



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD, DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

REGULAR CITY COUNCIL MEETING AGENDA OF THE CITY OF DEL REY OAKS CITY COUNCIL TUESDAY, OCTOBER 24, 2023 AT 6:00 PM

Del Rey Oaks City Hall is inviting you to an **IN-PERSON MEETING AT CITY HALL**

PLEASE NOTE THIS WILL BE LIVE STREAMED FOR VIEWING ONLY
YOU WILL NOT BE ABLE TO MAKE PUBLIC COMMENTS ON ZOOM

Join Zoom Meeting

<https://us02web.zoom.us/j/86174505223>

- 1. ROLL CALL - Council**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PUBLIC COMMENTS: General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Agenda. Anyone wishing to address the City Council on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered. There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this item and all comments will be referred to staff.**
- 4. PROCLAMATION:**
 - A.** Breast Cancer Awareness Month
 - B.** LGBTQ+ History Month
 - C.** Filipino-American History Month
- 5. PRESENTATION:**
 - A.** United Way Monterey County
 - B.** Monterey-Salinas Transit
- 6. CONSENT AGENDA:**
 - A. MINUTES: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

- [1.](#) September 26, 2023, Regular City Council Meeting Minutes
- [2.](#) August 9, 2023, Regular Planning Commission Meeting Minutes

B. MONTHLY REPORTS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)

- [1.](#) Financials September 2022 - September 2023
- [2.](#) Fire Department Response Report, September 2023
- [3.](#) Police Activity Report, September 2023

C. MISCELLANEOUS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)

- [1.](#) Waive second reading and adopt an Ordinance amending the Del Rey Oaks Municipal Code to add an affordable housing overlay zone to defined areas within former Fort Ord within the City's in order to meet the City's Regional Housing Needs Allocation requirements under the 5th Cycle Housing Element.

7. OLD BUSINESS: None

8. NEW BUSINESS:

- [A.](#) Provide Direction on Proposed Comprehensive Tobacco Retailer License Ordinance and Establishing a Smoke-Free Public Place Ordinance

9. STAFF REPORTS:

- [A.](#) City Manager Report
- [B.](#) Council Reports

10. CORRESPONDENCE:

- [A.](#) MST Highlights
TAMC Highlights
MCMAD Reports
Veteran's Affair Reports

11. NEXT MEETING DATE: November 14, 2023 at 6:00pm

12. ADJOURNMENT

Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for- this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks.



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

PROCLAMATION

The City of Del Rey Oaks City Council

Breast Cancer Awareness Month

WHEREAS, breast cancer is one of the most commonly diagnosed cancers among women; and

WHEREAS, Breast Cancer Awareness Month began in 1985 as a partnership between the American Cancer Society and Imperial Chemical Industries Pharmaceuticals (AstraZeneca); and

WHEREAS, many organizations, including the American Cancer Society and Susan G. Komen for the Cure, hold community events promoting awareness, raise funds for research and provide progress in how breast cancer is diagnosed and treated; and

WHEREAS, in 2023, more than 300,000 new cases of breast cancer are expected to be diagnosed; and

WHEREAS, more than 43,000 women die from breast cancer each year in the United States; and

WHEREAS, increased breast cancer screening increases early detection; reduces death; increases life expectancy; decreases late-stage cancer diagnoses; and increases five-year survival rates; and

WHEREAS, this is an opportunity for The City of Del Rey Oaks to “Go Pink” in October to raise awareness, promote early screening and honor those affected by breast cancer;

NOW THEREFORE, that I, Scott Donaldson, Mayor of the City of Del Rey Oaks, on behalf of the City Council, do hereby recognize October 2023, as **National Breast Cancer Awareness Month**.

Signed this 24th day of October, 2023

Scott Donaldson, Mayor



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 FAX (831) 394-6421

PROCLAMATION

The City of Del Rey Oaks City Council

LGBTQ+ History Month

Whereas, the path towards LGBTQ+ equality and liberation has been paved by courageous persons who have fought for the right to love and be loved, and their positive societal contributions of advancing areas of diversity, inclusion, equity, and respect deserve recognition; and

Whereas, LGBTQ+ History Month celebrates and commemorates those who fought for equal rights and services for the LGBTQ+ community; and is a means of educating others, promoting a culture of acceptance and inclusivity, and advancing equality for all; and

Whereas, the City of Del Rey Oaks is proud of its diverse community; committed to equality for individuals of all sexual orientations, gender identities and gender expressions; and engages with community partners to provide safe spaces for LGBTQ+ individuals and their families to receive culturally sensitive services; and

Whereas, today Del Rey Oaks endeavors to eliminate prejudice wherever it exists, recognize the multitude of identities that make each of us unique individuals, and envision a safe, inclusive world that allows all members of society to live openly and truthfully;

Now, Therefore I, Scott Donaldson, Mayor of the City of Del Rey Oaks, on behalf of the City Council, do hereby proclaim the month of October, 2023 as LGBTQ+ History Month.

Signed this 24th day of October, 2023

Scott Donaldson, Mayor



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
 PHONE (831) 394-8511 FAX (831) 394-6421

PROCLAMATION

The City of Del Rey Oaks City Council

Hereby Honoring Filipino – American History Month

Whereas, on October 18, 1587, more than a century before the Mayflower crossed the Atlantic Ocean, the first “Luzones Indios,” as Filipinos were known in those days, arrived in Morro Bay, California after sailing across the Pacific Ocean as sailors on Spanish galleons; and

Whereas, between 1906 and 1935, the first large wave of Filipino immigration to the United States began, as Filipinos were recruited to work in the agricultural industries, canneries, and on sugarcane plantations; and

Whereas, during World War II, approximately 200,000 Filipino soldiers, including thousands from California, fought under United States command to preserve the liberty of our country and win back the liberty of the Philippines; and

Whereas, between 1941 and 1959, a second wave of Filipino immigration began, as nurses, students, fiancées of World War II military personnel, veterans, and many Filipinos who had served in the United States Navy settled in Navy towns, including Alameda, where they created flourishing Filipino American communities; and

Whereas, in 1965, the third wave of Filipino immigration began after enactment of the Immigration and Nationality Act abolished “national origins” as the basis for immigration, allowing for much-needed Filipino medical professionals to come to the United States; and

Whereas, October was first recognized as Filipino American History Month in California in 2009. During this month, Del Rey Oaks recognizes the lasting and significant contributions of Filipino Americans to our city and our nation, as educators and artists, politicians and laborers, veterans and judges. Every day, Filipino Americans continue to enrich our cultural, economic, intellectual, social, spiritual, and political lives; and

NOW, THEREFORE I, Scott Donaldson, Mayor of the City of Del Rey Oaks, do hereby proclaim October as Filipino-American History Month.

Signed this 24th day of September, 2023

Scott Donaldson, Mayor

City of Del Rey Oaks

**City Hall
650 Canyon Del Rey Blvd
Del Rey Oaks, CA 93940**



Action Minutes

Tuesday September 26, 2023 - 6:00 PM

City Council – Regular Meeting

Del Rey Oaks City Council

**Scott Donaldson – Mayor
Kim Shirley – Vice Mayor
Jeremy Hallock – Councilmember
John Uy – Councilmember
Bill Ragsdale-Cronin – Councilmember**

6:00 PM – Called to Order:

The meeting was called to order by Mayor Donaldson.

Roll Call:

Present: Mayor Donaldson, Vice Mayor Shirley, Councilmember Hallock, Councilmember Ragsdale-Cronin and Councilmember Uy.

Absent: None

Also Present: City Manager Guertin, Chief Bourquin, City Attorney Lorca, City Clerk Minami and Administrative Assistant Fitz

Pledge of Allegiance:

Mayor Donaldson led the Pledge of Allegiance

Public Comment:

Ann Ahmadi of Quendale thanks the City for installing a hose bib at the triangle garden area.

Debbie Blakesly of Voe Place researched the ban on carports, wants one in front of her garage.

Denise Wood thanks Sustainable Del Rey Oaks for their cleanup event.

PUBLIC COMMENT IS CLOSED

PROCLAMATIONS: 70th Anniversary Del Rey Oaks Incorporation, National Hispanic Month

PRESENTATIONS: Badge Ceremony for Reserve Police Officer Chris Salopek

CHS presentation to Patricia “Pat” Lintell postponed

CONSENT AGENDA: *Action Items*

A. MINUTES: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)

1. August 22, 2023, Regular City Council Meeting Minutes

B. MONTHLY REPORTS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)

1. Financials August 2022 - August 2023
2. Fire Department Response Report, August 2023
3. Police Activity Report, August 2023

C. MISCELLANEOUS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)

1. Approval of Revised 2023-24 Salary Schedule with City Manager Salary Change
2. Second Reading of an Ordinance to Amend Del Rey Oaks Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 pertaining to Short-Term Rentals
3. Adopt Resolution 2023-17 to Approve Entering Into Agreement for the Regional Early Action Planning Grant 2.0 Program with AMBAG
4. Authorize City Manager to Purchase Electric Lawn Mower and Mulch Kit for Public Works
5. Adopt Resolution 2023-18 Approving a Professional Services Agreement with EcoGreen Solutions to Install Lighting Upgrades in City Hall

Motion was made by **Council Member Hallock**, seconded by **Council Member Uy** to approve the consent agenda item as presented.

Motion passes unanimously 5-0

OLD BUSINESS: NONE

NEW BUSINESS:

- A. Appeal of City Building Official's determination regarding building at 121 Calle Del Oaks

Councilman Hallock: Begins to recuse himself due to a recent encounter with the appellant.

Mayor Donaldson: States that the item has been tabled.

City Manager Guertin: Last minute materials were received that staff will analyze and then bring back to Council at a later time.

STAFF REPORTS

City Manager Report: CalFire grant was granted and GAB Crew fuel reduction work begins October 16.

There is progress on electrifying the fleet and an electric mower has been ordered, lighting at City Hall will also be updated.

The Fall Festival in the park will be an anniversary celebration and a thank you to the basketball court donors. New wooden lapel pins are being distributed during events and at City Hall.

Council Reports are included in the Packet

CORRESPONDENCE:

MST Highlights
TAMC Highlights
MCMAD Reports

Closed Session Items:

CLOSED SESSION: As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations.

- A. Public Comment on Closed Session Items:** Anyone wishing to address the City Council on an item to be discussed in closed session may do so now. There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this public comment period.

Public Comment Closed

B. Closed Session Items:

- 1. Conference with Legal Counsel - Existing Litigation (Gov't Code § 54956.9(a)) Michele Ball v. City of Del Rey Oaks et al. (Monterey County Superior Court Case No. 20CV002926.)**
- 2. Conference with Real Property Negotiations (Government Code § 54954.5) Property: "17-Acre Parcel" - APN 259-011-025-000 Agency Negotiator: City Manager John Guertin Negotiating Parties: City of Del Rey Oaks, Monterey Peninsula Regional Parks District Under Negotiation: Price and terms of payment.**

City Attorney Lorca: #1 Settlement agreement has been authorized
#2 No reportable action taken

NEXT MEETING DATE: October 24, 2023 at 6:00pm

ADJOURNMENT: 6:30pm

Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for- this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks

Attest:

Date:

City of Del Rey Oaks

**City Hall
650 Canyon Del Rey Blvd
Del Rey Oaks, CA 93940**



Action Minutes

Wednesday, August 9, 2023 - 6:00 PM

**Planning Commission – Regular Meeting
Del Rey Oaks Planning Commission**

Mike Hayworth – Chair

Denise Wood – Vice Chair

George Jaksha – Commissioner

Gary Kreeger – Commissioner

Louise Goetzelt - Commissioner

Ann Ahmadi – Commissioner

Celine Pinet - Commissioner

6:00PM – Called to Order:

The meeting was called to order by Chair Hayworth.

Roll Call:

Present: Chair Hayworth, Commissioner Jaksha, Commissioner Amadi, and Commissioner Goetzelt, Commissioner Kreeger, Commissioner Pinet, Vice Chair Wood.

Staff Present:

City Manager Guertin, Deputy City Clerk Minami and Administrative Assistant Fitz

Pledge of Allegiance:

Chair Hayworth led the Pledge of Allegiance.

Consent Agenda:

A. Adopt July 12, 2023, Planning Commission Meeting Minutes

A motion to approve was made by Commissioner Jaksha and seconded by Commissioner Goetzelt. Minutes were approved 6-0 Celine Pinet abstained (she wasn't present at the last meeting).

Public Comment:

Kristin Clark reports on completed Community Garage Sale and the upcoming DROCAG events.

Reports:

Building Activity Report July 2023; The Building Activity Report was accepted unanimously.

Swearing in of New and Returning Commissioners

Deputy City Clerk Minami swore in returning members Louise Goetzelt, Denise Wood and new member Celine Pinet

Old Business:

None

New Business:

- A.** **Applicant’s Name:** Arturo Cardenas
- Owner’s Name:** Debbie Blakesly and Nina Munoz
- File Number:** ARC #23-02
- Site Location:** 7 Voe Place
- Planning Area:** APN# 012-501-039
- Project Description:** Requesting Architectural Review to add a 300 square foot garage to the front of the single-family dwelling by converting the existing garage to storage.
- Recommended Action:** Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

Discussion regarding setbacks, floor area ratio and plans not to scale.

A motion was made to approve ARC 23-02 by Commissioner Kreeger and seconded by Commissioner Jaksha with the following conditions: staff to verify setbacks and floor area ratio and only accept plans that are to scale.

PASSES unanimously 7-0

- B.** **Consider recommending the City Council adopt an ordinance amending Del Rey Oaks Municipal Code Sections 5.24.020, 5.24.030 and 5.24.040 pertaining to Short-Term Rentals (STR).**

City Manager Guertin: Presents and shows a power point to give an overview of the current number of Short-Term Rentals with a breakdown of uses compared to city housing inventory.

Discussion among Commission regarding percentage of whole home STR’s, rules, violations/complaints, fees/TOT, density issues, waiting list issues, possibility of utilizing a vendor to manage STR’s, and requiring the host to place an informational binder for guest reference.

Public Comment:

Short Term Rental host Sean McDonald and Short-Term Rental applicant John Hagio spoke in favor of the changes and thanked staff.

A motion was made to recommend the following changes to the Del Rey Oaks Muni Code Sections 5.24.020, 5.24.030 and 5.24.040 pertaining to Short Term Rentals be considered by the City Council: Cap whole home (unhosted) at 3 % of city available homes, vehicle limit and amplified sound rules by **Commissioner Goetzelt and seconded by Commissioner Kreeger**

PASSES unanimously 7-0

Announcements:

Commissioner Kreeger: Attended MBEP Summit with Council member Shirley. He then shared a written report with the Commissioners.

Commissioner Goetzelt: When visiting Germany she saw housing under construction using 3D printed forms and other alternative methods.

Commissioner Ahmadi: Attended an Open House in Monterey and there are 50 sites they are planning to build housing on. They are putting more on 100 acres than DRO is planning on 300 acres available for development.

Commissioner Wood: Helping to plan a movie night at the park.

Commissioner Jaksha: The garage sale had over 100 participants, he is grateful to the DROPD for handling some minor issues during the event.

Next Meeting Date: Wednesday, September 13, 2023 at 6pm

Adjournment:

7:29 pm

Attest:

Date:



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
 PHONE (831) 394-8511 FAX (831) 394-6421

Staff Report

General Fund

DATE: October 24, 2023

TO: Honorable Mayor and Members of the City Council

FROM: John Guertin, City Manager

SUBJECT: Receive September 2023 Financial Reports

CEQA: This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

Consideration

Receive financial reports for the month of September 2023.

Background

The City Council routinely receives financial reports for the previous month.

Summary & Discussion

Attached are the September financial reports.

- September 2023 Cash Balances – The report shows where the City’s funds are invested. The City continue to have a healthy cash balance \$12,911,317, of which \$4,254,234 are unrestricted.
- September 2023 Checks Issued Register –This is a listing of all the payments issued during the month. The total checks issued of \$126,800.
- September 2023 General Fund Summary – This is a one-page summary of the General Fund, the City’s main operating fund. For the month of September, the General Fund shows revenue of \$384,825. As of 09/30/2023 the General Fund shows an operating surplus of \$20,136. At 25% of the year (3 months) the revenues are slightly lower at 20.77% and the expenditures are at 24.20% of the budget. The Property Taxes at 16.3% of the budget are received only twice a year, December and April.
- September 2023 YTD Budget v. Actual Detail – This report shows the line-item detail for all revenues and expenditures by fund and department.

Fiscal Impacts

None. This is informational only.

Recommendation

Staff recommends receiving the reports.

ATTACHMENTS:

- September 2023 Cash and Investment
- September 2023 Checks Register
- September 2023 General Fund Summary
- September 2023 YTD Budget v. Actual Detail

Respectfully Submitted,

John Guertin
City Manager

City of Del Rey Oaks
Summary of Cash & Investments
As of 09/30/2023

Accounts

Unrestricted

General Checking	\$ 405,745.88	
Local Agency Investment Fund		
Reserve for Economic Uncertainties	1,652,182.00	3.534%
Unappropriated Funds	2,196,306.37	3.534%
Total Unrestricted	<u>4,254,234.25</u>	

Restricted

PARS	323,038.87	
Dev - Monterey Peninsula Partner	9,062.62	
Fidelity Title Escrow Acct - GJM/SBR Intersection	1,056,168.00	
Fidelity Title Escrow Acct - SBR Construction	7,268,813.00	
Total Restricted	<u>8,657,082.49</u>	

Total Cash and Investments	<u><u>\$ 12,911,316.74</u></u>	
-----------------------------------	---------------------------------------	--

City of Del Rey Oaks
Check/Voucher Register
From 09/01/2023 Through 09/30/2023

Check Number	Payee	Transaction Description	Check Amount
21564	AFLAC	August 2023 - Acct #QAR62	345.28
21565	AMERICAN LOCK & KEY	Supplies	276.95
21566	AT&T CAL NET 2	Acct #9391033790 Mobile Service Period 07-19-23 to 08-18-23	127.29
	AT&T CAL NET 2	Acct #9391033791 Mobile Service Period 07-19-23 to 08-18-23	261.59
	AT&T CAL NET 2	Acct #939108967 Mobile Service Period 07-15-23 to 08-14-23	838.74
21567	CALIFORNIA-AMERICAN WATER	Acct #1015-210018796550 Water Service Period 07-22-23 to 08-18-23	38.92
	CALIFORNIA-AMERICAN WATER	Acct #1015-210018799016 Water Service Period 07-22-23 to 08-18-23	38.92
	CALIFORNIA-AMERICAN WATER	Acct #1015-210018869991 Water Service Period 07-22-23 to 08-18-23	201.92
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021092445 Water Service Period 07-22-23 to 08-18-23	38.92
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021255352 Water Service Period 07-22-23 to 08-18-23	34.82
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021327653 Water Service Period 07-22-23 to 08-18-23	142.84
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021396208 Water Service Period 07-22-23 to 08-18-23	63.02
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021397607 Water Service Period 07-22-23 to 08-18-23	130.87
21568	CHAVAN AND ASSOCIATES, LLP	2022-23 City Audit & 2022-23 Measure X	15,550.00
21569	COMCAST BUSINESS	Acct #8155100230699260 Internet Service Period 08-18-23 to 09-17-23	284.86
21570	Express Services, Inc	Admin Assistant for 08-06-23	354.75
	Express Services, Inc	Administrative Assistant for 08-13-23	268.29
21571	GLOBALSTAR USA	Acct #AC00115154 - Wireless Service Period 07-15-23 to 09-15-23	249.41
21572	I.M.P.A.C.GOVERNM'T SER	FYE 06/30/23 - TLO Transunion - Database	75.00
	I.M.P.A.C.GOVERNM'T SER	VISA STATEMENT - Period 07-24-23 to 08-22-23	4,776.45
21573	JAMES DE CHALK	August 2023 - Janitorial Service	500.00
21574	M&S BUILDING SUPPLY, INC.	Supplies -Plywood	212.74
21575	NORTH BAY PENSIONS	Actuarial Services FY2023 - GASB 75 & GASB 68 - 2023 FY	3,600.00
21576	ODP Business Solutions, LLC	Supplies	79.43
21577	Pitney Bowes Bank Inc. Purchase Power	Postage	285.13
21578	PRECISION ALARMS AND AUTOMATION	August 2023 - Monthly Fire Alarms System Monitoring	170.00
21579	REGIONAL GOVERNMENT SERVICES	July 2023 - Contract Services	29,607.40
21580	SMITH & ENRIGHT LANDSCAPING	Materials & Installation-Playground and sprinkler repair	1,995.00
21581	US Bank Equipment Finance	Acct #0687291 August & September 2023 - Konica Minolta Copier Lease	241.72
21582	VSP	VISION PLAN SEPTEMBER 2023	261.27
21583	AT&T MOBILITY	Acct #287304221758x09102023 Mobile Service Period 09/03/23 to 10/02/23	40.24
21584	COMCAST BUSINESS	Acct #8155100280008479 Internet Service Period 09/10/23 to 10/09/23	368.31
21585	COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA	JULY 2023 - Acct #401714079 - Medical Expense	27.00
21586	CORELOGIC SOLUTIONS, LLC.	AUGUST 2023 - Data Search Service	154.50
21587	CORONADO DEISEL MOBILE SERVICES	Ford Explorer #95 Repair Damaged Headlight Harness Plug	300.75
	CORONADO DEISEL MOBILE SERVICES	Ford Explorer #97 Damaged Headlight	241.23
	CORONADO DEISEL MOBILE SERVICES	Ford Explorer #97 Repair Electrical Problem	160.00
21588	Dog Waste Depot	Dog Waste Dispensers and Dog Waste Bags	620.49
21589	Express Services, Inc	Administrative Assistant Period Ending 08/27/23	269.61
	Express Services, Inc	Administrative Assistant Period ending 08/20/23	548.46
21590	G.P.S. SOLUTIONS	August 2023 - Building Permits, Plan Checks Fees, Property Inspection	3,191.58
21591	MBS BUSINESS SYSTEMS	Acct #3948511 Contract Base Period 05-24-23 to 08-23-23	519.15
21592	MCCLEOA	2023 / 2024 MCCLEOA Dues	300.00
21593	County of Monterey	FY 2023/24 - 1ST Qtr Dispatch & Ngen O&M	1,031.83
	County of Monterey	FY 2023/24 2nd Qtr - Dispatch Service /NGEN O&M	15,408.82
21594	M&S BUILDING SUPPLY, INC.	Return of Fence Post-Credit	(44.49)
	M&S BUILDING SUPPLY, INC.	Supplies - Conduit EMT Galv, Screen/Spline	150.12
21595	MTRY COUNTY PEACE ASSOC,	Shooting Range	280.00
21596	ODP Business Solutions, LLC	Supplies	157.93
21597	OMNIGO SOFTWARE	ITI Historical Read Only License	2,902.79
21598	PG&E	Acct#4283033409-2 PGE Service 07/24/23 to 08/21/23	1,102.23
	PG&E	Acct#4283033409-2 PGE Service 07/24/23 to 08/21/23	928.89
21599	Pitney Bowes Global Financial Servies LLC	Meter Charge - Service Period 06/30/23 to 09/29/23	169.79
21600	PRECISION ALARMS AND AUTOMATION	Service Call - Door Issue Corrected	240.00
	PRECISION ALARMS AND AUTOMATION	Service Call - Troubleshooting Access Control Issues	240.00
21601	PROAC LEGAL DEFENSE FUND	Assn ID #3162 Legal Defense Fund - Quarterly	988.80
21602	Peace Officers Research Association of California	Acct #3162 Del Rey Oaks POA Member Dues - Quarterly	246.00
	Peace Officers Research Association of California	Acct #3163 Del Rey Oaks Reserve POA Member Dues -Quarterly	96.00
21603	PURE WATER	Supplies	29.25
21604	ROGER GUZMAN	Employee Reimbursement - Travel	592.00
21605	Kai Drechsler	Police ID Cards - Kevin Andoy	110.00
21606	SIGN WORKS	Signs for Baseball Field	1,272.33
21607	Stephanie S. Garcia	West Park Refund 09-16-23 - Cancelled Event	150.00
21608	Stericycle, Inc.	August 2023 - Shredding Services	392.42
21609	T-Mobile USA Inc. Law Enforcement Finance	GPS Locate -Period 08/10/23 to 09/08/23	125.00
21610	TERMINIX	August 2023 - Pest Control Service	102.00

City of Del Rey Oaks
Check/Voucher Register
From 09/01/2023 Through 09/30/2023

Check Number	Payee	Transaction Description	Check Amount
21611	THE MAYNARD GROUP	September 2023 - Acct #AC3744 Monthly Telephone Charges	67.00
21612	US Bank Equipment Finance	August & Sept 2023 Acct #0673430 Konica Minolta Copier Lease	826.68
21613	Verizon	Acct #342533778-0001 Mobile Service Period 07/24/23 to 08/23/23	80.02
21614	Virtru Corporation	Aug 31, 2023 to Aug 30, 2024 - Data Protection Platform	1,494.90
21615	LEFTA Systems	Annual Subscription Base and IT support	2,827.27
PERS090123	PERS	CalPERS 1900 457 (09/01) Contribution 08/30/2023	3,050.00
PERS091523	PERS	CalPERS 1900 457 (09/15) Contribution 09/15/2023	2,800.00
PERS091523-1	PERS	PERS 3100 Contribution Retirement 8/12-8/25/23 -Plan 1365	4,182.89
PERS091523-2	PERS	PERS 3100 Contribution Retirement 08/12-08/25/23 -Plan 25623	3,776.53
PERS091523-3	PERS	PERS 3100 Contribution Retirement 08/12-08/25/23 -Plan 1364	528.00
PERS091523-4	PERS	PERS 3100 Contribution Retirement 08/12-08/25/23 -Plan 26934	1,808.16
PERS091523-5	PERS	PERS 3100 Contribution Retirement 08/26-09/08 -Plan 1365	4,448.27
PERS091523-6	PERS	PERS 3100 Contribution Retirement 08/26-09/08/23 -Plan 25623	3,970.68
PERS091523-7	PERS	PERS 3100 Contribution Retirement 08/26-09/08/23 -Plan 1364	571.36
PERS091523-8	PERS	PERS 3100 Contribution Retirement 08/26-09/08/23 -Plan 26934	1,903.89
			<u>126,800.21</u>

City of Del Rey Oaks
Statement of Revenues and Expenditures-General Fund Summary
100 - General Fund

From 9/1/2023 Through 9/30/2023

	FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Spent
Revenue				
Property Taxes	767,700.00	0.00	0.00	0.00%
Sales Tax	1,313,000.00	99,064.50	361,416.59	27.52%
Other Taxes	487,500.00	28,743.06	131,641.47	27.00%
Licenses and Permits	286,300.00	5,780.60	69,234.44	24.18%
Fines and Forfeitures	10,200.00	444.96	3,363.66	32.97%
Other Revenue	12,200.00	517.82	31,066.95	254.64%
Grants	258,700.00	9,731.09	68,504.14	26.48%
Airport Police Services	1,376,500.00	220,914.00	220,914.00	16.04%
Current Services	186,700.00	19,628.88	89,582.52	47.98%
Total Revenue	4,698,800.00	384,824.91	975,723.77	20.77%
Expenditures				
Council	32,200.00	1,706.42	4,292.44	13.33%
City Clerk	443,900.00	34,509.92	135,021.67	30.41%
City Manager	318,300.00	25,220.50	83,857.35	26.34%
Audit/Treasurer	288,100.00	67,686.60	70,414.90	24.44%
Legal	201,500.00	9,925.30	16,299.80	8.08%
Planning & Building Regulation	105,400.00	3,191.58	10,158.07	9.63%
Government Buildings	19,100.00	352.00	704.00	3.68%
Non-Departmental	42,700.00	292.31	18,545.61	43.43%
Police	2,662,970.00	203,263.30	734,312.91	27.57%
Fire/Animal Control	227,600.00	0.00	0.00	0.00%
Public Works/Streets	313,530.00	13,238.57	51,513.01	16.43%
Parks/Recreation	43,500.00	5,302.27	11,844.64	27.22%
Total Expenditures	4,698,800.00	364,688.77	1,136,964.40	24.20%
Net Revenues	0.00	20,136.14	(161,240.63)	0.00%
Other Financing Sources and Uses				
Uses				
Transfers Out to CIP	(193,900.00)	0.00	0.00	0.00%
Total Uses	(193,900.00)	0.00	0.00	0.00%
Total Other Financing Sources and Uses	(193,900.00)	0.00	0.00	0.00%
Net Revenues After Other Financing Sources and Uses	(193,900.00)	20,136.14	(161,240.63)	83.15%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund
 From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
P/T-Secured	41110	531,000.00	0.00	0.00	0.00%
P/T-Unsecured	41120	24,500.00	0.00	0.00	0.00%
P/T-Prior Secured	41130	6,100.00	0.00	0.00	0.00%
Prior Unsecured	41140	100.00	0.00	0.00	0.00%
P/T-Unitary Tax	41150	10,000.00	0.00	0.00	0.00%
P/T-Supplemental Roll (SB813)	41160	12,200.00	0.00	0.00	0.00%
Property Tax - VLF	41170	183,000.00	0.00	0.00	0.00%
Prop Tax-Interest/Penalty	41180	800.00	0.00	0.00	0.00%
Sales Tax	42210	470,000.00	21,801.00	93,800.44	19.95%
Sales Tax - 145 (Measure S-1%)	42220	562,000.00	77,263.50	243,349.59	43.30%
Sales Tax -409 (Measure R 1/2%)	42221	281,000.00	0.00	24,266.56	8.63%
Cannabis Tax	42222	99,000.00	21,665.78	42,365.85	42.79%
Transient Occupancy Tax	42230	190,000.00	5,630.78	54,035.16	28.43%
Property Transfer Tax	42250	5,000.00	1,446.50	2,653.75	53.07%
Sewer Impact	42290	15,000.00	0.00	0.00	0.00%
Business Licenses	42310	210,000.00	570.00	52,048.93	24.78%
Gas Franchises	42761	8,000.00	0.00	0.00	0.00%
Electric Franchises	42762	21,500.00	0.00	0.00	0.00%
Garbage Franchises	42763	100,000.00	0.00	26,157.28	26.15%
Cable Tv Franchises	42764	26,000.00	0.00	6,429.43	24.72%
Water Franchises	42765	23,000.00	0.00	0.00	0.00%
SB1186 Disability Access Fund	43311	1,000.00	30.00	374.00	37.40%
SB1473 Environmental Assessment Fee	43312	100.00	6.30	15.30	15.30%
Building Permits	43320	40,000.00	3,634.38	8,751.43	21.87%
Cannabis Business Permit	43325	10,000.00	0.00	4,000.00	40.00%
Plan Check Fees	43330	17,000.00	569.92	2,293.78	13.49%
Street Opening Permits Fees	43340	5,000.00	500.00	1,250.00	25.00%
Plumbing Permits	43350	1,600.00	250.00	625.00	39.06%
Electrical Permits	43360	1,600.00	250.00	250.00	15.62%
Other Licenses/Permits	43390	1,000.00	0.00	0.00	0.00%
Fines & Forfeitures	45000	200.00	306.96	763.66	381.83%
Vehicle Code Fines	45510	5,000.00	25.00	609.00	12.18%
Parking and Admin Fines	45512	5,000.00	113.00	1,991.00	39.82%
Interest Earned	46100	10,000.00	0.00	29,980.64	299.80%
Interest Earned-PARS	46101	0.00	0.00	110.84	0.00%
Rental Income - Garden Ctr	46815	36,000.00	5,000.00	11,000.00	30.55%
Rental Income - Airport RV	46816	35,000.00	4,277.93	10,265.43	29.32%
Rental Income - PW Bldg	46817	24,000.00	0.00	2,000.00	8.33%
HOPTR	47130	1,200.00	0.00	0.00	0.00%
COPS	47240	165,200.00	8,333.33	24,999.99	15.13%
AMBAG REAP Grant - Housing Element	47241	0.00	0.00	8,132.50	0.00%
HCD LEAP Grant - Housing Element	47242	0.00	0.00	18,226.50	0.00%
SB1383 Organics Recycling	47243	9,000.00	0.00	0.00	0.00%
Prop 172	47750	25,000.00	1,397.76	4,641.43	18.56%
Wellness Program	47760	7,500.00	0.00	7,500.00	100.00%
Police Grants & Other Reimbursements	47780	5,000.00	0.00	0.00	0.00%

**City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

100 - General Fund
From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
POST Reimbursements	47781	3,000.00	0.00	5,003.72	166.79%
DEA Reimbursements	47782	44,000.00	0.00	0.00	0.00%
Police Service Fees	48210	1,000.00	0.00	607.00	60.70%
Police Services-Special Events	48211	48,000.00	0.00	0.00	0.00%
Public Events	48212	5,000.00	7,500.00	7,500.00	150.00%
Use Permits	48805	20,000.00	1,320.00	9,995.89	49.97%
Maps/Publications	48810	100.00	0.00	0.00	0.00%
Property Inspections	48825	4,500.00	250.00	750.00	16.66%
Miscellaneous Revenue	48840	10,000.00	680.95	45,564.20	455.64%
Rental - Park	48910	3,100.00	600.00	1,900.00	61.29%
Miscellaneous Refunds	48930	0.00	487.82	601.47	0.00%
Total Non Department Specific		3,322,300.00	163,910.91	754,809.77	22.72%
Police	210				
Airport Police Services	48220	1,376,500.00	220,914.00	220,914.00	16.04%
Total Police		1,376,500.00	220,914.00	220,914.00	16.05%
Total Revenue		4,698,800.00	384,824.91	975,723.77	20.77%
Expense					
Council	110				
Council Member Stipend	61115	7,500.00	0.00	1,250.00	16.66%
Medicare-ER	61130	200.00	0.00	18.12	9.06%
Social Security-ER	61131	500.00	0.00	77.50	15.50%
Unemployment Ins-Fed & State	61132	100.00	0.00	7.50	7.50%
Dental Expense	61135	11,400.00	381.52	1,274.07	11.17%
Materials/Supply	62410	0.00	100.00	100.00	0.00%
Membership Dues-Professional Org	64550	4,000.00	0.00	340.35	8.50%
Strategic Planning	64570	5,000.00	0.00	0.00	0.00%
Travel Expenses	64610	3,500.00	1,224.90	1,224.90	34.99%
Total Council		32,200.00	1,706.42	4,292.44	13.33%
City Clerk	111				
Payroll	61105	149,600.00	17,707.51	34,948.68	23.36%
Temp Payroll	61107	10,000.00	2,032.80	2,032.80	20.32%
Overtime	61110	20,000.00	522.84	1,219.97	6.09%
PERS UAL	61124	36,900.00	0.00	36,879.00	99.94%
PERS Retirement	61125	13,800.00	914.29	2,654.54	19.23%
Medicare-ER	61130	2,200.00	264.33	520.79	23.67%
Unemployment Ins-Fed & State	61132	200.00	0.00	0.00	0.00%
Dental Expense	61135	3,200.00	190.76	572.28	17.88%
Health Insurance	61140	60,500.00	(36.42)	7,345.57	12.14%
Health Insurance -Retiree	61141	1,800.00	0.00	0.00	0.00%
Vision Ins	61145	500.00	55.78	100.18	20.03%
Workers Comp and EAP	61150	9,100.00	0.00	4,844.48	53.23%
Wellness Program	61155	1,000.00	0.00	0.00	0.00%
Materials/Supply	62410	16,300.00	1,170.01	1,568.16	9.62%
Office Supplies	62430	11,200.00	807.59	914.85	8.16%
Repair/Maintenance	63505	3,000.00	0.00	597.23	19.90%
Other Outside Services	63508	0.00	519.15	1,001.99	0.00%
Shredding Services	63509	1,000.00	196.21	274.41	27.44%
Telephone	63530	7,700.00	1,133.83	1,821.40	23.65%
Website Design & Maintenance	63535	3,800.00	0.00	0.00	0.00%
Postage / Shipping	63540	4,000.00	896.23	965.20	24.13%
Training	63605	5,000.00	242.15	774.59	15.49%
Insurance-Liability	63620	17,370.00	0.00	8,684.57	49.99%

**City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

100 - General Fund
From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Insurance-Property	63621	230.00	0.00	1,264.14	549.62%
Contract Services - IT	63635	6,000.00	1,181.25	4,781.25	79.68%
HR Services-RGS	63652	31,500.00	0.00	0.00	0.00%
Software/Server Subscription	64310	2,000.00	5,324.07	14,008.30	700.41%
Agenda Management System	64315	5,000.00	0.00	4,920.00	98.40%
Document Management System	64316	1,500.00	437.50	437.50	29.16%
Municipal Code Service	64320	10,000.00	0.00	729.75	7.29%
Membership Dues-Professional Org	64550	3,200.00	75.00	285.00	8.90%
Membership Dues-Government Agency	64552	1,300.00	650.00	650.00	50.00%
Printing / Publications	64575	2,000.00	0.00	0.00	0.00%
Travel Expenses	64610	0.00	50.25	50.25	0.00%
Furniture & Equipment	66300	3,000.00	174.79	174.79	5.82%
Total City Clerk		443,900.00	34,509.92	135,021.67	30.42%
City Manager	120				
Payroll	61105	192,500.00	22,952.80	52,617.82	27.33%
PERS UAL	61124	1,000.00	0.00	0.00	0.00%
PERS Retirement	61125	14,800.00	1,088.90	3,195.32	21.59%
Medicare-ER	61130	2,800.00	332.82	762.26	27.22%
Unemployment Ins-Fed & State	61132	100.00	0.00	0.00	0.00%
Dental Expense	61135	1,600.00	193.29	579.87	36.24%
Health Insurance	61140	30,200.00	0.00	6,240.62	20.66%
Vision Ins	61145	200.00	29.60	59.20	29.60%
Workers Comp and EAP	61150	11,700.00	0.00	6,025.74	51.50%
Wellness Program	61155	500.00	0.00	0.00	0.00%
Auto Allowance	61180	5,400.00	623.09	1,246.16	23.07%
Office Supplies	62430	1,500.00	0.00	0.00	0.00%
Insurance-Liability	63620	22,405.00	0.00	11,201.12	49.99%
Insurance-Property	63621	295.00	0.00	1,629.24	552.28%
Membership Dues-Professional Org	64550	0.00	0.00	300.00	0.00%
Books and Periodicals	64565	300.00	0.00	0.00	0.00%
Travel Expenses	64610	8,000.00	0.00	0.00	0.00%
Contingency	66905	25,000.00	0.00	0.00	0.00%
Total City Manager		318,300.00	25,220.50	83,857.35	26.35%
Audit/Treasurer	130				
ADP Payroll Fees	62310	3,500.00	0.00	0.00	0.00%
Bank Service Charges	62320	4,600.00	0.00	1,328.30	28.87%
Grant Writing Services	62327	30,000.00	0.00	0.00	0.00%
Accounting Software	62431	3,600.00	0.00	0.00	0.00%
Audit-Finance	63625	29,000.00	15,550.00	16,950.00	58.44%
Audit -Sales Tax	63626	5,000.00	0.00	0.00	0.00%
Actuarial Services	63627	4,500.00	0.00	0.00	0.00%
Accounting Services-RGS	63645	207,900.00	52,136.60	52,136.60	25.07%
Total Audit/Treasurer		288,100.00	67,686.60	70,414.90	24.44%
Legal	150				
Legal Services	63650	200,000.00	9,925.30	16,299.80	8.14%
Legal Advert	64560	1,500.00	0.00	0.00	0.00%
Total Legal		201,500.00	9,925.30	16,299.80	8.09%
Planning & Building Regulation	160				
Economic Development Services	63639	20,000.00	0.00	0.00	0.00%
Planning Services	63640	40,000.00	0.00	3,900.00	9.75%

**City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

100 - General Fund
From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Building Inspections Services	63648	32,400.00	3,025.58	5,926.07	18.29%
Engineering Services	63649	5,000.00	0.00	0.00	0.00%
Code Enforcement Services	63656	5,000.00	166.00	332.00	6.64%
Travel Expenses	64610	3,000.00	0.00	0.00	0.00%
Total Planning & Building Regulation		105,400.00	3,191.58	10,158.07	9.64%
Government Buildings	180				
Repair/Maintenance	63505	16,100.00	102.00	204.00	1.26%
Janitorial Services	63660	3,000.00	250.00	500.00	16.66%
Total Government Buildings		19,100.00	352.00	704.00	3.69%
Non-Departmental	190				
Materials/Supply	62410	6,200.00	0.00	34.82	0.56%
Telephone	63530	1,000.00	123.32	123.32	12.33%
Insurance-Liability	63620	12,830.00	0.00	6,414.74	49.99%
Insurance-Property	63621	170.00	0.00	1,875.35	1,103.14%
Membership Dues-Professional Org	64550	4,300.00	0.00	0.00	0.00%
Membership Dues-Non Profit Agency Contrib	64551	11,800.00	0.00	7,725.00	65.46%
Membership Dues-Government Agency	64552	5,100.00	0.00	2,203.39	43.20%
Misc Expenses	64580	1,000.00	150.00	150.00	15.00%
S.M.I.P.	64930	200.00	18.99	18.99	9.49%
Sb 1473	64940	100.00	0.00	0.00	0.00%
Total Non-Departmental		42,700.00	292.31	18,545.61	43.43%
Police	210				
Payroll	61105	1,081,000.00	110,797.16	221,920.57	20.52%
Overtime	61110	110,000.00	25,895.90	54,763.80	49.78%
Overtime-DEA	61111	44,000.00	0.00	0.00	0.00%
Reserves Payroll	61120	80,000.00	12,312.19	27,246.66	34.05%
PERS UAL - After 06/30/18	61123	1,000.00	0.00	1,020.00	102.00%
PERS UAL	61124	102,000.00	0.00	101,918.00	99.91%
PERS Retirement	61125	136,500.00	9,901.71	28,609.50	20.95%
PERS 457 Expense	61126	32,400.00	2,400.00	6,300.00	19.44%
Medicare-ER	61130	15,700.00	2,156.72	4,391.54	27.97%
Social Security-ER	61131	1,600.00	288.55	555.62	34.72%
Unemployment Ins-Fed & State	61132	10,500.00	22.10	94.55	0.90%
Dental Expense	61135	17,900.00	1,284.77	3,724.80	20.80%
Health Insurance	61140	296,400.00	(690.56)	35,193.96	11.87%
Health Insurance -Retiree	61141	2,000.00	0.00	302.00	15.10%
Vision Ins	61145	2,900.00	404.14	819.66	28.26%
Workers Comp and EAP	61150	172,400.00	0.00	88,182.44	51.14%
Wellness Program	61155	5,300.00	0.00	0.00	0.00%
Uniform Allowance	61160	10,000.00	0.00	0.00	0.00%
Materials/Supply	62410	35,000.00	1,041.35	5,094.28	14.55%
Ammunition	62420	5,000.00	0.00	0.00	0.00%
Office Supplies	62430	3,000.00	547.67	730.49	24.34%
PD Safety Equip Lease - Principal	62460	24,300.00	0.00	0.00	0.00%
PD Safety Equip Lease - Interest	62461	1,000.00	0.00	0.00	0.00%
Auto Ops - Supplies / Equip	62710	2,500.00	0.00	0.00	0.00%
Auto Ops - Fuel	62720	30,000.00	0.00	5,381.63	17.93%
Repair/Maintenance	63505	14,000.00	480.00	480.00	3.42%

**City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

100 - General Fund
From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Other Outside Services	63508	0.00	1,304.40	1,484.28	0.00%
Shredding Services	63509	1,000.00	196.21	274.42	27.44%
Telephone	63530	14,000.00	2,352.67	3,870.04	27.64%
Internet	63531	2,500.00	938.03	1,949.51	77.98%
Annual Maintenance-Records Management Software	63537	6,020.00	2,902.79	2,902.79	48.21%
Annual Maintenance	63538	3,400.00	0.00	0.00	0.00%
Annual Maintenance-MDT	63539	3,300.00	0.00	0.00	0.00%
Postage / Shipping	63540	500.00	11.30	28.01	5.60%
Training	63605	15,000.00	856.00	1,462.90	9.75%
Insurance-Liability	63620	125,435.00	0.00	62,716.40	49.99%
Insurance-Property	63621	1,665.00	0.00	10,065.45	604.53%
Audit-Finance	63625	4,500.00	0.00	0.00	0.00%
Contract Services - IT	63635	6,000.00	1,181.25	4,781.25	79.68%
Contract Services-Others	63637	4,200.00	152.00	630.00	15.00%
HR Services-RGS	63652	3,000.00	0.00	0.00	0.00%
Janitorial Services	63660	3,000.00	250.00	500.00	16.66%
911-Radio Dispatch	63665	58,500.00	14,447.93	27,864.03	47.63%
911-Inform MDT Terminal Service	63666	1,500.00	0.00	0.00	0.00%
911-Notification System	63667	400.00	0.00	0.00	0.00%
911-NGEN O&M	63668	8,000.00	1,992.72	3,984.44	49.80%
911-NGEN Debt	63669	5,200.00	0.00	5,128.32	98.62%
Auto Repair/Maintenance	63730	14,000.00	747.73	4,670.00	33.35%
Parking & Admin Citations Services	63812	5,000.00	0.00	894.68	17.89%
Animal Regulation Fire	63820	500.00	0.00	0.00	0.00%
Fund Jail & Prisoner	63830	200.00	0.00	0.00	0.00%
ACJIS System	63840	9,000.00	0.00	0.00	0.00%
Software/Server Subscription	64310	12,000.00	6,563.77	9,208.76	76.73%
Computer Server	64318	3,500.00	0.00	0.00	0.00%
Personnel Recruit & Pre-Employment	64545	3,000.00	110.00	957.26	31.90%
Membership Dues-Professional Org	64550	4,000.00	1,822.80	1,822.80	45.57%
Books and Periodicals	64565	900.00	0.00	0.00	0.00%
Printing / Publications	64575	3,000.00	0.00	0.00	0.00%
Travel Expenses	64610	13,000.00	592.00	2,388.07	18.36%
Principal-Motorola Lease-Cameras	65104	21,350.00	0.00	0.00	0.00%
Vehicle Replacement	66735	70,000.00	0.00	0.00	0.00%
Total Police		2,662,970.00	203,263.30	734,312.91	27.57%
Fire/Animal Control	220				
Fire Seaside	63810	227,600.00	0.00	0.00	0.00%
Total Fire/Animal Control		227,600.00	0.00	0.00	0.00%
Public Works/Streets	311				
Payroll	61105	83,600.00	9,643.20	19,335.42	23.12%
Overtime	61110	3,000.00	0.00	0.00	0.00%
PERS UAL	61124	1,000.00	0.00	0.00	0.00%
PERS Retirement	61125	6,500.00	493.74	1,463.05	22.50%
Medicare-ER	61130	1,300.00	139.83	279.66	21.51%
Unemployment Ins-Fed & State	61132	100.00	0.00	0.00	0.00%
Dental Expense	61135	1,600.00	126.98	380.94	23.80%
Health Insurance	61140	30,300.00	0.00	4,800.48	15.84%

**City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

100 - General Fund
From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Vision Ins	61145	300.00	33.02	66.04	22.01%
Workers Comp and EAP	61150	5,200.00	0.00	2,749.74	52.87%
Wellness Program	61155	500.00	0.00	576.93	115.38%
Materials/Supply	62410	16,500.00	471.75	999.07	6.05%
Office Supplies	62430	1,500.00	200.00	200.00	13.33%
Auto Ops - Supplies / Equip	62710	2,500.00	0.00	0.00	0.00%
Auto Ops - Fuel	62720	5,000.00	0.00	831.34	16.62%
Repair/Maintenance	63505	41,000.00	533.00	4,675.78	11.40%
Gabilan Crew	63515	5,000.00	0.00	0.00	0.00%
Utilities - PG&E	63520	15,000.00	1,182.65	2,188.77	14.59%
Utilities - Water	63525	4,000.00	414.40	869.98	21.74%
Training	63605	5,000.00	0.00	0.00	0.00%
Insurance-Liability	63620	10,660.00	0.00	5,329.17	49.99%
Insurance-Property	63621	140.00	0.00	775.50	553.92%
Insurance-Vehicles	63622	4,500.00	0.00	4,267.00	94.82%
Organic Waste Regs Services	63654	9,000.00	0.00	0.00	0.00%
Auto Repair/Maintenance	63730	8,300.00	0.00	1,724.14	20.77%
Printing / Publications	64575	1,250.00	0.00	0.00	0.00%
Storm Water Project - Phase 4	64920	23,000.00	0.00	0.00	0.00%
Contingency	66905	27,780.00	0.00	0.00	0.00%
Total Public Works/Streets		313,530.00	13,238.57	51,513.01	16.43%
Parks/Recreation	411				
Materials/Supply	62410	15,500.00	2,928.43	4,722.97	30.47%
Office Supplies	62430	0.00	68.19	68.19	0.00%
Repair/Maintenance	63505	25,000.00	1,995.00	6,447.00	25.78%
Utilities - Water	63525	3,000.00	310.65	606.48	20.21%
Total Parks/Recreation		43,500.00	5,302.27	11,844.64	27.23%
Total Expense		4,698,800.00	364,688.77	1,136,964.40	24.20%
Other Financing Sources and Uses					
Non Department Specific	000				
Transfers Out to CIP	81001	(193,900.00)	0.00	0.00	0.00%
Total Non Department Specific		(193,900.00)	0.00	0.00	0.00%
Total Other Financing Sources and Uses		(193,900.00)	0.00	0.00	0.00%
Excess(Deficit) of Revenue Over Expenditures		(193,900.00)	20,136.14	(161,240.63)	83.15%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

210 - Gas Tax Fund
 From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
Gas Tax 2103	47010	14,600.00	0.00	4,142.55	28.37%
Gas Tax 2105	47020	10,000.00	0.00	2,317.41	23.17%
Gas Tax 2106	47030	9,000.00	0.00	2,200.22	24.44%
Gas Tax 2107	47040	11,900.00	0.00	3,217.37	27.03%
Gas Tax 2107.5	47050	<u>1,000.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>100.00%</u>
Total Non Department Specific		<u>46,500.00</u>	<u>0.00</u>	<u>12,877.55</u>	<u>27.69%</u>
Total Revenue		<u><u>46,500.00</u></u>	<u><u>0.00</u></u>	<u><u>12,877.55</u></u>	<u><u>27.69%</u></u>
Expense					
Public Works/Streets	311				
Street Sweeping	63510	10,000.00	0.00	0.00	0.00%
Street Lighting	63910	<u>15,000.00</u>	<u>928.89</u>	<u>1,951.39</u>	<u>13.00%</u>
Total Public Works/Streets		<u>25,000.00</u>	<u>928.89</u>	<u>1,951.39</u>	<u>7.81%</u>
Total Expense		<u><u>25,000.00</u></u>	<u><u>928.89</u></u>	<u><u>1,951.39</u></u>	<u><u>7.81%</u></u>
Excess(Deficit) of Revenue Over Expenditures		21,500.00	(928.89)	10,926.16	50.81%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

211 - SB1 Fund-RMRA
 From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
SB 1 Funds	47777	38,900.00	3,315.89	9,483.05	24.37%
Total Non Department Specific		38,900.00	3,315.89	9,483.05	24.38%
Total Revenue		<u>38,900.00</u>	<u>3,315.89</u>	<u>9,483.05</u>	<u>24.38%</u>
Expense					
Curb Repair	536				
Curb and Gutter Repair	66327	20,000.00	0.00	0.00	0.00%
Total Curb Repair		20,000.00	0.00	0.00	0.00%
Saucito/Work Gutter & Curb	537				
Curb and Gutter Repair	66327	40,000.00	0.00	0.00	0.00%
Total Saucito/Work Gutter & Curb		40,000.00	0.00	0.00	0.00%
Via Verde Curb & Gutter Repair	538				
Curb and Gutter Repair	66327	90,000.00	13,195.00	13,195.00	14.66%
Total Via Verde Curb & Gutter Repair		90,000.00	13,195.00	13,195.00	14.66%
Total Expense		<u>150,000.00</u>	<u>13,195.00</u>	<u>13,195.00</u>	<u>8.80%</u>
Excess(Deficit) of Revenue Over Expenditures		(111,100.00)	(9,879.11)	(3,711.95)	3.34%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

212 - Measure X Fund
 From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
Measure X	47775	94,400.00	0.00	0.00	0.00%
Total Non Department Specific		94,400.00	0.00	0.00	0.00%
Total Revenue		<u>94,400.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Expense					
Via Verde/Los Encinos Street Repair	524				
Street Improvements	66410	30,000.00	33,312.00	39,480.00	131.60%
Total Via Verde/Los Encinos Street Repair		30,000.00	33,312.00	39,480.00	131.60%
Angelus/Rosita Storm Drain Repair (Engineering)	525				
Street Improvements	66410	10,000.00	0.00	0.00	0.00%
Total Angelus/Rosita Storm Drain Repair (Engineering)		10,000.00	0.00	0.00	0.00%
Angelus/Rosita Storm Drain Repair (Construction)	526				
Street Improvements	66410	60,000.00	0.00	0.00	0.00%
Total Angelus/Rosita Storm Drain Repair (Construction)		60,000.00	0.00	0.00	0.00%
Debt Service - Measure X	610				
Principal - Measure X Loan	65103	80,400.00	0.00	0.00	0.00%
Interest - Measure X	65203	14,000.00	0.00	0.00	0.00%
Total Debt Service - Measure X		94,400.00	0.00	0.00	0.00%
Total Expense		<u>194,400.00</u>	<u>33,312.00</u>	<u>39,480.00</u>	<u>20.31%</u>
Excess(Deficit) of Revenue Over Expenditures		(100,000.00)	(33,312.00)	(39,480.00)	39.48%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

221 - FORA Habitat Management Fund

From 9/1/2023 Through 9/30/2023

		<u>FY 2024 Budget - Revised</u>	<u>September 2023 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
Planning & Building Regulation	160				
Contract Services - Habitat Management Plan	63646	34,536.50	0.00	0.00	0.00%
Total Planning & Building Regulation		<u>34,536.50</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expense		<u>34,536.50</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		(34,536.50)	0.00	0.00	0.00%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

223 - ARPA Fund
 From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Expense					
Police	210				
Mobile Data Terminals	66305	5,998.17	0.00	465.55	7.76%
Portable Radios	66306	<u>2,589.89</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Police		8,588.06	0.00	465.55	5.42%
City Hall Parking Lot Imp	527				
Parking Lot Improvements & Repairs	66425	100,000.00	0.00	0.00	0.00%
Total City Hall Parking Lot Imp		<u>100,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expense		<u>108,588.06</u>	<u>0.00</u>	<u>465.55</u>	<u>0.43%</u>
Excess(Deficit) of Revenue Over Expenditures		(108,588.06)	0.00	(465.55)	0.42%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

231 - BSCC-Officer Wellness & Mental Health Grant

From 9/1/2023 Through 9/30/2023

		<u>FY 2024 Budget - Revised</u>	<u>September 2023 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
Police	210				
Law Enforcement Wellness App	64314	<u>2,000.00</u>	<u>0.00</u>	<u>1,999.00</u>	<u>99.95%</u>
Total Police		<u>2,000.00</u>	<u>0.00</u>	<u>1,999.00</u>	<u>99.95%</u>
Total Expense		<u>2,000.00</u>	<u>0.00</u>	<u>1,999.00</u>	<u>99.95%</u>
Excess(Deficit) of Revenue Over Expenditures		(2,000.00)	0.00	(1,999.00)	99.95%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

235 - Asset Forfeitures
 From 9/1/2023 Through 9/30/2023

		<u>FY 2024 Budget - Revised</u>	<u>September 2023 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Revenue					
Police	210				
Police Grants & Other Reimbursements	47780	5,000.00	0.00	0.00	0.00%
Total Police		<u>5,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Revenue		<u>5,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		5,000.00	0.00	0.00	0.00%

**City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

301 - Capital Projects
From 9/1/2023 Through 9/30/2023

		FY 2024 Budget - Revised	September 2023 Actual	FY 2024 YTD Actual	Percent Collected/Used
Expense					
Housing Element 6th Cycle	532				
Housing Element Cost - 6th Cycle	63638	138,900.00	0.00	0.00	0.00%
		<u>138,900.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Housing Element 6th Cycle		138,900.00	0.00	0.00	0.00%
Vehicle Replacement	533				
Vehicle Replacement	66735	35,000.00	0.00	0.00	0.00%
Total Vehicle Replacement		35,000.00	0.00	0.00	0.00%
City Hall Facility Repairs & Upgrades	541				
Repairs and Improvements	66322	10,000.00	0.00	0.00	0.00%
Total City Hall Facility Repairs & Upgrades		10,000.00	0.00	0.00	0.00%
Council Chamber Technology Project	542				
Technology Upgrades	66323	10,000.00	0.00	0.00	0.00%
Total Council Chamber Technology Project		10,000.00	0.00	0.00	0.00%
Total Expense		<u>193,900.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Other Financing Sources and Uses					
Housing Element 6th Cycle	532				
Transfers In from GF	82001	138,900.00	0.00	0.00	0.00%
Total Housing Element 6th Cycle		138,900.00	0.00	0.00	0.00%
Vehicle Replacement	533				
Transfers In from GF	82001	35,000.00	0.00	0.00	0.00%
Total Vehicle Replacement		35,000.00	0.00	0.00	0.00%
City Hall Facility Repairs & Upgrades	541				
Transfers In from GF	82001	10,000.00	0.00	0.00	0.00%
Total City Hall Facility Repairs & Upgrades		10,000.00	0.00	0.00	0.00%
Council Chamber Technology Project	542				
Transfers In from GF	82001	10,000.00	0.00	0.00	0.00%
Total Council Chamber Technology Project		10,000.00	0.00	0.00	0.00%
Total Other Financing Sources and Uses		<u>193,900.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		0.00	0.00	0.00	0.00%

City of Del Rey Oaks
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

321 - SBR Engineering Fund
 From 9/1/2023 Through 9/30/2023

		<u>FY 2024 Budget - Revised</u>	<u>September 2023 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
SBR Engineering	518				
Contract Services - Engineering	63611	505,830.00	0.00	0.00	0.00%
Total SBR Engineering		<u>505,830.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expense		<u>505,830.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		(505,830.00)	0.00	0.00	0.00%



FIRE DEPARTMENT

1635 Broadway Avenue
Seaside, CA 93955

Telephone (831) 899-6790
FAX (831) 899-6261

October 3, 2023

John Guertin, City Manager
Del Rey Oaks City Hall
650 Canyon Del Rey
Del Rey Oaks, CA 93940

Dear Mr. Guertin:

Enclosed is a copy of the response reports for the Seaside Fire Department response to Del Rey Oaks for the period of September 1, 2023 through September 30, 2023.

The Seaside Fire Department responded to the following incidents in the month of September:

Incident #

230906-SEA02344	230920-SEA02487
230911-SEA02386	230920-SEA02488
230913-SEA02408	230929-SEA02575
230914-SEA02423	
230918-SEA02463	

There are Eight (8) fire calls for the month of September. If you have any questions, please contact me.

Sincerely,

Paul Blaha
Deputy Fire Chief
CC: File

SEASIDE FIRE DEPARTMENT
City of Del Rey Oaks - Response Report

Incident Date	Incident Number	Alarm Time	Arrival Time	Response Time (Minutes)	Incident Type Code	District	Street Or Highway Name	Priority
9/6/2023	230906-SEA02344	8:39:15 AM	8:44:33 AM	4.15	321	29	CANYON DEL REY	Emergent
9/11/2023	230911-SEA02386	11:13:01 AM	11:19:02 AM	5.58	321	29	Calle Del Oaks	Emergent
9/13/2023	230913-SEA02408	11:50:56 AM	11:56:08 AM	5.20	745	29	Calle Del Oaks	Emergent Downgraded to Non-Emergent
9/14/2023	230914-SEA02423	10:04:49 AM	10:11:52 AM	6.52	745	29	Calle Del Oaks	Emergent
9/18/2023	230918-SEA02463	11:01:20 AM	11:09:40 AM	7.83	6001	29	BORONDA	Non-Emergent
9/20/2023	230920-SEA02487	5:28:40 PM	5:35:26 PM	6.13	321	29	Osio	Emergent
9/20/2023	230920-SEA02488	8:25:02 PM	8:31:43 PM	5.93	321	29	Canyon Del Rey	Emergent
9/29/2023	230929-SEA02575	12:23:46 PM	12:32:07 PM	7.63	520	29	Pheasant Ridge	Non-Emergent

Total Calls 8

LEGEND CODE:	INCIDENT TYPE:
100-173	FIRE
200-251	OVERPRESSURE
300-381	MEDICAL RESPONSE
400-482	HAZARDOUS CONDITION
500-571	SERVICE CALL
600-672	GOOD INTENT CALL
700-751	FALSE ALARM/FALSE CALL
800-810	SEVERE WEATHER
900-911	SPECIAL/CITIZEN COMPLAINT



POLICE

DEL REY OAKS

City Council Report

Sept 2023

Chris Bourquin - Chief

Case #	Date	Offense Code 1	Offense Code Description	DRO	MPAD	OJ	Residential	Commercial
23-238	09/05/2023	Outside Warrant/M	Warrant Arrest					X
23-239	09/08/2023	476 PC	Check Fraud					X
23-240	09/11/2023	Information Only						
23-241	09/13/2023	Lost Property						
23-242	09/13/2023	Information Only						
23-243	09/18/2023	Information Only						
23-244	09/18/2023	Information Only						
23-245	09/19/2023	Information Only						
23-246	09/20/2023	Information Only						
23-247	09/22/2023	ACN	Traffic Collison					X
23-248	09/22/2023	Elder Abuse	Welfare check				X	
23-249	09/22/2023	Civil	Neighbor dispute				X	
23-250	09/23/2023	ACN	Traffic Collision					X
23-251	09/23/2023	273A(B) PC	DUI/Child Endangerment					X
23-252	09/27/2023	23152(B) VC	DUI/Reckless driving					
23-253	09/27/2023	Outside Warrant/M	Arrest					X
23-254	09/28/2023	419 PC	Arrest				X	
17 CASES								

Calls for Service	
Month	YTD
310	2939

Case Reports	
Month	YTD
17	254

Alarms					
Residential		Commercial		MPAD	
Mo.	YTD	Mo.	YTD	Mo.	YTD
4	14	4	29	5	52

Citations					
Moving		Parking		Warning	
Mo.	YTD	Mo.	YTD	Mo.	YTD
15	103	56	223	21	182



Group A Offense Report

Printed On: 10/10/2023

Beginning Date: 09/01/2023

Ending Date: 09/30/2023

Page 1 of 1

Item 3.

Agency: All

Offense	Reported in 2023	Reported in 2022	Percent Change	Offenses Cleared	Percent Cleared	Percent Of Category	Rate Per 100,000*
Murder	0	0	NA	0	0.00%	0.00%	NA
Negligent Manslaughter	0	0	NA	0	0.00%	0.00%	NA
Justifiable Homicide	0	0	NA	0	0.00%	0.00%	NA
Non-consensual Sex Offenses:							
Rape	0	0	NA	0	0.00%	0.00%	NA
Sodomy	0	0	NA	0	0.00%	0.00%	NA
Sexual Assault with Object	0	0	NA	0	0.00%	0.00%	NA
Fondling	0	1	-100.00%	0	0.00%	0.00%	NA
Aggravated Assault	0	0	NA	0	0.00%	0.00%	NA
Simple Assault	0	0	NA	0	0.00%	0.00%	NA
Intimidation	0	1	-100.00%	0	0.00%	0.00%	NA
Kidnapping/Abduction	0	0	NA	0	0.00%	0.00%	NA
Consensual Sex Offenses:							
Incest	0	0	NA	0	0.00%	0.00%	NA
Statutory Rape	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Commercial Sex Acts	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Involuntary Servitude	0	0	NA	0	0.00%	0.00%	NA
Crimes Against Persons Total	0	2	-100%	0	0.00%	0.00%	NA
Robbery	0	0	NA	0	0.00%	0.00%	NA
Burglary/Breaking & Entering	0	0	NA	0	0.00%	0.00%	NA
Larceny/Theft Offenses	0	4	-100.00%	0	0.00%	0.00%	NA
Motor Vehicle Theft	0	0	NA	0	0.00%	0.00%	NA
Arson	0	0	NA	0	0.00%	0.00%	NA
Destruction Of Property	1	1	0.00%	1	100.00%	33.33%	NA
Counterfeiting/Forgery	1	0	NA	0	0.00%	33.33%	NA
Fraud Offense	1	0	NA	0	0.00%	33.33%	NA
Embezzlement	0	0	NA	0	0.00%	0.00%	NA
Extortion/Blackmail	0	0	NA	0	0.00%	0.00%	NA
Bribery	0	0	NA	0	0.00%	0.00%	NA
Stolen Property Offenses	0	0	NA	0	0.00%	0.00%	NA
Crimes Against Property Total	3	5	-40%	1	33.33%	60%	NA
Drug/Narcotic Violations	1	0	NA	1	100.00%	50.00%	NA
Drug Equipment Violations	1	0	NA	1	100.00%	50.00%	NA
Gambling Offenses	0	0	NA	0	0.00%	0.00%	NA
Pornography/Obscene Material	0	0	NA	0	0.00%	0.00%	NA
Prostitution	0	0	NA	0	0.00%	0.00%	NA
Weapons Law Violation	0	0	NA	0	0.00%	0.00%	NA
Animal Cruelty	0	0	NA	0	0.00%	0.00%	NA
Crimes Against Society Total	2	0	NA	2	100%	40%	NA
Total Group "A" Offenses	5	7	-28.57%	3	60%	100%	NA

Note: The Rate per 100,000 will be 'NA' when the Adjusted Population Base is Zero.



Group A Offense Report

Printed On: 10/10/2023

Page 1 of 1

Item 3.

Beginning Date: 01/01/2023

Ending Date: 09/30/2023

Agency: All

Offense	Reported in 2023	Reported in 2022	Percent Change	Offenses Cleared	Percent Cleared	Percent Of Category	Rate Per 100,000*
Murder	0	0	NA	0	0.00%	0.00%	NA
Negligent Manslaughter	0	0	NA	0	0.00%	0.00%	NA
Justifiable Homicide	0	0	NA	0	0.00%	0.00%	NA
Non-consensual Sex Offenses:							
Rape	1	0	NA	0	0.00%	8.33%	NA
Sodomy	1	0	NA	0	0.00%	8.33%	NA
Sexual Assault with Object	0	0	NA	0	0.00%	0.00%	NA
Fondling	0	1	-100.00%	0	0.00%	0.00%	NA
Aggravated Assault	3	4	-25.00%	0	0.00%	25.00%	NA
Simple Assault	3	6	-50.00%	0	0.00%	25.00%	NA
Intimidation	4	2	100.00%	3	75.00%	33.33%	NA
Kidnapping/Abduction	0	0	NA	0	0.00%	0.00%	NA
Consensual Sex Offenses:							
Incest	0	0	NA	0	0.00%	0.00%	NA
Statutory Rape	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Commercial Sex Acts	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Involuntary Servitude	0	0	NA	0	0.00%	0.00%	NA
Crimes Against Persons Total	12	13	-7.69%	3	25%	14.29%	NA
Robbery	0	0	NA	0	0.00%	0.00%	NA
Burglary/Breaking & Entering	4	1	300.00%	0	0.00%	6.90%	NA
Larceny/Theft Offenses	31	66	-53.03%	8	25.81%	53.45%	NA
Motor Vehicle Theft	1	3	-66.67%	0	0.00%	1.72%	NA
Arson	0	0	NA	0	0.00%	0.00%	NA
Destruction Of Property	9	11	-18.18%	2	22.22%	15.52%	NA
Counterfeiting/Forgery	1	2	-50.00%	0	0.00%	1.72%	NA
Fraud Offense	10	11	-9.09%	0	0.00%	17.24%	NA
Embezzlement	0	0	NA	0	0.00%	0.00%	NA
Extortion/Blackmail	0	0	NA	0	0.00%	0.00%	NA
Bribery	0	0	NA	0	0.00%	0.00%	NA
Stolen Property Offenses	2	1	100.00%	2	100.00%	3.45%	NA
Crimes Against Property Total	58	95	-38.95%	12	20.69%	69.05%	NA
Drug/Narcotic Violations	6	3	100.00%	5	83.33%	42.86%	NA
Drug Equipment Violations	5	4	25.00%	5	100.00%	35.71%	NA
Gambling Offenses	0	0	NA	0	0.00%	0.00%	NA
Pornography/Obscene Material	1	0	NA	1	100.00%	7.14%	NA
Prostitution	0	0	NA	0	0.00%	0.00%	NA
Weapons Law Violation	1	4	-75.00%	0	0.00%	7.14%	NA
Animal Cruelty	1	0	NA	0	0.00%	7.14%	NA
Crimes Against Society Total	14	11	27.27%	11	78.57%	16.67%	NA
Total Group "A" Offenses	84	119	-29.41%	26	30.95%	100%	NA

Note: The Rate per 100,000 will be 'NA' when the Adjusted Population Base is Zero.



Staff Report

DATE: October 24, 2023

TO: Honorable Mayor and Council Members

FROM: John Guertin, City Manager

SUBJECT: Waive Second Reading and Adopt an Ordinance Amending the Del Rey Oaks Municipal Code to Add an Affordable Housing Overlay Zone to Defined Areas Within Former Fort Ord Within the City in Order to Meet the City's Regional Housing Needs Allocation Requirements Under the 5th Cycle Housing Element Update

Consideration

Waive second reading and adopt an Ordinance amending the Del Rey Oaks Municipal Code to add an affordable housing overlay zone to defined areas within former Fort Ord within the City in order to meet the City's Regional Housing Needs Allocation requirements under the 5th Cycle Housing Element Update.

Summary & Discussion

The Planning Commission held a public hearing on October 11, 2023. The Commission took testimony on the Housing Element Update, General Plan and Zoning Amendments, and also considered public testimony on the Final EIR. The Commission considered all information related to the project, including public testimony received in writing and presented orally. The Planning Commission voted to recommend approval to the Council of the 5th Cycle Housing Element Update, General Plan and Zoning Amendments that would amend the City's Municipal Code (Chapter 17), Zoning, to add a new Affordable Housing Overlay zoning district and establish land use and development standards to guide the future development of the overlay zone designated sites. The Commission also recommended certification of the EIR.

The City Council held a public hearing on October 18, 2023. The Council took testimony on the Housing Element Update, General Plan and Zoning Amendments, and also considered public testimony on the Final EIR. The Council also considered all information related to the project, including public testimony received in writing and presented orally.

The Council approved a Resolution adopting the City's 2015-2023 General Plan 5th Cycle Housing Element Update, approving the General Plan Amendments, and certifying the 5th Cycle 2015-2023 Housing Element Update EIR, with approval of the Mitigation Monitoring and Reporting Program.

The Council also introduced the ordinance to amend the Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone.

The action before the Council tonight is to hold a second reading and consider adoption of the ordinance amending the Zoning Code.

Environmental Documentation

The City of Del Rey Oaks (the City), as Lead Agency, prepared a Draft Environmental Impact Report (Draft EIR) under the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq. The Draft EIR was prepared to provide the public and responsible and trustee agencies with information on the potential environmental effects of implementation of the City of Del Rey Oaks' 2023 5th Cycle Draft Housing Element Update (Proposed Project). The Draft EIR was circulated for a 45-day public review period, between August 14, 2023, and September 27, 2023. The Draft EIR recommended mitigation measures which would reduce potential environmental impacts to a less than significant level.

The City Council by Resolution 2023-19 on October 18, 2023, certified that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines and that the mitigation monitoring and reporting program has been prepared to meet the requirements of Public Resources Code Section 21081.6.

The City Council found that all significant effects on the environment due to approval and implementation of the proposed project have been eliminated or substantially lessened and that the Mitigation Monitoring and Reporting Program is designed to ensure compliance with project mitigation measures imposed to avoid or substantially lessen the potential significant effects identified in the EIR for the project.

Fiscal Impacts

None.

ATTACHMENTS:

- Resolution
- Affordable Housing Overlay Zoning Ordinance with Exhibit of Zoning Map

Respectfully submitted,

John Guertin
City Manager

CITY COUNCIL RESOLUTION NO. 2023-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS TO AMEND THE CITY'S MUNICIPAL CODE CHAPTER 17.90 PERTAINING TO AFFORDABLE HOUSING

WHEREAS, the California Legislature has determined that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

WHEREAS, the City of Del Rey Oaks prepared the Draft 2023 5th Cycle Housing Element Update in accordance with California Housing Element Law (Government Code section 65580 et seq.); and

WHEREAS, the City's share of the regional housing need was established in the Regional Housing Needs Allocation (RHNA) prepared and adopted by the Association of Monterey Bay Area Governments (AMBAG) for 5th Cycle. The allocation establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element; and

WHEREAS, Housing Element Law requires the Housing Element to identify adequate sites to that are appropriate zoned to accommodate the City's Regional Housing Needs Allocation (RHNA) for all income categories, and the Housing Element Update identifies sites that can accommodate housing exceeding the City's RHNA; and

WHEREAS, the City desires to achieve certification from the State Department of Housing and Community Development (HCD) for the 5th Cycle Housing Element and correspondence from HCD required the City to revise Program A.1 to commit to rezone Sites 1 and 1a, as shown on Exhibit A, attached hereto; and

WHEREAS, on April 21, 2023, the City submitted the 2023 5th Cycle Housing Element Update to HCD, Division of Housing Policy and Development, for the required 60-day review period, with a cover letter specifying how the City revised the document as required per the HCD Letter of March 2020. The City also posted the 2023 5th Cycle Housing Element Update on the City's website; and

WHEREAS, in June 2023, HCD found that April 21, 2023 draft element, incorporating the revisions submitted, met most of the statutory requirements of State Housing Element Law. This finding was based on, among other reasons, Program A.1 (Accommodate the City's Regional Housing Needs Allocation (RHNA)), which commits to rezoning a portion of two City-Owned sites known as the Former Fort Ord properties; and

WHEREAS, HCD stated the housing element will comply with State Housing Element Law (Gov. Code, § 65580 et seq) when the element is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585 along with evidence of required zoning

adoption, and pursuant to Government Code section 65584.09, the element cannot be found in compliance with housing element law until the required rezoning is adopted; and

WHEREAS, the City conducted substantial and broad public engagement including outreach, on-line meetings, live presentations, and public workshops, as documented in the 2023 5th Cycle Housing Element Update submitted to HCD and City's website; and

WHEREAS, the City, as Lead Agency, prepared a Draft EIR in accordance with CEQA Guidelines and Public Resources Code §21000 et seq., to provide the public and responsible and trustee agencies with information on the potential environmental effects of implementation of the 2023 Draft Housing Element Update. The Draft EIR addressed the environmental consequences of the proposed project, including revisions to specific adopted programs in the 2019 document related to general plan amendment and rezoning of former Fort Ord, and an analysis of cumulative impacts and alternatives; and

WHEREAS, the EIR evaluates the proposed project actions, which involve implementing the 2023 5th Cycle Housing Element Update, including amending land use designations in the General Plan and adding a zoning designation that would allow residential uses to meet affordable housing requirements of RHNA and State Law; and

WHEREAS, the Planning Commission held a public hearing on October 11, 2023. The Commission took testimony on the Housing Element Update, General Plan and Zoning Amendments, Zoning Ordinance Overlay Zone and also considered public testimony on the Final EIR; and

WHEREAS, the Planning Commission hearing considered the 2023 5th Cycle Housing Element Update consistency requirements and addressed desire to amend the City's Municipal Code (Chapter 17), to add a new Affordable Housing Overlay zoning district and establish land use and development standards to guide the future development of the overlay zone designated sites, using objective design standards; and

WHEREAS, the Commission considered all information related to the project, including public testimony received in writing and presented orally; and

WHEREAS, the Planning Commission voted to recommend approval to the Council of the 5th Cycle Housing Element Update, General Plan and including amending City's Municipal Code (Chapter 17), to add a new Affordable Housing Overlay zoning district. The Commission also recommended certification of the EIR; and

WHEREAS, the City Council held a public hearing on October 18, 2023. The Council took testimony on the Housing Element Update and the requirements to achieve HCD consistency for the Housing Element. The Council also took testimony and received presentation from Planning Consultants as to the Zoning Ordinance Overlay Zone, General Plan and Zoning Amendments, and also considered public testimony on the Final EIR; and

WHEREAS, notification regarding the City Council public hearing was published in a newspaper of general circulation, posted on the City website and public kiosks, and emailed to the City's email list; and

WHEREAS, at the City Council held a duly noticed public hearing on October 18, 2023, as prescribed by law, the Council also introduced the ordinance to amend the Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone; and

WHEREAS, the City Council considered all information specifically related to the Zoning Ordinance including comments related to the implementation of the ordinance; and

WHEREAS, the City Council by Resolution 2023-19 on October 18, 2023, certified that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines and that the mitigation monitoring and reporting program had been prepared to meet the requirements of Public Resources Code Section 21081.6.; and

WHEREAS, the City Council by Resolution 2023-19 on October 18, 2023, adopted the Housing Element Update, and General Plan Amendments; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Resolution, the City Council found that the proposed 2023 5th Cycle Housing Element Update and Zoning Ordinance Amendments will provide adequate sites with corresponding density to meet the City's RHNA allocation; and

WHEREAS, adopting the Zoning Ordinance Overlay implements State mandated and locally desired programs necessary to implement the Housing Element effectively; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DEL REY OAKS, STATE OF CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. That the above recitals are true and correct; and
2. The City Council was presented with, and has independently reviewed and analyzed, the Final EIR and other information in the record and has considered the information contained therein prior to acting upon or approving the project, and has found that the Final EIR represents the independent judgment of the City of Del Rey Oaks as lead agency under CEQA for the project; and
3. The City Council finds all findings included in Resolution 2023-19 are true and correct and incorporated herein; and

SECTION 1. That the City Council introduced the ordinance to amend the Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone and Council held a

hearing to consider a second reading and consider adoption of the ordinance amending the Zoning Code.

SECTION 2. That the public interest and that the public health, safety and welfare will be served by the adoption of the Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone, attached hereto.

SECTION 3. That the City Council hereby approves the second reading of the attached zoning ordinance referenced as Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone and directs publication of the ordinance as required by law.

PASSED AND ADOPTED at a special meeting of the Del Rey Oaks City Council duly held on October 24, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED:

Scott Donaldson, Mayor

ATTEST:

Karen Minami, City Clerk

Attachment: Affordable Housing Overlay Zoning Ordinance with Exhibit of Zoning Map

ATTACHMENT B to Staff Report

Affordable Housing Overlay Zoning Ordinance with Exhibit of Zoning Map

October 24, 2023: Updated links in the attached specify the detailed code provision referenced within City Municipal Code under Design Review 17.56 and General Provisions 17.04, consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5). Changes are minor and do not constitute substantive changes to the Planning Commission recommended Ordinance or to the Ordinance 1st Reading at City Council October 18, 2023.

DRAFT
ORDINANCE NO.

###

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS,
CALIFORNIA, TO ADD PROVISIONS TO THE DEL REY OAKS MUNICIPAL CODE
RELATED TO AFFORDABLE HOUSING

WHEREAS, California State law requires that all local governments adopt a Housing Element as one of the seven mandated elements of its General Plan; and

WHEREAS, the State of California requires that all local governments adequately plan to meet the housing needs of their residents. The state mandate for doing so is called a Regional Housing Needs Allocation (RHNA). The RHNA plan is prepared by the Association of Monterey Bay Area Governments (AMBAG) and establishes the total number of housing units the City must plan for within an eight-year planning period. The amount of housing units is determined by the California Housing and Community Development Department's (HCD) housing need assessment; and

WHEREAS, the City has evaluated land use and zoning opportunities and constraints to determine ways to best implement the goals and policies of the general plan housing element and provide the opportunity and means for Del Rey Oaks to accommodate its regional fair share allotment of affordable units, while at the same time balancing community safety, needs and resources.

WHEREAS, the City Housing Element ("Housing Element") includes an opportunity sites inventory that designates specific parcels needing rezoning to meet the City's RHNA and further establishes policies and programs necessary to implement requirements of State housing law; and

WHEREAS, amendments to the Zoning Ordinance and Zoning Map are necessary to permit housing in the areas identified in the Housing Element as opportunity sites and to implement requirements contained in HCD guidance letters, including committing to rezoning to meet RHNA.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Del Rey Oaks, California as follows:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City of Del Rey Oaks adopts the text set forth below, which shall be added as Chapter 17.90 to the City of Del Rey Oaks Municipal Code as follows:

“Chapter 17. 90 – Affordable Housing Overlay Zone ”

Section 17.90.010: Purpose and Intent

The purpose and intent of the Housing Element Implementation Overlay Zone is to facilitate housing opportunities within the community via implementation of required rezone programs pursuant to the City's adopted Housing Element where required for compliance with State Housing Element Law. This chapter contains requirements for overlay zones applicable to residential uses and affordable housing for residential areas. The purpose of this chapter is to establish standards and regulations and define specific areas appropriate for an affordable housing overlay zone to accommodate the City's RHNA.

Section 17.90.020: Definition of Overlay Zone

“Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

Section 17.90.030: Affordable Housing Overlay Zone (AH-OZ)

- A. Purpose. The purpose of the Affordable Housing Overlay Zone (AH-OZ) is to facilitate the provision of affordable housing units through the construction of new affordable units within land not currently zoned for residential uses. The AH-OZ overlay zone is intended to:
1. Implement the goals and policies of the General Plan Housing Element and provide the opportunity and means for Del Rey Oaks to meet its regional fair share allotment of affordable units as established by State of California and Association of Monterey Bay Area Governments.
 2. Encourage the provision of affordable housing to meet the Regional Housing Needs Assessment through the AH-OZ overlay within an area that is deemed to be appropriate for such uses and is determined to be consistent with the City’s Housing Element.
- B. Applicability. The AH-OZ overlay zone is applied to a specific area. The overlay zone is applied to the parcels in the area of South Boundary Road, north and south of South Boundary Road and east of General Jim Moore Boulevard, specifically to the City owned properties identified as Sites 1 and 1a of the former Fort Ord area, as depicted on Exhibit A.
- C. Definitions.
1. “Affordable housing” means housing capable of being purchased or rented by a household with “very low,” “low,” or “moderate” income levels at an “affordable housing cost” or “affordable rent,” as those terms are defined by the state of California.
 2. “Affordable housing overlay district” means a zoning district that applies in addition to existing zoning designations in areas where the City seeks to encourage the provision of affordable housing units as described in this Chapter.
 3. The “very low,” “low,” and “moderate” income levels are defined by the state of California in Sections [50105](#), [50079.5](#), and [50093](#), respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
 - a. Very Low Income. Up to and including fifty percent of the Monterey County median income, adjusted for family size, as defined by the state law;
 - b. Lower Income. Fifty-one percent to eighty percent of Monterey County median income, adjusted for family size, as defined by the state law;
 - c. Moderate Income. Eighty-one percent to one hundred twenty percent of Monterey County median income, adjusted for family size, as defined by state law.
 4. “Affordable housing cost” and “affordable rent” are defined in Sections 50052.5 and 50053, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900.
- D. Permits and Approvals Required.

1. Affordable housing developments proposed under this chapter require the execution of a development agreement by the City and the developer. The development agreement shall be prepared in accordance with the provisions of California Government Code Section [65864](#) et seq.
2. Affordable housing developments proposed under this chapter require approval of a design permit. All requirements in Chapter [17.56.020](#) (Design Review) related to approving body apply, except that the Planning Commission shall recommend design permit approval to the City Council. The City Council may take action on the design permit application concurrently with or subsequent to action on the development agreement.
3. All approvals, procedures, conditions of approval, and decisions shall be made in a manner consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5). Should requirements in Chapter 17.56 (Design Review) be inconsistent or contrary to the Housing Accountability Act, state law shall prevail.

F. Permitted Residential Density and Designation.

1. Affordable housing developments with minimum density of twenty units per acre are permitted in the AH-OZ overlay zone per the requirements of HCD.
2. Designation. Sites 1 and 1a within the Affordable Housing Overlay Zoning District shall be indicated by the AH-OZ designation.

G. Income Restrictions.

1. The following categories shall be allowed under the required income restrictions:
 - a. Moderate-income households;
 - b. Low-income households;
 - c. Very low-income households; or
 - d. Extremely low-income households.
2. At minimum, fifty percent of income-restricted affordable units (twenty-five percent of the total project units) shall be affordable to low, very low, and extremely low-income households. A greater level of affordability will not allow a greater level of density.

H. Design Review and Development Standards.

1. Design review shall be required for any residential development proposed pursuant to this chapter and shall be conducted as specified in Chapter [Chapter 17.56.030](#) (Design Review), provided, however, that all procedures, conditions of approval, and decisions shall be made in a manner consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5).
2. The following development standards are intended to govern residential development within the AH-OZ overlay zone:

<u>Subject</u>	<u>Standard</u>
Dwelling units/acre	20 units/acres minimum to 25 units/acre maximum

Building Lot Coverage	50%
Lot area (minimum)	Minimum 2 acres (43,560 square feet per acre)
Usable open space (minimum)	150 square feet per unit
Structure height (maximum)	35 feet
Setbacks (min. in feet)	Setbacks required consistent with R-2 zoning
Front 20 ft; Side 7 ft., except add 2 ft. for each story beyond the first story. Multi-dwellings require additional side yard (9 ft.) when grouped homes use rear entryways. Rear 15 ft.	

3. Building Height. Maximum building height shall be 35 feet with a maximum of three stories.
4. Common Open Space.
 - a. Common open space shall comprise the greater of:
 - i. Ten percent of the total area of the site; or
 - ii. One hundred fifty square feet for each dwelling unit.
 - b. Areas occupied by buildings, streets, driveways, parking spaces, utility units, mailboxes, and trash enclosures may not be counted in satisfying the open space requirement.
 - c. The following areas may be counted in satisfying the open space requirement:
 - i. Landscaping and areas for passive and active recreation/open space with a minimum depth and width of eight feet.
 - ii. Land occupied by natural open space areas.
5. Streets.
 - a. All public streets within or abutting the proposed development shall be improved to City specifications for the particular classification of street.
 - b. All private streets shall meet fire code and access standards.
6. Building Coverage. The maximum building coverage is 50%.
7. Distance Between Buildings on Same Lot. The following requirements for distance between buildings, excerpted from City Zoning Code requirements for R-2 Districts, as identified in 17.12.090, are established:
 - a. No main building shall be closer than 15 feet to any other main building on the same lot, except as hereinafter specified for dwelling groups, below.
 - b. Dwelling groups shall conform to the following regulations as to their location upon the lot and distances between buildings:
 - i. In any such front to back series of buildings, at least 15 feet between buildings and at least eight feet for the side yard providing access;

ii. In any single row side to side series of buildings, at least eight feet between buildings, at least five feet for the side yard to the rear thereof and at least 16 feet for the side yard in front thereof;

iii. In any multiple row side to side series of buildings, at least eight feet between buildings, at least five feet for the side yard to the rear thereof and at least 20 feet for the court between the rows;

iv. No building or group of buildings to encroach on the front yard required for adjacent lots.

8. Design Standards for Open Space. The intent of Design Standards related to distance between structures and open space requirement is to provide adequate distance and placement of buildings in the development to promote privacy for residents and neighbors and security.
9. Massing Articulation. Multifamily and mixed-use projects shall be designed to reduce the perceived mass, scale, and form of the overall development through use of varying roof heights, setbacks, and wall plane. Methods to achieve this include recessed facades, offsets and articulations in the building mass; varied roof height, massing, color and/or materials to create variations between individual buildings. Buildings shall be designed to ensure placement of buildings are not aligned along a single plane that results in a large "wall" on any single side of the building. The following standards apply:
 - a. No wall along a single plane shall extend beyond 40 feet without breaking up building mass. Specific standards are identified below:
 - i. A minimum of two features such as balconies, cantilevers, dormers, bay windows, patios, individualized entries, and accent materials shall be incorporated into each project building.
 - ii. A minimum one-foot offset is required for any wall plane that exceeds 40 feet in length.
 - b. Three-story buildings shall have massing breaks along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries.

J. Assurance of Affordability.

1. Affordable housing units developed under this section shall remain available to persons and families of very low, low, and moderate income, at an affordable housing cost or affordable rental cost, at those income and affordability levels as defined in subsection C of this section (Definitions), for fifty-five years or the natural life of the unit, whichever is greater, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, state law, or housing grant, loan or subsidy program.
2. The required period of affordability shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than fifty-five years or the natural life of the unit, whichever is greater.
3. The project developer shall be required to enter into an appropriate agreement with the City to ensure affordability is maintained for the required period.

K. Pre-Application Consultation.

1. Prior to submitting an application for an affordable housing development within the AH-OZ overlay zone, the applicant or prospective developer should request preliminary consultation meetings with the City to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys and other data.
 2. Preliminary consultations with City staff should address potential local, state, and federal affordable housing funding availability, and program requirements in guaranteeing project consistency with the objectives and requirements of the AH-OZ overlay zone.
- L. Additional Application Requirements. An application for an affordable housing development within the affordable housing overlay zone shall be filed and reviewed in compliance with Chapter [17.04.040](#) (General Provisions, Administration and Enforcement) and shall also include the following materials and information:
1. Breakdown of affordable and market rate units including unit number, unit size, affordable designation of each unit (very low, low, or moderate), and rental rate or sale price.
 2. The proposed means for assuring the continuing existence, maintenance and operation of the project as an affordable housing project.
 3. Site plan requirements as detailed in Chapter [17.56.040, A and B](#) (Design Review Procedures).
- LI. Development Incentives. Development standards shall apply to all projects governed under this Chapter. In certain cases, where the City Council determines that incentives may be applied as further described below, specified design standards may be relaxed if the findings can be made that the proposed development qualifies for development incentives.
1. Purpose. In order to reduce costs associated with the development and construction of affordable housing, affordable housing developments within the AH-OZ overlay zone shall be eligible for specified development incentives. The City incentives may include reduced fees or fee waivers or incentives related to development regulations to facilitate and promote the development of affordable housing in the City. Incentives shall be targeted to address funding and affordability, so as to permit the City to meet its regional fair share allotment of affordable housing and the goals of the housing element of the general plan, or to address project design features to aid in development of affordable housing in the City.
 2. Fee Waivers. The City may reduce or waive fees, as an incentive for projects that comply with the affordability required in subsection G of this section (Income Restrictions).
 3. Relaxed Development Standards. The City may consider the following relaxed development standards for projects that comply with the affordability required in subsection G of this section (Income Restrictions):
 - a. Density Averaging. Project density within the AH-OZ overlay zone may be calculated by averaging the density on a project-wide basis so as to permit higher density levels in certain project portions in exchange for advantageous project design features as determined by the City through the design permit review process.
 - b. Setbacks. The minimum setbacks from property lines and distance between buildings may be reduced, but in no case more than ten percent reduction from the standard and only as part of an overall project plan approved by the City Council through the design permit process.

- c. **Building Coverage.** The maximum building coverage is 50% unless the City determines a lower maximum building coverage for the proposed project through the design review process as part of a development incentive. At no time should the maximum building coverage be less than 45%.
 - d. **Minimum Building Site Area and Lot Area per Unit.** There may be a reduced size of 1.5-acre minimum building area as development incentive. The building site area shall be designated on a site plan as approved by the City through the design permit review process.
3. **Additional Development Incentives.** The City may choose to extend one or more additional development incentives depending on the quality, size, nature, and scope of the project being proposed.
- N. **Zoning Map Amendment.** The City of Del Rey Oaks Zoning Map shall be amended to apply the additional of the Affordable Housing Overlay Zoning District (designated as AF-OZ), as described in this Section 17.90.030, above, and depicted in Exhibit A.
- O. **Findings.** To approve or recommend approval of an affordable housing development, the review authority shall make the following findings, in addition to findings as required by Chapter in Chapter [17.56](#) (Design Review) and consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5):
- 1. The developer has agreed to enter into an agreement to maintain the affordability of the project specific to the requirements of the City and any funding sources with greater or longer affordability requirements.
 - 2. The affordable housing development project would not have a specific, adverse impact upon the public health or safety. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SECTION 3. Environmental Determination. The City prepared an Environmental Impact Report (EIR) for the project pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., “CEQA”) and the Guidelines for Implementation of CEQA (Title 14, Cal. Code of Regs., Section 15000 et seq., the CEQA Guidelines).

SECTION 4. This ordinance shall take effect thirty (30) days following its final adoption.

SECTION 5. The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance.

SECTION 6. Severability. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 7. Publication. The City Clerk of the City of Del Rey Oaks, California, is hereby directed to publish a summary of the ordinance in a newspaper of general circulation in accordance with State Law.

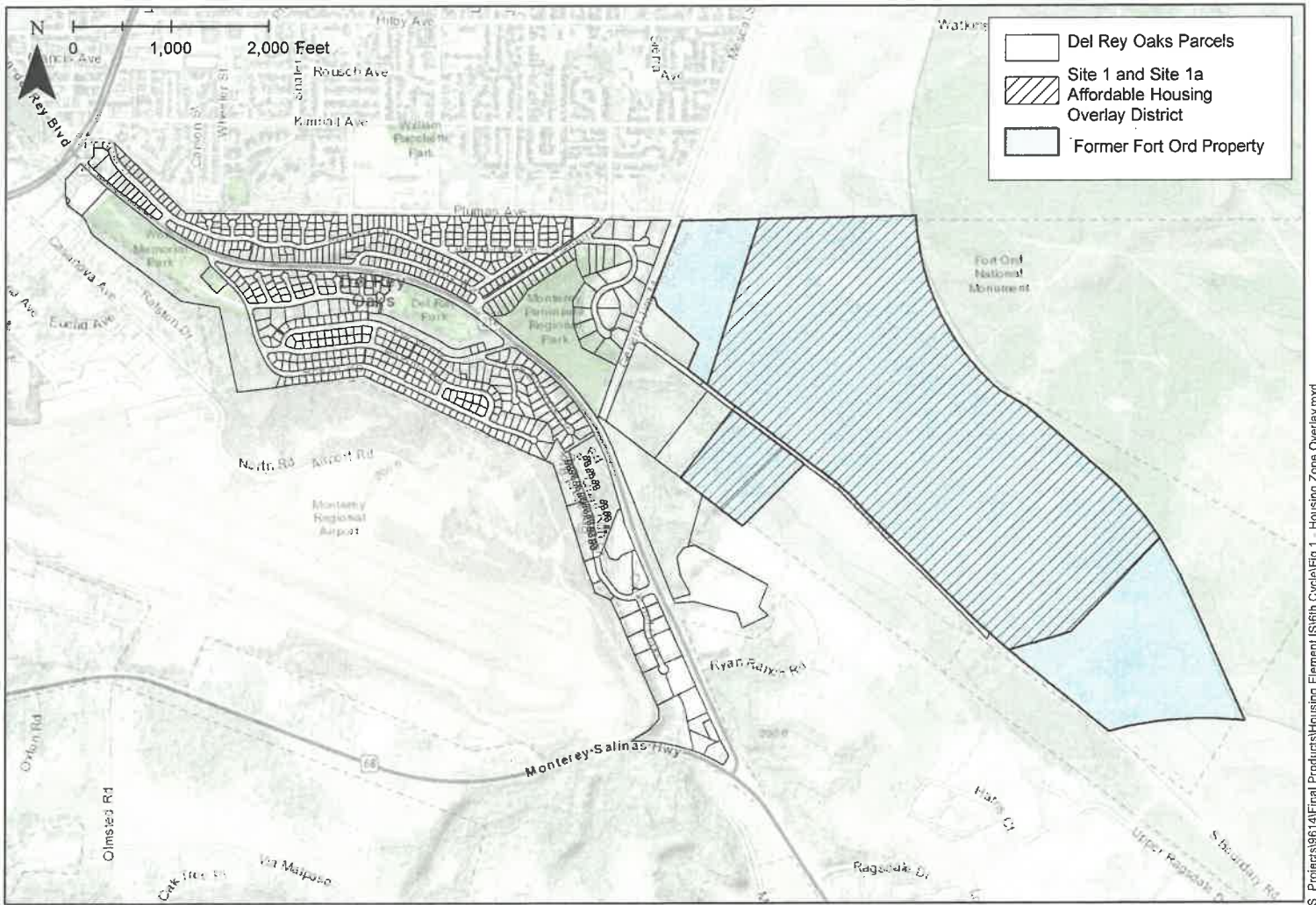
INTRODUCED by the City Council of the City of Del Rey Oaks, California, at its regular meeting held on the **24th** day of **October**, 2023, by the following vote:

AYES: Councilmembers

ABSENT:

ABSTAIN:

Exhibit A – Zoning Map



Zoning Amendment Map

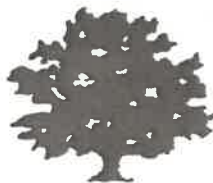
EXHIBIT A

Date
9/19/2023
Scale
1 in = 1,000 ft

Affordable Housing
Overlay Zone



Path: E:\GIS\GIS_P\Projects\9614\Final Products\Housing Element (16th Cycle)\Fig 1 - Housing Zone Overlay.mxd



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940
 PHONE (831) 394-8511 FAX (831) 394-6421

DATE: October 24, 2023

TO: Honorable Mayor and City Council

FROM: John Guertin, City Manager

SUBJECT: Provide Direction on Proposed Comprehensive Tobacco Retailer License Ordinance and Establishing a Smoke-Free Public Place Ordinance

CEQA: This activity is covered by the commonsense exemption that the California Environmental Quality Act (CEQA) applies only to projects that have the potential to have a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Recommended Action

That the Council provide direction to staff regarding proposed Comprehensive Tobacco Retailer License Ordinance and Establishing a Smoke-Free Public Place Ordinance.

Background

The proposed ordinances have been brought forward for consideration by Council members Shirley and Hallock in coordination with staff from the County of Monterey Health Department.

Currently, the City of Del Rey Oaks is part of the of the Peninsula Cities work of Blue Zone Projects, a Monterey County-wide initiative committed to ensuring that all people have a fair and just opportunity to live a long and healthy life. One of the focal points for the Blue Zones Project is their "Tobacco Policy" which encourages local agencies to create an environment where smoking (including vaping) and the use of nicotine is less desirable, accessible, and acceptable.¹

Discussion

Tobacco Retailing License

Monterey County enacted an ordinance to establish tobacco licensing regulations. The County has asked local jurisdictions to adopt tobacco licensing ordinances mirroring the County so the County can enforce compliance with tobacco laws uniformly throughout the County. Attachment 1 (Comprehensive Tobacco Retail License Ordinance) would ensure tobacco retailers comply with tobacco control laws and business standards. This ordinance would also meet the Blue Zone's intent to decrease secondhand smoke exposure (including aerosol from e-cigarettes and smoke from

¹ 2021 Monterey County Peninsula Cities Blueprint, <https://info.bluezonesproject.com/montereycounty>.

marijuana) and reduce access to, and availability of smoking, vaping, and tobacco products. The proposed ordinance before the City Council is modeled after the County's Ordinance.

Smoke-Free Public Places

The Monterey County Health Department has advised staff that tobacco use is the number one cause of preventable deaths in California.² Secondhand smoke has repeatedly been identified as a health hazard and the U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke.³ Over the last decade, many California communities have passed tobacco-free laws or regulations that cover outdoor areas such as parks, recreational facilities, beaches, outdoor workplaces, restaurant and bar patios, transit waiting areas, and public events such as county fairs and farmers' markets. As of January 2019, more than 235 California cities and counties had adopted outdoor secondhand smoke ordinances.⁴ Attachment 2 (Smoke-Free Public Place Ordinance) is based on a model ordinance that can be modified for local purposes to limit exposure to secondhand smoke.

These proposed ordinances are submitted for City Council consideration and direction for staff.

Fiscal Impacts

There are no fiscal impacts associated with consideration of this item.

Attachments

- Resolution 2023-04
- Supplemental Agreement
- Master Agreement

Respectfully Submitted,

John Guertin
City Manager

Attachments:

- 1) Draft Comprehensive Tobacco Retailer Licensing Ordinance
- 2) Draft Establishing a Smoke Free Public Place Ordinance
- 3) County of Monterey Tobacco Retailer Licensing Code

² United States Department of Health and Human Services, The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General (2014):

https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf

³United States Department of Health and Human Services, The Health Consequences of Involuntary Exposure to Tobacco Smoke, A Report of the Surgeon General (2006),

<https://www.cdc.gov/tobacco/sgr/2006/pdfs/no-riskfree.pdf>

⁴ Tam D. Vuong, California Tobacco Facts and Figures, California Department of Health (2019)

Chapter 7.80 TOBACCO RETAILER LICENSE

7.80.010 Purpose and application.

- A. In promoting the health, safety, and general welfare of its residents, the County has a substantial interest in encouraging compliance with Federal, State, and local laws regulating tobacco sales and use.
- B. State law permits local governments to enact ordinances regarding the local licensing of retailers of tobacco and allows for the suspension or revocation of a local license for a violation of any State tobacco control law.
- C. This Chapter is adopted to: (1) ensure compliance with business standards and practices of the County; (2) encourage responsible retailing of tobacco; (3) promote the health and welfare of youth by discouraging the commercial exploitation of underage tobacco users; and (4) discourage violations of tobacco-related laws, but not to expand or reduce the degree to which the acts regulated by Federal or State law are criminally proscribed or otherwise regulated.
- D. This Chapter applies in the unincorporated area of the County of Monterey.

(Ord. No. 5200, § 1, 5-15-2012; Ord. No. 5372, § 2, 3-15-2022)

7.80.020 Definitions.

For the purpose of this Chapter, the following words and terms shall have the following meaning:

- A. "Department" means the Monterey County Health Department.
- B. "Drug paraphernalia" shall have the definitions set forth in California Health and Safety Code Section 11014.5, as that Section may be amended from time to time.
- C. "Flavored tobacco product" shall mean any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by a consumer either prior to, or during the consumption of, a tobacco product, including but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey or any candy, dessert, alcoholic beverage, herb or spice.
- D. "Health Officer" means the Health Officer of the County of Monterey or his or her designee.
- E. "License" means a Tobacco Retailer License issued by the County pursuant to this Chapter.
- F. "Licensee" means any Proprietor holding a License issued by the County pursuant to this Chapter.
- G. "License Fee" means the charge established by resolution of the Board of Supervisors of the County of Monterey, calculated to recover the reasonable regulatory costs of issuing and administering licenses, retailer education, performing investigations, inspections, and the administrative enforcement and adjudication thereof.
- H. "Person" means any natural person, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- I. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest

shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

- J. "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed or used for the smoking or ingestion of tobacco products.
- K. "Tobacco product" means any substance containing tobacco leaf- including but not limited to cigarettes, cigars, pipe tobacco, hookah, tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco - and any product or formulation of matter containing biologically active amounts of nicotine that is product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence.
- L. "Tobacco retailer" means any person who engages in tobacco retailing.
- M. "Tobacco retailing" means selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.
- N. "Sale," "sell" or "to sell" means any transaction where, for any consideration, ownership is transferred from one (1) person or entity to another including, but not limited to any transfer of title or possession for consideration, exchange or barter, in any manner by any means.
- O. "Single use electronic cigarette" means any single-use device or delivery system sold in combination with nicotine which can be used to deliver to a person nicotine in aerosolized or vaporized form, including but not limited to, a single-use e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Single use electronic cigarettes shall not include any product that has been approved by the Food and Drug Administration for sale as a tobacco cessation product or other therapeutic purposes where that product is marketed and sold solely for such approved use.
- P. "State" means the State of California.

(Ord. No. 5200, § 1, 5-15-2012; Ord. No. 5372 , § 2, 3-15-2022)

7.80.030 Mandatory license.

- A. Any person who is or intends to become a tobacco retailer shall obtain pursuant to this Chapter a license for each fixed location at which tobacco retailing is to occur.
- B. Any person who is a tobacco retailer as of the effective date of the ordinance enacting this Chapter shall obtain a license within ninety (90) days of the effective date of the ordinance that enacted this Chapter.
- C. Any person who intends to act as a tobacco retailer shall obtain a license prior to acting as a tobacco retailer.
- D. Each license shall be prominently displayed in a publicly visible location at the licensed location.
- E. Nothing in this Chapter shall be construed to grant any licensee any status or right other than to act as a tobacco retailer at the location identified on the face of the license, subject to compliance with all other applicable laws, regulations, or ordinances.
- F. Nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.040 Issuance of license.

- A. No license shall be issued to authorize tobacco retailing at other than a fixed business location. It is unlawful for any person to engage in tobacco retailing at non-fixed locations. For example, tobacco retailing by persons on foot and tobacco retailing from vehicles are prohibited.
- B. No license shall be issued to authorize tobacco retailing at a temporary or recurring temporary event. For example, tobacco retailing at flea markets and farmers' markets is prohibited.
- C. No license shall be issued to authorize tobacco retailing at any location for which a license suspension is in effect or during a period of ineligibility following a revocation pursuant to Section 7.80.100.
- D. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this Chapter for a licensee, or any of the licensee's agents or employees, to violate any local, State, or Federal law applicable to tobacco products, tobacco paraphernalia, or tobacco retailing.
- E. No person engaged in tobacco retailing shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of twenty-seven (27) without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under State law to purchase and possess the tobacco product or tobacco paraphernalia.
- F. No person who is younger than the minimum age established by State law for the purchase or possession of tobacco products shall engage in tobacco retailing.
- G. It shall be a violation of this Chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.
 - 1. It should be a rebuttable presumption that a tobacco retailer in possession of four (4) or more flavored tobacco products, including, but not limited to, individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with intent to sell or offer for sale.
 - 2. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:
 - a. Made a public statement or claim that the tobacco product imparts a characterizing flavor;
 - b. Used text and/or images on the tobacco products' labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or
 - c. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.
- H. It shall be a violation of this Chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any single use electronic cigarette.

(Ord. No. 5200, § 1, 5-15-2012; Ord. No. 5372 , § 2, 3-15-2022)

7.80.050 Applications for license.

All applications for a license shall be submitted to the Department in the name of each proprietor proposing to conduct tobacco retailing and signed by each prospective proprietor or an authorized agent. Each license application must be accompanied by the required license fee, which is set by resolution of the Board of

Supervisors. A proprietor proposing to conduct tobacco retailing at more than one (1) location shall submit a separate application for each location. Every application shall contain the following information:

- A. The name, address, and telephone number of each prospective proprietor;
- B. The business name, address, and telephone number of the fixed location for which the license is sought;
- C. Whether or not each prospective proprietor has previously been issued a license pursuant to this Chapter that is, or was at any time, suspended or revoked and, if so, the date of the suspension or revocation;
- D. Proof that the location for which a license is sought has been issued a valid State cigarette and tobacco products retail license by the State of California Board of Equalization pursuant to the California Cigarette and Tobacco Products Licensing Act of 2003 (Cal. Bus. & Prof. Code, §§ 22970 et seq.);
- E. A statement signed by each prospective proprietor that no drug paraphernalia is or will be sold at the location for which the license is sought;
- F. A statement signed by each prospective proprietor that the proprietor is informed of the laws affecting licenses; and
- G. Such other information as the County deems necessary for the administration of this Chapter.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.060 Issuance of a license.

- A. Upon the receipt of a complete application for a license and the license fee required by this Chapter, the Health Officer shall issue a license unless one (1) or more of the following grounds exists:
 1. The application is incomplete or inaccurate;
 2. The application seeks authorization for tobacco retailing at a location for which a suspension is in effect pursuant to this Chapter, for which a license has been revoked pursuant to this Chapter, or for which this Chapter otherwise prohibits issuance of licenses;
 3. The application seeks authorization for tobacco retailing for a prospective proprietor for whom a suspension is in effect pursuant to this Chapter for the subject location or another location, whose license has been revoked pursuant to this Chapter for the subject location or another location, or to whom this Chapter otherwise prohibits a license to be issued;
 4. The Department has information that the prospective proprietor or his or her agent or employee has violated any local, State or Federal tobacco control law, including this Chapter, within the preceding twelve (12) months; or
 5. The application seeks authorization for tobacco retailing that is prohibited pursuant to this Chapter, that is otherwise unlawful pursuant to this Code, or that is unlawful pursuant to any other local, State, or Federal law.
- B. Any denial of an application for a license shall be in writing, setting forth the reasons for the denial and notifying the applicant for a license that the decision to deny an application for a license shall become final unless the applicant seeks an appeal pursuant to Section 7.80.130 within fourteen (14) calendar days of the date of service of the Health Officer's decision. Service of the decision shall be provided in accordance with the service requirements set forth in Subsection A of Section 7.80.120.

- C. All information required to be submitted pursuant to Section 7.80.050 in order to apply for a license shall be updated whenever the information changes. A tobacco retailer shall provide the Department with any updates within ten (10) business days of a change.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.070 License renewal and expiration.

- A. A license is invalid unless the appropriate license fee has been paid in full and the term of the license has not expired. The term of a license is one (1) year beginning each fiscal year on July 1st and ending on June 30th of the following year. Each tobacco retailer shall apply for the renewal of his or her license and submit the license fee no later than thirty (30) calendar days prior to expiration of the term.
- B. A license that is not timely renewed shall expire at the end of its term. To reinstate a license that has expired, or to renew a license not timely renewed pursuant to Subsection A of this Section, the proprietor must:
1. Submit the license fee; and
 2. Submit a signed affidavit affirming that the proprietor:
 - a. Has not sold and will not sell any tobacco product or tobacco paraphernalia after the license expiration date and before the license is renewed; or
 - b. Has waited the appropriate ineligibility period established for tobacco retailing without a license, as set forth in Section 7.80.110, before seeking renewal of the license.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.080 License nontransferable.

- A. A license may not be transferred from one person to another or from one location to another. Whenever a tobacco retailing location has a change in proprietors, a new license is required.
- B. Notwithstanding any other provision of this Chapter, prior violations at a location shall continue to be counted against a location, and license ineligibility periods shall continue to apply to a location unless:
1. The location has been fully transferred to an entirely new proprietor or fully transferred to entirely new proprietors; and
 2. The new proprietor(s) provides the Department with clear and convincing evidence that the new proprietor(s) has acquired or is acquiring the location in an arm's length transaction. As used in this Section, the term "arm's length transaction" shall mean a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two (2) informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this Chapter is not an arm's length transaction.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.090 Inspections, investigations and enforcement.

- A. Compliance with this Chapter shall be monitored by the Department or any law enforcement officer. Employees of the Department or a law enforcement officer may conduct compliance checks, including but

not limited to youth decoy operations. Any law enforcement officer may enforce the penal provisions of this Chapter. Compliance checks may be unannounced.

- B. The County shall not enforce any tobacco-related minimum age law against a person who otherwise might be in violation of such law because of the person's age (hereinafter "youth decoy") if the potential violation occurs when:
1. The youth decoy is participating in a compliance check supervised by an employee of the Department or a law enforcement officer;
 2. The youth decoy is acting as an agent of a person designated by the County to monitor compliance with this Chapter;
 3. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the Department; or
 4. The youth decoy has an immunity letter from the District Attorney's Office.
- C. Whenever evidence of a violation of this Chapter is obtained in any part through the participation of a person under the age of eighteen (18) years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this Chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.100 Suspension or revocation of license.

- A. In addition to any other remedy authorized by law, after notice and opportunity to be heard pursuant to Section 7.80.120 of this Chapter, a license may be suspended or revoked as provided in this Section if the Health Officer finds by a preponderance of the evidence that the licensee, or any of the licensee's agents or employees, has:
1. Violated any of the requirements, conditions prohibitions of this Chapter; or
 2. Pleaded guilty, "no contest" or its equivalent, or admitted to any of the following:
 - a. The original or renewal application contained incorrect, false, or misleading information;
 - b. One or more of the grounds for denial listed in Section 7.80.060 existed before the license was issued; or
 - c. A licensee is convicted of a misdemeanor or felony violation of any Federal, State, or local tobacco retailing law or regulation, including any provision of this Chapter.
- B. During any period of suspension or revocation, the licensee shall remove all tobacco products and tobacco paraphernalia from public view. Failure to do so may be considered a subsequent violation.
- C. When the Health Officer finds a violation as set forth in Subsection A of this Section, the license shall be suspended or revoked as follows:
1. Upon a finding by the Health Officer of a first license violation, the license shall be suspended for sixty (60) days;
 2. Upon a finding by the Health Officer of a second license violation within any sixty (60) month period, the license shall be suspended for one hundred twenty (120) days;
 3. Upon a finding by the Health Officer of a third license violation in any sixty (60) month period, the license shall be suspended for one hundred eighty (180) days; and

4. Upon a finding by the Health Officer of a fourth license violation within any sixty (60) month period, the license shall be revoked and no new license shall issue for the location until five (5) years has passed from the date of revocation.
- D. Violation by a licensee at one location shall not be construed as a violation at another location of the same licensee, nor shall violations by a prior licensee at the same location be accumulated against a subsequent licensee at the same location.
 - E. A license shall be revoked if the Health Officer finds that one or more of the grounds for denial of an application for a license pursuant to Section 7.80.060 existed at the time the application was made or at any time before the license was issued.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.110 Penalties for tobacco retailing without a license.

- A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Health Officer finds after notice and opportunity to be heard pursuant to Section 7.80.120 of this Chapter, that any person has engaged in tobacco retailing at a location without a valid license, either directly or through the person's agents or employees, the person shall be ineligible to apply for, or to be issued, a License as follows:
 1. After a first violation of this Section at a location, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until sixty (60) days have passed from the date of the violation.
 2. After a second violation of this Section at a location within any sixty (60) month period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until one hundred eighty (180) days have passed from the date of the violation.
 3. After a third or subsequent violation of this Section at a location within any sixty (60) month period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until five (5) years have passed from the date of the violation.
- B. Any imposition of a penalty pursuant to this Section shall be in writing, setting forth the reasons for the imposition of a penalty and notifying the person subject to the penalty that the decision to impose the penalty shall become final unless the person seeks an appeal pursuant to Section 7.80.130 within fourteen (14) calendar days of the date of service of the Health Officer's decision. Service of the decision shall be provided in accordance with the service requirements set forth in Subsection A of Section 7.80.120.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.120 Health Officer decision.

- A. Upon determining the existence of any of the grounds pursuant to this Chapter for the suspension or revocation of a license, or the imposition of a penalty for tobacco retailing without a license, the Health Officer shall issue a notice of intended decision to the applicant for a license, the licensee, or the person against whom the penalty for tobacco retailing without a license is directed. The notice shall be provided by personal service or by first class mail, postage prepaid, and shall include a copy of the affidavit or certificate of mailing.

- B. The notice of intended decision shall state all the grounds upon which the revocation, suspension, or imposition of penalty is based.
- C. The notice of intended decision shall specify the effective date of the action.
- D. The notice of intended decision shall state that the Health Officer shall give the applicant for a license, the licensee, or the person against whom the penalty for tobacco retailing without a license is directed an opportunity to request a hearing thereon. The hearing shall be an informal hearing before the Health Officer. Following the hearing, or within a reasonable time if no hearing is requested, the Health Officer shall issue a decision and serve the decision in accordance with the service requirements set forth in Subsection A of this Section.
- E. The decision of the Health Officer shall be in writing, setting forth the reasons for the decision, and shall advise the applicant for a license, the licensee, or the person against whom the penalty for tobacco retailing without a license is directed that the decision to suspend or revoke the license, or to impose the penalty for tobacco retailing without a license shall become final unless the applicant for a license, the licensee, or the person against whom the penalty for tobacco retailing without a license is directed seeks an appeal pursuant to Section 7.80.130.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.130 Appeal procedures.

With regard to any denial of an application for a license pursuant to Section 7.80.060 or any decision issued by the Health Officer pursuant to Section 7.80.120, the following rules apply:

- A. A decision of the Health Officer to deny an application for a license, to suspend or revoke a license, or to impose a penalty for tobacco retailing without a license can be appealed to a Hearing Officer, subject to the following requirements and procedures. A person served with a decision issued pursuant to Subsection B of Section 7.80.060 or Subsection D of Section 7.80.120 may seek an appeal by filing with the Health Officer a written request for hearing within fourteen (14) calendar days of service of the decision. Failure to timely file a written request for hearing shall be deemed a waiver of the right to challenge the decision of the Health Officer and a failure to exhaust administrative remedies. The hearing officers shall be individuals selected by the County who may hear the appeals, issue subpoenas, receive evidence to administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and issue orders with regard to an appeal.
- B. The Hearing Officer shall schedule a hearing.
 - 1. Written notice of the time, date and location of a hearing before the Hearing Officer shall be given by personal service or by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the appellant.
 - 2. Hearing Procedures.
 - a. Requirements for Taking Testimony. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts. Oaths of witnesses may be given individually or en masse. Witnesses shall be asked to raise their right hands and to swear or affirm that the testimony they shall give will be the truth, the whole truth, and nothing but the truth.
 - b. Continuances. The Hearing Officer may continue the hearing as determined appropriate by the Hearing Officer.

- c. Administrative Interpretations. In conducting the hearing, the Hearing Officer shall consider the previously established interpretation of an ordinance provision by the Department charged with its enforcement unless that interpretation is shown to be clearly erroneous or unauthorized.
 - d. Hearing Officer Decisions. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.
 - e. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney's fees.
- C. The appellant's failure to appear at the hearing on appeal shall constitute an abandonment of the review request and a failure to exhaust administrative remedies.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.140 Other penalties.

The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

- A. Violations of this Chapter may, in the discretion of the District Attorney, be prosecuted as infractions or misdemeanors.
- B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation.
- C. Violations of this Chapter are hereby declared to be public nuisances.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.150 Stipulated fine in lieu of hearing.

For a first or second alleged violation of this Chapter within any sixty (60) month period, the Health Officer may allow a tobacco retailer alleged to have violated this Chapter to stipulate in writing to the penalties provided in this Section in lieu of the penalties that would otherwise apply pursuant to this Chapter and to forego any right the tobacco retailer may have to a hearing pursuant to Section 7.80.130. Notice of any stipulation shall be provided to the Sheriff's Office, and no hearing shall be held. Stipulations shall not be confidential, shall be in writing, and shall contain the following terms plus any other noncriminal provisions established by the Health Officer in the interests of justice:

- A. After a first alleged violation of the Chapter at a location:
 1. An agreement by the tobacco retailer to stop acting as a tobacco retailer for one (1) day;
 2. An administrative penalty of one thousand and no/100ths (\$1,000.00) dollars;
 3. An admission by the tobacco retailer that the first alleged violation of the Chapter at the location occurred; and
 4. An agreement that the first alleged violation of the Chapter at the location shall be considered in determining the penalty for any future violation.

-
- B. After a second alleged violation of the Chapter at a location within any sixty (60) month period:
1. An agreement by the tobacco retailer to stop acting as a tobacco retailer for ten (10) days;
 2. An administrative penalty of five thousand and no/100ths (\$5,000.00) dollars;
 3. An admission by the tobacco retailer that the second alleged violation of the Chapter at the location occurred; and
 4. An agreement by the tobacco retailer that the second alleged violation of the Chapter at the location will be considered in determining the penalty for any future violations.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.160 Implementation.

The Department shall begin implementing the provisions of this Chapter effective July 1, 2012.

(Ord. No. 5200, § 1, 5-15-2012)

7.80.170 Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. No. 5200, § 1, 5-15-2012)

AN ORDINANCE OF THE CITY OF DEL REY OAKS AMENDING TITLE 8, HEALTH AND SAFETY, OF THE DEL REY OAKS MUNICIPAL CODE BY ADDING CHAPTER 8.09, "SMOKE FREE PUBLIC PLACE," TO REGULATE SMOKING AND TOBACCO USE

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke can occur at significant levels outdoors; and

WHEREAS, smoking cigarettes near building entryways can increase air pollution levels by more than two times background levels, with maximum levels reaching the "hazardous" range on the United States Environmental Protection Agency's Air Quality Index; and

WHEREAS, exposure to secondhand smoke causes death and disease, as since 1964 approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke; and

WHEREAS, secondhand smoke was responsible for an estimated 34,000 heart disease-related and 7,300 lung cancer-related deaths among adult nonsmokers each year during 2005–2009 in the United States; and

WHEREAS, significant disparities in tobacco use exist in California, which create barriers to health equity as African American (17.0%) and American Indian (19.1%) Californians report a higher smoking prevalence than white Californians (11.8%); and

WHEREAS, Californians with the highest levels of educational attainment and annual household income report the lowest smoking rates; and

WHEREAS, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as smokeless tobacco use can lead to nicotine addiction, and cause oral, esophageal, and pancreatic cancers; and

WHEREAS, smokeless tobacco use is associated with increased risk for heart disease and stroke and stillbirth and preterm delivery;

WHEREAS, the activity is covered by the commonsense exemption that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) the CEQA Guidelines

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

The City Council finds and determines the recitals set forth above to be true and correct and by this reference, incorporates the same herein as findings.

Section 2. New Chapter 8.09, "Smoke Free Public Place" is hereby added to Title 8, HEALTH AND SAFETY, of the Del Rey Oaks City Code as follows:

CHAPTER 8.09 SMOKE FREE PUBLIC PLACE

Sections:

- 8.09.010 Definitions.
- 8.09.020 Prohibition of Smoking in Unenclosed Area.
- 8.09.030 Smoke Free Buffer Zones.
- 8.09.040 Tobacco Waste.
- 8.09.050 Enforcement.
- 8.09.040 Violation and Penalties.

8.09.010 Definitions. For the purposes of this chapter the following definitions shall govern unless the context clearly requires otherwise

- A. "Cannabis" has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.
- B. "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. This shall not include inhalers or medical devices prescribed by a physician for medical purposes.
- C. "Employee" means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers their services for an employer within the city.
- D. "Employer" means any person or nonprofit entity that retains the service of one or more employees.
- E. "Enclosed area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

- F. “Multiunit Residence” means property containing two or more units, including, but not limited to, apartment buildings, common interest developments, senior and assisted living facilities, and long-term health care facilities.
- G. “Outdoor Dining Area” means any publicly or privately owned outdoor area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and that is designed, established, or regularly used for consuming food or drink.
- H. “Place of employment” means an area under the control of an employer that an employee or the general public may enter in the normal course of operations, regardless of the hours of operation, including work areas and construction sites. This definition shall not apply to private residential units. This definition shall also not apply to designated smoking areas as designated by a private employer.
- I. “Public event areas” means any publicly or privately owned place used for an event open to the general public, regardless of any fee or age requirement, including a farmers’ market, parade, fair, or festival.
- J. “Public place” means any publicly or privately owned place that is open to the general public, regardless of any fee or age requirement, including public squares, sidewalks, streets, parking lots, plazas, shopping areas, stadiums, or sporting facilities.
- K. “Recreational area” means any publicly or privately owned area including streets and sidewalks located within the area that is open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, facilities, parks, playgrounds, athletic fields, restrooms, beaches, picnic areas, spectator and concession areas, golf courses, walking paths, gardens, vernal ponds, hiking trails, bike paths, riding trails, roller and ice-skating rinks, skateboard parks, amusement parks, zoos, and aquatic areas.
- L. “Service area” means any publicly or privately-owned-area, including streets and sidewalks, designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “service area” includes, but is not limited to, areas including or within 25 feet of information kiosks, automatic teller machines (ATMs), service lines, bus stops or shelters, or cab stands.
- M. “Service lines” means an outdoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, mobile vendor lines, movie ticket lines, and sporting event lines.
- N. “Smoke” or “Smoking” means: (1) inhaling, exhaling, or burning, any tobacco, nicotine, cannabis, or plant product, whether natural or synthetic; (2) carrying any lighted, heated,

or activated tobacco, nicotine, cannabis, or plant product, whether natural or synthetic, intended for inhalation; or (3) using an electronic smoking device or hookah.

O. Tobacco Product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah, tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, and any product or formulation of matter containing biologically active amounts of nicotine that is product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence.

P. “Tobacco product waste” means any component, part, or remnant of any tobacco product. Tobacco product waste includes any waste that is produced from the use of a tobacco product, including all tobacco product packaging and incidental waste such as lighters or matches, whether or not it contains tobacco or nicotine.

P. “Tobacco use” means the act of smoking or the consumption of any other tobacco product in any form.

Q. “Unenclosed area” means any area that is not an enclosed area.

8.09.020 Prohibition of Smoking in Unenclosed Areas.

A. Smoking is prohibited in the unenclosed areas of the following places within the city:

1. Recreational areas
2. Service areas
3. Outdoor dining areas
4. Public event areas
5. Sidewalks
6. Public places

B. Nothing in this chapter prohibits any person or employer with control over any property from prohibiting smoking and tobacco use on any part of such property, even if smoking or tobacco use is not otherwise prohibited in that area.

8.09.030 Smoke Free Buffer Zones

Smoking in all unenclosed areas shall be prohibited within 25 feet from any area in which smoking is prohibited under Section 8.09.020 of this chapter or by any other law. This prohibition shall not apply to unenclosed areas of private residential properties that are not multiunit residences.

8.09.040 Tobacco Waste

- A. No person or employer shall permit smoking ash receptacles within an area under their control and in which smoking is prohibited by law, including within twenty-five (25) feet from any area in which smoking is prohibited. The presence of smoking ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this chapter.
- B. No person shall dispose of tobacco product waste within the boundaries of an area in which smoking is prohibited.

8.09.050 Enforcement

- A. No person or employer shall permit smoking or tobacco use in an area that is under the control of that person or employer and in which smoking, or tobacco use is prohibited by this article or any other law.
- B. Any employer that has control of an area in which smoking is prohibited by this chapter shall post a clear, conspicuous, and unambiguous “No Smoking” or “Smoke-Free” sign in at least one conspicuous point within the area. Signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol. Signs posted on the exterior of buildings to comply with this section shall include the 25-foot distance requirement set forth in Sec. 8.09.040. The presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this chapter.
- C. Event organizers shall post at least five no smoking signs at an entrance to the event. Signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol and may be printed. A template of the no smoking sign will be included with the event application provided by the City.
- D. A person or employer that has control of an area in which smoking, and tobacco use is prohibited by this chapter shall direct anyone who is smoking or using tobacco in violation of this chapter to extinguish the product being smoked or stop using the tobacco product.
- E. No person or employer shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this chapter.

8.09.060 Violations and Penalties.

Enforcement of these provisions shall be governed by Chapters 1.08(Code Violation Penalties), Chapter 1.10 (Civil Enforcement), and Chapter 1.12(Administrative Fines) of the Del Rey Oaks Municipal Code. Each instance of smoking or tobacco use in violation of this chapter shall constitute a separate violation. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

Section 3. California Environmental Act (CEQA).

The adoption of this ordinance is exempt from the California Environmental Quality Act, based on 14 California Code of Regulations Section 15061(b)(3), where, as the case here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because no change in existing permitted uses of land results from adoption of this ordinance, and to the extent impacts associated with the proposed location of cultivation and manufacturing facilities exist, they have been previously addressed in other environmental documents.

Section 4. Severability Clause

It is the intent of the City Council of the City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

Section 4. Effective Date.

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

This ordinance was introduced and read on the ___ day of _____ 2023 and was finally adopted on the ___ day of _____ 2023, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

, The Honorable Mayor

ATTEST:

, Deputy City Clerk

ORDINANCE NO. 2023-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS
AMENDING TITLE 5 OF THE DEL REY OAKS CITY CODE
BY ADDING CHAPTER 0.0.0, "TOBACCO RETAILER LICENSE"**

WHEREAS, the State of California enacted the California Business and Professions Code, Division 8.6, Chapter 1, Section 22970 entitled "Cigarette and Tobacco Products Licensing Act of 2003" (the "Act") to control tobacco sales; and

WHEREAS, the Act explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3);

WHEREAS, pursuant to the authority established by the Act applicable to a local entity's ability to adopt tobacco licensing regulations, Monterey County ("County") enacted Ordinance 5200 adding Chapter 7.80, "Tobacco Retailer License" to the County Code establishing licensing requirements for tobacco retailing to "encourage responsible retailing of tobacco" and to "discourage violations of tobacco-related laws"; and

WHEREAS, over 200 cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop youth from using tobacco; and

WHEREAS, a majority of cities within the County have adopted a tobacco retail licensing ordinance; and

WHEREAS, the City of Del Rey Oaks ("City") has a substantial interest in protecting youth and underserved populations from the harms of tobacco use; and

WHEREAS, despite the state's efforts to limit youth access to tobacco, youth are still able to access tobacco products, as evidenced by the following: In 2022, 27.7 percent of the retailers illegally sold tobacco to young adult decoys; Almost 90% of adults who smoke began by age 18, and 99% began by age 26; disparities in tobacco use exist among California high school students, with higher rates found among LGBTQ, American Indian, and Pacific Islander youth; in 2023, 20.3% of high school students in California had tried some sort of tobacco product, and almost 18% of high school students have tried vapes; and

WHEREAS, youth are more receptive to and influenced by tobacco advertising compared to adults, and the tobacco industry spends an estimated \$485 billion in tobacco advertising in California each year; and

WHEREAS, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including the number of cigarettes smoked per day, particularly in neighborhoods experiencing poverty; and

WHEREAS, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates and initiation of noncigarette tobacco product use; and

WHEREAS, adults who smoke are likely to have a harder time quitting when residential proximity to tobacco retailers is closer and density is higher; and

WHEREAS, the City Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City in order to protect the health, safety, and welfare of our residents; and

WHEREAS, the County Health Department has asked for local jurisdictions to adopt tobacco licensing ordinances mirroring the County's, so the County can enforce compliance with tobacco laws uniformly throughout the County and improve overall compliance while limiting sales to minors; and

WHEREAS, City staff and County staff have a long history of working together to promote community health and wellness; and

WHEREAS, the activity is covered by the commonsense exemption that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) the CEQA Guidelines

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

1. The City Council finds and determines the recitals set forth above to be true and correct and by this reference, incorporates the same herein as findings.
2. The City Council finds that the recitals set forth above contain persuasive support for the proposition that the City has adequate authority to allow and regulate tobacco retail sales in the City.
3. The City Council hereby finds that it is in the best interest of the health, safety and welfare of the residents of the City to establish regulations that will license tobacco retail sales within the City.

- 4. The City wishes to adopt regulations that mirror County Code 7.80 so as to allow either the City or the County to oversee and enforce provisions applicable to licensing tobacco retailers.

Section 2. New Chapter 0.0.0, “Tobacco Retail Licensing” is hereby added to Title 5, BUSINESS TAXES, LICENSES AND REGULATIONS, of the Del Rey Oaks City Code as follows:

CHAPTER 0.0.0- TOBACCO RETAILER LICENSE

Sections:

- 0.0.0.010 Adoption of provisions of the Monterey County Tobacco Retailer License Regulations
- 0.0.0.020 Prohibition of Licensing Pharmacies for the Sale of Tobacco

0.0.0.010 Monterey County Tobacco Retailer License Provisions Adopted

A. Monterey County Code Chapter 7.80, entitled “Tobacco Retailer License” pertaining to tobacco retailer products, as may be amended, is hereby adopted by the city and incorporated by reference into this chapter, and made a part hereof, and shall be enforced within the limits of the city.

B. For purposes of the city, the following terms shall apply to the incorporation of the Monterey County ordinance into this Chapter.

- 1. All reference to the term “unincorporated areas of the County of Monterey” in the Monterey County Code shall be amended to include the term “city limits of Del Rey Oaks.”
- 2. All reference to the term “Chapter” in the Monterey County Code shall be to the term “Chapter” in the Del Rey Oaks Municipal Code.
- 3. All reference to the term “Code” in the Monterey County Code shall be to the Del Rey Oaks Municipal Code.

C. A violation of the Monterey County ordinance is considered an infraction and a violation of the Del Rey Oaks Municipal Code, and may be enforced pursuant to 1.08, 1.10 and 1.12.

0.0.0.010 Pharmacy Tobacco Retailing is Prohibited

A. The definitions set forth in Monterey County Code Chapter 7.80, entitled “Tobacco Retailer License,” apply to this subsection. In addition, for the purposes of this subsection, “Pharmacy” means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and

Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

B. Prohibition – Pharmacy.

1. No License may be issued, and no existing License may be renewed, to authorize Tobacco Retailing in a pharmacy.
2. No person shall sell or otherwise distribute a tobacco product in a Pharmacy.

Section 3. Severability.

It is the intent of the City Council of the City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

Further, if any section, subsection, subdivision, paragraph, sentence, clause, or phrase of Monterey County Code Chapter 7.80, entitled “Tobacco Retailer License”, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase of Monterey County Code Chapter 7.80 independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

Section 4. Effective Date.

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

This foregoing ordinance was introduced at a regular meeting of the City Council and read on the ___ day of ___ 2023 and was finally adopted on the ___ day of _____ 2023, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

, Mayor

Deputy City Clerk

DRAFT

DRAFT

Kim Shirley's Council Report for Tuesday, October 24, 2023

Tuesday, Sept. 19th-Joint Planning Commission/City Council meeting- This meeting was an update on the efforts to have a compliant 5th cycle Housing Element (this is the one we need to complete before we complete our 6th cycle which is the one that all cities are currently working on). The main topic of discussion was the zoning overlay ordinance for our former Fort Ord property that the Planning Commission and the City Council will be reviewing in October. Right now, that property is not zoned for residential/multifamily use, so we'll need to change that if we're looking to place our affordable housing in that location. For now, the focus is on the 5th cycle, but many of the steps we're taking may also "count" towards our 6th cycle Housing Element, too. I believe the city is hoping to have a compliant 5th cycle Housing Element by November and a compliant 6th cycle Housing Element by the Dec. 15th deadline. With these quick timelines, we'll continue to have this be a big focus in the city, so it's important that everyone stays engaged with this impactful topic.

Wednesday, Sept. 20th- 20th Anniversary Women's Leadership Council luncheon with Assemblymember Dawn Addis- The Women's Leadership Council, which is an organization associated with CSUMB that supports scholarships and emergency awards for women, held their 20th anniversary fundraising luncheon at Embassy Suites. I was grateful that Assemblymember Dawn Addis invited me to join her at her table for this event. Past recipients of the Women's Leadership Council awards gave talks, which illustrated the importance and lasting affects in our society when women are well supported. Both women who spoke, talked about how the awards made a difference in their lives. In addition, they talked about their kids and the successes they were having in college and post-college. Simply, when we support women, it pays off in spades as the women find success which in turn helps them to influence their kids to also find that same success. The Leadership council always has a "Community Woman of Distinction" which for this year was Sylvia Panetta. Similar to the other women, she also spoke about the success of her kids (kind of hard not to). I believe it's another illustration that shows when you are able to have successful and supportive families, it just increases the odds that the kids will also find similar success. Overall, it was an uplifting experience and I was happy to share the table with Assemblymember Dawn Addis and her other invited guests.

Friday, Sept. 22nd- ReGen Monterey Board Mtg- As vice-chair for the ReGen board of directors, I ran this meeting since our chair was out of town. We began acknowledging three employees for their work with the district. One of them has worked on our sorter line for 25 years and the other two have worked for 30 years, one as a heavy equipment operator and the other as a supervisor in the Materials Recovery Facility (MRF).

Next, we had a presentation from our Public Education and Outreach Coordinator, Eric Palmer who spoke about the social media outreach he does for ReGen. It was so interesting to learn his approach to posting, as he balances both the educational aspect with the positive values that ReGen wants to promote. It would be so easy to post pictures and stories that are more “doomsday” rather than positively focused, but he really works to put positive spins on all of his social media work. He also does a great job of humanizing what we do by focusing on taking pictures of our employees at work, while educating the public on how to properly dispose of their waste. He’s got a great eye, so his pictures both tell a story while still being visually stimulating. I’m not a huge social media person, so it was good to learn what he’s doing. I’m grateful that he’s using these tools to outreach and educate the public and many felt the same!

Our next presentation was about safety at the district. As you might imagine, working around all the waste/recycling materials in these environments provides lots of areas where accidents can easily happen. I was happy to learn that we have been improving with our number of OSHA reportable incidents and the team continues to be innovative with their approach to teach and engage all of the employees on the importance of safety.

Our last presentation was about results from an employee survey that was done. Turns out many employees really like where they work and feel that their jobs make a difference. Overall, very positive results!

Saturday, Sept. 23rd- Coastal Clean up with Sustainable Del Rey Oaks- Several volunteers, including myself and my husband, spent 4 hours cleaning up over 82lbs of trash from Work-Memorial park and the surrounding areas. Everything from cigarette butts, plastic bags, food wrappers, and paper products were prevented from washing down into our creek and storm drains. I want to thank SDRO for establishing Work-Memorial park as an official Coastal Clean up site, organizing the volunteers, and dealing with the paperwork that went along with this effort. Also, a big thank you goes to Safeway who donated snacks, coffee, volunteers, and for allowing us to give them back our 22 bags of trash for their disposal. Way to go SDRO and Safeway!

Sunday, Sept. 24th- Democratic Women of Monterey County Fundraiser- I was happy to spend a lovely afternoon in Carmel Valley as the Democratic Women put on their fundraiser and highlighted several hardworking women in our community. The event was hosted by Anna Velazquez, Mayor of Soledad. Our former Del Rey Oaks Mayor, Alison Kerr, also worked hard in preparing for this gathering and volunteering at the event. Besides the fundraising and sharing a meal with like-minded community members, the event provided the Visionary Leadership Award to Sylvia Panetta (who had many of her family members in attendance!). Other honorees included: Senator Anna Caballero, Dr. Laura Solorio, Tanya Costa, and Rosalyn Green.

Tuesday, Sept. 26th- City Council Mtg- We began this meeting with three important proclamations. Here are the topics of the proclamations and some of my additional thoughts:

- **Happy 70th Birthday, Del Rey Oaks!** I know we all feel so fortunate to live in such a unique and special place on the peninsula. Del Rey Oaks sits in a beautiful location within our watershed, which incorporates diverse habitats from forests, scrub brush, grass lands, the Arroyo del Rey creek, and acres of wetland habitats. We have wonderful residents who deeply care for our community and for each other. The next changes we see in our city, might very well be the largest the city has known. I look forward to working together with the community as we continue to plan and build for a sustainable future.
- **National Hispanic Heritage Month-** I am so grateful for our Hispanic members of our community, and the rich diversity that they bring. Many of you know that I teach at MPC, which is now classified as a Hispanic Serving Institution. I feel lucky to be meeting so many students who enrich our classroom with their culture and unique perspectives. I am always learning from them and am thankful to them for enriching our discussions.
- **Stormwater Awareness Week-** As we know, everything drains to the ocean around here, so I really want to thank Sustainable Del Rey Oaks for their efforts at cleaning up trash and recycling along our roadways and within Work-Memorial park during the California Coastal Clean up this past Saturday. Thank you for keeping our water ways a bit cleaner!

After these proclamations, we had a badge ceremony for our reserve officer, Chris Salopek. Chief Bourquin presented the badge and provided us with officer Salopek's vast background and history in law enforcement. I also learned that he lives in Del Rey Oaks! We are lucky to have him work with our law enforcement officers as he greatly assists in much of the detective work.

The other two items on this agenda were tabled for another time. Community Human Services was not able to make our meeting, so the presentation for Pat Lintell will happen at another time. In regards to the new business item which was to be the appeal of the city building official's determination regarding the square footage of the building at 121 Calle Del Oaks—this was also tabled after additional information was sent to city hall which needed to be reviewed. I'm very much hoping they'll be able to settle this outside of the appeal.

Monday, October 9th- MST Administration Committee Mtg- During this meeting is where we got the official state and federal legislative updates from our transportation lobbyists. We also reviewed the MST monthly performance data that focuses attention on three areas of importance- "People", "Planet", and "Profit."

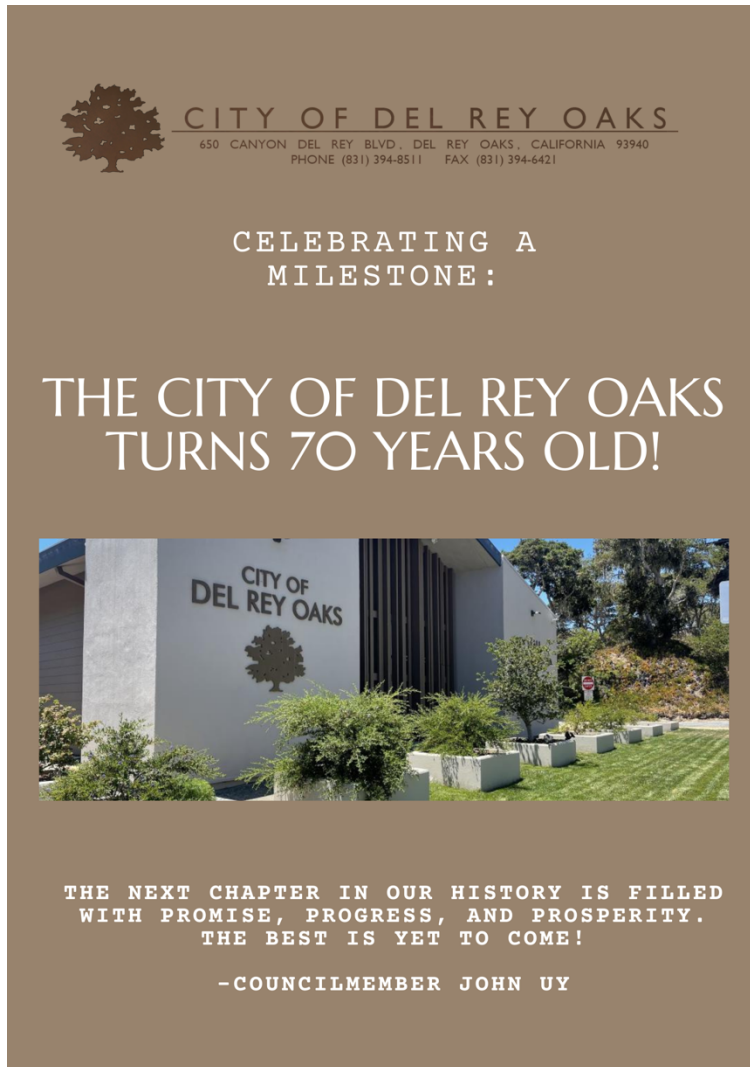
Monday, October 9th- MST Board Mtg- Please see the MST board highlights in our agenda packet.

Wednesday, October 18th- Special City Council Mtg- This council meeting was held to review and approve several items that will bring us into compliance with our 5th cycle Housing Element which is long overdue (reminder...our 6th cycle is due by Dec. 15th!). For this 5th cycle, we are focusing our efforts for affordable housing on two portions of the property in the former Fort Ord. Currently, this property is not zoned for housing, so the actions we took this evening, provides the ability to build affordable housing on sites 1 and 1a within Fort Ord. In addition, we certified the Environmental Impact Report for the 5th cycle and approved amendments to our General Plan and to the DRO municipal code. Given the state's comments on prior submissions, we should be able to submit these documents and get their final approval for compliance very soon. Council member Bill Ragsdale-Cronin mentioned he's on for cupcakes when we get final approval. Let's hold him to it 😊

Council Report from Councilmember John Uy October 24, 2023

I. Council Report: Regular Meeting of the DRO City Council on September 26, 2023

Del Rey Oaks 70th Birthday



I thank Mayor Donaldson for the wonderful proclamation honoring the 70th anniversary of our beloved City of Del Rey Oaks. It is truly an honor to be one of your councilmembers today and reflect on the remarkable journey that has brought us to this momentous occasion.

Seventy years ago, on September 3, 1953, Del Rey Oaks was incorporated as a city, and in those seven decades, we have evolved and grown in ways that we could only have dreamed of. This anniversary is not just a celebration of the passage of time but a celebration of the spirit and resilience of our community.

Throughout these seventy years, we have remained steadfast in our commitment to unity, progress, and inclusivity. Del Rey Oaks has always been a place where people from all walks of life come together to create something special. Our

residents, businesses, and civic leaders have dedicated their time and efforts to build a vibrant and welcoming community.

One of the hallmarks of our city has been our dedication to preserving the natural beauty of our surroundings. The Frog Pond Wetland Preserve, Work Memorial Park, Del Rey Park, and Butterfly Garden are testaments to our commitment to preserving our environment for generations to come. It is a commitment that reflects our deep connection to the land we call home.



Our city's history is also marked by a strong tradition of public service. City employees and elected officials have worked tirelessly to improve the lives of our residents, to provide essential services, and to make Del Rey Oaks a better place for all. This dedication to public service is a cornerstone of our community, and we owe a debt of gratitude to all those who have served and continue to serve our city.

As we mark this 70th anniversary, it is not just a time for reflection but also a time for anticipation. We have achieved so much, and we should be proud of what we have accomplished. But we must also look forward to the future with optimism and determination. The next chapter in our history is filled with promise, progress, and prosperity, and I have no doubt that together, as a united community, we will continue to achieve greatness.

So, on this special occasion, let us celebrate our past, acknowledge the challenges we have overcome, and embrace the future with open arms. Mayor Donaldson's proclamation reminds us of the pride we should feel for all that Del Rey Oaks has accomplished in its first seven decades. I am confident that with the dedication and spirit of our community, the best is yet to come!

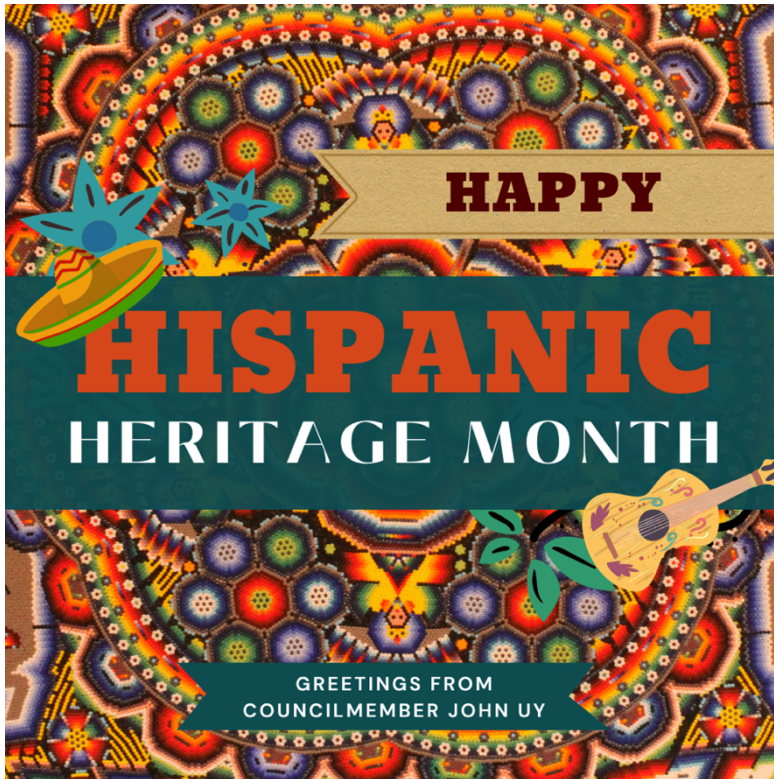
Thank you, and may we continue to thrive for many more decades to come!

National Hispanic Month

I am honored to join you in celebrating National Hispanic Heritage Month. This month provided us with a wonderful opportunity to recognize and celebrate the rich and diverse contributions of Hispanic and Latino communities to our nation's cultural tapestry.

Throughout history, Hispanic individuals and their descendants have made significant strides in various fields, from the arts and sciences to business and public service. Their stories are stories of resilience, innovation, and unwavering commitment to progress.

It is essential for us to remember that diversity is not just a source of strength, but it is the very heart of what makes our community and our nation great. By embracing and celebrating the



unique backgrounds, traditions, and experiences of our Hispanic neighbors, we enrich our collective identity and build a more inclusive and harmonious society.

I hope we used this month as a reminder to continue fostering understanding, respect, and unity among all members of our community. Together, we can create a brighter future where diversity is celebrated, and every individual's unique contributions are valued.

I hope you all took part in the festivities and educational events throughout this month, learned about Hispanic culture, and took

the time to appreciate the countless ways in which Hispanic heritage has enriched our lives.

Happy National Hispanic Heritage Month, and may we continue to grow stronger and more united as a community. Thank you!

Stormwater Awareness Week

I am pleased to acknowledge and celebrate something of utmost importance to our community—the proclamation of Stormwater Awareness Week. From September 25 to September 29, 2023, we dedicated this week to the critical cause of understanding and protecting our water resources.

Our local water quality is not only vital to the sustainability of our communities but also to the health, safety, and well-being of our residents. We recognize that the health of our environment is intricately tied to the health of our community members.

Stormwater Awareness Week provides us with an opportunity to enhance our knowledge and understanding of stormwater and its impact on the protection of our water resources. It's a week where we come together as citizens, staff, civic leaders, and businesses to learn and engage in activities that promote the responsible management of stormwater.

I want to extend our appreciation to our Municipal Staff who play a crucial role in protecting water quality. They are on the front lines, working diligently to ensure that our water resources remain clean and safe for all. Their dedication is instrumental in maintaining the health of our environment.

Stormwater itself is increasingly recognized as a valuable resource for our community. It's a reminder that every drop counts, as demonstrated by its contribution to the Pure Water Monterey project, a testament to our commitment to sustainability.

Since 2002, our city has been a proud participant in the Monterey Regional Stormwater Management Program (MRSWMP). This regional collaboration is essential for implementing stormwater regulations consistently and cost-effectively, aligning with the Clean Water Act. It's a testament to our commitment to responsible water management.

This year, we will actively participate in the annual Stormwater Awareness Week training activities, focusing on educating our Municipal Staff, particularly our Building Department Staff, about stormwater and water quality issues. It's an investment in knowledge and expertise that will pay dividends in safeguarding our environment.

In light of these important efforts, I am honored to join my fellow council members in proclaiming the week of September 25 to September 29, 2023, as Stormwater Awareness Week in the City of Del Rey Oaks. We encourage all residents to recognize the paramount importance of water quality and its profound impact on our community's health, safety, welfare, and overall quality of life.

I want to thank everyone for all your commitment to this vital cause, and let us continue working together to protect our precious water resources.

Badge Ceremony for Reserve Police Officer Chris Salopek

On this day, we witnessed the addition of a new star to our law enforcement constellation. Reserve Police Officer Chris Salopek, your dedication to service and commitment to our community are truly inspiring.

In your badge, we see the emblem of courage, honor, and sacrifice. As you wear it proudly, may it remind you of the noble duty you've undertaken, and may it always guide you in your pursuit of justice.

To Officer Salopek and your family, thank you for your sacrifice and support. Your presence in our community is a beacon of hope and safety. We look forward to your continued service, and we are grateful for your unwavering dedication.

Congratulations, Officer Salopek, and welcome to our family of brave guardians. Your journey is just beginning, and we are with you every step of the way.

II. Council Report: A Glimpse into the "Seeing Others" Webinar by Michèle Lamont (October 3, 2023)



I am honored to have had the opportunity to participate in a thought-provoking webinar, "Seeing Others: How Recognition Works and How it Can Heal a Divided World," hosted by the Office of the Vice Provost for Advances in Learning at Harvard University on October 3, 2023. The insightful presentation by sociologist Michèle Lamont has provided a wealth of knowledge and guidance on how we, as both policymakers and citizens, can work

together to build a more inclusive and harmonious society.

Key Takeaways:

The webinar explored the pressing issues of growing inequality and the erosion of the American dream, which have resulted in a mental health crisis that touches every corner of our society. Through interviews with Gen Z individuals and change agents from various fields, Michèle Lamont revealed the emergence of alternative hopes, emphasizing inclusion, authenticity, and sustainability. These individuals are actively contributing to social movements that seek to extend recognition to the broadest possible audience, even in the face of political backlashes. Their efforts hold the potential to broaden cultural citizenship, not only in the United States but also in other societies.

Recommendations for Policymakers:

Michèle Lamont provided valuable insights into what politicians and policymakers can do to address the pressing issues in our society:

1. **Promote Inclusive Laws:** We must strive to create and advocate for laws and policies that promote inclusivity and equality. This means taking concrete steps to address systemic disparities and discrimination, ensuring that every individual is treated with dignity and fairness.
2. **Redefine Collective Identity:** Our efforts should be directed towards redefining our collective identity, one that is based on shared values of inclusion and acceptance. By

fostering a sense of belonging among all members of our community, we can contribute to the healing of divisions in our society.

Actions for Citizens:

As citizens, each one of us plays a crucial role in building a more inclusive and harmonious world. Michèle Lamont offered some practical actions that we can take in our daily lives:

1. **Everyday Choices:** Our everyday choices have a significant impact. We can work to break down barriers by avoiding opportunity hoarding and consciously passing on advantages. This might include sending our children to integrated public schools, promoting diversity and equal opportunities for all.
2. **Collective Conversations:** Engaging in collective conversations is a powerful way to bridge divides. By discussing and highlighting commonalities across differences, we can build stronger connections within our communities.

A New World is Possible:

In conclusion, Michèle Lamont left us with a hopeful message: a new world is possible where we can all live harmoniously and heal the divides in our society. The key lies in redefining worth in society and expanding the circle of recognition to include all members. As your councilman, I am committed to working with you to achieve these goals.

Let us remember that the vision of a more inclusive and compassionate society begins with each of us. By expanding our idea of who matters, we can collectively make a positive difference and create a better future for our community.

III. Council Report: Del Rey Oaks Fall Festival Picnic on October 7, 2023

I am delighted to share my experience at the heartwarming Del Rey Oaks Fall Festival Picnic, held on October 7, 2023, at Del Rey Park. This delightful event was organized with immense dedication by our beloved Citizens Action Group, a community organization known for their tireless efforts to bring our community together.



A Day to Remember:

The Del Rey Oaks Fall Festival Picnic has become an annual tradition that embodies the essence of unity, togetherness, and the celebration of our vibrant community. The festival

featured a range of exciting activities and attractions, including a kiddie parade, family games, a captivating fire department truck display, a presence from the Monterey County Library, live music to uplift our spirits, a delicious potato bar to satisfy our taste buds, and even commemorative t-shirts for sale.



The Citizens Action Group's Dedication:

I would like to express my sincere gratitude to the Citizens Action Group for their unwavering dedication to organizing this fantastic event year after year. Their commitment to creating an environment where neighbors become friends and families create lasting memories is truly remarkable. It is through their hard work and passion that the Del Rey Oaks community continues to thrive.

Building a Stronger Community:

Events like the Del Rey Oaks Fall Festival Picnic serve as a testament to the power of community unity. These gatherings offer an opportunity for residents of all ages to come together, share in the spirit of togetherness, and foster the strong bonds that make our community so special. It is in these moments that we remember what truly matters – the people who surround us and the sense of belonging we share.



Your Involvement Matters:

I encourage each and every one of us to actively participate in events like these. Our presence, enthusiasm, and engagement help make these community gatherings the successes they are. By coming together, we not only create memorable experiences but also demonstrate the strength of our community spirit to the world.



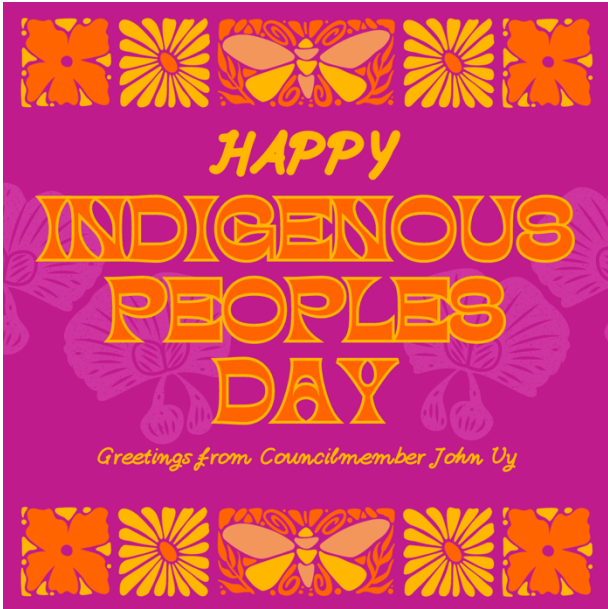
A Community to Be Proud Of:

As your councilman, I am immensely proud to represent a community that places such a high value on unity and togetherness. The Del Rey Oaks Fall Festival Picnic is a shining example of what can be achieved when a community stands together.

I look forward to our continued collaborations and opportunities to celebrate our community's strength. Thank you for being an essential part of what makes Del Rey Oaks the wonderful place it is.



IV. Council Report: Indigenous Peoples' Day Message on October 9, 2023



As we gather to celebrate Indigenous Peoples' Day on October 9, 2023, let us honor the rich cultures and histories of the Indigenous peoples who have stewarded our land for generations. Indigenous Peoples' Day is not just a day on the calendar; it is a testament to our commitment to unity and respect. It is a day to acknowledge that the lands we inhabit today were first inhabited by Indigenous communities who have endured challenges and adversity with incredible resilience.

Our nation and our local community are enriched by the diverse Indigenous cultures that have thrived across this land. These cultures are a source of wisdom, traditions,

art, music, and stories that continue to inspire and influence our lives today. As we celebrate Indigenous Peoples' Day, we have the opportunity to recognize these vibrant and enduring traditions.

Indigenous Peoples' Day offers an opportunity to build bridges of cooperation and collaboration. By coming together to celebrate the cultural richness of Indigenous communities, we create a stronger sense of unity within our own community. It is a day to remember that we are all connected, and we all share the same planet and dreams.

I want to express my gratitude to the Indigenous peoples who continue to be an integral part of our community. Your contributions and resilience inspire us all. Happy Indigenous Peoples' Day to everyone, and may this day remind us of the importance of unity, understanding, and respect in our journey towards a brighter future.

IV. Council Report: Seaside County Sanitation District Board Meeting on October 10, 2023

Meeting Called to Order:

The Seaside County Sanitation District Board of Directors meeting was called to order on October 10, 2023, by First Vice Chair Jerry Blackwekder.

Roll Call - Sanitation District Board of Directors:

The following members were present:

- First Vice Chair: Jerry Blackwelder
- Second Vice Chair: John Uy

Review of Agenda:

First Vice Chair Jerry Blackwekder reviewed the agenda for the meeting.

Addition of Items to the Agenda:

No items arose after the 72-hour posting deadline for addition to the agenda.

Public Comment:

Members of the public were invited to address the Seaside County Sanitation District on matters within the jurisdiction of the Board. There were no public comments made during this period.

Consent Agenda:

- A. Approve Minutes from September 12, 2023 Regular Meeting
- B. Receive Seaside County Sanitation District Operations Report for September 2023
 - Purpose: To receive the Seaside County Sanitation District Operations Report for September 2023.
 - Recommendation: Accept the reports. This item is for informational purposes.
- C. Approval of June through September 2023 Expenditure Report for Seaside County Sanitation District
 - Purpose: To approve the expenditures for June through September 2023, totaling \$695,288.47, for the Seaside County Sanitation District.

- Recommendation: Approve the expenditures for June through September 2023 and approve a drawdown request of \$695,288.47.

D. Adopt a Resolution Approving Plans and Specifications

- Purpose: To adopt a resolution approving the plans and specifications for the relocation of a sewer line included in the City of Seaside's City Hall and Library Parking Lot Repave Project.
- Authorize a reimbursement agreement with the City of Seaside for upgrades to the sanitary sewer system as part of the project.

The consent agenda was approved by the Board.

New Business:

No new business discussed.

V. Council Report: AMBAG Board of Directors Meeting on October 11, 2023

This report provides an overview of the discussions and presentations made during the AMBAG (Association of Monterey Bay Area Governments) Board of Directors Meeting held on October 11, 2023. The meeting covered two new business topics related to planning.

Topic A: Draft 2026 Regional Growth Forecast

Recommendation: Information only

Background/Discussion: The 2026 Regional Growth Forecast plays a critical role in guiding our regional and local planning efforts. It projects population, employment, and housing numbers for the Monterey, San Benito, and Santa Cruz counties between 2020 and 2050. This information is vital for various planning projects, including the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and economic activity analyses.

Forecast Methodology: After careful consideration and feedback, we have chosen the Cohort Component Population Growth methodology for the 2026 Regional Growth Forecast. This approach involves using birth, death, and migration data to predict future population trends.

Feedback and Assumptions: Feedback from a workgroup, including Planning Directors from each county, highlighted the significance of affordable housing and the implications of ag tech development. We also received input on birth and death rate trends. As a result, our assumptions are informed by regional, state, and national trends.

Preliminary Results: The preliminary forecast numbers reflect the region's changing demographics and economy. Population projections have been adjusted based on updated

data, indicating a slow growth pattern. Job projections have been revised lower, reflecting new data. However, housing projections have increased slightly, reflecting growth trends.

Next Steps: We will continue to refine the forecast and work closely with local jurisdictions to ensure accurate data is incorporated into our planning efforts. A revised draft will be available for review and discussion in November 2023.

Topic B: 2050 Metropolitan Transportation Plan/Sustainable Communities Strategy Update

Recommendation: Information only

Background/Discussion: We are embarking on the development of the 2050 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), a critical long-term plan for our region. This plan guides transportation and land use decisions and is mandated by federal and state law. We are scheduled to adopt the 2050 MTP/SCS in June 2026.

Draft Vision and Goals: As a crucial first step, we have established a draft vision and goals to guide the development of the plan. These elements provide the policy foundation for the MTP/SCS and outline our ambitions for the future.

Vision: "An accessible and connected region for a safe, resilient, and equitable future."

Goals:

- Mobility
- Environment
- Communities
- Economic
- Equitable

Next Steps: We will continue developing the initial components of the 2050 MTP/SCS with the involvement of stakeholders, local jurisdictions, and partner agencies. The Board of Directors will be asked to approve the vision and goals in November 2023.

Closed Session Discussion: Evaluation of Performance

Purpose: Government Code Section 54957 - Evaluation of the Executive Director
In accordance with Government Code Section 54956, we may adjourn to Closed Session to consider specific matters related to the performance evaluation of our Executive Director.

VI. Council Report: Equality California Awards in Los Angeles on October 14, 2023

It is with great honor and enthusiasm that I share my experience attending the Equality California Awards in Los Angeles, California, on October 14, 2023. This remarkable event

brought together a diverse and dedicated community of legislators, constitutional officers, advocates, and supporters, all united by a shared vision of creating a more inclusive world for everyone.



The Power of Unity:

The Equality California Awards showcased the extraordinary dedication of inspirational leaders and allied organizations who are tirelessly working to make our world a better place. Their selfless efforts serve as a powerful testament to the positive change that can be achieved when we stand together.

A Common Vision:

The event underscored the importance of unity and collaboration in driving progress. Regardless of our backgrounds or affiliations, we all share a common goal: to build a society





where everyone is valued, respected, and treated with equality. It is heartening to see such a diverse range of individuals and groups join forces to champion this cause.

A Better World for All:

The work of Equality California and its partners is making a profound impact. It is inspiring to witness their unwavering commitment to advancing the rights and well-being of LGBTQ+ individuals and the broader community. They are a beacon of hope, demonstrating that positive change

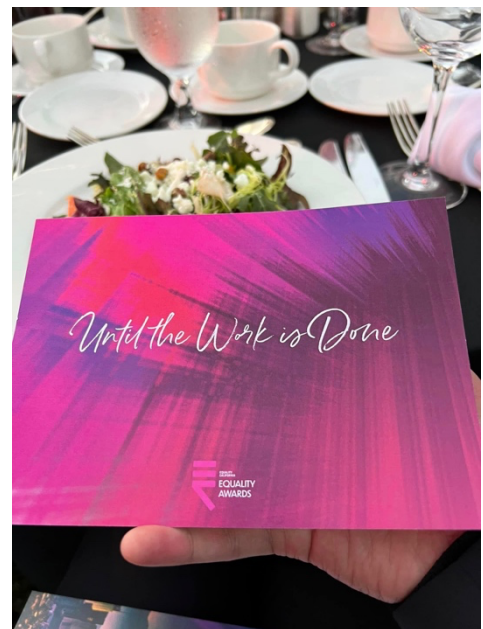
is possible when we work together with passion and determination.

A Call to Action:

As your councilman, I am committed to promoting inclusivity, diversity, and equality within our own community. I believe that we, too, can make a meaningful difference by standing up for what is just and fair, and by supporting organizations like Equality California in their vital mission.

In Conclusion:

The Equality California Awards served as a powerful reminder that unity has the potential to transform lives and create a more inclusive world. Let us take inspiration from this event and continue to work together to build a better future for all. I look forward to our shared journey towards equality, respect, and unity within our community.



VII. Council Report: Special City Council Meeting on October 18, 2023

On October 18, 2023, the City Council convened a special meeting to address a crucial agenda item: the approval of the 2023 5th Cycle Housing Element Update. This update aimed to amend the General Plan and the Del Rey Oaks Municipal Code by adding an affordable housing overlay zone to defined areas within the former Fort Ord.

The City Council also had the responsibility of certifying the Environmental Impact Report (EIR) prepared for this action under the California Environmental Quality Act (CEQA).

Consideration of Agenda Items:

The City Council considered recommendations from the Planning Commission concerning the 2023 5th Cycle Housing Element Update. This update included amendments to the General Plan and the Municipal Code. The primary objective was to introduce an affordable housing overlay zone in designated areas within the former Fort Ord to fulfill the City's Regional Housing Needs Allocation (RHNA) requirements for the 5th Cycle Housing Element Update.

The Council also reviewed and voted on the approval of the Mitigation Monitoring and Reporting Program (MMRP). Furthermore, they considered the Planning Commission's proposal to certify the Environmental Impact Report (EIR) prepared for this action under the California Environmental Quality Act (CEQA).

Deliberation and Decision:

After thorough discussions and evaluations, the City Council approved all the items presented for consideration. The Council recognized the significance of complying with state housing laws and the responsibility to provide diverse housing options to meet the regional housing needs. This decision was a crucial step toward ensuring the City's General Plan aligns with state requirements and the commitment to create housing for all income categories and housing types.

The 5th Cycle Housing Element Update was initially sent for a 60-day review, which was conducted from April 24, 2023, to June 23, 2023. During this review, the City worked closely with the California Department of Housing and Community Development (HCD) to ensure compliance. HCD provided feedback and ultimately approved the emergency shelter ordinance without requiring any changes. The HEU document itself was also reviewed by HCD, and they indicated that the City could adopt the HEU without any requested changes, speeding up the final compliance review process.

The process also involved fulfilling Del Rey Oaks' housing assignment, marking the culmination of a comprehensive, multi-level process that adheres to state housing laws. This process included working with the Association of Monterey Bay Area Governments (AMBAG), which allocates the region's housing assignment to cities and counties through the Regional Housing Needs Allocation (RHNA) process.

The Council recognized the importance of identifying specific parcels of land with the potential to accommodate the assigned units, ensuring proper zoning for residential uses, and meeting affordability criteria. Compliance with state law and addressing the needs of residents in different income categories, particularly "very low" and "low" income groups, was a significant focus of the Housing Element Update.

Motion for Approval:

The City Council approved the following resolutions and ordinances:

1. Resolution adopting the City's 2015-2023 General Plan 5th Cycle Housing Element Update, approving the General Plan Amendments, and certifying the 5th Cycle 2015-2023 Housing Element Update EIR, with approval of the MMRP.
2. Approval to waive First Reading and introduction of an ordinance to amend Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to the Affordable Housing Overlay Zone.
3. Direction to publish the ordinance, with publication satisfied by a summary approved by the City Attorney.

Conclusion:

The City Council's approval of the 2023 5th Cycle Housing Element Update is a significant achievement in meeting the City's housing needs while adhering to state requirements and fostering a community with diverse housing opportunities.

This decision is a testament to the City's commitment to its residents and its dedication to providing housing for all income categories and housing types. It ensures that the General Plan aligns with state housing laws and fulfills the requirements set forth by the State of California.



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

www.tamcmonterey.org

HIGHLIGHTS

September 27, 2023

TAMC Board Receives Measure X Revenues and Annual Inflation Adjustment Information

The Transportation Agency Board of Directors received a presentation on the Measure X revenues and the annual adjustment to the Regional Projects and Programs. The presentation noted that prior to Monterey County voters adopting Measure X in November 2016, revenues were conservatively estimated to be \$20 million per year. Actual revenues have been significantly higher, with the fiscal year 2021/22 revenues exceeding \$38 million.

The Measure X program's existing fund balance, along with new revenues, will allow the Measure X program of projects to meet programmed local match requirements for the next five years. Since 60% of the Measure X funds are allocated to the cities and County, these increased revenues will primarily accrue for local road and street projects.

Priority regional projects that are expected to start construction during the five-year timeframe include the following projects:

- Imjin Road Widening project, which uses \$18 million in Measure X funds as match to a \$19 million Senate Bill 1 Local Partnership Program grant;
- Highway 218 Segment of the Fort Ord Regional Trail and Greenway project, which used \$1 million in Measure X as a match to a \$10 million Active Transportation Program grant;
- State Route 156/Castroville Boulevard project, which received a \$20 million Senate Bill 1 Trade Corridors grant that is matched with \$10 million in Measure X and \$5 million in development impact fees; and
- SURF! Rapid Bus Corridor, which used \$15 million in Measure X funds as a match to \$1.4 million Senate Bill 1 Local Partnership Program funds, \$24.7 million Federal grants, and a \$25 million Transit and Intercity Rail capital Program grant.

During a review of the Policies and Projects Description for the Transportation Safety and Investment Plan (Measure X), Agency staff identified an approved policy for addressing inflation and increased

projects costs that had not previously been implemented. Since Measure X revenues have been consistently higher than expected, and project costs have risen dramatically in recent years, Agency staff proposed to enact the annual inflation adjustment going forward for regional programs and projects using the same construction cost index from the Engineering News Record that is used to index the Measure X Maintenance of Effort requirement.

TAMC Seeks Nominations for 22nd Annual Transportation Excellence Awards

The TAMC Board of Directors authorized the release for a call for nominations for the Transportation Agency 's 22nd Annual Transportation Excellence Awards. The award honors individuals, businesses, groups, or projects for their efforts to improve the transportation system in Monterey County.

Examples of potential awards include:

- Projects that exemplify TAMC's mission to develop and maintain a multimodal transportation system that enhances mobility, safety, access, environmental quality, and economic activities in Monterey County;
- Innovative activities that promote safer or more efficient use of the local transportation network;
- Citizens or organizations that have made significant efforts to inform and educate the public about transportation issues;
- Successful efforts to improve transit services and encourage the use of smart commute options as alternatives to driving alone; and/or
- Transportation employees who excel at their jobs and go the extra mile to improve our transportation system.

The nomination form is available on the Transportation Agency website at www.tamcmonterey.org. The form can be submitted online or downloaded and sent to the attention of Theresa Wright at 55 B Plaza Circle, Salinas, CA 93901, or theresa@tamcmonterey.org. The deadline to submit a nomination is December 1, 2023. The Transportation Agency Executive Committee will select the awards recipients at its January 2024 meeting, and the awards ceremony will take place during the regular January 24, 2024, Transportation Agency Board meeting.

TAMC Appoints Two New Members to Serve on the Measure X Citizens Oversight Committee

The TAMC Board of Directors approved the appointment of Christie Cromeenes to serve as the Central Coast Builders Exchange representative on the Measure X Oversight Committee. With the retirement of the Alliance on Aging Executive Director, Teresa Sullivan, the Board approved the appointment of the Alliance's new Executive Director, John McPherson, to serve as the alternate representative for the senior and disabled services agency on the Oversight Committee.



MST HIGHLIGHTS
Board of Directors Meeting
October 9, 2023

RECOGNIZED OCTOBER EMPLOYEE OF THE MONTH

The MST Board adopted resolution 2024-06 recognizing Vince Dang, Project Management Coordinator as the October 2023 Employee of the Month for his outstanding contribution to MST and to the entire community.

25 YEARS OF SERVICE

The MST Board recognized Roberto Cruz, Coach Operator for 25 years of service and his outstanding dedication and contribution to MST and to the entire community.

RECEIVED MST 50TH GOLDEN ANNIVERSARY RECOGNITION

The MST Board received a 50th Golden Anniversary recognition plaque from Luis Alejo on behalf of the County of Monterey Board of Supervisors.

RECEIVED CONGRESSIONAL RECORD HONORING MST 50TH ANNIVERSARY

The MST Board received a Congressional Record Honoring the 50th Anniversary of Monterey-Salinas Transit

ADOPTED RESOLUTION 2024-07 FOR MST PROGRAM OF PROJECTS

The MST Board adopted Resolution 2024-07 approving the MST program of projects and authorizing the General Manager/CEO to execute grant documents for state transit assistance/ State of Good Repair Funds and authorizing the execution of program certifications and assurances.

AUTHORIZED DISPOSITION OF ELEVEN MST-OWNED VEHICLES

The MST Board authorized the disposition of eleven (11) MST-owned vehicles that have reached or exceeded their useful life.

AUTHORIZED JOE LLOYD WAY FACILITY LEASE DOCUMENTS

The MST Board authorized the General Manager/CEO to execute lease documents with US ARMY for the Joe Lloyd Way Facility (JLW) for continued MST fixed route and MST RIDES minibus operations and maintenance at a rate of \$230,856 per year for a term of two years.

AUTHORIZED WORKERS' COMPENSATION CONTRACT

The MST Board authorized the General Manager/CEO to enter into a three-year contract with Pacific Claims Management for workers' compensation managed care services with the option to extend for two (2) individual one (1) year terms, for a total contract amount not to exceed \$380,000 or \$76,000/year.

RECEIVED STAFF RECOMMENDATIONS FOR TRANSIT OPERATIONS AND CAPITAL PROJECTS FUNDING

The MST Board received staff recommendations for transit operations and capital projects funding in the FY 2024 State Budget as promulgated in Senate Bill 125, Senate Bill 101, and Assembly Bill 102, and provided direction.

APPROVED UPDATED MST EMPLOYEE HANDBOOK

The MST Board approved the updated version of the MST Employee Handbook.

AUTHORIZED FUEL CONTRACT WITH MANSFIELD ENERGY

The MST Board authorized General Manager/CEO to enter into a contract with Mansfield Energy for the purchase and delivery of fuel, valid from November 1, 2023, through February 10, 2027, with the option to extend one additional year thereafter, in an amount not to exceed \$22,200,578.

APPROVED 3% INCENTIVE POOL FOR MSTEА AND CONFIDENTIAL UNIT

The MST Board approved the MST 3.0% FY 2023 incentive pay pool for eligible Monterey-Salinas Transit Employee Association (MSTEА) and Confidential Unit Employees (excluding the General Manager/CEO).

NEXT MST BOARD MEETING

The next regular MST Board meeting is scheduled for November 13, 2023.

Del Rey Oaks City Council's Representative to the
Monterey County Mosquito Abatement District (MCMAD) Board of Trustees

Report: October 2023

The MCMAD met at Noon on October 10, 2023. (See Agenda)

The meeting was held at 926 E. Blanco Road in Salinas

The board reviewed and approved the revised 5-Year Strategic Plan for the district, with minor corrections.

A number of board members and the manager will be attending the Monterey County Special District Chapter meeting at Bayonet-Black Horse Golf Course on Oct 17. The speaker will be from the California Joint Powers Authority Investment Fund.

Monthly Operations Report:

- a. The district received 17 calls for service since the last meeting (Sep 12, 2023), for among other things, mosquito fish and one for assistance in eradicating a yellow-jacket hive. (The yellow-jacket eradication is generally not in the district's purview, but they were glad to assist.)
- b. The district made two You-Tube videos.
- c. The district is treating Elkhorn Slough, and working with the county to address the malfunctioning tide gates. (These gates are meant to let out fresh water from the slough, while preventing the intrusion of salt water at high tide. They are not closing properly, and the incoming saltwater kills some of the slough plants.)
- d. Several employees will be participating in drone training at Tahoe.
- e. Several new employees will be attending a training conference in Montana.

Monthly Administrative Report:

- a. The district is working on modifying the Argos with spreaders, so no one will have to ride on the back to man one.
- b. The district has started trail clearing at The Frog Pond, so they can better access the mosquito breeding areas once the rains start.
- c. The district is evaluating options for providing service outside of the current footprint, such as contracting to provide services in south county on an as needed basis.
- d. The district worked on the videos that will be broadcast on Comcast. Previews of two were shown to the board.

The next meeting for the Monterey County Mosquito Abatement District Board of Trustees will be at Noon on November 14, 2023, at 926 East Blanco Rd, Salinas, CA 93901.



**858th REGULAR MEETING
OF THE
BOARD OF TRUSTEES
926 East Blanco Road
Salinas, CA. 93901**

October 10, 2023

~AGENDA~

12:00 P.M. Noon

926 East Blanco Road
Salinas, CA 93901

(831) 422-6438 p
(831) 422-3337 f

Office Hours:
Monday – Friday
8 a.m. – 4:30 p.m.

We strive to host inclusive, accessible meetings that enable all individuals, including individuals with disabilities, to engage fully. To request an accommodation or for inquiries about accessibility, please contact the District.

1. CALL TO ORDER:

2. ROLL CALL – ESTABLISHMENT OF QUORUM:

3. PUBLIC INPUT: (Limited to 3 minutes)

The consent calendar includes routine items than can be approved with a single motion and vote. A member of the Board of Trustees may request that any item be pulled from the Consent Calendar for separate consideration

4. CONSENT CALENDAR:

- A. APPROVAL OF THE MINUTES: September 2023
- B. PAYROLL WARRANTS: September 2023 \$89,030.55
- C. COMMERCIAL WARRANTS: September 2023 \$175,059.50
- D. UMPQUA BANK: August 2023 \$26,368.51
- E. TIME DISTRIBUTION: September 2023
- F. BALANCE SHEET: September 2023
- G. SCHEDULE OF EXPENDITURES: September 2023

5. BUSINESS ITEMS:

- A. Discussion of the revised 5-Year Strategic Plan and consider for approval
- B. Discussion of proposed Succession Plan, possibly creating an ad-hoc committee to help further draft
- C. Consideration and approval of Ray Coopersmith and Don Cranford to serve a four-year term on the Monterey County Mosquito Abatement District Board of Trustees
- D. Special District Chapter meeting at Bayonet Blackhorse 10/17/23; Speaker Robert Schull, California Class Joint Powers Authority Investment Pool. Now also available by Zoom.

Jeff Cecilio
Board Chair
County at Large

Don Cranford
Vice Chair
County at Large

Nancy Amadeo
Secretary
City of Marina

Jason Campbell
Trustee
City of Seaside

Ray Coopersmith
Trustee
County at Large

Mary Ann Carbone
Trustee
City of Sand City

Louise Goetzelt
Trustee
City of Del Rey Oaks

Jim Tashiro
Trustee
City of Salinas

Diane de Lorimier
Trustee
City of Monterey

**DRAFT MINUTES OF THE 857th REGULAR
MEETING OF THE BOARD OF TRUSTEES OF THE
MONTEREY COUNTY MOSQUITO ABATEMENT DISTRICT
September 12, 2023**

A meeting of the Board of Trustees of the Monterey County Mosquito Abatement District was held on September 12, 2023, at the District Office in Salinas, California.

MEMBERS PRESENT:

Jeff Cecilio, Chair, County of Monterey
Don Cranford, Vice Chair, County of Monterey
Jason Campbell, City of Seaside
Mary Ann Carbone, City of Sand City
Ray Coopersmith, County of Monterey
Louise Goetzelt, City of Del Rey Oaks

STAFF PRESENT:

Ken Klemme, District Manager
Mona Sloan, Administrative Assistant
Philip Maschmeyer, Operations Supervisor

MEMBERS ABSENT:

Nancy Amadeo, Secretary, City of Marina
Diane de Lorimier, City of Monterey
Jim Tashiro, City of Salinas

1. CALL TO ORDER:

Board Chair Jeff Cecilio called the 857th Regular Meeting to order at 12:02 PM

2. ROLL CALL:

Administrative Assistant Mona Sloan called roll; it was determined that a quorum was present

3. PUBLIC COMMENTS:

NONE

4. CONSENT CALENDAR:

- A. APPROVAL OF THE MINUTES: August 2023
- B. PAYROLL WARRANTS: August 2023 \$91,726.67
- C. COMMERCIAL WARRANTS: August 2023 \$46,487.03
- D. UMPQUA BANK: July 2023 \$9,771.55
- E. TIME DISTRIBUTION: August 2023
- F. BALANCE SHEET: August 2023
- G. SCHEDULE OF EXPENDITURES: August 2023
- H. DRAFT FINANCIAL STATEMENT: Q4 2023

7. **MONTHLY OPERATIONS REPORT: Ken Klemme, District Manager/Biologist**

Manager Klemme spoke to Trustees and informed them that we have been working on the 2022-2023 audit with our CPA and auditing firms with a goal of presenting to the Board at the November 14th meeting. He also stated that staff and two Board members recently attended the California Special District Association (CSDA) annual conference in Monterey. He added that it was good exposure for our newer technicians who also received a chance to go. Klemme discussed the City of Salinas Vision 2030 California Environmental Qualities Act (CEQA) process, which is currently open for comments from both individuals and agencies. Klemme would like to make a few comments, especially since the City of Salinas Vision 2030 has to do primarily with global warming. Klemme made the correlation that with global warming the experts are saying that vectors will spread more disease faster and the City should take that into account with their broken drains and broken sidewalks that breed mosquitoes.

8. **TRUSTEE COMMENTS:**

Trustee Goetzelt told Operations Supervisor Maschmeyer that she would like to send him a sample of how the veterans administration reports out monthly activities.

9. **ADJOURNMENT:**

With no further inquiries, Board Chair Cecilio adjourned the meeting at 1:03 PM to the next regularly scheduled meeting on October 10, 2023 at noon.

Jeff Cecilio, Board Chair

ATTEST:

Nancy Amadeo, Secretary

6. **MONTHLY OPERATIONS REPORT:** Philip Maschmeyer, Operational Supervisor

7. **MONTHLY ADMINISTRATIVE REPORT:** Ken Klemme, District Manager

8. **TRUSTEE COMMENTS:**

Adjournment to: October 10, 2023

With no further inquiries, **Trustee Carbone** moved to approve the consent calendar as presented, **Trustee Amadeo** seconded; *the motion was passed unanimously.*

5. **BUSINESS ITEMS:**

A.

**Resolution No. 2324-01
Of the Monterey County Mosquito Abatement District
Board of Trustees to Cease Providing Health Benefits
to Future Board Members**

Discussion was held regarding the increasing cost of Health insurance and the burden it will eventually put on the District.

After consideration, **Trustee Goetzelt** moved to approve **Resolution No. 2324-01** as presented, **Trustee Amadeo** seconded; with the exception of (1) one "no" vote from **Trustee Campbell**, *the motion was passed successfully.*

B. **Approval of Comcast Media Campaign**

Manager Klemme presented the Comcast television advertising campaign to the Board for approval and confirmed there would be advertising in Spanish. He let the Board know that advertising could be adjusted to meet our needs.

Trustee Tashiro made a motion to accept the contract as presented, **Trustee Goetzelt** seconded; *the motion passed unanimously.*

6. **MONTHLY OPERATIONS REPORT: Paul Palomo, Operations Supervisor**

Paul Palomo briefed the Board on District activities for the month of July. Palomo informed Trustees that staff saw a slight drop in service call requests as opposed June and half of what we had in May. There were 22 service requests with 15 calls regarding mosquito activity, 6 calls for mosquito fish and 1 dead bird call. Three videos were produced for the District's Social Media account and mosquito techs have been doing a great job in their zones.

Monterey County Veterans Issues Advisory Committee ((VIAC)

Report to the Del Rey Oaks City Council

The Monterey County Veterans Issues Advisory Committee (VIAC), is part of the Military & Veterans Affairs Office (MVAO). VIAC meets the last Thursday of the month at the Veterans Transition Center (VTA) in Marina.

Approximately 10% of the overall population of Del Rey Oaks is either veterans or active duty military service members. This number increases significantly when spouses and dependents are factored in. VIAC is committed to the wellbeing and welfare of all who have answered the call to our nation's service. If any of you have questions about possible benefits, or have concerns related to your service, please don't hesitate to contact me through City Hall, or email me at rlj.dro@gmail.com.

-Rick Johnson

Date and location of Meeting: September 28, 2023, Veterans Transition Center

The following is an overview of issues reported to, and considered at, the September 28, 2023 meeting:

Veterans Transition Center (VTC)

- The VTC is currently at maximum capacity for all housing programs serving 104 veterans and dependents.
- Lightfighter Village wall raising is scheduled for October 30th. Congressman Panetta is scheduled to be the guest speaker.
- On September 29th the VTC received the Non-Profit Organization of the year Award in the Innovator Category from the Non-Profit Alliance of Monterey County.
- A VTC employee (Shane Strong) is one of the Veteran of the Year award recipients.

Central Coast Veterans Cemetery

- The placement of a sign at the Lightfighter exit off Highway One to direct vehicles to the cemetery is moving forward.

Cemetery Foundation

- A credible proposal for construction of the Donor Wall has been received.
- The Foundation is coordinating with the State of California and American Legion Post 591 for an 11:00 AM Veterans Day Cemetery event on November 11th.

Ord Military Community

- In the event of a possible government shutdown, all non-essential services will be shut down. DLI classes will continue to function, although some support entities will be affected.

Ft. Ord Retiree Council

- Please note: Louise Goetzelt attended the National Retiree Council meeting on August 1st. The Council will be meeting April 14, 2024 in-person. Replacement nominations will be due in six to eight weeks. There are listing requirements for each position (rank, active, reserve, etc.) National issues for discussion are due by Nov. 1, 2023. More information to follow.

VA-DOD Clinic

- Monterey County 4th District Supervisor Wendy Root-Askew toured the clinic with Jean Gurga, VA Palo Alto Medical Center Director, for a first-hand look at the facility and to discuss needs of the veteran community in our area.
- Jack Murphy commented that he has been in contact with the senior leadership at VA Palo Alto regarding the spike in complaints about mental health services at the clinic.

Municipalities

- The City of Monterey co-sponsored the Monterey Bay Veterans Fishing Derby by providing 25 parking passes for the event.
- Monterey is actively trying to recruit military spouses and veterans for job opportunities.
- Seaside's Mayor Ian Ogelsby was featured in a New York Times article regarding the former Fort Ord.

Military & Veterans Affairs Office (MVAO)

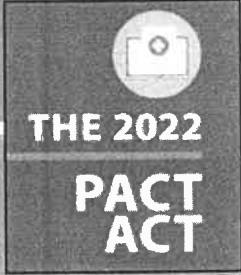
- AB 46 , the bill that would provide tax benefits for military veterans and surviving spouses receiving retiree benefits has been designated as a two-year bill and remains alive. **Note, the Bill addresses the fact that California is the only state that does not provide any tax relief in any form for military retirees.**
- Veteran of the Year tickets for the November 3rd dinner are available at the MVAO office.
- The Heroes Open is scheduled for October 28th.
- MVAO continues to address issues that will impact the veteran community in the event of a government shutdown. Please note that veteran benefits are fully funded and would not be affected in the event of a shutdown.
- Military Veterans Affairs Office Activity Reports for July and August are attached.
- The August and September Reports are attached offering a quick overview of the work being done on behalf of veterans in Monterey County.



County of Monterey Military & Veterans Affairs Office



MILITARY & VETERANS AFFAIRS OFFICE MONTHLY ACTIVITY REPORT August 2023



11
Outreach Events
214
New Contacts


761
Phone Calls

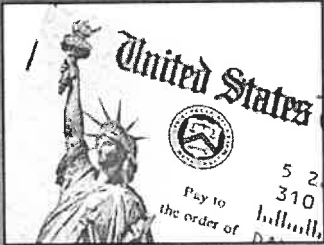
484
Vet Rep Appointments

761 Claims Actions
387 Unique Veterans
263 VA Disability Awards



53 College
Fee Waivers
\$359,490

New Disability Compensation Awards
\$684,762
Retroactive Payments
\$108,515
Recurring Monthly Payments



 **Customer Satisfaction Survey**
84% Very Satisfied!



County of Monterey Military & Veterans Affairs Office



MILITARY & VETERANS AFFAIRS OFFICE MONTHLY ACTIVITY REPORT September 2023



National
**SUICIDE
PREVENTION**
Awareness Month

14
Outreach Events
282
New Contacts


590
Phone Calls

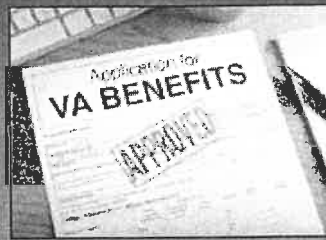
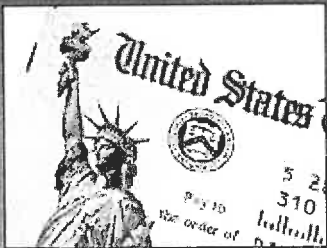
343
Vet Rep Appointments

461 Claims Actions
238 Unique Veterans
186 VA Disability Awards



12 College
Fee Waivers
\$93,780

New Disability Compensation Awards
\$547,612
Retroactive Payments
\$99,113
Recurring Monthly Payments



 **Customer Satisfaction Survey**
88% Very Satisfied!