	6/3/2020		Residential. Re-roof. Remove tile, tear off paper, install new paper, install the same tile back. Contact: Ineguez Roofing (408) 316-4787	47,000	Building	NE Corner Scenic & 8th
200205	6/3/2020		Residential. Conversion of an attached bedroom suite to an ADU.	5,000	Building	Torres 3 SE of Ocean
200204	6/1/2020	6/2/2020	Residential. Remove and replace wood shingles as needed with Certainteed Presidential TL asphalt shingle. Original	11,000	Roofing	San Carlos 2 NW of 9th

			roof sheating, plywood, copper troughs and gutters to remain. Contact: Scudder Roofing (831) 384-1500			Attachment 2

Total Records: 56

7/22/2020



Code Compliance Report

6/1/2020 - 6/30/2020

Case #	Case Type:	Status	Location	Problem Description	Date Received	Date Closed
20101	Building Violation	Closed	Junipero 5 NE of 8th	Water heater change out without permit	6/3/2020	6/10/2020

Total Records: 1

7/22/2020



Encroachment Permit Report

6/1/2020 - 6/30/2020

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
200174	Temp Ench	6/30/2020			7/2/2020	Approved
200170	Temp Ench	6/30/2020	4'x4' concrete restoration and installation of 1" meter box. CalAm Job #0369. 811# X018202003-00X. Contact: Coastal Paving and Excavating (831) 809-8991	Ocean 90' SW of Dolores	7/1/2020	Approved
200169	Temp Ench	6/30/2020	New gas and electrical service. Install new 200amp panel. Install gas service and tie into existing facility in street. Contact: PG&E (925) 701-1778	SE Corner San Antonio & 7th	6/30/2020	Approved
200168	Temp Ench	6/30/2020	Replacement of sewer lateral. Contact: Rooter King (831) 394-5315	Casanova 5 SW of 12th	6/30/2020	Approved
200167	Temp Ench	6/30/2020	Replacement of sewer lateral. Contact: Rooter King (831) 394-5315	NE Corner Lincoln & 9th	6/30/2020	Approved
200166	Temp Ench	6/29/2020	Replacement of sewer lateral. 811 #W018100229.	Casanova 4 SE of 9th		In Review

			Contact: Rooter King (831) 394- 5315			
200165	Temp Ench	6/29/2020	Replacement of 4" Cast Iron Sewer lateral with 4" ABS Pipe. Contact: Hawk Plumbing (831) 277-8408	NE Corner of Santa Rita & 1st	6/29/2020	Approved
200164	Temp Ench	6/25/2020	Replace 60' of sewer pipe 11' deep. Install a cleanout and a back water valve. Contact: Chris Wilson Plumbing & Heating (831) 393-9321	Casanova 3 NE of 8th	6/29/2020	Approved
200163	Temp Ench	6/24/2020	Replace 80' sewer line 3 1/2' deep. Install clean out and backwater valve. Contact: Chris Wilson Plumbing & Heating (831) 393-9321	NE Corner Santa Fe & Mountain View	6/29/2020	Approved
200162	Temp Ench	6/24/2020	Replacement of sewer lateral. 811# X017403526. Contact: Rooter King (831) 394-5315	9th 2 SE of Dolores	6/26/2020	Approved
200161			VOID			
200160	Temp Ench	6/23/2020	Installation of pedestrian walk-through scaffolding to install upstairs windows, replaster, and paint. Installation of	Lincoln 2 SE of Ocean	6/24/2020	Approved

			faux greenery and one (1) 3 square foot banner per business (Sade's Cocktails & Xandra Swimwear) authorized. Contact: Kirk House & Associates (831) 601-7656			
200159	Perm Ench	6/22/2020	Create new landscape in the right-of-way on the 7th st side of the property to resolve the level drop from the Monte Verde concrete sidewalk. Contact: Lewis Builders (831) 917-7771	NW Corner Monte Verde & 7th	6/26/2020	Approved
200158	Temp Ench	6/19/2020	Demo and repave 6'x6' concrete patch on sidewalk for CalAm. USA# X010100504. Contact: MPE (831) 383-9472	East Corner Mission & Ocean	6/22/2020	In Review
200157	Temp Ench	6/9/2020	Outdoor Seating in the Public Way	5th Ave btwn Mission & San Carlos		In Review
200156	Temp Ench	6/6/2020	Outdoor Seating in the Public Way	SWC Ocean & Mission		In Review
200155	Temp Ench	6/5/2020	Outdoor Seating in the Public Way	S/S Ocean, W of Lincoln		In Review
200154	Temp Ench	6/2/2020	Outdoor Seating in the Public Way	San Carlos btwn 5th & 6th		In Review

200153	Temp Ench	5/28/2020	Outdoor Seating in the Public Way	Lincoln btwn Ocean & 7th		In Review
200152	Temp Ench	5/29/2020	Outdoor Seating in the Public Way	S/S Ocean btwn Monte Verde & Lincoln		In Review
200151	Temp Ench	5/29/2020	Outdoor Seating in the Public Way	S/S Ocean btwn Monte Verde & Lincoln		In Review
200150	Temp Ench	6/18/2020	PG&E to install gas service and electrical riser to service property. PG&E to trench and backfill all. PM for Gas: 35145413. PM for electrical: 35137814. Contact: PG&E (661) 827-7182	Lincoln 2 NE of 5th	6/19/2020	Approved
200149	Perm Ench	6/17/2020	Connect the sewer from the house to the public sewer. Due to house located on a downslope, a sump pump is mandatory to connect sewer to city sewer lateral. A vault is installed in the driveway.	Mission 2 NW of Vista		In Review
200148	Temp Ench	6/17/2020	Placement of a shipping pod 16' long 8' wide for 10 days.	San Antonio 4 SE of 13th		In Review
200147	Temp Ench	6/11/2020	Placement of a 12' PODS container in the driveway for 4 days. Contact: Paul	Lopez 8 SE of 2nd	6/19/2020	Approved

			Falworth (408) 702-8228			
200146	Temp Ench	6/9/2020	Replace sewer lateral. 811# X015900218. Contact: Rooter King Plumbing (831) 394-5315	Junipero 3 NW of 5th		Approved
200145	Temp Ench	6/9/2020	Replace sewer lateral. 811# W016000306. Contact: Rooter King Plumbing (831) 394-5315	Dolores 2 SE of 1st		Approved
200144	Temp Ench	6/9/2020	Install sewer cleanout and check valve inside side walk. Remove (e) Carmel trap.	Ocean 2 NE of Dolores		In Review
200143	Temp Ench	6/9/2020	Install sewer cleanout and check valve inside side walk. Remove (e) Carmel trap.	Dolores 2 NE of 7th		In Review
200142	Temp Ench	6/5/2020	Cut street for sewer lateral tie onto existing wye. Close street to traffic for one day. Contact: Wilson's Plumbing and Heating (831) 375-4591	Monte Verde 5 SW of 4th	6/8/2020	Approved
200141	Temp Ench	6/5/2020	Install a dumpster on street parking space, east of the property on Dolores for hazardous material abatement. Contact: Lewis	Dolores 2 NW of 4th	6/5/2020	Approved

			Builders (831) 917-7771			
200140	Driveway	6/4/2020	Remove existing pavers and replace with new color pavers, installed in the exact same area of existing pavers. Contact: Douglas Alcorn (916) 296-0475	Torres 6 NW of 8th	6/16/2020	Approved
200139	Temp Ench	6/2/2020	Replace sewer lateral. 811 #X015303425 Contact: Rooter King Plumbing (831) 394-5315	Lincoln 3 NW of 3rd	6/2/2020	Approved
200138	Temp Ench	6/1/2020	Sewer lateral replacement from house to city main on the street. 811# W015300802-00W. Contact: Ramirez Plumbing (831) 393-9804	25995 Junipero Ave	6/2/2020	Approved
200137	Temp Ench	6/1/2020	Replace sewer lateral. 811 #W01510031. Contact: Rooter King Plumbing (831) 394-5315	Mission 3 NE of 11th		In Review

Total Records: 35

7/22/2020



CITY OF CARMEL-BY-THE-SEA

Monthly Report

June 2020

Public Safety

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Paul Tomasi, Public Safety Director
SUBMITTED ON:	July 14, 2020
APPROVED BY:	Chip Rerig, City Administrator

AMBULANCE REPORT

Summary of Carmel Fire Ambulance June Calls for Service

AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of June 2020 the ambulance was unable to meet the performance measure. The response time was 94% with (3) code-3 calls over 5 minutes.

49 Calls for service in CBTS Average response time: 3:18 min.

34 Code 3 calls for service –Average response time 3:09 min Three calls over 5:00 min.

6/04/20; 6:19 pm (**7:28 min response**); 7th & Dolores (Ambulance responded from Canyon Del Rey)

6/14/20; 3:37 pm (**5:11 min response**); Guadalupe & Ocean (Unknown Reason-Cleared a call at Del Mar 3:34pm)

One additional Call over 5 min- categorized as a non-emergency call- 6/12/20; 5:19 pm (**6:10 min response**); 12th & Casanova (Ambulance responded from Junipero & 4th) Police requested assistance- MFD received call at 5:11 and was on scene in 4:06 min)

MONTEREY FIRE REPORT

Summary of Monterey Fire June Calls for Service

FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of June 2020 the fire department was able to meet the performance measure. The response time was 96% with 2 code-3 calls over 5 minutes.

60 total calls for service in CBTS Average response time: 3:11 min.

47 total Code-3 calls

6/11/20; **(6:04 min response)**; Mission & 3rd: (fire engine on another call, engine from another station responded) Attachment 3
6/25/20; **(5:06 min response)**; Scenic & 10th: (delayed due to mechanical issue)

BEACH FIRES

There were 20 illegal beach fires recorded during the month of June and one propane fire.



RESPONSE SUMMARY REPORT BY DISTRICT

27015 CARMEL-BY-THE-SEA FIRE AMBULANCE

Alarm Dates: 6/01/2020 to 6/30/2020



Attachment 3

MEDICAL RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
200603-CFA00597	Emergent	6/3/2020	8:05:00 PM	8:08:00 PM	0:03:00	8:51:00 PM	LINCOLN AND 7TH
200604-CFA00604	Emergent	6/4/2020	6:19:48 PM	6:27:16 PM	0:07:28	6:47:00 PM	7TH AVE / DOLORES ST
200605-CFA00609	Non-Emergent	6/5/2020	4:59:59 PM	5:04:00 PM	0:04:01	6:30:36 PM	10TH AVE / SAN CARLOS ST
200606-CFA00610	Emergent	6/6/2020	3:20:23 PM	3:22:54 PM	0:02:31	4:10:07 PM	OCEAN AVE / SCENIC RD
200608-CFA00615	Emergent	6/8/2020	3:43:33 PM	3:45:19 PM	0:01:46	4:37:04 PM	5TH AVE / MISSION ST
200610-CFA00623	Emergent	6/10/2020	1:10:47 PM	1:11:14 PM	0:00:27	1:30:00 PM	MISSION ST / 10TH AVE
200611-CFA00625	Emergent	6/11/2020	11:48:14 AM	11:51:46 AM	0:03:32	12:42:43 PM	CARMELO ST / 9TH AVE
200611-CFA00626	Emergent	6/11/2020	6:17:27 PM	6:19:18 PM	0:01:51	6:40:00 PM	5TH AVE / TORRES ST
200611-CFA00627	Emergent	6/11/2020	7:17:03 PM	7:19:33 PM	0:02:30	7:44:38 PM	3049 RIO RD
200611-CFA00628	Emergent	6/11/2020	9:35:25 PM	9:38:28 PM	0:03:03	10:40:00 PM	LOPEZ AVE / 4TH AVE
200612-CFA00634	Non-Emergent	6/12/2020	5:19:51 PM	5:26:01 PM	0:06:10	6:09:38 PM	12TH AVE / CASANOVA ST
200612-CFA00636	Emergent	6/12/2020	7:53:52 PM	7:53:56 PM	0:00:04	7:59:00 PM	SCENIC RD / 13TH AVE
200613-CFA00637	Emergent	6/13/2020	11:34:57 AM	11:38:10 AM	0:03:13	12:15:00 PM	MISSION ST / 8TH AVE
200613-CFA00639	Emergent	6/13/2020	3:47:41 PM	3:50:14 PM	0:02:33	4:49:05 PM	OCEAN AVE / SCENIC RD
200614-CFA00643	Emergent	6/14/2020	2:48:22 PM	2:48:25 PM	0:00:03	3:34:53 PM	DEL MAR AVE / OCEAN AVE
200614-CFA00644	Emergent	6/14/2020	3:37:13 PM	3:42:24 PM	0:05:11	4:27:13 PM	GUADALUPE ST / OCEAN AVE
200614-CFA00645	Emergent	6/14/2020	9:19:38 PM	9:22:08 PM	0:02:30	10:29:17 PM	OCEAN AVE / TORRES ST
200616-CFA00649	Emergent	6/16/2020	6:29:07 PM	6:32:45 PM	0:03:38	6:43:39 PM	LOBOS ST / 2ND AVE
200617-CFA00653	Emergent	6/17/2020	2:14:15 PM	2:17:27 PM	0:03:12	2:26:21 PM	SANTA RITA ST / 2ND AVE
200618-CFA00657	Emergent	6/18/2020	1:21:40 PM	1:26:04 PM	0:04:24	1:32:43 PM	CARPENTER ST / HWY 1
200618-CFA00658	Emergent	6/18/2020	1:35:40 PM	1:40:04 PM	0:04:24	1:44:43 PM	SCENIC AND 8TH
200618-CFA00661	Emergent	6/18/2020	6:40:27 PM	6:42:49 PM	0:02:22	7:34:18 PM	MISSION ST / 10TH AVE
200618-CFA00662	Non-Emergent	6/18/2020	8:14:08 PM	8:17:02 PM	0:02:54	8:33:30 PM	CARPENTER ST / 5TH AVE
200619-CFA00663	Non-Emergent	6/19/2020	4:27:30 AM	4:32:12 AM	0:04:42	4:36:52 AM	SAN CARLOS ST / 13TH AVE
200619-CFA00669	Non-Emergent	6/19/2020	6:22:51 PM	6:26:08 PM	0:03:17	6:43:08 PM	SAN CARLOS ST / 1ST AVE
200619-CFA00685	Emergent	6/22/2020	11:51:11 AM	11:53:48 AM	0:02:37	12:23:00 PM	SAN CARLOS AND 13TH
200620-CFA00673	Emergent	6/20/2020	2:17:14 PM	2:21:00 PM	0:03:46	3:27:56 PM	LINCOLN ST / 7TH AVE
200620-CFA00673	Emergent	6/20/2020	2:17:14 PM	2:21:00 PM	0:03:46	3:27:56 PM	LINCOLN ST / 7TH AVE
200620-CFA00674	Emergent	6/20/2020	4:46:12 PM	4:48:42 PM	0:02:30	5:18:22 PM	OCEAN AVE / MISSION ST
200620-CFA00675	Emergent	6/20/2020	8:10:24 PM	8:12:04 PM	0:01:40	8:50:15 PM	3049 RIO RD
200621-CFA00678	Emergent	6/21/2020	2:56:28 PM	3:01:28 PM	0:05:00	3:30:34 PM	SCENIC RD / 13TH AVE
200625-CFA00695	Emergent	6/25/2020	12:00:17 AM	12:03:51 AM	0:03:34	12:56:37 AM	7TH AVE / MONTE VERDE ST
200627-CFA00703	Emergent	6/27/2020	3:33:58 PM	3:37:03 PM	0:03:05	4:00:00 PM	4TH AVE / JUNIPERO AVE
200628-CFA00707	Emergent	6/28/2020	5:12:09 PM	5:14:33 PM	0:02:24	5:47:00 PM	MISSION ST / 7TH AVE
NUMBER OF EMS INCIDENTS		34	AVERAGE RESPONSE		0:03:09		

FIRE RESPONSES CARMEL CITY							Attachment 3
INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
200604-CFA00599	Non-Emerge	6/4/2020	7:58:00 AM	8:03:00 AM	0:05:00	8:10:00 AM	7TH AVE AND LINCOLN
200604-CFA00602	Emergent	6/4/2020	5:44:28 PM	5:47:05 PM	0:02:37	5:55:48 PM	JUNIPERO AVE / 8TH AVE
200604-CFA00605	Non-Emerge	6/4/2020	8:10:41 PM	8:14:00 PM	0:03:19	8:18:00 PM	1ST AVE / DOLORES ST
200605-CFA00607	Emergent	6/5/2020	12:27:19 AM	12:30:43 AM	0:03:24	12:41:46 AM	SAN CARLOS ST / 8TH AVE
200605-CFA00608	Emergent	6/5/2020	1:38:38 AM	1:42:24 AM	0:03:46	1:48:00 AM	SAN CARLOS ST / 8TH AVE
200607-CFA00612	Emergent	6/7/2020	1:13:10 PM	1:18:26 PM	0:05:16	1:19:06 PM	CAMINO REAL ST / 11TH AVE
200607-CFA00613	Non-Emerge	6/7/2020	6:02:04 PM	6:07:06 PM	0:05:02	6:08:07 PM	8TH AVE / SAN ANTONIO AVE
200609-CFA00617	Emergent	6/9/2020	12:48:24 PM	12:52:20 PM	0:03:56	12:54:00 PM	JUNIPERO AVE / 2ND AVE
200609-CFA00618	Emergent	6/9/2020	4:19:20 PM	4:23:11 PM	0:03:51	4:30:00 PM	MONTE VERDE ST / 10TH AVE
200612-CFA00631	Emergent	6/12/2020	2:41:27 PM	2:44:14 PM	0:02:47	2:47:53 PM	MISSION ST / OCEAN AVE
200612-CFA00632	Non-Emerge	6/12/2020	3:16:09 PM	3:20:22 PM	0:04:13	3:21:05 PM	GUADALUPE ST / OCEAN AVE
200612-CFA00633	Emergent	6/12/2020	5:07:21 PM	5:09:40 PM	0:02:19	5:19:51 PM	JUNIPERO AVE / 4TH AVE
200615-CFA00648	Emergent	6/15/2020	11:29:50 PM	11:32:41 PM	0:02:51	11:34:51 PM	5TH AVE / DOLORES ST
200623-CFA00688	Emergent	6/23/2020	7:55:53 AM	7:59:34 AM	0:03:41	8:05:40 AM	GUADALUPE ST / 2ND AVE
200624-CFA00694	Non-Emerge	6/24/2020	7:19:33 PM	7:23:46 PM	0:04:13	7:24:19 PM	12TH AVE / LINCOLN ST
200629-CFA00708	Emergent	6/29/2020	9:13:12 AM	9:16:29 AM	0:03:17	9:30:38 AM	MISSION ST / 1ST AVE
NUMBER OF FIRE INCIDENTS		15	AVERAGE RESPONSE		0:03:38		
TOTAL CARMEL CITY INCIDEN'		49	L AVERAGE RESPONSE TIME		0:03:18		

RESPONSES BY DISTRICT							
INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEARED	STREET
CARMEL HIGHLANDS							
INCIDENT							
200601-CFA00591	Emergent	6/1/2020	7:21:14 AM	7:28:18 AM	0:07:04	8:38:03 AM	2767 PRADERA RD
200619-CFA00665	Emergent	6/19/2020	8:57:38 AM	9:05:13 AM	0:07:35	10:04:18 AM	155 HIGHLAND DR
200619-CFA00670	Emergent	6/19/2020	11:38:38 PM	11:50:00 PM	0:11:22	12:07:35 AM	120 HIGHLAND DR
200620-CFA00671	Emergent	6/20/2020	6:03:18 AM	6:14:10 AM	0:10:52	7:07:58 AM	120 HIGHLAND DR
200625-CFA00696	Emergent	6/25/2020	8:49:17 AM	8:57:49 AM	0:08:32	9:07:37 AM	27953 SAN JOSE CREEK CANYON
Subtotal		5	Average Response Time		0:09:05	Carmel Highlands	

CYPRESS FIRE							
INCIDENT							
200601-CFA00593	Emergent	6/1/2020	4:14:27 PM	4:24:23 PM	0:09:56	5:11:58 PM	25527 FLANDERS DR
200602-CFA00595	Emergent	6/2/2020	11:35:38 AM	11:41:38 AM	0:06:00	12:36:41 PM	26600 CARMEL CENTER PL
200604-CFA00606	Emergent	6/4/2020	9:17:05 PM	9:21:54 PM	0:04:49	10:01:00 PM	5 CROSSROADS MALL
200608-CFA00614	Emergent	6/8/2020	3:20:27 PM	3:22:19 PM	0:01:52	3:27:53 PM	555 CARMEL RANCHO SHOPPING
200609-CFA00620	Emergent	6/9/2020	11:14:07 PM	11:19:40 PM	0:05:33	11:59:00 PM	24763 UPPER TRL
200610-CFA00621	Emergent	6/10/2020	9:24:01 AM	9:27:44 AM	0:03:43	10:30:00 AM	26245 CARMEL RANCHO BLVD
200610-CFA00624	Emergent	6/10/2020	8:54:50 PM	9:00:09 PM	0:05:19	11:58:27 AM	3601 HIGH MEADOW DR

200612-CFA00630	Emergent	6/12/2020	5:56:55 AM	6:03:31 AM	0:06:36	6:47:48 AM	26496 MISSION FIELDS RD
200613-CFA00641	Emergent	6/13/2020	7:01:43 PM	7:06:39 PM	0:04:56	7:50:46 PM	26245 CARMEL RANCHO BLVD
200616-CFA00650	Emergent	6/16/2020	12:12:23 AM	12:14:41 AM	0:02:18	12:36:10 AM	225 CROSSROADS BLVD
200617-CFA00651	Emergent	6/17/2020	7:33:27 AM	7:39:18 AM	0:05:51	7:42:00 AM	3645 RIO RD
200618-CFA00659	Emergent	6/18/2020	4:17:37 PM	4:22:04 PM	0:04:27	4:23:58 PM	24698 CAMINO DEL MONTE
200618-CFA00660	Emergent	6/18/2020	5:36:19 PM	5:42:44 PM	0:06:25	6:30:24 PM	5 CROSSROADS MALL
200619-CFA00664	Emergent	6/19/2020	8:20:12 AM	8:23:47 AM	0:03:35	8:31:57 AM	HWY 1 / OCEAN AVE
200619-CFA00666	Emergent	6/19/2020	11:59:23 AM	12:07:13 PM	0:07:50	1:20:09 PM	5315 CARMEL VALLEY RD
200619-CFA00667	Emergent	6/19/2020	3:23:39 PM	3:27:05 PM	0:03:26	3:42:32 PM	HWY 1 / OCEAN AVE
200621-CFA00677	Emergent	6/21/2020	1:34:46 AM	1:41:48 AM	0:07:02	1:55:00 AM	26245 CARMEL RANCHO BLVD
200621-CFA00681	Non-Emergent	6/21/2020	8:23:27 PM	8:30:28 PM	0:07:01	9:15:24 PM	5 CROSSROADS MALL
200622-CFA00682	Emergent	6/22/2020	1:02:10 AM	1:14:06 AM	0:11:56	2:13:45 AM	24970 OUTLOOK DR
200622-CFA00683	Emergent	6/22/2020	9:15:08 AM	9:21:49 AM	0:06:41	9:36:47 AM	5315 CARMEL VALLEY RD
200622-CFA00684	Emergent	6/22/2020	10:11:33 AM	10:14:21 AM	0:02:48	10:51:55 AM	26496 MISSION FIELDS RD
200622-CFA00686	Emergent	6/22/2020	5:24:11 PM	5:28:00 PM	0:03:49	6:20:36 PM	26245 CARMEL RANCHO BLVD
200626-CFA00697	Emergent	6/26/2020	11:44:47 AM	11:50:39 AM	0:05:52	11:58:27 AM	3600 HIGH MEADOW DR
200627-CFA00701	Emergent	6/27/2020	7:14:52 AM	7:20:43 AM	0:05:51	7:55:30 AM	26135 CARMEL RANCHO BLVD
200627-CFA00702	Emergent	6/27/2020	11:10:53 AM	11:16:18 AM	0:05:25	12:03:55 PM	3850 RIO RD
200629-CFA00709	Emergent	6/29/2020	4:01:01 PM	4:05:26 PM	0:04:25	4:28:00 PM	26245 CARMEL RANCHO BLVD
200629-CFA00710	Emergent	6/29/2020	6:10:55 PM	6:14:53 PM	0:03:58	7:00:00 PM	24785 SANTA FE ST
200630-CFA00711	Emergent	6/30/2020	1:32:11 AM	1:38:48 AM	0:06:37	1:39:52 AM	5 CROSSROADS MALL
Subtotal		28	Average Response Time		0:05:20	CYPRESS FIRE	

MID COAST

INCIDENT							
200623-CFA00690	Emergent	6/23/2020	6:38:40 PM	6:53:00 PM	0:14:20	8:07:22 PM	35963 HWY 1
200626-CFA00700	Emergent	6/26/2020	9:42:29 PM	10:00:26 PM	0:17:57	11:59:00 PM	HWY 1 / GARAPATA
200626-CFA00700	Emergent	6/26/2020	9:42:29 PM	10:00:26 PM	0:17:57	11:59:00 PM	HWY 1 / GARAPATA
Subtotal		3	Average Response Time		0:16:45	MID COAST	

CARMEL VALLEY

INCIDENT							
200620-CFA00672	Emergent	6/20/2020	10:55:06 AM	11:11:32 AM	0:16:26	12:19:53 PM	E CARMEL VALLEY RD / CAMP ST
Subtotal		1	Average Response Time		0:16:26	CARMEL VALLEY	

PACIFIC GROVE

INCIDENT							
200621-CFA0680	Emergent	6/21/2020	6:12:00 PM	6:18:00 PM	0:06:00	7:05:00 PM	105 15TH ST
Subtotal		1	Average Response Time		0:06:00	PACIFIC GROVE	

MONTEREY

INCIDENT							
200602-CFA00594	Emergent	6/2/2020	9:41:54 AM	9:50:57 AM	0:09:03	10:33:26 AM	1501 SKYLINE DR
200604-CFA06001	Emergent	6/4/2020	4:16:21 PM	4:24:23 PM	0:08:02	5:30:00 PM	100 BARNET SEGAL
200614-CFA00642	Emergent	6/14/2020	9:53:41 AM	10:06:10 AM	0:12:29	11:58:43 AM	491 HAWTHORNE ST
200618-CFA00652	Emergent	6/17/2020	9:59:00 AM	10:04:00 AM	0:05:00	10:24:53 AM	200 GLENWOOD CIRCLE

200626-CFA00698	Emergent	6/26/2020	3:11:54 PM	3:21:13 PM	0:09:19	4:30:00 PM	304 CARMICHAEL ST
200627-CFA00704	Emergent	6/27/2020	10:03:29 PM	10:09:51 PM	0:06:22	10:20:46 PM	1400 DEL MONTE SHOPPING CEI
200628-CFA00705	Emergent	6/28/2020	12:36:51 AM	12:44:00 AM	0:07:09	12:59:38 AM	HWY 1 / HOLMAN HWY
Subtotal		7	Average Response Time		0:08:12	MONTEREY	

PEBBLE BEACH

INCIDENT							
200609-CFA00619	Emergent	6/9/2020	5:49:49 PM	5:57:44 PM	0:07:55	6:35:00 PM	3301 SEVENTEEN MILE DR
200613-CFA00638	Emergent	6/13/2020	1:23:41 PM	1:30:34 PM	0:06:53	2:23:22 PM	1501 RIATA RD
200615-CFA00647	Emergent	6/15/2020	10:41:39 PM	10:52:59 PM	0:11:20	10:53:27 PM	3114 HERMITAGE RD
200618-CFA00655	Emergent	6/18/2020	7:20:11 AM	7:27:39 AM	0:07:28	8:33:00 AM	3178 DEL CIERVO RD
200622-CFA00687	Emergent	6/22/2020	7:55:33 PM	8:05:40 PM	0:10:07	8:23:21 PM	1052 SAN CARLOS RD
200624-CFA00692	Emergent	6/24/2020	5:18:30 AM	5:28:59 AM	0:10:29	6:45:13 AM	25065 PINE HILLS DR
200626-CFA00699	Emergent	6/26/2020	5:26:33 PM	5:31:37 PM	0:05:04	6:08:45 PM	1505 VENADERO RD
200628-CFA00706	Emergent	6/28/2020	12:35:10 PM	12:42:12 PM	0:07:02	1:02:00 PM	1491 CYPRESS DR
Subtotal		8	Average Response Time		0:08:35	PEBBLE BEACH	

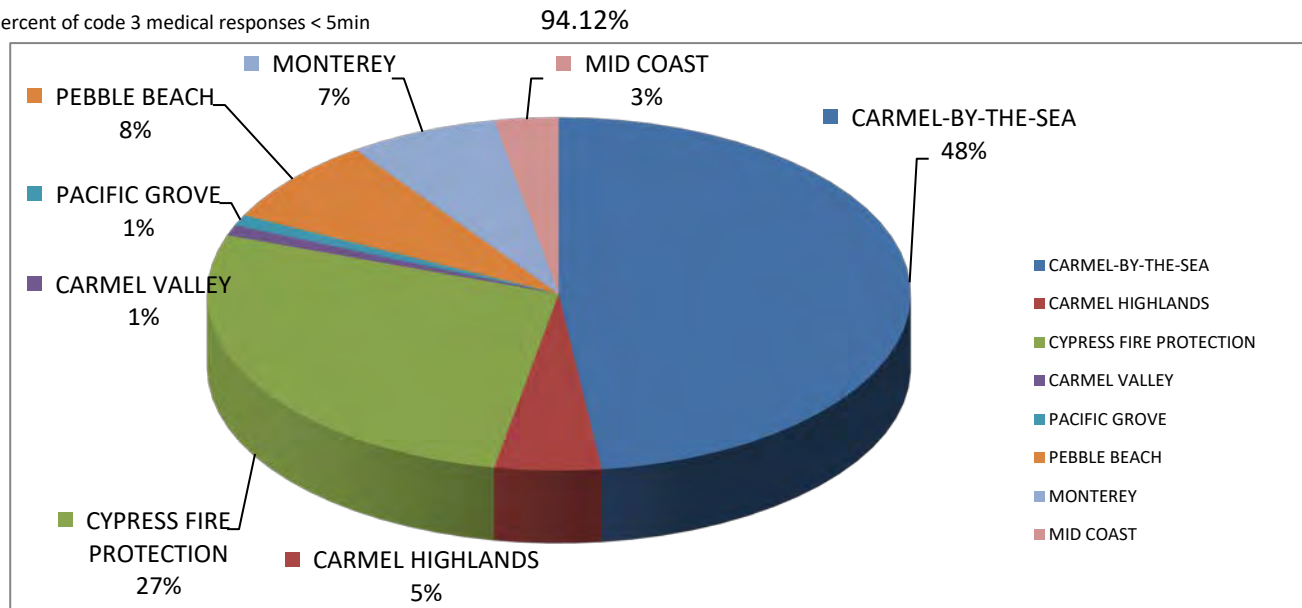
TOTAL All CALLS	102	L AVERAGE RESPONSE TIME	0:05:03
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CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT
JUNE 2020

Response Summary Report by District Type

<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
CARMEL-BY-THE-SEA	49	0:03:18
CARMEL HIGHLANDS	5	0:09:05
CYPRESS FIRE PROTECTION	28	0:05:20
CARMEL VALLEY	1	0:16:26
PACIFIC GROVE	1	0:06:00
PEBBLE BEACH	8	0:08:35
MONTEREY	7	0:08:12
MID COAST	3	0:16:45
Total Responses	102	0:05:03

Percent of code 3 medical responses < 5min





RESPONSE SUMMARY REPORT BY INCIDENT TYPE
27060 CARMEL-BY-THE-SEA
Alarm Date From: 6/1/2020 To: 6/30/2020



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
100 Series (Fires)						
Brush or brush-and-grass mixture fire	6/9/2020 12:47 PM	200609-MNT03337	0:03:50	JUNIPERO AVE	2nd Ave	3
1			0:03:50			
300-321 Series (EMS)						
Medical assist, assist EMS crew	6/13/2020 11:34 AM	200613-MNT03423	0:03:44	MISSION ST	8th Ave	3
Medical assist, assist EMS crew	6/27/2020 3:33 PM	200627-MNT03747	0:04:08	4TH AVE	Junipero Ave	3
EMS call, excluding vehicle accident with injury	6/3/2020 8:05 PM	200603-MNT03219	0:02:53	LINCOLN ST	7th Ave	3
EMS call, excluding vehicle accident with injury	6/4/2020 6:18 PM	200604-MNT03237	0:04:49	7TH AVE	Dolores St	3
EMS call, excluding vehicle accident with injury	6/5/2020 4:59 PM	200605-MNT03261	0:04:01	10TH AVE	San Carlos St	3
EMS call, excluding vehicle accident with injury	6/6/2020 3:18 PM	200606-MNT03276	0:01:29	OCEAN AVE	Scenic Rd	3
EMS call, excluding vehicle accident with injury	6/6/2020 3:20 PM	200605-MNT03247	0:01:28	SAN CARLOS ST	8th Ave	3
EMS call, excluding vehicle accident with injury	6/6/2020 7:20 PM	200606-MNT03282	0:00:00	6TH AVE	Mission St	3
EMS call, excluding vehicle accident with injury	6/8/2020 3:42 PM	200608-MNT03322	0:01:22	5TH AVE	Mission St	3
EMS call, excluding vehicle accident with injury	6/11/2020 6:16 PM	200611-MNT03391	0:01:59	5TH AVE	Torres St	3
EMS call, excluding vehicle accident with injury	6/11/2020 7:15 PM	200611-MNT03393	0:02:50	3049 RIO RD		3
EMS call, excluding vehicle accident with injury	6/11/2020 9:34 PM	200611-MNT03394	0:03:18	LOPEZ AVE	4th Ave	3
EMS call, excluding vehicle accident with injury	6/11/2020 9:47 PM	200611-MNT03395	0:06:04	MISSION ST	3rd Ave	3
EMS call, excluding vehicle accident with injury	6/14/2020 3:36 PM	200614-MNT03465	0:01:47	GUADALUPE ST	Ocean Ave	3
EMS call, excluding vehicle accident with injury	6/14/2020 9:18 PM	200614-MNT03469	0:03:19	OCEAN AVE	Torres St	3
EMS call, excluding vehicle accident with injury	6/18/2020 6:39 PM	200618-MNT03558	0:03:21	MISSION ST	10th Ave	3
EMS call, excluding vehicle accident with injury	6/20/2020 2:15 PM	200620-MNT03595	0:03:09	LINCOLN ST	7th Ave	3
EMS call, excluding vehicle accident with injury	6/21/2020 2:55 PM	200621-MNT03621	0:04:27	SCENIC RD	13TH AVE	3
EMS call, excluding vehicle accident with injury	6/22/2020 11:50 AM	200622-MNT03642	0:03:33	13TH AVE	San Carlos St	3
EMS call, excluding vehicle accident with injury	6/24/2020 11:59 PM	200625-MNT03700	0:03:17	7TH AVE	Monte Verde St	3
EMS call, excluding vehicle accident with injury	6/25/2020 9:57 AM	200625-MNT03707	0:05:06	10TH AVE	Scenic Rd	3
EMS call, excluding vehicle accident with injury	6/28/2020 5:11 PM	200628-MNT03778	0:00:00	MISSION ST	7th Ave	3
22			0:03:00			
322-399 Series (Rescues)						
Motor vehicle accident with no injuries.	6/10/2020 1:09 PM	200610-MNT03358	0:01:09	MISSION ST	10th Ave	3
Search for person on land	6/14/2020 2:43 PM	200614-MNT03463	0:00:00	DEL MAR AVE	OCEAN AVE	3
Removal of victim(s) from stalled elevator	6/4/2020 7:59 AM	200604-MNT03223	0:03:15	7TH AVE	Lincoln St	3
Rescue or EMS standby	6/20/2020 8:07 PM	200620-MNT03606	0:04:15	3049 RIO RD		3
4			0:02:10			
400 Series (Hazardous Material)						
Gas leak (natural gas or LPG)	6/29/2020 9:12 AM	200629-MNT03787	0:03:18	MISSION ST	1st Ave	3
Chemical hazard (no spill or leak)	6/12/2020 2:40 PM	200612-MNT03408	0:02:41	MISSION ST	Ocean Ave	3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
Electrical wiring/equipment problem, other	6/4/2020 5:43 PM	200604-MNT03235	0:02:44	JUNIPERO AVE	8th Ave	3
Power line down	6/14/2020 2:42 PM	200614-MNT03464	0:02:35	SANTA FE ST	6th Ave	2
Biological hazard, confirmed or suspected	6/7/2020 6:01 PM	200607-MNT03307	0:05:12	8TH AVE	San Antonio Ave	2
Accident, potential accident, other	6/17/2020 2:13 PM	200617-MNT03520	0:01:59	SANTA RITA ST	2nd Ave	3

6

0:03:05

500 & 600 Series (Service Calls)

Person in distress, other	6/28/2020 5:12 AM	200628-MNT03765	0:01:11	MONTE VERDE ST	4th Ave	2
Lock-out	6/22/2020 10:03 AM	200622-MNT03638	0:03:12	2960 SANTA LUCIA AVE		2
Water or steam leak	6/15/2020 6:32 PM	200615-MNT03482	0:02:51	DOLORES ST	3rd Ave	2
Smoke or odor removal	6/15/2020 11:29 PM	200615-MNT03486	0:03:19	5TH AVE	Dolores St	3
Assist police or other governmental agency	6/12/2020 5:11 PM	200612-MNT03412	0:04:06	12TH AVE	Casanova St	2
Assist police or other governmental agency	6/19/2020 6:22 PM	200619-MNT03579	0:02:09	SAN CARLOS ST	1st Ave	3
Assist invalid	6/4/2020 8:09 PM	200604-MNT03242	0:04:40	1ST AVE	Dolores St	2
Assist invalid	6/12/2020 3:15 PM	200612-MNT03409	0:02:18	GUADALUPE ST	Ocean Ave	2
Assist invalid	6/13/2020 3:46 PM	200613-MNT03433	0:07:04	OCEAN AVE	Scenic Rd	2
Assist invalid	6/18/2020 8:14 PM	200618-MNT03560	0:03:08	CARPENTER	5th Ave	2
Dispatched & canceled en route	6/11/2020 11:47 AM	200611-MNT03383	0:03:46	CARMELO ST	9th Ave	3
No incident found on arrival at dispatch address	6/16/2020 6:28 PM	200616-MNT03499	0:03:57	LOBOS ST	2nd Ave	3
No incident found on arrival at dispatch address	6/18/2020 1:34 PM	200618-MNT03546	0:02:52	SCENIC RD	8th Ave	3
No incident found on arrival at dispatch address	6/24/2020 7:18 PM	200624-MNT03694	0:04:02	12TH AVE	Lincoln St	2
EMS call, party transported by non-fire agency	6/11/2020 6:27 PM	200611-MNT03392	0:00:10	MISSION ST	6th Ave	3

15

0:03:15

700 Series (False Alarms)

Smoke detector activation due to malfunction	6/12/2020 5:06 PM	200612-MNT03411	0:02:35	JUNIPERO AVE	4th Ave	3
Alarm system sounded due to malfunction	6/5/2020 12:26 AM	200605-MNT03247	0:02:59	SAN CARLOS ST	8th Ave	3
Alarm system sounded due to malfunction	6/19/2020 4:26 AM	200619-MNT03564	0:04:19	SAN CARLOS ST	13th Ave	3
CO detector activation due to malfunction	6/9/2020 4:18 PM	200609-MNT03343	0:03:17	MONTE VERDE ST	10th Ave	3
CO detector activation due to malfunction	6/10/2020 1:06 PM	200610-MNT03357	0:10:46	MONTE VERDE ST	10th Ave	2
Smoke detector activation, no fire - unintentional	6/2/2020 5:19 PM	200602-MNT03199	0:01:51	DOLORES ST	Santa Lucia Ave	3
Smoke detector activation, no fire - unintentional	6/7/2020 1:12 PM	200607-MNT03294	0:02:35	CAMINO REAL ST	11th Ave	3
Alarm system activation, no fire - unintentional	6/4/2020 8:58 AM	200604-MNT03224	0:02:43	2992 LASUEN DR		3
Alarm system activation, no fire - unintentional	6/5/2020 1:38 AM	200605-MNT03248	0:03:42	SAN CARLOS ST	8th Ave	3
Alarm system activation, no fire - unintentional	6/9/2020 11:48 AM	200609-MNT03336	0:04:22	SCENIC RD	8th Ave	3
Alarm system activation, no fire - unintentional	6/23/2020 7:55 AM	200623-MNT03659	0:03:14	GUADALUPE ST	2nd Ave	3
Carbon monoxide detector activation, no CO	6/26/2020 1:51 PM	200626-MNT03729	0:02:53	SANTA FE ST	3rd Ave	2

12

0:03:46

Over 5 Minute Response Times Cause of Delay: Code 3 Responses

200611-MNT03395 E15 was committed to another call, E16 responded. Delay was caused by distance.

200625-MNT03707 Delay was caused by mechanical issue.

Code 2 Calls	13
Code 3 Calls	47

Total # of Incidents	60
% Under 5 Minute Response Time	95.7%



CARMEL-BY-THE-SEA

JUNE 2020

Response Summary Report by Incident Type

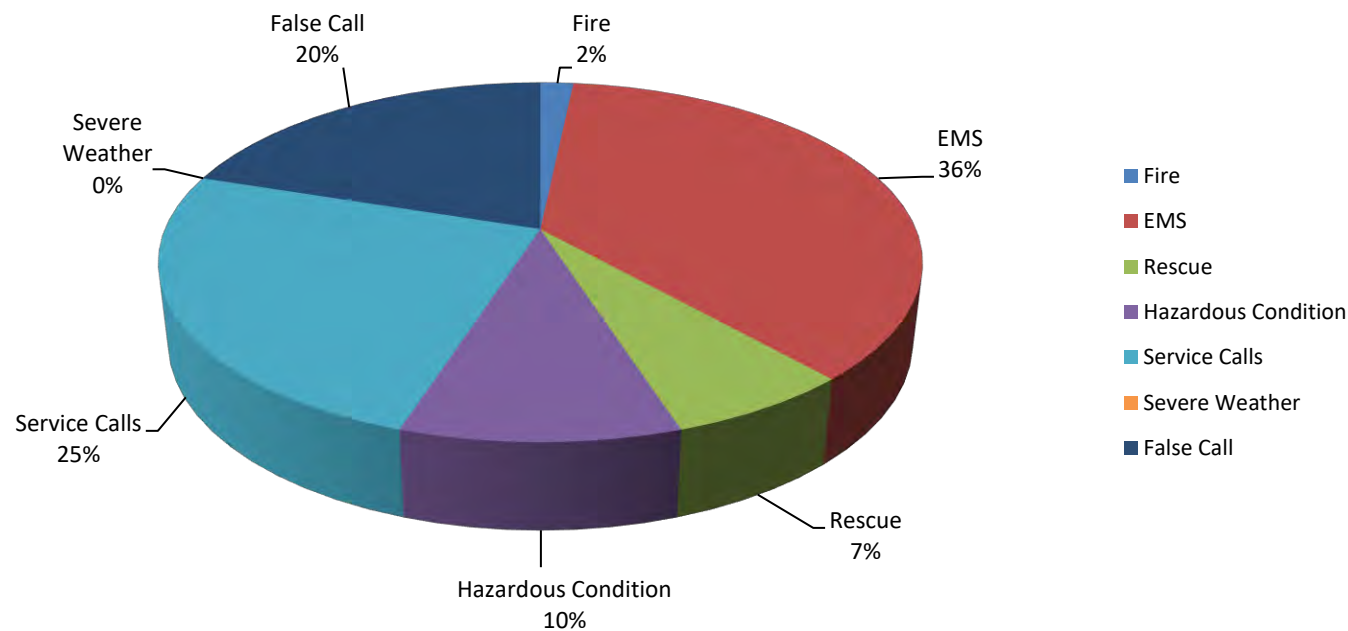


Type of Call	Number	Average Response Time
Fire	1	3:50
EMS	22	3:00
Rescue	4	2:10
Hazardous Condition	6	3:05
Service Calls	15	3:15
Severe Weather	0	0:00
False Call	12	3:46

Total Responses

60

3:11



Total Code 3 Calls:

47

Response Times for Code 3

Calls ≤ 5 minutes:

95.7%



CITY OF CARMEL-BY-THE-SEA

Monthly Report

June 2020

City Clerk's Office

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
SUBMITTED ON:	July 21, 2020
APPROVED BY:	Chip Rerig, City Administrator

In the month of June, the City received and responded to 29 requests for public records.

	This Month	Calendar YTD
City Clerk's Office	10	62
Police Department	19	87
TOTAL REQUESTS/RESPONSES	29	149

PRA LOG
June 2020

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-053	6/8/2020	6/18/2020			6/29/2020	Alexandra Mouzas, Coldwell Banker	permit history for 0 NE Santa Rita & 5th Street, APN 010-036-008-000	came to City Hall 6/29/2020 and reviewed available records
2020-054	6/9/2020	6/19/2020			7/15/2020	Mary Schley	correspondence received by Chip and/or any other city staff and/or the mayor/council members regarding Black Lives Matter protests and use of/restrictions on/potential closures of Carmel Beach EXCEPT correspondence that was specifically sent for purposes of council hearings from March 18, 2020 to June 9, 2020	
2020-055	6/9/2020	6/19/2020			7/6/2020	Paterson	Electronic copies of all materials and records consulted and used in the writing of the three Staff Reports; City Council Staff Reports prepared within the last six months whereby the City cannot provide, or would not have, supporting documentation (materials consulted and used) for contents in each respective staff report	#2 overly broad - requested specific staff report info 6/17/2020; no response by 7/6/2020; complete
2020-056	6/10/2020	6/22/2020			6/22/2020	Theresa Gawlik, CityGovJobs.com	electronic copy of your City's available JOB DESCRIPTIONS or <i>class specifications</i> for all budgeted positions listing of your City's open JOB ANNOUNCEMENTS where we may obtain the open position's specifications, job title, salary range, closing date, and hyperlink; or the URL to where your city's job announcement data can be found and obtained	

PRA LOG
June 2020

REQUEST NUMBER	REQUEST DATE	10-DAY DUE DATE	14-DAY EXTENSION DUE DATE	STATUS	COMPLETED DATE	REQUESTOR	INFORMATION REQUESTED	NOTES
2020-057	6/11/2020	6/22/2020			6/22/2020	Chuck and Karen Gang	name of the organizer for protest planned for June 6, 2020	
2020-058	6/11/2020	6/22/2020				Ryan Melcher, Ryan Melcher Properties	planning dept file on Edgemere Cottages at San Antonio 4 SE of 13th to see if there are any open permits or changes to the file within about the last 4 years. We were also interested in seeing which parts of the structures are designated historical, also wondering if there is a site map showing just the lot itself and the specific distances between buildings there	
2020-059	6/15/2020	6/25/2020			7/2/2020	Donald & Karen Gray	Any plans relating to the retaining wall on eastern edge of property and any plans relating to major remodels for NE Corner Santa Fe & Mountain View	reviewed docs onsite
2020-060	6/16/2020	6/26/2020				Michael Schneider	building plans 0 NE Corner Lincoln and 9th	
2020-061	6/26/2020	7/6/2020			7/6/2020	Jane Haines	contract(s) currently in effect between the City of Carmel-by-the-Sea and whatever company handles the City's business licenses, sales tax and TOT services; agenda report to the City Council pertaining to approval of the above-described contract	
2020-062	6/30/2020	7/10/2020			7/8/2020	Bev Sanders	list of STR permits that have been granted in downtown Carmel-by-the-Sea since February, 2020	

Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Date Completed by PSO	Requestor	Phone	Info Requested	Status	Date & PSO Mailed
2020-0001	6/1 Mo	6/11/2020		6/5 DA	Nuovo, Hazel/Antonio	917-3812	CFS 05182020-0016	completed	mailed by DA
2020-0002	06/01 MO	6/10/2020		06/01 mw	Metropolitan reporting		CA2000247	completed	06/01 mw - mailed
2020-0003	6/2/20 DA	6/12/2020		6/2 DA	Lexis Nexis		Accident Report	no report found	6/2 da mailed response no report
2020-0004	6/4/20 DA	6/14/20 DA		6/4/2020	Lexis Nexis		CA2000247	completed	report mailed by DA
2020-0005	6/4/20 DA	6/14 DA		5-Jun	Lexis Nexis		Accident Report	completed	6/5 DA
2020-0006	6/4/20 DA	6/15 DA		6/5 DA	Lexis Nexis		Accident Report	no report found	mailed back response of no record DA
2020-0007	6/2/20 DA	6/12 DA		6/2/20 DA	Cecile Williamson		CA2000242	completed	mailed by DA
									mailed denial letter & spoke to requestor by
2020-0008	06/08 mw	6/18/2020		6/18/2020 CN	Pamela Campione	831-905-2495	CG1900752/CG2000270	completed	telephone
2020-0009	6/9 mjr	6/19/2020		6/13 CN	King, Jenette	831-917-4270	CG2000251	completed	mailed by CN
2020-0010	6-9 mjr	6/19/2020		6/24/2020	Hood, William	415-305-1460	CG1800533 and others	denied	mailed denial letter & left a message for
2020-0011	6/9/2020 cn	6/19/2020		6/13 CN	harris personal injury lawyers, inc	831.717.4137	CA1900548	completed	mailed by CN
2020-0012	06/13 mw	6/23/2020		7/4 DA	Rico Huo	650-224-0066	CG2000246	denied	denial letter mailed by DA
2020-0013	6/18 cn	6/28/2020		6/20 cn	lexis nexis	800-934-9698	CA2000281	completed	mailed by CN
2020-0014	6/19 CN	6/29/2020		OJ - N/A	Keidi Merekivi	415-535-6275	20-764	MCSO report	OJ - fwd to MCSO
2020-0015	18-Jul	6/30/2020		18-Jul	Sepideh Avila	408-431-6638	CA2000303	completed	mailed by DA
2020-0016	06/22 mw	07/02 mw		06/22/20 mw	Dept of Social Services	1888-422-5669	CQ1500595	faxed/ completed	faxed mw
2020-0017	6/26 cn	7/6 cn		6/26 cn	Robert Daziger	626-3933	CC2000323	completed	mailed
2020-0018	6/27 cn	7/7/2020 cn		6/30 cn	Ken Nussbacher	4088392475	CFS 06272020:0016	completed	picked up 6/30
2020-0019	6/27 sb	7/7/2020		6/28/2020 sb	Lexis Nexis	800-934-9698	CA2000281	Mailed USPS	Left for mail pick up 6/28/20 sb



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Works Department Report – June 2020

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBMITTED ON:	July 15, 2020
APPROVED BY:	Chip Rerig, City Administrator

Forest and Beach Commission Meeting of June 11, 2020 (first video-conference meeting)

- Approved recommendation to Council to update tree removal and pruning permit fees.
- Approved removal of Stop Work Order upon additional fees and conditions (Mei).
- Deferred decision on removal of 17 eucalyptus trees pending landscape plan (Overett).
- Discussed format and content of monthly Forester's Report.

Public Works Administration

- Continued to support Planning and Police by reviewing Outdoor Seating Applications.
- Council approved resolution supporting the realignment of US Bike Route 95 through Carmel.
- Reviewed proposal from Alliant Insurance regarding a Safety Program for the City.
- Researched ordinance and options with City Attorney for use of Parking in Lieu funds.

Environmental Programs

- June 18th Climate Action Committee meeting was cancelled. Next meeting July 16th.
- Presented to Council significant fee increases by GreenWaste Recovery and the methodology used in calculating the increases.
- Presented to Planning Commission five options for dual trash and recycling containers for the downtown area. Commission and staff recommended dual, ribbon-style metal receptacles.
- Coordinated with PG&E to replace 16 safety streetlights with energy-efficient LED lights.
- Oversaw contractor removing invasive weeds over one acre in MTNP.

Facility Maintenance

- In response to threats of vandalism, carefully removed Father Serra statues from Camino del Monte/Serra Avenue and Devendorf Park, and placed them safely in storage.
- Coordinated with a volunteer who cleaned and stained the benches at Forest Theater.
- Obtained quotes for repairing Flanders Mansion roof leaks – decided to perform in-house.
- A flagpole lanyard at the Police Station was replaced at no cost.

Project Management

- City Council rejected all bids received for the Police Building Renovation Project.
- New furniture was set up in the new Harrison Memorial Library Gathering Room.
- The Sunset Center Boiler Replacement Project was tested and completed.
- New Scout House roof shingles were installed.
- PG&E installed and energized their new gas line along Casanova Street, between Ocean and Eighth Avenues. Four new ADA ramps were constructed at Casanova Street intersections.

Street Maintenance

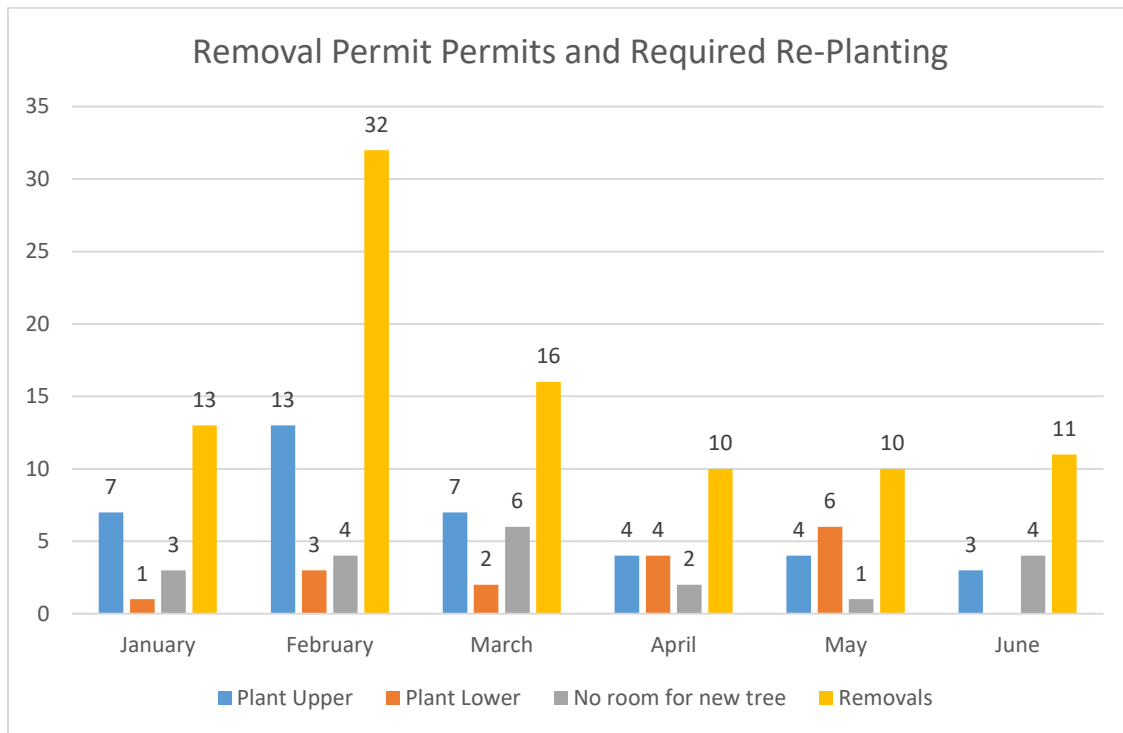
- With Councilwoman Reimers, initiated a sponsorship program for mutt mitt dispensers.
- CDS units were cleaned out by the Carmel Area Waste Water District.
- Installed the remaining nine Bear Saver trash and recycling containers.
- Due to late season storms, cleared out drainage channels and repaired potholes.
- Continued repairing sidewalk uplifts for safety.

Forestry, Parks and Beach (Forester's Report)

- The focus of fieldwork was on essential health and safety issues and included: pruning for clearance of buildings, traffic signs, trucks, and intersections.
- Removed dead and hazardous trees caused by bark beetles, fungus, pitch canker, drought, and storms.
- Friends of Mission Trail Nature Preserve cleared a portion of Doolittle Trail.
- Continued City-wide weed removal which will continue through the summer.
- Landscape maintenance is no longer being performed by a contractor. The work has been distributed between existing staff. This move is saving the City a considerable amount of budget.
- A list of equipment has been created for purchase to enable staff to perform tree work that previously required contracting.
- The TreeKeeper inventory platform is now online. Staff have been recording all tree work in the new platform. TreeKeeper is available for viewing at <https://carmelca.treekeepersoftware.com/index.cfm>

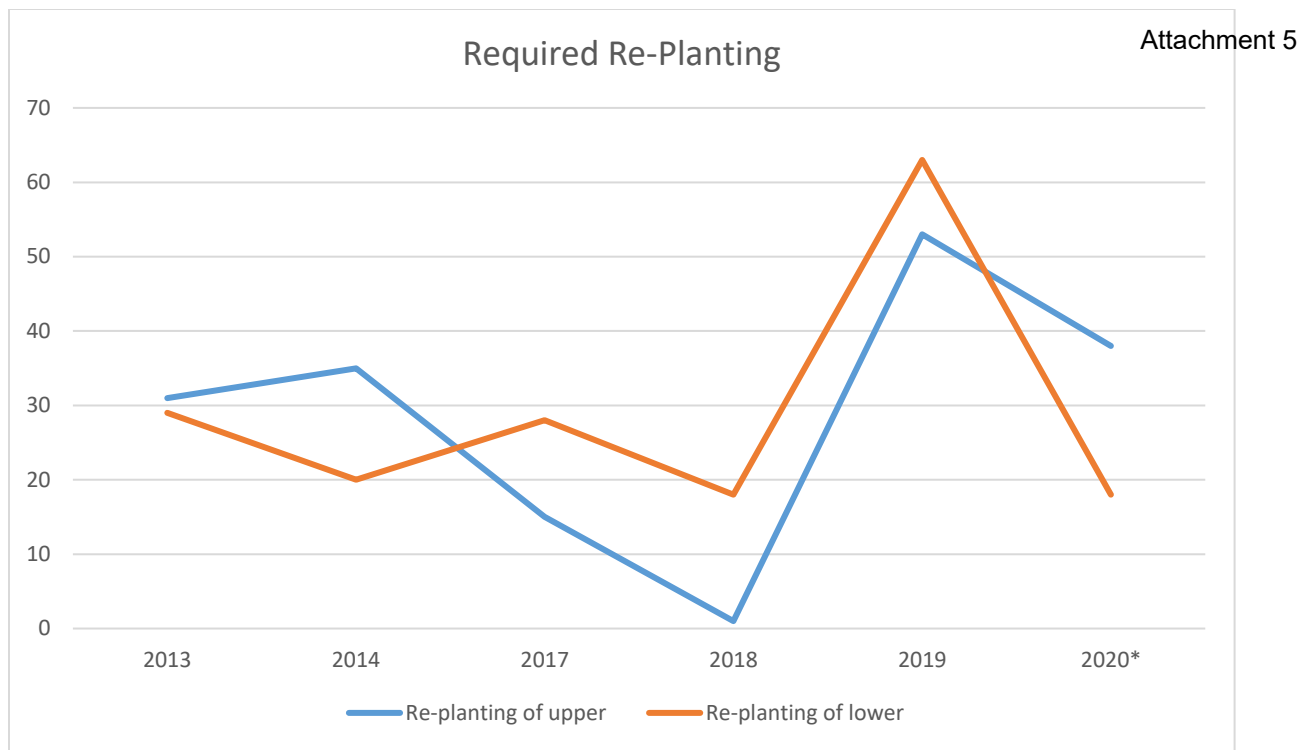
There was one notable failure addressed in June:

- Cypress limb at Alta Avenue and Junipero Avenue



Permitted removals and required planting					
	Removals	Plant Upper	Plant Lower	No room for new tree	Total Number of Trees Required
January	13	7	1	3	8
February	32	13	3	4	16
March	16	7	2	6	9
April	10	4	4	2	8
May	10	4	6	1	10
June	11	3	2	4	5

Historic permitted removals and required planting							
	Removal Permits	Removal of upper	Removal of lower	Re-planting Required	Re-planting of upper	Re-planting of lower	Re-planting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	25.97%
2019	170	107	63	116	53	63	68.24%
2020*	92	38	18	56	38	18	60.87%



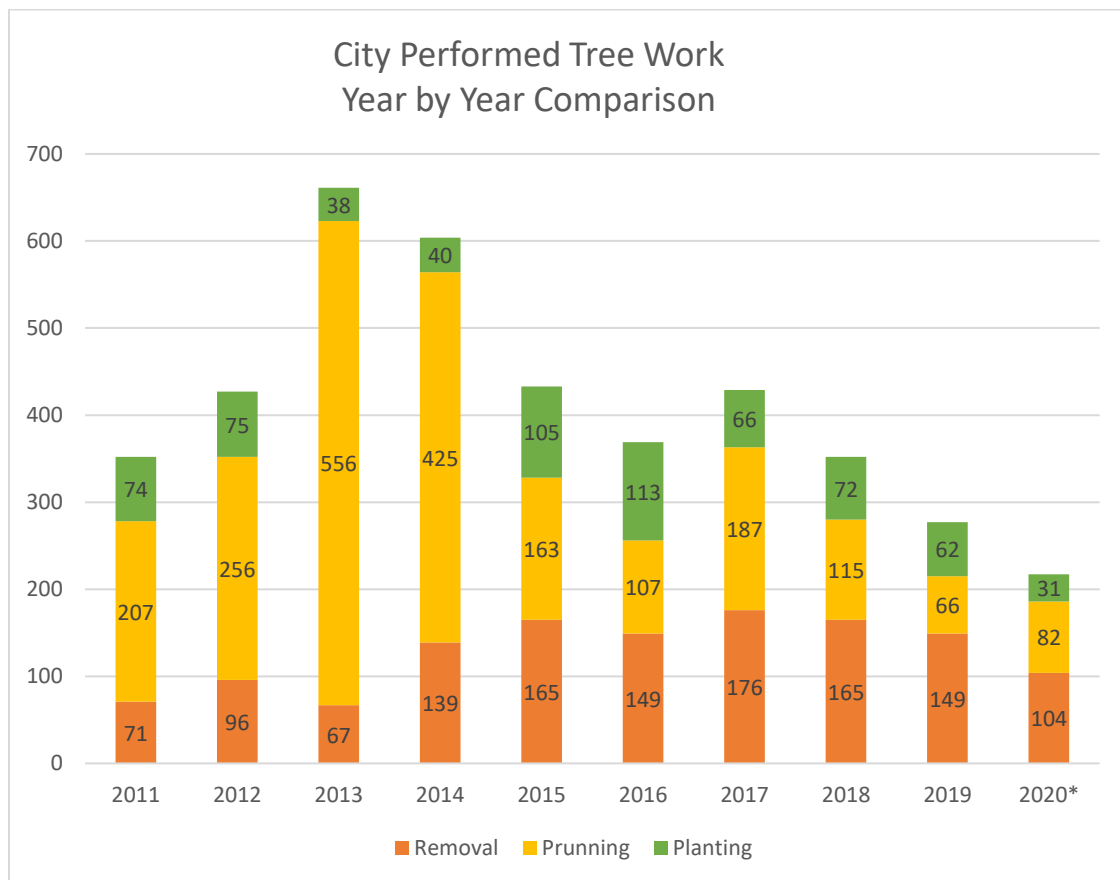
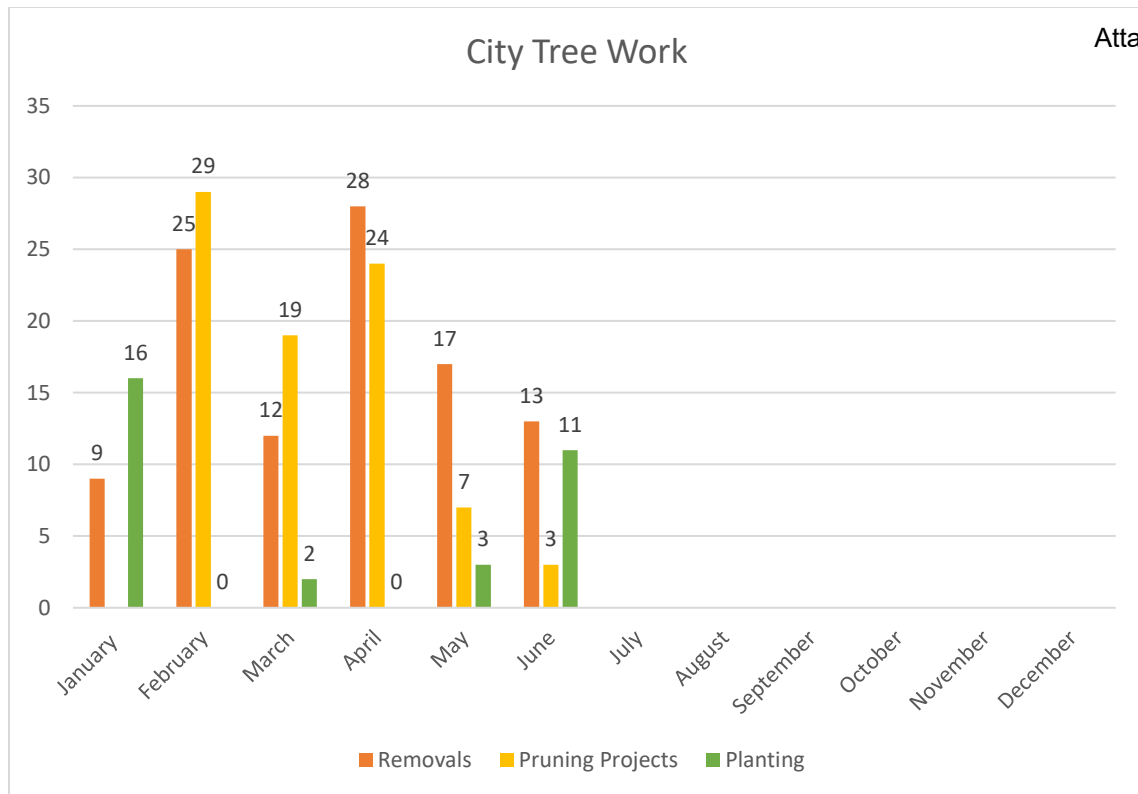
Stop Work Orders Issued:

- No Stop Work Orders this month.

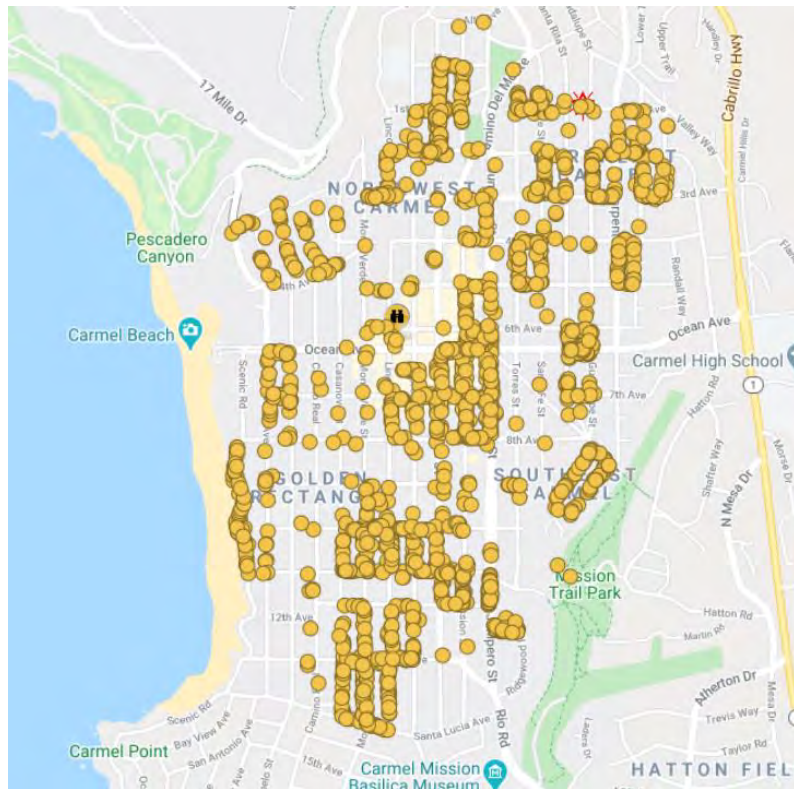
City Forestry, Parks, and Beach Activities

City Activities for June:

Work Type	Count
Cavity care	1
Failure - limb	1
Inspections	60
Trees planted	11
Prune	3
Removal	13



A total of 2,431 trees have been inventoried as of July 16, 2020. Staff is inventorying trees as work and inspections are performed.





CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

August 4, 2020
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2020-047 designating Council Member Carrie Theis as the voting delegate and Mayor Dave Potter as the alternate voting delegate at the 2020 annual League of California Cities conference

RECOMMENDATION:

Adopt Resolution 2020-047, designating Council Member Carrie Theis as the voting delegate and Mayor Dave Potter as the alternate voting delegate at the 2020 annual League of California Cities conference.

BACKGROUND/SUMMARY:

At its Annual Business Meeting, the League of California Cities membership considers and takes action on items that establish League policy. In order to participate in this process each City must designate a delegate and up to two alternate delegates by Council action to ensure the integrity of the voting process at the Annual Business Meeting.

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment #1 - Resolution 2020-047 LOCC Delegates

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DESIGNATING COUNCIL MEMBER CARRIE THEIS AS THE VOTING DELEGATE AND MAYOR DAVE POTTER AS THE ALTERNATE VOTING DELEGATE AT THE 2020 ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE

WHEREAS, the League of California Cities allows one vote per member city on matters pertaining to League policy; and

WHEREAS, the City understands the importance of appointing a delegate to speak on behalf of the City Council at the Annual State Conference.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Designate Council Member Carrie Theis as the voting delegate and Mayor Dave Potter as the alternate voting delegate at the 2020 annual League of California Cities conference.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**August 4, 2020
CONSENT AGENDA**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2020-048 establishing an Electronic Signature Policy

RECOMMENDATION:

Adopt Resolution 2020-048 establishing an Electronic Signature Policy.

BACKGROUND/SUMMARY:

The City's current document signature process entails routing physical documents to signors and can be streamlined through the implementation of an electronic signature process. The use of electronic signatures on legally-binding documents has become increasingly prevalent in the private and public sectors. The current COVID-19 pandemic and recent Shelter-in-Place Orders have required staff to work from home and an electronic signature process and policy will allow for a streamlined process to continue to allow staff to work from home safely. The benefits of using electronic signatures in lieu of handwritten signatures include: reduction of paper generation, and decrease in time associated with transmitting, approving and retaining physical documents.

Documents that may be used for electronic signatures include agreements and contracts (including associated amendments), resolutions, ordinances, minutes, finance related documents and other legally allowable documents.

This Policy authorizes the City to accept and approve electronic signatures, in lieu of written signatures, on documents requiring signatures, in compliance with the legal requirements of California Government Code section 16.5, California Civil Code section 1633.1 et. seq. (the California Uniform Electronic Transaction Act, "UETA"), 15 United States Code Annotated 7001 (the United States Electronic Signatures in Global and National Commerce Act, "ESIGN Act"), and all other applicable laws and regulations. This Policy does not supersede any laws that specifically require a written signature on a particular document for the same to be considered legally valid.

The City Administrator and City Clerk, in consultation with the City Attorney, shall have the authority to develop administrative policies and procedures to the extent necessary to implement the terms of this Policy.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None for this action.

ATTACHMENTS:

Attachment #1 - Resolution 2020-048 Establishing an Electronic Signature Policy

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-048

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ESTABLISHING AN ELECTRONIC SIGNATURE POLICY**

WHEREAS, the use of electronic signatures on legally-binding documents has become increasingly prevalent; and

WHEREAS, the City's current document signature process entails routing physical documents to signors and can be streamlined through the implementation of an electronic signature process; and

WHEREAS, the benefits of using electronic signatures in lieu of handwritten signatures include: reduction of paper generation, and decrease in time associated with transmitting, approving and retaining physical documents; and

WHEREAS, the adoption of an Electronic Signature Policy would authorize the City to accept an approved "digital signature," a type of electronic signature that has the same force and effect as a manual signature, in lieu of a written signature, on a document in which a signature is required or used.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY
OF CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the use of digital signatures and establishes the Electronic Signature Policy provided in Attachment A.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 4th day of August, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

**ATTACHMENT A
CITY OF CARMEL-BY-THE-SEA
POLICY AND PROCEDURE**

Subject: Electronic Signature Policy	Policy/Procedure No:
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Effective Date: 8/4/2020	Authority: Resolution 2020-048
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Purpose:

The use of electronic signatures on legally-binding documents has become increasingly prevalent in the private and public sectors. The benefits of using electronic signatures in lieu of handwritten signatures include: reduction of paper generation; significant decrease in time and cost associated with transmitting, approving, and retaining physical documents; and the creation of an audit trail of the modification, editing, and approval/signing of documents.

Policy/Procedure:

It is the policy of the City of Carmel-by-the-Sea ("City") to encourage the use of electronic signatures in internal and external activities, documents, and transactions when it is operationally feasible, where technology permits, and when it is otherwise appropriate in the discretion of the City Administrator, in accordance with the provisions that follow (the "Policy").

This Policy authorizes the City to accept and approve electronic signatures, in lieu of written signatures, on documents requiring signatures, in compliance with the legal requirements of California Government Code section 16.5, California Civil Code section 1633.1 et. seq. (the California Uniform Electronic Transaction Act, "UETA"), 15 United States Code Annotated 7001 (the United States Electronic Signatures in Global and National Commerce Act, "ESIGN Act"), and all other applicable laws and regulations. The parties to a transaction must agree to conduct the transaction by electronic means using a City-approved signature method that complies with applicable laws and regulations, including the capability of all parties to retain and accurately reproduce the electronically signed document or record.

This Policy does not supersede any laws that specifically require a written signature on a particular document for the same to be considered legally valid. This Policy does not limit the right of any party to a contract to conduct a transaction on paper or in non-electronic form, and/or the right of any party to a contract to have documents provided in paper or non-electronic form.

Legal Requirements

Under the UETA and the ESIGN Act, an electronic signature will be legally valid and recognized if it satisfies the following requirements:

1. Intent to sign - Electronic signatures, like traditional, handwritten signatures, are valid only if each party intended to sign.
2. Consent to do business electronically - The parties to the transaction must consent to do business electronically. Electronic records may be used in transaction with consumers only when the consumer has:
 - Received UETA Consumer Consent Disclosures
 - Affirmatively agreed to use electronic records for the transaction
 - Has not withdrawn such consent
3. Association of signature with the record - In order to qualify as an electronic signature under the ESIGN Act and UETA, the system used to capture the transaction must keep an associated record that reflects the process by which the signature was created, or generate a textual or graphic statement (which is added to the signed record) proving that it was executed with an electronic signature.
4. Record retention - U.S. laws on electronic signatures and transactions require that electronic signature records be capable of retention and accurate reproduction for reference by all parties or persons entitled to retain the contact or record.

Under the UETA, electronic document signers may elect to use an 'electronic signature' or a 'digital signature.' An 'electronic signature' is "an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record." (Cal. Civ. Code § 1633.2.) A 'digital signature' is "an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature." (Cal. Gov. Code § 16.5.) A 'digital signature' is a type of electronic signature. (*Id.*) Digital signatures appear to be more widely accepted as alternatives to written signatures.

Should a signer elect to use a 'digital signature' rather than an electronic signature, the signature must embody all of the following attributes in order to have the same force and effect as a manual signature:

- (1) It is unique to the person using it;
- (2) It is capable of verification;
- (3) It is under the sole control of the person using it;
- (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and
- (5) It conforms to regulations adopted by the Secretary of State.

References

Cal. Gov. Code § 16.5; California Civil Code § 1633.1 et. seq (UETA); 15 U.S.C.A. § 7001 (ESIGN Act).

Procedure

1. In any document accepted by the City in which a signature is required or used, the City may authorize the use of an electronic signature, so long as it complies with the requirements of this section.
2. To the fullest extent permitted by law, the City accepts electronic signatures as legally binding and equivalent to handwritten signatures to signify an agreement.
3. The City's right or option to conduct a transaction on paper or in non-electronic form shall not affect the City's right, option or obligation to have documents provided or made available in paper format.
4. Where a legal requirement, beyond City policy, requires a written document, that requirement is met when an electronic record has associated with it an electronic signature using an approved electronic signature method, which complies with applicable state law.
5. This Policy applies only to transactions between parties, which have agreed to conduct transactions by electronic means with the use of the City's approved electronic signature method.
6. This Policy shall not apply to any transaction that requires a person's signature to be signed in the presence of a notary public.
7. Prohibited Uses of Electronic Signatures:
Use of electronic signatures is prohibited in the following situations:
 - Transactions for which electronic signatures are not enforceable by law and/or transactions requiring a handwritten signature, such as transfers of real property.
 - Transactions that require a person to sign in the presence of a notary public.

Responsible Parties:

Responsibilities are as follows:

1. The City Administrator and City Clerk, in consultation with the City Attorney, shall have the authority to develop administrative policies and procedures to the extent necessary to implement the terms of this Policy.
2. The City Administrator, or his/her designee in consultation with the City Attorney, shall determine acceptable technologies and vendors consistent with industry best practices to ensure the security and integrity of the data and the signature. The final approval of any electronic signature method will be made by the City Administrator and City Attorney.
3. The City Administrator, or his/her designee in consultation with the City Attorney, shall further determine the documents for which the City will accept electronic signatures. Periodic reviews will be implemented for appropriateness and continued applicability of electronic signatures.

4. If it is determined that an approved electronic signature method is no longer trustworthy, the City Administrator, or his/her designee must revoke the approval of that electronic signature method. If there is continued significance for the electronic signatures, which used the revoked method, the City Administrator, or his/her designee will take steps to see that any valid records signed with the revoked electronic signature method are signed again either with a written signature or with an approved electronic signature method.

Department of Origin:

Administration

Revision Dates:**Rescinded Date:**



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**August 4, 2020
CONSENT AGENDA**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Maxine Gullo, Ass't. City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Approve the City of Carmel-by-the-Sea's response letter to the 2019-2020 Monterey County Civil Grand Jury Final Report on Sexual Harassment Prevention and Training Compliance and authorize the Mayor and City Administrator to sign related documents

RECOMMENDATION:

Approve the City of Carmel-by-the-Sea's response letter to the 2019-2020 Monterey County Civil Grand Jury Final Report on Sexual Harassment Prevention and Training Compliance and authorize the Mayor and City Administrator to sign related documents.

BACKGROUND/SUMMARY:

In 2019-2020 the Monterey County Civil Grand Jury produced a final report pertaining to Sexual Harassment Prevention and Training Compliance in Monterey County. The report contained findings and recommendations regarding the City of Carmel-by-the-Sea which requires a response.

The Report's findings and recommendations focused on the responsibility of local governments to train workplace supervisors in sexual harassment prevention in accordance with Assembly Bill 1825 (AB 1825). The City's draft response reaffirms the value and importance that the City of Carmel-by-the-Sea places on harassment prevention training and reiterates that the City takes all allegations and complaints of harassment seriously. Although the administrative tasks (generating certificates, collecting sign-in sheets, etc) were not in compliance, Human Resources staff has already updated procedures to ensure it is managed correctly for future trainings. The City will continue to focus on the values of respect and fairness and provide quality training that includes bystander intervention and workplace civility.

FISCAL IMPACT:

Citywide training budgeted in FY 20/21 operating budget.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment 1_Monterey County Grand Jury Report

Attachment #2 - Draft_Grand Jury Response_August 4 2020

SEXUAL HARASSMENT PREVENTION #TrainingCompliance

SUMMARY

It is an unfortunate reality of our times that sexual harassment remains a challenge in our workplaces. California has enacted many measures to prevent harassment, and to mandate that our communities combat this problem both in action and by education. The Civil Grand Jury has chosen to review one part of that education, the responsibility of local governments to train workplace supervisors in sexual harassment prevention in accordance with Assembly Bill 1825 (AB 1825).

Government enacts labor laws to protect workers and to create safe, productive workplace environments for all employees. Therefore, governmental entities should be held to the highest standards under the law and should serve as models of compliance.

This Civil Grand Jury investigation determined that compliance levels vary widely among the different jurisdictions in Monterey County. Three jurisdictions stood apart in their ability to achieve AB 1825 training compliance at 80% or above. These were: King City, Marina, and Soledad. This is more remarkable than it first appears. For example, two other cities had no AB 1825 training records prior to 2017 but are now getting on track. Several other cities had incomplete or inaccurate supervisory rosters, were missing training records to document timely training, had out-of-date policies, or had other substantial deficiencies. Four other local jurisdictions offer a choice of classroom or e-learning training, or even webinar training. This is a sound approach to ensuring wide access to AB 1825 training, but it also complicates their recordkeeping systems, and resulted in gaps in timely training for some supervisory employees. Finally, one city had 75% compliance based on their elected training tracking method but would have had a 100% compliance with the alternate tracking option.

Overall, the jurisdictions investigated by the Civil Grand Jury recognize the requirement and the practical value of doing AB 1825 supervisor training properly, but many did not devote the resources or the priorities to ensuring the training was done in accordance with state mandates.

GLOSSARY

2 CCR §11024 (Title 2, California Code of Regulations, Section 11024): the state administrative regulation, having the force of law, implementing the G.C. §12950.1 law mandating sexual harassment prevention training and education based on sex, gender identity, gender expression, and sexual orientation.

24-Month Tracking Method: requires that a supervisory employee be retrained within 24 months since his or her prior AB 1825 training.

AB 1825 (Assembly Bill 1825): legislation enacted in 2004 that imposed a supervisory employee sexual harassment training requirement on California employers effective January 2005.

AB 2053 (Assembly Bill 2053): a 2014 legislative amendment, effective January 1, 2015, which expanded the AB 1825 training requirement to include prevention of “abusive conduct.”

Civil Grand Jury: Monterey County Civil Grand Jury.

CJPIA (California Joint Powers Insurance Authority): a joint powers authority focused on risk management and regulatory compliance.

Classroom Training: in-person, trainer-lead instruction, with instruction conducted in person by a qualified trainer in an organized manner, utilizing lesson plans in a setting removed from the supervisor's daily duties.

CY (Calendar Year) January 1 – December 31

DFEH (Department of Fair Employment and Housing): the state governmental agency responsible for enforcement of the Fair Employment and Housing Act (FEHA) and Title VII of the federal Civil Rights Act of 1964 statutory and case law principles concerning the prohibition against and the prevention of unlawful harassment, discrimination, and retaliation in employment.

EEOC: The federal Equal Employment Opportunity Commission

E-Learning Training: individualized, interactive, computer-based training created by a trainer and an instructional designer. Requires access to a live trainer who can answer questions.

Employer (as defined in AB 1825): private employers with 50 or more employees, the State of California, any political or civil subdivision of the state, and cities.

FEHC (Fair Employment and Housing Council): the implementing agency for California anti-discrimination laws and policies, also (DFEHC).

FY (Fiscal Year): July 1 – June 30: the one-year period used by the State of California for financial reporting and budgeting.

G.C. (California Government Code of Regulations) §12950.1: The AB 1825 law mandating California employers to train employees with the objective of changing workplace behaviors that create or contribute to harassment.

HR (Human Resources): a department of an organization that deals with the hiring, administration, and training of personnel.

JPA (Joint Powers Authority): Joint Powers Authorities are legally created entities that allow two or more public agencies (e.g. local governments, or utility or transport districts), to jointly exercise common powers for the purpose of providing public services more efficiently and in a cost-effective manner.

LEARN/LDS: Monterey County's Learning Development System

LMS (Learning Management Specialist): an employee who serves as a liaison and an AB 1825 training coordinator between the Monterey County Civil Rights office and various departments and divisions within the county.

Jurisdiction (local jurisdiction): a county, city, or incorporated town.

MBASIA (Monterey Bay Area Self Insurance Authority): a joint powers authority focused on risk management and regulatory compliance.

MCCRO (Monterey County Civil Rights Office): the responsible office for AB 1825 training for the county's government employees.

Municipality: a city or town that has corporate status and is a local government entity.

Regulation: a rule or requirement enacted by a governmental agency appointed by a governing federal or state body to implement and enforce compliance of a given law (a statute).

SB 396 (Senate Bill 396): California legislation signed into law in 2017 and effective January 1, 2018, that expanded AB 1825 training requirements to include harassment based on gender identity, gender expression, and sexual orientation.

SB 1343 (Senate Bill 1343): a further amendment to G.C. §12950.1 (effective January 1, 2019) expanding AB 1825 training requirements to private employers with five or

more employees (rather than 50) and requiring harassment abusive conduct training for *all* employees (not just supervisors), as of January 1, 2020. This compliance date was extended one year to January 1, 2021 by SB 778, effective August 30, 2019).

Statute: written law passed by a legislative body (federal or state).

Supervisor and Supervisory Employees: supervisors located in California, as defined under CCR Section 12926. Attending a training does not create an inference that an employee is a supervisor or that a contractor is an employee or a supervisor.

Training Year Tracking Method: requires a supervisory employee be retrained sometime within the year in which 24 months has passed since his or her prior AB 1825 training.

Webinar Training: an internet-based seminar whose content is created and taught by a trainer and transmitted over the internet or an intranet in real time. Acceptable webinars must allow supervisors to ask the trainer questions.

BACKGROUND

Title VII of the Civil Rights Act of 1964 prohibits discrimination in the workplace, and subsequent federal regulations prohibit workplace harassment in more detail. Mandatory harassment prevention training, however, is currently required by only six states—California, Connecticut, Delaware, Illinois, Maine, and New York.¹ (It is important to note that 13+ other states require training of only a specific group.) It is not surprising that workplace sexual harassment remains a problem across the nation.

¹ Johnson, Michael. "Sexual harassment training essential in all states, not just those with mandatory state training laws." Clear Law Institute. 6 January 2020. <https://clearlawinstitute.com/blog/harassment-training-essential-employees-states-not-just-california-supervisors/>

California's actions to address the issue of workplace harassment have been many and far reaching. California's statute governing mandatory sexual harassment prevention training originated in 2004 with the enactment of AB 1825. This law first launched a supervisory employee sexual harassment training requirement for California employers starting in 2005. "Employer" was specifically defined in the statute to include private employers with 50 or more employees, the state and all county governments in California, political or civil subdivisions, and all California cities. This law required employers to provide sexual harassment training to all supervisors within six months of assumption of their positions, and every two years thereafter.

The statute was amended in 2014 by AB 2053, that became effective January 1, 2015. This law extended the training requirement to include "abusive conduct." It was further amended in 2017 by Senate Bill 396 (SB 396), effective January 1, 2018, to include harassment based on gender identity, gender expression, and sexual orientation. Both laws were directed to be part of the training and education specified in G.C. §12950.1(a).

SB 1343, effective January 1, 2019, extended the law's reach to employers with as few as five employees (beyond the previously mandated employers with 50 or more employees), and it mandated harassment/abusive conduct training for *all* employees (not just supervisors), starting January 1, 2020. The California legislature extended the compliance date one year, to January 1, 2021, via Senate Bill 778 (SB 778).

The SB 396 amendment (gender identity, etc.) is self-explanatory. The AB 2053 amendment (abusive conduct) requires further explanation. "Abusive conduct," commonly referred to as "bullying," is defined in G.C. §12950.1(h)(2) to be: "verbal or physical workplace conduct by either employer or employee, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests," or the "gratuitous sabotage or undermining of a person's work performance." A single act will suffice if "especially severe and egregious."

California Government Code §12950.1 is the codified statute for the AB 1825 training requirement. A statute involving government enforcement typically delegates that responsibility to an appropriate government agency. For G.C.12950.1, that agency is the California Department of Fair Employment and Housing (DFEH). (See G.C. §12935(a)(1).

Acting on behalf of DFEH, the state Fair Employment and Housing Council (FEHC) has adopted a regulation titled, *Required Training and Education Regarding Harassment Based on Sex, Gender Identity, Gender Expression, and Sexual Orientation*. This regulation is found in Title 2, section 11024 of the California Code of Regulations (2 CCR §11024). The most recent amendments, effective April 1, 2016, do not reflect the 2017 gender/orientation additions.

The regulation explains the essential elements of an anti-harassment policy and how to utilize it if a harassment complaint is filed. It requires employers to provide supervisors with a copy of the employer's policy regardless of whether the policy is used as part of its AB 1825 training. Each supervisor is required to read the employer's policy and to acknowledge receipt of that policy.

This is the complicated framework under which AB 1825 supervisor training must be provided for all supervisory employees within six months of when they assume their duties, and every two years thereafter.

METHODOLOGY

Measuring compliance with the training requirements in G.C. §12950.1 can be as complicated as the code itself. Enforcement metrics are provided in the code, and practical standards for meeting the compliance guidelines for training content and even recordkeeping have evolved concurrent with changes to the code. The Civil Grand Jury used the 2 CCR §11024 regulation as its roadmap to measure compliance in the 13 jurisdictions investigated. As noted above, the regulation provides direction that the Civil

Grand Jury used to assess the essential areas of content subject matter and process (trainer qualifications, method of delivery, recordkeeping, etc.)

Investigatory Framework

The Civil Grand Jury adopted a straightforward investigative model. It chose DFEH regulation 2 CCR §11024 as the benchmark for measuring mandated training compliance, and subsequently collected documentary evidence and witness testimony. Thereafter, the Civil Grand Jury analyzed the material to assess the extent to which it matched the respondent jurisdiction's efforts to comply with the regulation. Next, the Civil Grand Jury conducted in-person interviews with personnel from each government entity investigated, in order to validate compliance, gather more detail, and develop an accurate picture of each jurisdiction's situation. Lastly, the Civil Grand Jury arranged exit interviews with appropriate representatives from the County of Monterey and the 12 cities investigated to confirm its findings.

The first step in the investigation focused on written materials—specifically, recordkeeping requirements mandated by the applicable state laws and imposed on the responsible parties. Subsection (b)(2) of 2 CCR §11024 details the training documentation that an employer must maintain. On October 15, 2019, the Civil Grand Jury issued letters to the above-referenced Monterey County government entities that were selected for this investigation. The Civil Grand Jury requested the following documentation which was quoted directly from 2 CCR §11024:

Documentation of Training. To track compliance, an employer shall keep documentation of the training it has provided its employees under this section for a minimum of two years, including but not limited to the names of the supervisory employees trained, the date of training, the sign in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and the name of the training provider.

The county and municipalities responded to the request and the Civil Grand Jury evaluated the materials provided.

Some jurisdictions also submitted additional training records through Year End 2019 (YE2019) to validate supervisor retraining within a two-year period. These jurisdictions used the Training Year Tracking method (see Glossary). Our training calculations excluded supervisory employees who separated employment, or who were on a leave of absence before the Training Year or before the 24-month training deadline ended.

DISCUSSION

It has been 29 years since Anita Hill shocked the nation with her testimony at Supreme Court Justice Clarence Thomas' confirmation hearing. Fifteen years later, in 2006, Tarana Burke coined the phrase "Me Too" to help women who had survived sexual violence, and to raise awareness of the pervasiveness of sexual abuse and assault in society. Today, our media still reports on far too many accounts of sexual abuse and assaults, with allegations and even convictions against famous celebrities and public figures alike.

High profile celebrity cases, however, are not the only setting where sexual harassment may occur. Those who work and live in all parts of our society, both in private enterprise and public government can encounter this crime. This is true even for our own local jurisdictions, where threats from sexual harassment and toxic work environments can exist as well. In 2018, for example, local media reported on the toll of sexual harassment within some Monterey Peninsula city governments. Sexual harassment not only harms our citizens, it has a significant monetary cost. Hundreds of thousands of dollars in fines and settlements divert funds from essential government-provided services. Sexual harassment harms victims and harms our communities' trust in society and each other, but it also harms us financially. This report cannot address those issues, but it can review the compliance with training that is essential to prevent those issues from occurring in our community governments.

Training

All employers know that *training* is a key preventive measure to safeguard the workplace, and the organization, against a hostile workplace environment and the liability, litigation, and damages that can result from such an environment.² California recently established the Government Operations Agency to oversee and ensure that all government agencies were “at or near full compliance” with supervisors’ sexual harassment training. This is the California governor’s personal response to multiple media reports that pointed out our state’s inability to comply with requirements to “*provide sexual harassment training to all supervisors.*” One of these reports³ for example noted that in 2018, nearly 60% of state agencies surveyed did not provide sexual harassment training to their supervisors. California DFEH Director, Kevin Kish, admitted, “You have an enforcement model where basically people are not incentivized to comply up front.”⁴

Based on this background, the Civil Grand Jury decided to investigate compliance with mandated sexual harassment prevention training for supervisors in Monterey County’s 13 local jurisdictions. These jurisdictions included the County of Monterey and the 12 incorporated cities within the county’s borders. The scope of the investigation focused on training materials and delivery, training management procedures, and administrative compliance.

2 Feeney, E. “The importance of effective sexual harassment prevention training.” ADP Spark blog. 2 April 2020. <https://www.adp.com/spark/articles/2020/01/the-importance-of-effective-sexual-harassment-training.aspx#>

3 Rodd, S. (2018, May 28). “It’s Inexcusable’: Dozens of California Government Agencies Failed to Provide Sexual Harassment Training to Nearly 1,800 Supervisors.” *Capital Public Radio (KXJZ Sacramento)*. <http://www.cpradio.org/articles/2019/05/28/its-inexcusable-dozens-of-california-government-agencies-failed-to-ensure-sexual-harassment-training-to-nearly-1800-supervisors/>

4 *Associated Press*. “California State Agencies Not Giving Required Harassment Training.” *KPIX CBS SFBayArea*, 28 May 2019. <https://sanfrancisco.cbslocal.com/2019/05/28/california-state-agencies-not-giving-required-harassment-training/>

Although local media noted that Monterey Peninsula cities also had been reviewing and updating their AB 1825-related policies,⁵ our investigation found that not all jurisdictions had completed this update, even two years later.

The objective of AB 1825 training requirements for supervisory employees is to eliminate, or at least reduce, incidents of harassment in the workplace. The goal is a safe and productive workspace for all employees. Despite long-standing training legislation, sexual harassment claims continue to be a source of liability. This has caused many cities and counties to band together in risk management consortiums to share resources for regulatory compliance, legal services, insurance, and training.

The risk management consortium with the largest local membership is the Monterey Bay Area Self Insurance Authority (MBASIA), whose members include the cities of Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Sand City, and Soledad. MBASIA is a joint powers authority which is a division of the California Public Entity Agency Risk Management Association. It offers insurance coverage and risk management programs.

This was important for our investigation since many of the jurisdictions we reviewed rely on MBASIA's free online training modules that feature turn-key recordkeeping systems offered through TargetSolutions, and which meet AB 1825 training requirements.

In its examination of sexual harassment training policies, practices, and recordkeeping, the Civil Grand Jury found that the County of Monterey and its incorporated cities are conducting sexual harassment training, but not always in a consistent and timely fashion that complies with governing AB 1825 regulations. Systematic recordkeeping is a key factor in successful management of training compliance.

5 Mayberry, C. "In wake of recent cases, Peninsula cities examine sexual harassment policies." Monterey Herald. 19 May 2018. <https://www.montereyherald.com/2018/05/19/in-wake-of-recent-cases-peninsula-cities-examine-sexual-harassment-policies/>

The small staffs of several local cities are challenged by handling multiple roles which include providing support to their city's officials, juggling daily priorities, and also scheduling, arranging, delivering, and tracking mandated trainings. This is in addition to reminding supervisory employees to attend that training. Staff of smaller cities who have adopted a simplified training management system appear to be more effective in this role. On another note, some city staff reported that they feel they are not supported by their superiors when they attempt to enforce training requirements. This is especially true in cities with veteran supervisory employees who do not find value in sexual harassment training.

A July 2019 article⁶ noted that many HR professionals view harassment training as more of a protection for employers and find no evidence to confirm that delivering training and written policies alleviates workplace harassment. This research suggests that culture change, driven by the top organization leaders, is key. Mid-managers and HR workers simply do not have the authority to enforce training compliance without active support from upper management and without a credible zero tolerance policy.

Our investigation found that HR workers in some local jurisdictions did lack authorization from their superiors to enforce training requirements, and this created compliance roadblocks when that workforce did not think it needed sexual harassment training. This was illustrated by cases of lack of follow-up for missed training or even having no one person assigned to ensure AB 1825 training compliance. In some cases, just scheduling the training was perceived as compliance.

On the other hand, several cities provide supervisory training to non-supervisory employees as well. The Civil Grand Jury found that this was more common in instances where public safety personnel or part-time recreation staff have part-time supervisory duties outside of their normal classification.

6 Flanagan, C. "The problem with HR." The Atlantic. July 2019.
<https://www.theatlantic.com/magazine/archive/2019/07/hr-workplace-harrassment-metoo/590644/>

Several cities with turnovers in their HR staff during the three fiscal years surveyed were missing training records. Therefore, their records were not easily accessible and were often incomplete. In most cases these cities have restarted their compliance efforts. The investigation also found some jurisdictions had tracking systems that are hard to maintain and that do not ensure retraining is completed within the mandated timeframes. Finally, some archive their records offsite or in employee files, which makes them difficult to access or use for planning and monitoring training.

Some cities could not provide copies of their training materials because they were no longer accessible from their online training provider. These on-line programs are non-compliant with 2 CCR §11024. One conclusion from this investigation is that, regardless of the training approach or modality, a jurisdiction must capture all its course materials for recordkeeping purposes and for future reference by employees if needed. This is a requirement of 2 CCR §11024.

Some of the Civil Grand Jury's generalized suggestions for achieving full AB 1825 training compliance are:

- Choose the Training Year Tracking Method for planning and tracking training. This gives all employees the same "time-block" deadline to complete training (for example, assigning a January 31 deadline, with a 30-day notice avoids the challenges of managing individual supervisory employee dues dates under the 24-month Training Method, dates that may come due throughout the year).
- Use just one authorized online vendor to ensure the most efficient method of tracking training. It provides the following: electronic recordkeeping for all required training in one place, automatic training reminders, copies of certificates of training completion, a live adviser for questions, access to training course materials required by 2 CCR §11024, and flexibility to train at the employee's convenience.
- Set and actively enforce serious and meaningful consequences for failing to train. This could include reprimands, or work performance penalties.

- Create a training tracking spreadsheet and assign it to one accountable staff person. The Civil Grand Jury found this to be the most effective means for smaller cities to manually track multiple training modes. A single worksheet can include a detailed employee roster with name, job title, date of hire, date of promotion, date of separation, and columns to track type and dates of everyone's training over three to four calendar years.
- Perform annual reviews and update, if required, harassment, discrimination, and retaliation policies. A comprehensive written AB 1825 harassment, discrimination, retaliation prevention policy should be consistent with 2 CCR §11023; the policy should contain a provision covering the employer's obligation under G.C. §12950.1 and 2 CCR §11024.

The following 13 sections are the Civil Grand Jury's summary reports for each local jurisdiction's AB 1825 supervisory employee training program.

City of Carmel-by-the-Sea

Carmel-by-the-Sea initially submitted the following records for review: a supervisory employee roster for FY 2016/17, 2017/18, and 2018/19, and written program materials for the 2018 federal Equal Employment Opportunity Commission (EEOC) classroom training (PowerPoint slide set captioned "Leading for a Respectful Environment"). Absent were a sign-in sheet for that live event, and completion certificates for any of the 2018 trainings (classroom or online). Certificates for three 2018 online trainings were later provided. The city does not use "training year" tracking to monitor training compliance. The other method allowed by DFEH regulation is to use the 24-month training Tracking Method for each employee's training attendance as the outer boundary to re-train ("individual" tracking).⁷

⁷ The biannual "training year" method must be premeditated: "An employer may designate a 'training year' in which it trains some or all of its supervisory employees and thereafter must again retrain these supervisors by the end of the next 'training year,' two years later. . ." See: 2 CCR 11024(b)(1)(B).

The city offers both classroom and E-learning training, directing most employees to complete classroom training in even years. The city has expressed an affinity for the classroom modality, where personal interaction is a key element, due to what they see as a stronger likelihood of information retention.

According to the city, online training is made available for supervisory promotions and new hires in order to satisfy AB 1825's requirement that training of these employees take place within six months of promotion or hire. It is also available to supervisory employees whose work schedules extend beyond normal work hours.

Most of the city's training materials were reviewed and appear to adhere to the content areas mandated by 2 CCR §11024, and the qualifications of the trainer appear to be compliant (see 2 CCR §11024(a)(10)). The city provided records of a classroom training session conducted by the EEOC Training Institute on November 15, 2018. However, it was evident that the EEOC program was not developed with specific reference to the sexual harassment/abusive conduct requirements of AB 1825 and the implementing DFEH regulations. Of note, the focal point California Government Code section cited in the material is 12940 (unlawful employment practices, in general). Section 12950.1 (sexual harassment/abusive conduct) is nowhere mentioned. The EEOC training, although four hours in length, did comply with the required time elements for proper AB 1825 training.

The city's online E-learning provider is TargetSolutions. The city supplied no written materials relating to services supplied by this provider, other than a completion certificate for one October 29, 2019 training. However, materials obtained from other jurisdictions using this provider appear to be fully compliant with the applicable administrative regulation, 2 CCR §11024. Additional employee training occurred and was documented but without AB 1825 specified materials.

The 2016 classroom training by a local law firm was provided on January 16-17 of that year. The EEOC classroom training was done on November 15, 2018. There were no AB 1825 trainings offered in-between these two.

If the city were to apply the 24-month Training Tracking Method, its compliance rate for this period would be **0%** for timely training. However, using the Training Year Tracking Method that requires training to be completed within target calendar years, the city's retraining compliance rate would have been 90%. This fact indicates that the city should adopt a written policy to use the training year tracking, even if it continues the actual practice of individual training tracking.

The supervisory employee roster supplied by the city reflects that there were people either hired or promoted to supervisory positions at some point during the 2017/18 fiscal year. The DFEH regulation (and the authorizing statute itself) provide that such supervisory employees must be given AB 1825 training within six months of their hire or promotion date. Because the city could not provide compliance data for these supervisory hires' AB 1825 training the Civil Grand Jury could only conclude that it did not meet the required standard for this training.

This investigation noted that prior to the EEOC event, the last AB 1825 training of any kind had been nearly three years earlier, in early 2016. When interviewed about this issue, the respondents only stated that there had been nobody in charge of employee training.

Apart from the January 2016 training by an outside law firm, the November 2018 EEOC classroom event, and three subsequent individual online trainings, the history of the city's compliance with AB 1825 supervisory training is undocumented. In response to a Civil Grand Jury query about how long the city had provided sexual harassment training for its workforce, the city's response was that this was unknown.

Currently, the city has arranged to do individual tracking of employee training both manually and by electronic means. An HR employee maintains an online calendar that is annotated with supervisory employees who are periodically due for re-training.⁸ In addition, for instances when new hires and promotions occur, the TargetSolutions online provider maintains training data for each participant that is accessible online to the city, and allows HR staff to check-in periodically to see who is due for re-training.

When questioned as to why there was no attendance or completion paperwork (rosters or completion certificates) for the November 2018 EEOC training event, the city responded that it was assumed the provider (EEOC) would take care of those details.

The city informed the Civil Grand Jury that a written policy that addresses, wholly, or in part, AB 1825 employee training is stored on the city's shared computer drive, and thereby available to employees. While the Policy reveals a detailed, thorough, and comprehensive treatment of the subject of workplace harassment, it contains nothing whatsoever about employee training.

City of Del Rey Oaks

The Civil Grand Jury determined that, based on interviews and material made available to its investigation, the City of Del Rey Oaks' AB 1825 training was not offered or required until sometime during fiscal year 2017/18. This was surprising since the law required such training take place as early as 2005. The first AB 1825 training date recorded on the personnel roster the city provided to the Civil Grand Jury was March 2, 2018. City records show the city trained 80% of its eligible supervisory employees in 2018 with 60% of the supervisors training in March 2018, 20% training in October 2018, and the remaining 20% not training at all.

Because Del Rey Oaks did not offer AB 1825 training for supervisors until 2018, the Civil Grand Jury is unable to determine two-year training timeliness. In addition,

⁸ Ibid.

submitted records for newly hired and promoted supervisors showed no training for new supervisors within six months. One supervisor did receive the training, but it was three months prior to his promotion. The city's compliance with the AB 1825 standard for six-month training is **0%**.

Del Rey Oaks uses E-Learning through Apex Solutions exclusively. This is a certified AB 1825 training provider. The city uses E-learning as opposed to classroom-style training due to its small number of supervisory staff. This was particularly suitable to the city's situation where most supervisors are law enforcement employees who work irregular shifts. Del Rey Oaks will occasionally be offered space in classroom-style trainings provided by other local cities, and one supervisor did take advantage of that offer.

The city's Assistant City Clerk maintains records of training taken and training due by using a computer-based calendar system, and by accessing Apex Solutions online training records for the city's employees. The Civil Grand Jury concluded that this simple system could work well for Del Rey Oaks based on its small staff numbers. With only 15 employees, including six supervisors, AB 1825 training records are easily maintained.

A harassment policy is included as Section 3.05 in the city's out-of-date Personnel Manual, which was last revised over ten years ago. This manual does include a sexual harassment policy but lacks any of the more current forms of harassment stipulated in AB 1825 amendments. The policy also lacks AB 1825 mandates for sexual harassment prevention training of supervisory employees.

Del Rey Oaks went through a significant turn-over of management and elected officials in 2017 and 2018. Since then, the city has contracted with a consulting firm specializing in the administrative needs of local governments. This firm's scope of work focuses on Del Rey Oaks human resource systems. This is a welcome effort by the city to improve its HR system.

City of Gonzales

Gonzales has been providing AB 1825 training since 2005. All employees, not only supervisory employees, participate in this training. The city has expressed an affinity for the classroom training modality believing there is better information retention where personal interaction is a key element of the training. Online methods are employed in the event a supervisory position is filled by new hires or promotions. Gonzales uses the Training Year Tracking Method to schedule and monitor training compliance.

Gonzales is a member of the MBASIA and utilizes MBASIA's sexual harassment training resources. Therefore, cost is not an issue with respect to participation in AB 1825 training activities.

Based on the supervisory employee roster that the city initially provided, 14 listed supervisory employees were eligible for training in 2016. Eleven of those employees participated in the December 6, 2016 classroom training conducted by Concern-EAP, a provider of short-term counseling services for employees and their family members.

Submitted training materials included a PowerPoint presentation and a participant guide both captioned "Preventing Sexual Harassment." Both items make specific reference to both federal and California state law—in the case of the state, AB 1825, the original 2004 training mandate, and AB 2053, the 2015 amendment expanding coverage to include abusive conduct. Significantly, a promotional flyer prepared by Concern-EAP, and bearing its logo, states:

This course meets the requirements of California AB 1825, Training for Supervisors, AB 2053 Abusive Conduct, SB 396 Gender Issues, & SB 1343 Training for Non-Supervisors.

Notwithstanding the foregoing, the Civil Grand Jury's review of these materials reveals significant deficiencies when matched up against the training content requirements set forth in the applicable DFEH implementing regulation, 2 CCR §11024. Specifically,

neither the PowerPoint nor participant guide materials contain any mention of the following:

- Remedies for victims of harassment
- Strategies to prevent workplace harassment
- Supervisor reporting responsibility
- The limited confidentiality of the complaint process
- Necessary corrective steps (e.g. investigation of complaint)
- How to handle situation where a supervisor is accused
- Essential elements of an anti-harassment policy and how to use it

The Civil Grand Jury finds that although the 2016 Concern-EAP training materials were non-compliant with the relevant state administrative regulation, they were represented to the city as being fully-compliant with the requirements of California law, and the city had no reason to believe otherwise. Therefore, the Civil Grand Jury concludes that the city acted in accordance with the training mandate of G.C. §12950.1.

Three newly promoted supervisory employees completed online training in 2017. The provider was EVERFI, which is a provider of online training for businesses and higher education, including AB 1825. The city could not provide EVERFI training materials, because it did not have access to them. Because of this the Civil Grand Jury could not determine whether EVERFI's online supervisory employee training complied with 2 CCR §11024, and it could not validate that the city met the AB 1825 requirements for newly promoted supervisors for that year.

The City of Gonzales provided no AB 1825 training records for 2018 and provided none for the first half of 2019 (when the final fiscal year of this review ended). The Civil Grand Jury therefore concluded that the 14 supervisory employees who had been trained in 2016 were not retrained as required in 2018. This was affirmed by information later obtained by the Civil Grand Jury, which revealed that training was not done in a timely manner due to staff changes and workload issues. This was a surprising breakdown in managing mandated training. When coupled with the inability to confirm AB 1825

training for the three supervisory employees hired in 2017, the compliance picture for the city was problematic.

After this initial review, Gonzales subsequently provided AB 1825 records for classroom and online training completed during December 2019. The December 11 classroom event was conducted by Concern-EAP. This training was attended by 15 supervisors and 41 non-supervisors. It was structured as a 2-hour event, with the first hour for all employees, and the second hour reserved for managers and supervisors only. The training content for this session was examined. It was found to be meaningfully different from the substandard material by Concern-EAP used in 2016 and appeared to be compliant with 2 CCR §11024 content requirements. Additionally, the three supervisory employees first trained in 2017 were retrained in 2019. However, this training was outside the scope of this Civil Grand Jury's inquiry.

Finally, the Civil Grand Jury noted that Gonzales has no written policy for AB 1825 sexual harassment/abusive conduct training. However, the city attorney is currently updating city policies for consideration in June 2020.

City of Greenfield

Greenfield conducts AB 1825 supervisor training under the direct supervision of the City Manager's Office. The executive assistant to the City Manager tracks compliance and facilitates AB 1825 supervisor new or biannual training for the city's approximately 19 supervisors, and for all new supervisors required to complete the training within six months. The city's sexual harassment prevention policy is provided to all employees upon hire, and the city has posted its sexual harassment prevention policy on the city's public internet.

Greenfield's compliance in AB 1825 supervisor training recordkeeping is currently marginal. During this inspection, the Civil Grand Jury determined that the recent year's records of AB 1825 training were irregular or incomplete. Although many training sessions, both on-line and classroom, had been held in recent years, the historical

records for these training events are incomplete. However, the manual entry process for tracking now has been augmented by the TargetSolutions training management system.

The Greenfield City Manager's Office facilitates AB 1825 supervisor training and tracks compliance. The executive assistant to the City Manager is the focal point for these actions. The number of supervisors who require AB 1825 training in Greenfield varies each year, both because AB 1825 supervisor training is biannual and because the number of city supervisory employees varies. Also, all new supervisors are required to complete AB 1825 training within six months of hire.

The increasingly detailed AB 1825 requirements suggest that even with the improved TargetSolutions records management system, compliant AB 1825 recordkeeping will remain problematic for the city if this task remains as an additional duty for the City Manager's Office.

The city's sexual harassment prevention policy is posted on the city's website. That policy, "Harassment Policy and Complaint Procedure," is incorporated by reference as Attachment B to Rule 17, of Section 7 to the city's Personnel Rules and Regulations (adopted December 1993). This policy is provided to all employees upon hire. The policy has no notations to indicate if, or when, this policy was ever updated. It does not specify or reference AB 1825 or any supervisor-specific training responsibilities.

The city training records provided to the Civil Grand Jury for this investigation did not identify which attendees were supervisors (for AB 1825 purposes). However, interviewees estimated that there was an average of 12 supervisors on the city payroll at any one time. Based on city rosters, position titles, and training records that could be cross referenced by the Civil Grand Jury, the number of supervisors appears to average about 19.

The Civil Grand Jury found that much of the city's sexual harassment prevention training is conducted with supervisors and employees attending together. This was

documented for sexual harassment prevention (AB 1825) and anti-abusive conduct (AB 2053) training sessions in both 2017 and 2019.

As noted above, since at least July of 2019, the city has used TargetSolutions for online delivery of individual AB 1825 training, and to track the training status of supervisory and other employees. The city also conducts in-person classroom AB 1825 training and has used both the City Attorney and outside firms as providers. The training course materials reviewed by the Civil Grand Jury were current or compliant with state requirements at the time of presentation. In accordance with state requirements, the city also maintains some training rosters, and some training certificates. However, the city did not provide any requested training records or material for FY 2017/18, one of the three years (FY 2016/17, FY2017/18, FY2018/19) of AB 1825 sexual harassment prevention training that was investigated. Based on interviews conducted by the Civil Grand Jury, some sexual harassment prevention training was conducted in FY2017/18, but the Civil Grand Jury was not able to verify any training during that period.

Greenfield's compliance in tracking AB 1825 supervisor training is currently marginal. As noted above, since at least July 2019, the city was able to produce some required tracking data for several, but not all, requested fiscal years, and it could not present complete AB 1825 training records for any fiscal year. Based on records made available to the Civil Grand Jury, and even accepting the unverifiable assumption provided by the city that session rosters submitted to the Civil Grand Jury likely represented AB 1825 supervisor training, the city's recorded AB 1825 supervisor training rates appear low.

AB 1825 Training Fiscal Year *	Total Supervisors Trained (AB 1825) %	Total Supervisors for FY
FY 2016/17	10 (53%)	19
FY 2017/18	No records	20
FY 2018/19	7 (37%)	19
* based on materials provided by City of Greenfield		

At least one person interviewed by the Civil Grand Jury noted that many supervisory personnel had completed the FY 2018/19 AB 1825 training, but records had not been

updated at the time of this investigation. One training-due roster was provided with four supervisors' names to show that they were in the process of completing AB 1825 training. The Civil Grand Jury could not verify completion of that training but noted that even with an additional four supervisors added to the "completed" numbers, the overall compliance rate for the City of Greenfield for FY 2018/19 would be **58%**. This percentage could be higher if AB 1825 supervisor training had been conducted in FY 2017/18. Those supervisors trained in the prior year would still be qualified for the next year's training period. However, the city had no records to document any training attesting to this situation.

The Civil Grand Jury also determined that, according to all records provided by the city, a total of nine current supervisory personnel had not taken, nor are there records of them taking, any AB 1825 training during the three fiscal years reviewed in this investigation. That represents 47% of the current supervisory staff.

On a positive note, the Civil Grand Jury recognized that the city is changing its recordkeeping and training tracking system. Since July 2019, the manual entry process of names, dates and periodic spreadsheet updates have been augmented by the TargetSolutions training management records system. This is a positive measure, and together with continued focus by the city's leadership, Greenfield's training compliance levels may reach closer to the state-required 100%.

Yet, due to the increasingly detailed AB 1825 training and recordkeeping requirements, and the high volume of administrative functions that is managed by the City Manager's Office, the Civil Grand Jury fears that even with the limited population of supervisors in the city and with improved TargetSolutions learning management system records processes, compliant AB 1825 recordkeeping will remain problematic if it remains an additional duty located in the City Manager's Office.

King City

King City's sexual harassment prevention training for supervisors and managers is provided exclusively through a *ThinkHR* online AB 1825 training course. This E-learning training—from method, trainer qualifications, training content, access to training records, certificates of completion, and access to live advisers—appears to be fully compliant with the applicable administrative regulation 2 CCR §11024.

During the three fiscal years from July 1, 2016 through June 30, 2019, all but two of King City's supervisory employees completed timely AB 1825 training. Both of those employees had taken a leave of absence. One did not return to work, and the other completed timely training upon return from the leave. After a follow-up records review, the Civil Grand Jury concluded that King City has maintained 100% compliance to AB 1825 for the past three fiscal years.

For the fiscal periods reviewed, King City hired or promoted two supervisory employees and one contract supervisor. All three received AB 1825 training within six months of their date of hire or promotion. These training records demonstrate a **100%** compliance level for training of new and promoted supervisory employees.

King City uses the Training Year Tracking Method to track when training is due. HR calendars individual training due dates and notifies those supervisors whose training is due prior to their two-year anniversary. By choosing to focus on AB 1825 training every other year (odd years), King City has been able to simplify recordkeeping and achieve 100% compliance with training. Supervisory employees who are hired or promoted and receive their initial six-month training in even years, train again the following calendar year (in odd years) to maintain a streamlined biannual tracking system.

Because King City tracks training for 18 supervisory employees and contractors, their training compliance system is handled with a simple Excel spreadsheet and Outlook calendar reminders. Using a single training mode, training records are easily tracked and are well-maintained. HR also implements a routine of personal follow-up to ensure

untrained supervisors train before the year end. Training expectations are supported by the City Manager, who promotes timely training.

King City's Policy No. 10, titled, *Harassment, Discrimination, and Retaliation*, is posted on the city's public website. Subsection 7 of the policy, titled, *Training*, covers the necessary requirements of AB 1825. All employees receive a copy of this policy as a part of their initial orientation with the city and sign an acknowledgement of receipt. The policy is deemed fully compliant with current 2 CCR §11024 regulations.

All elements of King City's AB 1825 supervisory training program comply with the 2 CCR §11024 regulations. King City is to be commended for this excellent record.

City of Marina

Marina takes advantage of its MBASIA membership to access its AB 1825-compliant training programs. The membership provides free online training through TargetSolutions, and a fee-for-service classroom training option with a local law firm.

E-learning with TargetSolutions is the primary method for AB 1825 training in Marina. The city offered live classroom training twice: once in 2013 and again during 2019. HR staff reported employees prefer this training mode, because it is interactive, allowing employees to ask specific questions. However, classroom training is dependent on available budget allocations.

The Civil Grand Jury conducted a review of the PowerPoint presentation and handout for training titled "Preventing Harassment, Discriminations and Retaliation." The course appears to be fully compliant with applicable administrative regulation 2 CCR §11024. It includes qualified trainers, certificates of completion, training sign-in sheets, and training data report capability.

Thirty-five supervisory employees were eligible for supervisory training during FY 2016/17, FY 2017/18, and FY 2018/19. Thirty employees had timely training. One

employee missed 2017 training. One employee, a senior city official, missed both 2017 and 2019 trainings. Two employees had late new hire/promoted training that coincided with training due in 2019. One employee completed non-supervisory training in 2019 but previously had supervisory training in 2017. Marina demonstrated **85.7%** timely supervisory training.

Seven new supervisors were hired or promoted between FY 2016/17, 2017/18, and 2018/19. Five out of seven received timely supervisory training within the prescribed six-month period. The city had a **71.4%** timely training compliance record for the period. One staff member has responsibility for the city's HR function, which includes AB 1825 compliance and program management. The HR staff uses the 24-Month Tracking Method in odd year cycles. Marina staff is effective at assigning training to employees and giving them deadlines of up to one month to encourage timely training. However, a break in online training occurred in 2018 when TargetSolutions went offline to update their materials to include new California regulations. This training inaccessibility may have impacted timely training for two employees who had training due in 2018.

The city's HR maintains AB 1825 training records for its management groups using the online TargetSolutions roster which can be manually updated for classroom training based on completed sign-in sheets. Public safety groups, such as police and fire, primarily use TargetSolutions online training and manage training of their own personnel in a timely fashion. Marina appears to have well-functioning recordkeeping systems on these two fronts.

For new hires, the city provides these employees with a written sexual harassment policy and a brochure from the Department of Fair Employment and Housing, and has the employees sign an acknowledgement of receipt for the policy. It is a stand-alone harassment policy document, titled *Policy Against Sexual Harassment*, which is missing a reference to certain protected classes of employees with respect to gender, gender identity, gender expression, marital status, genetic characteristics, and military/veteran

status. It also lacks a section on training mandated by 2 CCR §11024 regulations. The policy is therefore marginally compliant with AB 1825 and AB 2053.

All employees are given a copy of this stand-alone policy, as part of their initial orientation, as well as a brochure from the California Department of Fair Employment and Housing concerning sexual harassment prevention training. The city is in the process of updating its *Personnel Policy Manual*, which was adopted in 1995 and last updated in 1999.

City of Monterey

Monterey prefers using classroom training to meet AB 1825 requirements. Classroom training in 2019 was provided by a Human Resources employee who was formerly an attorney and certified trainer with a large local law firm that specializes in AB 1825 training. Copies of the training materials, entitled “Workplace Harassment and Bullying Prevention Training,” were reviewed. The State Laws section is missing any specific reference to AB 1825 regulation governing 2-year and 6-month training requirements for supervisory employees.

For its 2018 classroom training, Monterey selected a two-hour course facilitated by the federal Equal Employment Opportunity Commission’s (EEOC) Training Instituted, entitled “Working in a Respectful Environment.” The Monterey workshop materials that were submitted for the EEOC course only covered the two-hour training attended by all employees. Those training materials did cover California Laws and Regulations, including §12950.1 California Training Requirements for AB 1825. However, the duties of a supervisor were not covered. The supervisory employees had extended training of one additional hour. No program materials were submitted for that portion of the training, so the Civil Grand Jury is unable to ascertain the compliance level of the supervisory portion of the EEOC training program.

Furthermore, the focus of the EEOC training workshop was creating and maintaining a “respectful workplace,” not sexual harassment and abusive conduct prevention. The

§12950.1 content is only dealt with in the second of six modules for the two-hour session. The Civil Grand Jury concluded a majority of the training concerned other topics, which did not satisfy the two-hour sexual harassment/abusive conduct training requirements for supervisors. Therefore, this training program was deemed deficient for AB 1825 compliance purposes.

E-Learning through TargetSolutions is used for employees unable to attend classroom training due to scheduling issues (usually public safety personnel), for newly promoted supervisors, and for supervisors who were found to need additional training based on decisions made by their departments. The TargetSolutions' AB 1825 E-Learning training program is fully compliant with AB 1825 mandates. It provides certificates of completion and training data for each employee that is accessible online by the employer.

In order to determine if the City's supervisory employees received AB 1825 training within six months of hire or promotion and every two years thereafter, the Civil Grand Jury requested Monterey provide a list of employees in supervisory positions during the period of fiscal years 2016/17, 2017/18, and 2018/19. A handwritten comment on the top of the list provided by the city stated, "List of supervisors 2018/2019." This list was inadequate for the Civil Grand Jury's purposes as it may not have included supervisors who had been hired, promoted, or separated during the two prior fiscal years.

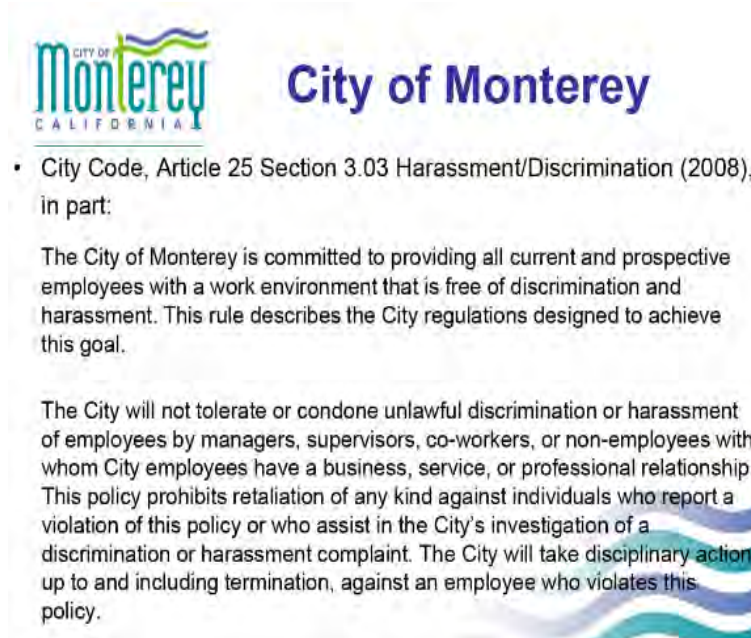
Monterey was subsequently asked to provide a list of supervisors employed during the three fiscal years of 2016 through 2019 that included their hire, promotion, and if applicable, separation dates. The city responded that their database could not provide the requested information because the database's reporting capabilities were limited to currently active supervisors. This led the Civil Grand Jury to conclude that the "Active Supervisors List" that was submitted and dated October 30, 2019 only included supervisory personnel on payroll at that time and not in prior years and it did not include former positions that the employee may have held with the city.

Therefore, the Civil Grand Jury concluded that if a supervisor was initially hired as a non-supervisory employee and later promoted to a supervisory position, Monterey's Human Resources Department could not track the employee's date of promotion or what former position classifications that employee may have held. In addition, Monterey was unable to provide names of employees who received AB 1825 training during FY 2016/17. The city reported to the Civil Grand Jury that they did not have a list of supervisors on payroll for that period.

This failing of Monterey's personnel tracking system results in an inability to determine if current supervisory employees had received their required AB 1825 training within six months of hire or promotion and then every two years thereafter. Because of these deficiencies in Monterey's tracking system, the Civil Grand Jury was unable to determine if the City of Monterey is compliant with AB 1825's training mandates. Because training timeliness cannot be verified, the Civil Grand Jury determined that Monterey's compliance with AB 1825 supervisory employee training requirements was **0%** for supervisory employee retraining and **0%** for new and promoted supervisor training.

Monterey reports it is creating a new system in 2020 that will capture all employee classifications (supervisory or non-supervisory) and whether each employee has completed mandated AB 1825 training.

Monterey's sexual harassment policy, titled *Harassment/Discrimination/Retaliation/Abusive Conduct/Bullying Policy* is contained in city code 25-3.03. The ordinance was originally adopted in 2008 and amended on March 20, 2018. While the policy accurately reflects the conduct prohibitions in 2 CCR §11023, it does not include the mandated employee training requirements in 2 CCR §11024. Below is a PowerPoint slide illustrating the city's policy and used in Monterey's 2019 classroom trainings.



City of Pacific Grove

The city of Pacific Grove exclusively trained its supervisory employees with classroom sessions during FY 2016/17, FY 2017/18, and FY 2018/19. The city prefers classroom-style training as the best method for fulfilling the interactive requirement of 2 CCR §11024 regulations, and it is more focused to organizational culture rather than to the liability aspects of the regulation.

The city contracts for the training with DeLay & Laredo, Attorneys at Law, whose partner also serves under a separate contract as Pacific Grove's city attorney. The firm is located in Pacific Grove and is a qualified AB 1825 training provider.

The city's AB 1825 classroom training course titled, *Sexual Harassment Prevention – A Guide for Elected Officials & Senior Staff – AB 1825*, is offered throughout each calendar year. AB 1825 supervisory training content appears to be fully compliant with the applicable administrative regulation 2 CCR §11024. It provides training sign-in sheets for each employee. Certificates of completion are not issued.

The classroom schedule included two training dates in 2017, six training dates in 2018, and two training dates in 2019 (one of which was held after FY ending June 30, 2019).

Staff in the city's HR Department changed in 2016. The newer employees were unable to access AB 1825 training records for 2016 and prior years. Therefore, the city's current training records start in 2017. Forty-five supervisory employees were eligible for training during the three fiscal years reviewed. Thirty-four trained timely which equated to **75.5%** timely training. Five employees who were trained in 2018 did not have training that was verifiable as timely because of missing 2016 training records. If 2016 training could be confirmed for these five employees, the timely training rate would increase to 80%.

Fifteen new or promoted supervisory employees, plus one other new hire who had training due by July 20, 2016, were subject to the mandated six-month training for new supervisors. Four had confirmed timely training, and two employees' records confirmed late training. For the other ten employees, timely training could not be determined—because nine of those employees were missing a date of hire or promotion, and one was missing 2016 training records. So, out of 16 eligible new or promoted supervisory employees, timely training was confirmed for four based on the available training records, resulting in a **25%** training compliance level.

Pacific Grove's two most significant training challenges deal with employees who work outside normal business hours, such as public safety officers, and new and promoted supervisory employees who are required to train within six months. HR occasionally

offers online options as needed in special cases. No record of online training was received for the period of the Civil Grand Jury 's review.

Two supervisory employees were trained more often than the two-year statutory requirement. The city also trained 63 non-supervisory employees in the same sessions as supervisors and managers in order to include staff who may have lead duties.

Given its small HR staff, Pacific Grove should consider streamlining the AB 1825 training system to concentrate training in even or odd years to simplify recordkeeping and improve timely training for its supervisory employees. Training records were maintained on an Excel spreadsheet that has tabs for each training calendar year. It included the following: employee name, assignment title, training completion date, training provider, and comments such as new hire, promoted, separated.

The city did revise its training tracking system into a single spreadsheet for the Civil Grand Jury, which allows an easier means of viewing training compliance over several calendar years.

The city's harassment policy is posted on its public website within the *Administrative Policies and Procedures Manual*, which was last updated on February 7, 2017. Found in Sections 100.080–100.110, titled *Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure*, the policy discusses harassment and abusive conduct, protected classes, retaliation, reporting, and complaint procedure consistent with 2 CCR §11023; it does not contain a provision covering the employer's training obligation under G.C. §12950.1 and 2 CCR §11024.

Pacific Grove's *Employee Handbook*, which is also posted on the city's website, is dated August 1, 2016. Review of the handbook showed it is missing all reference to a policy pertaining to sexual harassment or abusive behavior required by 2 CCR §11023. Therefore, it is assumed employees sign a required acknowledgement of receipt of the

handbook in their new-hire orientation, but it is deficient in the acknowledgement of a legally required receipt of the harassment, discrimination, and retaliation policy.

City of Salinas

The city of Salinas AB 1825 supervisor training is coordinated by the Human Resources (HR) Department. New employees are provided with the *Employee Guidelines on Preventing Sexual Harassment* including the (2017) Salinas Administrative Memorandum *Addressing Discrimination and Harassment Prevention*. These documents are also available on the city's intranet and can be accessed at the HR office.

Salinas' approach toward AB 1825 supervisor training compliance monitoring has been evolving in recent years. In 2017 the City's municipal financial and personnel functions support software package, New World ERP, was extended to HR training tracking to automate tracking of training deadlines and create an archive of historical training records.

Based on the materials provided to the Civil Grand Jury during this investigation, the city maintains complete AB 1825 course materials as well as some sign in rosters, some certificates of training, and additional AB 1825 reference materials used to organize or conduct the courses. While selected records of training data were missing, the overall organization of AB 1825 supervisor training program records were clear and well-managed.

Supervisors must take AB 1825 training biannually or within six months of assuming a supervisory position. Supervisor participation for the years reviewed by the Civil Grand Jury fell short of state requirements. In FY 2018/19 for example, only **45%** of the City's supervisory employees were trained or qualified by prior training in AB 1825 sexual harassment prevention. Also, an issue is the city's approach for tracking six-month new supervisor AB 1825 training. Currently, the city manually tracks this requirement. There is no automated method to link a new supervisor's hire or promotion to the AB 1825

supervisor training requirement. The use of the New World ERP system to track AB 1825 training occurrences and due dates is a good improvement to the city's process for that training. TargetSolutions online training, however, still must be manually cross loaded into the New World ERP system.

Overall, the Civil Grand Jury noted that the management and direct execution of the AB 1825 program was professionally managed and focused on delivering city-centric training that was relevant to its supervisors and employees. Our assessment was that improving supervisor compliance and continuing to develop more automated records keeping systems will make Salinas' current good system even better. The city's AB 1825 supervisor training is coordinated by the Human Resources (HR) Department. The HR Director has three employees that can assist with all AB 1825 training-related processes.

According to personnel interviewed by the Civil Grand Jury, prior to 2017 the city generally conducted a biannual sexual harassment prevention classroom training class for supervisors on pace with the AB 1825 (and prior) requirements. In 2017, the city started presenting the AB 1825 course annually and, starting in 2020, has begun presenting quarterly sessions for AB 1825.

Salinas has a strong preference for classroom/in-person AB 1825 supervisor training. The Civil Grand Jury was told that city leadership believes that the hands-on sessions provide more direct contact, greater interaction, and allow the course to be tailored to city-specific conditions and situations. The City Attorney and HR section AB 1825-instruction qualified personnel are the main trainers for this course. The city also has availed itself of law firms and even the National League of City's AB 1825 courses, on an opportunistic basis. Online training is made available by exception. TargetSolutions was mentioned as the current main provider of the city's online AB 1825 training. Online instruction is used primarily for catch-up or if a new supervisor cannot meet the six-month requirement for AB 1825 training after being hired or promoted into position.

The city provided complete course materials to the Civil Grand Jury and stated that these materials are available (per state requirement) if sought by employees. In addition to course materials, the city-maintained sign in rosters, some certificates of training, and additional AB 1825 reference materials that were used to organize or conduct the courses. While selected records of training or completion were missing, the overall organization of AB 1825 supervisor training records and materials was clear, logical, and well-documented.

The well-organized, comprehensive approach that the HR department applies to AB 1825 supervisor training is not reflected in supervisor participation rates. A summary of supervisor participation for the years reviewed by the Civil Grand Jury provided the following results:

AB 1825 Training Fiscal Year *	Nr. of Supervisors Trained or Qualified (%)	FY Supervisor Count
FY 2016/17	66 (47%)	139
FY 2017/18	91 (64%)	137
FY 2018/19	52 (45%)	116
* Data from City of Salinas		

Supervisors must take AB 1825 training every two years, based on the Training Year Tracking Method or within six months of assuming a supervisory position. For FY 2017/18 and FY 2018/19 the above numbers reflect the combined total of actual AB 1825 training, plus supervisors who already taken AB 1825 training within the past 24 months (or within two training years). For example, in FY 2018/19, the number of supervisors who took AB 1825 training, according to records provided to the Civil Grand Jury, was 21 personnel. In addition, 31 supervisors were still qualified by prior AB 1825 training (for two years). This meant that 52, or 44.8%, of the city's supervisors were compliant with the state requirements for timely training during the fiscal year period. It also meant that 64 supervisors were out of phase and not compliant. The Civil Grand Jury determined that of those non-compliant supervisors, 41 or 35% of *all* supervisors for FY2018/19 had not done any AB 1825 training for the past three years. Interviewees did caveat the data provided above by noting that in some cases, rosters of supervisors

provided to the Civil Grand Jury reflected a managers group, or a supervisors group. This meant that in some cases, some individuals on the list may not be supervisors. However, the Civil Grand Jury was not able to parse all lists to exclude non-supervisory personnel included in the requested supervisors' rosters.

Investigation into the reasons for suboptimal compliance revealed several conditions. First, the new tracking system (New World ERP) has been implemented backward from the newest employees/supervisors. This meant that as a new hire is processed or "on-boarded," that employee (if a supervisor) is given a target date for AB 1825 training in the New World system. Other supervisors have been added into the system working back among all employees. Periodic checks of the New World ERP will allow HR personnel to know who is due for the next AB 1825 sessions—if they have been entered into the system. The second reason that the Civil Grand Jury determined that compliance was an issue is supervisor personal responsibility.

This investigation noted several examples of city HR notices for AB 1825 training that had been sent to all listed supervisors. The Civil Grand Jury was even told that "global" notices of upcoming training have been posted on occasion. This suggested that a certain percentage of supervisors simply don't attend.

When questioned on this point, city personnel provided a different perspective. In the past, shift work, special assignments, or duty away from the city's training classrooms were reasons for supervisors to miss the once-each-two years (pre-2017), or the once-a-year (2017-2020) AB 1825 training. Those supervisors who missed should have sought out the online programs that the city makes available. However, waiting for the next class appeared to be a default approach for many supervisors. Starting in 2020, the city started quarterly AB 1825 supervisor training. Interviewees stated that this approach is a method that the city will use to raise its compliance rates to better levels.

The use of the New World ERP system to track AB 1825 training occurrences and due dates is a good improvement to the city's program. However, this system still requires

manual operation by HR staff to determine the population of supervisors due for training prior to any given class. This is a point of potential failure in working to achieve compliance. So, too, this investigation did not show how the TargetSolutions online training is integrated into the New World system. This appears be a manual action required between the two systems. That is another point where accountability and tracking can breakdown.

Finally, in spite of the challenges the city faces in raising supervisor compliance rates, the Civil Grand Jury noted that the management and direct execution of the AB 1825 program was professionally executed and tightly focused on delivering city-centric training that was relevant to its supervisors and employees. Continuing the current course, and taking a macro look at the overall status and results for the city's AB 1825 supervisor training, are the next steps. The Civil Grand Jury determined that this approach has not been routinely incorporated in the otherwise crisp and efficient AB 1825 supervisor training program.

Sand City

Sand City has been providing sexual harassment prevention training for its workforce at least as far back as the inception of the AB 1825 requirements (2005). The city has expressed an affinity for the online modality because it is thought more convenient for employees. The city has used the online provider AJ Novick Group, Inc. for many years. Cost is not an issue with respect to participation in AB 1825 training activities, because Sand City is an MBASIA member with access to a variety of educational functions, including sexual harassment prevention trainings.

The city did not submit requested training materials relevant to AJ Novick Group's training. The AJ Novick website advertises compliance with California anti-harassment law; in particular, AB 1825, AB 2053, SB 396, and SB 1343. The online course is timed at "at least two hours to complete."

As for content, the course curriculum includes information on relevant state and federal law, gender/sexual orientation harassment, remedies available to harassment victims, and practical examples. It is asserted that the training materials are “designed by experts in sexual harassment and corporate training.”

The website claims to have an interactive modality because of the presence of “periodic quizzes.” The provider states that it retains copies of written and recorded training materials. Thus, the material requested from Sand City likely could have been supplied to the Civil Grand Jury had the city sought it.

Therefore, it appears that the online supervisory employee training provided by Sand City likely substantially conformed to the requirements of 2 CCR §11024.

The city does not use the Training Year Tracking Method to monitor training compliance. The other method allowed by DFEH regulation is the 24-Month Tracking Method which tracks the dates of individual employees training, requiring them to be retrained within 24 months of their most recent training.⁹

The city-prepared compilations contain the names of nine supervisory employees. Two of them appeared as employees for only one of the subject years: One of the supervisors—whose date of hire was November 5, 2005—separated on March 31, 2017. It is unknown when he might have done any prior training, so he is dropped from the assessment because it is outside the scope of this review. The other supervisor—whose date of hire was November 21, 2018, separated on June 30, 2019. He did the training the day after he was hired, November 22, 2018.

Of the remaining seven under the 24-Month Tracking Method, one who trained on August 22, 2017 was due for retraining no later than August 22, 2019. This supervisor re-trained on August 27, 2019, and therefore was not in compliance. Another supervisor

⁹ Ibid.

who trained on October 3, 2017 was due for retraining no later than October 3, 2019, but re-trained on September 3, 2019, and therefore is compliant.

Two supervisors who trained on October 28, 2017, and were due for retraining no later than October 28, 2019, were re-trained on September 15, 2019 and November 2, 2019, respectively; therefore, there was one within compliance and one was not. Three other supervisors received timely re-training prior to the end of FY 2018/19.

Accordingly, six of the eight eligible supervisors retrained in a timely manner. The other two were less than a week past due when they retrained. The compliance rate under this method is **75%**. In contrast, the compliance rate under the Training Year Tracking Method would assume eight out of eight eligible employees took retraining in a timely manner, which would result in 100% compliance.

One new supervisor was hired during the three-year period of review and was required to train within six months. As indicated above, the employee's date of hire was November 21, 2018, and the training was completed on November 22, 2018, the day after he was put on the payroll. Therefore, Sand City's training compliance rate for new supervisors is **100%**.

A harassment policy is included in the city's *Personnel Manual* and Sand City noted that its written policy regarding AB 1825 training is in this document. A review of section 2.03 of the *Personnel Manual* reveals a standard workplace anti-harassment policy. The only part of section 2.03 that in any way touches on the topic of employee training is the last sentence of subsection A, *Statement of Intent*, which reads as follows:

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.

Sand City has assigned an administrative staff member to maintain training records, which are kept in a binder at City Hall. This staff member also coordinates training reminders. The city is effectively managing AB 1825 training for their supervisory employees.

City of Seaside

The city of Seaside has offered AB 1825 supervisory training to its employees for many years. The city recognizes employees have different learning styles, so their workforce is offered flexible training options from online, classroom, and webinar courses. Flexibility, however, has created a complex recordkeeping challenge for staff.

Seaside facilitates a wide range of training opportunities throughout the year. Their training providers are well-qualified, and materials are comprehensive and compliant. Written policies are fully compliant and distributed in person, on the city's website, at trainings, and available in the resource library. Classroom training with California Joint Powers Insurance Authority (CJPIA) is preferred by most employees, but online training is necessary for employees such as police and fire personnel who have unique schedules and cannot attend a daytime training session.

E-learning is handled with the TargetSolutions AB 1825 supervisory training program, *Smart Workplaces: Sexual Harassment Prevention for Office Managers & Supervisors, California, AB 1825* and appears to be fully compliant with the applicable administrative regulation 2 CCR §11024. TargetSolutions provides certificates of completion and reports of training data for each employee that is accessible online to the employer.

Seaside has access to classroom training through its membership in the CJPIA. The Civil Grand Jury conducted a review of training handouts prepared by CJPIA titled, *Workplace Harassment Training*, and dated April 10, 2018, January 23, 2019, and January 24, 2019. The courses appear to be fully compliant with applicable administrative regulation 2 CCR §11024.

Webinar training was provided by Burke, Williams & Sorenson LLP, a Los Angeles-based law firm serving public agencies and private business entities across California. Their webinar program was titled, *Not Your Average Harassment Training*. Training materials were not provided for review, so AB 1825 compliance cannot be confirmed. The website does establish the two trainers as qualified employment law attorneys. A submitted sign-in sheet and certificates indicate a single training date of October 25, 2017.

Employees are responsible for registering for their AB 1825 training, and they are not limited to how often they train. They can view their training records on the TargetSolutions dashboard. The Fire and Police Departments handle their own staff's training reminders apart from the HR Department. HR staff sets up credentialing reminders within the TargetSolutions system, which is not fail safe. Some employees train more than needed, while others ignore training reminders or delay training past the deadline. Credentialing reminders drop off after a certain time period, which leads to late and uncompleted training.

The submitted supervisory roster combined records for FY 2016/17, FY 2017/18, FY 2018/19 and was well-organized. Training records, such as sign-in sheets and certificates of completion, were a piecemeal submission of separate documents that were matched to the submitted employee roster. Several listed supervisors with gaps in training were short-term, interim supervisors who were excluded from the compliance analysis.

Gathering the training records for nearly 100 employees and alternately training between the three training methods presented a challenge because some training records are archived off-site. Although they are training their employees, Seaside does not have a systematic way to track AB 1825 training from year-to-year. Eighty-seven supervisory employees were eligible for supervisory training during FY 2016/17, FY 2017/18, and FY 2018/19. Fifty-five employees had timely training. Fourteen employees had late training, beyond two calendar years. Six employees completed non-supervisory

training only. Twelve employees had no training records. Seaside demonstrated **63%** timely supervisory training.

Twenty-four new supervisors were hired or promoted between FY 2016/17, 2017/18, and 2018/19. One new supervisory employee who was hired in Quarter two of 2016 had new hire training due in FY 2016/17 and is included in the timely training calculation. Nine of 25 new supervisors received timely supervisory training within the prescribed six-month period. The city had a **36%** timely training compliance record for the period.

Twenty-one supervisory employees trained more often than required. The city does not monitor or limit the number of employee trainings.

Thirty-nine non-supervisory employees completed 48 supervisory training sessions. Seaside has firefighters and recreation employees who may work out of class and have lead employee duties, where they are called to supervise others in a flexible capacity. Erring on the side of caution, Seaside should continue to encourage or require all employees with occasional lead responsibilities to complete supervisory training for AB 1825 purposes as a risk prevention measure.

Seaside has three Human Resources staff who share HR duties. No one person is responsible for maintaining AB 1825 training records. AB 1825 records are not accessible in one place. Recordkeeping and timely training are the major problems Seaside contends with in an otherwise well-functioning AB 1825 training program.

A harassment policy document, entitled *Policy Against Harassment, Discrimination, and Retaliation*, is included on the city website under *Human Resources Policies and Procedures*, which was last updated in 2018. The policy is compliant with AB 1825, AB 2053, AB 1661 (pertaining to elected officials). It requires supervisory employees be trained on preventing sexual harassment and abusive conduct in the workplace every two years. In addition, it requires that all persons appointed or promoted to supervisory

positions be trained within six months of appointment or promotion from a non-supervisory position.

All employees are given a copy of the policy as part of their initial orientation and are to receive a copy in conjunction with any training they attend. Supervisory employees are required to sign an acknowledgement of receipt of the *Policy Against Harassment, Discrimination, and Retaliation* at their time of hire.

City of Soledad

During the three fiscal years from July 1, 2016 through June 30, 2019, the city of Soledad had an average of 19 supervisory employees on payroll. Except for one supervisor who was on leave in 2019, every supervisor in the city received timely AB 1825 training. The Civil Grand Jury concluded that Soledad demonstrated **100%** compliance with AB 1825 training regulations.

The city hired four new or promoted supervisors during the period of review. All four supervisory employees received AB 1825 training within six months of hire, achieving a **100%** rate of compliance.

E-learning is the only method the city uses for AB 1825 training. It is provided online through TargetSolutions. TargetSolutions' supervisory training program appears to be fully compliant with 2 CCR §11024. It provides certificates of completion and training data for each employee that is accessible online to the employer.

The city uses the Training Year Tracking Method to track when training is due. In early January of each year, the city's Human Resources Department notifies those supervisors whose training is due in that year and informs them that they must complete the training by January 30. All newly hired or promoted supervisors receive AB 1825 training within 30 days of hire, a full five months earlier than the law requires.

Because Soledad averages just 19 supervisory employees on their payroll at any one time, their training compliance system is a simple Excel spreadsheet. By choosing only one month out of each year (January) to focus on AB 1825 training, Soledad has been able to achieve **100%** compliance with training new supervisors within the required six months and other supervisors every two calendar years.

A policy titled, *Policy Against Harassment, Discrimination, and Retaliation* is included as Section 4 in the city's *Personnel Rules and Regulations Manual* adopted in September 2016 and available on the city's public website. Subsection 4.04 of the policy, titled *Training and Policy Dissemination*, spells out all requirements of AB 1825.

Soledad is to be commended for this excellent compliance record.

County of Monterey

Monterey County conducts a high volume of AB 1825 supervisor training. This training is managed by the Monterey County Civil Rights Office (MCCRO). MCCRO has a robust AB 1825 training program that is centered on online training delivered by EVERFI corporation and augmented by classroom/in-person training led or monitored by qualified professionals from MCCRO.

An active but labor-intensive outreach program has been developed by MCCRO to support department managers and to coordinate with each department's learning management specialists (LMSs). This network is necessary for MCCRO to help ensure that Monterey County government delivers a model work environment and meets all AB 1825 and other Civil Rights training requirements. However, some AB 1825 training is not documented accurately in records, and the training tracking system, at least for AB 1825, is problematic in that it still reflects the transition among three different online learning systems used during the past four years. This is an area that requires more attention and improvement.

Because of MCCRO's limited access to certain HR data, it is not able to routinely audit compliance with all AB 1825 supervisor training rules. However, MCCRO works actively with department heads and department LMSs to promote compliance with AB 1825 regulations.

While MCCRO is responsible for AB 1825, this is just one portion of the large portfolio managed by this small office. MCCRO promotes a spirit for personnel to "respect civil rights, provide equal opportunity for all, and pursue equity in all operations by developing a culture of diversity and inclusion" in the Monterey County government and for the Monterey County community.

MCCRO prefers delivering AB 1825 training primarily via EVERFI's online training because County government is large and spread out among many facilities. Online training is augmented by MCCRO's classroom/in-person trainings. The Civil Grand Jury investigation determined that MCCRO leadership is well-informed of all changes and requirements for AB 1825 training, and they review and validate all training delivered by its online vendor and by MCCRO staff. MCCRO manages and audits all training requirements in their area of responsibility—including AB 1825, via close and ongoing contacts with the LMSs who are placed in each County department. LMSs are two-way conduits for information and situational awareness for MCCRO issues, including AB 1825.

Starting this year, MCCRO began publishing a monthly e-note or update that is tailored for each department. This periodical provides both relevant information and overviews of that department's compliance with requirements like AB 1825. Concurrent with the MCCRO e-note is a more detailed list for each LMS. The Civil Grand Jury was told that this is a two-way process where the LMSs work closely with MCCRO to ensure each department's compliance. Because of MCCRO's limited access to certain HR personnel data, MCCRO must coordinate with LMSs for data on supervisor training and changes in supervisor status—changes that would require additional AB 1825 training. While AB 1825 requires newly hired or promoted supervisors to receive AB 1825 training within

six months, Monterey County requires new supervisors to complete AB 1825 training within 60 days of hire/promotion.

In recent years, MCCRO has migrated, in part or full, among three different online training networks. Currently, MCCRO uses the County's Learning Development System (LEARN/LDS) but retains EVERFI for its preferred quality of AB 1825 modules. MCCRO interviewees noted that EVERFI provides a bilingual capability for training that allows county supervisory employees to take their AB 1825 training in either English or Spanish. A drawback with the current state of training infrastructure for MCCRO is that all training records are dispersed among several legacy training systems. Although all county training data is still accessible, there is yet no unified application interface (API) to seamlessly retrieve all MCCRO training records. The Civil Grand Jury was told that this is an ongoing project that had not yet been completed at the time of this investigation.

As mentioned in other portions of this report, there are many different requirements for monitoring scheduled training, managing training records and even overseeing the storage of AB 1825 materials. The Civil Grand Jury reviewed how MCCRO completes these functions.

MCCRO provided real-course training materials, past rosters, and data to show how the office managed AB 1825 compliance. The training materials and rosters provided complied with state guidelines, however training certificates were not provided for supervisory employees.

Based on data provided to the Civil Grand Jury by MCCRO, the number of supervisors on payroll each year varied. For the years examined by the Civil Grand Jury, the rosters reflected the following supervisor counts: FY 2016/17 = 940 supervisors, FY 2017/18 = 1,108 supervisors, and FY 2018/19 = 1,018.

The Civil Grand Jury requested information on the *total number of supervisors trained* in AB 1825 during each fiscal year for the three years (FY 2016/17, FY 2017/18, FY 2018/19). The data that MCCRO provided are summarized below:

AB 1825	Total Trained	Main Roster of AB 1825 training	Other AB 1825 Rosters Provided
FY 2016/17	441	425	16
FY 2017/18	429	347	82
FY 2018/19	976	933	43

These records show that a significant amount of AB 1825 supervisor training was presented during this period. These numbers are compared with the corresponding years' supervisor rosters. The data for FY 2018/19 suggests a positive picture.

AB 1825	Total Trained	Roster of Supervisors (FY)	% Supervisors trained
FY 2016/17	441	940	46.9% (441 / 940)
FY 2017/18	429	1108	38.7% (419 / 1108)
FY 2018/19	976	1018	95.8% (976 / 1018)

However, this conclusion is not completely accurate, and it is not completely verifiable. Instead of having 95.8% of supervisory personnel trained in AB 1825 in FY 2018/19, the Civil Grand Jury uncovered an opposite picture: 38.6% (393) of all listed supervisors for FY 2018/19 had not only not received *any* AB 1825 training that year—they had not received any AB 1825 training for the entire three-year period.

The Civil Grand Jury sought to determine how this significant difference could occur. The primary reason suggested by this investigation is a deficiency in training tracking, in this case, supervisor AB 1825 training tracking.

The Civil Grand Jury noted that the names on all AB 1825 training rosters provided by the MCCRO were frequently different from the names on the rosters of supervisors as

provided for the corresponding fiscal years. For example, one AB 1825 training roster for FY 2018/19 listed 933 supervisors trained. The Civil Grand Jury discovered that 41.4% of the names on that list (386 supervisors) were *not* listed on the official supervisor roster provided for that same year. This same gap, with varying proportions, existed for every year's training lists and every year's supervisor rosters.

So, instead of having 976 of 1,018 (95.8%) supervisors trained in AB 1825 in 2018/19, the actual number of supervisors (on the roster) either trained that year, or qualified that year under the AB 1825 biannual training requirement was only 593 or **58%**. This included 510 roster-supervisors who did attend AB 1825 training during that fiscal year, and also included another 83 (roster) supervisors who were qualified because they had already taken training within 24 months, or within the two years allowed (using the Training Year Tracking Method).

When asked during interviews why there were name and training discrepancies in the rosters provided, MCCRO personnel replied that there were several issues. First, MCCRO requests supervisor rosters from the departments. Sometimes rosters may include non-supervisors when departments provide "management group" rosters that include more than actual supervisors. Sometimes departments have personnel who are acting in supervisory positions, and even attend required AB 1825 training, but they are not reflected on actual supervisory rosters. Finally, they added that MCCRO does not have HR control over individual records—so data like "date hired," or "date promoted," which are important for ensuring AB 1825 compliance, require extra steps and additional coordination to obtain.

MCCRO personnel interviewed by the Civil Grand Jury also suggested that this problem is mitigated to an extent because department LMSs "self-track" training. MCCRO actively works with the LMSs, who are part of each department. These LMSs work to ensure that their departments comply with required training regardless of what rosters or lists are on file. This suggests that many, if not all the "non-roster" personnel who

took AB 1825 training—the 446 personnel (976-510) difference in FY 2018/19 example above, may have been supervisors or acting supervisors.

The Civil Grand Jury could not confirm this at the department level, but it did note that the training rosters provided were also inaccurate. The computer-generated training rosters included more than a half-dozen names that were listed backward—an individual whose first name was listed as the last name and last name as a first name. This turns the tracking process for individuals into a manual stop-and-search action. While it is a repeated yet small lack of attention to detail on a training list, this same lack of attention to detail is mirrored at the macro level for AB 1825 training.

For all three years of requested data, there is an unacceptable lack of accuracy for the list of each FY's supervisors. This lack of precision undermines MCCRO's tracking of AB 1825 training compliance. The Civil Grand Jury determined that in part this is an issue of LMS training and supervision, and in part it this is an issue of MCCRO standards for data required for managing state AB 1825 supervisor training. The Civil Grand Jury recommends that MCCRO specialists who manage training compliance be provided more access to the HR Department. The Civil Grand Jury determined that the workload for compliance management is greater than the current staffing for that function can perform professionally.

FINDINGS

Findings – City of Carmel-by-the-Sea

- F1. A November 2018 classroom training by the United States Equal Employment Opportunity Commission was not in compliance with AB 1825 and 2 CCR §11024: a) it was not undertaken within 24 months of the last training event for any of the attendees, b) insufficient time was allocated to the required subject matter, and c) written proof of attendance and/or course completion was not generated.
- F2. A contributing factor to the city's failure to meet the two-year timeframe for sexual harassment/abusive conduct re-training was the absence of city staff with the responsibility to oversee employee training.
- F3. The lack of attendance and completion of paperwork for the November 2018 EEOC classroom training was due in part to the city's assumption that the trainer would be responsible for all such documentation, and in part to the EEOC's practice of not generating certificates.
- F4. There were six people who the city either hired or promoted to supervisory positions at some point during the 2017/18 fiscal year, and who should have received AB 1825 training within six months of hire/promotion. The November 15, 2018 EEOC training could have afforded a timely compliance scenario only for those FY 17/18 employees that were hired/promoted during the six-week period between May 16 and June 30, 2018. There were no other AB 1825 trainings of city employees during the period May 16, 2017 to November 15, 2018.

Findings – City of Del Rey Oaks

- F5. The city of Del Rey Oaks has not ensured that every employee who is required to take AB 1825 training, completes that training in a manner and at a time as required by law.
- F6. The city has not provided their employees with an updated and accurate Personnel Manual that includes all AB 1825 and related training requirements.

Findings – City of Gonzales

- F7. Gonzales currently has a viable dual approach toward of AB 1825 training through use of group-oriented classroom presentations and e-learning (i.e. computer-based training). Classroom presentations are preferred but E-learning is used for supervisorial promotions/new hires (e.g. where a classroom training is unavailable).
- F8. A December 6, 2016 classroom training by Concern-EAP, although deficient with reference to 2 CCR §11024, was sufficient to render the city of Gonzales compliant with the training mandate imposed by AB 1825.
- F9. Online AB 1825 training by EVERFI that was done in 2017 was not in compliance with AB 1825 and 2 CCR §11024: the Civil Grand Jury was provided with insufficient information upon which to make a determination whether or not the online supervisory employee training complied with 2 CCR §11024.
- F10. The city failed to meet the timeframe for sexual harassment/abusive conduct re-training of supervisory employees, as directed by California Government Code §12950.1 and more particularly specified in 2 CCR §11024.

- F11. The city's failure to meet the timeframe for sexual harassment/abusive conduct re-training established by 2 CCR §11024 was due to staff changes and workload issues.
- F12. The city has no written policy about AB 1825 sexual harassment/ abusive conduct training.

Findings – City of Greenfield

- F13. Greenfield's Office of the City Manager should be recognized for its clear understanding of state requirements for AB 1825 supervisor training, and its dedicated approach to actively conducting both online and in-person classroom AB 1825 supervisor training in spite of lack of support from some city supervisory employees.
- F14. The city's sexual harassment prevention policy (Attachment B to Rule 17, Section 7) is incomplete and out of date. It does not provide adequate information to assist employees or guide supervisors in dealing with sexual harassment situations.
- F15. The city's Office of the City Manager's AB 1825 compliance records management is inadequate. The combination of a lack of a viable tracking system and a single staff point of contact has made effective tracking and compliance problematic.
- F16. The city's Office of the City Manager's decision to use an automated learning management system, like TargetSolutions, was a positive measure that may facilitate more timely training delivery and better records keeping in the future.
- F17. Even with an automated learning management system for AB 1825 training and records compliance, the city's Office of the City Manager will have continued difficulty meeting state standards for AB 1825 training compliance because of

competing work requirements in the City Manager's office and the limited time and resources devoted to this training. The current approach does not recognize the expanded range of compliance measures required by AB 1825.

Findings – King City

- F18. King City is to be commended for their excellent record in maintaining **100%** compliance with AB 1825 requirements for the fiscal years 2016/17, 2017/18 and 2018/19.

Findings – City of Marina

- F19. Marina has implemented a streamlined, effective training year tracking system for AB 1825 training for supervisory employees in its general management group.
- F20. The city did not address an alternate online training source for new and promoted supervisors during 2018, which may have resulted in two late trainings.
- F21. A high-ranking official is the only supervisory employee with no record of training for 2017 or 2019 and is assumed to have failed to complete required AB 1825 training.
- F22. The city's written, stand-alone harassment policy needs updating, because it is missing certain language governing protected classes required by the California Department of Fair Employment and Housing's 2 CCR §11023 regulations, and it does not contain a reference to AB 1825 supervisor training mandated under 2 CCR §11024 regulations.
- F23. Revision of the city's Personnel Policy Manual is extremely overdue.

Findings – City of Monterey

- F24. The city of Monterey's personnel tracking system does not include enough data to ascertain whether employees promoted to a supervisory position received AB 1825 training within six months of hire or promotion as a supervisory and then every two years thereafter.
- F25. Monterey was unable to provide a complete and accurate roster of all of its supervisory employees along with their AB 1825 training dates resulting in the Civil Grand Jury having insufficient information to determine if the city was indeed training all of its supervisors timely and according to AB 1825 mandates.
- F26. Monterey's sexual harassment policy titled, *Harassment/Discrimination/Retaliation/Abusive Conduct/Bullying Policy*, in city code 25-3.03 accurately reflects the 2 CCR §11023 conduct prohibitions, but it does not include the mandated employee training requirements in 2 CCR §11024.

Findings – City of Pacific Grove

- F27. Pacific Grove has a first-rate classroom training program. However, its structured in-person training dates sometimes make it hard to achieve timely training for all employees who have training due.
- F28. The city's existing AB 1825 recordkeeping system does not facilitate tracking two-calendar year retraining and six-month supervisory employee training.
- F29. The city's electronic onboarding or induction does not ensure timely six-month training for new and promoted supervisors, which has resulted in a low percentage of timely training.
- F30. The city's policies no. 100.80 –100.110, *Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure*, found in the

Administrative Policies and Procedures Manual posted on the website, are missing a reference to mandated AB 1825 training requirements contained in 2 CCR §11024 regulations.

- F31. The city's Employee Handbook, for which employees sign an acknowledgement of receipt, is missing references to AB 1825 policy and mandated training requirements.

Findings – City of Salinas

- F32. The city of Salinas HR Department should be recognized for its clear understanding of state requirements for AB 1825 supervisor training and its active and professional approach to that training for the city.
- F33. The city's AB 1825 compliance program is generally compliant with state requirements but is somewhat deficient in identifying and ensuring new supervisor six-month AB 1825 training compliance.
- F34. The city currently manages AB 1825 using the New World ERP system and using online vendors like TargetSolutions. This dual systems approach is a point of potential failure in tracking.
- F35. The city currently manages AB 1825 using the New World ERP system and HR records to generate notices for supervisors of required training. However, the Civil Grand Jury found there is insufficient senior management accountability or focus on the individual city supervisory employee to complete required training in a timely manner. Absent senior management emphasis, complete compliance or even high rates of compliance with AB 1825 training requirements may be difficult to achieve.

Findings – Sand City

- F36. For two employees, Sand City failed to meet the two-year timeframe for sexual harassment/abusive conduct re-training of supervisory employees, as directed by California Government Code §12950.1 and more particularly specified in 2 CCR §11024.
- F37. The city has no written policy regarding AB 1825 sexual harassment/abusive conduct training.

Findings – City of Seaside

- F38. Seaside is commended for its fully compliant AB 1825 written policy.
- F39. The city has a comprehensive AB 1825 training program that allows employees to select their preferred training method.
- F40. The city does not fully coordinate course completion between its three AB 1825 training modalities (classroom, online, and webinar) and does not limit employee training, which has resulted in some supervisory employees training more than required and other training late or not at all.
- F41. Seaside's onboarding procedures are ineffective at ensuring new and promoted supervisory employees complete AB 1825 training within six months.
- F42. The city lacks an efficient recordkeeping system for AB 1825 training compliance, and some training records for supervisory employees are archived off-site and are not readily accessible.

Findings – City of Soledad

- F43. Soledad is to be commended for their excellent record in maintaining **100%** compliance with AB 1825 requirements for the fiscal years 2016/17, 2017/18, and 2018/19.

Findings – County of Monterey

- F44. Monterey County Civil Rights Office (MCCRO) has a strong, professional understanding of all requirements to comply with AB 1825 training in the Monterey County government, and delivers high quality, compliant AB 1825 training to County supervisory employees in both online and classroom/in-person settings.
- F45. MCCRO's AB 1825 compliance records management is inadequate. The office (1) lacks a unified interface for accessing or directly managing all past training, and (2) lacks sufficient access to individual personnel records to actively track ongoing AB 1825 training deadlines for current or new supervisors.
- F46. MCCRO's AB 1825 compliance records management process is a complex series of push-pull actions—requiring careful, ongoing interaction between the MCCRO and other County departments. Each department has Learning Management Specialists to help make this process work, but the MCCRO itself does not have sufficient staff to keep up with the coordination and planning work of ensuring AB 1825 training requirements are met for supervisors in all departments.
- F47. Monterey County Civil Rights Office leadership and staff displayed a high degree of professionalism and personal commitment to the spirit as well as the letter of the AB 1825 law. All office personnel were forthcoming, honest, and helpful for this investigation.

RECOMMENDATIONS

When the 2019/20 Civil Grand Jury began our investigations, COVID-19 had not yet become a public health crisis. However, as we conclude our reports, we are tasked to specify a time frame within which to address our recommendations. We have done so, attempting to allow some extra time given the current situation. We ask the County Supervisors, Departments, Cities, and Special Districts responsible for enacting our recommendations to do their best to accomplish these goals as expeditiously as possible, given the effect of the current pandemic crisis on staffing availability.

Recommendations – City of Carmel-by-the-Sea

- R1. By September 30, 2020, AB 1825 sexual harassment/abusive conduct training undertaken by and/or at the direction of the city of Carmel-by-the-Sea should follow the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.
- R2. By September 30, 2020, Carmel-by-the-Sea should always have a staff member whose responsibility includes oversight of AB 1825 sexual harassment/abusive conduct workforce training.

Recommendations – City of Del Rey Oaks

- R3. By December 31, 2020, those Del Rey Oaks supervisory employees who received AB 1825 training in 2018, should have completed the training again, as the law mandates the training must be completed every two calendar years or every 24 months, whichever method is chosen by the employer.
- R4. By September 30, 2020, Del Rey Oaks should have published an updated Personnel Manual that references current law on harassment of all types and on

mandated harassment training. Del Rey Oaks should make the revised manual available to all employees.

Recommendations – City of Gonzales

- R5. By September 30, 2020, AB 1825 sexual harassment/abusive conduct training undertaken by and/or at the direction of the city of Gonzales should follow the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.
- R6. By September 30, 2020, the city should retain a full and complete written record with respect to all AB 1825 trainings that it provides, sponsors, or otherwise uses, regardless of whether delivered via classroom, e-learning, or webinar format.
- R7. By December 31, 2020, the city should prepare a written AB 1825 harassment, discrimination, retaliation prevention policy that is consistent with 2 CCR §11023; the policy should contain a provision covering the employer's training obligation under G.C. §12950.1 and 2 CCR §11024.

Recommendations – City of Greenfield

- R8. Greenfield should revise its sexual harassment prevention policy to reflect current state law, city practices, and to make it a useful guide for employee and supervisors alike. This revision should be completed by December 20, 2020.
- R9. The city's Office of the City Manager should review and revise current management practices for AB 1825 supervisory training and tracking. This revision should include: (1) development of a city supervisory responsibility system that will create a "demand pull" for AB 1825 supervisor training to complement the current "requirement push" approach that the city has used; (2) integration of all in-person classroom AB 1825 training rosters and training data with the TargetSolutions learning management system to ensure one unified

management, tracking, and reporting system for all AB 1825 training; and (3) off-loading the AB 1825 training and tracking responsibilities from the Office of the City Manager to a new or existing HR section, or augmenting the Office of the City Manager's personnel with part-time or dedicated personnel responsible for tracking and coordinating AB 1825 training and compliance data. This revision should be completed by June 30, 2022.

Recommendations – City of Marina

- R10. Marina should employ a back-up online training provider in the event of a future hiatus in the TargetSolutions training program. This recommendation should be implemented no later than 6 months after this report is published.
- R11. Department heads should be models to other supervisory employees on the importance of respect in the workplace. Therefore, by September 30, 2020, the one city official who did not train in 2017 and 2019 should complete online AB 1825 training in 2020, 2021, and subsequent odd years.
- R12. The city should update its written, stand-alone, "Policy Against Sexual Harassment," and its associated Acknowledgement of Receipt form, within 90 days of the publication of this report.
- R13. The city should revise its *Personnel Policy Manual* so that it reflects the mandated training requirements outlined in 2 CCR §11024. This recommendation should be completed no later than 12 months after this report is published.

Recommendations – City of Monterey

- R14. Monterey should revise their personnel tracking system to include all city employees regardless of department, each employee's date of hire as a supervisor or date of promotion to a supervisory position, and date of classification change to a non-supervisory position, in order to accurately determine if AB 1825 training mandates are being met. This recommendation should be completed no later than 12 months after this report is published.
- R15. The city should review its *Harassment/Discrimination/Retaliation/Abusive Conduct/Bullying Policy* to include the employee training requirements mandated by 2 CCR §11024. This recommendation should be completed no later than 12 months after this report is published.
- R16. The city should diligently assess whether the AB 1825 training programs it uses, such as those offered by the federal EEOC, meet the training curriculum mandates outlined in AB 1825 and its amendments. This recommendation should be completed no later than 12 months after this report is published.

Recommendations – City of Pacific Grove

- R17. By September 30, 2020, Pacific Grove should continue to improve its recordkeeping efforts and fully update its supervisory employee roster worksheet to better track and address potentially late AB 1825 training before it becomes late.
- R18. The city should develop a practice to individually counsel and refer new and promoted supervisors to online training when classroom training is not available within six months of their hire. Those employees also should be encouraged to take the next session of in-person classroom training to reinforce the city's culture of respect. This recommendation should be completed no later than six months after this report is published.

- R19. By December 31, 2020, the city should amend their Administrative Policies and Procedures Manual, policies no. 100.80 –100.110, *Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure*, to reference AB 1825 training requirements per 2 CCR §11024 regulations.
- R20. The city should publish an updated Employee Handbook that references current law on harassment of all types, on abusive conduct, and on mandated harassment training. Pacific Grove should distribute the revised handbook to all employees and require them to sign a new acknowledgement of receipt. This recommendation should be completed within 18 months of the publication of this report.

Recommendations – City of Salinas

- R21. By June 30, 2021, the city of Salinas should automate the six-month new supervisor training signal for AB 1825 training. The city's HR Department should develop an automated HR noticing process that informs all newly hired or appointed supervisors of the six-month AB 1825 supervisor training requirement, and signals HR to (automated or manually) enter that training suspense in the New World ERP system.
- R22. By June 30, 2022, the city should continue to advance HR integration and automation of training processes and functions. This should include (1) automated notices or "ticklers" to supervisors on AB 1825 training deadlines, (2) integrating online training records with the New World ERP system, and (3) routinely creating global city reports of compliance that can provide HR and senior city leadership with a comprehensive snapshot of AB 1825 training compliance by city supervisory personnel.
- R23. By September 30, 2020 the city's senior management should adopt a stronger emphasis on promoting individual city supervisory employee responsibility to

complete required training, including AB 1825 supervisor training, in a timely manner.

Recommendations – Sand City

- R24. By December 31, 2020, Sand City should ensure that AB 1825 sexual harassment/abusive conduct prevention training undertaken by and/or at the direction of the city follows the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.
- R25. Sand City should develop a system to ensure that a full and complete written record of all AB 1825 trainings that it sponsors, regardless of whether delivered via classroom, e-learning, or webinar format, is in place and includes the date of the trainings and the names of attendees. This recommendation should be completed within 18 months of the publication of this report.
- R26. By December 31, 2020, Sand City should engage with the City Attorney, other staff, or an outside contractor to prepare a written policy regarding AB 1825 sexual harassment/abusive conduct prevention training for its workforce.

Recommendations – City of Seaside

- R27. By September 30, 2020, the city of Seaside's HR Director should assign one HR staff member to oversee AB 1825 training requirements and recordkeeping, so that all employees with training due in 2020 are trained by December 31, 2020.
- R28. Seaside should implement an onboarding system that effectively captures new or promoted employees and requires them to complete AB 1825 training within six

months of their hire or promotion. This recommendation should be completed within 90 days of the publication of this report.

- R29. Seaside should adopt an effective training tracking system to assemble all AB 1825 recordkeeping in one location, preferably saved to electronic files with cloud access. This recommendation should be completed within 18 months of the publication of this report.

Recommendations – County of Monterey

- R30. The Monterey County Civil Rights Office should review and revise the processes used to manage AB 1825 supervisory employee records to include the following: (1) develop a unified interface for accessing and directly managing all past training; (2) develop a method either with Learning Management Specialists, or centralized with an automated and trackable notice or tickler for AB 1825 training due dates; and (3) increase staffing and authority for personnel responsible for tracking and coordinating AB 1825 training and compliance data. This recommendation should be completed within 18 months of the publication of this report.

REQUIRED RESPONSES

Pursuant to Penal Code §933 and 933.05, the Civil Grand Jury requests responses as follows:

City of Carmel-by-the-Sea

- The City Council of City of Carmel-by-the-Sea
 - Respond to Findings: F1 – F4
 - Respond to Recommendations: R1 – R2

City of Del Rel Oaks

- The City Council of Del Rel Oaks
 - Respond to Findings: F5, F6
 - Respond to Recommendations: R3 – R4

City of Gonzales

- The City Council of Gonzales
 - Respond to Findings: F7 – F12
 - Respond to Recommendations: R5 – R7

City of Greenfield

- The City Council of City of Greenfield
 - Respond to Findings: F13 – F17
 - Respond to Recommendations: R8 – R9

City of Marina

- The City Council of City of Marina
 - Respond to Findings: F19 – F23
 - Respond to Recommendations: R10 – R13

City of Monterey

- The City Council of City of Monterey
 - Respond to Findings: F24 – F26
 - Respond to Recommendations: R14 – R16

City of Pacific Grove

- The City Council of City of Pacific Grove
 - Respond to Findings: F27 – F31
 - Respond to Recommendations: R17 – R20

City of Salinas

- The City Council of City of Salinas
 - Respond to Findings: F32 – F35
 - Respond to Recommendations: R21 – R23

City of Sand City

- The City Council of Sand City
 - Respond to Findings: F36 – F37
 - Respond to Recommendations: R24 – R26

City of Seaside

- The City Council of City of Seaside
 - Respond to Findings: F38 – F42
 - Respond to Recommendations: R27 – R29

County of Monterey

- The Monterey County Board of Supervisors
 - Respond to Findings: F44 – F47
 - Respond to Recommendations: R30

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

WORKS CITED

2 CCR (California Code of Regulations) §11024. Required Training and Education Regarding Harassment Based on Sex, Gender Identity, Gender Expression, and Sexual Orientation.

[https://govt.westlaw.com/calregs/Document/I4597AA3786DE4A7B820F9D02C8795550?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I4597AA3786DE4A7B820F9D02C8795550?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Associated Press: Sacramento, CA. "California agencies not giving required harassment training." *AP News* (May 28, 2019).

<https://apnews.com/d6d78ce3af9f445a8cb0daf05e7501d4>

Flanagan, Caitlin. "The problem with HR." *The Atlantic* (July 2019).

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Johnson, Michael. "Sexual harassment training essential in all states, not just those with mandatory state training laws." Clear Law Institute (January 6, 2020).

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Mayberry, Carly. "In wake of recent cases, Peninsula cities examine sexual harassment policies." *Monterey Herald* (May 19, 2018; updated September 11, 2018).

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Rodd, S. "It's Inexcusable': Dozens of California Government Agencies Failed to Provide Sexual Harassment Training to Nearly 1,800 Supervisors." Capital Public Radio (KXJZ Sacramento). 28 May 2018. <http://www.caprado.org/articles/2019/05/28/its-inexcusable-dozens-of-california-government-agencies-failed-to-ensure-sexual-harassment-training-to-nearly-1800-supervisors/>

--DRAFT--

The Honorable Stephanie E. Hulse
Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

August 5, 2020

Re: 2019-2020 Monterey County Civil Grand Jury Final Report – “Sexual Harassment Prevention #TrainingCompliance”

Judge Hulse:

This letter is written in response to the Monterey Civil Grand Jury Final Report - “Sexual Harassment Prevention #TrainingCompliance.” As required by the report, dated June 24, 2020, this letter serves as my City’s response pursuant to Penal Code section 933 and 933.05. The responses contained in this correspondence were approved by the City of Carmel-by-the-Sea City Council at their regular meeting of August 4, 2020.

On behalf of the City of Carmel-by-the-Sea City Council, I would like to assure you that the City of Carmel-by-the-Sea is committed to providing a workplace and environment free of harassment and discrimination. Over the last several years, we have made sexual harassment prevention a priority for our organization, and the City does not tolerate harassment/abusive conduct in our workplace.

Our comments follow in the order that they were presented in the report. The actual report language is displayed in **bold** type for readability.

FINDINGS

Finding 1: A November 2018 classroom training by the United States Equal Employment Opportunity Commission was not in compliance with AB 1825 and 2 CCR § 11024: a) it was not undertaken within 24 months of the last training event for any of the attendees; b) insufficient time was allocated to the required subject matter, and c) written proof of attendance and/or course completion was not generated.

The City of Carmel-by-the-Sea partially disagrees with this Finding. On November 15, 2018, the United States Equal Employment Opportunity Commission (EEOC) provided training that **was in full compliance** with AB1825 and CCR § 11024. EEOC staff met with the California Department of Fair Employment and Housing (DFEH) executive director and a deputy director to discuss EEOC's Respectful Workplaces training to ensure compliance with AB 1825 and California standards in their PowerPoint presentation and materials. Although the EEOC training was not undertaken within the 24 months of the last training event (January 14, 2016), sufficient time was allocated to the required subject matter and written proof (sign-in sheet) is on file*. The City recognizes the course certificates were not generated for the November 15, 2018 training and has updated the City's training procedures to ensure certificates are generated in the future.

**The November 15, 2018 sign-in sheet was discovered after submitting documents to the Monterey County Grand Jury.*

Finding 2: A contributing factor to the city's failure to meet the two-year timeframe for sexual harassment/abusive conduct re-training was the absence of city staff with the responsibility to oversee employee training.

The City of Carmel by the Sea partially disagrees with this Finding. The Human Resources division had staff during this timeframe and although recognizes the importance and priority of sexual harassment / abusive conduct training, staff failed to complete the training by January 2018. A contributing factor to the delay of the training is in part to HR researching best practices that were identified in the [EEOC's Harassment Prevention Report](#). The City training has changed from a 2-hour (lecture format) course to a 4-hour (interactive) course that focuses on effective tools and methodologies for middle-managers and first-line supervisors to prevent and stop harassment that goes above and beyond traditional anti-harassment training.

The City has added procedures that regardless of the absence of city staff that is responsible to oversee employee training, the City will monitor and continue to provide sexual harassment/abusive conduct re-training within the required timeframe.

Finding 3: The lack of attendance and completion for the November 2018 EEOC classroom training was due in part to the city's assumption that the trainer would be responsible for all such documentation, and in part to the EEOC's practice of not generating certificates.

The City of Carmel-by-the-Sea partially agrees with this Finding. At the time of the Monterey County grand jury request, staff was unable to locate the corresponding sign-in sheets. Staff has located the documentation and confirms that 21 out of 25 supervisors attended the EEOC in-person training (per the sign-in sheet), so there was not a lack of attendance. In addition, Human Resources Division staff has updated the procedures for all trainings and now routinely collects sign-in sheets while also generating certifications and/or work with consultant trainers to provide a certificate for each employee that attends the training session.

Finding 4: There were six people who the city either hired or promoted to supervisory positions at some point during the 2017/18 fiscal year, and who should have received AB 1825 training within six months of hire/promotion. The November 15, 2018 EEOC training could have afforded a timely compliance scenario only for those FY 17/18 employees that were hired/promoted during the six week period between May 16 and June 30, 2018. There were no other AB 1825 trainings of city employees during the period May 16, 2017 to November 15, 2018.

The City of Carmel-by-the Sea partially disagrees with this Finding. It appears the spreadsheet submitted did not clearly reflect that the six people identified actually separated from City employment in FY2017/18.

The City now requires, as part of the new hire onboarding process, that all new employees take the AB 1825 training on-line through TargetSolutions within 6 months of employment and attend the in-person AB 1825 sexual harassment/abusive conduct training upon scheduling. As such, the City believes in providing additional training when it comes to maintaining and building a professional and respectful organization.

RECOMMENDATIONS

Recommendation 1: By September 30, 2020, AB 1825 sexual harassment/abusive conduct training undertaken by and/or at the direction of the city of Carmel-by-the-Sea should follow the directives and protocols laid out in 2 CCR § 11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.

This Recommendation has been implemented by the City of Carmel-by-the-Sea. The Human Resources Division has updated and revised the training procedures and protocols to continue to meet the directives and protocols laid out in 2 CCR § 11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.

The City of Carmel-by-the-Sea is committed to harassment prevention and will continue to provide prevention trainings that are on-site, interactive and skills based versus lecture format. Most harassment prevention trainings focus on the legal concepts underlying harassment law. Instead, the City of Carmel-by-the-Sea has selected trainings that focus on the positive behaviors that may prevent conduct from rising to the level of illegal conduct.

Recommendation 2: By September 30, 2020, Carmel-by-the-Sea should always have a staff member whose responsibility includes oversight of AB 1825 sexual harassment/abusive conduct workforce training.

This recommendation has been implemented by the City of Carmel-by-the-Sea. As indicated above, the Senior Human Resource Analyst has updated and revised the training procedures and protocols to meet and exceed compliance. The City of Carmel-by-the-Sea staff started contact with the training consultant in January 2020 to schedule the sexual harassment/abusive conduct training citywide in October 2020. In addition, a copy of the Monterey County Civil Grand Jury recommendations has been provided to the trainer to ensure continued compliance.

Respectfully,

Dave Potter
Mayor

Chip Rerig
City Administrator



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**August 4, 2020
CONSENT AGENDA**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Jan Reimers, Council Member
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2020-049 authorizing the City Administrator to execute an agreement with Municipal Resources Group (MRG) LLC for facilitated evaluation services for City Administrator in an amount not to exceed \$8,000.

RECOMMENDATION:

Adopt Resolution 2020-049 authorizing the City Administrator to execute an agreement with Municipal Resources Group (MRG) LLC for facilitated evaluation services for City Administrator in an amount not to exceed \$8,000.

BACKGROUND/SUMMARY:

The City Council recognizes the important task of an elected official is the annual review of the appointed official. The results of these evaluations are crucial to organizational success and achieving the Council's vision and goals.

At the February 2, 2016 Council Meeting, the Council approved the recommendation to research facilitated management service firms and solicit proposals for facilitated evaluations services and appointed former Council Member Beach and Theis as the subcommittee. On March 25 2016, a request for proposal (RFP) was sent to numerous vendors seeking qualified firms to facilitate the Carmel City Council's annual performance reviews of its City Administrator and its City Attorney.

In 2016, the Council subcommittee received four proposals ranging from \$9,900 to \$26,500 and reviewed the proposals in depth. Then, two vendors were interviewed and thorough reference checks were completed. Municipal Resource Group (MRG) LLC was recommended based on their expertise in conducting chief appointed official evaluations for cities, counties, and school districts, most recently for the cities of Los Altos, Palo Alto, Roseville, Walnut Creek, Salinas, Manhattan Beach, San Luis Obispo, Sunnyvale, Lincoln, and Lathrop. MRG completed Mr. Rerig's first employee evaluation in November 2016.

In 2018, the City Council agreed to solicit proposals for facilitated evaluation services and selected Municipal Resource Group (MRG) due to cost and the consultant's familiarity of the process and City Council.

In 2019, the City Council temporarily deferred the City Administrator's annual evaluation due to new Council Members. The City Council strives for continued success throughout the organization and community through these unprecedented times and is moving forward with Mr. Rerig's annual evaluation. On behalf of City Council, Chip Rerig solicited proposals and two (2) proposals were submitted that ranged from \$7,700 to \$15,000. The City Council has selected MRG for the facilitated service based due to cost and their knowledge of the City and successful previous experiences.

If agreement is approved, the annual review process will begin immediately for the City Administrator.

FISCAL IMPACT:

The facilitation service costs (not to exceed \$8,000) for the City Administrator annual evaluation is not budgeted in FY 20/21 operating budget. The Director of Budget and Contracts will be requesting the budget adjustment at the mid-year presentation to City Council.

PRIOR CITY COUNCIL ACTION:

Resolution No. 2016-083: A resolution of the City Council of the City of Carmel-by-the-Sea authorizing the City Administrator to execute an agreement with Municipal Resources Group LLC for facilitated evaluation services for City Administrator and City Attorney in an amount not to exceed \$15,000.

ATTACHMENTS:

Attachment #1 - Resolution 2020-049 MRG Facilitation Services

Attachment #2 - Exhibit_A_MRG_Proposal_to_the_City_of_Carmel

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH MUNICIPAL RESOURCES GROUP LLC FOR FACILITATED EVALUATION SERVICES FOR THE CITY ADMINISTRATOR IN AN AMOUNT NOT EXCEED \$8,000.

WHEREAS, Carmel-by-the Sea City Council is seeking facilitated evaluation services for the City Administrator; and

WHEREAS, the facilitation services were not funded in the FY 2020/21 adopted budget and a mid-year adjustment will be made in January 2021; and

WHEREAS, two proposals were submitted; and

WHEREAS, Municipal Resources Group (MRG) was selected for the facilitation services based on cost (Exhibit A) and their knowledge and City Council's successful previous experiences;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize the City Administrator to execute an agreement with Municipal Resources Group (MRG) LLC for facilitate evaluation services for the City Administrator.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

July 23, 2020

Mayor Dave Potter
Mayor Pro Temp Bobby Richards
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, California 93921

Dear Mayor Potter and Mayor Pro Temp Richards,

MRG would be pleased to facilitate the City Administrator's evaluation process for the City of Carmel-by-the-Sea again this year. As you and the City Council are aware, one of the important tasks of elected officials is the annual review of the appointed officials. The results of these evaluations are crucial to organizational success and achieving the Council's vision and goals.

MRG has extensive experience with Council appointed position evaluation processes and has worked with the City of Carmel in the past. When conducting an evaluation of the City Administrator we seek to communicate in one voice the desires and expectations of the entire elected body. This requires that we spend sufficient time to understand each member's perspective of the appointed official performance to prepare one clear evaluation that accurately and concisely documents areas of consensus as well as areas of divergent opinions. The result is an evaluation that permits the elected body and the appointee to know what is going well, areas for further development and a road map to achieve the desired performance objectives.

Ms. Nadine Levin has been assigned to facilitate the evaluation and has assisted the Council in prior reviews. Our experienced team regularly conducts chief appointed official evaluations for cities, counties, special districts and school districts, including recent support for the Cities of Palo Alto, Sunnyvale, Santa Clara, Saratoga, Los Altos, Portola Valley, Roseville, Santa Rosa, Walnut Creek, Salinas, Manhattan Beach, Gilroy, Grover Beach, Napa, San Luis Obispo, Seal Beach, as well as Solano County Transit Agency, Silicon Valley Clean Energy Authority and the Fresno Unified School District.

We anticipate using a process similar to the one used in 2018 and would check-in with the Council to determine if there are any changes desired in the criteria used for evaluating the City Administrator. This year, the Council would like to conduct a 360-degree review where input is sought from the City Administrator's direct reports and select other employees for a total of 25 employees. Our fee proposal includes a 360 degree review.

Due to COVID-19 and current social distancing policies, we have revised the process and fees to reflect a remote facilitation. Please see project fees for revised fee schedule.

Please let us know if you have any questions!



Mary Egan
Managing Partner
egan@solutions-mrg.com

Evaluation Process:

- *Customize process to reflect the needs of the City Council:* We work with Council, or occasionally a Council sub-committee, to gain insight concerning high-level performance expectations, and to customize the process.
- *Gather insight and input from each Council member:* We have developed a time saving online tool for use as a starting point;
- *Conduct an online 360 survey for the City Administrator's designated staff;*
- *Secure comprehensive self-evaluation documents from City Administrator;*
- *Interview each Council member individually via video conferencing,* in a manner that meets their time requirements;
- *Develop comprehensive draft summary* including the perspectives of all members, integrated into common “themes” and goals that give consistent feedback and speak with one voice where possible;
- *Review and gain consensus of draft evaluation and goals* in Closed Session with City Council – clarify what is going well, areas for further development and a road map to achieve the desired performance objectives.
- *Finalize and deliver evaluation summary and address process issues as necessary.* Meet with appointed officials to assist them in developing an action plan to meet the Council identified expectations.

Project timeline:

Evaluation processes typically take between 6 - 8 weeks to complete. This timeline is subject to the availability of City Council for closed session, individual interviews and the provision of relevant documents by the City.

Draft Proposed timeline:

- | | |
|--|-------------------------|
| 1. CAO prepares self-evaluation: | August 1, 2020 |
| 2. On-line survey opens for Council: | August 6, 2020 |
| 3. On-line survey opens for Employees: | August 6, 2020 |
| 4. On-line survey closes for Council: | August 22, 2020 |
| 5. On-line survey closes for Employees: | August 24, 2020 |
| 6. Consultant interview with each Councilmember: | Aug. 26 – Sept. 7, 2020 |



- | | |
|--|-------------------------------|
| 7. Consultant provides draft reports to Council: | September 17, 2020 |
| 8. Consultant meets in virtual Closed Session: | Date to be Determined |
| 9. Consultant provides final report to Council: | One week after Closed Session |

Project fees:

MRG estimates the professional consulting fee to conduct the City Administrator's evaluation, including an online-only 360 survey of designated staff, to be \$7,700. All meetings will be conducting via telephone or video conferencing.

Additional work not contemplated in this proposal will be billed at \$200 per hour and will begin only after agreed upon between the City and MRG.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Chip Rerig, City Administrator

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2020-050 authorizing the City Administrator to establish a temporary voluntary time-off (furlough) program for At-Will (exempt) executive employees

RECOMMENDATION:

Adopt Resolution 2020-050 authorizing the City Administrator to establish a temporary voluntary time-off (furlough) program for At-Will (exempt) executive employees.

BACKGROUND/SUMMARY:

Due to the economic impact of COVID-19, the City forecasted a deficit in the current fiscal year. In order to meet budgetary demands as a result of revenue loss and unanticipated COVID-19 related expenses, staff requests approval to implement a Temporary Voluntary Time-Off Program for the At-Will (Exempt) Executive Employees as another option to reduce costs. The Temporary Voluntary Time-Off Program is meant to meet the following:

- Reduce salary and benefit costs to address fiscal challenges
- Achieve salary reductions for a specified period, through unpaid time off
- Minimize the need for furloughs, employee concessions, or layoffs

Although the Executive Team voluntary reduced their total compensation of 10% through reducing management leave, deferred compensation and/or base salary, the Temporary Voluntary Time-Off (Furlough) Program is another resource for executives to contribute to total salary savings.

The intent of the Program is to designate a specific period of time when Executive Employees may volunteer to participate in order to generate total salary savings. This program would exclude employees who are subject to mandatory staffing of 24/7 operations requirements.

Under the Program, an Executive Employee may request any variation time on a regularly scheduled basis, which shall be subject to the City Administrator's approval.

An Executive Employee approved to work a reduced schedule will receive the same level of health benefits (medical, dental, vision) and accrued benefits during the temporary voluntary time-off period.

Other variable components, such as CalPERS retirement contribution, premium pay and other benefits calculated from an employee's salary, will be reduced by the decrease in work hours, as impact on retirement and other benefits will be determined by the application of actual work hours and rates of pay.

This is a voluntary program for the At-Will (Exempt) employees in an ongoing effort to accomplish fiscal reductions and salary savings. The City Administrator has the right to discontinue the program at any time.

FISCAL IMPACT:

The voluntary time-off (furlough) program for At-Will (exempt) executive employees would be additional cost savings to the General Fund.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment #1 - Resolution 2020-050 Voluntary Time Off Furlough Program

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-050

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH A TEMPORARY VOLUNTARY
TIME-OFF (FURLOUGH) PROGRAM FOR AT-WILL (EXEMPT) EXECUTIVE EMPLOYEES.**

WHEREAS, the City and the At-Will (Exempt) Executive Employees ("Executive Employees") have discussed concerns caused by the impacts of the COVID-19 pandemic; and

WHEREAS, each member of the Executive Team has voluntarily agreed to a reduction in pay effective July 1, 2020;

WHEREAS, establishing a Temporary Voluntary Time-Off (Furlough) Program for the Executive Employees will provide an additional resource to reduce costs; and

WHEREAS, under the Temporary Voluntary Time-Off (Furlough) Program, each member of the Executive Team may reduce their regular work hours by 5%, 10% or 25% with prior written approval of the City Administrator; and

WHEREAS, furlough hours will be calculated for each bi-monthly pay period and furlough schedules must be approved in-writing by the City Administrator; and

WHEREAS, a request to participate in the Temporary Voluntary Time Off (Furlough) Program will not be granted if it will result in the need for another employee to work overtime to perform duties that would otherwise be completed by the employee taking the voluntary furlough time off; and

WHEREAS, the members of the Executive Team who participate in this Temporary Voluntary Time Off (Furlough) Program will continue to have their time worked counted towards their eligibility for service credit from CalPERS, 100% of their normal medical benefits, and vacation and sick leave at their current accrual rates.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA DOES HEREBY:**

Authorize the City Administrator to establish a Voluntary Time-Off (Furlough) Program for At-Will (Exempt) Executive Employees, as described in this Resolution.

Resolution No. 2020-050

Page 2

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 4th day of August, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Maxine Gullo, Ass't. City Administrator

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2020-051 authorizing the City Administrator to make technical corrections as necessary and execute a two-year professional services agreement with an option to renew for one additional year, with Alliant Insurance Services, Inc. for risk management services for an amount not to exceed \$30,000 over the two-year period

RECOMMENDATION:

Adopt Resolution 2020-051 authorizing the City Administrator to make technical corrections as necessary and execute a two-year professional services agreement with an option to renew for one additional year, with Alliant Insurance Services, Inc. for risk management services for an amount not to exceed \$30,000 over the two-year period.

BACKGROUND/SUMMARY:

City staff recognizes the importance of workplace safety and has been working to address the City's outdated safety programs and realized additional resources are needed to accomplish this two-year project.

The City of Carmel-by-the-Sea is a member of PRISM, formerly known as CSAC Excess Insurance Authority (EIA) that provides a broad range of insurance and self-insurance programs such as General Liability, Excess Worker's Compensation, Property to Cyber coverage for the City. In addition, it provides various risk management services and subsidizes the City can participate to enhance the City's program and create efficiencies through their contracted third-party Alliant Insurance Services.

The goal of this project is for City staff and Alliant Risk Consulting to work together and collaborate on the following:

- Assess the Current Status of Safety Programs
- Enhance Cal/OSHA Compliance

The partnership between the City and Alliant Risk Consulting would identify the gaps in the City's safety programs, safety training, and documentation. As a client of PRISM, a request has been submitted and approved a subsidy in the amount of \$30,000 for the two-year project. The City would pay the consultant (Alliant Risk Services) directly and the City would be reimbursed through PRISM's subsidy fund up to

\$30,000.

Workplace safety in this current environment is a priority and the City will continue to seek to eliminate or reduce risks and protect our most valuable asset – its employees.

FISCAL IMPACT:

The risk management consulting services costs (\$15,000) is not budgeted in FY 20/21 operating budget. The Director of Budget and Contracts will be requesting the Human Resources budget adjustment at the mid-year presentation to City Council and the City will be reimbursed by PRISM in an amount not to exceed \$15,000 in Year 1.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment #1 - Resolution 2020-051 Risk Management Services, Alliant Insurance Services
Exhibit A_Professional Services Agreement
Exhibit B_Scope of Services

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO MAKE TECHNICAL CORRECTIONS AS NECESSARY AND EXECUTE A TWO YEAR PROFESSIONAL SERVICES AGREEMENT WITH AN OPTION TO RENEW FOR ONE ADDITIONAL YEAR WITH ALLIANT INSURANCE SERVICES, INC FOR RISK MANAGEMENT SERVICES FOR AN AMOUNT NOT TO EXCEED \$30,000 OVER THE TWO YEAR PERIOD.

WHEREAS, the City of Carmel-by-the Sea is seeking professional risk management consulting services; and

WHEREAS, Alliant Insurance Services, Inc. has submitted a proposal to provide consulting services for risk management services to assess the current status of safety programs and enhance Cal/OSHA Compliance; and

WHEREAS, Alliant Insurance Services, Inc. represents that it has the experience, licenses, qualifications, staff expertise required to perform said services in a professional and competent manner.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize the City Administrator to make technical corrections as necessary and execute a two-year professional services agreement (Exhibit A) that include the services set forth in the Scope of Services (Exhibit B).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

PROFESSIONAL SERVICES AGREEMENT
for the
[Name of the Project and/or type of services
Agreement #]

THIS AGREEMENT is executed this ____ day of _____, 201__, by and between the City of Carmel-By-The-Sea, a municipal corporation, (hereinafter "City"), and [Name of Consultant], (hereinafter "Consultant"), collectively referred to herein as the "parties".

WHEREAS, the City wishes to engage Consultant to perform the services required by this Agreement; and,

WHEREAS, Consultant is willing to render such professional services, as hereinafter defined, on the following terms and conditions; and

WHEREAS, Consultant represents that it is trained, experienced and competent and holds all necessary licenses and certifications to perform the services required by this Agreement.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties hereby covenant and agree as follows:

1. SERVICES

- A. **Scope of Services.** Consultant agrees to provide to the City, as the scope of services ("Scope of Services") under this Agreement, the following: [insert general description of the scope of work]. The Scope of Services is attached hereto as Exhibit "B." The Scope of Services under this Agreement shall include, but is not limited to, a project description, project phases, task descriptions, identification of key personnel, identification of subconsultants, their key personnel and general description of services that will be performed, as further set forth in this Agreement and attachments hereto.
- B. **Change Orders.** Agreements and Change Orders exceeding \$24,999 require City Council approval to be valid. The City may, from time to time, by written notice to Consultant, make changes to the Scope of Services as defined in Section 1.A above, and Consultant shall carry out the Services subject to such changes, within the time limits agreed to by the parties. The compensation and/or Project Schedule shall be increased or decreased by written Change Order to this Agreement ("Change Order"), signed by the City and Consultant, prior to commencement of any such changes of the Services. However, any increase in compensation beyond the compensation limit amount approved by the City Council must be authorized in advance by Council. The City shall not be liable to pay additional compensation to Consultant for any additional services performed without an executed Change Order issued prior to proceeding with amended services. All other terms of this Agreement shall apply to authorized Change Orders.

2. COMPENSATION

- A. **Total Fee.** The City agrees to pay and Consultant agrees to accept as full and fair consideration for the performance of this Agreement, hourly fees as set forth in

Consultant's Fee Schedule (Exhibit "B"), in a total amount not-to-exceed _____ Thousand _____ Hundred and _____ Dollars (\$ _____ .00). Such compensation shall be considered the "Maximum Authorized Expenditure" under this Agreement. The Fee Schedule shall include, but is not limited to, fees for each phase and task, not-to-exceed total fee, hourly rates, reimbursable rates and subconsultant mark-up rates. Payment of any compensation to Consultant hereunder shall be contingent upon performance of the terms and conditions of this Agreement to the satisfaction of the City. If the City determines that the Services set forth in the written invoice have not performed in accordance with the terms of this Agreement, the City shall not be responsible for payment until the Services have been satisfactorily performed.

- B. **Invoicing**. Consultant shall submit to the City monthly written invoices to the City's Project Representative, identified in Section 5 herein. Invoices shall be prepared in a form satisfactory to the City, describing the services rendered and associated costs for the period covered by the invoice. The City shall provide invoicing format upon request. Consultant shall not bill the City for duplicate services performed by more than one person. Consultant's invoices shall include, but are not limited to, the following information:
- i. Project Title, the City's Purchase Order number and City's Project Code(s) for each project;
 - ii. Invoice number and date;
 - iii. A brief description of services performed for each project phase and/or task;
 - iv. The budgeted amount for each phase, task and item, including the total amount, with the same for approved Change Orders, if any;
 - v. Amount invoiced to date divided by the agreed total compensation, expressed as a percentage, with the same for approved Change Orders, if any;
 - vi. The amount earned and invoiced to date for each phase, task and/or item, including the total amount, with the same for approved Change Orders, if any;
 - vii. The amount previously invoiced for each phase, task and/or item, including the total amount, with the same for approved Change Orders, if any;
 - viii. The amount due for the period covered by this invoice for each phase, task, and/or item, including the total amount, with the same for approved Change Orders, if any;
 - ix. For time and materials authorizations, the number of hours spent, by whom and their hourly rate for each phase, task and/or item, including the total amount;
 - x. The costs incurred, including reimbursables, for each phase, task, and/or item for the agreed total compensation and approved Change Orders, if any, along with a brief description of those costs;
 - xi. The total amount due for the period covered by this invoice, including subconsultants and vendors of services or goods;

- xii. Copies of subconsultant, vendor, and reimbursable invoices including hourly breakdowns when requested by City.
- xiii. Copies of subconsultant and vendor lien releases.

Any such invoices shall be in full accord with any and all applicable provisions of this Agreement. Consultant shall submit invoices to the City on or before the sixteenth (16th) day of each month for services performed in the preceding month. The City shall make payment on each such invoice within thirty (30) days of receipt; provided, however, that if Consultant submits an invoice which is incorrect, incomplete, or not in accord with the provisions of this Agreement, the City shall not be obligated to process any payment to Consultant until thirty (30) days after a correct and complying invoice has been submitted by Consultant.

The City shall not be obligated to pay Consultant a greater percentage of the Maximum Authorized Expenditure than the actual percentage of services completed as of the invoice date.

Consultant agrees to remit and shall be responsible for all withholding taxes, income taxes, unemployment insurance deductions, and any other deductions required by applicable federal, state or local laws and regulations for Consultant, its employees, subconsultants and vendors of services or goods.

- C. **Adjustment of Fees**. The City may increase or decrease the Maximum Authorized Expenditure by issuing a Change Order to the Agreement in accordance with Section 1.B "Change Orders" above. Should Consultant consider that any request or instruction from the City's Project Representative constitutes a change in the scope of services, Consultant shall so advise the City's Project Representative, in writing, within fourteen (14) calendar days of such request or instruction. Without said written advice within the time period specified, the City shall not be obligated to make any payment of additional compensation to Consultant.
- D. **Hourly Rates**. Payment for all authorized services, including payment for authorized on-call, as-needed services, shall be made by the City to Consultant in accordance with the various hourly rates as set forth in the Consultant's Fee Schedule (Exhibit "B").
- E. **Subconsultants and Vendors**. Invoices for subconsultants and vendors of services or goods will be paid by the City to Consultant in accordance with the various rates as set forth in the Consultant's Fee Schedule (Exhibit "B"). All reimbursable expenses shall be considered as included within the Maximum Authorized Expenditure. Consultant shall be solely responsible for payment to subconsultants and vendors of services or goods, and the City shall not be responsible or liable for any payments to subconsultants and vendors, either directly or indirectly.
- F. **Audit and Examination of Accounts**:
 - i. Consultant shall keep and will cause any assignee or subconsultant under this Agreement to keep accurate books of records and accounts, in accordance with sound accounting principles, which pertain to services to be performed under this Agreement.

- ii. Any audit conducted of books of records and accounts shall be in accordance with generally accepted professional standards and guidelines for auditing.
- iii. Consultant hereby agrees to disclose and make available any and all information, reports, books of records or accounts pertaining to this Agreement to the City and any city of the County of Monterey, or other federal, state, regional or governmental agency which provides funding for these Services.
- iv. Consultant shall include the requirements of Section 2F, "Audit and Examination of Accounts", in all contracts with assignees or subconsultants under this Agreement.
- v. All records provided for in this Section are to be maintained and made available throughout the performance of this Agreement and for a period of not less than four (4) years after full completion of services hereunder. All records, which pertain to actual disputes, litigation, appeals or claims, shall be maintained and made available for a period of not less than four (4) years after final resolution of such disputes, litigation, appeals or claims.

[INCLUDE THE FOLLOWING SECTION IF PSA IS FOR AN ON-CALL AGREEMENT OR CONTAINS OPTION FOR ON-CALL WORK]

- G. **On-Call Agreements.** The amount of work (scope of services) to be requested during the Agreement term cannot be well defined at the outset. The Consultant agrees to perform the work on an on-call basis in such increments and at such times as defined in written work requirements issued by the City as the need arises. The Consultant agrees that the offer to perform the work at the various rates as set forth in the Consultant's Fee Schedule (Exhibit "B") remains in effect for all work requirements issued by the City during the Agreement term or until the exhaustion of the Agreement funding limit, whichever occurs first. The City does not guaranty a minimum dollar value of work.

3. AGREEMENT TERM

- A. **Term.** The work under this Agreement shall commence by [start date of contract] and shall be completed by [end date of contract] unless sooner terminated or the City grants an extension of time in writing pursuant to the terms of this Agreement, except for provisions in this Agreement that shall survive the termination or completion of this Agreement. Consultant shall perform Change Order services as set out in Section 1.B, "Amendment of Services (Change Orders)", in a timely manner or in accordance with the agreed upon Change Order Project Schedule.
- B. **Timely Work.** Consultant shall perform all Services in a timely fashion, as set forth more specifically in Section 3.A, "Term", and Section 3.C, "Project Schedule", of this Agreement. Failure to perform is hereby deemed a material breach of this Agreement, and the City may terminate this Agreement with no further liability hereunder, or may authorize, in writing, an extension of time to the Agreement.
- C. **Project Schedule.** Services shall be completed by Consultant in accordance with the Project Schedule attached hereto as Exhibit "C". The parties may, from time to time, by Change Order, alter the Project Schedule. Consultant shall provide the Services pursuant to the Project Schedule or any applicable Project Schedule Change Order. If at any time Consultant discovers that the Project Schedule cannot be met, Consultant

shall promptly notify the City in writing and provide a revised Project Schedule for review and consideration by City.

[THE FOLLOWING PARAGRAPH TO BE INCLUDED IF A PROJECT SCHEDULE IS NOT REQUIRED BUT SPECIFIC PROJECT DATES ARE KNOWN OR REQUIRED]

If a Project Schedule is not required, Consultant shall perform the Services under this Agreement in accordance with the following phase, task and/or milestone dates:

[List phase, task, milestone, funding, design, design review, construction and other deadline dates as applicable]

- D. **Notice to Proceed.** Upon execution of this Agreement by both parties and the receipt of all documentation required by this Agreement to be provided by Consultant to the City, the City shall issue a written Notice to Proceed to the Consultant. The City may, in its sole discretion, issue subsequent notices from time to time regarding further portions or phases of the work. Upon receipt of such notices, Consultant shall diligently proceed with the Services authorized and complete those Services within the agreed time specified in said notice. Consultant shall not proceed with any of the Services unless they have received a Notice to Proceed from the City.

4. CONSULTANT'S EMPLOYEES AND SUBCONSULTANTS

- A. **Listed Employees and Subconsultants.** Consultant shall perform the Services using the individuals listed in the Key Employees and Subconsultants List attached hereto in Exhibit "B".
- B. **Substitution of Employees or Subconsultants:**
- i. Consultant shall not substitute any key employee or subconsultant listed in Exhibit "B" without the prior written approval of the City, and such approval shall not be unreasonably withheld. The City shall not approve removal or substitution of employees or subconsultants for the reason that Consultant or its affiliates has called on such individuals to perform services for another client of the Consultant.
 - ii. If, at any time, the City reasonably objects to the performance, experience, qualifications or suitability of any of Consultant's employees or subconsultants, then Consultant shall, on written request from the City, replace such employee or subconsultant. Consultant shall, subject to scheduling and staffing considerations, make reasonable efforts to replace the individual with an individual of similar competency and experience.
 - iii. Regardless of whether or not the City consents to, or requests a substitution of any employee or subconsultant of Consultant, the City shall not be liable to pay additional compensation to Consultant for any replacement or substitution.
- C. **Sub-agreements with Subconsultants.** Consultant shall incorporate the terms and conditions of this Agreement into all sub-agreements with subconsultants in respect of the Services necessary to preserve all rights of the City under this Agreement. Consultant shall be fully responsible to the City of all acts and omissions of subconsultants and of persons employed by any subconsultant.

D. **Not an Agent of the City.** Nothing in this Agreement shall be interpreted so as to render the City the agent, employer, or partner of Consultant, or the employer of anyone working for or subcontracted by Consultant, and Consultant must not do anything that would result in anyone working for or subcontracted by Consultant being considered an employee of the City. Consultant is not, and must not claim to be, an agent of the City.

E. **Independent Contractor:**

- i. Consultant is an independent contractor. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. The City shall not control or direct the details, means, methods or processes by which Consultant performs the Services. Consultant is responsible for performance of the Services and may not delegate or assign any Services to any other person except as provided for herein. Consultant shall be solely liable for the work quality and conditions of any partners, employees and subconsultants.
- ii. No offer or obligation of permanent employment with the City or particular City department or agency is intended in any manner, and Consultant shall not become entitled by virtue of this Agreement to receive from the City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. Consultant shall be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of Consultant's performance of Services under this Agreement. In connection therewith, Consultant shall defend, indemnify and hold the City harmless from any and all liability, which the City may incur because of Consultant's failure to pay such taxes.

5. REPRESENTATIVES AND COMMUNICATIONS

A. **City's Project Representative.** The City appoints the individual named below as the City's Project Representative for the purposes of this Agreement ("City's Project Representative"). The City may unilaterally change its project representative upon notice to Consultant.

Name: _____

Title: _____

Address: _____

Telephone: _____

Email: _____

- B. **Consultant's Project Manager.** Consultant appoints the person named below as its Project Manager for the purposes of this Agreement ("Consultant's Project Manager").

Name: _____
 Title: _____
 Address: _____
 Telephone: _____
 Email: _____

- C. **Meet and Confer.** Consultant agrees to meet and confer with the City's Project Representative, its agents or employees with regard to Services as set forth herein as may be required by the City to insure timely and adequate performance of this Agreement.
- D. **Communications and Notices.** All communications between the City and Consultant regarding this Agreement, including performance of Services, shall be between the City's Project Representative and Consultant's Project Manager. Any notice, report, or other document that either party may be required or may wish to give to the other must be in writing and shall be deemed to be validly given to and received by the addressee, if delivered personally, on the date of such personal delivery, if delivered by email, on the date of transmission, or if by mail, seven (7) calendar days after posting.

6. INDEMNIFICATION

Consultant hereby agrees to the following indemnification clause:

To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.6), Consultant shall defend (with legal counsel reasonably acceptable to the City), indemnify and hold harmless the City and its officers, designated agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against claims, loss, cost, damage, injury expense and liability (including incidental and consequential damages, Court costs, reasonable attorneys' fees as may be determined by the Court, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) to the extent they arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of Consultant, any subconsultant or subcontractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are caused in part by the active negligence or willful misconduct of such Indemnitee.

Notwithstanding the provisions of the above paragraph, Consultant agrees to indemnify and hold harmless the City from and against all claims, demands, defense costs, liability, expense, or damages arising out of or in connection with damage to or loss of any property belonging to Consultant or Consultant's employees, subconsultants, representatives, patrons, guests or invitees.

Consultant further agrees to indemnify the City for damage to or loss of City property to the proportionate extent they arise out of Consultant's negligent performance of the work

associated with this Agreement or to the proportionate extent they arise out of any negligent act or omission of Consultant or any of Consultant's employees, agents, subconsultants, representatives, patrons, guests or invitees; excepting such damage or loss arising out of the negligence of the City.

In no event shall the obligation of the Consultant exceed the limitations on the duty to defend and indemnify as set forth in Civil Code Sections 2782 and 2782.6.

7. **INSURANCE**

Consultant shall submit and maintain in full force all insurance as described herein. Without altering or limiting Consultant's duty to indemnify, Consultant shall maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

- A. Commercial General Liability Insurance including but not limited to premises, personal injuries, bodily injuries, property damage, products, and completed operations, with a combined single limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. Professional Liability Insurance with limits of not less than \$1,000,000 per occurrence or claim and \$2,000,000 in the aggregate. Consultant will either maintain or cause to be maintained professional liability coverage in full force or obtain extended reporting (tail) coverage (with the same liability limits) for at least three years following the City's acceptance of the work.
- C. Automobile Liability Insurance covering all automobiles, including owned, leased, non-owned, and hired automobiles, used in providing Services under this Agreement, with a combined single limit of not less than \$1,000,000 per occurrence.
- D. Workers' Compensation Insurance. If Consultant employs others in the performance of this Agreement, Consultant shall maintain Workers' Compensation insurance in accordance with California Labor Code section 3700 and with a minimum of \$1,000,000 per occurrence.
- E. Other Insurance Requirements:
 - i. All insurance required under this Agreement must be written by an insurance company either:
 - a. admitted to do business in California with a current A.M. Best rating of no less than A:VI; or
 - b. an insurance company with a current A.M. Best rating of no less than A:VII. Exception may be made for the State Compensation Insurance Fund when not specifically rated.
 - ii. Each insurance policy required by this Agreement shall not be canceled, except with prior written notice to the City.
 - iii. The general liability and auto policies shall:

- a. Provide an endorsement naming the City of Carmel-by-the-Sea, its officers, officials, employees, and volunteers as additional insureds. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).
 - b. Provide that such Consultant's insurance is primary as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Carmel-by-the-Sea shall be excess to the Consultant's insurance and shall not contribute with it.
 - c. Contain a "Separation of Insureds" provision substantially equivalent to that used in the ISO form CG 00 01 10 01 or their equivalent.
 - d. Provide for a waiver of any subrogation rights against the City via an ISO CG 24 01 10 93 or its equivalent.
- iv. Prior to the start of work under this Agreement, Consultant shall file certificates of insurance and endorsements evidencing the coverage required by this Agreement with the City. Consultant shall file a new or amended certificate of insurance promptly after any change is made in any insurance policy which would alter the information on the certificate then on file.
- v. Neither the insurance requirements hereunder, nor acceptance or approval of Consultant's insurance, nor whether any claims are covered under any insurance, shall in any way modify or change Consultant's obligations under the indemnification clause in this Agreement, which shall continue in full force and effect. All coverage available to the Consultant as named insured shall also be available and applicable to the additional insured. Notwithstanding the insurance requirements contained herein, Consultant is financially liable for its indemnity obligations under this Agreement.
- vi. All policies shall be written on a first dollar coverage basis or contain a deductible provision. Any deductibles or self-insured retentions ("SIR") must be declared to and approved by the City. At the option of the City, either: the insured shall reduce or eliminate such deductibles or SIR as respects the City, its officers, officials, employees and volunteers; or Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. In no event shall any SIR or insurance policy contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured, or by any means including other insurance, or which is intended to defeat the intent or protection of an additional insured.
- vii. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
- viii. Consultant shall require and verify that all subconsultants and subcontractors maintain insurance meeting all the requirements stated herein.

8. PERFORMANCE STANDARDS

- A. Consultant warrants that Consultant and Consultant's agents, employees, and subconsultants performing Services under this Agreement are specially trained, experienced, and competent and have the degree of specialized expertise contemplated within California Government Code Section 37103, and further, are appropriately licensed to perform the work and deliver the Services required under this Agreement.
- B. Consultant, its agents, employees, and subconsultants shall perform all Services in a safe and skillful manner consistent with the usual and customary standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields in accordance with sound professional practices. All work product of Consultant shall comply with all applicable laws, rules, regulations, ordinances and codes. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant's performance of this Agreement. All Services performed under this Agreement that are required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.
- C. Consultant shall furnish, at its own expense, all materials, equipment and personnel necessary to carry out the terms of this Agreement. Consultant shall not use the City premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.
- D. Consultant agrees to perform all work under this Agreement to the satisfaction of City and as specified herein. The City's Project Representative or his or her designee shall perform evaluation of the work. If the quality of work is not satisfactory, City in its discretion may meet with Consultant to review the quality of work and resolve the matters of concern, and may require Consultant to repeat the work at no additional fee until it is satisfactory.

9. CITY INFORMATION AND RESOURCES

- A. **Available Information.** The City shall make available to Consultant all relevant information, plans, maps, reports, specifications, standards and pertinent data which is in the hands of the City and is required by Consultant to perform the Services. Consultant shall be entitled to rely upon the accuracy and completeness of such information and data furnished by the City, except where it is stated otherwise or unreasonable.
- B. **City Resources.** The City acknowledges that Consultant's ability to provide the Services in accordance with this Agreement may be dependent on the City providing available information and resources in a prompt and timely manner as reasonably required by Consultant. To the extent that the City fails to provide City resources, Consultant shall not be liable for any resulting delay in the Services or failure to meet the Project Schedule, but in no event shall such delay or failure to provide City resources constitute a breach of this Agreement by the City, nor shall Consultant be entitled to extra compensation for same.

- C. **Obligations of Consultant.** No reviews, approvals, or inspections carried out or supplied by the City shall derogate from the duties and obligations of Consultant, and all responsibility related to performance of the Services shall be and remain with Consultant.

10. OWNERSHIP AND USE OF MATERIALS

- A. **Ownership of the Materials.** All data, studies, reports, calculations, field notes, sketches, designs, drawings, plans, specifications, cost estimates, manuals, correspondence, agendas, minutes, notes, audio-visual materials, photographs, models, software data, computer software (if purchased on the City's behalf) and other documents or products produced by Consultant under this Agreement (collectively, "the Materials") are and shall remain the property of the City even though Consultant or another party may have physical possession of them or a portion thereof. Consultant hereby waives, in favor of the City, any moral rights Consultant, its employees, subconsultants, vendors, successors or assignees may have in the Materials.
- B. **No Patent or Copyright Infringement.** Consultant guarantees that in its creation of the Materials produced under this Agreement, no federal or state patent or copyright laws were violated. Consultant agrees that all copyrights, which arise from creation of the work or Services pursuant to this Agreement, shall be vested in the City and waives and relinquishes all claims to copyright or intellectual property rights in favor of the City. Consultant covenants that it will defend, indemnify and hold City harmless from any claim or legal action brought against the City for alleged infringement of any patent or copyright related to City's use of Materials produced by Consultant and its employees, agents and subconsultants under this Agreement.
- C. **Delivery and Use of the Materials.** All Materials shall be transferred and delivered by Consultant to the City without further compensation following the expiration or sooner termination of this Agreement, provided that the City may, at any time prior to the expiration or earlier termination of this Agreement, give written notice to Consultant requesting delivery by Consultant to the City of all or any part of the Materials in which event Consultant shall forthwith comply with such request. The Materials created electronically must be submitted in a format and medium acceptable to the City. The Materials may be used by the City in any manner for the intended purpose or as part of its operations associated with the Materials.
- D. **Survival of Ownership and Use Provisions.** It is understood and agreed that the provisions contained in Section 10, Ownership and Use of Materials, shall survive the expiration or earlier termination of this Agreement, and that this Section is severable for such purpose.
- E. **Additional Copies.** If the City requires additional copies of reports, or any other material that Consultant is required to furnish as part of the Services under this Agreement, Consultant shall provide such additional copies, and the City shall compensate Consultant for the actual costs related to the production of such copies by Consultant.

11. CONFIDENTIALITY

- A. **No Disclosure.** Consultant shall keep confidential and shall not disclose, publish or release any information, data, or confidential information of the City to any person other than representatives of the City duly designated for that purpose in writing by the City. Consultant shall not use for Consultant's own purposes, or for any purpose other than those of the City, any information, data, or confidential information Consultant may acquire as a result of the performance of the Services under this Agreement. Consultant shall promptly transmit to the City any and all requests for disclosure of any such confidential information or records. The obligations under this Section shall survive the expiration or earlier termination of this Agreement.
- B. **California Public Records Act.** Consultant acknowledges that the City is subject to the California Public Records Act (Government Code Section 6250 et seq.), known as the "PRA", and agrees to any disclosure of information by the City as required by law. Consultant further acknowledges that it may have access to personal information as defined under the PRA, and Consultant shall not use any such personal information for any purposes other than for the performance of Services under this Agreement without the advance written approval of the City.

All Scopes of Services and related documents received shall be public records, with the exception of those elements, identified by the Consultant as business trade secrets and are plainly marked "Trade Secret", "Confidential" or "Proprietary". If disclosure is required under the PRA or otherwise by law, the City shall not be liable or responsible for the disclosure of any such records and the Consultant shall indemnify, defend, and hold the City harmless for any such disclosure.

12. CONFLICT OF INTEREST

Consultant is required to file a Form 700 in compliance with the City's Conflict of Interest Code unless a written determination by the City Administrator is made modifying or eliminating said requirement, or unless otherwise exempted by law.

In addition, Consultant, Consultant's employees, and subconsultants agree as follows:

- A. That they shall conduct their duties related to this Agreement with impartiality, and shall, if they exercise discretionary authority over others in the course of those duties, disqualify themselves from dealing with anyone with whom a relationship between them could bring the impartiality of Consultant or its employees into question;
- B. Shall not influence, seek to influence, or otherwise take part in a decision of the City knowing that the decision may further their private interests;
- C. Shall not accept any commission, discount, allowance, payment, gift, or other benefit connected, directly or indirectly, with the performance of Services related to this Agreement, that causes, or would appear to cause, a conflict of interest;
- D. Shall have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of the Services

related to this Agreement, and if such financial interest is acquired during the term of this Agreement, Consultant shall promptly declare it to the City, and;

- E. Shall not, during the term of this Agreement, perform a service for, or provide advice to, any person, firm, or corporation, which gives rise to a conflict of interest between the obligations of Consultant under this Agreement and the obligations of Consultant to such other person, firm or corporation.

13. DISPUTE RESOLUTION

- A. **Dispute Resolution Procedures.** The parties shall make reasonable efforts to promptly resolve any dispute, claim, or controversy arising out of or related to this Agreement ("Dispute") using the Dispute Resolution Procedures set forth in this Section.
- B. **Negotiations.** First, the City's Project Representative and Consultant's Project Manager shall make reasonable efforts to resolve any Dispute by amicable negotiations and shall provide frank, candid, and timely disclosure of all relevant facts, information, and documents to facilitate negotiations. Should these negotiations be unsuccessful in resolving the Dispute, the matter shall be promptly referred to the City Administrator or designee, and the Consultant's Principal, who shall meet and confer, in good faith, to resolve the Dispute to mutual satisfaction of the parties.
- C. **Mediation.** If all or any portion of a Dispute cannot be resolved by good faith negotiations as set forth above within thirty (30) days of the date that the matter was referred to the City Administrator pursuant to subsection B above, either party may, by notice to the other party, submit the Dispute for formal mediation to a mediator selected mutually by the parties from the Monterey Superior Court's Court-Directed Mediator Panel list. The duration of any such mediation shall not exceed 2 hours unless otherwise agreed to by the parties. The cost of the mediation (including fees of mediators) shall be borne equally by the parties, and each party shall bear its own costs of participating in mediation. The mediation shall take place within or in close proximity to the City of Carmel-by-the-Sea.

In any mediation conducted pursuant to this section, the provisions of California Evidence Code section 1152 shall be applicable to limit the admissibility of evidence disclosed by the parties in the course of the mediation. In the event the parties are unsuccessful in resolving the dispute through the mediation process, then the parties agree that the dispute shall be submitted to Binding Arbitration to a single Arbitrator in accordance with the existing Rules of Practice and Procedure of the Judicial Arbitration and Mediation Services, Inc. (JAMS) within thirty (30) days of the close of mediation as declared by the mediator.

- D. **Arbitration.** The submission to Mediation and Arbitration in accordance with the requirements of this section of any and all agreements, differences, or controversies that may arise hereunder is made a condition precedent to the institution of any action or appeal at law or in equity with respect to the controversy involved. The award by the arbitrator shall have the same force and effect and may be filed and entered, as a judgment of the Superior Court of the State of California and shall be subject to appellate review upon the same terms and conditions as the law permits for judgments of Superior Courts. A "Prevailing Party" shall be determined in the Arbitration, and the prevailing party shall be entitled to reasonable attorney's fees and costs incurred, and accrued interest on any unpaid balance that may be due. Costs shall include the cost of any

expert employed in the preparation or presentation of any evidence. All costs incurred and reasonable attorney fees shall be considered costs recoverable in that proceeding, and be included in any award.

14. TERMINATION OF AGREEMENT

- A. **Termination for Cause or Default.** The City reserves the right to immediately terminate this Agreement, in whole or in part, if Consultant or any subconsultant defaults or fails to deliver the Services in accordance with the terms and conditions of this Agreement. Such termination shall be in writing, shall set forth the effective date of termination, shall not result in any penalty or other charges to the City, and may be issued without any prior notice. Without limitation, Consultant is in default of its obligations contained in this Agreement if Consultant, or any subconsultant:
- i. Fails to perform the required Services within the term and/or in the manner provided under this Agreement;
 - ii. Fails to supply sufficient, properly skilled workers or proper workmanship, products, material, tools and equipment to perform the Services;
 - iii. Fails to observe or comply with all laws, ordinances, including all requirements of governmental or quasi-governmental authorities, including federal, state, and local government enactments, bylaws, and other regulations now or, following the date of this Agreement, in force that pertain to;
 - iv. Fails to observe or comply with the City's reasonable instructions;
 - v. Breaches the Conflict of Interest provisions of this Agreement; or
 - vi. Otherwise violates any provision of this Agreement.
- B. **Termination for Convenience.** The City may, at its option, terminate this Agreement, in whole or in part, at any time during the Agreement Term for the convenience of the City.
- C. **Steps after Termination:**
- i. Upon termination of this Agreement by the City for any reason, the City shall pay Consultant for satisfactorily performed Services and disbursements incurred by Consultant to the date of termination pursuant to this Agreement, less any amounts necessary to compensate the City for damages or costs incurred by the City arising from Consultant's default. Termination will be without prejudice to any other rights or remedies the City may have.
 - ii. Upon receipt of written notice of termination of this Agreement by the City for any reason, Consultant shall:
 - a. Promptly cease all Services, including Services provided by any subconsultant, unless otherwise directed by the City; and

- b. Deliver to the City all the Materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement. Such Materials are to be delivered to the City in completed form; however, notwithstanding the provisions of Section 10, Ownership and Use of Materials, herein, the City may condition payment for services rendered to the date of termination upon Consultant's delivery to the City of such Materials.
- iii. In the event this Agreement is terminated by the City for any reason, the City is hereby expressly permitted to assume the projects and Services, and to complete them by any means including, but not limited to, an agreement with another party.

15. LEGAL ACTION / VENUE

- A. Should either party to this Agreement bring legal action against the other, the validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules.
- B. Venue for any such action relating to this Agreement shall be in Monterey County.
- C. If any legal action or proceeding, including action for declaratory relief, is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees as may be determined by the Arbitrator, experts' fees, and other costs, in addition to any other relief to which the party may be entitled.

16. MISCELLANEOUS PROVISIONS

- A. **Non-discrimination**. During the performance of this Agreement, Consultant, and its subconsultants, shall not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, or sexual orientation, either in Consultant's employment practices or in the furnishing of services to recipients. Consultant further acknowledges that harassment in the workplace is not permitted in any form, and will take all necessary actions to prevent such conduct.
- B. **Acceptance of Services Not a Release**. Acceptance by the City of the Services to be performed under this Agreement does not operate as a release of Consultant from professional responsibility for the Services performed.
- C. **Force Majeure**. Either party shall be absolved from its obligation under this Agreement when and to the extent that performance is delayed or prevented, and in the City's case, when and to the extent that its need for vehicles, materials, or Services to be supplied hereunder are reduced or eliminated by any course, except financial, for reasons beyond its control. Such reasons include, but are not limited to: earthquake, flood, epidemic, fire, explosion, war, civil disorder, act of God or of the public enemy, act of federal, state or local government, or delay in transportation to the extent that they are not caused by the party's willful or negligent acts or omissions, and to the extent that they are beyond the party's reasonable control.

- D. **Headings**. The headings appearing herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Agreement. The headings are for convenience only.
- E. **Entire Agreement**. This Agreement, including the Exhibits attached hereto, constitutes the entire agreement between the parties hereto with respect to the terms, conditions, and Services and supersedes any and all prior proposals, understandings, communications, representations and agreements, whether oral or written, relating to the subject matter thereof pursuant to Section 1B, "Change Order of Services". Any Change Order to this Agreement will be effective only if it is in writing signed by both parties hereto and shall prevail over any other provision of this Agreement in the event of inconsistency between them.
- F. **Conflict between Agreement and Exhibits**. In the event of a conflict between a provision in this Agreement and a provision in an Exhibit attached to this Agreement, the provisions in this Agreement shall take precedence.
- G. **Counterparts**. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and may be signed in counterparts, but all of which together shall constitute one and the same Agreement.
- H. **Multiple Copies of Agreement**. Multiple copies of this Agreement may be executed, but the parties agree that the Agreement on file in the office of the City's City Clerk is the version of the Agreement that shall take precedence should any difference exist among counterparts of this Agreement.
- I. **Authority**. Any individual executing this Agreement on behalf of the City or Consultant represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.
- J. **Severability**. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of the Agreement for any cause. If a part of the Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- K. **Non-exclusive Agreement**. This Agreement is non-exclusive and both the City and Consultant expressly reserve the right to enter into agreements with other Consultants for the same or similar services, or may have its own employees perform the same or similar services.
- L. **Assignment of Interest**. The duties under this Agreement shall not be assignable, delegable, or transferable without the prior written consent of the City. Any such purported assignment, delegation, or transfer shall constitute a material breach of this Agreement upon which the City may terminate this Agreement and be entitled to damages.

- M. **City Business License.** Prior to receiving a Notice to Proceed from the City, Consultant shall obtain and maintain a valid City of Carmel-by-the-Sea Business License for the duration of the Agreement. Costs associated with the license are the responsibility of Consultant.
- N. **Laws.** Consultant agrees that in the performance of this Agreement it will reasonably comply with all applicable federal, state and local laws and regulations. This Agreement shall be governed by and construed in accordance with the laws of the State of California and the City of Carmel-by-the-Sea.

IN WITNESS WHEREOF, the parties enter into this Agreement hereto on the day and year first above written in Carmel-by-the-Sea, California.

CITY OF CARMEL-BY-THE-SEA

CONSULTANT

Mayor, City Administrator, or Designee Signature

Consultant Signature

Printed Name

Printed Name

Title

Title

Consultant Legal Company Name

ATTEST:

By: _____
City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
Brian Pierik, City Attorney

Date: _____

Exhibit "B" Scope of Services, including Key Personnel

EXHIBIT B – SCOPE OF WORK

Representatives from Alliant Insurance Services, Inc will work with the City of Carmel By The Sea stakeholders to ensure that services delivered by the Alliant team are structured to help the City achieve your desired risk management goals and objectives. This will involve the following scope of work:

Year 1 Objectives

1. Assess current safety program gaps
2. Development of initial prioritized safety program templates
3. Supervisor Training

Safety Program Assessment (est. 16 hours):

Alliant will conduct an operational assessment in the following areas to identify safety program compliance gaps and gain an understanding of operational exposures based on work performed for the City. Operations we anticipate to include in our initial assessment include Public Works, Public Safety and General Services. Others may be included as required. The assessment typically involves the following activities.

- Stakeholder and employee interviews
- Documentation review to include safety programs, work orders, and other information as appropriate
- Loss reviews and analysis
- Equipment availability and assessment
- Vendor reports if available and necessary
- Physical observation of selected work practices or services performed

Alliant will use the information obtained during our assessment to work with City stakeholders and develop an executive level report outlining findings and recommended actions.

Prioritized Safety Program Templates (est. 60 hours):

Based on operational assessment, Alliant will work with the City stakeholders to identify and prioritize written safety compliance program gaps. Based on priority, Alliant will create up to 4 safety program templates. Templates will include the required components for regulatory compliance, however, the city to need to modify with specifics that may include contact information, workflows, and procedures.

Based on preliminary discussions, it appears that the City will need to develop or enhance several compliance programs. Initial anticipated priority programs may include:

- Injury & Illness Prevention Program (provided at no charge)
- Emergency Action

EXHIBIT B – SCOPE OF WORK

- Hazard Communication Program
- Bloodborne Pathogens
- Fall Protection
- Lockout Tagout and Energy Control
- Confined Space
- Others as determined necessary during the program assessment

Supervisor Training (est. 6 hours):

Based on operational assessment and status of current safety training programs, Alliant will provide 1 day of Supervisor focused in-person training that will include 1.5 hour sessions on the following topics:

- Fundamentals of Hazard Assessment
- Accident Investigation Basics
- Job Hazard Assessment (JHA) Essentials

Year 2 Objectives:

1. Continued development of safety program templates
2. Development of department safety training matrix
3. Development of department specific safety inspection forms

Continuation of Prioritized Safety Program Templates (est. 55 hours):

Alliant will work with the City stakeholders to identify and prioritize written safety compliance program gaps. Based on priority, Alliant will create up to 4 additional safety program templates. Templates will include the required components for regulatory compliance, however, the city to need to modify with specifics that may include contact information, workflows, and procedures.

Department Safety Training Matrix (est. 10 hours):

Alliant will work with City stakeholders to create safety training matrix for 1 department. Matrix will include safety training and frequency required for each job title within departments.

Department-specific Safety Inspection Forms (est. 10 hours):

Alliant will work with City stakeholders to develop department-specific safety inspection forms for up to 2 departments.

Out of Scope

EXHIBIT B – SCOPE OF WORK

Program customization, implementation and training (other than proposed Supervisor training) are not included in the current Scope of Work. Separate pricing will be developed if the City intends to use Alliant Risk Control for all or part of program implementation.

Proposed Fee

Year 1:	Not to exceed \$15,000. Monthly invoice for services rendered will reflect billable hours for the previous month's services. <u>Hourly Rate:</u> \$180 per hour and is inclusive of all anticipated expenses except for overnight travel and expense. Overnight travel is anticipated to be 3 nights. Overnight expenses will be billed directly at reasonably incurred expenses for lodging and meals. There will be no administrative fees.
Year 2:	Not to exceed \$15,000. Monthly invoice for services rendered will reflect billable hours for the previous month's services. <u>Hourly Rate:</u> \$200 per hour and is inclusive of all anticipated expenses except for overnight travel and expense. Overnight travel is not anticipated.
Billable Services	Billable time includes: Travel as described above, preparation for conference calls and meetings, on-site visits, program review, enhancement and/or development, research and report writing. Travel will be invoiced at 50% of hourly rate. Mileage will not be charged.
Non-Billable Services	General email correspondence, informational and technical request and/or related calls will not incur a charge. Service request may be billed for time required to provide deliverable or service requires greater than (.5) hour effort. Alliant scheduled and archived webinars that are not specific to CITY OF CARMEL BY THE SEA plan are offered free of charge (approximately 10+ per year).

EXHIBIT B – SCOPE OF WORK

Consulting Team

The Alliant Risk Control Practice is a National practice serving Alliant Insurance Service clients throughout the Continental United States. John Owen will be the project lead and will be supported by the team of professionals listed below. As leader, John will be directly involved in the assessment, development and delivery of services outlined. Brief bios for each of the team members are listed below.

Tim Leech, CSP, ARM

Director – Risk Control Consulting

Tim has over 30 years of experience in a multitude of industries to include public entity, healthcare, academia, manufacturing, warehouse distribution and logistics industries. His primary focus is working with large risk management clients to reduce cost via pre-loss mitigation solutions as well as state and federal OSHA and best practice gap analysis. Tim is located in the Newport Beach, CA office where he manages a National team of consultants. As a “player-coach”, Tim keeps his finger on the pulse of client and industry trends to ensure the highest level of performance by his staff. Tim has worked at Alliant for 9 years.

John Owen, CSP, CIH

Lead Risk Control Consultant

John is a Lead Risk Control Consultant for Alliant Insurance – Risk Control Services team where he brings his passion as a safety professional, enthusiasm for collaborative partnerships, and over 20 years of experience including roles in safety consulting, operations, and account management. John’s unique background has enabled him to combine safety/risk control consultation along with practical experience of the daily aspects of business operations. While John is a generalist, he has significant experience in public entity, high-tech, higher education, and general industry.

Kristi Loiselle, CEAS

Risk Control Consultant

Kristi has over 10 years of experience and held various positions in the risk control practice with Alliant Insurance Services. Kristi’s specialties include property protection, fleet safety and ergonomics. She also frequently works with clients to enhance regulatory compliance with OSHA related written program standards. Kristi has been with Alliant for approximately 10 years.

EXHIBIT B – SCOPE OF WORK

Raymundo Machado, CEAS

Associate Risk Control Consultant

Ray is the newest member of the risk consulting team and a recent graduate from California State University Northridge with a Bachelor of Science in Occupational Health. His primary responsibilities include conducting data analytics as well as analyzing safety programs and offering guidance to help enhance and achieve greater compliance with Federal and State OSHA regulations. Ray has been involved in projects to include conducting facility inspections and ergonomic assessments. He also works closely with clients to analyze, enhance and implement safety programs. Professional development includes Confined Space, Ergonomics and Cal OSHA – General Industry 30 Hour certifications.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Sara Davis, City Forester

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: State of the Forest & Vision for the Future

RECOMMENDATION:

Receive a presentation on the state of the Forest in Carmel-by-the-Sea and a vision for the future.

BACKGROUND/SUMMARY:

This is a presentation to City Council about the status of the tree inventory required by Municipal Code 17.48.14. The presentation will also discuss what can be learned from the inventory, how Carmel-by-the-Sea's forest compares to that of other communities, challenges the forest faces, and a vision for the future.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**August 4, 2020
ORDERS OF BUSINESS**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Ashlee Wright, Director, Libraries & Community Activities
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Consideration of the cancellation of the City's Special Events through the end of the calendar year 2020

RECOMMENDATION:

Approve the recommendation of City staff and the Community Activities Commission to cancel the City's Special Events through the end of the calendar year 2020.

BACKGROUND/SUMMARY:

In response to the COVID-19 pandemic, City Administrator signed a Proclamation of a Local Emergency on March 12th 2020, which the City Council ratified at a Special City Council Meeting held on March 13th, 2020. The Monterey County Department of Health issued a shelter-in-place order on March 17th, 2020 and the State of California issued its own order on March 19.

In April 2020 Governor Newsom issued a Pandemic Roadmap that laid out stages for the reopening of the State. Currently, Monterey County is in Stage 2.5 of the Resilience Roadmap, though certain restrictions on indoor dining, bars, gyms, malls, and houses of worship have been reinstituted due to the increasing number of COVID-19 cases.

The Roadmap stipulates that large-scale gatherings, such as the City's special events, will be allowed to occur in Stage 4 (Attachment 1) at the end of the Stay-at-Home (or shelter in place order) order at which time therapeutics will have been developed. The City's remaining events for 2020 include: Sandcastle Contest, Pumpkin Roll, Homecoming, City Birthday Parade, Veteran's Day Ceremony, the Homecrafters' Marketplace and the annual Holiday Celebration. These events range in attendance from 75 at the Veteran's Day Ceremony to over 1,000 at the Homecrafters' Marketplace.

This spring the City cancelled the Breakfast with the Bunny event, Memorial Day Ceremony, and annual 4th of July celebration in alignment with the shelter-in-place order that prohibited gatherings of 10 people or more and out of an abundance of caution for the safety of residents and visitors. In addition, Car Week events scheduled to be held peninsula wide in August were cancelled, including those to be held in Carmel-by-the-Sea.

Understanding that the U.S. is still in the throes of the first surge of COVID-19, California is currently seeing a significant surge in new cases, and that Monterey County is also experiencing an increase in cases locally, and that there is currently no vaccine, it is unlikely that the State will move into Stage 4 to allow large gatherings prior to the end of the calendar year.

With the understanding that it takes anywhere from three to six months to organize any of the City's special events, staff recommends that all Fall/Winter City events be cancelled through the end of the calendar year 2020. While it is a disappointment to cancel events, doing so sooner rather than later allows staff to proactively communicate with community groups and volunteers who help to support City events, as well as event attendees, who have already been making inquiries about the City's Fall/Winter events.

Staff also recommends that the Community Activities Commission work on new approaches to engage with the community to work on creative ways to mark the cancelled City events. For example during the 4th of July weekend volunteers used Community Activities decorations to commemorate the holiday.

FISCAL IMPACT:

There are funds in the Community Activities Department budget that can be used to support decorations and small-scale virtual programs, if needed, as well as the decoration of the holiday tree.

PRIOR CITY COUNCIL ACTION:

There has been no prior Council action on this item.

ATTACHMENTS:

Attachment - Pandemic Roadmap

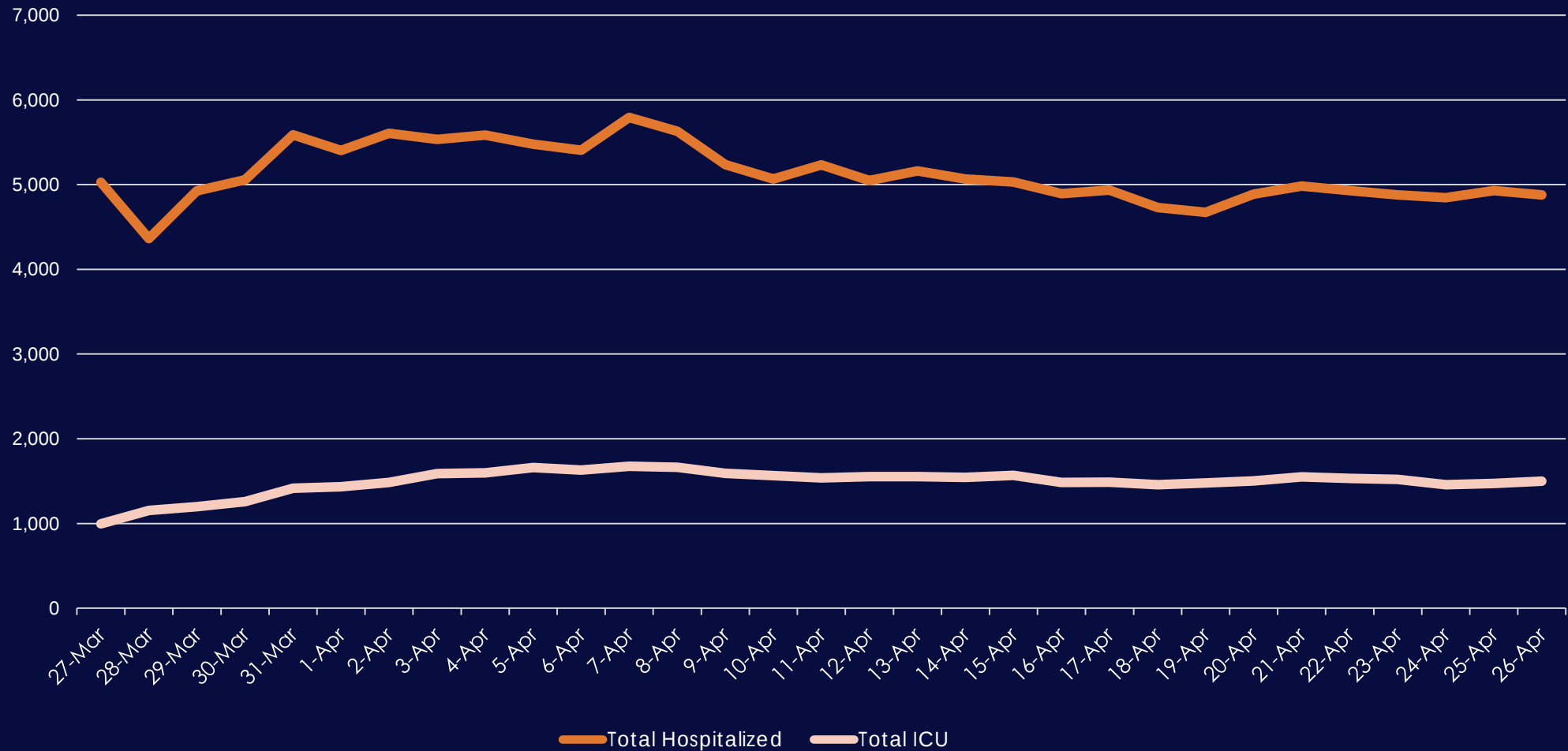


Update on California's Pandemic Roadmap

6 Indicators for Modifying Stay-at-Home Order

- **Ability to test, contact trace, isolate, and support the exposed**
- **Ability to protect those at high risk for COVID-19**
- **Surge capacity for hospital and health systems**
- **Therapeutic development to meet the demand**
- **Ability of businesses, schools, and childcare facilities to support physical distancing**
- **Determination of when to reinstitute measures like Stay-At-Home**

California Hospitalization Trend Lines



Total includes both COVID-19 confirmed positive hospitalizations as well as COVID-19 suspect hospitalizations.

The Basics



COVID-19 is not going away soon.



Modifications to Stay-At-Home Order must be guided by health risk and a commitment to equity.



Taking responsibility is key at all levels – individual, business, and government.

Resilience Roadmap Stages

STAGE 1: Safety and Preparedness

Making essential workforce environment as safe as possible.

STAGE 2: Lower Risk Workplaces

Creating opportunities for lower risk sectors to adapt and re-open.

Modified school programs and childcare re-open.

STAGE 3: Higher Risk Workplaces

Creating opportunities for higher risk sectors to adapt and re-open.

STAGE 4: End of Stay-At-Home Order

Return to expanded workforce in highest risk workplaces.

Requires
Therapeutics.

Stage 1: Safety and Preparedness

This is where we are now.

- **Continue to build out testing, contact tracing, PPE, and hospital surge capacity.**
- **Continue to make essential workplaces as safe as possible.**
 - Physical and work flow adaption
 - Essential workforce safety net
 - Make PPE more widely available
 - Individual behavior changes
- **Prepare sector-by-sector safety guidelines for expanded workforce.**

Stage 2: Lower Risk Workplaces

Gradually opening some lower risk workplaces with ADAPTATIONS:

- Retail (e.g. curbside pickup)
- Manufacturing
- Offices (when telework not possible)
- Opening more public spaces

Expanded Workforce Safety Net:

- Wage replacement so workers can stay home when sick

Stage 2: Lower Risk Workplaces

Schools and Childcare Facilities with Adaptations:

- Summer programs and next school year potentially starting sooner (July/August)
- Childcare facilities to provide more care
- Address learning gaps
- Ensure students and staff are protected
- Allow broader workforce to return to work

Actions needed to get from Stage 1 to Stage 2



Government Actions

- Policies that allow people to stay home when they're sick
- Guidance provided on how to reduce risk



Business Actions

- Wage replacement so workers can stay home when sick
- Implement adaptations to lower-risk workplaces NOW
- Employees continue to work from home when possible



Individual Actions

- Safety precautions – physical distancing, face coverings, etc.
- Avoid all non-essential travel
- Support and care for people who are at high risk

When are we ready for Stage 2?

Key indicator considerations to move to Stage 2:

- Hospitalization and ICU trends stable.
- Hospital surge capacity to meet demand.
- Sufficient PPE supply to meet demand.
- Sufficient testing capacity to meet demand.
- Contact tracing capacity statewide.

Transition to Stage 2 will occur through a statewide modification to the Stay-At-Home Order.

Opportunity for Regional Variations

During Stage 2, counties may choose to relax stricter local orders at their own pace.

Following Stage 2, once a statewide COVID-19 surveillance system is made possible through testing, further regional variations could be supported.

State will consult and collaborate closely with local governments.

Stage 3: Higher Risk Workplaces

Open higher risk environments with adaptations and limits on size of gatherings:

- Personal care (hair and nail salons, gyms)
- Entertainment venues (movie theaters, sports without live audiences)
- In-person religious services (churches, weddings)

Stage 4: End of Stay-At-Home Order

Re-open highest risk workplaces with all indicators satisfied once therapeutics have been developed:

- Concerts
- Convention Centers
- Live audience sports

Be Part of the Solution

Stay Home. Practice Physical Distancing.

We are enlisting all Californians to help inform the development of guidance for sectors across our economy.

This guidance will provide a framework for how to safely re-open.

CALIFORNIA
ALL

**Your Actions
Save Lives**

covid19.ca.gov



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Brian Pierik, City Attorney

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: In Lieu Parking Fees for off-street parking requirements

RECOMMENDATION:

Provide staff with direction including consideration of preparing a plan for development of off-street parking and return to the Council with a draft plan for review and further direction.

BACKGROUND/SUMMARY:

Executive Summary

In 1965, the City adopted Ordinance No. 122 (Attachment #1), and Section 1318 of that Ordinance provides the following in regard to permissible uses of in lieu parking fees for off-street parking requirements to commercial districts: "Such funds so collected by the city shall be deposited in a special fund and used by the city to develop off-street parking available to the general public in or near the business district of the city." The formula for calculating the value of the in-lieu parking fee is contained in Section 17.38.040 of the City's Municipal Code (Attachment #2).

Based on Ordinance No. 122, Section 1318 and Section 17.38.040 of the Municipal Code, the parking in lieu funds collected to date (approximately \$714,000) must be used to acquire and/or develop off-street parking. Street maintenance, as well as parking lot maintenance, are most likely not permissible uses of parking in lieu funds because, even though parking may be permitted on public streets and in public parking lots, the maintenance of the streets and parking lots does not develop additional off-street parking, it just maintains existing parking. Furthermore, the in lieu funds are to be used to acquire and develop "off-street" parking, and street parking, by definition, is not off-street.

If the City wishes to spend in lieu parking fees for purposes other than the acquisition and development of off-street parking, such as street maintenance, then the City would need to comply with the Mitigation Fee Act found in Government Code Section 66000. The Mitigation Fee Act requires that the fees not exceed the estimated reasonable cost of providing the service or facility for which the fees are collected. The purpose of the fee and the use must be identified. The City must make a determination as to how there is a reasonable relationship between the fee and the development on which it is imposed and between the need for the public facility and the type of development project against which the fee is imposed. The City would need to retain a consultant to prepare a nexus study, estimate the cost for the facility, identify the purposes to which the fees would be applied, follow the requirements of the Mitigation Fee Act, hold a public hearing and adopt an ordinance. In addition, the maintenance costs attributable to the subject new projects are

presumably less than the City providing off-site parking which may result in lower in lieu fees being adopted pursuant to new process.

Background

On December 14, 1965, the City Council adopted Ordinance No. 122 CS which established off-street parking requirements for the commercial districts of the City. See Attachment 1. The Ordinance applies to off-street parking requirements for the following Zoning Districts: C-1-c, c-1-L, C-1-S and C-2.

Section 1315.8 of Ordinance 1222 provides that unless a variance has been granted waiving the location of off-street parking on the site, required off-street parking shall be provided on the building site of the structure in all zones except for C-1-C in which off-street parking will be provided off the building site unless a use permit is obtained permitting it on site.

Section 1318 provides that where off-site parking is required or permitted but suitable off-street parking is not obtained, then the off-street parking requirement may be satisfied by payment of cash to the city in an amount per parking space as required to be established by an annual resolution.

Section 1318 includes this provision: *“Such funds so collected by the city shall be deposited in a special fund and used by the city to develop off-street parking available to the general public in or near the business district of the city.”*

The current parking requirements are listed below in Table 1. The reason for adopting Ordinance No. 122 CS was to require and develop off-street parking in the city’s commercial zones for business owners and their employees. Creating more off-street parking would allow curbside spaces to remain available to customers and would reduce the impacts of employee parking in adjacent residential neighborhoods.

Table 1. Current Minimum Off-Street Parking Requirements

Table A: Minimum Parking Requirements					
Land Use	Basis for Requirement	Land Use District Parking Factors			
		CC	SC	RC	R4
Permanent Residential Use	Spaces per Unit	1	1	1.5	1.5
Affordable Housing for Moderate-, Low- or Very Low-income	Spaces per Dwelling Unit	1/2	1/2	1/2	1/2
Senior Housing, Cooperative Housing or Group Care Facilities	Spaces per Dwelling Unit	1/3	1/3	1/3	1/3
	Guest Spaces per Each Four Full Units	1	1	1	1
Nursing Home or Other Resident Care Facility	Spaces per Patient or Resident	N/A	1/3	1/3	1/3
Commercial Retail or Service Uses Not Otherwise Specified in This Table	Spaces per 600 Square Feet of Commercial Floor Area or per Business/Shop Space, Whichever is Greater	1	1	1	1
SIC 701: Hotels and Motels	Spaces per Rental Unit, Including Manager's Unit	1	1	1	1

In addition to creating minimum parking requirements, Ordinance No. 122 CS established a formula for calculating the value of a parking in-lieu fee for properties that could not provide the required number of off-street parking spaces.

The Ordinance further established that, no less frequently than annually, the City Council shall establish by Resolution the value of the parking in-lieu fee based on the value of improved parking facilities on a per stall basis. On June 2, 2020, the City Council adopted Urgency Ordinance No. No. 2020-003 to suspend the requirement of Section 1318 in regard to adopting a resolution annually.

Historically, as property values and construction costs have increased, the parking in-lieu fee has also increased. Table 2 below provides a history of those increases.

Table 2. Historical Data on Adopted In-Lieu Parking Fees

--	--	--

Date Established	Authority	Amount
August 8, 1972	Resolution No. 2929	\$4,500
June 5, 1973	Resolution No. 3013	\$6,500
April 6, 1976	Resolution No. 76-13	\$8,000
October 3, 1977	Resolution No. 77-98	\$13,750
September 30, 1980	Ordinance No. 80-14	\$18,936
June 4, 1985	Resolution No. 85-40	\$20,865
November 7, 1989	Resolution No. 89-133	\$25,328
December 8, 1992	Resolution No. 92-107	\$27,520
December 7, 1999	Resolution No. 99-145	\$49,980
May 19, 2003	Resolution No. 2003-72	\$54,080

Municipal Code

The formula for calculating the value of the in-lieu parking fee is contained in Section 17.38.040 of the city's Municipal Code (Attachment #2) and is also part of the city's certified Local Coastal Plan. The in-lieu parking fee formula is summarized as follows:

- Current construction costs of public parking garages with a Type I or Type II fire resistance (Attachment 2);
- Multiplied by the regional modifier for the San Francisco area (1.75 has been used historically in Carmel); and
- Increased by 50 percent to reflect land costs.

The resulting factor is multiplied by 400 square feet per in-lieu parking stall to determine the total amount of the fee to be charged. A fee reduction of 25 percent is granted for parking spaces required for newly established residential dwelling units.

The parking in-lieu fee is adjusted based on the adopted Building Codes in effect at the time of review. On March 3, 2020 the City Council adopted the 2019 editions of the California Building Codes. Based on staff's review, it appears that the parking in-lieu fee has not been updated since the 2001 edition of the California Building Codes.

Section 17.38.040 "Parking In-Lieu Fee Program" addresses the issue of uses of the parking in lieu funds in the first paragraph which reads as follows:

"When parking adjustments have been authorized by the Planning Commission in conformance with CMC 17.38.030(C), required parking may be satisfied by the payment to the city of in-lieu fees. Funds collected by the city from such payments shall be deposited in a specific fund and used by the city to acquire and/or develop off-street parking. Such parking shall be available to the public and shall be in or near the business district of the city. Funds paid to the city for in-lieu parking shall not be refundable in the event of destruction or removal of the structure or land use for which the funds were paid, but shall run with the land. The city shall maintain a record of all spaces credited

to each property including all spaces paid through in-lieu fees, spaces physically provided on each property and all spaces represented by the existing parking nonconformity on each site."

General Plan Policies And Objectives Regarding Parking

There are a number of General Plan Policies and Objectives regarding parking including the following:

1. General Plan Objective O2-4: Recognize that it is not practical to provide sufficient parking that meets total demand at every location; but that it is desirable to provide, where practical, alternate parking where it could be removed from public view and in a scale appropriate to Carmel. (LUP)
2. Policy P2-19: Benefit to and impact on residents of Carmel-by-the-Sea and its visitors shall be the primary factors to be considered when evaluating and deciding upon development of off-street parking facilities. (LUP)
3. Policy P2-20: Encourage mixed-use developments on City owned lots in the downtown area (e.g. parking and housing).
4. Policy P2-21: Investigate possible public parking locations in the commercial areas, in the R-4 area, and existing sites devoted exclusively to parking in the R-1 district. If a parking structure is considered, encourage underground parking, and ensure that the structure is compatible with the neighborhood and consistent with the Design Guidelines.
5. Policy P2-22: Review and consider changes to the in-lieu parking regulations and develop a plan for utilization of the in-lieu fees.
6. Policy P2-24: Work with local businesses in establishing ways to reduce employee parking impacts on neighboring residential and commercial areas.
7. Policy P2-25: Evaluate a paid parking program for the downtown.
8. Objective O2-5: Require that all new developments provide sufficient off-street parking facilities. (LUP).
9. Policy P2-27: Avoid overbuilding parking capacity by using average demand factors instead of peak demand when establishing parking requirements and recognizing that street parking resources are part of the supply. (LUP)
10. Policy P2-28: Use off-site parking and fees in-lieu of parking to meet parking demand generated by downtown commercial land uses. (LUP)

Circulation Element

Attachment #3 is the Circulation Element of the General Plan dated January 2010. The Circulation Element includes a discussion regarding Parking beginning on page 2-14.

In regard to Public Off-Street Parking, the Circulation Element states on page 2-15:

"The City of Carmel-by-the-Sea owns and maintains 14 public parking lots providing 423 parking spaces within and adjacent to the City's commercial district. Figure 2.3: Public Off-Street Parking and Table 2.5: Off-Street Parking Facilities, provide the location and number of spaces provided in each facility."

Figure 2.3 following page 2-15 is a map of the location of the 14 public parking lots in the City.

On pages 2-18 and 2-19, there is a discussion regarding the results of a survey from residents on the subject of parking in the commercial district.

Plan For Developing Off-Street Parking

As noted, General Plan Policy P2-22 provides for the review and consideration of changes to the in-lieu parking regulations and the development of a plan for utilization of the in-lieu fees.

The use of the in lieu funds to pay for the cost of preparing of a plan for the utilization of the in-lieu funds would be within the scope of Ordinance 122 and Section 17.38.040 as a permissible use of those funds.

The plan can include a review of potential options for use of the in-lieu funds and the cost associated with those options.

Alternatives

With the above analysis that prohibits the use of the existing Parking in Lieu funds (\$714,000) for anything other than additional off-street parking, there are several alternatives that may be considered by the City Council as follows:

Option 1: Direct staff to proceed with a Mitigation Fee Act process, including a nexus study, an identification of the purposes to which the fees would be applied, hold a public hearing, and adopt an ordinance, in order to diversify eligible uses of the existing fund.

Option 2: Direct staff to begin to develop a feasibility study evaluating various underground parking alternatives, additional at grade parking area(s), and a parking garage structure. Staff would suggest that a new Capital Improvement Project be added to the current Fiscal Year's Capital Improvement Program (currently absent of projects), and use a portion of the existing funds to hire a consultant to perform the feasibility study. Council would subsequently need to approve the CIP project and award a professional services agreement with the selected consultant.

Option 3: Direct staff to perform an in-house, preliminary evaluation of several parking lot expansion concepts, develop rough cost estimates, and report back to the Council. Little to no parking in lieu funds would be expanded.

Option 4: Direct staff to prepare a new ordinance with new requirements to mitigate parking impacts associated with private development projects with a goal of allowing future funds collected to be used for a broader scope of street and parking lot-related services, including maintenance. The existing fund balance would remain as is.

Option 5: Recognizing higher priorities during the current Covid-19 pandemic, Council could defer this decision about additional off-site parking to a later date.

Conclusion

For the foregoing reasons, staff is recommending that the City Council provide staff with direction as outlined in the alternatives section above.

FISCAL IMPACT:

There is no fiscal impact for this action at this time.

PRIOR CITY COUNCIL ACTION:

The City Council adopted Ordinance No. 122 on December 14, 1965.

On June 2, 2020, the City Council adopted Urgency Ordinance No. 2020-003 to suspend the requirement of Section 1318 in Ordinance No. 122 in regards to adopting a resolution annually.

ATTACHMENTS:

Attachment #1 - Ordinance No. 122

Attachment #2 - Section 17.38.040

Attachment #3 - Circulation Element - Jan 2010

AN ORDINANCE ESTABLISHING OFF-STREET PARKING REQUIREMENTS FOR THE
COMMERCIAL ZONING DISTRICTS OF THE CITY

THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN as follows:

Section 1. That the Municipal Code be, and the same is hereby amended by the addition of a new article to Part X, Division 1 thereof, which shall read as follows:

ARTICLE 7A - OFF-STREET PARKING REQUIREMENTS FOR ZONING DISTRICTS C-1-C, C-1-L, C-1-S, and C-2.

1315. PURPOSE. To require off-street parking for vehicles used by owners or employees of businesses in the city's commercial zones so as to leave street parking more available to customers in the commercial zones and less burdened by the parking of owner or employee vehicles in adjacent residential zones.

1315.1 EXCEPTION. The provisions of this article shall not apply to structures to the extent they are devoted to multiple dwelling use.

1315.2 OFF STREET PARKING REQUIRED. Sufficient off-street parking to comply with this Article by A to H occupancies, inclusive, shall be provided for all of the following:

- a. Any new structures.
- b. All of the floor space of an addition to an existing structure.
- c. All of any increase in floor space within an existing structure.
- d. All of any existing structure where, within any 12-month period, alterations, remodeling, repairs or additions exceed in cost 50% of the value of the structure.

1315.3 BASIS OF FORMULA TO DETERMINE AMOUNT OF OFF-STREET PARKING. It is hereby determined that the interior floor space of a structure reasonably relates to the number of persons working in such structure and that the number of such workers is generally greater on the upper or second story of a structure than on the ground floor.

1315.4 GROUND FLOOR AND SECOND OR UPPER FLOOR DEFINED. A ground floor is defined as that which takes its access from, or approximately from, street level, even though it may have another floor below it, or a similar ground floor above it.

A second or upper floor is defined as one that is directly above a ground floor but which does not have a direct access onto street level, and where access to such floor is through, alongside of or inside of an existing ground floor. With the further provision that any structure where the building is elevated above street level to full story height to provide parking under or within it, or is elevated for the purpose of evading the parking requirements of a second or upper floor, such floor level shall be defined as an upper or second floor.

1315.5 EXCLUSION OF CERTAIN FLOOR AREAS IN COMPUTING AMOUNT OF PARKING. No floor area of a structure, provided for, or regularly devoted to, the parking of vehicles, or for access to such parking areas shall be included in the floor area figures used to compute the minimum required parking for a site.

1315.6 APPLICATION OF FORMULA TO NEW AND ALTERED STRUCTURES. In determining the quantity of off-street parking required, the entire interior floor space of each of the following shall be considered:

- a. Any new structure.
- b. All of the floor space of an addition to an existing structure.
- c. All of any increase in floor space within an existing structure.
- d. All of any existing structure where, within any 12-month period, alterations, remodeling, repairs or additions exceed in cost 50% of the value of the structure.

1315.7 FORMULA TO DETERMINE AMOUNT OF OFF-STREET PARKING REQUIRED. For each structure there shall be provided off-street parking spaces in the following relation to the interior floor space of the structure:

<u>FLOOR AREA</u>	<u>GROUND FLOOR</u>	<u>SECOND & UPPER FLOOR</u>
The first 6,000 sq. ft.	One space for the first 2,000 sq. ft. or major fraction thereof. One space for each additional 2,000 sq. ft., or major fraction thereof.	One space for each 1,000 sq. ft., or major fraction thereof.

<u>FLOOR AREA</u>	<u>GROUND FLOOR</u>	<u>SECOND & UPPER FLOOR</u>
From 6,001 through 9,000 sq. ft.	One space for each 1,500 sq. ft. or major fraction thereof.	Same
For all additional sq. ft. over 9,000.	One space for each 1,000 sq. ft. or major fraction thereof.	Same

1315.8 LOCATION OF OFF-STREET PARKING - GENERAL. Unless the Board of Adjustments has granted a variance waiving the location of off-street parking on the site, required off-street parking shall be provided on the building site of the structure in all zones affected by this article except zoning district C-1-C. In zoning district C-1-C, the off-street parking will be provided off the building site unless a use permit is obtained from the Board of Adjustments permitting it on site.

Off-street parking, whether on the building site, or provided off-site, shall be subject to design review in accordance with the provisions of Article 8B of this division.

1315.9 STANDARDS FOR PERMITTING OFF-STREET PARKING ON THE BUILDING SITE IN DISTRICT C-1-C. On site parking may be permitted as a conditional use by the Board of Adjustments provided such Board, in addition to such other findings as may be required by law, makes the following findings:

- a. That the installation of a driveway over the sidewalk will not constitute a serious hazard to pedestrian use of the sidewalk.
- b. That the facility involved will provide sufficient parking to warrant the introduction of such a driveway.
- c. That the actual parking facility will be either underground, or so related to the street frontage that it will not create an undesirable visual effect from the street, or within the block.
- d. That the potential of the block to develop into inner courts and walkways is not destroyed, or that when such potential does develop, the parking facility will be relocated.
- e. That the traffic pattern along the street will not be adversely affected.
- f. That the proposed driveway access is not in violation of other ordinances of the city.

1316.

STANDARDS FOR PERMITTING OFF STREET PARKING OFF OF THE BUILDING SITE IN ALL AFFECTED DISTRICTS EXCEPT DISTRICT C-1-C. The location of the required parking on the building site may be waived in all affected districts except District C-1-C upon a variance granted by the Board of Adjustments provided such Board, in addition to such other findings as may be required by law, finds at least one of the following fact situations exists:

- a. That the site has 5,000 square feet or less, with less than fifty (50) feet frontage on the street, which site was not part of a larger site in the same ownership on the effective date of this article.
- b. That several adjacent property owners, acting cooperatively, propose a development plan which will provide the required parking; in accordance with the standards set up for such parking; on part of the several sites, or within the block involved.
- c. That the conditions of existing driveways for service stations, parking lots, etc., have taken an appreciable percentage of curb space from limited time parking along a street between two cross streets.
- d. That topography, peculiar conditions of a site, or permanent development already existing on the site make the location of on-site parking impractical.

1317.

OFF-SITE OFF-STREET PARKING. In cases where off-site parking is required or permitted, it shall be located within the immediate shopping area of the site and not more than six hundred (600) feet from the building site of the structure, and legally committed to provide parking for the structure for the life of the structure. The legal commitment shall be of such a nature that it cannot be withdrawn with or without cause for the life of the structure without the consent of the city.

1318.

IN LIEU OFF-STREET PARKING. Not less often than annually the City Council shall establish by resolution the value of improved off-street parking facilities in the city on a per parking stall basis. In cases where off-site parking is required or permitted but suitable off-site parking is not obtained by the owner of the structure involved, the off-street parking requirement of such structures may be satisfied by a payment in cash to the city in the amount per parking space required as established by such resolution. Such funds so collected by the city shall be deposited in a special fund and used by the city to develop off-street parking available to the general public in or near the business district of the city.

Section 2. EFFECTIVE DATE. This ordinance shall become effective

thirty (30) days after its final passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Carmel by the Sea this 14th day of December, 1965, by the following vote:

AYES: COUNCILMEN:Buffington, Grant, Norberg, Whittlesey, Blanks.

NOES: COUNCILMEN:None

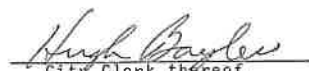
ABSENT: COUNCILMEN:None

APPROVED:



Mayor of Said City

ATTEST:



City Clerk thereof.

ATTACHMENT 2

CARMEL-BY-THE-SEA MUNICIPAL CODE

17.38.040 Parking In-Lieu Fee Program.

When parking adjustments have been authorized by the Planning Commission in conformance with CMC [17.38.030\(C\)](#), required parking may be satisfied by the payment to the City of in-lieu fees. Funds collected by the City from such payments shall be deposited in a specific fund and used by the City to acquire and/or develop off-street parking. Such parking shall be available to the public and shall be in or near the business district of the City. Funds paid to the City for in-lieu parking shall not be refundable in the event of destruction or removal of the structure or land use for which the funds were paid, but shall run with the land. The City shall maintain a record of all spaces credited to each property including all spaces paid through in-lieu fees, spaces physically provided on each property and all spaces represented by the existing parking nonconformity on each site.

A. Payment of In-Lieu Fees. All in-lieu parking fees shall be paid prior to the issuance of the first permit (any business license or building permit) for which the in-lieu fees are required with one exception. The only exception arises when the number of in-lieu parking spaces exceeds five, in which case at least 40 percent of the total in-lieu fees shall be paid prior to the issuance of the project permit or license and the remaining balance shall accrue interest at the prime interest rate fixed on the date the first permit or license is issued. Any fees, including interest that will be subject to such delayed payments shall be evidenced by a promissory note. This promissory note shall provide for the payment of attorney's fees and costs to the prevailing party and shall be secured by a deed of trust.

B. Determination of Value of Parking In-Lieu Fees. The amount to be charged for an in-lieu parking space shall be determined by using the current construction costs of public garages having Type I or Type II fire resistance and the regional modifier for the San Francisco area as supplied by the "Building Standards" of the International Conference of Building Officials and a factor representing land costs. Four hundred square feet shall be used as the necessary area for a car to park and have maneuvering room with ingress and egress. The current construction costs per square foot shall be multiplied by the modifier to determine the cost per square foot to construct the parking space. The cost of constructing the parking space shall then be increased by 50 percent to reflect land cost. This total shall be the fee paid for each full in-lieu parking space. A fee reduction of 25 percent shall be allowed for parking spaces required for newly established residential dwelling units. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).



CIRCULATION ELEMENT

Introduction and Purpose

The Circulation Element is a required element of the City's General Plan. Government Code Section 65302(b) states that a circulation element shall consist of: "...the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan."

The overall purpose of the Circulation Element, as outlined by the State of California General Plan Guidelines is to:

- Coordinate the transportation and circulation system with planned land uses;
- Promote the efficient transport of goods and the safe and effective movement of all segments of the population;
- Make efficient use of existing transportation facilities;
- Protect environmental quality; and
- Promote the wise and equitable use of economic and natural resources.

This Element provides goals, objectives and policies that will help to control traffic volume and reduce traffic congestion in Carmel. Because the City is largely built-out, the focus of these policies is to maintain a safe environment for vehicle and non-motorized transportation (e.g. pedestrians and bikes) and encourage alternative modes of transportation to help minimize the adverse affects associated with single cars. Many of the policies in this Element are also part of the Local Coastal Land Use Plan and are noted as such (LUP).

This Element also includes supporting information that describes existing traffic volumes, traffic safety, parking, and alternate modes of transportation as well as findings gathered through the Community Survey (Survey). The Survey was prepared as part of the public outreach process to gain a broader response from the community, property owners, and businesses on issues facing Carmel. The complete Survey report can be found in Appendix A.

Issues of Local Significance

Traffic in the City of Carmel is unique in that it experiences heavy peak periods during weekends and over the summer when there are a high number of tourist. Many of the visitors can be considered short-term or "day visitors," who travel by car from other bay areas to Carmel and the Monterey Peninsula for the day. This "day visitor" phenomenon often places a burden on



Carmel's circulation and parking facilities, particularly in the downtown area and the Del Mar parking lot located at the west end of Ocean Avenue.

This Element addresses the following issues of local significance.

- Traffic Congestion and Circulation Patterns:
 - Traffic congestion in the commercial district,
 - Delivery trucks double parking,
 - Tour buses,
 - Seasonal traffic patterns, and
 - Pedestrian safety and auto/pedestrian conflicts at many of the downtown intersections.
- Parking:
 - Parking for residents, employees and visitors, and
 - On- and off- street parking supply.
- Alternate Modes of Transportation:
 - Bus service,
 - Local shuttle service, and
 - Bike routes.

Goals, Objectives and Policies

G2-1 Provide and maintain a transportation system and facilities that promotes the orderly and safe transportation of people and goods while preserving the residential character and village atmosphere of Carmel. (LUP)

O2-1 Preserve the traditional grid pattern and two-way flow of most streets and ensure that street projects enhance pedestrian circulation in the community while minimizing the impact of motorized vehicles. (LUP)

P2-1 Maintain the current street configurations. Maintain or reduce paving widths in the residential areas to maintain safe speeds compatible with pedestrian safety and circulation and to preserve the residential character. Ensure that changes to street configurations do not conflict with emergency vehicle access requirements and/or the requirements of the Emergency Operations Plan. (LUP)



- P2-2** Continue the City policy of not developing residential streets to full width.
- P2-3** Prohibit the construction of formal sidewalks and concrete curbs in the R-1 district. Allow informal pedestrian paths and drainage improvements where needed. Control other construction (e.g., retaining walls, pavement, etc.) in the City's public rights-of-way. (LUP)
- P2-4** Implement road maintenance and reconstruction practices that will preserve the hand-made appearance of City streets (e.g. meandering alignments, non-uniform surfaces, variable contours and informal edges). (LUP)
- P2-5** Continue to restrict street signs and only permit those signs that are necessary and essential for public safety. (LUP)
- P2-6** Maintain and encourage informal landscaped median strips and natural landscaped areas within public rights-of-way. (LUP)
- P2-7** Discourage high volume through-traffic. (LUP)
- P2-8** Prohibit the removal of significant trees within public rights-of-way except when required for health and safety. (LUP)
- P2-9** Review the traffic patterns on Scenic Road.
- P2-10** Continue to maintain the designated bus, truck, and bicycle routes as shown on Figure 2.2.
- O2-2** Ensure safety improvements are undertaken in response to the changing travel environment.
 - P2-11** Establish a program to collect and evaluate traffic collision data at critical collision locations for automobiles, bicycles, and pedestrians.
 - P2-12** Improve traffic safety by installing and maintaining traffic signs, pavement markings, traffic calming measures such as pedestrian islands, and other pedestrian-friendly features, where necessary. Speed humps may be considered on a limited basis.



- P2-13** Ensure pedestrian safety in high traffic areas such as the intersection of Ocean and Junipero Avenues, and near the beach.
- O2-3** Preserve and enhance the qualities that contribute to the residential character of the community, including quiet neighborhoods, low levels of illumination, lack of nighttime activity, safe environment, pedestrian use of streets, and maintenance of property values by mitigating the adverse impacts of high volume through-traffic. (LUP)
- P2-14** Design and construct, where appropriate, roadway improvements which eliminate the adverse impacts of high volume through traffic. (LUP)
- P2-15** Recognize that the impact of a large number of non-resident vehicles including tourist buses is not consistent with the residential character of Carmel. Mitigate impacts on visual quality, circulation and ambience to the extent possible. (LUP)
- P2-16** Limit the distribution, character and intensity of land uses that generate increased levels of traffic beyond the capacity of the existing street system.
- P2-17** Consider ways to improve air quality as part of the review of land use and transportation projects.
- P2-18** Evaluate opportunities to improve parking and congestion near quasi-public land uses in the R-1 District, such as the Forest Theater and the Golden Bough Theater.
- O2-4** Recognize that it is not practical to provide sufficient parking that meets total demand at every location; but that it is desirable to provide, where practical, alternate parking where it could be removed from public view and in a scale appropriate to Carmel. (LUP)
- P2-19** Benefit to and impact on residents of Carmel-by-the-Sea and its visitors shall be the primary factors to be considered when evaluating and deciding upon development of off-street parking facilities. (LUP)
- P2-20** Encourage mixed-use developments on City owned lots in the downtown area (e.g. parking and housing).



- P2-21** Investigate possible public parking locations in the commercial areas, in the R-4 area, and existing sites devoted exclusively to parking in the R-1 district. If a parking structure is considered, encourage underground parking, and ensure that the structure is compatible with the neighborhood and consistent with the Design Guidelines.
- P2-22** Review and consider changes to the in-lieu parking regulations and develop a plan for utilization of the in-lieu fees.
- P2-23** Continue to maintain the residential parking permit system in designated residential areas and explore expanding the program to other impacted residential areas.
- P2-24** Work with local businesses in establishing ways to reduce employee parking impacts on neighboring residential and commercial areas.
- P2-25** Evaluate a paid parking program for the downtown.
- O2-5** Require that all new developments provide sufficient off-street parking facilities. (LUP)
 - P2-26** Adopt and enforce off-street parking and loading regulations that incorporate realistic requirements based on broad categories of land use as well as the amount of floor space and location of the property. Apply these requirements for all new development and for changes in use that will result in increased parking demand. (LUP)
 - P2-27** Avoid overbuilding parking capacity by using average demand factors instead of peak demand when establishing parking requirements and recognizing that street parking resources are part of the supply. (LUP)
 - P2-28** Use off-site parking and fees in-lieu of parking to meet parking demand generated by downtown commercial land uses. (LUP)
- O2-6** Encourage and participate in programs promoting alternative modes of transportation in Carmel.
 - P2-29** Evaluate pedestrian, bike, and local mass transit improvements. Implement improvements when appropriate through the Capital Improvement Program.



- P2-30** Work with appropriate agencies to seek funding for pedestrian and bicycle projects.
- P2-31** Explore alternative forms of transit services, such as a bus shuttle, for the downtown, beach, and Carmel Mission.
- P2-32** Establish an employee parking strategy that includes remote parking and shuttle services for the business district.
- P2-33** Encourage businesses and their employees to participate in ridesharing, bus pass, and shuttle programs.
- P2-34** Work with local business to provide information pamphlets on transit alternatives for distribution at local stores and hotels.
- O2-7** Maintain a sufficient supply of short-term parking with frequent turn over for the primary benefit of residents. (LUP)
 - P2-35** Retain short-term parking spaces at the corner of each block to serve short-term parking needs. (LUP)
 - P2-36** Consider a parking management program for the commercial area to provide for the needs of residents, employees and visitors in the most appropriate locations in the commercial area. The parking program shall ensure that the City maintains adequate, convenient parking for residents and visitors alike. (LUP)
 - P2-37** Continue the City's strict enforcement of parking regulations.
 - P2-38** Continue to allow handicap parking without time limits in the Commercial District with the display of a handicap placard.
- O2-8** Establish and maintain a smooth flow of traffic within the City and support efforts to establish smooth traffic flows within the City's Sphere of Influence.
 - P2-39** Recognize that truck deliveries and double parking are a traffic circulation problem and evaluate legal methods for improving circulation patterns; enforce the City's current policy which limits deliveries to one side of the street under certain conditions specified by law.



- P2-40** Explore removal of some on-street parking on some narrow commercial and residential streets concurrent with the addition of new off-street parking and the creation of loading zones to improve traffic circulation.
- P2-41** Establish traffic volume counting and monitoring procedures on an annual and seasonal basis for the purpose of establishing an accurate local database.



Supporting Information

Historical Background

The first streets in Carmel were unpaved paths between scattered structures. For many years after incorporation in 1916 the streets of Carmel remained unpaved although streets were ultimately developed in accordance with the original City plat as proposed by S.J. Duckworth.

Early photographs of the village reveal Ocean Avenue as an unpaved road extending through what would become the center of the commercial area. At that time, there was little need for sophisticated management of a circulation system. Automobile, pedestrian and equestrian traffic was low in volume and generally meant to serve the residents and the few occasional and seasonal visitors. During those early years of the twentieth century, gradual growth was encouraged by local realtors and merchants, but in keeping with a truly village atmosphere; paved streets, gas and electric service and plumbing were nonexistent. The paving of streets was considered “destructive” (Orth, 1970).

Regional transportation accompanied settlement of the Monterey Peninsula and the Carmel Valley area. The original highways were wagon trails. In the 1920s, several years after Carmel's incorporation, the Monterey Highway (now State Highway 1) was constructed.

In 1931, Ocean Avenue was paved for the first time. Median parking was provided in the now planted median strip. During the late thirties and early forties, median parking was removed from Ocean Avenue and by 1968, diagonal parking along both sides of Ocean Avenue was replaced by parallel parking (Askew, Department of Public Works, 1981). This transition greatly altered the appearance of Ocean Avenue; its present paved condition is in sharp contrast to the original unpaved road bisecting the sparsely settled village.

The streets are narrow in width, 26 to 34 feet, with few gutters or sidewalks. This lack of formal development of streets throughout Carmel (with the exception of some of the downtown thoroughfares) has been a conscious effort on the part of residents to maintain a “village in a forest” atmosphere.

Traffic and Circulation Background

Carmel-by-the-Sea is a fully developed community with a distinct “village” character. The City's charm along with cultural and recreational amenities attract many visitors to Carmel. As a developed community with a centralized commercial core surrounded by residential land uses, Carmel experiences many unique situations relating to traffic, circulation, parking and pedestrian safety.



The City has approximately 30 miles of paved roadway, the majority of which are narrow and with the exception of some thoroughfares in the downtown commercial district, the streets have no gutters or sidewalks. This design was intentional, to preserve the small village character desired by the residents and sought after by visitors. Contributing to the village character, streets are rarely paved to their full width and often meander around trees and landscaped areas.

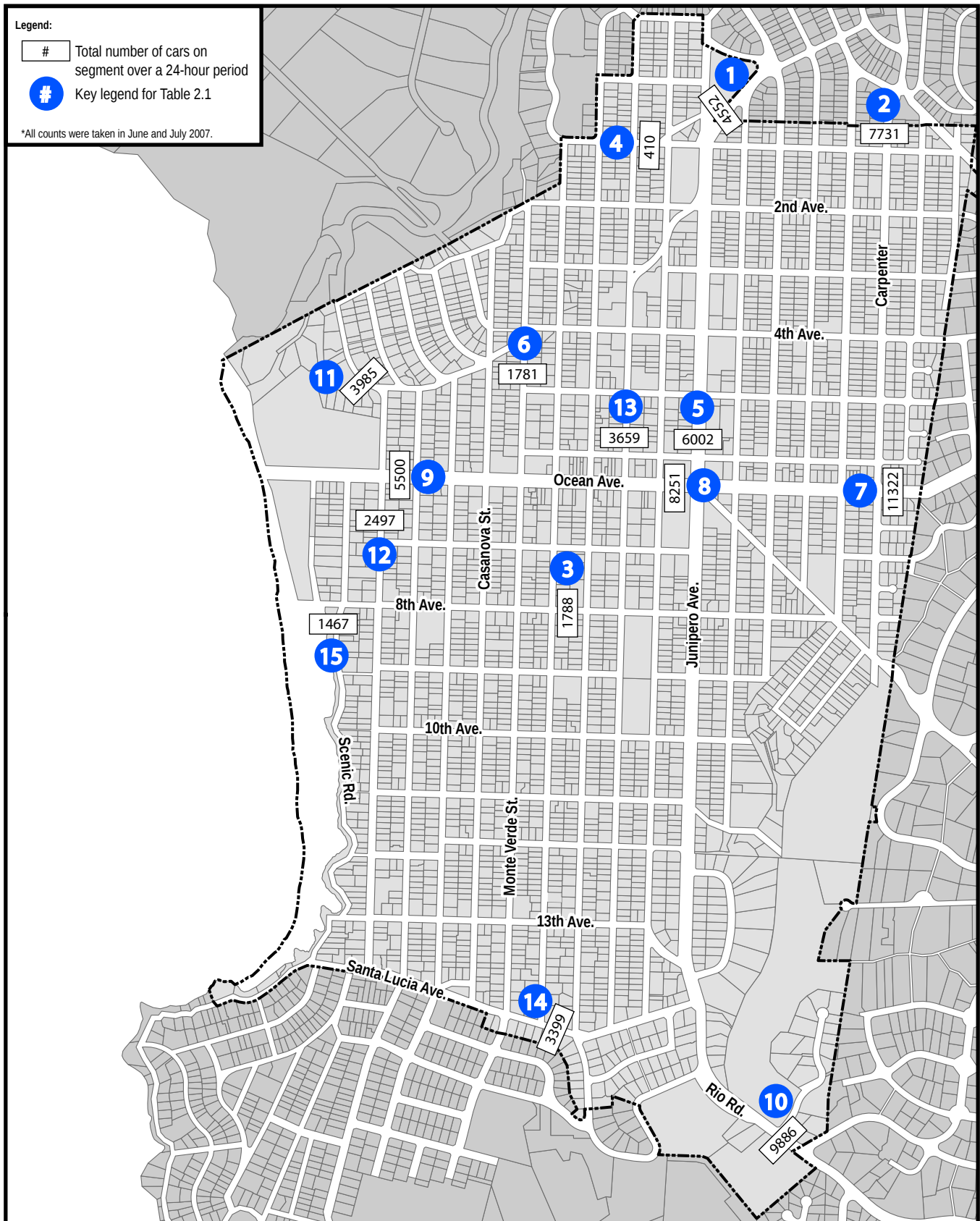
Traffic Congestion/Circulation Patterns

The City of Carmel-by-the-Sea traffic volumes are somewhat variable, depending upon the season, day of the week, or even time of the day. In summer and on most weekends throughout the year large numbers of tourists and smaller numbers of employees cause traffic volumes to increase on the major thoroughfares, particularly on Ocean Avenue.

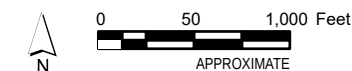
Traffic Volumes

[Table 2.1: Traffic Volumes on Selected Carmel Streets](#), provides traffic counts for various locations within the City, including areas within the commercial district, beach, and truck route. The traffic counts were performed during the months of June and July to record the highest traffic volumes experienced in the City.

As shown in [Table 2.1: Traffic Volumes on Selected Carmel Streets](#) and [Figure 2.1: Traffic Counts](#), the highest volumes were recorded along the truck route (Carpenter Street, Junipero Avenue, and Rio Road) and Ocean Avenue. These roadways act as gateways into central Carmel and the Pebble Beach gate located on San Antonio Street and are the principal roadways within the City. In addition, traffic volumes on Ocean Avenue are partly due to motorists who make a scenic loop through Carmel by driving down Ocean Avenue to the beach, turning southbound onto Scenic Road and exiting on Santa Lucia Avenue/Rio Road back to Highway 1.



Source: RBF Consulting (2007)



5/11/09JN 70-100077

CARMEL-BY-THE-SEA GENERAL PLAN UPDATE

Traffic Counts

Figure 2.1

**Table 2.1: Traffic Volumes on Selected Carmel Streets**

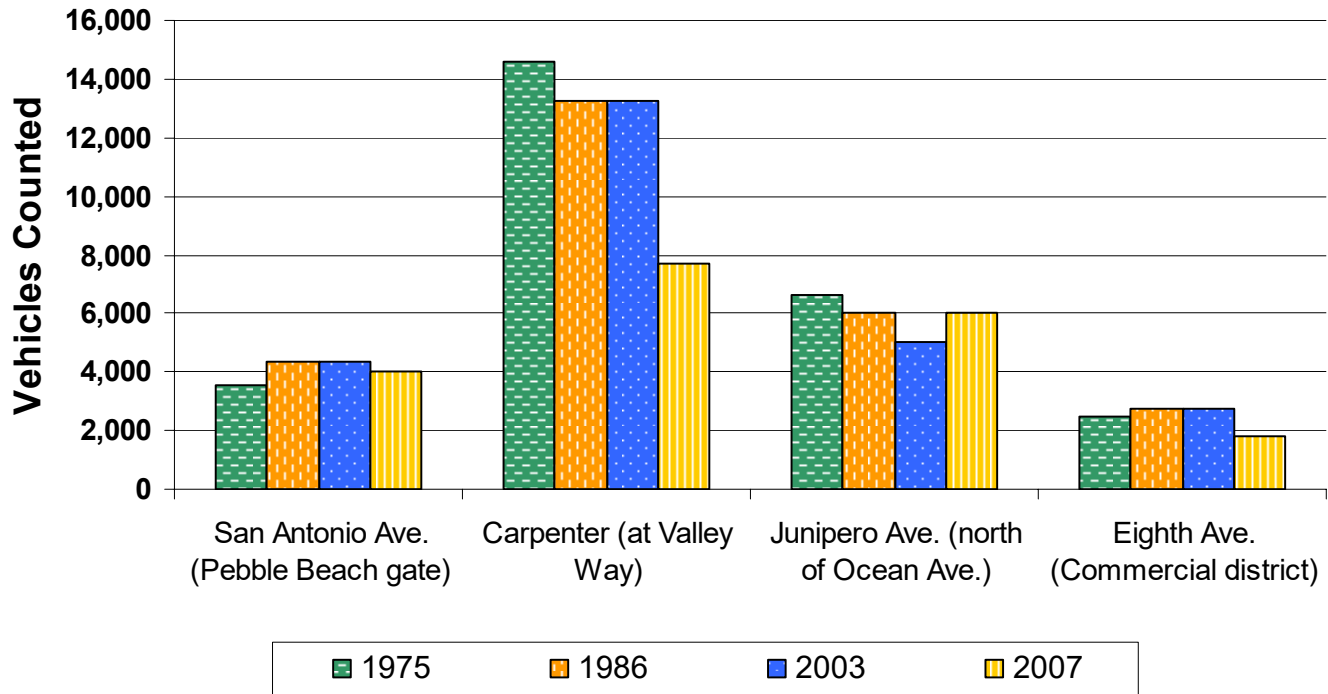
Key	Street	Segment	Volumes *
1	Camino Del Monte	At Junipero Avenue	4,552
2	Carpenter Street	North of First Avenue	7,731
3	Eighth Avenue	East of Lincoln Street	1,788
4	First Avenue	At Mission Street	410
5	Junipero Avenue	North of Sixth Avenue	6,002
6	Monte Verde Street	North of Fifth Avenue	1,781
7	Ocean Avenue	East of Carpenter Street	11,322
8	Ocean Avenue	West of Junipero Avenue	8,251
9	Ocean Avenue	East of San Antonio Avenue	5,500
10	Rio Road	At Ladera Drive	9,886
11	San Antonio Avenue	North of Fourth Avenue	3,985
12	San Antonio Avenue	North of Seventh Avenue	2,497
13	San Carlos Street	North of Sixth Avenue	3,659
14	Santa Lucia Avenue	West of Dolores Street	3,399
15	Scenic Road	South of Eighth Avenue	1,467
Notes:			
* The number represents total number of cars on the identified segment over 24-hour survey. The counts were performed in June and July of 2007.			
Source: RBF Consulting, 2007.			

Graph 2.1: Daily Traffic Volume Comparison, illustrates traffic volumes for four areas within the City over the period of approximately 30 years. The areas compared include San Antonio Avenue (at Pebble Beach gate), Carpenter Street (at Valley Way), Junipero Avenue (north of Ocean Avenue), and Eighth Avenue (within the commercial district).



With the exception of Carpenter Street, daily traffic volumes have remained fairly consistent over the 30 year period. The segment of Carpenter Street in the vicinity of Valley Way has experienced a reduction in daily traffic volumes, particularly between 2003 and 2007¹.

Graph 2.1: Daily Traffic Volume Comparison



Source: City of Carmel-by-the-Sea traffic volume counts (1975, 2003), RBF Consulting (2007).

¹ The reduction in daily traffic volume at the Carpenter and Valley Way intersection, was verified by comparing RBF Consulting's 2007 counts to 2008 Higgins Associates counts. The 2008 counts for this intersection were prepared as part of a Traffic Impact Analysis for the Villas de Carmelo EIR. Counts were performed in August 2008. Based on the data provided in the Higgins Associates report, the daily traffic volume at Carpenter Street and Valley Way intersection is approximately 9,045 vehicles. This is consistent with the reduction of daily vehicle trips observed between 2003 and 2007.



Commercial District Traffic

As a result of externally generated traffic associated with visitors and tourists, many of the downtown streets and intersections in the commercial district carry traffic volumes that exceed their design capacity, especially during the peak season and peak hours of use in the downtown area. Most of the visitors have destinations in the central six square block area of the downtown business district. This extremely heavy volume of traffic traveling into Carmel's small central business district was never anticipated many years ago.

There are two aspects to congestion downtown. One is congestion caused by too many cars; the other is the conflict between motorists and pedestrians. High vehicular travel counts are closely related to high pedestrian counts. The intersection most directly affected by vehicular/pedestrian conflicts is the San Carlos Street/Ocean Avenue intersection. Often, cars must wait for several pedestrians to cross before proceeding. This situation is compounded by the fact that there are no traffic signals in Carmel. The lack of traffic controls has been a specific directed action over the years in Carmel in order to preserve the residential character; although additional stop signs have been added in some locations to improve safety.

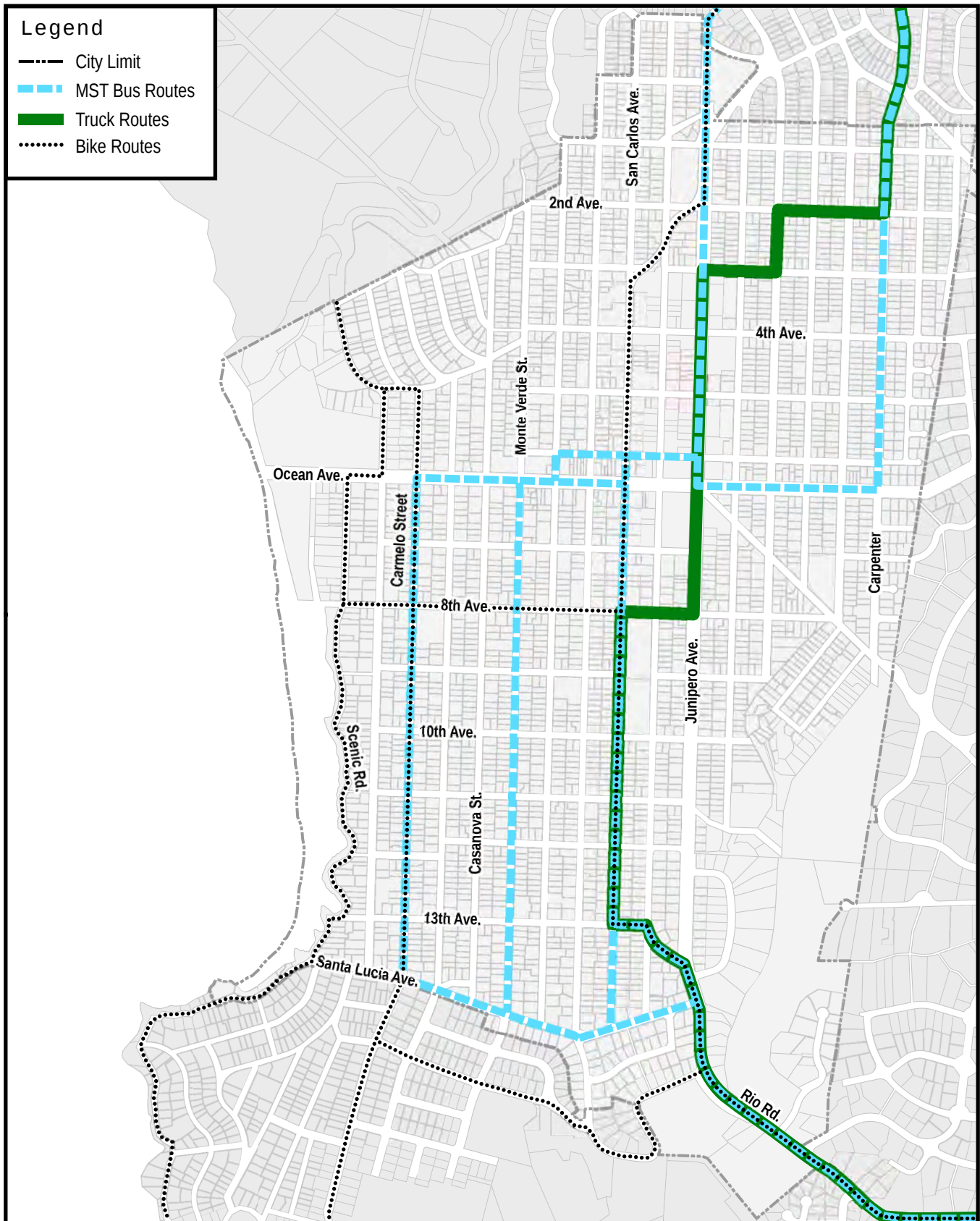
In addition, the flow of auto traffic is often impeded by the presence of trucks double parking on downtown commercial streets. On some streets two-way traffic is channeled into a single lane, resulting in traffic constrained by truck double parking. On Ocean Avenue, the problem of two-way traffic being channeled into a single lane is avoided due to the two-lane roadway in each direction. However, the higher traffic volume on Ocean Avenue, eliminates any benefits that the two lane layout provides.

Beach Traffic

During most of the year there is not enough vehicular traffic at the beach to cause congestion; but during the summer or on sunny weekends, there is congestion at the western terminus of Ocean Avenue at the Del Mar Parking lot. During peak periods the parking at the Del Mar parking lot and along Scenic Road is inadequate, and causes an intrusion of beach parking into nearby residential neighborhoods. However, much of the time there is more than adequate parking along Scenic Road, even when parking areas in the commercial districts are congested. In addition, the visual qualities of a drive on Scenic Road and the fact that it is a one-way street encourage low speeds and keeps traffic moving at all times.

Bus and Truck Routes

The width constraints due to design and topography affect not only residential streets, but also the access routes into the commercial district that serve larger vehicles such as trucks and buses. The City-designated truck and bus route forms a circular route from Highway 1 via Carpenter Street, Second Avenue, Santa Fe Avenue, Junipero Avenue, Eighth Avenue, San Carlos Street, Thirteenth Avenue, and Rio Road back to Highway 1 (see [Figure 2.2: Bus, Truck, and Bike Routes](#)).



Source: City of Carmel (2009), MST (2009), Carmel Bike Plan (1997)



Vehicular Pedestrian Conflicts/Safety

Monterey Peninsula's unique location, history, and cultural and recreational events attract as many as 10 million visitors each year and Carmel is one of the most popular tourist destinations (Carmel 2003b). The popularity of Carmel's specialty shops, restaurants, and walkable downtown result in a significant number of pedestrians, particularly during the summer months. These large numbers of pedestrians, coupled with heavy traffic, often results in vehicle-pedestrian conflicts. A 2003 City-Wide Safety Study identified areas within the City which experienced accidents involving pedestrians. A majority of these incidents occurred within the commercial district area. Roadways in the vicinity of the ocean (Scenic Road, San Antonio Avenue, Ocean Avenue west of Carmelo Street) also experienced some accidents (Carmel 2003b).

As shown in [Table 2.2: Traffic Accident Record for Carmel \(2004 to 2008\)](#), the number of injury and non-injury accidents have been decreasing over the last five years. The highest number of incidents was recorded in 2004 and the lowest number of incidents was in 2007. The highest number of collisions with injury was recorded in 2004 and 2006, where 15 of the total incidents for each respective year resulted in an injury.

Table 2.2: Traffic Accident Record for Carmel (2004 to 2008)

Type of Accident	Average 2004-2008	2004	2005	2006	2007	2008
Collision without injury	85.8	105	97	96	61	70
Collision with injury	12.4	15	11	15	13	8
Total	98.2	120	108	111	74	78
Note: The values provided in this table represent accidents that were reported to the police. In addition to the reported incidents, there are cases in which parties involved in an accident exchange insurance information and do not notify police.						
Source: City of Carmel Police Department, 2009.						

[Table 2.3: Vehicular-Pedestrian Conflicts for Carmel \(2004 to 2008\)](#), provides the traffic accident records for incidents involving pedestrians. Of all the incidents reported between the 2004 and 2008, 14 were conflicts between vehicles and pedestrians. The highest number of vehicle-pedestrian incidents were recorded in 2004 and 2007. The only fatality resulting from traffic accidents over the past five years occurred in 2007 at the intersection of Junipero and Ocean Avenues.

**Table 2.3: Vehicular-Pedestrian Conflicts for Carmel (2004 to 2008)**

Type of Accident	Average 2004-2008	2004	2005	2006	2007	2008
Vehicle-pedestrian Collision	2.8	4	2	2	4	2
Source: City of Carmel Police Department, 2009.						

The Survey performed by the City as part of the General Plan update process (2008) revealed that most respondents perceived a majority of the City's neighborhoods as being safe for pedestrians. Areas identified as potentially unsafe included the intersections along Ocean Avenue within the commercial district (particularly Ocean and Junipero Avenues), as well as some areas around the beach and along Scenic Drive. Because these areas experience higher vehicular and pedestrian traffic, the chances of conflict increase.

Parking

Parking Supply Off-Street

Off-Street Parking Requirements

The City of Carmel-by-the-Sea Zoning Code defines parking requirements for each zoning district. Requirements for different land uses within residential and commercial zoning districts are listed below in [Table 2.4: Parking Standards](#). No on-site parking is required for residential apartments in the Central Commercial District.

**Table 2.4: Parking Standards**

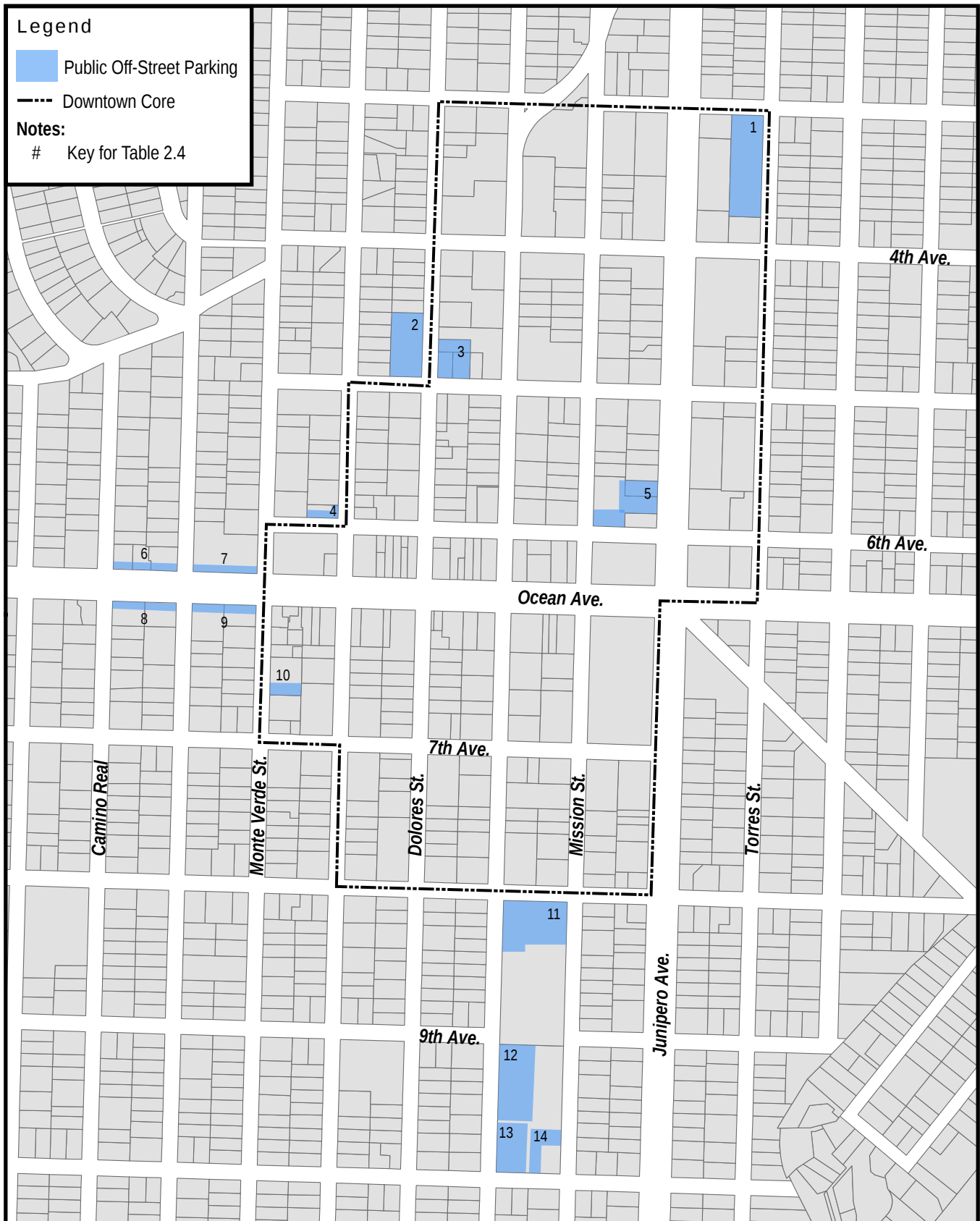
Land Use	Basis for Requirement	R4	CC	SC	RC
Permanent Residential Use	Spaces per unit	1.5	1.0	1.0	1.5
Affordable Housing for Moderate, Low, or Very Low Income	Spaces per unit	0.5	0.5	0.5	0.5
Senior Housing, Cooperative Housing or Group Care Facilities	Spaces per unit	0.33	0.33	0.33	0.33
Nursing Home or Other Residential Care Facilities	Spaces per patient or resident	0.33	N/A	0.33	0.33
Transient Residential	Spaces per rental unit	1.0	1.0	1.0	1.0
Commercial Retail and Other Uses	Spaces per 600 square feet of commercial floor area or per business/shop space, whichever is greater	1.0	1.0	1.0	1.0
Hotels and Motels	Spaces per rental unit, including manager's unit	1.0	1.0	1.0	1.0
Source: City of Carmel-by-the-Sea Zoning Code, 2009.					

Existing developments are exempt from these requirements. However, if a development proposes remodeling or expansion, the new development would be required to comply with the above defined parking standards. In cases when unique circumstances such as site topography, shape or size, prevent a development from meeting the parking standard, City regulations allow for some flexibility, such as parking at another location.

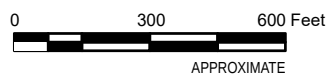
The City also allows for payment of in-lieu of parking fees, as long as a development is not a hotel or a motel. The money goes into the City's In-Lieu Parking Fund and is used only for the acquisition and development of off-street parking in or near the commercial district. The amount of the fee is determined based on current construction costs of a 400 square foot parking space, plus 50 percent to reflect the cost of land. This fee is required for each full in-lieu parking space.

Public Off-Street Parking

The City of Carmel-by-the-Sea owns and maintains 14 public parking lots providing 423 parking spaces within and adjacent to the City's commercial district. [Figure 2.3: Public Off-Street Parking](#) and [Table 2.5: Off-Street Parking Facilities](#), provide the location and number of spaces provided in each facility.



Source: RBF Consulting (2007)



CARMEL-BY-THE-SEA GENERAL PLAN UPDATE

Public Off-Street Parking

Figure 2.3

**Table 2.5: Off-Street Parking Facilities**

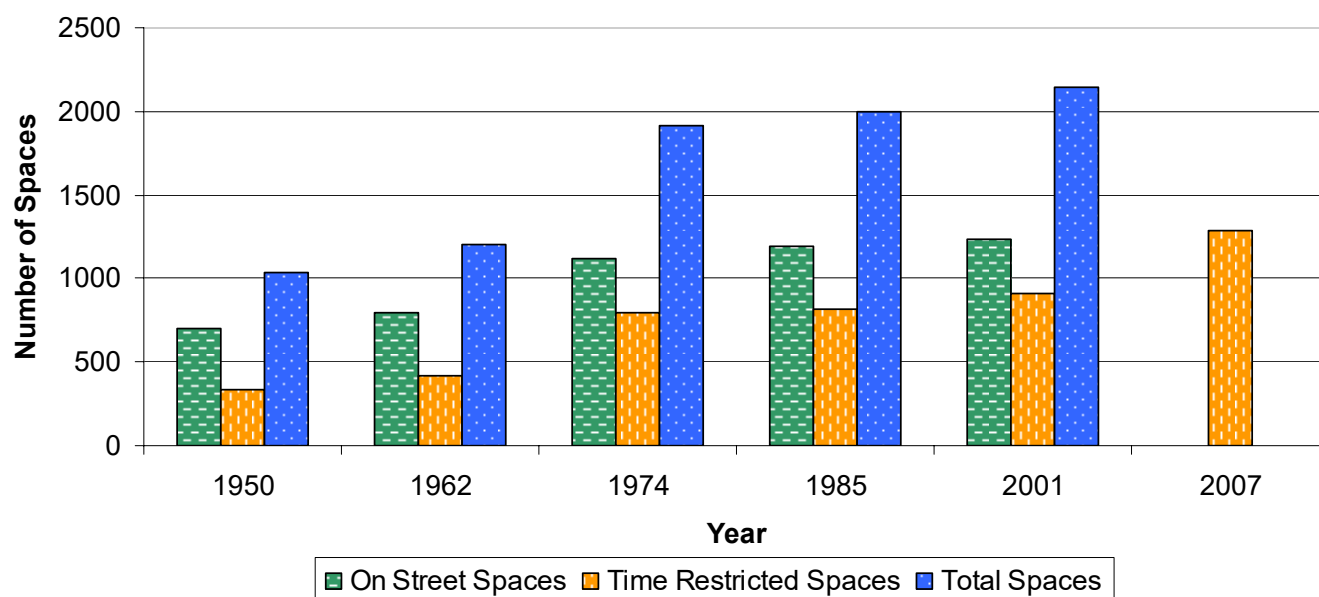
Key	Lot Name	Street	Between/At	Total Spaces
1	Vista Lobos	Torres Street	3 rd and 4 th Avenues	63
2	Norton Court	Dolores Street	5 th Avenue	40
3	Post Office	Dolores Street	5 th Avenue	18
4	Harrison Library	6 th Avenue	Lincoln Street	5
5	Park Branch Library	6 th Avenue	Mission Street and Junipero Avenue	17
6	Ocean Avenue	Ocean Avenue	Camino Real and Casanova Street	10
7	Ocean Avenue	Ocean Avenue	Casanova and Monte Verde Streets	17
8	Ocean Avenue	Ocean Avenue	Camino Real and Casanova Street	14
9	Ocean Avenue	Ocean Avenue	Casanova and Monte Verde Streets	12
10	City Hall	Monte Verde Street	Ocean and 8 th Avenues	8
11	Sunset Center	8 th Avenue	Mission Street	137
12	Sunset Center	San Carlos Street	9 th and 10 th Avenue	34
13	Sunset Center	San Carlos Street	9 th and 10 th Avenue	18
14	Sunset Center	Mission Street	9 th and 10 th Avenue	30
TOTAL				423
Source: City of Carmel-by-the-Sea, 2007.				

Parking Supply On-Street

In addition to off-street parking, the City also includes a substantial number of on-street parking. As shown in [Graph 2.2: Commercial District Area Parking Supply](#), the number of parking spaces provided within the City's core has increased significantly over the years. As of 2007, about 1,790 parking spaces exist throughout the business district. 1,284 of these spaces are timed curbside stalls. The remaining spaces are scattered throughout the City including Sunset Center, Del Mar, Scenic Drive, Vista Lobos, the Park Branch Library, and City Hall. Of the 1,284 timed spaces in the business district there are 773 public curbside parking spaces designated as 2-hour timed zones. In addition, there are 113 thirty minute (green) zones, many of which are located on Ocean Avenue or on side streets that run north and south of Ocean Avenue.

**Graph 2.2: Commercial District Area Parking Supply**

Commercial District Area Parking Supply



Note: The 2007 parking survey focused on the time restricted spaces in the business area.

Source: City of Carmel by-the-Sea, 2009.

Residential Parking Permit

Two factors contribute to heavy use of the residential area surrounding the commercial district for parking by nonresidents. First is the minimal number of long-term parking spaces within the commercial district itself, which forces the all day parker into surrounding areas. Second, the consistent use of short-term spaces within the commercial district by all-day employee parkers perpetuates the practice of visitors being forced to park in the commercial periphery.

To limit tourist and visitor parking in the residential areas, the City established a residential parking permit program in the R-1 and R-4 residential zoning districts in 1981. The permit can be issued to persons residing in either of these zones, who can prove ownership of the residence and vehicle subject to the permit. The residential permit also allows residents to park in the downtown area for extended periods (three hours in parking spaces marked for 120-minute parking and double time in green parking spaces, with the exception of 10-minute timed zones).



Parking for Individuals with Disabilities

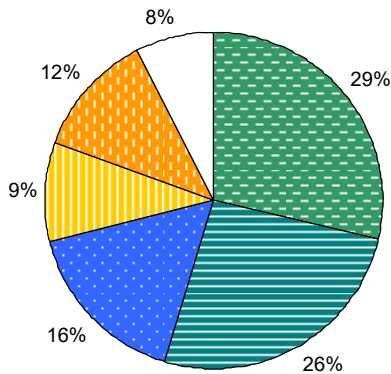
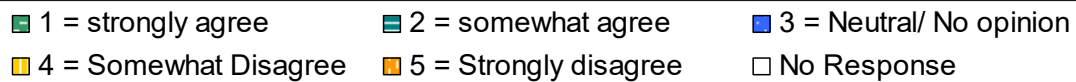
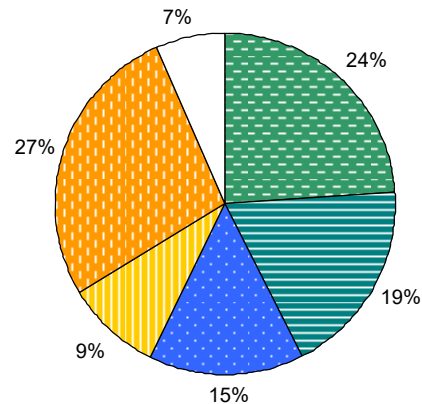
The City of Carmel has a total of 54 parking spaces in downtown marked as handicapped zones. Twenty six of these spaces are either on public streets or publicly owned/maintained parking lots. The remaining 28 spaces are on private lots with commercial uses such as banks and shopping center parking lots.

In addition to these pre-designated spaces, the City is subject to the California Vehicle Code. Section 22511.5(a) allows disabled persons to park for unlimited periods of time in any metered parking space without being required to pay a parking meter fee. This requirement allows all persons with handicapped license plates and/or tags to park in any time-enforced parking zone within the City for unlimited periods of time.

Community Opinion on Parking

Based on the Survey, residents do not perceive parking in the commercial district as a problem in their daily lives. The respondents reported finding adequate parking in the commercial district without much frustration. However, the respondents recognize that this is not often the case for the tourist and visitors to the commercial district, who often have a hard time finding parking.

As illustrated in [Graph 2.3: Commercial District Parking Needs](#), over 50 percent of respondents agreed that the City needs more parking serving the commercial district. However, only slightly over 40 percent agreed that the City should build a parking structure (see [Graph 2.4: Parking Structure Opinion](#)).

**Graph 2.3: Commercial District Parking Need****Graph 2.4: Parking Structure Opinion**

Source: City of Carmel-by-the-Sea, 2008.

Most respondents felt that a parking structure built either at Sunset Center or Vista Lobos would primarily serve shoppers and visitors to Carmel's commercial district, and therefore, those users should pay for the parking structure while residents and employees should park for free (see Appendix A).

Public Transit and Alternate Modes of Transportation in Carmel

Bus Service

The Monterey/Salinas Transit (MST) serves a 280 square-mile area of Monterey County and Southern Santa Cruz County, including Carmel-by-the-Sea. The MST has 37 bus routes, five of which travel through Carmel (Routes 4, 5, 7, 11, and 22). Three of the routes (Routes 5, 7, and 11) travel to Ocean Avenue and return north, to Highway 1 and other Peninsula cities. The remaining two bus routes (Route 4 and 22) service more extensive areas within the City, which include the neighborhoods south of Ocean Avenue and west of Junipero Avenue. These two routes exit on Highway 1 south of the City and travel to the Crossroads Center (Route 4) and then further south down the coast (Route 22). [Figure 2.2: Bus, Truck, and Bike Routes](#), shows the location of the bus routes within the City of Carmel.

In cooperation with the American with Disabilities Act (ADA) of 1990, MST also offers the MST RIDES ADA program. The MST RIDES ADA program offers curbside-to-curbside transportation service to eligible passengers as a ride-share program.



Bike Route

The bike routes within the City of Carmel are designated Class III bike paths. Class III bike paths require signage identifying the bike route. However, no pavement markings are required. [Figure 2.2: Bus, Truck, and Bike Routes](#), shows the location of bike routes within the City (Carmel 2000).

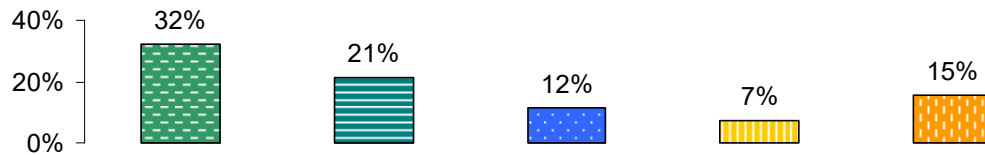
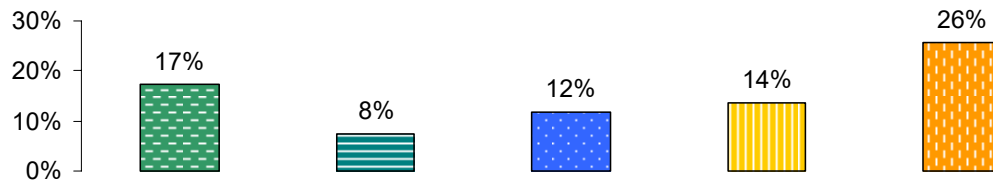
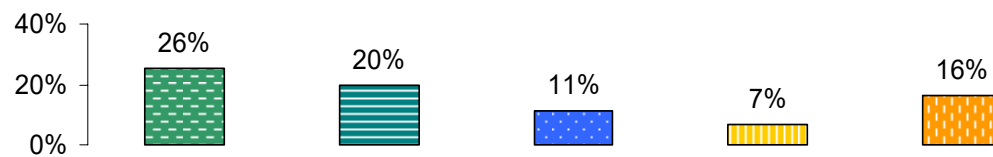
Scenic Road is considered a prime bike route in the City. However, as cyclists cannot legally ride north on Scenic Road, riders in this direction are directed onto Carmelo Street. San Carlos Street provides a good north-south route in the uphill and downtown areas due to its convenience, good pavement and wide shoulders, medium levels of traffic, and visual quality (Carmel 2000).

Shuttle Service

The City continues to evaluate a possibility for a local shuttle, which would service the areas within the City limits. The most probable shuttle route would likely commence at the Vista Lobos parking lot, travel through the commercial district, west to the beach, then back east to the Sunset Center, ending at the Mission.

Community Opinion on Public Transportation

Based on the findings of the Survey, most of Carmel residents do not currently use public transportation and would not use a bus, even if it becomes more convenient. While most of the residents don't see themselves using public transportation, there is support for introducing a local shuttle that would serve visitors, tourists, and shoppers in the City (see [Graph 2.5: Carmel-by-the-Sea Local Shuttle](#)).

**Graph 2.5: Carmel-by-the-Sea Local Shuttle***Provide Local Shuttle in Carmel-by-the-Sea**Shuttle Not Appropriate for Carmel-by-the-Sea**Provide Local Shuttle for Visitors*

1 = strongly agree	2 = somewhat agree	3 = Neutral/ No opinion
4 = Somewhat Disagree	5 = Strongly disagree	



Circulation Element References

City of Carmel, 2000, Consideration of the Carmel-by-the-Sea Bikeways Plan, October 2000.
(Carmel 2000)

City of Carmel, 2003, City of Carmel-by-the-Sea, California: City-Wide traffic Safety Study,
October 2003. (Carmel 2003b)



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**August 4, 2020
ORDERS OF BUSINESS**

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Brian Pierik, City Attorney

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Urgency Ordinance No. 2020-004 of the City Council of the City of Carmel-By-The-Sea affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within city jurisdiction and authorization of Code Compliance Coordinator to issue citations

RECOMMENDATION:

Adopt Urgency Ordinance No. 2020-004 of the City Council of the City of Carmel-By-The-Sea affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 and expressly affirming such orders as applicable and enforceable within city jurisdiction and authorization of Code Compliance Coordinator to issue citations

BACKGROUND/SUMMARY:

The City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers.

The California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added).

In December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19").

The federal Centers for Disease Control and Prevention (“CDC”) has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness.

On or about March 4, 2020, as part of the State of California’s response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

On March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County.

On March 11, 2020, the World Health Organization (“WHO”) classified the spread of COVID-19 internationally as a global pandemic.

On March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19.

On March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator’s Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus (“COVID-19”).

On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19 (Attachment 2).

On April 28, 2020, the Health Officer of the County of Monterey issued an Order requiring members of the public and workers to wear face coverings subject to certain exceptions (Attachment 3).

On May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives (Attachment 4).

On June 29, 2020, the California State Department of Public Health issued a Guidance for the Use of Face Coverings (Attachment 5).

On July 13, 2020, the State Public Health Officer issued an Order which included as Order No. 8 that the guidance mandating the wearing of face coverings shall continue to apply statewide, except as specifically permitted in other orders or guidance documents (Attachment 6).

On July 14, 2020, the Centers for Disease Control (CDC) issued a News Release “CDC calls on Americans to wear masks to prevent COVID-19 spread” which includes the following statement: “We are not defenseless against COVID-19,” said CDC Director Dr. Robert R. Redfield. “Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities.” (Attachment 7).

Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments.

The State Public Health Officer & Director of the California Department of Public Health (“State Public Health Officer”) has issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments.

Health & Safety Code Section 120155 authorizes the City’s peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

The Monterey County Public Health Officer (“County Public Health Officer”) has issued multiple Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments.

Health & Safety Code Section 101029 authorizes the City’s peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or

communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease.

The COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions.

Heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Monterey, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts.

In the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity.

Based upon the foregoing, the recommendation is for the City Council to find pursuant to Government Code Section 36937 (b) by a four-fifths vote that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety and for the City Council to adopt this Urgency Ordinance which requires a 4/5 of the City Council.

Summary of Urgency Ordinance

Section 1 provides that the Findings are incorporated into the Urgency Ordinance

Section 2 provides that the Urgency Ordinance will not be codified.

Section 3 includes the CEQA findings.

Section 4 cites the legal authority in support of the Urgency Ordinance.

Section 5 references the local emergency in the City due to COVID-19

Section 6 describes the powers of the City Director of Emergency Services.

Section 7 provides that the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 as currently in effect, or as subsequently amended, are enforceable within the City.

Section 8 authorizes the City Code Compliance Coordinator to issue criminal citations which would include criminal citations to enforce the terms of the Urgency Ordinance.

Section 9 authorizes the City Director of Emergency Services to take all necessary action to implement and enforce this Urgency Ordinance.

Section 10 is a severability clause which means that if a provision of the Urgency Ordinance is found to be invalid or unconstitutional that the remaining provisions shall remain in effect.

Section 11 provides that the Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 12 directs the City Clerk to certify the Urgency Ordinance and to cause it to be published.

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

On March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19")

ATTACHMENTS:

Attachment #1 - Urgency Ordinance 2020-004

Attachment #2 - Executive-Order-N-33-20

Attachment #3 - 4.28.20 County Health Officer Order, Covid Face Coverings

Attachment #4 - 5.4.20-EO-N-60-20

Attachment #5 - 6.29.20 Revised Guidance-for-Face-Coverings

Attachment #6 - July 13, 2020 Statewide Public Health Office Order

Attachment #7 - July 14, 2020 CDC Press Release

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2020-004

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AFFIRMING ORDERS OF THE STATE PUBLIC HEALTH OFFICER AND THE COUNTY OF MONTEREY PUBLIC HEALTH OFFICER RELATED TO COVID-19 AND EXPRESSLY AFFIRMING SUCH ORDERS AS APPLICABLE AND ENFORCEABLE WITHIN CITY JURISDICTION AND AUTHORIZATION OF CODE COMPLIANCE COORDINATOR TO ISSUE CITATIONS

WHEREAS, the City of Carmel-by-the-Sea (“City”) is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Section 2.64.020 of the City Municipal Code defines “emergency” as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus (“COVID-19”); and

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California’s response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on April 28, 2020, the Health Officer of the County of Monterey issued an Order requiring members of the public and workers to wear face coverings subject to certain exceptions; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, on June 29, 2020, the California State Department of Public Health issued a Guidance for the Use of Face Coverings; and

WHEREAS, on July 13, 2020, the State Public Health Officer issued an Order which included as Order No. 8 that the guidance mandating the wearing of face coverings shall continue to apply statewide, except as specifically permitted in other orders or guidance documents; and

WHEREAS, on July 14, 2020, the Centers for Disease Control (CDC) issued a News Release "CDC calls on Americans to wear masks to prevent COVID-19 spread" which includes the following statement: "We are not defenseless against COVID-19," said CDC Director Dr. Robert R. Redfield. "Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities." and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health (“State Public Health Officer”) has issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City’s peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer (“County Public Health Officer”) has issued multiple Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City’s peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City’s Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Monterey, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Findings in the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID 19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Orders Enforceable. The Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 as currently in effect, or as subsequently amended, are hereby expressly acknowledged and declared to be enforceable within the City and violations of such Orders are hereby deemed to be a violation of City Municipal Code Section 1.16.010 as if directly enacted by the City Council or as otherwise allowed by law.

Section 8. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, city code compliance coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 9. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.

Section 10: Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 11: Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 12: Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-
THE-SEA this 4th day of August, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

Attachment 2

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

ATTACHMENT 2



destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

Attachment 2

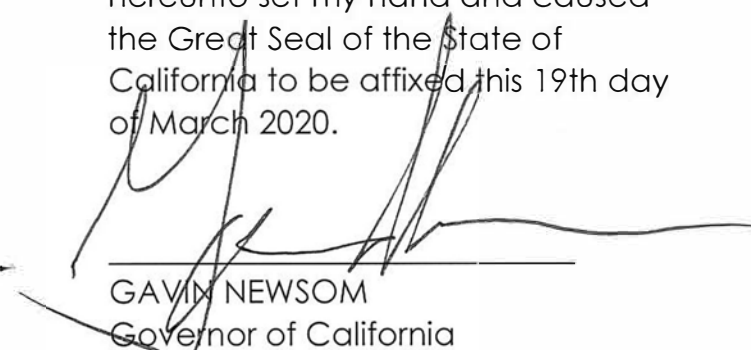
The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MONTEREY
REQUIRING MEMBERS OF THE PUBLIC AND WORKERS TO WEAR
FACE COVERINGS

DATE OF ORDER: April 28, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both (California Health and Safety Code §120295). Except as may be defined herein, each of the capitalized terms is defined in the April 3, 2020 Monterey County Health Officer Shelter in Place Order ("April 3rd Order").

The Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH"), and the Monterey County Health Department ("MCHD") recommend that members of the public that need to interact with others outside the home, especially where many people are present such as shopping and waiting in lines, cover the mouth and nose to prevent inadvertently spreading the virus that causes Coronavirus Disease 2019 ("COVID-19"). One key method of transmission of the COVID-19 virus is by respiratory droplets that people expel when they breathe, cough or sneeze. People infected with the virus may not have any symptoms, meaning they are asymptomatic, but they can still be contagious. People infected with the virus are contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the COVID-19 virus have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others. Therefore, the CDC, CDPH, and MCHD now believe that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities by reducing the spread of respiratory droplets. And, because it is not always possible to maintain at least 6 feet of distance, members of the public and workers should wear face coverings while engaged in most essential activities and other activities when others are nearby. For clarity, although wearing a face covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at

least 6 feet, and frequent hand washing.

This Order requires that people wear Face Coverings, which may be simple do-it-yourself coverings as further described below, in three main settings. First, members of the public must wear Face Coverings while a) inside of or waiting in line to enter Essential Businesses and other businesses or facilities engaged in Minimum Basic Operations, b) providing Essential Infrastructure or Essential Government Functions (except Healthcare Operations, which are subject to different requirements), c) when seeking healthcare from Healthcare Operations, and d) when waiting for or riding on public transportation and other types of shared transportation. Second, this Order also requires employees, contractors, owners, and volunteers of all Essential Businesses or those operating public transportation and other types of shared transportation to wear a Face Covering when at work. And third, this Order also requires workers engaged in Minimum Basic Operations, Essential Infrastructure, and Essential Government Functions to wear a Face Covering in areas where the public is present or likely to be, and at any time when others are nearby.

This Order includes certain exceptions. For instance, this Order does not require that any child aged twelve years or younger wear a Face Covering, and recommends that any child aged two years or younger should not wear one because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own household. It also does not require people to wear Face Coverings while engaged in outdoor recreation such as walking, hiking, bicycling, or running, though it does recommend that they have a Face Covering with them and still requires them to practice social distancing and other measures to protect against transmission of the virus.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE
COUNTY OF MONTEREY ("HEALTH OFFICER") ORDERS:

1. This Order will take effect at 12:01a.m. on April 30, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. All individuals, businesses and government agencies in the unincorporated and incorporated areas of the County of Monterey ("County") are required to follow the

provisions of this Order.

2. This Order is based on evidence of increasing occurrence of COVID-19 within the County, California and the United States. In the County, as of April 26, 2020 there were 185 cases of COVID-19 and four fatalities, including a significant and increasing number of suspected cases of community transmission.
3. As used in this Order, a "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a T-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not need to adjust it frequently, so as to avoid touching the face. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as Face Coverings under this Order; medical grade masks should be reserved for health care providers and first responders. In general, even when not required by this Order, people are strongly encouraged to wear Face Coverings when in public. Also, for Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be

found at the website of Centers for Disease Control and Prevention, at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html.

4. All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place where they reside in the following situations:
 - a. When inside of, or in line to enter, or when conducting business through a car window or walk-up counter at any Essential Business (as that term is defined in Section 13.f of the April 3rd Order), including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats and restaurants;
 - b. When inside or at any location or facility engaging in Minimum Basic Operations, or inside of any location or facility while seeking or receiving Essential Government Functions (as defined in Sections 13.g and 13.d, respectively, of the April 3rd Order);
 - c. When engaged in Essential Infrastructure work (as defined in Section 13.c of the April 3rd Order);
 - d. When obtaining services at Healthcare Operations (as defined in Section 13.b of the April 3rd Order), including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar health care services for animals, unless directed otherwise by an employee or worker at the Healthcare Operation; or
 - e. When waiting for or riding on public transportation (including without limitation any bus or train) or paratransit, or are in a taxi, private car service, or ride-sharing vehicle.
5. Each driver or operator of any public transportation vehicle, paratransit vehicle, taxi, private car service or ride-sharing vehicle must wear a Face Covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times.
6. All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic

Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), must:

- a. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:
 - i. interacting in person with any member of the public;
 - ii. working in any space visited by members of the public, such as, by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
 - iii. working in any space where food is prepared or packaged for sale or distribution to others;
 - iv. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or
 - v. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.

A Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person, who is otherwise allowed to engage in work pursuant to the April 3rd Order, is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present; and

- b. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses and entities or

organizations that are engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person.

7. Any child aged two years or less should not wear a Face Covering because of the risk of suffocation. This Order does not require that any child twelve years of age or less wear a Face Covering, including but not limited to, when attending childcare activities. However, parents and caregivers should supervise the use of Face Coverings by children to avoid misuse.
8. Wearing a Face Covering is recommended but not required while engaged in outdoor recreation such as walking, hiking, bicycling, or running. But each person engaged in such activity must comply with social distancing requirements including maintaining at least six feet of separation from all other people to the greatest extent possible. Additionally, it is recommended that each person engaged in such activity bring a Face Covering and wear that Face Covering in circumstances where it is difficult to maintain compliance with social distancing requirements, and that they carry the Face Covering in a readily accessible location, such as around the person's neck or in a pocket, for such use. Running or bicycling causes people to more forcefully expel airborne particles, which makes the usual minimum 6 feet distance requirement less adequate. Therefore, runners and cyclists must take extra measures to avoid exposing others to airborne particles, including wearing a Face Covering when possible, maintaining physical distance of greater than 6 feet when engaging in these activities, avoiding spitting, and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.
9. This Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.
10. A Face Covering is also not required by this Order to be worn by an individual if the person can show either: 1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; or 2) wearing a Face Covering would create a risk to the person related to their work as

determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.

11. The intent of this Order is to ensure that all people who are visiting or working at Essential Businesses and all people who are seeking care at healthcare facilities or engaged in certain types of public transit or transportation with others wear a Face Covering to reduce the likelihood that they may transmit or receive the COVID-19 virus. The intent of this Order is also to ensure that people who work for or seek services from entities engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government functions also wear a Face Covering when they are in close proximity to others. In so doing, this Order will help reduce the spread of the COVID-19 virus and mitigate the impact of the virus on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.
12. This Order is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County.
13. This Order is issued in accordance with, and incorporates by reference, the: April 3, 2020 Order of the Monterey County Health Officer, the March 19, 2020 Order of the State Health Officer, The March 19, 2020 Executive Order N-33-20 issued by the Governor of California, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by the Governor of California, the March 10, 2020 Resolution of the Board of Supervisors of the County of Monterey Ratifying and Extending the Proclamation of a Local Emergency, the March 6, 2020 Proclamation of a Local Emergency issued by the County Administrative Officer, the March 4, 2020 Proclamation of a State of Emergency issued by the California Governor, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

14. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
15. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.
16. Copies of this Order shall promptly be: (1) made available at the County Government Center at 168 West Alisal Street, CA 93901 and the County Health Department at 1270 Natividad Rd., Salinas CA 93906; (2) posted on the County Health Department website www.mtyhd.org; and (3) provided to any member of the public requesting a copy of this Order.
17. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
18. Questions or comments regarding this Order may be directed to Monterey County Health Department at (831) 755-4521.

IT IS SO ORDERED:



Edward Moreno, MD, MPH
Health Officer of the County of Monterey

Dated April 28, 2020

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-60-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, which Attachment 4 directed all California residents to immediately heed current State public health directives; and

WHEREAS State public health directives, available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/>, have ordered all California residents stay home except for essential needs, as defined in State public health directives; and

WHEREAS COVID-19 continues to menace public health throughout California; and

WHEREAS the extent to which COVID-19 menaces public health throughout California is expected to continue to evolve, and may vary from place to place within the State; and

WHEREAS California law promotes the preservation of public health by providing for local health officers—appointed by county boards of supervisors and other local authorities—in addition to providing for statewide authority by a State Public Health Officer; and

WHEREAS these local health officers, working in consultation with county boards of supervisors and other local authorities, are well positioned to understand the local needs of their communities; and

WHEREAS local governments are encouraged to coordinate with federally recognized California tribes located within or immediately adjacent to the external geographical boundaries of such local government jurisdiction; and

WHEREAS the global COVID-19 pandemic threatens the entire State, and coordination between state and local public health officials is therefore, and will continue to be, necessary to curb the spread of COVID-19 throughout the State; and

WHEREAS State public health officials have worked, and will continue to work, in consultation with their federal, state, and tribal government partners; and

WHEREAS the State Public Health Officer has articulated a four-stage framework—which includes provisions for the reopening of lower-risk businesses and spaces (“Stage Two”), to be followed by the reopening of higher-risk businesses and spaces (“Stage Three”)—to allow Californians to gradually resume various activities while continuing to preserve public health in the face of COVID-19; and

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WHEREAS the threat posed by COVID-19 is dynamic and ever-changing, and the State's response to COVID-19 (including implementation of the four-stage framework) should likewise retain the ability to be dynamic and flexible; and

WHEREAS to preserve this flexibility, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

Attachment 4

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, 8627, and 8665; and also in accordance with the authority vested in the State Public Health Officer by the laws of the State of California, including but not limited to Health and Safety Code sections 120125, 120130, 120135, 120140, 120145, 120150, 120175, and 131080; do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.
- 2) As the State moves to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), the State Public Health Officer is directed to establish criteria and procedures—as set forth in this Paragraph 2—to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

In particular, the State Public Health Officer is directed to establish criteria to determine whether and how, in light of the extent to which the public health is menaced by COVID-19 from place to place within the State, local health officers may (during the relevant stages of reopening) issue directives to establish and implement public health measures less restrictive than any public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

The State Public Health Officer is further directed to establish procedures through which local health officers may (during the relevant stages of reopening) certify that, if their respective jurisdictions are subject to proposed public health measures (which they shall specify to the extent such specification may be required by the State Public Health Officer) that are less restrictive than public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer, the public health will not be menaced. The State Public Health Officer shall additionally establish procedures to permit, in a manner consistent with public health and

safety, local health officers who submit such certifications to establish and implement such less restrictive public health measures within their respective jurisdictions.

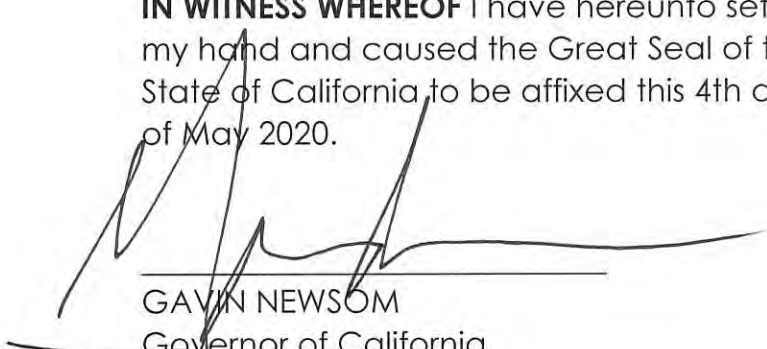
The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect of this Order, shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq. Nothing in this Paragraph 2 shall limit the authority of the State Public Health Officer to take any action she deems necessary to protect Attachment 4 public health in the face of the threat posed by COVID-19, including (but not limited to) any necessary revision to the four-stage framework previously articulated by the State Public Health Officer.

- 3) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of May 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency California Department of Public Health

Attachment 5



GAVIN NEWSOM
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;¹
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;²
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

¹ Unless exempted by state guidelines for specific public settings

² Unless directed otherwise by an employee or healthcare provider



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

###



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency
California Department of Public Health

Attachment 6



GAVIN NEWSOM
Governor

**Statewide Public Health Officer Order,
July 13, 2020**

On March 19, 2020, I issued an [order](#) directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. I then set out California's path forward from this "Stay-at-Home" Order in California's [Pandemic Resilience Roadmap](#). On May 7th, I [announced](#) that statewide data supported the gradual movement of the entire state into Stage 2 of the Pandemic Resilience Roadmap. On May 8th, the Governor outlined a process where counties that met specific criteria could move more quickly than other parts of the state through Stage 2 of modifying the Stay-at-Home order, including certain businesses deemed higher risk.

The statewide data has since demonstrated a significant increase in the spread of COVID-19, resulting in public health conditions that demand measures responsive to those conditions be put into place with haste. On June 28, 2020, the California Department of Public Health (CDPH) issued [guidance](#) setting forth the need to close bars and similar establishments in counties that – due to concerning levels of disease transmission, hospitalizations, or insufficient testing – had been on the County Monitoring List, which includes counties that show concerning levels of disease transmission, hospitalizations, insufficient testing, or other critical epidemiological markers, for 14 days. On July 1, 2020, CDPH issued [guidance](#) specific to counties on the County Monitoring List for three consecutive days, requiring closure of the indoor operations of various sectors, including restaurants, wineries, and certain entertainment venues, as well as all bars indoor and outdoor. Based on my judgment as the State Public Health Officer, it is now necessary to take these steps statewide, to take additional steps for counties on the County Monitoring List, and to continue to monitor and modify the process of reopening.

The current data reflect that community spread of infection is of increasing concern across the state. On July 1, 2020, there were 19 counties on the County Monitoring List. As of July 13, 2020, there are 32 counties on the list, and additional counties may soon be added as data warrants. In addition to the impact on the general population, community spread increases the likelihood of expanded transmission of COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of these vulnerable populations in these settings can be catastrophic. Higher



levels of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual.

The Pandemic Resilience Roadmap classifies bars, pubs, breweries, brewpubs, dine-in restaurants, wineries and tasting rooms, family entertainment centers, zoos, museums, and cardrooms as Stage 2 or Stage 3 sectors with high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. Public health studies have shown that the risk of transmission is exacerbated in indoor spaces, particularly when lacking appropriate ventilation. These sectors are settings where groups convene and may mix with others for a prolonged period of time, increasing the risk of escalating the transmission rate of COVID-19. While physical distancing is critical to mitigating exposure, it is more effective at protecting an individual with brief exposures or outdoor exposures. In contrast to indoor spaces, wind and the viral dilution in outdoor spaces can help reduce viral load.

Bars, both indoor and outdoor, have additional risk factors. A bar, foundationally, is a social setting where typically not only small groups convene, but also where groups mix with other groups. Bars also have an added risk imposed by the consumption of alcohol as a primary activity offered in such venues. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people in different households, both indoors and outdoors. Louder environments and the cacophony of conversation that are typical in bar settings also require raised voices and greater projection of orally emitted viral droplets.

For counties on the County Monitoring List, the risks and impacts of disease transmission are even greater. The science suggests that for indoor operations the odds of an infected person transmitting the virus are dramatically higher compared to an open-air environment. Thus, for those counties on the list, it is necessary to close indoor operations for additional sectors which promote the closed-space mixing of populations beyond households and/or make adherence to physical distancing with face coverings difficult, including: gyms and fitness centers, places of worship, protests, offices for non-Critical Infrastructure sectors as designated on covid19.ca.gov, personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls.

NOW, THEREFORE, I, as State Public Health Officer and Director of the California Department of Public Health, order all of the following:

Statewide Order Relative to Bars, Pubs, Brewpubs, and Breweries

1. Bars, pubs, brewpubs, and breweries, whether operating indoors or outdoors, shall be closed across the state, unless an exception below applies.
 - a. Bars, pubs, brewpubs, and breweries, may operate outdoors if they are offering sit-down, outdoor, dine-in meals. Alcohol can be sold only in the same transaction as a meal. When operating outdoors, they must follow the [dine-in restaurant guidance](#) and should continue to encourage takeout and delivery service whenever possible.
 - b. Bars, pubs, brewpubs, and breweries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals when operating outdoors provided both businesses follow the [dine-in restaurant guidance](#) and alcohol is sold only in the same transaction as a meal.
 - c. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals must follow the [guidance for retail operations](#) and offer curbside sales only.
 - d. Concert, performance, or entertainment venues must remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.
2. Indoor operations shall be restricted across the state as specified below:
 - a. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating and must comply with the [guidance for outdoor dining](#). Restaurants should continue to encourage takeout and delivery service whenever possible.
 - b. Wineries and tasting rooms must close indoor services to customers. During this closure all wineries and tasting rooms operating outdoors must comply with the [guidance for restaurants, wineries, and bars](#).
 - c. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
 1. Family entertainment centers may continue to provide outdoor services and attractions to customers, and must comply with the guidance for [movie theaters and family entertainment centers](#).

- 2. Drive-in movie theaters may continue to operate and should follow additional applicable guidance for [drive-in movie theaters](#).
- d. Indoor attractions at zoos and museums must close to visitors.
 - 1. Zoos and museums may continue to operate outdoor attractions and must follow the [guidance for zoos and museums](#).
- e. Cardrooms must close indoor services to customers and must follow the [guidance for cardrooms](#).

Order for Closure of Additional Indoor Sectors for Counties on Monitoring List

3. Counties that currently appear on CDPH's County Monitoring List and have been on the list for three consecutive days, and counties that subsequently appear for three consecutive days or more while this order remains effective, must close all indoor operations of the following types of businesses/events/activities:

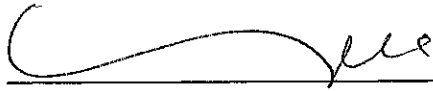
- a. Gyms and Fitness Centers
- b. Places of Worship
- c. Protests
- d. Offices for [Non-Critical Infrastructure Sectors](#)
- e. Personal Care Services (including nail salons, massage parlors, and tattoo parlors)
- f. Hair salons and barbershops
- g. Malls

Terms of Orders

- 4. This order shall go into effect immediately.
- 5. These closures shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.
- 6. Outdoor operations may be conducted under a tent, canopy, or other sun shelter but only as long as no more than one side is closed, allowing sufficient outdoor air movement.
- 7. I will continue to monitor the epidemiological data and will modify the sectors that may be open both statewide and in counties on the Monitoring List as required by the evolving public health conditions. If I determine that it is appropriate to reopen, close, or modify the operations of any additional sectors, those sectors will be posted at: <https://covid19.ca.gov/roadmap-counties/>.
- 8. My [guidance](#) mandating the wearing of face coverings and my [guidance](#) prohibiting gatherings continue to apply statewide, except as specifically permitted in other orders or guidance documents. To prevent further spread of COVID-19 to and within other

jurisdictions within the State, Californians should not travel significant distances and should stay close to home.

9. This order is issued pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175, 120195 and 131080.

A handwritten signature in black ink, appearing to read 'S. Angell', is written over a horizontal line.

Sonia Y Angell, MD, MPH
State Public Health Officer & Director
California Department of Public Health



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

CDC Newsroom

CDC calls on Americans to wear masks to prevent COVID-19 spread

JAMA editorial reviews latest science, while case study shows masks prevented COVID spread

Press Release

For Immediate Release: Tuesday, July 14, 2020

Contact: [Media Relations](#)

(404) 639-3286

Americans are increasingly adopting the use of cloth face masks to slow the spread of COVID-19, and the latest science may convince even more to do so.

In an editorial published today in the Journal of the American Medical Association (JAMA), CDC reviewed the latest science and affirms that cloth face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the disease, particularly when used universally within communities. There is increasing evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others.

“We are not defenseless against COVID-19,” said CDC Director Dr. Robert R. Redfield. “Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities.”

This review included two case studies out today, one from JAMA, showing that adherence to universal masking policies reduced SARS-CoV-2 transmission within a Boston hospital system, and one from CDC’s Morbidity and Mortality Weekly Report (MMWR), showing that wearing a mask prevented the spread of infection from two hair stylists to their customers in Missouri.

Additional data in today’s MMWR showed that immediately after the White House Coronavirus Task Force and CDC advised Americans to wear cloth face coverings when leaving home, the proportion of U.S. adults who chose to do so increased, with 3 in 4 reporting they had adopted the recommendation in a national internet survey.

The results of the Missouri case study provide further evidence on the benefits of wearing a cloth face covering. The investigation focused on two hair stylists — infected with and having symptoms of COVID-19 — whose salon policy followed a local ordinance requiring cloth face coverings for all employees and patrons. The investigators found that none of the stylists’ 139 clients or secondary contacts became ill, and all 67 clients who volunteered to be tested showed no sign of infection.

The finding adds to a growing body of evidence that cloth face coverings provide source control – that is, they help prevent the person wearing the mask from spreading COVID-19 to others. The main protection individuals gain from masking occurs when others in their communities also wear face coverings.

ATTACHMENT 7

COVID-19 prevention in a Missouri hair salon

Attachment 7

When two stylists at a Missouri hair salon tested positive for the virus that causes COVID-19, researchers from CoxHealth hospitals, Washington University, the University of Kansas, and the Springfield-Greene County Health Department worked together to trace contacts, investigate the cases, and publish their findings in the MMWR.

One of the stylists developed respiratory symptoms but continued to see clients for eight days. The other, who apparently became infected from her co-worker, also developed respiratory symptoms and continued to see clients for four days.

The salon in which they worked had a policy requiring both stylists and their clients to wear face coverings, consistent with the local government ordinance. Both stylists wore double-layered cloth face coverings or surgical masks when seeing clients. The median appointment time was 15 minutes and ranged from 15 to 45 minutes. More than 98% of clients wore a face covering—47% wore cloth face coverings, 46% wore surgical masks, and about 5% wore N-95 respirators.

When customers were asked whether they had been ill with any respiratory symptoms in the 90 days preceding their appointment, 87 (84%) reported that they had not. None of the interviewed customers developed symptoms of illness. Among 67 (48%) customers who volunteered to be tested, all 67 tested negative for the virus that causes COVID-19. Several family members of one of the stylist's subsequently developed symptoms and received a diagnosis of COVID-19.

Survey: Acceptance of face-mask guidance increased

CDC analyzed data from an internet survey of a national sample of 503 adults during April 7–9 and found that about 62% said they would follow the newly announced recommendations to wear a face mask when outside the home. A repeat survey during May 11–13 showed that the percentage of adults endorsing face mask wearing increased to more than 76%.

The increase was driven largely by a significant jump in approval by white, non-Hispanic adults, from 54% to 75%. Approval among Black, non-Hispanic adults went up from 74% to 82%, and remained stable among Hispanic/Latino adults at 76% and 77%.

There was also a large increase in face-mask approval among respondents in the Midwest, from 44% to 74%. Approval was greatest in the Northeast, going from 77% to 87%.

Resources:

- CDC's Information on Cloth Face Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- CDC Editorial in JAMA: Brooks JT, Butler JC, Redfield RR. Time for universal masking and prevention of transmission of SARS-CoV-2. JAMA. Published online July 14, 2020. doi:10.1001/jama.2020.13107 <https://jamanetwork.com/journals/jama/fullarticle/10.1001/jama.2020.13107> 
- MMWR Article: No Transmission of Symptomatic SARS-CoV-2 After Significant Exposure With Universal Face Mask Use at a Hair Salon – Springfield, Missouri, May 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e2.htm?s_cid=mm6928e2_w

MMWR Article: Factors Associated with Cloth Face Coverings Use during the COVID-19 Pandemic — United States, April and May 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e3.htm?s_cid=mm6928e3_w

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Attachment 7

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES [↗](#)

CDC works 24/7 protecting America's health, safety and security. Whether disease start at home or abroad, are curable or preventable, chronic or acute, or from human activity or deliberate attack, CDC responds to America's most pressing health threats. CDC is headquartered in Atlanta and has experts located throughout the United States and the world.

Page last reviewed: July 14, 2020

Content source: [Centers for Disease Control and Prevention](#)



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

August 4, 2020
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brian Pierik, City Attorney
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Urgency Ordinance 2020-005 of the City Council of the City Of Carmel-By-The-Sea for enforcement of provisions and conditions of Encroachment Permits for outdoor dining and authorization of Code Compliance Coordinator to issue citations

RECOMMENDATION:

Adopt Urgency Ordinance 2020-005 of the City Council of the City Of Carmel-By-The-Sea for enforcement of provisions and conditions of Encroachment Permits for outdoor dining and authorization of Code Compliance Coordinator to issue citations

BACKGROUND/SUMMARY:

The City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers.

The California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added).

In December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19").

The federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness.

On or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

On March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County.

On March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic.

On March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19.

On March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19").

On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19,

On April 28, 2020, the Health Officer of the County of Monterey issued an Order requiring members of the public and workers to wear face coverings subject to certain exceptions.

On May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives.

Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments.

The State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments.

Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

The Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments.

Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease.

The COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an

immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions.

Heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Monterey, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts.

In the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity.

The City has issued, and may issue in the future, Encroachment Permits with provisions and conditions to allow restaurants to use public space for outdoor dining in order to allow restaurants to continue to operate during limitations imposed by Orders from the Governor, State Public Health Officer and County Public Health Officer and for such outdoor dining operations to be conducted in a manner consistent with public peace, health and safety.

Attachment 2 is a copy of the Standard Conditions of Approval for Temporary Encroachment Permits for Outdoor Seating in the Public Way.

Based upon the foregoing, the recommendation is for the City Council to find pursuant to Government Code Section 36937 (b) by a four-fifths vote that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety and for the City Council to adopt this Urgency Ordinance which requires a 4/5 of the City Council.

Summary of Urgency Ordinance

Section 1 provides that the Findings are incorporated into the Urgency Ordinance

Section 2 provides that the Urgency Ordinance will not be codified.

Section 3 includes the CEQA findings.

Section 4 cites the legal authority in support of the Urgency Ordinance.

Section 5 references the local emergency in the City due to COVID-19

Section 6 describes the powers of the City Director of Emergency Services.

Section 7 provides that failure of any restaurant to fully comply with any of the provisions and conditions of an Encroachment Permit for outdoor dining is hereby a violation of this Urgency Ordinance and the City and City peace officers may proceed with enforcement for such a violation in the manner provided in the City Municipal Code including, but not limited to, Section 1.16.010 or as otherwise allowed by law.

Section 8 authorizes the City Code Compliance Coordinator to issue criminal citations which would include criminal citations to enforce the terms of the Urgency Ordinance.

Section 9 authorizes the City Director of Emergency Services to take all necessary action to implement and enforce this Urgency Ordinance.

Section 10 is a severability clause which means that if a provision of the Urgency Ordinance is found to be invalid or unconstitutional that the remaining provisions shall remain in effect.

Section 11 provides that the Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 12 directs the City Clerk to certify the Urgency Ordinance and to cause it to be published.

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

On March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19")

ATTACHMENTS:

Attachment #1 - Urgency Ordinance 2020-005

Attachment #2 - Outdoor Seating COAs

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

URGENCY ORDINANCE NO. 2020-005

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FOR ENFORCEMENT OF PROVISIONS AND CONDITIONS OF ENCROACHMENT PERMITS FOR OUTDOOR DINING AND AUTHORIZATION OF CODE COMPLIANCE COORDINATOR TO ISSUE CITATIONS

WHEREAS, the City of Carmel-by-the-Sea ("City") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat (Emphasis Added); and

WHEREAS, Section 2.64.020 of the City Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat (Emphasis Added); and.

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, the federal Centers for Disease Control and Prevention ("CDC") has confirmed thousands of cases of individuals who have severe respiratory illness caused by COVID-19, as well as deaths caused by this illness; and

WHEREAS, on or about March 4, 2020, as part of the State of California's response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 12, 2020, the City Administrator of the City of Carmel-by-the-Sea, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-021 ratifying the City Administrator's Proclamation of the Existence of a Local Emergency Due to the Worldwide Spread of the Coronavirus ("COVID-19"); and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 which directed all residents to continue to obey State public health directives; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, the State Public Health Officer & Director of the California Department of Public Health ("State Public Health Officer") has issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 120155 authorizes the City's peace officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

WHEREAS, the Monterey County Public Health Officer ("County Public Health Officer") has issued multiple Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

WHEREAS, Health & Safety Code Section 101029 authorizes the City's peace officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Monterey, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the City has issued, and may issue in the future, Encroachment Permits with provisions and conditions to allow restaurants to use public space for outdoor dining in order to allow restaurants to continue to operate during limitations imposed by Orders from the Governor, State Public Health Officer and County Public Health Officer and for such outdoor dining operations to be conducted in a manner consistent with public peace, health and safety; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1: Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the Findings in the Whereas Clauses above by reference as though fully set forth here.

Section 2: Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

Section 3: CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

Section 4. Authority Pursuant to Applicable Law. Pursuant to California Government Code Section 8610, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the City Municipal Code, the declaration of local emergency issued by the City Council on March 13, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

Section 5. Local Emergency. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-021 declaring the existence of a local emergency with the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 and all applicable laws.

Section 6. Powers of City Director of Emergency Services. During the existence of the local emergency due to COVID 19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, ordinances, and resolutions of this City notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

Section 7. Outdoor Dining. The City has issued, and may issue in the future, Encroachment Permits with provisions and conditions to allow restaurants to use public space for outdoor dining. The failure of any restaurant to fully comply with any of the provisions and conditions of an Encroachment Permit for outdoor dining is hereby declared to be a violation of this Urgency Ordinance and the City and City peace officers may proceed with enforcement for such a violation in the manner provided in the City Municipal Code including, but not limited to, Section 1.16.010 or as otherwise allowed by law.

Section 8. Authorization of City Code Compliance Coordinator. Pursuant to California Penal Code § 836.5, city code compliance coordinator is authorized to issue criminal citations following the procedures set forth in California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the City Municipal Code or violation of any City ordinance.

Section 9. Authorization of City Director of Emergency Services. The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.

Section 10: Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

Section 11: Effective Date and Duration. This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

Section 12: Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



Standard Conditions of Approval for
Temporary Encroachment Permits for
Outdoor Seating in the Public Way

1. **Permit Validity.** Temporary Encroachment Permits for outdoor seating in the public way are limited to full-line and specialty restaurants and are valid until **December 31, 2020** or until dine-in restaurant operations return to normal capacity, whichever occurs first. The Temporary Encroachment Permit shall be displayed on-site in plain view to City personnel and the general public.
2. **Liability Insurance.** A certificate of insurance and an endorsement for the term of the encroachment in the amount of **\$2,000,000** in combined single limit insurance for personal injury and/or property damage per occurrence and **\$4,000,000** in aggregate naming *“The City of Carmel-By-The-Sea, its elected officials, officers, agents and employees are additionally insured under the policy.”* The insurance shall be maintained for the duration of the Encroachment Permit. Failure to maintain liability insurance will result in revocation of the Encroachment Permit.
3. **Taxes and Assessments.** Restaurants shall remain current on all taxes and assessments during the term of this Encroachment Permit.
4. **Safety Protocols.** It is the applicant’s responsibility to be informed of, and comply with, all industry guidance for restaurants published by the Center for Disease Control (CDC), State of CA Governor’s Office, California Department of Public Health and the Monterey County Health Officer.
5. **Alcohol Service.** Full-line restaurants may serve alcohol to patrons dining within outdoor seating areas in the public way so long as,
 - a. The outdoor seating area meets all of the City’s requirements; and
 - b. The proper ABC license is obtained and displayed on-site in plain view to City personnel and the general public.

Alcohol can only be consumed within the boundaries of the outdoor seating area and is not permitted to be served in disposable or to-go cups.
6. **Outdoor Seating Maintenance.** The applicant is responsible for,
 - a. Sanitizing and disinfecting the outdoor seating area after each customer;
 - b. Providing a trash receptacle for use by patrons (separate from city trash receptacles);
 - c. Keeping the outdoor seating area clean and free of trash and debris at all times; and
 - d. Thoroughly cleaning outdoor seating areas at the end of each day, properly disposing of trash and cleaning up any food spills.
7. **Outdoor Seating – Parking Spaces.** Outdoor seating areas are limited to two (2) adjacent parking spaces with no more than eight (8) seats per space (16 seats total) so long as social distancing protocols are met, unless otherwise approved by the City. Outdoor seating shall not be placed in any loading zone or Americans with Disabilities Act (ADA) accessible parking space. All three (3) sides of the seating area shall be enclosed with barriers that meet the following criteria:

ATTACHMENT 2

- a. Must be between 3-feet and 4-feet tall, unless otherwise approved by the City;
 - b. Must be entirely contained within the curb side of the parking “t”s;
 - c. Each side must be set back at least 4 feet from intersections.
 - d. Must weigh at least 50 pounds; and
 - e. Flower pots may supplement barriers but are not acceptable as a primary barrier.
8. **Outdoor Seating - Sidewalk.** Up to two, tables with two seats per table may be located along a sidewalk if the City determines there is sufficient space for both patrons, servers, passing pedestrians, and accessibility access.
9. **Outdoor Seating Layout.** The outdoor seating layout shall be established, and remain consistent with, the approved temporary Encroachment Permit. At no time shall the entry/exit to any tenant space, nor any public sidewalk, nor any path of travel providing emergency egress, be blocked by outdoor seating.
10. **Seating Area Use Regulations.**
- a. The outdoor seating area may be used for to-go/take-out orders and/or table service.
 - b. At no time shall employees providing service to the tables obstruct or otherwise block the public sidewalk.
 - c. Music (live or amplified), lighting (excluding solar), and/or signage of any type is NOT permitted, unless otherwise approved by the City.
 - d. Smoking shall be prohibited at all times within outdoor seating areas.
 - e. Plastic tables and/or chairs are NOT permitted.
 - f. Umbrellas may be allowed subject to the following standards, i) the fabric must be a neutral/earth tone color; ii) umbrellas shall not extend into the vehicle travel lane or pose a safety risk to pedestrians on the sidewalk; and, iii) the base of the umbrella must be heavy and secure such that it does not tip over but shall not be affixed to public property.
 - g. Propane heaters may be allowed if a proper location for propane storage can be demonstrated. Open flame fire pits are prohibited.
 - h. Umbrellas, heaters and tablecloths (if used) shall be removed at the end of each day and stored out of the public right-of-way in a secure location.
11. **Public Infrastructure.** Permanent attachments to public infrastructure including, but not limited to, streets, sidewalks, curbs, trash cans, light poles, traffic signs, trees, bike racks, fire hydrants, etc. are NOT permitted. Damage to public infrastructure as a result of the outdoor seating may result in revocation of the encroachment permit and must be repaired to the satisfaction of the City at applicant’s expense.
12. **Modifications.** After an Encroachment Permit is issued, any proposed modifications to the outdoor seating area shall be submitted to the Community Planning & Building Department for approval.
13. **Other Permits and Approvals.** It is the applicant’s responsibility to secure any applicable permits or approvals from other agencies including, but not limited to, Alcoholic Beverage Control (ABC), Monterey County Health Department, and/or the Monterey Peninsula Water Management District (MPWMD).

- 14. Permit Revocation.** The City reserves the right to revoke the Encroachment Permit if it is determined the seating area poses a risk to public safety or if any term of the permit is violated.
- 15. Indemnification.** The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

*Acknowledgement and acceptance of these Standard Conditions of Approval.

Applicant Signature

Print Name

Date

Once signed, please return to the Community Planning & Building Department.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie Waffle, AiCP – Acting Community Development Planning & Building Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Update on Outdoor Seating in the Public Way

RECOMMENDATION:

Receive report and provide direction.

BACKGROUND/SUMMARY:

The City's outdoor seating program has been in place since Memorial Day weekend and has been modified as conditions in the community have changed. From the beginning, staff anticipated the program remaining in effect until December 31, 2020 or when indoor dining operations returned to normal capacity, whichever occurs first. Over the Memorial Day weekend, restaurants were limited to providing take-out food and drinks only which could be consumed in designated outdoor seating areas located on public property.

Due to a low rate of positive Coronavirus cases, restaurants in Monterey County were allowed to resume limited indoor dining operations as well as the ability to serve customers in outdoor seating areas, including those located on public property. Unfortunately, a more recent rise in positive Coronavirus cases has resulted in indoor dining services being suspended; however, restaurants are still permitted to serve customers outdoors.

The City currently allows full-line restaurants, specialty restaurants (i.e. coffee shops) and wine tasting shops to establish outdoor seating areas in the public way. Full-line restaurants are allowed up to two parking spaces and 16 seats while specialty restaurants and wine tasting shops are permitted one parking space and up to 8 seats/patrons. A limited number of sidewalk tables/seats may also be permitted in the public way depending on the availability of space which varies from location to location.

Outdoor seating areas located in public parking spaces are required to have a barrier that is between 3' and 4' tall surrounding the outdoor seating area and must be of a substantial weight (50-100 pounds). The barrier defines the boundaries of the outdoor seating area and provides visual and physical separation between patrons and vehicles. Outdoor seating areas may also include umbrellas and/or heaters, both of which are required to be removed and stored on public property at the close of business each day. Each outdoor seating area is also required to contain a private trash receptacle to accommodate waste to minimize impacts to City trash receptacles.

Restaurants that have existing private patios approved in conjunction with their Use Permits for outdoor dining may use these areas as well. Restaurants and wine tasting shops that do not have approved outdoor seating areas have been permitted to expand into adjacent courtyards through a Design Review permit.

Staff is seeking direction from the City Council on, at least, the following:

- 1) What, if any, further modifications should be made to the outdoor seating program?
- 2) Should staff solicit input from the Planning Commission on further modifications to the current (short-term) program and/or develop design guidelines and a review process for a long-term outdoor seating program?
- 3) Should the City permit outdoor seating in the City right-of-way for 'Drinking Places?' And if so, on the sidewalk, the number of parking spaces, hours of operations, etc? Any other conditions of approval? Should 'drinking places' be required to follow current COVID-19 State guidelines and policies on the service of alcohol outdoors?
- 4) Should the City seek additional assistance with code compliance for outdoor seating? And if so, should staff look for funding options and return to Council with a compliance program?
- 5) On reprise, how many parking spaces should be permitted for 'Specialty Restaurants,' and should outdoor seating be permitted on the sidewalk for such uses? Should the City obligate 'Specialty Restaurant' owners to monitor and direct customers on socially-distanced queuing?
- 6) Are there other matters specific to outdoor seating that should be addressed or readdressed such as electrical cords across the sidewalk for electric heaters, the necessity to move gas heaters every day/night, and the obligation of the proprietor to monitor customer mask wearing while ordering and while sitting, but neither eating or drinking?

FISCAL IMPACT:

Encroachment Permits and Design Review Permits are being issued as "no-fee" permits. Costs associated with staff time to manage the program are covered by the General Fund.

PRIOR CITY COUNCIL ACTION:

At the June 2, 2020 meeting, the City Council adopted Resolution 20-038 updated the City's insurance requirements. Insurance is required for most encroachment permit applications including outdoor seating in the public way. At the June 16, 2020 meeting, the City Council provided direction on modifications to the outdoor seating program. On July 7, 2020, the City Council expanded the outdoor seating program to wine tasting rooms and made other minor modifications to the program.

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 4, 2020
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2020-052 adopting updated fees, as recommended by the Forest and Beach Commission, for Tree Pruning Permits, Tree Removal Permits, Tree-related Appeals to the Forest and Beach Commission, and Tree-related Appeals and to City Council, effective September 3, 2020

RECOMMENDATION:

Adopt Resolution 2020-052 approving a new flat fee of \$245 for tree pruning permits, a new, tiered, fee structure for tree removal permits, no fee pruning and removal permits for private parties working on a City-owned tree, at their sole expense and under the direction of the City Forester, a new flat fee of \$1,425 for tree appeals to the Forest and Beach Commission, and a new flat fee of \$1,425 for tree appeals to the City Council.

BACKGROUND/SUMMARY:

In August 2015, the City hired Revenue and Cost Specialists, LLC ("RCS") to prepare a cost of services study ("Study"). RCS calculated the City's cost of providing services to customers, or users, of the services. For these services, the user is charged a fee for the service, such as the issuance of a permit or license, which benefits the user. The service may be withheld if payment is not received, and thus, these services may be considered "personal choice services." The City is legally allowed to recover its cost of providing the service from the user through a fee or charge for service. Cost recovery for services allows for more equitable financing as the user pays for the service rather than the cost of the services being funded, or subsidized, by other general purpose revenue.

The Study recommended fees for services based upon full cost recovery. Initially, staff incorporated recommendations provided by Council into the proposed fee schedule first adopted in September 2016, and subsequently adjusted the fees annually for inflation in accordance with City policy. In 2019, the City retained RCS to prepare an update to the original Study in accordance with City policy that stipulates fees should be reviewed at least every three years. The update commenced in the autumn of 2019 and involved the consultant revising the City's costs of providing services based upon staff salaries, benefits, and other allowable overhead expenses, and interviewing City staff regarding the processes involved in completing these activities. The final report was completed in March 2020.

Detailed information regarding the fees calculated by RCS in the Updated Study is available in Attachment #2.

At the May 5, 2020 meeting, the City Council adopted Resolution 2020-030 approving a schedule of fees for

Fiscal Year 2020-2021 for Administrative Services, Community Activities, Community Planning and Building, Public Safety, and Public Works Services, except for four (4) fees for tree permits and appeals. All remaining fees became effective on July 1, 2020. Council directed staff to seek input from the Forest and Beach Commission regarding these four (4) fees related to tree permits and appeals.

Tree Pruning and Removal Permits

The RCS Study Update proposed fees for tree pruning and tree removal permits were significantly greater than the current fees. One reason for the increased cost was that a "one size fits all" approach was overly conservative when trying to capture the full cost for more complicated permits, while being unreasonably high for simple, straight-forward permits. Also, in the past, an evaluation of a tree was performed by Forestry staff without charge and prior to a permit being applied for. Then, the amount of time needed for the permit review was reduced because most field and administrative work associated with a tree permit was already performed and charged to the General Fund. The City Council questioned the significant increases in the fees included in the RCS Study Update and sought input from the Forest & Beach Commission.

In addition to the duties of the City Forester in managing tree pruning and removal permits and coordinating development projects with the Community Planning and Building Department, architects, and contractors, there are other colleagues in Public Works that usually get involved to support the Forester. For example, the Public Works Superintendent reviews traffic control plans and field traffic control set ups for pruning or removals along arterial streets or the truck/bus routes, coordinating any impacts associated with work in the public right-of-way, accepting or rejecting wood chips at the Rio Park site, etc. A Senior Maintenance Worker supports the Forester, Superintendent, and/or the Public Works Director by providing an initial evaluation in the absence of the Forester, for emergency response, and with field status updates. The Public Works Director's role is to oversee all department operations, resolve conflicts associated with permit processing, fee collection, and complaints, and rule on unique problems encountered.

Tree Pruning Permits:

The following table identifies the current tree pruning permit fee of \$235, and the proposed RCS Study Update permit fee of \$600.

Based on a more detailed review of the number of hours to process most pruning permits, Staff's new recommended fee is \$245. This is a \$10 increase for tree pruning permits from the existing fee and is recommended to be a flat fee for all tree pruning permits. The Forest & Beach Commission concurred at their June 11, 2020 meeting.

Permit Type	Options	Position	Unit Time	Unit Cost	Annual Units	Total Revenue
Tree Pruning						
	Existing Fee	Existing		\$235.00	36	\$8,460.00
	RCS Calculation	PW Superintendent	0.5	\$106.90	36	\$3,848.40
		City Forester	2	\$434.66	36	\$15,647.76
		Sr. Maintenance Worker	0.5	\$57.31	36	\$2,063.16
		Totals	3.00	\$598.87		\$21,559.32
		Rounded		\$600.00		\$21,600.00
	Revised Calculation	PW Superintendent	0.25	\$53.45	36	\$1,924.20
		City Forester	0.75	\$163.00	36	\$5,868.00
		Sr. Maintenance Worker	0.25	\$28.66	36	\$1,031.76
		Totals	1.25	\$245.11		\$8,823.96
		Rounded		\$245.00		\$8,820.00

Tree Removal Permits:

The next table below identifies the current permit fees of \$235 for removal of a City tree or for a removal permit not associated with construction, and a \$435 fee for a tree removal permit associated with construction. The proposed RCS Study Update permit fee lumped all tree removal permits into one conglomerate process which resulting in a very conservative fee of \$1,170.

During this analysis, staff developed and recommended that tree removal permits, as well as tree pruning permits, requested by a private citizen to remove a City-owned dead, hazardous, diseased, or infected tree in the public right-of-way, removed at their expense and in accordance with the City Forester direction, should be required to obtain a removal permit but should not have to pay a permit fee. Although rare, these citizens are helping the City, and their services should be appreciated rather than assessed with a permit fee as has been past practice.

A phased, or tiered, approach appears to be the best, overall "fit" for tree removal permits for Carmel. First, most private tree removal permits start with a request from a citizen for the City Forester to evaluate the tree at the site to determine if the Forester will allow for removal. For many years, the Forester performed this service, including meeting with the property owner, assessing the tree, documenting the inspection, and sending a follow-up letter to the applicant, all prior to any fees being collected. This approach resulted in the City's general fund subsidizing the full cost of preliminary review and site inspection, and also resulted in low permit removal application costs because much of the field work was already completed before the permit was even applied for. As shown in the following table, a new fee of \$245 is recommended for processing the initial phase of a removal permit, whether or not a tree is subsequently authorized for removal by the City Forester or Commission.

Permit Type	Options	Position	Unit Time	Unit Cost	Ann Units	Total Revenue
Tree	Existing Fee	Existing - No Construction		\$235.00	60	\$14,100.00
Removal		Existing - Public Tree		\$235.00	8	\$1,880.00
		Existing - with Construction		\$435.00	40	\$17,400.00
						\$33,380.00
		Director PW	0.5	\$134.37	108	\$14,511.96
	RCS Calculation	PW Superintendent	0.5	\$106.90	108	\$11,545.20
		City Forester	4	\$869.32	108	\$93,886.56
		Sr. Maintenance Worker	0.5	\$57.31	108	\$6,189.48
		Totals	5.5	\$1,167.90		\$126,133.20
		Rounded		\$1,170.00		\$126,360.00
	Revised Calculation					
A		Remove City Tree - No Fee	0	\$0.00	8	\$0.00
	w/No Fee for City Tree					
B	Preliminary Review Only	City Forester	1	\$217.33	100	\$21,733.00
		Sr. Maintenance Worker	0.25	\$28.66	100	\$2,866.00
		Totals	1.25	\$245.99		\$24,599.00
		Rounded		\$245.00		\$24,500.00
C	Tree Removal 1-5 Trees	Director PW	0.25	\$67.19	85	\$5,711.15
		PW Superintendent	0.25	\$53.45	85	\$4,543.25
		City Forester	1	\$217.33	85	\$18,473.05
		Sr. Maintenance Worker	0	0	85	\$0
		Totals	1.5	\$337.97		\$28,727.45
		Rounded		\$340.00		\$28,900.00

				\$470.00		\$20,000.00
D	Tree Removal 6 + Trees	Director PW	0.25	\$67.19	15	\$1,007.85
		PW Superintendent	0.25	\$53.45	15	\$801.75
		City Forester	2	\$434.66	15	\$6,519.90
		Sr. Maintenance Worker	0.25	\$28.66	15	\$429.90
		Totals	2.75	\$583.96		\$8,759.40
		Rounded		\$585.00		\$8,775.00
		Total Annual A+B+C+D				\$62,175.00

The next fee represents the time and effort required to process tree removal permits for one through five tree removals, at an additional fee of \$340, or for the additional time and effort when six or more trees are requested to be removed, for an additional fee of \$585. The preliminary Forester review fee of \$245 is the first step whether or not any trees are actually removed. The Forest & Beach Commission concurred at their June 11, 2020 meeting.

CMC 17.48.150 includes fines for removing, pruning, or cutting a tree without a permit.

Tree-Related Appeals to the Forest and Beach Commission and City Council

The RCS Study's proposed a new fee for Tree Appeals to the Forest and Beach Commission of \$2,315 was much higher than the current fee of \$1,375. The Study also proposed a new fee for Tree Appeals to the City Council of \$2,050 versus the current fee of \$1,375. The main reason for the increased costs is that a "one size fits all" approach was overly conservative when trying to fully capture the cost for more complicated tree removal appeals, while being unreasonably high for simple, straight-forward appeals.

To process appeals, the City Forester prepares the staff reports and exhibits for the Commission and Council packets, coordinates with other departments, the applicant, and contractors, and recommends site-specific mitigation. The Administrative Coordinator supports the Forester, places reports and attachments in the records management system, takes notes and prepares the meeting minutes for the Commission. The Public Works Director checks draft reports, considers potential questions, resolves conflicts associated with appeal processing, fee collection, and complaints, and identifies issues that should be presented to the Forest and Beach Commission and/or other commissions.

Tree Appeals to the Forest and Beach Commission:

The next table below identifies the current appeal fee of \$1,375, and the proposed RCS Study update fee of \$2,315 based on the worst case, conservative approach.

Based on a more detailed review of the actual number of hours needed to process an average tree appeal to the Forest and Beach Commission, Staff's new recommended fee is \$1,425. This is an increase of \$50 from the existing fee. At their July 9, 2020 meeting, the Forest and Beach Commission concurred with this fee.

Appeal to Forest & Beach Commission

Options	Position	Unit Time	Unit Cost	Ann Units	Total Revenue
Existing Fee			\$1,375.00	12	\$16,500.00
RCS	Director of PW	3	\$806.22	12	\$9,674.64
Calculation	City Forester	6	\$1,303.98	12	\$15,647.76
	Admin Coordinator	2	\$206.82	12	\$2,481.84

	Totals	11	\$2,317.02		\$27,804.24
	Rounded		\$2,315.00		\$27,780.00
Revised	Director of PW	1.5	\$403.11	12	\$4,837.32
Calculation	City Forester	4	\$869.32	12	\$10,431.84
	Admin Coordinator	1.5	\$155.11	12	\$1,861.32
	Totals	7	\$1,427.54		\$17,130.48
	Rounded		\$1,425.00		\$17,100.00

Appeals to the City Council:

The last table below identifies the current appeal fee of \$1,375, and the proposed RCS Study Update fee of \$2,050 based on the worst case, conservative approach. Based on a more detailed review of the actual number of hours needed to process an average tree appeal to the City Council, the new recommended fee is \$1,425. This is an increase of \$50 from the existing fee. Because the hours and staff needed to process these appeals are different, it is a mere coincidence that the new recommended fee for both appeals are \$1,425. At their July 9, 2020 meeting, the Forest and Beach Commission concurred with this fee.

Options	Position	Unit Time	Unit Cost	Ann Units	Total Revenue
Existing Fee			\$1,375.00	1	\$1,375.00
RCS	Director of PW	4	\$1,074.96	1	\$1,074.96
Calculation	City Forester	4	\$869.41	1	\$869.32
	Admin Coordinator	1	\$103.41	1	\$103.41
	Totals	9	\$2,050.00		\$2,047.69
	Rounded				\$2,050.00
Revised	Director of PW	2.5	\$671.85	1	\$671.85
Calculation	City Forester	3	\$651.99	1	\$651.99
	Admin Coordinator	1	\$103.41	1	\$103.41
	Totals	6.5	\$1,427.25		\$1,427.25
	Rounded		\$1,425.00		\$1,425.00

FISCAL IMPACT:

The existing fee for Tree Pruning Permits is \$235, and the proposed fee will be \$245.

The existing fees for Tree Removal Permits is \$235 for a public tree and for removals not associated with construction, and \$435 for removals associated with construction. The new fee structure would start at \$245 for a preliminary assessment by the City Forester whether or not trees are removed. If approved for removal, an additional fee would be required depending on the number of trees to be removed under the permit. For five (5) or less trees, the additional fee would be \$340, and for six (6) or more trees, the additional fee would be \$585.

The existing fee for a tree-related Appeal to the Forest and Beach Commission is \$1,375, and the proposed fee will be \$1,425. The existing fee for tree-related Appeal to the City Council is \$1,375, and the proposed fee

fee will be \$1,425. The existing fee for tree-related Appeal to the City Council is \$1,075, and the proposed fee will be \$1,425.

PRIOR CITY COUNCIL ACTION:

At the May 5, 2020 meeting, the City Council adopted Resolution 2020-030 adopting a schedule of fees for Fiscal Year 2020-2021 for Administrative Services, Community Activities, Community Planning and Building, Public Safety and Public Works Services, except for the four (4) fees for tree permits and appeals. All remaining fees became effective on July 1, 2020. Council directed staff to seek input from the Forest and Beach Commission regarding all four (4) fees.

At their June 11, 2020 meeting, the Forest and Beach Commission concurred with staff's recommendations regarding updated fees for tree pruning and tree removal permits, as well as not assessing a fee to private citizens working on City trees at their cost and under the direction of the Forester.

At their July 9, 2020 meeting, the Forest and Beach Commission concurred with staff's recommendations regarding updated fees for tree-related appeals to the Forest and Beach Commission and to the City Council.

ATTACHMENTS:

Attachment #1 - Resolution 2020-052 Adoption of Tree Fees Schedule

Attachment #2 - RCS Fee Calculations

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-052

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING A SCHEDULE OF FEES FOR FISCAL YEAR 2020-2021 FOR TREE PRUNING
AND REMOVAL PERMITS AND TREE-RELATED APPEALS TO THE FOREST AND BEACH
COMMISSION AND CITY COUNCIL**

WHEREAS, the City of Carmel-by-the-Sea retained Revenue and Cost Specialists, LLC, to prepare the “Fee Study Update Report” to identify the City’s reasonable costs borne for providing services; the beneficiaries of those services, and the revenues generated by those paying fees for receiving services; and

WHEREAS, the City wishes to comply with both the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

WHEREAS, the intent of the fee study was to review the relationship between fees/charges and the cost of providing services in accordance with City Financial Policies (Policy C94-01); and

WHEREAS, at their May 5, 2020 meeting, the City Council questioned the Fee Study Update Report’s calculations applicable to tree pruning and removal permits, and tree-related appeals to the Forest and Beach Commission and to the City Council, and directed staff to seek the input from the Forest and Beach Commission regarding these fees; and

WHEREAS, at their June 11, 2020 and July 9, 2020 meetings, the Forest and Beach Commission concurred with staff’s revised fees for these tree-related permits and appeals, and recommend approval by the City Council; and

WHEREAS, pursuant to Government Code Section 66016, the specific fees to be charged for services must be adopted by the City Council by Resolution, after providing notice and holding a public hearing; and

WHEREAS, a notice of public hearing has been published in the Carmel Pine Cone on July 24, 2020 and July 31, 2020 respectively per California Government Code Section 6062a, oral and written presentations made and received, and the required public hearing was held on August 4, 2020.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA DOES HEREBY:**

Section 1. Fee Schedule Adoption. The following schedule of fees and charges are hereby directed to be computed by and applied by the various City departments, and to be collected by the City Finance Department for the herein listed special services when provided by the City or its designated contractors.

Section 2. Separate Fee for Each Process. All fees set forth by this resolution are for each identified process; additional fees shall be required for each additional process or service that is requested or required. Where fees are indicated on a “per unit” of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Section 3. Listing of Fees. The following fees shall be charged and collected for the following enumerated services, as shown in Exhibit A.

Section 4. Interpretations. This Resolution may be interpreted by the City department heads in consultation with the City Administrator, and, should there be a conflict between two fees, the lower in dollar amount of the two shall be applied.

A. It is the intention of the City Council to review the fees and charges as determined and set out herein based on the City's next Annual Budget and all the City's costs reasonably borne as established at that time and, as and if warranted, to revise such fees and charges based thereon.

Section 5. Constitutionality. If any portion of this Resolution is declared invalid or unconstitutional, it is the intention of the City Council to have passed the entire Resolution and all its component parts, and all other sections of this Resolution shall remain in full force and effect.

Section 6. Repealer. All resolutions and other actions of the City Council in conflict with the contents of this Resolution are hereby repealed.

Section 7. Effective Date. This Resolution and fees shall go into full force and effect on September 3, 2020.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

Exhibit A

Study Update Reference Number	Service	Proposed Fee, September 3, 2020 to June 30, 2021
S-072A	Tree Pruning Permit	\$245 per permit
S-072	<u>Tree Removal Permit:</u>	
	Initial Forester Assessment	\$245 per tree removal assessment
	<i>AND EITHER:</i>	
	Removal 1-5 Trees	\$340 per permit
	<i>OR:</i>	
	Removal 6+ Trees	\$585 per permit
S-072C	Tree Appeal to Forest and Beach Commission	\$ 1,425 per Appeal plus actual outside costs
S-072D	Tree Appeal to the City Council	\$ 1,425 per Appeal plus actual outside costs
S-072E	Pruning or Removal of City Tree using Private Funds under City Forester Instructions	No fee permit required.

**CITY OF CARMEL-BY-THE-SEA
REVENUE AND COST SUMMARY WORKSHEET
FY 2019-2020**

SERVICE TREE PRUNING REQUEST		REFERENCE NO. S-072A	
PRIMARY DEPARTMENT PUBLIC WORKS	UNIT OF SERVICE APPLICATION	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Review of a request for the pruning of a tree larger than 4 inches in diameter.			
CURRENT FEE STRUCTURE \$235 per permit			
<u>REVENUE AND COST COMPARISON</u>			
UNIT REVENUE:	\$6.53	TOTAL REVENUE:	\$235
UNIT COST:	\$598.86	TOTAL COST:	\$21,559
UNIT PROFIT (SUBSIDY):	\$(592.33)	TOTAL PROFIT (SUBSIDY):	\$(21,324)
TOTAL UNITS:	36	PCT. COST RECOVERY:	1.09%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$600 per permit			

**CITY OF CARMEL-BY-THE-SEA
COST DETAIL WORKSHEET
FY 2019-2020**

SERVICE TREE PRUNING REQUEST				REFERENCE NO. S-072A		
NOTE Unit Costs are an Average of Total Units				TOTAL UNITS 36		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>
PW-STREETS	PW SUPERINTENDENT		0.50	\$106.90	36	\$3,848
PW-FOREST & BEACH	CITY FORESTER		2.00	\$434.66	36	\$15,648
PW-FOREST & BEACH	SENIOR MAINT WORKER		0.50	\$57.31	36	\$2,063
		TYPE SUBTOTAL	3.00	\$598.87		\$21,559
TOTALS			3.00	\$598.86		\$21,559

**CITY OF CARMEL-BY-THE-SEA
REVENUE AND COST SUMMARY WORKSHEET
FY 2019-2020**

SERVICE TREE REMOVAL PERMIT		REFERENCE NO. S-072	
PRIMARY DEPARTMENT PUBLIC WORKS	UNIT OF SERVICE PERMIT	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Review of a request for the removal of a tree larger than 4 inches in diameter.			
CURRENT FEE STRUCTURE No Construction Removal - \$235 per permit Construction Removal - \$435 per permit Public Tree Removal - \$235 per tree			
<u>REVENUE AND COST COMPARISON</u>			
UNIT REVENUE:	\$235.00	TOTAL REVENUE:	\$25,380
UNIT COST:	\$1,167.90	TOTAL COST:	\$126,133
UNIT PROFIT (SUBSIDY):	<u>\$(932.90)</u>	TOTAL PROFIT (SUBSIDY):	<u>\$(100,753)</u>
TOTAL UNITS:	108	PCT. COST RECOVERY:	20.12%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$1,170 per permit			

**CITY OF CARMEL-BY-THE-SEA
COST DETAIL WORKSHEET
FY 2019-2020**

SERVICE TREE REMOVAL PERMIT				REFERENCE NO. S-072		
NOTE Unit Costs are an Average of Total Units				TOTAL UNITS 108		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>
PUBLIC WORKS ADMIN	DIRECTOR OF PUBLIC WORKS		0.50	\$134.37	108	\$14,512
PW-STREETS	PW SUPERINTENDENT		0.50	\$106.90	108	\$11,545
PW-FOREST & BEACH	CITY FORESTER		4.00	\$869.32	108	\$93,887
PW-FOREST & BEACH	SENIOR MAINT WORKER		0.50	\$57.31	108	\$6,189
TYPE SUBTOTAL			5.50	\$1,167.90		\$126,133
TOTALS			5.50	\$1,167.90		\$126,133

**CITY OF CARMEL-BY-THE-SEA
REVENUE AND COST SUMMARY WORKSHEET
FY 2019-2020**

SERVICE TREE APPEAL TO FOREST & BEACH COMM		REFERENCE NO. S-072C	
PRIMARY DEPARTMENT PUBLIC WORKS	UNIT OF SERVICE APPEAL	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Appeal of tree-related decision to the Forest & Beach Committee.			
CURRENT FEE STRUCTURE \$1,375 per appeal			
<u>REVENUE AND COST COMPARISON</u>			
UNIT REVENUE:	\$114.58	TOTAL REVENUE:	\$1,375
UNIT COST:	\$2,317.00	TOTAL COST:	\$27,804
UNIT PROFIT (SUBSIDY):	\$(2,202.42)	TOTAL PROFIT (SUBSIDY):	\$(26,429)
TOTAL UNITS:	12	PCT. COST RECOVERY:	4.95%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$2,315 per appeal plus actual outside costs			

**CITY OF CARMEL-BY-THE-SEA
COST DETAIL WORKSHEET
FY 2019-2020**

SERVICE TREE APPEAL TO FOREST & BEACH COMM				REFERENCE NO. S-072C		
NOTE Unit Costs are an Average of Total Units				TOTAL UNITS 12		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>
PUBLIC WORKS ADMIN	ADMIN COORDINATOR		2.00	\$206.82	12	\$2,482
PUBLIC WORKS ADMIN	DIRECTOR OF PUBLIC WORKS		3.00	\$806.22	12	\$9,675
PW-FOREST & BEACH	CITY FORESTER		6.00	\$1,303.98	12	\$15,648
		TYPE SUBTOTAL	11.00	\$2,317.02		\$27,804
		TOTALS	11.00	\$2,317.00		\$27,804

**CITY OF CARMEL-BY-THE-SEA
REVENUE AND COST SUMMARY WORKSHEET
FY 2019-2020**

SERVICE TREE APPEAL TO CITY COUNCIL		REFERENCE NO. S-072D	
PRIMARY DEPARTMENT PUBLIC WORKS	UNIT OF SERVICE APPEAL	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Appeal of a tree-related decision to the City Council.			
CURRENT FEE STRUCTURE \$1,375 per appeal			
<u>REVENUE AND COST COMPARISON</u>			
UNIT REVENUE:	\$1,375.00	TOTAL REVENUE:	\$1,375
UNIT COST:	\$2,048.00	TOTAL COST:	\$2,048
UNIT PROFIT (SUBSIDY):	\$(673.00)	TOTAL PROFIT (SUBSIDY):	\$(673)
TOTAL UNITS:	1	PCT. COST RECOVERY:	67.14%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$2,050 per appeal plus actual outside cost			

**CITY OF CARMEL-BY-THE-SEA
COST DETAIL WORKSHEET
FY 2019-2020**

SERVICE TREE APPEAL TO CITY COUNCIL				REFERENCE NO. S-072D		
NOTE Unit Costs are an Average of Total Units				TOTAL UNITS 1		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>
PUBLIC WORKS ADMIN	ADMIN COORDINATOR		1.00	\$103.41	1	\$103
PUBLIC WORKS ADMIN	DIRECTOR OF PUBLIC WORKS		4.00	\$1,074.96	1	\$1,075
PW-FOREST & BEACH	CITY FORESTER		4.00	\$869.32	1	\$869
		TYPE SUBTOTAL	9.00	\$2,047.69		\$2,048
TOTALS			9.00	\$2,048.00		\$2,048