



City of San Juan Bautista

The "City of History"

www.san-juan-bautista.ca.us

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
311 Second Street
San Juan Bautista, California

TUESDAY ~ MARCH 21, 2017

In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 311 Second Street, San Juan Bautista, California during normal business hours.

1. Call to Order

**Pledge of Allegiance
Roll Call**

6:00 PM

2. Public Comment

The public may address the City Council on items not on the agenda during the "Public Comment" portion of the meeting. Persons wishing to address the City Council will be limited to three (3) minutes. Because the item is not on the agenda, the City Council can take no action on the matter in this meeting. The City Council will hear all public comments and then, if they so desire, they will make comments, ask for clarifications from staff, or request the item be placed on a future agenda for further discussion and/or action.

3. Consent Items

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

A. Approve Affidavit of Posting Agenda

B. Approve Resolution 2017-XX for Street Closure - Easter Parade

C. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title

4. Presentations, Informational Items and Reports

A. Presentation by San Juan Committee – Bob Quaid

B. Treasurer's Report

C. Sheriff's Report: Monthly Activity

D. Level One Security Report

E. Fire Chief's Report

F. Library Report

G. Administrative Report

H. City Council Committee Reports

I. Strategic Plan Committee Report

5. Public Hearing Items

A. Consider an Ordinance Amending Article 5 "Tentative Maps," Section 10-02-540 "Appeals" Subsection (C) of the SJBMC

- B. Consider Revocation of Design Review Permit DR 2013-33 for the Brewery Project**
 - i. Adopt Resolution 2017-XX Revoking HRB-DR 2013-33: CEQA Categorical Article 19, Section 15321(a) (Continued from January 17)**
- C. Monterey Bay Community Power**
 - i. Provide Update**
 - ii. Consider Approving an Ordinance Authorizing the Implementation of a Community Choice Aggregation Program (Second Reading)**

6. Action Items

- A. Consider Options for the Regulation and Taxing of Recreational Marijuana Sales and Cultivation**
- B. Consider Service Contract for Fumigation of City Hall for Pest Infestation**
- C. Consider Contract for City Website Redesign**
- D. Reject Claim**

7. Discussion Items

- A. Develop a Process for Hiring a City Manager – Mayor Martorana**
- B. Curb Painting Schedule Citywide – Mayor Martorana**
- C. Work with San Juan/Aromas School District on Joint Use of School Basketball Courts After Hours. Includes Sharing of Insurance Costs – Council Member Freeman**
- D. Use of the old Boy Scout Building/Public Works Offices – Mayor Martorana**
- E. Discuss Budgeting for a Grant Writer in the Next Fiscal Year – Mayor Martorana**

8. Comments

- A. City Council**
- B. City Manager**
- C. City Attorney**

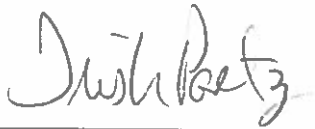
9. Adjournment

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 14th DAY OF MARCH 2017, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 14th DAY OF MARCH 2017.



TRISH PAETZ, DEPUTY CITY CLERK

RESOLUTION NO. 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING STREET CLOSURES

BE IT RESOLVED that Sandra Arretche and the San Juan Committee is authorized to close Third Street between Nyland Drive and Muckelemei Street on Saturday, April 8, 2017 from 11:00 a.m. to 3:00 p.m. in the City of San Juan Bautista for an Easter Parade.

PASSED AND ADOPTED this 21st day of March 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Chris Martorana

Connie Schobert, City Clerk

Special Event/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the enclosed community events application and submit it to the City at least 60 days before your event. Additionally, there will be fees associated your event. Your application fee is due when you submit this form. The fee schedule for applications is:

Non Profits ¹ : No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi and more than 1,000 people ²	\$150.00
Private Promoter Organizations ³ : No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi, and more than 1,000 people	\$600.00

Waive must pl
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Once we receive your application, one or more City representatives will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail citymanager@san-juan-bautista.ca.us.

Please NOTE: You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangement with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: Annual Easter Parade Today's Date: Feb 15, 2017
 Applicant: Sandra Arretche
 Organization: San Juan Committee
 Phone: 831-245-9129 E-Mail: casadecolor@gmail.com
 Mailing Address: P.O. Box 745, San Juan Bautista
 Fax: _____

Event Setup Date: 4/8/17 Time: 8:00am Event Ends Date: 4/8/17 Time: 3:00p
 Event Starts Date: 4/8/17 Time: 1:00 Dismantle Date: 4/8/17 Time: 4:00p

ANTICIPATED ATTENDANCE: _____ Total or the event: _____ Total per Day: _____

LOCATION OF EVENT (please be specific):

The parade will begin at the Elementary School and End at Muckelemi S and 3rd.

¹ Requires proof of charitable non-profit status.

² All street closures and blockades require review and approval of the City Council.

³ Additional fees for use of public facilities may apply.

INSURANCE

The City will require that you co-insure the city ("additional insure"). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (PARSAC). After the application and fee is submitted the City Manager, or designee, will contact PARSAC with your proposal and the conditions of the insurance will be promptly conveyed to you.

CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☐ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☒ Yes ☒ No

If yes, please be specific on which streets and cross streets need to be closed.

Does this event involve a parade?

☒ Yes ☐ No

If yes, attach a separate page with a map of the event.

If you wish to rent barricades, chairs, tables, or other City equipment, list the equipment and numbers (charges will apply for rentals) if you do not wish to rent the City's equipment, you will be responsible for providing appropriate barriers if your event involves a street closure:

PRIVATE PROPERTY (Private Property needs to fill out an event application only if the event's attendance will exceed 250)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

VENDORS

Will this event have vendors selling items or promoting their causes/services/products?

☐ Yes ☐ No

If yes, please note a Board of Equalization form will be required for each vendor proving that they are appropriately registered with the State of California. This link to this form is available on the City of San Juan Bautista website. Additionally, fees will be assessed on the basis of \$15/day/10 feet of vendor space for vendors on the street and \$15/day vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a minimum of 5 local non-profit 10 ft. spaces for free up to a maximum of 5% of the total number of booth feet for an event.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe: (insurance coverage will be required)

FOOD AND ALCOHOL (all food preparation is subject to state regulations; provide insurance if appropriate)

If you are serving or selling food, you must obtain a permit from the San Benito County Environment Health Department.

Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

If yes, please provide a copy of your San Benito County Environmental Health Permit.

If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the State Department of Alcoholic Beverage Control. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

PORTABLE REST ROOMS (These permits are handled through the San Benito County Environmental Health Department) Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. Please note that State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets and included as part of this application.

Do you plan to provide portable rest room facilities at your event?

☐ Yes ☒ No

Please provide a copy of your San Benito County Environmental Health Permit. Please note that if you state "no", City staff will inquire as to what plans you have made to accommodate the public including written permission from the State if applicable.

LIGHTING AND SOUND

Will you be using any amplified sound (i.e. public address system)?

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity):

Solid Waste Diversion Plan:

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent: Trash can and recycling rental can rates are set annually by the City Council and posted on the City's website under Forms and Fees in a document that contains all the City Service Fees. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No Styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. You are therefore required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

The San Juan Committee will be responsible for removing barriers and setting up



2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc. Please note: road closures require Public Works time and the event will be billed for the actual time used.

(If additional space is required, please attach it to this application) This is the Annual Easter Parade. We will be asking non-profits if they would like to sell items such as water and sodas. We will start the parade at the San Juan school parking lot and finish at 3rd and Muckelemei St.

3. Please describe your security plan, including crowd control.

The Committee will be present and possibly getting the Boy Scouts to assist still compiling a list

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

The streets will be accessible to anybody with a disabilities

5. Please describe your emergency/medical plan, including your communications procedures.

We will contact the Fire Station and inform them about the parade. They have been in the parade in the past years

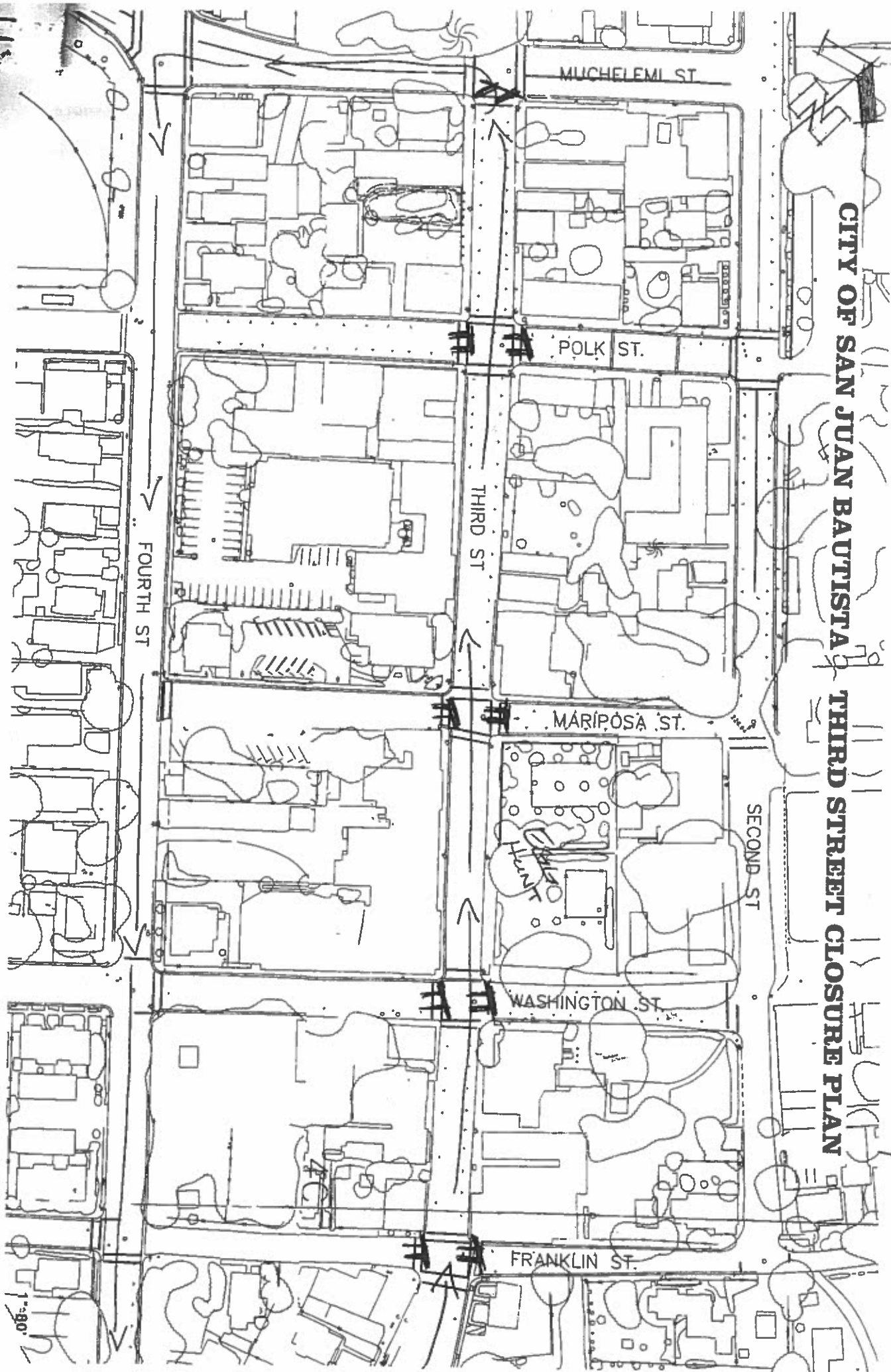
City Benches is for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any times. Thank you.

SMA Initial

Please provide a site plan/route map for your event. Attach additional sheets as necessary. The map should include:

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade), indicate the direction of travel, including starting location and ending destination.
- Any street or lane closures and parking tow zones.
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access.
- The location of first-aid facilities.
- The locations of all stalls, platforms booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Anticipated parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Locations of all other event activities

CITY OF SAN JUAN BAUTISTA
THIRD STREET CLOSURE PLAN



The parade will begin at 1:00 pm on the 8th of April. We will begin at the San Juan Elementary school parking lot.

The parade will continue down the Alameda and continue on to 3rd Street

We will need Pearce, Franklin St, Mariposa St, and Polk ~~st~~ St. cross streets closed. Also Muckelem on one side to allow floats and entries to go off 3rd street.

WAIVER OF READING OF ORDINANCES

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

City of San Juan Bautista

"The City of History"

Treasurer's Report

For the Eight Month Period Ended February 28, 2017

Financial Highlights ~

- General fund year to date change in fund balance was a positive \$280k, as compared to a positive change in fund balance of \$84k this time last year. The difference is primarily as a result of impact and planning income, offset by higher capital expenditures in the current year.
- Enterprise funds show year to date net loss of \$55k, as compared to the prior year loss of \$235k. The difference is due primarily to higher debt service costs in the prior year.
- Overall cash flow (removing accruals and depreciation) was a positive \$839k for the year to date.

Budget vs. Actual ~

- General fund revenues were \$1,063k, which were higher than budgeted by \$428k. \$334k of the variance is from higher than anticipated impact and planning revenues. Tax revenue was higher than budget by \$126k.
- General fund expenditures were \$783k, which was lower than budget by \$142k. The lower expenses are primarily as a result of lower than anticipated contract, capital, and dues and subscription costs.

- General fund net change in fund balance was a positive \$280k, which was better than budgeted by \$570k.
- Enterprise funds revenues were \$1,080k, which was higher than budgeted by \$16k due primarily to higher than anticipated utility revenue.
- Enterprise funds expenses were \$1,136k, which was lower than budgeted by \$90k. The majority of the variance is due to lower than anticipated capital improvement costs.
- Enterprise funds combined year to date net loss was \$55k, which was better than budgeted by \$106k. The current year to date profit includes depreciation expense of \$408k, which is a noncash item.

City of San Juan Bautista

Statement of Revenues and Expenditures - All Funds

For the Seven Month Period Ended January 31, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change
Income						
Property Taxes	188,579	181,893	6,686	-	-	-
Other Tax Revenue	289,821	224,036	65,785	-	-	-
Grant Funds	2,819	17,875	(15,056)	-	-	-
Franchise Fees	18,073	21,840	(3,767)	-	-	-
Business & Misc. Lic. & Permits	13,293	15,173	(1,880)	-	-	-
Planning, Building, Eng. Permit	38,308	24,304	14,004	-	-	-
Chg. for Planning/Eng. Services	161,536	16,358	145,178	-	-	-
Charges for Misc. Services	847	532	315	-	-	-
Utility Fees	1,618	-	1,618	452,548	418,139	34,409
Impact Fees	186,656	93,324	93,332	-	-	-
Fines & Penalties	662	1,562	(900)	-	-	-
Miscellaneous Revenue	27,017	50,821	(23,804)	5,845	16,658	(10,813)
Total Income	929,229	647,718	281,511	458,393	434,797	23,596
Expense						
Employee Salary, Wages, Benefit	266,116	279,763	(13,647)	53,484	38,567	14,917
Other Personnel Expenses	5,543	6,987	(1,444)	320	281	39
General and admin. expense	55,498	43,522	11,976	10,440	18,649	(8,209)
Contractual and Other Services	197,741	190,021	7,720	17,510	30,093	(12,583)
Utilities and Misc. Expenses	16,845	16,696	149	23,150	20,448	2,702
Equipment and Parts	17,808	15,735	2,073	14,850	24,547	(9,697)
Maint. & Repair Services	8,952	5,014	3,938	529	1,321	(792)
Capital Expenditures	73,698	-	73,698	193,552	173,636	19,916
Fund Transfer	5,186	-	5,186	-	-	-
Debt Defrayment	-	-	-	173,620	288,367	(114,747)
Total Expense	647,387	557,738	89,649	487,455	595,909	(108,454)
Net Income	281,842	89,980	191,862	(29,062)	(161,112)	132,050
Fund Balance at June 30, 2016	1,711,553			499,608		
Fund Balance at January 31, 2017	1,993,395			470,546		

City of San Juan Bautista

Statement of Revenues and Expenditures - All Funds

For the Seven Month Period Ended January 31, 2017

	48 - Sewer Enterprise Fund			50 - Special Dist. - COPS		
	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change
Income						
Property Taxes	-	-	-	58,334	58,334	-
Other Tax Revenue	-	-	-	-	-	-
Grant Funds	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-
Business & Misc. Lic. & Permits	-	-	-	-	-	-
Planning, Building, Eng. Permit	-	-	-	-	-	-
Chg. for Planning/Eng. Services	-	-	-	-	-	-
Charges for Misc. Services	-	-	-	-	-	-
Utility Fees	490,698	500,567	(9,869)	-	-	-
Impact Fees	-	-	-	-	-	-
Fines & Penalties	-	-	-	-	-	-
Miscellaneous Revenue	-	-	-	-	-	-
Total Income	490,698	500,567	(9,869)	58,334	58,334	-
Expense						
Employee Salary, Wages, Benefit	43,098	26,021	17,077	-	-	-
Other Personnel Expenses	94	-	94	-	-	-
General and admin. expense	9,053	8,157	896	-	-	-
Contractual and Other Services	48,134	75,809	(27,675)	66,420	55,350	11,070
Utilities and Misc. Expenses	51,178	46,253	4,925	-	-	-
Equipment and Parts	1,445	8,924	(7,479)	-	-	-
Maint. & Repair Services	11,809	6,746	5,063	-	-	-
Capital Expenditures	218,271	175,875	42,396	-	-	-
Fund Transfer	-	-	-	-	-	-
Debt Defrayment	142,129	250,527	(108,398)	-	-	-
Total Expense	525,211	598,312	(73,101)	66,420	55,350	11,070
Net Income	(34,513)	(97,745)	63,232	(8,086)	2,984	(11,070)
Fund Balance at June 30, 2016	964,573			4,640		
Fund Balance at January 31, 2017	930,060			(3,446)		

City of San Juan Bautista

Statement of Revenues and Expenditures - All Funds

For the Seven Month Period Ended January 31, 2017

	55 - Rest. and Parking Fund			60 - Valle Vista Lighting Dist.		
	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change
Income						
Property Taxes	-	-	-	-	-	-
Other Tax Revenue	12,062	9,294	2,768	11,386	11,254	132
Grant Funds	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-
Business & Misc. Lic. & Permits	-	-	-	-	-	-
Planning, Building, Eng. Permit	-	-	-	-	-	-
Chg. for Planning/Eng. Services	-	-	-	-	-	-
Charges for Misc. Services	-	-	-	-	-	-
Utility Fees	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-
Fines & Penalties	-	-	-	-	-	-
Miscellaneous Revenue	-	-	-	-	-	-
Total Income	12,062	9,294	2,768	11,386	11,254	132
Expense						
Employee Salary, Wages, Benefit	-	-	-	-	-	-
Other Personnel Expenses	-	-	-	-	-	-
General and admin. expense	3,000	4,500	(1,500)	-	-	-
Contractual and Other Services	-	-	-	6,451	7,184	(733)
Utilities and Misc. Expenses	-	-	-	-	-	-
Equipment and Parts	-	-	-	-	-	-
Maint. & Repair Services	-	-	-	-	330	(330)
Capital Expenditures	-	-	-	-	-	-
Fund Transfer	-	-	-	-	-	-
Debt Defrayment	-	-	-	-	-	-
Total Expense	3,000	4,500	(1,500)	6,451	7,514	(1,063)
Net Income	9,062	4,794	4,268	4,935	3,740	1,195
Fund Balance at June 30, 2016	113,167			70,651		
Fund Balance at January 31, 2017	122,229			75,586		

City of San Juan Bautista

Statement of Revenues and Expenditures - All Funds

For the Seven Month Period Ended January 31, 2017

	75 - Gas Tax Fund				TOTAL	
	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change	Jul '16 - Jan 17	Jul '15 - Jan 16	\$ Change
Income						
Property Taxes	24,869	24,418	451	271,782	264,645	7,137
Other Tax Revenue	-	-	-	313,269	244,584	68,685
Grant Funds	-	-	-	2,819	17,875	(15,056)
Franchise Fees	-	-	-	18,073	21,840	(3,767)
Business & Misc. Lic. & Permits	-	-	-	13,293	15,173	(1,880)
Planning, Building, Eng. Permit	-	-	-	38,308	24,304	14,004
Chg. for Planning/Eng. Services	-	-	-	161,536	16,358	145,178
Charges for Misc. Services	-	-	-	847	532	315
Utility Fees	-	-	-	944,864	918,706	26,158
Impact Fees	-	-	-	186,656	93,324	93,332
Fines & Penalties	-	-	-	662	1,562	(900)
Miscellaneous Revenue	-	-	-	32,862	67,479	(34,617)
Total Income	24,869	24,418	451	1,984,971	1,686,382	298,589
Expense						
Employee Salary, Wages, Benefit	-	-	-	362,698	344,351	18,347
Other Personnel Expenses	-	-	-	5,957	7,268	(1,311)
General and admin. expense	-	27	(27)	77,991	74,855	3,136
Contractual and Other Services	-	-	-	336,256	358,457	(22,201)
Utilities and Misc. Expenses	10,133	13,302	(3,169)	101,306	96,699	4,607
Equipment and Parts	-	-	-	34,103	49,206	(15,103)
Maint. & Repair Services	-	-	-	21,290	13,411	7,879
Capital Expenditures	-	-	-	485,521	349,511	136,010
Fund Transfer	(5,186)	-	(5,186)	-	-	-
Debt Defrayment	-	-	-	315,749	538,894	(223,145)
Total Expense	4,947	13,329	(8,382)	1,740,871	1,832,652	(91,781)
Net Income	19,922	11,089	8,833	244,100	(146,270)	390,370
Fund Balance at June 30, 2016	59,074					
Fund Balance at January 31, 2017	78,996					

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Income						
Property Taxes						
402.000 • Secured Taxes	165,978	120,000	45,978	-	-	-
404.000 • Unsecured Taxes	17,274	6,750	10,524	-	-	-
403.000 • Supplemental Property Tax	-	1,250	(1,250)	-	-	-
402.002 • Unitary Taxes	4,961	4,500	461	-	-	-
407.000 • VLF Swap	68,804	-	68,804	-	-	-
422.000 • COPS Funding	-	-	-	-	-	-
426.000 • HOPTR	1,219	-	1,219	-	-	-
436.000 • Gas Tax 2103	-	-	-	-	-	-
431.000 • Gas Tax 2105	-	-	-	-	-	-
432.000 • Gas Tax 2106	-	-	-	-	-	-
433.000 • Gas Tax 2107	-	-	-	-	-	-
434.000 • Gas Tax 2107.5	-	-	-	-	-	-
Total Property Taxes	258,236	132,500	125,736			
Other Tax Revenue						
406.000 • Sales Tax	251,275	267,332	(16,057)	-	-	-
408.000 • Transient Lodging Taxes	69,611	42,000	27,611	-	-	-
416.000 • Misc. County Taxes	123	-	-	-	-	-
415.000 • Special Assessment	-	-	-	-	-	-
419.000 • Other Doc. Transfer	10,247	4,000	6,247	-	-	-
428.000 • Vehicle License Fees	2,334	600	1,734	-	-	-
429.000 • Other Tax Revenue	6,469	-	6,469	-	-	-
Total Other Tax Revenue	340,059	313,932	26,127			
Grant Funds						
437.000 • Library Grant	2,819	-	2,819	-	-	-
Total Grant Funds	2,819					
Franchise Fees						
442.000 • Franchise Cable	3,151	4,450	(1,299)	-	-	-
448.000 • Refuse Franchise	17,411	17,332	79	-	-	-
Total Franchise Fees	20,562	21,782	(1,220)			
Business & Misc. Lic. & Permits						
450.000 • Business Licenses	8,169	12,000	(3,831)	-	-	-
453.000 • Burn Permits	20	-	20	-	-	-
470.000 • Garage Sale Permits	60	50	10	-	-	-
472.000 • Animal Licenses	60	60	-	-	-	-
490.000 • Misc. Revenue	881	120	761	-	-	-
494.001 • Special Events	4,173	4,000	173	-	-	-
Business & Misc. Lic. & Permits - Other	90	-	90	-	-	-
Total Business & Misc. Lic. & Permits	13,453	16,230	(2,777)			
Planning, Building, Eng. Permit						

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
458.001 • Green Fee	125	30	95	-	-	-
459.004 • Fire Sprinkler Permit	1,258			-		
459.003 • Mechanical Permit	1,084	2,000	(916)	-		
459.002 • Plumbing Permit	1,486	1,800	(314)	-		
459.001 • Electrical Permit	1,857	2,900	(1,043)	-		
454.003 • Design Review	650	500	150	-		
454.002 • Appeal	500			-		
451.000 • Building Permits	23,759	29,000	(5,241)	-		
454.000 • Conditional Use Permit (CUP)	-	200	(200)	-		
456.000 • PUD Use Permit	-	100	(100)	-		
457.000 • Encroachment Permits	956	250	706	-		
458.000 • Sign Permits	25	250	(225)	-		
461.000 • Subdivision Fees	2,133	10,000	(7,867)	-		
467.000 • Strong Motion Impact Fees	8,473			-		
Total Planning, Building, Eng. Permit	42,306	47,030	(4,724)	-		
Chg. for Planning/Eng. Services						
458.002 • SMIP Fee	331			-		
490.001 • Misc. Revenue Planning	5,035	2,000	3,035	-		
464.000 • Engineer Inspection Fee	1,253	1,000	253	-		
462.000 • Engineer Plan Check Fees	3,594	3,250	344	-		
463.000 • Building Inspection Fee	76,090	3,750	72,340	-		
452.000 • Building Plan Check Fees	63,908	6,000	57,908	-		
459.000 • Remib. - Proj/Dev. Costs	14,481	750	13,731	-		
Total Chg. for Planning/Eng. Services	164,692	16,750	147,942	-		
Charges for Misc. Services						
496.002 • Administration Income	82	400	(318)	-		
496.001 • Public Document Charge	24	20	4	-		
496.000 • Library Copy Charges	926	600	326	-		
Total Charges for Misc. Services	1,032	1,020	12	-		
Utility Fees						
483.000 • Utility Connection Fees	-			-	22,500	(22,500)
486.000 • Utility Fees Commercial	1,366			84,638	105,000	(20,362)
485.000 • Utility Fees Residential	253			415,348	364,333	51,015
485.001 • Septage Charges	-			-		
493.000 • Water Meter Maint. Fees	-			12,639	1,067	11,572
Total Utility Fees	1,619			512,625	492,900	19,725
Impact Fees	186,656			-	34,908	(34,908)
Fines & Penalties						
421.000 • Vehicle Code Parking	-	70	(70)	-		
475.000 • Library Fines	568	496	72	-		
476.000 • Code Enforcement Fines	39			-		

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Fines & Penalties - Other	56					
Total Fines & Penalties	663	566	97			
Miscellaneous Revenue						
497.000 - Other Financing Sources	263					
484.000 - Interest and Penalties	544	40,000	(39,456)	5,845		
480.002 - Permits	(450)					
480.001 - Lease - American Tower	15,559	20,000	(4,441)			
438.000 - Donations	1,074	14,000	(12,926)			
480.000 - Rental Income	12,851	4,000	8,851			
482.000 - Parks & Rec Revenue	100					
480.003 - Reimbursed City expenses	1,416	7,500	(6,084)			
Total Miscellaneous Revenue	31,357	85,500	(54,143)	5,845		
Total Income	1,063,454	635,310	428,144	518,470	527,808	(9,338)
Expense						
Employee Salary, Wages, Benefit						
519.001 - Volunteer Stipend	-	240	(240)			
502.000 - Salaries and Wages - FT	233,340	255,078	(21,738)	49,090	29,509	19,581
504.000 - Salaries and Wages - OT	777	2,246	(1,469)	325	647	(322)
508.000 - FICA	17,150	19,940	(2,790)	3,337	2,307	1,030
510.000 - Worker's Comp	21,558	21,016	542	8,268	4,823	3,445
512.000 - Unemployment	281	2,609	(2,328)		302	(302)
514.000 - Health Insurance	26,523	33,560	(7,037)	1,439	4,167	(2,728)
518.000 - 457k Retirement Contribution	6,075	6,067	8		240	(240)
519.000 - Elected Official Stipend	700	1,900	(1,200)			
Total Employee Salary, Wages, Benefit	306,404	342,656	(36,252)	62,459	41,995	20,464
Other Personnel Expenses						
522.000 - Uniforms & Alterations	1,800	2,050	(250)			
524.000 - Phys., Drug 7 Psych Testing	225	450	(225)			
525.000 - Volunteer Firefighter Stipend	600	2,400	(1,800)			
526.000 - Education and Training	2,393	3,950	(1,557)	320		
528.000 - Travel/Per Diem/Car Allowance	1,045	2,860	(1,815)			
Total Other Personnel Expenses	6,063	11,710	(5,647)	320		
General and admin. expense						
647.000 - Youth Commission	-					
645.000 - Summer Program	3,681	2,000	1,681			
550.000 - Office Supplies	4,780	6,362	(1,582)	935		
558.000 - Printing and Copies	613	6,488	(5,875)	342		
548.000 - Advertising	120	901	(781)			
562.000 - Food and Beverages	2,217	1,427	790	52		
516.000 - Insurance - Liab/Bond/Auto/Prop	26,173	7,973	18,200			

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
544.000 • Computer Software Service	2,357	4,367	(2,010)	1,135		
545.000 • Computer Hardware Service	1,124	2,100	(976)	-		
530.000 • Dues and Subscriptions	15,916	44,350	(28,434)	2,601	7,000	(4,399)
634.000 • Copier Services & Lease	2,177	2,297	(120)	1,089		
657.001 • Filing Fees	-			-		
638.000 • Bank Charges/PR Processing	439	1,667	(1,228)	4,263		
551.000 • Postage and Freight	1,083	4,307	(3,224)	1,170	2,000	(830)
Total General and admin. expense	60,680	84,239	(23,559)	11,587	9,000	2,587
Contractual and Other Services						
600.000 • Operational Contracts	116,010	118,537	(2,527)	20,590	27,333	(6,743)
602.000 • Legal	23,504	31,846	(8,342)	-	50	(50)
604.000 • Engineering	3,671	16,000	(12,329)	-	1,500	(1,500)
604.001 • Reclamation Expense	-			-		
608.000 • Accounting	24,334	23,333	1,001	-		
609.000 • Building Inspection	93	600	(507)	-		
610.000 • Audit	24,000	25,000	(1,000)	-		
612.001 • Other Prof. Service - CMAP	820	1,600	(780)	-		
612.002 • Security	2,280	360	1,920	450	533	(83)
612.006 • Web maintenance	350	833	(483)	-		
614.000 • Law Enforcement	11,170	59,667	(48,497)	-		
615.000 • Level One Security Patrol	7,308	27,033	(19,725)	-		
618.000 • County Communications	27,440	56,000	(28,560)	-		
624.000 • Janitorial	2,726	3,896	(1,170)	-		
626.000 • Landscape Services	303	2,000	(1,697)	-		
632.000 • Building Equipment Rental	-	1,500	(1,500)	-		
643.003 • SBCO Mgmt Fees	4,189			-		
654.000 • Chemical Testing	132			-		
659.000 • Election Expense	-	3,000	(3,000)	-		
Total Contractual and Other Services	248,330	371,205	(122,875)	21,040	29,416	(8,376)
Utilities and Misc. Expenses						
650.000 • Agg. Base Material	3,719			-		
640.001 • Communication Radios	104			-		
639.000 • Merchant processing fees	70	1,067	(997)	-		
640.000 • Telecomm	6,751	6,050	701	502	800	(298)
642.000 • Electricity	7,972	10,934	(2,962)	17,166	20,000	(2,834)
643.001 • Water	-			-		
644.000 • Street Signal	-			-		
646.000 • Street Lighting	34			-		
656.000 • Licenses and Permits	-	530	(530)	-	8,333	(2,684)
658.000 • Property Taxes	-			176		
Total Utilities and Misc. Expenses	18,650	18,581	69	23,493	29,133	(5,640)

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Equipment and Parts						
649.02 • Agg. Based Material	-	7,000	(7,000)	-	-	-
712.000 • Materials	3,697	3,000	697	-	-	-
532.01 • Equipment Rental	-	300	(300)	-	-	-
701.000 • Small Tools	247	1,000	(753)	-	-	-
702.000 • Safety Gear & First Aid	255	-	-	-	-	-
554.000 • Gasoline & Diesel Fuel	2,921	9,834	(6,913)	793	667	126
552.000 • Chemical and Gases	-	2,167	(2,167)	-	4,667	(4,667)
703.000 • Books and Periodicals	964	1,683	(719)	-	-	-
716.000 • Parts - City Rep. Vehicles	1,538	4,750	(3,212)	-	-	-
718.000 • Parts - City Rep. Equipment	3,401	2,100	1,301	50	6,000	(5,950)
720.000 • Parts - City Rep. Water	1,140	11,000	(9,860)	14,476	14,667	(191)
721.000 • Fire Equipment and Supplies	735	-	-	-	-	-
722.000 • Parts - City Rep. Sewer	-	-	-	-	-	-
724.000 • Parts - City Rep. Streets	1,371	-	-	60	-	-
726.000 • Parts - City Rep. Parks	3,210	3,540	(330)	-	-	-
Total Equipment and Parts	19,479	46,374	(26,895)	15,379	26,001	(10,622)
Maint. & Repair Services						
755.002 • Street Sign Maint. & Repair	418	-	-	-	-	-
751.001 • Maint. & Repair Wells	-	-	-	40	6,000	(5,960)
751.000 • Claims	-	-	-	-	-	-
752.000 • Vehicle Maint. - Outside	(129)	-	-	-	-	-
754.000 • Equipment Maint. - Outside	1,478	-	-	-	-	-
757.000 • Bldg Maint. - Inside	2,927	300	2,627	-	4,000	(4,000)
758.000 • Building Maint. Outside	3,959	2,500	1,459	-	-	-
760.000 • Grounds Maint. - Outside	399	1,950	(1,551)	-	-	-
762.000 • Streets Maint. & Paving	143	600	(457)	-	-	-
764.000 • Water Maintenance - Outside	-	-	-	489	2,000	(1,511)
766.000 • Sewer Maint. - Plant	-	-	-	-	-	-
Total Maint. & Repair Services	9,195	5,350	3,845	529	12,000	(11,471)
Capital Expenditures						
859.000 • Fines RWQCB	-	-	-	-	-	-
808.000 • Equipment	-	25,000	(25,000)	-	-	-
801.000 • Capital Purchases/Improvements	109,354	19,125	90,229	49,955	102,800	(52,845)
805.000 • Construction in Progress Reclass	-	1,050	(1,050)	-	-	-
812.000 • Depreciation	-	-	-	-	-	-
Total Capital Expenditures	109,354	45,175	64,179	187,012	187,012	-
Fund Transfer				236,967	289,812	(52,845)
General Fund	5,186	-	-	-	-	-
Transfer G&A Expenses	-	-	-	-	-	-
Gas Tax Fund	-	-	-	-	-	-

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	General Fund			46 - Water Enterprise Fund		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Total Transfer G&A Expenses	-			-		
Total Fund Transfer	5,186			-		
Debt Defrayment	-			-		
854,000 • Debt Service Principal Payment	-			20,507	46,544	(26,037)
858,000 • Interest	-					
855,000 • Amortization expense	-			21,120		
858,000 • Interest - Other	-			137,834	155,361	(17,527)
Total 858,000 • Interest	-			158,954	155,361	3,593
Total Debt Defrayment	-			179,461	201,905	(22,444)
Total Expense	783,341	925,290	(141,949)	551,235	639,262	(88,027)
Net Income	280,113	(289,980)	570,093	(32,765)	(111,454)	78,689

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	48 - Sewer Enterprise Fund			50 - Special Dist. - COPS		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Income						
Property Taxes						
402.000 · Secured Taxes	-			-		
404.000 · Unsecured Taxes	-			-		
403.000 · Supplemental Property Tax	-			-		
402.002 · Unitary Taxes	-			-		
407.000 · VLF Swap	-			-		
422.000 · COPS Funding	-			66,667	66,667	-
426.000 · HOPTR	-			-		
436.000 · Gas Tax 2103	-			-		
431.000 · Gas Tax 2105	-			-		
432.000 · Gas Tax 2106	-			-		
433.000 · Gas Tax 2107	-			-		
434.000 · Gas Tax 2107.5	-			-		
Total Property Taxes	-			66,667	66,667	-
Other Tax Revenue						
406.000 · Sales Tax	-			-		
408.000 · Transient Lodging Taxes	-			-		
416.000 · Misc. County Taxes	-			-		
415.000 · Special Assessment	-			-		
419.000 · Other Doc. Transfer	-			-		
428.000 · Vehicle License Fees	-			-		
429.000 · Other Tax Revenue	-			-		
Total Other Tax Revenue	-			-		
Grant Funds						
437.000 · Library Grant	-			-		
Total Grant Funds	-			-		
Franchise Fees						
442.000 · Franchise Cable	-			-		
448.000 · Refuse Franchise	-			-		
Total Franchise Fees	-			-		
Business & Misc. Lic. & Permits						
450.000 · Business Licenses	-			-		
453.000 · Burn Permits	-			-		
470.000 · Garage Sale Permits	-			-		
472.000 · Animal Licenses	-			-		
490.000 · Misc. Revenue	-			-		
494.001 · Special Events	-			-		
Business & Misc. Lic. & Permits - Other	-			-		
Total Business & Misc. Lic. & Permits	-			-		
Planning, Building, Eng. Permit						

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

48 - Sewer Enterprise Fund				50 - Special Dist. - COPS			
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget	
458.001 • Green Fee	-			-			
459.004 • Fire Sprinkler Permit	-			-			
459.003 • Mechanical Permit	-			-			
459.002 • Plumbing Permit	-			-			
459.001 • Electrical Permit	-			-			
454.003 • Design Review	-			-			
454.002 • Appeal	-			-			
451.000 • Building Permits	-			-			
454.000 • Conditional Use Permit (CUP)	-			-			
456.000 • PUD Use Permit	-			-			
457.000 • Encroachment Permits	-			-			
458.000 • Sign Permits	-			-			
461.000 • Subdivision Fees	-			-			
467.000 • Strong Motion Impact Fees	-			-			
Total Planning, Building, Eng. Permit	-			-			
Chg. for Planning/Eng. Services	-			-			
458.002 • SMIP Fee	-			-			
490.001 • Misc. Revenue Planning	-			-			
464.000 • Engineer Inspection Fee	-			-			
462.000 • Engineer Plan Check Fees	-			-			
463.000 • Building Inspection Fee	-			-			
452.000 • Building Plan Check Fees	-			-			
459.000 • Remib. - Proj/Dev. Costs	-			-			
Total Chg. for Planning/Eng. Services	-			-			
Charges for Misc. Services	-			-			
496.002 • Administration Income	-			-			
496.001 • Public Document Charge	-			-			
496.000 • Library Copy Charges	-			-			
Total Charges for Misc. Services	-			-			
Utility Fees	-			-			
483.000 • Utility Connection Fees	-			-			
486.000 • Utility Fees Commercial	151,913	165,733	(13,820)	-			
485.000 • Utility Fees Residential	410,087	367,667	42,420	-			
485.001 • Septage Charges	-			-			
493.000 • Water Meter Maint. Fees	-			-			
Total Utility Fees	562,000	533,400	28,600	-			
Impact Fees	-			-			
Fines & Penalties	-			-			
421.000 • Vehicle Code Parking	-			-			
475.000 • Library Fines	-			-			
476.000 • Code Enforcement Fines	-			-			

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	48 - Sewer Enterprise Fund			50 - Special Dist. - COPS		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Fines & Penalties - Other	-			-		
Total Fines & Penalties	-			-		
Miscellaneous Revenue						
497.000 - Other Financing Sources	-			-		
484.000 - Interest and Penalties	-	3,333	(3,333)	-		
480.002 - Permits	-			-		
480.001 - Leuse - American Tower	-			-		
438.000 - Donations	-			-		
480.000 - Rental Income	-			-		
482.000 - Parks & Rec Revenue	-			-		
480.003 - Reimbursed City expenses	-			-		
Total Miscellaneous Revenue	-	3,333	(3,333)	-		
Total Income	562,000	536,733	25,267	66,667	66,667	-
Expense						
Employee Salary, Wages, Benefit						
519.001 - Volunteer Stipend	-			-		
502.000 - Salaries and Wages - FT	39,239	26,453	12,786	-		
504.000 - Salaries and Wages - OT	244	511	(267)	-		
508.000 - FICA	2,616	2,063	553	-		
510.000 - Worker's Comp	6,735	4,307	2,428	-		
512.000 - Unemployment	-	269	(269)	-		
514.000 - Health Insurance	1,187	3,873	(2,686)	-		
518.000 - 457k Retirement Contribution	-	219	(219)	-		
519.000 - Elected Official Stipend	-			-		
Total Employee Salary, Wages, Benefit	50,021	37,695	12,326	-		
Other Personnel Expenses						
522.000 - Uniforms & Alterations	-			-		
524.000 - Phys., Drug 7 Psych Testing	188			-		
525.000 - Volunteer Firefighter Stipend	-			-		
526.000 - Education and Training	-	250	(250)	-		
528.000 - Travel/Per Diem/Car Allowance	-			-		
Total Other Personnel Expenses	188	250	(62)	-		
General and admin. expense						
647.000 - Youth Commission	-			-		
645.000 - Summer Program	-			-		
550.000 - Office Supplies	892			-		
558.000 - Printing and Copies	342	2,000	(1,658)	-		
548.000 - Advertising	-			-		
562.000 - Food and Beverages	52			-		
516.000 - Insurance - Liab/Bond/Auto/Prop	-			-		

City of San Juan Bautista

Budget vs. Actual by Department

For the Eight Month Period Ended February 28, 2017

	48 - Sewer Enterprise Fund			50 - Special Dist. - COPS		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
544.000 • Computer Software Service	-	-	-	-	-	-
545.000 • Computer Hardware Service	-	-	-	-	-	-
530.000 • Dues and Subscriptions	2,088	500	1,588	-	-	-
634.000 • Copier Services & Lease	1,089	-	-	-	-	-
657.001 • Filing Fees	-	-	-	-	-	-
638.000 • Bank Charges/PR Processing	3,488	300	3,188	-	-	-
551.000 • Postage and Freight	1,115	-	-	-	-	-
Total General and admin. expense	9,066	2,800	6,266	-	-	-
Contractual and Other Services						
600.000 • Operational Contracts	60,154	90,000	(29,846)	-	-	-
602.000 • Legal	-	60	(60)	-	-	-
604.000 • Engineering	-	300	(300)	-	-	-
604.001 • Reclamation Expense	-	300	(300)	-	-	-
608.000 • Accounting	-	-	-	-	-	-
609.000 • Building Inspection	-	-	-	-	-	-
610.000 • Audit	-	-	-	-	-	-
612.001 • Other Prof. Service - CMAP	-	-	-	-	-	-
612.002 • Security	876	333	543	-	-	-
612.006 • Web maintenance	-	-	-	-	-	-
614.000 • Law Enforcement	-	-	-	66,420	66,667	(247)
615.000 • Level One Security Patrol	-	-	-	-	-	-
618.000 • County Communications	-	-	-	-	-	-
624.000 • Janitorial	-	-	-	-	-	-
626.000 • Landscape Services	-	-	-	-	-	-
632.000 • Building Equipment Rental	-	-	-	-	-	-
643.003 • SBCO Mgmt Fees	-	-	-	-	-	-
654.000 • Chemical Testing	-	-	-	-	-	-
659.000 • Election Expense	-	-	-	-	-	-
Total Contractual and Other Services	61,030	90,993	(29,963)	66,420	66,667	(247)
Utilities and Misc. Expenses						
650.000 • Agg. Base Material	-	-	-	-	-	-
640.001 • Communication Radios	-	-	-	-	-	-
639.000 • Merchant processing fees	-	-	-	-	-	-
640.000 • Telecomm	832	1,067	(235)	-	-	-
642.000 • Electricity	50,581	48,000	2,581	-	-	-
643.001 • Water	-	800	(800)	-	-	-
644.000 • Street Signal	-	-	-	-	-	-
646.000 • Street Lighting	-	-	-	-	-	-
656.000 • Licenses and Permits	-	4,800	(4,800)	-	-	-
658.000 • Property Taxes	-	-	-	-	-	-
Total Utilities and Misc. Expenses	51,413	54,667	(3,254)	-	-	-

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	48 - Sewer Enterprise Fund			50 - Special Dist. - COPS		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Equipment and Parts						
649.02 · Agg. Based Material	-			-		
712.000 · Materials	-			-		
532.01 · Equipment Rental	-			-		
701.000 · Small Tools	-			-		
702.000 · Safety Gear & First Aid	-			-		
554.000 · Gasoline & Diesel Fuel	793	1,000	(207)	-		
552.000 · Chemical and Gases	511	4,000	(3,489)	-		
703.000 · Books and Periodicals	-			-		
716.000 · Parts - City Rep. Vehicles	-			-		
718.000 · Parts - City Rep. Equipment	10	3,333	(3,323)	-		
720.000 · Parts - City Rep. Water	-			-		
721.000 · Fire Equipment and Supplies	-			-		
722.000 · Parts - City Rep. Sewer	3,706	6,667	(2,961)	-		
724.000 · Parts - City Rep. Streets	-			-		
726.000 · Parts - City Rep. Parks	-			-		
Total Equipment and Parts	5,020	15,000	(9,980)			
Maint. & Repair Services						
755.002 · Street Sign Maint. & Repair	-			-		
751.001 · Maint. & Repair Wells	-			-		
751.000 · Claims	-	500	(500)	-		
752.000 · Vehicle Maint. - Outside	-			-		
754.000 · Equipment Maint. - Outside	-	3,667	(3,667)	-		
757.000 · Bldg Maint. - Inside	-			-		
758.000 · Building Maint. Outside	-			-		
760.000 · Grounds Maint. - Outside	-			-		
762.000 · Streets Maint. & Paving	-	2,100	(2,100)	-		
764.000 · Water Maintenance - Outside	-			-		
766.000 · Sewer Maint. - Plant	11,809	6,000	5,809	-		
Total Maint. & Repair Services	11,809	12,267	(458)			
Capital Expenditures						
859.000 · Fines RWQCB	24,000	24,000	-	-		
808.000 · Equipment	-			-		
801.000 · Capital Purchases/Improvements	3,750			-		
805.000 · Construction in Progress Reclass	-			-		
812.000 · Depreciation	221,167	221,167	-	-		
Total Capital Expenditures	248,917	245,167	3,750			
Fund Transfer						
General Fund	-			-		
Transfer G&A Expenses	-			-		
Gas Tax Fund	-			-		

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	48 - Sewer Enterprise Fund			50 - Special Dist. - COPS		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Total Transfer G&A Expenses	-	-	-	-	-	-
Total Fund Transfer	-	-	-	-	-	-
Debt Defrayment						
854,000 - Debt Service Principal Payment	16,778			-		
858,000 - Interest						
855,000 - Amortization expense	17,280			-		
858,000 - Interest - Other	112,850	127,114	(14,264)	-		
Total 858,000 - Interest	130,130	127,114	3,016	-		
Total Debt Defrayment	146,908	127,114	19,794	-		
Total Expense	584,372	585,953	(1,581)	66,420	66,667	(247)
Net Income	(22,372)	(49,220)	26,848	247	-	247

City of San Juan Bautista

Budget vs. Actual by Department

For the Eight Month Period Ended February 28, 2017

	55 - Rest. and Parking Fund		60 - Valle Vista Lighting Dist.	
	Jul '16 - Feb 17	Budget	Jul '16 - Feb 17	Budget
Income				
Property Taxes				
402.000 · Secured Taxes	-		-	
404.000 · Unsecured Taxes	-		-	
403.000 · Supplemental Property Tax	-		-	
402.002 · Unitary Taxes	-		-	
407.000 · VLF Swap	-		-	
422.000 · COPS Funding	-		-	
426.000 · HOPTR	-		-	
436.000 · Gas Tax 2103	-		-	
431.000 · Gas Tax 2105	-		-	
432.000 · Gas Tax 2106	-		-	
433.000 · Gas Tax 2107	-		-	
434.000 · Gas Tax 2107.5	-		-	
Total Property Taxes				
Other Tax Revenue				
406.000 · Sales Tax	-		-	
408.000 · Transient Lodging Taxes	15,504	1,667	-	13,837
416.000 · Misc. County Taxes	-		-	
415.000 · Special Assessment	-		11,386	10,787
419.000 · Other Doc. Transfer	-		-	
428.000 · Vehicle License Fees	-		-	
429.000 · Other Tax Revenue	-		-	
Total Other Tax Revenue	15,504	1,667	11,386	10,787
Grant Funds				
437.000 · Library Grant	-		-	
Total Grant Funds	-		-	
Franchise Fees				
442.000 · Franchise Cable	-		-	
448.000 · Refuse Franchise	-		-	
Total Franchise Fees	-		-	
Business & Misc. Lic. & Permits				
450.000 · Business Licenses	-		-	
453.000 · Burn Permits	-		-	
470.000 · Garage Sale Permits	-		-	
472.000 · Animal Licenses	-		-	
490.000 · Misc. Revenue	-		-	
494.001 · Special Events	-		-	
Business & Misc. Lic. & Permits - Other	-		-	
Total Business & Misc. Lic. & Permits	-		-	
Planning, Building, Eng. Permit	-		-	

City of San Juan Bautista

Budget vs. Actual by Department

For the Eight Month Period Ended February 28, 2017

	55 - Rest. and Parking Fund		60 - Valle Vista Lighting Dist.	
	Jul '16 - Feb 17	Budget	Jul '16 - Feb 17	Budget
		\$ Over Budget		\$ Over Budget
458.001 • Green Fee	-		-	
459.004 • Fire Sprinkler Permit	-		-	
459.003 • Mechanical Permit	-		-	
459.002 • Plumbing Permit	-		-	
459.001 • Electrical Permit	-		-	
454.003 • Design Review	-		-	
454.002 • Appeal	-		-	
451.000 • Building Permits	-		-	
454.000 • Conditional Use Permit (CUP)	-		-	
456.000 • PUD Use Permit	-		-	
457.000 • Encroachment Permits	-		-	
458.000 • Sign Permits	-		-	
461.000 • Subdivision Fees	-		-	
467.000 • Strong Motion Impact Fees	-		-	
Total Planning, Building, Eng. Permit	-		-	
Chg. for Planning/Eng. Services	-		-	
458.002 • SMIP Fee	-		-	
490.001 • Misc. Revenue Planning	-		-	
464.000 • Engineer Inspection Fee	-		-	
462.000 • Engineer Plan Check Fees	-		-	
463.000 • Building Inspection Fee	-		-	
452.000 • Building Plan Check Fees	-		-	
459.000 • Remib. - Proj/Dev. Costs	-		-	
Total Chg. for Planning/Eng. Services	-		-	
Charges for Misc. Services	-		-	
496.002 • Administration Income	-		-	
496.001 • Public Document Charge	-		-	
496.000 • Library Copy Charges	-		-	
Total Charges for Misc. Services	-		-	
Utility Fees	-		-	
483.000 • Utility Connection Fees	-		-	
486.000 • Utility Fees Commercial	-		-	
485.000 • Utility Fees Residential	-		-	
485.001 • Septage Charges	-		-	
493.000 • Water Meter Maint. Fees	-		-	
Total Utility Fees	-		-	
Impact Fees	-		-	
Fines & Penalties	-		-	
421.000 • Vehicle Code Parking	-		-	
475.000 • Library Fines	-		-	
476.000 • Code Enforcement Fines	-		-	

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	55 - Rest. and Parking Fund		60 - Valle Vista Lighting Dist.	
	Jul '16 - Feb 17	Budget	Jul '16 - Feb 17	Budget
		\$ Over Budget		\$ Over Budget
Fines & Penalties - Other	-		-	
Total Fines & Penalties	-		-	
Miscellaneous Revenue	-		-	
497.000 · Other Financing Sources	-		-	
484.000 · Interest and Penalties	-		-	
480.002 · Permits	-		-	
480.001 · Lease - American Tower	-		-	
438.000 · Donations	-		-	
480.000 · Rental Income	-		-	
482.000 · Parks & Rec Revenue	-		-	
480.003 · Reimbursed City expenses	-		-	
Total Miscellaneous Revenue	-		-	
Total Income	15,504	1,667	11,386	10,787
		13,837		599
Expense				
Employee Salary, Wages, Benefit	-		-	
519.001 · Volunteer Stipend	-		-	
502.000 · Salaries and Wages - FT	-		-	
504.000 · Salaries and Wages - OT	-		-	
508.000 · FICA	-		-	
510.000 · Worker's Comp	-		-	
512.000 · Unemployment	-		-	
514.000 · Health Insurance	-		-	
518.000 · 457k Retirement Contribution	-		-	
519.000 · Elected Official Stipend	-		-	
Total Employee Salary, Wages, Benefit	-		-	
Other Personnel Expenses	-		-	
522.000 · Uniforms & Alterations	-		-	
524.000 · Phys., Drug 7 Psych Testing	-		-	
525.000 · Volunteer Firefighter Stipend	-		-	
526.000 · Education and Training	-		-	
528.000 · Travel/Per Diem/Car Allowance	-		-	
Total Other Personnel Expenses	-		-	
General and admin. expense	-		-	
647.000 · Youth Commission	-		-	
645.000 · Summer Program	-		-	
550.000 · Office Supplies	-		-	
558.000 · Printing and Copies	-		-	
548.000 · Advertising	-		-	
562.000 · Food and Beverages	3,000		-	
516.000 · Insurance - Liab/Bond/Auto/Prop	-		-	
			60	(60)
			60	(60)

City of San Juan Bautista

Budget vs. Actual by Department

For the Eight Month Period Ended February 28, 2017

	55 - Rest. and Parking Fund		60 - Valle Vista Lighting Dist.	
	Jul '16 - Feb 17	Budget	Jul '16 - Feb 17	Budget
544.000 • Computer Software Service	-		-	
545.000 • Computer Hardware Service	-		-	
530.000 • Dues and Subscriptions	-		-	
634.000 • Copier Services & Lease	-		-	
657.001 • Filing Fees	-		-	
638.000 • Bank Charges/PR Processing	-		-	
551.000 • Postage and Freight	-		-	
Total General and admin. expense	3,000		-	120
Contractual and Other Services				(120)
600.000 • Operational Contracts	-		-	
602.000 • Legal	-		-	60
604.000 • Engineering	-		-	(60)
604.001 • Reclamation Expense	-		-	400
608.000 • Accounting	-		-	(400)
609.000 • Building Inspection	-		-	
610.000 • Audit	-		-	
612.001 • Other Prof. Service - CMAP	-		-	
612.002 • Security	-		-	
612.006 • Web maintenance	-		-	
614.000 • Law Enforcement	-		-	
615.000 • Level One Security Patrol	-		-	
618.000 • County Communications	-		-	
624.000 • Janitorial	-		-	
626.000 • Landscape Services	-		7,503	8,416
632.000 • Building Equipment Rental	-		-	(913)
643.003 • SBCO Mgmt Fees	-		-	
654.000 • Chemical Testing	-		-	
659.000 • Election Expense	-		-	
Total Contractual and Other Services			7,503	8,876
Utilities and Misc. Expenses				(1,373)
650.000 • Agg. Base Material	-		-	
640.001 • Communication Radios	-		-	
639.000 • Merchant processing fees	-		-	
640.000 • Telecomm	-		-	
642.000 • Electricity	-		-	1,400
643.001 • Water	-		-	
644.000 • Street Signal	-		-	
646.000 • Street Lighting	-		-	
656.000 • Licenses and Permits	-		-	
658.000 • Property Taxes	-		-	
Total Utilities and Misc. Expenses			-	1,400
				(1,400)

City of San Juan Bautista

Budget vs. Actual by Department

For the Eight Month Period Ended February 28, 2017

	55 - Rest. and Parking Fund		60 - Valle Vista Lighting Dist.	
	Jul '16 - Feb 17	Budget	Jul '16 - Feb 17	Budget
	\$ Over Budget		\$ Over Budget	
Equipment and Parts				
649.02 · Agg. Based Material	-		-	
712.000 · Materials	-		-	
532.01 · Equipment Rental	-		-	
701.000 · Small Tools	-		-	
702.000 · Safety Gear & First Aid	-		-	
554.000 · Gasoline & Diesel Fuel	-		-	
552.000 · Chemical and Gasses	-		-	
703.000 · Books and Periodicals	-		-	
716.000 · Parts - City Rep. Vehicles	-		-	
718.000 · Parts - City Rep. Equipment	-		-	
720.000 · Parts - City Rep. Water	-		-	
721.000 · Fire Equipment and Supplies	-		-	
722.000 · Parts - City Rep. Sewer	-		-	
724.000 · Parts - City Rep. Streets	-		-	
726.000 · Parts - City Rep. Parks	-		-	
Total Equipment and Parts	-		-	
Maint. & Repair Services				
755.002 · Street Sign Maint. & Repair	-		-	
751.001 · Maint. & Repair Wells	-		-	
751.000 · Claims	-		-	
752.000 · Vehicle Maint. - Outside	-		-	
754.000 · Equipment Maint. - Outside	-		-	
757.000 · Bldg Maint. - Inside	-		-	
758.000 · Building Maint. Outside	-		-	
760.000 · Grounds Maint. - Outside	-		-	
762.000 · Streets Maint. & Paving	-		-	
764.000 · Water Maintenance - Outside	-		-	
766.000 · Sewer Maint. - Plant	-		-	
Total Maint. & Repair Services	-		-	
Capital Expenditures				
859.000 · Fines RWQCB	-		-	
808.000 · Equipment	-		-	
801.000 · Capital Purchases/Improvements	-		-	
805.000 · Construction in Progress Reclass	-		-	
812.000 · Depreciation	-		-	
Total Capital Expenditures	-		-	
Fund Transfer				
General Fund				
Transfer G&A Expenses	-		-	
Gas Tax Fund	-		-	

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	55 - Rest. and Parking Fund			60 - Valle Vista Lighting Dist.		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Total Transfer G&A Expenses	-			-		
Total Fund Transfer	-			-		
Debt Defrayment						
854,000 • Debt Service Principal Payment	-			-		
858,000 • Interest	-			-		
855,000 • Amortization expense	-			-		
858,000 • Interest - Other	-			-		
Total 858,000 • Interest	-			-		
Total Debt Defrayment	-			-		
Total Expense	3,000			7,503	10,396	(2,893)
Net Income	12,504	1,667	10,837	3,883	391	3,492

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	75 - Gas Tax Fund			TOTAL	
	Jul '16 - Feb 17	Budget	\$ Over Budget	Budget	\$ Over Budget
Income					
Property Taxes					
402.000 • Secured Taxes	-			120,000	45,978
404.000 • Unsecured Taxes	-			6,750	10,524
403.000 • Supplemental Property Tax	-			1,250	(1,250)
402.002 • Unitary Taxes	-			4,500	461
407.000 • VLF Swap	-			-	68,804
422.000 • COPS Funding	-			66,667	-
426.000 • HOPTR	-			1,219	1,219
436.000 • Gas Tax 2103	3,767	8,000	(4,233)	8,000	(4,233)
431.000 • Gas Tax 2105	6,913	6,000	913	6,000	913
432.000 • Gas Tax 2106	7,208	6,000	1,208	6,000	1,208
433.000 • Gas Tax 2107	7,771	7,333	438	7,333	438
434.000 • Gas Tax 2107.5	2,000			-	2,000
Total Property Taxes	27,659	27,333	326	226,500	126,062
Other Tax Revenue					
406.000 • Sales Tax	-			267,332	(16,057)
408.000 • Transient Lodging Taxes	-			43,667	41,448
416.000 • Misc. County Taxes	-			123	123
415.000 • Special Assessment	-			11,386	599
419.000 • Other Doc. Transfer	-			10,247	6,247
428.000 • Vehicle License Fees	-			2,334	1,734
429.000 • Other Tax Revenue	-			6,469	6,469
Total Other Tax Revenue	-	-	-	326,386	40,563
Grant Funds					
437.000 • Library Grant	-			-	2,819
Total Grant Funds	-	-	-	-	2,819
Franchise Fees					
442.000 • Franchise Cable	-			4,450	(1,299)
448.000 • Refuse Franchise	-			17,332	79
Total Franchise Fees	-	-	-	21,782	(1,220)
Business & Misc. Lic. & Permits					
450.000 • Business Licenses	-			12,000	(3,831)
453.000 • Burn Permits	-			-	20
470.000 • Garage Sale Permits	-			50	10
472.000 • Animal Licenses	-			60	-
490.000 • Misc. Revenue	-			120	761
494.001 • Special Events	-			4,000	173
Business & Misc. Lic. & Permits - Other	-	-	-	-	90
Total Business & Misc. Lic. & Permits	-	-	-	16,230	(2,777)
Planning, Building, Eng. Permit					

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	75 - Gas Tax Fund			TOTAL	
	Jul '16 - Feb 17	Budget	\$ Over Budget	Budget	\$ Over Budget
458.001 • Green Fee	-	125	-	30	95
459.004 • Fire Sprinkler Permit	-	1,258	-	-	1,258
459.003 • Mechanical Permit	-	1,084	-	2,000	(916)
459.002 • Plumbing Permit	-	1,486	-	1,800	(314)
459.001 • Electrical Permit	-	1,857	-	2,900	(1,043)
454.003 • Design Review	-	650	-	500	150
454.002 • Appeal	-	500	-	-	500
451.000 • Building Permits	-	23,759	-	29,000	(5,241)
454.000 • Conditional Use Permit (CUP)	-	-	-	200	(200)
456.000 • PUD Use Permit	-	-	-	100	(100)
457.000 • Encroachment Permits	-	956	-	250	706
458.000 • Sign Permits	-	25	-	250	(225)
461.000 • Subdivision Fees	-	2,133	-	10,000	(7,867)
467.000 • Strong Motion Impact Fees	-	8,473	-	-	8,473
Total Planning, Building, Eng. Permit	-	42,306	-	47,030	(4,724)
Chg. for Planning/Eng. Services	-	-	-	-	-
458.002 • SMIP Fee	-	331	-	-	331
490.001 • Misc. Revenue Planning	-	5,035	-	2,000	3,035
464.000 • Engineer Inspection Fee	-	1,253	-	1,000	253
462.000 • Engineer Plan Check Fees	-	3,594	-	3,250	344
463.000 • Building Inspection Fee	-	76,090	-	3,750	72,340
452.000 • Building Plan Check Fees	-	63,908	-	6,000	57,908
459.000 • Remib. - Proj/Dev. Costs	-	14,481	-	750	13,731
Total Chg. for Planning/Eng. Services	-	164,692	-	16,750	147,942
Charges for Misc. Services	-	-	-	-	-
496.002 • Administration Income	-	82	-	400	(318)
496.001 • Public Document Charge	-	24	-	20	4
496.000 • Library Copy Charges	-	926	-	600	326
Total Charges for Misc. Services	-	1,032	-	1,020	12
Utility Fees	-	-	-	-	-
483.000 • Utility Connection Fees	-	-	-	22,500	(22,500)
486.000 • Utility Fees Commercial	-	237,917	-	270,733	(32,816)
485.000 • Utility Fees Residential	-	825,688	-	732,000	93,688
485.001 • Septage Charges	-	-	-	-	-
493.000 • Water Meter Maint. Fees	-	12,639	-	1,067	11,572
Total Utility Fees	-	1,076,244	-	1,026,300	49,944
Impact Fees	-	186,656	-	34,908	151,748
Fines & Penalties	-	-	-	-	-
421.000 • Vehicle Code Parking	-	-	-	70	(70)
475.000 • Library Fines	-	568	-	496	72
476.000 • Code Enforcement Fines	-	39	-	-	39

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	75 - Gas Tax Fund			TOTAL		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Fines & Penalties - Other	-	-	-	56	-	56
Total Fines & Penalties	-	-	-	663	566	97
Miscellaneous Revenue	-	-	-	-	-	-
497.000 · Other Financing Sources	-	-	-	263	-	263
484.000 · Interest and Penalties	-	-	-	6,389	43,333	(36,944)
480.002 · Permits	-	-	-	(450)	-	(450)
480.001 · Lease - American Tower	-	-	-	15,559	20,000	(4,441)
438.000 · Donations	-	-	-	1,074	14,000	(12,926)
480.000 · Rental Income	-	-	-	12,851	4,000	8,851
482.000 · Parks & Rec Revenue	-	-	-	100	-	100
480.003 · Reimbursed City expenses	-	-	-	1,416	7,500	(6,084)
Total Miscellaneous Revenue	-	-	-	37,202	88,833	(51,631)
Total Income	27,659	27,333	326	2,265,140	1,806,305	458,835
Expense						
Employee Salary, Wages, Benefit	-	-	-	-	240	(240)
519.001 · Volunteer Stipend	-	-	-	321,669	311,040	10,629
502.000 · Salaries and Wages - FT	-	-	-	1,346	3,404	(2,058)
504.000 · Salaries and Wages - OT	-	-	-	23,103	24,310	(1,207)
508.000 · FICA	-	-	-	36,561	30,146	6,415
510.000 · Worker's Comp	-	-	-	281	3,180	(2,899)
512.000 · Unemployment	-	-	-	29,149	41,600	(12,451)
514.000 · Health Insurance	-	-	-	6,075	6,526	(451)
518.000 · 457k Retirement Contribution	-	-	-	700	1,900	(1,200)
519.000 · Elected Official Stipend	-	-	-	418,884	422,346	(3,462)
Total Employee Salary, Wages, Benefit	-	-	-	-	-	-
Other Personnel Expenses	-	-	-	-	-	-
522.000 · Uniforms & Alterations	-	-	-	1,800	2,050	(250)
524.000 · Phys., Drug 7 Psych Testing	-	-	-	413	450	(37)
525.000 · Volunteer Firefighter Stipend	-	-	-	600	2,400	(1,800)
526.000 · Education and Training	-	-	-	2,713	4,200	(1,487)
528.000 · Travel/Per Diem/Car Allowance	-	-	-	1,045	2,860	(1,815)
Total Other Personnel Expenses	-	-	-	6,571	11,960	(5,389)
General and admin. expense	-	-	-	-	-	-
647.000 · Youth Commission	-	-	-	3,681	2,000	1,681
645.000 · Summer Program	-	-	-	6,607	6,362	245
550.000 · Office Supplies	-	-	-	1,297	8,548	(7,251)
558.000 · Printing and Copies	-	-	-	3,120	961	2,159
548.000 · Advertising	-	-	-	2,321	1,427	894
562.000 · Food and Beverages	-	-	-	26,173	7,973	18,200
516.000 · Insurance - Liab/Bond/Auto/Prop	-	-	-	-	-	-

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	75 - Gas Tax Fund				TOTAL
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	
544.000 • Computer Software Service	-	-	-	3,492	4,367
545.000 • Computer Hardware Service	-	-	-	1,124	2,100
530.000 • Dues and Subscriptions	-	-	-	20,605	51,850
634.000 • Copier Services & Lease	-	-	-	4,355	2,297
657.001 • Filing Fees	-	-	-	-	-
638.000 • Bank Charges/PR Processing	-	-	-	8,190	1,967
551.000 • Postage and Freight	-	-	-	3,368	6,307
Total General and admin. expense	-	-	-	84,333	96,159
Contractual and Other Services					(11,826)
600.000 • Operational Contracts	-	-	-	196,754	235,870
602.000 • Legal	-	-	-	23,504	32,016
604.000 • Engineering	-	-	-	3,671	18,200
604.001 • Reclamation Expense	-	-	-	-	300
608.000 • Accounting	-	-	-	24,334	23,333
609.000 • Building Inspection	-	-	-	93	600
610.000 • Audit	-	-	-	24,000	25,000
612.001 • Other Prof. Service - CMAP	-	-	-	820	1,600
612.002 • Security	-	-	-	3,606	1,226
612.006 • Web maintenance	-	-	-	350	833
614.000 • Law Enforcement	-	-	-	77,590	126,334
615.000 • Level One Security Patrol	-	-	-	7,308	27,033
618.000 • County Communications	-	-	-	27,440	56,000
624.000 • Janitorial	-	-	-	2,726	3,896
626.000 • Landscape Services	-	-	-	7,806	10,416
632.000 • Building Equipment Rental	-	-	-	-	1,500
643.003 • SBCO Mgmt Fees	-	-	-	4,189	-
654.000 • Chemical Testing	-	-	-	132	-
659.000 • Election Expense	-	-	-	-	3,000
Total Contractual and Other Services	-	-	-	404,323	567,157
Utilities and Misc. Expenses					(162,834)
650.000 • Agg. Base Material	-	-	-	3,719	3,719
640.001 • Communication Radios	-	-	-	104	104
639.000 • Merchant processing fees	-	-	-	70	1,067
640.000 • Telecomm	-	-	-	8,085	7,917
642.000 • Electricity	9,819	-	-	85,538	80,334
643.001 • Water	-	-	-	-	800
644.000 • Street Signal	314	-	-	314	-
646.000 • Street Lighting	-	-	-	34	10,667
656.000 • Licenses and Permits	-	-	-	5,649	13,663
658.000 • Property Taxes	-	-	-	176	-
Total Utilities and Misc. Expenses	10,133	10,667	(534)	103,689	114,448

City of San Juan Bautista
Budget vs. Actual by Department
For the Eight Month Period Ended February 28, 2017

	75 - Gas Tax Fund				TOTAL	
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Equipment and Parts						
649.02 · Agg. Based Material	-			-	7,000	(7,000)
712.000 · Materials	-			3,697	3,000	697
532.01 · Equipment Rental	-			-	300	(300)
701.000 · Small Tools	-			247	1,000	(753)
702.000 · Safety Gear & First Aid	-			255	-	255
554.000 · Gasoline & Diesel Fuel	-			4,507	11,501	(6,994)
552.000 · Chemical and Gasses	-			511	10,834	(10,323)
703.000 · Books and Periodicals	-			964	1,683	(719)
716.000 · Parts - City Rep. Vehicles	-			1,538	4,750	(3,212)
718.000 · Parts - City Rep. Equipment	-			3,461	11,433	(7,972)
720.000 · Parts - City Rep. Water	-			15,616	25,667	(10,051)
721.000 · Fire Equipment and Supplies	-			735	-	735
722.000 · Parts - City Rep. Sewer	-			3,706	6,667	(2,961)
724.000 · Parts - City Rep. Streets	-	12,000	(12,000)	1,431	12,000	(10,569)
726.000 · Parts - City Rep. Parks	-			3,210	3,540	(330)
Total Equipment and Parts	-	12,000	(12,000)	39,878	99,375	(59,497)
Maint. & Repair Services						
755.002 · Street Sign Maint. & Repair	-	1,250	(1,250)	418	1,250	(832)
751.001 · Maint. & Repair Wells	-			40	6,000	(5,960)
751.000 · Claims	-			-	500	(500)
752.000 · Vehicle Maint. - Outside	-			(129)	-	(129)
754.000 · Equipment Maint. - Outside	-			1,478	7,667	(6,189)
757.000 · Bldg Maint. - Inside	-			2,927	300	2,627
758.000 · Building Maint. Outside	-			3,959	2,500	1,459
760.000 · Grounds Maint. - Outside	-			399	1,950	(1,551)
762.000 · Streets Maint. & Paving	-			143	2,700	(2,557)
764.000 · Water Maintenance - Outside	-			489	2,000	(1,511)
766.000 · Sewer Maint. - Plant	-			11,809	6,000	5,809
Total Maint. & Repair Services	-	1,250	(1,250)	21,533	30,867	(9,334)
Capital Expenditures						
859.000 · Fines RWQCB	-			24,000	24,000	-
808.000 · Equipment	-			-	25,000	(25,000)
801.000 · Capital Purchases/Improvements	-			163,059	121,925	41,134
805.000 · Construction in Progress Reclass	-			-	1,050	(1,050)
812.000 · Depreciation	-			408,179	408,179	-
Total Capital Expenditures	-			595,238	580,154	15,084
Fund Transfer						
General Fund	-			5,186	-	5,186
Transfer G&A Expenses	-			(5,186)	-	(5,186)
Gas Tax Fund	(5,186)					

Budget vs. Actual by Department

For the Eight Month Period Ended February 28, 2017

	75 - Gas Tax Fund			TOTAL		
	Jul '16 - Feb 17	Budget	\$ Over Budget	Jul '16 - Feb 17	Budget	\$ Over Budget
Total Transfer G&A Expenses	(5,186)			(5,186)		(5,186)
Total Fund Transfer	(5,186)					
Debt Defrayment						
854,000 · Debt Service Principal Payment	-			37,285	46,544	(9,259)
858,000 · Interest						
855,000 · Amortization expense	-			38,400		38,400
858,000 · Interest - Other	-			250,684	282,475	(31,791)
Total 858,000 · Interest	-			289,084	282,475	6,609
Total Debt Defrayment				326,369	329,019	(2,650)
Total Expense	4,947	23,917	(18,970)	2,000,818	2,251,485	(250,667)
Net Income	22,712	3,416	19,296	264,322	(445,180)	709,502

**City of San Juan Bautista
Warrant Listing**

As of February 28, 2017

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
101.000 · Union Bank			
101.001 · Operating Acct. 1948			
02/02/2017	210651	Hollister Auto Parts, Inc.	-515.78
02/08/2017	210652	Red Ribbon Carpets	-1,105.00
02/10/2017	210653	ByWater Solutions	-750.00
02/10/2017	210654	Del Curto Bros Construction Co Inc	-23,750.00
02/10/2017	210655	Level 1 Private Security.	-7,308.00
02/10/2017	210656	P G & E	-9,832.61
02/10/2017	210657	US Bank	-5,765.18
02/13/2017	210658	Abbott's Pro Power	-232.57
02/13/2017	210659	ACWA Health Benefits Authority	-7,351.63
02/13/2017	210660	at&t	-69.89
02/13/2017	210661	Brigantino Irrigation, Inc.	-15,000.00
02/13/2017	210662	Bryant L. Jolley	-24,000.00
02/13/2017	210663	CalPers 457 Plan	-1,248.14
02/13/2017	210664	CMAPI	-370.00
02/13/2017	210665	Diane Hanania.	-330.40
02/13/2017	210666	Ferguson Enterprises, Inc.	-628.28
02/13/2017	210667	Gabilan Welding Inc.	-51.17
02/13/2017	210668	Granite Rock	-57.66
02/13/2017	210669	Linda Mackenzie	-230.00
02/13/2017	210670	Maria M. Salcedo and Mariela Salcedo	-620.00
02/13/2017	210671	Mc Kinnon Lumber Co., Inc.	-186.09
02/13/2017	210672	Mission Linen Service	-37.80
02/13/2017	210673	Roger Grimsley	-144.65
02/13/2017	210674	San Benito County Auditors Office	-25.00
02/13/2017	210675	Sherri Venegas	-158.35
02/13/2017	210676	Terry Bautista.	-43.20
02/13/2017	210677	Wendy L. Cumming, CPA	-1,687.50
02/13/2017	210678	Xerox	-493.92
02/13/2017	210679	City of Hollister.	-39,067.59
02/21/2017	210680	Valero Marketing & Supply	-616.20
02/21/2017	210681	CalPers 457 Plan	-200.00
02/23/2017	210583	Armadon Venego -	-400.00
Total 101.001 · Operating Acct. 1948			-142,276.61
Total 101.000 · Union Bank			-142,276.61
TOTAL			-142,276.61

Library Report

	Sep. '16	Oct. '16	Nov. '16	Dec. '16	Jan. '17	Feb. '17
New Material	27	20	28	44	14	18
Retired Materials	975	260	205	389	19	0
Lost Items	9	3	8	6	7	3
Overdue Items	16	11	13	19	6	14
Overdue Patrons	10	8	8	8	5	6
Cards Issued	3	13	3	9	7	10
Items Checked Out	1,016	379	282	271	369	315
Money from Fines	42.00	40.25	50.25	21.00	54.25	25.50
Money from Faxes	36.00	10.00	12.00	8.00	29.00	20.00
Money from Copies	77.85	32.85	61.25	20.05	58.35	85.50
Money from other Charges	10.50	5.80	7.00	4.50	16.00	2.25
Patron Tally	569	632	609	539	476	511

CITY OF SAN JUAN BAUTISTA

ADMINISTRATIVE REPORT

Date: March 21, 2017

To: City Council

From: Administrative Staff

PUBLIC WORKS DEPARTMENT:

Public Works crew has taken advantage of the good weather recently to patch many of the pot holes and deteriorated pavement areas within the streets. In addition many trees and tree limbs fell during the storm and high winds requiring clean up and disposal of the tree branches, cutup tree trunks and leaf foliage. The crew is continuing the cleanup. Scheduled is the Arts and Craft Street event March 25 & 26, the crew will be cleaning up Third Street and the side streets between Franklin and Muckelemi to get ready for the event. Painting the cross walks, stop bars, stop stencils and curb will be a high priority to get ready for the event.

PLANNING DEPARTMENT/CODE ENFORCEMENT

Matt has been working diligently on multiple planning projects, including multiple Site and Design Review permits and educational materials regarding the Site and Design Review process for the Planning Commissioners. He is working closely with Anthony and Monica Ramirez, who are planning to open the 18th Barrel beer and wine tasting room at 322 Third Street, on Site and Design Review procedures, sign permits, conditional use permit, etc., and is preparing the background information and documentation for several other conditional use permit applications that will be coming in front of the Planning Commission as well.

Matt is working on setting up the iWorQ PLL software with representatives from the company, and is hoping to start doing the training sessions with Carmen and Nick soon. Nick will need a new computer or tablet, however, to use the system effectively. Staff time will also need to be dedicated to inputting the data from all of the City's old paper permits, licenses, and land use applications into the electronic system. Matt is working with Trish to identify how and when that will happen.

Code enforcement activities have focused recently on feral chickens, with ten chickens recently trapped/caught and given away. Matt and Nick also constructed a holding pen at the corporation yard where citizens can drop off chickens they trap. Public works employees will then give the chickens away or relocate them.

CITY MANAGER DEPARTMENT:

Work is continuing on procurement of well sites and new water wells construction. With the recent approval of the site and design review permit for Copperleaf, the project can move forward with final acquisition of the property and filling the final subdivision map. This will allow the City to obtain lot B of the subdivision for the construction of well no. 5. This by no means solves our water connection restriction from the state because in the long run, well no. 5 is a replacement for well no.2. To meet the states reliable water system provision of the compliance order, the city will need an addition well. This will provide the city with a minimum of three reliable water wells.

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: March 21st, 2017

SUBJECT: Consider Amendment of SJBMC Section 10-20540 (C)

DISCUSSION: During the consideration of a recent appeal, an inconsistency was discovered between the appeal periods of the San Juan Bautista Municipal Code (SJBMC) and the Subdivision Map Act. Section 10-2-540(c) of the SJBMC states:

Within fifteen calendar days after action, the subdivider or any interested person may appeal any action of the Planning Commission to the City Council. Appeals to the City Council shall be submitted in writing to the City Clerk. Said appeals shall reference the tentative map number and shall state fully the nature and extent of the appeal and the reason why it is taken. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5(a) and (b) and subsection (D) of this section.

The Subdivision Map Act, however, which is the part of the California Government Code pertaining to subdivisions (and the section called out specifically in the SJBMC section cited above), in Section 66452.5(a) states:

The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken. Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. The hearing shall be

held within 30 days after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

The conflict caused by the inconsistency between what is stated in SJBMC Section 10-2-540(c) and what is stated in Government Code Section 66452.5(a) presents a problem for the planning and administrative staff when handling appeals because the authority of the California Government Code supersedes that of the San Juan Bautista Municipal Code. The two sections should be consistent in the application of the number of calendar days during which an appeal can be filed. 10 days is the most commonly used appeal period in the SJBMC (see table below), and it is also consistent with the stated appeal period in Government Code Section 66452.5(a).

City of San Juan Bautista Municipal Code - Appeal Periods			
Chapter #	Chapter Title	Section #	Appeal Period (Days)
Chapter 3-3	Business Licenses	3-3-530	10
Chapter 3-4	Transient Occupancy Tax	3-4-235	15
Chapter 5-6	Weed Abatement	5-6-135	10
Chapter 5-7	Animal Regulation	5-7-330	5
Chapter 5-9	Uniform Wastewater Regulation	5-9-900	10
Chapter 5-22	Dilapidated Buildings	5-22-120	30 (court action)
Chapter 5-26	Spray Paint and Graffiti	5-26-175	10
Chapter 5-29	Massage Establishments and Massage Services	5-29-335	2
Chapter 7-8	Encroachments	7-8-605	None
Chapter 9-1	Abandoned, Wrecked, Dismantled or Inoperative Vehicles	9-1-150	5
Chapter 10-2	Subdivisions	10-2-540	15
Chapter 11-6	Historic Resources Preservation	11-6-160	5
Chapter 11-25	Appeals	11-25-030	10
Chapter 12-1	Flood Hazard Prevention	12-1-535	10

RECOMMENDATION:

To make the San Juan Bautista Municipal Code consistent with the California Government Code, staff is recommending the San Juan Bautista Municipal Code Section 10-2-540(c) be amended by an ordinance of the City Council to reflect the same 10 day appeal period stated in Government Code Section 66452.5(a).

ORDINANCE 2017-XX

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING ARTICLE 5 "TENTATIVE MAPS", SECTION 10-02-540 "APPEALS" SUBSECTION (C) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE

WHEREAS the San Juan Bautista Municipal has established appeal periods for various functions, duties, and administrative actions in several Chapters of the Municipal Code; and

WHEREAS appeals are designed to establish a procedural process for interested parties, customers, and applicants an opportunity to appeal legislative, administrative, discretionary, and judicial decisions or actions which have been delegated to the planning Commission, various boards, advisory commissions, and employees to the City Council; and

WHEREAS a recent land use decision of the Planning Commission was appealed to the City Council and resulted in a conflict between the City of San Juan Bautista Municipal Code and Government Code Section 66542.5 (a)(2); and

WHEREAS, the conflict caused by the inconsistency between the SJBMC, Section 10-02-540 (c) and Government Code Section 66452.5 (a)(2) a procedural problem for the City Council and Planning Commission in administering the appeal process; and

WHEREAS, the Planning Commission has reviewed the inconsistency between the San Juan Bautista Municipal Code and Government Code Section 66542.5 (a) (2) and recommend the City Council amend Section 10-02-540 subsection (C); and

WHEREAS, the number of days of an appeal period of Section 10-02-540 (c) of the San Juan Bautista Municipal Code (15 days) and the Subdivision Map Act of the California Government Code (10 days) were found to be inconsistent in administering the appeal process and should be amended for internal consistency with the State Codes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

Section 10-02-540 Appeals, to read as follows;

(A) The City Council shall be the Appeal Board.

- (B) As used herein, the term "interested person adversely affected" means any City department, public agency, public utility, or any person claiming that the decisions is likely to result in personal economic loss or damage to his property.
- (C) Within ten (10) calendar days after action, the subdivider or any interested person may appeal any action of the Planning Commission to the City Council. Appeals to the City Council shall be submitted in writing to the City Clerk. Said appeals shall reference the project and tentative map number and shall state fully the nature and extent of the appeal, how the Planning Commission erred in their decision, and the reasons why it is taken. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5 (a) and (b) and subsection (D) of this Section
- (D) Whenever a public hearing is held pursuant to this Section, it shall be conducted as required by the Government Code Section 66451.3. Notice of the time and place thereof, and the general description of the location of the proposed subdivision shall be given at least ten(10) days before the hearing by publication once in a newspaper of general circulation in the City of San Juan Bautista. Any interested person may appear at such hearing and shall be heard.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 21st day of March, 2017 and was adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of April, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Chris Martorana

City Clerk Connie Schobert

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 21st, 2017

SUBJECT: HRB-DR 2013-33 Brewery Project

APPLICANT: Hipolito Cerda/Owner/Developer

UPDATE: On Tuesday, February 14th, 2017, staff spoke with Anthony Ramirez, the gentleman who presented at the January 21st, 2017, meeting and asked the City Council for an extension of this item so that he could make an attempt to buy the property before the Design Review permit was revoked. During the call, he informed staff that his attempts to purchase the Brewery property were unsuccessful. He expressed gratitude to the City Council for giving this item an extension so that he could attempt to purchase the property, and said that he and his wife were still very excited about finding a location for their proposed beer and wine tasting establishment in San Juan Bautista. He also informed staff that he and his wife are pursuing a lease at another location in the City.

Staff has been in contact with Mr. Larry Petersen, attorney for Mrs. Cerda, wife of Mr. Cerda. The latest information received was the Judge administering the divorce settlement give Mr. Cerda 20 days, until February 22 to settle with his wife. If the settlement cannot be made on or before the 22th, the property will be put up for sale and the proceeds will be divided equally to each party.

ORIGINAL DISCUSSION: An application was submitted to the Planning Commission back in late 2012 for the demolition, reconstruction, lot line adjustment and site development of the Brewery parcels. The Planning Commission held numerous public hearings and discussions on the proposed project and approved Resolution 2013-07, approving the mitigated negative declaration, with mitigation measures, and conditions of approval. The adoption of the Resolution was made with the recommendation from the Historic Resources Board for the Design Review permit HRB-DR 2013-33.

Over the course of the last three years, work Brewery building and site work progressed with sporadic and intermittent results. Numerous letters and correspondence was sent to the applicant encouraging a timely work schedule

to be established for the completion of the project. On March 31, 2016 a letter was sent to Mr. Hipolito Cerda (copy enclosed) advising him that failure to perform work on the project for a period of over 180 consecutive days would result in a violation of the California Building Code and San Juan Bautista's building code. Cancellation of the building permit in accordance with California Building Code Section 105 results in voiding the building permit. Since the cancellation and voiding of the building permit, no work and/or site maintenance will be allowed until a new building permit is issued. The lack of maintenance has resulted in weed overgrowth, deterioration of the building, site facilities damage and improper yard maintenance for site drainage and discharge. The City, upon receiving numerous complaints, erected a physical barrier around the Brewery Building and site area to protect the safety of pedestrians and visitors to the area. The site and building is situated at the gateway entrance to our historic downtown area and the current conditions is a significant negative distraction to the entire city.

Our Municipal Code allows enforcement of land use permits that have failed in their obligation to meet the conditions of approval and completion of the project in a timely manner. The enforcement by code is granted to the City Council in accordance with Chapter 11, Section 11-17-050.

REVOCATION OF PERMITS

"Any permit granted in accordance with the provisions of this Chapter may be revoked by the City Council in the manner hereinafter set forth if the said permit or variance is exercised in violation of the conditions of the terms under which such permit or variance is granted, or if the following findings are made.

- (A) In connection with site plan permits, use permits, and temporary use of land permits and similar permits that the continuance of the use would be detrimental to the health, safety, morals, comfort or general welfare of persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City;
- (B) In connection with exceptions and variances, that continued relief from the strict application of the terms of this Title would be detrimental to the health, safety, comfort or general welfare of the persons residing or working in the neighborhood of the subject property, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

REVOCATION HEARING-NOTICE TO OWNER

Before the City Council considers the revocation of the use permit, variance or other approval, it shall hold a public hearing thereon, noticed of which shall

be served on the owner of the subject property at least ten (10) days prior to the date of the hearing, either personally or by registered or certified mail, with postage prepaid and return receipt requested. At the conclusion of the hearing, the City Council shall make findings of fact as to whether or not there is good cause for such revocation. If it finds that such good cause does exist, it may revoke or modify the permit approval or variance. Action taken by the City Council under the provisions of this Section shall be final.

RECOMMENDATION:

The staff is recommending the City Council receive the Planning Commission's recommendation, public comments, oral testimony, written correspondence and take action to adopt Resolution 2017-XX, revoking the Design Review Permit No. 2013-33.

In light of the order from the divorce judge, continue the revocation hearing to March 21, 2017

FINDINGS OF FACT:

- A. The applicant has failed to fulfill the conditions of approval for the Site and Design Review Permit granted under HRB-DR 2013-33.
- B. The applicant has failed to maintain the site adequately by allowing weeds, debris and litter accumulation on the property for an unsightly appearance.
- C. The applicant has not repaired or maintenance the site improvements and allowed damage to facilities enclosed trash area.
- D. That the site is located at the gateway to the City's Historic District and the unsightly site conditions, disrepair of the building is a major distraction to visitors to the City.
- E. The applicant has not properly maintained the drainage facilities of the site to allow surface water to become stagnant, odorous.
- F. The applicant has allowed the surface conditions of the parking lot to be an unsightly conditions.



City of San Juan Bautista

The "City of History"

P.O. Box 1420
311 Second Street
San Juan Bautista
California 95045
(831) 623-4661
Fax (831) 623-4093

City Council

Mayor
Tony Boch

Vice Mayor
Andy Moore

Councilmember
Rick Edge

Councilmember
Robert Lund

Councilmember
Jolene Cosio

City Manager
Roger Grimsley

City Clerk
Linda G. McIntyre

City Treasurer
Charles Geiger

Fire Chief
John Fox

March 31, 2016

Mr. Hipolito Cerdas
5299 Alum Rock Avenue
San Jose, Ca. 95127

Re: 104 The Alameda "The Brewery Project"

Dear Mr. Cerdas;

The construction permit was issued February 21, 2014, Permit No. 1072 for the site and building. The building permit was issued subject to the conditions of approval granted by the Planning Commission in Resolution 2013-07. See attached staff report with conditions of approval. Any work authorized by the permit which has been suspended or abandoned for a period of 180 days after the time the work has commenced will result in a revocation of the building permit. The City may authorize an extension if the applicant request such extension in writing.

Please take this letter as notice that if a written request for an extension is not received within 10 days of the date of this letter, the building permit will be revoked and no further work will be allowed on the site or building until an application is made for a new building permit.

Sincerely,

Roger Grimsley
City Manager

RESOLUTION 2017-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN
BAUTISTA RECOMMENDING TO THE CITY COUNCIL TO REVOCATE THE HRB-DR
2013-33 PERMIT APPROVAL PURSUANT TO SAN JUAN BAUTISTA MUNICIPAL CODE
SECTION 11-17-050 (A)**

WHEREAS, the Planning Commission approved Resolution 2013-07 consisting of the environmental compliance documents and Historic Resources Board and Design Review for the Brewery Project on July 2nd, 2013, and

WHEREAS, the approval was granted subject to mitigation measures and conditions of approval as outline the staff report dated July 2nd, 2013, and

WHEREAS, the applicant/ owner of the Brewery project has not performed any work on the project since September 15th, 2015 and on March 16th, 2016, the City sent a letter to the Applicant notifying that building permit No. 1072 is revoked in accordance with provision of the California Building Code, Section 105, subsection 105.5 "Expiration", and

WHEREAS, due to the lack of maintenance and upkeep of the grounds, building, and site facilities, the premises are deemed to be a public nuisance to which the City has installed a physical barrier around the brewery building and grounds for the safety and health of the general public.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Juan Bautista does hereby recommend to the City Council enforcement actions under provisions of Section 11-17-050 of the SJBMC and to revoke the Design Review permit No. 2013-33 of the Brewery Project.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on this 3rd day of January 2017 by the following vote:

AYES: Freels, Boyd, Franco, Hopper

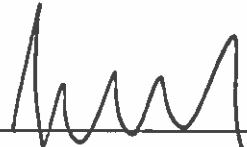
NOES: None

ABSENT: None

ABSTAIN: Moore

ATTEST:


Deputy City Clerk Trish Paetz


Chairperson John Hopper

RESOLUTION 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE REVOCATION OF HRB-DR 2013-33 PERMIT PURSUANT TO SAN JUAN BAUTISTA MUNICIPAL CODE SECTION 11-17-050 (A)

WHEREAS, the City Council of the City of San Juan Bautista conducted a public hearing on January 17th, 2017, for the revocation of the Site and Design Review Permit of HRB-DR 2013-33 to receive oral testimony, public input, written communication and comments, and

WHEREAS, the Planning Commission approved Resolution 2013-07 consisting of the environmental compliance documents and a recommendation from the Historic Resources Board for a Site and Design Review Permit for the Brewery Project on July 2nd, 2013, and

WHEREAS, the approval was granted subject to mitigation measures and conditions of approval as outlined in the staff report dated July 2nd, 2013, and

WHEREAS, the applicant/owner of the Brewery project has failed to perform and complete work on the project during the period between September 15th, 2015, to January 17th, 2017, and the City has sent a letter to the Applicant notifying them that Building Permit No. 1072 has been revoked and invalidated in accordance with provisions of the California Building Code, Section 105, Subsection 105.5 "Expiration", and

WHEREAS, due to the lack of work, maintenance, and upkeep of the grounds, building, and site facilities, the premises are deemed to be a public nuisance to which the City has installed a physical barrier around the brewery building and grounds for the safety and health of the general public and pedestrians walking past the site, and

WHEREAS, the City Council of the City of San Juan Bautista has conducted a public hearing on this date for the revocation of the Site and Design Review Permit pursuant to Municipal Code Section 11-17-050 (A).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista does hereby take enforcement actions under the provisions of Section 11-17-050 of the San Juan Bautista Municipal Code to revoke the Design Review Permit No. 2013-33 of the Brewery Project with the following findings.

FINDINGS OF FACT:

The use would be detrimental to the health, safety, morals, comfort or general welfare or persons residing or working in the neighborhood of such use and the businesses around the use because:

- A. The applicant has failed to fulfill the conditions of approval for the Site and Design Review Permit granted under HRB-DR 2013-33.
- B. The applicant has failed to maintain the site adequately by allowing weeds, debris and litter accumulation on the property for an unsightly appearance.
- C. The applicant has not repaired or maintenance the site improvements and allowed damage to facilities enclosed trash area.
- D. That the site is located at the gateway to the City's Historic District and the unsightly site conditions, disrepair of the building is a major distraction to visitors to the City.
- E. The applicant has not properly maintained the drainage facilities of the site to allow surface water to become stagnant, odorous.
- F. The applicant has allowed the surface conditions of the parking lot to be an unsightly conditions.

It is proper to revoke the permit as the applicant has failed to complete the project within the applicable time period as set forth in Municipal Code Section 11-17-040 and has not opened or engaged in any business at the site which resulted in a vested right to the continuation of a business.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 21st day of March 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Chris Martorana

ATTEST:

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: March 21, 2017

SUBJECT: Monterey Bay Community Power Authority

DISCUSSION: Over the last several months the City has attended meetings of the consortium to determine the feasibility of participating in the joint power authority for renewable energy. The attached Monterey Bay Community Power Authority dated 1/21/17, provides the framework for the authority. Exhibit A outlines the definitions and Exhibit C, the regional allocation of the board seats. After much deliberation, the group allowed San Benito County one of eleven seats. San Juan Bautista and Hollister was allowed a shared seat. The distribution of the cost of a seat was determined by dividing the eleven seats into the startup cost of \$3,500,000. This resulted in each seat or shared seat responsible for a letter of credit in the amount of \$318,182.00. The shared seat can be divided amongst the cities of each shared group.

RECOMMENDATION: Participating in the startup and initial formation of the Joint Power Authority has advantages over the long haul. However, the risk of putting up a letter of credit in the amount of \$159,091 is a steep cost for San Juan Bautista with its meager annual budget of \$3,140,000.00. The staff is exploring a side agreement with the City of Hollister to share in the letter of credit based upon a mixture of annual budget and current population. The side agreement would also stipulate sharing the period of representation of seat 11 on the authority's board.

FISCAL IMPACT:

MONTEREY BAY COMMUNITY POWER AUTHORITY

REGIONAL ALLOCATION:

Board seats in the MBCPA will be allocated as follows;

1. One seat Santa Cruz County
2. One seat Monterey County
3. One seat San Benito County
4. One seat to City of Santa Cruz
5. One seat to City of Salinas
6. One seat to City of Watsonville

7. One shared seat to cities of Santa Cruz County
8. One shared seat to Cities of Peninsula, Monterey County
9. One shared seat to Cities of coastal, Monterey County
10. One shared seat to Salinas Valley Cities Monterey County
11. One shared seat to cities of San Benito County

ALLOCATION OF SEAT 11: $\$3,500,000/11 = \$318,182$ per seat or shared seat

<u>Cities</u>	<u>Populations</u>	<u>Percentage</u>
City of Hollister	36,484	95.2%
City of San Juan Bautista	1843	4.8%

City of Hollister Operating Budget	\$35,000,000
City of San Juan Bautista Operating Budget	\$ 3,140,000

Option A: Letter of credit shared: 50% COH \$159,091 0.45% of Budget
50% SJB \$159,091 5.05% of Budget

Under **Option A**, each cities will share equally board seat 11 for representation on the MBCPA Board. The normal period for representation would be two years, which would allow the representative to become familiar with the process, policies, by-laws and workings of the authority's organization.

Option B is a division of seat 11 based upon population of each city. The letter of credit would be divided in the same percentage as the population. The representation of seat 11 would be shared proportionally in the ratio of an eight year period for Hollister, and a 2 year period for San Juan Bautista.

Letter of credit shared: 95.2% COH \$302,272 0.86% of Budget
4.8% SJB \$ 15,909 0.51% of Budget

Option C, is a variation of option B divided to a ratio 90/10 split.

Option C: Letter of credit shared: 90% COH \$286,364 0.82% of Budget
10% SJB \$ 31,818 1.01% of Budget

Group 11 seat shared between Hollister & San Juan as mutually agreed by both cities.

If either option B or C is approved, San Juan Bautista and Hollister will enter into a side agreement granting representation to Group 11 Seat to Hollister for a period of eight years, and to San Juan Bautista for a period of 2 years as mutually agreed by both parties.

RECOMMENDATION: Based upon the above analysis, Option C is recommended.

ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

The City Council of the City of San Juan Bautista does ordain as follows:

SECTION 1. FINDINGS. The City Council finds as follows:

WHEREAS, Monterey Bay Community Power has investigated options to provide electric services to customers within the tri-county region of Monterey, Santa Cruz and San Benito Counties (Tri-County Region), including incorporated and unincorporated areas, with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs; and

WHEREAS, Monterey Bay Community Power prepared a Feasibility Study for a community choice aggregation ("CCA") program in the Tri-County Region with the cooperation of the cities and counties under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- Providing customers a choice of power providers;
- Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- Reducing greenhouse gas emissions arising from electricity use within San Mateo County;
- Increasing local renewable generation capacity;
- Increasing energy conservation and efficiency projects and programs;
- Increasing regional energy self-sufficiency;
- Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects; and

WHEREAS, the Joint Powers Agreement creating the Monterey Bay Community Power Authority ("Authority") will govern and operate the CCA program on behalf of its member jurisdictions. Under the Joint Powers Agreements, cities within the Tri-County Region may participate in the Monterey Bay Community Power CDA program by adopting the resolution and ordinance required by Public Utilities Code section 366.2. Cities choosing to participate in the CCA program will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreements; and

WHEREAS, the Authority will enter into Agreements with Electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and businesses at rates that are competitive with those of the incumbent utility ("PG&E"). Once the California Public Utilities Commission approves the implementation plan created by the Authority, the Authority will provide service to customers within the unincorporated areas of the tri-county region of Monterey, Santa Cruz and San Benito Counties and within the jurisdiction of those cities therein who have chosen to participate in the CCA program; and

WHEREAS, under Public Utilities Code section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so; and

WHEREAS, on February 21, 2017 and on March 21, 2017 the City Council held public hearings, at which time interested persons had an opportunity to testify either in support or opposition to implementation of the Monterey Bay Community Power CCA program in the City of San Juan Bautista.

NOW, THEREFORE, the City Council of the City of San Juan Bautista does ordain as follows:

Section 1. The above recitations are true and correct and material to this Ordinance.

Section 2. AUTHORIZATION TO IMPLEMENT A COMMUNITY CHOICE

AGGREGATION PROGRAM. Based upon the forgoing, and in order to provide business and residents within the City of San Juan Bautista with a choice of power providers and with the benefits described above, the City Council of the City of San Juan Bautista ordains that it shall implement a community choice aggregation program within its jurisdiction by participating as a group with the other counties and cities as described above in the Community Choice Aggregation program of the Monterey Bay Community Power Authority, as generally described in the Joint Powers Agreement approved through Resolution No.2017-XX.

Section 3. SEVERABILITY. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 4. ENVIRONMENTAL DETERMINATION. This ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines, as it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because energy will be transported through existing infrastructure (14 Cal. Code Regs. § 15378(a)).

Further, this ordinance is exempt from CEQA as there is no possibility that this ordinance or its implementation would have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). This ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment (14 Cal. Regs. § 15308). The City manager's Office shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

Section 5. PUBLICATION. This ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

Section 6. EFFECTIVE DATE. This ordinance was introduced on February 21, 2017, and adopted on _____, and shall be effective thirty days after its date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on February 21, 2017, and was passed and adopted at a regular meeting duly held on _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chris Martorana, Mayor

APPROVED AS TO FORM:

Deborah Mall, City Attorney

ATTEST:

City Clerk Connie Schobert

CITY OF SAN JUAN BAUTISTA
CITY COUNCIL STAFF REPORT

To: The Honorable Mayor and City Council

From: The City Attorney

RE: THE ADULT USE OF MARIJUANA ACT (AUMA), OPTIONS FOR THE REGULATION AND TAXING OF RECREATIONAL MARIJUANA SALES AND CULTIVATION

Date: March 10, 2017

REQUEST:

It is requested that the City Council:

1. Receive a report on the Adult Use of Marijuana Act and options available for banning or regulating within City limits; and,
2. Give direction to staff to bring an Ordinance or other applicable Regulations to the Planning Commission, for further review.

BACKGROUND:

The Compassionate Use Act was approved by the votes in 1996 and codified at California Health and Safety Code Sec. 11362.5. It allows qualified patients and primary caregivers to be free from state prosecution for cultivation and possession of marijuana, upon doctor recommendation of use.

In 2003 the State Legislature enacted the Medical Marijuana Program, which was codified at California Health and Safety Code Sec. 11352.7. It created a voluntary program for the issuance of identification cards to qualified patients and primary caregivers and allows limited transportation, processing, administering and distribution of medical marijuana to qualified patients for medical use. Cultivation of marijuana plants was specifically limited by the Program, but the California Supreme Court held that patients and caregivers could possess a reasonable amount of marijuana to supply the needs of their charges. People v. Kelly 47 Cal.4th 1008 (2010).

The California Supreme Court has upheld the right of a city to ban medical marijuana dispensaries as a part of its land use authority. City of Riverside v. Inland Empire Patients Health & Wellness Ctr., Inc., 56 Cal.4th 729 (2013). Further, a court of appeal has upheld the right to prohibit all cultivation of marijuana, as part of a city's police power. Mural v. City of Live Oak, 221 Cal.App.4th 975 (2013).

In 2016, the Governor signed a comprehensive package of bills which comprise the Medical Marijuana Regulations and Safety Act. AB 266 established a Bureau of Medical Marijuana Regulation and a licensing structure, as well as uniform health and safety standards for testing, security and transport of medical marijuana. AB 243 regulates the licensing and regulation of indoor and outdoor cultivation sites and creates a Medical Cannabis Cultivation Program within the Department of Food and Agriculture to

develop standards for pesticide application, production and labelling of edible products, environmental impacts from cultivation, etc. SB 643 regulated physicians' recommendations, contains some licensing requirements and uphold local powers to levy fees and taxes

AB 243 provided that cities that did not have an ordinance regulating or prohibiting cultivation in place by March 1, 2016, would lose the authority to regulate or ban cultivation within their city limits. The current San Juan Bautista code bans cultivation and no further action was necessary.

For your reference the Code provides that:

5-14.5-020 Medical marijuana dispensary defined.

For the purpose of this chapter, "medical marijuana dispensary" shall mean a facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to one or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with California Health and Safety Code Sections 11362.5 et seq. and 11362.7 et seq.

5-14.5-030 Medical marijuana dispensaries prohibited.

(A) Medical marijuana dispensaries are prohibited in the City of San Juan Bautista and no medical marijuana dispensary shall operate, locate, or otherwise be permitted within the City of San Juan Bautista.

(B) The City shall not consider, issue, approve, or grant any permit, license, or other entitlement for the establishment or operation of a medical marijuana dispensary.

(C) In the event of conflict or inconsistency between any provisions of this Chapter and any other law, rule, or regulation of the City, including without limitation the San Juan Bautista Municipal Code, the provisions of this Chapter shall prevail.

Proposition 64, the Adult Use of Marijuana Act (AUMA) was passed by the voters, last November. AUMA legalized the recreational use and cultivation of marijuana. San Juan's Ordinance must be revised to deal with recreational sales and cultivation. The State is not going to issue licenses for recreational marijuana businesses until January 1, 2018. The AUMA expressly recognizes the authority of local governments to adopt reasonable cultivation regulations, which may include a complete ban on dispensaries and private outdoor cultivation. (Health and Safety Code § 11362.2.) Local governments can choose to allow all, some, or none of the 18 different types of commercial cannabis licenses AUMA creates to span the supply chain from cultivation and manufacturing to testing, distribution, and retail sales.

There is no deadline in AUMA by which a city must adopt its own regulations or be bound only by State law. The City, should, however, adopt an ordinance well prior to the time the State estimates that it will begin to issue licenses – especially if it intends to select a dispensary or dispensaries from applicants. The State will then only issue licenses in San Juan Bautista, which comply with San Juan's regulations. Information from the League of California Cities is attached hereto as Exhibit "A."

AUMA ESSENTIAL PROVISIONS:

1. Cultivation of Marijuana Plants

The AUMA will make it lawful for individuals to cultivate up to six marijuana plants and to possess the marijuana produced by the plants. (Health & Safety Code § 11362.1(a)(3).)

Cities can completely prohibit private outdoor cultivation, but they cannot prohibit cultivation within a private residence or within a fully enclosed and secured residential accessory structure. (Health & Safety Code § 11362.2(b)(1).) Rather, cities can “enact and enforce reasonable regulations that reasonably regulate” personal indoor cultivation. (Health & Safety Code § 11362.2(b)(1).)

2. Possession of Marijuana

The AUMA makes it lawful to possess up to 28.5 grams of cannabis plant material or 8 grams of concentrate.

The City cannot prohibit marijuana use or possession in light of Health and Safety Code section 11362.1(a), which states that it is lawful under state *and* local law for individuals to possess certain amounts of marijuana and marijuana products and to “[s]moke or ingest marijuana or marijuana products.”

The AUMA imposes certain statewide restrictions on where people can use recreational marijuana. Under proposed Health and Safety Code section 11362.3(a), individuals may not engage in the following activities:

- Smoking or ingesting marijuana or marijuana products in any public place;
- Smoking marijuana anywhere smoking tobacco is prohibited;
- Smoking marijuana within 1,000 feet of a school, day care center, or youth center, unless in or upon the grounds of a private residence and the smoke is not detectable at the school, day care center, or youth center when children are present.
- Smoking or ingesting marijuana while operating a motor vehicle, boat, vessel, aircraft or other vehicle used for transportation
- Smoking or ingesting marijuana while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft or other vehicle used for transportation.

3. Regulation of Commercial Retail Establishments.

Business and Professions Code section 26200 provides that cities may “completely prohibit the establishment or operation of one or more types of businesses licensed under” the AUMA. Therefore, as under existing medical marijuana laws, cities will have a wide range of regulatory options under the AUMA to deal with recreational marijuana land uses. These options include an express ban on all or some of the business permitted under the AUMA or a regulatory scheme for commercial marijuana businesses, which can limit the numbers of businesses allowed to operate in the City and the Zone of operation.

A marijuana regulatory ordinance could include locational restrictions, the requirement of a regulatory permit that is subject to annual renewal, and the imposition of various safety-related operating requirements. Locational restrictions may include the designation of certain zoning districts as permissible locations, separation requirements to avoid clustering of marijuana land uses, or a limit on the number of local marijuana permits that can be issued. The AUMA expressly permits cities to establish an allowable ratio of retail, microbusiness, or non-profit licenses to the population in the census tract. (Bus. Prof. Code § 26051(c)(2).)

Operating requirements can be extensive and include the following: the use of licensed security guards, designated hours of operation, prohibition against sales of alcohol and/or tobacco and on-site alcohol and/or tobacco consumption, installation of adequate odor control devices and ventilation systems, and limitations on access to minors.

Cities cannot prohibit recreational marijuana distribution and transportation on public roads. (Bus. & Prof. Code § 26080(b).) The best interpretation of the AUMA is that a city could prohibit delivery of marijuana to locations inside the City as an exercise of its constitutional police power and land use authority.

OPTIONS AVAILABLE TO THE CITY:

1. Cultivation Regulation.

The City has the option of reasonably regulating the cultivation of marijuana plants on private property. The AUMA does not define what constitutes a reasonable regulation of personal cultivation. However, the term "reasonable regulation" would likely include prohibitions on nuisance odors, local permit requirements, and fire and safety inspections. A city could also require that indoor cultivators obtain the landlord's consent, if applicable.

A ordinance from the City of Folsom, which contains cultivation regulations is attached as Exhibit "B." Frankly, it would be difficult to enter onto private residences and enforce such an ordinance. If the Council would like to explore the legalization or regulation of cultivation on private property, it should give direction to staff.

2. Ban.

The City currently has a ban on medical marijuana dispensaries. A ban at this time period is likely the best option for the City. Many cities have enacted bans so that they can wait and see what the larger cities are doing, what regulations will be put into place by the State, etc. If you enact a ban, you can also direct staff to bring the matter back in a year to determine whether the ban should remain in place.

3. Allow One or More Dispensaries with Regulation

The City of San Diego has adopted an ordinance which will allow for recreational marijuana retail establishments. You can adopt an ordinance which will allow for one dispensary of either medical or recreational marijuana (or both) with a regulatory scheme. It can be changed to allow for more than one dispensary or to change the zoning.

4. Tax

If the City decides to allow significant commercial sales, then it may want to consider a local tax on marijuana sales, which must be passed by ballot measure at a general election. Cities in California have imposed taxes from 6 to 15% of sales. Larger cities have claimed significant revenue gains from taxing marijuana. Under the AUMA, the State will impose significant taxes on cultivation and sales.

FISCAL IMPACT:

Any regulation will have a fiscal impact on the city. A complete ban has the least fiscal impact as the City currently imposes a ban. If there is a licensing and selection process, it could cost more. There may also be policing impacts. However, the City could offset costs by taxing the businesses.

CONCLUSION:

Staff seeks direction from the Council and will return with regulation as directed.



1400 K Street, Suite 400 • Sacramento, California 95814
 Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

MEMORANDUM¹

To: League of California Cities' City Managers Department
 League of California Cities' City Attorneys Department
 From: League Staff
 Date: September 26, 2016
 Re: The Control, Regulate and Tax Adult Use of Marijuana Act

On November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA" or "Act") will come before California voters as Proposition 64. If passed, the AUMA will legalize the nonmedical use of marijuana by persons 21 years of age and over, and the personal cultivation of up to six marijuana plants. In addition, the AUMA will create a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of nonmedical marijuana, and the manufacturing of nonmedical marijuana products. The regulatory system governing these commercial marijuana activities largely mirrors the Medical Marijuana Regulation and Safety Act ("MMRSA"), but there are key differences. This memorandum will provide an overview of the AUMA, highlight the ways in which the AUMA differs from the MMRSA, and identify the issues that cities will need to take action on if the AUMA passes.

I. Overview of the AUMA

A. Personal Nonmedical Marijuana Use

The AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana, including as contained in marijuana products; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.² The AUMA requires that marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provision of the Act be kept in a locked space on the grounds of a private residence that is not visible from a public place.³

Although persons 21 years of age or older may use and possess nonmedical marijuana under the Act, their ability to engage in these activities is not unfettered. The AUMA prohibits the smoking

¹ **DISCLAIMER:** These materials are not offered as or intended to be legal advice. Readers should seek the advice of an attorney when confronted with legal issues. Attorneys should perform an independent evaluation of the issues raised in these materials.

² Health & Saf. Code § 11362.2(a).

³ Health & Saf. Code § 11362.2(a)(2).

of marijuana: (1) in any public place, except where a local jurisdiction has authorized use on the premises of a retailer or microbusiness in accordance with Business and Professions Code section 26200; (2) where smoking tobacco is prohibited; (3) within 1,000 feet of a school, day care center, or youth center while children are present; and (3) while driving, or riding in the passenger seat of, any vehicle used for transportation.⁴ Moreover, individuals cannot possess marijuana on school grounds, in day care centers, or in youth centers while children are present, or possess an open container of marijuana or marijuana products while driving, operating, or riding in any vehicle used for transportation.⁵ The AUMA further provides that cities may prohibit possession and smoking in buildings owned, leased, or occupied by the city, and that employers, including cities, may maintain a drug and alcohol free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace.⁶

1. Personal Cultivation

The AUMA provides that local governments can reasonably regulate, but cannot ban, personal indoor cultivation of up to six living marijuana plants within the person's private residence.⁷ The Act defines private residence as "a house, an apartment unit, a mobile home, or other similar dwelling unit."⁸ This includes cultivation in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space.⁹

The AUMA completely protects the ability of local governments to regulate, and to ban, personal outdoor cultivation operations.¹⁰ However, it purports to repeal any ordinance that bans outdoor cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.¹¹

B. Commercial Nonmedical Marijuana Activity

Under the AUMA, California will have a comprehensive state regulatory system for nonmedical marijuana that governs the industry from "seed to sale." The Bureau of Marijuana Control, currently the Bureau of Medical Cannabis Regulation, which is within the Department of Consumer Affairs, will have primary responsibility for administering and enforcing the AUMA.¹²

The AUMA divides state licensing and enforcement responsibilities among three agencies: (1) the Department of Consumer Affairs, which will issue licenses for marijuana the transportation,

⁴ Health & Saf. Code §§ 11362.3; 11362.4.

⁵ Health & Saf. Code §§ 11362.3(3), 11362.3(4).

⁶ Health & Saf. Code § 11362.45 (f)-(g).

⁷ Health & Saf. Code §§ 11362.1(a)(3), 11362.2.

⁸ Health & Saf. Code § 11362.2(5).

⁹ Health & Saf. Code § 11362.2(a)(2).

¹⁰ Health & Saf. Code § 11362.2(b)(3).

¹¹ Health & Saf. Code § 11362.2(b)(4).

¹² Bus. & Prof. Code § 26010.

*O'Connell
submit - 1. Contact Committee
2. Bring Back to council
in 2 months*

storage, distribution, and sale of marijuana;¹³ (2) the Department of Food and Agriculture will issue marijuana cultivation licenses, which will administer the provisions of the AUMA related to the cultivation of marijuana;¹⁴ and (3) the Department of Public Health, which will issue licenses for marijuana manufacturers and testing laboratories.¹⁵ Each of these state licensing authorities is responsible for creating regulations governing their respective areas of responsibility, and must begin issuing licenses by January 1, 2018.¹⁶

A state marijuana license will be valid for one year.¹⁷ A separate state license is required for each commercial marijuana business location.¹⁸ With the exception of testing facilities, any person or entity licensed under the AUMA may apply for and be issued more than one type of state license.¹⁹

1. Local Control

All nonmedical marijuana businesses must have a state license.²⁰ A state license cannot issue to an applicant whose operations would violate the provisions of any local ordinance or regulation.²¹ However a state applicant need not provide documentation that the applicant has a local license or permit.

The AUMA does not limit the authority of a local jurisdiction to adopt and enforce local ordinances regulating or completely prohibiting state-licensed marijuana businesses.²² Local jurisdictions may establish “standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections that exceed state standards.”²³

2. Local Enforcement

Like the MMRSA, the AUMA establishes a dual enforcement scheme for commercial marijuana activities that violate either state or local laws. The state licensing authorities will enforce state statutes and regulations. State authorities can suspend or revoke state licenses,²⁴ pursue civil penalties against violating businesses in an amount equal to three times the applicable licensing fee per violation,²⁵ or may prosecute violators criminally.²⁶ Local authorities will be responsible

¹³ Bus. & Prof. Code § 26012(a)(1).

¹⁴ Bus. & Prof. Code § 26012(a)(2).

¹⁵ Bus. & Prof. Code § 26012(3).

¹⁶ Bus. & Prof. Code §§ 26012(c), 26013 (a).

¹⁷ Bus. & Prof. Code § 26050(e).

¹⁸ Bus. & Prof. Code § 26055(e).

¹⁹ Bus. & Prof. Code § 26053.

²⁰ Bus. & Prof. Code § 26038.)

²¹ Bus. & Prof. Code § 26055(e).

²² Bus. & Prof. Code § 26200(a). But see, Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c) [prohibiting cities from preventing the use of public roads to lawfully transport or deliver nonmedical marijuana].

²³ Bus. & Prof. Code § 26201.

²⁴ Bus. & Prof. Code § 2603.

²⁵ Bus. & Prof. Code § 26038(a)

²⁶ Bus. & Prof. Code § 26038(c).

for enforcing local ordinances and regulations.²⁷ For state-licensed facilities operating within a city, a city may have authority to enforce state law and regulations “if delegated the power to do so by the [B]ureau [of Marijuana Control] or a licensing authority.”²⁸

II. Key Differences Between the AUMA and MMRSA

A. Licensing

The MMRSA established dual licensing of medical marijuana businesses, requiring both local approval and a state license in order for a business to operate legally.²⁹ Specifically, the MMRSA requires applicants to provide the relevant state licensing entity with documentation proving their compliance with local ordinances and regulations.³⁰

The AUMA does not require an applicant to provide evidence of local permission prior to being issued a state license.³¹ Instead, the AUMA prohibits state licensing entities from approving licenses for activities that would violate local ordinances.³² Thus, state licensing officials bear the onus of evaluating local regulatory compliance.

Under this system, the AUMA allows a nonmedical marijuana business licensed by the state to operate within city limits unless the city’s municipal code prohibits the use. Cities that wish to regulate or prohibit nonmedical marijuana businesses will need to do so before the State begins issuing licenses, either by enacting a nonmedical marijuana ordinance/regulation or by amending an existing medical marijuana ordinance/regulation to include nonmedical marijuana within its scope.

B. License Revocation

Under the MMRSA, revocation of a local license or permit unilaterally terminates the ability of the medical marijuana business to operate in the jurisdiction issuing the permit, until such time as the local permitting entity reinstates it.³³

Under the AUMA, if a local jurisdiction revokes a local license, permit, or authorization for a licensee to engage in commercial marijuana activity within the local jurisdiction, the Bureau of Marijuana Control must initiate proceedings to determine whether the state license issued should be suspended or revoked within ten days of being notified by the local jurisdiction of the local revocation.³⁴ Note, however, that, even if the state license is not suspended or revoked immediately, the business cannot operate within the local jurisdiction once local revocation occurs.

²⁷ Bus. & Prof. Code § 26200 (b).

²⁸ Bus. & Prof. Code § 23202(a).

²⁹ Bus. & Prof. Code § 19320(b).

³⁰ Bus. & Prof. Code § 19322(a).

³¹ Bus. & Prof. Code § 26056.

³² Bus. & Prof. Code § 26055(e).

³³ Bus. & Prof. Code § 19320(d).

³⁴ Bus. & Prof. Code § 26200(c).

C. Personal, Indoor Cultivation

Under the MMRSA, local governments possess the power to regulate and completely ban personal, indoor cultivation.³⁵ Under the AUMA local governments can “reasonably regulate” indoor cultivation of up to six marijuana plants for personal use, but cannot ban it.³⁶

D. Personal Outdoor Cultivation

Under the MMRSA local governments can prohibit all outdoor cultivation. Under the AUMA local governments can prohibit all outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law.³⁷ Upon such determination, the AUMA purports to repeal all local bans on outdoor cultivation.³⁸

E. Amendment

Any portion of the MMRSA can be amended at any time, if there is sufficient political support within the Legislature for making substantive changes to the regulatory structure. Under some circumstances, an amendment to the MMRSA by the Legislature might arguably violate The Compassionate Use Act of 1996 (adopted by the voters as Proposition 215), which decriminalized the personal use of medical marijuana.³⁹

Under the AUMA, the Legislature may amend Sections 5 (relating to the use of medical marijuana for medical purposes) and 6 (relating to state licensing) and the provisions relating to penalties by majority vote. The Legislature may amend any other provision of the Act by a 2/3 vote. Any amendment must further the purposes and intent of the AUMA. The purpose and intent of the Act include allowing local governments to ban nonmedical marijuana businesses.

F. Taxation

The AUMA imposes new state taxes on medical and nonmedical marijuana in the following manner:

- Effective January 1, 2018, the AUMA imposes an excise tax at the rate of 15% of gross retail sales receipts.⁴⁰
 - This tax will be in addition to existing state and local sales tax.⁴¹ Given that state and local sales taxes can range from 7-10%, the combined excise tax + sales tax at the retail level could approach 25%;

³⁵ Health & Saf. Code § 11362.777(g); *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, 984; *Kirby v. County of Fresno* (2015) 242 Cal.App.4th 940, 969-970.

³⁶ Bus. & Prof. Code § 11362.2(b)(1).

³⁷ Bus. & Prof. Code § 11362.2(b)(4).

³⁸ Bus. & Prof. Code § 11362.2(b)(4).

³⁹ Health & Saf. Code § 11362.5.

⁴⁰ Rev. & Tax Code § 34011(a).

- Effective January 1, 2018, the AUMA imposes a separate cultivation tax on all harvested marijuana as follows:⁴²
 - \$9.25 per dry-weight ounce on all marijuana flowers;
 - \$2.75 per dry-weight ounce on all marijuana leaves;
- The AUMA prohibits imposition of state and local sales taxes on medical marijuana.⁴³
- The AUMA exempts marijuana cultivated for personal use from taxation.⁴⁴

The AUMA does not pre-empt local taxation.⁴⁵ However, the AUMA's estimated cumulative tax rate of nearly 35% on the purchase of nonmedical marijuana has potentially troubling implications for local governments. A high state tax rate by itself may depress sales and stimulate the black market. Any local taxation of marijuana should be governed by an awareness that a high retail sales tax rate, imposed on an industry that, until recently, has not been regulated at all, might stimulate black market activity and compromise the anticipated yield of revenue. In order to avoid such a result, cities might consider imposing an excise tax on discrete commercial nonmedical marijuana activities rather than on retail sales. New taxes on marijuana require compliance with Proposition 218.

1. Allocation of State Tax Revenues

After repaying certain state agencies for marijuana regulatory costs not covered by license fees, and making certain grants to universities for research and development and the Governor's Office of Business and Economic Development, the AUMA distributes the remaining tax revenue as follows:

- 60% for youth programs, substance abuse education, prevention and treatment;
- 20% for environmental cleanup and remediation; and
- 20% for state and local programs that reduce DUI and grant programs designed to reduce negative health impacts resulting from marijuana legalization

G. Deliveries

Under the MMRSA, medical marijuana deliveries can only be made from a state-licensed dispensary in a city, county, or city and county that does not explicitly prohibit it by local ordinance.⁴⁶ A delivery person must carry a copy of the dispensary's state-issued license, a government ID, and a copy of the delivery request.⁴⁷ The patient or caregiver requesting the delivery must also maintain a copy of the delivery request.⁴⁸ Dispensaries and delivery people who comply with MMRSA are immune from prosecution for marijuana transportation.⁴⁹

⁴¹ Rev. & Tax Code § 34011(d).

⁴² Rev. & Tax Code § 34012.

⁴³ Rev. & Tax Code § 34011(g).

⁴⁴ Rev. & Tax Code § 34012(j).

⁴⁵ Rev. & Tax Code § 34021.

⁴⁶ Bus. & Prof. Code § 19340(a).

⁴⁷ Bus. & Prof. Code §§ 19340(b)(2), 19340(d).

⁴⁸ Bus. & Prof. Code § 19340(e).

⁴⁹ Bus. & Prof. Code § 19317(f).

Under the AUMA, deliveries can be made by a state-licensed retailer, microbusiness, or nonprofit unless they are prohibited by local ordinance.⁵⁰ Although the AUMA does require a customer requesting delivery to maintain a copy of the delivery request, there is no express requirement that delivery people carry or maintain any records.⁵¹ Moreover, unlike the MMRSA, the AUMA does not require that deliveries come *from* a dispensary. Instead, it states that “Deliveries, as defined in this division, may only be made *by* a licensed retailer or microbusiness, or a licensed nonprofit under Section 26070.5.”⁵² Thus, there is at least some question regarding whether deliveries may be made from non-retail locations by retail employees.

Under both the MMRSA and the AUMA, local jurisdictions can ban or regulate deliveries within their borders.⁵³ However, local jurisdictions cannot prevent a delivery service from using public roads to simply pass through its jurisdiction from a licensed dispensary to a delivery location outside of its boundaries.⁵⁴

III. Local Regulatory Options⁵⁵

The AUMA preserves the authority of a city to adopt business regulations and land use regulations for nonmedical marijuana activities.⁵⁶

A. Personal Marijuana Cultivation

Under the AUMA local governments can regulate or ban all personal, outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law. In addition, local governments can “reasonably regulate,” **but cannot ban**, personal, indoor cultivation. Nothing in the AUMA requires a city to enact an ordinance or regulation by a certain date. However, assuming that the AUMA passes, if a city does not have a ban or regulatory scheme governing personal, outdoor cultivation or a regulatory scheme governing personal, indoor cultivation in place before November 9, 2016, a person may legally engage in personal cultivation of up to six marijuana plants at his or her private residence.

⁵⁰ Bus. & Prof. Code §26090(a).

⁵¹ Bus. & Prof. Code §26090(b).

⁵² Bus. & Prof. Code § 26090(a).

⁵³ Bus. & Prof. Code §§ 19340(a), 19316(a), 26200.

⁵⁴ Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c).

⁵⁵ For a thorough discussion of the various marijuana regulatory options that a city may consider, see McEwen, *Medical Marijuana-Revisited After New State Laws* (Spring 2016) <<http://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Spring-2016/5-2016-Spring-Medical-Marijuana-%E2%80%93-Revisited-After>>. In addition, sample ordinances may be found on the League's website, at: <http://www.cacities.org/Policy-Advocacy/Hot-Issues/Medical-Marijuana>. **But note:** the regulatory schemes discussed in the McEwen paper and posted on the League's website pertain to medical marijuana businesses under the MMRSA and may need to be modified to comply with the requirements of the AUMA.

⁵⁶ Health & Saf. Code § 11362.2; Bus. & Prof. Code §§ 26201, 26200(a).

B. Nonmedical Marijuana Businesses

The AUMA recognizes a range of businesses, including dispensaries, cultivators, manufacturers, distributors, transporters, and testing laboratories. Cities may expressly ban, adopt business regulations, or adopt land use regulations pertaining to any or all of these businesses.

Again, the AUMA does not require a city to enact a regulatory scheme or ban by a certain date. However, assuming that the AUMA passes in November, if a city wishes to regulate or ban marijuana businesses before marijuana businesses may legally operate within the city, the regulations or ban will need to take effect before the state begins issuing nonmedical marijuana business licenses. The League anticipates that cities have until January 1, 2018 to enact bans or regulations relating to nonmedical marijuana businesses, because: (1) nonmedical marijuana businesses cannot operate in any city without a state license;⁵⁷ (2) the state licensing agencies in charge of implementing the AUMA have stated that they anticipate that they will not begin issuing licenses under the MMRSA until January 2018, and it is unlikely that said agencies will be able to begin issuing licenses under the AUMA before they begin issuing licenses under the MMRSA; and (3) the AUMA does not require state agencies to issue licenses until January 1, 2018.⁵⁸ It is not the League's position that state licensing agencies cannot issue licenses before January 1, 2018, just that it is unlikely that they will do so.

C. Caution Against Use of Permissive Zoning

Under a permissive zoning code, any use not enumerated in the code is presumptively prohibited, unless an authorized city official finds that the proposed use is substantially the same in character and intensity as those land uses listed in the code.⁵⁹ Although the MMRSA upheld a city's authority to rely on permissive zoning to prohibit medical marijuana land uses, it is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning under the AUMA. This is so because: (1) the statutory language in the AUMA regarding local control seems to anticipate that a city will adopt an ordinance explicitly prohibiting and/or regulating nonmedical marijuana businesses (rather than relying on the silence of its Code to argue for a prohibited use);⁶⁰ (2) the AUMA does not contain the same protective language as the

⁵⁷ Bus. & Prof. Code § 26038.

⁵⁸ Bus. & Prof. Code § 26012 (c).

⁵⁹ See *City of Corona v. Naulls* (2008) 166 Cal.App.4th 418, 433-436. See also *County of Los Angeles v. Hill* (2011) 192 Cal.App.4th 861, 871 [holding that "medical marijuana dispensaries and pharmacies are not 'similarly situated' for public health and safety purposes"]; *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1091 [holding that a medical marijuana dispensary was not substantially similar to the listed commercial use classifications for personal services, retail sales, pharmacies and medical supplies]; *County of Tulare v. Nunes* (2013) 215 Cal.App.4th 1188, 1205 [holding that a medical marijuana collective did not qualify as an "agricultural" land use because "marijuana is a controlled substance and is not treated as a mere crop or horticultural product under the law"].

⁶⁰ Bus. & Prof. Code § 26200 ["Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related

MMRSA with respect to permissive zoning;⁶¹ and (3) the AUMA explicitly designates nonmedical marijuana as an agricultural product—thus if a city’s permissive zoning code authorizes agricultural uses, the city may be precluded from arguing that marijuana is prohibited.⁶² Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

IV. What actions need to be taken?

At this time city officials should: (1) review the city’s municipal code; (2) consider whether they wish to regulate the personal cultivation of nonmedical marijuana indoors; (3) consider whether they wish to regulate or ban the personal cultivation of nonmedical marijuana outdoors; (4) consider whether they wish to enact business regulations of nonmedical marijuana businesses; (5) consider whether they wish to enact land use regulations of nonmedical marijuana businesses; (6) consider whether they wish to enact local taxes on marijuana; and (7) comply with Proposition 218 if they decide to enact local taxes on marijuana.

Cities should prioritize considering or enacting ordinances regulating personal nonmedical marijuana cultivation, because it will be legal under state law on November 9, 2016 if the AUMA passes, whereas nonmedical marijuana businesses will not be able to operate lawfully until the state licensing system becomes operational (likely in late 2017). **Although cultivation for personal use will be legal as of November 9, 2016 if the AUMA is approved by voters, local governments will not lose any regulatory authority if they do not have an ordinance in place addressing personal cultivation before the election. Locals will retain the ability to regulate personal cultivation and to enact related ordinances at any time after the election. The only change the AUMA will make in this area is to prohibit local bans of indoor cultivation for personal use. No ordinance enacted prior to the election can prevent this change in the law.**

to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.”] (emphasis added).

⁶¹ Compare Health & Saf. Code § 11362.777(b)(3) [a “person or entity shall not submit an application for a state license . . . if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning”] with Bus. & Prof Code § 26205(e) [“Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.”].

⁶² Bus. & Prof. Code § 26067(a).

November 22, 2016



Frequently Asked Questions (FAQs)

Adult Use of Marijuana Act¹

Proposition 64

Question#1: When does the AUMA take effect?

Answer: The AUMA took effect November 9, 2016, the day after the election. But note, the AUMA requires a state license to engage in commercial nonmedical marijuana activity. Licensing authorities are required to begin issuing licenses by January 1, 2018 and the League anticipates that the issuance of licenses will not occur much in advance of January 1, 2018. Thus, the AUMA provisions legalizing commercial nonmedical marijuana activity will not become operational until the state begins issuing licenses (likely in late-2017). The AUMA provisions legalizing personal use and cultivation of nonmedical marijuana took effect November 9, 2016.

Question #2: Can private individuals cultivate nonmedical marijuana at home beginning November 9, 2016?

Answer: Yes, within a private residence by a person 21 years and older for personal use. The AUMA provides that local governments can reasonably regulate, but cannot ban the personal indoor cultivation of up to six nonmedical marijuana plants per private residence. This includes cultivation in a greenhouse that is on the property of the residence but not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space. Because this activity is not subject to state licensing requirements, individuals may engage in personal indoor cultivation beginning November 9, 2016, unless a city enacts an ordinance imposing a reasonable regulatory scheme that would preclude them from doing so before complying with the city's regulatory requirements.

Local governments may regulate or ban all personal outdoor cultivation. However, the AUMA includes language purporting to repeal any ordinance that bans personal outdoor

¹ Please consult your City Attorney before taking action to implement the AUMA. The answers to these FAQs may be different in your city based upon your municipal code, regulations, and policies. The answers do not constitute legal advice from the League of California Cities®.

cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.

Question #3: Is there a limitation on the number of marijuana plants that can be cultivated within a single residence?

Answer: Yes. Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time. A "residence" is defined as a house, an apartment unit, a mobile home, or other similar dwelling. No matter how many persons over 21 years of age are living in a "residence," only 6 living plants may be cultivated at one time. (Health & Safety § 11362.2(b)(3).)

Question #4: Can a landlord ban the cultivation/smoking of marijuana on his or her property?

Answer: Yes. An individual or private entity may prohibit or restrict personal possession, smoking, and cultivation of marijuana on the individual's or entity's privately owned property. A state or local government agency also may prohibit or restrict such activities on property owned, leased, or occupied by the state or local government. (Health & Safety §§ 11362.45(g) and (h).)

Question #5: Can a city ban personal indoor cultivation in all leased or multi-unit residences within the city?

Answer: No. A city cannot prohibit personal indoor cultivation of marijuana in all leased or multi-unit residences within the city. However, because cities may reasonably regulate personal indoor cultivation, a city might be able to condition permit approval for personal indoor cultivation in a leased residence on the applicant receiving permission from his or her landlord.

Question #6: Does a city's ban on commercial cultivation, personal outdoor cultivation, or retail sales of marijuana or marijuana products make it ineligible for state grant monies for law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of Prop 64?

Answer: Yes. If a city bans commercial cultivation, or personal outdoor cultivation, or retail sales of marijuana or marijuana products, it is ineligible to receive state grant monies funded through the new state excise taxes that take effect on January 1, 2018. (Revenue and Taxation Code § 34019(c)(3)(D).)

Question #7: What does the AUMA say about possession, transporting, purchasing or giving away of non-medical marijuana?

Answer: A person 21 years of age or older may possess, process, transport, purchase or give away to persons 21 years of age or older not more than 28.5 grams of marijuana in the non-concentrated form and not more than 8 grams of marijuana in a concentrated

form including marijuana products. If the AUMA passes, these activities will be lawful under state law and cannot be prohibited under local law.

Question #8: Do cities that ban or regulate medical marijuana businesses need to update their ordinances to include nonmedical marijuana?

Answer: Yes. The AUMA prohibits state licensing authorities from issuing a license to a commercial nonmedical marijuana business if operation of the business violates a local ordinance of the jurisdiction in which the business will operate. This means that a city wishing to adopt business or land use regulations prohibiting or regulating commercial nonmedical marijuana businesses must adopt an ordinance prior to the date the state begins issuing licenses, which the League anticipates will be in late 2017.²

Question #9: Can cities be confident that a permissive zoning code, by itself, provides sufficient protection against nonmedical marijuana businesses setting up shop without local approval?

Answer: No. It is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning codes under the AUMA, because the AUMA does not contain the same protective language as the MMRSA with respect to permissive zoning. Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

Question #10: Are cities at risk of losing the opportunity to impose bans on personal outdoor cultivation if they don't act until after the November election?

Answer: No. A city may adopt an ordinance banning or regulating personal outdoor cultivation at any time.

Question #11: Are cities at risk of losing the opportunity to impose bans on nonmedical marijuana businesses, if they don't act until after the November election?

Answer: No. However, if a city does not adopt an ordinance expressly banning or regulating nonmedical marijuana businesses before the state begins issuing state licenses nonmedical businesses, a state-licensed nonmedical marijuana business will be able to operate within its jurisdiction without local permission or permitting. This is due to a provision in the AUMA that provides that state licenses cannot be issued where the activity would violate a local ordinance. If a jurisdiction has no ordinance regulating nonmedical marijuana businesses, then the local regulatory scheme is silent on that type of activity, and the state can unilaterally issue a license under terms fully compliant with the AUMA. Cities may adopt an ordinance expressly banning or regulating such operations after the state begins to issue licenses, but it will be difficult to terminate the state licensee's operations until the state license is up for renewal. Therefore, the best practice is to adopt an ordinance before the state begins issuing state licenses.

² Please see Question #8 regarding the use of public roads for transportation and delivery.

Question #12: Can cities ban deliveries under the AUMA?

Answer: Yes. Cities can ban deliveries within their territorial limits. However, cities cannot prevent the use of public roads for the delivery of marijuana. For example, if a licensed delivery company located in City A must travel on public roads through City B to make an authorized delivery in City C, City B cannot prohibit the licensed delivery company from travelling on public roads in City B to get to City C. In addition, cities may not prevent the use of public roads within its jurisdiction to transport nonmedical marijuana.

Question #13: What is the best way for cities to notify the state licensing agencies of their local ordinances that regulate and/or prohibit commercial non-medical marijuana activities within their jurisdictions?

Answer: Unless the state licensing agencies indicate otherwise, cities should mail copies of their local ordinances that regulate or prohibit commercial nonmedical marijuana activities within their jurisdictions to the Department of Consumer Affairs, the Department of Food and Agriculture, and the Department of Public Health. Cities should regularly check each Department's website to ensure that this practice complies with any regulations the Departments may pass regarding notice of local ordinances. In addition, Cities should ensure that any updates or amendments to local ordinances that regulate or prohibit commercial nonmedical marijuana activities are promptly submitted to each Department.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF FOLSOM
AMENDING CHAPTER 17.114 OF THE FOLSOM MUNICIPAL CODE
PERTAINING TO MARIJUANA CULTIVATION**

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

In light of Proposition 64 (also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA")) on the November 8, 2016 statewide general election, the purpose of this Ordinance is to amend Chapter 17.114 of the Folsom Municipal Code in order to regulate personal indoor cultivation of marijuana in the City of Folsom, but only in the event said Proposition passes at said general election.

SECTION 2 AMENDMENT TO CODE

Chapter 17.114, "Marijuana Cultivation," of the Folsom Municipal Code is hereby amended in its entirety to read as follows:

Chapter 17.114

MARIJUANA CULTIVATION

- 17.114.010 Purpose and intent.**
- 17.114.020 Definitions.**
- 17.114.030 Outdoor Cultivation.**
- 17.114.040 Cultivation of marijuana; regulations for residential zones.**
- 17.114.050 Indoor cultivation restricted to authorized growers.**
- 17.114.060 Public nuisance prohibited.**
- 17.114.070 Penalties not exclusive; violation a crime.**
- 17.114.080 Sunset clause.**

- 17.114.010 Purpose and intent.**

The City Council finds as follows:

A. Purpose. The purpose and intent of this Chapter is to regulate the cultivation of marijuana in a manner that protects the health, safety and welfare of the community consistent with Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). This Chapter is not intended to interfere with a patient's right to medical marijuana, as provided for in California Health & Safety Code Section 11362.5, nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law. This Chapter is not

intended to give any person unfettered legal authority to grow marijuana; it is intended simply to impose zoning restrictions on the personal indoor cultivation of marijuana permitted under AUMA when it is authorized by California state law for medical or other lawful purposes under the state law.

B. Applicability. As authorized by AB 243 (Section 11362.777 of the Health and Safety Code), marijuana cultivation as defined in Section 17.114.020, whether indoor or outdoor, remains prohibited in all zones and districts of the City of Folsom until and unless AUMA is passed at the November 8, 2016 statewide general election. Upon the passage of AUMA at said election, the cultivation of marijuana in the City shall be controlled and regulated by the provisions of this Chapter of the Zoning Code.

C. Non-conflicting enactment. No part of this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §§ 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation.

17.114.020 Definitions.

As used herein the following definitions shall apply:

A. "Authorized Grower" means a person 21 years and older who is authorized by, and in compliance with, federal or state law to cultivate marijuana indoors for personal or medical use.

B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.

C. "Fully enclosed and secure structure" means a fully-enclosed space within a building that complies with the California Building Code ("CBSC"), as adopted in the City of Folsom, or if exempt from the permit requirements of the CBSC, that has a complete roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and is not visible from a public right-of-way. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the City of Folsom.

D. "Immature marijuana plant" means a marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

E. "Indoors" means within a fully enclosed and secure structure as that structure is defined above in subsection C.

F. "Mature marijuana plant" means a marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

G. "Outdoor" means any location within the City of Folsom that is not within a fully enclosed and secure structure.

H. "Parcel" means property assigned a separate parcel number by the Sacramento County assessor.

I. "Private residence" means a house, apartment unit, mobile home, or other similar dwelling unit.

17.114.030 Outdoor cultivation.

It is hereby declared to be unlawful, a public nuisance, and a violation of this Chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to cause or allow such premises to be used for the outdoor cultivation of marijuana plants.

17.114.040 Cultivation of marijuana for personal use; regulations for residential zones.

A. When authorized by state law, an authorized grower shall be allowed to cultivate marijuana only in a private residence in a residential zone, only indoors, and only for personal use, subject to the following regulations:

1. The marijuana cultivation area shall be located indoors within a residential structure and shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve (12) inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, not visible from a public right-of-way and meeting all requirements in this Chapter.

2. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.

3. The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or non-flammable gas for marijuana cultivation or processing is prohibited.

4. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to

any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.

5. The authorized grower shall reside full-time in the residence where the marijuana cultivation occurs.

6. The authorized grower shall not participate in marijuana cultivation in any other location within the City.

7. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.

8. The marijuana cultivation area shall be in compliance with the current adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or equivalent), as amended from time to time.

9. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.

10. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

11. No more than 6 marijuana plants, mature or immature, are permitted for indoor personal cultivation under this Chapter.

12. Marijuana in excess of 28.5 grams produced by plants kept for indoor personal cultivation under this Chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.

B. Outdoor cultivation of marijuana and cultivation of marijuana for non-personal uses are expressly prohibited in all zones and districts of the City of Folsom.

17.114.050 Indoor cultivation of marijuana restricted to authorized growers.

A. It is hereby declared to be unlawful, a public nuisance and a violation of this Chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the City to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this Chapter.

B. No person shall grow marijuana upon any parcel until and unless they first secure a permit from the building department and pay such fee as may be required and set forth by resolution of the City Council.

17.114.060 Public nuisance prohibited.

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the City to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

A. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.

B. Repeated responses to the parcel by law enforcement personnel.

C. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.

D. Any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling.

E. Outdoor growing and cultivation of marijuana.

17.114.070 Penalties not exclusive; violation constitutes a crime.

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Folsom Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Folsom Municipal Code shall prevent the City from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this Chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the City Attorney.

17.114.080 Sunset clause.

A. Sections 17.114.030, 17.114.040, 17.114.050, and 17.114.060 of this Chapter shall automatically sunset and have no force of effect in the event AUMA fails to pass at the November 8, 2016 statewide general election.

B. In the event AUMA fails to pass at the November 8, 2016 statewide general election, marijuana cultivation as defined in Section 17.114.020, whether indoors or outdoor, shall be prohibited in all zones and districts of the City of Folsom, as authorized by AB 243 (Section 11362.777 of the Health and Safety Code).

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on _____, 2016, and the second reading occurred at the regular meeting of the City Council on _____, 2016.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this ____ day of _____, 2016 by the following vote, to wit:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

STAFF REPORT

CITY COUNCIL

SUBJECT: TERMITES IN CITY HALL

Over the last few years, the staff at city hall has observed termite infestation in the roof cross beams and wood roof diaphragm. The infestation has become more predominant the last few months. We have ask two exterminator company to submit a proposal to address the termite infestation. Western Exterminator Company submitted a cost proposal in the amount of \$5,270.00. The second proposal was from Clark Pest Control in the amount of \$7,344.00.

RECOMMENDATION: Authorized Western Exterminator Company the bid proposal in the amount of \$5,270.00

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: March 21st, 2017

SUBJECT: Website Redesign

DISCUSSION: Staff has been evaluating website redesign options with several companies in order to present the City Council with a report before they begin budget discussions for the next fiscal year. A new website created and managed with a Content Management Software (CMS) designed specifically for government agencies has many benefits, including:

- More intuitive navigation
- Increased transparency
- More engagement opportunities for residents
- More efficient and effective online communications center
- Easy for non-technical web content editors and administrators to easily execute changes
- E-notification modules for specific topics, including emergency alerts
- More robust online document center (applications and forms)
- Mobile responsive design
- Newsletter creation module
- Agenda creation module
- Public service request system
- Improved site analytics
- More up-to-date news center

SELECTION PROCESS:

Staff conducted extensive research into the industry leaders for municipal website design and CMS. While the field of website design is vast, there are standouts in the segment of the industry that focuses on CMS for government agencies. Staff contacted several of these companies for initial interviews, which included a questions about who they considered as their top competition. After the initial interviews, staff decided to move forward to the demonstration phase with three companies: Civic Plus, Revize, and GovOffice.

EVALUATION CRITERIA:

The three website design/CMS options were evaluated based on a wide variety of criteria, including:

- Functionality (for users)
- Functionality (for administrators/editors)
- Graphic design
- Cost
- Security
- Technical support
- Additional features such as:
 - Emergency alerts
 - Newsletter creation
 - Agenda creation

The comprehensive list of evaluation criteria for each option is contained in the attachment "Table 1: Website Design/CMS Review".

ANALYSIS:

After a quick review of the evaluation criteria, GovOffice was eliminated. While they did have base level options that were the cheapest ones considered (not included in the criteria chart), none of their options included the kind of features or cutting-edge graphic design that would make them competitive with CivicPlus or Revize.

CivicPlus and Revize both offer all of the features that we are looking for in our website redesign, including, among other things:

- Graphic design/branding
- Custom color palette
- Free future redesign to keep the site 'fresh'
- Free module upgrades
- Mobile admin app
- Public service requests
- Online forms
- Agenda creation/posting capability
- High quality analytics
- Emergency alert notifications

There are a few areas, however, where Revize sets itself apart from CivicPlus, including:

- No rate increases over time
- More branding services included
- Custom style guide
- Newsletter capability included
- Cost

RECOMMENDATION:

- A. City staff recommends that the City Council direct the City Manager to enter into a service agreement with Revize for website redesign and content management services, which will include the one-time setup fee and annual fee for services shown below.
- a. One-time setup fee: \$7,500
 - b. Annual fee for services: \$1,800
 - c. In order to get the design process started before the beginning of Fiscal Year 2017/2018, the City will provide a down payment of \$3,000, with the rest of the balance (\$6,300) due upon the website being delivered for content editor training (Phase 7 on the contract).

Attachments:

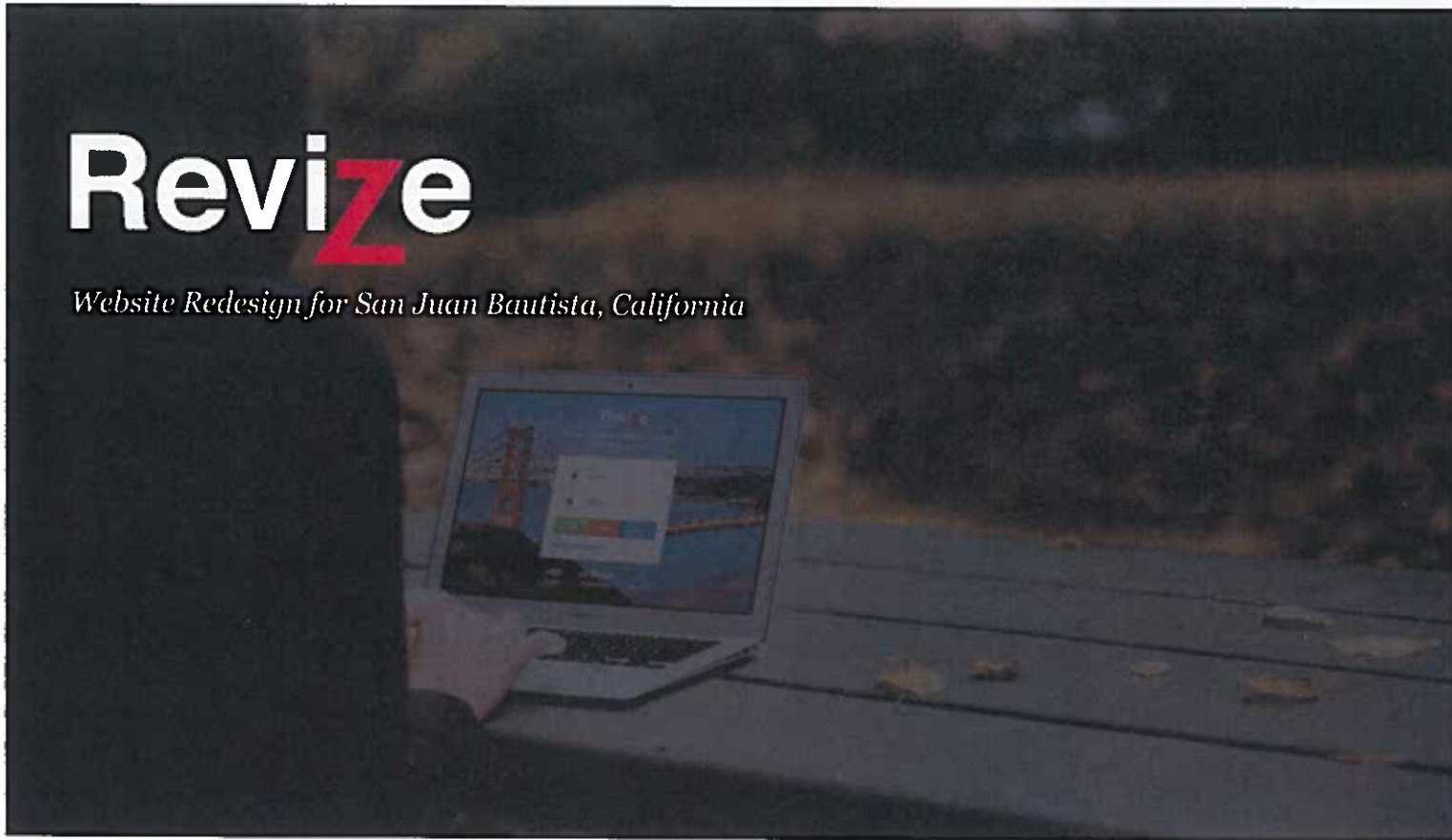
- Table 1: Website Design/CMS Review
- Revize Summary
- CivicPlus Summary
- GovOffice Summary
- Revize Sales Agreement for San Juan Bautista

Table 1: Website Design/CMS Review

	CivicPlus	Revize	GovOffice
Price - Setup	\$13,500	\$7,500	\$10,270
Price - Annual	\$3,500	\$1,800	\$1,150
Total Year 1 Cost	\$17,000	\$9,300	\$11,420
Contract Terms	Annual	5 year, non-binding	1 or 3 years, non-binding
Rate Adjustments	5%/year, Year 3 On	None.	<5% every 3 years
Implementation Time	16-25 weeks	16-21 weeks	10 weeks
Responsive Design	Yes	Yes	Yes
Graphic Design/Branding	Some	Yes	Minimal
Color Palette	Yes	Yes	No
Style Guide	No	Yes	No
Free Redesign	Yes - Year 4	Yes - After 4 years, with Contract	Yes - Year 4
Module Upgrades	Unlimited	Unlimited	Unlimited
Cloud-Based	Yes	Yes	Yes
Public Service Requests	Yes	Yes - Google Maps	No
Custom Design	Yes	Yes	Costs Extra
Mobile Admin App	Yes	Yes	No
Content Migration	Yes	Yes	Yes
Hosting	In-House	In-House	CenturyLink
Security	In-House	In-House	CenturyLink
Live Training	Yes	Yes	Yes
Tech Support	7am-7pm, M-F (Central)	5am-5pm, M-F (PST)	8am-5pm, M-F (Central)
Emergency Support	24/7 (phone)	24/7 (portal/email)	No
E-Payment Option	Yes	Yes	Yes
Online Forms	Yes	Yes	Available, Not Included
Newsletter	No	Yes	Available, Not Included
Agenda Creation/Posting	Yes	Yes	Yes
Web Content Schedule	Yes	Yes	No
Translator	Yes	Yes	No
Citizen Reporting	Yes	Yes	Available, Not Included
Business/Resource Directory	Yes	Yes	No
Facilities & Reservations	Yes	Yes	Yes
Site Search/Search Log	Yes	Yes	No
History Log	Yes	Yes	No
Link Redirects	Yes	Yes	No
Analytics	Yes - Piwik	Yes - Google Analytics	Yes - Google Analytics
ADA Compliant	Yes	Yes	Yes
Broken Link Checker	Yes	Yes	Available, Not Included
RSS Feeds	Yes	Yes	Yes
Email Lists	Yes - "Notify Me"	Yes	Yes
Emergency Alert Notification	Yes	Yes	Available, Not Included

Revize

Website Redesign for San Juan Bautista, California



Revize Company Overview

- *Headquartered in Troy, Michigan*
- *Building websites for government now for almost 20 years*
- *Specifically focused on Government Websites*
- *An expert content management system (CMS)*



Functionality For Users

- *A fully responsive design for all devices*
- *ADA Compliant*
- *Content reorganized for the users*
- *Easy to use features*



Functionality For Employees

- *On Screen Editing from any Internet Connection*
- *Easier than sending an email*
- *Streamlining of City Processes*
- *4 Automatic Upgrades Per Year*





Graphic Design

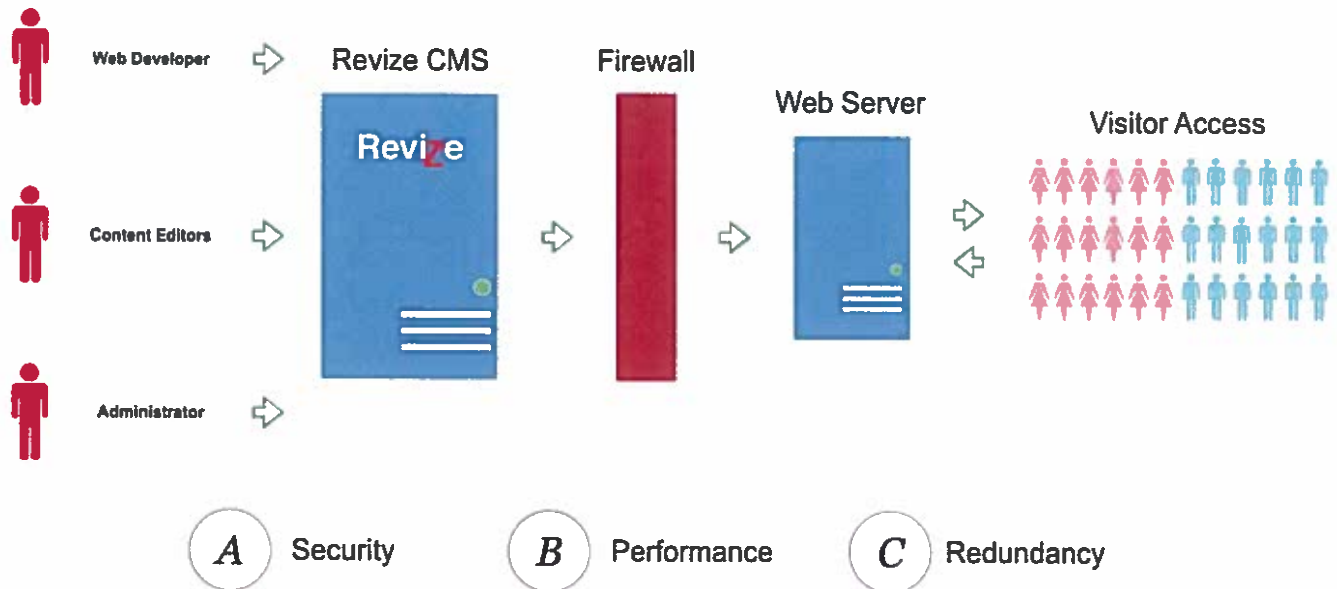
- *Design Discovery Meeting with Staff*
- *From Scratch Custom Design*
- *Revize Expert Designer*
- *City Review and Final Sign Off*
- *Design Flexible for Future Changes*



Unmatched Tech Support

- *"Know you by name"*
- *5AM to 5PM Phone Support (Pacific Time)*
- *24 Hour Customer Portal (Guaranteed Response Times)*
- *Support@Revize.com*
- *On Demand Help Center (How to Videos & FAQs)*
- *Retraining Anytime!*

Revize® Intelligent Publishing® WCM



INCLUDED FEATURES:

- Emergency Alert Center
- Revize Newsletter Application
- Document Center
- Email Notify
- FAQs
- I Want To
- Job Posting
- Language Translator
- News Center with Facebook/Twitter Integration
- Online Forms
- Personal Social Media Fly Out Bar
- Photo Gallery
- Revize Web Calendar
- Sliding Feature Bar
- And Many More!

Cost: Custom Redesign

Total First Year Cost: \$ 7,500 + \$ 1,800

3 Year Payment Plan:

Year 1: \$ 4,300

Year 2: \$ 4,300

Year 3: \$ 4,300

Year 4: \$ 1,800 Optional

Year 5: \$ 1,800 Optional + Free Redesign

Support, Hosting & Security

You are now a part of the CivicPlus family and will continue to receive both technical and consultative support from our Support and Account Management team.

Continuing Service & Support

CONTINUING SERVICE & SUPPORT

CivicPlus won't be with you just for the development, design and launch – we will be here year after year to respond to new needs and new opportunities for you to continue to have the best site possible. We offer all of our clients continuing support and additional advantages as a member of the CivicPlus family.

DEDICATED ACCOUNT MANAGEMENT

CivicPlus has a team of dedicated account managers to help you implement the tools needed to successfully meet the level of community engagement that you desire. Upon website Go Live, you will have a dedicated member of this team to help you keep up on new CivicPlus products and optimize your site. This specialized team member can provide you with further information on how to engage your citizens, utilizing the tools that CivicPlus has put into place on your new website.





Technical Support

AROUND-THE-CLOCK TECHNICAL SUPPORT

Our support personnel are ready to answer your staff members' questions and ensure their confidence in using our site. When you choose CivicPlus, our knowledgeable staff is available from 7 a.m. to 7 p.m. (CST) to field your calls and emails, and emergency services are available after regular hours with our on-call staff 24-hours a day.

In addition to fielding support requests, CivicPlus is proactive in identifying any potential system issues. Through regularly scheduled reviews of site logs, error messages, servers, router activity and the internet in general, our personnel often identify and correct issues before they even affect our clients' websites. Our expertise in website management provides assurance to our clients that their site is in good hands.

SUPPORT	MAINTENANCE OF CIVICPLUS APPLICATION & MODULES
7 a.m. – 7 p.m. (CST) Monday – Friday (excluding holidays) / 24/7 Emergency Support	Install service patches for OS system enhancements
2-hour response during normal hours	Fixes
Dedicated support personnel	Improvements
Integration of system enhancements	Integration
Usability improvements	Testing
Online training manuals	Development
Proactive support for updates & fixes	Unlimited Administrative Users
Monthly newsletters / Ongoing follow-up check-ins	
CivicPlus Connection Client Forums	

Hosting & Security

CivicPlus protects your investment and takes hosting and security of our client sites seriously.

Redundant power sources and internet access ensures consistent and stable connections. We invest over \$1.0M annually to ensure we adapt to the ever-changing security landscape while providing maximum availability. To help ensure your site is protected at the level you need, CivicPlus offers two options for coverage.

INCLUDED HOSTING & SECURITY PACKAGE

Your system is monitored 24/7/365. CivicPlus' extensive, industry-leading process and procedures for protecting and hosting your site is unparalleled. From our secure data center facilities to constant and vigilant monitoring and updating of your system, including 99.9% guaranteed up-time (excluding maintenance), we've got you covered.

PLATINUM HOSTING & SECURITY PACKAGE

Ensuring your visitors can access your site and that it continues to be business as usual with the least amount of interruption is attainable through the CivicPlus Platinum hosting and security. Cyber security is a high profile topic that makes the news almost daily. Every industry is a target, including local government. Our Platinum package protects your site through all of our included hosting and security features, but also adds the peace of mind of comprehensive and continuous DDoS protection. Our team has been pressure tested by high-profile events and has the experience and expertise to handle any situation. We've got you covered.

ONGOING PROTECTION SERVICES

If you choose the Included Package and experience a DDoS attack or threat, CivicPlus has mitigation and DDoS Advanced Security options that are available to you at the time of event. Whatever your needs are, we have an option that will be a fit for your community.

HOSTING & SECURITY FEATURES	INCLUDED	PLATINUM
Data Center		
Highly reliable data center	✓	✓
Managed network infrastructure	✓	✓
On-site power backup & generators	✓	✓
Multiple telecom/network providers	✓	✓
Fully redundant network	✓	✓
Highly secure facility	✓	✓
System monitoring	24/7/365	24/7/365
Hosting		
Automated CivicEngage software updates	✓	✓
Server management & monitoring	✓	✓
Multi-tiered software architecture	✓	✓
Server software updates & security patches	✓	✓
Database server updates & security patches	✓	✓
Antivirus management & updates	✓	✓
Server-class hardware from nationally recognized provider	✓	✓
Redundant firewall solutions	✓	✓
High performance SAN with N+2 reliability	✓	✓
Bandwidth		
Multiple network providers in place	✓	✓
Unlimited bandwidth usage for normal business operations (does not apply in the event of a cyber attack)	✓	✓
Burst bandwidth	22 Gb/s	45 Gb/s

HOSTING & SECURITY FEATURES	INCLUDED	PLATINUM
Disaster Recovery		
Emergency after-hours support, live agent (24/7)	✓	✓
On-line status monitor by Data Center	✓	✓
Event notification emails	✓	✓
Guaranteed recovery TIME objective (RTO)	8 hours	4 hours
Guaranteed recovery POINT objective (RPO)	24 hours	4 hours
Pre-emptive monitoring for disaster situations	✓	✓
Multiple data centers	✓	✓
Geographically diverse data centers	✓	✓
DDoS Mitigation		
Defined DDoS Attack Process	✓	✓
Identify attack source	✓	✓
Identify type of attack	✓	✓
Monitor attack for threshold* engagement	✓	✓
DDoS Advanced Security Coverage		
Continuous DDoS mitigation coverage	NOT INCLUDED Additional coverage available at time of event. Additional fees will apply.	✓
Content Distribution Network support		✓
Proxy server support		✓
Live User Detection service		✓

*THRESHOLDS: Traffic exceeds 25 Mb/s sustained for 2+ hours. Traffic over 1 Gb/s at any point during attack

Proposed Investment Estimate

What we promise to deliver.

We will want to talk with you in more detail about your goals, expectations and vision before we finalize your scope so we deliver what you need, when you need it.

Year 1 Investment Proposal

All quotes are priced per project and presented in US dollars.
Pricing is valid for 60 days from March 1, 2017.

As detailed in the proposal, San Juan Bautista's project development includes:

✓ Website Design, Development & Deployment

- CivicEngage Content Management System (including upgrades, hosting, maintenance and support)
- Migration of up to 65 pages for url www.san-juan-bautista.ca.us
- Included Hosting and Security Package

✓ Professional Consulting Services & Training

- Three (3) Days Web-based Implementation Training for up to six (6) Staff Members

✓ Projects Enhancements & Functionality

- Design Essentials
- CivicEngage MobileAdmin App - with Alert Center

MSRP – Year 1	\$16,753
Discount	(\$3,252.93)
Total Investment – Year 1	\$13,500.07



Annual Investment

Year 2 and Beyond

✓ Annual Hosting/Maintenance Service (Beginning year 2)

Receive maximum benefit at minimal cost while protecting your investment. Each year of your contract, you'll receive system enhancements, maintenance and optimization and have full access to our support staff so your site stays up-to-date with our latest features and functionality. Your annual services fee includes redundant hosting services, daily backups, extensive disaster recovery plans, 24/7 support, software maintenance, system enhancements, recurring training, and access to the CivicPlus community. Annual Hosting/Maintenance Services are subject to a cumulative annual 5% technology fee increase beginning Year 3 (for non-CPA payment projects) and beyond.

MSRP – Year 2 & Beyond	\$4,700.00
Discount	(\$1,200.00)
Total Investment – Year 2 & Beyond	\$3,500.00

CivicPlus Advantage - Alternate Payment Plan

The CivicPlus Advantage (CPA) provides zero interest, level payments that divides the Total Investment - Year One expense of your project over the first four (4) years of your contract. Each payment also includes your Annual Hosting/Maintenance Services. Our CivicPlus Advantage payment plan lowers your initial "out of pocket" expenses dramatically.

1st Year CPA Payment	\$6,000.02	4th Year CPA Payment.....	\$6,000.02
2nd Year CPA Payment.....	\$6,000.02	5th Year Annual	\$3,675
3rd Year CPA Payment.....	\$6,000.02	<i>(annual + 5% technology fee)</i>	

100%
REDESIGN
GUARANTEE

Redesign Guarantee

At the end of your fourth year of continuous service with us, you are eligible to receive a basic website redesign with no further out-of-pocket expense. Keep your website fresh, innovative and up-to-date!



City of San Juan Bautista, CA

Web Development Summary

February 22, 2017

Key Contact:
Ross Heupel
Marketing Director
651-270-0442
ross@govoffice.com
www.govoffice.com

Table of Contents

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GOV OFFICE

Company Overview - Over 1,500 Local Government Clients in 42 States

GOV OFFICE

Our 16 Year History

Launched in 2001, GovOffice was the centerpiece of a unique public-private partnership to bring website technologies to cities across America. Founding partners included the International City-County Management Association and League of Minnesota Cities and Avenet, which developed the GovOffice technology. Eventually, an additional 15 state municipal leagues joined our partnership.

In those 16 years, we've seen local government websites evolve from being a novelty to a necessity. We've served over 1500 local governments in 44 states and stayed true to our mission of providing state-of-the-art Web technologies that meet the needs of local government at an affordable cost.

GovOffice is a division of Avenet LLC, an industry-leading Web solutions provider, headquartered in Minneapolis, Minnesota.



The GovOffice Value Proposition

Our population-based pricing makes GovOffice an effective, affordable solution for every size of local government. With GovOffice, you don't pay for a bunch of pricy features you don't want or need. Our solution provides all the core features used by most local governments, and enables you to add more specialized features as needed. In short, we're easier to use, more affordable, and offer the features you and your citizens need, designed to fit a government budget. And as governments try to do more with less now more than ever, that's the perfect win-win for you and your constituents!

Functionality for Users

Every day GovOffice users efficiently manage their Websites from their office and at home--on any computer that is connected to the Internet through a Mozilla Firefox 2.0 or Internet Explorer 6.0 (or higher) browser--and they enjoy the many features that GovOffice offers:

- Unlimited number of sections and subsections are allowed to expand your site
- Unlimited number of links throughout your site
- Build a home page that includes a greeting, breaking news, upcoming events
- Online sign-up for newsletters, comment forms, polls, and surveys
- Audio and video files posted throughout the site
- Image gallery that serves as an online photo album
- News articles that can be featured and archived
- Post meetings agendas and minutes as documents
- Calendar of all community events and meetings
- Contact information of staff and elected officials
- Advanced users may switch to "HTML mode" for added flexibility
- Security system that allows multiple users with varying levels of editing permissions to update the Website simultaneously

GovOffice Key Features Include

Easy-to-Use Editor

Site Map

Load Documents – Agendas and Minutes

Upload Photos

Events Calendar

News Alert - Newsletter Registrations

Display Job Postings

Apply Sidebars

Cross Promote Section Headlines - Promotions

Directories

Post Announcements

Frequently Asked Questions

Online Request Forms

Functionality for Employees

The GovOffice Content Management System (CMS) will enable your community to rapidly deploy and manage its own high-tech and interactive Website at a fraction of the cost of traditional Web development.

GovOffice requires no specialized software skills, and it allows staff to administer the site anytime, from anywhere (with Internet access and a Web browser). GovOffice CMS is a database driven web application based upon underlying Microsoft technologies, including SQL Server.

Administrative Website Management

100% Web-Based Content Management

Unlimited Number of Editors

Permission Level Management

Edit Preview Feature

Data Storage Tracker

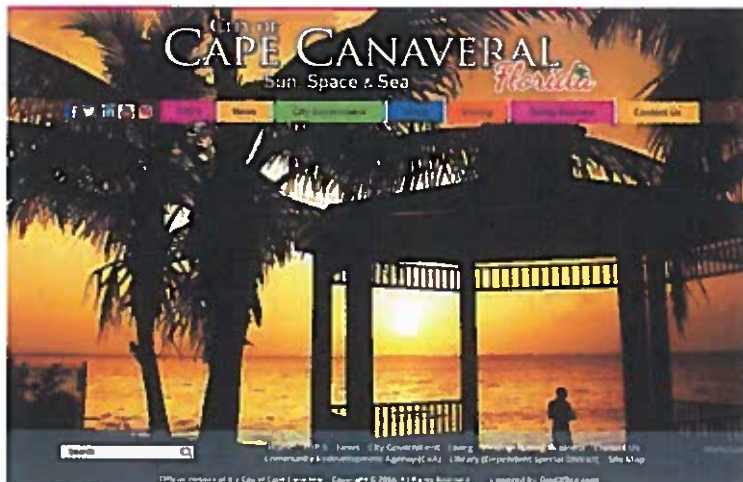
Audit Log – reports editing activity of each page

Site Statistics and Google Analytics

ADA Compliant

HTML Editor Option

Graphic Design



Option A – Standard Desktop Design – Postcard Format

City of Cape Canaveral, FL - <http://www.cityofcapecanaveral.org>

- Custom homepage with 5 programmed Images that rotate
- Four custom interior banners, can be created for specific departments
- Mobile website design
- Homepage Content Service
- Slab Menu Feature
- Custom mobile website design



Option B – Responsive Design

City of Onalaska, WI - <http://www.cityofonalaska.com>

- Custom homepage
- Five Image Sliders
- Film Strip Quick Links
- Slab Menu
- Complete Navigation Analysis and Restructure

Tech Support

Unlimited Technical Support

Live 2-hour training session (webinar) provided to all new clients and new site administrators

No fees for future training sessions

Live technical support – phone/webinars

Online Help Guide with Training Videos

Live Training – Unlimited Support

Most training sessions only take two-hours, if you have a basic understanding of Word or PowerPoint, then you'll easily pick-up our Content Management System. We'll schedule a training session that fits your schedule, sessions are conducted over the Internet and phone, no expensive on-site meetings are necessary. No charge for future training sessions with new staff.

Customer Service

The Customer Service Center is open Monday through Friday, excluding national holidays, from 8:00 AM to 5:00 PM (Central Standard Time), and it provides assistance to customers in the areas of initial online training of the GovOffice tool, additional training (if needed), technical support of Websites, and more.

GovOffice Provides:

- Online Training Sessions
- Toll-Free Phone Support
- Quick-Tips
- Online Help Guide with training videos and much more.

Security

All GovOffice customers are provided secure, Tier One Cloud hosting provided by CenturyLink, which ensures the highest levels of security and firewall technology, powerful and reliable servers and systems, and robust bandwidth. Specifically designed to provide state-of-the-art hosting for mission-critical Websites and enterprise applications.

CenturyLink Data Center are staffed 24/7 with highly trained technical engineers. In addition, the CenturyLink Call Center adheres to a strict escalation procedure to help ensure that GovOffice's applications are available to our customers at all times. It is noteworthy that CenturyLink Data Centers were constructed to withstand natural disasters, such as earthquakes, tornadoes, and floods.

Included Features

- Flexible content management with unlimited pages
- Drag-and-drop sorting of content, including sections, subsections, items and sidebars
- Custom design options
- Mobile version of your website for optimal display on smartphones
- Easy integration with social media
- Easy audio and video file integration
- Superforms option for sign-ups, surveys, comment forms, citizen reporting, online services and more
- Video on Demand option to present meetings, events and programs via live video streams
- ePayment option to process online payments for utility bills, licenses, property taxes, etc.
- News articles featured and archived
- RSS news feeds, enabling citizens to subscribe to your site content
- Meeting agendas and minutes posted as documents
- Image Gallery online photo album
- Calendar system for community events & meetings, including recurring events
- Contact information & directories of staff and elected officials
- HTML mode for advanced users

Web Hosting Included

Up to 2 GB (2,000 MB) of stored uploads and regular maintenance of CenturyLink servers

Secure Tier 3 Hosting

Nightly Backups Included

GOV OFFICE

Cost

Proposed Project Quote – City of San Juan Bautista, CA – Population 1,800

OPTION ONE – CAPE CANAVERAL POSTCARD DESIGN FORMAT

City of Cape Canaveral, FL - <http://www.cityofcapecanaveral.org>

GovOffice Web Development Services	Price
Annual Hosting, Maintenance and Customer Service	\$1,150
Premium Solution Design – Postcard Design Format Premium Design - \$4,895 Alternative Interior Design - \$1,000 5 Programmed Homepage Images - \$1,000 Homepage Quick Links (up to 8) - \$500 Advanced Slab Menu - \$1,000	\$8,395
URL Domain – Redirect Fee (CenturyLink service)	\$75
Mobile Website	No Fee
Online Payments – Pace Payments - Optional	No Fee
Content Migration Service – estimate 20 hours Current website text to be transferred, <u>documents less than 2 years to be transferred. Minutes date back to 2010.</u>	\$1,800
Grand Total	\$11,420 2nd Year \$1,150

The GovOffice Multi-Year Payment Plan – Stretch Your Budget

GovOffice now offers a manageable, fixed payment option, exempt from any rate increase, for up to 6 years. Instead of paying \$11,420 you have the option of paying the following rates.

Year One - \$4,445

Year Two - \$4,445

Year Three - \$4,445

Year Four – Renew agreement and receive a new custom design and now pay \$3,845 annually for the next three years. Client has the option of just paying annual hosting fees.

GOV OFFICE

OPTION TWO – RESPONSIVE DESIGN – CITY OF ONALASKA, WI
City of Onalaska, WI - <http://www.cityofonalaska.com>

GovOffice Web Development Services	Price
Annual Hosting, Maintenance and Customer Service	\$1,150
Responsive Design (\$4,000) -Auto Image Slider (\$1,000) -Filmstrip Quick Links (\$1,000) -Slab Menu – Benicia, CA example (\$1,000) -Complete Navigation Analysis & Restructure (\$650)	\$7,650
URL Domain – Redirect Fee (CenturyLink service)	\$75
Mobile Website	No Fee
Online Payments – Pace Payments - Optional	No Fee
Content Migration Service – estimate 20 hours Current website text to be transferred, <u>documents less than 2 years to be transferred. Minutes date back to 2010.</u>	\$1,800
Grand Total	\$10,675 2nd Year \$1,150

The GovOffice Multi-Year Payment Plan – Stretch Your Budget

GovOffice now offers a manageable, fixed payment option, exempt from any rate increase, for up to 6 years. Instead of paying \$11,420 you have the option of paying the following rates.

ONALASKA, WI DESIGN – RESPONSIVE DESIGN FORMAT

Year One - \$4,195

Year Two - \$4,195

Year Three - \$4,195

Year Four – Renew agreement and receive a new custom design and now pay \$3,845 annually for the next three years. Client has the option of just paying annual hosting fees.

Revize Web Services Sales Agreement

This Sales Agreement is between San Juan Bautista, California ("CLIENT") and Revize LLC, aka Revize Software Systems, ("Revize"). Federal Tax ID# 20-5000179 Date: 03-14-17

CLIENT INFORMATION:		REVIZE LLC:
Company Name:	<u>San Juan Bautista, California</u>	Revize Software Systems
Company Address:	<u>311 2nd street</u>	1890 Crooks, Suite 340
Company Address 2:	<u>P.O. Box 1420</u>	Troy, MI 48084
Company City/State/Zip:	<u>San Juan Bautista, CA 95045</u>	248-269-9263
Contact Name:	<u>Matt Orbach cityplanning@san-juan-bautista.ca.us 831-623-4661</u>	
Billing Dept. Contact:	<u></u>	

The CLIENT agrees to purchase the following products and services provided by REVIZE:

Quantity	Description	Price
1	Phase 1 – Project Planning and Analysis, onetime fee:	\$750
1	Phase 2 – Website Design, 1 concept, 3 rounds of changes, onetime fee:	\$1,900
1	Phase 3 & 4 – Revize Template Development, CMS module Integration, onetime fee:	\$2,200
1	Phase 5 – Quality Assurance Testing, onetime fee:	\$800
1	Phase 6 – Site Map Development and Content Migration up to 85 pages and 400 documents at suggested 50% document reduction (approximate number on your website today):	\$850
1	Phase 7 – Content Editing/Administrator Training, one-day session, onetime fee:	\$900
1	Phase 8 – Go Live, onetime fee:	\$100
1	Revize Annual Software Subscription, Tech Support, CMS Updates, and Website Hosting, pre-paid annual fee, 8 Users, 20 GB website storage:	\$1,800
Grand Total		\$9,300

Five-year agreement with free website re-design during year five. Revize requires a check for \$3,000 to start this Initiative. Remaining balance due upon website delivered for content editor training or the first year anniversary of the kick off meeting, whichever comes first. Annual services and website hosting start the day of the Kick Off project meeting.

Terms:

1. *Payments: All Invoices are due upon receipt. Work begins upon receiving initial payment.*
2. *Additional content migration, if requested, is available for \$3 per web page or document.*
3. *This Sales Agreement is the only legal document governing this sale.*
4. *Both parties must agree in writing to any changes or additions to this Sales Agreement.*
5. *This Sales Agreement is subject to the laws of the State of California.*
6. *Pricing expires in 30 days.*

AGREED TO BY:

Signature of Authorized Person:

Name of Authorized Person:

Title of Authorized Person

Date:

CLIENT

REVIZE

Clay Weinand
Senior Sales Executive

Please sign and return to:

Clay Weinand

Fax 1-866-346-8880

The Following Applications & Features will be integrated into Your Website Project

In addition to the Government Content Management System that enables non-technical staff to easily and quickly create/update content in the new web site, Revize provides a suite of applications and features specifically designed for municipalities. All of those apps and features are fully described in the following section. The applications and features are grouped into five categories:

- Citizen's Communication Center Apps
- Citizen's Engagement Center Apps
- Staff Productivity Apps
- Site Administration and Security Features
- Mobile Device and Accessibility Features

Citizen's Communication Center Apps

- Notification Center with Text/Email Alerts
- Document Center
- Email Notify Center
- FAQs
- News Center with Facebook/Twitter Integration
- "Share This" Social Media Flyout App
- Online Forms
- Photo Gallery
- Quick Link Buttons
- Revize Web Calendar - Unlimited
- Sliding Feature Bar
- Language Translator

Citizen's Engagement CENTER Apps

- Citizen Request Center with Captcha
- Online Bill Pay
- RSS Feed

Staff Productivity Apps

- Image Manager
- iCal Integration
- Link Checker
- Menu Manager
- Online Form Builder
- Staff Directory
- Website Content Archiving
- Website Content Scheduling

Site Administration and Security Features

- Audit Trail
- History Log
- URL Redirect Setup
- Roles and Permission-based Security Mode
- Secure Site Gateway
- Unique Login/Password for each Content Editor
- Web Statistics and Analytics
- Workflows by Department

Mobile Device and Accessibility Features

- Font Size Adjustment
- Alt-Tags
- Responsive Website Design (RWD) –Latest Government Design Trend to accommodate better viewing of text and graphics for any size screen, i.e smart phones, tablets, iPads, iPhones, Windows and Android devices

RESOLUTION NO. 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AN AGREEMENT BETWEEN THE CITY AND REVIZE FOR WEBSITE REDESIGN SERVICES

RECITAL

WHEREAS, the City of San Juan Bautista has developed a Website for providing general information and contact and service information for the various departments and agencies the city operates; and

WHEREAS, the City recognizes the current Website is substandard and needs upgrading and revision to meet the new challenges of information transparency; and

WHEREAS, the City Council of the City of San Juan Bautista has reviewed the agreement between the City of San Juan Bautista and Revize for website redesign services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The Contract is hereby approved and the City Manager is authorized to execute the Contract on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista held on March 21, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Chris Martorana, Mayor

Connie Schobert, City Clerk