

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA CONFIRMING A DIAGRAM AND
ASSESSMENT IN CONNECTION WITH VALLE VISTA
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT
DISTRICT NO. 1 FOR FISCAL YEAR 2018-19

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*) (“Act”), the City levies an annual assessment in connection with its Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 (“District”); and

WHEREAS, by prior resolution, this Council declared its intention to levy the assessment in connection with the District for Fiscal Year 2018-19; and

WHEREAS, on June 19, 2018, this Council held a full and fair public hearing with respect to the proposed assessment at which all interested persons were permitted to give oral testimony and written protests; and

WHEREAS, notice of the hearing was published in accordance with applicable law; and

WHEREAS, the City Council desires to proceed with the levy of the assessment in connection with the District for Fiscal Year 2018-19.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista as follows:

1. The foregoing recitals are all true and correct.
2. The City Council overrules all objections and protests.
3. The Diagram and Assessment contained in the Report entitled “Engineer’s Report, Valle Vista Lighting and Landscape Maintenance Assessment District No. 1, Fiscal Year 2018-19” and dated May 16, 2017 (the “Report”), which Report is on file in the Office of the City Clerk and incorporated herein by reference is hereby approved.
4. The adoption of this Resolution constitutes the levy of the assessment within the District for Fiscal Year 2018-19.
5. Due to efficient operations, the assessments for Fiscal Year 2018-19 will be less than anticipated in 2008 when property owners approved the assessment with a provision for increases based on the increases in the Consumer Price Index (CPI). The City Council desires to

return these savings to property owners by maintaining the assessment rate, and has done so by adopting this Resolution. Consequently, the assessment applied by this Resolution is less than the full assessment that the City is authorized to impose. For reference, the full authorized rate for assessment per unit for Fiscal Year 2017-18 is \$557.60. It is the intent of the Council that, for purposes of Article XIII D of the California Constitution, as well as applicable state law, no action taken in years subsequent to Fiscal Year 2018-19 will constitute an "increase" of the assessment rate if that action would not have constituted an "increase" of the assessment for Fiscal Year 2018-19 were levied at the full authorized rate. The Council declares that it would not have temporarily reduced the assessment rate for Fiscal Year 2018-19 if restoring the full authorized rate in subsequent years would constitute an "increase." Instead, the Council would have imposed the assessment for Fiscal Year 2018-19 at the full authorized rate in order to build additional operational reserves into the assessment district program.

6. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 19th day of June, 2018, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, Acting City Clerk

RESOLUTION NO. 2018-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO
THE LEVYING OF GENERAL AND SPECIAL TAXES, ASSESSMENTS,
AND PROPERTY RELATED FEES AND CHARGES**

**THE COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES RESOLVE AS
FOLLOWS:**

SECTION 1. The City of San Juan Bautista requests that the San Benito County Auditor-Controller enter those general or special taxes, assessments, or property related fees or charges identified in Exhibit A, attached hereto and incorporated herein by this reference, on the tax roll for collection and distribution by the San Benito County Treasurer-Tax Collector commencing with the property tax bill for fiscal year 2018-2019.

SECTION 2. The City of San Juan Bautista hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying of an imposition of the general or special taxes, assessments, or property related fees or charges identified in Exhibit A, regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in the Statutes of the State of California, or in the applicable decisional law of the State of California.

SECTION 3. The City of San Juan Bautista further certifies that, except for the sole negligence or misconduct of the County of San Benito, its officers, employees, and agents, the City of San Juan Bautista shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit, or other proceeding brought against the County of San Benito, its officers, employees, and agents for every claim, demand, or challenge to the levying or imposition of the general or special taxes, assessments, or property related fees or charges identified in Exhibit A and that it will pay or satisfy any judgment rendered against the County of San Benito, its officers, employees, and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees and court costs and administrative expenses of the County of San Benito to correct the tax rolls.

PASSED AND ADOPTED this 19th day of June, 2018, at a regular meeting of the San Juan Bautista City Council, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, Acting City Clerk

PART B VALLE VISTA
LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT No. 1
Budget 2018-2019

Formula to determine Assessment per General Rule #5

Assessment Rate = $\frac{\text{Proposed Operation and Maintenance Budget of the Current Fiscal Year}}{\text{Number of Units to be Assessed}}$

Single Family Home = \$557.60
Single Family Home with Granny Unit = \$697.10

PART C VALLE VISTA
LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT No. 1
Assessment 2018-2019

ASSESSMENT NO.	OWNER	ASSESSOR'S PARCEL NO.	ASSESSMENT Per UNIT	ASSESSMENT UNITS	FISCAL YEAR 2018-2019 ASSESSMENT TOTAL	
1	Lindsey & Shawn Collins	002-600-019-0	\$ 557.60	1	\$	557.60
2	Zoey Diggory & David M. Lo	002-600-018-0	\$ 697.10	1.25	\$	697.10
3	Germain R & Wanda M. Guibert	002-600-017-0	\$ 697.10	1.25	\$	697.10
4	Steve F & Mary M Woodill	002-600-016-0	\$ 697.10	1.25	\$	697.10
5	Stephen T Sesody	002-600-015-0	\$ 697.10	1.25	\$	697.10
6	Joanne Neubauer	002-600-014-0	\$ 557.60	1	\$	557.60
7	Linda Thomas	002-600-013-0	\$ 557.60	1	\$	557.60
8	Don & Sharon Gerber	002-600-012-0	\$ 557.60	1	\$	557.60
9	William M & Rosemary Y Hernandez	002-600-011-0	\$ 557.60	1	\$	557.60
10	Michael Humphrey & Joan Rodgers	002-600-035-0	\$ 557.60	1	\$	557.60
11	Nathalie Godoy & Augustine Rojas	002-600-010-0	\$ 557.60	1	\$	557.60
12	Isaias & Claudia Lona	002-600-034-0	\$ 557.60	1	\$	557.60
13	Phillip Esparza & Yolanda Lopez	002-600-009-0	\$ 557.60	1	\$	557.60
14	Guillermo E & Georges Gomez	002-600-033-0	\$ 557.60	1	\$	557.60
15	Hernandez Family Trust	002-600-008-0	\$ 559.60	1	\$	557.60
16	Steven T lo	002-600-032-0	\$ 557.60	1	\$	557.60
17	John V & Cynthia J Alnas	002-600-007-0	\$ 557.60	1	\$	557.60
18	Mark & Ronna Moreno	002-600-031-0	\$ 557.60	1	\$	557.60
19	Randal R. Phelps	002-600-006-0	\$ 557.60	1	\$	557.60
20	Alex Gorelik	002-600-030-0	\$ 557.60	1	\$	557.60
21	Patricia & David L. Guenther	002-600-005-0	\$ 557.60	1	\$	557.60
22	Diana Robbins	002-600-029-0	\$ 557.60	1	\$	557.60
23	Howard K & Katherine Schipper	002-600-004-0	\$ 557.60	1	\$	557.60
24	Darlene R. Anger Living Trust	002-600-003-0	\$ 557.60	1	\$	557.60
25	Juan J Briano	002-600-002-0	\$ 557.60	1	\$	557.60
26	Michael G Tate	002-600-001-0	\$ 557.60	1	\$	557.60
27	Kenneth J Houle	002-600-028-0	\$ 557.60	1	\$	557.60
28	Keith & Diane Martinet	002-600-027-0	\$ 557.60	1	\$	557.60
29	Michael Urbani & Lindsey Pengelly	002-600-026-0	\$ 557.60	1	\$	557.60
30	Kathy M Dutra	002-600-025-0	\$ 557.60	1	\$	557.60
31	Douglas & Leanna Brothers	002-600-024-0	\$ 557.60	1	\$	557.60
32	Harold Gomes	002-600-023-0	\$ 557.60	1	\$	557.60
33	Manuel Solis	002-600-022-0	\$ 557.60	1	\$	557.60
34	James & Irida Pisano	002-600-021-0	\$ 557.60	1	\$	557.60
35	Santiago & Elena Pacheco	002-600-020-0	\$ 557.60	1	\$	557.60
			\$ 20,074.00	36	\$	20,074.00

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL STAFF REPORT

To: The Honorable Mayor and Council Members

From: The City Attorney

RE: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO SUBMIT TO THE VOTERS OF SAN JUAN BAUTISTA AN ORDINANCE IMPOSING A CANNABIS BUSINESS ACTIVITIES TAX ON CANNABIS BUSINESSES IN THE CITY OF SAN JUAN BAUTISTA AND REQUESTING THAT THE COUNTY OF SAN BENITO CONSOLIDATE SAID SUBMISSION WITH THE GENERAL MUNICIPAL ELECTION AND STATEWIDE GENERAL ELECTION ON NOVEMBER 6, 2018; APPROVING THE BALLOT LANGUAGE; DIRECTING CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; REQUESTING THE COUNTY TO RENDER SERVICES IN CONNECTION WITH THE ELECTION; AND PROVIDING DIRECTION REGARDING SUBMISSION OF BALLOT ARGUMENTS FOR OR AGAINST THE MEASURE

Date: June 14, 2018

REQUEST:

It is requested that the City Council:

1. Review and approve the attached Ordinance to tax cannabis business activities;
2. Approve the attached Resolution; and
3. Direct the City Clerk to submit the attached Resolution to the County Election Official.

BACKGROUND

The second reading of an Ordinance to allow Cannabis Facility regulatory permits, is before the City Council. The Ordinance comes into effect only if a ballot measure to tax the cannabis business activities is submitted to the voters. The Sub-committee approved an Ordinance to tax cannabis businesses and directed the City Attorney to format the ordinance and prepare a Resolution to put the matter on the ballot for the November General Election. The Sub-committee gave the City Attorney a very short time to prepare the measures. The Resolution has not been submitted in advance to the County Elections Official for a determination of compliance with their forms and procedures. As such, the City Council is advised that the Resolution attached may be brought back to the City Council, if there are formatting or content issues

ENVIRONMENTAL REVIEW

The approval of this resolution this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"), and would not be a project pursuant to 14 CCR 15378(3),(4),(5)

DISCUSSION

The Sub-committee will give the staff report and rationale associated with the imposition of taxes in the attached Ordinance.

CONCLUSION

It is my understanding that the last day to file the Resolution with the County is August 10. However, there typically are issues with content and formatting which may cause revisions. As such, the matter should be submitted as soon as possible.

RESOLUTION NO. 2018-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO SUBMIT TO THE VOTERS OF SAN JUAN BAUTISTA AN ORDINANCE IMPOSING A CANNABIS BUSINESS ACTIVITIES TAX ON CANNABIS BUSINESSES IN THE CITY OF SAN JUAN BAUTISTA AND REQUESTING THAT THE COUNTY OF SAN BENITO CONSOLIDATE SAID SUBMISSION WITH THE GENERAL MUNICIPAL ELECTION AND STATEWIDE GENERAL ELECTION ON NOVEMBER 6, 2018; APPROVING THE BALLOT LANGUAGE; DIRECTING CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; REQUESTING THE COUNTY TO RENDER SERVICES IN CONNECTION WITH THE ELECTION; AND PROVIDING DIRECTION REGARDING SUBMISSION OF BALLOT ARGUMENTS FOR OR AGAINST THE MEASURE

WHEREAS, Section 2 of Article XIII C of the Constitution of the State of California and Government Code Section 53723 authorize the City of San Juan Bautista to impose a general tax upon approval by a majority vote of the voters voting in the election on the issue; and

WHEREAS, Section 2 of Article XIII C of the Constitution of the State of California requires said election to be consolidated with a regularly scheduled general election; and

WHEREAS, a regular municipal election is being held on November 6, 2018; and

WHEREAS, Resolution 2018-21 was passed by the City Council on May 15, 2018, calling for a regular, General Municipal Election on November 6, 2018 for the election of municipal officers and requesting consolidation with the Statewide General Election and that the County of San Benito render specified services in connection with said consolidated election; and

WHEREAS, pursuant to Elections Code Section 9222, the City Council is authorized to place measures on the ballot to be considered at a general municipal election; and

WHEREAS, pursuant to Government Code Section 53724, in order for a tax subject to the vote requirements prescribed by Section 53723 to be presented at an election, the City Council is required to, by ordinance or resolution, propose and approve the tax by 2/3 vote of all members of the City Council; and

WHEREAS, Government Code Section 53724 requires the ordinance or resolution proposing said tax to include the "type of tax and rate of tax to be levied, the method of collection, the date upon which an election shall be held on the issue . . ."; and

WHEREAS, pursuant to Government Code Section 53739, an ordinance or resolution presented for voter approval may state a range or rates or amounts and, further, may provide that the tax amounts stated in the ordinance or resolution, other than those determined by using a percentage

calculation, may be adjusted for inflation pursuant to a clearly identified formula as stated in said ordinance or resolution; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Juan Bautista:

1. The recitals set forth above are true, correct, valid, and incorporated herein; and
2. Proposes the ordinance, entitled “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADDING CHAPTER 5.32 “CANNABIS BUSINESS ACTIVITIES TAX ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA” TO TITLE 5 “PUBLIC HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN BAUTISTA MUNICIPAL CODE** attached hereto as Exhibit "A" to impose an excise tax on the privilege of cultivating, manufacturing, producing, processing, preparing, storing, providing, donating, selling, or distributing cannabis or cannabis products by a licensee operating under Division 10 (commencing with Section 26000) of the Business and Professions Code” (collectively, “cannabis business activities”) for general governmental purposes. The full text of the ordinance shall be included in the voter information guide provided to the registered voters of the City; and
3. Submits the ordinance proposing the tax to the electorate for approval, calls an election for November 6, 2018 for approval of the ordinance, and requests and orders that this election be consolidated with the Statewide General Election and the Municipal Election to be held on that date; and
4. Acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10403; and
5. Acknowledges the cannabis business activities tax is a general tax imposed upon every person who engages in any cannabis business activity within the City of San Juan Bautista. If approved by a majority of the electorate voting on the measure, the ordinance will establish a cannabis business activities excise tax, collected by the County Treasurer-Tax Collector, as may be imposed by the City Council within the following minimum and maximum rates:

a. Cultivation:

Cannabis Business Activity Type: Cultivation	Minimum	Maximum
Nursery	\$3.00	\$12.00
Outdoor (specialty cottage)	\$3.00	\$12.00
Outdoor (specialty)	\$3.00	\$12.00
Outdoor (small)	\$3.00	\$12.00
Outdoor (medium)	\$3.00	\$12.00
Outdoor (large)	\$3.00	\$12.00
Indoor (specialty cottage)	\$3.00	\$12.00
Indoor (specialty)	\$3.00	\$12.00
Indoor (small)	\$3.00	\$12.00
Indoor (medium)	\$3.00	\$12.00

Indoor (large)	\$3.00	\$12.00
Mixed-Light (specialty cottage)	\$3.00	\$12.00
Mixed-Light (specialty)	\$3.00	\$12.00
Mixed-Light (small)	\$3.00	\$12.00
Mixed Light (medium)	\$3.00	\$12.00
Mixed-Light (large)	\$3.00	\$12.00

b. Distribution:

Cannabis Business Activity Type: Distribution	Minimum	Maximum
Distributor	2%	8%
Distributor (Transportation-Only)	0.5%	8%

c. Manufacturing:

Cannabis Business Activity Type: Manufacturing	Minimum	Maximum
Manufacturing (Level 1)	2%	8%
Manufacturing (Level 2)	2%	8%

d. Microbusiness:

Cannabis Business Activity Type: Microbusiness	Minimum	Maximum
Microbusiness (Retailer)	2%	8%
Microbusiness (Non-Retailer)	2%	8%

e. Retail:

Cannabis Business Activity Type: Retailer	Minimum	Maximum
Retailer (Delivery-Only)	3%	10%
Retailer	3%	10%

These taxes shall be imposed upon any cannabis business activity, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous in accordance. If rejected by the electorate voting on the measure, the proposed tax on cannabis business activities would not be imposed.

6. Acknowledges the cannabis business activities tax imposed by the ordinance is a general tax within the meaning of Government Code Section 53721 and Section 2 of Article XIII C of the Constitution of the State of California. The revenue generated by this general tax would be available for general governmental purposes.

7. Acknowledges the ballot question shall be submitted to the voters shall be submitted for a “Yes” or “No” vote in substantially the following form:

<p>Shall an Ordinance adding Title 5, Chapter 5.32 “Cannabis Business Activities Tax Ordinance Of The City Of San Juan Bautista” to the San Juan Bautista Municipal Code imposing a tax upon cannabis business activities in the City based on square footage or gross receipts rates: \$3-\$12 per ft., increased annually based on Consumer Price Index; on distributors: 0.5%-8%; on manufacturers: 2%-8%; on retailers: 3%-10%; on testing laboratories: 1%-5%; and, on microbusiness: 2%-8%; which revenue can be spent for unrestricted general revenue purposes, be adopted?</p>	<p>YES</p> <p>NO</p>
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This question requires the approval of a simple majority (50% plus 1) of those voting. The referenced Ordinance is attached hereto as Exhibit 1 and incorporated in this Resolution by this reference. The question shall be submitted to the voters in unincorporated areas of the County.

8. Authorizes, instructs, and directs the City Clerk to file a certified copy of this Resolution with the Board of Supervisors and County Election Department of San Benito County.
9. Authorizes and directs the City Attorney to prepare an impartial analysis of the measure in accordance with the provisions of Election Code Section 9280 and file the analysis with the City Clerk by the date established by the County Elections Department.
10. Authorizes any person or persons to file an argument either for or against the ballot measure on or before the date established by the County Elections Department. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. and
11. Requests that the County of San Benito consolidate said submission with the General Municipal Election and Statewide General Election on November 6, 2018 and request the County to render services in connection with the election and authorizes payment of all costs in connection therewith.
12. Finds the adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”), and would not be a project pursuant to 14 CCR 15378(3),(4),(5).
13. Determines that this resolution shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this resolution. The City Council hereby declares that it would have passed this resolution and every section, subsection,

sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid, and, to that end, the provisions hereof are hereby declared to be severable.

THE FOREGOING RESOLUTION was adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

**ORDINANCE NO.
XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA ADDING CHAPTER 5.32 “CANNABIS BUSINESS ACTIVITIES TAX
ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA” TO TITLE 5 “PUBLIC
HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN BAUTISTA
MUNICIPAL CODE**

Section 1. EVIDENCE

The City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, public comments, both written and oral, received and/or submitted at, or prior to the City Council’s consideration of this Ordinance.

**Section 2. ADDING CHAPTER 5.32 “CANNABIS BUSINESS ACTIVITIES TAX
ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA” TO THE SAN JUAN
BAUTISTA MUNICIPAL CODE**

Title 5 “PUBLIC HEALTH, SAFETY AND WELFARE” of the San Juan Bautista Municipal Code shall be amended to add in its entirety as follows:

Chapter 5.32

CANNABIS BUSINESS ACTIVITIES TAX

Sections:

5.32.010	Title
5.32.020	Authority and Purpose
5.32.030	Intent
5.32.040	General Tax
5.32.050	Definitions
5.32.060	Tax Imposed
5.32.070	Exemptions
5.32.080	Tax, Penalties, Interest, and Fees as a Debt
5.32.90	Administration
5.32.100	Registration; Change of Ownership
5.32.110	Reporting and Remittance of Tax
5.32.120	Deficiency
5.32.130	Delinquency; Notice Not Required By City
5.32.140	Penalties, Fees, and Interest
5.32.150	Waiver of Penalties
5.32.160	Refunds; Credits
5.32.170	Notice of Assessment
5.32.180	Assessment Hearing

- 5.32.190 Appeal From Assessment Hearing
- 5.32.200 Enforcement
- 5.32.210 Apportionment
- 5.32.220 Constitutionality and Legality
- 5.32.230 Recordkeeping; Audit
- 5.32.240 Other Licenses, Permits, Tax, Fees, or Charges
- 5.32.250 Payment of Tax Does Not Authorize Unlawful Activities
- 5.32.260 Manner of Giving Notice
- 5.32.270 Unlawful Activities Designated; Misdemeanor
- 5.32.280 Violation; Taxes Not Waived
- 5.32.290 Severability
- 5.32.300 Remedies Cumulative
- 5.32.310 Amendment or Repeal

5.32.010- TITLE.

This article shall be known as the “Cannabis Business Activities Tax Ordinance of the City of San Juan Bautista.”

5.32.020- AUTHORITY AND PURPOSE.

- (A) This article is adopted pursuant to the MAUCRSA, specifically California Revenue and Taxation Code Section 34021.5, as may be amended, California Government Code Section 53724, California Elections Code Section 9217, and upon approval by the electorate in accordance with Section 2 of Article XIII C of the Constitution of the State of California and Government Code Section 53723.
- (B) This article is adopted to achieve the following purposes, among others, and directs that the provisions herein be interpreted in order to accomplish those purposes:
 - a. To impose a tax upon cannabis businesses for the privilege of engaging in cannabis business activities, whether medicinal or non-medicinal, in the City of San Juan Bautista.
 - b. To specify the type of tax, the rate of tax to be levied, and the method of collection.
 - c. To comply with all requirements of imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in the election on the issue.

5.32.030 - INTENT.

- (A) This article is enacted solely for the purpose of raising revenue for general City purposes, and is not intended to be regulatory.
- (B) Nothing in this article is intended, nor shall be construed, to exempt cannabis businesses from compliance with all applicable provisions of the San Juan Bautista Municipal Code and all other applicable State and federal laws.
- (C) The intent of this article is to levy a tax on all cannabis businesses that operate in the City, regardless of whether such business would have been legal at the time this article was enacted. Nothing in this article shall be interpreted to authorize or permit any cannabis business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

- (D) The Cannabis Business Activities Tax is levied based upon gross receipts and/or square footage of cannabis plant canopy, depending on the type of cannabis business activity in which a cannabis business is engaged.
- (E) The Cannabis Business Activities Tax is an excise tax, i.e., it is not a sales and use tax, a transaction and use tax, a tax upon income, a tax upon real property, or any other type of tax.

5.32.040 - GENERAL TAX.

The Cannabis Business Activities Tax is a general tax enacted solely for general governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this article shall be placed in the City's general fund and used for unrestricted general revenue purposes.

5.32.050 - DEFINITIONS.

- (A) "Cannabis" means all parts of the plant *Cannabis Sativa* Linnaeus, *Cannabis Indica*, or *Cannabis Ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- (B) "Cannabis business," means any person engaged in any cannabis business activity, as those terms are defined in this article.
- (C) "Cannabis business activity" or "cannabis business operation" shall have the meaning set forth in California Business and Professions Code Section 26001, subdivision (k). Cannabis business activity does not include personal cultivation as defined by Health and Safety Code Section 11362.2, as may be amended.
- (D) "Cannabis Business Activities Tax" means the tax due under this article for engaging in cannabis business activities in the City.
- (E) "Cannabis products" shall have the same meaning set forth in Revenue and Taxation Code Section 34010, subdivision (g).
- (F) "Canopy," "canopy area," "plant canopy," "plants canopy area," or "cultivation area" means the cumulative total square footage of all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or non-contiguous, including the space between plants within the canopy area, on any one site as calculated by the City Manager, or their designee, but does not include aisles or other open areas outside the canopy area. The canopy includes, but is not limited to, the area occupied by cannabis plant seeds, seedlings, immature plants, mature plants, or any cannabis plant, or part thereof, in any stage of processing, including harvesting, drying, curing, trimming, etc.
- (G) "City" means the City of San Juan Bautista.

(H)

“Cultivation” means any activity involving the propagation, planting, growing, harvesting, or processing, as defined in this article, of one or more cannabis plants, or any part thereof, in any location, indoor or outdoor, including from within a fully enclosed and secure building or structure.

(I) “Cultivator” means a person engaged in the cultivation of cannabis.

(J) “Delivery” shall have the same meaning set forth in California Business and Professions Code Section 26001, subdivision (p).

(K) “Distributor” means a person engaged in the distribution of cannabis and/or cannabis products between cannabis businesses.

(L) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products.

(M) “Engaged in [cannabis business activities]” means the means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in cannabis business activities within the City if:

(1) Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;

(2) Such person or person's employee owns or leases real property within the City for business purposes;

(3) Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;

(4) Such person or person's employee regularly conducts solicitation of business within the City;

(5) Such person or person's employee performs work or renders services in the City; and

(6) Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in [cannabis business activities].”

(N) “Gross Receipts” shall have the same meaning as set forth in California Revenue and Taxation Code Section 6012.

(O) “Manufacture” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

(P) “Manufacturer” means a person engaged in the manufacture of cannabis and/or cannabis products.

(Q) “MAUCRSA” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code Section 26000 et seq.

(R) “Microbusiness” shall have the meaning set forth in the California Business and Professions Code Section 26070, subdivision (a)(3)(A).

- (S) "Non-medicinal cannabis" means cannabis used for adult-use, recreational, or non-medicinal purposes.
- (T) "Nursery" means a cannabis business that engaged only in the production of cannabis clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- (U) "Person" means an individual, firm, partnership, joint venture, association, corporation, cooperative, company, collective, organization, business, and/or entity.
- (V) "Process" or "processing" means all cannabis business activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of raw cannabis, or any part thereof, for transport.
- (W) "Propagate" or "propagation" means to cultivate immature plants from cannabis plant cuttings or seeds.
- (X) "Retail sale," "sell," and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a cannabis permittee to the cannabis permittee from whom the cannabis or cannabis product was purchased.
- (Y) "Retailer" means a person engaged in the retail or sale of cannabis and/or cannabis products.
- (Z) "Testing laboratory" or "laboratory" means a laboratory, facility, or entity in California that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (AA) "Transport" or "transportation" means the transfer of cannabis from the licensed cannabis business site of one MAUCRSA licensee to the licensed cannabis business site of another MAUCRSA licensee for the purposes of conducting cannabis business activities as authorized pursuant to California Business and Professions Code Section 26000 et seq. Cannabis may only be transported inside of a commercial vehicle or trailer and may not be visible or identifiable from outside of the commercial vehicle or trailer. Transportation by means of aircraft, watercraft, drones, rail, human powered vehicles, and unmanned vehicles is prohibited. The County shall not prevent the carriage of cannabis or cannabis products on public roads by a MAUCRSA licensee acting in compliance with State law to transport cannabis or cannabis products from the licensed cannabis business site of one MAUCRSA licensee to the licensed cannabis business site of another MAUCRSA licensee.
- (BB) "Transporter" means a person engaged in the transportation of cannabis and/or cannabis products between cannabis businesses.

5.32.06- TAX IMPOSED.

- (A) There is established and imposed a Cannabis Business Activities Tax at the rates set forth in this article.
- (B) Each person engaged in any cannabis business activity in the City, regardless if the

cannabis business has been issued a permit to operate lawfully in the City or is operating unlawfully, shall pay an annual Cannabis Business Activities Tax. Said tax shall be imposed upon any and all cannabis business activities, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous.

(C) Tax on Cultivation Type Cannabis Business Activities.

1. Every person who is engaged in cultivation type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a square footage basis, i.e., the “canopy” as that term is defined herein.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for cultivation type cannabis business activities shall be as follows:

Cannabis Business Activity Type: Cultivation	Minimum	Maximum
Nursery	\$3.00	\$12.00
Outdoor (specialty cottage)	\$3.00	\$12.00
Outdoor (specialty)	\$3.00	\$12.00
Outdoor (small)	\$3.00	\$12.00
Outdoor (medium)	\$3.00	\$12.00
Outdoor (large)	\$3.00	\$12.00
Indoor (specialty cottage)	\$3.00	\$12.00
Indoor (specialty)	\$3.00	\$12.00
Indoor (small)	\$3.00	\$12.00
Indoor (medium)	\$3.00	\$12.00
Indoor (large)	\$3.00	\$12.00
Mixed-Light (specialty cottage)	\$3.00	\$12.00
Mixed-Light (specialty)	\$3.00	\$12.00
Mixed-Light (small)	\$3.00	\$12.00
Mixed Light (medium)	\$3.00	\$12.00
Mixed-Light (large)	\$3.00	\$12.00

3. Beginning on July 1, 2020, and on July 1 of each succeeding fiscal year thereafter, the Cannabis Business Activities Tax imposed by this Subdivision shall increase by the most recent change in the annual average of the Consumer Price Index (“CPI”) for all urban consumers in the San-Francisco-Oakland-San-Jose areas as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subdivision shall be made.
4. The City Council may, in its discretion, at any time by resolution or

ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivisions (C)(2) and (C)(3) above.

(D) Tax on Distribution Type Cannabis Business Activities.

1. Every person who is engaged in distribution type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for distribution type cannabis business activities shall be as follows:

Cannabis Business Activity Type: Distribution	Minimum	Maximum
Distributor	2%	8%
Distributor (Transportation-Only)	0.5%	8%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (D)(2) above.

(E) Tax on Manufacturing Type Cannabis Business Activities.

1. Every person who is engaged in manufacturing type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for manufacturing type cannabis business activities shall be as follows:

Cannabis Business Activity Type: Manufacturing	Minimum	Maximum
Manufacturing (Level 1)	2%	8%
Manufacturing (Level 2)	2%	8%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and

maximum rates established in Subdivision (E)(2) above.

(F) Tax on Microbusiness Type Cannabis Business Activities.

1. Every person who is engaged in microbusiness type cannabis business activities in the City, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for microbusiness type cannabis business activities shall be as follows:

Cannabis Business Activity Type: Microbusiness		
	Minimum	Maximum
Microbusiness (Retailer)	2%	8%
Microbusiness (Non-Retailer)	2%	8%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (F)(2) above.

(G) Tax on Retailer Type Cannabis Business Activities.

1. Every person who is engaged in retailer type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.
2. The minimum and maximum rates of the Cannabis Business Activities Tax for retailer type cannabis business activities shall be as follows:

Cannabis Business Activity Type: Retailer		
	Minimum	Maximum
Retailer (Delivery-Only)	3%	10%
Retailer	3%	10%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City, or establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (G)(2) above.

(H) Tax on Testing Laboratory Type Cannabis Business Activities.

1. Every person who is engaged in testing laboratory type cannabis business activities in the City shall pay an annual Cannabis Business Activities Tax, which shall be determined on a gross receipts per fiscal year basis.

2. The minimum and maximum rates of the Cannabis Business Activities Tax for testing laboratory type cannabis business activities shall be as follows:

Cannabis Business Activity Type:		
Testing Laboratory	Minimum	Maximum
Testing Laboratory	1%	5%

3. The City Council may, in its discretion, at any time by resolution or ordinance, set the initial rate and/or adjust the tax rate for all persons engaged in any cannabis business activity in the City establish differing tax rates for different categories of cannabis businesses, including medicinal or non-medicinal cannabis businesses, subject to the minimum and maximum rates established in Subdivision (H)(2) above.
- (I) Notwithstanding the foregoing, the City Council, in its discretion, at any time by ordinance, exempt or except certain categories of cannabis business activities from the Cannabis Business Activities Tax.

5.32.070 - EXEMPTIONS.

- (A) The provisions of this article shall not apply to personal cannabis cultivation, as defined by Health and Safety Code Section 11362.2, as may be amended.
- (B) The provisions of this article shall not apply to personal use of cannabis that is expressly exempted from state licensing requirements, and for which the individual receives no compensation whatsoever related to that personal use, including, personal non-medicinal use, as defined by Health and Safety Code Section 11362.1, as may be amended, or personal medicinal use, as defined by Health and Safety Code Section 11362.7 et seq., as may be amended.

5.32.080 - TAX, PENALTIES, INTEREST, AND FEES AS A DEBT.

- (A) The amount of any tax imposed by this article shall be deemed a debt owed to the City.
- (B) Any penalties, interest and/or fees required to be paid under the provisions of this article shall also be deemed a debt owed to the City.
- (C) Any person owing any tax, penalties, interest and/or fees shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax imposed by this article or the failure to comply with any of the provisions hereof.

5.32.090 - ADMINISTRATION.

- (A) It shall be the duty of the City Manager, or his or her designee, to collect the taxes, penalties, fees, and perform the duties required by this article.
- (B) For purposes of administration and enforcement of this article generally, the City Manager may from time to time promulgate such administrative rules and procedures consistent with the purpose, intent, and express terms of this article as they deem necessary to implement or clarify such provisions or aid in enforcement.

- (C) The City Manager may take such administrative actions as needed to administer the tax, including but not limited to;
1. Provide to all cannabis business activities taxpayers forms for the reporting of the tax;
 2. Provide information to any taxpayer concerning the provisions of this article;
 3. Receive and record all taxes remitted to the City as provided in this article;
 4. Maintain records of taxpayer reports and taxes collected pursuant to this article;
 5. Assess penalties and interest to taxpayers pursuant to this article; or waive such penalties and interest when there is demonstrated evidence of extenuating circumstances that were clearly beyond the control of the taxpayer; and
 6. Determine amounts owed and enforce collection pursuant to this article.

5.32.100 - REGISTRATION; CHANGE OF OWNERSHIP.

- (A) In order that the City will have an accurate record of persons liable for paying the Cannabis Business Activities Tax hereunder, prior to commencing cannabis business activities, each person engaged in any cannabis business activity shall register such cannabis business with the City Manager, submitting any information deemed necessary by the City Manager, including, but not limited to, the type(s) of cannabis business activities in which said person is engaged.
- (B) In the event that there is a change in ownership of any cannabis business:
1. The new owner is required to submit an updated registration form to the City Manager.
 2. The new owner is subject to an audit by the City Manager or his or her designee.
 3. Unless otherwise provided by law, it is the joint and several liability of both the seller and buyer to remit any tax due up until the date of sale; otherwise, a Certificate of Delinquent Cannabis Business Activities Tax Lien may be filed against both the seller and/or buyer in an amount determined by the City Manager.

5.32.110 - REPORTING AND REMITTANCE OF TAX.

- (A) The Cannabis Business Activities Tax imposed by this article shall be imposed on a fiscal year basis and shall be due and payable in quarterly installments as follows:
1. If the Cannabis Business Activities Tax is owed on cultivation type cannabis business activities, the tax due shall be based on the square footage of the cannabis business' canopy as determined by the City Manager and the quarterly rate shall be twenty-five percent (25%) of the applicable annual rate. The tax will not be prorated or adjusted for any canopy area authorized by the City Manager which was not utilized for cultivation. However, if the cultivation begins in the middle of a fiscal year, the City Manager shall prorate, in monthly increments, the amount due for the fiscal year.
 2. If the Cannabis Business Activities Tax is owed on cannabis business

activities other than cultivation type cannabis business activities, the tax due shall be based on the gross receipts for the quarter.

- (B) The tax for each fiscal quarter shall be due and payable on that same date as the statement for the fiscal quarter is due. The tax due shall be no less than the quarterly installment due, but the taxpayer may at any time pay the entire amount due for the given fiscal year.
- (C) Each person owing a Cannabis Business Activities Tax shall, on or before the last day of the month following the close of each fiscal year quarter:
 - 1. File with the City Manager a statement of the tax owed for that fiscal quarter and the basis for calculating that tax. The City Manager may require that the statement be submitted on a form prescribed by the City Manager.
 - 2. Remit to the City Manager the tax due.
- (D) The City Manager may, in his/her discretion, establish shorter report and payment periods for any taxpayer as the City Manager deems necessary to ensure collection of the Cannabis Business Activities Tax.
- (E) The City Manager may, in his/her discretion as part of administering the Cannabis Business Activities Tax, modify the form of payment and take such other administrative actions as needed to facilitate collection of the tax.
- (F) Upon cessation of a cannabis business for any reason, tax statements and payments for all outstanding taxes owed to the City shall be immediately due to the City. Tax statements and remittances will be deemed timely made if actually received by the City Manager within thirty (30) calendar days following cessation of the cannabis business activity; otherwise the taxes shall be deemed delinquent and subject to penalties hereunder.
- (G) Any person required to remit taxes in excess of one-hundred thousand dollars (\$100,000.00) in any given fiscal year shall be required to make remittances on a monthly basis in the succeeding fiscal year. Said remittances shall be due on or before the last day of the month following the last day of the preceding month.
- (H) The correctness of any tax return filed pursuant to this article shall be subject to audit and verification by the City Manager, or designee, who is authorized and empowered to inspect and audit the books and records of any cannabis business. No cannabis business shall refuse or fail to allow the City Manager, or designee, to inspect and audit such books and records, or shall refuse or fail to provide such additional information as requested by the City Manager, or designee.
- (I) For the purposes of this Section, "on or before" shall be interpreted as: (1) hand delivery; or (2) postal delivery of a properly stamped and addressed envelope containing the return and full amount of the tax to the United States Postal Service. Delivery to the Postal Service must be verified by cancellation by the Postal Service showing a postmark date no later than midnight on the date the tax is due. If the due date of the tax falls on a United States Post Office closure date, the tax due date shall be the next business day (excluding federal holidays). Private postal meter strips and dates shall not be considered evidence of delivery to the United States Postal Service.
- (J) Whenever any payment, statement, report, request or other communication is due, it must be received by the City Manager on or before the final due date. In accordance with Subdivision (I) of this Section, a postmark may be accepted as

timely remittance. If the due date falls on Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the City is open to the public.

5.32.120 - DEFICIENCY.

- (A) If the City Manager is not satisfied that any return filed as required under the provisions of this article is correct, or that the amount of tax is correctly computed, he/she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his/her possession or that may come into his/her possession within three (3) calendar years of the date the tax was originally due and payable.
- (B) One or more deficiency determinations of the amount of tax due for a period or periods may be made.
- (C) When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) calendar years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is/was issued prior to the date the tax would otherwise be due, or issued after the discontinuation of the business.
- (D) Whenever a deficiency determination is made, a notice shall be given to the person concerned in accordance with Section 5.32.260.

5.32.130 - DELINQUENCY; NOTICE NOT REQUIRED BY CITY.

- (A) Unless otherwise specifically provided under other provisions of this article, the taxes required to be paid pursuant to this article shall be deemed delinquent if not received by the City Manager on or before the due date as specified in Section 5.32.110.
- (B) The City Manager is not required to send a delinquency or other notice or bill to any person subject to the provisions of this article. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this article.

5.32.140 - PENALTIES, FEES, AND INTEREST.

- (A) The Cannabis Business Activities Tax shall be that amount due and payable from the first day in which the person was engaged in cannabis business activities in the City, together with all applicable penalties, fees, and interest calculated in accordance with this Section.
- (B) Any person who fails or refuses to pay any Cannabis Business Activities Tax required to be paid pursuant to this article on or before the due date shall pay penalties, fees, and interest as follows:
 - 1. **Initial Delinquency.** A penalty equal to twelve and a half percent (12.5%) of the amount of the tax, in addition to the amount of the tax.
 - 2. **Continuing Delinquency.** If the tax remains unpaid for a period exceeding thirty (30) calendar days beyond the date on which the remittance first became delinquent, an additional penalty equal to twelve and a half percent (12.5%) of the amount of the tax, shall be imposed.
 - 3. **Bank Fees.** Whenever a check or electronic payment is submitted in

payment of a Cannabis Business Activities Tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any bank fees, penalties and interest as provided for in this Section, and any other amount allowed under State law.

4. **Interest.** In addition to the penalties and/or fees amounts imposed, interest shall be applied at the rate of one and one-half percent (1.5%) per month on the first day of the month for the full month, and will continue to accrue monthly on the tax and penalty until the balance is paid in full.
- (C) In addition to the foregoing amounts, if the City determines that any remittance of the Cannabis Business Activities Tax due under this article is due to fraud or fraudulent, a penalty of twenty-five percent (25%) of the amount of the tax that should have been paid shall be added thereto in addition to penalties and interest otherwise stated in this article and any other penalties allowed by law.

5.32.150 - WAIVER OF PENALTIES.

The City Manager may waive the penalties imposed upon any person under Section 5.32/140, if:

- (A) The person engaged in cannabis business activities requests a waiver of penalties by submitting a Request for Waiver to the City Manager within ten (10) calendar days after issuance of a Notice of Assessment.
- (B) The person provides evidence satisfactory to the City Manager that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent Cannabis Business Activities Tax and accrued interest owed the County prior to applying to the City Manager for a waiver.
- (C) Upon receipt of satisfactory evidence, the City Manager may waive penalties in an amount not to exceed five-thousand dollars (\$5,000.00).
- (D) If the Request for Waiver exceeds five-thousand dollars (\$5,000.00), such request shall be approved only by the City Council.
- (E) The amount determined to be owed to the City shall be due immediately. Remittances will be deemed timely made if actually received by the City Manager within ten (10) calendar days; otherwise the taxes shall be deemed delinquent and subject to penalties under Section 5.32.140.
- (F) The waiver provisions specified in this Section shall not apply to any interest accrued on the delinquent tax.
- (G) A waiver under this Section may only be granted once during any twenty-four (24) month period.

5.32.160 - REFUNDS; CREDITS.

- (A) No refund shall be made of any tax collected pursuant to this article, except as provided in this Section.
- (B) No refund of any tax collected pursuant to this article shall be made because of cessation of the cannabis business activity, discontinuation, dissolution, or other termination of the cannabis business.

- (C) Whenever the amount of any tax or penalty under this article has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this article, it may be refunded to the claimant who paid the tax; provided a written claim, stating under penalty of perjury under the laws of the State of California the specific grounds upon which the claim is founded, is filed with the City Manager within one (1) calendar year of the date of payment. The claim shall be on forms furnished by the City Manager.
- (D) Any person entitled to a refund of Cannabis Business Activities Taxes paid hereunder may elect, in writing, to have such refund applied as a credit against such person's taxes which will become due for the next fiscal year quarter.
- (E) In the event that the Cannabis Business Activities Tax was erroneously paid and the error is attributable to the City, the City shall refund the amount of tax paid up to one (1) calendar year from when the error was identified, provided in no case, shall a claim for payment be made more than three years from the date of the actual payment of the tax.
- (F) The City Manager, his or her designee or any other City officer charged with the administration of this article, shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the City Manager, his or her designee or any other City officer charged with the administration of this article, to do so.
- (G) The City Manager may collect a fee adopted by the City Council to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the City Manager to make a determination on the claim for the refund.
- (H) No refund of any tax collected pursuant to this article shall be made because of the discontinuation, dissolution, or other termination of a cannabis business.

5.32.170 - NOTICE OF ASSESSMENT.

- (A) Under any of the following circumstances, the City Manager may issue a Notice of Assessment of the amount of tax owed by a person under this article at any time:
 - 1. If the person has not filed a complete statement required under the provisions of this article;
 - 2. If the person has not paid the tax due under the provisions of this article;
 - 3. If the person has not, after demand by the City Manager, filed a corrected statement, or furnished to the City Manager adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this article.
- (B) The Notice of Assessment shall be served in accordance with Section 5.32.260.
- (C) The Notice of Assessment shall separately set forth the amount of any tax due. The amount due shall include the amount of any penalties or interest accrued on each amount through the date of the Notice of Assessment.
- (D) If the amount of tax due is unknown, the City Manager may estimate the amount of tax due based on consideration of all information within their knowledge concerning the business and activities of the person assessed. For purposes of

estimating the amount of tax due, there shall be a rebuttable presumption that the minimum amount of tax due is the same as the maximum amount of tax due during any quarter during the previous fiscal year.

5.32.180 - ASSESSMENT HEARING.

- (A) Within ten (10) calendar days after the date of service of the Notice of Assessment, the person may apply in writing to the City Manager for a hearing on the assessment.
- (B) If application for a hearing is not made within the time herein prescribed, the tax, penalties, fees, and/or interest determined by the City Manager shall become final and conclusive, and shall be immediately due and payable.
- (C) If such application is made, the City Manager shall, upon receipt of such application, cause the matter to be set for hearing. The hearing shall be held not fewer than ten (10) calendar days, and not more than forty-five (45) calendar days from receipt of the written request for hearing, unless a later date is agreed to by the City Manager and the person requesting the hearing.
- (D) Notice of the hearing shall be given by the City Manager to the person requesting such hearing not fewer than five (5) business days prior to such hearing. The notice shall set the date, time and place for hearing and shall order the person requesting the hearing to show cause why such amount specified in the Notice of Assessment should not be confirmed.
- (E) The person requesting the hearing may appear and offer evidence at the hearing why the assessment as determined by the City Manager should not be confirmed and fixed as the tax, penalties, fees, and/or interest due.
- (F) After such hearing the City Manager shall determine the proper tax to be charged and shall issue, in accordance with Section 5.32.260, a Notice of Determination of Tax Due to the person requesting the hearing stating the City Manager's determination and the amount of tax, penalties, fees, and interest.
- (G) The amount determined to be due shall be payable after fifteen (15) calendar days of written notice unless it is appealed to the City Council.

5.32.190 - APPEAL FROM ASSESSMENT HEARING.

Any person aggrieved by any decision of the City Manager with respect to the amount of tax, interest, penalties and fees, if any, due under this article may appeal to the City Council by filing a Notice of Appeal with the City Clerk within fifteen (15) days of service of the Notice of Determination of Tax Due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such person at the last known address. The decision of the City Council shall be final and conclusive and shall be served upon the appellant in accordance with Section 5.32.260. Any amount found to be owed to the County shall be immediately due and payable upon the service of the decision.

5.32.200 - ENFORCEMENT.

- (A) In addition to any other remedies available under federal, state, or local law, if any amount required to be paid to the City under this article is not paid when due, the City Manager may, within three (3) calendar years after the amount is due, record a certificate of lien specifying the amount of taxes, fees, interest and penalties due,

and the name and address of the individual or business as it appears on the records of City Manager. The lien shall also specify that the City Manager has complied with all provisions of this article in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with penalties, fees and interest thereon, constitutes a lien upon all real property in the City owned by the individual or business, or subsequently acquired by the individual or business before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) calendar years from filing of the certificate unless sooner released or otherwise discharged.

- (B) At any time within three (3) calendar years after any individual or business is delinquent in the payment of any amount required to be paid under this article or within three (3) calendar years after the last recording of a certificate of lien under Subdivision (B) of this Section, the City Manager may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the City under this article. The warrant shall be directed to the Sheriff and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The City Manager may pay or advance to the Sheriff, the same fees, commissions and expenses for service provided by law for similar services pursuant to a writ of execution.
- (C) At any time within three (3) calendar years after recording a lien against any individual or business, if the lien is not discharged and released in full, the City Manager may forthwith seize any asset or property, real or personal (including bank account), of the operator and sell at public auction the asset or property, or a sufficient part of it to pay the amount due together with any penalties and interest imposed for the delinquency and any cost incurred on account of the seizure and sale. Assets or property of the business subject to seizure and sale subject to this article shall not include any assets or property which is exempt from execution under the provisions of Code of Civil Procedure.
- (D) Suspension or revocation of a cannabis permit. Revocation shall be subject to the procedures set forth in San Juan Bautista Municipal Code, as may be enacted in the future. The following shall constitute grounds for suspending or revoking a cannabis permit, in addition to any additional grounds identified in the San Juan Bautista Municipal Code:
 - 1. Failure to pay any cannabis business tax due under this article within thirty (30) calendar days of the due date.
 - 2. Failure to cooperate with the City Manager, or designee, as determined by City Manager, or designee, during an audit pursuant to this article.
 - 3. Underpaying any business tax due under this article in any period by fifty percent (50%) or more.
 - 4. If the City determines that the nonpayment of any Cannabis Business Activities Tax due under this article is due to fraud.

5.32.210 - APPORTIONMENT.

If a person subject to the Cannabis Business Activities Tax is operating both within and outside the City, it is the intent of the City to apply Cannabis Business Activities Tax so that the

measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the unincorporated area of the City. To the extent federal or State law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on their tax return. The City Manager may promulgate administrative procedures for apportionment in accordance with state law.

5.32.220 - CONSTITUTIONALITY AND LEGALITY.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and State law. None of the tax provided for by this article shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection and due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law.

5.32.230 - RECORDKEEPING; AUDIT.

- (A) It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this article to keep and preserve, for a period of at least seven (7) calendar years, all records as may be necessary to determine the amount of such tax as they may have been liable for the collection of and payment to the City, which records the City Manager or their designee shall have the right to inspect at all reasonable times, including, but not limited to, records containing information related to the amount of cannabis and/or cannabis products sold and/or transferred. Said records shall be full, true, and accurate.
- (B) The City Manager shall have the power to audit and examine all books and records of persons engaged in cannabis business activities, including both State and federal income tax returns, California sales tax returns, or other evidence documenting the square footage of canopy and/or gross receipts of persons engaged in cannabis business, and, where necessary, all equipment, of any person engaged in cannabis business activities in the City, for the purpose of ascertaining the amount of Cannabis Business Activities Tax, if any, required to be paid by the provisions of this article, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to this article.
- (C) Upon demand by the City Manager, each person liable for the collection and payment to the City of any tax imposed by this article shall make the records, together with any track and trace reports, shipping documents or sales invoices pertaining to such cannabis and/or cannabis products available for inspection by the City Manager at all reasonable times.
- (D) If any person refuses to make available for audit, examination, or verification such books, records or equipment as the City Manager requests, the City Manager may, after full consideration of all information within their knowledge concerning the cannabis business activities of the person so refusing, make an assessment in the manner provided in Section 5.32.170 of any taxes estimated to be due. The City Manager may collect a fee adopted by the City Council to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the City Manager to make a determination of tax due.

5.32.240 - OTHER LICENSES, PERMITS, TAX, FEES, OR CHARGES.

- (A) The tax imposed hereunder does not limit or prohibit the levy or collection of any other license, permit or service fee, tax, fee, or charge upon, or related to, any cannabis business activity.
- (B) Nothing contained in this article shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other title or chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other titles or chapters of this Code.

5.32.250 - PAYMENT OF TAX DOES NOT AUTHORIZE UNLAWFUL ACTIVITIES.

- (A) The payment of a Cannabis Business Activities Tax required by this article, and which is acceptance by the City, shall not entitle any person to carry on any cannabis business activity unless that person has complied with all of the requirements of this Code and all other applicable State laws.
- (B) No tax paid under the provisions of this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or State law.

5.32.260 - MANNER OF GIVING NOTICE.

- (A) Any notice required to be given hereunder by the City to any person shall be sufficiently given or served if it is served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as they shall register with the City Manager for the purpose of receiving notices provided under this article; or, should the person have no address registered with the City Manager for such purpose, then to such person's last known address. For the purposes of this article, a service by mail is complete at the time of deposit in the United States mail.
- (B) Failure of any person to receive any notice required by this article to be given shall not affect the validity of any proceedings taken thereto.

5.32.270 - UNLAWFUL ACTIVITIES DESIGNATED; MISDEMEANOR.

Any person violating any of the provision of this article shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five-hundred dollars (\$500.00), or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

5.32.280 - VIOLATION; TAXES NOT WAIVED.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions

of this Chapter or of any state law requiring the payment of all taxes.

5.32.290 - SEVERABILITY.

If any provision of this article, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this article or the application of this article to any other person or circumstance and, to that end, the provisions hereof are severable.

5.32.300 - REMEDIES CUMULATIVE.

All remedies and penalties prescribed by this article or which are available under any other provision of the San Juan Bautista Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the article shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

5.32.310 - AMENDMENT OR REPEAL.

Chapter 5.32 of the San Juan Bautista Municipal Code may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the maximum rate of any tax levied pursuant to this article, that would increase the maximum rate specified for each category of cannabis business activity or that otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution.

The following actions shall not constitute an increase of the rate of a tax:

- (A) The setting of the rate of any tax authorized hereunder to a rate that is no higher than the maximum rate set by this article, including the authorized cost of living adjustment, or the restoration of the rate of the tax to a rate that is no higher than the maximum rate set by this article, including the cost of living adjustment, if the City Council has acted to reduce the rate of the tax; or
- (B) An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this article; or
- (C) The collection of the tax imposed by this article, even if the article had, for some period of time, failed to collect the tax; or
- (D) The establishment or discontinuation of a class of persons that is exempted or excepted from the tax hereunder.

SECTION 2. If any section, subdivision, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this chapter and each section, subdivision, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3. The City Council hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) because the Cannabis Business Activities Tax is a general tax that can be used for any legitimate government purpose and therefore it is not a

“project” pursuant to CEQA Guidelines Section 15378, subdivision (b)(4) and is therefore exempt.

SECTION 4. STATEMENT OF HOW THE TAX MAY BE SPENT. All revenue from the taxes imposed by Chapter 5.32 of the San Juan Bautista Municipal Code for the privilege of engaging in cannabis business activities in the City are enacted solely for general governmental purposes for the City and not for specific purposes. The revenue from these taxes shall be placed in the City's general fund and can be spent for unrestricted general revenue purposes.

SECTION 5. MAJORITY APPROVAL; EFFECTIVE DATE. This ordinance shall only be effective if approved by a majority vote of the voters voting in the election on the issue. If approved by the voters, this ordinance shall become effective immediately, or as soon thereafter as allowed by law.



Memorandum

To: City of San Juan Bautista City Council
From: Mary Gilbert, COG Executive Director **Telephone:** (831) 637-7665 x. 207
Date: June 19, 2018
Subject: **Transportation Safety and Investment Plan**

Recommendation:

APPROVE the Council of San Benito County Governments' Transportation Safety and Investment Plan (TSIP) as the Expenditure Plan for a Transportation Sales and Use Tax Ordinance in San Benito County

Summary:

The Council of Governments is pursuing development of an investment plan for a special sales tax to be placed on the November 2018 election ballot. COG prepared and approved a Transportation Safety and Investment Plan (TSIP) on June 7, 2018. COG is seeking approval of the TSIP by the City Council. The TSIP will be the Expenditure Plan for inclusion in the COG's Transportation Sales Tax Ordinance.

Financial Considerations:

Countywide revenue estimates for a 30-year 1-cent sales tax measure are approximately \$485 million. The TSIP designates at least \$216 million to repair and maintain local roads throughout the City of Hollister, San Benito County, and City of San Juan Bautista.

Staff Analysis:

The Transportation Safety & Investment Plan will guide the investment of an estimated \$16 million per year for a total of \$485 million in new revenues over the next 30 years. The revenue will be raised from a 1 percent sales tax that will sunset after 30 years, if approved by the voters in the November 6, 2018 election. The Investment Plan will supply locally-controlled funding for critical local and regional transportation projects.

The Investment Plan is a crucial part of becoming a "self-help" county. Gaining this status would significantly enhance the ability for projects in San Benito County to compete for federal and state grants.

COG held numerous public meetings and community conversations to encourage dialogue and input. The TSIP was developed using the projects included in the San Benito County Regional Transportation Plan as well as the public input received.

The COG Board of Directors approved the Transportation Safety and Investment Plan at their June 7 meeting.

A majority of cities representing a majority of the population must approve the Investment Plan for Transportation Sales Taxes in San Benito County before it can proceed to an election. After the Plan is approved by the required majority of cities, COG must adopt a tax ordinance and request the Board of Supervisors place the ordinance on the ballot.

RESOLUTION NO. 2018-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA APPROVING THE SAN BENITO COUNTY COUNCIL OF
GOVERNMENT'S (COG) TRANSPORTATION SAFETY AND INVESTMENT PLAN
(TSIP) AS THE EXPENDITURE PLAN FOR A TRANSPORTATION SALES AND USE
TAX ORDINANCE IN SAN BENITO COUNTY**

WHEREAS, the San Benito County Council of Governments (COG) conducted a survey and held multiple meetings to gauge community support for a transportation sales tax, the sales tax rate and priorities for transportation improvements; and

WHEREAS, the COG developed and adopted a Transportation Safety and Investment Plan (TSIP) on June 7, 2018 to guide the investment of an estimated \$485 million in one percent sales tax revenue over a 30 year period; and

WHEREAS, the COG used information from public meetings and consulted with the City to develop a list of projects in the City of Hollister; and

WHEREAS, approval of a sales tax with the approved TSIP will enable the City to compete for more types of federal and state grants; and

WHEREAS, the TSIP requires approval of a majority of cities representing a majority of the population in the County before it can be scheduled for an election in November of 2018.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista does hereby find, determine, and resolve that it approves the San Benito County Council of Governments Transportation Safety and Investment Plan adopted by the COG on June 7, 2018.

PASSED AND ADOPTED, by the City Council of the City of San Juan Bautista at a regular meeting held this 19th day of June, 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, Acting City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Approve Purchase of AirVac Engine Exhaust Removal System for City Fire Station

MEETING DATE: June 4, 2018

DEPARTMENT HEAD: City Manager

RECOMMENDED ACTION: Approve Purchase of AirVac Engine Exhaust Removal System for City Fire Station for a not-to-exceed amount of \$13,462.

BACKGROUND INFORMATION: An engine exhaust system needs to be installed in the City Fire Station. The AirVac Engine Exhaust Removal System removes particulates and gases released every time fire trucks start up and return. The system is automatically activated and stopped by a UL certified "Smart Timer" control panel.

Fire Captain Greg Bettencourt researched some available systems and obtained quotes from several vendors. Staff is recommending the purchase of the AirVac Engine Exhaust Removal System.

FISCAL IMPACT: This work is included in the FY2018/19 Capital Improvement Program.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 2018-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AUTHORIZING PURCHASE OF AN AIRVAC ENGINE EXHAUST
REMOVAL SYSTEM FOR THE CITY FIRE STATION**

WHEREAS, the City has an immediate need to install a AirVac Engine Exhaust Removal System in the City Fire Station; and

WHEREAS, Section 2-8-060 of the Municipal Code provides for open market procedures for purchase of equipment where the estimated value (excluding sales tax) exceeds \$5,000; and

WHEREAS, City Staff obtained several quotes for an Exhaust Removal System for City Fire Station; and

WHEREAS, City Staff is recommending the purchase and installation of an AirVac Engine Exhaust Removal System for City Fire Station; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Juan Bautista, as follows:

That the City Manager is authorized and directed to purchase an AirVac Engine Exhaust Removal System in the City Fire Station at a price not to exceed \$13,462.

PASSED AND ADOPTED at a regular meeting of the San Juan Bautista City Council duly held on June 19, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

City Clerk

STAFF REPORT
CITY COUNCIL AGENDA

DATE: June 19, 2018
STUDY SESSION DATE: N/A

AGENDA ITEM: Resolutions
MEETING DATE: June 19, 2018

TITLE OF ITEM: Approval of New Franchise Agreement with Recology San Benito County for Collection of Recyclables, Organics, and Solid Waste and Issuance of Proposition 218 Notice for Proposed Maximum Allowable Rates

BRIEF DESCRIPTION: Staff recommends approval of the new Franchise Agreement (see Attachment A) with Recology San Benito County for Collection of Recyclables, Organics, and Solid Waste with the contract commencing November 1, 2018. Attachment F3 to the Agreement details the maximum collection rates for rate year one (i.e., November 1, 2018 – June 30, 2019). The staff recommendation is also for City Council approval of the issuance of a Proposition 218 notice of the proposed rate increases effective November 1, 2018 and to hold a hearing for the proposed rate increase 45 days or more after this notice is received by the affected rate payers. That hearing is scheduled for **October 16, 2018**. Once such a hearing has been held and the new rates have been approved, Recology will put the new rates into the next billing cycle which would begin on November 1, 2018.

STAFF RECOMMENDATION: Adopt Resolution **2018- XX** that the City Council:

1. Approve the new Franchise Agreement with Recology San Benito County for collection of recyclables, organics, and solid waste effective November 1, 2018.
2. Approve issuance of a notice of the proposed rate increases that will be effective November 1, 2018 and then hold a hearing for the proposed rate increase 45 days or more after this notice is received by the affected rate payers.

DEPARTMENT SUMMARY: On April 17, 2018 the City Council approved the Franchise Agreement Selection Committee (San Juan Bautista City Manager Michael LaForge, Hollister City Manager Bill Avera, and County CAO Ray Espinosa, and) recommendation to enter into exclusive negotiations with Recology San Benito County for a new Franchise Agreement for Collection of Recyclables, Organics, and Solid Waste contingent on meeting a series of conditions of approval. This recommendation was based on a review of the Franchise RFP Evaluation Committee Report dated March 22, 2018 and holding three meetings with members of the Evaluation Committee.

Regional Agency staff, with direction and support from the Selection Committee, completed negotiations with Recology that addressed all conditions of approval included in Council Resolution **2018-XX** as follows:

- Incorporated into the Franchise Agreement enhanced performance standards and liquidated damages related to meeting diversion requirements. Specifically, new liquidated damages (*see Attachment G of the Agreement*) were added that addressed: "Failure to Perform Technical Assistance: Recycling Assessments as detailed in Attachment B8-A;" and "Failure to Perform Public Education and Outreach Tasks." The Agreement already has financial incentives and disincentives

(see *Attachment G of the Agreement*) related to the diversion performance guarantee for meeting and exceeding overall measured diversion of 45%.

- Recology developed a detailed Commercial Recycling and Organics Outreach Plan (see *Attachment F6 of the Agreement*) to thoroughly outline how they will increase commercial diversion from the current commercial diversion rate of 6% and included two additional Recycling Outreach Coordinators in year 1 only of the contract at no cost to the ratepayers.
- Recology modified its proposed rates (see *Attachment F3 to the Agreement*) to reduce the commercial customer subsidy of residential customers while still maintaining the lowest proposed residential rates for each of the three Regional Agency Members compared to Green Waste Recovery (GWR) and RJR Resource Recovery. The revised commercial rate increases have been reduced by 20-35% due to the offsetting rate revenue from increased residential rates. Recology's commercial organics rates have also been reduced significantly to bring them closer in line with GWR's proposed rates.
- Recology agreed to implement operational changes to reduce the carbon footprint of its proposed collection/hauling operations, notably through switching from CNG fueled vehicles to collection vehicles that run on renewable diesel. Renewable diesel significantly reduces greenhouse gas emissions and Recology's carbon footprint. Recology also agreed (see *Section 5.13.D of the Agreement*) after rate year one to "provide emissions data, a description of Contractor's carbon footprint, and a description of Contractor's activities both planned and implemented to reduce its carbon footprint for the previous rate period."
- Recology will provide periodic diversion updates to all RA Member governing bodies during the first year of the Agreement. The Agreement already has detailed quarterly and annual reporting requirements (see *Attachment D of the Agreement*) related to diversion and other operational and customer service performance metrics.
- Recology agreed to set-up a temporary local office in the City of Hollister for the first year of the Agreement. This local office space will serve as the workspace for the Waste Zero staff. Also, all capital purchases will be invoiced through this local office, so sales tax benefits will accrue locally.

Regional Agency staff through negotiations with Recology also addressed previously identified contract exceptions taken by Recology; incorporated RA Member feedback on final franchise and other fee amounts; and final scope of services that include commercial and multi-family organics services and use of renewable diesel fuel. This last item resulted in a reduction in Recology's cost of services by \$94,575. Recology also increased its forecasted year 1 overall diversion rate from 45.1% to 46.5%.

Solid Waste Rate Notice Process

While the courts have not yet ruled that Proposition 218 applies to solid waste collection rates, in an abundance of caution, the City will follow the "majority protest" proceedings set forth in Proposition 218. Public notification (Attachment B) of the proposed maximum allowable rates will be mailed to property owners by July 31, 2018. This meets the required 45-day comment period prior to the public hearing scheduled for October 16, 2018. The notice will instruct property owners wishing to submit a written protest that they must state the purpose of the letter, along with their property's Assessor's Parcel Number (APN), and it has to be mailed to the Office of the City Clerk. Statements of protest that include the above criteria will be accepted through the public hearing. At the end of the October 16, 2018 public hearing, the City Clerk will tally and report the qualifying written protests. At this time the City Council will certify that the written protests in opposition to the solid waste rate increase meets or does not meet the 50 percent protest threshold. "In accordance with Article XIID, Section 6, of

the California Constitution, a 'majority protest' exists if written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels". If a majority protest is not received, the City Council may then approve adoption of the increased rates. If a majority protest is received, the City cannot increase the rates, and the rates will remain unchanged.

FINANCIAL IMPACT: The County as lead agency completes many waste management requirements on behalf of the RA Members including administering a single Franchise Agreement for all three RA Members. A Cost Sharing Agreement details the cost management structure for the RA; these costs are outside of the General Fund and separately managed and paid for by fees included in the solid waste rates.

Implementation of the new Franchise Agreement will include three new fees: a household hazardous waste (HHW) fee, which will cover HHW program costs for the RA Members; an AB 939 fee to cover Franchise Agreement program administration costs billed to the City by the Regional Agency; and a litter abatement fee to help defray some costs associated with state mandated reductions in litter/trash in stormwater. Implementation of the new Franchise Agreement will increase franchise fees paid to the City from the current annual fees (2017 actual) of \$31,360 to an estimated \$54,048 in year 1 of the Agreement.

Residential and commercial ratepayers will experience an increase in solid waste rates compared to current rates with 89% of residential accounts experiencing a rate increase between 8% to 14% and commercial rates increasing approximately 20% to 45% depending upon the service level. Commercial accounts will be offered free recycling services and substantially reduced rates for organics (food scrap) collection services to reduce solid waste disposal; this will help mitigate the proposed rate increases. Please note residential and commercial rates have remained unchanged since July 2016.

ATTACHMENTS: Resolution 2018-XX

Franchise Agreement Between Hollister, San Juan Bautista and the County of San Benito, Respectively and Recology South Valley Dba Recology San Benito County for Recyclables, Organics, and Solid Waste Collection Services

Proposition 218 Notice

RESOLUTION NO. 2018 - XX

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A NEW FRANCHISE AGREEMENT WITH RECOLOGY SAN BENITO COUNTY FOR COLLECTION OF RECYCLABLES, ORGANICS, AND SOLID WASTE AND APPROVE ISSUANCE OF A PROPOSITION 218 NOTICE FOR PROPOSED MAXIMUM ALLOWABLE RATES

WHEREAS, the San Benito County Integrated Waste Management Regional Agency ("Regional Agency") is comprised of the City of Hollister, City of San Juan Bautista and the County of San Benito and is a joint powers authority established in 1995 to cost effectively coordinate all integrated waste management programs within the guidelines imposed by the California Integrated Waste Management Board (CalRecycle); and

WHEREAS, the RA Members have a joint Franchise Agreement with Recology which resulted from an 18-month joint competitive procurement process conducted in 2006/2007 between the County, Hollister and San Juan Bautista which agreed to have one joint Franchise Agreement with a one contractor. and

WHEREAS, as noted in the recitals to the current Franchise Agreement, "the RA Members determined to offer proposers this exclusive agreement with respect to each of their jurisdictions to offer the Contractor economies of scale and increase contract administration efficiency and reduced contract administrative cost"; and

WHEREAS, in 2007, the Regional Agency Members approved the current joint Franchise Agreement with Recology for an eight-year term (November 20, 2007 to June 30, 2015); and

WHEREAS, the Franchise Agreement had an option for a three-year term extension (June 30, 2015 to June 30, 2018) and that extension was approved in September 2014. Therefore, the current Agreement expires June 30, 2018; and

WHEREAS, the Regional Agency completed a review of the current joint Franchise Agreement between the City of San Juan Bautista, City of Hollister and San Benito County and Recology San Benito County through a Franchise Agreement Ad Hoc Committee with representation from all three RA Members at meetings held on March 9th, May 14th and June 28th; and

WHEREAS, each RA Member adopted a similar resolution in August 2017 approving the final RFP documents, including a new Franchise Agreement, and authorized RA staff to release such documents to initiate the contractor selection process for a new Franchise Agreement; and

WHEREAS, the On August 29, 2017 the RA released the Collection Services RFP. By the November 14, 2017 deadline, the RA received three (3) responsive proposals from companies capable and qualified to provide the collection services described in the RFP. The proposers are GreenWaste Recovery, Recology San Benito County, and RJR Resource Recovery; and

WHEREAS, the approved RFP Evaluation Committee completed from mid-November 2017 to January 2018 a multi-step evaluation process to review the three proposals; and

WHEREAS, the RFP Evaluation Committee prepared a Report detailing its evaluation findings and proposal scoring and presented the Report to the Franchise Agreement Selection Committee on February 13, 2018; and

WHEREAS, the RFP Evaluation Committee prepared a Report detailing its evaluation findings and proposal scoring and presented the Report to the Franchise Agreement Selection Committee on February 13, 2018 and the Selection Committee recommended that the Report be presented to the Franchise Agreement Ad Hoc Committee; and

WHEREAS, the Franchise Agreement Ad Hoc Committee with elected officials from all three RA Members convened on March 8, 2018 to hear a presentation on the Evaluation Committee Report and receive public comment; and

WHEREAS, a joint meeting of the RA Members with elected officials from all three RA Members was held on March 22, 2018 to hear a presentation on the Evaluation Committee Report findings, receive public comment including brief presentations from the three proposers and discuss next steps in the Franchise Agreement contractor selection process; and

WHEREAS, on March 28, 2018 representatives from the RFP Evaluation Committee and Selection Committee met and the Selection Committee formulated its recommendation; and

WHEREAS, on April 17, 2018 the City Council approved the Franchise Agreement Selection Committee recommendation to enter into exclusive negotiations with Recology San Benito County for a new Franchise Agreement for Collection of Recyclables, Organics, and Solid Waste subject to specified conditions.

WHEREAS, Regional Agency staff through negotiations with Recology have addressed all conditions of approval included in Council Resolution 2018-98; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby approves the new Franchise Agreement with Recology San Benito County for collection of recyclables, organics, and solid waste commencing November 1, 2018.

BE IT FURTHER RESOLVED, that the City Council of the City of San Juan Bautista hereby approves issuance of a notice of the proposed rate increases that will be effective November 1, 2018 and then hold a hearing for the proposed rate increase 45 days or more after this notice is received by the affected rate payers.

PASSED AND ADOPTED, by the City Council of the City of San Juan Bautista at a regular meeting held on the 19th day of June 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Jim West, Mayor

ATTEST:

APPROVED AS TO FORM:

_____, City Clerk

_____, City Attorney



Notice of Public Hearing

Proposed Increase for Maximum Allowable Charge for Solid Waste/Recycling/Organics Collection for Rate Year 2018/2019

City of San Juan Bautista, City Council Chambers
City Hall, 311 Second Street, San Juan Bautista

October 16, 2018 6:30 P.M.

On **October 16, 2018**, at 6:30 p.m. or as soon thereafter as the matter may be heard, the City of San Juan Bautista will hold a Public Hearing to accept public input and testimony on a proposed increase on the maximum allowable charge for solid waste collection, to be effective November 1, 2018 and thru June 30, 2019. Any interested person may present verbal or written input to the City Council. Although the City Council will consider all input, State law provides that only the written protests of property owners may be counted to determine whether a majority protest to the proposed maximum exists. If, at the conclusion of the public hearing, a majority protest of property owners does not exist, the City Council will consider adoption of the proposed increase in the maximum allowable charges.

The current Franchise Agreement and rates expire on October 31, 2018. Your current solid waste rates were last adjusted on July 1, 2016. Through a competitive procurement process a new Franchise Agreement was awarded to Recology San Benito County with a significant expansion of new recycling and organics collection programs for residents and businesses to start effective November 1, 2018. All residents will receive a green organics cart for the collection of yard waste and food scraps and twice per year curbside bulky item collection will be provided at no additional cost. Businesses will be provided recycling collection services at no additional cost and organics collection at a reduced rate. Businesses will also receive free technical assistance and education materials to support new or expanded recycling and food scrap collection services.

The proposed new rates will pay for the collection and disposal of garbage; collection and processing of all recyclable items, yard waste, and food scraps; and seasonal recycling programs and public education activities to meet state regulatory requirements. These services are available to all City residents and commercial businesses. The rates are established to encourage recycling and composting so as to divert materials from disposal in the landfill.

If the City Council approves the proposed service provider's rates at its **October 16, 2018** meeting, new rates will begin on November 1, 2018, and will be included in the billing statement beginning in November 2018. The proposed schedule of maximum rates is attached. Please note that the listed rates are the maximum rates. Therefore, your monthly rate may ultimately be lower than what is listed on the schedule.

The following charts gives the monthly rate for the four offered residential services; and the most common service levels for commercial customers if the containers are serviced one time a week. The full rate schedule including all commercial services is available for review at City Hall at 311 Second Street, San Juan Bautista.

Recology will provide additional services upon request for a set fee that are not included in the maximum solid waste collection rate. These optional services will appear on the customer's Recology San Benito County bill as a separate line item in addition to the standard cost of collection. Backyard or distance service, additional carts, and extra on call pickups of bulking items are a few of the services offered. A complete list of all the additional services and their 2018 rate is also available at City Hall.

Residential Collection Rate including all City Fees
For weekly collection of garbage, recyclables and organics
Single family homes are billed bi-monthly

<u>Cart Size</u>	<u>2016 Monthly Rate*</u>	<u>Proposed 2018/19 Monthly Rate</u>	<u>Monthly Difference</u>
20-Gallon Cart	\$26.06	\$25.75	(\$0.31)
32-Gallon Cart	\$28.67	\$31.00	\$2.33
64-Gallon Cart	\$46.43	\$53.00	\$6.57
96 Gallon Cart	\$64.17	\$80.00	\$15.83
*Includes monthly yard waste collection service charge. Proposed new rates include organics (yard waste and food scraps) collection service at no additional charge.			

Commercial and Multi-Family Collection Rate including all City Fees
For the most common bin and cart sizes, collected weekly
Commercial customers are billed monthly

<u>Bin Size</u>	<u>2016 Monthly Rate</u>	<u>Proposed 2018/19 Monthly Rate*</u>	<u>Monthly Difference</u>
1-1 Yard	\$141.67	\$170.00	\$48.29
1-2 Yard	\$165.21	\$218.00	\$71.49
1-3 Yard	\$204.45	\$300.00	\$88.33
1-4 Yard	\$273.90	\$395.00	\$119.92
<u>Cart Size</u>	<u>2016 Monthly Rate</u>	<u>Proposed 2018/19 Monthly Rate</u>	<u>Monthly Difference</u>
64-Gallon Cart	\$37.30	\$53.00	\$15.70
96 Gallon Cart	\$55.04	\$80.00	\$24.96
* Includes collection of recyclables at no additional charge. Separate charges apply for organics collection.			

Commercial and Multi-Family Organics Collection Rate including all City Fees
For available bin and cart sizes, collected weekly
Commercial customers are billed monthly

<u>Bin Size</u>	<u>2016 Monthly Rate</u>	<u>Proposed 2018/19 Monthly Rate*</u>
1-1 Yard	No current service and rates	\$102.00
1-2 Yard		\$163.50
64-Gallon Cart		\$31.80
96 Gallon Cart		\$48.00

If you wish to protest the proposed rate changes noted above, the City of San Juan Bautista City Clerk must receive your written protest along with the completed form, see below, (mailed or delivered) to:

**City of San Juan Bautista, City Clerk
City Hall
311 Second Street, San Juan Bautista, California 95045**

no later than 5 p.m. on October 15, 2018. Protests that are incomplete or are not received by the deadline cannot be counted. No more than one protest per parcel may be submitted. A written protest may also be hand delivered to the City Clerk, at any time before the end of the public hearing.

If you have any questions, please call the City Manager's office at (831) 623-4661

(Please cut along the dotted line and include with your protest letter)

OFFICIAL PROTEST FROM:

Name: _____

Address: _____

City: _____ **ZIP Code:** _____

Assessor's parcel number (the nine-digit number that appears on your property tax statement):

Signature: _____ **Date:** _____



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Approve Final Map for Phases 5, 6 and 7 of the Rancho Vista Development

MEETING DATE: June 19, 2018

DEPARTMENT HEAD: City Manager

RECOMMENDED ACTION: Approve Final Map for Phases 5, 6 and 7 of the Rancho Vista Development

BACKGROUND INFORMATION: The Vesting Tentative Map for the Rancho Vista Development was approved by the Planning Commission at their February 3, 2015 meeting subject to conditions of approval, mitigation measures and mitigation monitoring programs. At build-out the project will consist of 86 lots.

The Final Map for Phases 1, 2, 3 and 4 consisting of 48 lots was approved at the October 18, 2016 City Council meeting. Approval of this Final Map will create the remaining 38 lots.

The Subdivision Improvement Agreement for Phases 1, 2, 3 and 4 contains the Conditions of Approval and Mitigation Monitoring requirements for the entire project so there's no need for a separate Subdivision Improvement Agreement for this Final Map. And the Performance and Payment Bonds submitted to ensure construction of the infrastructure for Phases 1, 2, 3 and 4 are sufficient for the entire project as the developer, Meritage Homes, has constructed the majority of the public improvements.

FISCAL IMPACT: Meritage Homes is reimbursing the city for all city staff and consultants efforts.

ATTACHMENTS:

1. Final Map for Phases 5, 6 and 7 of the Rancho Vista Development

RESOLUTION 2018-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
APPROVING THE FINAL MAP FOR PHASES 5, 6 AND 7 OF
THE RANCHO VISTA DEVELOPMENT**

WHEREAS, the Planning Commission of the City of San Juan Bautista approved the vesting tentative map for the Rancho Vista Development Project on February 3, 2016 with conditions of approval, mitigation measures and a mitigation monitoring program, and

WHEREAS, the applicant fulfilled the necessary conditions of approval by incorporating the required mitigation measures, monitoring programs and subdivision improvements to meet the provisions of the City's municipal code, and

WHEREAS, the City Engineer and City Surveyor reviewed said Final Map and find it to be substantially the same as presented on the approved Tentative Map and it is technically correct, and

NOW, THEREFORE BE IT RESOLVED, the City Council hereby approves the Final Map for Phases 5, 6 and 7 of the Rancho Vista Development Project and accepts the offer of dedication of all Public Roads, Streets, Avenues, Ways and Place as shown upon said map.

PASSED AND ADOPTED BY THE City Council of the City of San Juan Bautista on the 19th day of June 2018 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, Acting City Clerk

TRACT NO. 322 - PHASE 5, 6 & 7
RANCHO VISTA

SURVEYOR'S STATEMENT:

I, RYAN VANCE, HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, AND THAT THIS MAP CONSISTING OF 4 SHEETS CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION DURING THE MONTH OF FEBRUARY, 2016, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN HEREON AND SHALL BE SET ON OR BEFORE OCTOBER 2018 IN ACCORDANCE WITH THE REQUIREMENTS INDICATED AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 20____.

RYAN VANCE, L.S. 8225
LICENSE EXPIRATION DATE: 06/30/2019



CITY SURVEYOR'S STATEMENT:

I, HEREBY STATE THAT I HAVE EXAMINED THE FINAL MAP OF TRACT NO. 322, RANCHO VISTA PHASES 5, 6 AND 7 AND THAT THE SUBDIVISION SHOWN THEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF PURSUANT TO THE SUBDIVISION MAP ACT AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 20____.

JOHN K. FAIR, CITY ENGINEER, R.C.E. 29145 EXPIRATION DATE 03/31/2019

CITY ENGINEER'S STATEMENT:

I, HEREBY STATE THAT I HAVE EXAMINED THE FINAL MAP OF TRACT NO. 322, RANCHO VISTA PHASES 5, 6 AND 7 AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL, HAVE BEEN COMPLIED WITH.

DATED THIS _____ DAY OF _____, 20____.

PATRICK DOBBINS, CITY ENGINEER, R.C.E. 48223, EXPIRATION DATE 06/30/2018

STATEMENT OF DEDICATION ACCEPTANCE:

I, HEREBY CERTIFY THAT THE CITY COUNCIL OF SAN JUAN BAUTISTA APPROVED THE RANCHO VISTA TRACT NO. 322, PHASES 5, 6 & 7, AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL, HAVE BEEN COMPLIED WITH.

DATED THIS _____ DAY OF _____, 20____.

BY: _____
WACKENHUT, CITY CLERK

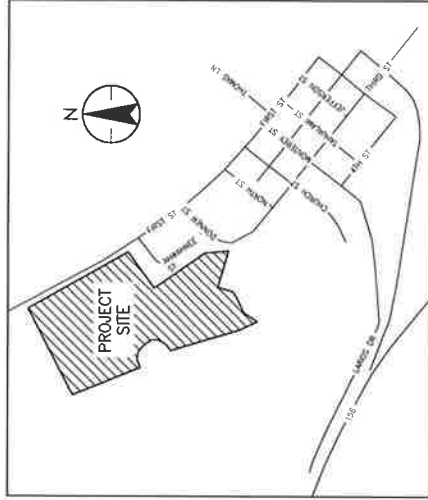
COUNTY RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 20____, AT _____ MINUTES PAST _____
M., IN BOOK _____ OF MAPS, AT PAGE _____, AT THE REQUEST OF WH CONSULTING ENGINEERS.

JOE PAUL GONZALEZ, COUNTY RECORDER

BY: _____
DEPUTY _____ NAME _____

BEING A SUBDIVISION OF PHASE 5, 6 AND 7, AS SHOWN ON THE MAP OF
"RANCHO VISTA", TRACT NO. 322 FILED IN BOOK 16 OF MAPS, AT PAGE 26,
SAN BENITO COUNTY RECORDS, IN THE CITY OF SAN JUAN BAUTISTA, IN THE
COUNTY OF SAN BENITO, STATE OF CALIFORNIA



VICINITY MAP
NOT TO SCALE

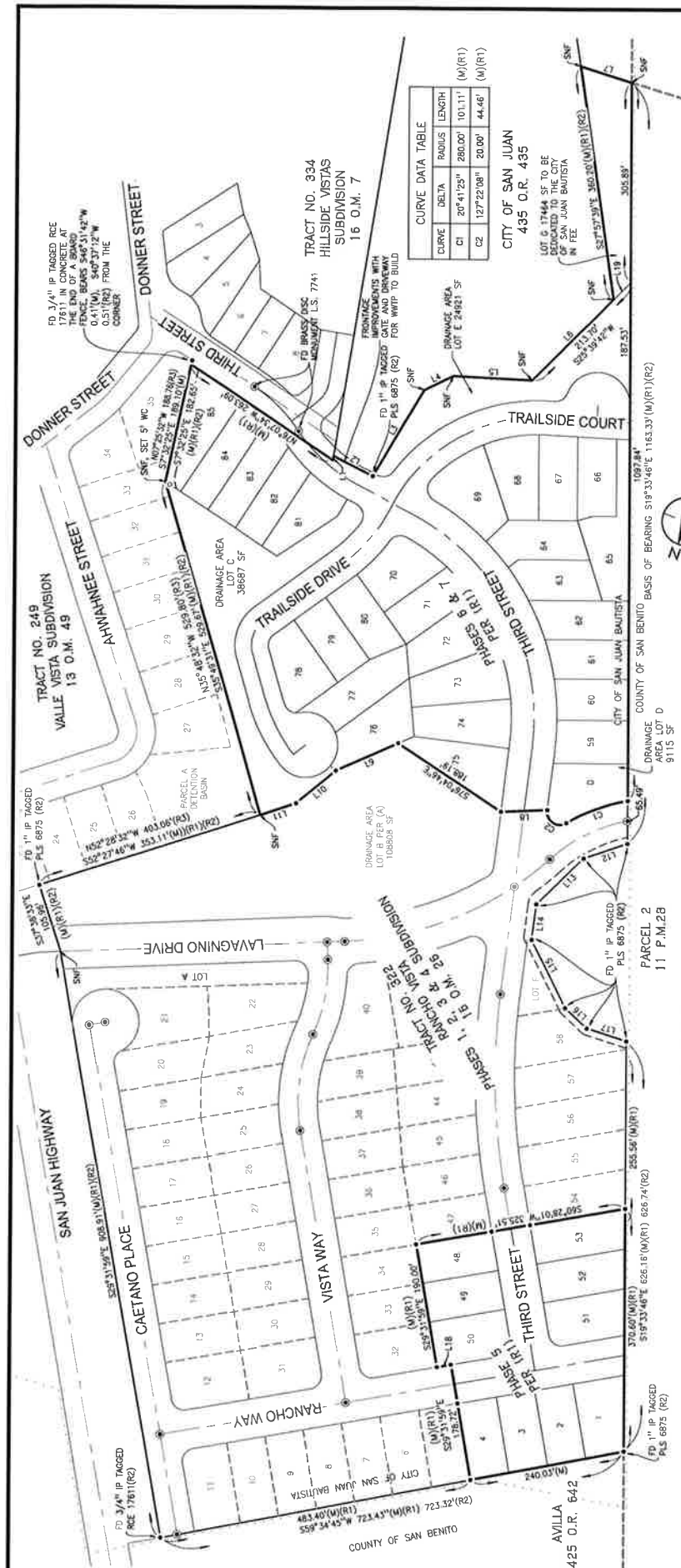
OMITTED SIGNATURES:

PURSUANT TO SECTION 18430.6 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. GRANTED TO: _____
PURPOSE: _____
RECORDED: _____
MARCH 15, 1950 IN VOLUME 188 O.R. PAGE 364, UNDER NUMBER 49229
2. GRANTED TO: _____
PURPOSE: _____
RECORDED: _____
JUNE 24, 2002 IN OFFICIAL RECORDS FILE NO. 2002-0010063
3. GRANTED TO: _____
PURPOSE: _____
RECORDED: _____
JUNE 24, 2002 IN OFFICIAL RECORDS FILE NO. 2002-0010064

OWNER'S STATEMENT:

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN BENITO COUNTY, CALIFORNIA. WE ALSO OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC USE, ALL OF THE STREETS, AVENUES, ROADS, AND ROAD ALLEYS, AND LOT 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 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1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1



TRACT NO. 322 - PHASE 5, 6 & 7 RANCHO VISTA

BEING A SUBDIVISION OF PHASE 5, 6 AND 7, AS SHOWN ON THE MAP OF "RANCHO VISTA" TRACT NO. 322 FILED IN BOOK 16 OF MAPS, AT PAGE 26, SAN BENITO COUNTY RECORDS, IN THE CITY OF SAN JUAN BAUTISTA, IN THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA

DATE, FEBRUARY 16, 2018



CITY OF SAN JUAN 435 O.R. 435

LOT 6 17444 SF TO BE DEDICATED TO THE CITY OF SAN JUAN BAUTISTA IN FEE

CURVE	DELTA	RADIUS	LENGTH
C1	20° 41' 25"	280.00'	101.11'
C2	127° 22' 08"	20.00'	44.46'

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N52°27'46"E	58.15'
L2	S51°52'17"W	71.36'
L3	S26°15'29"W	101.21'
L4	S12°31'26"E	54.80'
L5	S46°15'04"E	116.38'
L6	S66°41'37"E	45.45'
L7	N87°42'41"E	64.26'
L8	N60°28'01"E	21.34'
L9	S25°39'42"W	37.14'

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	S10°19'05"E	6.58'
L2	S83°01'13"E	87.48'
L3	S11°10'07"W	153.16'
L4	S44°11'01"W	49.38'
L5	S72°14'31"W	120.04'
L6	S22°39'42"W	176.56'
L7	S87°31'58"W	82.62'
L8	N67°55'09"E	70.99'
L9	N46°33'20"E	104.62'
L10	N31°06'08"E	79.57'

37 LOTS
LOTS C, D, E AND F
STREET R/W DEDICATION

TOTAL (PHASES 5, 6 & 7) = 11.92 ACRES

NOTES:
1. SHEET 1, CERTIFICATE OF MAPS, LEGEND, AND BASIS OF BEARINGS.
2. SEE SHEET 2 FOR DETAILED LOTS, AND TABLES OF MEASUREMENTS
3. SEE SHEET 3 FOR DETAILED LOTS, AND TABLES OF MEASUREMENTS
4. SEE SHEET 4 FOR DETAILED LOTS, AND TABLES OF MEASUREMENTS
5. FOR EXISTING EASEMENTS SEE SHEET 3 OF 4

BASIS OF BEARINGS:
THE BEARINGS ON THIS MAP ARE BASED ON THE WESTERLY LINE OF THAT CERTAIN PARCEL 1 AS FOUND MONUMENTED AND RECORDED AS SOUTH 19°33'46" EAST IN PARCEL 11 OF PARCEL MAPS, PAGE 26, SAN BENITO COUNTY RECORDS.

LEGEND:
— 3/4" IRON PIPE TAGGED L.S. 8225 UNLESS NOTED OTHERWISE.
— 3/4" IRON PIPE TAGGED L.S. 8225 IN MONUMENT WELL UNLESS NOTED OTHERWISE.
— 3/4" IRON PIPE TAGGED L.S. 8225 IN MONUMENT WELL.
— 3/4" IRON PIPE TAGGED L.S. 8225 AT ALL LOT CORNERS, BEGINNING & END OF CURVES AND INTERSECTION OF SUBDIVISION BOUNDARIES UNLESS NOTED OTHERWISE.
— DENOTES JURISDICTIONAL BOUNDARY LINE BETWEEN CITY AND THE COUNTY
— SAN BENITO COUNTY RECORDS
— PARCEL MAP
— MAPS BASED ON THIS SURVEY
— PUBLIC UTILITY EASEMENT
— CURVE DATA TABLE REFERENCE
— LINE DATA TABLE REFERENCE
— WITNESS CORNER
— FOUND
— SQUARE FEET
— SEARCHED NOTHING FOUND

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	20°41'25"	280.00'	1011.1'
C2	127°22'08"	20.00'	44.46'
C3	6°37'58"	385.00'	44.57'
C4	9°24'46"	385.00'	63.23'
C5	9°11'49"	385.00'	61.80'
C6	9°42'59"	385.00'	63.29'
C7	8°49'16"	385.00'	59.27'
C8	7°42'10"	385.00'	51.76'
C9	15°09'00"	385.00'	101.80'
C10	86°37'59"	385.00'	447.74'
C11	107°06'42"	20.00'	35.99'
C12	24°39'05"	224.00'	96.36'
C13	27°22'57"	224.00'	87.50'
C14	2°16'08"	224.00'	8.87'
C15	49°16'09"	224.00'	192.75'
C16	156°52'39"	50.00'	138.65'

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C17	71°40'59"	20.00'	25.02'
C18	55°42'01"	276.00'	268.31'
C19	80°51'49"	20.00'	28.23'
C20	12°24'47"	315.00'	68.24'
C21	15°15'48"	315.00'	83.91'
C22	15°18'43"	315.00'	84.18'
C23	10°58'00"	315.00'	60.11'
C24	15°54'29"	315.00'	76.48'
C25	67°48'46"	315.00'	372.91'
C26	82°28'49"	20.00'	28.78'
C27	14°58'05"	276.00'	72.10'
C28	2°26'36"	276.00'	11.77'
C29	17°24'40"	276.00'	83.87'
C30	70°26'10"	20.00'	24.59'
C31	4°28'20"	224.00'	17.48'
C32	63°26'31"	20.00'	22.15'

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C33	17°22'19"	20.00'	6.06'
C34	80°48'45"	20.00'	28.21'
C35	76°35'29"	30.00'	68.98'
C36	62°30'00"	50.00'	54.54'
C37	101°35'10"	30.00'	88.94'
C38	24°57'00"	30.00'	212.07'
C39	22°16'54"	276.00'	107.31'
C40	70°26'10"	72.00'	88.51'
C41	15°42'10"	224.00'	61.39'
C42	100°30'10"	20.00'	35.08'
C43	14°35'24"	277.00'	70.54'
C44	10°41'47"	277.00'	51.71'
C45	2°21'46"	277.00'	11.42'
C46	27°38'57"	277.00'	133.67'
C47	10°34'36"	223.00'	41.16'
C48	11°36'15"	223.00'	45.16'

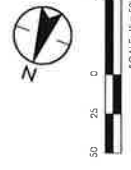
CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C49	27°10'50"	223.00'	86.33'
C50	69°04'19"	350.00'	421.93'
C51	22°31'44"	250.00'	98.30'
C52	5°02'15"	254.11'	22.34'
C53	27°38'57"	250.00'	120.64'
C54	64°50'12"	250.00'	282.90'
C55	1°07'29"	250.00'	4.91'
C56	65°57'41"	250.00'	282.81'
C57	27°19'49"	250.00'	118.25'
C58	22°16'34"	250.00'	97.20'
C59	90°00'00"	20.00'	31.42'

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S10°19'05"E	6.58'
L2	S80°01'13"E	67.48'
L3	S11°07'07"W	153.16'
L4	S44°11'01"W	49.38'
L5	S73°14'31"W	120.04'
L6	S25°39'42"W	176.56'
L7	S87°31'58"W	82.82'
L8	N67°53'09"E	70.89'
L9	N46°33'20"E	104.62'
L10	N31°08'06"E	76.57'
L11	N52°27'46"E	58.15'
L12	N51°52'17"E	71.36'
L13	N26°15'29"E	101.21'
L14	N12°31'26"W	54.80'
L15	N46°15'04"W	116.38'
L16	N66°41'37"W	64.45'
L17	S87°42'41"W	64.26'
L18	N60°28'01"E	21.34'
L19	N25°39'42"E	37.14'

LOT AREA TABLE	
LOT	SF
1	8067
2	7007
3	7040
4	7096
48	7000
49	7000
50	8081
51	8426
52	7981
53	8514
59	7400
60	7028
61	7272
62	8465
63	7452
64	8242
65	10235
66	7245
67	7757
68	8509
69	9875

LOT AREA TABLE	
LOT	SF
70	8280
71	7228
72	6985
73	9562
74	9046
75	9180
76	8985
77	9301
78	8457
79	7008
80	7421
81	7231
82	7058
83	7865
84	8384
85	10259
C	38887
D	9115
E	24921
F	17464

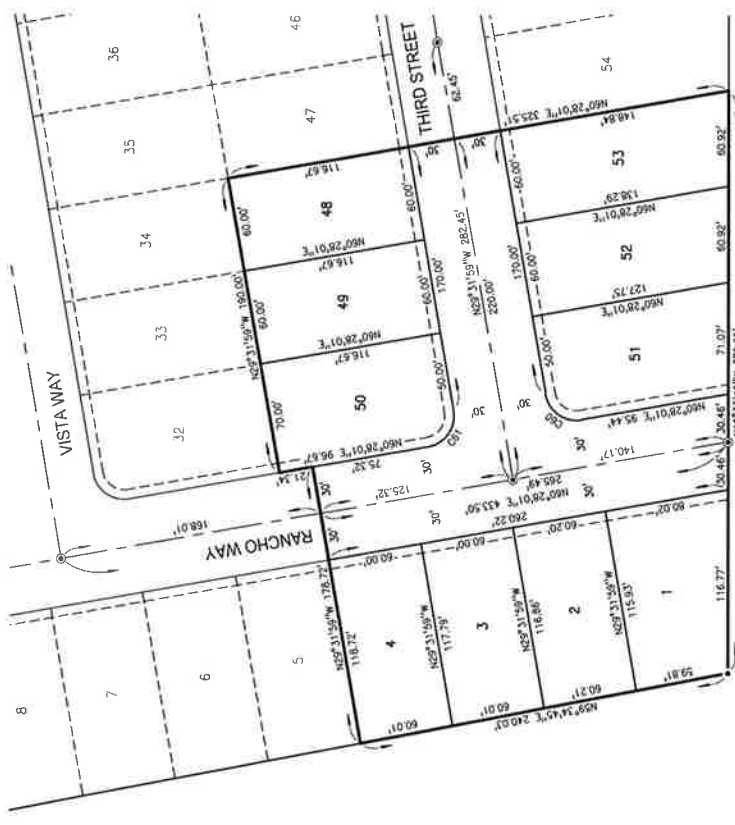
NOTES:
 1. SEE SHEET 1 FOR CERTIFICATE
 2. SEE SHEET 2 FOR NOTES, LEGEND, AND BASIS OF BEARINGS
 3. SEE SHEET 3 FOR DETAILED LOTS
 4. SEE SHEET 4 FOR DETAILED LOTS, AND TABLES OF MEASUREMENTS



TRACT NO. 322 - PHASE 5, 6 & 7
RANCHO VISTA

BEING A SUBDIVISION OF PHASE 5, 6 AND 7, AS SHOWN ON THE MAP OF "RANCHO VISTA", TRACT NO. 322 FILED IN BOOK OF MAPS, PAGE 26, SAN BENITO COUNTY RECORDS, IN THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA

DATE: FEBRUARY 16, 2018



CITY OF SAN JUAN BAUTISTA

STAFF REPORT

Date: June 13, 2018
To: City Council
From: City Manager, Michael LaForge
Subject: **May 5th Events (Rib Cook Off + Indian Market)**

Staff is requesting a decision from Council regarding whether to have both the Indian Market and the Rib Cook Off on the same day. Event planners need to begin planning and recruiting vendors now for next year, which is why this decision is needed now.

Background: Pow Wow has been the sole festival on May 5th for 35 years. 2018 was the first time there was a second event.

Analysis: Up to 10,000 people came visit SJB over that weekend. Several businesses noted best sales ever during that weekend. Indian Market reported higher than normal foot traffic but lower sales for the vendors.

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 & Muckelemei 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 & Muckelemei, and more than 1,000 people	\$600.00

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: The Great San Juan Bautista Rib Cook-off Today's Date: 5/21/18
 Applicant: Jason Williams
 Organization: Williams LTD
 Phone: 775 324 6435 E-Mail: WILLLLTD JASON@AOL.COM
 Mailing Address: 4005 Riverhaven Dr. Reno NV 89519
 Fax: 775 787 0799
 Event Setup Friday Date: 5/3/19 Time: 2am Event Ends Sunday Date: 5/5/19 Time: 5pm
 Event Starts Friday Date: 5/3/19 Time: noon Dismantle Sunday Date: 5/5/19 Time: 5pm

ANTICIPATED ATTENDANCE:

Total of the event:

Total per Day: 5,000?

LOCATION OF EVENT (please be specific):

3rd Street from Franklin to Muckelemei and cross streets Washington, Mariposa, and Polk. Same as 2018
Hard to say 10,000 weather permitting

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.

Special Event/Activities – Permit Application

RECEIVED
JUN 11 2018

PAID
\$100
CK # 1541

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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: 35th California Indian Market Today's Date: June 11, 2018
 Applicant: Glade Reyna CEO - Peacevision, Inc. NP199603
 Organization: San Juan Intertribal Council
 Phone: 831-245-5440 E-Mail: peacevision96@yahoo.
 Mailing Address: 419 Salinas Road, San Juan Bautista 95045
 Fax: _____

Event Setup Noon Date: 5/3/19 Time: Noon Event Ends Date: 5/5/18 Time: 6 PM
 Event Starts 10 AM Date: 5/4/19 Time: 10 AM Dismantle Date: 5/5/19 Time: 7 PM
 ANTICIPATED ATTENDANCE: Total or the event: _____ Total per Day: _____

LOCATION OF EVENT (please be specific):

San Juan School Soccer Lot
#199603

- 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.

To the City Manager, Mayor, City Council, Planning Commission, and to whomever else this may concern:

We, the members of the San Juan Bautista Intertribal Council wish to contest the Jason Williams Rib Cookoff on the same weekend as our 35th California Indian Market in San Juan Bautista.

One year ago, Jason Williams paid the then interim city manager to have his Cookoff the first weekend in May. Jason is a promoter from Reno. We are residents and merchants in San Juan Bautista since April 1984. His vendors, for the most part, sell low end imports from China. The Rib Cookoff attracts people who look for barbeque, alcohol and low-end imports. Dan Carrillo, supervisor of the school grounds complained that he found many empty bottles strewn on the elementary school parking grounds. Our show is a sobriety, family, cultural educational event, no alcohol or drugs ever.

Our Indian Market is created like the internationally famous Santa Fe Indian Market and our Native American vendors come from far and wide reservations as well as locally. Our Indian Market is a juried fine art show and sale of the highest quality created in America by the artisans. This special event helps the economic income of the indigenous vendors. It is most important that our event remains on the first weekend of May as it is first in line of the Pow-Wow circuit which the vendors follow. Our long-standing vendors want to keep it the same weekend for this purpose.

In the past, the City of SJB had an ordinance which maintained that events were to be spaced two weeks apart and certainly not expected to double on someone else's. Because Jason Williams, who told us to our face, 'I hated to do this to you' and only cared about his commercial gains.

1. Our vendors suffered fifty percent loss in sales due to the wide difference in events and our elderly and disabled stayed away due to the overflow of traffic.
2. The school cannot retrieve parking revenue in the soccer lot because Jason has put his show the same weekend as our annual event.

3. Our event is the only long standing indigenous monument in San Juan Bautista and San Benito County.
4. This is a cultural expression of the First Nations Peoples of this city and county.
5. It would be a shame for our town to not support and therefore lose the annual California Indian Market.

Respectfully

Elayne Reyna, CEO/Pres/ Producer


Jamiel Estabrook/Vice President

Chief Sonne Reyna, Assistant Director/ Advisor

Dan Vermilyer, Secretary

Tori Valenci, Treasurer

and members/supporters of the beauty way of indigenous peoples..

Dear Mr. Chair and Council,

My name is Mandisa Snodey, a San Juan Bautista resident since the age of 10, when my family moved here in 1998. I descend from the Anishnaabe Nation and Chahta Nation.

I am a daughter of the Stolen Generations of Turtle Island: The Red Nation Trail of Tears and The Afrikan Diaspora lineage.

I have been attending the California Indian Markets in San Juan Bautista for the past 20 years and have joyed experiencing a living cultural monument to the indigenous people of this land. The ability to be in community with my first nations relatives has been a precious connection for me as an adult, and as a child was imperative to my development of self understanding.

I implore you to protect our single standing event, focused on celebrating the living indigenous lineages. This small yet diverse community is **living history** and deserves to be supported by and protected by this council and community. This market lasting for over 20 years, in and around the Historic District of San Juan Bautista, has become a historic gathering in our city.

Please take action tonight by supporting the California Indian Market maintain its date of the first weekend in May, and by scheduling a time for the rib cook off when there's a more open schedule, like the month of July.

Thank you,

Mandisa

RESOLUTION 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING THE SAN JUAN BAUTISTA MUNICIPAL BUDGET FOR FY 2018-2019

WHEREAS, the City of San Juan Bautista is required to adopt a balanced municipal budget under the laws of the State of California, and

WHEREAS, the City Manager presented a recommended budget for FY 2018-2019 to the City Council in accordance with all State and Municipal Code requirements, and

WHEREAS, the City Council reviewed the budget at special meetings held on April 5, 2018 and June 4, 2018, and at a regular meeting held June 19, 2019, to establish an expenditure plan for various departments, utilities and service budgets of the City.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Juan Bautista adopts the FY 2018-2019 San Juan Bautista Municipal Budget.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a meeting held on the 19th day of June, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, Acting City Clerk

RESOLUTION 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING A HOLIDAY SCHEDULE FOR THE FISCAL YEAR 2018-2019

WHEREAS, there are holidays to commemorate and celebrate events and lives of people who have made significant contributions to our City, County, State and Country, and

WHEREAS, the City of San Juan Bautista wishes to participate in said celebrations, and

WHEREAS, the adoption of a holiday schedule is part of the preparation of an annual municipal budget,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista adopts the following holiday schedule for the Fiscal Year 2018-2019:

Wednesday, July 4, 2018	Independence Day
Monday, September 3, 2018	Labor Day
Monday, November 12, 2017	For Veterans Day
Thursday, Friday, November 22, 23, 2018	Thanksgiving Day and the Day After
Monday and Tuesday, December 24, 25, 2018	Christmas Eve and Christmas Day
Tuesday, January 1, 2018	New Year's Day
Monday, January 21, 2018	Martin Luther King Jr. Day
Monday, February 18, 2018	Presidents Day
Monday, May 27, 2018	Memorial Day
<i>Two (2) Floating Holidays</i>	<i>City Manager Approved</i>

PASSED AND ADOPTED this 19th day of June, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim West, Mayor

Mackenzie Quaid, Acting City Clerk

To: San Juan Bautista City Council

From: San Juan Bautista Strategic Planning Committee

Recommendation

The Strategic Planning Committee requests that the Council approve a funding request for the implementation of our annual work plan item of a temporary Public Art project.

Background

The Strategic Planning Committee is tasked with creating implementation plans to help achieve the Goals, Objectives, Policies, and Programs included in the City of San Juan Bautista 2035 General Plan. The Strategic Planning Committee developed a work plan which was adopted by the City Council at your May 15, 2018 meeting. One of our projects is a temporary Public Art project to be installed at an intersection in the downtown adjacent to the planned Farmers Market. The project is outlined as follows:

What is the expected deliverable for the project?

A pilot public art project, in order to demonstrate the process for developing public art projects. A temporary street art project to be coordinated with the June mission festivals which will be a temporary Mandala painting in the streets at prominent entrances to the city.

Who will be responsible for carrying out the project?

Strategic Planning Committee, local non-profit and business partners, ASJUSD art students and youth commission. An experienced artist has been approached to lead the project.

Which element of the General Plan, or specific implementation item does this project address?

HPCD 3.1.1.5 Develop a public arts program for trails and complete streets.

Conclusion

To implement this project the Strategic Planning Committee is requesting \$1,500 for painting supplies and to pay the artist consultant who will design and lead the project. Included with this report is a background of the artist's qualifications and experience, and a sample of the proposed artwork.

CITY OF SAN JUAN BAUTISTA

STAFF REPORT

Date: June 13, 2018
To: City Council
From: City Manager, Michael LaForge
Subject: **Chicken Festival Request for City Sponsorship**

Staff requesting approval to partner with a volunteer group to do a small chicken festival in mid September.

Background: City and Businesses are looking to use the town's chicken charm to attract visitors.

Analysis: This would be a way to have some fun, poke fun and the chicken up and chicken down people. There would be a friendly chicken BBQ and chicken wing competition. We could do some street art painting. No street closures. It is a small festival, one side of street.

Fiscal Impact: The city would donate support with setting up for booths (taping), barricades, garbage and recycle support, promotion on city pages and social.