

City of Capitola

City Council Meeting Agenda

Thursday, March 09, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser
Vice Mayor: Kristen Brown
Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Closed Session – 5:30 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

- i. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (§ 54956.9)
Significant exposure to litigation pursuant to § 54956.9(d)(4): one case

Regular Meeting of the Capitola City Council – 6 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Council Members Yvette Brooks, Joe Clarke, Alexander Pedersen, Kristen Brown, and Mayor Margaux Keiser.

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

- A. Proclamation declaring March 2023 as Red Cross Month

4. Report on Closed Session

5. Additional Materials

Additional information submitted to the City after distribution of the agenda packet.

- [A.](#) Correspondence Received - Item 8B
- [B.](#) Correspondence Received - Item 8C

6. Oral Communications by Members of the Public

Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on

*any topic within the jurisdiction of the City that is not on the “General Government/Public Hearings” section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. A **maximum of 30 minutes** is set aside for Oral Communications.*

7. Staff / City Council Comments

Comments are limited to three minutes.

8. Consent Items

All items listed as “Consent Items” will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A.** Consider and Approve 2/23/2023 & 3/1/2023 City Council Meeting Minutes
- B.** Capitola Bar & Grill Entertainment Permit Administrative Appeal
Recommended Action: Set the hearing date and time for the Capitola Bar & Grill administrative appeal for April 13, 2023, at 6:00 PM.
- C.** Beach House Rentals, LLC Transient Occupancy Tax Administrative Appeal
Recommended Action: Set the hearing date and time for the Beach House Rentals, LLC appeal for May 25, 2023, at 6:00 PM.
- D.** Ordinance Amending Capitola Municipal Code Sections 8.04.020 and 8.04.080
Recommended Action: Adopt an ordinance of the City of Capitola amending Capitola Municipal Code Sections 8.04.020 and 8.04.080 regarding the storage of waste collection containers.
- E.** Termination of Local Emergency
Recommended Action: Adopt a resolution terminating the Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus (“COVID-19”).

9. General Government / Public Hearings

All items listed in “General Government / Public Hearings” are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A.** Consider Changes to Administrative Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property
Recommended Action: Approve changes to policy.
- B.** Fiscal Year 2023-2024 Federal Funding Requests
Recommended Action: Consider requests for Fiscal Year 2023-24 Federal Funding.
- C.** City Council Orientation Presentation
Recommended Action: Receive presentation and provide feedback regarding potential Administrative Policy updates.

10. Adjournment

Notice of In-Person & Remote Access

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

To make a remote public comment:

Via Zoom Application: Use participant option to “raise hand”. The moderator will unmute you

Via Zoom phone call: Dial *9 on your phone to “raise your hand”. The moderator will unmute you

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at www.cityofcapitola.org by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.

- FACT SHEET

La Serena Properties (landlord)
Steve Yates (property owner)
831 818 7844

CITY OF CAPITOLA
CITY CLERK

MAR 7 2023

Steve Barber (attorney for La Serena Properties)
831 754 2444

Michelle & Lasalle Strong (tenant)
Drew Sanchez (attorney for CBG)
510 842 3553

THE LEASE (copy upon request)

Section 1.09

Permitted Use/Exclusive Use:

"Tenant shall use the Premises for a restaurant, as defined in the City of Capitola Use permit existing at the time of execution of this Lease, and for no other purpose."

Section 4.02

Manner of Use:

"Tenant shall not cause or permit the Premises to be used in any way that constitutes a violation of any law, ordinance, or governmental regulation or order, or that unreasonably annoys or interferes with the rights of other tenants of Landlords Property, or that constitutes a nuisance or waste."

Section 11.03

Arbitration of Disputes:

"EXCEPT WITH RESPECT TO AN UNLAWFUL DETAINER BASED ON NONPAYMENT OF RENT, IF ANY DISPUTE BETWEEN THE PARTIES ARISING OUT OF THIS LEASE IS NOT RESOLVED THROUGH MEDIATION, SUCH DISPUTE SHALL BE RESOLVED BY ARBITRATION GOVERNED BY CALIFORNIA LAW AND, TO THE EXTENT NOT INCONSISTANT WITH THAT STATUTE, CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE FOR THE ARBITRATION OF COMMERCIAL DISPUTES OF JUDICIAL ARBITRATION AND MEDIATION SERVICES, INC. ("JAMS"). "

- END FACT SHEET

To:
Jamie Goldstein, Capitola City Manager
Richard Manning, Capitola City Attorney

From:
Steve Yates for La Serena Properties
283 Canyon Oaks,
Santa Cruz, California 95065

Dear Sirs,

I have recently been made aware that the Strongs of Capitola Bar and Grill have appealed the Police decision to NOT reissue an Entertainment Permit to Capitola Bar & Grill. This issue is among several others that is part of an upcoming Arbitration among the parties. As the property owner, I must clarify that the lease agreement between the Landlord and the Tenant at 231 Esplanade unit 201, "Capitola Bar and Grill" contains specific provisions regarding the permitted use and manner of use of the premises.

Section 1.09 of the lease clearly states that the Tenant is only allowed to use the premises for a restaurant, as defined in the City of Capitola Use permit that existed at the time of the execution of the lease. This means that any other use of the premises, including live bands and dancing, is not permitted under the lease.

The Strongs (Capitola Bar and Grill) although have publicly stated they want to change the intent of both the lease and the Permit to Operate a Restaurant.

"We want to bring live bands and dancing to the village."

Their intent is not to have "live music" incidental to the primary business, rather as the focus.

Furthermore, Section 4.02 of the lease prohibits the Tenant from using the premises in any way that violates any law, ordinance, or governmental regulation or order, unreasonably annoys or interferes with the rights of other tenants of Landlord's Property or constitutes a nuisance or waste.

The parties have also agreed to mediate and arbitrate all disputes under Section 11.03 of the lease. This means that any disputes arising out of the lease must first be resolved through mediation, followed by arbitration conducted in accordance with the rules of practice and procedure for the arbitration of commercial disputes of Judicial Arbitration and Mediation Services, Inc. ("JAMS").

In light of the ongoing arbitration between the parties, the city should not intervene or circumvent the parties' agreement to arbitrate all disputes. The order of the Tryer of Fact will become the order of the Court, and only then may the appeal move forward to determine whether the permit was unfairly denied.

Therefore, the City should allow the parties to resolve their issues through the agreed method of arbitration and continue to enforce the law as it stands, unpermitted music is strictly forbidden.

Please feel free to contact either party's attorney, including Mr. Barber, should you wish to discuss California Law or the arbitration process as it pertains to the City.

You have my permission to contact Mr. Barber.

Thank you for your attention to this matter.

Sincerely,

Steve Yates

Moss, Julia

From: Ryan Yates <rynyates@outlook.com>
Sent: Wednesday, March 8, 2023 9:32 AM
To: Moss, Julia
Cc: Keiser, Marguax; Brown, Kristen; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander
Subject: [PDF] Letter of Concern Regarding Capitola Bar and Grill
Attachments: Personal Statement to City of Capitola.pdf

Dear Honorable City Council Members and Madam Mayor,

I am writing to express my deep concern about the appeal made by Capitola Bar and Grill to have live music at their establishment. As a concerned citizen and resident of this community, I strongly support the City of Capitola's denial of the appeal.

I have attached a letter outlining my concerns, which I believe are shared by many other residents in the community and the building. The letter summarizes the reasons why live music at Capitola Bar and Grill is not only disruptive to the peace and tranquility of the community but also potentially hazardous to the physical and psychological well-being of residents.

Furthermore, I believe that the behavior of the owner towards residents who have voiced their concerns is unacceptable and a clear violation of the city's regulations on entertainment permits. The owner's intimidation tactics and disregard for the peace and quiet of non-patrons are concerning and should not be tolerated in our community.

I hope that you will consider my concerns and take action to ensure that all businesses in the area comply with the city's laws and regulations. Please let me know if there is anything else I can do to support this cause.

Thank you for your attention to this matter.

Sincerely,

Ryan Yates

831.247.7604

Dear City Council Members, Vice Mayor, and Madam Mayor,

I am writing to you today in support the City of Capitola's denial of the appeal made by Capitola Bar and Grill for live music. The owner's behavior towards residents who have voiced their concerns about the noise levels caused by amplified music is intimidating and threatening. The decibel levels of the music often penetrate the walls of nearby residences, disturbing the peace and tranquility of the community and potentially harming residents' physical and psychological well-being.

Allowing Capitola Bar and Grill to have live music is over-arching and illegal based on California laws and regulations. The city's own regulations on entertainment permits provide clear guidelines and requirements for issuing permits based on the impact of the proposed entertainment on non-patrons. Capitola Bar and Grill does not meet these requirements.

Living above Capitola Bar and Grill for the last year, I have witnessed well-documented reckless violations of the music permit they were issued and the one in which they now covet. Their behavior towards residents is unacceptable, including personal threats and intimidation tactics. Their blatant disregard for being a decent neighbor and functioning member of the community is staggering.

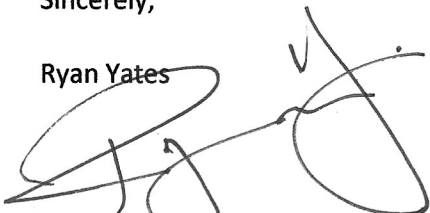
I would also like to note: The owners of Capitola Bar and Grill's claims, and logic, have consistently been, and blindly remains, "our music permit from the city, overrides the language in our lease, to not disturb or annoy anyone." "Our permit allows live bands and dancing with zero restrictions up and until the point the police are called." Completely ignoring the guidelines of the permit, and laws of the city, county, and state on noise compliance. Moreover, when their permit finally expired 12/31/22, they continued to bring in live bands January 1st, 2nd, 8th, 9th, and 16th with more booked and with zero attempt to abate the noise. The owners would only stop, despite not having a permit, with severe police intervention. I would like to clarify, these are not "dinner music" ambiance bands. They are full blown, clear out every table, 5 – 6 instrument bands, played at full volume. For example, I believe the city recently booked "The Joint Chiefs" at a city-wide benefit, in an outdoor auditorium, to support the efforts to rebuild here in the village. "The Joint Chiefs" are one of the bands they book and play, at full volume (100 – 120 + db), in a small dining room, with zero regard that they are in a residential area or below residential dwellings.

Therefore, I urge you to continue to deny the appeal by Capitola Bar and Grill to have live music at their establishment. They have proven themselves to be reckless and irresponsible in an area of business with a slippery slope. It is essential to protect the quality of life and well-being of the community and ensure that all businesses comply with the city's laws and regulations.

Thank you for your attention to this matter.

Sincerely,

Ryan Yates



3-7-23

Moss, Julia

From: Carly Bittman <Carly@smlp.law>
Sent: Wednesday, March 8, 2023 9:32 AM
To: Moss, Julia
Cc: Ed Swanson; Muscolino, Nicholas J.; Samantha Zutler; Burke, Tamar M.
Subject: RE: Appeal Filed 2/24/2023

Thank you, Julia. We would like to request a hearing date of May 25th and submit the following written comments regarding the requested hearing date:

Beach House Rentals requests that the City Council set a hearing on its appeal for May 25th. Beach House Rentals has appealed the Fee Administrator's imposition of interest and penalties in light of Beach House Rental's financial circumstances and taking into account potential civil judgments and criminal restitution to be paid by Beach House Rentals and/or Dede Harrington in favor of property owners in the City of Capitola. Beach House Rentals hopes to have a better understanding of these financial issues in late May 2023.

Carly Bittman
 Swanson & McNamara LLP
 300 Montgomery St., Suite 1100
 San Francisco, CA 94104
 Telephone: (415) 477-3800
 Fax: (415) 477-9010
Carly@smlp.law
www.smlp.law

From: Moss, Julia <jmoss@ci.capitola.ca.us>
Sent: Friday, March 3, 2023 1:21 PM
To: Carly Bittman <Carly@smlp.law>
Cc: Ed Swanson <ed@smlp.law>; Muscolino, Nicholas J. <nmuscolino@bwslaw.com>; Samantha Zutler <SZutler@bwslaw.com>; Burke, Tamar M. <tburke@bwslaw.com>
Subject: Appeal Filed 2/24/2023

Good Afternoon,

In accordance with Capitola Municipal Code Section 3.32.100, the City Council will set the time and place of the hearing of your appeal at their next regularly scheduled meeting on March 9, 2023. [The agenda and staff report for this item can be found online.](#)

If you would like to provide commentary on this item, you have options:

1. You may appear at the Council meeting (in person or via Zoom) and provide comments to the Council (March 9th at 6 PM).
2. You may submit comments in writing to me in advance of the meeting, I will distribute comments to the City Council and these comments will be made a part of the written record of this meeting.

Please do not hesitate to reach out to me with any questions. Thank you,

Julia Moss
 City Clerk - City of Capitola

Capitola City Council Agenda Report



Meeting: March 9, 2023

From: City Manager Department

Subject: Consider and Approve 2/23/2023 & 3/1/2023 City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on February 23, 2023, and the special meeting on March 1, 2023.

Background: Attached for Council review and approval are the draft minutes from the regular City Council meeting on February 23, 2023, and the special City Council meeting on March 1, 2023.

Attachments:

1. 2/23/2023 Regular Minutes
2. 3/1/2023 Special Minutes

Report Prepared By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

City of Capitola

City Council Meeting Minutes

Thursday, February 23, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser

Vice Mayor: Kristen Brown

Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Closed Session – 5:10 PM

- i. CONFERENCE WITH LABOR NEGOTIATORS (Gov't Code § 54957.6)
Negotiator: Chloe Woodmansee, Assistant to the City Manager
Employee Organizations: Mid Management Employees
- ii. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (§ 54956.9)
Significant exposure to litigation pursuant to § 54956.9(d)(4): one case

Regular Meeting of the Capitola City Council – 6 PM

1. Roll Call and Pledge of Allegiance

Meeting called to order at 6:02 PM. In attendance: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser.

2. Additions and Deletions to the Agenda - None

3. Presentations

- A. Public Works Director Kahn introduced Erika Senyk, Environmental Projects Manager, and Shelon Bennett, Development Services Technician.
- B. Ron Duncan and Melanie Mow Schumacher of the Soquel Creek Water District presented on the Pure Water Soquel Project and Strategic Plan.

4. Report on Closed Session

The City Council met and discussed two items on the Closed Session Agenda and took no reportable action.

5. Additional Materials - None

6. Oral Communications by Members of the Public

Judy Kessler, resident, spoke about public safety concerns at the Capitola Bar and Grill.

7. Staff / City Council Comments

Mayor Keiser commended staff and the public on the Beach Clean Up Event that took place on February 19th.

Recreation Division Manager Bryant LeBlond presented information about the "Beyond the Flood Benefit Concert" that took place on February 18th.

8. Consent Items

- A. Consider and Approve 2/9/2023 City Council Meeting Minutes
- B. Approval of City Check Registers Dated January 20,2023, and February 3, 2023
Recommended Action: Approve check registers.
- C. Capitola Municipal Code Amendment Regarding the Storage of Waste Collection Containers

Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola amending Capitola Municipal Code Sections 8.04.020 and 8.04.080 regarding the storage of waste collection containers.

Motion to approve the Consent Calendar: Vice Mayor Brown
Seconded: Council Member Clarke
Voting Yea: Mayor Keiser, Vice Mayor Brown, Council Member Brooks, Council Member Pedersen, Council Member Clarke

9. General Government / Public Hearings

- A. Wharf Update and Termination of Local Emergency
Recommended Action: Adopt a resolution terminating the Proclamation of Local Emergency.
City Manager Goldstein and Public Works Director Kahn presented the staff report.
Council Member discussion included: clarification on sources and constraints on funding, community outreach, and the Memorial Plaque Program.
Public Comments: None
Motion to adopt the resolution: Vice Mayor Brown
Seconded: Council Member Pedersen
Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

- B. Design Contract for the Community Center Renovation Project
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Boone Low Ratliff Architects in an amount not to exceed \$149,713 for the design of the remodel of the Community Center in substantially similar form, as approved by the City Attorney, as the attached Agreement.
Public Works Director Kahn presented the staff report.
Council Member discussion included an inquiry on summer programming at the Community Center.
Public Comments: None
Motion to authorize the City Manager to execute the agreement: Council Member Brooks
Seconded: Vice Mayor Brown
Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

- C. Environmentally Sensitive Habitat Area Riparian Vegetation Planting Reimbursement Program
Recommended Action: Approve a reimbursement program to award one-time grants in an amount not-to-exceed \$300 per eligible applicant to plant and maintain native riparian vegetation on areas immediately adjacent to Soquel Creek and Noble Gulch, and find the project is exempt from CEQA under CEQA Guidelines Section 15333, small habitat restoration projects.
Public Works Director Kahn presented the staff report.
Council Member discussion included: clarification on permit requirements, community outreach, and eligibility for applicants who are members of a home ownership association (HOA).

Public Comments: Sheryl Coulston, resident, spoke in favor of the reimbursement program.

Motion to approve the reimbursement program with the amendment that HOA's can collect reimbursement for individual parcels: Council Member Brooks

Seconded: Council Member Brown

Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

D. City Council Appointments to City Advisory Bodies

Recommended Action: 1) Review City Council representatives to the Santa Cruz County Children's Network Cabinet and appoint an alternate representative to Santa Cruz County METRO Board of Directors; and 2) Appoint members of the public to the City of Capitola Arts and Cultural Commission and Financial Advisory Committee.

Motion to make the following appointments: Vice Mayor Brown

1) Santa Cruz County Children's Network Cabinet: Council Member Brooks (Primary), Council Member Clarke (Alternate)

2) Santa Cruz County METRO: Vice Mayor Brown (Primary), Council Member Pedersen (Alternate)

3) Arts and Cultural Commission: Laura Orantes (At Large), term ending 12/31/2024

4) Finance Advisory Committee: Michael Lavigne (Business Rep.), term ending 12/31/2024

Seconded by Council Member Brooks.

Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

10. Adjournment - Adjourned at 7:07 PM to a Special City Council Meeting on March 1, 2023, at 6:00 PM.

ATTEST:

Margaux Keiser, Mayor

Julia Moss, City Clerk

City of Capitola

City Council Workshop Minutes

Wednesday, March 01, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser
Vice Mayor: Kristen Brown
Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Special Meeting of the Capitola City Council – 6 PM

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:03 PM. In attendance: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser.

2. Additions and Deletions to the Agenda - None

3. Additional Materials - None

4. Oral Communications by Members of the Public – None

5. Staff / City Council Comments - None

6. Consent Items

A. FY 2023-24 Budget Calendar

Recommended Action: Approve Budget Calendar for Fiscal Year (FY) 2023-24.

Motion to approve the Consent Calendar: Vice Mayor Brown

Second: Council Member Brooks

Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

7. General Government / Public Hearings

All items listed in “General Government / Public Hearings” are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

A. FY 2022-23 Mid-Year Budget Report

Recommended Action: Adopt the proposed resolution amending the Fiscal Year 2022-23 Budget.

City Manager Goldstein and Finance Director Malberg presented the staff report.

Council Member discussion: None

Public Comments: None

Motion to adopt the resolution amending the Fiscal Year 2022-23 Budget: Council Member Brooks

Seconded: Vice Mayor Brown

Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

- B. FY 2023-24 Budget Principles and Goals
Recommended Action: 1) Review progress and status of Fiscal Year 2022-23 budget goals; 2) Adopt the Fiscal Year 2023-24 budget principles; and 3) Identify goals and related key projects/programs for Fiscal Year 2023-24.

City Manager Goldstein and Finance Director Malberg presented the staff report.

Council Member discussion included suggested changes to the funding allocations in the FY 2023-24 Budget in line with the City Council's goals and priorities.

Public Comments: None

Direction provided to staff.

8. Adjournment - *Adjourned at 8:02 PM to the next regularly scheduled meeting on March 9, 2023, at 6:00 PM.*

ATTEST:

Margaux Keiser, Mayor

Julia Moss, City Clerk

Capitola City Council

Agenda Report

Meeting: March 9, 2023

From: City Manager Department

Subject: Capitola Bar & Grill Entertainment Permit Administrative Appeal



Recommended Action: Set the hearing date and time for the Capitola Bar & Grill administrative appeal for April 13, 2023, at 6:00 PM.

Background: In accordance with Capitola Municipal Code Chapter 5.24, Capitola Bar & Grill proprietors, Michelle and Lasalle Strong (Appellant) applied for a 2023 Entertainment Permit. Capitola Municipal Code Section 5.24.080 allows the City Manager to develop application forms.

On January 31, 2023, the City Manager denied the permit application (Attachment 1). Capitola Municipal Code Section 5.24.045 allows for appeals of permit application decisions in accordance with Chapter 2.52 of the City Code. Staff received an appeal letter on February 21, 2023 (Attachment 2). The appeal letter satisfies the requirements of Section 2.52.020 of the Capitola Municipal Code.

Discussion: In accordance with Section 2.52.030 of the Capitola Municipal Code, staff recommends that the City Council set the time and place of the hearing of this appeal for April 13, 2023, at 6:00 PM.

Fiscal Impact: There is no fiscal impact associated with this report.

Attachments:

1. City Manager Letter Dated 1/31/2023
2. Appeal Dated 2/21/2023

Report Prepared By: Julia Moss, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



FINAL NOTICE OF DECISION

January 31, 2023

Capitola Bar and Grill
231 Esplanade #102
Capitola, CA 95010

RE: Notice of Decision on Application for 2023 Regular Entertainment Permit at 231 Esplanade #102

On behalf of Capitola Bar and Grill you applied for a 2023 Entertainment Permit as required by Capitola Municipal Code 5.24 – Entertainment Permits. Our understanding is that you lease the space at 231 Esplanade #102, and manage and operate Capitola Bar and Grill in that space.

We have reviewed your application and have determined the application does not include the property owner's consent to the application, as required on page 3 of the application (IX. Property Owner Statement).

The requirement for the property owner's consent is a standard inclusion on the City's application form. The form was developed pursuant to Capitola Municipal Code section 5.24.080, which allows the City Manager to develop the application.

Because your application does not include all of the required information, your application is denied.

If you would like to appeal this determination to the City Council, you must file your appeal within 14 working days of the date of this letter. The Council will hear the appeal at the City Council meeting following receipt of your appeal or, upon a request from staff, may hear the appeal at a later date. The deadline for you to file an appeal is five p.m. on February 22, 2023.

All appeals must be in writing and delivered to the office of the City Clerk with payment of the Administrative Decision Appeal Fee, which is \$562. The request for appeal must set forth the appellant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made. Further detail regarding the appeal procedure can be found in Chapter 2.52 of the Capitola Municipal Code.

Please note that because you do not currently have a valid Entertainment Permit, you are not permitted to engage in entertainment activities, as described in 5.24.010 of the Capitola Municipal Code.

Sincerely,

Jamie Goldstein, City Manager
City of Capitola

February 21, 2023

CITY OF CAPITOLA
CITY CLERK
FEB 21 2023

To: Hon. Mayor and City Council Members

From: Michelle and Lasalle (Sal) Strong, Capitola Bar & Grill proprietors

Phone: 559-341-9882

Mailing Address: 231 Esplanade, Suite 102, Capitola, CA 95010

Email: info@capitolabarandgrill.com PLEASE ALSO EMAIL ANY COMMUNICATIONS. Thank you.

RE: Appeal to City Council of City Manager's Decision to Cancel Capitola Bar & Grill's Permit for Music and Dancing (Entertainment Permit) by letter of 1/31/23. (Attached.)

Introduction

We appeal to you for fair and even-handed treatment in continuing to offer music and dancing to the community for afternoon and early evening enjoyment. We have had no significant complaints. We first got the permit in summer of 2021. The Chief of Police renewed it for 2022. And then suddenly at the beginning of this year, the City Manager decided to cancel it despite the last couple years of bringing life back to the Village. Why? There were no significant complaints. The only explanation is that our landlord, who is trying to force us out of the space before the end of our lease, somehow influenced him. That's not fair. The City should stay out of private disputes and not take sides either way. All we are asking is that you continue the status quo of the past couple years and allow us to continue to peacefully share entertainment at our restaurant in the Village. Thank you for the wise exercise of your power as Capitola's lawmakers in hearing our appeal.

What Happened (the Facts)

August 2021-

We took over from the old Sotola B&G, including a lease assignment with the landlord, Steve Yates, who (at first) wanted us in the space and approved of us getting an Entertainment Permit. He knew we were offering music and dancing and approved our lease with that knowledge. Entertainment is a big part of our business.

September 2021-

Chief of Police Andrew Dally issued us an Entertainment Permit, including conditions for sound proofing, hours of use, sound limits, etc., all of which we complied with. We spent almost \$10,000 on various improvements, because we had the Permit, for soundproofing, wood paneling, ceiling treatment, curtains, self-closing doors, cameras, and more.

January 2022-

Chief of Police Andrew Dally renewed our Entertainment Permit as a matter of course.

September 2021 through March 2022-

We had various communications with the landlord Steve Yates and his property manager. We were concerned about the elevator to the restaurant that never worked since we got there (and which has since been removed and half-replaced, remaining undone). We were also concerned that the roof of the residential unit we rented leaked during the rains. We noticed that progress was very slow and that the little work done was unprofessional. At first though, at least the tone of these communications was cordial on both sides.

April 2022-

Lasalle (Sal) Strong bumped into the landlord Steve Yates who was on site trying to fix the elevator himself. (He lives in Hawaii.) This was the first time they saw each other in person. The relationship deteriorated from there. For whatever reason, Mr. Yates' emails became argumentative and angry in tone. His tone remained cordial with our master tenant, the previous restaurant owners. He referred to our patrons as the wrong "element."

He was very concerned about the cost of repairs to his building and asked us to pay for the elevator. And he began complaining about the music. We began getting confusing legalistic notices about posted on our doors. Since then, he has consistently taken a scolding tone with us and refused to negotiate or identify any actual operational issues, including entertainment. We are mystified as to why; we have done nothing wrong.

June 2022-

We met with Police Chief Andrew Dally to discuss any compliance issues because of the confusing notices posted on our doors by the landlord. The Chief said there were no significant issues or complaints and that he was not concerned with our providing music and dancing. Police Captain Sarah Ryan informed us that landlord Steve Yates had asked them to cancel our Entertainment Permit.

August 2022-

We hired a law firm to help us with our landlord conflict which continued, and continues, to escalate. He wants us out and is pressuring us every way he can, including by getting our Entertainment Permit cancelled by the City.

October 2022-

We met with Chief of Police Andrew Dally. We offered to file the same annual renewal form for 2023 that we had filed for 2021 and 2022. However, suddenly it became an issue that the landlord Steve Yates refused to sign the form. But he had not signed the first two forms either, and the City gave us the Entertainment permit in 2021 and renewed it in 2022. We used the Permit and provided a community gathering place for live music and dancing in the afternoon and early evening. We had very few if any complaints (if you don't count the complaints of the landlord Steve Yates which were and are part of his campaign to remove us).

December 2022-

We filled out and submitted the annual renewal form for Entertainment Permit.

January 2023-

We received the 1/31/23 letter from the City Manager cancelling our Entertainment Permit because Steve Yates did not give his consent by signing the form. Whether intentional or not, the cancellation letter contains the wrong deadline date for filing this appeal. If we had followed the City Manager's instructions in the letter we would have been a day late and this appeal would have been dead on arrival.

February 2023-

We filed this appeal on time and paid the fee.

Here are Some Factual Questions that We Would Like to Ask (or Have You Ask) the City Manager and Other City Staff:

- 1) Did the City Manager delegate his authority to issue Entertainment Permits to the Chief of Police?
 - 2) Did the police exercise discretion to issue permits with or without explicit landlord consent on the form?
 - 3) How many entertainment permits issued in last five years? How many with explicit landlord consent on the form? How many without?
 - 4) Why the change in that policy?
 - 5) Did City Manager, Police Department, or any other staff communicate with Steve Yates about this matter?
 - 6) When, how, and what did he say?
- Did Mr. Yates say that he never consented to entertainment, or that he changed his mind?
- 7) Did he say or imply he would sue the City if the permit was not cancelled or not renewed?

What You Should Do and Your Legal Power to Do It (Our lawyer helped with this part)

Your role is to serve as the judges in this appeal, our disagreement with the City Manager over the Entertainment Permit. As the judges, you are independent of both sides. To be fair to both us and the City Manager, you are required by law to have your own independent lawyer, separate from the City Attorney who has been advising the City Manager. (*Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 91-94.) To the extent that the City Attorney has been advising the City Manager who cancelled our permit, she is biased having already formed an opinion of the matter and taken a side. They cannot give you objective legal advice. At the very least, they should confirm that you have the power to decide the questions of fact and law in this matter, should have independent counsel, and need not follow their legal opinion in the matter (already formed to support the City Manager).

As the judges in this hearing, the Capitola Municipal Code (CMC) gives you the power to make your own decisions regarding the facts and the law. (CMC 2.52.050 saying that this hearing is "de novo" meaning, a complete do over of facts and law.) You are not bound by the City Manager's decision. You have the power to make a different decision.

The City Manager’s letter says that he cancelled the Permit (or denied the application for renewal, it comes to the same thing) because it did not include the landlord Steve Yates’ consent on the application form that the City Manager himself made up. But under the Municipal Code section that he cites, his power to develop the form is limited. *One legal question for you to decide is if that requirement is properly on the form or not.* If you decide that the form shouldn’t have that requirement on it, then the City Manager’s decision is baseless, and you must overturn it and renew the Permit.

CMC 5.24.080 gives the City Manager limited power to develop the application form. Specifically, it limits the form to “any nonprivileged information reasonably related to the concerns expressed in Section 5.24.005.” That’s it. Nothing else. So now the question is does Section 5.24.005 give the City Manager the power to require the landlord’s signature on the form.

Section 5.24.005 addresses the purposes and concerns of the Entertainment Permits program. (We have copied the entire section at the end of this appeal.) They include only issues related to entertainment: noise; attracting business; traffic; peace and quiet and nightly sleep; hours of operation; concentration of similar businesses (an entertainment district); proximity to residences; the need for a permit system; and the need for fees to cover the cost of the system.

That’s it. That is what the form is supposed to focus on: controlling noise, traffic, hours of operation, and the like—all issues directly related to the conduct of the business. Nothing in that section relates to landlord-tenant issues. Which makes sense because it is not the City’s job to regulate the private contracts (including leases) between commercial businesses and the landlords.

The City Manager could have left landlord consent off the form entirely and it would have been proper and legal under the municipal code. This is also shown by CMC 5.24.020 which lists who can obtain an Entertainment Permit: “owner, manager or operator.” Nowhere in the municipal code does it say that only the owner can apply—or that their consent is required. But it does say explicitly that an operator can obtain a Permit. Nor is this a land use right that might involve the property owner. It’s in the Municipal Code under Business Regulations, not under Zoning.

The landlord consent requirement is improperly on the form, irrelevant, and not authorized by the ordinance. This is clear from the track record of the City having twice issued the permit without requiring such extraneous information.

If a landlord wants to control the use of his property by his tenants, that is properly done in his contractual agreements with them. Here, the landlord is legally bound by his agreements to allow Entertainment. (If there were actual bona fide nuisance complaints they could be addressed with the City under the municipal code—but there is no mention of such complaints in the City Manager’s 1/31/23 letter.)

The City has authorized entertainment at our restaurant for two years running. The City twice issued an annual permit that we relied on in building our business and offering music and dancing to Village. In all fairness, the City should not cancel that permit unless there is a good reason such as excessive noise complaints. Here, the only complaint is from the landlord who is trying to break our lease—and our business.


For those reasons we ask that you find that the landlord’s consent is not related to the purposes of the Entertainment Permit program under Section 5.24.005 and is not a required part of the form. Based on that legal finding we ask that you reinstate our Entertainment Permit for 2023 so that we can continue providing entertainment in the Village as we have for the past two years.

Alternatively, if you decide that the landlord’s consent is required, you can still reinstate the Permit by finding that the issue of whether the landlord can revoke his previously given consent, under the lease and other agreements with, us is a matter for the courts to decide—or for us to negotiate with him. You can find that the issue of landlord consent does not require the City Manager’s form as a kind of “magic paper.” The requirement can be met by the landlord’s binding legal agreements that authorize us to have entertainment at the restaurant. Even if landlord consent is required, he has already given it in the lease and other contracts and he cannot revoke it now; the form is unnecessary because he has consented as a matter of law.

As the City’s policymakers you can decide, based on the policy of keeping the City out of private commercial disputes, and based on the landlord’s binding consent, that the City will maintain the status quo of music and dancing at the restaurant and reinstate the permit.

In Conclusion

For all the reasons given above, we ask that you exercise your legal powers to make this decision based on the facts and law as presented above and reinstate the Permit. Thank for supporting our continuing to share music and dancing in afternoons and early evenings in the Village.



LaSalle Strong



Michelle Strong

Capitola Municipal Code

5.24.005 Findings.

The city council finds as follows:

A. Entertainment often produces noise which is obtrusive to persons not patronizing the business or activity which produces the noise.

B. The availability of entertainment is often a significant factor in attracting patrons who infringe upon the peace and quiet and nightly sleep of nonpatrons, and is exacerbated by any of the following:

1. The entertainment is offered in conjunction with the distribution of alcohol.
2. The entertainment is offered by businesses which are open after nine p.m. and do not, like theaters, have fixed beginning and ending times at which most of the patrons enter and exit.
3. The entertainment is offered in an area where there is a concentration of similar businesses, thereby resulting in the area becoming an after-hours draw and the patrons of those businesses frequently entering and exiting the other establishments.
4. The entertainment is offered in locations where many of the patrons, when leaving, pass through or near areas where people reside.

C. To protect the peace and quiet of nonpatrons and their nightly ability to sleep it is necessary to have a licensing system and to thereby limit and condition the establishments offering such entertainment.

D. Policing and monitoring entertainment licenses entails considerable expense to the city, such that it is appropriate to collect a portion of such expenses from the entities providing the entertainment. (Ord. 1020 § 1 (part), 2018; Ord. 699 (part), 1990)



FINAL NOTICE OF DECISION

January 31, 2023

Capitola Bar and Grill
231 Esplanade #102
Capitola, CA 95010

RE: Notice of Decision on Application for 2023 Regular Entertainment Permit at 231 Esplanade #102

On behalf of Capitola Bar and Grill you applied for a 2023 Entertainment Permit as required by Capitola Municipal Code 5.24 – Entertainment Permits. Our understanding is that you lease the space at 231 Esplanade #102, and manage and operate Capitola Bar and Grill in that space.

We have reviewed your application and have determined the application does not include the property owner's consent to the application, as required on page 3 of the application (IX. Property Owner Statement).

The requirement for the property owner's consent is a standard inclusion on the City's application form. The form was developed pursuant to Capitola Municipal Code section 5.24.080, which allows the City Manager to develop the application.

Because your application does not include all of the required information, your application is denied.

If you would like to appeal this determination to the City Council, you must file your appeal within 14 working days of the date of this letter. The Council will hear the appeal at the City Council meeting following receipt of your appeal or, upon a request from staff, may hear the appeal at a later date. The deadline for you to file an appeal is five p.m. on February 22, 2023.

All appeals must be in writing and delivered to the office of the City Clerk with payment of the Administrative Decision Appeal Fee, which is \$562. The request for appeal must set forth the appellant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made. Further detail regarding the appeal procedure can be found in Chapter 2.52 of the Capitola Municipal Code.

Please note that because you do not currently have a valid Entertainment Permit, you are not permitted to engage in entertainment activities, as described in 5.24.010 of the Capitola Municipal Code.

Sincerely,



Jamie Goldstein, City Manager
City of Capitola

Capitola City Council

Agenda Report

Meeting: March 1, 2023

From: City Manager Department

Subject: Beach House Rentals, LLC Transient Occupancy Tax Administrative Appeal



Recommended Action: Set the hearing date and time for the Beach House Rentals, LLC appeal for May 25, 2023, at 6:00 PM.

Background: On December 20, 2022, the City of Capitola held an evidentiary hearing regarding the status of unpaid Transient Occupancy Tax (TOT), penalties, and interest owed to the City by Beach House Rentals, LLC (appellant).

On February 10, 2023, a letter was sent to the appellant regarding the Fee Administrator's determination of unpaid TOT, penalties, and interest and demanded payment from the appellant.

On February 24, 2023, the City Clerk received an appeal request from the appellant's legal counsel in accordance with Capitola Municipal Code Section 3.32.100.

Discussion: In accordance with Section 3.32.100 of the Capitola Municipal Code, staff recommends the City Council set the hearing of this appeal for May 25, 2023, at 6:00 PM.

Fiscal Impact: There is no fiscal impact associated with this report.

Attachments:

1. Appeal Dated 2/24/2023

Report Prepared By: Julia Moss, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

SWANSON & McNAMARA

300 Montgomery Street
Suite 1100
San Francisco, CA 94104
www.swansonmcnamara.com
Tel (415) 477-3800
Fax (415) 477-9010

February 24, 2023

Office of the City Clerk
City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300

CITY OF CAPITOLA
CITY CLERK

FEB 24 2023

Re: Appeal of Fee Administrator's Determination

Dear City Clerk:

We represent Beach House Rentals, LLC in connection with the City of Capitola Fee Administrator's February 10, 2023 determination of Transient Occupancy Tax, interest, and penalties due from Beach House Rentals, a copy of which is attached hereto as Exhibit A. Through this letter, Beach House Rentals appeals to the City Council the Fee Administrator's determination under Capitola Municipal Code Section 3.32.100. Beach House Rentals specifically appeals the Fee Administrator's imposition of interest and penalties in light of Beach House Rental's financial circumstances and taking into account potential civil judgments and criminal restitution to be paid by Beach House Rentals and/or Dede Harrington in favor of property owners in the City of Capitola.

Please do not hesitate to contact me at (415) 477-3800 if you have any questions. Notices regarding Beach House Rental's appeal may be sent to me at 300 Montgomery Street, Suite 1100, San Francisco, CA 94104.

Sincerely,



Edward Swanson
Carly Bittman
Swanson & McNamara LLP
Counsel for Beach House Rentals, LLC and
Dede Harrington

EXHIBIT A



420 Capitola Avenue
 Capitola, California, 95010
 Telephone: (831) 475-7300
 FAX: (831) 479-8879
 Website: www.cityofcapitola.org

February 10, 2023

Dede Harrington, Beach House Rentals
 c/o Carly Bittman
 Swanson & McNamara, LLP
 300 Montgomery Street, Suite 1100
 San Francisco, CA 94101
 E-mail: Carly@smlp.law

Re: Fee Administrator's Determination of Unpaid Transient Occupancy Tax, Penalties, and Interest and Demand for Payment from Beach House Rentals.

Dear Ms. Harrington:

On December 20, 2022, the City of Capitola held an evidentiary hearing with me in my capacity as the City of Capitola's fee administrator, to receive additional evidence bearing on the City's prior determination that Beach House Rentals owes the City \$322,259 in unpaid Transient Occupancy Tax ("TOT"), penalties and interest. I have reviewed all documentation submitted by Beach House Rentals in connection with that hearing, applied all payments (including those made directly by property owners), factored in documented long-term rentals, and eliminated TOT assessments for properties that left Beach House Rentals' management during the audit period.

Based on that evidence, Beach House Rentals owes the City **\$147,761.42** in back taxes, penalties, and interest for the rental properties as follows:

TOT	Penalties	Interest	Total
\$ 87,612.36	\$ 25,674.32	\$ 34,474.74	\$ 147,761.42

A spreadsheet identifying the properties and describing the City's calculations is attached hereto as Exhibit A.

This amount is due and shall be payable within fifteen days unless an appeal is taken as provided in Capitola Municipal Code ("CMC") section 3.32.100.

Under CMC section 3.32.100 any operator aggrieved by any decision of the fee administrator with respect to the amount of such fee, interest, and penalties, if any, may appeal to the City Council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The City Council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

Exhibit A

Beach House Rentals - Audit SummaryFee Administrator Determination

Address	Unreported Income	TOT	Penalties	Interest	Total Due to City	Payments by Property Owners
112 Capitola #200	40,626.79	4,875.21	1,008.96	1,707.52	7,591.69	-
112 Esplanade	60,450.00	7,254.00	1,494.00	846.72	9,594.72	-
1500 Wharf Rd. #3 ¹	91,031.44	10,923.77	2,184.75	2,176.25	15,284.77	-
206 California	51,106.11	6,132.73	1,273.86	2,281.86	9,688.45	-
210 Stockton Ave	40,530.00	4,863.60	972.72	794.82	6,631.14	-
212 Monterey #1	7,003.18	840.38	168.08	284.89	1,293.35	-
212 Monterey #2	4,919.84	590.38	118.08	145.77	854.23	-
212 Monterey #3	5,121.39	614.57	122.91	176.32	913.80	-
212 Monterey #4	3,333.25	399.99	80.00	150.00	629.99	-
215 San Jose #B	3,066.93	368.03	73.61	197.50	639.14	-
301 Cherry Ave	28,800.00	3,456.00	691.20	883.08	5,030.28	-
303 Cherry Ave	39,136.01	4,696.32	939.26	1,658.79	7,294.37	-
314 Riverview ¹	19,427.96	2,331.36	466.27	980.32	3,777.95	-
318 Capitola Ave #1 ¹	52,961.42	6,355.37	1,271.07	1,966.54	9,592.98	-
318 Capitola Ave #5 ²	34,640.00	4,156.80	831.36	1,042.34	6,030.50	4,156.80
322 Capitola Ave ¹	-	-	-	-	-	-
324 Riverview	19,038.00	2,284.56	456.91	313.65	3,055.12	-
328 Riverview ²	63,966.67	7,676.00	1,535.20	2,336.52	11,547.72	11,547.72
4980 Cliff Dr. #A ²	266,310.00	31,957.20	6,391.44	7,870.01	46,218.65	31,957.20
4980 Cliff Dr #B ³	18,474.20	2,216.90	443.38	1,042.44	3,702.72	2,216.90
5005 Cliff Dr #1 ¹	37,014.40	4,441.73	1,249.59	1,695.23	7,386.55	-
5005 Cliff Dr #4 ¹	38,094.24	4,571.31	914.26	1,157.95	6,643.52	-
109 Monterey #3 ¹	-	-	-	-	-	-
109 Monterey #6 ¹	37,407.00	4,488.84	897.77	1,262.33	6,648.94	-
119 Lawn Way ¹	27,971.00	3,356.52	671.30	1,528.03	5,555.85	-
327 Riverview A ¹	69,774.00	8,372.88	1,674.58	2,385.82	12,433.28	-
330 Riverview ¹	-	-	-	-	-	-
317 Riverview #A ¹	53,290.00	6,394.80	1,278.96	1,926.56	9,600.32	-
317 Riverview #B ¹	-	-	-	-	-	-
	\$ 1,113,493.83	\$ 133,619.26	\$ 27,209.52	\$ 36,811.26	\$ 197,640.04	\$ 49,878.62

Property Owner Payments (46,006.90) (1,535.20) (2,336.52) (49,878.62)

Balance Due \$ 87,612.36 \$ 25,674.32 \$ 34,474.74 \$ 147,761.42

1) Amount due revised based on documentation received from BHR

2) Amount due revised based on payments received from Property Owner and documentation received from BHR

3) Amount due revised based on payments received from Property Owner

1500 Wharf Road #3

DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42 Jan-19	\$ 856.00	\$ 856.00	\$ -	\$ -	\$ -	\$ -	\$ -
41 Feb-19	\$ 856.00	\$ 856.00	\$ -	\$ -	\$ -	\$ -	\$ -
40 Mar-19	\$ 2,996.00	\$ 2,996.00	\$ -	\$ -	\$ -	\$ -	\$ -
39 Apr-19	\$ 1,712.00	\$ 1,712.00	\$ -	\$ -	\$ -	\$ -	\$ -
38 May-19	\$ 5,564.00	\$ 3,852.00	\$ 1,712.00	\$ 205.44	\$ 41.09	\$ 117.10	\$ 363.63
37 Jun-19	\$ 1,284.00	\$ 1,284.00	\$ -	\$ -	\$ -	\$ -	\$ -
36 Jul-19	\$ 7,276.00	\$ 7,276.00	\$ -	\$ -	\$ -	\$ -	\$ -
35 Aug-19	\$ 8,638.01	\$ 8,638.01	\$ -	\$ -	\$ -	\$ -	\$ -
34 Sep-19	\$ 4,280.00	\$ 4,280.00	\$ -	\$ -	\$ -	\$ -	\$ -
33 Oct-19	\$ 2,631.03	\$ -	\$ 2,631.03	\$ 315.72	\$ 63.14	\$ 156.28	\$ 535.15
32 Nov-19	\$ 2,568.00	\$ 1,712.00	\$ 856.00	\$ 102.72	\$ 20.54	\$ 49.31	\$ 172.57
31 Dec-19	\$ 1,305.01	\$ 1,305.01	\$ -	\$ -	\$ -	\$ -	\$ -
30 Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29 Feb-20	\$ 1,712.00	\$ -	\$ 1,712.00	\$ 205.44	\$ 41.09	\$ 89.37	\$ 335.89
28 Mar-20	\$ 856.00	\$ -	\$ 856.00	\$ 102.72	\$ 20.54	\$ 43.14	\$ 166.41
27 Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26 May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25 Jun-20	\$ 5,308.00	\$ -	\$ 5,308.00	\$ 636.96	\$ 127.39	\$ 238.86	\$ 1,003.21
24 Jul-20	\$ 14,549.00	\$ 6,848.00	\$ 7,701.00	\$ 924.12	\$ 184.82	\$ 332.68	\$ 1,441.63
23 Aug-20	\$ 7,794.00	\$ 2,588.00	\$ 5,206.00	\$ 624.72	\$ 124.94	\$ 215.53	\$ 965.19
22 Sep-20	\$ 7,276.00	\$ 6,998.58	\$ 277.42	\$ 33.29	\$ 6.66	\$ 10.99	\$ 50.93
21 Oct-20	\$ 7,704.00	\$ 3,708.00	\$ 3,996.00	\$ 479.52	\$ 95.90	\$ 151.05	\$ 726.47
20 Nov-20	\$ 5,564.00	\$ 4,708.00	\$ 856.00	\$ 102.72	\$ 20.54	\$ 30.82	\$ 154.08
19 Dec-20	\$ 3,852.00	\$ 3,852.00	\$ -	\$ -	\$ -	\$ -	\$ -
18 Jan-21	\$ 4,708.00	\$ 3,424.00	\$ 1,284.00	\$ 154.08	\$ 30.82	\$ 41.60	\$ 226.50
17 Feb-21	\$ 2,140.00	\$ 2,140.00	\$ -	\$ -	\$ -	\$ -	\$ -
16 Mar-21	\$ 7,276.00	\$ 5,564.00	\$ 1,712.00	\$ 205.44	\$ 41.09	\$ 49.31	\$ 295.83
15 Apr-21	\$ 8,132.00	\$ 6,848.00	\$ 1,284.00	\$ 154.08	\$ 30.82	\$ 34.67	\$ 219.56
14 May-21	\$ 7,704.00	\$ 3,424.00	\$ 4,280.00	\$ 513.60	\$ 102.72	\$ 107.86	\$ 724.18
13 Jun-21	\$ 11,556.00	\$ 5,992.00	\$ 5,564.00	\$ 667.68	\$ 133.54	\$ 130.20	\$ 931.41
12 Jul-21	\$ 11,984.00	\$ 11,984.00	\$ -	\$ -	\$ -	\$ -	\$ -
11 Aug-21	\$ 5,992.00	\$ 5,992.00	\$ -	\$ -	\$ -	\$ -	\$ -
10 Sep-21	\$ 2,578.00	\$ 2,578.00	\$ -	\$ -	\$ -	\$ -	\$ -
9 Oct-21	\$ 5,564.00	\$ 856.00	\$ 4,708.00	\$ 564.96	\$ 112.99	\$ 76.27	\$ 754.22
8 Nov-21	\$ 5,992.00	\$ 856.00	\$ 5,136.00	\$ 616.32	\$ 123.26	\$ 73.96	\$ 813.54
7 Dec-21	\$ 2,568.00	\$ 1,712.00	\$ 856.00	\$ 102.72	\$ 20.54	\$ 10.79	\$ 134.05
6 Jan-22	\$ 4,280.00	\$ -	\$ 4,280.00	\$ 513.60	\$ 102.72	\$ 46.22	\$ 662.54
5 Feb-22	\$ 6,420.00	\$ -	\$ 6,420.00	\$ 770.40	\$ 154.08	\$ 57.78	\$ 982.26
4 Mar-22	\$ 6,848.00	\$ -	\$ 6,848.00	\$ 821.76	\$ 164.35	\$ 49.31	\$ 1,035.42
3 Apr-22	\$ 5,849.33	\$ -	\$ 5,849.33	\$ 701.92	\$ 140.38	\$ 31.59	\$ 873.89
2 May-22	\$ 5,849.33	\$ -	\$ 5,849.33	\$ 701.92	\$ 140.38	\$ 21.06	\$ 863.36
1 Jun-22	\$ 5,849.33	\$ -	\$ 5,849.33	\$ 701.92	\$ 140.38	\$ 10.53	\$ 852.83
	\$ 205,871.04	\$ 114,839.60	\$ 91,031.44	\$ 10,923.77	\$ 2,184.75	\$ 2,176.25	\$ 15,284.77

314 Riverview

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41	Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39	Apr-19	\$ 2,334.96	\$ 1,935.00	\$ 399.96	\$ 48.00	\$ 9.60	\$ 28.08	\$ 85.67
38	May-19	\$ 2,148.00	\$ 258.00	\$ 1,890.00	\$ 226.80	\$ 45.36	\$ 129.28	\$ 401.44
37	Jun-19	\$ 2,804.00	\$ -	\$ 2,804.00	\$ 336.48	\$ 67.30	\$ 186.75	\$ 590.52
36	Jul-19	\$ 4,396.00	\$ 2,512.00	\$ 1,884.00	\$ 226.08	\$ 45.22	\$ 122.08	\$ 393.38
35	Aug-19	\$ 2,372.00	\$ 1,430.00	\$ 942.00	\$ 113.04	\$ 22.61	\$ 59.35	\$ 194.99
34	Sep-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
33	Oct-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32	Nov-19	\$ 1,144.00	\$ -	\$ 1,144.00	\$ 137.28	\$ 27.46	\$ 65.89	\$ 230.63
31	Dec-19	\$ 1,806.00	\$ -	\$ 1,806.00	\$ 216.72	\$ 43.34	\$ 100.77	\$ 360.84
30	Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	Feb-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Jun-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24	Jul-20	\$ 2,983.00	\$ -	\$ 2,983.00	\$ 357.96	\$ 71.59	\$ 128.87	\$ 558.42
23	Aug-20	\$ 2,031.00	\$ -	\$ 2,031.00	\$ 243.72	\$ 48.74	\$ 84.08	\$ 376.55
22	Sep-20	\$ 471.00	\$ -	\$ 471.00	\$ 56.52	\$ 11.30	\$ 18.65	\$ 86.48
21	Oct-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Nov-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19	Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Feb-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Mar-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Apr-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	May-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Jun-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Jul-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11	Aug-21	\$ 1,873.00	\$ -	\$ 1,873.00	\$ 224.76	\$ 44.95	\$ 37.09	\$ 306.80
10	Sep-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	Oct-21	\$ 1,200.00	\$ -	\$ 1,200.00	\$ 144.00	\$ 28.80	\$ 19.44	\$ 192.24
8	Nov-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Dec-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Jan-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5	Feb-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Mar-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Apr-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	May-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	Jun-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ 25,562.96	\$ 6,135.00	\$ 19,427.96	\$ 2,331.36	\$ 466.27	\$ 980.32	\$ 3,777.95

318 Capitola Ave. #1

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41	Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39	Apr-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37	Jun-19	\$ 4,602.64	\$ 748.82	\$ 3,853.82	\$ 462.46	\$ 92.49	\$ 256.66	\$ 811.61
36	Jul-19	\$ 3,508.82	\$ 3,795.00	\$ (286.18)	\$ (34.34)	\$ (6.87)	\$ (18.54)	\$ (59.75)
35	Aug-19	\$ -	\$ 1,725.00	\$ (1,725.00)	\$ (207.00)	\$ (41.40)	\$ (108.68)	\$ (357.08)
34	Sep-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
33	Oct-19	\$ 3,440.00	\$ -	\$ 3,440.00	\$ 412.80	\$ 82.56	\$ 204.34	\$ 699.70
32	Nov-19	\$ 1,706.56	\$ -	\$ 1,706.56	\$ 204.79	\$ 40.96	\$ 98.30	\$ 344.04
31	Dec-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
30	Jan-20	\$ 2,167.83	\$ -	\$ 2,167.83	\$ 260.14	\$ 52.03	\$ 117.06	\$ 429.23
29	Feb-20	\$ 3,200.00	\$ -	\$ 3,200.00	\$ 384.00	\$ 76.80	\$ 167.04	\$ 627.84
28	Mar-20	\$ 1,600.00	\$ -	\$ 1,600.00	\$ 192.00	\$ 38.40	\$ 80.64	\$ 311.04
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ 1,961.37	\$ -	\$ 1,961.37	\$ 235.36	\$ 47.07	\$ 91.79	\$ 374.23
25	Jun-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24	Jul-20	\$ 5,865.00	\$ 2,760.00	\$ 3,105.00	\$ 372.60	\$ 74.52	\$ 134.14	\$ 581.26
23	Aug-20	\$ 8,600.00	\$ 3,200.00	\$ 5,400.00	\$ 648.00	\$ 129.60	\$ 223.56	\$ 1,001.16
22	Sep-20	\$ 800.00	\$ 800.00	\$ -	\$ -	\$ -	\$ -	\$ -
21	Oct-20	\$ 1,067.00	\$ -	\$ 1,067.00	\$ 128.04	\$ 25.61	\$ 40.33	\$ 193.98
20	Nov-20	\$ 2,133.00	\$ -	\$ 2,133.00	\$ 255.96	\$ 51.19	\$ 76.79	\$ 383.94
19	Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Feb-21	\$ 3,200.00	\$ -	\$ 3,200.00	\$ 384.00	\$ 76.80	\$ 97.92	\$ 558.72
16	Mar-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Apr-21	\$ 2,929.78	\$ -	\$ 2,929.78	\$ 351.57	\$ 70.31	\$ 79.10	\$ 500.99
14	May-21	\$ 3,908.24	\$ -	\$ 3,908.24	\$ 468.99	\$ 93.80	\$ 98.49	\$ 661.27
13	Jun-21	\$ 4,400.00	\$ -	\$ 4,400.00	\$ 528.00	\$ 105.60	\$ 102.96	\$ 736.56
12	Jul-21	\$ 8,800.00	\$ 1,500.00	\$ 7,300.00	\$ 876.00	\$ 175.20	\$ 157.68	\$ 1,208.88
11	Aug-21	\$ 3,600.00	\$ 2,400.00	\$ 1,200.00	\$ 144.00	\$ 28.80	\$ 23.76	\$ 196.56
10	Sep-21	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 288.00	\$ 57.60	\$ 43.20	\$ 388.80
9	Oct-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	Nov-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Dec-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Jan-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5	Feb-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Mar-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Apr-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	May-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	Jun-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ 69,890.24	\$ 16,928.82	\$ 52,961.42	\$ 6,355.37	\$ 1,271.07	\$ 1,966.54	\$ 9,592.98

318 Capitola Ave. #5

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41	Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39	Apr-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37	Jun-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
36	Jul-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
35	Aug-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
34	Sep-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
33	Oct-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32	Nov-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31	Dec-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
30	Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	Feb-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Jun-20	\$ 2,220.00	\$ -	\$ 2,220.00	\$ 266.40	\$ 53.28	\$ 99.90	\$ 419.58
24	Jul-20	\$ 6,290.00	\$ 2,590.00	\$ 3,700.00	\$ 444.00	\$ 88.80	\$ 159.84	\$ 692.64
23	Aug-20	\$ 5,550.00	\$ 2,210.00	\$ 3,340.00	\$ 400.80	\$ 80.16	\$ 138.28	\$ 619.24
22	Sep-20	\$ 8,800.00	\$ 2,220.00	\$ 6,580.00	\$ 789.60	\$ 157.92	\$ 260.57	\$ 1,208.09
21	Oct-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Nov-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19	Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Feb-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Mar-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Apr-21	\$ 2,400.00	\$ 1,600.00	\$ 800.00	\$ 96.00	\$ 19.20	\$ 21.60	\$ 136.80
14	May-21	\$ 4,000.00	\$ 1,600.00	\$ 2,400.00	\$ 288.00	\$ 57.60	\$ 60.48	\$ 406.08
13	Jun-21	\$ 4,800.00	\$ 2,000.00	\$ 2,800.00	\$ 336.00	\$ 67.20	\$ 65.52	\$ 468.72
12	Jul-21	\$ 9,200.00	\$ 6,400.00	\$ 2,800.00	\$ 336.00	\$ 67.20	\$ 60.48	\$ 463.68
11	Aug-21	\$ 4,800.00	\$ 4,400.00	\$ 400.00	\$ 48.00	\$ 9.60	\$ 7.92	\$ 65.52
10	Sep-21	\$ 4,000.00	\$ -	\$ 4,000.00	\$ 480.00	\$ 96.00	\$ 72.00	\$ 648.00
9	Oct-21	\$ 6,000.00	\$ -	\$ 6,000.00	\$ 720.00	\$ 144.00	\$ 97.20	\$ 961.20
8	Nov-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Dec-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Jan-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5	Feb-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Mar-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Apr-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	May-22	\$ 1,600.00	\$ 2,000.00	\$ (400.00)	\$ (48.00)	\$ (9.60)	\$ (1.44)	\$ (59.04)
1	Jun-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ 59,660.00	\$ 25,020.00	\$ 34,640.00	\$ 4,156.80	\$ 831.36	\$ 1,042.34	\$ 6,030.50

328 Riverview

DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42 Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41 Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40 Mar-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39 Apr-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38 May-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37 Jun-19	\$ 1,600.00	\$ -	\$ 1,600.00	\$ 192.00	\$ 38.40	\$ 106.56	\$ 336.96
36 Jul-19	\$ 6,800.00	\$ -	\$ 6,800.00	\$ 816.00	\$ 163.20	\$ 440.64	\$ 1,419.84
35 Aug-19	\$ 4,400.00	\$ -	\$ 4,400.00	\$ 528.00	\$ 105.60	\$ 277.20	\$ 910.80
34 Sep-19	\$ 2,666.67	\$ -	\$ 2,666.67	\$ 320.00	\$ 64.00	\$ 163.20	\$ 547.20
33 Oct-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32 Nov-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31 Dec-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
30 Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29 Feb-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28 Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27 Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26 May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25 Jun-20	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 360.00	\$ 72.00	\$ 135.00	\$ 567.00
24 Jul-20	\$ 6,700.00	\$ -	\$ 6,700.00	\$ 804.00	\$ 160.80	\$ 289.44	\$ 1,254.24
23 Aug-20	\$ 6,300.00	\$ -	\$ 6,300.00	\$ 756.00	\$ 151.20	\$ 260.82	\$ 1,168.02
22 Sep-20	\$ 600.00	\$ -	\$ 600.00	\$ 72.00	\$ 14.40	\$ 23.76	\$ 110.16
21 Oct-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20 Nov-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19 Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18 Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17 Feb-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16 Mar-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15 Apr-21	\$ 4,200.00	\$ -	\$ 4,200.00	\$ 504.00	\$ 100.80	\$ 113.40	\$ 718.20
14 May-21	\$ 3,300.00	\$ -	\$ 3,300.00	\$ 396.00	\$ 79.20	\$ 83.16	\$ 558.36
13 Jun-21	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 288.00	\$ 57.60	\$ 56.16	\$ 401.76
12 Jul-21	\$ 6,300.00	\$ -	\$ 6,300.00	\$ 756.00	\$ 151.20	\$ 136.08	\$ 1,043.28
11 Aug-21	\$ 3,900.00	\$ -	\$ 3,900.00	\$ 468.00	\$ 93.60	\$ 77.22	\$ 638.82
10 Sep-21	\$ 3,900.00	\$ -	\$ 3,900.00	\$ 468.00	\$ 93.60	\$ 70.20	\$ 631.80
9 Oct-21	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 360.00	\$ 72.00	\$ 48.60	\$ 480.60
8 Nov-21	\$ 2,100.00	\$ -	\$ 2,100.00	\$ 252.00	\$ 50.40	\$ 30.24	\$ 332.64
7 Dec-21	\$ 1,800.00	\$ 900.00	\$ 900.00	\$ 108.00	\$ 21.60	\$ 11.34	\$ 140.94
6 Jan-22	\$ 1,800.00	\$ 800.00	\$ 1,000.00	\$ 120.00	\$ 24.00	\$ 10.80	\$ 154.80
5 Feb-22	\$ 2,400.00	\$ 2,400.00	\$ -	\$ -	\$ -	\$ -	\$ -
4 Mar-22	\$ 2,700.00	\$ 2,700.00	\$ -	\$ -	\$ -	\$ -	\$ -
3 Apr-22	\$ 2,400.00	\$ 2,400.00	\$ -	\$ -	\$ -	\$ -	\$ -
2 May-22	\$ 2,700.00	\$ 2,100.00	\$ 600.00	\$ 72.00	\$ 14.40	\$ 2.16	\$ 88.56
1 Jun-22	\$ 6,300.00	\$ 6,000.00	\$ 300.00	\$ 36.00	\$ 7.20	\$ 0.54	\$ 43.74
	\$ 81,266.67	\$ 17,300.00	\$ 63,966.67	\$ 7,676.00	\$ 1,535.20	\$ 2,336.52	\$ 11,547.72

4980 Cliff Dr. #A

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41	Feb-19	\$ 3,600.00	\$ 3,600.00	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ 7,200.00	\$ 7,200.00	\$ -	\$ -	\$ -	\$ -	\$ -
39	Apr-19	\$ 8,700.00	\$ 8,700.00	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ 5,200.00	\$ 3,400.00	\$ 1,800.00	\$ 216.00	\$ 43.20	\$ 123.12	\$ 382.32
37	Jun-19	\$ 7,200.00	\$ 2,400.00	\$ 4,800.00	\$ 576.00	\$ 115.20	\$ 319.68	\$ 1,010.88
36	Jul-19	\$ 18,100.00	\$ 7,900.00	\$ 10,200.00	\$ 1,224.00	\$ 244.80	\$ 660.96	\$ 2,129.76
35	Aug-19	\$ 9,000.00	\$ 4,000.00	\$ 5,000.00	\$ 600.00	\$ 120.00	\$ 315.00	\$ 1,035.00
34	Sep-19	\$ 10,800.00	\$ -	\$ 10,800.00	\$ 1,296.00	\$ 259.20	\$ 660.96	\$ 2,216.16
33	Oct-19	\$ 7,200.00	\$ 2,500.00	\$ 4,700.00	\$ 564.00	\$ 112.80	\$ 279.18	\$ 955.98
32	Nov-19	\$ 8,500.00	\$ 2,000.00	\$ 6,500.00	\$ 780.00	\$ 156.00	\$ 374.40	\$ 1,310.40
31	Dec-19	\$ 6,950.00	\$ 2,000.00	\$ 4,950.00	\$ 594.00	\$ 118.80	\$ 276.21	\$ 989.01
30	Jan-20	\$ 2,100.00	\$ -	\$ 2,100.00	\$ 252.00	\$ 50.40	\$ 113.40	\$ 415.80
29	Feb-20	\$ 6,300.00	\$ -	\$ 6,300.00	\$ 756.00	\$ 151.20	\$ 328.86	\$ 1,236.06
28	Mar-20	\$ 5,400.00	\$ 4,500.00	\$ 900.00	\$ 108.00	\$ 21.60	\$ 45.36	\$ 174.96
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Jun-20	\$ 7,100.00	\$ 3,000.00	\$ 4,100.00	\$ 492.00	\$ 98.40	\$ 184.50	\$ 774.90
24	Jul-20	\$ 15,900.00	\$ 6,300.00	\$ 9,600.00	\$ 1,152.00	\$ 230.40	\$ 414.72	\$ 1,797.12
23	Aug-20	\$ 15,300.00	\$ 2,000.00	\$ 13,300.00	\$ 1,596.00	\$ 319.20	\$ 550.62	\$ 2,465.82
22	Sep-20	\$ 7,200.00	\$ 2,700.00	\$ 4,500.00	\$ 540.00	\$ 108.00	\$ 178.20	\$ 826.20
21	Oct-20	\$ 9,900.00	\$ 1,800.00	\$ 8,100.00	\$ 972.00	\$ 194.40	\$ 306.18	\$ 1,472.58
20	Nov-20	\$ 3,200.00	\$ 2,700.00	\$ 500.00	\$ 60.00	\$ 12.00	\$ 18.00	\$ 90.00
19	Dec-20	\$ 8,700.00	\$ 1,800.00	\$ 6,900.00	\$ 828.00	\$ 165.60	\$ 235.98	\$ 1,229.58
18	Jan-21	\$ 5,400.00	\$ 1,800.00	\$ 3,600.00	\$ 432.00	\$ 86.40	\$ 116.64	\$ 635.04
17	Feb-21	\$ 5,400.00	\$ 1,800.00	\$ 3,600.00	\$ 432.00	\$ 86.40	\$ 110.16	\$ 628.56
16	Mar-21	\$ 3,600.00	\$ 3,600.00	\$ -	\$ -	\$ -	\$ -	\$ -
15	Apr-21	\$ 10,800.00	\$ 3,600.00	\$ 7,200.00	\$ 864.00	\$ 172.80	\$ 194.40	\$ 1,231.20
14	May-21	\$ 15,200.00	\$ 2,700.00	\$ 12,500.00	\$ 1,500.00	\$ 300.00	\$ 315.00	\$ 2,115.00
13	Jun-21	\$ 18,000.00	\$ 1,800.00	\$ 16,200.00	\$ 1,944.00	\$ 388.80	\$ 379.08	\$ 2,711.88
12	Jul-21	\$ 18,500.00	\$ -	\$ 18,500.00	\$ 2,220.00	\$ 444.00	\$ 399.60	\$ 3,063.60
11	Aug-21	\$ 20,000.00	\$ 1,800.00	\$ 18,200.00	\$ 2,184.00	\$ 436.80	\$ 360.36	\$ 2,981.16
10	Sep-21	\$ 10,600.00	\$ 5,400.00	\$ 5,200.00	\$ 624.00	\$ 124.80	\$ 93.60	\$ 842.40
9	Oct-21	\$ 10,800.00	\$ 1,800.00	\$ 9,000.00	\$ 1,080.00	\$ 216.00	\$ 145.80	\$ 1,441.80
8	Nov-21	\$ 5,800.00	\$ 5,800.00	\$ -	\$ -	\$ -	\$ -	\$ -
7	Dec-21	\$ 12,300.00	\$ 1,800.00	\$ 10,500.00	\$ 1,260.00	\$ 252.00	\$ 132.30	\$ 1,644.30
6	Jan-22	\$ 4,500.00	\$ -	\$ 4,500.00	\$ 540.00	\$ 108.00	\$ 48.60	\$ 696.60
5	Feb-22	\$ 4,000.00	\$ 1,960.00	\$ 2,040.00	\$ 244.80	\$ 48.96	\$ 18.36	\$ 312.12
4	Mar-22	\$ 5,800.00	\$ 1,180.00	\$ 4,620.00	\$ 554.40	\$ 110.88	\$ 33.26	\$ 698.54
3	Apr-22	\$ 9,900.00	\$ -	\$ 9,900.00	\$ 1,188.00	\$ 237.60	\$ 53.46	\$ 1,479.06
2	May-22	\$ 11,000.00	\$ -	\$ 11,000.00	\$ 1,320.00	\$ 264.00	\$ 39.60	\$ 1,623.60
1	Jun-22	\$ 24,700.00	\$ -	\$ 24,700.00	\$ 2,964.00	\$ 592.80	\$ 44.46	\$ 3,601.26
		<u>\$ 369,850.00</u>	<u>\$ 103,540.00</u>	<u>\$ 266,310.00</u>	<u>\$ 31,957.20</u>	<u>\$ 6,391.44</u>	<u>\$ 7,870.01</u>	<u>\$ 46,218.65</u>

5005 Cliff Dr. #1

DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42 Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41 Feb-19	\$ 514.00	\$ 514.00	\$ -	\$ -	\$ -	\$ -	\$ -
40 Mar-19	\$ 514.00	\$ 2,841.77	\$ (2,327.77)	\$ (279.33)	\$ -	\$ -	\$ (279.33)
39 Apr-19	\$ 1,799.00	\$ 3,057.20	\$ (1,258.20)	\$ (150.98)	\$ -	\$ -	\$ (150.98)
38 May-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
37 Jun-19	\$ 514.00	\$ -	\$ 514.00	\$ 61.68	\$ 12.34	\$ 34.23	\$ 108.25
36 Jul-19	\$ 3,341.00	\$ 2,570.00	\$ 771.00	\$ 92.52	\$ 18.50	\$ 49.96	\$ 160.98
35 Aug-19	\$ 3,855.00	\$ 1,799.00	\$ 2,056.00	\$ 246.72	\$ 49.34	\$ 129.53	\$ 425.59
34 Sep-19	\$ 1,285.00	\$ 1,285.00	\$ -	\$ -	\$ -	\$ -	\$ -
33 Oct-19	\$ 1,799.00	\$ -	\$ 1,799.00	\$ 215.88	\$ 43.18	\$ 106.86	\$ 365.92
32 Nov-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31 Dec-19	\$ 1,285.00	\$ -	\$ 1,285.00	\$ 154.20	\$ 30.84	\$ 71.70	\$ 256.74
30 Jan-20	\$ 1,542.00	\$ -	\$ 1,542.00	\$ 185.04	\$ 37.01	\$ 83.27	\$ 305.32
29 Feb-20	\$ 814.00	\$ -	\$ 814.00	\$ 97.68	\$ 19.54	\$ 42.49	\$ 159.71
28 Mar-20	\$ 632.00	\$ -	\$ 632.00	\$ 75.84	\$ 15.17	\$ 31.85	\$ 122.86
27 Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26 May-20	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 240.00	\$ 48.00	\$ 93.60	\$ 381.60
25 Jun-20	\$ 2,827.00	\$ 1,155.63	\$ 1,671.37	\$ 200.56	\$ 40.11	\$ 75.21	\$ 315.89
24 Jul-20	\$ 5,140.00	\$ 2,570.00	\$ 2,570.00	\$ 308.40	\$ 61.68	\$ 111.02	\$ 481.10
23 Aug-20	\$ 1,799.00	\$ -	\$ 1,799.00	\$ 215.88	\$ 43.18	\$ 74.48	\$ 333.53
22 Sep-20	\$ 4,369.00	\$ -	\$ 4,369.00	\$ 524.28	\$ 104.86	\$ 173.01	\$ 802.15
21 Oct-20	\$ 4,369.00	\$ -	\$ 4,369.00	\$ 524.28	\$ 104.86	\$ 165.15	\$ 794.28
20 Nov-20	\$ 2,056.00	\$ 500.00	\$ 1,556.00	\$ 186.72	\$ 37.34	\$ 56.02	\$ 280.08
19 Dec-20	\$ -	\$ 1,000.00	\$ (1,000.00)	\$ (120.00)	\$ -	\$ -	\$ (120.00)
18 Jan-21	\$ 2,570.00	\$ 550.00	\$ 2,020.00	\$ 242.40	\$ 48.48	\$ 65.45	\$ 356.33
17 Feb-21	\$ 1,542.00	\$ 1,000.00	\$ 542.00	\$ 65.04	\$ 13.01	\$ 16.59	\$ 94.63
16 Mar-21	\$ 2,056.00	\$ 1,100.00	\$ 956.00	\$ 114.72	\$ 22.94	\$ 27.53	\$ 165.20
15 Apr-21	\$ 2,313.00	\$ 2,056.00	\$ 257.00	\$ 30.84	\$ 6.17	\$ 6.94	\$ 43.95
14 May-21	\$ 3,341.00	\$ 1,028.00	\$ 2,313.00	\$ 277.56	\$ 55.51	\$ 58.29	\$ 391.36
13 Jun-21	\$ 2,827.00	\$ 1,799.00	\$ 1,028.00	\$ 123.36	\$ 24.67	\$ 24.06	\$ 172.09
12 Jul-21	\$ 3,084.00	\$ 8,900.00	\$ (5,816.00)	\$ (697.92)	\$ -	\$ -	\$ (697.92)
11 Aug-21	\$ 5,140.00	\$ 1,028.00	\$ 4,112.00	\$ 493.44	\$ 98.69	\$ 81.42	\$ 673.55
10 Sep-21	\$ 3,341.00	\$ 1,350.00	\$ 1,991.00	\$ 238.92	\$ 47.78	\$ 35.84	\$ 322.54
9 Oct-21	\$ 2,056.00	\$ 500.00	\$ 1,556.00	\$ 186.72	\$ 37.34	\$ 25.21	\$ 249.27
8 Nov-21	\$ 2,570.00	\$ 750.00	\$ 1,820.00	\$ 218.40	\$ 43.68	\$ 26.21	\$ 288.29
7 Dec-21	\$ 514.00	\$ 500.00	\$ 14.00	\$ 1.68	\$ 0.34	\$ 0.18	\$ 2.19
6 Jan-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5 Feb-22	\$ -	\$ 600.00	\$ (600.00)	\$ (72.00)	\$ -	\$ -	\$ (72.00)
4 Mar-22	\$ 2,056.00	\$ -	\$ 2,056.00	\$ 246.72	\$ 49.34	\$ 14.80	\$ 310.87
3 Apr-22	\$ -	\$ 4,050.00	\$ (4,050.00)	\$ (486.00)	\$ -	\$ -	\$ (486.00)
2 May-22	\$ 2,313.00	\$ -	\$ 2,313.00	\$ 277.56	\$ 55.51	\$ 8.33	\$ 341.40
1 Jun-22	\$ 3,341.00	\$ -	\$ 3,341.00	\$ 400.92	\$ 80.18	\$ 6.01	\$ 487.12
	\$ 79,518.00	\$ 42,503.60	\$ 37,014.40	\$ 4,441.73	\$ 1,249.59	\$ 1,695.23	\$ 7,386.55

5005 Cliff Dr. #4

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ 1,837.36	\$ 2,570.00	\$ (732.64)	\$ (87.92)	\$ (17.58)	\$ (55.39)	\$ (160.89)
41	Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39	Apr-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ 1,837.36	\$ 771.00	\$ 1,066.36	\$ 127.96	\$ 25.59	\$ 72.94	\$ 226.49
37	Jun-19	\$ 1,837.36	\$ -	\$ 1,837.36	\$ 220.48	\$ 44.10	\$ 122.37	\$ 386.95
36	Jul-19	\$ 1,837.36	\$ 3,420.00	\$ (1,582.64)	\$ (189.92)	\$ (37.98)	\$ (102.56)	\$ (330.46)
35	Aug-19	\$ 1,837.36	\$ 1,682.00	\$ 155.36	\$ 18.64	\$ 3.73	\$ 9.79	\$ 32.16
34	Sep-19	\$ 1,837.36	\$ -	\$ 1,837.36	\$ 220.48	\$ 44.10	\$ 112.45	\$ 377.03
33	Oct-19	\$ 1,837.36	\$ 771.00	\$ 1,066.36	\$ 127.96	\$ 25.59	\$ 63.34	\$ 216.90
32	Nov-19	\$ 1,837.36	\$ -	\$ 1,837.36	\$ 220.48	\$ 44.10	\$ 105.83	\$ 370.41
31	Dec-19	\$ 1,837.36	\$ -	\$ 1,837.36	\$ 220.48	\$ 44.10	\$ 102.52	\$ 367.10
30	Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	Feb-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Jun-20	\$ 1,028.00	\$ -	\$ 1,028.00	\$ 123.36	\$ 24.67	\$ 46.26	\$ 194.29
24	Jul-20	\$ 3,990.00	\$ 3,705.00	\$ 285.00	\$ 34.20	\$ 6.84	\$ 12.31	\$ 53.35
23	Aug-20	\$ 2,738.00	\$ -	\$ 2,738.00	\$ 328.56	\$ 65.71	\$ 113.35	\$ 507.63
22	Sep-20	\$ 1,418.00	\$ -	\$ 1,418.00	\$ 170.16	\$ 34.03	\$ 56.15	\$ 260.34
21	Oct-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Nov-20	\$ 1,285.00	\$ -	\$ 1,285.00	\$ 154.20	\$ 30.84	\$ 46.26	\$ 231.30
19	Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Feb-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Mar-21	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 360.00	\$ 72.00	\$ 86.40	\$ 518.40
15	Apr-21	\$ 1,995.00	\$ -	\$ 1,995.00	\$ 239.40	\$ 47.88	\$ 53.87	\$ 341.15
14	May-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Jun-21	\$ 2,570.00	\$ -	\$ 2,570.00	\$ 308.40	\$ 61.68	\$ 60.14	\$ 430.22
12	Jul-21	\$ 4,845.00	\$ -	\$ 4,845.00	\$ 581.40	\$ 116.28	\$ 104.65	\$ 802.33
11	Aug-21	\$ 3,364.00	\$ -	\$ 3,364.00	\$ 403.68	\$ 80.74	\$ 66.61	\$ 551.02
10	Sep-21	\$ 2,280.00	\$ -	\$ 2,280.00	\$ 273.60	\$ 54.72	\$ 41.04	\$ 369.36
9	Oct-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	Nov-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Dec-21	\$ 2,200.00	\$ -	\$ 2,200.00	\$ 264.00	\$ 52.80	\$ 27.72	\$ 344.52
6	Jan-22	\$ 1,500.00	\$ 600.00	\$ 900.00	\$ 108.00	\$ 21.60	\$ 9.72	\$ 139.32
5	Feb-22	\$ -	\$ 514.00	\$ (514.00)	\$ (61.68)	\$ (12.34)	\$ (4.63)	\$ (78.64)
4	Mar-22	\$ -	\$ 1,542.00	\$ (1,542.00)	\$ (185.04)	\$ (37.01)	\$ (11.10)	\$ (233.15)
3	Apr-22	\$ 1,710.00	\$ -	\$ 1,710.00	\$ 205.20	\$ 41.04	\$ 9.23	\$ 255.47
2	May-22	\$ 1,605.00	\$ -	\$ 1,605.00	\$ 192.60	\$ 38.52	\$ 5.78	\$ 236.90
1	Jun-22	\$ 1,605.00	\$ -	\$ 1,605.00	\$ 192.60	\$ 38.52	\$ 2.89	\$ 234.01
		\$ 53,669.24	\$ 15,575.00	\$ 38,094.24	\$ 4,571.31	\$ 914.26	\$ 1,157.95	\$ 6,643.52

109 Monterey #6

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41	Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 169.85	\$ 509.54
39	Apr-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 161.36	\$ 501.05
37	Jun-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 157.11	\$ 496.81
36	Jul-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 152.86	\$ 492.56
35	Aug-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 148.62	\$ 488.31
34	Sep-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 144.37	\$ 484.07
33	Oct-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 140.12	\$ 479.82
32	Nov-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31	Dec-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
30	Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	Feb-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Jun-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24	Jul-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
23	Aug-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
22	Sep-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
21	Oct-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Nov-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19	Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Feb-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Mar-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Apr-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	May-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Jun-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Jul-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11	Aug-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10	Sep-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	Oct-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 38.22	\$ 377.91
8	Nov-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 33.97	\$ 373.67
7	Dec-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 29.72	\$ 369.42
6	Jan-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 25.48	\$ 365.17
5	Feb-22	\$ 2,022.00	\$ -	\$ 2,022.00	\$ 242.64	\$ 48.53	\$ 18.20	\$ 309.37
4	Mar-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 16.98	\$ 356.68
3	Apr-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 12.74	\$ 352.43
2	May-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 8.49	\$ 348.19
1	Jun-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 4.25	\$ 343.94
		<u>\$ 37,407.00</u>	<u>\$ -</u>	<u>\$ 37,407.00</u>	<u>\$ 4,488.84</u>	<u>\$ 897.77</u>	<u>\$ 1,262.33</u>	<u>\$ 6,648.94</u>

119 Lawn Way

DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42 Jan-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
41 Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40 Mar-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39 Apr-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
38 May-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 161.36	\$ 501.05
37 Jun-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 157.11	\$ 496.81
36 Jul-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 152.86	\$ 492.56
35 Aug-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 148.62	\$ 488.31
34 Sep-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 144.37	\$ 484.07
33 Oct-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
32 Nov-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
31 Dec-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 131.63	\$ 471.33
30 Jan-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 127.39	\$ 467.08
29 Feb-20	\$ 2,022.00	\$ -	\$ 2,022.00	\$ 242.64	\$ 48.53	\$ 105.55	\$ 396.72
28 Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27 Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26 May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25 Jun-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 106.16	\$ 445.85
24 Jul-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 101.91	\$ 441.60
23 Aug-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 97.66	\$ 437.36
22 Sep-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 93.42	\$ 433.11
21 Oct-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20 Nov-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19 Dec-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18 Jan-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17 Feb-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16 Mar-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15 Apr-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14 May-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13 Jun-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12 Jul-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11 Aug-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10 Sep-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9 Oct-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8 Nov-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7 Dec-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6 Jan-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5 Feb-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4 Mar-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3 Apr-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 May-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1 Jun-22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 27,971.00	\$ -	\$ 27,971.00	\$ 3,356.52	\$ 671.30	\$ 1,528.03	\$ 5,555.85

327 Riverview A

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ 2,359.00	\$ 1,548.00	\$ 811.00	\$ 97.32	\$ 19.46	\$ 61.31	\$ 178.10
41	Feb-19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
40	Mar-19	\$ 3,612.00	\$ 3,612.00	\$ -	\$ -	\$ -	\$ -	\$ -
39	Apr-19	\$ 3,354.00	\$ 3,354.00	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 161.36	\$ 501.05
37	Jun-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 157.11	\$ 496.81
36	Jul-19	\$ 4,576.00	\$ 4,576.00	\$ -	\$ -	\$ -	\$ -	\$ -
35	Aug-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 148.62	\$ 488.31
34	Sep-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 144.37	\$ 484.07
33	Oct-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 140.12	\$ 479.82
32	Nov-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 135.88	\$ 475.57
31	Dec-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 131.63	\$ 471.33
30	Jan-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	Feb-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	Mar-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	Apr-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	May-20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	Jun-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 106.16	\$ 445.85
24	Jul-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 101.91	\$ 441.60
23	Aug-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 97.66	\$ 437.36
22	Sep-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 93.42	\$ 433.11
21	Oct-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 89.17	\$ 428.87
20	Nov-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 84.92	\$ 424.62
19	Dec-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 80.68	\$ 420.37
18	Jan-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 76.43	\$ 416.13
17	Feb-21	\$ 2,022.00	\$ -	\$ 2,022.00	\$ 242.64	\$ 48.53	\$ 61.87	\$ 353.04
16	Mar-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 67.94	\$ 407.64
15	Apr-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 63.69	\$ 403.39
14	May-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 59.45	\$ 399.14
13	Jun-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 55.20	\$ 394.90
12	Jul-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 50.95	\$ 390.65
11	Aug-21	\$ 2,359.00	\$ 800.00	\$ 1,559.00	\$ 187.08	\$ 37.42	\$ 30.87	\$ 255.36
10	Sep-21	\$ 2,359.00	\$ 1,144.00	\$ 1,215.00	\$ 145.80	\$ 29.16	\$ 21.87	\$ 196.83
9	Oct-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 38.22	\$ 377.91
8	Nov-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 33.97	\$ 373.67
7	Dec-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 29.72	\$ 369.42
6	Jan-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 25.48	\$ 365.17
5	Feb-22	\$ 2,022.00	\$ 516.00	\$ 1,506.00	\$ 180.72	\$ 36.14	\$ 13.55	\$ 230.42
4	Mar-22	\$ 2,359.00	\$ 1,032.00	\$ 1,327.00	\$ 159.24	\$ 31.85	\$ 9.55	\$ 200.64
3	Apr-22	\$ 2,850.00	\$ 2,850.00	\$ -	\$ -	\$ -	\$ -	\$ -
2	May-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 8.49	\$ 348.19
1	Jun-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 4.25	\$ 343.94
		\$ 89,206.00	\$ 19,432.00	\$ 69,774.00	\$ 8,372.88	\$ 1,674.58	\$ 2,385.82	\$ 12,433.28

317A Riverview

	DATE	AUDITED AMOUNT	PAYMENT	DIFFERENCE	TAX	PENALTY	INTEREST	TOTAL
42	Jan-19	\$ 2,359.00	\$ 1,750.00	\$ 609.00	\$ 73.08	\$ 14.62	\$ 46.04	\$ 133.74
41	Feb-19	\$ 2,022.00	\$ 700.00	\$ 1,322.00	\$ 158.64	\$ 31.73	\$ 97.56	\$ 287.93
40	Mar-19	\$ 2,359.00	\$ 700.00	\$ 1,659.00	\$ 199.08	\$ 39.82	\$ 119.45	\$ 358.34
39	Apr-19	\$ 5,450.00	\$ 5,450.00	\$ -	\$ -	\$ -	\$ -	\$ -
38	May-19	\$ 2,359.00	\$ 2,050.00	\$ 309.00	\$ 37.08	\$ 7.42	\$ 21.14	\$ 65.63
37	Jun-19	\$ 2,359.00	\$ 1,350.00	\$ 1,009.00	\$ 121.08	\$ 24.22	\$ 67.20	\$ 212.50
36	Jul-19	\$ 7,650.00	\$ 7,650.00	\$ -	\$ -	\$ -	\$ -	\$ -
35	Aug-19	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 148.62	\$ 488.31
34	Sep-19	\$ 2,359.00	\$ 2,100.00	\$ 259.00	\$ 31.08	\$ 6.22	\$ 15.85	\$ 53.15
33	Oct-19	\$ 2,359.00	\$ 700.00	\$ 1,659.00	\$ 199.08	\$ 39.82	\$ 98.54	\$ 337.44
32	Nov-19	\$ 2,359.00	\$ 1,800.00	\$ 559.00	\$ 67.08	\$ 13.42	\$ 32.20	\$ 112.69
31	Dec-19	\$ 2,359.00	\$ 1,300.00	\$ 1,059.00	\$ 127.08	\$ 25.42	\$ 59.09	\$ 211.59
30	Jan-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 127.39	\$ 467.08
29	Feb-20	\$ 2,022.00	\$ -	\$ 2,022.00	\$ 242.64	\$ 48.53	\$ 105.55	\$ 396.72
28	Mar-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 118.89	\$ 458.59
27	Apr-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 114.65	\$ 454.34
26	May-20	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 110.40	\$ 450.10
25	Jun-20	\$ 2,359.00	\$ 700.00	\$ 1,659.00	\$ 199.08	\$ 39.82	\$ 74.66	\$ 313.55
24	Jul-20	\$ 5,400.00	\$ 5,400.00	\$ -	\$ -	\$ -	\$ -	\$ -
23	Aug-20	\$ 2,359.00	\$ 700.00	\$ 1,659.00	\$ 199.08	\$ 39.82	\$ 68.68	\$ 307.58
22	Sep-20	\$ 4,850.00	\$ 4,850.00	\$ -	\$ -	\$ -	\$ -	\$ -
21	Oct-20	\$ 2,359.00	\$ 2,100.00	\$ 259.00	\$ 31.08	\$ 6.22	\$ 9.79	\$ 47.09
20	Nov-20	\$ 5,400.00	\$ 5,400.00	\$ -	\$ -	\$ -	\$ -	\$ -
19	Dec-20	\$ 2,359.00	\$ 1,400.00	\$ 959.00	\$ 115.08	\$ 23.02	\$ 32.80	\$ 170.89
18	Jan-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 76.43	\$ 416.13
17	Feb-21	\$ 2,022.00	\$ -	\$ 2,022.00	\$ 242.64	\$ 48.53	\$ 61.87	\$ 353.04
16	Mar-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 67.94	\$ 407.64
15	Apr-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 63.69	\$ 403.39
14	May-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 59.45	\$ 399.14
13	Jun-21	\$ 4,550.00	\$ 4,550.00	\$ -	\$ -	\$ -	\$ -	\$ -
12	Jul-21	\$ 6,300.00	\$ 6,300.00	\$ -	\$ -	\$ -	\$ -	\$ -
11	Aug-21	\$ 3,150.00	\$ 3,150.00	\$ -	\$ -	\$ -	\$ -	\$ -
10	Sep-21	\$ 4,000.00	\$ 4,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
9	Oct-21	\$ 2,359.00	\$ 2,100.00	\$ 259.00	\$ 31.08	\$ 6.22	\$ 4.20	\$ 41.49
8	Nov-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 33.97	\$ 373.67
7	Dec-21	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 29.72	\$ 369.42
6	Jan-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 25.48	\$ 365.17
5	Feb-22	\$ 2,022.00	\$ 1,400.00	\$ 622.00	\$ 74.64	\$ 14.93	\$ 5.60	\$ 95.17
4	Mar-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 16.98	\$ 356.68
3	Apr-22	\$ 3,950.00	\$ 3,950.00	\$ -	\$ -	\$ -	\$ -	\$ -
2	May-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 8.49	\$ 348.19
1	Jun-22	\$ 2,359.00	\$ -	\$ 2,359.00	\$ 283.08	\$ 56.62	\$ 4.25	\$ 343.94
		\$ 124,840.00	\$ 71,550.00	\$ 53,290.00	\$ 6,394.80	\$ 1,278.96	\$ 1,926.56	\$ 9,600.32

Capitola City Council

Agenda Report



Meeting: March 9, 2023

From: City Manager Department

Subject: Ordinance Amending Capitola Municipal Code Sections 8.04.020 and 8.04.080

Recommended Action: Adopt an ordinance of the City of Capitola amending Capitola Municipal Code Sections 8.04.020 and 8.04.080 regarding the storage of waste collection containers.

Background: On February 23, 2023, the City Council unanimously approved the introduction of the draft ordinance to amend Municipal Code Sections 8.04.020 and 8.04.080.

Discussion: The proposed amendments corrects inadvertent omissions from a December 2021 update to Chapter 8.04 of the Capitola Municipal Code.

Fiscal Impact: There is no fiscal impact related to adoption of this ordinance.

Attachments:

1. Proposed Ordinance

Report Prepared By: Julia Moss, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 8.04.020 AND SECTION 8.04.080 OF THE CITY OF CAPITOLA MUNICIPAL CODE REGARDING THE STORAGE OF WASTE COLLECTION CONTAINERS

WHEREAS, in December 2021, the City Council of City of Capitola adopted amendments to Chapter 8.04 of the Capitola Municipal Code regarding Solid Waste and Edible Food Recovery to comply with the Sate's Mandatory ; and

WHEREAS, the December 2021 amendments inadvertently omitted certain requirements for storage of waste collection containers on residential and commercial properties that existed in the prior version of Chapter 8.04; and

WHEREAS, the City of Capitola has an interest in ensuring that waste collection containers are stored in an aesthetically pleasing and sanitary manner; and

WHEREAS, the City Council desires to implement regulations on the storage of waste collection containers within the City, similar to requirements that existed prior to the 2021 amendments to Chapter 8.04.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Section 8.04.020 (Accumulation of solid waste) is amended as follows:

Subsection E is added as follows:

E. Containers shall be placed out of public view on non-collection days. The city manager shall have the authority to approve exceptions to this subsection. In no case shall containers be placed in the public right-of-way or in a manner that constitutes a hazard or danger to vehicular or pedestrian traffic.

Section 3. Section 8.04.080(a) (Commercial business requirements) is amended as follows. New language is shown in underline.

A. Each owner, operator, or manager of a commercial business shall ensure the proper separation of solid waste generated on such premises, as required by the authorized collector, by placing each type of material in designated collection containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site follow source separation requirements related to solid waste as required by the authorized collector. Each owner, operator, or manager of a commercial business, except for multifamily dwellings, shall prohibit employees from placing materials in a container not designated for those materials, and shall periodically inspect containers for organic waste and inform employees of requirements to ensure such containers are only used for organic waste.

Commercial waste collection containers must be stored in designated enclosures, to ensure that such containers are kept out of the public view and to ensure smells or other nuisance

conditions associated with garbage and rubbish collection are mitigated. If siting constraints prohibit storage of commercial waste containers in designated enclosures, the city manager may approve an alternate location on the premises.

Section 4. Environmental Review.

The City Council finds and determines that enactment of this Ordinance is not a project under Section 15060(c)(2) of the California Environmental Quality Act ("CEQA") Guidelines because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and CEQA Guidelines Section 15060(c)(3), because the activity required by the Ordinance is not a project as defined in Section 15378 of the CEQA Guidelines. Alternatively, enactment of this Ordinance is statutorily exempt pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have significant effect on the environment.

Section 5. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Section 6. Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 7. Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 23rd day of February, 2023, and was adopted at a regular meeting of the City Council on the ___ day of _____ 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:

Margaux Keiser, Mayor

Attest: _____
Julia Moss, City Clerk

Approved as to form:

Samantha W. Zutler, City Attorney

Capitola City Council

Agenda Report

Meeting: March 9, 2023

From: City Manager Department

Subject: Termination of Local Emergency



Recommended Action: Adopt a resolution terminating the Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus (“COVID-19”).

Background: The California Emergency Services Act defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions beyond the control of the services, personnel, equipment, and facilities of a city.

Capitola Municipal Code Chapter 8.08 designates the City Manager as the Director of Emergency Services for the City and empowers the Director to request that the City Council proclaim the existence or threatened existence of a local emergency if the City Council is in session.

Discussion: On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency due to the presence of and threat posed by the Novel Coronavirus (COVID-19). On March 12, 2020, the City Council of the City of Capitola adopted Resolution No. 4168, proclaiming the existence of a local emergency due to the worldwide spread of COVID-19. In times of declared emergencies, the proclamation of a local emergency enables the City to more effectively respond to the emergency, potentially obtain reimbursement for the response, and ensure that City staff have the necessary tools at their disposal aimed at keeping the community safe.

For the past three years, the City of Capitola has balanced pandemic response with ongoing local government operations, scaling the emergency response focus to continuously changing public health needs in the community and/or county/state/federal mandates. In light of the termination of the Statewide state of emergency on March 1, 2023 and with vaccines and boosters widely available to the public and treatment options expanding, staff recommends the termination of the local emergency.

Government Code Section 8630 requires the Council to terminate the local emergency at the earliest possible date that conditions warrant.

Fiscal Impact: There is no fiscal impact related to the adoption of this ordinance.

Attachments:

1. Resolution No. 4168
2. Resolution Terminating the Local Emergency

Report Prepared By: Julia Moss, City Clerk

Reviewed By: Tamar Burke, Assistant City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. 4168**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE WORLDWIDE SPREAD OF THE CORONAVIRUS (“COVID-19”)**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 8.08, section 8.08.020 of the City of Capitola (“City”) Municipal Code defines an emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities for this city, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, in December 2019 and January 2020, there began worldwide reports of a flu-like virus first found in China, that was more deadly than the flu, with the virus becoming known as the Coronavirus (“COVID-19”); and

WHEREAS, from January 2020 to March 2020, COVID-19 spread throughout the world, with over 114,000 confirmed cases of individuals contracting COVID-19, and over 4,000 confirmed cases of individuals dying from COVID-19; and

WHEREAS, on March 4, 2020, the County of Santa Cruz Health Officer declared a local health emergency due to the imminent threat to public health and safety caused by COVID-19. The County Board of Supervisors ratified this declaration on March 10, 2020; and

WHEREAS, on March 10, 2020, the County of Santa Cruz Board of Supervisors proclaimed the existence of a local emergency due to COVID-19; and

WHEREAS, as of March 12, 2020, the Centers for Disease Control and Prevention (“CDC”) has confirmed 1,215 cases of COVID-19 in the United States, with 36 cases resulting in death, with 43 jurisdictions, including California, reporting cases; and

WHEREAS, on March 11, 2020, the County of Santa Cruz Public Health Division announced the County’s third and fourth cases of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, on March 4, 2020, as part of the State of California’s response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across

multiple state agencies and departments, and help the state prepare for broader spread of COVID-19 following one official COVID-19 death.

WHEREAS, on March 11, 2020, the California Department of Public Health issued guidance that gatherings of more than 250 people, small gatherings that do not allow social distancing of six feet per person, and gatherings of more than 10 people at higher risk should be cancelled or postponed through the end of March.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Capitola determines that the existence and anticipated spread of COVID-19 is an Emergency Situation, as defined in California Government Code Section 54956.5, because it severely impairs public health and safety; and

BE IT FURTHER RESOLVED, that the City Council of the City of Capitola determines that:

1. The existence and anticipated spread of COVID-19 is a Local Emergency, as defined by the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.); and
2. Said Local Emergency shall be deemed to continue to exist and shall be reviewed at least once every 60 days until its termination is proclaimed by the City Council of the City of Capitola per California Government Code section 8630; and
3. The City Manager or his designee is authorized to take whatever other action is authorized under the Capitola Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 12th day of March, 2020, by the following vote:

AYES: Council Members Bertrand, Bottorff, Brooks and Storey and Mayor Petersen
NOES: None
ABSENT: None
ABSTAIN: None


 Kristen Petersen, Mayor

Attest:


 Liz Nichols, Deputy City Clerk

**CITY OF CAPITOLA
CITY COUNCIL**

RESOLUTION NO. XXXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
TERMINATING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL
EMERGENCY DUE TO THE WORLDWIDE SPREAD OF THE CORONAVIRUS
("COVID-19")**

WHEREAS, on March 4, 2020, the Governor proclaimed a state of Emergency throughout California arising out of the COVID-19 Pandemic and the need for a statewide response; and

WHEREAS, in March 2020, the County of Santa Cruz Health Officer and the County of Santa Cruz Board of Supervisors both declared a local emergency arising from the COVID-19 pandemic; and

WHEREAS, Chapter 8.08 of the City of Capitola Municipal Code designates the City Manager as the Director of Emergency Services for the City and empowers the Director of Emergency Services to request that the City Council proclaim the existence or threatened existence of a local emergency if the City Council is in session; and

WHEREAS, on March 12, 2020, the City Council by Resolution No. 4168 proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19; and

WHEREAS, Governor Newsom announced on October 17, 2022 that he would end the state of emergency he declared on March 4, 2020 to respond to the COVID-19 pandemic; and

WHEREAS, President Biden announced that termination of the national emergency arising out of the COVID-19 pandemic will occur on May 13, 2023; and

WHEREAS, on January 31, 2023, the Governor further confirmed that the COVID-19 State of Emergency will end on February 28, 2023 as previously announced; and

WHEREAS, in ending the March 2020 State of Emergency the Governor stated and found that the October 17, 2022 announcement timeline gave the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing state and local partners the time needed to prepare for this phase out and set themselves up for success afterwards; and

WHEREAS, the Governor announced that hospitalizations and deaths dramatically reduced due to the state's vaccination and public health efforts such that

“California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation.”; and

WHEREAS, the Governor further stated that as a result of the operational preparedness built up and the measures that will continue to be employed moving forward, California is ready to phase out the State of Emergency; and

WHEREAS, the statements by the Governor in ending of the State of Emergency are reflective of local conditions in Capitola related to the COVID-19 pandemic and that the City no longer requires the use emergency powers authorized under the City of Capitola Municipal Code and state law to obtain supplies, equipment, as needed for the protection of life or property and to authorize the City Manager to issue orders or take actions to mitigate effects of the declared local emergency.

NOW, THEREFORE, BE IT RESOLVED that based on the above facts and circumstances, the City Council of the City of Capitola hereby terminates the Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus (“COVID-19”), issued on March 12, 2020.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA this XXX day of March 2023, by the following vote:

AYES:

NOTES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Margaux Keiser
Mayor

Julia Moss
City Clerk

Capitola City Council

Agenda Report



Meeting: March 9, 2023

From: City Manager Department

Subject: Consider Changes to Administrative Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property

Recommended Action: Approve changes to policy.

Background: On May 27, 2021, the City Council approved current Administrative Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property. Since that time City Council has received and reviewed three flag requests from members of the public pursuant to that Policy. Two of the three were denied. On January 26, 2023, the City Council approved flying a flag this May in honor of Armed Forces Day.

On January 26, 2023, the City Council requested that staff bring potential administrative changes to Section IV: Non-Governmental Flag Procedure to Council for discussion and potential approval.

Discussion: Based on the Council request on January 26, and a review of flag policies in nearby jurisdictions, staff prepared two versions of potential policy updates. The specific changes in those drafts are:

Option 1:

- Flag requests must be sponsored and brought forward by a Council Member
- The time requirement for a denied flag request to be resubmitted is one year (not six months)
- Requested flags will be the same size as the City's Government flags.

Similar requirements are currently included in the City of Scotts Valley and City of Watsonville flag policies.

Option 2

- Same as Option 1 with an additional requirement that a super-majority vote by Council is needed to approve flag requests.

The City of Watsonville currently requires a super-majority vote by Council to approve flag requests.

Fiscal Impact: None.

Attachments:

1. Redlined Flag Policy Draft – option 1
2. Redlined Flag Policy Draft – option 2

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ADMINISTRATIVE PROCEDURE

Number: V-18

Issued: May 27, 2021

Revised: March 9, 2023

Jurisdiction: City Council

Outdoor Display of Governmental and Non-Governmental Flags on City Property

I. Purpose

The purpose of this administrative policy is to establish uniform policies to govern the flying of the United States and California flags (“Governmental Flags”) on City-owned flagpoles, and the flying of flags other than the United States and California flag (“Non-Governmental Flags”) as an expression of the City’s official sentiments on City-owned flagpoles. The City’s flagpoles are intended to serve as a forum for expression by the City, and not a forum for expression by the public.

II. Applicability

The City shall regularly fly, on official, City-owned flagpoles, the flags of the United States of America and the State of California, and Non-Governmental flags pursuant to this Policy. Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

III. Half-Staff

National flags and/or the California flag on City-owned property shall be flown at half-staff upon order of the President of the United States, or authorization by the Governor of California or the City Council of the City.

National and/or California flags on City-owned property shall also be flown at half-staff upon the death of:

- A City Councilmember, past or present;
- A current City employee;
- A City retiree having served the City for 25 or more years;
- A public safety officer (police officer, Sheriff’s deputy, or firefighter) killed in the line of duty and employed by an agency in Santa Cruz County, San Mateo County, Santa Clara County, San Benito County or Monterey County; and
- A person whose accomplishments and contributions to the community demonstrated a significant commitment to the Capitola community, as determined by the City Manager and the Mayor.

In most of the above circumstances, flags will ordinarily be flown at half-staff as soon as practicable following the notification of a death, and for an additional 48 hours. For public safety officer line of duty deaths, the flag will fly at half-staff immediately from notification of death to sunset on the day of service/funeral.

IV. Non-Governmental Flag Procedure

~~Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Non-Governmental Flags List” below must submit a request to the City Manager’s office. The Council shall only consider a request for authorization to display a Non-Governmental flag if made by a member of the Capitola City Council. Such authorization shall be only by resolution at a regular or special meeting of the Council and approved by the affirmative vote of a majority of the Council. Requests should be submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The flag dimensions shall be the same size as the City’s regular Governmental flag. The City Council shall determine whether the request will be granted, denied, or granted in part.~~

If the request is approved, this policy may be updated to include the approved flag, time when the flag shall be displayed, and approved flag image. If the request is not approved, it shall be deemed to have been denied and shall not be reconsidered for a period of ~~six-one year~~(6) months. The City Council’s determination shall be final and not subject to appeal.

Unless otherwise noted herein, or approved by the City Council, Non-Governmental flags shall only be flown at City Hall and, when raised, shall replace the flag of the State of California, not the flag of the United States.


If, while a Non-governmental flag is flying for its approved time, there is reason to fly flags at Half-Staff, the Non-governmental flag shall follow the same protocol as outlined above.

The City will take responsibility for obtaining and paying for any approved Non-Governmental Flags.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

V. Approved Non-Governmental Flag List

The following flag(s) are approved for the following locations and time periods. The City Council may update this list at its discretion.

Flag	Location	Time Period	Approved Flag Image
LGBTQ+ Pride “Progress” Flag	City Hall	June 1 – June 30	

APPROVED:

 Jamie Goldstein, City Manager

ADMINISTRATIVE PROCEDURE

Number: V-18

Issued: May 27, 2021

Revised: March 9, 2023

Jurisdiction: City Council

Outdoor Display of Governmental and Non-Governmental Flags on City Property

I. Purpose

The purpose of this administrative policy is to establish uniform policies to govern the flying of the United States and California flags (“Governmental Flags”) on City-owned flagpoles, and the flying of flags other than the United States and California flag (“Non-Governmental Flags”) as an expression of the City’s official sentiments on City-owned flagpoles. The City’s flagpoles are intended to serve as a forum for expression by the City, and not a forum for expression by the public.

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National and/or California flags on City-owned property shall also be flown at half-staff upon the death of:

- A City Councilmember, past or present;
- A current City employee;
- A City retiree having served the City for 25 or more years;
- A public safety officer (police officer, Sheriff’s deputy, or firefighter) killed in the line of duty and employed by an agency in Santa Cruz County, San Mateo County, Santa Clara County, San Benito County or Monterey County; and
- A person whose accomplishments and contributions to the community demonstrated a significant commitment to the Capitola community, as determined by the City Manager and the Mayor.

In most of the above circumstances, flags will ordinarily be flown at half-staff as soon as practicable following the notification of a death, and for an additional 48 hours. For public safety officer line of duty deaths, the flag will fly at half-staff immediately from notification of death to sunset on the day of service/funeral.

IV. Non-Governmental Flag Procedure

~~Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Non-Governmental Flags List” below must submit a request to the City Manager’s office. The Council shall only consider a request for authorization to display a Non-Governmental flag if made by a member of the Capitola City Council. Such authorization shall be only by resolution at a regular or special meeting of the Council and approved by the affirmative vote of at least four members of the Council. Requests should be submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The flag dimensions shall be the same size as the City’s regular Governmental flag. The City Council shall determine whether the request will be granted, denied, or granted in part.~~

If the request is approved, this policy may be updated to include the approved flag, time when the flag shall be displayed, and approved flag image. If the request is not approved, it shall be deemed to have been denied and shall not be reconsidered for a period of ~~six-one year~~(6) months. The City Council’s determination shall be final and not subject to appeal.

Unless otherwise noted herein, or approved by the City Council, Non-Governmental flags shall only be flown at City Hall and, when raised, shall replace the flag of the State of California, not the flag of the United States.


If, while a Non-governmental flag is flying for its approved time, there is reason to fly flags at Half-Staff, the Non-governmental flag shall follow the same protocol as outlined above.

The City will take responsibility for obtaining and paying for any approved Non-Governmental Flags.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

V. Approved Non-Governmental Flag List

The following flag(s) are approved for the following locations and time periods. The City Council may update this list at its discretion.

Flag	Location	Time Period	Approved Flag Image
LGBTQ+ Pride “Progress” Flag	City Hall	June 1 – June 30	

APPROVED:

Jamie Goldstein, City Manager

Capitola City Council Agenda Report

Meeting: March 9, 2023

From: City Manager Department

Subject: Fiscal Year 2023-2024 Federal Funding Requests



Recommended Action: Consider requests for Fiscal Year 2023-24 Federal Funding.

Report Prepared By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

Capitola City Council

Agenda Report



Meeting: March 9, 2023

From: City Manager Department

Subject: City Council Orientation Presentation

Recommended Action: Receive presentation and provide feedback regarding potential Administrative Policy updates.

Background/Discussion: The City Manager, City Attorney, Assistant to the City Manager, and City Clerk will present on general City Government topics including:

- Council/City Manager Form of Government
- City Manager & Staff Responsibilities
- Council Conflicts
- Code of Conduct & Current Applicable Administrative Policies
- Parliamentary Procedure
- Agenda Format & Meeting Structure
- Potential Administrative Policies
- Council Member Questions

Attachments:

1. Admin Policy I-18: Council and Committee Use of Social Media
2. Admin Policy I-31: City Council Abstentions
3. Admin Policy I-35: Proclamation Procedure
4. Admin Policy I-42: Council & Board Code of Conduct

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager



ADMINISTRATIVE POLICY

Number: I-18
 Issued: June 27, 2019
 Jurisdiction: City Council

ELECTED/APPOINTED OFFICIALS & SOCIAL MEDIA

I. PURPOSE

The purpose of this policy is to provide guidance for the appropriate use of social media by elected and appointed City of Capitola officials, and members of City committees subject to the Brown Act. The policy will also outline the proper response if elected/appointed officials and Brown Act committee members use social media inconsistently with this policy.

The First Amendment of the United States' Constitution defines every citizens' freedom of religion, speech, press, assembly, and petition. Under this amendment, the exercise of free speech, including on social media outlets, is protected. All Capitola Officials are entitled to this right, and this policy does not revoke it.

II. DEFINITIONS

- A. Social Media: an online forum or communication tool that enables individuals to create online communities to share information, messages, images and other content.
- B. Quasi-Judicial/Administrative Decisions: "occurs when a) a hearing is held to apply a rule or standard to an individual person, project or circumstance; c) it involves the taking of evidence; d) it results in the rendering of a written decision issued by the hearing officer or tribunal (including adoption of findings); and e) the written decision is based on the facts and arguments submitted at the hearing". These types of hearings affect individual properties or parties.
 - 1. *Examples*: Planning Commission decisions on project applications
- C. Legislative Decisions: Actions include "adoption and amendments to municipal codes, general plans, zoning codes, and personnel regulations". These types of hearings establish public policy and rules that apply to groups of property or people.
 - 1. *Examples*: Zoning Code updates, Ordinance adoption, changes in policy, approval of the budget, etc.
- D. Ex-Parte Communication: any material or substantive oral or written communication with a decisionmaker that is relevant to the merits of an adjudicatory proceeding, and which takes place outside of a noticed proceeding open to all parties to the matter (Gov. Code 11430.10)

III. SOCIAL MEDIA USE

Utilizing social media outlets can be useful for elected/appointed officials to engage with the public and present City information. For the purposes of this policy, a social media post includes the creation of any content; either new or linked to another's, on all social media

platforms. This includes and is not limited to; information posted on your own social media account in picture or text form, commenting on other posts, re-posting or sharing content by other social media users, liking other’s posts, etc. Regardless of username, elected and appointed officials are accountable for their online behavior. Social Media Accounts under private names or dissociated from the City could still come under scrutiny if they are run by an elected or appointed official. For example, Facebook accounts with usernames “Jane Doe” and “Mayor Jane Doe” should both be managed in accordance with this policy. This policy will outline the best practices that should be considered so that all Officials use social media expression in positive ways and avoid potential liability for the City or themselves.

IV. BEST PRACTICES WHEN POSTING ON SOCIAL MEDIA

The chart below (section VII) is designed for easy reference to demonstrate the different levels of appropriate and inappropriate social media engagement. Consequences of writing and posting certain types of content are simply stated in the second row, so that Officials understand their responsibilities after engaging in such types of social media engagement. As an elected or appointed official, you will be called upon to render decisions that affect the City of Capitola, and it is important to remain mindful of how online communication regarding these decisions will be perceived. Because the type of decisions (quasi-judicial vs. legislative) varies, their content type should be considered when posting about them on social media.

- A. Keep it Neutral: Use caution when expressing yourself online. This is a permanent, public record that may preserve your thoughts on a subject that ends up coming in front of the City for a decision. Neutrality can be the easiest way to avoid later recusal and preserve your reputation as an impartial, unbiased decision maker.
- B. Keep it Equal: Treat City Business in a similar way online. This is another way to preserve your neutrality for future decisions.

V. ISSUES WHEN POSTING ON SOCIAL MEDIA

Particularly when related to quasi-judicial decisions, social media content posted by elected or appointed officials can be problematic. Online conversation can also easily lead to Brown Act Violations.

- A. Showing Bias on Quasi-Judicial Hearings: Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter. Officials should use caution when expressing themselves, in all types of communication including on social media outlets, to remain unbiased.
- B. Using Social Media to Gauge Public Opinion: Communicating online about specific upcoming City decisions may result in valuable resources such as public opinion and community input, which then is left out the public record unless action is taken to disclose it. Purposefully gathering information on quasi-judicial decisions prior to their respective public hearings negates the inherent neutrality of a public hearing; where all information is heard at one time and decisions are made based upon the facts and opinions presented in that public forum.
- C. Conversing with Other Officials Online: The Brown Act dictates much of elected and appointed officials’ behavior both during and outside of public meetings. Online conversation between multiple elected and appointed officials should not relate to quasi-judicial matters.

1. *Ralph M. Brown Act & Serial Meetings:* The general point of this California State Law is that “California legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly." A serial meeting, expressly prohibited by the Brown Act, is when multiple members of Council or Committee engage in conversation regarding a quasi-judicial matter outside of a duly noticed public meeting. Serial Meetings can occur between elected or appointed officials when two or more comment, post, or engage in online conversation regarding City business. This type of social media use will put officials in violation of the Brown Act.

VI. TYPES OF SOCIAL MEDIA POSTS

	<u>Acceptable</u>	<u>Potentially Acceptable</u>	<u>Discouraged</u>	<u>Against Policy</u>
Action	<ul style="list-style-type: none"> • Sharing City-created social media posts • Sharing content regarding legislative proceedings, City policy, budget and events • Posting self-created content regarding legislative proceedings, City policy, budget and events 	<ul style="list-style-type: none"> • Sharing or posting content regarding quasi-judicial City matters in a consistent fashion. 	<ul style="list-style-type: none"> • Treating individual quasi-judicial matters differently. For example, only sharing content related to selected development projects and not others. 	<ul style="list-style-type: none"> • Expressing personal opinions on quasi-judicial matters, prior to voting • Violations of the Brown Act
Remedy	<ul style="list-style-type: none"> • No additional action 	<ul style="list-style-type: none"> • Ex-parte Communications must be submitted to the City for inclusion in the record 	<ul style="list-style-type: none"> • Ex-parte Communications must be submitted to the City for inclusion in the record • Official may need to recuse from voting 	<ul style="list-style-type: none"> • Ex-parte Communications must be submitted to the City for inclusion in the record • Official must recuse from voting



ADMINISTRATIVE PROCEDURE

Number: I-31

Issued: March 14, 2013

Jurisdiction: City Council

City Council Abstentions

I. PURPOSE

The purpose of this procedure is to set forth consistent procedures concerning City Council abstentions. The Fair Political Practices Commission (FPPC) has adopted a process for determining when an official must disqualify him or herself from participating in a decision. These regulations state that Council Members are prohibited from participating in governmental decisions that may have a material financial effect on their economic interests, including the economic interest that every public official has in his or her personal finances.

II. POLICY

Each Council Member in attendance at a Council meeting has a responsibility to vote on each item presented to Council for action. It may be tempting to abstain because of concerns about making an unpopular decision or simply not knowing which decision is best. As hard as some decisions are, making decisions is what you were elected to do. Decisions made should reflect the views of every voting elected official who can participate in the decision. Responsibility is a key component of ethical behavior. Attending and being prepared for meetings is a major element of an elected official's responsibilities and hence, ethical behavior. So is voting in general.

III. PROCEDURE

If a member of the Council has any legitimate basis for not voting on a particular item other than that set by FPPC the Council Member may abstain from voting by complying with the following procedures:

- A. It shall be the practice of the Councilmembers to vote on items that are placed on the agenda for consideration if the Councilmember has no conflict of interest. Councilmembers shall not abstain simply to avoid casting a controversial vote.
- B. If a Councilmember has any legitimate basis for not voting on a particular item, the Councilmember may abstain from voting by complying with the following procedures:
 1. During the Council meeting, and prior to the vote on the item being considered, the Councilmember shall announce the intention to abstain from voting on the item, and disclose the basis for abstention in sufficient detail to be understood by the public. Examples of legitimate bases for abstention include:
 - a. The Councilmember does not have sufficient information regarding the item under consideration (for example, the item was previously considered by the Council in the member's absence, and the Councilmember did not have an opportunity to review the record of Council's previous consideration).
 - b. The Councilmember is concerned about the perception of personal or financial conflict even if there is no reasonable good faith belief of a required disqualification (e.g., an effect on the financial interest of a relative [other than a spouse or dependent of the Councilmember]).

- C. It is inappropriate for a Councilmember to participate in a City Council debate, ask questions, express opinions and then abstain from voting.
- D. Any Councilmember who abstains from voting on an item shall be counted as a member of the quorum of the City Council, and the member shall be counted as going along with the vote of the majority of those members voting on the item; provided, however, that Councilmember shall not be entitled to make a motion or make a second on the item, and that Councilmember shall not be entitled to make a motion for reconsideration. (As an example of counting votes of abstention: (a) 2 yes, 2 no, and 1 abstain would fail; (b) 2 yes, 1 no, and 2 abstain would pass; (c) 2 yes, 2 no, and 1 recuse would fail; and (d) 2 yes, 1 no, and 2 recuse would pass).

Note: If a Council Member has reservations regarding potential abstentions it is recommended that he or she contact City Attorney for assistance as early as possible prior to the meeting.

Approved and authorized by the Capitola City Council at its meeting of February 28, 2013.

Jamie Goldstein, City Manager

ADMINISTRATIVE POLICY

Number: I-35
 Issued: May 26, 2016
 Revised: October 14, 2021
 Jurisdiction: City Council

PROCLAMATION POLICY AND PROCEDURE

I. PURPOSE

The purpose of this policy is to outline the process for the public to request and the City to issue proclamations.

II. POLICY

A proclamation may honor an individual, an organization, commemorate a special event, or a special day, month, or year. Members of the public or the City Council may request to have a proclamation prepared. Only proclamations dealing with local, county, state issues or those that positively impact the community and convey an affirmative message to residents will be considered, and are issued in the City's sole and absolute discretion.

Those proclamations selected by the City will be issued. Generally, the following types of proclamations will be considered:

1. Recognition for local individuals and organizations, examples are:
 - Individuals who have positively impacted the City of Capitola, or the greater County/community, examples include:
 - 20 years of service with local nonprofit
 - Retiring from City of Capitola after years of service
 - Businesses or organizations that have positively impacted the City of Capitola, upon significant achievement, examples include:
 - St. John's Helpful Shop, store in the Village for 65 years
 - An organization that runs an effective program that benefits the community
2. Recognition for local regular and special events, or regional or statewide events/recognitions, examples are:
 - Child Abuse Prevention Month
 - Red Cross Month
 - Hunger Fighter of the Year
 - Special Olympics Torch Run

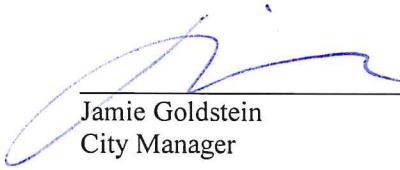
III. PROCEDURE

- All proclamation requests must be made to the City Clerk's Office. Requesters (members of the public and Council Members) are expected to include either a sample proclamation to be used as a guide, or sufficient information to assist City Clerk staff in preparing the proclamation.

Administrative Procedure: I-35
Proclamation Policy and Procedure
Page 2 of 2

- The City Clerk Office will process requests and write proclamations on behalf of the City Council/Mayor.
 - Members of the public, local/regional organizations, and all City Council Members can request proclamations. All proclamations are made in the Mayor's name on behalf of the entire City Council.
1. Proclamations presented at City Council meetings
 - a. Requests should be made at least three weeks prior to the date the proclamation is desired
 - b. Proclamation requests may be made by members of the public or Council members.
 - c. Proclamations presented at City Council meetings must be reviewed and approved by both the City Manager and the Mayor.
 2. Proclamations presented outside of City Council meetings
 - a. Requests should be made at least two weeks prior to the date the proclamation is desired
 - b. Proclamation requests may be made by members of the public or Council members.
 - c. Proclamations presented outside City Council meetings must be reviewed and approved by the City Manager and the Mayor if the request is from the public. If the request is from a Council member, the proclamation will be reviewed and approved by the requesting Council member and City Manager

This policy is approved and authorized by



Jamie Goldstein
City Manager



ADMINISTRATIVE POLICY

Number: I-42
Issued: September 10, 2020
Jurisdiction: City Council

**CITY COUNCIL AND COMMISSIONER
CODE OF CONDUCT**

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1.0 Preamble

The Capitola City Council declares that citizens of the City of Capitola are entitled to have fair, open, ethical, efficient and accountable local government and that City officials should continually strive to earn the public's confidence. Toward that end, these Protocols establish higher standards of conduct for members of the City Council and members of City boards and commissions (collectively "Members") than are currently required under the laws of the State of California.

The Members pledge to hold themselves and other Members responsible for observing the standards set forth in these Protocols, and to enforce these Protocols when necessary to preserve the integrity of City government.

2.0 Core Values

Responsibility

- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit
- I will avoid and discourage conduct which is divisive or harmful to the best interests of Capitola
- I make decisions based on the merits of an issue, including research and facts.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Integrity

- I am honest with my fellow City officials, City staff, members of the community, and others.
- I promote equity and non-discrimination in public agency decision-making.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.
- I do not accept gifts, services or other special considerations for personal benefit because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my actions as a City Official

Respect/Value others

- I recognize the worth and dignity of individual members and appreciate their individual talents, perspectives and contributions; value in others.
- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

- I help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential.
- I understand that I am one of five members of the City Council and will work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff.

Accountability

- I am prepared to make decisions when necessary for the public's best interests, whether those decisions are popular or not.
- I do not make promises on behalf of the City without concurrence from the City Council at a duly noticed public meeting.
- I take responsibility for my actions, even when it is uncomfortable to do so.
- I do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

3.0 Setting a Higher Standard within the Existing Framework

By adopting these Protocols, the Council intends to supplement and not to supersede California's existing legal framework applicable to local governments. Similarly, the Council intends that these Protocols will not merely restate existing legal obligations but will establish a higher standard of conduct for Members in the governance of the City. Members are referred to Appendix "A" (Legal Framework & Resources) for pertinent resources. Members are expected to be familiar with and to seek guidance about the applicability of the legal framework.

4.0 Transparency in decision making.

Transparency in decision making is of the utmost importance in maintaining ethical, representative local governance. Toward that end, Members will adhere to the following standards:

4.1 Public Meetings.

Members will hold public meetings in accordance with the Ralph M. Brown Act (the "Brown Act"). Members will seek guidance from the City Attorney as to the Brown Act requirements and will apply those provisions conservatively in favor of the public's right to participate in public decisions.

4.2 Council Communications & Serial Meetings.

Members will not engage in "serial meetings" with colleagues – a discussion of City issues among a majority of Councilmembers or Commissioners either collectively (i.e. all meeting together) or in a sequence (A talks to B who talks to C). Members

will not use other persons as intermediaries to accomplish a serial meeting or to circumvent the Ralph M. Brown Act.

4.3 Closed Session Discussions.

As part of a properly agendized meeting, Members may only hold sessions closed to the public, pursuant to the advice of the City Attorney, in accordance with the commonly accepted interpretation of Brown Act requirements. Discussions held in closed session are to be directly limited to the matter at hand. Such discussions, along with materials reviewed, are confidential and shall not be disclosed except as the City Attorney may advise.

4.4 Closed Session Materials.

Confidential materials provided in preparation for and during closed sessions must be returned to the City Attorney at the conclusion of the closed session.

5.0 Fairness of Process

Members will comply with the meeting and hearing procedures set forth by these protocols, the Brown Act, and Rosenberg’s Rules of Order. Additionally, in order to cultivate an environment of fairness and to encourage public confidence in City decisions, Members will adhere to the following standards of conduct:

5.1 Decisions on the Merits.

Members will base their decisions on the facts and merits of each matter, not upon personal or other biases, and will strive to make decisions that are in the best interests of the community as a whole.

5.2 Disclose Information.

Prior to any deliberations on a project or matter at a public meeting, Members shall publicly disclose information about the matter that they have obtained from sources, not presented in the staff report (e.g. their own site visit, from the public, from the applicant, etc.), which may influence their decision or that of Members.

Remain neutral on quasi-judicial hearings. A quasi-judicial hearing occurs when;

- a) a hearing is held to apply a rule or standard to an individual person, project or circumstance;
- b) it involves the taking of evidence;
- c) it results in the rendering of a written decision issued by the hearing officer or tribunal (including adoption of findings); and

d) the written decision is based on the facts and arguments submitted at the hearing.

Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter.

5.3 Consider All Sides.

Members should consider the various viewpoints related to a project or matter and afford project applicants and interested persons an adequate opportunity to comment upon a project or matter before action is taken.

5.4 Decorum.

To ensure the fairness and integrity of the deliberative process, the presiding officer should preserve decorum and conduct meetings in an orderly manner. Members should remain attentive of the business at hand and conduct themselves in a manner that is civil, polite and respectful. Members should refrain from unnecessarily interrupting speakers and not engage in abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City staff and/or the public.

5.5 Attentiveness.

Members should remain attentive at meetings. Members should not make or receive phone calls, text messages or e-mails from the dais. Members should place cellphones and other communication devices in “off” or “silent” mode. Members should refrain from side-bar conversations with other Members while at the dais.

6.0 **Ethical Decision Making**

Members should observe the highest standards of ethical conduct in dealing with the community and carrying out their official duties. In every action and decision, Members should avoid even the appearance of impropriety and apply the guidelines for “Making Ethical Decisions” provided below:

6.1 Avoiding the Appearance of Impropriety.

6.1.1 Make Ethical Decisions. Members are referred to Appendix “B” (Guidelines for Making Ethical Decisions) for the process Members are encouraged to utilize in making City related decisions.

6.1.2 You May Need to Refrain from Participating. Conflict-of-interest issues are complex. Some situations are not “legal” conflicts of interest but may nevertheless pose the “appearance of impropriety” to the public. If a Member believes they have a conflict, the Member should contact the City

Attorney or FPPC for advice as soon as possible. The Member should not participate in any matter in which they have a conflict.

6.1.3 Get Help. To assist in making a decision not to participate, Members should consult the guidelines for Making Ethical Decisions (below), the City Attorney or the FPPC helpline, and/or their constituents.

6.2 Ethical Principles to Follow.

6.2.1 **Avoid Personal Interests.**

Members are prohibited from using their official positions to influence decisions in which they have a personal financial interest, are members of an interested organization, or have a personal relationship that would be affected.

6.2.2 **No Personal Gain.**

Members shall not take advantage of, or use, public property and equipment, public services, confidential public information, public resources, or other opportunities afforded by their office, for personal gain.

6.2.3 **City Stationery.**

City letterhead or stationery or other City resources may not be used by Members to promote personal interests.

6.2.4 **Appearing before Council.**

Members shall not appear before the City Council or other City board or commission representing any private interest or community group. Members are permitted to speak as a member of the public on any matter related solely to the Council Member's personal interest but may not participate in the matter as a Member.

6.2.5 **Gifts.**

Members will refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, or the appearance that they are independent and unbiased.

7.0 **Efficiency and Accountability**

The City of Capitola operates under a council-manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its implementation. The City Manager serves as the City's administrative head and is

responsible for directing the day-to-day operations of the City and for administering all City business.

7.1 Members Should Not Interfere with Operations.

Implementing this Rule:

- a) City Manager is responsible for City Personnel Members will not interfere with the appointment, evaluation, discipline, or removal by the City Manager of any Department Head or employee of the City.
 - (i) *Exception – City Attorney.* The City Attorney is hired, appointed, evaluated, and removed directly by the Council.
- b) Orders and Direction to Employees. Only the City Manager or applicable Department Head may give orders and direction to City employees. Members may not direct the work or actions of City employees. (CMC Section 2.08.090)
 - (i) *Requests for Information.* All Members should direct requests for information, research, or reports to the City Manager or applicable Department Head. If there is a legal question it should be directed to the City Attorney. Questions regarding elections and disclosure statements may be addressed to the City Clerk.
 - (ii) *Responses.* Substantive responses to Member’s information inquiries will be provided to all Members of the legislative body (e.g. a response to a request by a Councilmember will be provided to all Councilmembers).
 - (iii) *Notifications.* Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, the information should be provided to all Members of the legislative body.
- c) Staff Liaisons to City Commissions / Committees and Outside Agencies. Members serving as the City’s representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.
- d) Operations and Service Levels. Criticisms of City operations and service levels may be made only to the City Manager and not to City employees or Department Heads, unless first cleared through the City Manager or expressed in general during a regular Council, board or commission meeting.

- e) Political Solicitation & Activities. Members will not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members will not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

7.2 Interaction of Members.

7.2.1 **Positions of Mayor and Chairperson.**

- a) Honorary Presiding Officer. The positions of Mayor and Mayor Pro Tempore on the City Council and the positions of chairperson and vice chairperson on City boards and commissions are generally considered honorary and ceremonial, but also serve an important procedural role as the presiding officer at meetings of their body. Persons appointed to those positions by a majority of their council, board or commission serve at the pleasure of their appointing body.
- b) Maintain Order, Decorum & Procedure. The Mayor and chairperson are responsible for maintaining order and decorum of their body's meetings and enforcing these policies where necessary. They are responsible for the order of business at meetings, the efficient flow of business during meetings, and for preserving the right of the public to be heard in an orderly fashion.
- c) Ceremonial Head. The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.
- d) Spokesperson. The Mayor is the official spokesperson for the City and has the primary responsibility for communications with the press and public on official City business, with the exception of a state of emergency. During a state of emergency, the Director of Emergency Services may serve as the primary contact for the public, other governing officials and the press. The Mayor will work on press releases and statements to the press with the City Manager and will report the majority position adopted by the Council, and not his or her personal opinion on matters.

7.2.2 **At Public Meetings**

- a) Follow Rules of Order, Decorum and Procedure. Members should adhere to the rules of order, decorum and procedure for the conduct of public meetings adopted by the City Council from time to time. Abiding by these rules will maintain civility and the orderly conduct of business.

- b) Keep Conduct Professional. Members should conduct themselves in an orderly, professional, and business-like manner to ensure that the business of the City shall be attended to efficiently and thoroughly.
- c) Keep Comments On-Topic. Public meetings are to attend to and resolve City business. Members should avoid being overly repetitious and should endeavor to limit their comments to the subject matter at hand. Members are encouraged to fully express their views and to explore the views of others, but Members should also be mindful of avoiding lengthy or unproductive debates.
- d) Ask Questions in Advance. When preparing for public meetings, Members are encouraged to provide their questions far enough in advance to the City Manager or City employee responsible for the meeting so that meaningful information and responses can be shared at the meeting.

7.2.3 Relations with Fellow Members

- a) Civility. Members should always practice civility. By doing so, Members help the City to fulfill its potential by putting the common good ahead of personal rivalries or irritations. Civility is best fostered by a collective commitment to following established rules of procedure.
- b) Different Points of View. Members should exercise tolerance for the different opinions, perspectives, and points of view of their colleagues and recognize their right to express these views on matters of City business within the established rules of decorum and order of business.
- c) Managing Conflict. Members should manage disagreement with civility and professionalism and not allow disagreement to turn into open conflict or hostility. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City employees and/or members of the public.

7.2.4 Public Communication and Appearance

- a) Personal versus City Positions. It is an important part of each Member's responsibility to communicate with the public. In communications regarding City business, it is important to distinguish a Member's personal views and opinions and the adopted City position. When appearing before another governmental agency or organization, the Member should clearly set forth the City's official position, and then may express their own position.

- (i) *Expressing Dissent.* Each Member has a right under the First Amendment to express their views and opinions, even if contrary to the official position of the City. However, Members should express their dissenting views with tact and civility.
- b) Use of Official Titles. Members may use their official title only when conducting official City business, for informational purposes, or as an indication of background and expertise, after having carefully considered whether they are exceeding or appearing to exceed their authority.
- c) Response to Public Communication. Members are encouraged to respond promptly to letters, telephone calls, electronic communication, and other communications received from member of the Public who have requested a response. Members are not required to respond to commercial solicitations or to anonymous, obnoxious or harassing communications.

8.0 Enforcement

8.1 Member Responsibility.

Upon assuming office each Member shall sign a statement affirming that they have received and reviewed these Protocols. Each Member is responsible for adhering to these Protocols as well as the laws that comprise the basic legal framework for local government.

8.2 Council Authority.

The City Council has authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

8.2.1 **Training and Education.**

The City Council may sponsor or require periodic training opportunities for Members to become more familiar with the Protocols and the legal framework (See Appendix "A").

8.2.2 **Councilmembers.**

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 8.4.3, a majority of the Councilmembers may remove a Councilmember from all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

8.3 Violation of Oath of Office.

8.3.1 **Oath of Office.**

All Members take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

8.4 Violation of Protocols.

8.4.1 **Complaint.**

Where any Board or Commission Member, Councilmember, City employee, or resident of the City believes that a Member has violated these Protocols or their Oath of Office, they may file a written complaint with the City Clerk who will then provide it to the City Manager and City Attorney. The complaint shall be considered confidential until the City Attorney has determined the appropriate next action.

8.4.2 **Investigation.**

Within thirty (30) days of receipt of a Complaint as provided in Section 7.4.1., the City Manager and City Attorney shall review the complaint. If, in the City Attorney's determination, the complaint alleges a violation of law, the City Attorney shall determine appropriate next steps.

For example, a complaint alleging theft of public funds or bribery, or a complaint from a purported whistle-blower (pursuant to California Labor Code Section 1102.5) may be forwarded to the Office of the District Attorney. Complaints alleging other violations of the law may be forwarded to the City's risk-management pool for a determination. The City Attorney shall have the authority to retain an outside investigator to investigate complaints from employees alleging violations of the Fair Employment and Housing Act.

All complaints, including complaints alleging violations of these protocols and any other City policy or procedure, at the appropriate point in the process as determined by the City Attorney shall be forwarded to the City Council for consideration in open session. The City Council may order an investigation.

8.4.3 **Enforcement.**

The City Council may use any of the following to respond to any and all violations of these protocols: (i) a warning (ii) a written reprimand; or (iii) censure. In addition, the City Council shall have the authority to remove

Board or Commission Members from office as a remedy for violations. (CMC 2.12.020 for Planning Commissioners).

The City Council, Boards and Commissions shall use the following procedure to consider complaints forwarded by the City Attorney:

- a) *Receipt of Complaint.* Upon receipt of the complaint, the Council will hold a public meeting at which it will determine whether the complaint should be dismissed for the reasons stated in section b)(i), below, or added to a future agenda for further discussion and determination. If the complaint is added to a future agenda, the subject Member shall have the opportunity to address the allegations in the complaint at the future meeting.

- b) *Determination.* The Council shall make a determination on the allegations in the complaint based on the following:
 - (i) *Dismissal.* Where the Council determines that no violation occurred or that only a trivial violation occurred, or that the complaint does not have merit for any other reason, the Council may dismiss the complaint.

 - (ii) *Reprimand.* The Council may adopt a verbal or written statement reprimanding the subject Member for their conduct. The subject Member may file a rebuttal to the Reprimand with the City Clerk which will become a matter of public record.

 - (iii) *Censure.* Where the Council, based on the Report, any statement from the subject Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of these Protocols, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the subject member by condemning their actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting them if they hold a position of mayor, mayor pro tempore, chairman or vice chairman, stating that the violations shall cease, and demanding corrective actions. The subject Member may file a rebuttal to the Censure with the City Clerk which will become a matter of public record.

- c) *Commissioner and Board Member Removal from Office.*
 - (i) Planning Commissioner - Notwithstanding any of the provisions in this Section 9.0, the City Council may remove a

Planning Commissioner by following procedure in CMC Section 2.12.020. Nothing in these Protocols affects or diminishes such power nor vests Planning Commissioners with any additional rights, including, without limitation, rights of procedural due process.

- (ii) Other Commissioners and Board Members - Notwithstanding any of the provisions in this Section 9.0, the City Council may remove any commissioner or board member appointed by the City Council. Nothing in these Protocols affects or diminishes such power nor vests such commissioners or board members with any additional rights, including, without limitation.

APPENDIX A – LEGAL FRAMEWORK & RESOURCES

1.0 Legal Framework

<u>Law or Regulations</u>	<u>Citation</u>
<u>California Laws</u>	
California Constitutions <i>General City Authority</i>	Article XI §§ 2, 5, 7, & 11.
Ralph M. Brown Act <i>Open Meeting Laws</i>	Government Code §§ 54950 <i>et seq.</i>
California Public Records Act <i>Public Records Disclosure</i>	Government Code §§ 6250 <i>et seq.</i>
California Political Reform Act <i>Conflicts, Disclosures & Campaigns</i>	Government Code §§ 81000 <i>et seq.</i>
FPPC Regulations <i>Conflicts, Disclosures & Campaigns</i>	2 Cal. Code Regs. §§ 18109 <i>et seq.</i>
<i>Legally Required Participation</i>	2 Cal. Code Regs. §18708
California Anti-Self Dealing Law <i>Self Interest in Contracts</i>	Government Code §§ 1090 <i>et seq.</i> ,
California Incompatibility of Office Law <i>Holding Two Public Offices</i>	Government Code § 1126 & § 1099
<u>City of Capitola Documents</u>	
City's Charter	
City Municipal Code	
City Council Rules of Order and Protocols	
Reimbursement Policy	
Social Media Policy	
Handbook	
Anti-Harassment and Ethics Training	

2.0 Online Resources

<u>Resource</u>	<u>Web Address</u>
State of California <i>Portal to State Websites</i>	www.ca.gov/index.asp
Official Cal Legislative Information <i>California Bills & Codes Online</i>	www.leginfo.gov
Cal. Fair Political Practice Commission <i>Conflict of Interest Info</i>	www.ca.fppc
Cal. Attorney General <i>See AG Opinions</i>	www.ag.ca.gov
Cal. Senate <i>Bill Information Online</i>	www.senate.ca.gov
Cal. Secretary of State <i>Election Information</i>	www.sos.ca.gov
League of California Cities <i>Municipal resources</i>	www.cacities.org
Institute for Local Government <i>Municipal resources</i>	www.ca-ilg.org
Cal. Joint Powers Insurance Authority <i>Risk Management & Training</i>	www.cjpia.gov
Marrkula Institute for Applied Ethics <i>Ethical Decision Making</i>	www.scu.edu/ethics/practicing/decision
Institute for Local Self Government <i>Government Ethics</i>	www.ilsg.org

APPENDIX B – GUIDELINES FOR MAKING ETHICAL DECISIONS

[Please visit the Markkula Center for Applied Ethics at the University of Santa Clara]

How to Make an Ethical Decision. When presented with an opportunity to participate in making a decision for the City, the City Official should:

A. Recognize whether an ethical issue is involved.

1. Will the decision result in damage or injury to people?
2. Is there a clear good or bad result?
3. Is the result compelled under the law or does it hinge on budgetary, efficiency, or other community concerns?
4. Ethical decisions are often not the easiest decision nor the most popular.

B. Get the facts.

1. Read the staff report and get questions answered by the City Manager in advance.
2. Are there alternatives that would lead to better or worse results?
3. What are the viewpoints of the stakeholders? Are some more important than others?
4. Are there any unanticipated consequences?

C. Evaluate alternative actions. Which option will:

1. Produce the most good and do the least harm? (See the Markkula Center's Utility Test.)
 - a. Identify the *alternative actions* that are *possible* and the persons and groups (the stakeholders) *who will be affected* by these actions.
 - b. For each of the most promising alternatives, determine the *benefits and costs* to each person or group affected.
 - c. Select the action in the current situation that *produces the greatest benefits over costs for all* affected.
 - d. Ask *what would happen if* the action were a *policy for all similar situations*.
2. Best respect the rights of all who have a stake? (See The Markkula Center's Rights Test.)

- a. *Identify the right* being upheld or violated.
 - b. Explain why it *deserves the status* of a right.
 - c. Ask whether that *right conflicts with the rights* of others.
3. Treat people equally or proportionately? (See The Markkula Center's Justice Test.)
- a. What is the *distribution of benefits and burdens*? Is the distribution *fair*?
 - b. If disagreement persists over which outcome is fair, select a *fair process* to decide the issue.
4. Best serve the community as a whole. (See The Markkula Center's Common Good Test.)
- a. *Identify* what parts of the *common good* are involved.
 - b. Explain obligations to *promote or protect* the common good.
 - c. Discern whether the proposed action *conflicts with* an obligation to promote or protect the *common good*.
5. Lead the City Official to act as the sort of person or official as they want to be? (See The Markkula Center's Virtue Test.)
- a. Will the action help to *make you the kind of person you want to be*?
 - b. Will the action fit the City's reputation or vision of what it would like to be?
 - c. Will the action maintain the right balance between *excellence and success* for the City?

D. Make a decision and test it.

1. Which approach best suits the situation and arrives at the *most ethical decision*?
2. Which option is likely to be *most respected* by the Member's colleagues and constituents?

E. Act and reflect on the outcome.

1. How can the decision be *implemented to best reflect the intention and reasons* for the decision?
2. What was the end result of the decision and what feedback has the City Official received?

APPENDIX C – Receipt of Code of Conduct

I affirm that I have read and that I understand, accept and support the City of Capitola City Council and Commissioner Code of Conduct

Board, Commission, Committee Position

(Print Name)

Signature

Date